

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



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

**City Council
Meeting Agenda
February 17, 2020 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**

- A. Ratify actions by the License Review Board from their due cause hearing held January 30, 2020 on Restaurant Development, Inc. dba Café Zodiac, 2500 Cobb Parkway NW, Suite D-1, Kennesaw, Licensee David Ulmer; and receipt of the meeting minutes.

The ratification is to uphold the actions of the License Review Board due cause hearing and receipt of the meeting minutes in accordance with the Kennesaw Code of Ordinances, Section 2-115(e). On January 30, 2020 the License Review board held a due cause hearing for violations of Ch. 6-109(c)(4), 6-109(c)(11) and 6-109(d) of the Code of Ordinances in part by selling, offering to sell, or deliver to any person or group of persons two or more or an unlimited number of alcoholic beverages; sponsor or conduct contests that increase the consumption of alcoholic beverages; and advertising or promotions. After receiving testimony, the action by the License Review Board was a 14-day suspension and six-months probation, served concurrently. As allowed by the Code of Ordinances Section 6-63(h), the Licensee did not appeal the License Review Board's decision. The City Clerk recommends ratifying the decision of the License Review Board from their January 30, 2020 hearing and receive the Minutes of said meeting.

- 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. Approval of an ORDINANCE to adopt the Restated Adoption Agreement and General Addendum with Georgia Municipal Association Benefit System (GMEBS) Restated Defined Benefit Retirement Plan to comply with IRS guidelines.

The City previously adopted the Georgia Municipal Employees Benefit System ("GMEBS") Defined Benefit Retirement Plan ("Plan"), which is comprised of the Master Plan document ("Master Plan"), Adoption Agreement and General Addendum. GMEBS recently restated the Plan and received a favorable determination letter from the Internal Revenue Service ("IRS"). An employer providing retirement benefits through the GMEBS Plan has the assurance that GMEBS is maintaining a qualified pension benefit program that allows employees to accrue benefits tax-free until retirement benefits are distributed to them. Other than technical and clarification updates, including payment requirements following reemployment, repayment requirements following reemployment, and to clarify requirements related to in-service distribution of benefits and updates to the Plan documents that were approved by the IRS as part of the restatement, the terms of the city's plan remain the same as those approved in the April 5, 2016 plan documents. To ensure continued tax-favored treatment for GMEBS member plans, the IRS requires that all GMEBS member employers adopt the restated Plan documents. Amendments have been reviewed by the Pension Committee and recommends the Council authorize the Mayor to sign. The City Manager, Finance Director, HR Director and Pension Committee recommend the Council approve the Ordinance and authorize the Mayor to sign.

- B. Consideration to approve a rezoning request submitted by Oakmont Pacolet Acquisitions, LLC for property located at 1630 Stanley Road.

Property identified as Land Lot 213, Tax Parcel 15, 20th District, 2nd Section, Cobb County. Applicant is seeking a rezoning from City R-20 to City Light Industrial (LI) for said property containing 46.690+/- acres for the purpose of Industrial Office Warehouse and Distribution Facility. Application was advertised in the Marietta Daily Journal in the Friday, December 13, 2019 edition and Friday, December 20, 2019 edition of the Marietta Daily Journal. Property was legally posted on December 16, 2019. The Planning Commission, at a meeting held on February 5, 2020, recommended to postpone said application to the April 1, 2020, Planning Commission and the April 20, 2020, Mayor and Council meeting, as requested per attorney letter dated January 31, 2020. Vote: 3-0. Yeas: Don Bergwall, SaVaughn Irons and Phillip Jackson. Staff Recommendation: Darryl Simmons, Zoning Administrator, recommends postponing both agenda items to the April 1, 2020 Planning Commission meeting and April 20, 2020 Mayor and Council meeting, as requested by the applicant referenced in attorney letter dated January 31, 2020.

- C. Consideration to approve a variance request submitted by Oakmont Pacolet Acquisitions, LLC for property located at 1630 Stanley Road.

Property identified as Land Lot 213, Tax Parcel 15, 20th District, 2nd Section,

Cobb County. Applicant is seeking a variance request for the waiver of Appendix A, Chapter 2, Section 2.01.05.01(D)2 providing for a minimum lot width at front setback to be seventy-five (75) feet for Light Industrial Zoning for said property containing 46.690+/- acres for the purpose of Industrial Office Warehouse and Distribution Facility. Application was advertised in the Marietta Daily Journal in the Friday, November 15, 2019 edition and Friday, November 22, 2019 edition of the Marietta Daily Journal. Property was legally posted on November 18, 2019.

The Planning Commission, at a meeting held on February 5, 2020, recommended to postpone said application to the April 1, 2020, Planning Commission meeting and the April 20, 2020, Mayor and Council meeting, as requested per attorney letter dated January 31, 2020. Vote: 3-0. Yeas: Don Bergwall, SaVaughn Irons and Phillip Jackson. Staff Recommendation: Darryl Simmons, Zoning Administrator, recommends postponing both agenda items to the April 1, 2020 Planning Commission meeting and the April 20, 2020 Mayor and Council meeting, as requested by the applicant referenced in attorney letter dated January 31, 2020.

- D. Authorization for approval of ORDINANCE to adopt the 2020 Official Zoning map for the City of Kennesaw.

The Official Zoning map, once adopted, will reflect all approved annexations, rezoning and amendments up to and including December 31, 2019. By adopting the official zoning map, it will provide clarity on the most current zoning district locations within the city limits. Legal advertisements were placed in the Marietta Daily Journal on Friday, January 17, 2020 and Friday, January 24, 2020. Planning Commission heard this item at a meeting held on February 05, 2020 and recommended the Mayor and Council approve by Ordinance the adoption of the 2020 Official Zoning map for the City of Kennesaw, including all annexations, rezoning and amendments through December 31, 2019. Motion made by Don Bergwall and seconded by Phillip Jackson to recommend the Mayor and Council to approve by ordinance the adoption of the 2020 Official Zoning map. Vote:3-0. Zoning Administrator recommends approval.

- E. Final Public Hearing: Approval of an ORDINANCE to amend Appendix A "Unified Development Code," Chapter 1 "General Provisions," Section 1.09.02 "Definitions," and adding a new section under Chapter 4 "Site Design Standards," Section 4.06.00 "University Living-PBSH" (Purpose Built Student Housing).

The proposed code amendments address the housing use that deals directly with purpose built student housing located within city limits. The proposed zoning district to be added to chapter four along with the associated definitions was presented to the Planning Commission at their regular scheduled meeting February 5, 2020. Don Bergwall motioned to adopt the code amendments and new zoning district as submitted, seconded by SaVaughn Irons. Vote 3-0. Legal reviewed and helped develop. Staff Recommendation: Zoning Administrator, Darryl Simmons, recommends adoption of the new definitions in Chapter 1 and new zoning district in Chapter 4.

- F. **FIRST PUBLIC HEARING:** Approval of an ORDINANCE to amend Chapter 6, entitled "Alcoholic Beverages," to amend Section 6-70(b) of said chapter regarding exemptions to requirement of permit to serve alcohol within the City Limits of Kennesaw, GA.

This is an update to the alcohol ordinance related to exemptions to the requirement of a permit to serve alcohol is being requested to increase efficiency in using volunteers at temporary city-sponsored or non-profit fundraising events where non-compensated persons are authorized to serve alcohol. The ordinance amendment outlines an exemption for such volunteers. Legal ads ran on February 14, 2020 and will run on February 21, 2020 to advertise the ordinance change. Public Hearings are scheduled for the February 17, 2020 and March 2, 2020 Mayor & Council regular meetings. The Economic Development Director recommends approval.

XI. CONSENT AGENDA

- A. Approval of the February 3, 2020 Mayor and City Council meeting minutes and Executive Session minutes.

- B. Approval of a RESOLUTION authorizing a Stormwater Agreement By and Between The City of Kennesaw and CPC Real Estate Acquisitions, LLC.

CPC Real Estate Acquisitions, LLC is finalizing all steps and documents they require to close on the multiple parcels comprising a 14 acreage assemblage bordered by Cobb Parkway, Summer Street and Keene Street for a mixed use project. They have completed the civil plans for the project and plan to secure the Land Disturbance Permit (LDP) for the project prior to closing late February 2020. The civil plans for the project contemplate participating in the City owned regional detention facility for the downtown basin. The civil plans allowed for a specific calculation of impervious surface required for the Stormwater Agreement. Legal has prepared the Agreement based on the standard terms and conditions the City developed for parties to participate in the regional detention facility. Economic Development and Public Works Directors recommend approval.

- C. Authorization for road closures for 2020 Big Shanty Festival.

The following closures support Big Shanty Festival:

- Beginning Friday, April 17 at 6:00 PM until Sunday, April 19 at 8:00 PM: JO Stephenson Avenue from Main Street to Dallas Street and Cherokee Street from Main Street to Shirley Drive/Big Shanty Drive; Watts Drive from Dallas Street to Main Street; Lewis Street from Dallas Street to Main Street
- Beginning Saturday, April 18 at 6:00 AM until Sunday April 19 at 8:00 PM; Main Street from Summer Street to Moon Station Road

Closures for Big Shanty Parade (Parade begins at 9:30 AM)

- Main St. will be closed from Park Dr. to Watts Dr. 9:00 AM – 10:30 AM
- The following roads will be closed at Main St. 9:00 AM – 10:30 AM: Park Dr., Lewis St., Dallas St., Whitfield Pl., Moon Station Rd., J.O. Stephenson

Ave. Watts Dr.

- Watts Dr. will be closed just west of the new parking lot entrance at 9:00 AM for approx. 30 mins. Dallas St. will be closed at Watts Dr. for approx. the same 30 mins.

The Events Committee recommends approval of road closures for the 2020 Big Shanty Festival.

D. Authorization for road closures for 2020 Taste of Kennesaw.

The following closures support Taste of Kennesaw:

- Beginning Friday, November 6, 2020 at 11 :00 p.m. until November 7, 2020 at 12:00 a.m./Midnight; Cherokee Street from Main Street to Shirley Drive/Big Shanty Drive. Main Street from Summer St. to Lewis St.; JO Stephenson Ave from entrance to Eaton Chiro to Main St; Lewis St. from Little General Cloggers Lane to Main St.

The Events Committee recommends approval of road closures for the 2020 Taste of Kennesaw.

E. Authorization for road closures for 2020 Kennesaw Grand Prix Series.

Kennesaw Grand Prix race series: Swift-Cantrell Classic, May 9; Hero Run, June 6; Sports Fanatic, July 11; Dream Dash, August 15; Great Locomotive Chase, September 19; and Garden Gallop, October 31. All race times between 6:00 am - 10:00 am from Watts Drive to intersection of Main Street with Cherokee Street; from 6:00 AM - 9:30 AM starting at the intersection of Main Street extending north to Swift-Cantrell Park entrance; Lewis Street at Main Street; JO Stephenson Ave from Main Street to Little General Cloggers Lane; Moon Station Road at Main Street; Dallas Street from Lewis Street to Main Street; Park Street at Main Street. City Manager's Office recommends approval of road closures for the 2020 Kennesaw Grand Prix Series.

F. On February 3, 2020, Silvia Delatorre purchased one (1) cemetery lot in the Kennesaw City Cemetery. The lot is located in Section III, Plot 47, Lot A for the burial of her husband Francisco Rico Guerrero. City Clerk recommends authorizing the Mayor to sign the supporting deed for purchase of the lot.

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 December/Annual 2019 Crime Statistics.

XIV. INFORMATION TECHNOLOGY

RICK ARNOLD, Operations Specialist
JOSHUA GUERRERO, Systems Administration Specialist

XV. PUBLIC WORKS

RICKY STEWART, Public Works Director
ROBBIE BALENGER, Facilities Manager

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. Approval of RESOLUTION to support the promotion of participation in 2020 census and recognize the Kennesaw Counts committee.

The United States Census Bureau is constitutionally mandated to conduct a count of all persons living in the United States every ten years. The effort to conduct the census requires partnerships between the Census Bureau and state-and-local government entities to help ensure a complete, accurate count of the population. The City of Kennesaw pledged support as a partner with the Cobb Complete Count Committee and the United States Census Bureau. The City of Kennesaw has created the Kennesaw Counts Committee that will be committed to partnering with the United States Census Bureau by way of the Cobb Complete Count Committee to support the goals and ideals of the 2020 US Decennial Census. The Kennesaw Counts committee will have the following civic volunteers :

- Reverend Ezequeil- Iglesia Church
- Daniel Barnard - Art and Culture Commission member and KSU graduate
- KBA President – Shelley Elder
- R. Mussafah - Kennesaw mosque leader
- Ana Baida - KSU representative
- Cobb Collaborative – Irene Barton

The city staff persons serving on the committee along with civic volunteers are: Rebecca Graham, Scott Luther and Darryl Simmons. Staff Recommendation: Zoning Administrator, Darryl Simmons, recommends approval.

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. 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.

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
2/17/2020 6:30 PM
Council Chambers**

Title of Item:	Ratify actions by the License Review Board from their due cause hearing held January 30, 2020 on Restaurant Development, Inc. dba Café Zodiac, 2500 Cobb Parkway NW, Suite D-1, Kennesaw, Licensee David Ulmer; and receipt of the meeting minutes.
Agenda Comments:	The ratification is to uphold the actions of the License Review Board due cause hearing and receipt of the meeting minutes in accordance with the Kennesaw Code of Ordinances, Section 2-115(e). On January 30, 2020 the License Review board held a due cause hearing for violations of Ch. 6-109(c)(4), 6-109(c)(11) and 6-109(d) of the Code of Ordinances in part by selling, offering to sell, or deliver to any person or group of persons two or more or an unlimited number of alcoholic beverages; sponsor or conduct contests that increase the consumption of alcoholic beverages; and advertising or promotions. After receiving testimony, the action by the License Review Board was a 14-day suspension and six-months probation, served concurrently. As allowed by the Code of Ordinances Section 6-63(h), the Licensee did not appeal the License Review Board's decision. The City Clerk recommends ratifying the decision of the License Review Board from their January 30, 2020 hearing and receive the Minutes of said meeting.
Funding Line(s)	

ATTACHMENTS:

Description

Upload Date Type

LICENSE REVIEW BOARD MINUTES
CITY OF KENNESAW
Council Chambers
Thursday, January 30, 2020 3:30 p.m.

APPEARANCES OF COUNSEL

For the Board:

Sam Hensley, Jr.

For the City:

Jamie Wingler

BOARD MEMBERS:

Nimesh Patel

Trey Sinclair

Absent: Jim Watts

and City Clerk Debra Taylor

CALL TO ORDER

The meeting commenced at 3:30 PM. License Review Board Member Nimesh Patel made introductions. Attorney Sam Hensley, Jr. explained the meeting procedures; possible penalties including probation, suspension, revocation or no action; post-hearing procedures; and the option to appeal to the Mayor and City Council within five business days. All witnesses were sworn in by Attorney Hensley.

II. DUE CAUSE HEARINGS

- A. Restaurant Development, Inc. d/b/a Café Zodiac
2500 Cobb Parkway NW, Suite D-1, Kennesaw, GA 30152
Licensee: David Ulmer

In January 2020, probable violations were observed on social media pages for Café Zodiac in breach of City Ordinances 6-109(c)(4), 6-109(c)(11) and 6-109(d) after the Police Department received an anonymous complaint stating the business was offering to sell bottles of liquor and free drinks. Officer Scott Luther wrote the licensee, David Ulmer, six citations - four for violating Section 6-109(c)(4) for the offering of bottle sales and two citations for violating Section 6-109(c)(11) for offering free alcohol drinks. Attorney Wingler noted the Licensee stipulated to the violations and waived the reading of charges.

Officer Luther was called to the stand and testified he pulled the evidentiary photos from Café Zodiac's Facebook and Instagram pages. Attorney Wingler tendered the following Exhibits into evidence after receiving confirmation from Officer Scott Luther of what was seen on social media and via texts:

Exhibit A) copy of Chapter 6 "Alcoholic Beverages," Article III: "Prohibitions and Restrictions," Section 6-109 "Pricing of Alcoholic Beverages"; Exhibit B) social media

posting of ladies night and subsequent texts regarding the event; Exhibit C) social media posting advertising free drinks/ladies night; Exhibit D) social media posting for bottle deals; Exhibit E) drink menu showing bottle selections/prices; Exhibit F) social media posting for ladies night/bottle deals; Exhibit G) social media ladies night/bottle sales; Exhibit H) social media posting for drink specials for ladies; Exhibit I) social media posting for house special cocktails; Exhibit J) social media posting for group packages and drink specials; Exhibit K) social media posting for happy hour/drink specials; Exhibit L) certified copy of December 17, 2014 License Review Board meeting where the licensee had a similar issue at Diamond Dave's Steakhouse; Exhibit M) certified copy of Chapter 6 "Alcoholic Beverages," Article II: "Licenses," Section 6-63 "Procedure for Suspension and Revocation." There were no objections to the exhibits by Mr. Ulmer and he reserved the right to speak on Exhibits J and K.

In response to questions from Attorney Wingler, Officer Luther testified that after discovering social media pages, he did permit checks on January 13, 2020 in the late evening. He spoke with the manager who provided the permits which were in compliance. He questioned the bottle service being offered on the menu, as well as social media and confirmed it was a violation. The manager said new menus were on order already. There were no customers during this visit. Officer Luther got the citations together and then met with the licensee, Mr. Ulmer. Mr. Ulmer said he would approve all the ads but references to happy hour times were added post-approval.

Mr. Ulmer had no questions at this time and reserved the right to call the witness back to the stand.

Attorney Wingler is recommending 14-days suspension and six months probation.

Mr. Ulmer testified he had no intention to argue the charges, but to discuss. There is a mountain of evidence but he has issues with a few of the citations some of the ads were not interpreted correctly. He has issue with some of the "happy hour" language; the other citations are correct. To him, one violation is like 100 violations. The 2014 License Review Board hearing on Diamond Dave's similar social media errors was in part because social media was so new, he did not have much understanding of the platform and it was run by another business (promoter). The License Review Board at that time was not unanimous on the penalty vote. The promoter made intentional and unapproved ads and the business is no longer here. He feels the 2014 violation should not be considered as it was a minor violation. Mr. Ulmer does not want to make excuses for the violations at Café Zodiac. He has multiple businesses and this got away from him. He takes full responsibility on the bottle violation and the promotion was intended for groups of 12+, but they never sold any bottles. The State code does not consider this a violation, but the City code does not allow bottle sales. With 12+ guests, it would be less than two drinks per person. Since 1994 he has had 49 licenses, and even though he has had personal issues, he will not offer an excuse. He violated the ordinance. They have never sold to a minor, his license has never been suspended or revoked, and he has a good record. This should not have happened and he wants to go forward so this will not happen again. Mr. Ulmer feels three of the social media postings were not violations and requests no suspension, only probation.

The licensee gave testimony on their mitigation efforts and distributed documents for the record intended for his employees that included an action plan for any future special events at Café Zodiac and a sample contract for all special event promotional subcontractors. There was advertising he should have seen and something was added later. The general manager had a death in his family and could not be here today. All urban club promoters have been terminated and he is working to switch over to a college format promoter – they know the right way to do it. His staff is trained and refreshed every year. Another effort of mitigation is a contract with a computer store to remove all videos, flyers, menus, etc. from the web and social media. This will be contracted every month to ensure compliance. New menus are already on order. There will be no more bottle sales listed. The manager knows without question if they are not sure about an ad or post, they can always reach out to Officer Scott Luther or the Kennesaw Police Department. These violations will not be repeated. To recap, he is not pleading innocent, he is pleading guilty with a plan to stop any more such promotions and ads. Again, he accepts the responsibility with no argument and requests probation without suspension. This consists of two code violations multiple times, he trains his staff every year, there have never been underage sales, and he did not bring an attorney tonight because he will plead guilty.

Attorney Wingler stated there are 18-22 drinks per bottle and the City limits two drinks per person as stated in 6-109. Some of the social media advertising bottles was for 5+ groups and that is more than two drinks each. Mr. Ulmer noted our code may need updating because serving a bottle of wine is not limited. Board member Patel added that wine is exempt when sold with meals and agreed that our alcohol code could always be re-reviewed. Mr. Patel checked FaceBook and some of the ads are still there today. Mr. Ulmer assured the Board this will be cleaned.

Board member Sinclair noted the vote by the Board in 2014 was 2-1 in favor of the 30-day suspension. Mr. Patel appreciates Mr. Ulmer taking full responsibility with steps in place to correct the problem.

In response to a question of clarification by the Board, Attorney Wingler recommends 14-days suspension plus five and a half months' probation (total of six months). This will also afford the licensee time to scrub social media and website. Attorney Sam Hensley noted code section 6-63 places the licensee on 24-months probation if he does not appeal within five business days.

Board member Sinclair acknowledge that Exhibits J and K are vague in nature regarding happy hour, but there were numerous others that were not vague.

Motion by Board member Sinclair for a 14-day suspension, to scrub social media and website, and six-months probation, seconded by Board member Patel. Vote taken, approved, 2-0 (Board member Watts absent). Motion carried.

Meeting adjourned at 4:44 P.M.

There was discussion post-meeting with the Licensee to get clarification regarding two probations. It was determined the 14-days and 6-month probation are served

concurrently. There was further clarification according to Code Section 6-63(d) and (c) regarding the 24-month probation. This specific probation start date will be January 17, 2020 for 24-months and is served concurrently with all other penalties.

Respectfully submitted,

Debra Taylor, City Clerk



**Regular Meeting Agenda
2/17/2020 6:30 PM
Council Chambers**

Title of Item:	Approval of an ORDINANCE to adopt the Restated Adoption Agreement and General Addendum with Georgia Municipal Association Benefit System (GMEBS) Restated Defined Benefit Retirement Plan to comply with IRS guidelines.
Agenda Comments:	<p>The City previously adopted the Georgia Municipal Employees Benefit System ("GMEBS") Defined Benefit Retirement Plan ("Plan"), which is comprised of the Master Plan document ("Master Plan"), Adoption Agreement and General Addendum. GMEBS recently restated the Plan and received a favorable determination letter from the Internal Revenue Service ("IRS"). An employer providing retirement benefits through the GMEBS Plan has the assurance that GMEBS is maintaining a qualified pension benefit program that allows employees to accrue benefits tax-free until retirement benefits are distributed to them. Other than technical and clarification updates, including payment requirements following reemployment, repayment requirements following reemployment, and to clarify requirements related to in-service distribution of benefits and updates to the Plan documents that were approved by the IRS as part of the restatement, the terms of the city's plan remain the same as those approved in the April 5, 2016 plan documents. To ensure continued tax-favored treatment for GMEBS member plans, the IRS requires that all GMEBS member employers adopt the restated Plan documents. Amendments have been reviewed by the Pension Committee and recommends the Council authorize the Mayor to sign. The City Manager, Finance Director, HR Director and Pension Committee recommend the Council approve the Ordinance and authorize the Mayor to sign.</p>
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	1/31/2020	Ordinance
General Addendum	1/31/2020	Exhibit
Adoption Agreement	1/31/2020	Exhibit
GMEBS Letter	1/31/2020	Exhibit
Pension Minutes	2/11/2020	Minutes
02-07-20 Legal Ad	2/7/2020	Legal Ad
01-31-20 Legal Ad	1/31/2020	Legal Ad

**CITY OF KENNESAW
GEORGIA**

ORDINANCE NO. 2020-____, 2020

**ORDINANCE TO ADOPT THE RESTATED ADOPTION AGREEMENT AND
GENERAL ADDENDUM WITH GEORGIA MUNICIPAL ASSOCIATION BENEFIT
SYSTEM (GMEBS) RESTATED DEFINED BENEFIT RETIREMENT PLAN TO
COMPLY WITH IRS GUIDELINES**

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

WHEREAS, the City of Kennesaw previously adopted the Georgia Municipal Employees Benefit System ("GMEBS") Defined Benefit Retirement Plan ("Plan"), which is comprised of the Master Plan document ("Master Plan"), Adoption Agreement and General Addendum; and

WHEREAS, to ensure continued protection of the Plan's tax-qualified status and ensure it is compliant with applicable federal tax law the IRS requires that all GMEBS member employers adopt the restated GMEBS IRS approved plan documents which provides assurances that GMEBS is maintaining a qualified pension benefit program that allows employees to accrue benefits tax-free until retirement benefits are distributed to them; and

WHEREAS GMEBS has made technical updates to certain elective provisions of the Adoption Agreement and General Addendum, such as capitalizing defined terms and updating verb tenses; and

WHEREAS, GMEBS has made updates to the restated Adoption Agreement and General Addendum to clarify certain situations that were not addressed, specifically related to payment requirements following reemployment, repayment requirements following reemployment, and to clarify requirements related to in-service distribution of benefits; and

WHEREAS, other than these technical and clarification updates and the required updates to the Plan documents that were approved by the IRS as part of the restatement, the terms of the City's plan remain the same as those approved in the April 5, 2016 plan documents.

NOW, THEREFORE, BE IT FURTHER RESOLVED the Kennesaw City Council approves the amendment to the GMEBS Restated Defined Benefit Retirement Plan, as attached.

PASSED AND ADOPTED by the Kennesaw City Council on this ____ day of February, 2020.

ATTEST:

Debra Taylor, City Clerk

APPROVED:

Derek Easterling, Mayor

**GENERAL ADDENDUM TO THE
GEORGIA MUNICIPAL EMPLOYEES BENEFIT SYSTEM
DEFINED BENEFIT RETIREMENT PLAN
ADOPTION AGREEMENT**

This is an Addendum to the Adoption Agreement completed by the City of Kennesaw, as follows (complete one or more sections, as applicable):

***** Item (1) of General Addendum – Not Applicable *****

(2) Discontinuance of participation in the Plan by one or more Departments or classes of Employees (for amendment of Adoption Agreement only - see Section 9 of Adoption Agreement):

(a) Transfer of Water and Sewer Employees to Cobb County. Effective January 3, 2005, pursuant to an agreement with Cobb County, certain employees of the City's Water and Sewer Department have become employees of Cobb County and are no longer employees of the City. The names of these employees (hereinafter referred to as "transferred employees") are as follows: Joel Hillhouse, Jason Fuqua, Jason Grimm, Kim Holmes, and Jimmy Warren.

(i) Vested Transferred Employees (includes Joel L. Hillhouse) - If a transferred employee referred to in subsection 2(a) above had at least 10 years of Credited Service with the City as of January 3, 2005, then the transferred employee shall be entitled to receive any benefit under the City's Retirement Plan to which he is entitled based upon his Credited Service and Earnings with the City up until January 3, 2005. The amount of said benefit shall be determined in accordance with the terms of the City's Retirement Plan in effect as of said date.

(ii) Non-Vested Transferred Employees (includes Jason Fuqua, Jason Grimm, Kim Holmes, and Jimmy Warren) - If a transferred employee referred to in subsection 2(a) above did not have at least 10 years of Credited Service with the City as of January 3, 2005, then the transferred employee shall not be entitled to receive any retirement or death benefit under the City's Retirement Plan, notwithstanding any other provision of the Master Plan, Adoption Agreement, or Addendum to the contrary. Instead, benefits payable for service with the City prior to January 3, 2005, if any, shall be paid under and determined in accordance with the terms of the Cobb County Retirement Plan.

(iii) Transfer of Assets Authorized - GMEBS was authorized and directed to transfer from the City's Trust Fund to the Cobb County Retirement Plan trust fund the amount of \$8,688.00, which was the amount

determined by the consulting actuary for the Cobb County Retirement Plan to be necessary to purchase credit under the Cobb County Retirement Plan on behalf of these former non-vested employees for their prior service with the City. Said transfer was to be completed as soon as was reasonably practicable after GMEBS received of an executed copy of the Adoption Agreement that became effective April 5, 2005.

- (iv) **Return of Employee Contributions** - If a transferred employee referred to in subsection 2(a) above previously made employee contributions to the City's Trust Fund to purchase the "Rule of 75" benefit as described in paragraph 15(a)(viii) of this General Addendum, and the transferred employee had not satisfied the Rule of 75 as of January 3, 2005, then the transferred employee may receive a refund of employee contributions made to the Plan pursuant to and in accordance with paragraph 15(a)(viii) of this General Addendum (see below).
- (b) **Effect of April 5, 2016 Plan Freeze for Elected or Appointed Members of the Governing Authority**
 - (i) **Treatment of Elected or Appointed Members of the Governing Authority Who Hold Office on April 5, 2016** – Elected or appointed members of the Governing Authority who are in Service with the City of Kennesaw as of April 5, 2016, shall no longer accrue benefits under this Plan, effective April 5, 2016. Service with the City as an elected or appointed member of the Governing Authority on or after April 5, 2016, will not be taken into account for any purpose under this Plan (e.g., for purposes of meeting benefit eligibility requirements or computing the amount of any benefit payable under the Plan). Such a Participant's eligibility for Retirement and pre-retirement death benefits and the amount of any benefits payable under this Plan, if any, with respect to his/her Service with the City prior to April 5, 2016, will be determined in accordance with the applicable terms of this Plan as of April 4, 2016, and his/her Credited Service with the City as of such date; provided, however, that said Participants will be considered 100% Vested in their Normal Retirement benefit accrued up until April 4, 2016, to the extent funded. See also Section 14 of this Addendum regarding Frozen Plan Provisions.
 - (ii) **Treatment of Elected or Appointed Members of the Governing Authority Who Initially Take Office on or after April 5, 2016** – Elected or appointed members of the Governing Authority who initially hold such office on or after April 5, 2016, will not be eligible to participate

in or accrue any benefits under this Plan with respect to service as an elected or appointed member of the Governing Authority.

- (iii) **Former Elected or Appointed Members of the Governing Authority; Effect of Return to Service; No Further Benefits to Accrue under this Plan** – Notwithstanding any provision to the contrary, if a former elected or appointed member of the Governing Authority who is not in Service as of April 5, 2016, returns to service with the City as an elected or appointed member of the Governing Authority after April 5, 2016, such former elected or appointed member of the Governing Authority shall not accrue any benefits under this Plan with respect to his/her service with the City as an elected or appointed member of the Governing Authority on or after the date of said return to service. Such former elected or appointed member of the Governing Authority's Vested status, eligibility for Retirement and pre-retirement death benefits, and the amount of any benefits payable under this Plan, if any, with respect to his/her Service with the City prior to said return to office will be determined in accordance with the applicable terms of this Plan in effect as of the date of his/her most recent vacation of office prior to April 5, 2016, and the former elected or appointed member of the Governing Authority's Credited Service with the City as of the date of said vacation of office. Service as an elected or appointed member of the Governing Authority on or after April 5, 2016, will not be taken into account for any purpose under this Plan (e.g., for purposes of meeting benefit eligibility requirements or computing amount of benefits payable under this Plan). See also Section 14 of this Addendum regarding Frozen Plan Provisions.
- (iv) **In-Service Death Benefit; Imputed Service** – Notwithstanding any provision in the Adoption Agreement to the contrary, for purposes of calculating the Actuarial Reserve In-Service Death Benefit set forth in Section 18(A)(2) of the Adoption Agreement, an elected or appointed member of the Governing Authority's Total Credited Service shall include his/her Total Credited Service accrued prior to April 5, 2016, plus one-half (1/2) of the Participant's imputed Service between the Participant's date of death and the date that otherwise would have been the Participant's Normal Retirement date.

***** Items (3) through (13) of General Addendum – Not Applicable *****

- (14) **Frozen Plan Provisions** (for amendment of Adoption Agreement only – see Section 9 of Adoption Agreement regarding Classes of Eligible Employees):

- ☒ (a) **Plan Freeze** - The Plan is "frozen" effective as of **April 5, 2016** (specify date). The Plan shall be subject to all provisions

of the Adoption Agreement and Master Plan, except as otherwise provided herein, and the Employer shall continue to maintain the Plan's qualified status. The Plan shall be frozen, as follows (check as applicable):

- ☒ (i) The Plan shall be frozen with respect to the following class(es) of Eligible Employees (one or more as applicable): ☐ all Participants; ☐ all Eligible Regular Employees; ☒ Members of the Governing Authority; ☐ Municipal Legal Officers; ☐ other (must specify): _____.
- ☒ (ii) Active Participants in the affected class(es) of Eligible Employees as of the freeze effective date shall be vested in their normal retirement benefits accrued as of the effective date of the freeze to the extent funded notwithstanding any provision of the Adoption Agreement to the contrary.
- ☒ (iii) Employees who are (check all that apply): ☒ employed by the Employer or in office as of April 5, 2016 (specify date), ☐ first employed on or after _____ (specify date), ☒ first take office on or after April 5, 2016 (specify date), ☐ reemployed on or after _____ (specify date), ☒ return to office (following a vacation of office) on or after April 5, 2016 (specify date), shall not be eligible to participate in the Plan on or after April 5, 2016 (specify date).
- ☐ (iv) With respect to Employees designated in paragraph (iii) above, earnings on or after _____ (specify date) shall not be taken into account for purposes of the Plan.
- ☒ (v) The Employees designated in paragraph (iii) above shall not be credited with Service for the Employer on or after April 5, 2016 (specify date) for purposes of (check all that apply): ☒ computing the amount of benefits payable; ☒ meeting minimum service requirements for participation and vesting; ☒ meeting

minimum service requirements for benefit eligibility under the Plan.

- ☐ (vi) The following additional provisions shall apply as a result of the freeze (must specify): _____.
- ☐ (b) **Restoration Following Plan Freeze** - The Plan has been "frozen" since _____ (specify freeze date). Effective _____ (specify date), the Plan shall be reactivated in accordance with and subject to the following provisions (check as applicable):
- ☐ (i) The Plan shall cease to be frozen with respect to the following class(es) of Eligible Employees (one or more as applicable): ☐ all Participants; ☐ all Eligible Regular Employees; ☐ Members of the Governing Authority; ☐ Municipal Legal Officers; ☐ other (must specify): _____.
- ☐ (ii) Employees (check all that apply): ☐ employed by the Employer and/or in office as of _____ (specify date), ☐ first employed on or after _____ (specify date), ☐ first took office on or after _____ (specify date), ☐ reemployed on or after _____ (specify date), ☐ returned to office (following a vacation of office) on or after _____ (specify date), shall be eligible to commence or re-commence participation in the Plan (as applicable) with respect to Service on or after _____ (specify date), provided they otherwise meet the eligibility requirements for participation under the Plan.
- ☐ (iii) With respect to the Employees designated in paragraph (ii) above, Earnings on or after _____ (specify date) shall be taken into account for purposes of the Plan.
- ☐ (iv) The Employees designated in paragraph (ii) above shall receive credit for Service for the Employer on or after _____ (specify date) for purposes of

(check all that apply): ☐ computing the amount of benefits payable; ☐ meeting minimum service requirements for participation and vesting; ☐ meeting minimum service requirements for benefit eligibility under the Plan, provided the Employee met the minimum hour requirement and other eligibility requirements for recognition of Credited Service under the Plan.

- ☐ (v) Former Employees who are reemployed and/or return to office as Eligible Employees after _____ (specify date) will receive credit for Service with the Employer on or after _____ (specify date) for purposes of (check all that apply): ☐ computing the amount of benefits payable; ☐ meeting minimum service requirements for participation and vesting; ☐ meeting minimum service requirements for benefit eligibility under the Plan, provided the Employee meets the minimum hour requirement and other eligibility requirements for recognition of Credited Service with respect to said period under the Plan, and provided the Employee satisfies any applicable Plan requirements with respect to his break in Service.

- ☐ (vi) The following additional provisions shall apply as a result of restoration following the freeze (must specify): _____.

(15) Other (May include, but shall not be limited to, provisions relating to Master Plan Sections 6.03, 6.06, 8.04, 8.06, 8.08, 8.09, 8.10, 8.12, 9.01, and 9.02) (must specify):

(a) Enhanced Rule of 75 Benefit with 3 Year Final Average Earnings

- (i) 2003 Election by Employees.** During the month of February, 2003, Eligible Regular Employees were given the opportunity to elect to regularly contribute 2% of their Earnings to the Retirement Plan beginning with the pay period which commenced on March 1, 2003, and ended March 14, 2003, or if later the first pay period after they became a Participant in the Retirement Plan, in exchange for the opportunity to receive the enhanced "Rule of 75" retirement benefit ("Enhanced Rule of 75 Benefit") (see Section 14(C)(3) of the Adoption

Agreement). Computation of the Enhanced Rule of 75 Benefit is based upon 36 Month Final Average Earnings, rather than 60 Month Final Average Earnings (see Section 15(B)(3) of Adoption Agreement). The Enhanced Rule of 75 Benefit is not available to elected or appointed members of the Governing Authority.

- (ii) **Election Form Must Have Been Submitted by February 28, 2003.** Employees were given the opportunity to make an election to contribute 2% of their Earnings in exchange for the opportunity to receive the Enhanced Rule of 75 Benefit by completing and signing a form provided by the City for such purpose. To be effective, the election form must have been completed and submitted to the Pension Committee Secretary no later than the close of business on Friday, February 28, 2003. If an Eligible Regular Employee was initially employed or reemployed during the month of February 2003, he or she had 30 days after becoming employed to submit his or her election form.
- (iii) **Effect of Failure to Elect.** Any Employee who failed or declined to complete and submit a signed election form within the time limit specified in paragraph 15(a)(ii) above was deemed to have elected not to receive the Enhanced Rule of 75 Benefit. Said Employee is not required or permitted to make contributions to the Plan in exchange for the opportunity to receive the Enhanced Rule of 75 Benefit, and such Employee will not be entitled to receive such benefit.
- (iv) **Election is Irrevocable.** An election made or deemed to have been made hereunder shall be irrevocable, notwithstanding the Employee's future Termination and reemployment with the Employer.
- (v) **Application to New Hires.** Eligible Regular Employees who are initially employed on or after March 1, 2003 (and Eligible Regular Employees not employed during the month of February, 2003 who become reemployed by the City on or after March 1, 2003) shall be required to contribute 2% of Earnings to the Plan upon becoming a Participant in the Retirement Plan or upon recommencing participation in the Plan, and said Employees shall have the opportunity to receive the Enhanced Rule of 75 Benefit, provided they otherwise qualify for said benefit.
- (vi) **Pre-Tax Treatment of 2% Contribution.** All Employee Contributions shall be made in the form of deductions by the City from the Earnings of each Employee. Employee Contributions made pursuant to this subsection, although designated as Employee Contributions, will be paid by the City in lieu of Contributions by the Employee pursuant to and in accordance with Internal Revenue Code §414(h). Employees shall not have the option of choosing to receive said amounts directly, instead of having them paid to the Plan by the City. The terms of the

Master Plan and Adoption Agreement concerning employer pick-up of Employee Contributions shall otherwise control the treatment of Contributions made to the Plan.

- (vii) **Interest on Contributions.** Contributions made pursuant to this subsection 15(a) shall earn a pro rata share of any and all interest, dividends, and capital gains or losses earned on the invested or reinvested funds of the GMEBS Investment Fund. Said interest shall be credited in accordance with procedures established by GMEBS.
- (viii) **Return of Contributions in Case of Termination Prior to Qualifying for Rule of 75; Eligible Regular Employees Initially Employed Prior to April 1, 2020.** This provision applies to Eligible Regular Employees who were initially employed prior to April 1, 2020, who are required by election or upon employment or reemployment to make 2% Employee Contributions under the Plan. If such a Participant Terminates employment before qualifying for the Enhanced Rule of 75 Benefit, then the Participant's Contributions plus credited interest shall be returned to the Participant upon such Termination. In such case, the Participant shall not be entitled to receive the Enhanced Rule of 75 Benefit, but shall not otherwise forfeit his or her Credited Service under the Plan. His or her Retirement benefit, if any, shall be computed based upon 60-month average earnings, unless the Participant is later reemployed with the City and repays said Contributions with interest as provided in paragraph 15(a)(ix) below, and unless he or she otherwise qualifies for the Rule of 75 benefit. If Termination is due to the death of the Participant, contributions plus interest credited thereon shall be returned to the Participant's Pre-Retirement Beneficiary.
- (ix) **Repayment of Employee Contributions Following Reemployment; Mandatory Employee Contributions Following Reemployment.** This subparagraph relates to the following Participants who Terminate employment prior to reaching the Rule of 75 and become reemployed on or after March 1, 2003: (A) Eligible Regular Employees who previously elected the Enhanced Rule of 75 Benefit; and (B) Eligible Regular Employees referenced in paragraph 15(a)(v) above, who were initially employed prior to April 1, 2020. Such a Participant shall be required to repay to the Plan upon reemployment any Contributions previously returned to him or her, with 5% interest compounded annually from the date of said return. Said repayment shall be made in the form of a single, lump-sum, after-tax contribution paid to the Plan within 1 year of reemployment. If such a Participant fails to repay the full amount of his or her contributions plus 5% interest within one year of reemployment (or if earlier, before his/her death or Termination of employment), then the opportunity to receive the Enhanced Rule of 75 Benefit (either in the form of an enhanced Retirement benefit or an

enhanced in-service death benefit) shall be forfeited. Additionally, such Participants shall be required to contribute 2% of their Earnings to the Retirement Plan throughout their period of reemployment, regardless of whether previously withdrawn Employee Contributions are repaid (with interest) within the one-year period following reemployment described above. In the event a Participant described herein again Terminates employment prior to attaining the Rule of 75, his or her Employee Contributions shall be returned again in accordance with paragraph 15(a)(ix) above.

- (x) **Reemployment Where Election Declined.** If an Employee elected not to receive the Enhanced Rule of 75 Benefit pursuant to paragraphs 15(a)(i) and (ii) above (or is deemed to have elected not to receive said benefit pursuant to paragraph 15(a)(iii) above) and his or her employment with the City is Terminated on or after March 1, 2003, the employee will not have the opportunity to elect the Enhanced Rule of 75 Benefit if he or she later becomes reemployed with the City. Said employee will not be required or permitted to make Contributions to fund such benefit upon reemployment.
- (xi) **Return of Contributions in Case of Death in Service After Meeting Rule of 75.** If a Participant who has made contributions in accordance with this subsection 15(a) dies in the Service of the City after qualifying for the Enhanced Rule of 75 Benefit, then the pre-retirement death benefit payable on his or her behalf shall be computed taking into account the Participant's 36-month (rather than 60-month) Final Average Earnings. Contributions made by the Participant pursuant to this subsection 15(a) shall be used to fund the pre-retirement death benefit payable to the Participant's Pre-Retirement Beneficiary. If the Pre-Retirement Beneficiary dies after he or she has begun receiving death benefits, but before the sum of all benefits paid to the Pre-Retirement Beneficiary equals the amount of Contributions made by the Participant and interest credited thereon, then a lump sum payment in the amount of the difference will be paid to the estate of the Pre-Retirement Beneficiary and no further benefits will be payable.
- (xii) **Return of Contributions in Case of Death After Retirement.** If a Participant retires with an Enhanced Rule of 75 Benefit, then any Contributions made by the Participant pursuant to this subsection 15(a) shall be used to fund the Participant's Retirement benefit and the post-retirement death benefit payable to the Participant's Post-Retirement Beneficiary, if any.

If said Participant has designated a Post-Retirement Beneficiary, and if the Post-Retirement Beneficiary dies after he or she has begun receiving post-retirement death benefits, then in the event the sum of all benefits paid to the Participant and his or her Post-Retirement Beneficiary does not equal or exceed the amount of Contributions made

by the Participant plus interest credited thereon, then a lump sum payment in the amount of the difference will be paid to the Post-Retirement Beneficiary's estate and no further benefits will be payable.

If the Participant elects a form of benefit payment which does not permit designation of a Post-Retirement Beneficiary, or if he or she elects a form of payment which permits such designation but the Participant's designated Post-Retirement Beneficiary does not survive him or her, and if the sum of Retirement benefits paid to the Participant does not equal or exceed the sum of contributions made by the Participant plus interest credited thereon, then a lump sum payment in the amount of the difference will be paid to the Participant's estate and no further benefits will be payable.

- (xiii) **No Withdrawal of Contributions.** No person shall be permitted to withdraw all or any part of contributions made pursuant to this subsection 15(a), except as otherwise provided herein.
- (xiv) **Minimum Contribution Requirement.** In addition to any other Service requirements hereunder, a Participant must make 2% Contributions for at least one (1) year before he or she may apply to receive the Enhanced Rule of 75 Benefit.
- (xv) **Return of Contributions after Attaining Rule of 75.** Participants who (A) were initially employed prior to April 1, 2020, (B) are required to make mandatory Employee Contributions, and (C) Terminate after attaining the Rule of 75, may request a return of said Employee Contributions upon Termination. Such Participants shall forfeit the Enhanced Rule of 75 benefit (including the 36-month Final Average Earnings calculation). Any such Participant who receives a return of Contributions under this paragraph 15(a)(xv) will otherwise retain all Credited Service and, upon applying for Early Retirement or Normal Retirement, as applicable, (or upon said Participant's death prior to Retirement) the 60-month Final Average Earnings will apply to determine the Participant's monthly Retirement benefit (or the pre-retirement death benefit payable on behalf of such Participant, if applicable).
- (xvi) **Eligible Regular Employees Initially Employed on or after April 1, 2020; Withdrawal of Employee Contributions; Repayment upon Reemployment.** Notwithstanding any provision to the contrary, Eligible Regular Employees who are initially employed on or after April 1, 2020, shall be required to contribute 2% of their Earnings under the Plan. The provisions of Section 13.03 of the Master Plan, relating to "Withdrawal of Employee Contributions" shall govern with respect to withdrawal of Contributions made by such Participants, and repayment thereof in the event of reemployment. For the sake of

clarity, in the event such a Participant withdraws his or her Employee Contributions following Termination of Employment, said Participant shall forfeit, for him or herself, his/her heirs and his/her assigns, all rights, title and interest in the Plan, except as described in Section 13.03(d) of the Master Plan relating to repayment of Employee Contributions upon reemployment. Regardless of whether such a Participant repays Employee Contributions upon reemployment, he or she shall be required to make Employee Contributions throughout his or her period of reemployment.

- (b) Waivers of Participation; Prior Waiver of Participation Irrevocable. Effective March 1, 2003, participation in the Plan will be mandatory for all Eligible Employees (including elected and appointed members of the Governing Authority, until April 5, 2016, on which date the Plan was frozen with respect to participation by elected or appointed members of the Governing Authority) who satisfy the eligibility conditions specified in the Adoption Agreement, except for future City Managers for whom participation will be optional in accordance with the provisions in Section 12 of the Adoption Agreement. For such City Managers, the time limit for electing to participate will be 30 days, rather than the 120-day limit referred to in Section 12 of the Adoption Agreement. If an election is not made within this time limit, this will be deemed an irrevocable election not to participate in the Plan.

Notwithstanding the foregoing, any Eligible Employee who prior to March 1, 2003, elected not to participate in the Plan will not be permitted to participate in the Plan or receive credit for any purpose under the Plan (e.g., for Vesting, benefit eligibility, or benefit computation purposes) for any period of service before or after March 1, 2003.

The terms of the foregoing Addendum to the Adoption Agreement are approved by the Mayor and Council of the City of Kennesaw, Georgia this _____ day of _____, 20____.

Attest:

CITY OF KENNESAW, GEORGIA

City Clerk

Mayor

(SEAL)

Approved:

City Attorney

The terms of the foregoing Addendum are approved by the Board of Trustees of the Georgia Municipal Employees Benefit System.

IN WITNESS WHEREOF, the Board of Trustees of the Georgia Municipal Employees Benefit System has caused its Seal and the signatures of its duly authorized officers to be affixed this _____ day of _____, 20____.

**Board of Trustees
Georgia Municipal Employees
Benefit System**

(SEAL)

Secretary

GEORGIA MUNICIPAL EMPLOYEES
BENEFIT SYSTEM

DEFINED BENEFIT RETIREMENT PLAN

AN ORDINANCE
and
ADOPTION AGREEMENT
for
City of Kennesaw

Form Volume Submitter Adoption Agreement
Amended and Restated as of January 1, 2013
(With Amendments Taking Effect on or Before January 1, 2017)

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I. AN ORDINANCE

An Ordinance to amend and restate the Retirement Plan for the Employees of the City of Kennesaw, Georgia in accordance with and subject to the terms and conditions set forth in the attached Adoption Agreement, any Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Master Plan Document, and the GMEBS Trust Agreement. When accepted by the authorized officers of the City and GMEBS, the foregoing shall constitute a Contract between the City and GMEBS, all as authorized and provided by O.C.G.A. § 47-5-1 et seq.

BE IT ORDAINED by the Mayor and Council of the City of Kennesaw, Georgia, and it is hereby ordained by the authority thereof:

Section 1. The Retirement Plan for the Employees of the City of Kennesaw, Georgia is hereby amended and restated as set forth in and subject to the terms and conditions stated in the following Adoption Agreement, any Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Master Plan Document, and the GMEBS Trust Agreement.

Ordinance continued on page 38

II. GMEBS DEFINED BENEFIT RETIREMENT PLAN **ADOPTION AGREEMENT**

1. ADMINISTRATOR

Georgia Municipal Employees Benefit System
201 Pryor Street, SW
Atlanta, Georgia 30303
Telephone: 404-688-0472
Facsimile: 404-577-6663

2. ADOPTING EMPLOYER

Name: **City of Kennesaw, Georgia**

3. GOVERNING AUTHORITY

Name: **Mayor and Council**
Address: **2529 J.O. Stephenson Ave NW, Kennesaw, GA 30144-2780**
Phone: **(770) 424-8274**
Facsimile: **(678) 460-2844**

4. PLAN REPRESENTATIVE

[To represent Governing Authority in all communications with GMEBS and Employees]
(See Section 2.49 of Master Plan)

Name: **City Manager**
Address: **2529 J.O. Stephenson Ave NW, Kennesaw, GA 30144-2780**
Phone: **(770) 424-8274**
Facsimile: **(678) 460-2844**

5. PENSION COMMITTEE

[Please designate members by position. If not, members of Pension Committee shall be determined in accordance with Article XIV of Master Plan]

The Pension Committee shall be comprised of the City Manager, City Attorney, City Clerk, Personnel Administrator, two (2) appointed members of the Governing Authority, and one (1) employee representative from each of the major operating departments of the City elected for two-year terms by the participants in each such department, terms to begin on January 1.

Pension Committee Secretary: **Benefits Administrator**

Address: **2529 J.O. Stephenson Ave NW, Kennesaw, GA 30144-2780**

Phone: **(770) 424-8274**

Facsimile: **(678) 460-2844**

6. TYPE OF ADOPTION

This Adoption Agreement is for the following purpose (**check one**):

- ☐ This is a new defined benefit plan adopted by the Adopting Employer for its Employees. This plan does not replace or restate an existing defined benefit plan.
- ☐ This is an amendment and restatement of the Adopting Employer's preexisting non-GMEBS defined benefit plan.
- ☒ This is an amendment and restatement of the Adoption Agreement previously adopted by the Employer, as follows (**check one or more as applicable**):
 - ☒ To update the Plan to comply with PPA, HEART, WRERA, and other applicable federal laws and guidance.
 - ☒ To make the following amendments to the Adoption Agreement (**must specify below revisions made in this Adoption Agreement; all provisions must be completed in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): This is an amendment to: (1) prohibit In-Service Distribution for Participants who are not receiving it as of April 1, 2020 (see Adoption Agreement, pp. 15-18); (2) clarify applicability of mandatory Employee Contributions following reemployment (see Adoption Agreement, p. 34, and General Addendum paragraphs 15(a)(ix) 15(a)(xvi)); and (3) provide that Eligible Regular Employees initially employed on or after April 1, 2020, who withdraw their Employee Contributions upon Termination will forfeit all Credited Service under the Plan for all purposes, unless such withdrawn Employee Contributions are repaid upon reemployment (see General Addendum paragraph 15(a)(xvi)).**

7. EFFECTIVE DATE

NOTE: This Adoption Agreement and any Addendum, with the accompanying Master Plan Document, is designed to comply with Internal Revenue Code Section 401(a), as applicable to a governmental qualified defined benefit plan, and is part of the GMEBS Defined Benefit Retirement Plan. Plan provisions designed to comply with certain provisions of the Pension Protection Act of 2006 ("PPA"); the Heroes Earnings Assistance and Relief Tax Act of 2008 ("HEART"); and the Worker, Retiree, and Employer Recovery Act of 2008 ("WRERA"); and Plan provisions designed to comply with certain provisions of additional changes in federal law and guidance from the Internal Revenue Service under Internal Revenue Service Notice 2012-76 (the 2012 Cumulative List) are effective as of the applicable effective dates set forth in the Adoption Agreement and Master Plan Document. By adopting this Adoption Agreement, with its accompanying Master Plan Document, the Adopting Employer is adopting a plan document intended to comply with Internal Revenue Code Section 401(a), as updated by PPA, HEART, WRERA, and the 2012 Cumulative List with the applicable effective dates.

- (1) **Complete this item (1) only if this is a new defined benefit plan which does not replace or restate an existing defined benefit plan.**

The effective date of this Plan is _____.

(insert effective date of this Adoption Agreement not earlier than January 1, 2013).

- (2) **Complete this item (2) only if this Plan is being adopted to replace a non-GMEBS defined benefit plan.**

Except as otherwise specifically provided in the Master Document or in this Adoption Agreement, the effective date of this restatement shall be the _____ **(insert effective date of this Adoption Agreement not earlier than January 1, 2013).** This Plan is intended to replace and serve as an amendment and restatement of the Employer's preexisting plan, which became effective on _____ **(insert original effective date of preexisting plan).**

- (3) **Complete this item (3) only if this is an amendment and complete restatement of the Adopting Employer's existing GMEBS defined benefit plan.**

Except as otherwise specifically provided in the Master Document or in this Adoption Agreement, the effective date of this restatement shall be **April 1, 2020** **(insert effective date of this Adoption Agreement not earlier than January 1, 2013).**

This Plan is adopted as an amendment and restatement of the Employer's preexisting GMEBS Adoption Agreement, which became effective on **April 5, 2016** **(insert effective date of most recent Adoption Agreement preceding this Adoption Agreement).**

The Employer's first Adoption Agreement became effective **March 1, 2003** **(insert effective date of Employer's first GMEBS Adoption Agreement).** The Employer's GMEBS Plan was originally effective **January 1, 1980** **(insert effective date of Employer's original GMEBS Plan).** (If the Employer's Plan was originally a non-GMEBS Plan, then the Employer's non-GMEBS Plan was originally effective _____ **(if applicable, insert effective date of Employer's original non-GMEBS Plan).**)

8. PLAN YEAR

Plan Year means (**check one**):

- ☒ Calendar Year
- ☐ Employer Fiscal Year commencing _____.
- ☐ Other (**must specify month and day commencing**): _____.

9. CLASSES OF ELIGIBLE EMPLOYEES

Only Employees of the Adopting Employer who meet the Master Plan's definition of "Employee" may be covered under the Adoption Agreement. Eligible Employees shall not include non-governmental employees, independent contractors, leased employees, nonresident aliens, or any other ineligible individuals, and this Section 9 must not be completed in a manner that violates the "exclusive benefit rule" of Internal Revenue Code Section 401(a)(2).

A. Eligible Regular Employees

Regular Employees include Employees, other than elected or appointed members of the Governing Authority or Municipal Legal Officers, who are regularly employed in the services of the Adopting Employer. Subject to the other conditions of the Master Plan and the Adoption Agreement, the following Regular Employees are eligible to participate in the Plan (**check one**):

- ☐ **ALL** - All Regular Employees, provided they satisfy the minimum hour and other requirements specified under "Eligibility Conditions" below.
- ☒ **ALL REGULAR EMPLOYEES EXCEPT** for the following employees (**must specify; specific positions are permissible; specific individuals may not be named**): Regular Employees who do not satisfy the minimum hour and other requirements specified under "Eligibility Conditions" below, and Regular Employees who prior to March 1, 2003, elected not to participate in the Plan.

B. Elected or Appointed Members of the Governing Authority

An Adopting Employer may elect to permit participation in the Plan by elected or appointed members of the Governing Authority and/or Municipal Legal Officers, provided they otherwise meet the Master Plan's definition of "Employee" and provided they satisfy any other requirements specified by the Adopting Employer. Municipal Legal Officers to be covered must be specifically identified by position. Subject to the above conditions, the Employer hereby elects the following treatment for elected and appointed officials:

(1) Elected or Appointed Members of the Governing Authority (check one):

- ☒ **ARE NOT** eligible to participate in the Plan.
- ☐ **ARE** eligible to participate in the Plan.

Please specify any limitations on eligibility to participate here (e.g., service on or after certain date, or special waiting period provision): Each elected or appointed member of the Governing

Authority who held an office on January 1, 1992, was qualified to participate in the Plan on such date. Each other elected or appointed member of the Governing Authority who held an office subsequent to January 1, 1992 was qualified to participate in the Plan on the first day of the month immediately following or coinciding with the first date after January 1, 1992 that he or she occupied any elective office of the Governing Authority. Effective on and after March 1, 2003, until April 5 2016, participation in the Plan became mandatory. Any elected or appointed member of the Governing Authority who prior to March 1, 2003 elected not to participate in the Plan was not permitted to participate in the Plan or receive credit for Vesting or benefit computation purposes for any period of service before or after March 1, 2003 (see also General Addendum subsection 15(b)). Effective April 5, 2016, participation in the Plan became frozen for elected or appointed members of the Governing Authority, as follows: (1) an elected or appointed member of the Governing Authority holding such office on April 5, 2016, will not participate in or accrue benefits under this Plan with respect to service as an elected or appointed member of the Governing Authority on or after such date; 2) an elected or appointed member of the Governing Authority initially taking such office after April 5, 2016, will not participate in the Plan with respect to service in such office; and (3) a former elected or appointed member of the Governing Authority returning to such office after April 5, 2016, will not participate in the Plan with respect to service in such office on or after April 5, 2016 (see also General Addendum Sections 2 and 14).

(2) **Municipal Legal Officers (check one):**

- ☒ **ARE NOT** eligible to participate in the Plan.
- ☐ **ARE** eligible to participate in the Plan. The term "Municipal Legal Officer" shall include only the following positions (must specify - specific positions are permissible; specific individuals may not be named): _____.

Please specify any limitations on eligibility to participate here (e.g., service on or after certain date) (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

10. ELIGIBILITY CONDITIONS

A. **Hours Per Week (Regular Employees)**

The Adopting Employer may specify a minimum number of work hours per week which are required to be scheduled by Regular Employees in order for them to become and remain "Eligible Regular Employees" under the Plan. **It is the responsibility of the Adopting Employer to determine whether these requirements are and continue to be satisfied.** The Employer hereby elects the following minimum hour requirement for Regular Employees:

- ☐ No minimum
- ☐ 20 hours/week (regularly scheduled)
- ☒ 30 hours/week (regularly scheduled)
- ☐ Other: _____ (must not exceed 40 hours/week regularly scheduled)

Exceptions: If a different minimum hour requirement applies to a particular class or classes of Regular Employees, please specify below the classes to whom the different requirement applies and indicate the minimum hour requirement applicable to them.

Class(es) of Regular Employees to whom exception applies (**must specify - specific positions are permissible; specific individuals may not be named**): Employees hired before October 1, 1995, provided they are not Terminated and reemployed after such date.

Minimum hour requirement applicable to excepted Regular Employees:

- ☐ No minimum
- ☒ 20 hours/week (regularly scheduled)
- ☐ 30 hours/week (regularly scheduled)
- ☐ Other: _____ (must not exceed 40 hours/week regularly scheduled)

B. Months Per Year (Regular Employees)

The Adopting Employer may specify a minimum number of work months per year which are required to be scheduled by Regular Employees in order for them to become and remain "Eligible Employees" under the Plan. **It is the responsibility of the Adopting Employer to determine whether these requirements are and continue to be satisfied.** The Employer hereby elects the following minimum requirement for Regular Employees:

- ☐ No minimum
- ☒ At least 5 months per year (regularly scheduled)

Exceptions: If different months per year requirements apply to a particular class or classes of Regular Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Regular Employees to whom exception applies (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

The months to year requirement for excepted class(es) are:

- ☐ No minimum
- ☐ At least _____ months per year (regularly scheduled)

11. WAITING PERIOD

Except as otherwise provided in Section 4.02(b) of the Master Plan, Eligible Regular Employees shall not have a waiting period before participating in the Plan. Likewise, elected or appointed members of the Governing Authority and Municipal Legal Officers, if eligible to participate in the Plan, shall not have a waiting period before participating in the Plan.

12. ESTABLISHING PARTICIPATION IN THE PLAN

Participation in the Plan is considered mandatory for all Eligible Employees who satisfy the eligibility conditions specified in the Adoption Agreement, except as provided in

Section 4.03(e) of the Master Plan. However, the Employer may specify below that participation is optional for certain classes of Eligible Employees, including Regular Employees, elected or appointed members of the Governing Authority, Municipal Legal Officers, City Managers, and/or Department Heads. If participation is optional for an Eligible Employee, then in order to become a Participant, he must make a written election to participate within 120 days after employment, election or appointment to office, or if later, the date he first becomes eligible to participate in the Plan. The election is irrevocable, and the failure to make the election within the 120 day time limit shall be deemed an irrevocable election not to participate in the Plan.

Classes for whom participation is optional (**check one**):

- ☐ None (Participation is mandatory for all Eligible Employees except as provided in Section 4.03(e) of the Master Plan).
- ☒ Participation is optional for the following Eligible Employees (**must specify - specific positions are permissible; specific individuals may not be named; all positions or classes specified must be Eligible Employees**): City Managers initially employed on or after March 1, 2003. (See also General Addendum subsection 15(b) concerning 30-day (rather than 120-day) time limit for said City Manager's election to participate, effect of failure to elect).

13. CREDITED SERVICE

In addition to Current Credited Service the Adopting Employer may include as Credited Service the following types of service:

A. Credited Past Service with Adopting Employer

Credited Past Service means the number of years and complete months of Service with the Adopting Employer prior to the date an Eligible Employee becomes a Participant which are treated as credited service under the Plan.

(1) **Eligible Employees Employed on Original Effective Date of GMEBS Plan.** With respect to Eligible Employees who are employed by the Adopting Employer on the original Effective Date of the Employer's GMEBS Plan, Service with the Adopting Employer prior to the date the Eligible Employee becomes a Participant (including any Service prior to the Effective Date of the Plan) shall be treated as follows (**check one**):

- ☒ All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).
- ☐ All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), except for Service rendered prior to _____ (**insert date**).
- ☐ All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), except as follows (**must specify other limitation in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

- ☐ No Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).

(2) Previously Employed, Returning to Service after Original Effective Date. If an Eligible Employee is not employed on the original Effective Date of the Employer's GMEBS Plan, but he returns to Service with the Adopting Employer sometime after the Effective Date, his Service prior to the date he becomes a Participant (including any Service prior the Effective Date) shall be treated as follows (**check one**):

- ☐ All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), subject to any limitations imposed above with respect to Eligible Employees employed on the Effective Date.
- ☒ All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), provided that after his return to employment, the Eligible Employee performs Service equal to the period of the break in Service or one (1) year, whichever is less. Any limitations imposed above with respect to Eligible Employees employed on the Effective Date shall also apply.
- ☐ No Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).

Other limitation(s) on Recognition of Credited Past Service (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): Credited Past Service shall not include any tenure of office as an elected or appointed member of the Governing Authority unless the Participant was serving as an elected or appointed member of the Governing Authority or Eligible Regular Employee on January 1, 1992.**

(3) Eligible Employees Initially Employed After Effective Date. If an Eligible Employee's initial employment date is after the original Effective Date of the Employer's GMEBS Plan, his Credited Past Service shall include only the number of years and complete months of Service from his initial employment date to the date he becomes a Participant in the Plan.

(4) Newly Eligible Classes of Employees. If a previously ineligible class of Employees becomes eligible to participate in the Plan, the Employer must specify in an addendum to this Adoption Agreement whether and to what extent said Employees' prior service with the Employer shall be treated as Credited Past Service under the Plan.

B. Prior Military Service

Note: This Section does not concern military service required to be credited under USERRA – See Section 3.02 of the Master Plan for rules on the crediting of USERRA Military Service.

(1) Credit for Prior Military Service.

The Adopting Employer may elect to treat military service rendered prior to a Participant's initial employment date or reemployment date as Credited Service under the Plan. Unless otherwise specified by the Employer under "Other Conditions" below, the term "Military Service" shall be

as defined in the Master Plan. Except as otherwise required by federal or state law or under "Other Conditions" below, Military Service shall not include service which is credited under any other local, state, or federal retirement or pension plan.

Military Service credited under this Section shall not include any service which is otherwise required to be credited under the Plan by federal or state law. Prior Military Service shall be treated as follows (**check one**):

- ☒ Prior Military Service is **not** creditable under the Plan (**if checked, skip to Section 13.C. – Prior Governmental Service**).
- ☐ Prior Military Service shall be counted as Credited Service for the following purposes (check one or more as applicable):
 - ☐ Computing amount of benefits payable.
 - ☐ Meeting minimum service requirements for vesting.
 - ☐ Meeting minimum service requirements for benefit eligibility.

(2) Maximum Credit for Prior Military Service.

Credit for Prior Military Service shall be limited to a maximum of _____ years (**insert number**).

(3) Rate of Accrual for Prior Military Service.

Credit for Prior Military Service shall accrue at the following rate (**check one**):

- ☐ One month of military service credit for every _____ month(s) (**insert number**) of Credited Service with the Adopting Employer.
- ☐ One year of military service credit for every _____ year(s) (**insert number**) of Credited Service with the Adopting Employer.
- ☐ All military service shall be creditable (subject to any caps imposed above) after the Participant has completed _____ years (**insert number**) of Credited Service with the Employer.
- ☐ Other requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

(4) Payment for Prior Military Service Credit (check one):

- ☐ Participants shall **not** be required to pay for military service credit.
- ☐ Participants shall be required to pay for military service credit as follows:
 - ☐ The Participant must pay _____% of the actuarial cost of the service credit (as defined below).
 - ☐ The Participant must pay an amount equal to (**must specify in a manner that satisfies the definite written program requirement of Treasury**

**Regulation 1.401-1(a)(2) and the definitely determinable requirement
of Treasury Regulation 1.401-1(b)(1)(i): _____.**

Other Conditions for Award of Prior Military Service Credit (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): _____.**

(5) **Limitations on Service Credit Purchases.** Unless otherwise specified in an Addendum to the Adoption Agreement, for purposes of this Section and Section 13.C. concerning prior governmental service credit, the term "actuarial cost of service credit" is defined as set forth in the Service Credit Purchase Addendum. In the case of a service credit purchase, the Participant shall be required to comply with any rules and regulations established by the GMEBS Board of Trustees concerning said purchases.

C. Prior Governmental Service

Note: A Participant's prior service with other GMEBS employers shall be credited for purposes of satisfying the minimum service requirements for Vesting and eligibility for Retirement and pre-retirement death benefits as provided under Section 9.05 of the Master Plan, relating to portability service. This Section 13(C) does not need to be completed in order for Participants to receive this portability service credit pursuant to Section 9.05 of the Master Plan.

(1) Credit for Prior Governmental Service.

The Adopting Employer may elect to treat governmental service rendered prior to a Participant's initial employment date or reemployment date as creditable service under the Plan. Subject to any limitations imposed by law, the term "prior governmental service" shall be as defined by the Adopting Employer below. The Employer elects to treat prior governmental service as follows (**check one**):

- ☒ Prior governmental service is **not** creditable under the Plan (**if checked, skip to Section 13.D. – Unused Sick/Vacation Leave**).
- ☐ Prior governmental service shall be counted as Credited Service for the following purposes under the Plan (**check one or more as applicable**):
 - ☐ Computing amount of benefits payable.
 - ☐ Meeting minimum service requirements for vesting.
 - ☐ Meeting minimum service requirements for benefit eligibility.

(2) Definition of Prior Governmental Service.

Prior governmental service shall be defined as follows: (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): _____.**

Unless otherwise specified above, prior governmental service shall include only full-time service (minimum hour requirement same as that applicable to Eligible Regular Employees).

(3) Maximum Credit for Prior Governmental Service.

Credit for prior governmental service shall be limited to a maximum of _____ years **(insert number)**.

(4) Rate of Accrual for Prior Governmental Service Credit.

Credit for prior governmental service shall accrue at the following rate **(check one)**:

- ☐ One month of prior governmental service credit for every _____ month(s) **(insert number)** of Credited Service with the Adopting Employer.
- ☐ One year of prior governmental service credit for every _____ year(s) **(insert number)** of Credited Service with the Adopting Employer.
- ☐ All prior governmental service shall be creditable (subject to any caps imposed above) after the Participant has completed _____ years **(insert number)** of Credited Service with the Adopting Employer.
- ☐ Other requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

(5) Payment for Prior Governmental Service Credit.

- ☐ Participants shall **not** be required to pay for governmental service credit.
- ☐ Participants shall be required to pay for governmental service credit as follows:
 - ☐ The Participant must pay _____% of the actuarial cost of the service credit.
 - ☐ The Participant must pay an amount equal to **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

Other Conditions for Award of Prior Governmental Service Credit **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

D. Leave Conversion for Unused Paid Time Off (e.g., Sick, Vacation, or Personal Leave)

(1) Credit for Unused Paid Time Off.

Subject to the limitations in Section 3.01 of the Master Plan, an Adopting Employer may elect to treat accumulated days of unused paid time off for a terminated Participant, for which the Participant is not paid, as Credited Service. The only type of leave permitted to be credited under this provision is leave from a paid time off plan which qualifies as a bona fide sick and vacation leave plan (which may include sick, vacation or personal leave) and which the Participant may take as paid leave without regard to whether the leave is due to illness or incapacity. The Credited

Service resulting from the conversion of unused paid time off must not be the only Credited Service applied toward the accrual of a normal retirement benefit under the Plan. The Pension Committee shall be responsible to certify to GMEBS the total amount of unused paid time off that is creditable hereunder.

Important Note: Leave cannot be converted to Credited Service in lieu of receiving a cash payment. If the Employer elects treating unused paid time off as Credited Service, the conversion to Credited Service will be automatic, and the Participant cannot request a cash payment for the unused paid time off.

The Employer elects the following treatment of unused paid time off:

- ☒ Unused paid time off shall **not** be treated as Credited Service (**if checked, skip to Section 14 – Retirement Eligibility**).
- ☐ The following types of unused paid time off for which the Participant is not paid shall be treated as Credited Service under the Plan (**check one or more as applicable**):
 - ☐ Unused sick leave
 - ☐ Unused vacation leave
 - ☐ Unused personal leave
 - ☐ Other paid time off (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

(2) Minimum Service Requirement.

In order to receive credit for unused paid time off, a Participant must meet the following requirement at termination (**check one**):

- ☐ The Participant must be 100% vested in a normal retirement benefit.
- ☐ The Participant must have at least _____ years (**insert number**) of Total Credited Service (not including leave otherwise creditable under this Section).
- ☐ Other (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

(3) Use of Unused Paid Time Off Credit. Unused paid time off for which the Participant is not paid shall count as Credited Service for the following purposes under the Plan (**check one or more as applicable**):

- ☐ Computing amount of benefits payable.
- ☐ Meeting minimum service requirements for vesting.
- ☐ Meeting minimum service requirements for benefit eligibility.

(4) Maximum Credit for Unused Paid Time Off.

Credit for unused paid time off for which the Participant is not paid shall be limited to a maximum of ____ months (**insert number**).

(5) Computation of Unused Paid Time Off.

Unless otherwise specified by the Adopting Employer under "Other Conditions" below, each twenty (20) days of creditable unused paid time off shall constitute one (1) complete month of Credited Service under the Plan. Partial months shall not be credited.

(6) Other Conditions (please specify, subject to limitations in Section 3.01 of Master Plan; must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

14. RETIREMENT ELIGIBILITY

A. Early Retirement Qualifications

Early retirement qualifications are (**check one or more as applicable**):

- ☒ Attainment of age 55 (**insert number**)
- ☒ Completion of 10 years (**insert number**) of Total Credited Service

Exceptions: If different early retirement eligibility requirements apply to a particular class or classes of Eligible Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Eligible Employees to whom exception applies (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

Early retirement qualifications for excepted class(es) are (**check one or more as applicable**):

- ☐ Attainment of age _____ (**insert number**)
- ☐ Completion of _____ years (**insert number**) of Total Credited Service

B. Normal Retirement Qualifications

Note: Please complete this Section and also list "Alternative" Normal Retirement Qualifications, if any, in Section 14.C.

(1) Regular Employees

Normal retirement qualifications for Regular Employees are (**check one or more as applicable**):

- ☒ Attainment of age 65 (**insert number**)

- ☒ Completion of 5 years (**insert number**) of Total Credited Service
- ☒ In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and is at least age 62 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (**check one**): ☐ all Participants ☒ only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): Only those Participants receiving In-Service Distribution as of March 31, 2020.

Exceptions: If different normal retirement qualifications apply to a particular class or classes of Regular Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Class(es) of Regular Employees to whom exception applies (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

Normal retirement qualifications for excepted class(es) are (**check one or more as applicable**):

- ☐ Attainment of age _____ (**insert number**)
- ☐ Completion of _____ years (**insert number**) of Total Credited Service
- ☐ In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and is at least age 62 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (**check one**): ☐ all Participants ☐ only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

(2) Elected or Appointed Members of Governing Authority

Complete this Section only if elected or appointed members of the Governing Authority or Municipal Legal Officers are permitted to participate in the Plan. Normal retirement qualifications for this class are (**check one or more as applicable**):

- ☒ Attainment of age 65 (**insert number**)
- ☒ Completion of four (4) years and one (1) month years (**insert number**) of Total Credited Service

- ☒ In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and is at least age 62 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☒ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: **Only those Participants receiving In-Service Distribution as of March 31, 2020.**

Exceptions: If different normal retirement qualifications apply to particular elected or appointed members of the Governing Authority or Municipal Legal Officers, the Employer must specify below to whom the different requirements apply and indicate below the requirements applicable to them.

Particular elected or appointed members of the Governing Authority or Municipal Legal Officers to whom exception applies **(must specify - specific positions are permissible; specific individuals may not be named)**: **Elected or appointed members of the Governing Authority who first took office prior to January 1, 2016 (see Adoption Agreement Section 17(B) discussing immediate Vesting).**

Normal retirement qualifications for excepted elected or appointed members of the Governing Authority or Municipal Legal Officers are **(check one or more as applicable)**:

- ☒ Attainment of age **65** **(insert number)**
- ☐ Completion of _____ years **(insert number)** of Total Credited Service
- ☒ In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and is at least age 62 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☒ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: **Only those Participants receiving In-Service Distribution as of March 31, 2020.**

C. Alternative Normal Retirement Qualifications

The Employer may elect to permit Participants to retire with unreduced benefits after they satisfy service and/or age requirements other than the regular normal retirement qualifications specified above. The Employer hereby adopts the following alternative normal retirement qualifications:

Alternative Normal Retirement Qualifications (check one or more, as applicable):

(1) ☐ Not applicable (the Adopting Employer does not offer alternative normal retirement benefits under the Plan).

(2) ☐ **Alternative Minimum Age & Service Qualifications (if checked, please complete one or more items below, as applicable):**

☐ Attainment of age _____ (**insert number**)

☐ Completion of _____ years (**insert number**) of Total Credited Service

☐ In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and is at least age 62 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (**check one**): ☐ all Participants ☐ only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

This alternative normal retirement benefit is available to:

☐ All Participants who qualify.

☐ Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

A Participant (**check one**): ☐ is required ☐ is not required to be in the service of the Employer at the time he satisfies the above qualifications in order to qualify for this alternative normal retirement benefit.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

(3) ☒ **Rule of 75 (insert number).** The Participant's combined Total Credited Service and age must equal or exceed this number. Please complete additional items below:

To qualify for this alternative normal retirement benefit, the Participant (**check one or more items below, as applicable**):

☐ Must have attained at least age _____ (**insert number**)

☒ Must not satisfy any minimum age requirement

- ☒ In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets the minimum age and service requirements specified immediately above and is at least age 62 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☒ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: Only those Participants receiving In-Service Distribution as of March 31, 2020.

This alternative normal retirement benefit is available to:

- ☐ All Participants who qualify.
- ☒ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: (1) Participants who are Eligible Regular Employees, who were employed on March 1, 2003 and who elected during the month of February 2003 to contribute 2% of their Earnings to the Plan, in exchange for the opportunity to receive the Enhanced Rule of 75 Benefit; (2) Participants initially employed as Eligible Regular Employees after March 1, 2003; and (3) Participants who were initially employed prior to March 1, 2003 but were not employed during the month of February, 2003, who become reemployed by the City as Eligible Regular Employees on or after March 1, 2003.

A Participant **(check one)**: ☒ is required ☐ is not required to be in the service of the Employer at the time he satisfies the Rule in order to qualify for this alternative normal retirement benefit.

Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: Notwithstanding any provision of the GMEBS Master Plan or the Adoption Agreement to the contrary, portability service credit (credit for service with other GMEBS employers) will not be taken into account in determining eligibility for the Rule of 75 Benefit. The Rule of 75 Benefit will not be made available to elected or appointed members of the Governing Authority and service as an elected or appointed member of the Governing Authority will not be taken into account in determining whether a Participant satisfied the Rule of 75.

- (4) ☐ **Alternative Minimum Service.** A Participant is eligible for an alternative normal retirement benefit if he has at least _____ years **(insert number)** of Total Credited Service, regardless of the Participant's age.

- ☐ In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets the minimum service requirement specified immediately above and is at least age 62 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

This alternative normal retirement benefit is available to:

- ☐ All Participants who qualify.
- ☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

A Participant **(check one)**: ☐ is required ☐ is not required to be in the service of the Employer at the time he satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

(5) ☐ Other Alternative Normal Retirement Benefit.

Must specify qualifications (in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

- ☐ In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets minimum age and service requirements specified immediately above and is at least age 62 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

This alternative normal retirement benefit is available to:

- ☐ All Participants who qualify.

- ☐ Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

A Participant (**check one**): ☐ is required ☐ is not required to be in the service of the Employer at the time he satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

(6) ☐ **Other Alternative Normal Retirement Benefit for Public Safety Employees Only.**

Must specify qualifications (in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): _____.

- ☐ In-Service Distribution to Eligible Employees who are Public Safety Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets minimum age and service requirements specified immediately above and is at least age 50 (unless a lower safe-harbor age is permitted under applicable federal law), subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (**check one**): ☐ all Participants ☐ only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

This alternative normal retirement benefit is available to:

- ☐ All public safety employee Participants who qualify.
- ☐ Only the following public safety employee Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

A public safety employee Participant (**check one**): ☐ is required ☐ is not required to be in the service of the Employer at the time he satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

Note: "Public safety employees" are defined under the Internal Revenue Code for this purpose as employees of a State or political subdivision of a State who provide police protection, firefighting services, or emergency medical services for any area within the jurisdiction of such State or political subdivision.

D. Disability Benefit Qualifications

Subject to the other terms and conditions of the Master Plan and except as otherwise provided in an Addendum to this Adoption Agreement, disability retirement qualifications are based upon Social Security Administration award criteria or as otherwise provided under Section 2.23 of the Master Plan. The Disability Retirement benefit shall commence as of the Participant's Disability Retirement Date under Section 2.24 of the Master Plan.

To qualify for a disability benefit, a Participant must have the following minimum number of years of Total Credited Service (**check one**):

- ☐ Not applicable (the Adopting Employer does not offer disability retirement benefits under the Plan).
- ☒ No minimum.
- ☐ _____ years (**insert number**) of Total Credited Service.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

15. RETIREMENT BENEFIT COMPUTATION

A. Maximum Total Credited Service

The number of years of Total Credited Service which may be used to calculate a benefit is (**check one or all that apply**):

- ☒ not limited.
- ☐ limited to _____ years for all Participants.
- ☐ limited to _____ years for the following classes of Eligible Regular Employees:
 - ☐ All Eligible Regular Employees.
 - ☐ Only the following Eligible Regular Employees: _____.
- ☐ limited to _____ years as an elected or appointed member of the Governing Authority.
- ☐ limited to _____ years as a Municipal Legal Officer.

- ☐ Other (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

B. Monthly Normal Retirement Benefit Amount

(1) Regular Employee Formula

The monthly normal retirement benefit for Eligible Regular Employees shall be 1/12 of (check and complete one or more as applicable):

- ☒ (a) **Flat Percentage Formula.** 2.0% (insert percentage) of Final Average Earnings multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:

- ☒ All Participants who are Regular Employees.
☐ Only the following Participants (must specify - specific positions are permissible; specific individuals may not be named): _____.

- ☐ (b) **Alternative Flat Percentage Formula.** _____ % (insert percentage) of Final Average Earnings multiplied by years of Total Credited Service as an Eligible Regular Employee. This formula applies to the following Participants (must specify - specific positions are permissible; specific individuals may not be named): _____.

- ☐ (c) **Split Final Average Earnings Formula.** _____ % (insert percentage) of Final Average Earnings up to the amount of **Covered Compensation** (see subsection (2) below for definition of Covered Compensation), plus _____ % (insert percentage) of Final Average Earnings in excess of said Covered Compensation, multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:

- ☐ All Participants who are Regular Employees.
☐ Only the following Participants (must specify - specific positions are permissible; specific individuals may not be named): _____.

- ☐ (d) **Alternative Split Final Average Earnings Formula.** _____ % (insert percentage) of Final Average Earnings up to the amount of **Covered Compensation** (see subsection (2) below for definition of Covered Compensation), plus _____ % (insert percentage) of Final Average Earnings in excess of said Covered Compensation, multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:

- ☐ All Participants.

- ☐ Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

[Repeat above subsections as necessary for each applicable benefit formula and Participant class covered under the Plan.]

(2) **Covered Compensation (complete only if Split Formula(s) is checked above):**

Covered Compensation is defined as (check one or more as applicable):

- ☐ (a) **A.I.M.E. Covered Compensation** as defined in Section 2.18 of the Master Plan. This definition of Covered Compensation shall apply to (**check one**):
- ☐ All Participants who are Regular Employees.
- ☐ Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.
- ☐ (b) **Dynamic Break Point** Covered Compensation as defined in Section 2.19 of the Master Plan. This definition of Covered Compensation shall apply to (**check one**):
- ☐ All Participants who are Regular Employees.
- ☐ Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.
- ☐ (c) **Table Break Point** Covered Compensation as defined in Section 2.20 of the Master Plan. This definition of Covered Compensation shall apply to (**check one**):
- ☐ All Participants who are Regular Employees.
- ☐ Only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.
- ☐ (d) **Covered Compensation** shall mean a Participant's annual Earnings that do not exceed \$_____ (**specify amount**). This definition shall apply to (**check one**):
- ☐ All Participants who are Regular Employees.
- ☐ Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

(3) **Final Average Earnings**

Unless otherwise specified in an Addendum to the Adoption Agreement, Final Average Earnings is defined as the monthly average of Earnings paid to a Participant by the Adopting Employer for the **60** (**insert number not to exceed 60**) consecutive months of Credited Service preceding the Participant's most recent Termination in which the Participant's Earnings were the highest,

multiplied by 12. Note: GMEBS has prescribed forms for calculation of Final Average Earnings that must be used for this purpose.

This definition of Final Average Earnings applies to:

- ☐ All Participants who are Regular Employees.
- ☒ Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): Participants who do not qualify for the “Rule of 75” Alternative Normal Retirement benefit under Adoption Agreement Section 14(C)(3).

Unless otherwise specified in an Addendum to the Adoption Agreement, Final Average Earnings is defined as the monthly average of Earnings paid to a Participant by the Adopting Employer for the **36 (insert number not to exceed 60)** consecutive months of Credited Service preceding the Participant's most recent Termination in which the Participant's Earnings were the highest, multiplied by 12. Note: GMEBS has prescribed forms for calculation of Final Average Earnings that must be used for this purpose.

This definition of Final Average Earnings applies to:

- ☐ All Participants who are Regular Employees.
- ☒ Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): Participants who qualify for the “Rule of 75” Alternative Normal Retirement benefit under Adoption Agreement Section 14(C)(3).

[Repeat above subsection as necessary for each applicable definition and Participant class covered under the Plan.]

(4) Formula for Elected or Appointed Members of the Governing Authority

The monthly normal retirement benefit for members of this class shall be as follows (**check one**):

- ☐ Not applicable (elected or appointed members of the Governing Authority or Municipal Legal Officers are not permitted to participate in the Plan).
- ☒ **\$65.00 (insert dollar amount)** per month for each year of Total Credited Service as an elected or appointed member of the Governing Authority or Municipal Legal Officer or major fraction thereof (6 months and 1 day).

This formula applies to:

- ☒ All elected or appointed members of the Governing Authority or Municipal Legal Officers eligible to participate.
- ☐ Only the following elected or appointed members of the Governing Authority or Municipal Legal Officers eligible to participate (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

[Repeat above subsection as necessary for each applicable formula for classes of elected or appointed members covered under the Plan.]

C. **Monthly Early Retirement Benefit Amount**

Check and complete one or more as applicable:

- ☒ (1) **Standard Early Retirement Reduction Table.** The monthly Early Retirement benefit shall be computed in the same manner as the monthly Normal Retirement benefit, but the benefit shall be reduced on an Actuarially Equivalent basis in accordance with Section 12.01 of the Master Plan to account for early commencement of benefits. This provision shall apply to:
- ☒ All Participants.
- ☐ Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**):_____.
- ☐ (2) **Alternative Early Retirement Reduction Table.** The monthly Early Retirement benefit shall be computed in the same manner as the monthly Normal Retirement benefit, but the benefit shall be reduced to account for early commencement of benefits based on the following table. This table shall apply to:
- ☐ All Participants.
- ☐ Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**):_____.

Alternative Early Retirement Reduction Table

<u>Number of Years Before</u> <u>[Age (Insert Normal</u> <u>Retirement Age)]</u> (check as applicable)	<u>Percentage of</u> <u>Normal Retirement Benefit*</u> (complete as applicable)
---	--

<input type="checkbox"/> 0	1.000
<input type="checkbox"/> 1	0.____
<input type="checkbox"/> 2	0.____
<input type="checkbox"/> 3	0.____
<input type="checkbox"/> 4	0.____
<input type="checkbox"/> 5	0.____
<input type="checkbox"/> 6	0.____
<input type="checkbox"/> 7	0.____
<input type="checkbox"/> 8	0.____
<input type="checkbox"/> 9	0.____
<input type="checkbox"/> 10	0.____
<input type="checkbox"/> 11	0.____
<input type="checkbox"/> 12	0.____
<input type="checkbox"/> 13	0.____
<input type="checkbox"/> 14	0.____
<input type="checkbox"/> 15	0.____

*Interpolate for whole months

D. Monthly Late Retirement Benefit Amount (check one):

- ☒ (1) The monthly Late Retirement benefit shall be computed in the same manner as the Normal Retirement Benefit, based upon the Participant's Accrued Benefit as of his Late Retirement Date.
- ☐ (2) The monthly Late Retirement benefit shall be the greater of: (1) the monthly retirement benefit accrued as of the Participant's Normal Retirement Date, actuarially increased in accordance with the actuarial table contained in Section 12.05 of the Master Plan; or (2) the monthly retirement benefit accrued as of the Participant's Late Retirement Date, without further actuarial adjustment under Section 12.06 of the Master Plan.

E. Monthly Disability Benefit Amount

The amount of the monthly Disability Benefit shall be computed in the same manner as the Normal Retirement benefit, based upon the Participant's Accrued Benefit as of his Disability Retirement Date.

Minimum Disability Benefit. The Adopting Employer may set a minimum Disability Benefit. The Employer elects the following minimum Disability benefit (**check one**):

- ☐ Not applicable (the Adopting Employer does not offer disability retirement benefits under the Plan).
- ☐ No minimum is established.
- ☒ No less than (**check one**): ☒ 20% ☐ 10% ☐ ____% (**if other than 20% or 10% insert percentage amount**) of the Participant's average monthly Earnings for the 12 calendar month period (excluding any period of unpaid leave of absence) immediately preceding his Termination of Employment as a result of a Disability. (Unless otherwise specified in an Addendum to the Adoption Agreement, no minimum will apply to elected or appointed members of the Governing Authority or Municipal Legal Officers.)
- ☐ No less than (**check one**): ☐ 66 2/3 % ☐ ____% (**if other than 66 2/3%, insert percentage amount**) of the Participant's average monthly Earnings for the 12 calendar month period (excluding any period of unpaid leave of absence) immediately preceding his Termination of Employment as a result of a Disability, less any monthly benefits paid from federal Social Security benefits as a result of disability as reported by the Employer. (Unless otherwise specified in an Addendum to the Adoption Agreement, no minimum will apply to elected or appointed members of the Governing Authority or Municipal Legal Officers.)

Note: The Adopting Employer is responsible for reporting to GMEBS any amounts to be used in an offset.

F. Minimum/Maximum Benefit For Elected Officials

In addition to any other limitations imposed by federal or state law, the Employer may impose a cap on the monthly benefit amount that may be received by elected or appointed members of the Governing Authority. The Employer elects (**check one**):

- ☐ Not applicable (elected or appointed members of the Governing Authority do not participate in the Plan).
- ☒ No minimum or maximum applies.
- ☐ Monthly benefit for Service as an elected or appointed member of the Governing Authority may not exceed 100% of the Participant's final salary as an elected or appointed member of the Governing Authority.
- ☐ Other minimum or maximum (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**):
_____.

16. SUSPENSION OF BENEFITS FOLLOWING BONA FIDE SEPARATION OF SERVICE; COLA

A. Re-Employment as Eligible Employee After Normal, Alternative Normal, or Early Retirement and Following Bona Fide Separation of Service (see Master Plan Section 6.06(c) Regarding Re-Employment as an Ineligible Employee and Master Plan Section 6.06(e) and (f) Regarding Re-Employment After Disability Retirement)

(1) Reemployment After Normal or Alternative Normal Retirement. In the event that a Retired Participant 1) is reemployed with the Employer as an Eligible Employee (as defined in the Plan) after his Normal or Alternative Normal Retirement Date and after a Bona Fide Separation from Service, or 2) is reemployed with the Employer in an Ineligible Employee class, and subsequently again becomes an Eligible Employee (as defined in the Plan) due to the addition of such class to the Plan after his Normal or Alternative Normal Retirement Date, the following rule shall apply (**check one**):

- ☐ (a) The Participant's benefit shall be suspended in accordance with Section 6.06(a)(1) of the Master Plan for as long as the Participant remains employed.
- ☒ (b) The Participant may continue to receive his retirement benefit in accordance with Section 6.06(b) of the Master Plan. This rule shall apply to (**check one**): ☒ all Retired Participants ☐ only the following classes of Retired Participants (**must specify (specific positions are permissible; specific individuals may not be named) - benefits of those Retired Participants not listed shall be suspended in accordance with Section 6.06(a) of the Master Plan if they return to work with the Employer**): _____.

(2) Reemployment After Early Retirement. In the event a Participant Retires with an Early Retirement benefit after a Bona Fide Separation from Service 1) is reemployed with the Employer as an Eligible Employee before his Normal Retirement Date; or 2) is reemployed with the Employer in an Ineligible Employee class, and subsequently again becomes an Eligible Employee (as defined in the Plan) before his Normal Retirement Date due to the addition of such class to the Plan, the following rule shall apply **(check one or more as applicable)**:

- (a) ☐ The Participant's Early Retirement benefit shall be suspended in accordance with Section 6.06(a)(1) of the Master Plan for as long as the Participant remains employed.

This rule shall apply to **(check one)**: ☐ all Retired Participants; ☐ only the following classes of Retired Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:

- (b) ☒ The Participant's Early Retirement benefit shall be suspended in accordance with Section 6.06(a)(1) of the Master Plan. However, the Participant may begin receiving benefits after he satisfies the qualifications for Normal Retirement or Alternative Normal Retirement, as applicable, and after satisfying the minimum age parameters of Section 6.06(a)(3) of the Master Plan, in accordance with Section 6.06(b)(2)(B)(i) of the Master Plan.

This rule shall apply to **(check one)**: ☒ all Retired Participants; ☐ only the following classes of Retired Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:

- (c) ☐ The Participant's Early Retirement benefit shall continue in accordance with Section 6.06(b)(2)(B)(ii) of the Master Plan.

This rule shall apply to **(check one)**: ☐ all Retired Participants; ☐ only the following classes of Retired Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:

B. Cost Of Living Adjustment

The Employer may elect to provide for an annual cost-of-living adjustment (COLA) in the amount of benefits being received by Retired Participants and Beneficiaries, which shall be calculated and paid in accordance with the terms of the Master Plan. The Employer hereby elects the following **(check one)**:

- ☒ (1) No cost-of-living adjustment.
- ☐ (2) Variable Annual cost-of-living adjustment not to exceed _____% **(insert percentage)**.

- ☐ (3) Fixed annual cost-of-living adjustment equal to _____% **(insert percentage)**.

The above cost-of-living adjustment shall apply with respect to the following Participants (and their Beneficiaries) **(check one)**:

- ☒ All Participants (and their Beneficiaries).
- ☐ Participants (and their Beneficiaries) who terminate employment on or after _____ **(insert date)**.
- ☐ Other **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)); specific positions are permissible; specific individuals may not be named)**: _____.

The Adjustment Date for the above cost-of-living adjustment shall be (if not specified, the Adjustment Date shall be January 1): _____.

17. TERMINATION OF EMPLOYMENT BEFORE RETIREMENT; VESTING

A. Eligible Regular Employees

Subject to the terms and conditions of the Master Plan, a Participant who is an Eligible Regular Employee and whose employment is terminated for any reason other than death or retirement shall earn a vested right in his accrued retirement benefit in accordance with the following schedule **(check one)**:

- ☐ **No vesting schedule (immediate vesting).**
- ☒ **Cliff Vesting Schedule.** Benefits shall be 100% vested after the Participant has a minimum of 5 years **(insert number not to exceed 10)** of Total Credited Service. Benefits remain 0% vested until the Participant satisfies this minimum.
- ☐ **Graduated Vesting Schedule.** Benefits shall become vested in accordance with the following schedule **(insert percentages)**:

<u>COMPLETED YEARS OF TOTAL CREDITED SERVICE</u>	<u>VESTED PERCENTAGE</u>
1	%
2	%
3	%
4	%
5	%
6	%
7	%
8	%

9	%
10	%

Exceptions: If a vesting schedule other than that specified above applies to a special class(es) of Regular Employees, the Employer must specify the different vesting schedule below and the class(es) to whom the different vesting schedule applies.

Regular Employees to whom exception applies (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

Vesting Schedule for excepted class (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

B. Elected or Appointed Members of the Governing Authority

Subject to the terms and conditions of the Master Plan, a Participant who is an elected or appointed member of the Governing Authority or a Municipal Legal Officer shall earn a vested right in his accrued retirement benefit for Credited Service in such capacity in accordance with the following schedule (**check one**):

- ☐ Not applicable (elected or appointed members of the Governing Authority are not permitted to participate in the Plan).
- ☐ No vesting schedule (immediate vesting).
- ☒ Other vesting schedule (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): **For elected or appointed members of the Governing Authority who first take office on or after January 1, 2016, benefits shall be 100% Vested after the Participant has a minimum of 4 years and one month of Total Credited Service. Benefits remain 0% Vested until the elected or appointed official satisfies this minimum. No minimum service requirement will apply for vesting purposes to an elected or appointed member of the Governing Authority who first took office prior to January 1, 2016, i.e., any such elected or appointed member will be immediately Vested in his or her accrued retirement benefit attributable to Credited Service as an elected or appointed member of the Governing Authority.**

18. PRE-RETIREMENT DEATH BENEFITS

A. In-Service Death Benefit

Subject to the terms and conditions of the Master Plan, the Employer hereby elects the following in-service death benefit, to be payable in the event that an eligible Participant's employment with the Employer is terminated by reason of the Participant's death prior to Retirement (**check and complete one**):

- (1) ☐ **Auto A Death Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, equal to the decreased monthly retirement benefit that would have otherwise been payable to the Participant, had he elected a 100% joint and survivor benefit under Section 7.03 of the Master Plan. In order to be eligible for this benefit, a Participant must meet the following requirements (**check one**):
- ☐ The Participant must be vested in a normal retirement benefit.
 - ☐ The Participant must have _____ years (**insert number**) of Total Credited Service.
 - ☐ The Participant must be eligible for Early or Normal Retirement.
 - ☐ Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.
- (2) ☒ **Actuarial Reserve Death Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, actuarially equivalent to the reserve required for the Participant's anticipated Normal Retirement benefit, provided the Participant meets the following eligibility conditions (**check one**):
- ☒ The Participant shall be eligible upon satisfying the eligibility requirements of Section 8.02(c) of the Master Plan.
 - ☐ The Participant must have _____ years (**insert number**) of Total Credited Service.
 - ☐ Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

Imputed Service. For purposes of computing the actuarial reserve death benefit, the Participant's Total Credited Service shall include (**check one**):

- ☐ Total Credited Service accrued prior to the date of the Participant's death.
- ☒ Total Credited Service accrued prior to the date of the Participant's death, plus (**check one**): ☒ one-half (½) ☐ _____ (**insert other fraction**) of the Service between such date of death and what would otherwise have been the Participant's Normal Retirement Date. (**See Master Plan Section 8.02(b) regarding 10-year cap on additional Credited Service.**)

Minimum In-Service Death Benefit for Vested Employees Equal to Terminated Vested Death Benefit. Unless otherwise specified under "Exceptions" below, if a Participant's employment is terminated by reason of the Participant's death prior to Retirement, and if as of the date of death the Participant is vested but he does not qualify for the in-service death benefit, then the Auto A

Death Benefit will be payable, provided the Auto A Death Benefit is made available to terminated vested employees under the Adoption Agreement (see "Terminated Vested Death Benefit" below).

(3) **Exceptions:** If an in-service death benefit other than that specified above applies to one or more classes of Participants, the Employer must specify below the death benefit payable, the class(es) to whom the different death benefit applies, and the eligibility conditions for said death benefit.

Alternative Death Benefit (must specify formula that satisfies the definite written program and definitely determinable requirements of Treasury Regulations Sections 1.401-1(a)(2) and 1.401-1(b)(1)(i) and does not violate limits applicable to governmental plans under Code Sections 401(a)(17) and 415): _____.

Participants to whom alternative death benefit applies (must specify - specific positions are permissible; specific individuals may not be named): _____.

Eligibility conditions for alternative death benefit (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

B. Terminated Vested Death Benefit

(1) **Complete this Section only if the Employer offers a terminated vested death benefit.** The Employer may elect to provide a terminated vested death benefit, to be payable in the event that a Participant who is vested dies after termination of employment but before Retirement benefits commence. Subject to the terms and conditions of the Master Plan, the Employer hereby elects the following terminated vested death benefit (**check one**):

- ☒ **Auto A Death Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, equal to the decreased monthly retirement benefit that would have otherwise been payable to the Participant had he elected a 100% joint and survivor benefit under Section 7.03 of the Master Plan.
- ☐ **Accrued Retirement Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary which shall be actuarially equivalent to the Participant's Accrued Normal Retirement Benefit determined as of the date of death.

(2) **Exceptions:** If a terminated vested death benefit other than that specified above applies to one or more classes of Participants, the Employer must specify below the death benefit payable, the class(es) to whom the different death benefit applies, and the eligibility conditions for said death benefit.

Alternative Death Benefit (must specify formula that satisfies the definite written program and definitely determinable requirements of Treasury Regulations Sections 1.401-1(a)(2) and 1.401-1(b)(1)(i) and does not violate limits applicable to governmental plans under Code Sections 401(a)(17) and 415): _____.

Participants to whom alternative death benefit applies (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

Eligibility conditions for alternative death benefit (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

19. EMPLOYEE CONTRIBUTIONS

(1) Employee contributions (check one):

- ☐ Are not required.
- ☐ Are required in the amount of _____ % (**insert percentage**) of Earnings for all Participants.
- ☒ Are required in the amount of **2.0%** (**insert percentage**) of Earnings for Participants in the following classes (**must specify - specific positions are permissible; specific individuals may not be named**): **(1) Eligible Regular Employees who were employed on March 1, 2003 and who elected during the month of February, 2003 to contribute 2% of their Earnings to the Plan, in exchange for the opportunity to receive the Enhanced Rule of 75 Benefit, regardless of whether said Participants Terminate and become reemployed; (2) Participants who are initially employed after March 1, 2003 as Eligible Regular Employees, regardless of whether said Participants Terminate and become reemployed; and (3) Participants who were initially employed prior to March 1, 2003 but were not employed during the month of February, 2003, and who become reemployed by the City as Eligible Regular Employees on or after March 1, 2003, regardless of whether said Participants Terminate and become reemployed.**

[Repeat above subsection as necessary if more than one contribution rate applies.]

(2) Pre-Tax Treatment of Employee Contributions. If Employee Contributions are required in Subsection (1) above, an Adopting Employer may elect to "pick up" Employee Contributions to the Plan in accordance with IRC Section 414(h). In such case, Employee Contributions shall be made on a pre-tax rather than a post-tax basis, provided the requirements of IRC Section 414(h) are met. If the Employer elects to pick up Employee Contributions, it is the Employer's responsibility to ensure that Employee Contributions are paid and reported in accordance with IRC Section 414(h). The Adopting Employer must not report picked up contributions as wages subject to federal income tax withholding.

The Employer hereby elects (**check one**):

- ☒ To pick up Employee Contributions. By electing to pick up Employee Contributions, the Adopting Employer specifies that the contributions, although designated as Employee Contributions, are being paid by the Employer in lieu of

Employee Contributions. The Adopting Employer confirms that the executor of this Adoption Agreement is duly authorized to take this action as required to pick up contributions. This pick-up of contributions applies prospectively, and it is evidenced by this contemporaneous written document. On and after the date of the pick-up of contributions, a Participant does not have a cash or deferred election right (within the meaning of Treasury Regulation Section 1.401(k)-1(a)(3)) with respect to the designated Employee Contributions, which includes not having the option of receiving the amounts directly instead of having them paid to the Plan.

☐ Not to pick up Employee Contributions.

(3) Interest on Employee Contributions. The Adopting Employer may elect to pay interest on any refund of Employee Contributions.

☐ Interest shall not be paid.

☒ Interest shall be paid on a refund of Employee Contributions at a rate established by GMEBS from time to time.

☐ Other rate of interest **(must specify rate in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)):**

20. MODIFICATION OF THE TERMS OF THE ADOPTION AGREEMENT

If an Adopting Employer desires to amend any of its elections contained in this Adoption Agreement (or any Addendum), the Governing Authority by official action must adopt an amendment of the Adoption Agreement (or any Addendum) or a new Adoption Agreement (or Addendum) must be adopted and forwarded to the Board for approval. The amendment of the new Adoption Agreement (or Addendum) is not effective until approved by the Board and other procedures required by the Plan have been implemented.

The Administrator will timely inform the Adopting Employer of any amendments made by the Board to the Plan.

21. TERMINATION OF THE ADOPTION AGREEMENT

This Adoption Agreement (and any Addendum) may be terminated only in accordance with the Plan. The Administrator will inform the Adopting Employer in the event the Board should decide to discontinue this volume submitter program.

22. EMPLOYER ADOPTION AND AUTHORIZATION FOR AMENDMENTS

Adoption. The Adopting Employer hereby adopts the terms of the Adoption Agreement and any Addendum, which is attached hereto and made a part of this ordinance. The Adoption Agreement (and, if applicable, the Addendum) sets forth the Employees to be covered by the Plan, the benefits to be provided by the Adopting Employer under the Plan, and any conditions imposed by the Adopting Employer with respect to, but not inconsistent with, the Plan. The Adopting Employer reserves the right to amend its elections under the Adoption Agreement and any Addendum, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Board of Trustees of GMEBS. The Adopting Employer acknowledges that it may not be able to rely on the volume submitter advisory letter if it makes certain elections under the Adoption Agreement or the Addendum.

The Adopting Employer hereby agrees to abide by the Master Plan, Trust Agreement, and rules and regulations adopted by the Board of Trustees of GMEBS, as each may be amended from time to time, in all matters pertaining to the operation and administration of the Plan. It is intended that the Act creating the Board of Trustees of GMEBS, this Plan, and the rules and regulations of the Board are to be construed in harmony with each other. In the event of a conflict between the provisions of any of the foregoing, they shall govern in the following order:

- (1) The Act creating the Board of Trustees of The Georgia Municipal Employees' Benefit System, O.C.G.A. Section 47-5-1 *et seq.* (a copy of which is included in the Appendix to the Master Defined Benefit Plan Document) and any other applicable provisions of O.C.G.A. Title 47;
- (2) The Master Defined Benefit Plan Document and Trust Agreement;
- (3) This Ordinance and Adoption Agreement (and any Addendum); and
- (4) The rules and regulations of the Board.

In the event that any section, subsection, sentence, clause or phrase of this Plan shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions or the other section or sections, subsections, sentences, clauses or phrases of this Plan, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part hereof. The Governing Authority hereby declares that it would have passed the remaining parts of this Plan or retained the previously existing provisions if it had known that such part or parts hereof would be declared or adjudicated invalid or unconstitutional.

This Adoption Agreement (and any Addendum) may only be used in conjunction with Georgia Municipal Employees Benefit System Master Defined Benefit Retirement Plan Document approved by the Internal Revenue Service under advisory letter J501718a dated March 30, 2018. The Adopting Employer understands that failure to properly complete this Adoption Agreement (or any Addendum), or to operate and maintain the Plan and Trust in accordance with the terms of the completed Adoption Agreement (and any Addendum), Master Plan Document and Trust, may result in disqualification of the Adopting Employer's Plan under the Internal Revenue Code.

Inquiries regarding the adoption of the Plan, the meaning of Plan provisions, or the effect of the IRS advisory letter should be directed to the Administrator. The Administrator is Georgia Municipal Employees Benefit System, with its primary business offices located at: 201 Pryor Street, SW, Atlanta, Georgia, 30303. The business telephone number is: (404) 688-0472. The primary person to contact is: GMEBS Legal Counsel.

Authorization for Amendments. Effective on and after February 17, 2005, the Adopting Employer hereby authorizes the volume submitter practitioner who sponsors the Plan on behalf of GMEBS to prepare amendments to the Plan, for approval by the Board, on its behalf as provided under Revenue Procedure 2005-16, as superseded by Revenue Procedure 2015-36, Revenue Procedure 2011-49, and Announcement 2005-37. Effective January 1, 2013, Georgia Municipal Association, Inc., serves as the volume submitter practitioner for the Plan. Employer notice and signature requirements were met for the Adopting Employer before the effective date of February 17, 2005. The Adopting Employer understands that the implementing amendment reads as follows:

On and after February 17, 2005, the Board delegates to the Practitioner the authority to advise and prepare amendments to the Plan, for approval by the Board, on behalf of all Adopting Employers, including those Adopting Employers who have adopted the Plan prior to the January 1, 2013, restatement of the Plan, for changes in the Code, the regulations thereunder, revenue rulings, other statements published by Internal Revenue Service, including model, sample, or other required good faith amendments (but only if their adoption will not cause such Plan to be individually designed), and for corrections of prior approved plans. These amendments shall be applied to all Adopting Employers. Employer notice and signature requirements have been met for all Adopting Employers before the effective date of February 17, 2005. In any event, any amendment prepared by the Practitioner and approved by the Board will be provided by the Administrator to Adopting Employers.

Notwithstanding the foregoing paragraph, no amendment to the Plan shall be prepared on behalf of any Adopting Employer as of either:

- the date the Internal Revenue Service requires the Adopting Employer to file Form 5300 as an individually designed plan as a result of an amendment by the Adopting Employer to incorporate a type of Plan not allowable in a volume submitter plan as described in Revenue Procedure 2015-36; or
- as of the date the Plan is otherwise considered an individually designed plan due to the nature and extent of the amendments.

If the Adopting Employer is required to obtain a determination letter for any reason in order to maintain reliance on the advisory letter, the Practitioner's authority to amend the Plan on behalf of the Adopting Employer is conditioned on the Plan receiving a favorable determination letter.

The Adopting Employer further understands that, if it does not give its authorization hereunder or, in the alternative, adopt another pre-approved plan, its Plan will become an individually designed plan and will not be able to rely on the volume submitter advisory letter.

AN ORDINANCE (continued from page 1)

Section 2. Except as otherwise specifically required by law or by the terms of the Master Plan or Adoption Agreement (or any Addendum), the rights and obligations under the Plan with respect to persons whose employment with the City was terminated or who vacated his office with the City for any reason whatsoever prior to the effective date of this Ordinance are fixed and shall be governed by such Plan, if any, as it existed and was in effect at the time of such termination.

Section 3. The effective date of this Ordinance shall be April 1, 2020.

Section 4. All Ordinances and parts of ordinances in conflict herewith are expressly repealed.

Approved by the Mayor and Council of the City of Kennesaw, Georgia this _____ day of _____, 20____.

Attest:

CITY OF KENNESAW, GEORGIA

City Clerk

Mayor

(SEAL)

Approved:

City Attorney

The terms of the foregoing Adoption Agreement are approved by the Board of Trustees of Georgia Municipal Employees Benefit System.

IN WITNESS WHEREOF, the Board of Trustees of Georgia Municipal Employees Benefit System has caused its Seal and the signatures of its duly authorized officers to be affixed this _____ day of _____, 20____.

Board of Trustees
Georgia Municipal Employees
Benefit System

(SEAL)

Secretary



RISK MANAGEMENT AND
EMPLOYEE BENEFIT SERVICE
BOARD OF TRUSTEES

January 29, 2020

Chairman

W. D. Palmer, III
Councilmember, Camilla

Vice Chairman

Rebecca L. Tydings
City Attorney, Centerville

Secretary-Treasurer

Larry H. Hanson
Executive Director

Trustees:

Boyd Austin
Mayor, Dallas

Shelly Berryhill
Councilmember, Hawkinsville

Linda Blechinger
Mayor, Auburn

Ronald Feldner
City Manager, Garden City

Marcia Hampton
City Manager, Douglasville

Meg Kelsey
City Manager, LaGrange

Sam Norton
Mayor, Dahlonaga

David Nunn
City Manager, Madison

James F. Palmer
Mayor, Calhoun

Kenneth L. Ustry
Mayor, Thomson

Clemontine Washington
Mayor Pro Tem, Midway

Vince Williams
Mayor, Union City

TRANSMITTED VIA E-MAIL & U.S. MAIL
(kcooper@kennesaw-ga.com)

Mr. Kiel Cooper
City Manager
City of Kennesaw
2529 J. O. Stephenson Ave., NW
Kennesaw, Georgia 30144-2780

**Re: City of Kennesaw Georgia Municipal Employees Benefit System (GMEBS)
Defined Benefit Retirement Plan; Mandatory Restatement**

Dear Mr. Cooper:

Per our discussion, enclosed are a restated Adoption Agreement and General Addendum for the City of Kennesaw's Georgia Municipal Employees Benefit System ("GMEBS") Defined Benefit Retirement Plan ("Plan") for approval by the City. As you are aware, to protect the Plan's tax-qualified status and ensure it is compliant with applicable federal tax law, GMEBS periodically files the Master Retirement Plan Document ("Master Plan"), Adoption Agreement, General Addendum and related Plan documents with the Internal Revenue Service ("IRS"). The GMEBS Plan documents were most recently filed with the IRS on January 21, 2014, and on March 30, 2018, the IRS issued a favorable advisory letter ("IRS determination letter") for the restated GMEBS Plan documents. The IRS determination letter provides assurance to employers providing requirement benefits for employees through the GMEBS Plan that GMEBS is maintaining a qualified pension benefit program that allows employees to accrue benefits tax-free until retirement benefits are distributed to them.

To ensure continued tax-qualified status for all GMEBS-member retirement plans, we are requiring all participating employers to adopt the IRS-approved plan documents. Please note that the City does not need to adopt the Master Plan. We have completed the enclosed restated Adoption Agreement and General Addendum to include the benefit and eligibility provisions that are currently in place under the City's plan. As you are aware, in drafting the restated Adoption Agreement and General Addendum for the City, we noticed that certain situations were not clearly addressed in the Plan documents. Following communication with you, we have amended the Plan documents to clarify these situations, as described below.

Employee Contributions Following Reemployment – The draft Adoption Agreement and General Addendum make it explicit that *all* employees (other than employees who elected in February 2003 *not* to make employee contributions) are required to make employee contributions following reemployment. This requirement is not contingent on whether an employee who had previously made employee contributions and received a return of contributions following a termination of employment repays his or her employee contributions following reemployment. See Adoption Agreement, p. 34 and General Addendum, paragraphs 15(a)(ix), (x) and (xvi).

Withdrawal of Employee Contributions before Meeting the Rule of 75; Repayment of Withdrawn Employee Contributions Upon Reemployment – The draft General Addendum clarifies provisions relating to refunding and repayment of employee contributions with respect to the following participants in the event they terminate employment before reaching the Rule of 75, and later become employed: (1) employees who elected, in February 2003 to make employee contributions in exchange for the opportunity to qualify for the Enhanced Rule of 75, (2) employees initially hired after March 1, 2003 but before April 1, 2020, and (3) employees initially hired before March 1, 2003 who were not in service during February 2003 but were rehired on or after March 1, 2003. The draft General Addendum provides that if such a participant terminates prior to meeting the Enhanced Rule of 75, his or her employee contributions will automatically be refunded. Consequently, the participant will lose the opportunity to qualify for the Enhanced Rule of 75, but will retain his or her Credited Service for all other purposes. If the participant becomes reemployed, the participant will have up to one year following reemployment to repay his or her refunded contributions, plus interest, and restore the opportunity to qualify for the Enhanced Rule of 75. **Regardless of whether the participant makes this repayment, he or she is required to make employee contributions during the period of reemployment.** If the participant terminates again without repaying his or her refunded employee contributions and reaching the Rule of 75, his or her employee contributions will be refunded. See General Addendum paragraphs 15(a)(viii) and (ix).

Employees Initially Hired before April 1, 2020, Who Make Employee Contributions and Qualify for the Enhanced Rule of 75 upon Termination Can Receive a Refund of Contributions and Still Qualify for Early or Normal Retirement - Section 15(a)(xv) of the General Addendum provides that if a participant who was hired before April 1, 2020 and makes employee contributions under the Plan is eligible for the Enhanced Rule of 75 upon termination, he or she can request a refund of employee contributions and forfeit the Enhanced Rule of 75 (and the 36-month final average earnings). In this case, the participant can still be eligible for Early or Normal Retirement benefits. The participant's final average earnings would be based on a 60-month period rather than on the 36-month period that is applicable under the Enhanced Rule of 75.

Treatment of Employees Initially Hired on or after April 1, 2020 – Pursuant to your direction, paragraph 15(a)(xvi) of the General Addendum provides that an employee who is initially hired on or after April 1, 2020, will be subject to the rules in Section 13.03 of the Master Plan with respect to withdrawal of employee contributions and repayment of employee contributions following reemployment. This means that if such an employee receives a refund of employee contributions, he or she will forfeit all credited service under the Plan, for all purposes (e.g., vesting, eligibility for early, normal and Rule of 75 retirement, and benefit computation). If such an employee is later rehired, the employee will have six months to repay his or her withdrawn employee contributions in order to restore his or her prior service credit under the plan.

Employees Who Opted Out Prior to March 1, 2003 – Subsection 15(b) of the General Addendum indicates employees who elected prior to March 1, 2003 not to participate in the Plan are not permitted to participate in the Plan on or after March 1, 2003 and do not receive service credit under the Plan for any purpose with respect to their employment before or after March 1, 2003. We amended p. 5 of the Adoption Agreement to also state that these employees are exempt from participation in the Plan.

Mr. Kiel Cooper
January 29, 2020
Page 3

In-Service Distribution of Benefits – The amendment provides that only those participants currently receiving an in-service distribution of benefits as of March 31, 2020, will be able to draw benefits while in-service. No one will be able to start drawing in-service distribution on or after April 1, 2020 (see Adoption Agreement, pp. 15-18). Additionally, it eliminates the provision in Section 16(c) of the city's current General Addendum creating an exception to the Plan's minimum age limit for in-service distribution of retirement benefits. It is our understanding that no one under the age of 62 is currently receiving in-service distribution. Because it appears the provision creating an exception to the minimum age for in-service distribution is no longer necessary, we have not carried it forward in the attached draft Addendum.

The restated Plan documents are drafted to take effect April 1, 2020. Given the IRS timeline, **we ask that the City adopt the restated documents and return the executed documents to us no later than March 15, 2020.** Please mail the executed documents to:

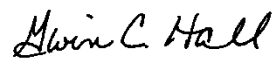
Ms. Gina Gresham
GMA Legal Assistant
c/o Georgia Municipal Association
P.O. Box 105377
Atlanta, GA 30348

We will then countersign the originals and return the fully executed documents to you for your files.

Finally, please note the provisions in Section 15 of the General Addendum do not fit squarely within the standard (pre-approved) GMEBS General Addendum format. Thus, it will be necessary to file the General Addendum with the IRS for a separate determination letter. We will be in touch with you about this filing after we receive the executed Adoption Agreement and General Addendum from the City.

If you have any questions about the information provided in this letter or require further information, please feel free to contact me at (678) 686-6212 or ghall@gacities.com.

Sincerely,



Gwin Hall
Senior Associate General Counsel

Encl.

C: Mr. Randall Bentley, City Attorney, City of Kennesaw (w/ encl.)
Ms. Marinetty Bienvenu, Director, Defined Benefit Retirement Services (w/o encl.)
Ms. Michelle Warner, Director, Retirement Field Services (w/o encl.)
Ms. Caroline Dorsey, Associate General Counsel (w/o encl.)

**CITY OF KENNESAW
PENSION COMMITTEE
MINUTES
TUESDAY, FEBRUARY 4, 2020
9:00 AM, TRAINING ROOM**

Attendees: Councilmember Tracey Viars, Chair
Jeff Drobney, City Manager
Stephanie Sordelet, Human Resources
Debra Taylor, City Clerk
Ann Parsons, Smith-Gilbert Gardens
Rick Arnold, Information Technology
Miranda Jones, Community Development
RoseAnn Kesterson, Public Works
Walker MacGregor, Police
Brittani Farmer, Parks & Recreation
Paul Sprague, General Administration/GIS
Jose Cortada, Finance
Nichole Alexander, Museum
Kiel Cooper, HR Guest

Absent: Nikki McGraw, 911

Pension Committee Chair Tracey Viars opened the meeting at 9:02 to discuss proposed plan changes with Georgia Municipal Association Benefit System (GMEBS). City Manager Jeff Drobney presented the stipulations that must be met in our plan with GMEBS to maintain pre-tax status for the IRS as new laws were passed by the IRS, and to capitalize definitions. All GMEBS participants are required to make these updates. One City change is also being addressed regarding in-service benefits. Below is a synopsis.

- 1) Employee Contributions Following Reemployment – The draft Adoption Agreement and General Addendum make it explicit that all employees (other than employees who elected in February 2003 not to make employee contributions) are required to make employee contributions following reemployment. This requirement is not contingent on whether an employee who had previously made employee contributions and received a return of contributions following a termination of employment repays his or her employee contributions following reemployment.
- 2) Withdrawal of Employee Contributions before Meeting the Rule of 75; Repayment of Withdrawn Employee Contributions Upon Reemployment – The draft General Addendum clarifies provisions relating to refunding and repayment of employee contributions with respect to the following participants in the event they terminate employment before reaching the Rule of 75, and later become employed: (1) employees who elected, in February 2003 to make employee contributions in exchange for the opportunity to qualify for the Enhanced Rule of 75, (2) employees initially hired after March 1, 2003 but before April 1, 2020, and (3) employees initially hired before March 1, 2003 who were not in service during February 2003

but were rehired on or after March 1, 2003. The draft General Addendum provides that if such a participant terminates prior to meeting the Enhanced Rule of 75, his or her employee contributions will automatically be refunded. Consequently, the participant will lose the opportunity to qualify for the Enhanced Rule of 75, but will retain his or her Credited Service for all other purposes. If the participant becomes reemployed, the participant will have up to one year following reemployment to repay his or her refunded contributions, plus interest, and restore the opportunity to qualify for the Enhanced Rule of 75. Regardless of whether the participant makes this repayment, he or she is required to make employee contributions during the period of reemployment. If the participant terminates again without repaying his or her refunded employee contributions and reaching the Rule of 75, his or her employee contributions will be refunded.

- 3) Employees Initially Hired before April 1, 2020, Who Make Employee Contributions and Qualify for the Enhanced Rule of 75 upon Termination Can Receive a Refund of Contributions and Still Qualify for Early or Normal Retirement - Section 15(a)(xv) of the General Addendum provides that if a participant who was hired before April 1, 2020 and makes employee contributions under the Plan is eligible for the Enhanced Rule of 75 upon termination, he or she can request a refund of employee contributions and forfeit the Enhanced Rule of 75 (and the 36-month final average earnings). In this case, the participant can still be eligible for Early or Normal Retirement benefits. The participant's final average earnings would be based on a 60-month period rather than on the 36-month period that is applicable under the Enhanced Rule of 75.
- 4) Treatment of Employees Initially Hired on or after April 1, 2020 – the General Addendum provides that an employee who is initially hired on or after April 1, 2020, will be subject to the rules in Section 13.03 of the Master Plan with respect to withdrawal of employee contributions and repayment of employee contributions following reemployment. This means that if such an employee receives a refund of employee contributions, he or she will forfeit all credited service under the Plan, for all purposes (e.g., vesting, eligibility for early, normal and Rule of 75 retirement, and benefit computation). If such an employee is later rehired, the employee will have six months to repay his or her withdrawn employee contributions in order to restore his or her prior service credit under the plan.
- 5) Employees Who Opted Out Prior to March 1, 2003 – Subsection 15(b) of the General Addendum indicates employees who elected prior to March 1, 2003 not to participate in the Plan are not permitted to participate in the Plan on or after March 1, 2003 and do not receive service credit under the Plan for any purpose with respect to their employment before or after March 1, 2003. We amended p. 5 of the Adoption Agreement to also state that these employees are exempt from participation in the Plan.
- 6) In-Service Distribution of Benefits – The amendment provides that only those participants currently receiving an in-service distribution of benefits as of March 31, 2020, will be able to draw benefits while in-service. No one will be able to start drawing in-service distribution on or after April 1, 2020 (see Adoption Agreement, pp. 15-18). Additionally, it eliminates the provision in Section 16(c) of the city's

current General Addendum creating an exception to the Plan's minimum age limit for in-service distribution of retirement benefits.

The restated Plan documents are drafted to take effect April 1, 2020.

Questions by the Pension Committee were answered thoroughly by the City Manager. These plan changes with GMEBS will be sent by them to the IRS no later than March 15, 2020.

Motion by Committee member Rick Arnold to accept the changes as presented and recommend approval to the Mayor and City Council, seconded by Committee member RoseAnn Kesterson. Vote taken, approved unanimously. Motion carried.

Meeting adjourned at 10:02 AM.

Respectfully submitted,


Debra Taylor
City Clerk

770-428-7474
1:31; 2:7-2020MDJ-5034
GPN-17**ABANDONED MOTOR VEHICLE
ADVERTISEMENT NOTICE
(REPAIR FACILITY)**

Vehicle Make: BMW Year: 2011
Model: 5-Series 528i
Vehicle ID #: WBAFR1C9B0C749407
Person who left vehicle at facility:
Ronnie Reynolds
Any information relating to owner:
Austell, GA

You are hereby notified, in accordance with OCGA 40-11-19 (b) (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 1731 Veterans Memorial Hwy SW Austell, GA 30168. Anyone with an ownership interest in this vehicle should contact the following business immediately:

Samuel Edwards
Any information relating to owner:
Douglasville, GA

You are hereby notified, in accordance with OCGA 40-11-19 (b) (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 3867 Bankhead Hwy, Douglasville, GA 30134. Anyone with an ownership interest in this vehicle should contact the following business immediately:

Cash Automotive
3867 Bankhead Hwy
Douglasville, GA 30134
678-732-8826
1:31; 2:7-2020

MDJ-5047
GPN-17**STORAGE TREASURES AUCTION**

Extra Space Storage will hold a public auction to sell personal property described below belonging to those individuals listed below at the location indicated:

3720 Tromore Pointe Pkwy, Austell, GA, 30106, February 19, 2020 at 1:00PM
Shontea Myers

3430
Bed, Three couches, mattress, totes
Denise McCullough

3323
bedroom set boxes washer dryer tvs

the Facility. The public sale to the highest bidder will occur as an Online Auction via www.storage-treasures.com on 2/19/2020 at 12:00 PM. Unless stated otherwise the description of the contents are household goods and furnishings. Sean McKesson unit #G4 contents: Entertainment System, Kids Toy Dirt Bike & Household goods; John W Ham Jr. unit #L22: Kay Moseley unit #N39. This sale may be withdrawn at any time without notice. Certain terms and conditions apply.

1:31; 2:7-2020

MDJ-5059
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 2/19/2020 at 12:00 PM. Unless stated otherwise the description of the contents are household goods and furnishings. Larhonda Filtzgerald unit #B19; Ernie Schlagen unit #F43. This sale may be withdrawn at any time without notice. Certain terms and conditions apply.

1:31; 2:7-2020

MDJ-5063
GPN-17**Notice of Self Storage Sale**

Please take notice Prime Storage - Acworth East 2645 Hickory Grove Rd., Acworth, GA 30101 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 2/19/2020 at 12:00 PM. Unless stated otherwise the description of the contents are household goods and furnishings. Valentin Oniliveros unit #MC26; Terri Mills unit #MD19; Joshua Mills unit #MD5 & #MD6; Tramoine Moulds/ALL PROFESSIONAL HEATING & AIR unit #M134; May Linda Stewart unit #M144; Donald Langley unit #M145; Denise Smith unit #M16. This sale may be withdrawn at any time without notice. Certain terms and conditions apply.

1:31; 2:7-2020

MDJ-5063
GPN-17**Notice of Self Storage Sale**

Please take notice Prime Storage - Acworth East 2645 Hickory Grove Rd., Acworth, GA 30101 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 2/19/2020 at 12:00 PM. Unless stated otherwise the description of the contents are household goods and furnishings. Valentin Oniliveros unit #MC26; Terri Mills unit #MD19; Joshua Mills unit #MD5 & #MD6; Tramoine Moulds/ALL PROFESSIONAL HEATING & AIR unit #M134; May Linda Stewart unit #M144; Donald Langley unit #M145; Denise Smith unit #M16. This sale may be withdrawn at any time without notice. Certain terms and conditions apply.

1:31; 2:7-2020

MDJ-5063
GPN-17**Notice of Self Storage Sale**

Please take notice Prime Storage - Acworth East 2645 Hickory Grove Rd., Acworth, GA 30101 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 2/19/2020 at 12:00 PM. Unless stated otherwise the description of the contents are household goods and furnishings. Valentin Oniliveros unit #MC26; Terri Mills unit #MD19; Joshua Mills unit #MD5 & #MD6; Tramoine Moulds/ALL PROFESSIONAL HEATING & AIR unit #M134; May Linda Stewart unit #M144; Donald Langley unit #M145; Denise Smith unit #M16. This sale may be withdrawn at any time without notice. Certain terms and conditions apply.

1:31; 2:7-2020

1997 Toyota Camry RQS3685 GA
4T1BG22KXVU755618 20-L-00244
1995 Toyota Celica RRG2164 GA
JTZA700N450038821 20-L-00242
2008 Honda CR-V CBE5213 GA
JHLRE487X8C024577 20-L-00247
2010 Kia Forte BY14397 GA KNA-
FUA422A5828509 20-L-00232
2001 Volvo S80 BZ17885 GA YVIT-
S94D11214008 20-L-00245
2014 Kia Optima No Tag 5XXG-
M4A73EG268939 20-L-00250
1997 Honda CR-V QAD6446 GA
JHLRD1854VC037854 20-L-00246
2003 Honda Civic No Tag
1HGEM22983L051266 20-L-00243
2011 Ford Expedition P0222974 GA
1FMAJ1H53BEF27983 20-L-00234
2011 Chevrolet Impala RRG2733 GA
2G1WF5EKKXB1306512 20-L-00231
2005 Infiniti G35 PAC1799 GA
JNKCVC51E05M202597 20-L-00249
2002 Mercedes Benz S430 No Tag WDB-
NG70J12A308132 20-L-00233
1997 Saturn SL Series RN11678 GA
1G8ZT586VZ130755 20-L-00239
1:31; 2:7-2020

Atlanta, Georgia 30308

1:31; 2:7-2020

MDJ-5127
GPN-17**ABANDONED MOTOR VEHICLE
PETITION ADVERTISEMENT**

You are hereby notified, in accordance with O.C.G.A. Section 40-11-19.1, that petitions were filed in the Magistrate Court of Cobb County to foreclose liens against the vehicles listed below for all amounts owed. If a lien is foreclosed, the Court shall order the sale of the vehicle to satisfy the debt. The present location of the vehicle is: 344 Kathleen Dr. Se, Marietta GA 30067. Anyone with an ownership interest in a vehicle listed herein may file an answer to the petition on or before: 02/17/2020. Answer forms may be found in the Magistrate Court Clerk's office located at: 32 Waddell St SE, Marietta, GA 30090. Forms may also be obtained online at www.georgiamagistratecouncil.com

Vehicle make: FORD Year: 2007
Model: ECONOLINE E350
Vehicle ID# 1FTSE44X7DA74898
Vehicle License #: NONE State:
Magistrate Court Case No.: 20-L-00253
Vehicle make: CHEVROLET Year:
2007 Model: HHR LT
Vehicle ID# 3GNDA23D37S520843
Vehicle License #: BCU933 State: MI
Magistrate Court Case No.: 20-L-00251
Vehicle make: FORD Year: 2015
Model: FUSION
Vehicle ID# 3FA6P0H70FR266544
Vehicle License #: WVA526 State: GA
Magistrate Court Case No.: 20-L-00204

Model: TIBURON
Vehicle ID# KMHHG25F8YU200049 Vehicle License: CAL7481 State: GA
Vehicle make: CHEVROLET Year: 1979 Model: SILVERADO
Vehicle ID#00000CCL449A17889 Vehicle License: BPK2082 State: GA
Vehicle make: BUICK Year: 1999 Model: PARK AVENUE
Vehicle ID#G4CW52K3X4627541 Vehicle License: DV027U State: GA
Vehicle make: CHEVROLET Year: 2000 Model: MALIBU
Vehicle ID#1G1ND52JY6348722 Vehicle License: GPC5321 State: TX
Anyone with an ownership interest in any of these vehicles should contact the following business immediately:

K.O. Towing,
344 Kathleen Dr Se,
Marietta, GA 30067.
770-650-1413
1:31; 2:7-2020

MDJ-5138
GPN-17**ONLINE AUCTION**

TAG: NO TAG STATE:
VEHICLE MAKE: HONDA VEHICLE
YEAR: 1998 VEHICLE MODEL: ACCORD EX
VEHICLE ID# 1HGCCG658WA174945
TAG: RKN7669 STATE: GA
VEHICLE MAKE: HYUNDAI VEHICLE
YEAR: 2004 VEHICLE MODEL: SONATA
VEHICLE ID# KMHWF25S84A022239
TAG: RRX3683 STATE: GA
VEHICLE MAKE: JEEP VEHICLE
YEAR: 2011 VEHICLE MODEL: LIBERTY SPORT
VEHICLE ID# 1J4PN2GK7BW516806
TAG: IKXG85 STATE: FL
VEHICLE MAKE: KIA VEHICLE
YEAR: 2014 VEHICLE MODEL: OPTIMA
VEHICLE ID# 5XXGM4A70EG331690
TAG: RTF6095 STATE: GA
VEHICLE MAKE: NISSAN VEHICLE
YEAR: 2011 VEHICLE MODEL: SENTRA
VEHICLE ID# 3N1AB6APXBL653523
TAG: 6S5V72 STATE: TN
VEHICLE MAKE: TOYOTA VEHICLE
YEAR: 2007 VEHICLE MODEL: SEQUOIA SR5
VEHICLE ID# 5TDZT34A87S290627
TAG: RGJ7241 STATE: GA
VEHICLE MAKE: CHEVROLET VEHICLE
YEAR: 2000 VEHICLE MODEL: EL: ASTRO VAN
VEHICLE ID# 1GNDM19W0YB149809
TAG: ZC1326 STATE: GA
VEHICLE MAKE: CHEVROLET VEHICLE
YEAR: 1999 VEHICLE MODEL: EL: ASTRO VAN
VEHICLE ID# 1GCDM19W6XB162619

MDJ-5155
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 February 17, 2020 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 to adopt the Restated Adoption Agreement and General Addendum with Georgia Municipal Association Benefit System (GMEBS) Restated Defined Benefit Retirement Plan to comply with IRS guidelines. A 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.

1:31; 2:7-2020

MDJ-5194
GPN-17**STORAGE TREASURES AUCTION**MDJ-5231
GPN-9**NOTICE OF ELECTION OF
COBB COUNTY
SOIL AND WATER CONSERVATION
DISTRICT SUPERVISOR**
February 3, 2020

To all qualified voters in Cobb County: Notice is hereby given that on November 3, 2020, a non-partisan election will be held to elect 2 supervisor(s) for Cobb County in the Cobb County Soil and Water Conservation District. District Supervisors serve as unpaid state officials who represent their counties in support of soil and water conservation activities.

March 6, 2020, is the last day on which nominations for candidates for the election will be accepted. The signatures of at least 25 qualified electors of the county are required to nominate a candidate. Candidates must also be qualified electors of the county. Nominating petitions must be received in the office of the Cobb County Election Superintendent at 736 Whitlock Avenue Suite 400, Marietta, GA not later than 12:00 noon on March 6, 2020. Petitions may be obtained from the Conservation Commission at the address below, from the Commissions website at www.gaswcc.org or from the Election Superintendent of Cobb County.

GEORGIA SOIL AND WATER
CONSERVATION COMMISSION
Mitch Attaway,
Executive Director
4310 Lexington Road
Atlanta, GA 30605

2005 Toyota Camry RQS3685 GA
4T1BG22KXVU755618 20-L-00244
1995 Toyota Celica RRG2164 GA
JTZA700N450038821 20-L-00242
2008 Honda CR-V CBE5213 GA
JHLRE487X8C024577 20-L-00247
2010 Kia Forte BY14397 GA KNA-
FUA422A5828509 20-L-00232
2001 Volvo S80 BZ17885 GA YVIT-
S94D11214008 20-L-00245
2014 Kia Optima No Tag 5XXG-
M4A73EG268939 20-L-00250
1997 Honda CR-V QAD6446 GA
JHLRD1854VC037854 20-L-00246
2003 Honda Civic No Tag
1HGEM22983L051266 20-L-00243
2011 Ford Expedition P0222974 GA
1FMAJ1H53BEF27983 20-L-00234
2011 Chevrolet Impala RRG2733 GA
2G1WF5EKKXB1306512 20-L-00231
2005 Infiniti G35 PAC1799 GA
JNKCVC51E05M202597 20-L-00249
2002 Mercedes Benz S430 No Tag WDB-
NG70J12A308132 20-L-00233
1997 Saturn SL Series RN11678 GA
1G8ZT586VZ130755 20-L-00239
1:31; 2:7-2020

Atlanta, Georgia 30308

1:31; 2:7-2020

MDJ-5127

GPN-17

ABANDONED MOTOR VEHICLE

PETITION ADVERTISEMENT

You are hereby notified, in accordance

with O.C.G.A. Section 40-11-19.1, that

petitions were filed in the Magistrate

Court of Cobb County to foreclose liens

against the vehicles listed below for all

amounts owed. If a lien is foreclosed,

the Court shall order the sale of the vehicle

to satisfy the debt. The present location

of the vehicle is: 344 Kathleen Dr. Se,

Marietta GA 30067. Anyone with an ownership

interest in a vehicle listed herein may file

an answer to the petition on or before:

02/17/2020. Answer forms may be found

in the Magistrate Court Clerk's office located

at: 32 Waddell St SE, Marietta, GA 30090.

Forms may also be obtained online at

www.georgiamagistratecouncil.com

Vehicle make: FORD Year: 2007

Model: ECONOLINE E350

Vehicle ID# 1FTSE44X7DA74898

Vehicle License #: NONE State:

Magistrate Court Case No.: 20-L-00253

Vehicle make: CHEVROLET Year:

2007 Model: HHR LT

Vehicle ID# 3GNDA23D37S520843

Vehicle License #: BCU933 State: MI

Magistrate Court Case No.: 20-L-00251

Vehicle make: FORD Year: 2015

Model: FUSION

Vehicle ID# 3FA6P0H70FR266544

Vehicle License #: WVA526 State: GA

Magistrate Court Case No.: 20-L-00204

1:31; 2:7-2020

MDJ-5127

GPN-17

ABANDONED MOTOR VEHICLE

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Vehicle make: CHEVROLET Year:

2007 Model: HHR LT

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Vehicle License #: BCU933 State: MI

Magistrate Court Case No.: 20-L-00251

Vehicle make: FORD Year: 2015

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1:31; 2:7-2020

MDJ-5127

GPN-17

ABANDONED MOTOR VEHICLE

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Model: ECONOLINE E350

Vehicle ID# 1FTSE44X7DA74898

Vehicle License #: NONE State:

Magistrate Court Case No.: 20-L-00253

Vehicle make: CHEVROLET Year:

2007 Model: HHR LT

Vehicle ID# 3GNDA23D37S520843

Vehicle License #: BCU933 State: MI

Magistrate Court Case No.: 20-L-00251

Vehicle make: FORD Year: 2015

Model: FUSION

Vehicle ID# 3FA6P0H70FR266544

Vehicle License #: WVA526 State: GA

Magistrate Court Case No.: 20-L-00204

1:31; 2:7-2020

MDJ-5127

GPN-17

ABANDONED MOTOR VEHICLE

PETITION ADVERTISEMENT

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Vehicle make: FORD Year: 2007

Model: ECONOLINE E350

Vehicle ID# 1FTSE44X7DA74898

Vehicle License #: NONE State:

Magistrate Court Case No.: 20-L-00253</

Online Auction via
www.storage-treasures.com on 2/19/2020 at 12:00 P.M. Unless stated otherwise the description of the contents are household goods and furnishings. John Thompson units #B01, #C31 & #C43; Lorraine Kirschbaum/C/o Susan Wiedman unit #C74; Graham Intl Mktg LLC unit #D10; Margee Houston unit #D12; Esequiel Mazariegos unit #F71 contents. Car may be withdrawn at any time without notice. Certain terms and conditions apply.

1:31;2:7-2020

MDJ-5061

GN-17

Notice of Self Storage Sale
Please take notice Prime Storage - Marietta located at 1225 Canton Rd., Marietta, GA 30066 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 2/19/2020 at 12:00 P.M. Unless stated otherwise the description of the contents are household goods and furnishings. Douglas Ratliff unit #A22; Donald F. Williams unit #B24; Parker Patricia unit #B63; Silas Woodcock/Yomura Corporation unit #C08 contents: PC Parts, Multi Server cabinets, cables & Boxes & #D16 contents: Multi PC Server Cabinets & Computer parts; Olivia Smith unit #G02. This sale may be withdrawn at any time without notice. Certain terms and conditions apply.

1:31;2:7-2020

MDJ-5062

GN-17

Notice of Self Storage Sale
Please take notice Prime Storage - Acworth West located at 3495 Baker Rd., Acworth, GA 30101 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 2/19/2020 at 12:00 P.M. Unless stated

The Open House will be held from 5:00 p.m. to 7:00 p.m. It will be informal, and the public is invited to attend anytime during these hours. There will be no formal presentation. A court reporter will be available to allow the public an opportunity to leave verbal questions about the project. Americans with Disabilities Act (ADA) Information:

The meeting site is accessible to persons with disabilities. Accommodations for people with disabilities can be arranged with advance notice by calling Joshua Higgins at (770) 216-3896. Project questions will be accepted until Thursday, February 27, 2020. Project questions may be submitted to:

Mr. Eric Duff
State Environmental Administrator
Georgia Department of Transportation
600 West Peachtree Street, NW
16th Floor

Atlanta, Georgia 30308

1:31;2:7-2020

MDJ-5079

GN-16

STATE OF GEORGIA
COUNTY OF COBB
NOTICE OF PUBLIC HEARING
Chattahoochee River
Development Certificate

The Cobb County Board of Commissioners hereby gives notice that a public hearing for the purpose of a "Certificate" for development within the Chattahoochee River Corridor will be held February 11, 2020 at 9:00 a.m. in the Commissioners Public Meeting Room, 2nd floor, Cobb County Building, 100 Cherokee Street, Marietta, Georgia 30060. A Development Certificate has been requested for a single family residence to replace single family residence at 761 Burning Tree Drive, Land Lot 1093, 17th District, 2nd Section, Cobb County, GA. Hearing on said "Certificate" shall be conducted by the Board of Commissioners to give consideration to matters herewith as specified in the "Motion to Repeal

SE, Marietta, GA. 30067. The subject to liens as stated above are identified as:

Vehicle make: DODGE Year: 1999
Model: INTREPID ES
Vehicle ID#: 2B3HD56J5XH834597 Vehicle License: RQG3942 State: GA
Vehicle make: CHEVROLET Year: 2004 Model: TRAILBLAZER
Vehicle ID#: 1GNDS13S942372016 Vehicle License: RKQ2275 State: GA
Vehicle make: MERCEDES-BENZ Year: 2006 Model: E350
Vehicle ID#: WDBUF56J56A820976 Vehicle License: 1DJ5023 State: AL
Vehicle make: CHEVROLET Year: 1982 Model: C10
Vehicle ID#: 1GCC148DC303133 Vehicle License: RGN5773 State: GA
Vehicle make: LINCOLN Year: 2003 Model: NAVIGATOR
Vehicle ID#: 5LMFU28R73LJ23223 Vehicle License: NONE State: GA
Vehicle make: HYUNDAI Year: 2000 Model: TIBURON
Vehicle ID#: KMHJG25F8YU200049 Vehicle License: CAL7481 State: GA
Vehicle make: CHEVROLET Year: 1979 Model: SILVERADO
Vehicle ID#: 000000CCL49A17889 Vehicle License: BPK2082 State: GA
Vehicle make: BUICK Year: 1999 Model: PARK AVENUE
Vehicle ID#: 1G4CW52K3X4627541 Vehicle License: DV027U State: GA
Vehicle make: CHEVROLET Year: 2000 Model: MALIBU
Vehicle ID#: 1G1ND52J2Y6348722 Vehicle License: GPC5321 State: TX
Anyone with an ownership interest in any of these vehicles should contact the following business immediately:

K.O. Towing,
344 Kathleen Dr Se,
Marietta, GA 30067.
770-650-1413
1:31, 2:7-2020

MDJ-5138

GN-17

ONLINE AUCTION

Notice is hereby given that on Febru-

21.1999 FORD ECONOLINE WHITE
1FTNE2423XH54340
22.2002 FORD TAURUS WHITE
1FAHP56S22G123772
23.1996 DODGE CARAVAN DK
GREEN 2B4GP45R1TR670186
24.2005 DODGE NEON BLUE
1B3ES56C15D134211
25.2012 CHRYSLER 200 MAROON
1C3CCBB80CN169462
26.2004 CHRYSLER PT CRUISER
SILVER 3C4FY48B94T203946
27.2015 CHEVROLET EQUINOX TAN
2GNALBEK3F6432493
28.2006 CHEVROLET TRAILBLAZER
RED 1GNDS13SX62255564
29.2002 CADILLAC DEVILLE IVORY
1G6KF57952U249692
30.2007 TOYOTA CAMRY WHITE
JTNBE46K273053765
31.2004 TOYOTA CAMRY SILVER
4T1BA32K440025273

1:31;2:7-2020

MDJ-5155

GN-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 February 17, 2020 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 to adopt the Restated Adoption Agreement and General Addendum with Georgia Municipal Association Benefit System (GMEBS) Restated Defined Benefit Retirement Plan to comply with IRS guidelines. A 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.

1:31;2:7-2020

MDJ-5194

GN-17

STORAGE TREASURES AUCTION
ONE FACILITY MULTIPLE UNITS

WITNESS, the Honorable Judge of said Court.

This 6th day of January, 2020.

REBECCA KEATON

CLERK,

COBB COUNTY SUPERIOR COURT

BY: /s/ Gino Smalley

Gino Smalley

Georgia Bar No. 346130

Attorney for Petitioner

1337 Canton Road, Suite C

Marietta, Georgia 30066

770-794-4460

1:10,17,24,31-2020

MDJ-4703

GN-14

IN THE SUPERIOR COURT OF
COBB COUNTY

STATE OF GEORGIA

WILBERT SOCO,

Petitioner,

v.

BETTY BROUSSARD,

Respondent.

CIVIL ACTION FILE NO.

19-10-6423-48

NOTICE OF PUBLICATION

NOTICE OF PUBLICATION

TO: BETTY BROUSSARD, Respondent.

By Order for Service by Publication dated the 22nd day of November, 2019 you are hereby notified that on the 29th day of August, 2019 the Petitioner herein filed suit against you for Modification of Custody, Visitation, and Child Support.

You are required to file with the Clerk of the Superior Court of Cobb County, and to serve upon the Petitioner WILBERT SOCO an answer in writing within sixty (60) days of the date of the Order of Publication. Said answer should be served on his attorney at the following address: CARRIE A. HACKETT, ESQ., Hockett & Wine, LLC, 1742 Mount Vernon Road, Suite 305, Atlanta, Georgia 30338.

Witness, the Honorable J. Stephen

you are required to file with the Clerk of the Superior Court of Cobb County, and to serve upon the Petitioner's attorney, Christine Stadler, Stadler Law Group, LLC, 8100 A Roswell Road, Ste. 200, Atlanta, Georgia 30350, an answer in writing within sixty (60) days of February 7th, 2020.

Witness, the Honorable Robert E. Flournoy, of Cobb County Superior Court.

This 14th day of January, 2020.

REBECCA KEATON

Clerk of Cobb County

Superior Court

Submitted by:

Christine M. Stadler

Attorney for Petitioner

Georgia Bar No. 673978

STADLER LAW GROUP, LLC

8100 A Roswell Road, Suite 200

Atlanta, Georgia 30350

Christine@StadlerLawGrollp.com

1:17,24,31;2:7-2020

MDJ-4963

GN-14

IN THE STATE COURT OF

COBB COUNTY

STATE OF GEORGIA

AUTUMN HAEDRICH

Plaintiff,

VS

TRACY OLIVER

Defendant.

Civil Action Number: 19-A-3833-1

TO: TRACY OLIVER

NOTICE OF PUBLICATION

By Order for service by publication dated the 16th of January, 2020, you are hereby notified that on November 6, 2019, Autumn Haedrich, filed a Complaint against you.

You are required to file with the Clerk of the State Court of Cobb County at 12 East Park Square, Marietta, GA 30090



**Regular Meeting Agenda
2/17/2020 6:30 PM
Council Chambers**

Title of Item:	Consideration to approve a rezoning request submitted by Oakmont Pacolet Acquisitions, LLC for property located at 1630 Stanley Road.
Agenda Comments:	Property identified as Land Lot 213, Tax Parcel 15, 20th District, 2nd Section, Cobb County. Applicant is seeking a rezoning from City R-20 to City Light Industrial (LI) for said property containing 46.690+/- acres for the purpose of Industrial Office Warehouse and Distribution Facility. Application was advertised in the Marietta Daily Journal in the Friday, December 13, 2019 edition and Friday, December 20, 2019 edition of the Marietta Daily Journal. Property was legally posted on December 16, 2019. The Planning Commission, at a meeting held on February 5, 2020, recommended to postpone said application to the April 1, 2020, Planning Commission and the April 20, 2020, Mayor and Council meeting, as requested per attorney letter dated January 31, 2020. Vote: 3-0. Yeas: Don Bergwall, SaVaughn Irons and Phillip Jackson. Staff Recommendation: Darryl Simmons, Zoning Administrator, recommends postponing both agenda items to the April 1, 2020 Planning Commission meeting and April 20, 2020 Mayor and Council meeting, as requested by the applicant referenced in attorney letter dated January 31, 2020.
Funding Line(s)	

ATTACHMENTS:

Description

Upload Date Type

Rezoning Ordinance - 1630 Stanley Road	12/23/2019	Ordinance
01-31-20 Attorney Letter	2/6/2020	Backup Material
02-05-20 Planning Commission Action Minutes	2/6/2020	Minutes
Aerial Photo - 1630 Stanley Road	10/31/2019	Maps
PC Meeting Summary 1.02.2020	1/3/2020	Minutes
Rezoning Application and attachments	8/29/2019	Backup Material
Local resident comments	1/2/2020	Backup Material
Revised Site Plan 2	11/4/2019	Backup Material
MDJ Legal 12.13.19	12/23/2019	Backup Material
MDJ Legal 12.20.19	12/23/2019	Backup Material
Residential density comparison	1/3/2020	Maps

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. 2019

**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 TO CITY LIGHT INDUSTRIAL (LI)
PROPERTY LOCATED AT
1630 STANLEY ROAD
(LAND LOT 213 TAX PARCEL 15)**

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

WHEREAS, OAKMONT PACOLET ACQUISITIONS, 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 TO CITY LIGHT INDUSTRIAL (LI)** on property located at 1630 Stanley Road, identified as Land Lot 213 Tax Parcel 15 (as more particularly described below); and

WHEREAS, notice was advertised in the Marietta Daily Journal on December 13, 2019 and December 20, 2019 of a public hearing before the Kennesaw Planning Commission held on January 02, 2020 and the Mayor and Council on January 21, 2020.

WHEREAS, the Kennesaw Planning Commission held a public hearing on this proposal at a meeting held on January 02, 2020; and

WHEREAS, the Mayor and Council held a public hearing to consider this proposal at a meeting held on January 21, 2020; 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 TO CITY LIGHT INDUSTRIAL (LI)** for the following described property

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 213 of the 20th Land District, 2nd Section, City of Kennesaw, Cobb County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino & Associates, Inc. (Job #19-046; Drawing/File #19-046), bearing the seal of

Glenn A. Valentino, Georgia Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

BEGINNING at a 1-1/4" iron bar found at the common corner of Land Lots 205, 206, 213 and 214; THENCE easterly along the Land Lot line common to Land Lots 206 and 213 South 89 degrees 01 minutes 37 seconds East for a distance of 1191.43 feet to a 1/2" rebar found; THENCE departing said Land Lot line South 28 degrees 46 minutes 46 seconds East for a distance of 522.94 feet to a 1/2" rebar found; THENCE South 44 degrees 07 minutes 41 seconds West for a distance of 219.85 feet to a 1/2" rebar found; THENCE South 28 degrees 46 minutes 42 seconds East for a distance of 546.70 feet to a 1/2" rebar found on the northwesterly right-of-way line of Stanley Road (variable width public r/w); THENCE proceeding southwesterly along said right-of-way line of Stanley Road South 53 degrees 35 minutes 20 seconds West for a distance of 3.41 feet to a 1/2" iron pin set; THENCE along a curve to the left having a radius of 374.23 feet for an arc distance of 204.18 feet (said arc being subtended by a chord of South 37 degrees 55 minutes 09 seconds West for a distance of 201.65 feet) to a 1/2" iron pin set; THENCE South 22 degrees 17 minutes 21 seconds West for a distance of 136.41 feet to a 1/2" iron pin set; THENCE South 31 degrees 45 minutes 06 seconds West for a distance of 80.98 feet to a 1/2" iron pin set; THENCE South 29 degrees 29 minutes 56 seconds West for a distance of 28.03 feet to a 1/2" iron pin set; THENCE along a curve to the right having a radius of 41.00 feet for an arc distance of 37.04 feet (said arc being subtended by a chord of South 55 degrees 22 minutes 55 seconds West for a distance of 35.80 feet) to a 1/2" iron pin set; THENCE along a curve to the left having a radius of 66.50 feet for an arc distance of 74.69 feet (said arc being subtended by a chord of South 49 degrees 05 minutes 24 seconds West for a distance of 70.82 feet) to a 1/2" iron pin set; THENCE along a curve to the right having a radius of 46.00 feet for an arc distance of 35.13 feet (said arc being subtended by a chord of South 38 degrees 47 minutes 40 seconds West for a distance of 34.28 feet) to a 1/2" iron pin set; THENCE South 60 degrees 40 minutes 26 seconds West for a distance of 35.06 feet to a 1/2" iron pin set; THENCE South 57 degrees 16 minutes 49 seconds West for a distance of 105.87 feet to a 1/2" iron pin set; THENCE South 63 degrees 18 minutes 16 seconds West for a distance of 103.97 feet to a 1/2" iron pin set; THENCE along a curve to the left having a radius of 400.00 feet for an arc distance of 117.14 feet (said arc being subtended by a chord of South 54 degrees 54 minutes 54 seconds West for a distance of 116.72 feet) to a 1/2" iron pin set; THENCE departing said right-of-way line of Stanley Road North 27 degrees 42 minutes 01 seconds West for a distance of 578.46 feet to a bent 2" open top pipe found; THENCE South 76 degrees 56 minutes 24 seconds West for a distance of 672.96 feet to a 1/2" rebar found on the Land Lot line common to Land Lots 213 and 214; THENCE proceeding northerly along said Land Lot line North 00 degrees 45 minutes 09 seconds East for a distance of 1417.80 feet to a 1-1/4" iron bar found at the aforesaid Land Lot corner common to Land Lots 205, 206, 213 and 214, said 1-1/4" iron bar found being the POINT OF BEGINNING.

Said tract or parcel of land contains 46.690 acres or 2,033,827 square feet.

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 TO CITY LIGHT INDUSTRIAL (LI)**

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 ____ day of January, 2020

ATTEST:

CITY OF KENNESAW:

Debra Taylor, City Clerk

Derek Easterling, Mayor

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL STREET
SUITE 100
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF ROAD
SUITE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039

JACKSONVILLE, FLORIDA
10201 CENTURION PARKWAY N.
SUITE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1465

BRENTWOOD, TENNESSEE
5200 MARYLAND WAY
SUITE 301
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 425-7347

LEXINGTON, KENTUCKY
771 CORPORATE DRIVE
SUITE 430
LEXINGTON, KENTUCKY 40503
TELEPHONE (859) 309-0026

ORLANDO, FLORIDA
7380 WEST SAND LAKE ROAD
SUITE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 367-6233

MECHANICSBURG, PENNSYLVANIA
5000 RITTER ROAD
SUITE 106
MECHANICSBURG, PENNSYLVANIA 17055
TELEPHONE (717) 790-2854

January 31, 2020

Hand Delivered

Mr. Darryl Simmons
Planning and Zoning Administrator
City of Kennesaw, Georgia
2529 J.O. Stephenson Avenue
Kennesaw, Georgia 30144

RE: Application for Rezoning and Application for Variance
Case Nos.: RZ2019-02 (#212); ZV2019-03 (#213)
Applicant: Oakmont Pacolet Acquisitions, LLC
Property Owner: The Estate of Madge Turner Quarles
Property: 46.690 acres, more or less, located at
1630 Stanley Road, Land Lot 213, 20th District,
2nd Section, City of Kennesaw, Cobb County,
Georgia

Dear Darryl:

On behalf of the Applicant, Oakmont Pacolet Acquisitions, LLC ("Applicant"); as well as, the Property Owner, the Estate of Madge Turner Quarles, please accept this correspondence as our formal request to table the above-referenced Application for Rezoning from the currently scheduled hearings before the City of Kennesaw Planning and Zoning Commission and the Mayor and City Council. Additional time is needed for Applicant to evaluate the project and to make significant site plan revisions, which would necessitate proper posting and advertising; as well as, meetings and discussions with homeowners and neighborhood representatives. We would very much appreciate the Staff's consideration of tabling the hearings to April 1, 2020, before the Planning Commission, and April 20, 2020, before the Mayor and City Council.

Thank you for your consideration in this request. If you should have any questions or require additional information at this time, please do not hesitate to contact me.

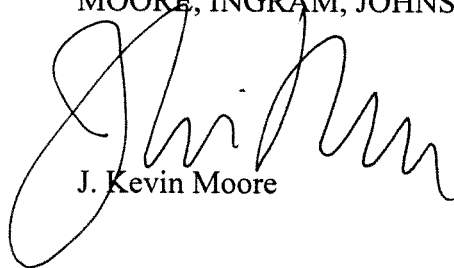
MOORE INGRAM JOHNSON & STEELE

Mr. Darryl Simmons
Planning and Zoning Administrator
City of Kennesaw, Georgia
Page 2 of 2
January 31, 2020

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

c: Oakmont Pacolet Acquisitions, LLC



*Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall ,
Phillip Jackson
SaVaughn Irons*

February 05, 2020

Planning Commission Action Minutes

City Hall Council Chambers

NOTE: Planning Commission serves as an Advisory Board that makes recommendations to the Mayor and Council, which will be heard on February 17, 2020 6:30p.m. unless otherwise noted. Anyone giving comments in the public session are to sign in and note that limitation of 10 minutes per side will be allowed.

I. Call Meeting to Order/Roll Call- Called to order at 7:00pm

Cindi Michael, Phillip Jackson, Don Bergwall and Savaughn Irons in attendance

II. Approval of minutes: January 02, 2020 Meeting-Don Bergwall motioned to approve with edits noted, seconded by Phillip Jackson- vote 3-0

**III. Chair and Vice-Chair- Doug Rhodes nominated and voted as Chairman for 2020 vote 3-0
CindMichaels nominated and voted in as Vice Chairman for 2020
Vote 3-0**

IV. Public Hearing:

1. **Adoption of the Official 2020 Zoning Map** (to include all annexations, de-annexations, rezoning and amendments up to December 31, 2019). This hearing is to present the draft (zoning map) for your consideration and recommendation to the Mayor and Council for their official action of adoption of the City's Zoning Map. The Official Zoning Map, once adopted will reflect all approved annexations, de-annexations, rezoning, and amendments up to and including December 31, 2019. Adopting the official zoning map will provide clarity on the most current zoning district locations within the city limits. The map reflects staff's analysis and recommendations of amendments to land use designations promoting current trends and long-term city planning objectives. Legal advertisement was placed in the Marietta Daily Journal on January 17, 2020 and January 24, 2020. Staff recommends the adoption of the official zoning map. **This matter will be heard before the Mayor and Council at their scheduled meeting of February 17, 2020, at 6:30pm**
Don Bergwall motioned to adopt zoning map as presented, seconded by Phillip Jackson vote 3-0
2. **Unified Development Code Amendment:** The proposed amendment is to amend APPENDIX A "UNIFIED DEVELOPMENT CODE," CHAPTER 1 "GENERAL PROVISIONS," SECTION 1.09.02 DEFINITIONS, ADDING A NEW SECTION UNDER CHAPTER 4 SECTION 4.06.00" UNIVERSITY LIVING-PBSH" (purpose built student housing) **This matter will be heard before the Mayor and Council at their scheduled meeting of February 17, 2020, at 6:30pm**
Don Bergwall motioned to adopt the Purpose built student housing definition and zoning ordinance draft as presented, seconded by SaVaughn Irons, vote 3-0
3. **RZ2020-01 Rezoning Request** Consideration to approve a rezoning request submitted by Oakmont Pacolet Acquisitions LLC for property located at 1630 Stanley Road. Said request to rezone from City R-20 to City LI (Light Industrial) for property containing 46.6+/- acres for purpose of industrial office warehouse and distribution facility. Property identified as Land Lot 213, Tax Parcel 15. **(Mayor and Council 2.17.2020)**

**The next scheduled meeting of the Kennesaw Planning Commission
March 04, 2020 at 7:00pm**





*Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall ,
Phillip Jackson
SaVaughn Irons*

Phillip Jackson motioned to table the rezoning application as requested by the Applicant's attorney letter dated January 31, 2020. The dates are the April 1, 2020 Planning Commission meeting and April 20, 2020 M&C meeting seconded by Don Bergwall vote 3-0

- **ZV2020-01 Variance Request** Consideration to approve a zoning variance request submitted by Oakmont Pacolet Acquisitions LLC for property located at 1630 Stanley Road. Said request to seek variance on the minimum lot width at front setback. Property identified as Land Lot 213, Tax Parcel 15, containing 46.6+/- acres and seeking rezoning to City LI (Light Industrial). **(Mayor and Council 2.17.2020)**

Don Bergwall motioned to table Variance application as requested by the applicant's attorney letter dated January 31, 2020. The hearing dates are –Planning Commission meeting April 1, 2020, M&C meeting April 20, 2020, vote 3-0

V. Staff Comments-*No comments by staff*

VI. Adjournment- *meeting adjourned 8:47pm*

**The next scheduled meeting of the Kennesaw Planning Commission
March 04, 2020 at 7:00pm**





LAND CASES		LAND USE OR ZONING	
		FROM	TO
AV	LU		
AX	RZ2019-02	R-20	LI
DX	AV – Administrative Variance AX – Annexation DX – De-annexation HBR – Historic Board Review	ZONING	
HBR	LU – Land Use RZ – Re-zoning SLUP – Special Land Use	KENNESAW CITY LIMITS	
SLUP	ZV – Variance	COBB COUNTY	
ZV 2019-03		LAND LOT	

1630 Stanley Rd
Land Lot 213, Tax Parcel 15
 Subject Properties

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

Deirdre Easterting
 MAYOR

Debra Taylor
 CITY CLERK

Scale: 1" = 300'

Print Date: 9/5/2019

RZ2019_02_Aerial_ap



Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall
Phillip Jackson

Work Session
6:30PM

Thursday, January 02, 2020

Planning Commission Summary
7:00PM

City Hall Council Chambers

NOTE: Planning Commission serves as an Advisory Board that makes recommendations to the Mayor and Council, which will be heard on January 21, 2020, 6:30p.m

I. Call Meeting to Order/Roll Call: **Doug Rhodes, Cindi Michael, Dan Harrison, Don Bergwall and Phillip Jackson**

II. Approval of minutes: December 04, 2019 **Approved Vote: 4-0**

III. Nominations for calendar year 2020 **Tabled to the February 05, 2020 meeting**

IV. Public Hearing:

- **RZ2020-01 Rezoning Request** Consideration to approve a rezoning request submitted by Oakmont Pacolet Acquisitions LLC for property located at 1630 Stanley Road. Said request to rezone from City R-20 to City LI (Light Industrial) for property containing 46.6+/- acres for purpose of industrial office warehouse and distribution facility. Property identified as Land Lot 213, Tax Parcel 15. **(Mayor and Council 1-21-20). Vote to table the rezoning request to February 05, 2020 Planning Commission meeting to await the results of the DRI report. Vote: 3-1. Yeas: Dan Harrison, Cindi Michael and Don Bergwall. Nay: Phillip Jackson.**
 - **ZV2020-01 Variance Request** Consideration to approve a zoning variance request submitted by Oakmont Pacolet Acquisitions LLC for property located at 1630 Stanley Road. Said request to seek variance on the minimum lot width at front setback. Property identified as Land Lot 213, Tax Parcel 15, containing 46.6+/- acres and seeking rezoning to City LI (Light Industrial). **(Mayor and Council 1-21-20). Vote to table the variance request to February 05, 2020 Planning Commission meeting to await the results of the DRI report. Vote: 3-1. Yeas: Dan Harrison, Cindi Michael and Don Bergwall. Nay: Phillip Jackson.**
- **LU2020-01 Land Use** - Consideration to approve a land use permit submitted by Mahshid Irvani for property identified as 3521 Cherokee Street. Said request to renew and allow use of the residentially zoned home for a home-based beauty salon. Property identified as Land Lot 99, 20th District, 2nd Section, Tax Parcel 129, Cobb County with property zoned R-15. **(Mayor and Council 1-21-20) Vote to approve the land use permit renewal for 24 months to allow use of residence for a home-based beauty salon. Vote: 4-0. Yeas: Dan Harrison, Cindi Michael and Phillip Jackson. Nays: None**

V. Adjournment: **Meeting adjourned at 10:00PM**

The next scheduled meeting of the Kennesaw Planning Commission
February 05, 2020 at 7:00pm





REZONING APPLICATION

Required Fee \$375.00

Date Received _____
Staff's Initials _____



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

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

REZONING PROPERTY ADDRESS 1630 Stanley Road

Land Lot 213 Tax Parcel 15 Lot Size 46.690± acres

Resident Population 0 Housing Units 1 Other Buildings 3

Zoning Request from:

Present Zoning R-20 To: LI

For the purpose of: Industrial Office Warehouse and Distribution

APPLICANT Oakmont Pacolet Acquisitions, LLC

APPLICANT EMAIL tcobb@oakmontre.com; vaglialoro@oakmontre.com

Applicant address 3520 Piedmont Road, Suite 100, Atlanta, GA 30305

(Home#) _____ (Fax#) (404) 869-9996 (Work#) (404) 869-9952

(Cell#) (404) 840-1990

Applicant Signature See Attached Exhibit "A" Date _____

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

REPRESENTATIVE Moore Ingram Johnson & Steele, LLP - J. Kevin Moore

(Fax #) (770) 429-8631 (Work#) (770) 429-1499 (Cell#) (678) 516-1609

MOORE INGRAM JOHNSON & STEELE, LLP

Representative Signature BY: J. Kevin Moore Date August 28, 2019

J. Kevin Moore, Ga. Bar No. 519728; Attorneys for Applicant
and Property Owner

Signed, sealed and delivered in presence of: Carolyn E. Cook
Notary _____ Date August 28, 2019

The Estate of
TITLEHOLDER: Madge Turner Quarles Telephone: _____

Signature: See Attached Exhibit "B" Address: _____

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





Community Development Department
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144
770-590-8268

CAMPAIGN CONTRIBUTIONS

The undersigned Applicant herein certifies 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 its 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:

CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT,
THIS _____ DAY OF _____, 20_____

See Attached Exhibit "A"

APPLICANT'S SIGNATURE

Applicant 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.

Notary

Date

Commission expires: _____

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING
(As To Applicant)

Application No.: _____
Hearing Dates: October 2, 2019
October 21, 2019

Applicant: **Oakmont Pacolet Acquisitions, LLC**
Titleholder: **The Estate of Madge Turner Quarles**

OAKMONT PACOLET ACQUISITIONS, LLC,
a Delaware limited liability company

By: Oakmont Pacolet National Partners, LLC,
a Delaware limited liability company,
its Sole Member

By: OIG V, LLC,
a Georgia limited liability company,
its Managing Member

By: _____
Name: Stephen L. Nelsen
Title: Authorized Signatory

Date of Execution: August 27, 2019

Address: 3520 Piedmont Rd #100
Atlanta, GA 30305

Telephone No.: (404) 869-9990

Signed, sealed, and delivered in the presence of:

JoAnn Shine
Notary Public
Commission Expires: 1/27/20

[Notary Seal]

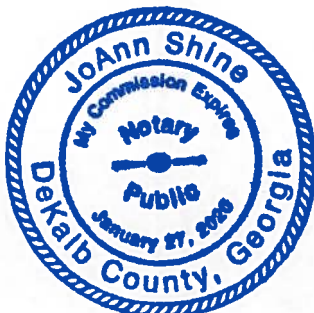


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR REZONING
(As To Titleholder)

Application No.:

Hearing Dates:

October 2, 2019

October 21, 2019

Applicant:

Oakmont Pacolet Acquisitions, LLC

Titleholder:

The Estate of Madge Turner Quarles

THE ESTATE OF MADGE TURNER QUARLES

BY: William Ronald Quarles
William Ronald Quarles, Executor

Date of Execution: August 27, 2019

Address: 555 Ash Ridge Road
Waleska, GA 30183

Telephone No.: (770) 720-2484

Signed, sealed, and delivered in the presence of:

Carolyn E. Cook

Notary Public

Commission Expires: January 10, 2023

[Notary Seal]



ATTACHMENT TO APPLICATION FOR REZONING

Application No.:

Hearing Dates:

October 2, 2019

October 21, 2019

Applicant:

Oakmont Pacolet Acquisitions, LLC

Titleholder:

The Estate of Madge Turner Quarles

RE: Property located at 1630 Stanley Road, being Tax Parcel No. 20021300150,
Land Lot 213, 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia

To Whom It May Concern:

The undersigned, as Executor of the Estate of Madge Turner Quarles, the owner of the above-referenced property, and pursuant to the signature below, authorizes Oakmont Pacolet Acquisitions, LLC to file an Application for Rezoning with the City of Kennesaw, Georgia, as to the property.

THE ESTATE OF MADGE TURNER QUARLES

BY: 

William Ronald Quarles, Executor

Date of Execution: August 27, 2019

Address: 555 Ash Ridge Road

Waleska, GA 30183

Telephone No.: (770) 720-2484



Probate Court of Cobb County

IN THE PROBATE COURT OF COBB COUNTY
STATE OF GEORGIA

FILED IN OFFICE
2018 NOV 15 PM 2:01
PROBATE COURT OF
COBB COUNTY, GA

IN RE: ESTATE OF

MADGE TURNER QUARLES,
DECEASED

)
)
)
)


ESTATE NO. 18-2040

LETTERS TESTAMENTARY [Relieved of Filing Returns]

At a regular term of Probate Court, the Last Will and Testament dated **February 9, 1982** of the above-named Decedent, who was domiciled in this County at the time of his or her death or was domiciled in another state but owned property in this County at the time of his or her death, was legally proven in Solemn Form to be the Decedent's Will and was admitted to record by order, and it was further ordered that **William Ronald Quarles**, named as Executor in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor.

THEREFORE, the Executor, having taken the oath of office and complied with all necessary prerequisites of the law, is legally authorized to discharge all the duties and exercise all powers of Executor under the Will of said Decedent, according to the Decedent's Will and the law.

Given under my hand and official seal, the 15th day of November, 2018.


Margaret A. Head,
Associate Judge of the Probate Court

*NOTE: The following must be signed if the
Judge does not sign the original of
this document:*

Issued by:

[Seal]

Jamaal Lights,
Clerk of the Probate Court



Community Development Department
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144
770-590-8268

CAMPAIGN CONTRIBUTIONS

Attorney for

The undersigned Applicant herein certifies 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

Attorney for

The undersigned Petitioner herein certifies that, to the best of its 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:

CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT,
THIS 28th DAY OF August, 2019
MOORE INGRAM JOHNSON & STEELE, LLP

BY:

J. Kevin Moore
APPLICANT'S SIGNATURE J. Kevin Moore; Georgia Bar No. 519728
Attorneys for Applicant and Property Owner

Applicant 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.

Carolyn E. Cook
Notary

August 28, 2019

Date

Commission Expires: January 10, 2023



Section 1908 Standards for Decisions- Rezoning

Section 1908 of the Kennesaw Zoning Code details thirteen zoning review factors which must be evaluated by the Planning and Zoning Board and the Mayor and Council when considering a rezoning request. Please provide responses to the following using additional pages if necessary

	Comments
(1) Would the proposed amendment be consistent and compatible with the City's land use and development, plans, goals and objective?	See Attached for Responses
(2) Would the proposed amendment tend to increase, decrease, or have no impact on traffic safety and congestion in the streets?	
(3) Would the proposed amendment tend to increase, decrease, or have no relationship to safety from fire and other dangers?	
(4) Would the proposed amendment tend to promote, diminish, or have no influence on the public health and general welfare of the city?	
(5) Would the proposed amendment tend to increase, decrease, or have no influence on the adequate (provisions) of light or air?	
(6) Would the proposed amendment tend to cause, prevent, or have no influence on the overcrowding of land?	
(7) Would the proposed amendment tend to cause, prevent, or have no relationship on the population distribution within the city-creating any area so dense in population as to adversely affect the health, safety, and general welfare of the city?	
(8) Would the proposed amendment tend to impede, facilitate, or have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities or facilities?	
(9) Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?	
(10) Would the proposed amendment tend to require only reasonable expenditures of public funds, or would the amendment tend to require an excessive or premature expenditure of public funds?	
(11) Would the proposed amendment tend to promote, diminish or have no influence upon the aesthetic effect of existing and future uses of property and the surrounding area?	
(12) Would the proposed amendment have measurable adverse economic effect on the value of the surrounding or adjacent property?	
(13) Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?	

ATTACHMENT TO APPLICATION FOR REZONING

Application No.:

Hearing Dates:

October 2, 2019

October 21, 2019

Applicant:

Oakmont Pacolet Acquisitions, LLC

Titleholder:

The Estate of Madge Turner Quarles

SECTION 1908 STANDARDS FOR DECISIONS – REZONING

- (1) Would the proposed amendment be consistent and compatible with the City's land use and development, plans, goals and objective?**

The proposed project would not be consistent with the current City Future Land Use Plan designation for the Subject Property. However, the City's current land use designation of Residential Low/Medium is based on the Property's current road frontage limited to Stanley Road. However, the proposed industrial project would access Cobb International Boulevard, which is an industrial road with limited access to Stanley Road. Given the proposed new access, the industrial development would be consistent with the goals and objectives of the City with respect to expansion of industrial projects.

- (2) Would the proposed amendment tend to increase, decrease, or have no impact on traffic safety and congestion in the streets?**

The proposed project would decrease or have minimal impact on traffic safety and congestion as access would be primarily from Cobb International Boulevard, an industrial parkway; as opposed to Stanley Road.

- (3) Would the proposed amendment tend to increase, decrease, or have no relationship to safety from fire and other dangers?**

The proposed project would have no relationship to safety from a fire or other danger perspective inasmuch as the proposed industrial project would meet or exceed all fire safety codes.

- (4) Would the proposed amendment tend to promote, diminish, or have no influence on the public health and general welfare of the City?**

The proposed project would promote the public health and general welfare of the City by providing needed expansion of industrial development; as opposed to additional residential congestion on Stanley Road.

- (5) Would the proposed amendment tend to increase, decrease, or have no influence on the adequate (provisions) of light or air?**

The proposed project would have no influence on adequate provisions of light or air as a light industrial development.

- (6) Would the proposed amendment tend to cause, prevent, or have no influence on the overcrowding of land?**

The proposed project has no influence on the overcrowding of land as it is a reasonable industrial development use of almost 47 acres.

- (7) Would the proposed amendment tend to cause, prevent, or have no relationship on the population distribution within the City—creating any area so dense in population as to adversely affect the health, safety, and general welfare of the City?**

The proposed project prevents population distribution creating density in population as it is proposed industrial development; rather than, a more dense residential development as recommended by the City's Future Land Use Plan.

- (8) Would the proposed amendment tend to impede, facilitate, or have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities, or facilities?**

The proposed project will continue to facilitate the adequate provision of transportation, water, sewer, and other public services, utilities, and facilities as expanded industrial development is needed to support City infrastructure.

- (9) Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use, and enjoyment of surrounding properties?**

The proposed project is compatible with environmental conditions of surrounding developments as it will be consistent with industrial development along Cobb International Boulevard while limiting access to the residential area along Stanley Road. Adequate buffers and limited access to Stanley Road mitigate any adverse effects or diminishment of the value, use, and enjoyment of surrounding residential properties.

- (10) Would the proposed amendment tend to require only reasonable expenditures of public funds, or would the amendment tend to require an excessive or premature expenditure of public funds?**

The proposed project does not intend to require any reasonable expenditures of public funds.

- (11) Would the proposed amendment tend to promote, diminish, or have no influence upon the aesthetic effect of existing and future uses of property and the surrounding area?**

The proposed project would promote the aesthetic effect of existing and future industrial developments located along Cobb International Boulevard; and planned buffers will mitigate any potential adverse

effects upon adjoining residential areas. Moreover, by limiting access to Stanley Road, the aesthetics of the residential area along Stanley Road are not impacted.

(12) Would the proposed amendment have measurable adverse economic effect on the value of the surrounding or adjacent property?

The proposed project will not have any measurable adverse economic effect on the value of surrounding or adjacent property.

(13) Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?

The proposed project directly connects the Subject Property to the existing and adjoining industrial area along Cobb International Boulevard; and, therefore, does not create an isolated or unrelated district.

3.00 *WR*

Please return to:

Matthew J. Howard
MOORE & ROGERS
192 Anderson Street
Marietta, GA 30060

STATE OF GEORGIA

COUNTY OF COBB

Cobb County, Georgia

Real Estate Tax

Paid

Date

none

8-30-94

Jay C. Stephenson
Clerk of Superior Court

ASSENT OF EXECUTOR TO DEVISE

WHEREAS, WILLIAM T. QUARLES died a resident of Cobb County, Georgia, on the 19th day of December, 1993, leaving a Will which has been probated in solemn form in said County on February 28, 1994, by the Probate Court thereof; and

WHEREAS, under the terms of said Will, the following described property was devised to MADGE TURNER QUARLES:

now
All that tract or parcel of land being 57.56 acres, more or less, in Land Lot No. 213 of the 20th District, 2nd Section, Cobb County, Georgia, being all of a tract of 78-1/2 acres, more or less, shown by plat of survey made by Albert Dobbs, C.E., recorded in Plat Book 6, Page 8, Cobb County Records, except 3 acres, more or less, conveyed to Henry A. Powell on January 2, 1947, by Guy A. Powell by Deed recorded in Deed Book 182, Page 586, Cobb County Records, and 17.94 acres in the southwest portion of said tract conveyed by Guy A. Powell to Carl H. Hutson and Ila Mae Newell by Deed recorded in Deed Book 199, Page 465. Said 78-1/2 acre tract, in addition to being shown by said plat, is fully described in a Deed from Mrs. Miriam R. Smith to Guy A. Powell, dated February 19, 1946, recorded in Deed Book 175, Page 225, Cobb County Records. Reference is had to the plat and the deeds referred to herein in support of and for the purpose of definitely describing such property.

This is the same property conveyed by Guy A. Powell to William T. Quarles by Warranty Deed dated January 6, 1949, recorded in Cobb County Records.

WHEREAS, the undersigned duly qualified as Executrix of the Estate of said WILLIAM T. QUARLES on February 28, 1994, and is now administering the estate under the terms of said Will; and it has been determined that all debts and claims against the estate have been fully paid.

NOW, THEREFORE, the undersigned, as Executrix of the Will of said WILLIAM T. QUARLES, hereby assents to the devise of said property under the terms of said Will, so that full fee-simple title thereto is vested in the said MADGE TURNER QUARLES as provided in said Will.

WITNESS my hand and seal this 30th day of August, 1994.

Signed, sealed and delivered
in the presence of:

Witness

Quarles
Notary Public



Madge Turner Quarles
MADGE TURNER QUARLES, Executrix of
the Estate of William T. Quarles

FILED AND RECORDED

94 AUG 30 PM 5:12
COBB SUPERIOR COURT CLERK

8K8453PG0028



City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780
(770) 424-8274

2018 Property Tax Bill

Parcel ID	Tax District	Bill #							
20021300150	3/3-BOND - KENNESAW CITY	819814							
Property Owner/Location/Description		Fair Market Value	Taxable Value						
QUARLES MADGE TURNER 1630 STANLEY RD		147,330	58,932						
Levies	Taxable Value	-	Exemptions	=	Net Assessment	X	Tax Rate	=	Net Tax
KENNESAW CITY	58,932		58,932		0		8.0000000		\$0.00
BOND	58,932		58,932		0		1.5000000		\$0.00

Exemptions:

223 - Age 65 GA Net Inc	20,220	Current Year Tax	\$0.00
223 - Age 65 GA Net Inc	20,220	Interest	\$0.00
223 - Age 65 GA Net Inc	38,712	Penalty	\$0.00
223 - Age 65 GA Net Inc	38,712	Other Fees	\$0.00
<p>Interest will accrue monthly at a rate of .708% per month, based on an annual calculation of Federal Prime Rate (5.50) plus 3%. To arrive at the new monthly interest rate divide the 8.50% by 12. This annual interest rate will change when the Federal Reserve announces the new bank prime loan rate each January (House Bill 960).</p> <p>Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).</p> <p>Online payments are accepted at www.municipalonlinepayments.com/kennesawga</p> <p>Any questions concerning ownership changes or change of address should be directed to Cobb County Tax Commissioner's Office at (770) 528-8600.</p>		Payments Received	\$0.00
		Other Amounts Due	\$0.00
		Total Due	\$0.00
		Due Date	12/01/2018

City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780



Please make check or Money Order Payable to :
City of Kennesaw Property Tax Division and
include the Parcel ID on your check.

For your convenience, you may pay by check,
money order, Discover, Mastercard, AMEX, VISA.
Paying online has \$15.50 fee per transaction and a
3% fee in the office for all credit card and debit card
transactions.

Parcel ID: 20021300150
Amount Due: \$0.00
Bill#: 819814
Due Date: 12/01/2018

AMOUNT PAID

QUARLES MADGE TURNER
1630 STANLEY RD
KENNESAW, GA 30152 - 4320

City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780



CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Printed: 8/21/2019

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:
MADGE T QUARLES

QUARLES MADGE TURNER

Payment Date: 10/9/2018

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2018	20021300150	10/15/2018	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$401.16	\$0.00



Scan this code with your
mobile phone to view this
bill

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 213 of the 20th Land District, 2nd Section, City of Kennesaw, Cobb County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino & Associates, Inc. (Job #19-046; Drawing/File #19-046), bearing the seal of Glenn A. Valentino, Georgia Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

BEGINNING at a 1-1/4" iron bar found at the common corner of Land Lots 205, 206, 213 and 214; THENCE easterly along the Land Lot line common to Land Lots 206 and 213 South 89 degrees 01 minutes 37 seconds East for a distance of 1191.43 feet to a 1/2" rebar found; THENCE departing said Land Lot line South 28 degrees 46 minutes 46 seconds East for a distance of 522.94 feet to a 1/2" rebar found; THENCE South 44 degrees 07 minutes 41 seconds West for a distance of 219.85 feet to a 1/2" rebar found; THENCE South 28 degrees 46 minutes 42 seconds East for a distance of 546.70 feet to a 1/2" rebar found on the northwesterly right-of-way line of Stanley Road (variable width public r/w); THENCE proceeding southwesterly along said right-of-way line of Stanley Road South 53 degrees 35 minutes 20 seconds West for a distance of 3.41 feet to a 1/2" iron pin set; THENCE along a curve to the left having a radius of 374.23 feet for an arc distance of 204.18 feet (said arc being subtended by a chord of South 37 degrees 55 minutes 09 seconds West for a distance of 201.65 feet) to a 1/2" iron pin set; THENCE South 22 degrees 17 minutes 21 seconds West for a distance of 136.41 feet to a 1/2" iron pin set; THENCE South 31 degrees 45 minutes 06 seconds West for a distance of 80.98 feet to a 1/2" iron pin set; THENCE South 29 degrees 29 minutes 56 seconds West for a distance of 28.03 feet to a 1/2" iron pin set; THENCE along a curve to the right having a radius of 41.00 feet for an arc distance of 37.04 feet (said arc being subtended by a chord of South 55 degrees 22 minutes 55 seconds West for a distance of 35.80 feet) to a 1/2" iron pin set; THENCE along a curve to the left having a radius of 66.50 feet for an arc distance of 74.69 feet (said arc being subtended by a chord of South 49 degrees 05 minutes 24 seconds West for a distance of 70.82 feet) to a 1/2" iron pin set; THENCE along a curve to the right having a radius of 46.00 feet for an arc distance of 35.13 feet (said arc being subtended by a chord of South 38 degrees 47 minutes 40 seconds West for a distance of 34.28 feet) to a 1/2" iron pin set; THENCE South 60 degrees 40 minutes 26 seconds West for a distance of 35.06 feet to a 1/2" iron pin set; THENCE South 57 degrees 16 minutes 49 seconds West for a distance of 105.87 feet to a 1/2" iron pin set; THENCE South 63 degrees 18 minutes 16 seconds West for a distance of 103.97 feet to a 1/2" iron pin set; THENCE along a curve to the left having a radius of 400.00 feet for an arc distance of 117.14 feet (said arc being subtended by a chord of South 54 degrees 54 minutes 54 seconds West for a distance of 116.72 feet) to a 1/2" iron pin set; THENCE departing said right-of-way line of Stanley Road North 27 degrees 42 minutes 01 seconds West for a distance of 578.46 feet to a bent 2" open top pipe found; THENCE South 76 degrees 56 minutes 24 seconds West for a distance of 672.96 feet to a 1/2" rebar found on the Land Lot line common to Land Lots 213 and 214; THENCE proceeding northerly along said Land Lot line North 00 degrees 45 minutes 09 seconds East for a distance of 1417.80 feet to a 1-1/4" iron bar found at the aforesaid Land Lot corner common to Land Lots 205, 206, 213 and 214, said 1-1/4" iron bar found being the POINT OF BEGINNING.

Said tract or parcel of land contains 46.690 acres or 2,033,827 square feet.



A 2529 J O Stephenson Ave NW, Kennesaw, GA 30144

B 1630 Stanley Rd NW, Kennesaw, GA 30152

9 min , 2.7 miles

Moderate traffic

Via US-41 S, Old 41 Hwy NW

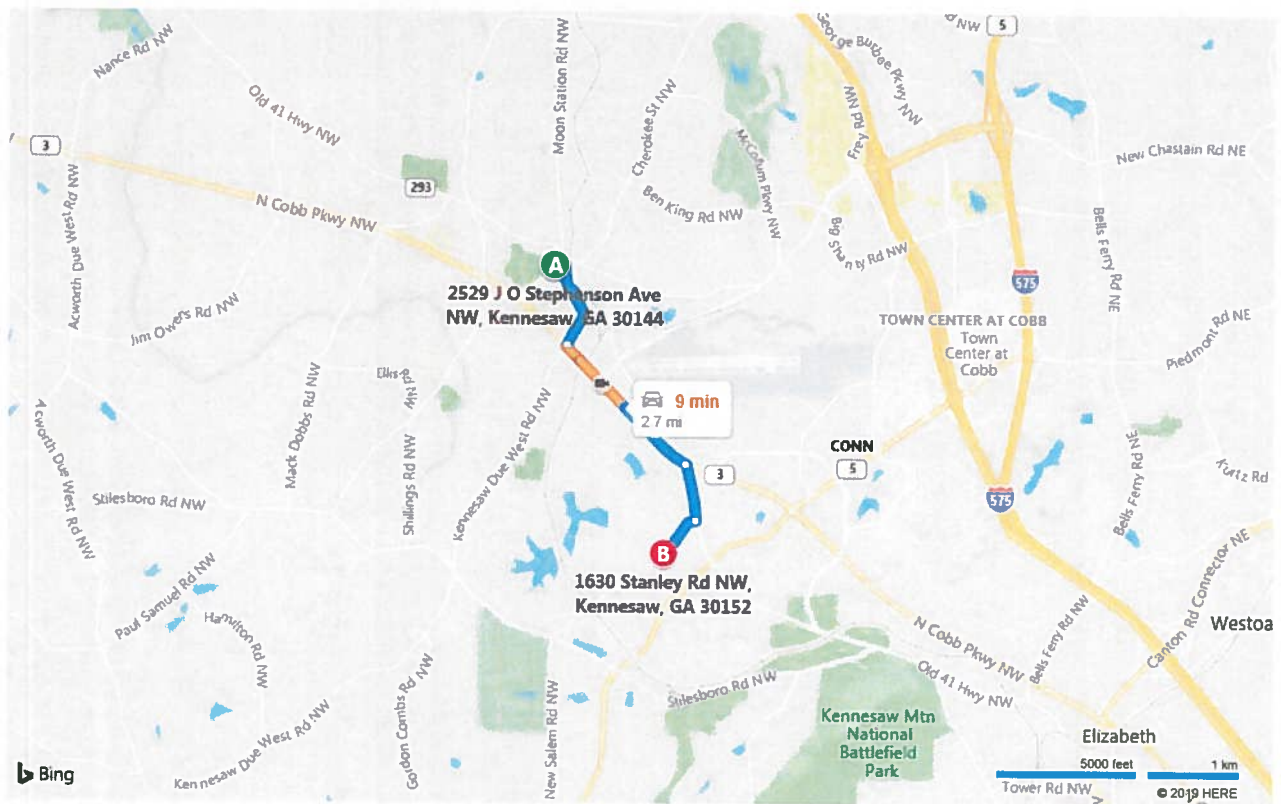
· Local roads

Type your route notes here

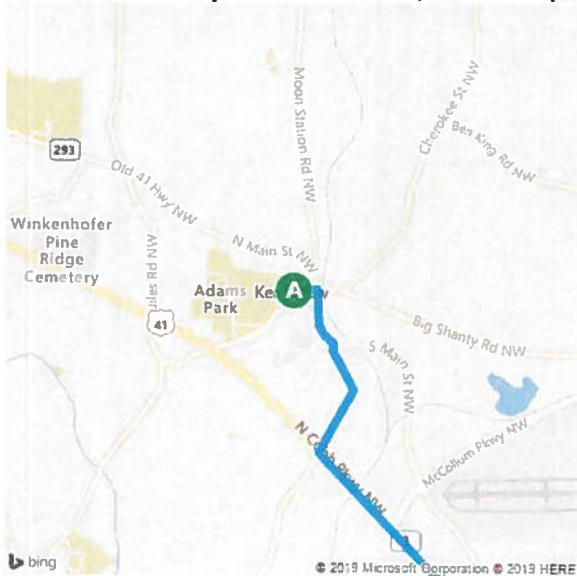
A 2529 J O Stephenson Ave NW, Kennesaw, GA 30144

↑	1.	Head east on J O Stephenson Ave NW toward Li'l General Cloggers Ln NW	420 ft
↘	2.	Turn right onto S Main St NW	0.2 mi
↘	3.	Turn right onto Summers St NW	0.2 mi
↗	4.	Bear right onto Kennesaw Due West Rd NW	0.2 mi
↶	5.	Turn left onto US-41 S / GA-3 S / N Cobb Pkwy NW Shell on the corner	1.2 mi
↗	6.	Bear right onto Old 41 Hwy NW CITGO on the corner	0.4 mi
↘	7.	Turn right onto Stanley Rd NW	0.3 mi
		Arrive at Stanley Rd NW	
	8.	The last intersection is Cedar Lake Dr NW If you reach Collins Rd NW, you've gone too far	

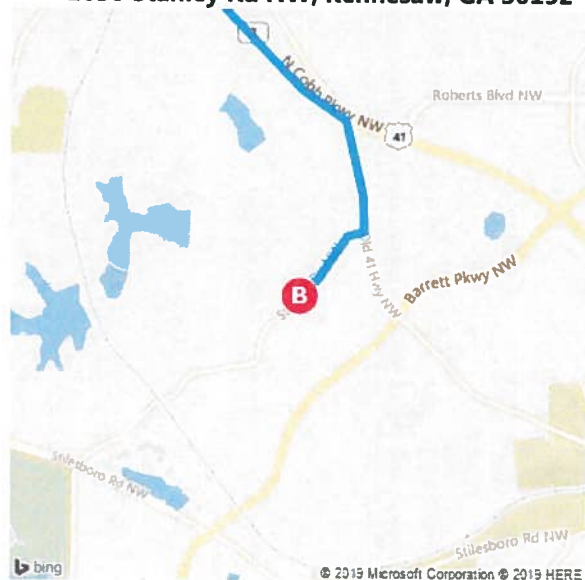
B 1630 Stanley Rd NW, Kennesaw, GA 30152



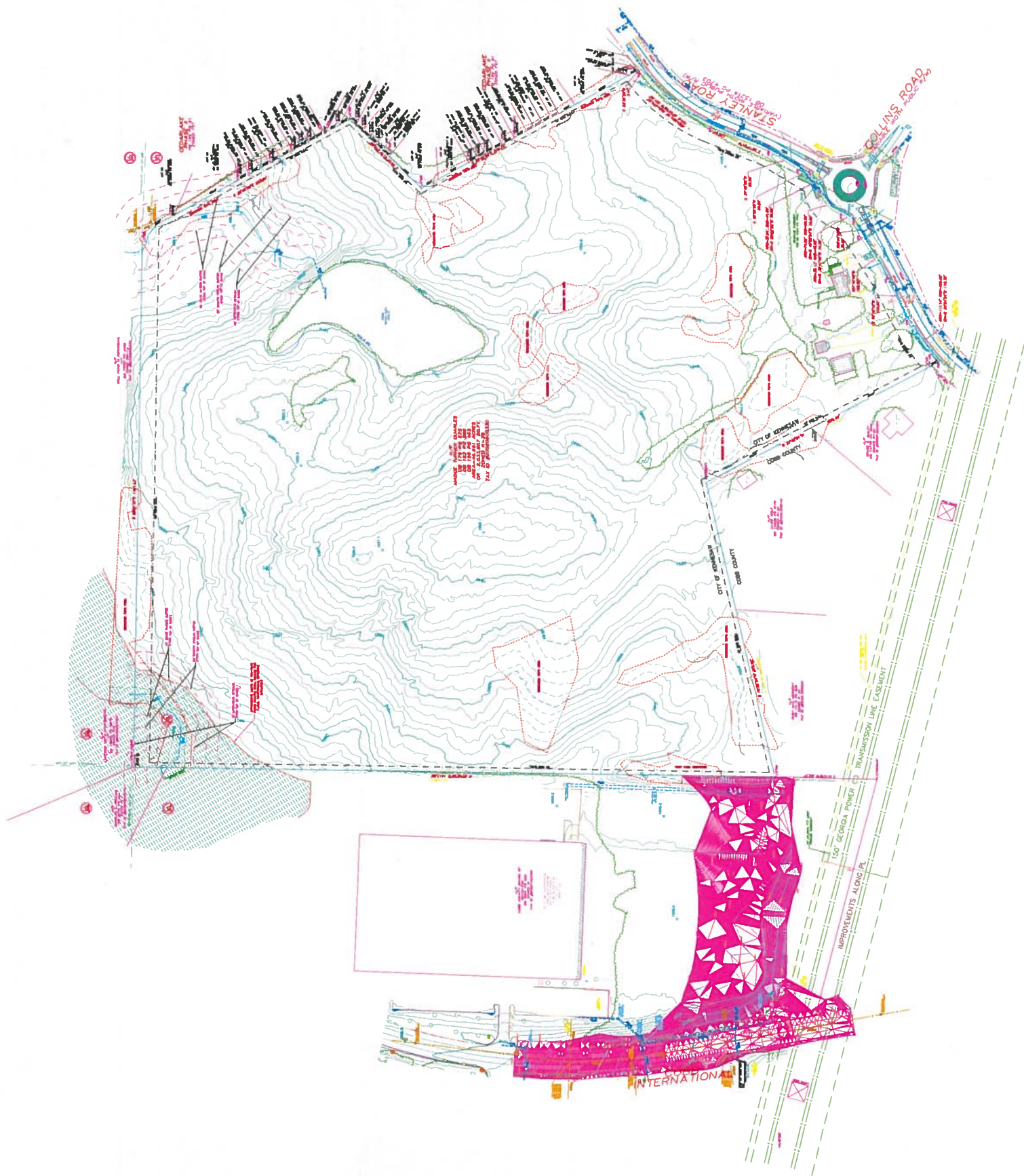
A 2529 J O Stephenson Ave NW, Kennesaw,...



B 1630 Stanley Rd NW, Kennesaw, GA 30152



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FREE RELOCATION
IN U.S.A.
INVESTING DAYS
ANYTIME YOU WANT

GEORGIA 811
Where Americans Buy & Invest

Non-agent brokers
Call today, no fee

LOCATION MAP



LIST OF VARIANCES REQUESTED

OWNERS/DEVELOPERS
OAKMONT INDUSTRIAL GROUP
3520 PIEDMONT RD NE
SUITE 100
ATLANTA, GA 30305
404-859-9952

ATLANTA, GEORGIA 30341
(770) 452-7849

LOT COVERAGE CALCULATION
TOTAL SITE AREA = 46.681 AC
TOTAL BUILDING SF = 618,875 SF
GROSS LOT COVERAGE = 0.18875 / 46.681
= 13.253 SF/AC

SITE & ZONING INFO
CURRENT ZONING: R-20 (SINGLE-FAMILY
RESIDENTIAL DISTRICT, 20,000 SQ FT)
PROPOSED ZONING: U (LIGHT INDUSTRIAL)

PARKING CALCULATION

BUILDING 1 422 044 SF
 53 OFFICE = 21 183 SF
 FOR INDUSTRIAL USE, MANUFACTURES
 REQUIRED PARKING = 17,000 SF
 = 400,343 / 2 000
 = 201 SPACES
 FOR OFFICE
 REQUIRED PARKING = 1/200 SF
 = 21,103 SF
 = 71 SPACES
 REQUIRED PARKING = 104 SPACES

BUILDING 2 196 #27 SF

FOR MEDICINAL USES, BARD-OLUETS
 REQUIRED PAYING = 1/7,000 SF
 = 106,935 / 7,000
 = 15 SF ACTS
 FOR OFFICE
 REQUIRED PAYING = 1/200 SF
 = 6,642 SF
 = 31 SF ACTS
 REQUIRED PAYING = 1/50 SF ACTS

REZONING SITE PLAN

SCALE	1" = 60'
DATE	5/28/19
DRAWN BY	J LINEY
PROJECT MANAGER	W GREER
QA/QC CHECK	B BRUMFIELD

PROJECT: OAKMONT
COBB INTERNATIONAL

LAND LOT 213
8TH DISTRICT
COBB COUNTY, GEORGIA
CITY OF KENNESAW

LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

2951 POWERS ROAD SOUTH, STE 1
ATLANTA, GEORGIA 30341
404/525-1457



ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Hearing Dates: **October 2, 2019**
 October 21, 2019

**BEFORE THE PLANNING COMMISSION AND THE
MAYOR AND CITY COUNCIL FOR THE
CITY OF KENNESAW, GEORGIA**

**CONSTITUTIONAL CHALLENGE
ATTACHMENT TO APPLICATION FOR REZONING**

COME NOW, Applicant, OAKMONT PACOLET ACQUISITIONS, LLC (hereinafter referred to as “Applicant”), and Titleholder, THE ESTATE OF MADGE TURNER QUARLES (hereinafter referred to as “Titleholder”), and assert the following:

1.

By Application for Rezoning dated and filed August 28, 2019, Applicant and Titleholder applied for rezoning of certain real property, being approximately 46.690 acres, more or less, lying and being located within the City of Kennesaw, Cobb County, Georgia, a more particular description and delineation of the subject property being set forth in said Application (hereinafter referred to as the “Property” or the “Subject Property”).

2.

The Application for Rezoning of the Property seeks rezoning from the existing zoning category of R-20 to the proposed zoning category of Light Industrial (“LI”), as established by the governing authority of the City of Kennesaw, Georgia, under and pursuant to the Zoning and Planning Ordinance of the City of Kennesaw, Georgia.

3.

The Zoning and Planning Ordinance of the City of Kennesaw is unconstitutional as applied to the Property in that said Ordinance deprives the Applicant and Titleholder of their Property under and pursuant to Art. I, § I, ¶¶ I and II of the Georgia Constitution of 1983, and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of Property without due process violates the constitutional prohibition against the taking of private property without just compensation. The R-20 zoning category, as it presently exists, together with any intervening zoning categories between the existing R-20 category and the requested LI category, violates the Applicant's and Titleholder's rights to unfettered use of their property in that said zoning classifications do not bear a substantial relation to the public health, safety, morality, or general welfare and are therefore confiscatory and void. Further, said Ordinance is unconstitutional in that it is arbitrary and unreasonable resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss on the Applicant and Titleholder.

4.

To the extent the Zoning and Planning Ordinance of the City of Kennesaw allows or permits the Mayor and City Council to rezone the Subject Property to any category other than as requested, said Ordinance is further unconstitutional in that same violates the Applicant's and Titleholder's constitutionally guaranteed rights to due process, both substantive and procedural. Furthermore, any such action by the Mayor and City Council, or as allowed by the Zoning and Planning Ordinance of the City of Kennesaw, is an unconstitutional use of the zoning power and would constitute an abuse of discretion with no

justification or benefit flowing to the public welfare. Accordingly, said Ordinance or action would likewise represent a taking of private property rights without the payment of just and adequate compensation in violation of the Constitutions of the State of Georgia and the United States of America.

5.

The Zoning and Planning Ordinance of the City of Kennesaw is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with the Zoning Application also violate Art. I, § I, ¶¶ I, II, and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront witnesses, contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issue at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law. These procedures fail to comport with the due process requirements of the Constitution of the State of Georgia 1983 and the due process requirements of the Constitution of the United States of America.

Respectfully submitted, this 28th day of August, 2019.

MOORE INGRAM JOHNSON & STEELE, LLP

BY: 

J. Keyin Moore
Georgia Bar No. 519728

Attorneys for Applicant and Titleholder

Darryl Simmons

From: Holly Morris <hollyannemorris@gmail.com>
Sent: Tuesday, December 31, 2019 11:42 AM
To: Darryl Simmons
Subject: Stanley Road Proposed Development

Dear Mr. Simmons, Our names are Tony and Holly Morris. We own a home at 1853 Stancrest Trace, Kennesaw GA, 30152 which is adjacent to the industrial development being proposed for zoning approval at 1630 Stanley Road in Kennesaw at the upcoming Jan 2nd Planning Commission meeting and the following Mayor and City Council meeting being held on Jan 21st. We are concerned about you approving this development for the following reasons: Traffic, Noise, Setbacks, and Curb Appeal.

1) Traffic: Despite any efforts to the contrary including an address change or entrance gate, if a curb cut is allowed with an entrance to an industrial park on Stanley Road there will be 18 wheelers that come down Stanley to try and enter the park. Currently there are already deep trenched tire tracks in a shoulder of the road just West of the Barrett Knoll's subdivision entrance that were made from all the 18 wheelers that have been trapped on Stanley trying to get into the other industrial parks that back up to Stanley but don't have access from Stanley. This would only increase if an industrial park were given a curb cut off of Stanley, even if that curb cut was for an employee automobile entrance only. And if 18 wheelers get caught on Stanley the small roundabout won't be sufficient to give those large trucks room to navigate back to Old 41 without doing damage to personal and public property.

2) Noise: Despite any efforts made to the contrary an industrial park placed as close to residential neighborhoods as this one would be is going to be a sound nuisance. There are plenty of studies that have been done that can be used as guidance for your decision on this matter. For example, the World Health Organization has a great article on how both continuous and intermittent noise lead to sleep disturbance. And "The more intense the background noise, the more disturbing is its effect on sleep." Also, "Sound pressure levels during the evening and night should be 5–10 dB lower than during the day... **To avoid sleep disturbance, indoor guideline values for bedrooms are 30 dB LAeq for continuous noise and 45 dB LAmx for single sound events... At night, sound pressure levels at the outside façades of the living spaces should not exceed 45 dB LAeq and 60 dB LAmx, so that people may sleep with bedroom windows open.**" And according to the Center for Hearing and Communication findings as well as the Resource Management Plan completed for the Navajo Reservoir by the U.S. Department of the Interior Bureau of Reclamation, large truck noise is double that suggested noise level, ranging from 90 -100 dB. <https://www.who.int/docstore/peh/noise/Comnoise-4.pdf> <https://chchearing.org/noise/common-environmental-noise-levels/> <https://www.usbr.gov/uc/envdocs/ea/navajo/appdx-E.pdf>

3) Setbacks: Allowing for an industrial project of this magnitude to be built next to a residential community with only a 50' setback is simply inconceivable and honestly reprehensible if allowed. The entrance to this 24 hour a day industrial park is just 50' away from our townhome's backyard and the backyard of several of our neighbors. This rural, suburban townhome community that abuts this property is already below grade to the proposed industrial park, and if a 40' - 45' concrete industrial building is allowed to be built just 100' away from these homes it will not only dwarf the townhomes in size and scale but as result impact the property owners views, enjoyment of life and ultimately our property's resale values.

4) Curb Appeal: No doubt by now you have heard from others of everyone's concern seeing a massive concrete building facing the quiet residential road Stanley Rd. is known as. And despite any efforts made to the

contrary to bring curb appeal to this 196,827 sq' building such as some small trees, a fence, and architectural accents, it's still going to be a massive concrete building just 50' – 100' off the road.

We are asking you to completely deny the zoning approval requested. However, if a compromise must be made, we'd ask that you'd only allow for Building #1, the 442,465 sq' building to be approved since it is far enough away from the surrounding residential buildings to not have as much of a significantly negative impact as the 196,827 sq' building #2 will. We'd suggest replacing building #2 with a senior living community which would be a perfect fit for this location and keep the traffic of both 18 wheelers and cars down to a minimum, as well as resolve the noise, setback and curb appeal issues linked to this industrial park being proposed

Regards,

Holly A. Morris

Darryl Simmons

From: Lois Hamilton <loishamilton@hotmail.com>
Sent: Thursday, December 26, 2019 9:31 PM
To: Darryl Simmons; tcobb@oakmontre.com; vaglialoro@oakmontre.com
Subject: 1630 Stanley Road - Oakmont Pacolet Acquisitions, LLC proposed development

I would like to thank each of you for taking the time to meet with residents concerned about the proposed project, and appreciated the opportunity to speak with each of you.

I understand the reasons Oakmont would like the development to be approved as proposed, but hope you will consider the validity of my concerns regarding how the development will negatively impact nearby homes and others if approved as proposed.

The Notice from the attorneys states the January 2nd meeting begins at 7:00, but the City of Kennesaw website states it begins at 6:30?

If 6:30 is the correct time, the parties originally notified should be made aware.

I cannot support the variance request to reduce the front setback to less than 75 feet. That will affect a number of homeowners in Cedarlake, and for me the proximity of Building 2 and the parking lot is very close to my back yard (Lot 26). The back yards adjacent to the property line are very small, reducing the amount of space there would normally be between a homeowner's lot line and another development. There is already an issue with rainwater in the back yards at least behind my building after heavy storms, and I suspect that may become a more serious issue after the property above is developed. I disagree with item 6 in the Attachment to Application of rezoning "overcrowding of land" for these reasons.

I also disagree with item 11, 12, and 13 in the referenced document, because there is a huge difference between having a wooded area behind properties vs the type of development proposed. I appreciate there will be buffers, but feel there should be more distance between residences and a warehouse/distribution center. We are losing quiet enjoyment of our properties.

I also disagree that the proximity of the development will not adversely affect property values. Most buyers would not choose to live close to an industrial area, and many buyers do internet map searches before viewing prospective properties, making it likely they will not consider Cedarlake or other nearby communities. Others may be discouraged by their realtors.

Although hopefully access to the development from Stanley Road will not be an issue, traffic on Hwy. 41 is already very heavy and will obviously be made worse by additional vehicles. I understand the project includes 471 automobile parking spaces, 124 tractor trailer truck docs, and 120 tractor tractor trailer parking spaces. How can this not make traffic worse, and delay emergency vehicles trying to respond to accidents and medical emergencies?

I respectfully request you consider these concerns and appreciate your consideration. Thank you.

December 26, 2019

Dear Mr. Simmons,

I met you at the zoning meeting and found the session to be very informative. It is startling to hear that a very noisy enterprise would about 50 many houses & apartments in Kennesaw. Please place my note as a top priority in your considerations. I understand it is not all up to you, BUT I know you are #1 officer. These meetings are so necessary to help prevent overruns of industry vs habitats. I know it can be averted.

You said you had said NO to 500+ houses in the same area, and I know that can be lessened with some negotiating & contractors. You can do this. Please hear our pleas for help with an open mind.

Sincerely,

Beggy Filipoits,
1766 Heights Circle
Kennesaw, GA 30152
~~30155~~

Robert Filipovits
1766 Heights Circle
Kennesaw, GA. 30152
December 26, 2019

Mr. Darryl Simmons
Planning and Zoning Administrator
2529 J. O. Stephenson Ave.
Kennesaw, GA 30144

Dear Mr. Simmons:

I am opposed to changing the zoning of the area that intersects Stanley and Collins Road from Residential to Light Industrial. Changing this zoning will have a negative effect on the surrounding homeowners because it will:

1. Reduce property values
Allowing a twenty-four hr. by seven day (24x7) commercial distribution center operation will create an environment that potential new home owners will find unappealing and distasteful. It will make sale of existing homes more difficult.
2. Environmental Pollution
A commercial distribution center operating with hundreds of trucks coming and going 24x7 will create additional clean air problems for local residents. Trucks spewing fumes will impose health and welfare risks on local home owners and their children. Black carbon from these emissions is particularly troublesome for young, older residents, and asthmatics.
3. Noise Pollution
Many town-homes that either abut or are located close to this facility have bedrooms in the back of their units and will directly face the 24x7 operation. Noise from the operation and tractor trailers coming, going, and backing into cargo bays with their safety alarms sounding 24x7 will severely affect resident's sleep patterns. This will have a potential negative physical and mental health impact on residents. Efforts to mitigate this noise will be difficult and problematic.
4. Industrial Parks
Keep industry / commercial in industrial parks and residential housing in residential areas. Zoning was essentially created to keep incompatible areas from infringing on one another. One of the reasons people purchase homes in an area is because they believe local governments will abide by these rules and honor the zoning commitments made to its citizens. Industry and commercial business belong in industrial parks not in residential areas.
5. Future Impacts
New business owners may change business environment, operational procedures, business practices, and methods which can directly increase the risk and safety of area residents.

Respectfully,



cc: Mr. Derek Easterling, Mayor

Chadwick A Phillips
1741 Heights Cir NW
Kennesaw, GA 30152
(661) 993-2627

December 23, 2019

Mr. Darryl Simmons
Planning and Zoning Administrator
2529 J.O. Stephenson Ave
Kennesaw, GA

Dear Mr. Simmons,

I am writing to you to express my concerns over the rezoning off of Collins Rd. and Stanley Rd. in Kennesaw.

I moved to Kennesaw nearly 3 years ago from downtown Atlanta where I work. I moved to get away from the hustle and bustle of the city, to escape the noise and traffic, and to live in a small, quiet town full of trees and residents with similar takes on life. I chose the Battle View community off of Collins and Stanley because it offered everything I was looking for. No large complexes, a quiet neighborhood, little to no traffic, and away from any industrial buildings.

The proposal in front of you to re-zone the land near my home is concerning for many reasons. After reviewing the plans, I fear a massive negative impact to the neighborhood which I call home. These concerns include but are not limited to: noise pollution, light pollution, increase in traffic, visual appeal, property value, and quality of life.

I know I share these concerns with many of my neighbors. You may not have heard from them because like them, I never received any communication regarding this plan. Furthermore, the signs posted near the proposed property are illegible from a moving vehicle. I am disappointed that the City neglected several of its residents by not mailing letters to every resident in the surrounding communities that will directly impacted by this proposed building.

I urge you to listen to the residents and think about your own living situation when doing so. I understand that this may make for a great property for a distribution center. And I understand that residents in small townhome communities may not be the City's priority. And I understand this because we may not pay as much in property taxes that you would receive from a distribution center. Many of the residents that will be directly impacted by this development may not have the means to move, to live in an area where they wouldn't have to worry about a distribution center popping up in their back yards. And I'm sure they would move if they could. But I can not. And I do not want the house that I worked so hard to call home impacted by a decision to boost tax revenue for the city.

Please remember that when you take this re-zoning proposal into consideration. Please take into consideration who you would want as a neighbor. Please take into consideration

how you and your family would feel with a nearly 700,000 st. ft. building behind your home. Please take into consideration how your life would be impacted. If you lived where I do, would you say yes? If the answer is no, which I can imagine it is, please do not approve this.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chadwick Phillips", with a long horizontal flourish extending to the right.

Chadwick Phillips

December 23, 2019

Mr. Darryl Simmons
Planning and Zoning Administrator
2529 J.O. Stephenson Ave
Kennesaw, GA 30144

Re: Zoning change

Dear Mr. Simmons

As a property owner of a townhome in the Battleview subdivision (1750 Heights Circle), I want to say I am against the proposed zoning changes at Collins & Stanley roads. A warehouse or anything like it would hurt the local communities. This area should remain residential zoning.

I cannot make the January 2 meeting, so I suggest you not approve the zoning changes.

Regards,

A handwritten signature in blue ink, appearing to read "J. Sebastiano", is written over the printed name.

Jim Sebastiano
FL Ventures, LLC
7001 St Andrews Rd #350
Columbia, SC 29212

Dear Mr. Darryl Simmons,

It has come to my attention that a company intends to build a large warehouse complex right in my backyard. This construction would zone my property along with the properties of my neighbors into "light industrial". The rezoning of our properties from residential to light industrial would be disastrous for the value of our homes. I personally, along with many of my neighbors, would likely be upside-down on our mortgages if this rezoning occurs.

Aside from affecting property values, the construction of this warehouse complex will have a negative effect on the quality of life for myself and my neighbors. Large amounts of trucks and personal vehicles will contribute to local air pollution. The noise associated with a massive warehouse complex will be highly invasive to daily life. Traffic flow will become a major issue with so many people making their daily commute on a road system that was not designed to supply a large warehouse complex.

Safety in relation to this construction is also a major concern. Not safety for myself, but safety for all the children that call this area home. This is a neighborhood, not an industrial area. This neighborhood has many families with children of all ages. The increase in traffic resulting from this construction puts the lives of these children at risk.

Please do not allow this company to build this warehouse. This location is not the place for such a structure. Please do not allow this company to ruin our neighborhood. This warehouse has the potential to seriously damage our community.

Sincerely,

Benjamin Driscoll

A handwritten signature in black ink, appearing to be 'B. Driscoll', written in a cursive style.

COURT OF COBB COUNTY
REGISTRATION
NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY
 Notice is given that Articles of Incorporation which incorporate **THE PRESCOTT MILLER FOUNDATION, INC.** have been delivered to the Secretary of State for filing in accordance with the Georgia Non-Profit Corporation Code. The initial registered office of the corporation is located at 3350 Riverwood Parkway, Suite 1600, Atlanta, Cobb County, Georgia 30339 and its initial registered agent of such address is William A. Turner, Esq.
 12:6,13-2019

MDJ-3846
GN-6

NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY
 Notice is given that Articles of Incorporation which incorporate **Blue Devil Soccer Goal Club, Inc.** have been delivered to the Secretary of State for filing in accordance with the Georgia Non-Profit Corporation Code. The initial registered office of the corporation is located at 1000 Whitlock Avenue, Suite 320, #199, Marietta, GA Cobb County, Georgia 30064 and its initial registered agent of such address is Colby Henson.
 12:6,13-2019

MDJ-3849
GN-6

NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY
 Notice is given that Articles of Incorporation which incorporate **EXTERIOR CONTRACTOR ALLIANCE COOPERATIVE, INC.** have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation is located at 3350 Riverwood Parkway, Suite 1600, Atlanta, Cobb County, Georgia 30339 and its initial registered agent at such address is Cohen Pollock Merlin Turner, P.C.
 12:6,13-2019

MDJ-3855
GN-6

NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY
 Notice is given that Articles of Incorporation which incorporate **THE STIGMA FOUNDATION, INC.** have been delivered to the Secretary of State for filing in accordance with the Georgia Non-Profit Corporation Code. The initial registered office of the corporation is located at 632 Serramonte Drive, Marietta, Cobb County, Georgia 30068, and its initial registered agent at such address is Stacey Youmon.
 12:6,13-2019

MDJ-3874
GN-6

NOTICE OF INTENT TO INCORPORATE
 Notice is given that Articles of Incorporation, which will incorporate **Stain for Stain, LLC** have been delivered to the Secretary of State for filing in accordance with the Georgia (Business) (Non-Profit) Corporation Code. The initial registered office of the corporation is located at 120 South Park Square, Marietta, GA 30060.
 12:13,20-2019

MDJ-3880
GN-6

NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY
 Notice is given that Articles of Incorporation which incorporate **SLR, LLC** have been delivered to the Secretary of State for filing in accordance with the Georgia (Business) (Non-Profit) Corporation Code. The initial registered office of the corporation is located at 120 South Park Square, Marietta, GA 30060.
 12:13,20-2019

MDJ-3887
GN-6

NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY
 Notice is given that Articles of Incorporation which incorporate **SLR, LLC** have been delivered to the Secretary of State for filing in accordance with the Georgia (Business) (Non-Profit) Corporation Code. The initial registered office of the corporation is located at 120 South Park Square, Marietta, GA 30060.
 12:13,20-2019

initial registered agent of such address is Milton C. Parker.
 12:6,13-2019

MDJ-3846
GN-6

NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY
 Notice is given that Articles of Incorporation which incorporate **THE PRESCOTT MILLER FOUNDATION, INC.** have been delivered to the Secretary of State for filing in accordance with the Georgia Non-Profit Corporation Code. The initial registered office of the corporation is located at 3350 Riverwood Parkway, Suite 1600, Atlanta, Cobb County, Georgia 30339 and its initial registered agent of such address is William A. Turner, Esq.
 12:6,13-2019

12:13,20-2019

MDJ-4010
GN-6

NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that articles of incorporation that will incorporate **Data Privacy Consulting Group, Inc.** have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation is located at 5104 Hunclrest Drive, Marietta, GA, 30126 and its initial registered agent at such address is Kimberly Gordon.
 12:13,20-2019

12:13,20-2019

MDJ-4011
GN-6

NOTICE OF DISSOLUTION
 Notice is given that a Notice of Intent to Dissolve **Amber Horizons, Inc.**, a Georgia Corporation with its registered office located at 200 Galleria Parkway, SE, Suite 500, Atlanta, Georgia 30339, has been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code.
 12:13,20-2019

12:13,20-2019

MDJ-4026
GN-6

NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that Articles of Incorporation which incorporate **SRA Global Empowerment, Inc.** have been delivered to the Secretary of State for filing in accordance with the Georgia (Non-Profit) Corporation Code. The initial registered office of the corporation is located at 44 Fair Haven Way Smyrna, Cobb County, Georgia 30080 and its initial registered agent of such address is Yanyalem Demissie.
 12:13,20-2019

12:13,20-2019

MDJ-4037
GN-6

NOTICE OF CHANGE OF CORPORATE NAME
 Notice is given that Articles of Amendment, which will change the name of **Park West Realty Group, Inc.** to **Park West Group, Inc.**, will be delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The registered office of the Corporation is located at 120 South Park Square, Marietta, GA 30060.
 12:13,20-2019

12:13,20-2019

8065 Planning Commission

MDJ-4032
GN-13
City of Kennesaw
Land Use Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a land use request submitted by Mahshid Irvani for property located at 3521 Cherokee Street. Said request is to renew and allow a home-based beauty salon business out of a private residence, in a residentially zoned R-15 district.

Lying and being in Land Lot 99 of the 20th District, 2nd Section, Tax Parcel 129 Cobb County, Kennesaw, Georgia.

The Planning Commission shall hold a public meeting on Thursday, January 02, 2020, at 7:00PM and the Mayor and Council will hold a public hearing on Tuesday, January 21, 2020, at 6:30PM of Kennesaw City Hall, Council Chambers, located at 2529 J.O. Stephenson Avenue. Any interested person may attend and be heard relative thereto.
 12:13,20-2019

MDJ-4033
GN-13
City of Kennesaw
Rezoning Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for rezoning request submitted by Oakmont Picolet Acquisitions, LLC. Said request to rezone property located at 1630 Stanley Road (currently zoned R-20), total acreage consisting 46.690 +/- acres. Property to be rezoned from City R-20 to City Light Industrial (LI). Lying in Land Lot 213, Tax Parcel 15, of the 20th District, 2nd Section, Cobb County Georgia.

Said meetings shall be held before the Planning Commission on Thursday, January 02, 2020 at 7:00PM and the Mayor and Council will hold a public hearing on Tuesday, January 21, 2020, at 6:30PM both meetings to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.
 12:13,20-2019

12:13,20-2019

MDJ-4034
GN-13
City of Kennesaw
Variance Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a variance request submitted by Oakmont Picolet Acquisitions, LLC. Said request seeking waiver of appendix A, Chapter 2, Section 2.01.05.01(D) 2 providing for a minimum lot width of front setback to be seventy-five (75) feet for Light Industrial zoning. Property located at 1630 Stanley Road, total acreage consisting 46.690 +/- acres. Lying in Land Lot 213, Tax Parcel 15, of the 20th District, 2nd Section, Cobb County Georgia.

Said meetings shall be held before the Planning Commission on Thursday, January 02, 2020 at 7:00PM and the Mayor and Council will hold a public hearing on Tuesday, January 21, 2020, at 6:30PM both meetings to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.
 12:13,20-2019

12:13,20-2019

MDJ-4054

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to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation is located at 763 Helm Lane NW Kennesaw, Cobb County, Georgia 30144 and its initial registered agent of such address is Jenna C. Hobbs.

12:13,20-2019

MDJ-4007
GPN-06

NOTICE OF INTENT TO VOLUNTARILY DISSOLVE A CORPORATION

Notice is given that a notice of intent to dissolve Atlanta Technical Group, Inc. (the "Corporation"), a Georgia corporation with its registered office at 1638 Sonya Drive, Marietta, Georgia 30066, has been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code.

Persons with claims against said Corporation may present them by sending written notice setting forth (a) the claimant's name and address, (b) a description of the claim and (c) the amount of claim, to 1638 Sonya Drive, Marietta, Georgia 30066. Except for claims that are contingent at the time of filing of the notice of intent to dissolve or that arise after the filing of the notice of intent to dissolve, a claim against the Corporation not otherwise barred will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of this notice.

12:13,20-2019

MDJ-4010
GPN-06

NOTICE OF INCORPORATION STATE OF GEORGIA COBB COUNTY

Notice is given that articles of incorporation that will incorporate Data Privacy Consulting Group, Inc. have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation is located at 5104 Huntcrest Drive, Mableton, GA, 30126 and its initial registered agent of such address is Kimberly Gordon.

12:13,20-2019

MDJ-4011
GPN-06

NOTICE OF DISSOLUTION

Notice is given that a Notice of Intent to Dissolve Amber Horizons, Inc., a Georgia Corporation with its registered office located at 200 Gollister Parkway, SE, Suite 500, Atlanta, Georgia 30339, has been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code.

12:13,20-2019

MDJ-4026
GPN-6

NOTICE OF INCORPORATION STATE OF GEORGIA COBB COUNTY

Notice is given that Articles of Incorporation which incorporate SRA Global Empowerment, Inc. have been delivered to the Secretary of State for filing in accordance with the Georgia (Non-Profit) Corporation Code. The initial registered office of the corporation is located at 44 Fair Haven Way Smyrna, Cobb County, Georgia 30080 and its initial registered agent of such address is Yoynalem Demissie.

12:13,20-2019

MDJ-4037
GPN-06

NOTICE OF CHANGE

1-260 Atlanta Cobb County, Georgia 30339 and its initial registered agent of such address is J.D. Brown, P.C.

12:13,20-2019

MDJ-4142
GPN-06

NOTICE OF INTENT TO VOLUNTARILY DISSOLVE A CORPORATION STATE OF GEORGIA COBB COUNTY

Notice is given that a Notice of Intent to Dissolve Smiths Three Inc a Georgia (Non-Profit) Corporation, with its registered office at 5638 Forkwood Drive NW Acworth Cobb County Georgia 30101 has been delivered to the Secretary of State for filing in accordance with the Georgia (Business) Corporation Code.

12:13,20-2019

MDJ-4151
GPN-6

NOTICE OF INCORPORATION STATE OF GEORGIA COBB COUNTY

Notice is given that Articles of Incorporation which incorporate Cherokee Heights Arts Festival, Inc. have been delivered to the Secretary of State for filing in accordance with the Georgia Non-Profit Corporation Code. The initial registered office of the corporation is located at 180 Freyer Drive, Marietta, Cobb County, Georgia 30060 and its initial registered agent of such address is Rebekah Tropp Smith Tischner.

12:20,27-2019

MDJ-4169
GPN-6

NOTICE OF INCORPORATION STATE OF GEORGIA COBB COUNTY

Notice is given that Articles of Incorporation which incorporate ANGEL ROOFING, LLC have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation is located at 3032 Millstone Court, Austell, Cobb County, Georgia 30106 and its initial registered agent of such address is Angel Lucio Gomez.

12:20,27-2019

MDJ-4170
GPN-6

NOTICE OF INCORPORATION STATE OF GEORGIA COBB COUNTY

Notice is given that Articles of Incorporation which incorporate Memes Bombay House, Inc. have been delivered to the Secretary of State for filing in accordance with the (Non-Profit) Corporation Code. The initial registered office of the corporation is located at 2924 Veterans Memorial Highway, Austell, Cobb County, Georgia 30168 and its initial registered agent of such address is Michael Johnson.

12:20,27-2017

MDJ-4180
GPN-06

NOTICE OF INCORPORATION STATE OF GEORGIA COBB COUNTY

Notice is given that Articles of Incorporation which will incorporate The Three Foundation Corp. have been delivered to the Secretary of State for filing in accordance with the Georgia (Business) Corporation Code. The initial registered office of the corporation is located at 2886 Observation Pl NW Marietta, Georgia 30064 and its initial registered agent of such address is Frederick Salles.

(Non-Profit) Corporation Code. The initial registered office of the corporation is located at 1496 Mountain Reserve Dr. Powder Springs, Cobb County, Georgia 30152 and its initial registered agent of such address is Bolbeer Tuteia.

12:20,27-2019

8065 Planning Commission

MDJ-4032
GPN-13

City of Kennesaw Land Use Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a land use request submitted by Mahshid Irvani for property located at 3521 Cherokee Street. Said request is to renew and allow a home-based beauty salon business out of a private residence, in a residentially zoned R-15 district. Lying and being in Land Lot 99 of the 20th District, 2nd Section, Tax Parcel 129 Cobb County, Kennesaw, Georgia. The Planning Commission shall hold a public meeting on Thursday, January 02, 2020, at 7:00PM and the Mayor and Council will hold a public hearing on Tuesday, January 21, 2020, at 6:30PM at Kennesaw City Hall, Council Chambers, located at 2529 J.O. Stephenson Avenue. Any interested person may attend and be heard relative thereto.

12:13,20-2019

MDJ-4033
GPN-13

City of Kennesaw Rezoning Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for rezoning request submitted by Oakmont Picolet Acquisitions, LLC. Said request to rezone property located at 1630 Stanley Road (currently zoned R-20), total acreage consisting 46.690 +/- acres. Property to be rezoned from City R-20 to City Light Industrial (LI). Lying in Land Lot 213, Tax Parcel 15, of the 20th District, 2nd Section, Cobb County Georgia. Said meetings shall be held before the Planning Commission on Thursday, January 02, 2020 at 7:00PM and the Mayor and Council will hold a public hearing on Tuesday, January 21, 2020, at 6:30PM both meetings to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

12:13,20-2019

MDJ-4034
GPN-13

City of Kennesaw Variance Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a variance request submitted by Oakmont Picolet Acquisitions, LLC. Said request seeking waiver of appendix A, Chapter 2, Section 2.01.05.01(D) 2 providing for a minimum lot width of front setback to be seventy-five (75) feet for Light Industrial zoning. Property located at 1630 Stanley Road, total acreage consisting 46.690 +/- acres. Lying in Land Lot 213, Tax Parcel 15, of the 20th District, 2nd Section, Cobb County Georgia. Said meetings shall be held before the Planning Commission on Thursday, January 02, 2020 at 7:00PM and the Mayor and Council will hold a public hearing on Tuesday, January 21, 2020, at 6:30PM both meetings to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

12:13,20-2019

Residential Comparison Chart
Oakmont site-Stanley Road Entrance/Exit
44.05 net buildable acres

<u>Zoning District/DUA</u>	<u>Maximum units on site</u>
R-30 - / 1.1	49
R-20 / 1.75	77
R-15 / 2.1	93
R-12/ 3.0	132
R-10 / 4	176
PUD-R / NA	
RA-4 / 4	176
RM-8 / 8	352
RM-12 / 12	529
FST/ 12	529

Senior Living Overlay / underlying zoning district

Conservation Subdivision / Underlying zoning district



**Regular Meeting Agenda
2/17/2020 6:30 PM
Council Chambers**

Title of Item:	Consideration to approve a variance request submitted by Oakmont Pacolet Acquisitions, LLC for property located at 1630 Stanley Road.
Agenda Comments:	Property identified as Land Lot 213, Tax Parcel 15, 20th District, 2nd Section, Cobb County. Applicant is seeking a variance request for the waiver of Appendix A, Chapter 2, Section 2.01.05.01(D)2 providing for a minimum lot width at front setback to be seventy-five (75) feet for Light Industrial Zoning for said property containing 46.690+/- acres for the purpose of Industrial Office Warehouse and Distribution Facility. Application was advertised in the Marietta Daily Journal in the Friday, November 15, 2019 edition and Friday, November 22, 2019 edition of the Marietta Daily Journal. Property was legally posted on November 18, 2019. The Planning Commission, at a meeting held on February 5, 2020, recommended to postpone said application to the April 1, 2020, Planning Commission meeting and the April 20, 2020, Mayor and Council meeting, as requested per attorney letter dated January 31, 2020. Vote: 3-0. Yeas: Don Bergwall, SaVaughn Irons and Phillip Jackson. Staff Recommendation: Darryl Simmons, Zoning Administrator, recommends postponing both agenda items to the April 1, 2020 Planning Commission meeting and the April 20, 2020 Mayor and Council meeting, as requested by the applicant referenced in attorney letter dated January 31, 2020.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Variance Application for 1630 Stanley Road	8/29/2019	Backup Material
01-31-20 Attorney Letter	2/6/2020	Backup Material
02-05-20 Planning Commission Action Minutes	2/6/2020	Minutes
Revised Site Plan - 2	11/4/2019	Backup Material
Site Plan	1/9/2020	Backup Material
Oakmont Density	1/9/2020	Backup Material
Perspective	1/9/2020	Backup Material
PC Meeting Summary 1.02.2020	1/3/2020	Minutes
MDJ Legal Ad 12-13-19	1/9/2020	Legal Ad
MDJ Legal Ad 12-20-19	1/9/2020	Legal Ad



Community Development
Planning & Zoning Department
2529 J.O. Stephenson Ave., Kennesaw, GA 30144

Date Received _____
Staff Initials _____

VARIANCE
Required Fee \$375.00

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

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

(Applicant or agent must be present at all public hearings)

PURPOSE OF VARIANCE REQUEST Waiver of Appendix A, Chapter 2,
Section 2.01.05.01(D)2 providing for a minimum lot width at front setback to be
seventy-five (75) feet for Light Industrial zoning.

VARIANCE PROPERTY ADDRESS 1630 Stanley Road

Land Lot 213 Tax Parcel 15 Lot Size 46.690± Present Zoning R-20
acres

APPLICANT Oakmont Pacolet Acquisitions, LLC

APPLICANT EMAIL tcobb@oakmontre.com; vaglialoro@oakmontre.com

Applicant address 3520 Piedmont Road, Suite 100, Atlanta, GA 30305

(Home#) _____ (Fax#) (404) 869-9996 (Work#) (404) 869-9952

(Cell#) (404) 840-1990

Applicant Signature See Attached Exhibit "A"

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

REPRESENTATIVE Moore Ingram Johnson & Steele, LLP - J. Kevin Moore

(Fax #) (770) 429-8631 (Work#) (770) 429-1499 (Cell#) (678) 516-1609

MOORE INGRAM JOHNSON & STEELE, LLP

Representative Signature BY: J. Kevin Moore
J. Kevin Moore, Ga. Bar No. 519728; Attorneys for Applicant
Signed, sealed and delivered in presence of: Carolyn E. Cook and Property Owner

Notary

TITLEHOLDER: Estate of
Madge Turner Quarles Telephone: _____

Signature: See Attached Exhibit "B" Address: _____

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



Community Development
Planning & Zoning Department
2529 J.O. Stephenson Ave., Kennesaw, GA 30144

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: **Oakmont Pacolet Acquisitions, 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.

See Attached Exhibits "A" and "B"

Applicants Signature

Signed, sealed and delivered in presence of:

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR VARIANCE
(As To Applicant)

Application No.: _____
Hearing Dates: October 2, 2019
October 21, 2019

Applicant: **Oakmont Pacolet Acquisitions, LLC**
Titleholder: **The Estate of Madge Turner Quarles**

OAKMONT PACOLET ACQUISITIONS, LLC,
a Delaware limited liability company

By: Oakmont Pacolet National Partners, LLC,
a Delaware limited liability company,
its Sole Member

By: OIG V, LLC,
a Georgia limited liability company,
its Managing Member

By: [Signature]
Name: Stephen L. Neven
Title: Authorized Signatory

Date of Execution: August 27, 2019

Address: 3520 Piedmont Rd #100
Atlanta, GA 30305

Telephone No.: (404) 869-9990

Signed, sealed, and delivered in the presence of:

[Signature]
Notary Public
Commission Expires: 1/27/20

[Notary Seal]

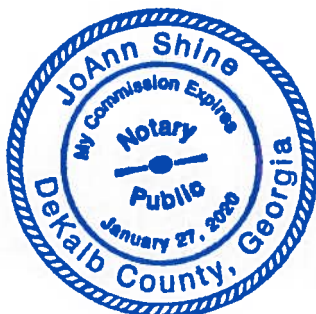


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR VARIANCE
(As To Titleholder)

Application No.:

Hearing Dates:

October 2, 2019

October 21, 2019

Applicant:

Oakmont Pacolet Acquisitions, LLC

Titleholder:

The Estate of Madge Turner Quarles

THE ESTATE OF MADGE TURNER QUARLES

BY:



William Ronald Quarles, Executor

Date of Execution: August 27, 2019

Address: 555 Ash Ridge Road
Waleska, GA 30183

Telephone No.: (770) 720-2484

Signed, sealed, and delivered in the presence of:


Notary Public
Commission Expires: January 10, 2023

[Notary Seal]



ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.:

Hearing Dates:

October 2, 2019

October 21, 2019

Applicant:

Oakmont Pacolet Acquisitions, LLC

Titleholder:


The Estate of Madge Turner Quarles

RE: Property located at 1630 Stanley Road, being Tax Parcel No. 20021300150,
Land Lot 213, 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia

To Whom It May Concern:

The undersigned, as Executor of the Estate of Madge Turner Quarles, the owner of the above-referenced property, and pursuant to the signature below, authorizes Oakmont Pacolet Acquisitions, LLC to file an Application for Variance with the City of Kennesaw, Georgia, as to the property.

THE ESTATE OF MADGE TURNER QUARLES

BY: 

William Ronald Quarles, Executor

Date of Execution: August 27, 2019

Address: 555 Ash Ridge Road
Waleska, GA 30183

Telephone No.: (770) 720-2484



Probate Court of Cobb County

IN THE PROBATE COURT OF COBB COUNTY
STATE OF GEORGIA

FILED IN OFFICE
2018 NOV 15 PM 2:01
PROBATE COURT OF
COBB COUNTY, GA

IN RE: ESTATE OF

MADGE TURNER QUARLES,
DECEASED

)
)
)
)


ESTATE NO. 18-2040

LETTERS TESTAMENTARY [Relieved of Filing Returns]

At a regular term of Probate Court, the Last Will and Testament dated **February 9, 1982** of the above-named Decedent, who was domiciled in this County at the time of his or her death or was domiciled in another state but owned property in this County at the time of his or her death, was legally proven in Solemn Form to be the Decedent's Will and was admitted to record by order, and it was further ordered that **William Ronald Quarles**, named as Executor in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor.

THEREFORE, the Executor, having taken the oath of office and complied with all necessary prerequisites of the law, is legally authorized to discharge all the duties and exercise all powers of Executor under the Will of said Decedent, according to the Decedent's Will and the law.

Given under my hand and official seal, the 15th day of November, 2018.


Margaret A. Head,
Associate Judge of the Probate Court

*NOTE: The following must be signed if the
Judge does not sign the original of
this document:*

Issued by:

[Seal]

Jamaal Lights,
Clerk of the Probate Court



**Community Development
Planning & Zoning Department
2529 J.O. Stephenson Ave., Kennesaw, GA 30144**

CAMPAIGN CONTRIBUTIONS

The undersigned Attorney for
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

Attorney for
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: Oakmont Pacolet Acquisitions, 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. MOORE INGRAM JOHNSON & STEELE, LLP

BY: 

Applicants Signature J. Kevin Moore
Georgia Bar No. 519728
Attorneys for Applicant and Property Owner

Signed, sealed and delivered in presence of:




Carolyn E. Cook

Notary Public, State of Georgia - My Commission Expires: January 10, 2023



Community Development
Planning & Zoning Department
2529 J.O. Stephenson Ave., Kennesaw, GA 30144

Attach to this document a copy of the property/s that have been served notification along with the documentation supplied in the certified mailing.

Section 1909, Part 4 Standards for Decisions – Variances

Zoning Variances may be granted in such individual cases of practical difficulty or unnecessary hardships as follows:

COMMENTS

There is extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.	See Attached for Responses
The application of this chapter to this particular piece of property would create practical difficulty or unnecessary hardship.	
Such conditions are peculiar to the particular piece of property involved.	
Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter.	

ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.:

Hearing Dates:

October 2, 2019

October 21, 2019

Applicant:

Oakmont Pacolet Acquisitions, LLC

Titleholder:

The Estate of Madge Turner Quarles

SECTION 1909, PART 4, STANDARDS FOR DECISIONS – VARIANCE

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

Due to the proposed industrial development's orientation for access to an industrial road, Cobb International Boulevard, by private easement, a variance is necessary. However, the Property's location is extraordinary in that private easement access is the only access to the industrial thoroughfare.

- (2) The application of this chapter to this particular piece of property would create practical difficulty or unnecessary hardship.**

Application of the subject Ordinance would create a practical difficulty as the Subject Property does not have road frontage on the industrial thoroughfare.

- (3) Such conditions are peculiar to the particular piece of property involved.**

The lack of road frontage on the industrial thoroughfare is peculiar to this Property and enables there to be very limited access to the residential area of Stanley Road on which this Property has frontage.

- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter.**

Relief from the subject Ordinance would enhance the public good by limiting access to Stanley Road and instead, placing primary access to the Property and the future development on the industrial thoroughfare of Cobb International Boulevard.

3.00 RM

Please return to:

Matthew J. Howard
MOORE & ROGERS
192 Anderson Street
Marietta, GA 30060

Cobb County, Georgia

Real Estate Tax

STATE OF GEORGIA

COUNTY OF COBB

Paid

Date

Jay C. Stephenson
Clerk of Superior Court

ASSENT OF EXECUTOR TO DEVISE

WHEREAS, WILLIAM T. QUARLES died a resident of Cobb County, Georgia, on the 19th day of December, 1993, leaving a Will which has been probated in solemn form in said County on February 28, 1994, by the Probate Court thereof; and

WHEREAS, under the terms of said Will, the following described property was devised to MADGE TURNER QUARLES:

All that tract or parcel of land being 57.56 acres, more or less, in Land Lot No. 213 of the 20th District, 2nd Section, Cobb County, Georgia, being all of a tract of 78-1/2 acres, more or less, shown by plat of survey made by Albert Dobbs, C.E., recorded in Plat Book 6, Page 8, Cobb County Records, except 3 acres, more or less, conveyed to Henry A. Powell on January 2, 1947, by Guy A. Powell by Deed recorded in Deed Book 182, Page 586, Cobb County Records, and 17.94 acres in the southwest portion of said tract conveyed by Guy A. Powell to Carl H. Hutson and Ila Mae Newell by Deed recorded in Deed Book 199, Page 465. Said 78-1/2 acre tract, in addition to being shown by said plat, is fully described in a Deed from Mrs. Miriam R. Smith to Guy A. Powell, dated February 19, 1946, recorded in Deed Book 175, Page 225, Cobb County Records. Reference is had to the plat and the deeds referred to herein in support of and for the purpose of definitely describing such property.

This is the same property conveyed by Guy A. Powell to William T. Quarles by Warranty Deed dated January 6, 1949, recorded in Cobb County Records.

WHEREAS, the undersigned duly qualified as Executrix of the Estate of said WILLIAM T. QUARLES on February 28, 1994, and is now administering the estate under the terms of said Will; and it has been determined that all debts and claims against the estate have been fully paid.

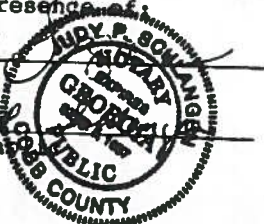
NOW, THEREFORE, the undersigned, as Executrix of the Will of said WILLIAM T. QUARLES, hereby assents to the devise of said property under the terms of said Will, so that full fee-simple title thereto is vested in the said MADGE TURNER QUARLES as provided in said Will.

WITNESS my hand and seal this 30th day of August, 1994.

Signed, sealed and delivered
in the presence of:

Witness

Notary Public



Madge Turner Quarles (SEAL)
MADGE TURNER QUARLES, Executrix of
the Estate of William T. Quarles

FILED AND RECORDED

94 AUG 30 PM 5:12

COBB SUPERIOR COURT CLERK

8K8453PG0028



City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780
(770) 424-8274

2018 Property Tax Bill

Parcel ID	Tax District	Bill #							
20021300150	3/3-BOND - KENNESAW CITY	819814							
Property Owner/Location/Description		Fair Market Value	Taxable Value						
QUARLES MADGE TURNER 1630 STANLEY RD		147,330	58,932						
Levies	Taxable Value	-	Exemptions	=	Net Assessment	X	Tax Rate	=	Net Tax
KENNESAW CITY	58,932		58,932		0		8.0000000		\$0.00
BOND	58,932		58,932		0		1.5000000		\$0.00

Exemptions:

223 - Age 65 GA Net Inc	20,220	Current Year Tax	\$0.00
223 - Age 65 GA Net Inc	20,220	Interest	\$0.00
223 - Age 65 GA Net Inc	38,712	Penalty	\$0.00
223 - Age 65 GA Net Inc	38,712	Other Fees	\$0.00
<p>Interest will accrue monthly at a rate of .708% per month, based on an annual calculation of Federal Prime Rate (5.50) plus 3%. To arrive at the new monthly interest rate divide the 8.50% by 12. This annual interest rate will change when the Federal Reserve announces the new bank prime loan rate each January (House Bill 960).</p> <p>Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).</p> <p>Online payments are accepted at www.municipalonlinepayments.com/kennesawga</p> <p>Any questions concerning ownership changes or change of address should be directed to Cobb County Tax Commissioner's Office at (770) 528-8600.</p>		Payments Received	\$0.00
		Other Amounts Due	\$0.00
		Total Due	\$0.00
		Due Date	12/01/2018

City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780



Please make check or Money Order Payable to :
City of Kennesaw Property Tax Division and
include the Parcel ID on your check.

For your convenience, you may pay by check,
money order, Discover, Mastercard, AMEX, VISA.
Paying online has \$15.50 fee per transaction and a
3% fee in the office for all credit card and debit card
transactions.

Parcel ID: 20021300150
Amount Due: \$0.00
Bill#: 819814
Due Date: 12/01/2018

AMOUNT PAID

QUARLES MADGE TURNER
1630 STANLEY RD
KENNESAW, GA 30152 - 4320

City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780



CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Printed: 8/21/2019

Cobb County Online Tax Receipt

Thank you for your payment!

Payer
MADGE T QUARLES

QUARLES MADGE TURNER

Payment Date: 10/9/2018

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2018	20021300150	10/15/2018	Pay:	N/A or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$401.16	\$0.00



Scan this code with your
mobile phone to view this
bill!!!

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 213 of the 20th Land District, 2nd Section, City of Kennesaw, Cobb County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino & Associates, Inc. (Job #19-046; Drawing/File #19-046), bearing the seal of Glenn A. Valentino, Georgia Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

BEGINNING at a 1-1/4" iron bar found at the common corner of Land Lots 205, 206, 213 and 214; THENCE easterly along the Land Lot line common to Land Lots 206 and 213 South 89 degrees 01 minutes 37 seconds East for a distance of 1191.43 feet to a 1/2" rebar found; THENCE departing said Land Lot line South 28 degrees 46 minutes 46 seconds East for a distance of 522.94 feet to a 1/2" rebar found; THENCE South 44 degrees 07 minutes 41 seconds West for a distance of 219.85 feet to a 1/2" rebar found; THENCE South 28 degrees 46 minutes 42 seconds East for a distance of 546.70 feet to a 1/2" rebar found on the northwesterly right-of-way line of Stanley Road (variable width public r/w); THENCE proceeding southwesterly along said right-of-way line of Stanley Road South 53 degrees 35 minutes 20 seconds West for a distance of 3.41 feet to a 1/2" iron pin set; THENCE along a curve to the left having a radius of 374.23 feet for an arc distance of 204.18 feet (said arc being subtended by a chord of South 37 degrees 55 minutes 09 seconds West for a distance of 201.65 feet) to a 1/2" iron pin set; THENCE South 22 degrees 17 minutes 21 seconds West for a distance of 136.41 feet to a 1/2" iron pin set; THENCE South 31 degrees 45 minutes 06 seconds West for a distance of 80.98 feet to a 1/2" iron pin set; THENCE South 29 degrees 29 minutes 56 seconds West for a distance of 28.03 feet to a 1/2" iron pin set; THENCE along a curve to the right having a radius of 41.00 feet for an arc distance of 37.04 feet (said arc being subtended by a chord of South 55 degrees 22 minutes 55 seconds West for a distance of 35.80 feet) to a 1/2" iron pin set; THENCE along a curve to the left having a radius of 66.50 feet for an arc distance of 74.69 feet (said arc being subtended by a chord of South 49 degrees 05 minutes 24 seconds West for a distance of 70.82 feet) to a 1/2" iron pin set; THENCE along a curve to the right having a radius of 46.00 feet for an arc distance of 35.13 feet (said arc being subtended by a chord of South 38 degrees 47 minutes 40 seconds West for a distance of 34.28 feet) to a 1/2" iron pin set; THENCE South 60 degrees 40 minutes 26 seconds West for a distance of 35.06 feet to a 1/2" iron pin set; THENCE South 57 degrees 16 minutes 49 seconds West for a distance of 105.87 feet to a 1/2" iron pin set; THENCE South 63 degrees 18 minutes 16 seconds West for a distance of 103.97 feet to a 1/2" iron pin set; THENCE along a curve to the left having a radius of 400.00 feet for an arc distance of 117.14 feet (said arc being subtended by a chord of South 54 degrees 54 minutes 54 seconds West for a distance of 116.72 feet) to a 1/2" iron pin set; THENCE departing said right-of-way line of Stanley Road North 27 degrees 42 minutes 01 seconds West for a distance of 578.46 feet to a bent 2" open top pipe found; THENCE South 76 degrees 56 minutes 24 seconds West for a distance of 672.96 feet to a 1/2" rebar found on the Land Lot line common to Land Lots 213 and 214; THENCE proceeding northerly along said Land Lot line North 00 degrees 45 minutes 09 seconds East for a distance of 1417.80 feet to a 1-1/4" iron bar found at the aforesaid Land Lot corner common to Land Lots 205, 206, 213 and 214, said 1-1/4" iron bar found being the POINT OF BEGINNING.

Said tract or parcel of land contains 46.690 acres or 2,033,827 square feet.

**A** 2529 J O Stephenson Ave NW, Kennesaw, GA 30144**B** 1630 Stanley Rd NW, Kennesaw, GA 30152

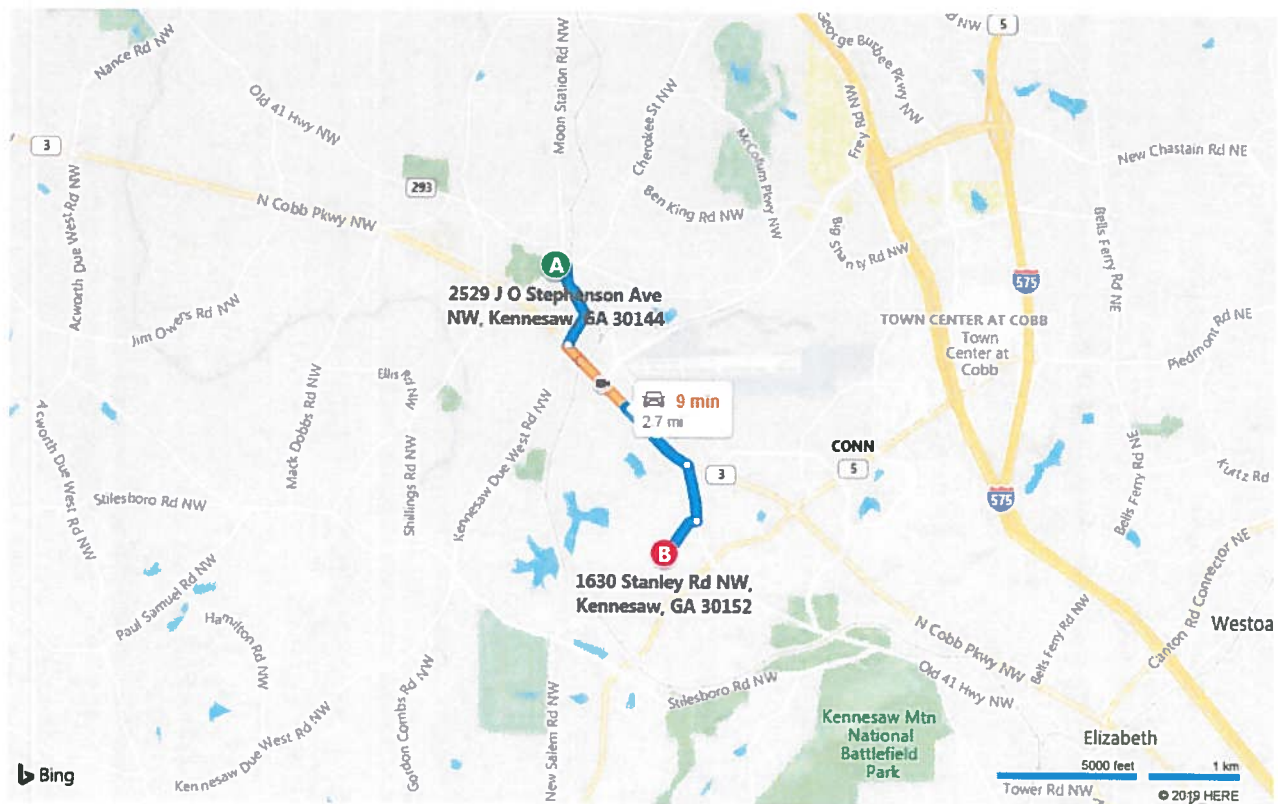
9 min , 2.7 miles
Moderate traffic
Via US-41 S, Old 41 Hwy NW
· Local roads

Type your route notes here

A 2529 J O Stephenson Ave NW, Kennesaw, GA 30144

↑	1.	Head east on J O Stephenson Ave NW toward Li'l General Cloggers Ln NW	420 ft
↘	2.	Turn right onto S Main St NW	0.2 mi
↘	3.	Turn right onto Summers St NW	0.2 mi
↗	4.	Bear right onto Kennesaw Due West Rd NW	0.2 mi
↶	5.	Turn left onto US-41 S / GA-3 S / N Cobb Pkwy NW Shell on the corner	1.2 mi
↗	6.	Bear right onto Old 41 Hwy NW CITGO on the corner	0.4 mi
↘	7.	Turn right onto Stanley Rd NW	0.3 mi
	8.	Arrive at Stanley Rd NW The last intersection is Cedar Lake Dr NW If you reach Collins Rd NW, you've gone too far	

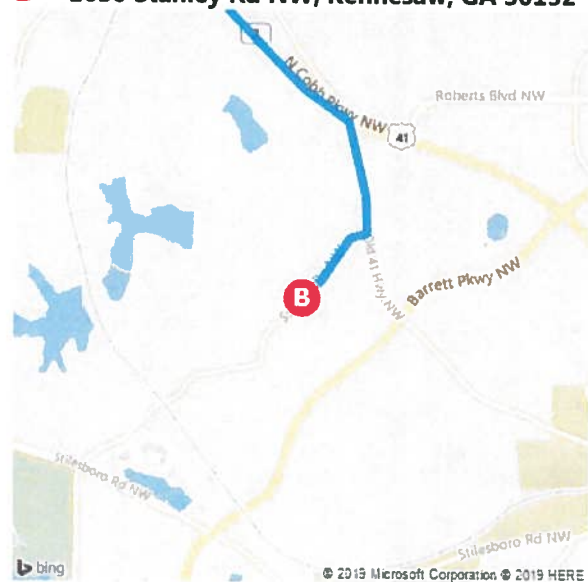
B 1630 Stanley Rd NW, Kennesaw, GA 30152



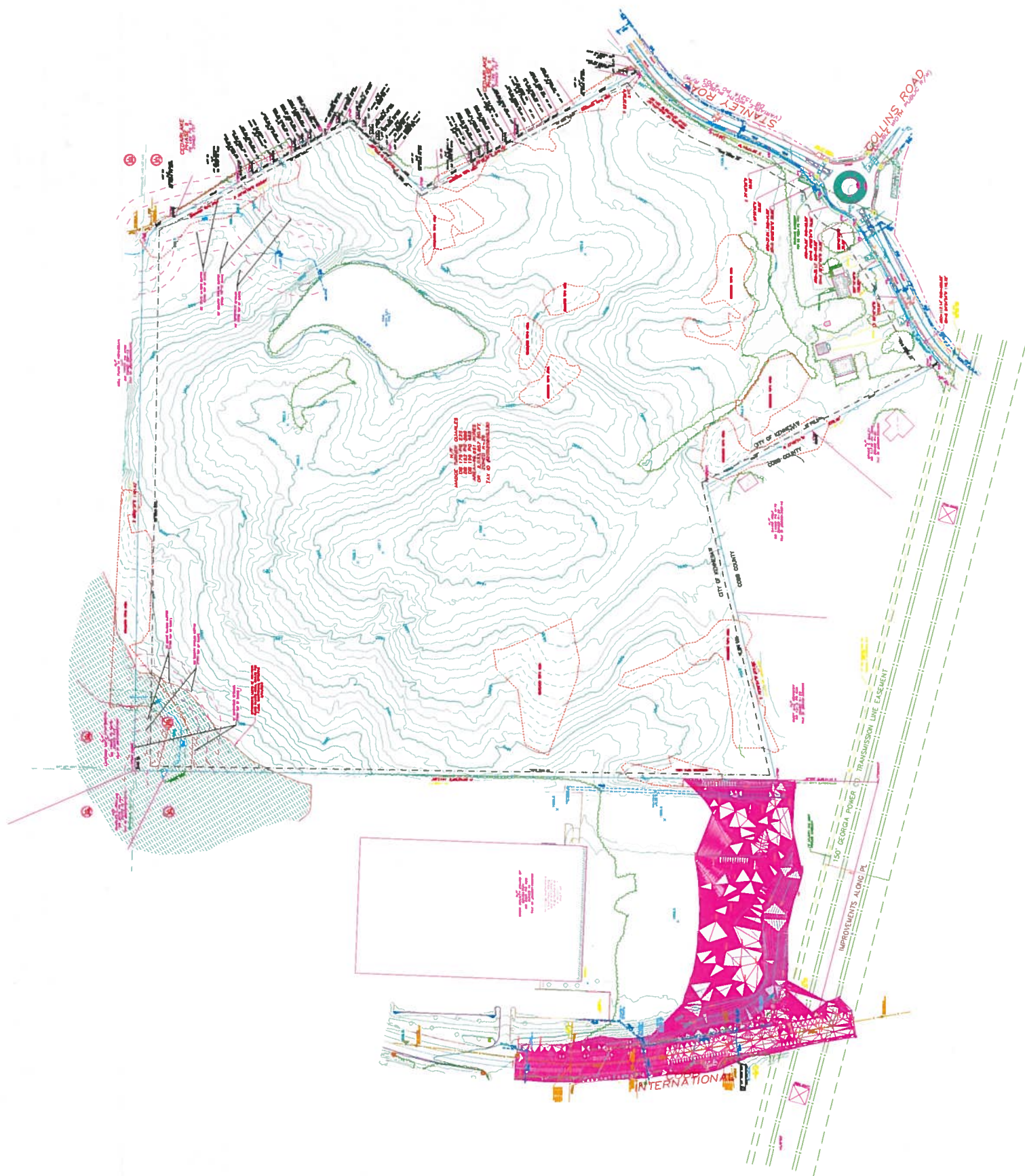
A 2529 J O Stephenson Ave NW, Kennesaw,...



B 1630 Stanley Rd NW, Kennesaw, GA 30152



These directions are subject to the Microsoft Service Agreement and are for informational purposes only. No guarantee is made regarding their completeness or accuracy. Construction projects, traffic, or other events may cause actual conditions to differ from these results. Map and traffic data © 2019 HERE™.





ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.:

Hearing Dates:

October 2, 2019

October 21, 2019

**BEFORE THE PLANNING COMMISSION AND THE
MAYOR AND CITY COUNCIL FOR THE
CITY OF KENNESAW, GEORGIA**

**CONSTITUTIONAL CHALLENGE
ATTACHMENT TO APPLICATION FOR VARIANCE**

COME NOW, Applicant, OAKMONT PACOLET ACQUISITIONS, LLC (hereinafter referred to as “Applicant”), and Property Owner, THE ESTATE OF MADGE TURNER QUARLES (hereinafter referred to as “Property Owner” or “Owner”), and assert the following:

1.

By Application for Variance dated and filed August 28, 2019, Applicant and Property Owner applied for a variance as to the requirements of the Zoning and Planning Ordinance for the City of Kennesaw and seek a waiver of Appendix A, Chapter 2, Section 2.01.05.01(D)2 providing for a minimum lot width at front setback line to be seventy-five (75) feet for Light Industrial zoning; all as more fully set forth in the subject Application (hereinafter collectively referred to as the “Lot Width Ordinance”).

2.

The Zoning and Planning Ordinance for the City of Kennesaw was established by the governing authority of the City of Kennesaw, Georgia, being hereinafter referred to as the “Zoning and Planning Ordinance of the City of Kennesaw” or in the alternative the “Ordinance.”

3.

By Application for Variance, Applicant and Property Owner applied for a variance specifically as to certain real property lying and being in the City of Kennesaw, Cobb County, Georgia, a more particular description and delineation of the subject property being set forth in said Application (hereinafter referred to as the "Subject Property" or "Property").

4.

The Application for Variance seeks a waiver of the zoning requirements of the Setback Ordinance, as applied to the Subject Property.

5.

There is no question but that enforcement of the Setback Ordinance would create an unnecessary hardship in that same would deny reasonable use of the Property while causing no substantial detriment to the public good. The Application for Variance does not seek a use of the Property which is prohibited by any ordinance or resolution.

6.

The Zoning and Planning Ordinance of the City of Kennesaw and the Code of the City of Kennesaw are unconstitutional as applied to the Property in that said Ordinances deprive Applicant and Property Owner of their Property under and pursuant to Art. I, § I, ¶¶ I and II of the Georgia Constitution of 1983, and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of Property without due process violates the constitutional prohibition against the taking of private property without just compensation. Said Ordinances, as they presently exist, violate the Applicant's and Property Owner's right to unfettered use of their

Property in that a refusal to grant the requested variance from said Ordinances would result in unwarranted loss of existing and proposed reasonable commercial use. Further, said Ordinances do not bear a substantial relation to the public health, safety, morality, or general welfare and are therefore confiscatory and void as applied to the Property. Further, said Ordinances are unconstitutional in that same are arbitrary and unreasonable resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss upon the Applicant and Property Owner.

7.

The Zoning and Planning Ordinance of the City of Kennesaw and the Code of the City of Kennesaw are further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with the Application for Variance also violate Art. I, § I, ¶¶ I, II, and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront witnesses, contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issue at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law. These procedures fail to comport with the due process requirements of the Constitution of the State of Georgia 1983 and the due process requirements of the Constitution of the United States of America.

Respectfully submitted, this 28th day of August, 2019.

MOORE INGRAM JOHNSON & STEELE, LLP

BY: 

J. KEVIN MOORE
Georgia Bar No. 519728

Attorneys for Applicant and Property Owner

Page 3 of 3

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL STREET
SUITE 100
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF ROAD
SUITE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039

JACKSONVILLE, FLORIDA
10201 CENTURION PARKWAY N.
SUITE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1465

BRENTWOOD, TENNESSEE
5200 MARYLAND WAY
SUITE 301
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 425-7347

LEXINGTON, KENTUCKY
771 CORPORATE DRIVE
SUITE 430
LEXINGTON, KENTUCKY 40503
TELEPHONE (859) 309-0026

ORLANDO, FLORIDA
7380 WEST SAND LAKE ROAD
SUITE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 367-6233

MECHANICSBURG, PENNSYLVANIA
5000 RITTER ROAD
SUITE 106
MECHANICSBURG, PENNSYLVANIA 17055
TELEPHONE (717) 790-2854

January 31, 2020

Hand Delivered

Mr. Darryl Simmons
Planning and Zoning Administrator
City of Kennesaw, Georgia
2529 J.O. Stephenson Avenue
Kennesaw, Georgia 30144

RE: Application for Rezoning and Application for Variance

Case Nos.: RZ2019-02 (#212); ZV2019-03 (#213)
Applicant: Oakmont Pacolet Acquisitions, LLC
Property Owner: The Estate of Madge Turner Quarles
Property: 46.690 acres, more or less, located at
1630 Stanley Road, Land Lot 213, 20th District,
2nd Section, City of Kennesaw, Cobb County,
Georgia

Dear Darryl:

On behalf of the Applicant, Oakmont Pacolet Acquisitions, LLC ("Applicant"); as well as, the Property Owner, the Estate of Madge Turner Quarles, please accept this correspondence as our formal request to table the above-referenced Application for Rezoning from the currently scheduled hearings before the City of Kennesaw Planning and Zoning Commission and the Mayor and City Council. Additional time is needed for Applicant to evaluate the project and to make significant site plan revisions, which would necessitate proper posting and advertising; as well as, meetings and discussions with homeowners and neighborhood representatives. We would very much appreciate the Staff's consideration of tabling the hearings to April 1, 2020, before the Planning Commission, and April 20, 2020, before the Mayor and City Council.

Thank you for your consideration in this request. If you should have any questions or require additional information at this time, please do not hesitate to contact me.

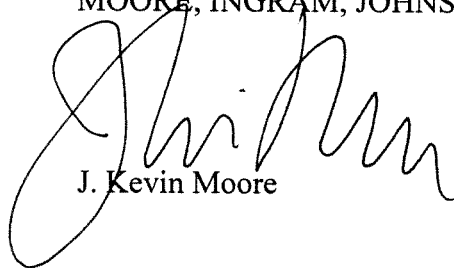
MOORE INGRAM JOHNSON & STEELE

Mr. Darryl Simmons
Planning and Zoning Administrator
City of Kennesaw, Georgia
Page 2 of 2
January 31, 2020

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

c: Oakmont Pacolet Acquisitions, LLC



*Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall ,
Phillip Jackson
SaVaughn Irons*

February 05, 2020

Planning Commission Action Minutes

City Hall Council Chambers

NOTE: Planning Commission serves as an Advisory Board that makes recommendations to the Mayor and Council, which will be heard on February 17, 2020 6:30p.m. unless otherwise noted. Anyone giving comments in the public session are to sign in and note that limitation of 10 minutes per side will be allowed.

I. Call Meeting to Order/Roll Call- Called to order at 7:00pm

Cindi Michael, Phillip Jackson, Don Bergwall and Savaughn Irons in attendance

II. Approval of minutes: January 02, 2020 Meeting-Don Bergwall motioned to approve with edits noted, seconded by Phillip Jackson- vote 3-0

**III. Chair and Vice-Chair- Doug Rhodes nominated and voted as Chairman for 2020 vote 3-0
CindMichaels nominated and voted in as Vice Chairman for 2020
Vote 3-0**

IV. Public Hearing:

1. **Adoption of the Official 2020 Zoning Map** (to include all annexations, de-annexations, rezoning and amendments up to December 31, 2019). This hearing is to present the draft (zoning map) for your consideration and recommendation to the Mayor and Council for their official action of adoption of the City's Zoning Map. The Official Zoning Map, once adopted will reflect all approved annexations, de-annexations, rezoning, and amendments up to and including December 31, 2019. Adopting the official zoning map will provide clarity on the most current zoning district locations within the city limits. The map reflects staff's analysis and recommendations of amendments to land use designations promoting current trends and long-term city planning objectives. Legal advertisement was placed in the Marietta Daily Journal on January 17, 2020 and January 24, 2020. Staff recommends the adoption of the official zoning map. **This matter will be heard before the Mayor and Council at their scheduled meeting of February 17, 2020, at 6:30pm**
Don Bergwall motioned to adopt zoning map as presented, seconded by Phillip Jackson vote 3-0
2. **Unified Development Code Amendment:** The proposed amendment is to amend APPENDIX A "UNIFIED DEVELOPMENT CODE," CHAPTER 1 "GENERAL PROVISIONS," SECTION 1.09.02 DEFINITIONS, ADDING A NEW SECTION UNDER CHAPTER 4 SECTION 4.06.00" UNIVERSITY LIVING-PBSH" (purpose built student housing) **This matter will be heard before the Mayor and Council at their scheduled meeting of February 17, 2020, at 6:30pm**
Don Bergwall motioned to adopt the Purpose built student housing definition and zoning ordinance draft as presented, seconded by SaVaughn Irons, vote 3-0
3. **RZ2020-01 Rezoning Request** Consideration to approve a rezoning request submitted by Oakmont Pacolet Acquisitions LLC for property located at 1630 Stanley Road. Said request to rezone from City R-20 to City LI (Light Industrial) for property containing 46.6+/- acres for purpose of industrial office warehouse and distribution facility. Property identified as Land Lot 213, Tax Parcel 15. **(Mayor and Council 2.17.2020)**

**The next scheduled meeting of the Kennesaw Planning Commission
March 04, 2020 at 7:00pm**





*Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall ,
Phillip Jackson
SaVaughn Irons*

Phillip Jackson motioned to table the rezoning application as requested by the Applicant's attorney letter dated January 31, 2020. The dates are the April 1, 2020 Planning Commission meeting and April 20, 2020 M&C meeting seconded by Don Bergwall vote 3-0

- **ZV2020-01 Variance Request** Consideration to approve a zoning variance request submitted by Oakmont Pacolet Acquisitions LLC for property located at 1630 Stanley Road. Said request to seek variance on the minimum lot width at front setback. Property identified as Land Lot 213, Tax Parcel 15, containing 46.6+/- acres and seeking rezoning to City LI (Light Industrial). **(Mayor and Council 2.17.2020)**

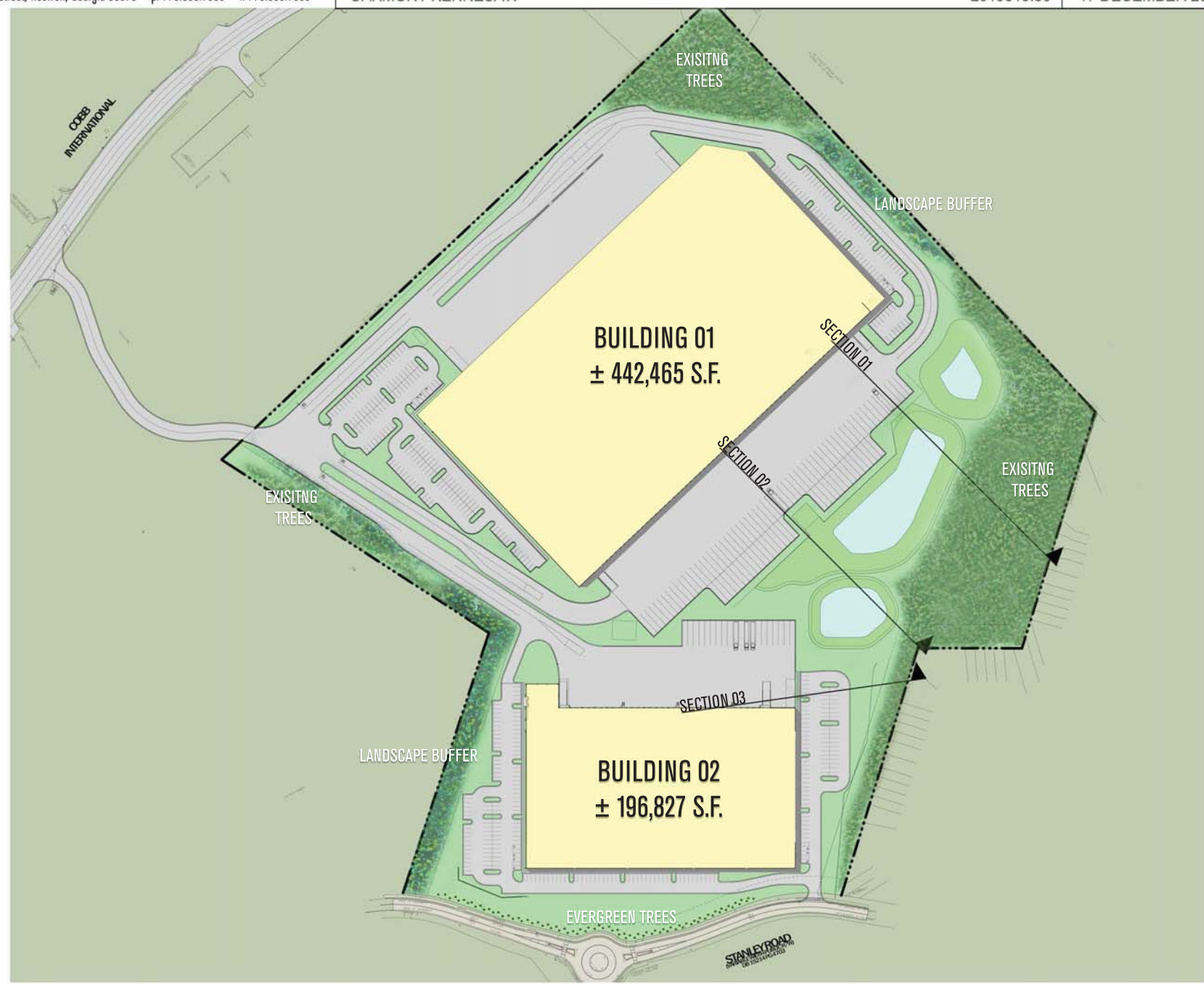
Don Bergwall motioned to table Variance application as requested by the applicant's attorney letter dated January 31, 2020. The hearing dates are –Planning Commission meeting April 1, 2020, M&C meeting April 20, 2020, vote 3-0

V. Staff Comments-*No comments by staff*

VI. Adjournment- *meeting adjourned 8:47pm*

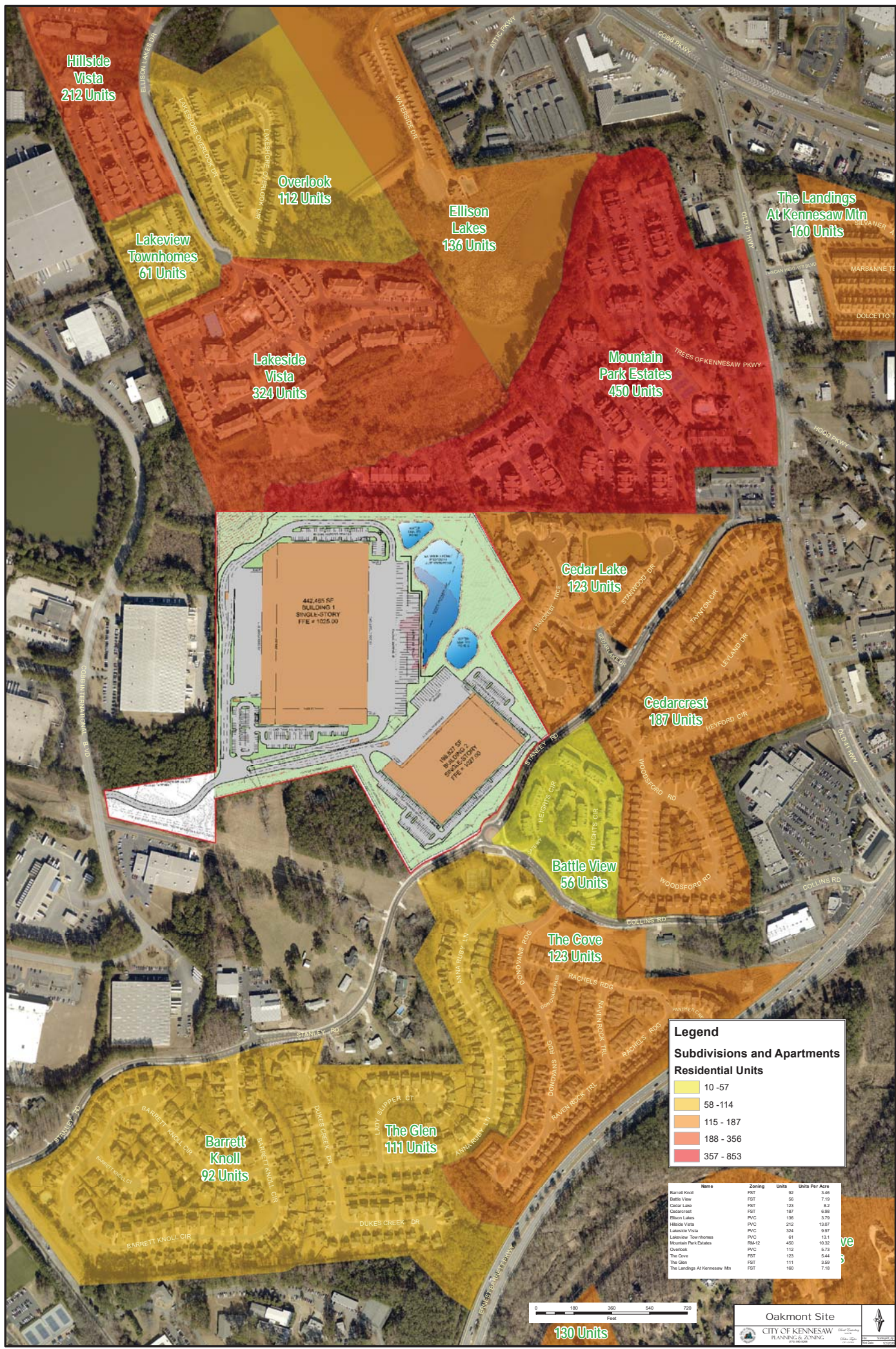
**The next scheduled meeting of the Kennesaw Planning Commission
March 04, 2020 at 7:00pm**





SITE PLAN
SCALE 1" = 90'-0"





Legend

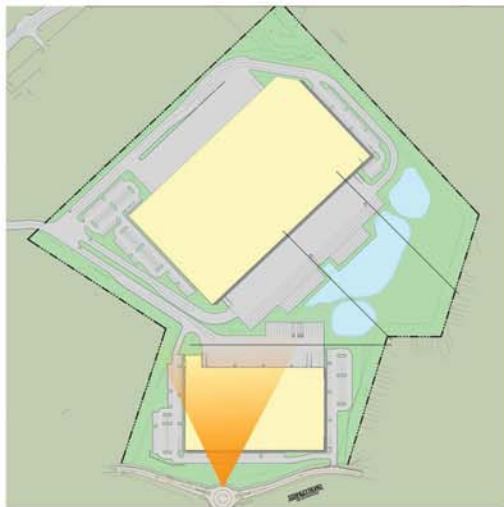
Subdivisions and Apartments

Residential Units

- 10 - 57
- 58 - 114
- 115 - 187
- 188 - 356
- 357 - 853

Name	Zoning	Units	Units Per Acre
Barrett Knoll	FST	92	3.46
Battle View	FST	56	7.10
Cedar Lake	FST	123	8.2
Cedarcrest	FST	187	6.98
Ellison Lakes	PVC	136	3.79
Hillside Vista	PVC	212	13.07
Lakeview Townhomes	PVC	324	9.97
Mountain Park Estates	PVC	450	10.32
Overlook	PVC	112	5.73
The Cove	FST	123	5.44
The Glen	FST	111	3.59
The Landings At Kennesaw Mtn	FST	160	7.18







Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall
Phillip Jackson

Work Session
6:30PM

Thursday, January 02, 2020

Planning Commission Summary
7:00PM

City Hall Council Chambers

NOTE: Planning Commission serves as an Advisory Board that makes recommendations to the Mayor and Council, which will be heard on January 21, 2020, 6:30p.m

I. Call Meeting to Order/Roll Call: **Doug Rhodes, Cindi Michael, Dan Harrison, Don Bergwall and Phillip Jackson**

II. Approval of minutes: December 04, 2019 **Approved Vote: 4-0**

III. Nominations for calendar year 2020 **Tabled to the February 05, 2020 meeting**

IV. Public Hearing:

- **RZ2020-01 Rezoning Request** Consideration to approve a rezoning request submitted by Oakmont Pacolet Acquisitions LLC for property located at 1630 Stanley Road. Said request to rezone from City R-20 to City LI (Light Industrial) for property containing 46.6+/- acres for purpose of industrial office warehouse and distribution facility. Property identified as Land Lot 213, Tax Parcel 15. **(Mayor and Council 1-21-20). Vote to table the rezoning request to February 05, 2020 Planning Commission meeting to await the results of the DRI report. Vote: 3-1. Yeas: Dan Harrison, Cindi Michael and Don Bergwall. Nay: Phillip Jackson.**
 - **ZV2020-01 Variance Request** Consideration to approve a zoning variance request submitted by Oakmont Pacolet Acquisitions LLC for property located at 1630 Stanley Road. Said request to seek variance on the minimum lot width at front setback. Property identified as Land Lot 213, Tax Parcel 15, containing 46.6+/- acres and seeking rezoning to City LI (Light Industrial). **(Mayor and Council 1-21-20). Vote to table the variance request to February 05, 2020 Planning Commission meeting to await the results of the DRI report. Vote: 3-1. Yeas: Dan Harrison, Cindi Michael and Don Bergwall. Nay: Phillip Jackson.**
- **LU2020-01 Land Use** - Consideration to approve a land use permit submitted by Mahshid Irvani for property identified as 3521 Cherokee Street. Said request to renew and allow use of the residentially zoned home for a home-based beauty salon. Property identified as Land Lot 99, 20th District, 2nd Section, Tax Parcel 129, Cobb County with property zoned R-15. **(Mayor and Council 1-21-20) Vote to approve the land use permit renewal for 24 months to allow use of residence for a home-based beauty salon. Vote: 4-0. Yeas: Dan Harrison, Cindi Michael and Phillip Jackson. Nays: None**

V. Adjournment: **Meeting adjourned at 10:00PM**

The next scheduled meeting of the Kennesaw Planning Commission
February 05, 2020 at 7:00pm



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initial registered agent of such ad-
dress is Milton C. Parker.
12:6,13-2019

MDJ-3846
GPN-6

NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that Articles of Incorporation which incorporate THE PRESCOTT MILLER FOUNDATION, INC. have been delivered to the Secretary of State for filing in accordance with the Georgia Non-Profit Corporation Code. The initial registered office of the corporation is located at 3350 Riverwood Parkway, Suite 1600, Atlanta, Cobb County, Georgia 30339 and its initial registered agent of such address is William A. Turner, Esq.

12:6,13-2019

MDJ-3849
GPN-6

NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that Articles of Incorporation which incorporate Blue Devil Soccer Goal Club, Inc. have been delivered to the Secretary of State for filing in accordance with the Georgia Non-Profit Corporation Code. The initial registered office of the corporation is located at 1000 Whitlock Avenue, Suite 320, #199, Marietta, GA Cobb County, Georgia 30064 and its initial registered agent at such address is Colby Henson.

12:6,13-2019

MDJ-3855
GPN-6

NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that Articles of Incorporation which incorporate EXTERIOR CONTRACTOR ALLIANCE COOPERATIVE, INC. have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation is located at 3350 Riverwood Parkway, Suite 1600, Atlanta, Cobb County, Georgia 30339 and its initial registered agent at such address is Cohen Pollock Merlin Turner, P.C.

12:6,13-2019

MDJ-3874
GPN-6

Notice of Intent to Incorporate
Notice is given that Articles of Incorporation, which will incorporate Stop The Shema Foundation, Inc., have been delivered to the Secretary of State for filing in accordance with the Georgia Non Profit Corporation Code. The initial registered office of the corporation will be located at 632 Serramonte Drive, Marietta, Cobb County, Georgia 30068, and its initial registered agent of such address is Stacey Youman.

12:6,13-2019

MDJ-3880
GPN-6

NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that Articles of Incorporation which incorporate SLR, LLC have been delivered to the Secretary of State for filing in accordance with the Georgia (Business) (Non-Profit) Corporation Code. The initial registered

PETITIONER:

corporation with its registered office at 1638 Sonya Drive, Marietta, Georgia 30066, has been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code.

Persons with claims against said Corporation may present them by sending written notice setting forth (a) the claimant's name and address, (b) a description of the claim and (c) the amount of claim, to 1638 Sonya Drive, Marietta, Georgia 30066. Except for claims that are contingent of the time of filing of the notice of intent to dissolve or that arise after the filing of the notice of intent to dissolve, a claim against the Corporation not otherwise barred will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of this notice.

12:13,20-2019

MDJ-4010
GPN-06

NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that articles of incorporation that will incorporate Data Privacy Consulting Group, Inc. have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation is located at 5104 Huntcrest Drive, Mableton, GA 30126 and its initial registered agent at such address is Kimberly Gordon.

12:13,20-2019

MDJ-4011
GPN-06

NOTICE OF DISSOLUTION

Notice is given that a Notice of Intent to Dissolve Amber Horizons, Inc., a Georgia Corporation with its registered office located at 200 Galleria Parkway, SE, Suite 500, Atlanta, Georgia 30339, has been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code.

12:13,20-2019

MDJ-4026
GPN-6

NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that Articles of Incorporation which incorporate SRA Global Empowerment, Inc. have been delivered to the Secretary of State for filing in accordance with the Georgia (Non-Profit) Corporation Code. The initial registered office of the corporation is located at 44 Fair Haven Way Smyrna, Cobb County, Georgia 30080 and its initial registered agent at such address is Yoyanlem Demissie.

12:13,20-2019

MDJ-4037
GPN-06

NOTICE OF CHANGE
OF CORPORATE NAME

Notice is given that Articles of Amendment, which will change the name of Park West Realty Group, Inc. to Park West Group, Inc., will be delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The registered office of the Corporation is located at 120 South Park Square, Marietta, GA 30060.

12:13,20-2019

Persons with claims against said Corporation may present them by sending written notice setting forth (a) the claimant's name and address, (b) a description of the claim and (c) the amount of claim, to 120 South Park Square, Marietta, Georgia 30060. Except for claims that are contingent of the time of filing of the notice of intent to dissolve or that arise after the filing of the notice of intent to dissolve, a claim against the Corporation not otherwise barred will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of this notice.

8065

Planning Commission

MDJ-4032
GPN-13

City of Kennesaw
Land Use Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a land use request submitted by Mahshid Irvani for property located at 3521 Cherokee Street. Said request is to renew and allow a home-based beauty salon business out of a private residence, in a residentially zoned R-15 district. Lying and being in Land Lot 99 of the 20th District, 2nd Section, Tax Parcel 129 Cobb County, Kennesaw, Georgia. The Planning Commission shall hold a public meeting on Thursday, January 02, 2020, at 7:00PM and the Mayor and Council will hold a public hearing on Tuesday, January 21, 2020, at 6:30PM at Kennesaw City Hall, Council Chambers, located at 2529 J.O. Stephenson Avenue. Any interested person may attend and be heard relative thereto.

12:13,20-2019

MDJ-4033
GPN-13

City of Kennesaw
Rezoning Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for rezoning request submitted by Oakmont Paolet Acquisitions, LLC. Said request to rezone property located at 1630 Stanley Road (currently zoned R-20), total acreage consisting 46,690 +/- acres. Property to be rezoned from City R-20 to City Light Industrial (LI). Lying in Land Lot 213, Tax Parcel 15, of the 20th District, 2nd Section, Cobb County Georgia. Said meetings shall be held before the Planning Commission on Thursday, January 02, 2020 at 7:00PM and the Mayor and Council will hold a public hearing on Tuesday, January 21, 2020, at 6:30PM both meetings to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

12:13,20-2019

MDJ-4034
GPN-13

City of Kennesaw
Variance Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a variance request submitted by Oakmont Paolet Acquisitions, LLC. Said request seeking waiver of appendix A, Chapter 2, Section 2.01.05.01(D) 2 providing for a minimum lot width of front setback to be seventy-five (75) feet for Light Industrial zoning. Property located at 1630 Stanley Road, total acreage consisting 46,690 +/- acres. Lying in Land Lot 213, Tax Parcel 15, of the 20th District, 2nd Section, Cobb County Georgia. Said meetings shall be held before the Planning Commission on Thursday, January 02, 2020 at 7:00PM and the Mayor and Council will hold a public hearing on Tuesday, January 21, 2020, at 6:30PM both meetings to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

12:13,20-2019

MDJ-4054



**Regular Meeting Agenda
2/17/2020 6:30 PM
Council Chambers**

Title of Item:	Authorization for approval of ORDINANCE to adopt the 2020 Official Zoning map for the City of Kennesaw.
Agenda Comments:	The Official Zoning map, once adopted, will reflect all approved annexations, rezoning and amendments up to and including December 31, 2019. By adopting the official zoning map, it will provide clarity on the most current zoning district locations within the city limits. Legal advertisements were placed in the Marietta Daily Journal on Friday, January 17, 2020 and Friday, January 24, 2020. Planning Commission heard this item at a meeting held on February 05, 2020 and recommended the Mayor and Council approve by Ordinance the adoption of the 2020 Official Zoning map for the City of Kennesaw, including all annexations, rezoning and amendments through December 31, 2019. Motion made by Don Bergwall and seconded by Phillip Jackson to recommend the Mayor and Council to approve by ordinance the adoption of the 2020 Official Zoning map. Vote:3-0. Zoning Administrator recommends approval.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Zoning Map 2020 Ordinance	12/26/2019	Ordinance
2020 Zoning Map for City of Kennesaw	1/29/2020	Maps
1.17.2020 MDJ Legal Advertisement	1/17/2020	Legal Ad
1.24.2020 MDJ Legal Advertisement	1/28/2020	Legal Ad
action minmutes planning commission	2/6/2020	Backup Material

CITY OF KENNESAW

ORDINANCE NO. 2020,

**AN ORDINANCE TO ADOPT THE OFFICIAL ZONING MAP OF THE
CITY OF KENNESAW**

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

WHEREAS, an Ordinance is necessary to adopt the Official Zoning Map of the City of Kennesaw, Georgia, and;

WHEREAS, notice as advertised in the Marietta Daily Journal on January 17, 2020 and January 24, 2020; and

WHEREAS, the Kennesaw Planning Commission held a public hearing on this proposal on February 05, 2020, recommending approval; and

WHEREAS, the Mayor and Council held a public hearing on this proposal on February 17, 2020; and

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

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Kennesaw, Cobb County, Georgia, that the Official Zoning Map of the City of Kennesaw, Georgia is hereby adopted to reflect all approved annexations and rezoning up to and including December 2019; and

BE IT FURTHER ORDAINED THAT this Ordinance and the attached map shall become effective from and after its adoption and execution by the Mayor.

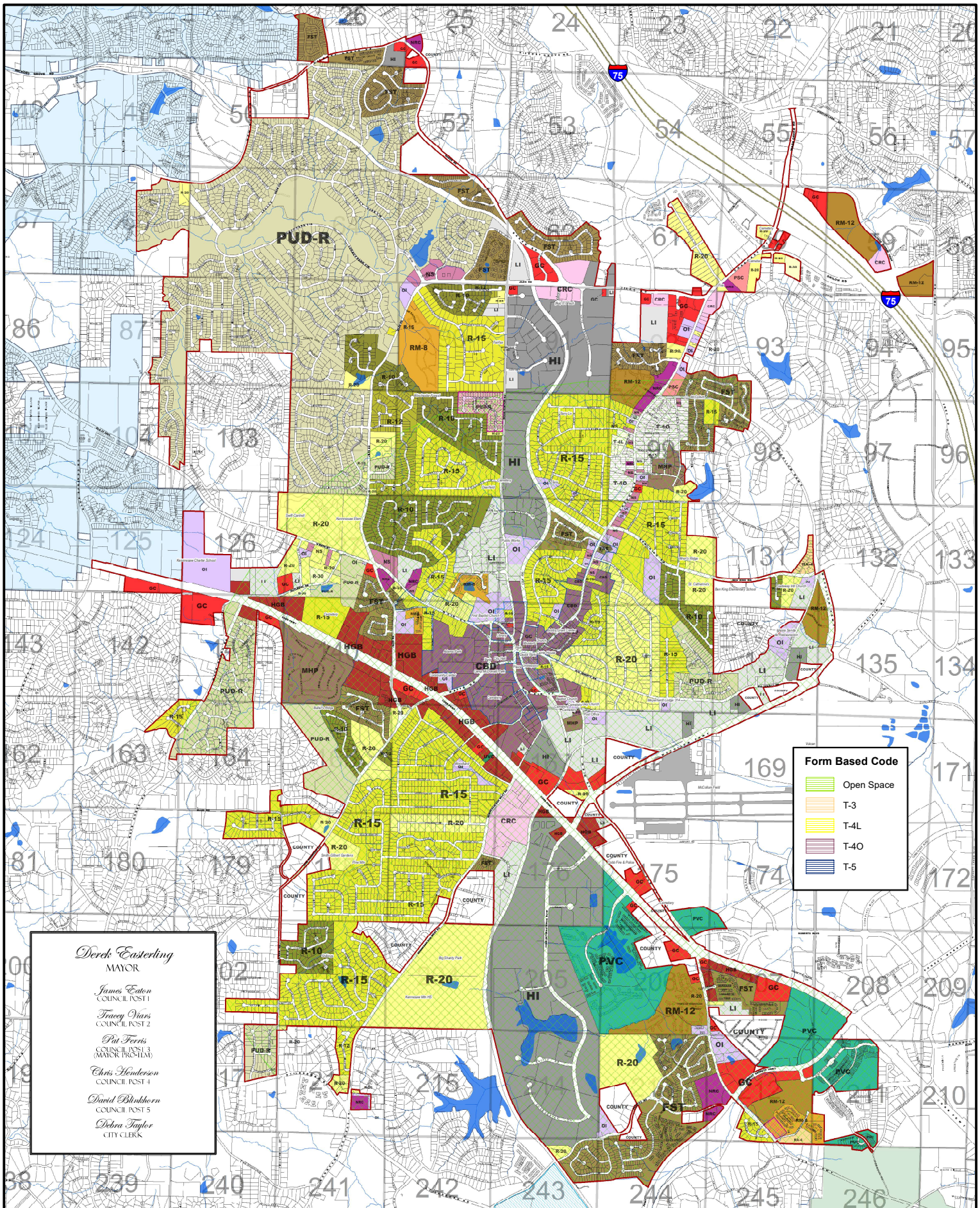
PASSED AND ADOPTED by the Kennesaw City Council on this 17th day of February 2020.

ATTEST:

CITY OF KENNESAW:

Debra Taylor, City Clerk

Derek Easterling, Mayor



Derek Easterling
MAYOR

James Eaton
COUNCIL POST 1

Tracey Vines
COUNCIL POST 2

Pat Ferris
COUNCIL POST 3
(MAYOR PRO-TEM)

Chris Henderson
COUNCIL POST 4

David Blumhosen
COUNCIL POST 5

Dolma Taylor
CITY CLERK

Zoning Districts		Zoning Overlays	
CBD	HGB	Airport Hazard District	Acworth City Limits
CRC	HI	Historic Districts	Kennesaw City Limits
FST	LI	Historic Preservation Village	Kennesaw Mtn Nat'l Battlefield
GC	MHP	Senior Living	Land Lots
NRC	NS		Marietta City Limits
OI	PSC		
PUD-R	PVC		
R-30	R-10		
RM-12	R-12		
RM-8	R-15		
RA-4	R-20		
UVC			

ADOPTED OFFICIAL ZONING MAP

MAYOR DEREK EASTERLING

CITY OF KENNESAW
PLANNING & ZONING DEPT.
"ALWAYS PLANNING FORWARD"

Ordinance:
Adopted: Jan 14th, 2020
Revised:
File: Zoning_ep

1" = 700'

ture of said business is trucking and that said business is composed of the following: KJB TRANSPORT 567 Charing Cross Drive Marietta, GA 30066. This 8th day of January, 2020.

Rebecca Keaton
Clerk of Superior Court
Cobb County
1:17,24-2020

**MDJ-4771
GPN-06
APPLICATION TO REGISTER
BUSINESS TO BE CONDUCTED
UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB**

The undersigned hereby certifies that they are conducting a business in the City of Smyrna/Marietta, County of Cobb, in the State of Georgia under the trade name: Champion Focused Leadership Consulting and that the nature of said business is consulting & training courses and that said business is composed of the following: Sandra Gains 1105 Queensgate Dr Smyrna, GA 30082.

This 8th day of January, 2020.
Rebecca Keaton
Clerk of Superior Court
Cobb County
1:17,24-2020

**MDJ-4772
GPN-06
APPLICATION TO REGISTER
BUSINESS TO BE CONDUCTED
UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB**

The undersigned hereby certifies that they are conducting a business in the City of Acworth, County of Cobb, in the State of Georgia under the trade name: EXOTIC ZEN and that the nature of said business is plant design and that said business is composed of the following: JOSH GADDY & MERCEDES NORWOOD 473 Lake Park Terrace Acworth, GA 30101.

This 8th day of January, 2020.
Rebecca Keaton
Clerk of Superior Court
Cobb County
1:17,24-2020

**MDJ-4776
GPN-6
NOTICE OF INTENT TO
VOLUNTARILY
DISSOLVE A CORPORATION**

Notice is given that a Notice of Intent to Dissolve Merrimac Holdings, Inc. (the "Corporation"), a Georgia corporation with its registered office at 3350 Riverwood Parkway, Suite 1600, Atlanta, Cobb County, Georgia 30039, will be delivered to the Secretary of State for filing in accordance with the Georgia

the name of the Corporation shall be Specialty Builders Insurance Company.

Article 2.

Form of Organization

The Corporation shall be formed as a domestic surplus lines insurer and shall have perpetual duration.

Article 3.

Incorporators

The names and addresses of the five incorporators, all of whom are over 18 years of age, are of good moral character, and have not been convicted of a crime involving moral turpitude are as follows:

Patrick John Mitchell
517 Gramercy Dr.
Marietta, GA 30068
John Stephen Berry
337 Londs Mill
Marietta, GA 30067
Mark Gromek
900 Woodsmith Lane
Johns Creek, GA 30099
Ellen Graham Smith
1549 N. Springs Dr.
Dunwoody, GA 30338
Shawn Andrew Stinson
3884 Wakfield Hall Sq.
Smyrna, GA 30080

All of the incorporators are citizens of the United States and residents of the State of Georgia.

Article 4.

Kinds of Insurance the Corporation is formed to transact

The Corporation is hereby formed as a domestic surplus lines insurer to conduct property and casualty insurance as defined in Chapter 7 of the Official Code of Georgia.

Article 5.

Authorized capital stock and par value of each share

The Corporation shall be a stock insurance company authorized to issue ten thousand (10,000) shares of common stock with a par value of \$500 per share.

Article 6.

Initial Directors

The Board of Directors shall consist of not less than three (3) nor more than nine (9) persons. The Board of Directors shall conduct the affairs of the Corporation and the precise number of members shall be fixed from time to time in accordance with the Bylaws of the Corporation. Initially, the Board of Directors shall consist of three (3) persons, whose names and addresses are as follows and each of whom is a resident of the State of Georgia and a citizen of the United States:

Mark Gromek
900 Woodsmith Lane
Johns Creek, GA 30099
Patrick John Mitchell
517 Gramercy Dr.

dress is Richard C. Hummel, III.
1:17,24-2020

8065 Planning Commission

**MDJ-4774
GPN-13
CITY OF KENNESAW
PUBLIC NOTICE**

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for adoption of the official 2020 Zoning Map for the City of Kennesaw. A copy of the map is on file in City Hall in the Planning and Zoning Office for viewing during normal business hours of 8:00am-5:00pm Monday through Friday.

Said meetings shall be held before the Planning Commission on February 5, 2020, at 7:00P.M. with the Mayor and Council Mayor considering adoption of a proper public meeting to be held February 17, 2020 at 6:30P.M. Both meetings are to be held at 2529 J. O. Stephenson Avenue, Kennesaw, Georgia. Any interested citizens may attend and be heard.

Dorrry Simmons
Planning and Zoning Administrator
1:17,24-2020

MDJ-4773

**GPN-13
City of Kennesaw
Public Notice**

Notice is hereby given that the City of Kennesaw shall hold public hearings to amend the Unified Development Code. The proposed amendment is to amend APPENDIX A UNIFIED DEVELOPMENT CODE, CHAPTER 1 GENERAL PROVISIONS, SECTION 1.09.02 DEFINITIONS, ADDING A NEW SECTION UNDER CHAPTER 4 SECTION 4.06.00 UNIVERSITY LIVING-PBSH (purpose built student housing). Copy of the amendment to the Unified Development Code is on file in the Office of Planning and Zoning during normal business hours, Monday-Friday from 8am to 5pm for public viewing. The Planning Commission shall hold the first public hearing on February 05, 2020 at 7:00pm with a final scheduled hearing and adoption by the Mayor and Council to be considered on February 17, 2020 at 6:30pm. Meetings will be held in the Kennesaw City Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, GA. All interested persons may attend and be heard relative thereto.

Dorrry Simmons
Zoning Administrator
1:17,24-2020

MDJ-4811
GPN-13
CITY OF MARIETTA

**PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE**

TO: whom it may concern
LAUREN G. LEVINGER has petitioned to be appointed Administrator of the estate of ANITA LYNN FERCHAU deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before JANUARY 21, 2020.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Tara C. Riddle
Associate Judge of the Probate Court
By: Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770)528-1900
12:27-2019;1:3,10,17-2020

**MDJ-4387
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
JAMES ARTHUR HENDERSON, JR.,
DECEASED
ESTATE NO.19-2362
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE**

TO: AVERY HENDERSON by and through her Guardian Ad Litem, VICTORIA H. WATKINS, and to whom it may concern:
CRYSTAL VIZCAINO HENDERSON has petitioned to be appointed Administrator of the estate of JAMES ARTHUR HENDERSON, JR., deceased, of said County. The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the

**MDJ-4391
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
JOHN WESLEY THOMPSON, JR.
DECEASED
ESTATE NO.19-2331
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE**

TO: WHOM IT MAY CONCERN
ELIZABETH MARIE THOMPSON has petitioned to be appointed Administrator of the estate of JOHN WESLEY THOMPSON, JR., deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before JANUARY 21, 2020.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Tara C. Riddle
Associate Judge of the Probate Court
By: Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
12:27-2019;1:3,10,17-2020

**MDJ-4392
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
CHARLES L. LOCKHART
DECEASED
ESTATE NO.19-2322
NOTICE OF PETITION TO FILE
FOR YEARS SUPPORT**

The Petition of JERRY A. LANDERS, JR., CONSERVATOR for BRENDA LOCKHART for a years support from the estate of CHARLES L. LOCKHART, Deceased, for Decedents Surviving Spouse, having been duly filed, all interested persons are hereby notified

**MDJ-4514
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE:
DARLENE PAYNE,
DECEASED
ESTATE NO. 19-2388
NOTICE OF PETITION TO FILE
FOR YEARS SUPPORT**

The Petition of RICHARD EDWARD PAYNE, for a years support from the estate of DARLENE PAYNE, Deceased, for Decedents Surviving Spouse, having been duly filed, all interested persons are hereby notified to show cause, if any they have, on or before JANUARY 27, 2020, why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk,
Judge of the Probate Court
By: Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770)528-1900
1:3,10,17,24-2020

**MDJ-4515
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
OLUBUNMI ASHEBU
DECEASED
ESTATE NO. 19-2320
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE**

TO: WHOM IT MAY CONCERN
DAVID ABIOLA ASHEBU has petitioned to be appointed Administrator of the estate of OLUBUNMI ASHEBU deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections.

8055 Incorporation

MDJ-4960
GPN-6
**BUSINESS TO BE CONDUCTED
UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB**

The undersigned hereby certifies that

MDJ-4934
GPN-6
**BUSINESS TO BE CONDUCTED
UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB**

The undersigned hereby certifies that they are conducting a business in the City of Kennesaw, County of Cobb, in the State of Georgia under the trade name: Plan Share Admin and that the nature of said business is: Consulting/Insurance and that said business is composed of the following: Brian David Miller, LLC 1398 Kings Park Drive NW Kennesaw, GA 30152. This 10th day of January, 2020.

Rebecca Keaton
Clerk of Superior Court
Cobb County
1:24,31-2020

MDJ-4938
GPN-6
**NOTICE OF INTENT TO
VOLUNTARILY
DISSOLVE A CORPORATION
STATE OF GEORGIA
COBB COUNTY**

Notice is given that a Notice of Intent to Dissolve Candy Man, Inc. a Georgia Business Corporation, with its registered office at 2750 Jiles Road, Suite 108, Kennesaw, Cobb County Georgia 30144 have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code.

1:24,31-2020

MDJ-4949
GPN-6
**NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY**

Notice is given that Articles of Incorporation which incorporate Vortex Mechanical, Inc. have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation is located at 1150 Holland Road Powder Springs, Cobb County, Georgia 30127 and its initial registered agent at such address is Shazie Ali.

1:24,31-2020

8055 Incorporation

MDJ-4961
GPN-6
**APPLICATION TO REGISTER
BUSINESS TO BE CONDUCTED
UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB**

8065 Planning Commission

MDJ-4724
GPN-13
**CITY OF KENNESAW
PUBLIC NOTICE**

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for adoption of the official 2020 Zoning Map for the City of Kennesaw. A copy of the map is on file in City Hall in the Planning and Zoning Office for viewing during normal business hours of 8:00am-5:00pm Monday through Friday. Said meetings shall be held before the Planning Commission on February 5, 2020, at 7:00P.M. with the Mayor and Council Mayor considering adoption of a proper public meeting to be held February 17, 2020 at 6:30P.M. Both meetings are to be held at 2529 J. O. Stephenson Avenue, Kennesaw, Georgia. Any interested citizens may attend and be heard.

Darryl Simmons
Planning and Zoning Administrator
1:17,24-2020

MDJ-4773
GPN-13
**City of Kennesaw
Public Notice**

Notice is hereby given that the City of Kennesaw shall hold public hearings to amend the Unified Development Code. The proposed amendment is to amend APPENDIX A UNIFIED DEVELOPMENT CODE, CHAPTER 1 GENERAL PROVISIONS, SECTION 1.09.02 DEFINITIONS, ADDING A NEW SECTION 4.06.00 UNIVERSITY LIVING-PBSH (purpose built student housing). Copy of the amendment to the Unified Development Code is on file in the Office of Planning and Zoning during normal business hours, Monday-Friday from 8am to 5pm for public viewing. The Planning Commission shall hold the first public hearing on February 05, 2020 at 7:00pm with a final scheduled hearing and adoption by the Mayor and Council to be considered on February 17, 2020 at 6:30pm. Meetings will be held in the Kennesaw City

8065 Planning Commission

Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, GA. All interested persons may attend and be heard relative thereto.

Darryl Simmons
Zoning Administrator
1:17,24-2020

mission hearing).
Z-56(2019) KO MANAGEMENT, INC. (The Estate of Lewis E. Lee, KO Management, Inc., owner) requesting rezoning from R-20 and NRC to RA-5 for the purpose of a residential subdivision in Land Lots 37 and 39 of the 17th and 18th District. Located on the West side of Mableton Parkway; north side of Wood Valley Road; and on the east side of Glorie Circle. (Continued by Staff from the September 3, 2019 Planning Commission hearing until the October 1, 2019 Planning Commission hearing; Held by the Planning Commission from the October 1, 2019 Planning Commission hearing until the November 5, 2019 Planning Commission hearing; Continued by the Planning Commission from the November 5, 2019 Planning Commission hearing until the December 3, 2019 Planning Commission hearing; Held by the Planning Commission from the December 3, 2019 Planning Commission hearing until the February 5, 2020 Planning Commission hearing).
Z-62(2019) EMBRY DEVELOPMENT COMPANY, LLC (Estate of Opal Williams Milam, owner) requesting rezoning from R-20 to PVC for the purpose of mixed use in Land Lots 77, 78, 155 and 156 of the 18th District. Located on West side of Mableton Parkway, southwest side of Old Powder Springs Road, north side of Boggs Road, north side of Patricia Lane, on the north side of Lynne Circle, on the east and west sides of Milam Drive, on the south side of Sunset Boulevard (not open) and on the east and west sides of Gloria Circle (not open). (Multiple addresses in application). (Continued by Staff from the October 1, 2019 Planning Commission hearing through the December 3, 2019 Planning Commission hearings until the February 5, 2020 Planning Commission hearing).

Z-67(2019) 20 HOLDINGS, LLC (20 Holdings, LLC; Eastside Baptist Church, Inc., owners) requesting rezoning from R-20 to RM-8 for the purpose of townhomes in Land Lots 208, 209, and 225 of the 17th District. Located on the southeast intersection of Sandtown Road and Osborne Road; northwesterly intersection of Austell Road and Sandtown Road (1501, 1521

8065 Planning Commission

Sandtown Road and a portion of 1528 Austell Road). (Continued by the Planning Commission from the November 5, 2019 Planning Commission hearing and the December 3, 2019 Planning Commission hearing until the February 5, 2020 Planning Commission hearing).
Rezoning from R-30, NRC, PSC and GC to RSL for the purpose of non-supportive senior living in Land Lots 66 and 83 of the 19th District. Located at the southeast corner of Dallos Highway and McConnell Road (691 McConnell Road).

Z-12 YASMIN BENICHAY-BITON (Lior Biton and Ronen Shofik, owners) requesting rezoning from CF to R-12 for the purpose of single-family houses in Land Lot 180 of the 17th District. Located on the northwest side of Cooper Lake Road, north of Veterans Memorial Highway (9 and 11 Cooper Lake Road).

Z-13 ARTURO MARTINEZ (Iglesia Misionera Roca De Salvacion, Inc., owner) requesting rezoning from PSC to NRC for the purpose of a church in Land Lot 190 of the 18th District. Located at the southwest intersection of Mableton Parkway and Boggs Road (6170 and 6190 Mableton Pkwy, and 529 Boggs Road).

Z-14 ANDRES ESTRADA (Atlanta Safety Brake Service, Inc., owner) requesting rezoning from GC to NRC for the purpose of light auto repair and office in Land Lot 34 of the 18th District. Located at the western end of Sydney Ann Boulevard, and on the east side of James Road (1498 Sydney Ann Boulevard).

Z-15 MORGAN HOUSE PCH, LLC (Susan Ndungu, owner) requesting rezoning from NRC to NRC for the purpose of a personal care home in Land Lot 588 of the 16th District. Located on the south side of Chesterfield Drive and on the east side of Canton Road (2670 Canton Road).

Z-16 KOTA PROPERTIES, INC. (Petinos, LLC, owner) requesting rezoning from NRC to NRC for the purpose of revising the zoning stipulation from case Z-151 of 2004 to allow other restaurants and uses in Land Lots 475 and 476 of the 19th District. Located at the northwest corner of Powder Springs Road and Grove Valley Drive (private road). 1812 Powder Springs Road. (Withdrawn without prejudice).

Z-17 ARPIT PATEL (Arpithkumar M. Patel and Avani A. Patel, owners) requesting rezoning from LRC to NRC for the purpose of a convenience store

8065 Planning Commission

with fuel sales in Land Lots 274 and 303 of the 17th District. Located at the southwest corner of Windy Hill Road and Benson Poole Road (470 and 478 Windy Hill Road).
Z-18 THE REVIVE LAND GROUP, LLC (380 Allen Street, LLC, owner) requesting rezoning from R-30, NRC, PSC and GC to RSL for the purpose of non-supportive senior living in Land Lots 66 and 83 of the 19th District. Located at the southeast corner of Dallos Highway and McConnell Road (691 McConnell Road). This disclosure statement must be submitted to the Zoning Division Office by mail to P. O. Box 649, Marietta, Georgia 30061 or in person at 1150 Powder Springs Street, Suite 400, Marietta, Georgia 30064 within five (5) days before the public hearing. Additionally, if you believe you need any special accommodations in order to attend these public hearings, please contact the County Clerks Office at 770-528-3307 no later than 48 hours before the date of the above meeting.
1:24-2020

MDJ-4906
GPN-13
**COBB COUNTY
BOARD OF COMMISSIONERS
ZONING HEARING
"OTHER BUSINESS"
FEBRUARY 18, 2020**

ITEM OB-9-2020
To consider a stipulation amendment for Amber-Shea, LLC regarding rezoning application Z-13 of 2019, for property located on the south side of Veterans Memorial Highway and the north side of Old Powder Springs Road in Land Lot 1298 of the 19th District (1311 Veterans Memorial Highway).
1:24-2020

8070 Probate

MDJ-4512
GPN-18
**IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
JAMES EARL LIGON III,
DECEASED
ESTATE NO. 19-2364
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE**

TO: whom it may concern:
MICHAELA ANNE LIGON has petitioned to be appointed Administrators of the estate of JAMES EARL LIGON, III deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before JANUARY 27, 2020.

8070 Probate

interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before JANUARY 27, 2020.

GREEN deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before JANUARY 27, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk
Judge of the Probate Court
By: Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
1:3,10,17,24-2020

MDJ-4517
GPN-18
**IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
JOHN VICTOR SPENCER
DECEASED
ESTATE NO. 19-2387
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE**

TO: TO WHOM IT MAY CONCERN
LINDA KUBAS SPENCER has petitioned to be appointed Administrator of the estate of JOHN VICTOR SPENCER deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Peti-



*Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall ,
Phillip Jackson
SaVaughn Irons*

February 05, 2020

Planning Commission Action Minutes

City Hall Council Chambers

NOTE: Planning Commission serves as an Advisory Board that makes recommendations to the Mayor and Council, which will be heard on February 17, 2020 6:30p.m. unless otherwise noted. Anyone giving comments in the public session are to sign in and note that limitation of 10 minutes per side will be allowed.

I. Call Meeting to Order/Roll Call- Called to order at 7:00pm

Cindi Michael, Phillip Jackson, Don Bergwall and Savaughn Irons in attendance

II. Approval of minutes: January 02, 2020 Meeting-Don Bergwall motioned to approve with edits noted, seconded by Phillip Jackson- vote 3-0

**III. Chair and Vice-Chair- Doug Rhodes nominated and voted as Chairman for 2020 vote 3-0
CindMichaels nominated and voted in as Vice Chairman for 2020
Vote 3-0**

IV. Public Hearing:

1. **Adoption of the Official 2020 Zoning Map** (to include all annexations, de-annexations, rezoning and amendments up to December 31, 2019). This hearing is to present the draft (zoning map) for your consideration and recommendation to the Mayor and Council for their official action of adoption of the City's Zoning Map. The Official Zoning Map, once adopted will reflect all approved annexations, de-annexations, rezoning, and amendments up to and including December 31, 2019. Adopting the official zoning map will provide clarity on the most current zoning district locations within the city limits. The map reflects staff's analysis and recommendations of amendments to land use designations promoting current trends and long-term city planning objectives. Legal advertisement was placed in the Marietta Daily Journal on January 17, 2020 and January 24, 2020. Staff recommends the adoption of the official zoning map. **This matter will be heard before the Mayor and Council at their scheduled meeting of February 17, 2020, at 6:30pm**
Don Bergwall motioned to adopt zoning map as presented, seconded by Phillip Jackson vote 3-0
2. **Unified Development Code Amendment:** The proposed amendment is to amend APPENDIX A "UNIFIED DEVELOPMENT CODE," CHAPTER 1 "GENERAL PROVISIONS," SECTION 1.09.02 DEFINITIONS, ADDING A NEW SECTION UNDER CHAPTER 4 SECTION 4.06.00" UNIVERSITY LIVING-PBSH" (purpose built student housing) **This matter will be heard before the Mayor and Council at their scheduled meeting of February 17, 2020, at 6:30pm**
Don Bergwall motioned to adopt the Purpose built student housing definition and zoning ordinance draft as presented, seconded by SaVaughn Irons, vote 3-0
3. **RZ2020-01 Rezoning Request** Consideration to approve a rezoning request submitted by Oakmont Pacolet Acquisitions LLC for property located at 1630 Stanley Road. Said request to rezone from City R-20 to City LI (Light Industrial) for property containing 46.6+/- acres for purpose of industrial office warehouse and distribution facility. Property identified as Land Lot 213, Tax Parcel 15. **(Mayor and Council 2.17.2020)**

**The next scheduled meeting of the Kennesaw Planning Commission
March 04, 2020 at 7:00pm**





*Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall ,
Phillip Jackson
SaVaughn Irons*

Phillip Jackson motioned to table the rezoning application as requested by the Applicant's attorney letter dated January 31, 2020. The dates are the April 1, 2020 Planning Commission meeting and April 20, 2020 M&C meeting seconded by Don Bergwall vote 3-0

- **ZV2020-01 Variance Request** Consideration to approve a zoning variance request submitted by Oakmont Pacolet Acquisitions LLC for property located at 1630 Stanley Road. Said request to seek variance on the minimum lot width at front setback. Property identified as Land Lot 213, Tax Parcel 15, containing 46.6+/- acres and seeking rezoning to City LI (Light Industrial). **(Mayor and Council 2.17.2020)**

Don Bergwall motioned to table Variance application as requested by the applicant's attorney letter dated January 31, 2020. The hearing dates are –Planning Commission meeting April 1, 2020, M&C meeting April 20, 2020, vote 3-0

V. Staff Comments-**No comments by staff**

VI. Adjournment- **meeting adjourned 8:47pm**

**The next scheduled meeting of the Kennesaw Planning Commission
March 04, 2020 at 7:00pm**





**Regular Meeting Agenda
2/17/2020 6:30 PM
Council Chambers**

Title of Item:	Final Public Hearing: Approval of an ORDINANCE to amend Appendix A "Unified Development Code," Chapter 1 "General Provisions," Section 1.09.02 "Definitions," and adding a new section under Chapter 4 "Site Design Standards," Section 4.06.00 "University Living-PBSH" (Purpose Built Student Housing).
Agenda Comments:	The proposed code amendments address the housing use that deals directly with purpose built student housing located within city limits. The proposed zoning district to be added to chapter four along with the associated definitions was presented to the Planning Commission at their regular scheduled meeting February 5, 2020. Don Bergwall motioned to adopt the code amendments and new zoning district as submitted, seconded by SaVaughn Irons. Vote 3-0. Legal reviewed and helped develop. Staff Recommendation: Zoning Administrator, Darryl Simmons, recommends adoption of the new definitions in Chapter 1 and new zoning district in Chapter 4.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	2/7/2020	Ordinance
Exhibit A	2/13/2020	Exhibit
Action minutes Planning Commission	2/6/2020	Backup Material

Updated PowerPoint Data
1.24.2020 MDJ Legal Advertisement
1.17.2020 MDJ Legal Advertisement

2/13/2020	Presentation
1/28/2020	Legal Ad
1/17/2020	Legal Ad

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. -, 2020

**AN ORDINANCE TO AMEND THE KENNESAW CODE OF ORDINANCES
BY AMENDING APPENDIX A “UNIFIED DEVELOPMENT CODE,” CHAPTER 1
“GENERAL PROVISIONS,” SECTION 1.09.02 DEFINITIONS, ADDING A NEW
SECTION UNDER CHAPTER 4 “SITE DESIGN STANDARDS,” SECTION 4.06.00”
UNIVERSITY LIVING-PBSH”**

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

WHEREAS, the Kennesaw Code of Ordinances of the City of Kennesaw, Georgia Appendix A “Unified Development Code,” Chapter 1 “General Provisions,” will be amended alphabetically to add the following;

SECTION 1.09.02 Definitions

Purpose Built Student Housing- a multi-family residential development marketed to affiliates of an academic or professional college or university, or other recognized institution of higher learning. These developments are typically located near college campuses and offer amenities such as individual leases for each occupant, fully-furnished units, and residence life programs specific to college students.

WHEREAS, the Kennesaw Code of Ordinances of the City of Kennesaw, Georgia Appendix A “Unified Development Code,” Chapter 4 “Site Design Standards,” will be amended with the addition of new section 4.06.00 as per exhibit A attached hereto.

SECTION 1. 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 2. 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 3. 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.

PASSED AND ADOPTED by the Kennesaw City Council on this ____ day of _____, 2020.

ATTEST:

CITY OF KENNESAW:

Debra Taylor, City Clerk

Derek Easterling, Mayor

Exhibit A

4.06.00 UNIVERSITY LIVING PURPOSE BUILT STUDENT HOUSING ("PBSH") DISTRICT

A. Purpose and intent. The PBSH District is established to promote the development of safe, secure, affordable, aesthetically-pleasing student housing apartments for adults attending universities and colleges. Student housing is identified by having at least four of the following characteristics: 1) ability to rent on a per bedroom basis; 2) roommate matching services; 3) flexible lease terms to coincide with academic calendar; 4) furnished apartment units; 5) amenities such as study area, bike share program, and student convenience store; or 6) student life programming. The PBSH District is designed to encourage and provide flexible site plan and building arrangements under a unified plan of development rather than by lot-by-lot regulation. The PBSH District is not intended to encourage greater density of development, but rather to encourage ingenuity and resourcefulness in land planning. The PBSH District is appropriate in the following Future Land Use areas as designated by the City of Kennesaw Comprehensive Plan: High Density Residential; Neighborhood Activity Center; Community Activity Center; and Industrial.

B. Uses. Any use not permitted as of right, or not permitted by Special Exception, or not permitted by land use permit is prohibited. To the extent there is a conflict between the permitted use table and this subsection, this section shall control for purposes of determining whether the use is allowed.

The following uses are permitted:

Purpose Built Student Housing

C. Standards for Development.

- a) Minimum acreage required: 4 (four) acres.
- b) Minimum lot area: Not applicable.
- c) Maximum building coverage: 40%.
- d) Maximum impervious surface coverage: 70%.
- e) Density requirement: Not applicable, except to the extent the density calculation is necessary to determine the buffer requirement, if any.
- f) Maximum number of bedrooms per apartment unit: 5 (five) bedrooms.
- g) Maximum number of residents per bedroom: 1 (one) resident.
- h) Minimum lot width at front set back: 75 feet.
- i) Height and structure requirements.
 - i. Maximum building height is 55 feet. However, any structures directly adjacent to single family residentially zoned property shall be limited to a building height of 35 feet;
 - ii. All facades shall be masonry, brick or hardy plank (or substantially similar material) or combination thereof, and the construction material of the façade shall incorporate noise absorbing/blocking material in order to minimize noise. The use of stucco shall be prohibited.
- j) Minimum set back requirements:
 - i. All structures proposed in the PBSH district that abut residential zoning shall be constructed a minimum of 50-feet from the abutting property line. For purposes of this district, residential zoning is any district that permits a residential use, including any district that permits a mixture of residential and non-residential use. The setback requirement under this section as applied to any residential use that permits a mixture

- of residential and non-residential (i.e. CBD, HPV, PVC) is applicable to only those portions that are designated or developed for residential use.
- ii. All structures proposed in the PBSH district that abut non-residential zoning shall be constructed a minimum of 35-feet from the abutting property line.
- k) Landscape buffer and screening requirements.
- i. Any property within a PBSH district which abuts a more restrictively zoned residential property shall have a minimum of 30-foot landscaped screening buffer. More restrictively zoned residential property shall mean those properties that allow for a lesser number of units per acre than the actual density (number of units divided by land area) proposed under the PBSH development plan. The land area, for purposes of calculating the actual density under this section, shall not include floodplain, wetlands, or impervious surface dedicated to common areas (i.e. pool, tennis court, clubhouse, study area, management office).
 - ii. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.
 - iii. Objectives. Undisturbed, planted landscaped buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
 - (a) Screening to enhance aesthetic appeal;
 - (b) Control or direction of vehicular and pedestrian movement;
 - (c) Reduction of glare;
 - (d) Buffering of noise;
 - (e) Establishment of privacy.
 - iv. Buffers. Landscaped buffers are subject to review and approval by the Zoning Administrator in accordance with the following standards:
 - (a) Plantings are to be a mix of evergreen trees and shrubs.
 - (b) Species are to be ecologically compatible to the site and appropriate for the design situation.
 - (c) Unless public safety concerns dictate otherwise, a buffer should maximize a visual barrier to a height of six feet within two years of planting.
 - (d) Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
 - (e) Fencing or walls are to be a minimum of six feet in height as approved by the Zoning Administrator.
 - (f) Trees included in buffer planting may be counted toward site density calculations as required by Section 3.07.00 of the UDC pertaining to tree preservation and replacement, subject to review and approval by the Zoning Administrator.
 - (g) Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards are met.
 - (h) When topography and existing conditions allow, the required buffer should be an undisturbed buffer.
 - (i) Any appeals from a determination by the Zoning Administrator shall be to the Mayor and City Council pursuant to Section 10.05.01 of the UDC.

l) Access and Parking requirements:

- i. Submission of a traffic impact study that demonstrates either the development will not have a negative impact on existing traffic conditions or that the negative impacts of the development can be mitigated through traffic improvements that will be incorporated as part of the development plan. Traffic counts shall be no more than three years old from date of the study and shall be taken during a time of year when the academic calendar is in session for nearby universities and schools.
- ii. The principal access for the development shall be an arterial or major collector roadway, as identified in the City of Kennesaw Unified Development Code or similar classification document.
- iii. Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with additional parking for visitors calculated at 0.30 per unit. Parking requirements may be reduced by 1.5% of the overall number of parking spaces required for each of the following design accommodations:
 - (a) Developer has entered into a shared parking agreement with an adjacent commercial or institutional property owner;
 - (b) The development is located within two tenths of a mile (travelling on existing roads and not as the crow flies) from a public transit stop; OMIT
 - (c) The development is located within one quarter of one mile (travelling on existing roads and not as the crow flies) of a post-secondary college or university;
 - (d) The development has dedicated pick-up drop-off space/lanes for a transportation network service or taxi service;
 - (e) The nearby post-secondary college and/or university or a privately run and operated shuttle/transportation company agrees to provide regular shuttle service to and from campus for residents;
 - (f) The development features a bike rack with free lock service.

D. Security requirements:

- a. The property management company shall submit a security plan in accordance with the standards of Crime Prevention through Environmental Design (CPTED). The security plan shall be submitted to the City of Kennesaw Police Department for review and safe-keeping and shall be updated annually at the beginning of each calendar year, no later than January 31. Any such security plan shall require that on-site management shall be required 24 hours per day, seven days per week.
- b. All access points on the property shall be secured with gated entry and shall be self-closing;
- c. The development shall be enclosed with a minimum six-foot high privacy fence along the entire property line.
- d. The property shall be equipped with a security camera system that shall be monitored by the property management company on-site. Any such system shall record and store video images located throughout the common areas, including the parking areas, and signs shall be posted throughout the development notifying residents and visitors of the security camera system;
- e. All common area doors and access gates shall be secured with electronic locks;
- f. All apartment units shall be equipped with a door that features a 180-degree peep hole;
- g. For every 200 parking spaces, the development shall feature at least one Emergency Blue Light Phone that is connected to the Cobb County Public Safety's 24-hour communications center and identify the phone location if the caller is unable to talk.

- h. Lighting: In order to ensure adequate illumination of the development and promote safety and security, the Parking Lot Design Guide standards set forth for Basic Enhanced Security, Security, and High Security as set forth in the Illuminating Engineering Society Lighting Handbook (IESNA), latest edition, as amended, is adopted as the standard for the installation and operating of lighting in parking lots in the PBSH district.
- E. In addition to the district requirements as set forth in this section of the Unified Development Code, the development within the PBSH district shall also comply with all other applicable provisions in the Unified Development Code that do not conflict with this ordinance, including but not limited to, regulations pertaining to the following: floodplain, wetland, water supply, watershed, landscaping, tree, design standard, architectural standards, parking and parking lot design, sidewalks, pathways, storm drainage systems, storm drainage easements, water, sewer, access, lighting, street and roadway, retaining wall, dams, utilities, fences, buffers, berms, mailboxes and irrigations systems, signs, wireless telecommunication facilities, accessory and temporary uses, and incidental and permanent storage.



*Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall ,
Phillip Jackson
SaVaughn Irons*

February 05, 2020

Planning Commission Action Minutes

City Hall Council Chambers

NOTE: Planning Commission serves as an Advisory Board that makes recommendations to the Mayor and Council, which will be heard on February 17, 2020 6:30p.m. unless otherwise noted. Anyone giving comments in the public session are to sign in and note that limitation of 10 minutes per side will be allowed.

I. Call Meeting to Order/Roll Call- Called to order at 7:00pm

Cindi Michael, Phillip Jackson, Don Bergwall and Savaughn Irons in attendance

II. Approval of minutes: January 02, 2020 Meeting-Don Bergwall motioned to approve with edits noted, seconded by Phillip Jackson- vote 3-0

**III. Chair and Vice-Chair- Doug Rhodes nominated and voted as Chairman for 2020 vote 3-0
CindMichaels nominated and voted in as Vice Chairman for 2020
Vote 3-0**

IV. Public Hearing:

1. **Adoption of the Official 2020 Zoning Map** (to include all annexations, de-annexations, rezoning and amendments up to December 31, 2019). This hearing is to present the draft (zoning map) for your consideration and recommendation to the Mayor and Council for their official action of adoption of the City's Zoning Map. The Official Zoning Map, once adopted will reflect all approved annexations, de-annexations, rezoning, and amendments up to and including December 31, 2019. Adopting the official zoning map will provide clarity on the most current zoning district locations within the city limits. The map reflects staff's analysis and recommendations of amendments to land use designations promoting current trends and long-term city planning objectives. Legal advertisement was placed in the Marietta Daily Journal on January 17, 2020 and January 24, 2020. Staff recommends the adoption of the official zoning map. **This matter will be heard before the Mayor and Council at their scheduled meeting of February 17, 2020, at 6:30pm**
Don Bergwall motioned to adopt zoning map as presented, seconded by Phillip Jackson vote 3-0
2. **Unified Development Code Amendment:** The proposed amendment is to amend APPENDIX A "UNIFIED DEVELOPMENT CODE," CHAPTER 1 "GENERAL PROVISIONS," SECTION 1.09.02 DEFINITIONS, ADDING A NEW SECTION UNDER CHAPTER 4 SECTION 4.06.00" UNIVERSITY LIVING-PBSH" (purpose built student housing) **This matter will be heard before the Mayor and Council at their scheduled meeting of February 17, 2020, at 6:30pm**
Don Bergwall motioned to adopt the Purpose built student housing definition and zoning ordinance draft as presented, seconded by SaVaughn Irons, vote 3-0
3. **RZ2020-01 Rezoning Request** Consideration to approve a rezoning request submitted by Oakmont Pacolet Acquisitions LLC for property located at 1630 Stanley Road. Said request to rezone from City R-20 to City LI (Light Industrial) for property containing 46.6+/- acres for purpose of industrial office warehouse and distribution facility. Property identified as Land Lot 213, Tax Parcel 15. **(Mayor and Council 2.17.2020)**

**The next scheduled meeting of the Kennesaw Planning Commission
March 04, 2020 at 7:00pm**





*Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall ,
Phillip Jackson
SaVaughn Irons*

Phillip Jackson motioned to table the rezoning application as requested by the Applicant's attorney letter dated January 31, 2020. The dates are the April 1, 2020 Planning Commission meeting and April 20, 2020 M&C meeting seconded by Don Bergwall vote 3-0

- **ZV2020-01 Variance Request** Consideration to approve a zoning variance request submitted by Oakmont Pacolet Acquisitions LLC for property located at 1630 Stanley Road. Said request to seek variance on the minimum lot width at front setback. Property identified as Land Lot 213, Tax Parcel 15, containing 46.6+/- acres and seeking rezoning to City LI (Light Industrial). **(Mayor and Council 2.17.2020)**

Don Bergwall motioned to table Variance application as requested by the applicant's attorney letter dated January 31, 2020. The hearing dates are –Planning Commission meeting April 1, 2020, M&C meeting April 20, 2020, vote 3-0

V. Staff Comments-No comments by staff

VI. Adjournment- meeting adjourned 8:47pm

**The next scheduled meeting of the Kennesaw Planning Commission
March 04, 2020 at 7:00pm**



Private Student Housing

City of Kennesaw

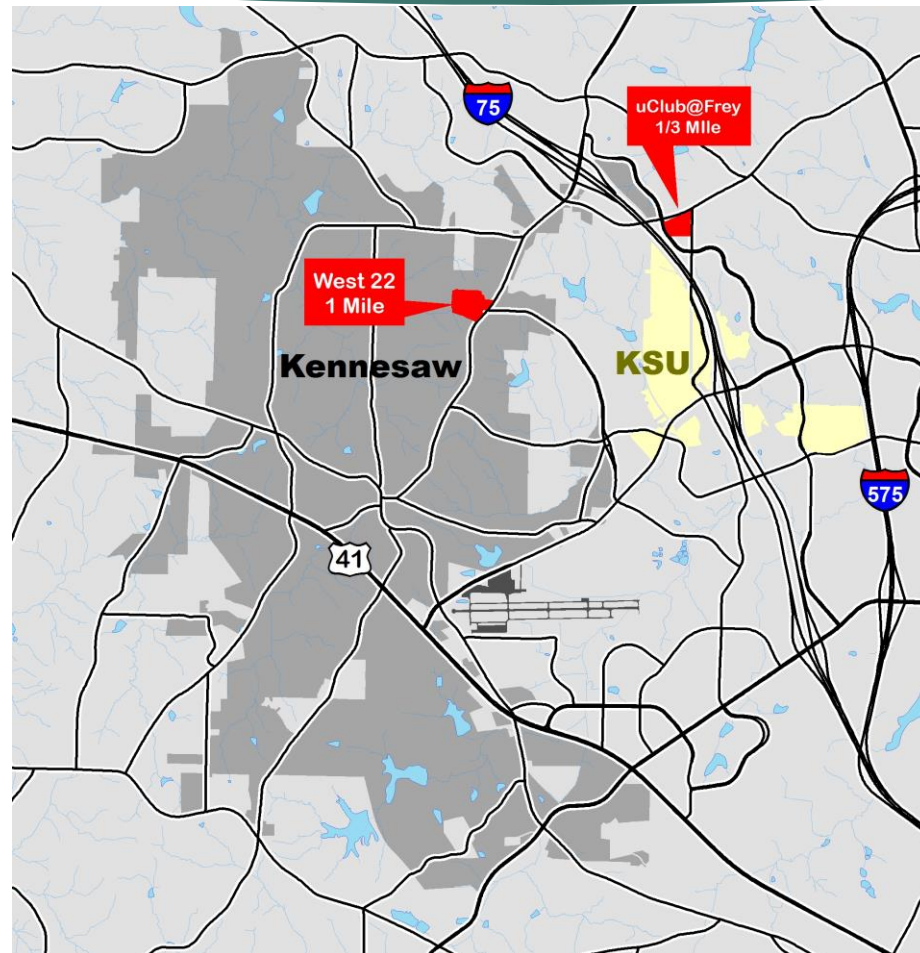
Definition and Terms

Key Distinguishing Factors

1. Units leased by the bedroom
 - ▶ Contain 1 to 5 bedrooms
 - ▶ Pod format is common/not required
 - ▶ Occupancy compliance enforced by management
2. Lease terms aligned with academic calendar year
3. Traditional and student-friendly amenities
 - ▶ Study rooms
 - ▶ Swimming pools
 - Exercise rooms
 - Barbecue/picnic areas
4. Fair Housing Act



Student Housing Locations



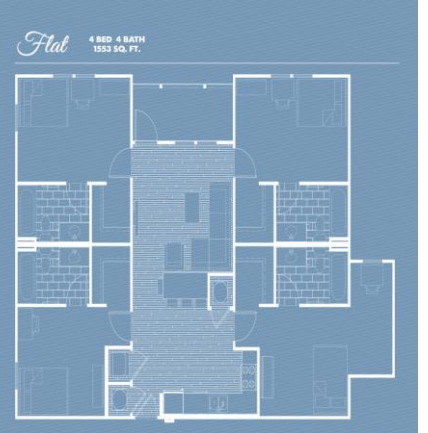
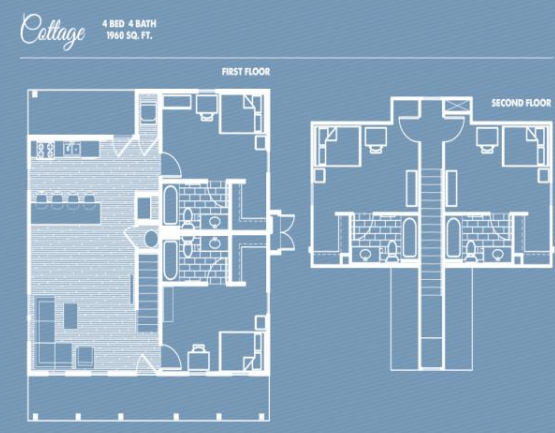
Kennesaw State University

- ▶ Ranking: #231 National University (2018)
- ▶ Total Enrollment: 35,846
- ▶ Undergraduate: 32,945
Graduate: 2,901
- ▶ Full-time: 25,773
Part-time: 10,073
- ▶ Male: 52%
Female: 48%
- ▶ offers more than 150 undergraduate, graduate and doctoral degrees

West 22

- ▶ 245 units- 850 beds
- ▶ May 2011-Obtained rezoning approval to multifamily zoning district RM-12 with accompanying conditions and variances
- ▶ Shuttle service to Kennesaw State University West 22 Started 7/2012 to 8/2014
- ▶ Total acreage of site-23.98 Acres
- ▶ Construction completed in August 2014

WEST 22



UCLUB@Frey

- ▶ September 2010-Obtained rezoning and annexation approval for multifamily zoning district RM-12 with conditions and variances
- ▶ Project built in two phases
- ▶ Phase I construction completed 7/2012
- ▶ 12.83 Acres
- ▶ 135 Units
- ▶ 504 Beds
- ▶ Phase II construction completed 7/2014
- ▶ 6.315 acres
- ▶ 102 Units
- ▶ 408 Beds

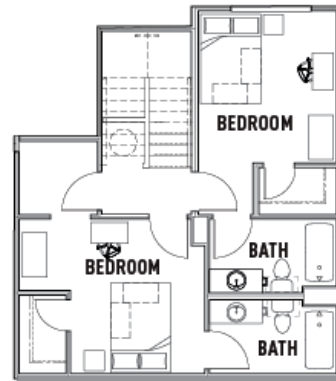
UCLUB@Frey



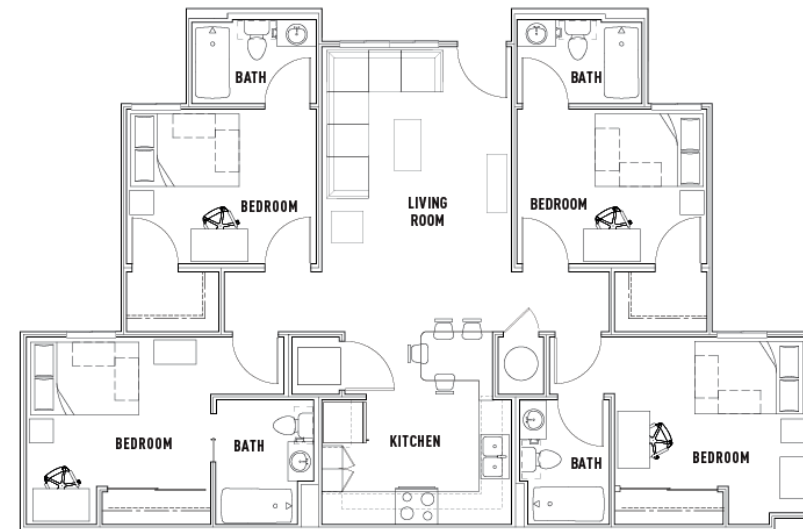
FIRST FLOOR



SECOND FLOOR



THIRD FLOOR



SITE DATA:	
OVERALL TOTAL SITE AREA	12.832 ACRES
TRACT 1 (PROPOSED RESIDENTIAL)	6.315 ACRES
TRACT 2 (EXISTING RESIDENTIAL)	6.517 ACRES
ZONING:	
EXISTING ZONING	RM-12C (MULTI-FAMILY)
ZONING JURISDICTION	CITY OF KENNESAW
DENSITY SUMMARY:	
OVERALL TOTAL AREA	6.315 ACRES
TOTAL RESIDENTIAL UNITS	102 UNITS
TOTAL DENSITY	16.15 UNITS/AC
TOTAL SEDS	408 SEDS
PROPOSED SETBACKS:	
FRONT YARD SETBACK (SHILOH RD.)	40 Feet
FRONT YARD SETBACK (FREY RD.)	40 Feet
FRONT YARD SETBACK (BUSHBEE)	50 Feet
SIDE YARD SETBACK	5 Feet
LANDSCAPE BUFFER	10 Feet
BUILDING HEIGHT	4-STORIES (55 feet)
PARKING CALC:	
PARKING REQUIRED	2 SP / UNIT
TOTAL PARKING SPACES PROVIDED	417 SPACES

COBB COUNTY STATEMENT:

THE COBB COUNTY COMMISSION PRESERVATION COMMISSION HEREBY GRANTS THE RIGHT TO EXAMINE THIS PROPERTY FOR EROSION, CULTURAL, AND RELIGIOUS/PATRIMONIAL/ARCHITECTURAL EVIDENCE. IF ANY EROSION, CULTURAL, OR RELIGIOUS/PATRIMONIAL/ARCHITECTURAL EVIDENCE IS FOUND DURING DEVELOPMENT, THEN THE COBB COUNTY COMMISSION PRESERVATION COMMISSION MUST BE NOTIFIED AT ONCE AT (770) 238-2000. FAILURE TO DO SO WILL RESULT IN A STOP-WORK ORDER.

THERE IS NO SIGNIFICANT IMPACT ON THE COBB COUNTY SITE LISTED IN THE COBB COUNTY COMMISSION PRESERVATION COMMISSIONS INVENTORY LISTING NUMBER 151047 IN THIS OR ADJACENT LAND LOT.

SITE NOTE:

1. ALL PERMANENT (SIGN, FLAG POLES), PROPOSED FIRE HYDRANTS OR POWER TRANSFORMERS WILL BE PLACED IN CONFLICT WITH AN OBSTACLE CODED OR APPROVED TREE PLANTING LOCATION.

2. LIGHTING LAYOUT TO BE PROVIDED BY OTHERS.

3. CONTRACTOR SHALL RESTORE ROADWAY OVERLAYS TO MINIMUM SPECIFICATION AS OUTLINED BY THE DIRECTOR OF PUBLIC WORKS, COBB COUNTY DOT, AND COBB STORM WATER.

COBB FIRE & EMERGENCY NOTES:

SHOW TRANSFORMER PADS NO LESS THAN 14 FEET FROM ANY DOOR, 10 FEET FROM ANY BUILDING, OVERHANGS, CANOPIES, EXTERIOR WALLS, BALCONY, EXTERIOR STAIRS, WALKWAYS OR WALL CORNERS. (STATE MUNICIPAL CODE 17-146.11)

SHOW DESIGNATED FIRE LANE TO MEET THE FOLLOWING REQUIREMENTS: BOTH SIDES OF STREET SHALL BEAD TWO PARKING FIRE LANE LITTERS SHALL NOT BE LESS THAN 2 INCHES IN HEIGHT; ONE SIGN SHALL BE POSTED AT THE BEGINNING OF THE FIRE LANE AND ONE AT THE END OF THE FIRE LANE WITH SIGNS NOT MORE THAN 9 FEET APART; SIGNS SHALL NOT BE MORE THAN 4 FEET FROM THE EDGE OF CURB AND SHALL BE VISIBLE FROM BOTH DIRECTIONS OF TRAVEL SURFACE HEIGHT ON SIGN FACE SHALL BE MEASURED FROM THE TOP OF THE SIGN FACE TO A MINIMUM OF 4 FEET AND A MAXIMUM OF 7 FEET FROM GROUND LEVEL. DECORATIVE SIGNAGE MAY BE USED WITH FIRE MARSHAL'S APPROVAL. FOR LANE 20 TO 25 FEET WIDE, SIGNS AND MARKINGS WILL BE REQUIRED ON ONE SIDE. ANY EXCESS OF 25 FEET WIDE BEARING NO SIGNS OR MARKINGS. CURBING OR LANDSCAPE BY THE FIRE LANE SHALL BE PAINTED RED. THE TOP AND FACE OF THE CURB SHALL BE PAINTED. THE LEAD SAFETY INSPECTOR WILL MAKE FINAL DETERMINATION OF FIRE LANE. BEFORE FINAL INSPECTION IS MADE, ONLY TWO LANE RESIDENTIAL OPTIONS TO ABOVE: SEE 118-231-0. ABOVE REQUIREMENT MUST BE PRINTED ON SITE PLAN. SEE COBB COUNTY CODE SECTION 118-231.

TRAFFIC NOTES:

1. ALL STRIPING TO BE THERMOPLASTIC.

2. LANE CROSS SLOPE TO MATCH ADJACENT.

3. ALL UTILITIES/POLES ARE TO BE AT MINIMUM 10' FROM BACK OF CURB OR WITHIN 2' OF THE RIGHT-OF-WAY, WHICH EVER IS GREATER. PER STD 30.

4. ANY CUT BUS STOP/STATION ARE TO BE COORDINATED WITH DATED JACKSON G. 770-238-1660.

5. MINIMUM 10' TRANSITION DISTANCE (STD) REQUIREMENTS SHALL BE SATISFIED PRIOR TO START OF CLEANING OPERATIONS AT BUS/STREET CROSS LOCATION.



24 HOUR CONTACT:
TODD HAGOOD @ 512-732-1000

PAVING NOTE:

ALL ACCESS ROADS SHALL MEET THE AMERICAN ASSOCIATION OF STATE HIGHWAY TRANSPORTATION OFFICIALS (AASHTO) DESIGN MANUAL LIVE LOAD STANDARD HS20 (75,000 LB).

SHILOH RD. NOTE:

SHILOH ROAD IS A CURRENT COBB COUNTY TRANSPORTATION IMPROVEMENT PROJECT AND IS UNDER CONSTRUCTION. TO PREVENT COORDINATION AND COMPATIBILITY ANY ENCROACHMENT WITHIN THE CONSTRUCTION LIMITS WILL REQUIRE APPROVAL FOR BY AN ENGINEER, COBB DOT CONSTRUCTION SUPERVISING ENGINEER AT 770-238-4361. PRIOR TO CONSTRUCTION, THE OWNER/DEVELOPER MUST COORDINATE WORK WITH ROADWAY CONSTRUCTOR. THE DOT ROAD PROJECT WILL TAKE PRECEDENCE IF CONSTRUCTION CONFLICTS OCCUR.

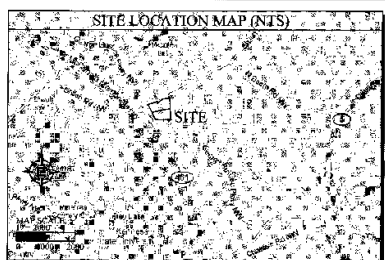
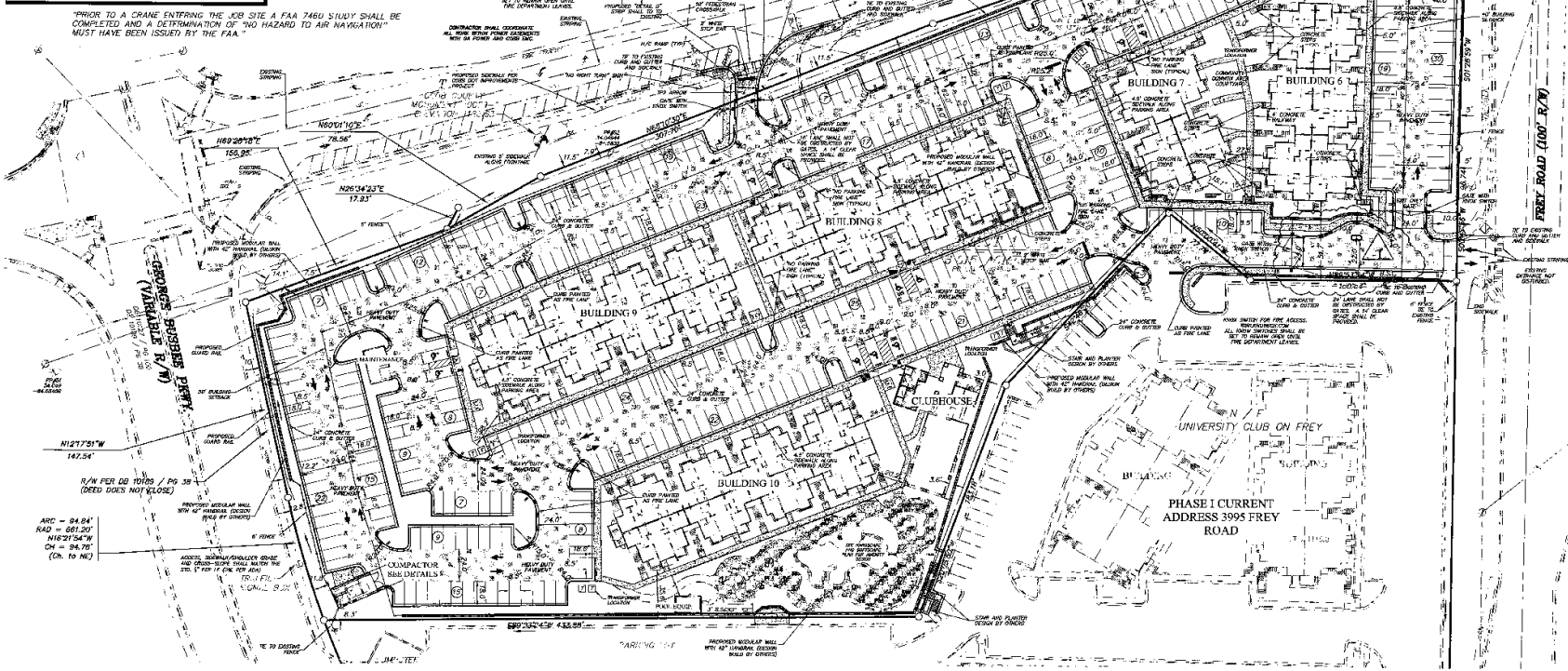
IRRIGATION NOTE:

ALL ELECTRONIC LANDSCAPE IRRIGATION SYSTEMS SHALL BE INSTALLED AFTER JANUARY 1, 2009. ALL SYSTEMS SHALL BE EQUIPPED WITH A MAIN SHUT-OFF SWITCH IN ACCORDANCE WITH GEORGIA REG 1277.

IMPERVIOUS AREA:

TOTAL PHASE II AREA = 6.315 AC
IMP. TOTAL FOR PHASE II = 1.82 AC OR 76.3% IMPERVIOUS

DETENTION/WATER QUALITY:
IMPERVIOUS ACCOUNTED FOR IN PHASE I DETENTION FACILITY = 2.20 AC
IMPERVIOUS ACCOUNTED FOR IN PROPOSED PHASE II DETENTION FACILITY = 2.62 AC



UNIVERSITY CLUB ON FREY - PHASE II
A PURPOSE BUILT STUDENT HOUSING FACILITY

FOR
ACC OF (FREY), LLC
1730 HILL COUNTRY BLVD, SUITE 1200
KENNESAW, GA 30144
PHONE: 312-732-1000

"WE PROVIDE SOLUTIONS"
PLANNERS AND ENGINEERS COLLABORATIVE
SITE PLANNING/LANDSCAPE ARCHITECTURE/CIVIL ENGINEERING/LAND SURVEYING
330 RESEARCH COURT • NORCROSS, GEORGIA 30092 • 877-948-2741 • FAX 770-465-3615 • WWW.PECCAL.COM

REVISIONS:

NO.	DATE	BY	DESCRIPTION
1	1-17-2013	ME	MIN. CURB COMMENT REV.
2	1-30-2013	ME	CITY OF KENNESAW

SHEET TITLE:
MASTER SITE PLAN

SCALE: 1" = 40'
DATE: DEC. 18TH, 2012
PROJECT: 10056.01A

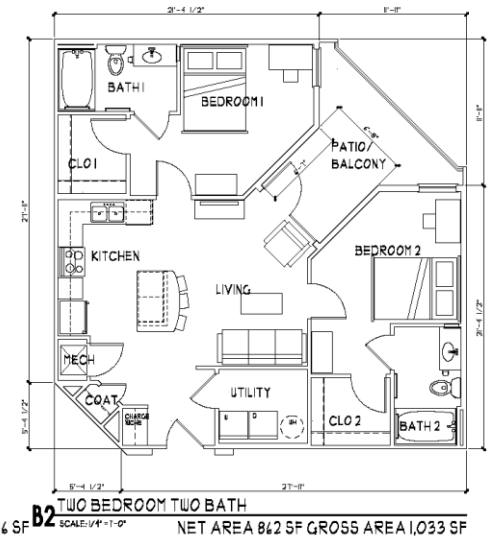
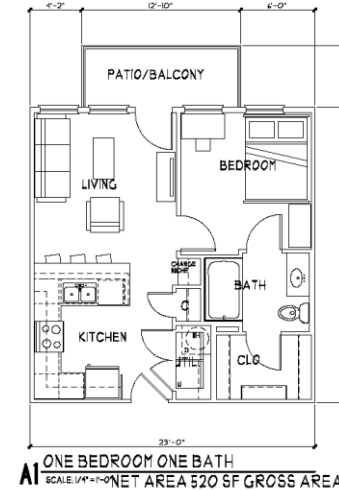
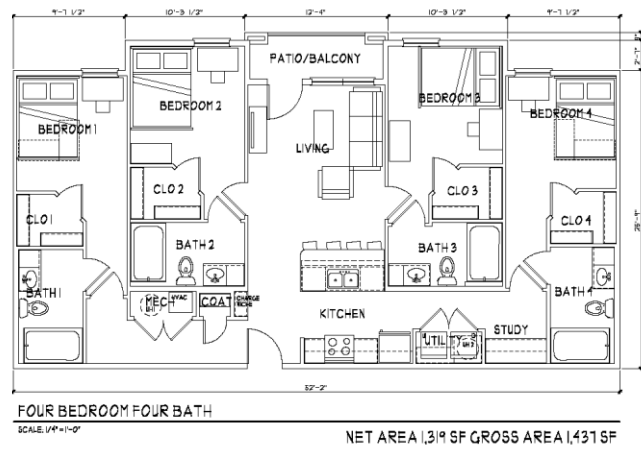
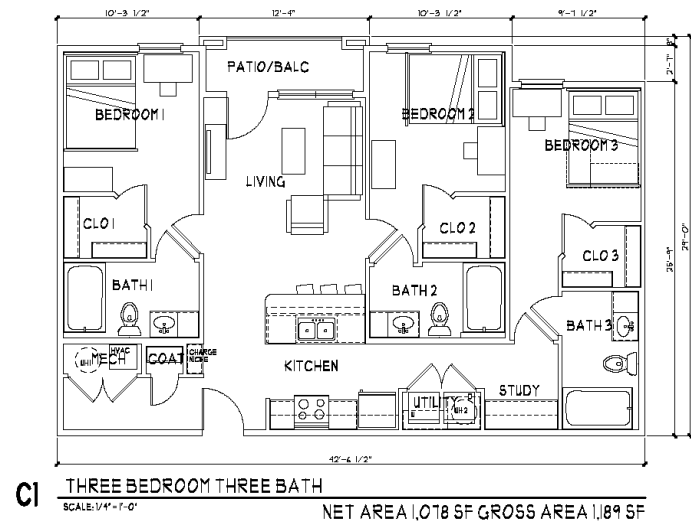
THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

4
SHEET

UCLUB@Frey



Various unit layout designs



Approval process, land use planning opportunities/partnerships

- ▶ Student housing approved developments are currently placed under multifamily zoning district with site specific conditions under zoning actions
- ▶ City of Kennesaw unified development code (UDC) does not specifically address the density, infrastructure or design implications of this use
- ▶ A continuous dialogue exists with the City of Kennesaw, Cobb County and Kennesaw State University to pursue future solutions that addresses this planning issue

Community Desires and Challenges

- ▶ **Students**- sense of place, independence, less car dependency, security, campus connectivity, amenities, activities, town connectivity
- ▶ **Parents**- affordability, location, security, structured environment, increased life skills achieved by students
- ▶ **University**- alignment with university growth master plan, safety for the students, lowered impact for on-campus parking infrastructure, partnerships with local government authority
- ▶ **City of Kennesaw Planning and Zoning staff**- diversity of housing types, providing a community need, compliance with city comprehensive plan goals
- ▶ **Adjoining residents and business owners**- NIMBY, perception versus facts regarding safety, traffic, crime, character of the community

Emerging Trends

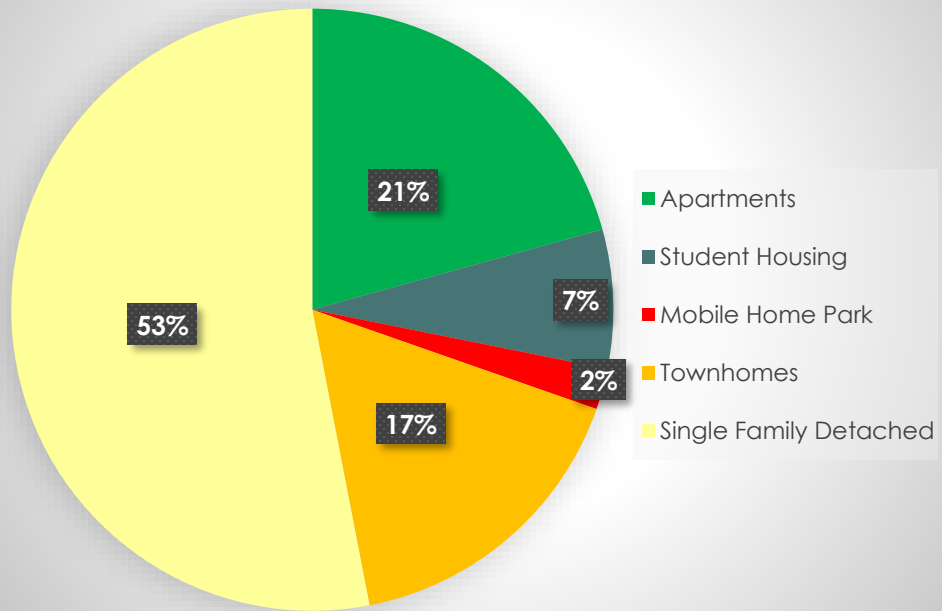
- ▶ City of Kennesaw in the short term continues to receive interest from student housing builders
- ▶ Diverse workforce and need for post graduate affordable housing
- ▶ Student housing and infrastructure needs will continue to increase
- ▶ Future infusion of demographic shifts with growing senior population, transplants and maturing young families

Conclusions and Goals

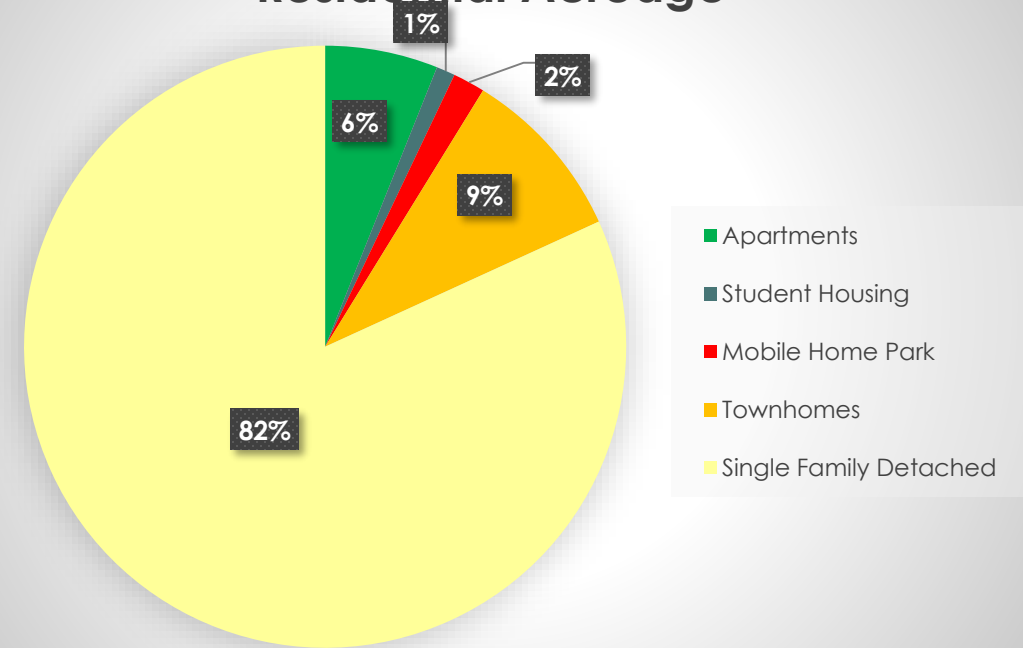
- ▶ City must plan for the future by diligent education through community outreach regarding this residential use
- ▶ City of Kennesaw will identify areas of opportunities best suited for these uses that meet the planning goals of both Kennesaw State University, Cobb County and City of Kennesaw
- ▶ Future adoption of purpose built student housing standards

City of Kennesaw housing data

Residential Units

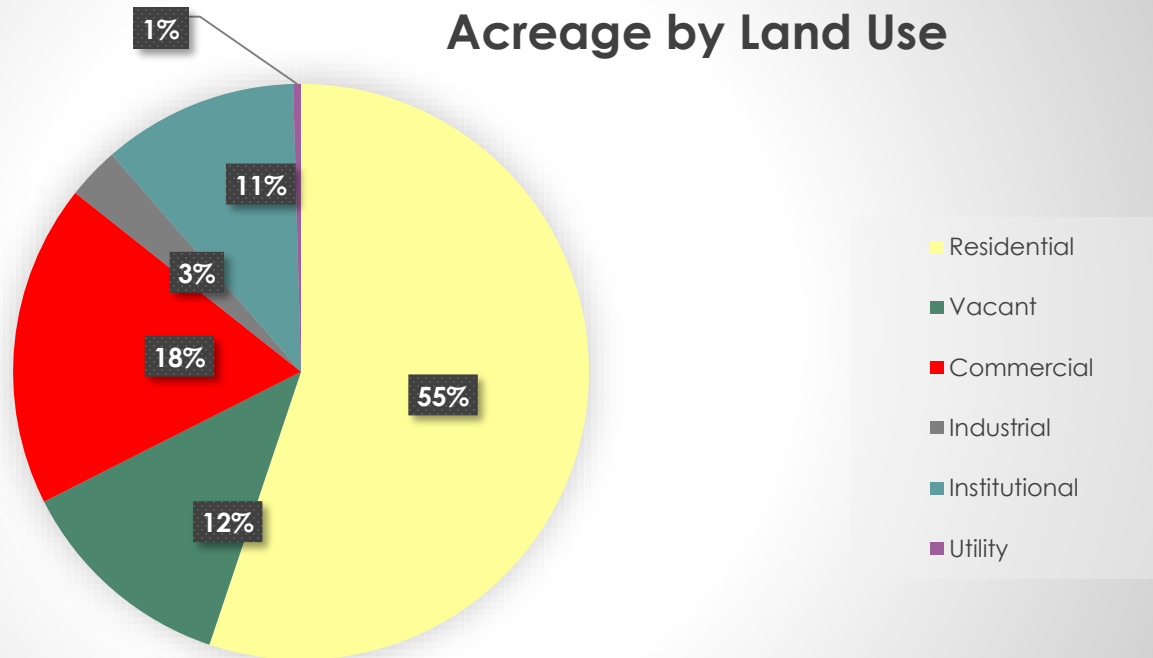


Residential Acreage



City of Kennesaw Housing Data

Acreage by Land Use



8055 Incorporation

MDJ-4960
GPN-6
**BUSINESS TO BE CONDUCTED
UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB**

The undersigned hereby certifies that

MDJ-4934
GPN-6
**BUSINESS TO BE CONDUCTED
UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB**

The undersigned hereby certifies that they are conducting a business in the City of Kennesaw, County of Cobb, in the State of Georgia under the trade name: Plan Share Admin and that the nature of said business is: Consulting/Insurance and that said business is composed of the following: Brian David Miller, LLC 1398 Kings Park Drive NW Kennesaw, GA 30152. This 10th day of January, 2020.

Rebecca Keaton
Clerk of Superior Court
Cobb County
1:24,31-2020

MDJ-4938
GPN-6
**NOTICE OF INTENT TO
VOLUNTARILY
DISSOLVE A CORPORATION
STATE OF GEORGIA
COBB COUNTY**

Notice is given that a Notice of Intent to Dissolve Candy Man, Inc. a Georgia Business Corporation, with its registered office at 2750 Jiles Road, Suite 108, Kennesaw, Cobb County Georgia 30144 have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code.

1:24,31-2020

MDJ-4949
GPN-6
**NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY**

Notice is given that Articles of incorporation which incorporate Vortex Mechanical, Inc. have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation is located at 1150 Holland Road Powder Springs, Cobb County, Georgia 30127 and its initial registered agent at such address is Shazie Ali.

1:24,31-2020

8055 Incorporation

MDJ-4961
GPN-6
**APPLICATION TO REGISTER
BUSINESS TO BE CONDUCTED
UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB**

8065 Planning Commission

MDJ-4724
GPN-13
**CITY OF KENNESAW
PUBLIC NOTICE**

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for adoption of the official 2020 Zoning Map for the City of Kennesaw. A copy of the map is on file in City Hall in the Planning and Zoning Office for viewing during normal business hours of 8:00am-5:00pm Monday through Friday. Said meetings shall be held before the Planning Commission on February 5, 2020, at 7:00P.M. with the Mayor and Council Mayor considering adoption of a proper public meeting to be held February 17, 2020 at 6:30P.M. Both meetings are to be held at 2529 J. O. Stephenson Avenue, Kennesaw, Georgia. Any interested citizens may attend and be heard.

Darryl Simmons
Planning and Zoning Administrator
1:17,24-2020

MDJ-4773
GPN-13
**City of Kennesaw
Public Notice**

Notice is hereby given that the City of Kennesaw shall hold public hearings to amend the Unified Development Code. The proposed amendment is to amend APPENDIX A UNIFIED DEVELOPMENT CODE, CHAPTER 1 GENERAL PROVISIONS, SECTION 1.09.02 DEFINITIONS, ADDING A NEW SECTION UNDER CHAPTER 4 SECTION 4.06.00 UNIVERSITY LIVING-PBSH (purpose built student housing). Copy of the amendment to the Unified Development Code is on file in the Office of Planning and Zoning during normal business hours, Monday-Friday from 8am to 5pm for public viewing. The Planning Commission shall hold the first public hearing on February 05, 2020 at 7:00pm with a final scheduled hearing and adoption by the Mayor and Council to be considered on February 17, 2020 at 6:30pm. Meetings will be held in the Kennesaw City

8065 Planning Commission

Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, GA. All interested persons may attend and be heard relative there to.

Darryl Simmons
Zoning Administrator
1:17,24-2020

mission hearing).
Z-56(2019) KO MANAGEMENT, INC. (The Estate of Lewis E. Lee, KO Management, Inc., owner) requesting rezoning from R-20 and NRC to RA-5 for the purpose of a residential subdivision in Land Lots 37 and 39 of the 17th and 18th District. Located on the West side of Mableton Parkway; north side of Wood Valley Road; and on the east side of Glorie Circle. (Continued by Staff from the September 3, 2019 Planning Commission hearing until the October 1, 2019 Planning Commission hearing; Held by the Planning Commission from the October 1, 2019 Planning Commission hearing until the November 5, 2019 Planning Commission hearing; Continued by the Planning Commission from the November 5, 2019 Planning Commission hearing until the December 3, 2019 Planning Commission hearing; Held by the Planning Commission from the December 3, 2019 Planning Commission hearing until the February 5, 2020 Planning Commission hearing).
Z-62(2019) EMBRY DEVELOPMENT COMPANY, LLC (Estate of Opal Williams Milam, owner) requesting rezoning from R-20 to PVC for the purpose of mixed use in Land Lots 77, 78, 155 and 156 of the 18th District. Located on West side of Mableton Parkway, southwest side of Old Powder Springs Road, north side of Boggs Road, north side of Patricia Lane, on the north side of Lynne Circle, on the east and west sides of Milam Drive, on the south side of Sunset Boulevard (not open) and on the east and west sides of Gloria Circle (not open). (Multiple addresses in application). (Continued by Staff from the October 1, 2019 Planning Commission hearing through the December 3, 2019 Planning Commission hearings until the February 5, 2020 Planning Commission hearing).

Z-67(2019) 20 HOLDINGS, LLC (20 Holdings, LLC, Eastside Baptist Church, Inc., owners) requesting rezoning from R-20 to RM-8 for the purpose of townhomes in Land Lots 208, 209, and 225 of the 17th District. Located on the southeast intersection of Sandtown Road and Osborne Road; northwesterly intersection of Austell Road and Sandtown Road (1501, 1521

8065 Planning Commission

Sandtown Road and a portion of 1528 Austell Road). (Continued by the Planning Commission from the November 5, 2019 Planning Commission hearing and the December 3, 2019 Planning Commission hearing until the February 5, 2020 Planning Commission hearing).
Z-12 YASMIN BENICHAY-BITON (Lior Biton and Ronen Shofik, owners) requesting rezoning from CF to R-12 for the purpose of single-family houses in Land Lot 180 of the 17th District. Located on the northwest side of Cooper Lake Road, north of Veterans Memorial Highway (9 and 11 Cooper Lake Road).

Z-13 ARTURO MARTINEZ (Iglesia Misionera Roca De Salvacion, Inc., owner) requesting rezoning from PSC to NRC for the purpose of a church in Land Lot 190 of the 18th District. Located at the southwest intersection of Mableton Parkway and Boggs Road (6170 and 6190 Mableton Pkwy, and 529 Boggs Road).

Z-14 ANDRES ESTRADA (Atlanta Safety Brake Service, Inc., owner) requesting rezoning from GC to NRC for the purpose of light auto repair and office in Land Lot 34 of the 18th District. Located at the western end of Sydney Ann Boulevard, and on the east side of James Road (1498 Sydney Ann Boulevard).

Z-15 MORGAN HOUSE PCH, LLC (Susan Ndungu, owner) requesting rezoning from NRC to NRC for the purpose of a personal care home in Land Lot 588 of the 16th District. Located on the south side of Chesterfield Drive and on the east side of Canton Road (2670 Canton Road).

Z-16 KOTA PROPERTIES, INC. (Petinos, LLC, owner) requesting rezoning from NRC to NRC for the purpose of revising the zoning stipulation from case Z-151 of 2004 to allow other restaurants and uses in Land Lots 475 and 476 of the 19th District. Located at the northwest corner of Powder Springs Road and Grove Valley Drive (private road). 1812 Powder Springs Road. (Withdrawn without prejudice).

Z-17 ARPIT PATEL (Arpithkumar M. Patel and Avani A. Patel, owners) requesting rezoning from LRC to NRC for the purpose of a convenience store

8065 Planning Commission

with fuel sales in Land Lots 274 and 303 of the 17th District. Located at the southwest corner of Windy Hill Road and Benson Poole Road (470 and 478 Windy Hill Road).
Z-18 THE REVIVE LAND GROUP, LLC (380 Allen Street, LLC, owner) requesting rezoning from R-30, NRC, PSC and GC to RSL for the purpose of non-supportive senior living in Land Lots 66 and 83 of the 19th District. Located at the southeast corner of Dallos Highway and McConnell Road (691 McConnell Road).
This disclosure statement must be submitted to the Zoning Division Office by mail to P. O. Box 649, Marietta, Georgia 30061 or in person at 1150 Powder Springs Street, Suite 400, Marietta, Georgia 30064 within five (5) days before the public hearing. Additionally, if you believe you need any special accommodations in order to attend these public hearings, please contact the County Clerks Office at 770-528-3307 no later than 48 hours before the date of the above meeting.
1:24-2020

MDJ-4906
GPN-13
**COBB COUNTY
BOARD OF COMMISSIONERS
ZONING HEARING
"OTHER BUSINESS"
FEBRUARY 18, 2020
ITEM OB-9-2020**

To consider a stipulation amendment for Amber-Shea, LLC regarding rezoning application Z-13 of 2019, for property located on the south side of Veterans Memorial Highway and the north side of Old Powder Springs Road in Land Lot 1298 of the 19th District (1311 Veterans Memorial Highway).
1:24-2020

8070 Probate

MDJ-4512
GPN-18
**IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
JAMES EARL LIGON III,
DECEASED
ESTATE NO. 19-2364
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE**

TO: whom it may concern:
MICHAELA ANNE LIGON has petitioned to be appointed Administrators of the estate of JAMES EARL LIGON, III deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All

8070 Probate

interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before JANUARY 27, 2020.

GREEN deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before JANUARY 27, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk
Judge of the Probate Court
By: Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
1:3,10,17,24-2020

MDJ-4517
GPN-18
**IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
JOHN VICTOR SPENCER
DECEASED
ESTATE NO. 19-2387
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE**

TO: TO WHOM IT MAY CONCERN
LINDA KUBAS SPENCER has petitioned to be appointed Administrator of the estate of JOHN VICTOR SPENCER deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Peti-

ture of said business is: trucking and that said business is composed of the following: KJB TRANSPORT 567 Charing Cross Drive Marietta, GA 30066. This 8th day of January, 2020.

Rebecca Keaton
Clerk of Superior Court
Cobb County
1:17,24-2020

**MDJ-4771
GPN-06
APPLICATION TO REGISTER
BUSINESS TO BE CONDUCTED
UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB**

The undersigned hereby certifies that they are conducting a business in the City of Smyrna/Marietta, County of Cobb, in the State of Georgia under the trade name: Champion Focused Leadership Consulting and that the nature of said business is: consulting & training courses and that said business is composed of the following: Sandra Gains 1105 Queensgate Dr Smyrna, GA 30082.

This 8th day of January, 2020.
Rebecca Keaton
Clerk of Superior Court
Cobb County
1:17,24-2020

**MDJ-4772
GPN-06
APPLICATION TO REGISTER
BUSINESS TO BE CONDUCTED
UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB**

The undersigned hereby certifies that they are conducting a business in the City of Acworth, County of Cobb, in the State of Georgia under the trade name: EXOTIC ZEN and that the nature of said business is: plant design and that said business is composed of the following: JOSH GADDY & MERCEDES NORWOOD 473 Lake Park Terrace Acworth, GA 30101.

This 8th day of January, 2020.
Rebecca Keaton
Clerk of Superior Court
Cobb County
1:17,24-2020

**MDJ-4776
GPN-6
NOTICE OF INTENT TO
VOLUNTARILY
DISSOLVE A CORPORATION**

Notice is given that a Notice of Intent to Dissolve Merrimac Holdings, Inc. (the "Corporation"), a Georgia corporation with its registered office at 3350 Riverwood Parkway, Suite 1600, Atlanta, Cobb County, Georgia 30039, will be delivered to the Secretary of State for filing in accordance with the Georgia

the name of the Corporation shall be Specialty Builders Insurance Company.

Article 2.

Form of Organization

The Corporation shall be formed as a domestic surplus lines insurer and shall have perpetual duration.

Article 3.

Incorporators

The names and addresses of the five incorporators, all of whom are over 18 years of age, are of good moral character, and have not been convicted of a crime involving moral turpitude are as follows:

Patrick John Mitchell
517 Gramercy Dr.
Marietta, GA 30068
John Stephen Berry
337 Londs Mill
Marietta, GA 30067
Mark Gromek
900 Woodsmith Lane
Johns Creek, GA 30099
Ellen Graham Smith
1549 N. Springs Dr.
Dunwoody, GA 30338
Shawn Andrew Stinson
3884 Wakfield Hall Sq.
Smyrna, GA 30080

All of the incorporators are citizens of the United States and residents of the State of Georgia.

Article 4.

Kinds of Insurance the Corporation is formed to transact

The Corporation is hereby formed as a domestic surplus lines insurer to conduct property and casualty insurance as defined in Chapter 7 of the Official Code of Georgia.

Article 5.

Authorized capital stock and par value of each share

The Corporation shall be a stock insurance company authorized to issue ten thousand (10,000) shares of common stock with a par value of \$500 per share.

Article 6.

Initial Directors

The Board of Directors shall consist of not less than three (3) nor more than nine (9) persons. The Board of Directors shall conduct the affairs of the Corporation and the precise number of members shall be fixed from time to time in accordance with the Bylaws of the Corporation. Initially, the Board of Directors shall consist of three (3) persons, whose names and addresses are as follows and each of whom is a resident of the State of Georgia and a citizen of the United States:

Mark Gromek
900 Woodsmith Lane
Johns Creek, GA 30099
Patrick John Mitchell
517 Gramercy Dr.

dress is Richard C. Hummel, III.
1:17,24-2020

8065 Planning Commission

MDJ-4724

GPN-13

**CITY OF KENNESAW
PUBLIC NOTICE**

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for adoption of the official 2020 Zoning Map for the City of Kennesaw. A copy of the map is on file in City Hall in the Planning and Zoning Office for viewing during normal business hours of 8:00am-5:00pm Monday through Friday.

Said meetings shall be held before the Planning Commission on February 5, 2020, at 7:00P.M. with the Mayor and Council Mayor considering adoption of a proper public meeting to be held February 17, 2020 at 6:30P.M. Both meetings are to be held at 2529 J. O. Stephenson Avenue, Kennesaw, Georgia. Any interested citizens may attend and be heard.

Dorrry Simmons
Planning and Zoning Administrator
1:17,24-2020

MDJ-4773

GPN-13

**City of Kennesaw
Public Notice**

Notice is hereby given that the City of Kennesaw shall hold public hearings to amend the Unified Development Code. The proposed amendment is to amend APPENDIX A UNIFIED DEVELOPMENT CODE, CHAPTER 1 GENERAL PROVISIONS, SECTION 1.09.02 DEFINITIONS, ADDING A NEW SECTION UNDER CHAPTER 4 SECTION 4.06.00 UNIVERSITY LIVING-PBSH (purpose built student housing).

Copy of the amendment to the Unified Development Code is on file in the Office of Planning and Zoning during normal business hours, Monday-Friday from 8am to 5pm for public viewing. The Planning Commission shall hold the first public hearing on February 05, 2020 at 7:00pm with a final scheduled hearing and adoption by the Mayor and Council to be considered on February 17, 2020 at 6:30pm. Meetings will be held in the Kennesaw City Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, GA. All interested persons may attend and be heard relative thereto.

Dorrry Simmons
Zoning Administrator
1:17,24-2020

MDJ-4811

GPN-13

CITY OF MARIETTA

**PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE**

TO: whom it may concern
LAUREN G. LEVINGER has petitioned to be appointed Administrator of the estate of **ANITA LYNN FERCHAU** deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before **JANUARY 21, 2020**.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Tara C. Riddle
Associate Judge of the Probate Court
By: Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770)528-1900
12:27-2019;1:3,10,17-2020

MDJ-4387

GPN-18

**IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
JAMES ARTHUR HENDERSON, JR.,
DECEASED
ESTATE NO.19-2362
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE**

TO: **AVERY HENDERSON** by and through her Guardian Ad Litem, **VICTORIA H. WATKINS**, and to whom it may concern:

CRYSTAL VIZCAINO HENDERSON has petitioned to be appointed Administrator of the estate of **JAMES ARTHUR HENDERSON, JR.**, deceased, of said County. The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the

MDJ-4391

GPN-18

**IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
JOHN WESLEY THOMPSON, JR.,
DECEASED
ESTATE NO.19-2331
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE**

TO: **WHOM IT MAY CONCERN**
ELIZABETH MARIE THOMPSON has petitioned to be appointed Administrator of the estate of **JOHN WESLEY THOMPSON, JR.**, deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before **JANUARY 21, 2020**.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Tara C. Riddle
Associate Judge of the Probate Court
By: Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
12:27-2019;1:3,10,17-2020

MDJ-4392

GPN-18

**IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
CHARLES L. LOCKHART
DECEASED
ESTATE NO.19-2322
NOTICE OF PETITION TO FILE
FOR YEARS SUPPORT**

The Petition of **JERRY A. LANDERS, JR., CONSERVATOR** for **BRENDA LOCKHART** for a years support from the estate of **CHARLES L. LOCKHART**, Deceased, for Decedents Surviving Spouse, having been duly filed, all interested persons are hereby notified

MDJ-4514

GPN-18

**IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE:
DARLENE PAYNE,
DECEASED
ESTATE NO. 19-2388
NOTICE OF PETITION TO FILE
FOR YEARS SUPPORT**

The Petition of **RICHARD EDWARD PAYNE**, for a years support from the estate of **DARLENE PAYNE**, Deceased, for Decedents Surviving Spouse, having been duly filed, all interested persons are hereby notified to show cause, if any they have, on or before **JANUARY 27, 2020**, why said Petition should not be granted.

All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk,
Judge of the Probate Court
By: Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770)528-1900
1:3,10,17,24-2020

MDJ-4515

GPN-18

**IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
OLUBUNMI ASHEBU
DECEASED
ESTATE NO. 19-2320
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE**

TO: **WHOM IT MAY CONCERN**
DAVID ABIOLA ASHEBU has petitioned to be appointed Administrator of the estate of **OLUBUNMI ASHEBU** deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections.



**Regular Meeting Agenda
2/17/2020 6:30 PM
Council Chambers**

Title of Item:	FIRST PUBLIC HEARING: Approval of an ORDINANCE to amend Chapter 6, entitled "Alcoholic Beverages," to amend Section 6-70(b) of said chapter regarding exemptions to requirement of permit to serve alcohol within the City Limits of Kennesaw, GA.
Agenda Comments:	This is an update to the alcohol ordinance related to exemptions to the requirement of a permit to serve alcohol is being requested to increase efficiency in using volunteers at temporary city-sponsored or non-profit fundraising events where non-compensated persons are authorized to serve alcohol. The ordinance amendment outlines an exemption for such volunteers. Legal ads ran on February 14, 2020 and will run on February 21, 2020 to advertise the ordinance change. Public Hearings are scheduled for the February 17, 2020 and March 2, 2020 Mayor & Council regular meetings. The Economic Development Director recommends approval.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	2/13/2020	Ordinance
Legal Ad	2/11/2020	Legal Ad
02-14-20 Legal Ad	2/14/2020	Legal Ad

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. 2020-____, 2020

AN ORDINANCE TO AMEND CHAPTER 6, ENTITLED “ALCOHOLIC BEVERAGES,” OF THE CODE OF ORDINANCES OF THE CITY OF KENNESAW, GEORGIA, SO AS TO AMEND SECTION 6-70(b) OF SAID CHAPTER REGARDING EXEMPTIONS TO REQUIREMENT OF PERMIT TO SERVE ALCOHOL WITHIN THE CITY LIMITS OF KENNESAW, GEORGIA.

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

SECTION 1. Chapter 6 of the Code of Ordinances of the City of Kennesaw, Georgia, is hereby amended so as to amend Section 6-70(b) of said Chapter. The text of said Section 6-70(b) is set out in the attached Exhibit A, which is incorporated as a part of this ordinance as if fully set out herein. Said Section 6-70(b) is stricken in its entirety and replaced as follows:

~~(b) *Exemption.* The licensee to whom an alcoholic beverage license has been issued under this chapter is not required to obtain a server permit.~~

b) *Not required.* A server permit is not required of the following:

(1) The licensee to whom an alcoholic beverage license has been issued under this chapter.

(2) An approved substitute licensee, as approved by the business license division.

(3) Any non-compensated person authorized by law to serve alcoholic beverages and is working at a temporary, City-sponsored event or a temporary, non-profit fundraising event for which an alcoholic beverage license has been issued under this chapter.

SECTION 2. 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 this _____ day of March, 2020.

ATTEST:

CITY OF KENNESAW:

Debra Taylor, City Clerk

Derek Easterling, Mayor

EXHIBIT A

Sec. 6-70. - Permit holders of licensees—Applications, issuance, and denials.

- (a) *For whom required.* The following persons shall be required to apply for and obtain a valid server permit from the City of Kennesaw for each establishment that sells alcoholic beverages at which such person works:
- 1) All employees and independent contractors who sell and/or serve alcoholic beverages at a premise licensed under this chapter.
 - (2) Any person acting in a managerial and/or security capacity, except for law enforcement personnel, at the licensed premise, regardless of whether such person sells and/or serves alcoholic beverages.
- (b) ~~*Exemption.* The licensee to whom an alcoholic beverage license has been issued under this chapter is not required to obtain a server permit.~~
- b) *Not required.* A server permit is not required of the following:
- (1) The licensee to whom an alcoholic beverage license has been issued under this chapter.
 - (2) An approved substitute licensee, as approved by the business license division.
 - (3) Any non-compensated person authorized by law to serve alcoholic beverages and is working at a temporary, City-sponsored event or a temporary, non-profit fundraising event for which an alcoholic beverage license has been issued under this chapter.
- (c) *Application and issuance.* Except as otherwise provided, no person requiring a server permit may be employed by 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; (2) an appropriate photo taken by the Kennesaw Police Department that accurately represents the appearance of the applicant; (3) proof of acceptable identification; (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.

- (d) *Time limit.* All persons subject to the provisions of this section shall report to the Kennesaw Police Department for purposes of being fingerprinted and make application and be approved for a server permit before beginning work at any establishment holding a license for alcoholic beverages.
- (e) *Letter of eligibility; term; fee.* Any server permit issued under this section shall expire 12 months from and after the date of issue unless earlier suspended or revoked by the mayor and city council of the City of Kennesaw. The Kennesaw Police Department may prescribe regulations for certifying the eligibility for continued employment without the necessity of the employee being again fingerprinted. The Kennesaw Police Department may prescribe reasonable fees for certifying the eligibility for a server permit.
- (f) *List of employees to be filed.* It shall be the duty of all persons holding any license to sell alcoholic beverages to keep on file on the premises the actual current server permit or a copy of the current server permit for all persons required to have such permit who work at that establishment.
- (g) *Possession of permits by employees.* Each and every server permit holder shall, at all times during his or her working hours, have his or her server permit available for inspection at the premises of the licensee.
- (h) *Permit holder on premises.* At all times that the business is open, the licensee shall have at least one server permit holder on the premises.
- (i) *Other grounds for denial of server permit.* In addition to the other requirements in this section, the Kennesaw Police Department shall not issue server permit to any applicant:
 - (1) Who is not a citizen of the United States or an alien admitted for permanent residence and who has been granted employment authorization to work within the United States by the United States Department of Homeland Security or a person who has otherwise been granted employment authorization by the United States Department of Homeland Security to work within the United States.

- (2) Who has been convicted within five years immediately prior to the application for server permit of soliciting for prostitution, pandering, letting premises for prostitution, or any charge relating to the sale of alcoholic beverages.
 - (3) Who has been convicted or pled guilty to within five years immediately prior to the application for server permit of:
 - a. Any felony under the laws of any state or of the United States of America;
 - b. Two or more convictions for any alcohol or drug related offense; or,
 - c. For whom there exists any outstanding warrant charging such person with any crime described in this section, provided that this section shall not apply to private clubs as defined in this chapter.
 - (4) Who is on probation or on parole for any drug or alcohol related offense.
- (j) (*Grounds for suspension, revocation, probation.* No server permit that has been issued or which may hereafter be issued under this section shall be suspended, revoked or placed on probation except for due cause as defined in this subsection, and after a hearing and upon written notice to the permit holder of the time, place and purpose of such hearing and a statement of the charge or charges upon which such hearing shall be held. Five calendar days' notice shall be deemed reasonable, but shorter or longer periods of notice shall be authorized as the city manager may deem the circumstances to justify so long as the permit holder is provided reasonable notice of the hearing. "Due cause" for the suspension or revocation of the server permit shall consist of the violation of any laws or ordinances regulating the sale of alcoholic beverages or the violation of any state or federal law or local ordinances set out in this section; or for the omission or falsification of any material in any application; or for any reason which would authorize the refusal of the issuance of a permit; or any violation of this chapter. All hearings shall be before the license review board at a specially called meeting and shall be conducted in the manner provided in [section 6-63](#) of this chapter. After the hearing, if the license review board determines due cause exists, the license review board may suspend, revoke or place on probation for a maximum of 12 months, with or without conditions, the server permit. The permit holder whose server permit was suspended, revoked or probated by the license review board may appeal to the mayor and city council of the City of Kennesaw pursuant to [section 6-63](#) of this chapter.

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 February 17, 2020 and March 2, 2020 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 to amend Ch. 6 “Alcoholic Beverages,” of the Code of Ordinances of the City of Kennesaw, Georgia, so as to amend Sec. 6-70(b) of said chapter regarding exemptions to requirement of permit to serve alcohol within the City limits. A 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.

Legal Ad to Run: February 14 & 21, 2020

business is composed of the following: Nicolas Trujillo 521 Hammond Drive Sandy Springs, GA 30328. This 10th day of February, 2020.

Rebecca Keaton
Clerk of Superior Court
Cobb County
2:14,21-2020

MDJ-5529
GPN-6

BUSINESS TO BE CONDUCTED UNDER A TRADE NAME STATE OF GEORGIA COUNTY OF COBB

The undersigned hereby certifies that they are conducting a business in the City of Smyrna, County of Cobb, in the State of Georgia under the trade name: LowCountry Catering and that the nature of said business is: Providing full-service catering and event planning services and that said business is composed of the following: LowCountry Barbecue, Inc. 2000 S. Pioneer Drive, Smyrna, GA 30082. This 7th day of February, 2020.

Rebecca Keaton
Clerk of Superior Court
Cobb County
2:14,21-2020

MDJ-5545
GPN-6

NOTICE OF INCORPORATION

Notice is given that Articles of Incorporation which will incorporate **Segers Contracting Inc.** have been delivered to the Secretary of State for filing in accordance with the Georgia (Business) Corporation Code. The initial registered office of the corporation is located at 2723 Chimney Springs Dr. Marietta, Georgia 30062 and its initial registered agent at such address is Laura Segers.

2:14,21-2020

MDJ-5549
GPN-6

NOTICE OF MERGER

Notice is given that a certificate of merger which will effect a merger by and between **Valeris Medical, Inc.** a Georgia Corporation and **Maruho Medical, Inc.** a Delaware Corporation, has been delivered to The Secretary of State for filing in accordance with the Georgia Business Corporation Code. The name of the surviving corporation in the merger is **Maruho Medical, Inc.**, a corporation incorporated in the state of Delaware. The registered office of such corporation is located at 1209 Orange Street, Wilmington, DE 19801 and its registered agent at such address is The Corporation Trust Company.

2:14,21-2020

marie Spillane, Annamaria Pausen, Kevin Thomas Spillane, Margaret Scott Spillane, Lisa Spillane on behalf of Jeffrey C. Spillane, owners) requesting rezoning from R-30, NRC, PSC and GC to RSL for the purpose of supportive senior living in Land Lots 66 and 83 of the 19th District. Located at the southeast corner of Dallos Highway and McConnell Road (691 McConnell Road). (Previously continued by the Planning Commission from the February 5, 2020 Planning Commission hearing until the April 7, 2020 Planning Commission hearing).

2-13(2020) **ARTURO MARTINEZ** (Iglesia Misionera Roca De Solvacion, Inc., owner) requesting rezoning from PSC to NRC for the purpose of a church in Land Lot 190 of the 18th District. Located at the southwest intersection of Mableton Parkway and Boggs Road (6170 and 6190 Mableton Pkwy. and 529 Boggs Road). (Previously held by the Planning Commission from the February 5, 2020 Planning Commission hearing until the March 3, 2020 Planning Commission hearing).

2-14(2020) **ANDRES ESTRADA** (Atlanta Safety Brake Service, Inc., owner) requesting rezoning from GC to NRC for the purpose of light auto repair and office in Land Lot 34 of the 18th District. Located at the western end of Sydney Ann Boulevard, and on the east side of James Road (1498 Sydney Ann Boulevard). (Previously continued by Staff from the February 5, 2020 Planning Commission hearing until the March 3, 2020 Planning Commission hearing).

2-19(2020) **TRATON, LLC** (David Jesse McDougall and Sandra Lee Walls, owners) requesting rezoning from R-20 to RSL for the purpose of non-supportive senior living in Land Lot 218 of the 16th District. Located on the northeast side of North Booth Road, south of Shiloh Road (676 and 730 North Booth Road). (Previously continued by the Planning Commission from the February 5, 2020 Planning Commission hearing until the March 3, 2020 Planning Commission hearing).

2-20(2020) **CORES INDUSTRIAL PARTNERS, LLC** (Green Acres Mobile Home Estates, Inc. and White Lake Water Fowl, LLC, owners) requesting rezoning from MHP to LI for the purpose of an office/warehouse in Land Lots 377 and 421 of the 18th District. Located on the southwest side of Oak Ridge Commerce Way, north of Oak Ridge Road (No address). (Previously continued by Staff from the February 5, 2020 Planning Commission hearing until the March 3, 2020 Planning Commission hearing).

the above meeting, please contact the Coordinator at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060
2:14-2020

MDJ-5471
GPN-13

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 February 17, 2020 and March 2, 2020 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 to amend Ch. 6 "Alcoholic Beverages", of the Code of Ordinances of the City of Kennesaw, Georgia, so as to amend Sec. 6-70(b) of said chapter regarding exemptions to requirement of permit to serve alcohol within the City limits. A 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.

2:14,21-2020

8070

Probate

MDJ-4982
GPN-18

IN THE PROBATE COURT OF COBB COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF

DONNA MARIE WALLACE,

DECEASED

ESTATE NO. 20-0079

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

To whom it may concern: **BENJAMIN STURM** a/k/a **BEN STURM** has petitioned to be appointed Administrator of the estate of **DONNA MARIE WALLACE** deceased, of said County. The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before **FEBRUARY 17, 2020**. **BE NOTIFIED FURTHER:** All objections to the Petition must be in writing, setting forth the grounds of any such

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: TO WHOM IT MAY CONCERN: **LINDA S. SOVIE** has petitioned to be appointed Administrator of the estate of **SHIRLEY MAE STARY** deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before **FEBRUARY 17, 2020**.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk
Judge of the Probate Court
By: Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
1:24,31; 2:7,14-2020

MDJ-4987
GPN-18

IN THE PROBATE COURT OF COBB COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF

DANIEL AUGUSTINE MESSINEO,

DECEASED

ESTATE NO. 20-0074

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: whom it may concern: **ANGEL DAWN BUZBEE** has petitioned to be appointed Administrator of the estate of **DANIEL AUGUSTINE MESSINEO** deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing,

IN RE: ESTATE OF PA MODOU KAH, DECEASED ESTATE NO. 20-0108 PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: whom it may concern: **LAMIN NJIE** has petitioned to be appointed Administrator of the estate of **PA MODOU KAH** deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before **FEBRUARY 17, 2020**.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk,
Judge of the Probate Court
By: Jennifer P. Ritchey,
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770) 528-1900
1:24,31; 2:7,14-2020

MDJ-4992
GPN-18

IN THE PROBATE COURT OF COBB COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF

CHARLES ROBERT BATTEN, JR.,

DECEASED

ESTATE NO. 19-2247

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: **CHARLES ROBERT BATTEN** and to whom it may concern: **DEBORAH MAE SMITH** has petitioned to be appointed Administrator of the estate of **CHARLES ROBERT BATTEN, JR.** deceased, of said County. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing,

IN THE PROBATE COURT OF COBB COUNTY STATE OF GEORGIA

IN RE: **ANGELO SAHLZGHI GEBREHIWET, DECEASED**

ESTATE NO. 20-0129

NOTICE OF PETITION TO FILE FOR YEARS SUPPORT

The Petition of **SARA AYNALM GEBREHIWET**, for a years support from the estate of **ANGELO SAHLZGHI GEBREHIWET**, deceased, for Decedent's Surviving Spouse, having been duly filed, all interested persons are hereby notified to show cause, if any they have, on or before **FEBRUARY 24, 2020**, why said Petition should not be granted.

All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Tara C. Riddle
Associate Judge of the Probate Court
By: Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770) 528-1900
1:31,2; 2:7,14,21-2020

MDJ-5175
GPN-18

IN THE PROBATE COURT OF COBB COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF

GERARD CLIFTON GOLD,

DECEASED

ESTATE NO. 20-0123

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: whom it may concern: **TINA MARIE GOLD** has petitioned to be appointed Administrator of the estate of **GERARD CLIFTON GOLD** deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing,



**Regular Meeting Agenda
2/17/2020 6:30 PM
Council Chambers**

Title of Item:	Approval of the February 3, 2020 Mayor and City Council meeting minutes and Executive Session minutes.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Minutes	2/5/2020	Minutes
Affidavit	2/13/2020	Backup Material

**MINUTES OF MAYOR & CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
Monday, February 3, 2020
6:30 p.m.**

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

I. INVOCATION

City Attorney Randall Bentley led the invocation.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scouts Thomas and Daniel of Troop 217 who are working on their First Class Rank, as introduced by Mayor Easterling.

III. CALL TO ORDER

IV. ANNOUNCEMENTS

V. PRESENTATIONS

- A. Recognition of Kennesaw Police Depart CALEA (Commission on Accreditation for Law Enforcement Agencies) reaccreditation and State recertification. The City congratulates the Police Department on this great achievement and the outstanding efforts by Sgt. Webster!

Mayor Easterling presented Police Chief Westenberger, Sergeant Webster, Lt. Irwin, Sgt. Horton, Officer Luther and Officer Amica the CALEA reaccreditation certificate and State recertification certificate. The Police Department received a round of applause from the Mayor, City Council, staff and public. Congratulations!

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

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

6:37 PM Floor Open for Public Comments on agenda items

No comments.

6:38 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)

No items.

XI. CONSENT AGENDA

- A. On January 21, 2020, Randy Jones purchased one (1) cemetery lot in the Kennesaw City Cemetery. The lot is located in Section III, Plot 49, Lot D. Authorize Mayor to sign the supporting deed for purchase of the lot. City Clerk recommends approval.
- B. Authorization to surplus 2013 Chevrolet Caprice VIN 6G1MK5R35DL814702. The vehicle has incurred excessive repair costs during the previous 24 months and continues to be a maintenance issue. The Police Chief recommends approval to surplus.
- C. Approval of the January 21, 2020 Mayor and City Council meeting minutes.

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

XII. FINANCE AND ADMINISTRATION

GINA AULD, Finance Director

- A. Consideration for approval of an Alcohol License for Beer, Wine, Liquor and Sunday Sales for AWIM Restaurants LLC d/b/a The Lokal Restaurant located at 3900 Legacy Park Blvd, Suite B-100, Kennesaw, GA 30144. Applicant: Allan Williams. The applicant has completed the required alcohol workshop per Sec. 6-69. Signs have been posted and it has been properly advertised per Sec. 6-36. Current application, background check results are on file. Sec. 6-43 refers to all locations within 600 feet of any religious assembly. This location is within 600 feet of a church. Sec. 6-43 states the Mayor and Council may waive the distance requirement if satisfactory evidence shall be produced that no adverse effect to property values or the use of the facilities for the aforesaid purposes would occur if a license was granted. Finance Director recommends approval. Funding Line: 100.0000.32.1100 Application Fee \$350.00.

On behalf of Finance Director Gina Auld, Zoning Administrator Darryl Simmons presented the request for an Alcohol License for Beer, Wine, Liquor and Sunday Sales for AWIM Restaurants LLC d/b/a The Lokal Restaurant located at 3900 Legacy Park Blvd, Suite B-100, by applicant Allan Williams. The applicant has completed the required alcohol workshop per Sec. 6-69. Signs have been posted and it has been properly advertised per Sec. 6-36. Current application, background check results are on file. Sec. 6-43 refers to all locations within 600 feet of any religious assembly. This location is within 600 feet of a church. Sec. 6-43 states the Mayor and Council may waive the distance requirement if satisfactory evidence shall be produced that no adverse effect to property values or the use of the facilities for the aforesaid purposes would occur if a license was granted. The applicant was present this evening.

Motion by Councilmember Viars to approve the Alcoholic Beverage License for Beer, Wine and Sunday Sales for AWIM Restaurants LLC d/b/a The Lokal Restaurant located at 3900 Legacy Park Blvd, Suite B-100, by applicant Allan Williams, seconded by Councilmember Blinkhorn. Vote taken, approved unanimously 5-0. Motion carried.

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief
LINDA DAVIS, 911 Communications Director

No items.

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

- A. Approval for a lot split plat (3650 Kennesaw Parkway) submitted by Michael D. Bentley/Hayes, James & Associates, Inc. represented by Blake Dexter. Property located in Land Lot 91 of the 20th District, 2nd Section, Cobb County, Tax Parcel 46. Property identified as 3650 Kennesaw Parkway and zoned Heavy Industrial (HI). Owner is requesting division of one lot consisting of 11.16+/- acres into two

separate parcels. The Plan Review Committee recommends approval of the proposed lot split.

Zoning Administrator Darryl Simmons presented the request for a lot split plat at 3650 Kennesaw Parkway submitted by Michael D. Bentley/Hayes, James & Associates, Inc. represented by Blake Dexter, and to be zoned Heavy Industrial (HI). Owner is requesting division of one lot consisting of 11.16+/- acres into two separate parcels, of which Lot C will consist of 3.24 acres for the detention pond. There is no intent for future building on Lot C. Recorded covenants address maintenance of the detention pond.

Motion by Councilmember Henderson to approve the lot split plat at 3650 Kennesaw Parkway as submitted by Michael D. Bentley/Hayes, James & Associates, Inc. represented by Blake Dexter, and zoned Heavy Industrial (HI), the division of one lot consisting of 11.16+/- acres into two separate parcels as presented, seconded by Councilmember Henderson.

Mayor Protem Ferris questioned why the undeveloped finger of land isn't deeded to the properties it passes. Representative Blake Dexter said the spur was designed for a railroad spur and they left it in place. It is unusable land and simpler to leave it than deed it to other properties.

Vote taken on the motion, approved unanimously, 5-0. Motion carried.

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

6:43 PM Floor Open for Public Comments

JOE BOZEMAN (Property Owner): He wanted to address the July 3rd fireworks relocation. He knows there is a group to review the issue but doesn't think Swift-Cantrell Park is the way to go, and he won't be there. The first fireworks in Kennesaw was in 1955 when he and Benny Robertson bought 25 cherry bombs. They lit the fuses all along Main Street and set them off – you've never heard such an explosion in your life, one after one. They didn't cause any fires and no one was hurt. Please don't send this annual July 3rd event to Swift – keep it downtown. He wishes we could have a parade and patriotic music that day too. A lot of downtown merchants will be disappointed.

6:49 PM Floor Closed for Public Comments

XIX. CITY MANAGERS REPORT – Jeff Drobney

No items.

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.

No items.

XXI. COUNCIL COMMENTS

Mayor Pro Tem Pat Ferris noted the fantastic weather we are having for February and the sunset tonight was spectacular.

Councilmember Tracey Viars reported there was a fireworks meeting last week with lots of information and ideas exchanged. This group also consists of 3-4 downtown merchants.

Councilmember Chris Henderson had to brag on North Cobb High School drama club. They had five shows in three days. He is proud of the kids who worked hard and they knocked it out of the park!

Councilmember James Eaton said God bless America.

Councilmember David Blinkhorn is a speaker groupie and this is speech month at high schools. This Cobb Project Soapbox program is to help middle and high school students find their voice on something important to them and he was very impressed with the variety of topics such as sexual harassment, violence, immigration, etc.

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.

Motion by Councilmember Viars 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 Blinkhorn. Vote taken, approved unanimously, 5-0. Motion carried.

6:53 PM Recess to Executive Session

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

7:03 PM Reconvene to Open Session

Councilmember Viars 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 Blinkhorn. Vote taken, approved unanimously, 5-0. Motion carried.

No action taken.

XXIII. ADJOURN

Mayor Easterling adjourned at 7:04 P.M. The next regularly scheduled meeting will be held Monday, February 17, 2020 at 6:30 p.m. in the Council Chambers. The public is encouraged to attend.

Debra Taylor City Clerk

MAYOR
Derek Easterling

City Manager
Jeff Drobney

City Clerk, MMC
Debra Taylor



COUNCIL

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

Verification the Mayor and City Council have reviewed Minutes from the

February 3, 2020 Executive Session.

(please initial next to your name)

Mayor Derek Easterling

Date: 02/10/2020

Mayor Protem Chris Henderson

Date: 2/10/20

Councilmember James Eaton

Date: 2/10/2020

Councilmember Tracey Viars

Date: 2/10/2020

Councilmember Pat Ferris

Date: 2/10/2020

Councilmember David Blinkhorn

Date: 2/10/20

These Minutes were approved at the February 17, 2020 Mayor and City Council meeting.

ATTEST:

Debra Taylor, City Clerk





**Regular Meeting Agenda
2/17/2020 6:30 PM
Council Chambers**

Title of Item:	Approval of a RESOLUTION authorizing a Stormwater Agreement By and Between The City of Kennesaw and CPC Real Estate Acquisitions, LLC.
Agenda Comments:	CPC Real Estate Acquisitions, LLC is finalizing all steps and documents they require to close on the multiple parcels comprising a 14 acreage assemblage bordered by Cobb Parkway, Summer Street and Keene Street for a mixed use project. They have completed the civil plans for the project and plan to secure the Land Disturbance Permit (LDP) for the project prior to closing late February 2020. The civil plans for the project contemplate participating in the City owned regional detention facility for the downtown basin. The civil plans allowed for a specific calculation of impervious surface required for the Stormwater Agreement. Legal has prepared the Agreement based on the standard terms and conditions the City developed for parties to participate in the regional detention facility. Economic Development and Public Works Directors recommend approval.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Resolution	2/7/2020	Resolution
CPC Stormwater Agreement	2/6/2020	Backup Material

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2020-____, 2020

**RESOLUTION FOR STORMWATER AGREEMENT BY AND BETWEEN THE CITY
OF KENNESAW AND CPC REAL ESTATE ACQUISITIONS, LLC (CORE)**

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

WHEREAS, Core is the owner of and/or is under contract to purchase those certain tracts of land consisting of approximately 14.5 acres, more or less, located between Cobb Parkway and Summers Street in Kennesaw, Georgia (the "Property"); and

WHEREAS, Core intends to develop the Property as a mixed-use project containing residential, retail, office and other improvements and facilities related thereto, according to an approved Central Business District plan (the "Project"); and

WHEREAS, the Project plans as approved by the City provide for detention of stormwater and maintenance of stormwater facilities to be located off-site of the Property; and

WHEREAS, the City constructed a regional stormwater detention pond to serve the Property and the entire downtown watershed (the "Stormwater Facility") which is capable of providing "Overbank Flood Protection and Extreme Flood Protection" elements as outlined in the Georgia Stormwater Management Manual; and

WHEREAS, as a one-time initial fee, Core shall be required to contribute toward the prior construction costs of the Stormwater Facility at a rate of \$281 per 1,000 square feet, calculated to the nearest 100 square feet, of impervious surface located on the Project; and

WHEREAS, the City shall ensure the Stormwater Facility is properly maintained and operated in accordance with all applicable federal, state, and local ordinances.

NOW, THEREFORE, BE IT RESOLVED the Kennesaw City Council authorizes the Mayor to execute the Stormwater Agreement between the City of Kennesaw and CPC Real Estate Acquisitions, LLC.

PASSED AND ADOPTED by the Kennesaw City Council on this ____ day of February, 2020.

ATTEST:

CITY OF KENNESAW:

Lea Addington, Deputy City Clerk

Derek Easterling, Mayor

**STORMWATER AGREEMENT BY AND BETWEEN
THE CITY OF KENNESAW
AND CPC REAL ESTATE ACQUISITIONS, LLC**

THIS STORMWATER AGREEMENT (the “**Agreement**”), is made and entered into as of this the _____ day of _____, 2020, by and between the CITY OF KENNESAW, GEORGIA, a municipal corporation chartered pursuant to the laws of the State of Georgia (the “**City**”) and CPC REAL ESTATE ACQUISITIONS, LLC a Georgia limited liability company, its successors and assigns (“**Core**”). (City and Core may be referred to individually as a “**Party**” and collectively as the “**Parties**”).

WHEREAS, Core is the owner of and/or is under contract to purchase those certain tracts of land consisting of approximately 14.5 acres, more or less, located between Cobb Parkway and Summers Street in Kennesaw, Georgia (the “**Property**”);

WHEREAS, Core intends to develop the Property as a mixed-use project containing residential, retail, office and other improvements and facilities related thereto, according to an approved Central Business District plan (the “**Project**”);

WHEREAS, the Project plans as approved by the City provide for detention of stormwater and maintenance of stormwater facilities to be located off-site of the Property;

WHEREAS, The City constructed a regional stormwater detention pond to serve the Property and the entire downtown watershed (the “**Stormwater Facility**”) which is capable of providing “Overbank Flood Protection and Extreme Flood Protection” elements as outlined in the Georgia Stormwater Management Manual;

WHEREAS, as a one-time initial fee, Core shall be required to contribute toward the prior construction costs of the Stormwater Facility at a rate of \$281 per 1,000 square feet, calculated to the nearest 100 square feet, of impervious surface located on the Project; and

WHEREAS, the City shall ensure that the Stormwater Facility is properly maintained and operated in accordance with all applicable federal, state and local ordinances.

NOW, THEREFORE, for and in consideration of the mutual covenants, recitals, agreements, and benefits set forth herein, and other good and valuable consideration, the receipt and sufficiency all of which is hereby acknowledged, the Parties agree as follows:

Section 1. Construction and Maintenance of Stormwater Facility

- (a) The City designed and constructed a Stormwater Facility which is sized to accommodate the stormwater runoff and treatment of same for the Property and the entire downtown watershed and has the capacity to provide “Overbank Flood Protection and Extreme Flood Protection” elements as outlined in the Georgia Stormwater Management Manual in accordance with all federal, state and local ordinances which are applicable.

- (b) The City or its authorized designee has designed said Stormwater Facility so as to accommodate other uses and provide excess capacity to others on such terms and conditions as it deems appropriate in its sole discretion, provided that such other uses do not in any way interfere with use of the Stormwater Facility by Core and does not affect the capacity of the Stormwater Facility in a way that would not provide sufficient stormwater drainage capacity for the Project. In all events, the Stormwater Facility, at a minimum, shall have adequate capacity to accept drainage from the Property and all other land located in the downtown watershed.
- (c) The City or its authorized designee shall adequately maintain (including repairs and replacements) the Stormwater Facility consistent with state and federal EPD and EPA standards and shall include all pipes and channels being built to convey stormwater to the Stormwater Facility, as well as all structures, improvements and vegetation being provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working conditions such that the Stormwater Facility is performing its design functions.
- (d) Core shall be entitled to design a drainage system for the Project, which will connect to the Stormwater Facility to provide stormwater drainage off the Property and into the Stormwater Facility, with said design being subject to the timely approval by the City, with such approval not to be unreasonably withheld, conditioned or delayed.

Section 2. Contribution by Core

- (a) Core shall be required to contribute Seventy Four Thousand Forty Four Dollars and no/100 (**\$74,044**) (the “**Contribution**”) toward the prior construction costs of the Stormwater Facility at a rate of \$281 per 1,000 square feet, calculated to the nearest 100 square foot, of total impervious surface located on the Property, which is 263,538 **square feet**.
- (b) Upon commencement of construction of the Project, Core shall cause to be escrowed with First American Title Insurance Company, located at Six Concourse Parkway, Suite 2000, Atlanta, Georgia 30328, Attn: Barbara Morgan (“**Escrow Agent**”) an amount equal to fifty percent (50%) of the Contribution, which shall be held pursuant to an escrow agreement reasonably agreed upon among Core, the City and Escrow Agent, which shall provide that the escrowed funds shall be released by the Escrow Agent to the City upon the provision by Core of satisfactory evidence of completion of construction of the paved parking areas, roadways and tie-in of Core’s stormwater drainage system into the Stormwater Facility.
- (c) The City shall forward a written invoice detailing the calculation of the Contribution to Core, less the amount escrowed and released to the City, and Core shall pay the remaining portion of its Contribution to the City within ten (10) business days of Core’s receipt of the final CO of the Project in one lump sum.
- (d) The City represents and warrants that all property located in the downtown watershed will be required to use the Stormwater Facility for purposes of such properties’ stormwater detention. Following Core’s receipt of the final CO of the Project, Core, its successors and assigns, shall be required to pay on or before October 15 of each year an annual maintenance fee in an amount of \$1,100 per year, which said amount shall be valid for a period of five (5) years at which time it will be in good faith recalculated by the City using the then existing manner of allocation for all other properties in the downtown watershed. The City shall be responsible for all costs and expenses of the Stormwater Facility which are attributable to property within the downtown watershed which is designed to use the Stormwater Facility but which for any reason are not yet using the Stormwater Facility.

- (e) The City has established a utility for stormwater management which requires all property owners, unless otherwise exempted, to be assessed rates for stormwater management services. Core shall be required to participate in the stormwater utility in the same manner as all other commercial properties in the City of Kennesaw.

Section 3. Indemnity for Hazardous Substances

As used herein, "Hazardous Substances" shall mean any oil, petroleum or chemical liquids or solids, liquid or gaseous products or any hazardous wastes or hazardous substances (collectively, "**Hazardous Substances**"), as those terms are used in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or in any other federal, state or local law governing Hazardous Substances, as such laws may be amended from time to time (collectively, the "**Hazardous Waste Laws**"). As of the date of this Agreement, Core represents and warrants that it (a) has no actual knowledge of any unlawful deposit, storage, disposal, burial, discharge, spillage, uncontrolled loss, seepage or filtration of a Hazardous Substance on the Property, except in compliance with Hazardous Waste Laws, and (b) has not knowingly caused or permitted to occur and shall not knowingly permit to exist any condition which may cause an unlawful discharge of any Hazardous Substances at, upon, under or within the Property, except in compliance with Hazardous Waste Laws.

Further, Core hereby releases and agrees to hold harmless, indemnify and defend the City and its elected officials, officers, employees, agents, attorneys and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively, the "**Indemnified Parties**") from and against any and all liabilities, penalties, fines, charges, costs, losses, damages, expenses, causes of action, claims, demands, orders, judgments, or administrative actions, including, without limitation, reasonable attorneys' fees that are actually incurred, arising from or in any way connected with (a) the violation or alleged violation of, or other failure to comply with any state, federal or local law, regulation, or requirement, including, without limitation, CERCLA, and other federal, state or local toxic or hazardous substances or waste statutes, regulations, or requirements by Core, and any person other than any of the Indemnified Parties, in any way affecting, involving, or relating to the Property during the time of Core's ownership; and (b) the presence or release in, on, from, or about the Property, during the time of Core's ownership, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any state, federal or local law, regulation, or requirement, as hazardous, toxic, polluting, or otherwise contaminating to the air, water, or soil, or in any way harmful or threatening to human health or the environment, unless caused by or on behalf of any of the Indemnified Parties, or for which Indemnified Parties are otherwise responsible for under Hazardous Waste Laws.

Section 4. Miscellaneous

- (a) All notices, certificates, requests, demands, or other communications hereunder shall be sufficiently given and shall be deemed given upon receipt, by hand delivery, mail, overnight delivery, facsimile or other electronic means, addressed as follows:

If to the City: City of Kennesaw Public Works
3080 Moon Station Road
Kennesaw, GA 30144
Attention: Ricky Stewart, Director of Public Works

with a copy to: Fred D. Bentley, Jr., Esq.
Bentley, Bentley & Bentley
241 Washington Avenue
Marietta, Georgia 30060

If to Core: CPC REAL ESTATE ACQUISITIONS, LLC
3340 Peachtree Road, Suite 1660
Atlanta, Georgia 30326
Attention: Parke Lammerts

with a copy to: Morris, Manning & Martin, LLP
3343 Peachtree Road, NE, Suite 1600
Atlanta, Georgia 30326
Attention: Bobby Marston, Esq.

Any Party named in this Section 4 may, by notice given to each of the others, designate any additional or different addresses to which subsequent notices, certificates, or other communications shall be sent. For purposes of this Section 4, "electronic means" shall mean telecopy or facsimile transmission or other similar electronic means of communication that produces evidence of transmission.

- (b) The failure of any of the Parties hereto to require performance of any provision of this Agreement shall in no way affect the full right of any Party to require such performance at any time thereafter. The waiver by any Party hereto of a breach of any provision in this Agreement by any Party shall not operate or be construed as a waiver by the other Party of any subsequent breach, nor constitute a waiver of this provision itself.
- (c) This Agreement constitutes the entire agreement of the Parties relating to the Stormwater Facility for the Project and supersedes any prior agreements, whether oral or written. Each Party represents that this Agreement shall constitute the legal, valid and binding agreement of the Parties enforceable in accordance with its terms. This Agreement shall inure to the benefit of and shall be binding upon the City and Core and their respective successors and assigns and shall run with the land.

- (d) In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.
- (e) This Agreement may not be amended, changed, modified, altered, or terminated without the prior written consent of both Parties. This Agreement may be assigned by Core in connection with the transfer of any portion of Property and/or the Project with notice to, but without the consent of, the City.
- (f) This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.
- (g) This Agreement shall be construed and interpreted in accordance with the laws of the State of Georgia, with the sole and exclusive venue for the resolution of any dispute arising out of or related to this Agreement being in the Superior Court of Cobb County, Georgia.
- (h) **Federal Work Authorization.**
 - 1. Pursuant to O.C.G.A. §13-10-91 and Georgia Department of Labor Rule 300-10-1-.02, Core and its subcontractors shall register and participate in the Federal Work Authorization Program to verify the information of all new employees.
 - 2. Core certifies that it has complied and will continue to comply with O.C.G.A. §13-10-91 and Georgia Department of Labor Rule 300-10-1-.02.
 - 3. Core agrees to sign an affidavit evidencing its compliance with O.C.G.A. §13-10-91 and Georgia Department of Labor Rule 300-10-1-.02.
 - 4. Subject to written approval to subcontract these services, Core agrees that in the event that it employs or contracts with any subcontractor(s) in connection with this Agreement, Core will secure an affidavit, using commercially reasonable efforts, that certifies the subcontractor's current and continuing compliance with O.C.G.A. §13-10-91 and Georgia Department of Labor Rule 300-10-1-.02. All the relevant contractor, subcontractor, and affidavit forms are included as [Attachments 1 and 2] attached hereto and incorporated herein by reference.
- (i) The signatories below hereby affirmatively represent that they have proper authority to bind the Parties hereto and enter into this Agreement and that this Agreement has been properly and duly approved by each respective Party hereto.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

Signed, sealed and delivered this _____ day of _____, 2020,
in the presence of:

Unofficial Witness

Notary Public

[Notary Seal]

CITY OF KENNESAW, GEORGIA,
a municipality of the State of Georgia

By: _____
Name: Derek Easterling
Title: Mayor

Attest:

Secretary

[Seal]

Signed, sealed and delivered this _____ day of _____, 2020,
in the presence of:

Unofficial Witness

Notary Public

[Notary Seal]

CPC REAL ESTATE ACQUISITIONS, LLC,
a Georgia limited liability company

By: _____
Name: _____
Title: _____

[Seal]

ATTACHMENT 1

CONTRACTOR AFFIDAVIT PURSUANT TO O.C.G.A. 13-10-91(b)(1)

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services on behalf of The City of Kennesaw, Georgia has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

Federal Work Authorization User Identification Number

Date of Authorization

Name of Contractor

Name of Project

Name of Public Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20 ____ in _____ (city) _____ (state).

Signature of Authorized Officer or Agent

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE ____ DAY OF _____, 20____

NOTARY PUBLIC

My Commission Expires: _____

CONTRACTOR'S AFFIDAVIT OF:

(Name of Individual Executing Contract)

CONCERNING THE CONTRACT FOR :

COBB COUNTY, GEORGIA

Personally appeared before the undersigned Notary Public, being of full age, who after being duly sworn, deposes and says:

1. That I am over 18 years of age, competent to make this affidavit, and I am executing this affidavit in my individual capacity.
2. That I am the _____ (title) of _____ (the "Company"), which is entering into a contract for _____
(the "Contract") with the City of Kennesaw, Georgia.
3. That the organizational documents of the Company provided to the City of Kennesaw are true and accurate, are in full force and effect and no proceeding is pending for dissolution or annulment of the Company.
4. That, pursuant to the organizational documents of the Company, I am authorized to legally bind the Company and to execute documents on behalf of the Company, which includes, but is not limited to, execution of the Contract with the City of Kennesaw.
5. That I acknowledge that this Affidavit is to be a part of the Contract with the City of Kennesaw. The City of Kennesaw shall rely upon the representations herein and those included in the organizational documents of the Company in making and entering into the Contract, and any material misrepresentation herein shall constitute grounds to permit said Contract to be voided by City of Kennesaw, but shall also constitute the offense of false swearing to a written document.
6. This Affidavit is given for the purpose of inducing the City of Kennesaw's execution of the Contract.

FURTHER AFFIANT SAYETH NOT.

By: _____
Name: _____ (Print)
Title: _____ (Title)

Sworn to and subscribed before me,
this ____ day of _____, 20____.

NOTARY PUBLIC

ATTACHMENT 2

SUBCONTRACTOR AFFIDAVIT PURSUANT TO O.C.G.A. 13-10-91

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is contracting with The City of Kennesaw, Georgia has registered with, and is participating in a federal work authorization program, commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

The undersigned further agrees that, should it employ or contract with any sub-subcontractor(s) in connection with the physical performance of services pursuant to this contract with The City of Kennesaw, Georgia, subconsulant will secure from such sub-subcontractor(s) similar verification of compliance with O.C.G.A. § 13-10-91 on the sub-subcontractor affidavit provided in Rule 300-10-01.08 or a substantially similar form. Subcontractor further agrees to maintain records of such compliance and provide a copy of each such verification to the (name of the public employer) at the time the sub-subcontractor(s) is retained to perform such services.

EEV User Identification Number

Name of Company

Name of Project

By Authorized Officer or agent (Subcontractor)

Date

Signature of Authorized Officer or Agent

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE _____ DAY OF _____, 20____.

NOTARY PUBLIC
My Commission Expires:

* As of the effective date of O.C.G.A. 13-10-91, the applicable federal work authorization program is the "EEV / Basic Pilot Program" operated by the U. S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA).



**Regular Meeting Agenda
2/17/2020 6:30 PM
Council Chambers**

Title of Item:	Authorization for road closures for 2020 Big Shanty Festival.
Agenda Comments:	<p>The following closures support Big Shanty Festival:</p> <ul style="list-style-type: none">• Beginning Friday, April 17 at 6:00 PM until Sunday, April 19 at 8:00 PM: JO Stephenson Avenue from Main Street to Dallas Street and Cherokee Street from Main Street to Shirley Drive/Big Shanty Drive; Watts Drive from Dallas Street to Main Street; Lewis Street from Dallas Street to Main Street• Beginning Saturday, April 18 at 6:00 AM until Sunday April 19 at 8:00 PM; Main Street from Summer Street to Moon Station Road <p>Closures for Big Shanty Parade (Parade begins at 9:30 AM)</p> <ul style="list-style-type: none">• Main St. will be closed from Park Dr. to Watts Dr. 9:00 AM – 10:30 AM• The following roads will be closed at Main St. 9:00 AM – 10:30 AM: Park Dr., Lewis St., Dallas St., Whitfield Pl., Moon Station Rd., J.O. Stephenson Ave. Watts Dr.• Watts Dr. will be closed just west of the new parking lot entrance at 9:00 AM for approx. 30 mins. Dallas St. will be closed at Watts Dr. for approx. the same 30 mins. <p>The Events Committee recommends approval of road closures for the 2020 Big Shanty Festival.</p>
Funding Line(s)	

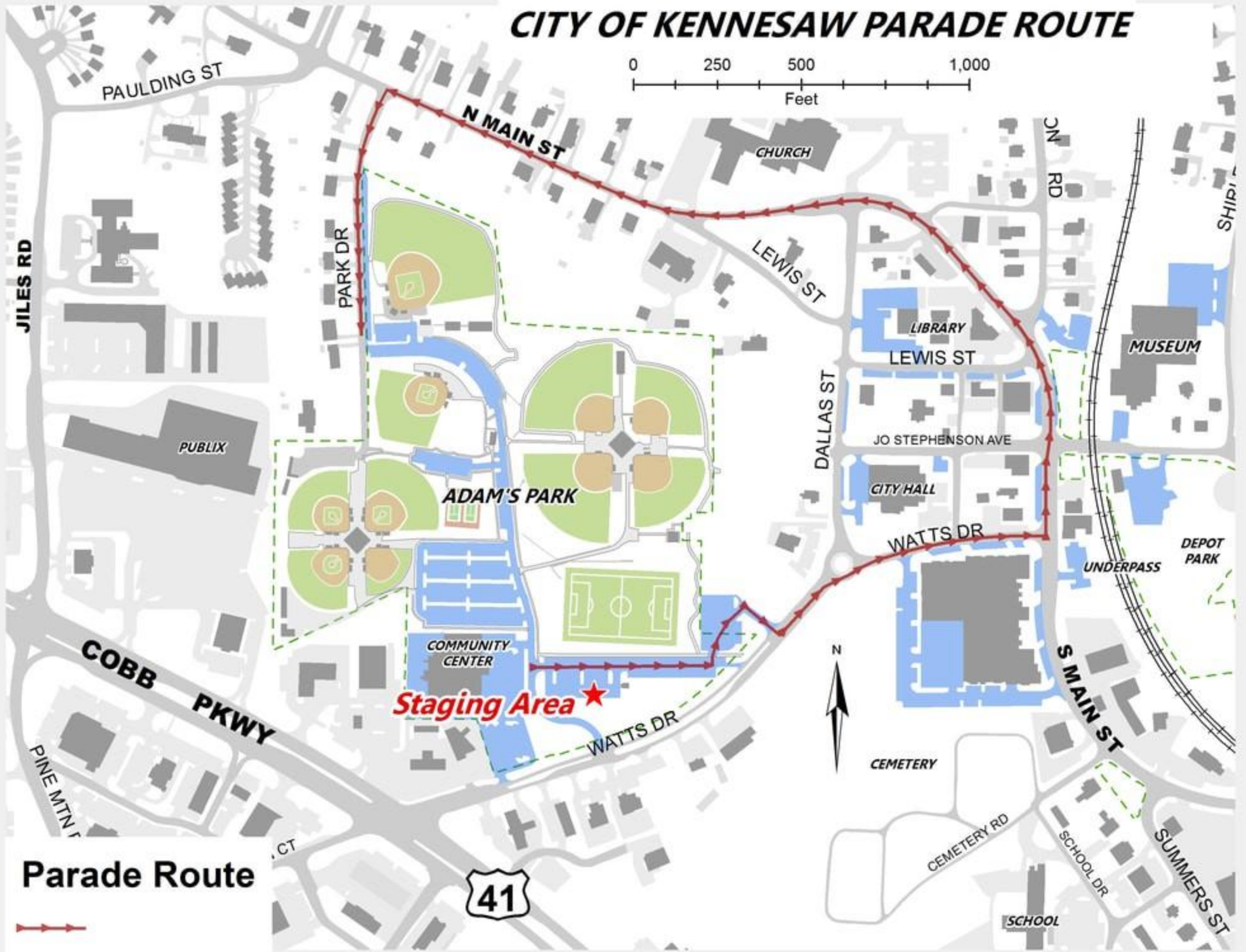
ATTACHMENTS:

Description

Upload Date Type

CITY OF KENNESAW PARADE ROUTE

0 250 500 1,000
Feet





**Regular Meeting Agenda
2/17/2020 6:30 PM
Council Chambers**

Title of Item:	Authorization for road closures for 2020 Taste of Kennesaw.
Agenda Comments:	<p>The following closures support Taste of Kennesaw:</p> <ul style="list-style-type: none">• Beginning Friday, November 6, 2020 at 11 :00 p.m. until November 7, 2020 at 12:00 a.m./Midnight; Cherokee Street from Main Street to Shirley Drive/Big Shanty Drive. Main Street from Summer St. to Lewis St.; JO Stephenson Ave from entrance to Eaton Chiro to Main St; Lewis St. from Little General Cloggers Lane to Main St. <p>The Events Committee recommends approval of road closures for the 2020 Taste of Kennesaw.</p>
Funding Line(s)	



**Regular Meeting Agenda
2/17/2020 6:30 PM
Council Chambers**

Title of Item:	Authorization for road closures for 2020 Kennesaw Grand Prix Series.
Agenda Comments:	Kennesaw Grand Prix race series: Swift-Cantrell Classic, May 9; Hero Run, June 6; Sports Fanatic, July 11; Dream Dash, August 15; Great Locomotive Chase, September 19; and Garden Gallop, October 31. All race times between 6:00 am - 10:00 am from Watts Drive to intersection of Main Street with Cherokee Street; from 6:00 AM - 9:30 AM starting at the intersection of Main Street extending north to Swift-Cantrell Park entrance; Lewis Street at Main Street; JO Stephenson Ave from Main Street to Little General Cloggers Lane; Moon Station Road at Main Street; Dallas Street from Lewis Street to Main Street; Park Street at Main Street. City Manager's Office recommends approval of road closures for the 2020 Kennesaw Grand Prix Series.
Funding Line(s)	



**Regular Meeting Agenda
2/17/2020 6:30 PM
Council Chambers**

Title of Item:	On February 3, 2020, Silvia Delatorre purchased one (1) cemetery lot in the Kennesaw City Cemetery. The lot is located in Section III, Plot 47, Lot A for the burial of her husband Francisco Rico Guerrero. City Clerk recommends authorizing the Mayor to sign the supporting deed for purchase of the lot.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description
Deed

Upload Date	Type
2/3/2020	Backup Material

Deed Number: 2020-19

**City of Kennesaw
Cemetery Deed
Cobb County, Georgia**

This Indenture, made the 03 day of February, 2020 between the City of Kennesaw, a political subdivision of Cobb County existing under the Laws of the State of Georgia, hereinafter called Grantor, and:

Name	Address	City, ST ZipCode
DELATORRE, SILVIA	4086 Mount Vernon Drive	Woodstock, GA 30189

Hereinafter called Grantee.

WITNESSETH that: Grantor, for and in consideration of the sum of ONE THOUSAND FIVE HUNDRED DOLLARS AND 0 CENTS (\$1,500.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby transfer remise and convey unto the said grantee that certain lot or tract located in the Kennesaw City Cemetery in Land Plot 74 of the 20th District, Cobb County, Georgia, said cemetery lot being more particularly described as follows:

SECTION	PLOT	LOT	PRICE
III	47	A	\$1,500.00

To have and to hold the said premises to grantee. By acceptance of this Deed the grantee herein, his heirs, administrators, successor, and assigns acknowledge that said conveyance is for the purpose of interment of human remains, and for no other purpose; and the grantee herein further does hereby agree to maintain the above demised premises in a neat and orderly condition and abide by the rules and regulations concerning said cemetery as they may from time to time be promulgated by the grantor herein.

Chapter 30- CEMETERIES Code of Ordinance, Kennesaw, Georgia
Regulations and Non-Liability of City:
Section 30-8 states:

(a) *The Mayor and Council reserve to themselves and their successor in the office the right to alter, amend, modify or add to the rules, regulations, conditions, and restrictions set for in this chapter and any time it is deemed advisable to do so in order to carry out the purpose of this chapter.*

(b) *There shall be no liability whatsoever, either tort or contractual, on the part of the city, or its officials or officers, or their successors in office, or its agents or employees, to any purchasers of any lots in the cemetery, or to any person holding under then, or to the family or relatives of any person buried in the cemetery, or to any person or the family of such person who has erected any monument, marker, or mausoleum therein, by reason of any act, thing, omission, negligence, or otherwise relating to the cemetery. In accepting any conveyance of any burial lot, each purchaser agrees that all provisions of this chapter are valid and that he and his heirs and assigns shall hold such lot subject to all provisions of this chapter and subject to all amendments to this chapter made by the Mayor and Council.*

This deed is given by virtue of and under authority granted by the City Council of the City of Kennesaw at its regular meeting on the 03 day of February, 2020.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed the day and year first above written.

This deed hereby accepted subject to the conditions herein set forth.

Kenia DelaTorne
Purchaser

Mayor

For: Silvia DelaTorre
Purchaser

City Clerk

Assignment of Burial Permit

Deed No. 2020-19

The undersigned hereby transfers and assigns the following burial space listed on the first sheet hereof, to the person or persons set forth opposite each space, and requests the Clerk of **City of Kennesaw** located in **Cobb County** to accept and record the same in accordance with the rules and regulations of said Board.

Description

Burial Space(s):

Name

111 47-A

Francisco Rico Guerreto

Date

Signature

Transfer approved and recorded, on

City Clerk



**Regular Meeting Agenda
2/17/2020 6:30 PM
Council Chambers**

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

ATTACHMENTS:

Description	Upload Date	Type
Dec 2019 and Full Year Crime Stats	2/3/2020	Maps



To: Chief Westenberger

Re: December 2019/Full Year 2019 Crime Stats

	Dec. 2019	Prev. Month + -	YTD	Prev. Year + -
Incidents	1114	-23	13,793	-41
Citations	489	-76	7988	-721
Warnings*	518	+79	9,154	+1,107
Arrests	41	+7	601	-278
Part 1 Crime	39	-6	504	+17
Homicide	0	NC	1	+1
Rape	2	+2	8	-7
Robbery	0	NC	8	-3
Aggravated Assault	0	-2	28	-2
Larceny	32	+7	396	+42
Burglary	4	NC	29	-13
Auto Theft	1	NC	34	-1
Arson	0	NC	0	NC

*Does not include verbal warnings.

Sincerely,

Wm. Craig Graydon

Lieutenant Craig Graydon
Commander – Criminal Investigations Division





**Regular Meeting Agenda
2/17/2020 6:30 PM
Council Chambers**

Title of Item:	Approval of RESOLUTION to support the promotion of participation in 2020 census and recognize the Kennesaw Counts committee.
Agenda Comments:	<p>The United States Census Bureau is constitutionally mandated to conduct a count of all persons living in the United States every ten years. The effort to conduct the census requires partnerships between the Census Bureau and state-and-local government entities to help ensure a complete, accurate count of the population. The City of Kennesaw pledged support as a partner with the Cobb Complete Count Committee and the United States Census Bureau. The City of Kennesaw has created the Kennesaw Counts Committee that will be committed to partnering with the United States Census Bureau by way of the Cobb Complete Count Committee to support the goals and ideals of the 2020 US Decennial Census. The Kennesaw Counts committee will have the following civic volunteers :</p> <ul style="list-style-type: none"> · Reverend Ezequeil- Iglesia Church · Daniel Barnard - Art and Culture Commission member and KSU graduate · KBA President – Shelley Elder · R. Mussafah - Kennesaw mosque leader · Ana Baida - KSU representative · Cobb Collaborative – Irene Barton <p>The city staff persons serving on the committee along with civic volunteers are: Rebecca Graham, Scott Luther and Darryl Simmons. Staff Recommendation: Zoning Administrator, Darryl Simmons, recommends approval.</p>
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Resolution	2/7/2020	Resolution
2020 census flyer	2/6/2020	Presentation

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2020-____, 2020

**RESOLUTION OF THE CITY OF KENNESAW TO SUPPORT THE
2020 US DECENNIAL CENSUS**

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

WHEREAS, the United States Census Bureau is Constitutionally mandated to conduct a count of all persons living in the United States every ten years; and

WHEREAS, the effort to conduct the Census requires partnerships between the Census Bureau and state-and-local government entities to help ensure a complete, accurate count of the population; and

WHEREAS, the City of Kennesaw pledged support as a partner with the Cobb Complete Count Committee and the United States Census Bureau; and

WHEREAS, the Cobb Complete Count Committee brings together a cross section of community members that utilize their local knowledge and expertise to reach out to every segment of the Cobb community; and

WHEREAS, a united voice from business, government, community-and-faith-based organizations, educators, media, and others, will enable the message of the 2020 Census and its importance to reach a broad range of Cobb citizens.

NOW, THEREFORE, BE IT RESOLVED that the City of Kennesaw has created the Kennesaw Counts Committee that will be committed to partnering with the United States Census Bureau by way of the Cobb Complete Count Committee to support the goals and ideals of the 2020 US Decennial Census.

BE IT FURTHER RESOLVED that the City of Kennesaw encourages all residents to participate in events and activities that aim to raise awareness of the Census and promote participation.

BE IT FURTHER RESOLVED that the City of Kennesaw is committed to achieving a complete, accurate count of all individuals living within its borders.

PASSED AND ADOPTED by the Kennesaw City Council on this ____ day of February, 2020.

ATTEST:

CITY OF KENNESAW:

Lea Addington, Deputy City Clerk

Derek Easterling, Mayor

BE COUNTED
IN COBB

United States
Census
2020

RESPONSE IS
SAFE & EASY

9 Questions. Respond Online.
Phone and Mail-in response also available.

2020 Census Day is April 1.
Respond in-person at any County Library.

Learn more by visiting

www.cobbcounty.org/census

Grace and Osamede
Marietta, GA



Cobb County
Public Library





**Regular Meeting Agenda
2/17/2020 6:30 PM
Council Chambers**

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



**Regular Meeting Agenda
2/17/2020 6:30 PM
Council Chambers**

Title of Item:	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.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Board Liaisons	1/7/2020	Backup Material
911 Advisory Board	1/7/2020	Backup Material
Art & Culture	1/7/2020	Backup Material
Cemetery Preservation	1/10/2020	Backup Material
City Sports Association	1/7/2020	Backup Material
Construction Board of Appeals	1/7/2020	Backup Material
Depot Park Amphitheatre	1/7/2020	Backup Material
Ethics Committee	1/7/2020	Backup Material
Historic Preservation Commission	1/23/2020	Backup Material
KCAC/KKB	1/28/2020	Backup Material
Kennesaw Development Authority	2/5/2020	Backup Material
Kennesaw Downtown Development Authority	1/7/2020	Backup Material
License Review Board	1/28/2020	Backup Material
Planning Commission	2/13/2020	Backup Material

Public Art Commission	1/7/2020	Backup Material
Recreation Center Development	1/7/2020	Backup Material
Urban Redevelopment Agency	1/7/2020	Backup Material

2020 Mayor's Appointments

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

COURTS (term indefinite):

H. LUKE MAYES, Chief Judge/Probably Cause Judge

CHARLES CHESBRO, Associate Judge

RICHARD BLEVINS, Associate Judge

BENTLEY, BENTLEY & BENTLEY, Law Firm and Solicitor

MAULDIN & JENKINS, LLC, Auditor

CROY ENGINEERING, City Engineer

JEFF DROBNEY, City Manager

DEBRA TAYLOR, City Clerk

2020 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
Brent North Acworth Alderman	770-974-3112 (City Hall) bnorth@acworth.org
Linda Davis Kennesaw 911 Director	404-664-3665 (c) ldavis@kennesaw-ga.gov
Randy Crider Cobb County Fire	770-528-8000 (w) randal.crider@cobbcounty.org
Metro Ambulance	Devan Seabaugh 770-693-8402 (w) Devan.Seabaugh@MAAS911.com

2020 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	2985 Downing Ln, NW Kennesaw 30144 backuskaren@gmail.com 404-229-7592	2021 [2 yr term]
Clemens Bak	13 Boones Ridge Parkway Acworth 30102 crbakdesign@yahoo.com 770-676-4156	2022 [3 yr term]
Daniel Barnard	3365 Fawn Trail Marietta, GA 30066 Danielbarnard68@att.net (c) 678-551-3823	2022 [3 yr term]
Valerie Dibble	3000 N. Main Street Kennesaw 30144 vdibble@kennesaw.edu 404-702 2960 (cell)	2021 [2 yr term]
Madelyn Orochena	2981 N. Main Street Kennesaw 30144 madelynorochena90@gmail.com 770-851-7099	2022 [3 yr term]
Carol Sills	1514 Barksdale Court NW Kennesaw 30152 csills2859@att.net 678-290-9199	2022 [3 yr term]
<i>Vacant</i>		2021 [2 yr term]
Staff Liaison: Darryl Simmons	(770) 424-8274 ext 3121 dsimmons@kennesaw-ga.gov	---
Council Liaison: James Eaton	jeaton@kennesaw-ga.gov 404-496-2565	---
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

2020 CEMETERY PRESERVATION COMMISSION

Cemetery Preservation Commission Members – 7 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
Joe Bozeman, Jr.	Jboz807349@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 ajbramlett@outlook.com	
Lewis P. Bramlett	2990 Summerfield Court Kennesaw 30152 lpbramlett@hotmail.com (c) 770-235-5888 (h) 770-794-1622	Dec. 2020
Linda Davis	ldavis@kennesaw-ga.gov 779-4248274 ext 3051	Dec. 2020
Mary Helyn Hagin	mhhagin@gmail.com (h) 770-427-5563 (c) 404-316-2154 1459 Ridgeway Drive Acworth, GA 30102	Dec. 2020
Loriann White	5355 Orchard Place Douglasville, GA 30135-2525 (404) 406-0617 loriannwhite83@gmail.com	Dec. 2021
<i>Vacant</i>		Dec. 2017
<i>Vacant</i>		Dec 2021
Council Liaison: David Blinkhorn, Primary	(c) 404 599-6185 dblinkhorn@kennesaw-ga.gov	---
Council Alternate: Pat Ferris	(c) 404 599-5761 pferris@kennesaw-ga.gov	

Staff Liaison: Jeff Drobney City Manager	jdrobney@kennesaw-ga.gov	---
Staff Liaison: Lea Addington, Deputy 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	

2020
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 770 422-9714 ext 3210
Deann Aldridge (President, Kennesaw Futbol Club)	Ahlight15@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	presidentofkba@gmail.com cell: 678 749-8018 home:
Kenny Phillips (President, Kennesaw Youth Football Association)	phillipskenn@gmail.com Cell: 404 396-9181
Bill McNair P&R Assistant Director	bmcnair@kennesaw-ga.gov 770 422-9714 ext 3013
Chris Henderson, Council Liaison	chenderson@kennesaw-ga.gov 404 599-6189
Tracey Viars, Alternate Council Liaison	chenderson@kennesaw-ga.gov 404-599-6189
Trici Styles, P&R, Program Coordinator/Committee Secretary	tstyles@kennesaw-ga.gov 770 422-9714 ext 3211

2020 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
Keith McCowen		
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
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
Jason Willis		Dec. 2022
Scott Banks, Building Official	City of Kennesaw 2529 J.O. Stephenson Avenue Kennesaw 30144 sbanks@kennesaw-ga.gov 404-964-3298	---

2020 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

2020 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	3150 Kirkwood Drive, Kennesaw 30144 bkboughner@bellsouth.net 678 595-5759	Dec. 2021
Ron Davis	2619 Winterthur Main NW Kennesaw, GA 30144 Rodavis57@gmail.com 404 909-9157	Dec. 2020
Chelsey Kinsinger, Chair	3153 Kirkwood Drive NW Kennesaw, GA chelsey.kinsinger@gmail.com 404 543-4970	Dec. 2021
Shannon Ortiz	2803 Fullers Alley Kennesaw, GA 30144 s.ortiz7078@gmail.com 678 576-7898	Dec. 2020
Karen Whipple, Secretary	3748 Park Trace, Kennesaw Ga 30144 kwhipple@bellsouth.net 404 538-8085	Dec. 2021

2020 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	3846 Maybreeze Road Kennesaw 30144 marykb@gmail.com (c) 770-401-2121	Dec 2020
Rachel Butler Secretary	4192 Gramercy Main Kennesaw 30144 rachelzmadrid@gmail.com 770-842-9902	Dec 2021
Mike Ferguson Treasurer	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. 2021
Robert Sterling	3843 Nowlin Road Kennesaw 30144 bsterling@dot.ga.gov (c) 770-885-5669	Dec 2020
Kevin Whipple Vice Chair	1261 Wynford Colony NW Marietta 30064 whipple.kevin@gmail.com (c) 404-309-4988	Dec. 2021
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	---

**2020 KENNESAW CITIZENS ADVISORY COMMITTEE &
KEEP KENNESAW BEAUTIFUL SUBCOMMITTEE**

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.
Merged with Keep Kennesaw Beautiful January 2020.

MEMBERS	PHONE, EMAIL, ADDRESS	TERM EXPIRES
Aaron Budsock (+ KKB)	3214 Shirley Drive NW Kennesaw 30144 aaron.m.budsock@gmail.com (c) 404-987-3783	Dec. 31, 2020
Annette Clark (+ KKB)	2931 Stilesboro Ridge Court Kennesaw 30152 annetteclark4116@att.net (c) 770-597-4116	Dec. 31, 2020
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, 2021
Antonio Jones	1870 Grant Court NW Kennesaw 30144 Antoniojones89@gmail.com 267-625-3379 (c)	Dec. 31, 2021
Bill Maxson	2500 S. Main Street Kennesaw, GA 30144 (c) 404-823-3177 (w) 770-423-1969 wamaxson@aol.com	Dec. 31, 2021
Doug McMichen (+ KKB)	2652 Allyn Way NW Kennesaw 30152 Springcleanpowerwashing@gmail.com 706-587-3993	Dec. 31, 2020
Dave Peeples	4010 Palisades Main Kennesaw 30144 pdpeeples@gmail.com (c) 706 537 7005	Dec. 31, 2021
Kathy Rechsteiner	3291 McGarity Lane Kennesaw 770-330-3297 (c) chlorinemom@yahoo.com	Dec. 31, 2020
David Shock	2010 Jebbs Ct. NW Kennesaw 30144 Davidshock30144@outlook.com 770-425-0590	Dec. 31, 2020
Trent Trees (+ KKB)	3423 Owens Pass Kennesaw, GA 30152 (h & w) 770-917-8699 trenttrees@aol.com	Dec. 31, 2020

Candice Wharton	1957 Barrett Knoll Circle Kennesaw 30152 candicewharton@gmail.com (c) 770-596-2594	Dec. 31, 2020
Grey Won, Public Works Staff Liaison	(c) 470-651-8610 gwon@kennesaw-ga.gov	
Marty Hughes, Assistant City Manager Staff Liaison	770-424-8274 ext. 3017 mhughes@kennesaw-ga.gov	

2020 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. 2023
Lisa Neff	3843 Princeton Oaks Kennesaw 30144 Lneff@kennesaw-ga.gov (c) 678-491-9179	Dec. 2023
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
Kevin Tidwell	2865 Shillings Chase Court Kennesaw, GA 30152 (c) 404-273-4517 ktidwell@kennesaw-ga.gov	Dec. 2023
Miranda Jones Taylor (Staff)	(w) 770-424-8274 ext 3147 mjones@kennesaw-ga.gov	
Council Liaison: David Blinkhorn	(c) 404-599-6185 dblinkhorn@kennesaw-ga.gov	
Staff Liaison: Bob Fox	(w) 770-424-8274 rfox@kennesaw-ga.gov	---

2020 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
		Dec. 2021
Gary Hasty	2887 Boone Dr., NW Kennesaw, GA 30144 (w) 404 216-7299 (c) 404-219-1801 ghasty@kennesaw-ga.gov	Dec. 2023
		Dec 2023
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. 2023
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 tvians@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	

2020 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 Nimesh Patel, Chair	3951 Bellingrath Main NW Kennesaw, GA 30144 nimeshrpatel@hotmail.com (404) 597-1063	Dec. 2021
Post 2 Trey Sinclair	1500 Lockhart Drive Kennesaw 30144 trey@drycountybrewco.com (678) 910-0113	Dec. 2021
Post 3 Jim Watts	3984 Palisades Main Kennesaw 30144 jim.watts@shawinc.com (770) 655-9794	Dec. 2020

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)

2020 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
SaVaughn Irons	2167 Del Lago Cir NW Kennesaw 30152 savaughn.iron@gmail.com sirons@nwgrc.org (c) 678-558-0089	Dec. 2022
Dan Harrison, III	1487 Shoup Court NW Kennesaw 30152 (h + cell) 954-560-6924 danielbharrison@hotmail.com	Dec. 2022
Phillip Jackson	4260 Revere Walk Kennesaw philliptjackson@gmail.com (c) 404-219-3578	Dec. 2022
Cindi Michael Vice Chair	2998 North Main Street Kennesaw 30144 (c) 770-422-0463 cmichael@kennesaw-ga.gov	Dec. 2020
Vacancy		Dec. 2022
Doug Rhodes Chair	5670 Deerfield Place Kennesaw, GA 30144 (w) 770-684-0102 (cell) 770-362-5181 dougrhodes@att.net	Dec. 2020
Council Liaison: Chris Henderson	404-599-6189 chenderson@kennesaw-ga.gov	
Staff Liaison: Darryl Simmons, Zoning Administrator	(w) 770-590-8268 ext 3121 (cell) 404-392-0870 dsimmons@kennesaw-ga.gov	
Diane Wroblewski, Staff/Secretary	(w) 770-590-8268 ext 3120 dwroblewski@kennesaw-ga.gov	

2020 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: Karen Backus	2705 Windsor Ct NW Kennesaw 30144 backuskaren@gmail.com 404-229-7529	Dec 2021
Art & Culture: Madelyn Orochena	2981 N. Main Street Kennesaw 30144 madelynorochena90@gmail.com 404-229-7529	Dec 2021
KDDA: Gary Hasty	2887 Boone Dr., NW Kennesaw, GA 30144 ghasty@kennesaw-ga.gov (w) 404 216-7299 (c) 404-219-1801	Dec 2021
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

2020 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
Robbie Ballinger	Building Facilities Manager, Kennesaw rballinger@kennesaw-ga.gov
Halli Watson	

2020 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

2019: City Giles left URA

09/16/19 Sharon Pell appointed to fulfill vacancy with term ending 2022