

Mayor
Derek Easterling
City Manager
Jeff Drobney
City Clerk
Lea Addington



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

**City Council
Meeting Agenda
August 3, 2020 6:30 PM
Council Chambers**

I. INVOCATION

II. PLEDGE OF ALLEGIANCE

III. CALL TO ORDER

IV. ANNOUNCEMENTS

- A. Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center.

Mayor and Council will be conducting their meeting via real-time telephonic technology using Zoom Meeting and Facebook Live. You can access the meeting via the following link: <https://www.facebook.com/CityofKennesaw/>

- B. If you are not able to attend a meeting in-person and would like to provide public comment on a specific agenda item, you can email **kennesawcouncil@kennesaw-ga.gov** no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record.

V. PRESENTATIONS

- A. Special presentation of the National Anthem by Abbie Rice, Harrison High School Class of 2020. Abbie will be attending Middle Tennessee State University this coming fall.

- B. Commissioning Ceremony - Jacob A. Drobney, Second Lieutenant U.S. Army.

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

VII. OLD BUSINESS

VIII. NEW BUSINESS

- A. Approval of RESOLUTION for an Intergovernmental Agreement with Cobb County for the Sharing and Use of CARES ACT funding and for the Mayor to execute the agreement.

The City Manager recommends the Council approve the Intergovernmental Agreement (IGA) with Cobb County for the Sharing and Use of CARES ACT funding and to authorize the Mayor to sign the IGA.

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 RESOLUTION for the Abandonment of Burrell Court and a Portion of Keene Street and Grant Permission to Approach Property Owners with Option to Purchase.

The City Council approved a previous request made by the Public Works Director to begin the process of abandoning Burrell Court and a portion of Keene Street. In accordance with Georgia law O.C.G.A. Title 32, Chapter 7, the abandonment has been advertised and an appraisal of the right of way value has been completed. The next step of the abandonment process is to receive approval from the governing body to abandon the right of way and grant permission to approach the property owners that have a right to purchase the abandoned right of way. The Public Works Director recommends approval of the abandonment as its removal from the municipal street system is in the best public interest and requests Council grant permission to approach the eligible property owners.

XI. CONSENT AGENDA

- A. Approval of the June 29, 2020 Mayor and Council executive session minutes.

- B. Approval of the July 13, 2020 Mayor and Council work session minutes.

- C. Approval of the July 13, 2020 Special Call Fiscal Year 2020-2021 Mayor and Council budget work session minutes.

- D. Approval of the July 20, 2020 Mayor and Council meeting minutes.

- E. Approval of RESOLUTION for the Mayor to execute the Lease Supplement with Georgia Municipal Association (GMA) for the direct leasing program for three

(3) 2020 Ford Explorers for Police department. The total amount of the loan is \$110,288.13.

Through GMA, the City will finance the vehicles for a five year period with annual payments of \$24,048.67 at an annual interest rate of 2.95%. Funding will be through Magnolia Bank via GMA. Finance Director recommends approval.

100.8000.58.1200 Total principal \$110,288.13 over lease term.

100.8000.58.2200 Total interest \$9,955.22 over lease term.

- F. Approval of the National Endowment for the Arts Our Town Grant Application. Kennesaw State University (KSU) Master Craftsman Program (MCP) is an academic program housed in the School of Art and Design (SOAAD). The City of Kennesaw has had a formal relationship with the MCP to develop public art installations in the downtown for the past several years. The MCP, through the KSU University Research and Service Foundation, intends to submit an application to the National Endowment for the Arts (NEA). If awarded, the Grant will provide funds for equipment for their studio space as well as fund design and fabrication of new art installations for the City's new Depot Park. The Grant would be for \$50,000 with a match of \$50,000. The application contemplates a 50/50 match with KSU and the City each providing \$25,000 in match funds. The City's match would be spread over two calendar years. Funds are available in the proposed 2021 draft budget for art installations. The value of just the material costs for the art installations for the City would be \$32,155 which exceeds the City's match. The Grant provides an opportunity to continue an excellent relationship with KSU's MCP program, add exciting public art installations to Depot Park, and continue to create a unique sense of place for the downtown by supporting its continued growth and development. The Economic Development Director recommends approval.

100.7500.52.5400

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 May 2020 Crime Statistics.

B. Receipt of June 2020 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 authorize an Economic Development Incentive Agreement with Horned Owl Brewery.

Horned Owl Brewery is a new craft beer brewery in development at 2765 South Main Street in downtown. They anticipate opening in the fourth quarter of 2020. The business entails significant capital investment, creation of 30 new jobs, and will generate positive revenue streams for the City as well as add to the growth and vibrancy of the City's downtown Entertainment District. In order to facilitate funding for the project, they obtained their alcohol manufacturing license well in advance of opening for business. This has created a financial hardship paying for a license they will benefit from for less than three months. The project has incurred additional unanticipated costs due to construction associated with an old building and disruptions due to COVID-19 with equipment deliveries. The attached Economic Development Incentive Analysis demonstrates there is still a positive economic benefit to the City based on providing an abatement of the alcohol manufacturing license fee for 2021. They will have paid an annual fee that they will benefit from for approximately 15 months. Based on the analysis and positive impacts the business will have, the Economic Development Incentive Committee voted to recommend the abatement of the fee for 2021 (see minutes). The Committee recommends approval.

- B. The review of an amended Central Business District (CBD) project known as the Old Cherokee Project located at 2985 Cherokee Street, 3007 Cherokee Street, and Land Lot 129, Tax Parcel 125. This CBD project was approved by the City of Kennesaw in 2018. Applicant Sanctuary Development LLC. Submittal incorporates changes to the scope of the project.

The CBD project amendment requires review and recommendations from the Kennesaw Downtown Development Authority (KDDA), the Historic Preservation Commission (HPC), and Mayor and City Council. The applicant submitted a revised conceptual site plan and a revised business plan for review that includes changes in residential and commercial components. The two changes include: 1.) The reduction of residential units from 71 units down to 45 units and the elimination of apartment units. 2.) The repurposing of the two historic homes at the site and eliminates the need for relocation of buildings off site as previously

approved in 2018. The residential component includes five townhomes, ten unit condominiums, and maximum thirty detached homes with detached garages. The commercial component includes the repurposing of the two existing historic structures that will remain at site. The Kennesaw Downtown Development Authority reviewed the project business plan during the scheduled meeting on July 14, 2020. The KDDA recommended approval of the revised business plan and project. Vote 5-0. The Historic Preservation Commission reviewed the revised project plan at their scheduled meeting on July 21, 2020. The HPC recommended approval of the revised concept with the following conditions: 1.) Update site plan with parking and setbacks. 2.) Written documentation with all exterior modifications to existing historic structures. 3.) Plaques for the historic buildings to be placed on property. 4.) Separate review for single family homes and approval and landscaping to be presented to the HPC. Staff Recommendation: The Zoning Administrator recommends approval of the revised CBD project concept with the additional conditions as recommended by the HPC.

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
8/3/2020 6:30 PM
Council Chambers**

Title of Item:	Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center.
Agenda Comments:	Mayor and Council will be conducting their meeting via real-time telephonic technology using Zoom Meeting and Facebook Live. You can access the meeting via the following link: https://www.facebook.com/CityofKennesaw/
Funding Line(s)	



**Regular Meeting Agenda
8/3/2020 6:30 PM
Council Chambers**

Title of Item:	If you are not able to attend a meeting in-person and would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record.
Agenda Comments:	
Funding Line(s)	



**Regular Meeting Agenda
8/3/2020 6:30 PM
Council Chambers**

Title of Item:	Special presentation of the National Anthem by Abbie Rice, Harrison High School Class of 2020. Abbie will be attending Middle Tennessee State University this coming fall.
Agenda Comments:	
Funding Line(s)	



**Regular Meeting Agenda
8/3/2020 6:30 PM
Council Chambers**

Title of Item:	Commissioning Ceremony - Jacob A. Drobney, Second Lieutenant U.S. Army.
Agenda Comments:	
Funding Line(s)	



**Regular Meeting Agenda
8/3/2020 6:30 PM
Council Chambers**

Title of Item:	Approval of RESOLUTION for an Intergovernmental Agreement with Cobb County for the Sharing and Use of CARES ACT funding and for the Mayor to execute the agreement.
Agenda Comments:	The City Manager recommends the Council approve the Intergovernmental Agreement (IGA) with Cobb County for the Sharing and Use of CARES ACT funding and to authorize the Mayor to sign the IGA.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/30/2020	Resolution
IGA for the Sharing and Use of CARES ACT funding	7/30/2020	Backup Material

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2020-___, 2020

**RESOLUTION TO APPROVE AN INTERGOVERNMENTAL AGREEMENT
WITH COBB COUNTY FOR THE SHARING AND USE OF CARES ACT FUNDING
AND TO AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT**

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

WHEREAS, the World Health Organization declared COVID-19 a world health emergency and a global pandemic. A National Public Health Emergency was declared for the United States on March 13, 2020. And, the Governor of the State of Georgia declared a State Public Health Emergency in Georgia on March 14, 2020, currently extended through August 11, 2020; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, passed by Congress and signed into law by President Trump on March 27, 2020, provides over \$2 trillion in economic relief for Americans adversely impacted by COVID-19; and

WHEREAS, as part of the CARES Act, a \$150 billion Coronavirus Relief Fund was established to be paid directly to the States, the District of Columbia, U.S. Territories, and eligible units of local government based on populations as shown by U.S. Census Bureau data for the most recent year available; and

WHEREAS, a unit of local government eligible for receipt of direct payment includes a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level with a population that exceeds 500,000; and

WHEREAS, on April 24, 2020, the County received funding from the federal Coronavirus Relief Fund as an eligible unit of local government ("CARES Act Funding"); and

WHEREAS, pursuant to U.S. Department of Treasury guidance on the use of such funding, the County and/or a State may transfer funds to another local government within the government's jurisdiction provided that the transfer qualifies as a necessary expenditure incurred due to COVID-19 and meets the other criteria of section 601(d) of the Social Security Act; and

WHEREAS, on June 29, 2020, the Governor of the State of Georgia drafted a letter to local governments stating that it will allocate, in phases, a portion of the State's CARES Act allocation to local governments who did not receive direct funding on the following basis: 30% of the funding allocated for local governments will be made available with 30% of that figure available to be transferred in a lump sum and the remaining 70% available on a reimbursement basis. These funds should be used by September 1, 2020 or may be

recalled and reallocated for other uses; and

WHEREAS, the Governor's letter also encourages the four Georgia counties (Cobb, Fulton, Dekalb and Gwinnett) who received direct funding from the U.S. Treasury "to allocate funds to the cities within their county borders on the same per capita basis"; and

WHEREAS, the County desires to allocate a portion of its CARES Act Funding to the City of Kennesaw for necessary expenditures incurred due to COVID-19 (the "COVID-19 Allocation"); and

WHEREAS, the City of Kennesaw desires to accept the COVID-19 Allocation and agrees that the funds shall only be used for the proper purposes as described in the agreement.

NOW, THEREFORE, BE IT RESOLVED the Kennesaw City Council authorizes the Mayor to execute an Intergovernmental Agreement between the City Of Kennesaw and Cobb County.

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

ATTEST:

CITY OF KENNESAW:

James Friedrich, Deputy City Clerk

Derek Easterling, Mayor

STATE OF GEORGIA)
)
COUNTY OF COBB)

INTERGOVERNMENTAL AGREEMENT
FOR THE SHARING AND USE OF CARES ACT FUNDING

This AGREEMENT is made and entered into on this ____ day of _____, 2020 (the “Agreement”), by and between COBB COUNTY, GEORGIA, a political subdivision of the State of Georgia, (the “County”), and the CITY OF KENNESAW, a municipal corporation of the State of Georgia (the “Municipality”).

RECITALS

WHEREAS, the World Health Organization declared COVID-19 a world health emergency and a global pandemic. A National Public Health Emergency was declared for the United States on March 13, 2020. And, the Governor of the State of Georgia declared a State Public Health Emergency in Georgia on March 14, 2020, currently extended through August 11, 2020.

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, passed by Congress and signed into law by President Trump on March 27, 2020, provides over \$2 trillion in economic relief for Americans adversely impacted by COVID-19;

WHEREAS, as part of the CARES Act, a \$150 billion Coronavirus Relief Fund was established to be paid directly to the States, the District of Columbia, U.S. Territories, and eligible units of local government based on populations as shown by U.S. Census Bureau data for the most recent year available;

WHEREAS, a unit of local government eligible for receipt of direct payment includes a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level with a population that exceeds 500,000;

WHEREAS, on April 24, 2020, the County received funding from the federal Coronavirus Relief Fund as an eligible unit of local government (“CARES Act Funding”);

WHEREAS, pursuant to U.S. Department of Treasury guidance on the use of such funding, the County and/or a State may transfer funds to another local government within the government’s jurisdiction provided that the transfer qualifies as a necessary expenditure incurred due to COVID-19 and meets the other criteria of section 601(d) of the Social Security Act;

WHEREAS, on June 29, 2020, the Governor of the State of Georgia drafted a letter to local governments stating that it will allocate, in phases, a portion of the State’s CARES Act allocation to local governments who did not receive direct funding on the following basis: 30% of the funding allocated for local governments will be made available with 30% of that figure available to be transferred in a lump sum and the remaining 70% available on a reimbursement basis. These

funds should be used by September 1, 2020 or may be recalled and reallocated for other uses;

WHEREAS, the Governor's letter also encourages the four Georgia counties (Cobb, Fulton, Dekalb and Gwinnett) who received direct funding from the U.S. Treasury "to allocate funds to the cities within their county borders on the same per capita basis";

WHEREAS, the County desires to allocate a portion of its CARES Act Funding to the Municipality for necessary expenditures incurred due to COVID-19 (the "COVID-19 Allocation"); and

WHEREAS, the Municipality desires to accept the COVID-19 Allocation and agrees that the funds shall only be used for the proper purposes as more fully described in Section 1.4.

NOW, THEREFORE, in consideration of the mutual promises and understandings made in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the Municipality do hereby agree, as follows:

ARTICLE I

Section 1.1. Recitals. The County and the Municipality hereby agree that the foregoing recitals shall constitute a substantive part of this Agreement.

Section 1.2. Representations. The County and the Municipality each represent that it has the power to enter into this Agreement and perform all obligations contained herein, and has, by proper action, duly authorized the execution, delivery and performance of this Agreement.

Section 1.3. The COVID-19 Allocation Amounts. The following table sets forth the COVID-19 Allocation from the County to all Cobb Municipalities.

City	COVID-19 Allocation	Lump Sum Advance	Reimbursable Amount
Acworth	\$1,185,308.70	\$592,654.35	\$592,654.35
Austell	\$375,873.00	\$187,936.50	\$187,936.50
Kennesaw	\$1,788,904.20	\$894,452.10	\$894,452.10
Marietta	\$3,183,194.10	\$1,591,597.05	\$1,591,597.05
Powder Springs	\$805,038.30	\$402,519.15	\$402,519.15
Smyrna	\$2,968,559.10	\$1,484,279.50	\$1,484,279.50
Totals	\$10,306,877.40	\$5,153,438.70	\$5,153,438.70

If there are any additional future allocations, except as herein described, they will be handled in a separate intergovernmental agreement and will be considered only after the Municipalities have exhausted the COVID-19 Allocation and properly documented same with receipts and cancelled checks.

Section 1.4. Allowed Use of the COVID-19 Allocation. The Municipality agrees that the COVID-19 Allocation will only be used to cover those costs that:

- (a) are necessary expenditures incurred due to COVID-19;
- (b) were not accounted for in the budget most recently approved as of March 27, 2020 for the City;
- (c) were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

The U.S. Department of Treasury continues to provide guidance on proper uses of funds under the CARES Act. The Municipality represents that it will become familiar with all guidance and will ensure that the COVID-19 Allocation only be used for proper expenditures.

Section 1.5. Distribution of the COVID-19 Allocation. The County shall forward the COVID-19 Allocation to the Municipality using the following schedule:

- (a) the lump sum advance of the COVID-19 Allocation will be wired or a check cut to the Municipality upon receipt of the approved, executed Agreement. The Municipality must provide receipts and cancelled checks to the Finance Office to support that this amount has been used for proper CARES Act expenditures.

In the event the COVID-19 Allocation is not used to cover previously unbudgeted costs of necessary expenditures incurred due to the COVID-19 public health emergency during the covered period, the Municipality agrees to return, upon demand and within three business days, all remaining funds to the County. "Incurred" shall be defined pursuant to U.S. Treasury guidance, as such may be amended from time to time.

- (b) once the lump sum advance has been expended and documented with receipts, the Municipality may begin drawing from the reimbursable amount. The reimbursement request should describe the use of the expenditure with the receipt and cancelled check attached. Reimbursement requests shall be made no more frequently than once a week. The county administrator has the right to deny any receipts which do not conform to the U.S. Treasury guidance as eligible expenditures.
- (c) The COVID-19 Allocation (the lump sum advance and the reimbursable amount combined) shall be used to cover costs that were incurred by December 30, 2020.

Section 1.6. Hazard Pay. Depending on the role of the employee, hazard pay may or may not be an eligible expense under the CARES Act. The current guidance from the U.S. Treasury Department regarding usage of the COVID-19 Allocation states "...as a matter of administrative convenience in light of the emergency nature of this program, a...local...government may presume that payroll costs for...public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency..."

In order to address this issue and in the event the Municipality elects to pay any of its employees hazard pay, the cost must be covered through the Municipality's existing budget with the exception of firefighters who are 56-hour personnel, response division. Reimbursement to the Municipality for hazard pay expenses (other than 56-hour firefighters, response division) will only be

made once the County's external auditors have cleared the expenditure as CARES Act eligible.

Section 1.7. Progress Report. The Municipality agrees to submit a progress report to the County Finance Department which shall include reporting on all finished, pending, and planned expenditures in order to account for the COVID-19 Allocation no later than October 27, 2020. Any receipts older than thirty (30) days which have not been forwarded to the County for review must also be submitted with the cancelled checks by October 27, 2020. The County and the Municipality agree to engage in further discussions on the proper use of the COVID-19 Allocation which may include a re-allocation of unused funds in the event the Municipality has not expended and has no or limited plans for expenditures by December 30, 2020.

Section 1.8. Record Retention. The Municipality agrees to maintain records of all expenditures covered with the COVID-19 Allocation and supporting material for a period of five (5) years and agrees to provide such records to the County within five (5) days of any request.

ARTICLE II

Section 2.1. Governing Law. This Agreement and the rights and obligations of the parties hereto (including third party beneficiaries) shall be governed, construed, and interpreted according to the laws of the State of Georgia.

Section 2.2. Jurisdiction. This Agreement shall be construed and enforced in accordance with the laws of the State of Georgia. The Parties hereby submit to the exclusive jurisdiction of the Superior Court of Cobb County, Georgia for the purposes of all legal proceedings arising out of or relating to this Agreement, and the parties irrevocably waive, to the fullest extent permitted by law, any objection which they may now or hereafter have to the venue of any such proceeding which is brought in such a court.

Section 2.3. Entire Agreement. This Agreement expresses the entire understanding and all agreements between the Parties hereto with respect to the matters set forth herein.

Section 2.4. Severability. If any provision of this Agreement shall be held or deemed to be or shall, in fact, be inoperative or unenforceable under any particular circumstances because it conflicts with any provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses, or sections contained in this Agreement shall not affect the remaining portions of this Agreement.

Section 2.5. Counterparts. 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.

Section 2.6. Amendments in Writing. No waiver, amendment, release, or modification of this Agreement shall be established by conduct, custom, or course of dealing, but solely by a document in writing duly executed and delivered by the County and the City.

Section 2.7. Notices. Except as otherwise specifically provided herein, all notices, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when mailed by certified mail, return receipt requested, postage prepaid or when personally delivered or when sent by registered overnight mail or delivery service charges prepaid, or when so specified herein by Electronic Means, to the Parties hereto at the following addresses or such other address designated by such Party in writing:

County: Cobb County, Georgia
100 Cherokee Street
Marietta, Georgia 30090-9610
Attention [each a separate written notice]: (a) Finance Director,
(b) County Manager and (c) County Attorney
Telephone: (a) 770-528-1505, (b) 770-528-2612, and
(c) 770-528-4000
Email: (a) William.volckmann@cobbcounty.org,
(b) Jackie.McMorris@cobbcounty.org, and
(c) H.William.Rowling@cobbcounty.org

Municipality: City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, Georgia 30144
Attention: _____
Telephone: _____
Email: _____

IN WITNESS WHEREOF, the County and the Municipality have read and understand the terms of this Intergovernmental Agreement for the Sharing and Use of CARES Act Funding and do hereby agree to such terms by execution of their signatures below, all as of the date set forth above.

COBB COUNTY, GEORGIA

CITY OF KENNESAW

By: _____
Michael H. Boyce
Chairman, Board of Commissioners

By: _____
Derek Easterling
Mayor

By: _____
Pamela Mabry
County Clerk

By: _____
City Clerk

(Seal)

(Seal)



**Regular Meeting Agenda
8/3/2020 6:30 PM
Council Chambers**

Title of Item:	Approval of RESOLUTION for the Abandonment of Burrell Court and a Portion of Keene Street and Grant Permission to Approach Property Owners with Option to Purchase.
Agenda Comments:	The City Council approved a previous request made by the Public Works Director to begin the process of abandoning Burrell Court and a portion of Keene Street. In accordance with Georgia law O.C.G.A. Title 32, Chapter 7, the abandonment has been advertised and an appraisal of the right of way value has been completed. The next step of the abandonment process is to receive approval from the governing body to abandon the right of way and grant permission to approach the property owners that have a right to purchase the abandoned right of way. The Public Works Director recommends approval of the abandonment as its removal from the municipal street system is in the best public interest and requests Council grant permission to approach the eligible property owners.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/23/2020	Resolution
Abandonment Area	7/23/2020	Backup Material
Appraisal	7/22/2020	Backup Material
07-17-20 Legal Ad	7/22/2020	Legal Ad
07-24-20 Legal Ad	7/27/2020	Backup Material

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2020- _____, 2020

**RESOLUTION TO APPROVE ABANDONMENT OF BURRELL COURT AND A PORTION OF
KEENE STREET AND GRANT PERMISSION TO APPROACH PROPERTY OWNERS WITH
OPTION TO PURCHASE.**

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

WHEREAS, the City has appropriately advertised the abandonment of Burrell Court and a
portion of Keene Street in the Marietta Daily Journal; and

WHEREAS, the City has received the appraisal for the value of the right of way to be
abandoned and the legal descriptions of the right of way for each property owner with the right
to purchase the abandoned right of way; and

BE IT RESOLVED the Kennesaw City Council authorizes abandonment of Burrell Court and a
portion of Keene Street and permits the City staff to approach the adjacent property owners who
have the right to purchase the abandoned right of way with an option to purchase their portion of
the right of way.

BE IT FURTHER RESOLVED this Resolution shall become effective from and after its adoption
and execution by the Mayor.

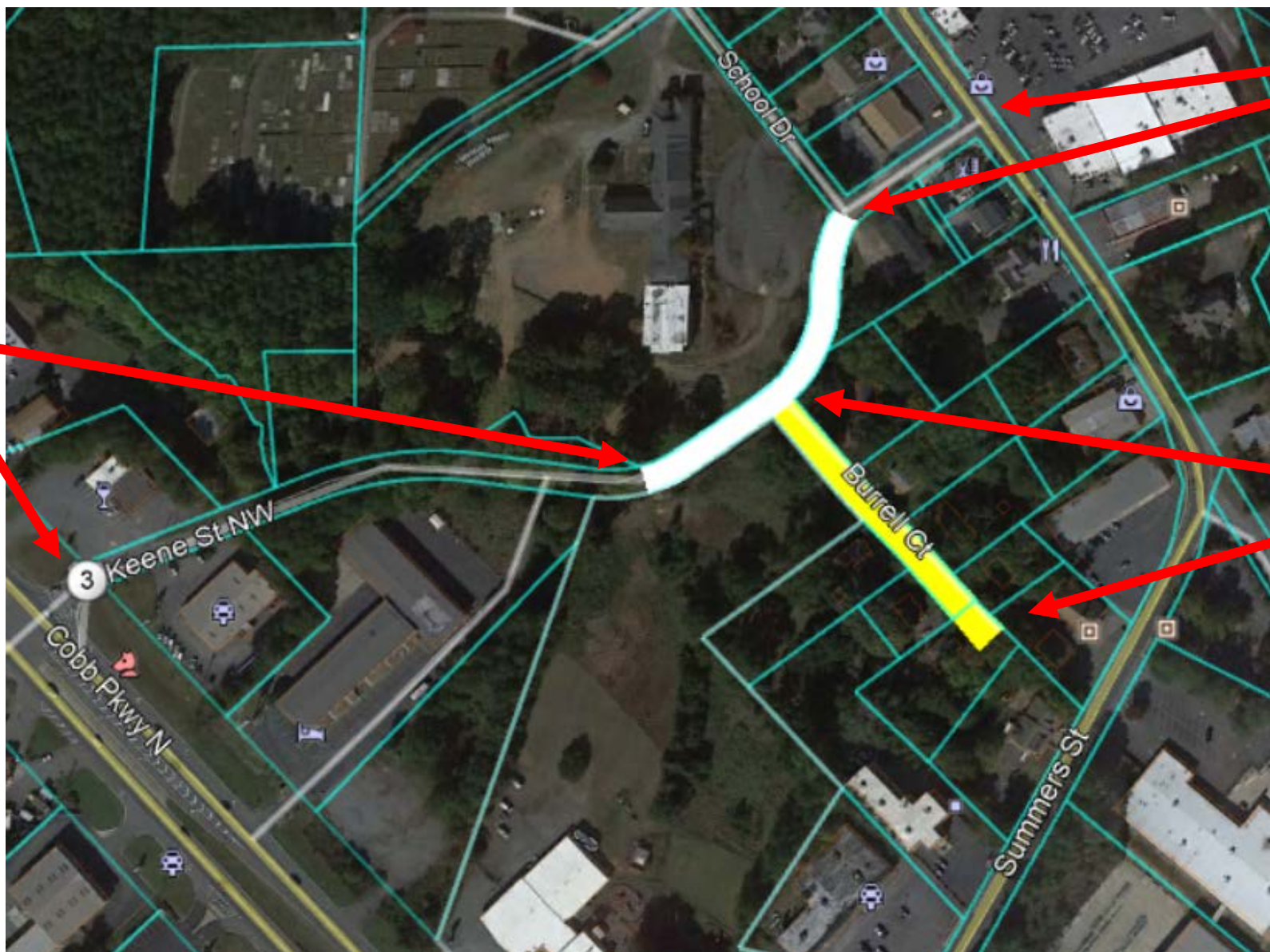
PASSED AND ADOPTED by the Kennesaw City Council on this _____ day of August, 2020.

ATTEST:

CITY OF KENNESAW

James Friedrich, Deputy City Clerk

Derek Easterling, Mayor



Keene St - 775
feet from
intersection at
Cobb Pkwy

Keene St – 215
feet from
intersection at
Summers St

Burrell Ct –
430 feet from
intersection at
Keene St,
including area
of
questionable
title on survey

APPRAISAL REPORT

**KEENE STREET AND BURRELL COURT
CITY OF KENNESAW**

Keene Street and Burrell Court Abandonment

OWNER: City of Kennesaw

CITY OF KENNESAW,
COBB COUNTY, GEORGIA

JUNE 2020

HALL RIGDON & ASSOCIATES, INC.
231 WASHINGTON AVENUE, MARIETTA, GEORGIA 30060
Phone: 770-794-9433 • Email: hallrigdon@gmail.com
HRA Job No. 2961

HALL RIGDON & ASSOCIATES, INC.

REAL ESTATE APPRAISERS AND CONSULTANTS

231 WASHINGTON AVENUE

MARIETTA, GEORGIA 30060

TEL. 770-794-9433 • EMAIL: hallrigdon@gmail.com

HALL RIGDON, MAI

June 10, 2020

Mr. H. Parke Lammerts
Vice President
Core Property Capital
3340 Peachtree Road
Suite 1660
Atlanta, Georgia 30326

RE: **Keene Street and Burrell Court Abandonment**
City of Kennesaw
Project Number: N/A
Kennesaw, Cobb County, Georgia

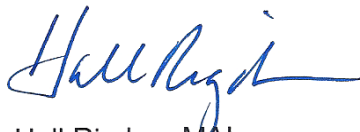
Dear Mr. Lammerts:

In accordance with your request, the referenced property was inspected, and the economics of the area were analyzed for the purpose of estimating the market value of the unencumbered fee simple interest. This report does not convey the market value to a typical market participant because the subject has limited functional utility and value as a stand-alone parcel and the highest and best use is for assemblage with the adjoining land tracts. The valuation presented in the following Appraisal Report is based upon Across the Fence (ATF) valuation methodology. The effective date of this analysis and valuation is June 10, 2020, the most recent inspection date.

This report contains pertinent information gathered during the investigation. Reference is made to the "Limiting Conditions and Assumptions" and "Certification" of the appraiser that is included within the report.

Also, this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice and the Georgia Real Estate Appraiser Classification and Regulation Act and the Rules and Regulations of the Georgia Real Estate Appraisers Board. This is intended to be a complete appraisal in a summary report. It has been a pleasure to serve you in this matter.

Respectfully,
HALL RIGDON & ASSOCIATES, INC.



Hall Rigdon, MAI
Georgia Certified General Real Property Appraiser (CG 680)

REPORT OF AN APPRAISAL

OF

**KEENE STREET AND BURRELL COURT
CITY OF KENNESAW**

Keene Street and Burrell Court Abandonment
OWNER: City of Kennesaw

CITY OF KENNESAW,
COBB COUNTY, GEORGIA

AS OF
JUNE 2020

PREPARED BY
HALL RIGDON, MAI

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ADDENDA

EXHIBIT I	AERIAL TAX PLAT
EXHIBIT II	STREET ABANDONMENT AND REALIGNMENT
EXHIBIT III	ZONING MAP
EXHIBIT IV	SUBJECT PHOTOGRAPHS
EXHIBIT V	FLOOD MAP
EXHIBIT VI	LAND SALES

SUMMARY APPRAISAL REPORT

SECTION 1 – PROPERTY IDENTIFICATION

The subject is comprised of two abandoned streets, Keene Street and Burrell Court within the City of Kennesaw. Keene Street is an east/west roadway connecting Summers Street to the east and North Cobb Parkway to the west. Burrell Court is a north/south street that terminates at Keene Street. Reportedly, the developer of the adjacent land tracts would like to purchase the abandoned rights of way so the roads may be realigned and incorporated into the proposed mixed-use development.

Subsequent to the construction, the developer would donate the re-aligned streets to the City of Kennesaw. For the purpose of this valuation and at the request of the client, the appraiser assumes the right of way has been purchased by developer. Therefore, the subject is valued as sites assembled with the adjacent tracts.

SECTION 2 – PARCEL IDENTIFICATION

The Keene Street tract approximates 24,394 square foot (0.56 acre) while the Burrell Court tract approximates 21,344 square feet. The total area of the right of way is 45,738 square feet (1.05 acres). The parcels approximate a total of 45,738 square feet (1.05 acres).

SECTION 3 – OWNER CONTACT/OWNERSHIP INTERESTS

The appraiser contacted H. Parke Lammerts to discuss the proposed development and plans for the abandon right of way for Keene Street and Burrell Court. It is the appraisers understanding that Mr. Lammerts wishes to purchase the abandoned right of way from the City of Kennesaw. This appraisal will be utilized for negotiation purposes.

Title History

No transfers of the subject have occurred in the past five years.

Physical History

Current Use:	Public street
# of Years of Use:	5+ years
Previous Use (if current use less than 5 Years):	N/A
Anticipated Use:	Assemblage with adjoining property

The subject is a publicly owned city street. Therefore, no allocation of any leasehold/leased fee interest exists.

SECTION 4 - REPORTING DISCLOSURE

This report is intended for the client only. If a General Data Book was prepared, the report may not be properly understood without the information contained in that General Data Book, unless such information is contained in this report in lieu of the Data Book.

Purpose and Intended Use of the Appraisal

Appraisal Purpose:	The purpose of the appraisal is to develop an opinion of the market value of the fee simple interest in the subject, specifically to the ownership of the adjacent site assuming assemblage. This report does not convey the fee simple market value to a typical market participant since the subject has limited functional utility and value as a stand-alone parcel as the highest and best use is for assemblage with the adjoining tract.
Intended Use:	To assist the client in a proposed acquisition.
Date of Appraisal:	June 10, 2020 (Most recent inspection)

Intended Client and Intended User of the Appraisal

The intended client and user of this appraisal is the H. Parke Lammerts of Core Property Capital and its designated representatives.

Property Rights Being Appraised and Property Rights Proposed for Disposition

We have appraised the fee simple interest in the subject property.

Market Value Definition

"Market Value" means: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- A. Buyer and seller are typically motivated;*
- B. Both parties are well informed or well advised and are acting in what they consider their own best interests;*
- C. A reasonable time is allowed for exposure in the open market;*
- D. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and*
- E. The price represents the normal consideration for the property sold unaffected by special or creative financing or sale concessions granted by anyone associated with the sale.*

Exposure Time

Exposure time assumes adequate time and effort to market the property, and precedes the effective date of value. Based on sales research and interviews with market participants, exposure time is estimated at six to twelve months.

Appraisal Type

This appraisal is presented in the form of an appraisal report, which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of USPAP. This report incorporates practical explanation of the data, reasoning and analysis that were used to develop the opinion of value.

Scope of the Appraisal Assignment

The term "Scope of the Appraisal" means the extent of the process of collecting, confirming and analyzing data leading to the valuation conclusion.

Property Type:	Commercial
Improved or Vacant:	Improved (Public Street)
Surveys conducted:	Land
Time span analyzed:	Last three years

The subject is currently designed and used as a city street. Its value is considered similar to the adjoining land. Therefore, we have utilized the sales comparison approach in developing an opinion of value for the subject land based upon an Across the Fence (ATF) valuation analysis. This approach is applicable to the subject because there is a market for similar adjoining properties, and sufficient sales data is available for analysis. The subject of this assignment was inspected along with the comparable sales. The sales examined were confirmed with either the buyer, seller, broker and/or through public records. The income approach is not relevant to the appraisal of the subject land. Also, since the primary improvements are not affected, the cost approach is not used.

SECTION 5 – LOCAL GOVERNMENT REQUIREMENTS

Zoning

Classification:	CBD – Central Business District
Future Land Use Map:	Central Business District
Government Jurisdiction:	City of Kennesaw
Major Permitted Uses:	Commercial, office, retail, mixed use
Major Restrictions/Restricted Uses:	Various commercial uses
Remarks:	N/A

CBD, Central Business District. The CBD is established in order to preserve and protect the cultural and historic aspects of downtown Kennesaw and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area. The classification is primarily intended for a focal point for upscale retail trade, tourism, and financial and public uses. The intent of the CBD is to develop a compact core to encourage and facilitate pedestrian movement and provide convenient access to the amenities of Historic Downtown Kennesaw. The CBD is designed to achieve the following:

The subject property consists of abandoned right of way known as Keene Street and Burrell Court. As such, the streets are not subject to zoning. However, the adjoining land tracts are currently zoned CBD, Central Business District.

Taxes

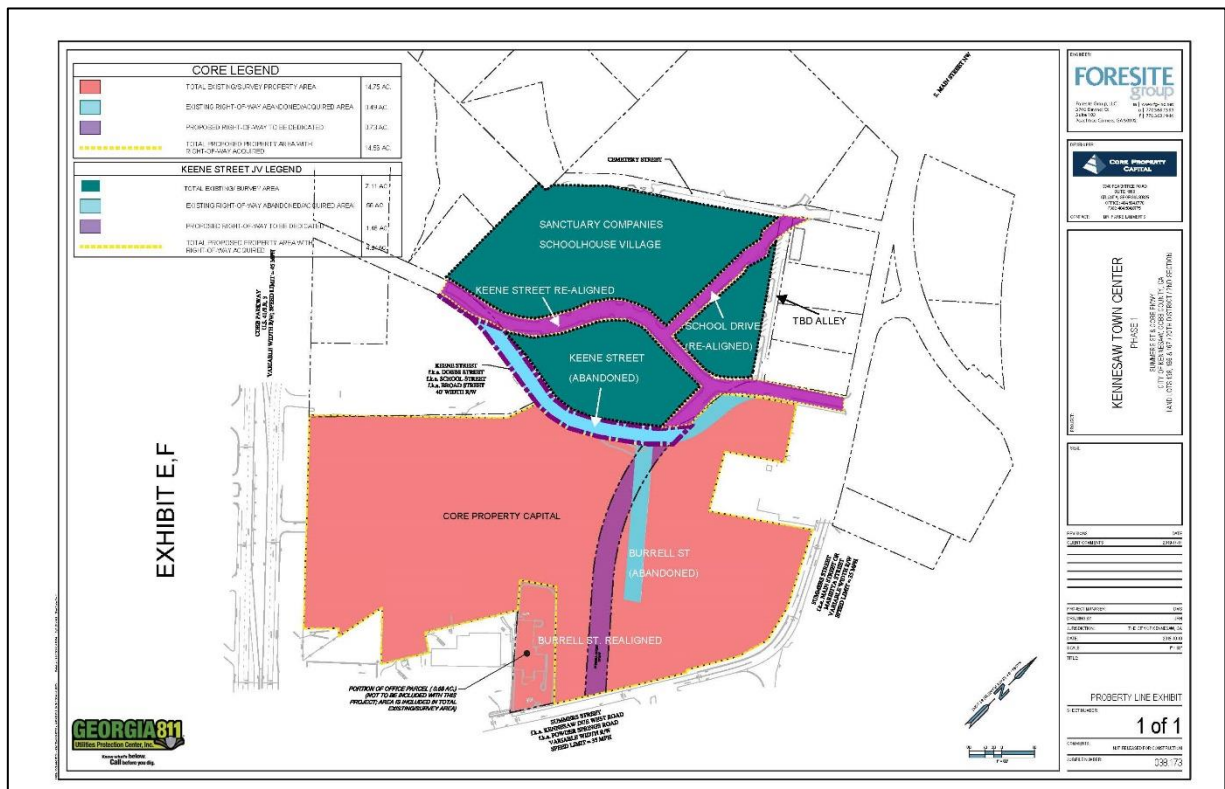
The subject is public property owned by the City of Kennesaw. As such, the subject is not currently individually parceled or identified with a tax identification number.

SECTION 6 - PROPERTY DESCRIPTION

Land

North ↑

The following site plan illustrates the existing right of way proposed to be acquired. The roads are illustrated in light blue.



Location: Keene Street and Burrell Court, Land Lots 138, 166, and 167, 2nd Section, District 20, City of Kennesaw, Cobb County, Georgia

Size:

Keene Street	0.56 acre or 24,394 square feet
Burrell Street	0.49 acre or 21,344 square feet
Total Area	1.05 acres or 45,738 square feet

Shape: Irregular

Frontage: Keene Street and Burrell Court

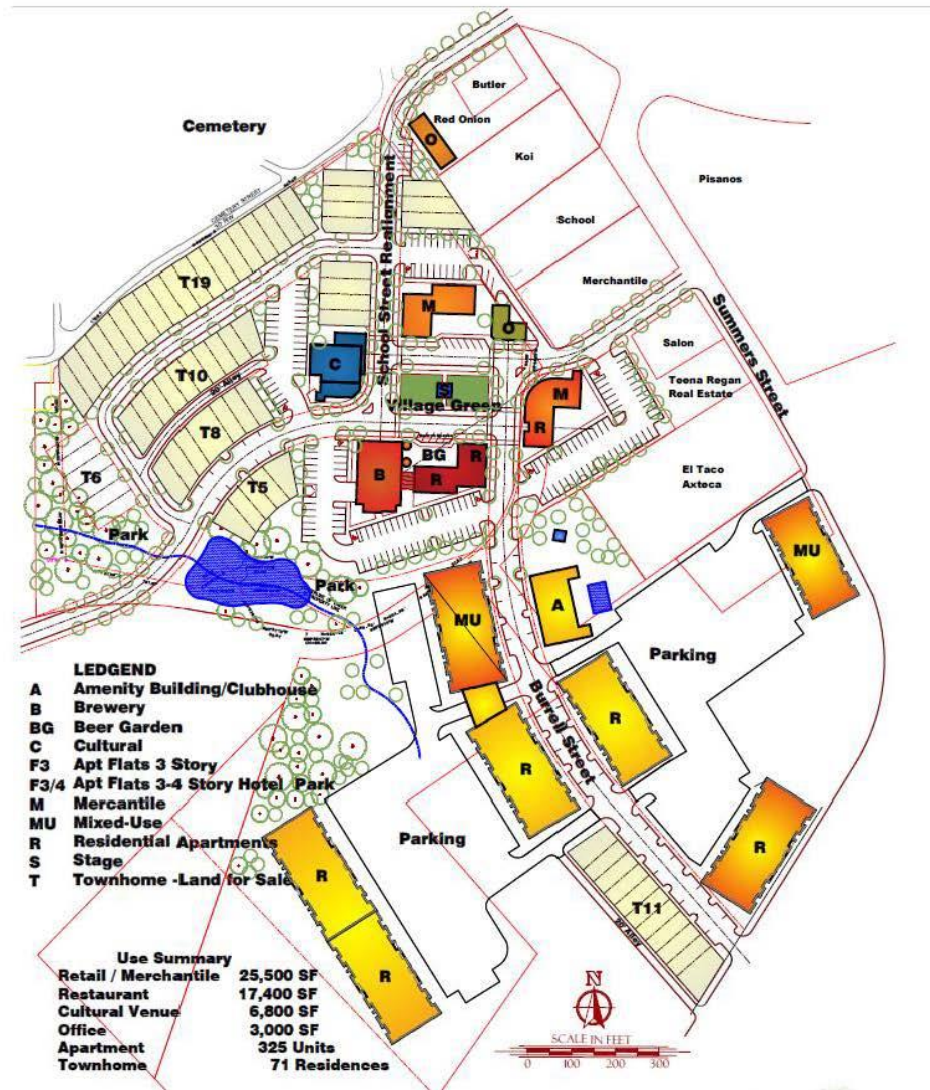
Topography: Generally level

Ground Cover:	Asphalt paving
Drainage:	Appears adequate.
Soil/Subsoil Conditions:	No adverse soil conditions were noted at the time of inspection
Flood Plain:	None per FEMA Flood Insurance Rate Map Panel 13067C0038H, effective date March 4, 2013.
Easements:	None noted that interfere with development potential
Access/driveways:	Keene Street and Burrell Court
Exposure:	Average
Utilities:	All public utilities are available in the area.
Adjoining Uses:	Land proposed mixed-use development

Conclusions

Due to the subject's narrow shape, the subject tracts do not development potential as stand-alone parcels.

It is noted that the subject road rights of way are located within an area assembled for and approved for a mixed-use development. The overall site plan is shown:



The client of the appraisal is the developer who owns the land surrounding the subject. He wishes to purchase the subject rights of way for inclusion in his development plan and will reportedly, in the future upon development completion, donate the newly created road rights of way to the City of Kennesaw.

This appraisal addresses the value of the subject rights of way as a portion of the surrounding assemblage. As such, the subject is valued using the across the fence valuation technique where the value of the subject takes on the value of the adjacent land.

SECTION 7 - HIGHEST AND BEST USE

The "Highest and Best Use" of a property is defined as that logical, legal, and most probable use which will yield the greatest net income to the land over a sustained period of time. It is also that available use or program of probable future utilization that produces the highest present land value.

*The highest and best use analysis involves a consideration of four separate tests. The four primary considerations are the property's (1) **Physical Constraints**, (2) **Legally Permissible Uses**, (3) **Financially Feasible Uses**, and (4) **the Maximally Productive Use**. Of the concluded possible uses, tests of feasibility are conducted, when necessary, and of the feasible uses, the one that produces the highest net return today is then concluded to be the highest and best use.*

As Vacant

Physical Constraints

The subject has adequate access to accommodate a wide variety of uses; however, the narrow width prevents any form of stand-alone development. Due to the potential to assemble the subject with the adjacent land proposed for mixed use development, the subject is considered to be a portion of the adjacent development for valuation purposes.

Legally Permissible Uses

The land adjacent to the subject is zoned for a wide variety of commercial, office or mixed-uses.

Financially Feasible and Maximally Productive Use

As evidenced by the land sales presented in the following "Valuation" section of this report, demand exists for mixed use.

Conclusion

Assemblage with the adjacent land for development as a portion of the proposed mixed-use development is considered to be the highest and best use of the subject if vacant.

As Improved

N/A

SECTION 8 – VALUATION

Appraisal Procedure

The valuation process is employed to develop a supportable estimate of the market value of the property appraised. It involves the application of one or more of the primary methods for analyzing real property data--the sales comparison, income capitalization, and cost analyses.

The cost approach is based on the premise that the value of a property can be indicated by estimating the current cost less depreciation, which is added to the value of the underlying land.

The income capitalization (income) approach is utilized to measure the present value of the future benefits of property ownership (cash flow and reversion). The rates or factors used for capitalization are derived by the investigation of acceptable rates of return reflected by recent transfers of comparable properties.

The sales comparison approach is properly utilized where an adequate number of properties of similar type have been sold recently, or are currently for sale in the subject market.

Valuation Procedure(s) Employed in this Appraisal

The sales comparison approach is used to value the subject based upon an Across the fence (ATF) valuation analysis. Therefore, the subject land area is utilized in valuing the subject; however, the valuation is based on the highest and best use of the adjacent land tract. The following sales best reflect the value of the subject using the across the fence value technique.

Item	Subject	Land Sale 1	Land Sale 2	Land Sale 3	Land Sale 4	Land Sale 5
Address	Keene Street Burrell Court	1650 N Roberts Road North side of Roberts Road, approximately 195 feet northeast of Old Highway 41	849 Franklin Gateway Northwest side of Franklin Gateway and southwest side of I-75	1927 Powers Ferry Road Northeast side of Powers Ferry Road and north side of Windy Ridge, approximately 240 feet south of Windy Hill Road	6997 Keene Street North side of Keene Street, east side of School Street and south side of Cemetery Road	Seventeen parcels South side of Keene Street, west side of School Drive, east side of N Cobb Parkway and east/west sides of Burrell Court
Location	–	2 Miles Southeast	10 Miles South	11 Miles South	Adjacent	Adjacent
Proximity to Subject	–	Public Records	Public Records	Broker	Buyer	Buyer
Data Source	Client	9/5/2018	7/11/2019	6/27/2019	12/20/2018	2/20/2020
Sale Date	N/A	\$6,500,000	\$9,600,000	\$9,150,000	\$3,000,000	\$11,845,000
Price	N/A	8.11	17.18	8.88	7.15	13.59
Size (AC)	1,050	353,272	748,361	386,987	311,579	591,937
Size (SF)	45,738	\$801,480	\$558,789	\$1,029,941	\$419,412	\$871,661
Price/AC		\$18.40	\$12.83	\$23.64	\$9.63	\$20.01
Price/SF						
Intangible Adjustments						
Rights Conveyed		0%	0%	0%	0%	0%
Financing		0%	0%	0%	0%	0%
Conditions of Sale		0%	0%	0%	0%	0%
2.5% Market Conditions (Time)	6/5/2020	4%	2%	2%	4%	1%
Total Intangible Adjustment		4%	2%	2%	4%	1%
Adjusted Price/SF		\$19.14	\$13.08	\$24.12	\$10.01	\$20.21
Tangible Adjustments						
		Comparison/Adjustment				
Location		Superior/Downward	Superior/Downward	Superior/Downward	Similar	Similar
Exposure		Superior/Downward	Similar	Superior/Downward	Similar	Similar
Size (SF)		Similar	Similar	Similar	Similar	Similar
Zoning/Use	CBD	Similar	Inferior/Upward	Similar	Similar	Similar
Frontage		Similar	Similar	Superior/Downward	Similar	Similar
Access		Similar	Similar	Similar	Similar	Similar
Topography		Similar	Similar	Similar	Similar	Similar
Shape		Similar	Inferior/Upward	Similar	Similar	Similar
Utilities		Similar	Similar	Similar	Similar	Similar
Functional Utility		Similar	Similar	Similar	Similar	Similar
Other		Superior/Downward	Similar	Similar	Inferior/Upward	Similar
Net Adjustment		Downward	Upward	Downward	Upward	Similar

Land Valuation

The highest and best use of the subject land is assemblage with the adjoining land owner. Also, once sold, the subject will assume the value of the adjoining land. Further, if the city were buying the subject right of way it would be valued as part of the adjoining land. Therefore, we have valued the adjoining land to arrive at a current market value for the subject right of way.

The land sales analyzed in this section are also described further in the Addenda as Exhibit VII, "Land Sales" along with a location map. Price per square foot is employed as the unit of comparison. The sales considered are summarized in the following chart.

No.	Sale Date	Location	Sales Price	Size (AC)	/ SF	Price/SF
Subj.	-	Keene Street	-	1.050	45,738	-
Land Sale 1	09/05/18	1650 N Roberts Road	\$6,500,000	8.110	353,272	\$18.40
Land Sale 2	07/11/19	849 Franklin Gateway	\$9,600,000	17.180	748,361	\$12.83
Land Sale 3	06/27/19	1927 Powers Ferry Road	\$9,150,000	8.884	386,987	\$23.64
Land Sale 4	12/20/18	6997 Keene Street	\$3,000,000	7.153	311,579	\$9.63
Land Sale 5	02/20/20	Seventeen parcels	\$11,845,000	13.59	591,937	\$20.01

An "Adjustment Grid" is included on the previous page. The following rating elements were considered:

- *Property rights conveyed*
- *Financing terms*
- *Conditions of Sale*
- *Market conditions*
- *Location*
- *Physical Characteristics*

The sales presented took place from September 2018 to February 2020. Market participants have indicated that land value trends have been on an upward trend. As such, upward adjustments of 2.5% per year were applied to account for this trend.

Adjustments are made for dissimilarities and are discussed as follows:

Land Sale No. 1 is located at 1650 N Roberts Road. The site is located along the north side of Roberts Road, just east of Old 41 Highway and is part of the larger mixed-use development known as Kennesaw Crossing. The sale is located approximately two miles southeast of the subject. The sale is considered superior with regard to location based on the surrounding uses and established commercial development in proximity to the site. Additionally, a downward adjustment is made

for this sale's superior exposure. Following adjustments, this sale indicates that the adjoining land's unit value should be less than \$18.40 per square foot.

Land Sale No. 2 is located along the northeast side of Franklin Gateway and the west side of Interstate 75, approximately 10 miles south of the subject. The site is flag-shaped lot and is located adjacent to the Atlanta United Football Club. The site was purchased to adjoin the training facility located on the adjacent tract. Although the site has visibility from Interstate, the overall surrounding area is considered inferior and therefore adjusted upward. An upward adjustment is made for the sale's shape. The net adjustment is upward, and this sale suggests that the adjoining land's unit value should be above \$12.83 per square foot.

Land Sale No. 3 is located along the northeast side of Powers Ferry Road at Windy Ridge Road, approximately eleven miles south of the subject. The property is located in an established area of Cobb County just north of Interstate 285. Overall, the location is considered far superior compared to the subject and a downward adjustment is warranted. Further, the site has considerable frontage along Powers Ferry Road and downward adjustment is made for this sale's superior exposure. This sale indicates a land value for the adjoining land much less than \$23.64 per square foot.

Land Sale No. 4 is the sale of a portion of the adjoining land tract and is located at southwest corner of School Drive and Cemetery Road. The site was improved with the former Martha Moore school, which had been vacant for some time. Reportedly, the improvements were encumbered with asbestos and mold, which likely impacted the demolition costs and upward adjustments are made for this condition. Consequently, this sale suggests that the adjoining land's unit value should be greater than \$9.63 per square foot.

Land Sale No. 5 is the assemblage of seventeen tax parcels of the adjoining land. The tract has frontage along North Cobb Parkway, Keene Street, School Drive, Burrell Court, and Summers Street. The properties were both vacant and improved with older single family or commercial uses. The total assembled price is \$11,845,000 or \$20.01 per square foot. Because the sale was an assemblage of many smaller parcels for which an assemblage premium may have been paid, a downward adjustment is applied. Consequently, this sale suggests that the adjoining land's unit value should be less than \$20.01 per square foot.

Based on the sales considered, the market value of the adjoining land, and thereby the subject's value, should range from about \$9.63 to \$23.64 per square foot. Accordingly, the subject's land value is correlated at \$15.00 per square foot with overall value calculated as follows

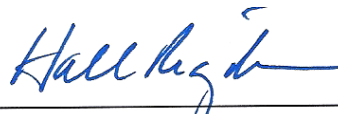
Land Value Conclusion

Indicated Value per Square Foot		\$15.00
Keene Street	24,394 SF	
Burrell Court	<u>21,344 SF</u>	
Total Subject Square Feet		45,738
Indicated Value		\$686,070
Rounded		\$680,000

CERTIFICATION (GENERAL)

The undersigned hereby certifies that, except as otherwise noted in this report:

1. I have made a personal inspection of the property that is the subject of this report.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
4. My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event. The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
5. My analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice* and the Georgia Real Estate Appraiser Classification and Regulation Act and the Rules and Regulations of the Georgia Real Estate Appraisers Board.
6. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
7. To the best of my knowledge and belief, the statements of fact contained in this report, upon which the analyses, opinions, and conclusions expressed herein are based, are true and correct.
8. Unless otherwise stated in the report or letter of transmittal, no one other than the undersigned provided significant professional assistance in the preparation of the analyses, conclusions, and opinions concerning the real estate that are set forth in this report.
9. As of the date of this report, Hall Rigdon, MAI, has completed the requirements of the continuing education program of the Appraisal Institute.
10. I have performed no prior services regarding the subject of this appraisal assignment within the past three years.



Hall Rigdon, MAI
State of Georgia Certified Real Estate Appraiser - CG 680

LIMITING CONDITIONS AND ASSUMPTIONS

The analysis and the attached report are made subject to the following conditions and assumptions:

1. Any legal description or plats reported herein are assumed to be accurate. Any sketches, plats, or drawings included herein are included to assist the reader in visualizing the property. We have made no survey of the property and assume no responsibility in connection with such matters.
2. No responsibility is assumed for matters legal in nature. Title is assumed to be good and marketable and in fee simple unless discussed otherwise in the report. The property is considered to be free and clear of existing liens, assessments, and encumbrances, except as noted.
3. The analyst assumes no liability for structural features not visible on an ordinary careful inspection, or any responsibility for sub-surface conditions.
4. Unless otherwise noted herein, it is assumed that there are no encroachments or zoning violations of any regulations affecting the subject property.
5. The property is assumed to be under competent and aggressive management unless otherwise stated.
6. Certain information used in the report was provided by sources, which are considered reliable but cannot be guaranteed.
7. Any value estimates reported herein apply to the entire property, and any proration or division of the total into fractional interests will invalidate the value estimate, unless such proration or division of interest is set forth in the report.
8. Any division of the land and improvement values estimated herein is applicable only under the program of utilization shown. These separate valuations are invalidated by any other application.
9. We are not required to give testimony or attendance in court by reason of this analysis or report, with reference to the property in question, unless arrangements have previously been made.

10. Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales, or other media, without the prior written consent and approval of the author. This limitation pertains to any valuation conclusions, the identity of the analyst or the firm, and any reference to the Appraisal Institute or to the designations.
11. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may have an effect on the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions or for any expertise or engineering knowledge required discovering them. The client is urged to retain an expert in this field if desired.
12. Any forecasts or projections included in this report are utilized to assist in the valuation process and are based upon current market conditions, anticipated short term supply and demand factors, as well as a stable economy. These forecasts are therefore subject to changes in future conditions that cannot be accurately predicted by the appraisers and could affect the future income and/or value forecasts.

QUALIFICATIONS OF HALL RIGDON**Work Experience**

Formed ***Hall Rigdon and Associates*** in April 1998. Over thirty years of Real Estate training includes home building, development, and real estate appraisal. Appraisal experience includes a wide variety of office, industrial, retail and residential properties. In addition, I have experience appraising special uses such as railroad corridors and subterranean easements.

I have also served as an expert witness on appraisal matters in Bartow, Cherokee, Cobb, Fulton, Gilmer, Gordon, Paulding, Pickens, Polk and Clayton County Superior Courts.

Education

University of Georgia, BBA 1979

Appraisal Institute – Completed required real estate courses for MAI designation. Also, annual continuing education required by the Appraisal Institute and by the State of Georgia Real Estate Appraisers Board

Affiliations

Member of the Appraisal Institute – MAI #10627
Rotary Club of Marietta
Kennestone Hospital Regional Health Board

State Licensing/Certification

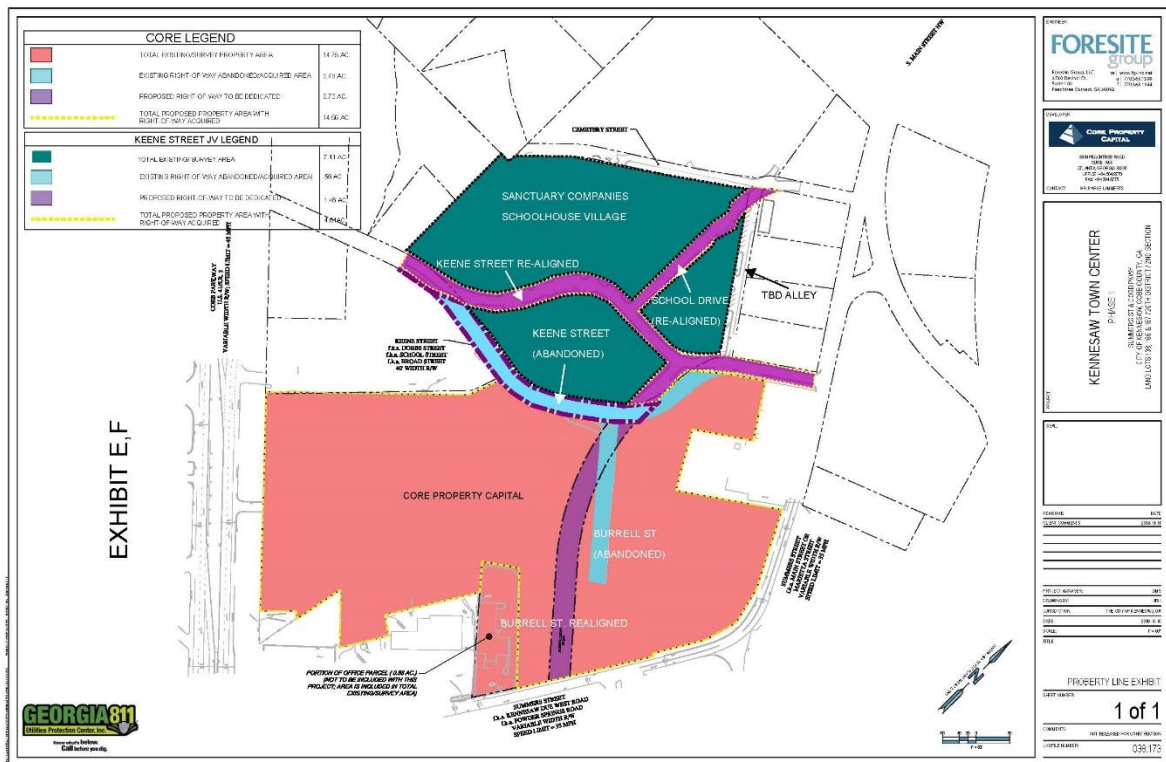
Georgia Certified General Real Property Appraiser – CG 680
Georgia DOT Level 3 Appraiser

ADDENDA

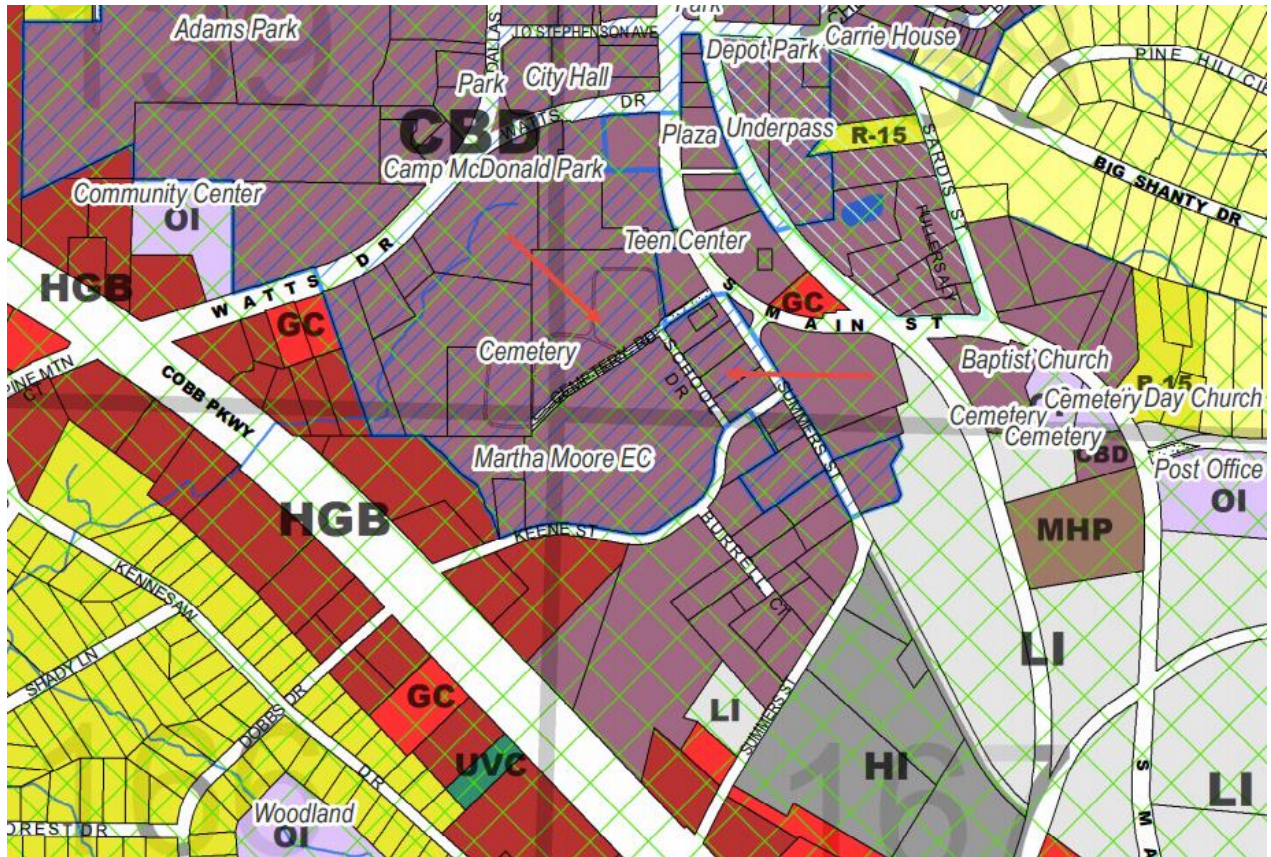
North ↑



North ↑



North ↑





Keene Street right of way from Cobb Parkway facing northeast



Keene Street right of way at Cobb Parkway facing southwest



Keene Street right of way from Burrell Court, facing northeast



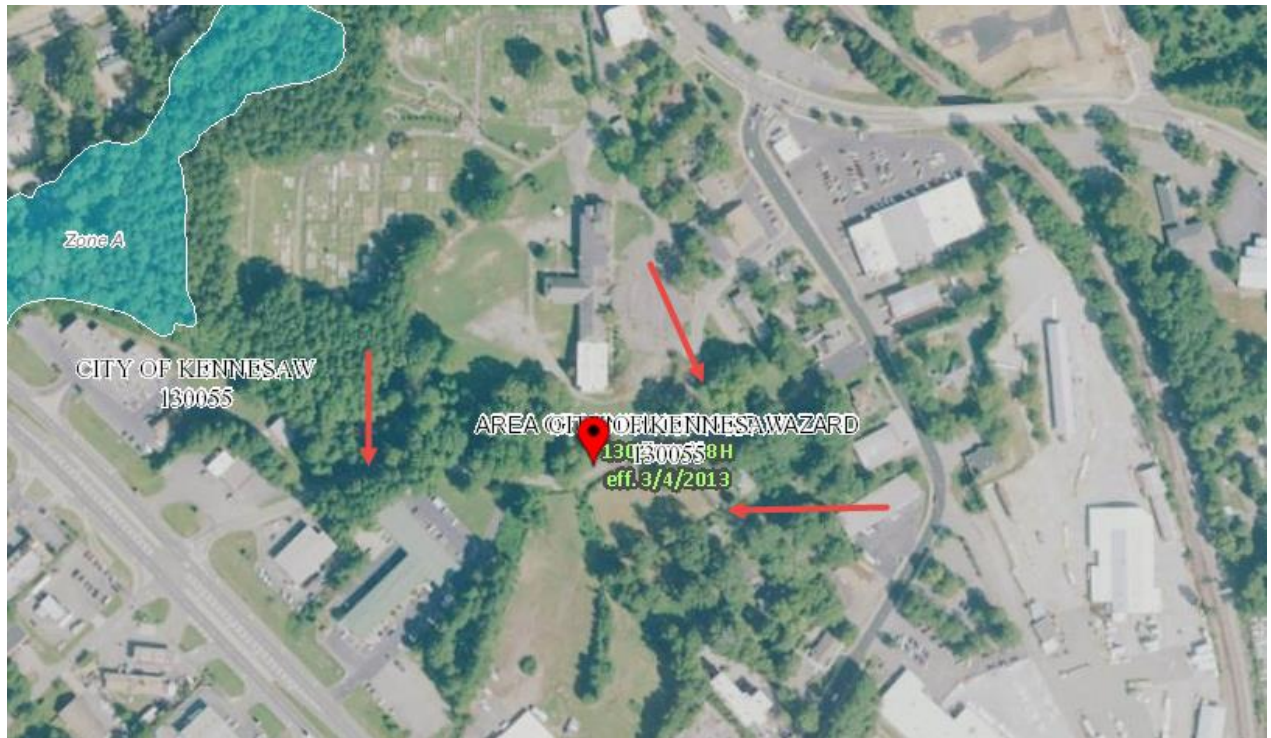
Keene Street right of way looking toward S. Main Street



Burrell Court right of way from Keene Street facing southeast



Burrell Street right of way from terminus, facing northwest



LAND SALE NO. 1

Location: 1650 N. Roberts Road, North side of Roberts Road, approximately 195 feet northeast of Old Highway 41; District 20, Section 2, Land Lot 175; Kennesaw, Cobb County, GA

Grantor: JLV Kennesaw Crossing, LLC

Grantee: Newport Kennesaw Crossing

Recorded: Deed Book: 15570 Page: 6492 Trans tax: \$6500.00

Date of Transaction: 09/05/2018

Consideration: \$6,500,000 **Price/Unit:** \$801,480 /AC
\$18.40 /SF

Financing: Cash to seller at closing; no effect on price.

Zoning at Sale: PVC, Planned Village Commercial District

Verification Contact: Public Records

Conditions of Sale: Arm's Length

Highest and Best Use at Sale: Commercial

Present Use: Proposed multifamily component of a larger mixed-use development

Size - **Acre(s):** 8.110 **Square Feet:** 353,272

Tax ID No.: 20017501180

Improvements: Older structure razed for redevelopment

Property Description -

Access: N. Roberts Road
Frontage: N. Roberts Road
Utilities: All public utilities are available.
Drainage: Appears adequate.
Topo/Shape: Graded site, irregular.
Easements: None noted that interfere with development potential.

Remarks:

The site was purchased with rezoning and approved site plan in place. The site is part of a larger development planned for mixed use. The sale of this site is planned to be developed with the multifamily component of the overall development. The site is planned for 274 multifamily units.



To be filed in COBB COUNTY				PT-61 033-2018-023241	
SECTION A - SELLER'S INFORMATION (Do not use agent's information)				SECTION C - TAX COMPUTATION	
SELLER'S BUSINESS / ORGANIZATION / OTHER NAME JLV Kennesaw Crossing, LLC				Exempt Code If no exempt code enter NONE	NONE
MAILING ADDRESS (STREET & NUMBER) 120 Interstate North Parkway Suite 154				1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown	\$6,500,000.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Atlanta, GA 30339 USA			DATE OF SALE 9/5/2018	1A. Estimated fair market value of Real and Personal property	\$0.00
SECTION B - BUYER'S INFORMATION (Do not use agent's information)				2. Fair market value of Personal Property only	\$0.00
BUYER'S BUSINESS / ORGANIZATION / OTHER NAME Newport Kennesaw Crossing, LLC				3. Amount of liens and encumbrances not removed by transfer	\$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 3284 Northside Parkway NW, Suite 330				4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)	\$6,500,000.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Atlanta, GA 30327 USA			Check Buyers Intended Use () Residential (x) Commercial () Agricultural () Industrial	5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)	\$6,500.00
SECTION D - PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))					
HOUSE NUMBER & EXTENSION (ex 265A)		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION Old 41 Highway			SUITE NUMBER
COUNTY COBB		CITY (IF APPLICABLE) Kennesaw		MAP & PARCEL NUMBER 20-0175-0-021-0	ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT	ACRES	LAND LOT	SUB LOT & BLOCK
		2	8.11	174, 175, 206, 207	
SECTION E - RECORDING INFORMATION (Official Use Only)					
DATE	DEED BOOK	DEED PAGE	PLAT BOOK	PLAT PAGE	
	15571	8			

ADDITIONAL BUYERS
 None

LAND SALE NO. 2

Location: 849 Franklin Gateway, northeast side of Franklin Gateway Road and west side of Interstate 75; District 20, Land Lot 91; Kennesaw, Cobb County

Grantor: City of Marietta

Grantee: Atlanta United Football Club

Recorded: Deed Book: 15646 Page: 1087 Trans Tax: \$9600.00

Date of Transaction: 5/20/2019

Consideration: \$9,600,000 **Price/Unit:** \$558,789 /AC
\$12.83 /SF

Financing: Cash to seller at closing; no effect on price.

Zoning at Sale: PCD

Verification Contact: Grantee

Conditions of Sale: Public Record

Highest and Best Use at Sale: Commercial

Present Use: Proposed Atlanta United practice facility

Size - Acre(s): 17.18 748,361 SF

Tax ID No.: 17-0651-0-002-0

Improvements: N/A

Property Description

Access: Franklin Gateway

Frontage: Franklin Gateway, visibility from Interstate 75

Utilities: All available

Drainage: Appears adequate

Topography: Level graded site. At road grade. **Shape:** Irregular

Easements: None noted.

Remarks: Purchased to redevelop with practice facility.

North ↑



PT-61 (Rev. 2/18)

To be filed in **COBB COUNTY**

PT-61 033-2019-016840

SECTION A - SELLER'S INFORMATION (Do not use agent's information)				SECTION C - TAX COMPUTATION			
SELLER'S BUSINESS / ORGANIZATION / OTHER NAME CITY OF MARIETTA GEORGIA				Exempt Code If no exempt code enter NONE		Govt/NonProfit Public Corp	
MAILING ADDRESS (STREET & NUMBER) 205 Lawrence Street				1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown		\$9,600,000.00	
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Marietta, GA 30060 USA			DATE OF SALE 7/11/2019		1A. Estimated fair market value of Real and Personal property		\$0.00
SECTION B - BUYER'S INFORMATION (Do not use agent's information)				2. Fair market value of Personal Property only		\$0.00	
BUYER'S BUSINESS / ORGANIZATION / OTHER NAME ATLANTA UNITED FOOTBALL CLUB LLC				3. Amount of liens and encumbrances not removed by transfer		\$0.00	
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 3223 Howell Mill Rd NW				4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)		\$0.00	
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Atlanta, GA 30327 USA			Check Buyers Intended Use () Residential () Commercial () Agricultural () Industrial		5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)		\$0.00
SECTION D - PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))							
HOUSE NUMBER & EXTENSION (ex 265A)		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION				SUITE NUMBER	
COUNTY COBB		CITY (IF APPLICABLE)		MAP & PARCEL NUMBER 17065100020		ACCOUNT NUMBER	
TAX DISTRICT		GMD	LAND DISTRICT		ACRES	LAND LOT	SUB LOT & BLOCK
SECTION E - RECORDING INFORMATION (Official Use Only)							
DATE		DEED BOOK 15646		DEED PAGE 1087		PLAT BOOK PLAT PAGE	

ADDITIONAL BUYERS
None

LAND SALE NO. 3

Location: 1927 Powers Ferry Road; Northeast side of Powers Ferry Road and north side of Windy Ridge Road, approximately 240 feet south of Windy Hill Road; District 17, Section 2, Land Lots 941 and 986; Marietta, Cobb County, GA

Grantor: 1927-1931-1935 Powers Ferry Road Investors, LLC

Grantee: Powers Ferry Road Project, LLC

Recorded: Deed Book: 5641 Page: 3906/3921 Trans tax: \$9,150.00

Date of Transaction: 06/26/2019

Consideration: \$9,150,000 **Price/Unit:** \$1,029,942 /AC
\$23.64 /SF

Financing: Cash to seller at closing; no effect on price.

Zoning at Sale: RRC, Regional Retail Commercial

Verification Contact: Public Records

Conditions of Sale: Arm's Length

Highest and Best Use at Sale: Commercial/mixed-use

Present Use: Proposed mixed-use development

Size - Acre(s): 8.884 **Square Feet:** 386,987

Tax ID No.: 17094100010, 17094100130, 1709860004, & 17098500040

Improvements: The site was improved with several former free-standing restaurants that were demolished after the sale.

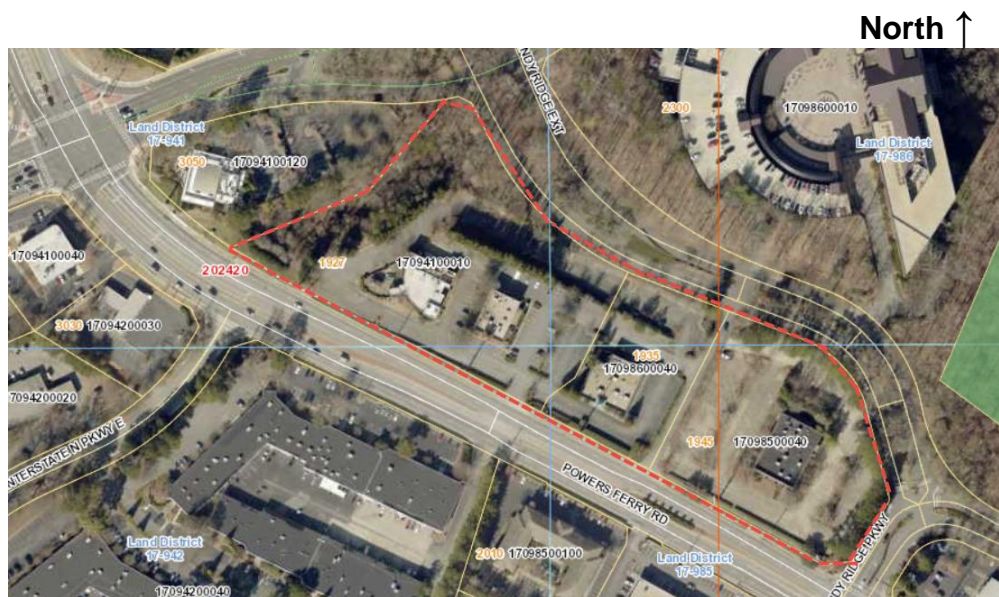
Property Description -

- Access:** Powers Ferry Road and Windy Ridge
- Frontage:** Powers Ferry Road
- Utilities:** All public utilities are available.
- Drainage:** Appears adequate.
- Topo/Shape:** Gently sloping/Irregular
- Easements:** None noted that interfere with development potential.

LAND SALE NO. 3 (CONT'D)**Remarks:**

The site is comprised of four tax parcels that were improved with older, free-standing retail and restaurant buildings. The site has significant frontage along Powers Ferry Road, a four-lane divided roadway. The site features one access point from Windy Ridge Road.

The site was purchased in two simultaneous transactions from the same seller but in different limited liability corporation names by Inline Communities. The properties were purchased for the development of Village at Powers, a mixed-use development proposed to contain 280 multifamily units, 171 senior units, and 10,000 square feet of retail. The total developed area indicates a FAR of 1.42 based on 438,555 square feet. Based on the sale price, the FAR is \$20.86 per FAR.



LAND SALE NO. 3 (CONT'D)

PT-61 (Rev. 2/18) To be filed in **COBB COUNTY** PT-61 033-2019-015401

SECTION A – SELLER'S INFORMATION (Do not use agent's information)				SECTION C – TAX COMPUTATION	
SELLER'S BUSINESS / ORGANIZATION / OTHER NAME 1927-1931-1935 Powers Ferry Road Investors LLC				Exempt Code If no exempt code enter NONE	NONE
MAILING ADDRESS (STREET & NUMBER) c/o UBS Realty Investors LLC 10 State House Square, 15th Floor				1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown	\$6,862,500.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Hartford, CT 06103 USA		DATE OF SALE 6/26/2019		1A. Estimated fair market value of Real and Personal property	\$0.00
SECTION B – BUYER'S INFORMATION (Do not use agent's information)				2. Fair market value of Personal Property only	\$0.00
BUYER'S BUSINESS / ORGANIZATION / OTHER NAME Powers Ferry Road Project, LLC				3. Amount of liens and encumbrances not removed by transfer	\$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 48 Atlanta Street				4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)	\$6,862,500.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Marietta, GA 30060 USA		Check Buyers Intended Use () Residential (x) Commercial () Agricultural () Industrial		5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)	\$6,862.50
SECTION D – PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))					
HOUSE NUMBER & EXTENSION (ex 265A)		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION			SUITE NUMBER
COUNTY COBB		CITY (IF APPLICABLE)		MAP & PARCEL NUMBER 17094100010,17094100130,170 ...*	ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT 17th/2nd	ACRES	LAND LOT 941,942,985 & 986	SUB LOT & BLOCK
SECTION E – RECORDING INFORMATION (Official Use Only)					
DATE		DEED BOOK 15641	DEED PAGE 3906	PLAT BOOK	PLAT PAGE

ADDITIONAL BUYERS
None

...* This symbol signifies that the data was too big for the field. The original values are shown below.
MAP & PARCEL NUMBER: 17094100010,17094100130,17098600040

PT-61 (Rev. 2/18) To be filed in **COBB COUNTY** PT-61 033-2019-015403

SECTION A – SELLER'S INFORMATION (Do not use agent's information)				SECTION C – TAX COMPUTATION	
SELLER'S BUSINESS / ORGANIZATION / OTHER NAME 1945 Powers Ferry Road Investors LLC				Exempt Code If no exempt code enter NONE	NONE
MAILING ADDRESS (STREET & NUMBER) c/o UBS Realty Investors LLC 10 State House Square, 15th Floor				1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown	\$2,287,500.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Hartford, CT 06103 USA		DATE OF SALE 6/26/2019		1A. Estimated fair market value of Real and Personal property	\$0.00
SECTION B – BUYER'S INFORMATION (Do not use agent's information)				2. Fair market value of Personal Property only	\$0.00
BUYER'S BUSINESS / ORGANIZATION / OTHER NAME Powers Ferry Road Project, LLC				3. Amount of liens and encumbrances not removed by transfer	\$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 48 Atlanta Street				4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)	\$2,287,500.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Marietta, GA 30060 USA		Check Buyers Intended Use () Residential (x) Commercial () Agricultural () Industrial		5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)	\$2,287.50
SECTION D – PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))					
HOUSE NUMBER & EXTENSION (ex 265A)		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION			SUITE NUMBER
COUNTY COBB		CITY (IF APPLICABLE)		MAP & PARCEL NUMBER 17098500040	ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT 17th/2nd	ACRES	LAND LOT 985 & 986	SUB LOT & BLOCK
SECTION E – RECORDING INFORMATION (Official Use Only)					
DATE		DEED BOOK 15641	DEED PAGE 3921	PLAT BOOK	PLAT PAGE

ADDITIONAL BUYERS
None

LAND SALE NO. 4

Location: 6997 Keene Street, north side of Keene Street, west side of School Drive and south side of Cemetery Road; District 20, Section 2, Land Lot 167; Kennesaw, Cobb County, GA

Grantor: Kennesaw Downtown Development Authority

Grantee: Keene Street JV, LLC

Recorded: Deed Book: 15595 Page: 201 Trans tax: \$300.00

Date of Transaction: 12/20/2018

Consideration: \$3,000,000 **Price/Unit:** \$419,412 /AC
\$9.63 /SF

Financing: Cash to seller at closing; no effect on price.

Zoning at Sale: CBD, Central Business District

Verification Contact: Buyer, H. Parke Lammerts

Conditions of Sale: Arm's Length

Highest and Best Use at Sale: Commercial

Present Use: Proposed mixed use development

Size - **Acre(s):** 7.15 **Square Feet:** 311,579

Tax ID No.: 20016700340

Improvements: N/A

Property Description -

- Access:** Keene Street, School Drive, and Cemetery Road
- Frontage:** Keene Street, School Drive, and Cemetery Road
- Utilities:** All public utilities are available.
- Drainage:** Appears adequate.
- Topo/Shape:** Generally level, Irregular.
- Easements:** None noted that interfere with development potential.

Remarks: The site was the former location of the Martha Moore school but was purchased for as part of the assemblage for the Kennesaw Town Center mixed-use development.

LAND SALE NO. 4 (CONT'D)

North ↑



PT-61 (Rev. 2/18)

To be filed in **COBB COUNTY****PT-61 033-2018-032243**

SECTION A – SELLER'S INFORMATION (Do not use agent's information)				SECTION C – TAX COMPUTATION	
SELLER'S BUSINESS / ORGANIZATION / OTHER NAME Kennesaw Downtown Development Authority				Exempt Code If no exempt code enter NONE	Govt/NonProfit Public Corp
MAILING ADDRESS (STREET & NUMBER) 2529 J.O. Stephenson Ave.				1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown	\$3,000,000.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Kennesaw, GA 30144 USA		DATE OF SALE 12/20/2018		1A. Estimated fair market value of Real and Personal property	\$0.00
SECTION B – BUYER'S INFORMATION (Do not use agent's information)				2. Fair market value of Personal Property only	\$0.00
BUYER'S BUSINESS / ORGANIZATION / OTHER NAME Keene Street JV, LLC				3. Amount of liens and encumbrances not removed by transfer	\$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 3008 Cherokee Street NW				4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)	\$0.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Kennesaw, GA 30144 USA		Check Buyers Intended Use () Residential () Commercial () Agricultural () Industrial		5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)	\$0.00
SECTION D – PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))					
HOUSE NUMBER & EXTENSION (ex 265A) 6997		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION Keene Street			SUITE NUMBER
COUNTY COBB		CITY (IF APPLICABLE)		MAP & PARCEL NUMBER 20016700340	ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT	ACRES	LAND LOT	SUB LOT & BLOCK
		20		138 & 167	
SECTION E – RECORDING INFORMATION (Official Use Only)					
DATE	DEED BOOK	DEED PAGE	PLAT BOOK	PLAT PAGE	
	15595	201			

ADDITIONAL BUYERS

None

LAND SALE NO. 5

Location:	Seventeen tax parcels located on the south side of Keene Street, west side of School Drive, north side of Summers Street and east and west side of Burrell Court; District 20, Section 2, Land Lot 167; Kennesaw, Cobb County, GA			
Grantor:	Various (see chart)			
Grantee:	Arris Kennesaw, LLC			
Recorded:	See Chart			
Date of Transaction:	11/13/2018			
Consideration:	\$11,845,000*	Price/Unit:	\$871,693	/AC
			\$20.01	/SF
	*Total assembled sale price			
Financing:	Cash to seller at closing; no effect on price.			
Zoning at Sale:	CBD, Central Business District			
Verification Contact:	H. Parke Lammerts			
Conditions of Sale:	Arm’s Length			
Highest and Best Use at Sale:	Mixed Use			
Present Use:	Proposed for mixed use			
Size -	Acre(s):	13.59	Square Feet:	591,915
Tax ID No.:	Various (see chart)			
Improvements:	See comments			

LAND SALE NO. 5 (CONT'D)**Property Description -**

Access: Keene Street, Summers Street, School Drive, North Cobb Parkway and Burrell Court

Frontage: Keene Street, Summers Street, School Drive, North Cobb Parkway and Burrell Court

Utilities: All public utilities are available.

Drainage: Appears adequate.

Topo/Shape: Generally level, Irregular.

Easements: None noted that interfere with development potential.

Comments: The sites were assembled in February 2020 for future development of Kennesaw Town Center, a mixed-use development proposed for retail, restaurant, office, multifamily, town houses, and cultural venue.

No.	Location or Address	Tax Identification	Site Size		Sale Date	Deed Reference	Sale Price	Sale Price			Grantor
			Acre	SF				Per Ac	Per SF		
1	2621 Summers Street	20016700290	0.434	18,883	02/20/20	Book 15715, page 5640	\$350,000 *	\$807,382	\$18.53		New Vision Baptist Church Kennesaw Georgia, LLC
2	2650 & 2657 Burrell Court	20016700360	0.996	43,386	02/20/20	Book 15715, page 1927	\$890,000	\$893,574	\$20.51		David H. Cook
3	2649 Burrell Court	20016700310 20016700370	0.179	7,797	2/20/2020	Book 15715, page 2342	\$405,000	\$2,262,570	\$51.94		Thomas Blackwell
4	2668 Burrell Court	20016700330	0.556	24,219	2/18/2020	Book 15715, page 2349	\$400,000	\$719,424	\$16.52		Michael S. Lanning
5	2675 Summers & 2658 Burrell	20016700320	0.903	39,335	2/20/2020	Book 15715, page 2350	\$600,000	\$664,452	\$15.25		Dale F. Burrell
6	Keene Street	20016700250 20016700050	0.052	2,265	2/20/2020	Book 15715, page 2360	\$250,000	\$4,807,692	\$110.37		Burrell Enterprises, Inc.
7	2611 Summers Street	20016700390	0.619	26,964	2/20/2020	Book 15715, page 2380	\$920,000	\$1,486,268	\$34.12		Living Grace of Georgia, LLC
8	2690 Keene Street	20016700380 20016700640	0.559	24,350	2/20/2020	Book 15715, page 5012	\$570,000	\$1,019,678	\$23.41		Daniel Schultz
9	2640 Burrell Court	20016700300	0.223	9,714	2/20/2020	Book 15717, page 3245	\$280,000	\$1,255,605	\$28.82		Twelve Oaks Property Group
10	2665 Summers Street	20016700260	0.393	17,119	2/20/2020	Book 15717, page 3253	\$430,000	\$1,094,148	\$25.12		Harold L. Trammell & Sarah Jane Trammell
11	2570 N Cobb Parkway	20016701040	1.31	57,064	2/21/2020	Book 15717, page 6187	\$625,000	\$477,099	\$10.95		The Suites in Dublin, LLC
12	2601 Summers Street	20016700400	0.362	15,769	2/20/2020	Book 15717, page 3749	\$700,000	\$1,933,702	\$44.39		Camorin, LLC
13	2555 N Cobb Parkway	20016700750	6.296	274,254	2/21/2020	Book 15720, page 169	\$4,525,000	\$718,710	\$16.50		Faith Christian Family Church, Inc.
14	2641 Summers Street	20016700270	0.707	30,797	2/21/2020	Book 15720, page 177	\$900,000	\$1,272,984	\$29.22		Herbert S. Goldstein Family Limited Partnership
Total of 2020 Sales			13.589	591,915			\$11,845,000	\$871,693	\$20.01		

LAND SALE NO. 5 (CONT'D)



LEGAL

8000

Legals

GPN-16
MDJ-8239CITY OF KENNESAW, GEORGIA
NOTICE OF PUBLIC HEARING ON
ABANDONMENT OF BURRELL
COURT AND KEENE STREET

Notice is hereby given that the Mayor and Council of the City of Kennesaw, Georgia will on August 3, 2020 at their regularly scheduled council meeting at 6:30 p.m., conduct a public hearing on the proposed abandonment of Burrell Court and a portion of Keene Street. The rights of way are presently situated in Land Lot 166 and 167 of the 20th District, 2nd Section, Cobb County, Georgia. The abandonment will begin approximately 775 feet from the intersection of Cobb Parkway and Keene Street and run easterly to Burrell Court and continuing northerly towards Land Lot 138. The hearing before the Mayor and council will take place in the City Council Chambers of Kennesaw City Hall at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. At such time the Mayor and council will consider the proposed abandonment of Burrell and Keene Street and will act to approve or reject the same. If such proposal is approved, the Mayor and Council will also execute such documents as are necessary to remove Burrell Court and portions of Keene Street from the City road system and thereby divest the City of title to the right of way. Public attendance, participation and commentary with respect to this proposed action is welcome and encouraged by both the staff and elected officials. A copy of the plat illustrating the rights of way to be considered for abandonment is on file in the Department of Public Works of Kennesaw, Georgia, at 3080 Moon Station Rd. Kennesaw, GA 30144, and at the office of the City Clerk at 2529 J.O. Stephenson Ave. Kennesaw, GA 30144 for the purposes of examination and inspection by the public.

7:17,24,2020

MDJ-7837
GPN-16CITY OF MARIETTA,
A political Subdivision of the
State of Georgia,
Petitioner

Vs

Thomas Candia Tabor
Respondent
Marietta Municipal Court
case no. 20-002343

NOTICE OF HEARING

ALL PERSONS INTERESTED: YOU ARE HEREBY NOTIFIED that the Marietta Code Enforcement Officer has determined that the structure and/or building located at 446 Roosevelt Cir, Marietta, Cobb County GA is an unsafe building or structure by virtue of being in violation CITY OR MARIETTA HOUSING ORDINANCE. YOU ARE ADDITIONALLY NOTI-

The general nature of the allegations is that parental responsibilities and obligations owed to said child has been effectively abandoned.

YOU ARE FURTHER NOTIFIED that while responsive pleadings are not mandatory they are permissible and you are encouraged to file with the clerk of this court and serve upon petitioner's attorney, Lori A. Cheatham, 272 Washington Avenue, Marietta, Georgia 30060.

All concerned parties are informed that they are entitled to have an attorney represent them and if a party requests appointed counsel and qualifies for such appointment, then the court will appoint counsel at no cost if the party is unable, without financial hardship, to employ counsel.

Witness the Honorable
Wayne E. Grannis,
Judge of said court.

This 30th day of June, 2020.

Tayaki Ford, Clerk Pro Tem

JUVENILE COURT OF

COBB COUNTY

7:3,10,17,24,2020

MDJ-7868
GPN-10IN THE JUVENILE COURT OF
COBB COUNTY, GEORGIA
IN THE INTEREST OF:A.A.F., A MINOR CHILD; SEX-F;
AGE-12; DOB: 04-22-2012;
CASE No. 20-CV-0907-08.

TO: William Gregory Fricks, Jr., the legal father of the above-named child. YOU ARE FURTHER NOTIFIED that a Petition for Termination of Parental Rights in regard to the above referenced child was filed in the Juvenile Court of Cobb County, Georgia, on the 17th day of April, 2020, and that by reason of an Order for Service by Publication entered by the court on the 26th day of June, 2020;

YOU ARE HEREBY COMMANDED AND REQUIRED to appear before the Juvenile Court of Cobb County, Georgia, in Marietta, Georgia, on the 12th day of October, 2020 at 9:00 o'clock a.m. The hearing is for the purpose of determining whether parental rights should be terminated. The effect of a termination judgment as set forth under O.C.G.A. §15-11-284 included the following: Georgia law provides that you (i.e., a parent) can permanently lose your rights as a parent. A petition to terminate parental rights has been filed requesting the Juvenile Court of Cobb County, Georgia, to terminate your parental rights to your child (i.e., the above child). If you fail to appear at the hearing on the Petition for Termination of Parental Rights, then the court can terminate your parental rights in your absence. If the court at trial finds that the facts set out in the petition are true and that termination of your rights will serve the best interest of your child, the court can enter a judgment ending your rights to your child. If the judgment terminates your parental rights, you will no longer have any rights to your child. This means that you will not have the right

through Friday, 8:00 a.m. until 5:00 p.m., exclusive of holidays. A free copy shall be available to you. Upon request, the copy will be mailed to you. The children are in the present temporary custody of the Cobb County Department of Family and Children Services.

The general nature of the allegations are that the mother and the alleged biological/putative father, Shannon White have abandoned the children.

YOU ARE FURTHER NOTIFIED that while responsive pleadings are not mandatory they are permissible and you are encouraged to file with the clerk of this court and serve upon petitioner's attorney, Justin M. Schneider, 272 Washington Avenue, Marietta, Georgia 30060, an answer or other responsive pleading within sixty (60) days of the date of the order for service by publication.

All concerned parties are informed that they are entitled to have an attorney represent them and if a party requests appointed counsel and qualifies for such appointment, then the court will appoint counsel at no cost if the party is unable, without financial hardship, to employ counsel.

Witness the Honorable
Amber N. Patterson,
Judge of said court.

This 30th day of June, 2020.

TAYAKI FORD, CLERK PRO TEM
JUVENILE COURT OF COBB
COUNTY

7:10,17,24,31-2020

MDJ-7879
GPN-10IN THE JUVENILE COURT OF
COBB COUNTY, GEORGIA
IN THE INTEREST OF:G.L.S. a/k/a G.O.; SEX-F; AGE-3;
DOB: 12/24/15; CASE# 19-CV-2533-07
A.F.S. a/k/a A.O.; SEX-F; AGE-3;
DOB: 12/24/15; CASE# 19-CV-2532-07

NOTICE OF SUMMONS.

TO: the mother, father and biological/putative father. The mother, father, the alleged biological/putative father of the above named children, the alleged biological/putative father, Omar Rashid, and alleged father, Darryl Owens, and any other male claiming an interest in the above children.

YOU ARE FURTHER NOTIFIED that a petition to terminate the parental rights of the parents of the named children has been filed in the Cobb County Juvenile Court and that by reason of an Order for service by publication entered by the court.

YOU ARE HEREBY COMMANDED AND REQUIRED to appear before the Juvenile Court of Cobb County, Georgia, in Marietta, Georgia, on the October 20, 2020 at 9:00 o'clock a.m. The hearing is for the purpose of determining whether the parental rights of the mother, Leah Ann Spengler, the alleged biological/putative father, Omar Rashid, and alleged father, Darryl Owens, and any other male claiming an interest in the above children should be terminated. The effect of an order terminating parental rights un-

request, the copy will be mailed to you. The children are in the present temporary custody of the Cobb County Department of Family and Children Services.

The general nature of the allegations are that the mother, mother (Uriah Ruiz-Gulley), the named alleged biological/putative father of Lellani Is. Cantrell Brooks, the named alleged biological/putative father of Logan Is. Donnell Williams, and any other male claiming an interest in the above children have abandoned the children.

YOU ARE FURTHER NOTIFIED that while responsive pleadings are not mandatory they are permissible and you are encouraged to file with the clerk of this court and serve upon petitioner's attorney, Justin M. Schneider, 272 Washington Avenue, Marietta, Georgia 30060, an answer or other responsive pleading within sixty (60) days of the date of the order for service by publication.

All concerned parties are informed that they are entitled to have an attorney represent them and if a party requests appointed counsel and qualifies for such appointment, then the court will appoint counsel at no cost if the party is unable, without financial hardship, to employ counsel.

Witness the Honorable
Amber N. Patterson,
Judge of said court.

This 30th day of June, 2020.

TAYAKI FORD, CLERK PRO TEM
JUVENILE COURT OF
COBB COUNTY

7:10,17,24,31-2020

MDJ-7904
GPN-17NOTICE OF PUBLIC SALE OF
PERSONAL PROPERTY

Pursuant to the lien granted by the Georgia Self-Storage Facility Act, notice is hereby given that the undersigned self-storage units will be sold at a public sale by competitive bidding, to satisfy the lien of the Lessor, with Metro Storage LLC as managing agent for Lessor, for rental and other charges due from the undersigned. The sold property has been stored and is located at the respective address below. Units up for auction will be listed for public bidding on-line at www.Storage-Treasures.com beginning five days prior to the scheduled auction date and time. The terms of the sale will be by lot to the highest bidder for cash only. A 10% buyers premium will be charged per unit. All sales are final. Metro Self Storage LLC reserves the right to withdraw any or all units, partial or entire, from the sale at any time before the sale or to refuse any bids. The property to be sold is described as general household items unless otherwise noted. All contents must be removed completely from the property within 48 hours or sooner or are deemed abandoned by bidder/buyer. Sale rules and regulations are available at the time of sale.

Property includes the storage unit contents belonging to the following tenants (names of tenants are not listed):

enced children was filed in the Juvenile Court of Cobb County, Georgia, on the 26th day of September, 2019, and that by reason of an Order for service by publication entered by the court on the 6th day of July, 2020;

YOU ARE HEREBY COMMANDED AND REQUIRED to appear before the Juvenile Court of Cobb County, Georgia, in Marietta, Georgia, on the 5th day of October, 2020, at 9:00 o'clock a.m. The hearing is for the purpose of determining whether parental rights should be terminated. The effect of a termination judgment as set forth under O.C.G.A. § 15-11-284 includes the following: Georgia law provides that you (i.e., a parent) can permanently lose your rights as a parent. A petition to terminate parental rights has been filed requesting the Juvenile Court of Cobb County, Georgia, to terminate your parental rights to your children (i.e., the above children). If you fail to appear at the hearing on the petition for termination of parental rights, then the court can terminate your parental rights in your absence. If the court at trial finds that the facts set out in the petition are true and that termination of your rights will serve the best interests of your children, the court can enter a judgment ending your rights to your children. If the judgment terminates your parental rights, you will no longer have any rights to your children. This means that you will not have the right to visit, contact, or have custody of your children or make any decisions affecting your children or your children's earnings or property. Your children will be legally freed to be adopted by someone else. Even if your parental rights are terminated, you will still be responsible for providing financial support (child support payments) for your children's care unless and until your children are adopted and your children can still inherit from you unless and until your children are adopted. The petition which seeks to terminate your parental rights is a very serious matter and it is suggested that you contact an attorney immediately so that you can be prepared for the court hearing on such petition. You have the right to hire an attorney and to have the attorney represent you. If you cannot afford to hire an attorney, then the juvenile court of Cobb County, Georgia, will appoint an attorney to represent you if the court finds that you are an indigent person. Whether or not you decide to hire an attorney or seek appointed counsel, you have the right to attend the hearing on such petition, to call witnesses on your behalf, and to question those witnesses brought against you.

A copy of the petition for termination of parental rights may be obtained from the clerk of the Juvenile Court of Cobb County, Georgia, which is located at 32 Waddell Street, Marietta, Cobb County, Georgia 30090, during regular business hours, Monday through Friday, 8:00 a.m. until 5:00 p.m., exclusive of holidays. A free copy shall be available to you. Upon request to the clerk, the copy will be mailed to you.

The right to redeem the following described property to wit:

INDEX

the clerk of the Juvenile Court of Cobb County, Georgia, which is located at 32 Waddell Street, Marietta, Cobb County, Georgia 30090, during regular business hours, Monday through Friday, 8:00 a.m. until 5:00 p.m., exclusive of holidays. A free copy shall be available to you. Upon request to the clerk, the copy will be mailed to you. The child is in the present temporary custody of the department of family and children services of Cobb County, Georgia.

The general nature of the allegation is that parental responsibilities and obligations owed to said child have been effectively abandoned.

YOU ARE FURTHER NOTIFIED that while responsive pleadings are not mandatory they are permissible and you are encouraged to file with the clerk of this court and serve upon petitioner's attorney, Sanders B. Deen, 272 Washington Avenue, Marietta, Georgia 30060, an answer or other responsive pleading within sixty (60) days of the date of the order for service by publication.

All concerned parties are informed that they are entitled to have an attorney represent them and if a party requests appointed counsel and qualifies for such appointment, then the court will appoint counsel at no cost if the party is unable, without financial hardship, to employ counsel.

Witness the Honorable

Jeffrey D. Hamby,

Judge of said court.

This 6th day of July, 2020.

TAYAKI FORD, CLERK PRO TEM
JUVENILE COURT OF
COBB COUNTY

7:10,17,24,31-2020

MDJ-7971
GPN-20

To:

RESIDENT/TENANT/OCCUPANT
JEFFERY LAWRENCE RACKLEY
AS ADMINISTRATOR OF THE
ESTATE OF J.L. RACKLEY AND
SUSAN NIX RACKLEY
MIKI RACKLEY TILSON
UNKNOWN HEIRS OF J.L. RACKLEY
UNKNOWN HEIRS OF SUSAN NIX
RACKLEYCOBB COUNTY, GEORGIA C/O
CHAIRMAN OF BOARD OF
COMMISSIONERS

CITY OF KENNESAW, GA C/O

ITS MAYOR

STATE OF GEORGIA C/O
GOVERNOR

Take Notice That:

The right to redeem the following described property to wit:

All that tract or parcel of land lying and being in District 20 and Land Lot 166 known as 2444 WOODLAND DR NW and parcel 20016600980 per records of Cobb County and plat maps of the County Tax Assessor's Office, subject to restrictions on record with the Clerk of Superior Court, Cobb County, Georgia, and excluding rights of way and easements. The property is more particularly described in the Cobb County deed records at Deed Book 1070, Page 341. Plat and deed are a part hereof.



**Regular Meeting Agenda
8/3/2020 6:30 PM
Council Chambers**

Title of Item:	Approval of the June 29, 2020 Mayor and Council executive session minutes.
Agenda Comments:	
Funding Line(s)	

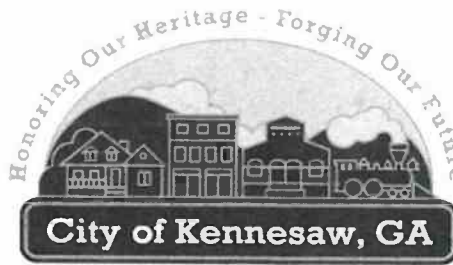
ATTACHMENTS:

Description	Upload Date	Type
Executive Session Affidavit	7/28/2020	Backup Material

MAYOR
Derek Easterling

City Manager
Jeff Drobney

City Clerk
Lea Addington



COUNCIL

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

Verification the Mayor and City Council have reviewed Minutes from the

June 29, 2020 Executive Session.

(please initial next to your name)

Mayor Derek Easterling

Date: 07/24/2020

Mayor Pro Tem Pat Ferris

Date: 7/23/2020

Councilmember James Eaton

Date: 7/24/2020

Councilmember Tracey Viars

Date: 7/27/20

Councilmember Chris Henderson

Date: 7/27/20

Councilmember David Blinkhorn

Date: 7/27/20

These Minutes were approved at the August 3rd, 2020 Mayor and City Council meeting.

ATTEST:

Lea Addington, City Clerk



**Regular Meeting Agenda
8/3/2020 6:30 PM
Council Chambers**

Title of Item:	Approval of the July 13, 2020 Mayor and Council work session minutes.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Work Session	7/24/2020	Minutes

Mayor
Derek Easterling
City Manager
Jeff Drobney
City Clerk
Lea Addington



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

City Council
Work Session Meeting Agenda
July 13, 2020 6:30 PM
Council Chambers

I. INVOCATION

II. PLEDGE OF ALLEGIANCE

III. CALL TO ORDER

Mayor Easterling called the regularly scheduled Work Session to order at 6:30 PM from the Council Chambers and via Facebook Live. All members of Council were present with Mayor Pro Tem Ferris participating via Zoom Meeting. Staff present: City Attorney Randall Bentley, Sr., Attorney Sam Hensley, Jr., City Manager Jeff Drobney, Assistant City Manager Marty Hughes, City Clerk Lea Addington, Economic Development Director Bob Fox, and Parks and Recreation Director Steve Roberts.

IV. ANNOUNCEMENTS

- A. Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center.

Mayor and Council will be conducting their meeting via real-time telephonic technology using Zoom Meeting and Facebook Live. You can access the meeting via the following link: <https://www.facebook.com/CityofKennesaw/>

V. PRESENTATIONS

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

VII. OLD BUSINESS

- A. DISCUSSION ONLY: Alcohol Ordinance Amendments Regarding Retail Establishments And Food Trucks.

Attorney Sam Hensley, Jr. presented potential amendments to the alcohol ordinance to allow retail establishments who do not meet the definition of an establishment written in code (bar, restaurant, etc.) that has the mechanisms to obtain an alcohol license. A draft ordinance was distributed to Council for review. It is a working document on how it can be integrated into our existing code. Councilmember Viars asked questions regarding fees and if food trucks can sell alcohol on Sundays. Attorney Hensley, Jr. shared he would look into that question. Councilmember Blinkhorn asked if food trucks could be parked on City streets instead of the property of an establishment. Attorney Hensley, Jr. shared jurisdictions seem to be uniform about restricting food trucks to be located on the

premises of an establishment but it can be looked into further. Councilmember Ferris is not sure who would benefit from these amendments and asked if there was a company wanting to do this? Councilmember Blinkhorn, Viars, and Economic Development Director Bob Fox agreed it is necessary to start providing a mix of activities within the Entertainment District to those visiting or living downtown.

Mayor Easterling asked if for Attorney Hensley, Jr. to move forward on creating a formal proposal is the consensus of Council. Council responded yes.

VIII. NEW BUSINESS

IX. COMMITTEE AND BOARD REPORTS

X. PUBLIC HEARING(S)

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

- A. FINAL PUBLIC HEARING: Approval of ORDINANCE to grant Cobb Electric Membership Corporation franchise in City of Kennesaw right of way. This is the final public hearing for an ordinance to grant permission and consent to Cobb Electric Membership Corporation (Cobb EMC), its successors, lessees, and assigns to occupy the streets and public places of the City of Kennesaw, Georgia in constructing, maintaining, operating, and extending poles, lines, cables, equipment and other apparatus for transmitting and distributing electricity and to establish terms, including but not limited to the terms of payment by Cobb EMC to the City, indemnification, relocation of facilities, economic development considerations, and repeal of the current Appendix D. This public hearing was advertised in the June 26, 2020 and July 3, 2020 editions of the Marietta Daily Journal. Legal has reviewed. Consideration for approval is at the July 20, 2020 Mayor and Council meeting at 6:30 PM. City Clerk recommends approval.

City Clerk Lea Addington presented the final public hearing for an ordinance renewing a franchise agreement with Cobb EMC. The public hearing has been duly advertised and the ordinance review by legal.

XI. CONSENT AGENDA

- A. Approval of June 29, 2020 work session minutes.
- B. Approval of the July 6, 2020 Mayor and City Council meeting minutes.

DEPARTMENT REPORTS

I. GENERAL AND ADMINISTRATIVE

GINA AULD, Finance Director

II. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief
LINDA DAVIS, 911 Communications Director

III. INFORMATION TECHNOLOGY

RICK ARNOLD, Operations Specialist
JOSHUA GUERRERO, Systems Administration Specialist

IV. PUBLIC WORKS

RICKY STEWART, Public Works Director
ROBBIE BALENGER, Facilities Manager

V. RECREATION AND CULTURE

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

A. DISCUSSION ONLY: Pigs and Peaches and Salute to America.

Parks and Recreation Director Steve Roberts shared with Council it is time to look at the Pigs and Peaches and Salute to America events due to COVID-19. Councilmember Blinkhorn asked what the vendor response has been so far and Mr. Roberts replied about half are interested. City Manager Jeff Drobney chimed in by sharing he is concerned about these events due to the rise in numbers of COVID-19 in Georgia. He does not want to put the public or the employees at risk. He asked other municipalities in Cobb County if they are holding large events and the response was no. There is a real reluctance in Cobb County to do so.

Mayor Pro Tem Ferris asked for this item to be placed on the agenda so the Council can vote on whether or not to continue with the events.

VI. COMMUNITY DEVELOPMENT

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

[Councilmember Viars recused herself from the Council Chambers].

A. Letter appeal by Ryan A. Lee from decision of the Planning and Zoning Administrator received by the City on June 25, 2020.

Attorney Randall Bentley, Sr. shared this item will be heard at the regular meeting on July 20, 2020 at 6:30 PM.

[Councilmember Viars returned to the Council Chambers].

VII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

VIII. CITY MANAGER'S REPORT (Jeff Drobney)

- B. City Manager reports, discussions and updates.

Dr. Drobney said the City received a letter from the Georgia Department of Community Affairs on the City of Kennesaw receiving its Qualified Local Government status.

- C. DISCUSSION ONLY: Recognition of Dale Burrell.

A continuation of discussion related to recognizing the contributions made by longtime resident and local businessman Dale Burrell with possible naming opportunities at Public Works or the softball complex.

Mayor and Council discussed various naming opportunities for Dale Burrell. The majority of Council wanted Dr. Drobney and staff to focus on different options for naming the Public Works building after Mr. Burrell.

Mayor Easterling asked for the item to be included on the August 10, 2020 work session agenda for continued discussion.

IX. MAYOR'S REPORT

- D. Ratify the Committee for Community Inclusion and Engagement.

This item was not discussed.

- E. 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.

X. COUNCIL COMMENTS

XI. 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

XII. ADJOURN

Mayor Easterling adjourned at 7:17 P.M. The next regularly scheduled meeting will be held Monday, July 20, 2020 at 6:30 p.m. in the Council Chambers.



**Regular Meeting Agenda
8/3/2020 6:30 PM
Council Chambers**

Title of Item:	Approval of the July 13, 2020 Special Call Fiscal Year 2020-2021 Mayor and Council budget work session minutes.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Work Session Minutes	7/22/2020	Minutes

Mayor
Derek Easterling
City Manager
Jeff Drobney
City Clerk
Lea Addington



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

**City Council
Work Session
Special Call Meeting Agenda
July 13, 2020 7:00 PM
Council Chambers**

- I. INVOCATION**
- II. PLEDGE OF ALLEGIANCE**
- III. CALL TO ORDER**

Mayor Easterling called the Special Call FY 20-21 Budget Work Session to order at 7:20 PM from the Council Chambers and via Facebook Live. All members of Council were present with Mayor Pro Tem Ferris participating via Zoom Meeting. Staff present included City Manager Jeff Drobney, City Clerk Lea Addington, and all Department Heads.

IV. ANNOUNCEMENTS

- A. Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center.

Mayor and Council will be conducting their meeting via real-time telephonic technology using Zoom Meeting and Facebook Live. You can access the meeting via the following link: <https://www.facebook.com/CityofKennesaw/>

- V. PRESENTATIONS**
- VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR**
- VII. OLD BUSINESS**

No items.

VIII. NEW BUSINESS

- A. DISCUSSION ONLY: Draft Citywide Budget for FY 2020-2021.

Staff presented the Fiscal Year 2021 recommended budget to Council for their consideration. The Fiscal Year 2021 budget is \$25,044,940, which is an approximate 1% increase from last year. Some highlights provided by Finance Director Gina Auld include how this budget anticipates the millage rate to remain unchanged for the 14th consecutive year and how the City is to fund its reserve account with over \$800,000. COVID -19 severely impacted Title Ad Valorem Tax, SPLOST, court, liquor tax, and revenues generated by Parks & Recreation, the Southern Museum, and Smith Gilbert Gardens.

Dr. Drobney shared there was an additional big change with Title Ad Valorem Tax. The formula has changed effective July 1, 2020 so we should see an uptick in that revenue stream. He also mentioned our Senior Tax Exemption continues to grow. The dollar amount will surpass \$1 million in FY 2022. He explained it will not be sustainable in the long run and will continue to increase.

Department Heads presented their operating budgets, highlights, any capital outlay items, and position summaries for their departments, respectively.

IX. COMMITTEE AND BOARD REPORTS

No items.

X. PUBLIC HEARING(S)

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

XI. CONSENT AGENDA

No Items.

DEPARTMENT REPORTS

XII. GENERAL AND ADMINISTRATIVE

GINA AULD, Finance Director

No Items.

XII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief

LINDA DAVIS, 911 Communications Director

No Items.

XIV. INFORMATION TECHNOLOGY

RICK ARNOLD, Operations specialist

JOSHUA GUERRERO, Systems Administration Specialist

No Items.

XV. PUBLIC WORKS

RICKY STEWART, Director

No Items.

XVI. RECREATION AND CULTURE

RICHARD BANZ, Museum Director

STEVE ROBERTS, Parks and Recreation Director ANN

PARSONS, Smith-Gilbert Gardens Director

No Items.

XVII. COMMUNITY DEVELOPMENT

ROBERT FOX, Economic Development Director

DARRYL SIMMONS, Zoning Administrator SCOTT

BANKS, Building Official

No Items.

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

XIX. CITY MANAGER'S REPORT (Jeff Drobney)

XX. MAYOR'S REPORT

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

Mayor Easterling adjourned at 8:06 P.M.



**Regular Meeting Agenda
8/3/2020 6:30 PM
Council Chambers**

Title of Item:	Approval of the July 20, 2020 Mayor and Council meeting minutes.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Minutes	7/23/2020	Minutes

**MINUTES OF MAYOR & CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
Monday, July 20, 2020
6:30 p.m.**

Present: Mayor Derek Easterling
City Clerk Lea Addington
City Attorney Randall Bentley, Sr.
City Manager Jeff Drobney
Councilmember Viars
Councilmember Blinkhorn

Zoom Meeting:
Mayor Pro Tem Pat Ferris
Councilmember James Eaton
Councilmember Henderson

Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in compliance with O.C.G.A. §50-14-1, this meeting was only conducted via the use of Zoom Meeting and Facebook Live as the real-time telephonic technologies allowing the public simultaneous access to the public meeting.

The public had access to the Facebook Live via the following link:
<https://www.facebook.com/CityofKennesaw/>

I. INVOCATION

City Attorney Randall Bentley, Sr. led the invocation.

II. PLEDGE OF ALLEGIANCE

Deputy City Clerk, James Friedrich, led the Pledge of the Allegiance.

III. CALL TO ORDER

IV. ANNOUNCEMENTS

- A. Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is only being conducted via the use of real-time telephonic technologies allowing the public simultaneous access to the public meeting.

Mayor and Council will be conducting their meeting through Zoom Meeting and Facebook Live and you can access the meeting via the following link:
<https://www.facebook.com/CityofKennesaw/>

- B. If you would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record.

[The City Attorney swore-in Assistant City Manager, Marty Hughes, to read public comments emailed to kennesawcouncil@kennesaw-ga.gov throughout the meeting].

V. PRESENTATIONS

Trina Griffiths, a candidate for Cobb State Court Judge Post 6, presented herself and her platform to the public. Ms. Griffiths is a 31-year resident of Cobb County and has 25 years of experience in Cobb County State Court as both a prosecutor and defense attorney. She asked for the public's vote during the runoff on August 11, 2020 and encouraged everyone to view her website, vote4trina.com. Early voting began today.

Craig Owens, a candidate for Cobb County Sheriff, presented himself and his platform to the public. He said he is running this race because it is time to bring truth, trust, and transparency to Cobb County. He has been a part of the Cobb County Police Department for over 30 years after serving in the military. He encouraged everyone to view his website, craigforcobbsheriff.com.

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

[Councilmember Tracey Viars recused herself from the Council Chambers].

6:38 PM Floor Open for Public Comments on agenda items

Assistant City Manager Marty Hughes read the names of individuals who sent in emails to kennesawcouncil@kennesaw-ga.gov. The following 16 names were read in support of Mr. Ryan A. Lee's appeal from decision of the Planning and Zoning Administrator: Katrina Champion (Cobb County resident); Barry Miller (Cobb County resident); Cindy McKinlay (Cobb County resident); Robert DeVillar (Cobb County resident); Nancy Dowling (Cobb County resident); Marvin Crutchfield (Cobb County resident); Lorraine Tyrell (Cobb County resident); Scott Grayson (Cobb County); John Isenhour (Cobb County resident); Steve Zambito (Cobb County resident); Jane Donegan (Cobb County resident); Pat Henssler (City of Kennesaw business owner); Dianne Hunter (Cobb County resident); Gloria Behrle (Cobb County resident); George Alexander (Cobb County resident); and David Corn (Cobb County resident). Please see "Public Comments - A."

6:41 PM Floor Closed to Public Comments on agenda items

[Councilmember Viars returned to the Council Chambers].

VII. OLD BUSINESS

No items.

VIII. NEW BUSINESS

No items.

IX. COMMITTEE AND BOARD REPORTS

No items.

[Roll call votes were taken for each item by post. Each councilmember announced his or her vote with a verbal “yay” or “nay”].

X. PUBLIC HEARING(S)

- A. FINAL PUBLIC HEARING: Approval of **ORDINANCE NO. 2020-07, 2020** to grant Cobb Electric Membership Corporation franchise in City of Kennesaw right of way. This is the final public hearing for an ordinance to grant permission and consent to Cobb Electric Membership Corporation (Cobb EMC), its successors, lessees, and assigns to occupy the streets and public places of the City of Kennesaw, Georgia in constructing, maintaining, operating, and extending poles, lines, cables, equipment and other apparatus for transmitting and distributing electricity and to establish terms, including but not limited to the terms of payment by Cobb EMC to the City, indemnification, relocation of facilities, economic development considerations, and repeal of the current Appendix D. This public hearing was advertised in the June 26, 2020 and July 3, 2020 editions of the Marietta Daily Journal. Legal has reviewed. Consideration for approval is at the July 20, 2020 Mayor and Council meeting at 6:30 PM. City Clerk recommends approval.

Mayor Easterling presented the ordinance to grant Cobb EMC franchise in City of Kennesaw right of way. It has been reviewed by legal and properly advertised.

Motion by Councilmember Eaton to approve the ordinance to grant Cobb EMC franchise in City of Kennesaw right of way, as presented, seconded by Councilmember Blinkhorn.

6:42 PM Floor Open for Public Comments

No comment.

6:43 PM Floor Closed for Public Comments

Roll call vote taken:

Post 1, James Eaton – Yay
Post 2, Tracey Viars -- Yay
Post 3, Pat Ferris -- Yay
Post 4, Chris Henderson -- Yay
Post 5, David Blinkhorn -- Yay

Motion approved unanimously, 5-0. Motion carried.

XI. CONSENT AGENDA

- A. Approval of the June 29, 2020 Mayor and City Council work session minutes.

B. Approval of the July 6, 2020 Mayor and City Council meeting minutes.

Motion by Councilmember Viars to approve the Consent Agenda engross, seconded by Mayor Pro Tem Ferris.

Roll call vote taken:

Post 1, James Eaton – Yay

Post 2, Tracey Viars -- Yay

Post 3, Pat Ferris -- Yay

Post 4, Chris Henderson -- Yay

Post 5, David Blinkhorn -- Yay

Motion approved unanimously, 5-0. Motion carried.

XII. FINANCE AND ADMINISTRATION

GINA AULD, Finance Director

No items.

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief

LINDA DAVIS, 911 Communications Director

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

A. Approval to cancel the 2020 Pigs and Peaches and Salute to America events due to the current public health crisis related to COVID-19.

Parks and Recreation Director Steve Roberts expressed the need to cancel the upcoming Pigs and Peaches and Salute to America events to protect everyone's health and wellbeing.

Motion by Councilmember Eaton to approve the cancellation of the 2020 Pigs and Peaches and Salute to America events due to the current public health crisis related to COVID-19, seconded by Councilmember Blinkhorn.

Roll call vote taken:

Post 1, James Eaton – Yay
Post 2, Tracey Viars -- Yay
Post 3, Pat Ferris -- Yay
Post 4, Chris Henderson -- Yay
Post 5, David Blinkhorn -- Yay

Motion approved unanimously, 5-0. Motion carried.

XVII. COMMUNITY DEVELOPMENT

ROBERT FOX, Economic Development Director

DARRYL SIMMONS, Zoning Administrator

SCOTT BANKS, Building Official

[Councilmember Viars recused herself from the Council Chambers for item XVII-A].

- A. Letter appeal by Ryan A. Lee from decision of the Planning and Zoning Administrator received by the City on June 25, 2020.

City Attorney Randall Bentley, Sr. explained the order of procedures regarding the appeal. The motion to dismiss filed by Attorney Sam Hensley, Jr., representing Darryl Simmons in his capacity as Zoning Administrator for the City of Kennesaw, would be heard first. This motion, in written form, was submitted to the City Clerk and the Council with the exception of Councilmember Viars. After, Mr. Lee would be allowed to respond only to the motion to dismiss. Council would then deliberate on whether to grant or deny the motion to dismiss. If the motion were granted, there would be no further hearing on the matter this evening. If it were denied, Mr. Lee would be allowed to present his appeal and Attorney Hensley, Jr. would be allowed to cross-examine him and any witness Mr. Lee provides.

Attorney Sam Hensley, Jr., presented the letter appeal by Ryan A. Lee from decision of the Planning and Zoning Administrator received by the City on June 25, 2020. Attorney Hensley, Jr. presented five legal objections to the appeal that was filed by Mr. Lee regarding the Mayor and Council's action on June 15, 2020 stating that a vote on the specific issue of the applicability of the current definition of "family" in the Unified Development Code in the context of the 1465 Shiloh Road rezoning is necessary. Attorney Hensley, Jr. read five legal objections into the record including the following: the appeal is premature and not ripe for review; Mr. Lee has failed to bring an indispensable party; no appealable decision has been made by Mr. Simmons; Mr. Lee has no standing to appeal due to a lack of any special damage resulting from the City's approval of units with more than three bedrooms; and Mr. Lee has failed to exhaust administrative remedies. Please see "Exhibit A."

Mr. Lee was called to respond to the five objections Attorney Hensley, Jr. brought forth. Mr. Lee shared with Mayor and Council he had not received the motion. He asked for a copy of the motion and to be given time to review in order to respond. Attorney Hensley, Jr. mentioned the motion was emailed to Mr. Lee. Mayor Easterling asked for it to be reflected in the minutes Attorney Richard Calhoun was not present.

Mr. Lee clarified the question he is raising is not just related to the 1465 Shiloh Road rezoning. It is a question regarding an interpretation from Mr. Simmons generally applicable to all properties within the City of Kennesaw limits. He has not filed an appeal against the rezoning.

In an effort to allow Mr. Lee time to review the motion to dismiss, Councilmember Blinkhorn made a motion to table the item until the end of the meeting, seconded by Councilmember Henderson.

There was no debate regarding the motion to table the item until the end of the meeting.

Roll call vote taken:

Post 1, James Eaton – Yay
Post 2, Tracey Viars -- Recused
Post 3, Pat Ferris -- Yay
Post 4, Chris Henderson -- Yay
Post 5, David Blinkhorn -- Yay

Motion approved, 4-0-1 [Councilmember Viars recused]. Motion carried.

The motion to dismiss was delivered to Mr. Lee at 7:10 PM.

[Councilmember Viars returned to the Council Chambers].

[Please note: this item was tabled to the end of the meeting and was further discussed after XXII. EXECUTIVE SESSION –Land, Legal, Personnel when Council was read back into open session and Councilmember Viars recused herself].

[Councilmember Viars recused herself from the Council Chambers].

Attorney Sam Hensley, Jr. shared with Mayor and Council since they had last met, he, Mr. Lee and Mr. Simmons had an opportunity to work collaboratively on this issue. Mr. Lee would be willing to withdraw the appeal with the opportunity to refile it within 30 days. In the interim, a meeting will be set up between Mr. Lee, the Planning and Zoning department, and any party necessary to discuss the substantive issues of his appeal. Attorney Hensley, Jr. hopes to work out something not only to address the issues Mr. Lee brought up relative to the 1465 Shiloh Road rezoning but also down the road with the proposed Purpose Built Student Housing ordinance. Attorney Hensley, Jr. does not waive any of his objections.

Mayor Easterling asked and Mr. Lee responded it his desire to withdraw his appeal with the right to refile within 30 days. He agreed that everything Attorney Hensley, Jr. had relayed to Mayor and Council (8:33 PM) is true and correct. He added his intent is to convey his understanding and try to present his case regarding enforcing what is within the Unified Development Code. He has no intention in appealing the rezoning.

Attorney Doug Dillard, with Dillard Sellers Attorneys at Law, stated he represents Fountain Residential in the successful rezoning of 1465 Shiloh Road. Attorney Dillard does not agree with the appeal and asked for it be dismissed.

Councilmember Blinkhorn mentioned the appeal letter filed by Mr. Lee specifically addresses the rezoning of 1465 Shiloh Road and that no decision made tonight will preclude him from working with Mr. Simmons on anything related to the Unified Development Code, which is not a part of his appeal. He would like to hear Mr. Lee's response to the objections Attorney Hensley, Jr. raised. As definitions and the Unified Development Code were not part of the item Mayor and Council voted on June 15, 2020, he believes Council should move forward with their decision.

Mayor Easterling pointed out when the original 30-day filing period began is an interpretation Mr. Lee's attorney would have to make.

Motion by Councilmember Blinkhorn to dismiss the letter appeal by Ryan A. Lee from decision of the Planning and Zoning Administrator received by the City on June 25, 2020, as presented, seconded by Councilmember Henderson.

For the record, Mr. Lee reminded Mayor and Council he had not received this motion until this evening. The agenda item also had no mention of a motion to dismiss. Mr. Lee walked through his responses to Attorney Hensley, Jr.'s objections noting the Unified Development Code states for him to appeal before Mayor and Council regarding his disagreement with the Zoning Administrator's interpretation of a definition within it. He has spoken with Mr. Simmons. He shared both are open-minded and he hopes they can come to some resolution.

Attorney Hensley, Jr. clarifies some possible misunderstandings in his motion to dismiss.

Roll call vote taken:

Post 1, James Eaton – Yay
Post 2, Tracey Viars -- Recused
Post 3, Pat Ferris -- Yay
Post 4, Chris Henderson -- Yay
Post 5, David Blinkhorn – Yay

Motion approved, 4-0-1 [*Councilmember Viars recused*]. Motion carried.

[Councilmember Viars returned to the Council Chambers].

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

7:10 PM Floor Open for Public Comments

HELEN HAYNES [City resident]: Ms. Haynes was glad Southeastern Connections (SEC) is leaving the laydown lot; however, she believes a trailer on the lot will still be there for the next 30-60 days. Her biggest concern is of a personal nature. She shared her contact information was given to SEC and she has since received phone calls, emails and a

member of the company has looked her up on LinkedIn. She feels as though she is being targeted. Her request is some type of barrier be put up so her and her neighbors' homes are not visible from the lot. She feels as though she has lost her privacy.

City Manager Jeff Drobney stated the individuals he has been in contact with from SEC have been extremely responsive and quick to act. He has also been in constant contact with Ms. Haynes' HOA president. Dr. Drobney will contact the project managers tomorrow and let them know about her concerns.

7:17 PM Floor Closed for Public Comments

XIX. CITY MANAGERS REPORT – Jeff Drobney

A. City Manager reports, discussions and updates.
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.

Mayor Easterling asked Council to ratify the Committee for Community Inclusion and Engagement and for Councilmember Blinkhorn to be the staff liaison.

Councilmember Blinkhorn made a motion to ratify the Committee for Community Inclusion and Engagement, seconded by Councilmember Viars.

Roll call vote taken:

Post 1, James Eaton – Yay
Post 2, Tracey Viars -- Yay
Post 3, Pat Ferris -- Yay
Post 4, Chris Henderson -- Yay
Post 5, David Blinkhorn – Yay

Motion approved unanimously, 5-0. Motion carried.

XXI. COUNCIL COMMENTS

Councilmember Eaton exclaimed kudos to his grandchildren, Shelby and Isabelle. The girls had a successful lacrosse tournament this past weekend!

Mayor Pro Tem Ferris mentioned how hot it is outside— looks like we are in the middle of summer! People are enjoying going to the lake.

Councilmember Blinkhorn shared he enjoyed watching baseball this weekend.

Councilmember Henderson praised the women in his life. His youngest, Abby, has started her own Etsy business selling stickers, his oldest, Emma, found out she is starting pitcher on the junior varsity softball team at North Cobb High School, and his wife is starting a new job at the beginning of August. Good news all around!

Councilmember Viars spent some time in downtown Kennesaw this weekend. It was great to see people get out and social distance. There was a great crowd at Dinner at the Depot. She asked people to have patience with each other during this time.

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.

Roll call vote taken:

Post 1, James Eaton – Yay
Post 2, Tracey Viars -- Yay
Post 3, Pat Ferris -- Yay
Post 4, Chris Henderson -- Yay
Post 5, David Blinkhorn – Yay

Motion approved unanimously, 5-0. Motion carried.

7:23 PM Recess to Executive Session

Mayor, City Council, City Attorney, City Manager, Assistant City Manager, City Clerk and Police Chief attended Executive Session.

8:30 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.

Roll call vote taken:

Post 1, James Eaton – Yay
Post 2, Tracey Viars -- Yay
Post 3, Pat Ferris -- Yay
Post 4, Chris Henderson -- Yay
Post 5, David Blinkhorn – Yay

Motion approved unanimously, 5-0. Motion carried.

No action taken.

XXIII. ADJOURN

Mayor Easterling adjourned the meeting at 8:55 P.M. The next regularly scheduled meeting will be held Monday, July 20, 2020 at 6:30 P.M. in the Council Chambers.

Lea Addington, City Clerk

Marty Hughes

From: Katrina Champion [REDACTED]
Sent: Sunday, July 19, 2020 1:21 PM
To: kennesawcouncil
Subject: Public Comment on the Agenda – Support for the letter of appeal by Ryan A. Lee from decision of the Planning and Zoning Administrator

To the Mayor and City Council of Kennesaw,

I'm writing today regarding the agenda item under Community Development, letter of appeal by Mr. Ryan Lee from the decision of the Planning and Zoning Administrator. I'm emailing to support his appeal and hope you will approve to lower the bedroom density of 1465 Shiloh Road and all future student housing projects unless a variance is heard by public hearing. I look forward to reading about your vote in the next few days.

Sincerely,

--
Katrina Champion
3875 Shiloh Trail W NW, Kennesaw, GA 30144

Marty Hughes

From: BARRY MILLER [REDACTED]
Sent: Sunday, July 19, 2020 4:04 PM
To: kennesawcouncil
Subject: Public Comment on the Agenda – Support for the letter of appeal by Ryan A. Lee from decision of the Planning and Zoning Administrator

To the Mayor and City Council of Kennesaw,

As a 24 year resident of Pine Tree, I'm writing today regarding the agenda item under Community Development, letter of appeal by Mr. Ryan Lee from the decision of the Planning and Zoning Administrator. I'm emailing to support his appeal and hope you will approve to lower the bedroom density of 1465 Shiloh Road and all future student housing projects unless a variance is heard by public hearing. I look forward to reading about your vote in the next few days.

Sincerely,

Barry Miller
3691 Frey Lake Road NW
Kennesaw, GA 30144

Marty Hughes

From: Cindy McKinlay [REDACTED]
Sent: Sunday, July 19, 2020 4:37 PM
To: kennesawcouncil
Subject: Public comment on agenda

To the Mayor and City Council of Kennesaw,

I'm writing today regarding the agenda item under Community Development, letter of appeal by Mr. Ryan Lee from the decision of the Planning and Zoning Administrator. I'm emailing to SUPPORT HIS APPEAL and hope you will approve to lower the bedroom density of [1465 Shiloh Road](#) and all future student housing projects unless a variance is heard by public hearing. I look forward to reading about your vote in the next few days

Sincerely,

Cindy and Don McKinlay
Pinetree Homeowner
[1381 Stonehenge Ct.](#)
[Kennesaw, GA. 30144](#)

Marty Hughes

From: Robert A. DeVillar [REDACTED]
Sent: Sunday, July 19, 2020 5:32 PM
To: kennesawcouncil
Cc: [REDACTED]
Subject: Public Comment on the Agenda: Support for the letter of appeal by Ryan A. Lee from decision of the Planning and Zoning Administrator

To the Mayor and City Council of Kennesaw:

My spouse and I are writing today regarding the agenda item under Community Development, letter of appeal by Mr. Ryan Lee from the decision of the Planning and Zoning Administrator. We are e-mailing to support his appeal and hope you will approve to lower the bedroom density of 1465 Shiloh Road and all future student housing projects unless a variance is heard by public hearing.

There are existing conditions that such a repeal is in the interest of the common good and sensible residential configurations, that include residential designs that are not family- or community-based, or for that matter, demographically-based, particularly in light of the COVID-19 pandemic and its immediate, short-term, medium-term, and in all probability, long-term effects on face-to-face instructional delivery versus online instructional delivery designs. A surplus of units that are not designed for existing or foreseeable future demand can lead, for example, to below-market rental rates and rental contract modifications that are insufficient to sustain required maintenance and could thus promote the deterioration of the units and property. Also, streets have not been designed to accommodate exacerbated vehicular traffic patterns and vehicle-parking off the proposed premises would impact negatively the neighborhood streets and existing residences.

There are other factors that relate to the appeal for a reduced bedroom density, expertly identified and expressed by Mr. Ryan Lee, and with which we fully concur.

We look forward to reading about your vote in the next few days.

Sincerely,

Robert A. DeVillar
Binbin DeVillar
1314 Shiloh Trail East NW
Kennesaw, GA 30144

Marty Hughes

From: Nancy Dowling [REDACTED]
Sent: Sunday, July 19, 2020 5:35 PM
To: kennesawcouncil
Subject: Public Comment on the Agenda – Support for the letter of appeal by Ryan A. Lee from decision of the Planning and Zoning Administrator

To the Mayor and City Council of Kennesaw,

I'm writing today regarding the agenda item under Community Development, letter of appeal by Mr. Ryan Lee from the decision of the Planning and Zoning Administrator. I'm emailing to support his appeal and hope you will approve to lower the bedroom density of 1465 Shiloh Road and all future student housing projects unless a variance is heard by public hearing. I look forward to reading about your vote in the next few days.

Sincerely,

Nancy Dowling

3741 Frey Lake Road NW

Kennesaw, GA 30144

Marty Hughes

From: Marvin Crutchfield [REDACTED]
Sent: Sunday, July 19, 2020 7:01 PM
To: kennesawcouncil
Subject: Support for letter of appeal by Ryan Lee about decision of Plan and zoning Administrator

To mayor And city council kennesaw I support letter o appeal by Ryan Lee about decision o planning and zoning administrator. I support lower bedroom density of 1465 Shiloh Road and all future student housing projects unless variance is heard by public hearing. Looking forward to your action on this appeal Thanks for your consideration.
Marvin Crutchfield 3644 club Dr Kennesaw Ga 30144

Marty Hughes

From: Lorraine Tyrell [REDACTED]
Sent: Sunday, July 19, 2020 7:19 PM
To: kennesawcouncil
Subject: Fwd: Public comment on agenda

To the Mayor and City Council of Kennesaw,

I'm writing today regarding the agenda item under Community Development, letter of appeal by Mr. Ryan Lee from the decision of the Planning and Zoning Administrator. I'm emailing to **SUPPORT HIS APPEAL** and hope you will approve to lower the bedroom density of 1465 Shiloh Road and all future student housing projects unless a variance is heard by public hearing. I look forward to reading about your vote in the next few days

Sincerely,
Lorraine and Michael Tyrell
Pinetree Homeowner
1382 Stonehenge Court
Kennesaw, GA 30144

Marty Hughes

From: SCOTT GRAYSON [REDACTED]
Sent: Sunday, July 19, 2020 8:28 PM
To: kennesawcouncil
Subject: Appeal

To the Mayor and City Council of Kennesaw,

I'm writing today regarding the agenda item under Community Development, letter of appeal by Mr. Ryan Lee from the decision of the Planning and Zoning Administrator. I'm emailing to SUPPORT HIS APPEAL and hope you will approve to lower the bedroom density of 1465 Shiloh Road and all future student housing projects unless a variance is heard by public hearing. I look forward to reading about your vote in the next few days

Sincerely,

Scott A Grayson
[REDACTED]

Marty Hughes

From: John Isenhour [REDACTED]
Sent: Sunday, July 19, 2020 10:15 PM
To: kennesawcouncil
Subject: Public Comment on the Agenda – Support for the letter of appeal by Ryan A. Lee from decision of the Planning and Zoning Administrator

To the Mayor and City Council of Kennesaw,

I'm writing today regarding the agenda item under Community Development, letter of appeal by Mr. Ryan Lee from the decision of the Planning and Zoning Administrator. **I'm emailing to support his appeal** and hope you will approve to lower the bedroom density of 1465 Shiloh Road and all future student housing projects unless a variance is heard by public hearing. I look forward to reading about your vote in the next few days.

Sincerely,

John Isenhour, Ph.D.

1345 Shiloh Trail E Northwest, Kennesaw, GA 30144

Marty Hughes

From: * Steve Zambito * [REDACTED]
Sent: Monday, July 20, 2020 12:13 AM
To: kennesawcouncil
Subject: 1465 Shiloh Road – Appeal of the Zoning Administrator by Mr. Ryan A. Lee

Subject: 1465 Shiloh Road – Appeal of the Zoning Administrator by Mr. Ryan A. Lee

To the Mayor and City Council of Kennesaw,

Against: “the project should not be granted a larger density of bedrooms”

I’m writing today as I’ve heard via email that Mr. Lee has filed an appeal with the City of Kennesaw regarding Mr. Simmons decision of zoning enforcement for density for the 1465 Shiloh Road property which I understand is being heard on July 20, 2020. I was disappointed regarding the rezoning of 1465 Shiloh, but write to support Mr. Lee’s appeal and want to send an email of support regarding his interpretation that the project should not be granted a larger density of bedrooms without a variance. This appeal makes sense to me and has far reaching effects because if 1465 Shiloh Road is granted this density, wouldn’t a single family property also be afforded the same rights if they were renting out to students per bedroom? If this is what the city wants to allow it makes sense that they should go on the record and vote on it, but I do not believe that was your intention. Please support his appeal and I look forward to the upcoming public hearing.

What is next, a Traffic Light at the Entrance/Exit to the complex – that will be bad for Shiloh Road – due to the amount of vehicles using Shiloh Road.

We at Pinetree cannot turn in from Shiloh on to Ayres Drive, how many wrecks will there be – allowing vehicles to turn in and out of this complex onto Shiloh Road ?

Someone needs to look at the speed of vehicles that come thru the Wade Green Intersection traveling south on Shiloh Rd. – you will be surprised at the speeds that cars travel just passing Ayres Drive.

Also, might want to take a look at the complex U-TURNS that are accomplished on Shiloh by people not legal to turn Left out of Ayres Drive, right where proposed property will be accessing Shiloh Road.

Traffic Studies should be done before this complex is even considered (Car Counting would be nice). Adding a 2nd intersection traffic light will really screw up Wade Green Road and people trying to leave Pinetree.

Sincerely,

Steve Zambito
3740 Frey Lake Road
Kennesaw, GA 30144
[REDACTED]

Marty Hughes

From: Dick D [REDACTED]
Sent: Monday, July 20, 2020 6:54 AM
To: kennesawcouncil
Subject: Public Comment on the Agenda – Support for the letter of appeal by Ryan A. Lee from decision of the Planning and Zoning Administrator

To the Mayor and City Council of Kennesaw,

I'm writing today regarding the agenda item under Community Development, letter of appeal by Mr. Ryan Lee from the decision of the Planning and Zoning Administrator. I'm emailing to support his appeal and hope you will approve to lower the bedroom density of 1465 Shiloh Road and all future student housing projects unless a variance is heard by public hearing. I look forward to reading about your vote in the next few days. Sincerely

Jane Donegan
1611 Wimbledon Drive
Kennesaw, GA 30144

Marty Hughes

From: Pat Henssler <phenssler@hensslercpa.com>
Sent: Monday, July 20, 2020 8:09 AM
To: kennesawcouncil
Subject: Public comment - Support the letter of appeal by Ryan Lee from decision of palling and development

To the Mayor and City Council Of Kennesaw:

I am writing in support of the letter of appeal by Ryan A Lee regarding the decision of the Planning and Zoning Administrator. I support his appeal of the approval to lower bedroom density at 1465 Shiloh Road and all future student housing projects unless a variance is heard in a public meeting.

I am both a home owner in Pinetree, and a partner in several homes in the city of Kennesaw.

Patricia Henssler
1420 Masters ct
Kennesaw, GA 30144

Sent from my iPad

Marty Hughes

From: Dianne.Hunter [REDACTED]
Sent: Monday, July 20, 2020 2:06 PM
To: kennesawcouncil
Subject: Public Comment on the Agenda-Support for the letter of appeal by Ryan A. Lee from decision of the Planning and Zoning Administrator

To the Mayor and City Council of Kennesaw,

I'm writing today regarding the agenda item under Community Development, letter of appeal by Mr. Ryan Lee from the decision of the Planning and Zoning Administrator. I'm emailing to support his appeal and hope you will approve to lower the bedroom density of [1465 Shiloh Road](#) and all future student housing projects unless a variance is heard by public hearing. I look forward to reading about your vote in the next few days.

Sincerely,

Dianne Hunter
3493 McCollum Parkway
Kennesaw, Georgia 30144

Sent from my iPad

Marty Hughes

From: Gloria Behrle [REDACTED]
Sent: Monday, July 20, 2020 3:05 PM
To: kennesawcouncil
Subject: Public Comment on the Agenda – Support for the letter of appeal by Ryan A. Lee from decision of the Planning and Zoning Administrator

To the Mayor and City Council of Kennesaw,

I'm writing today regarding the agenda item under Community Development, letter of appeal by Mr. Ryan Lee from the decision of the Planning and Zoning Administrator. I'm emailing to support his appeal and hope you will approve to lower the bedroom density of 1465 Shiloh Road and all future student housing projects unless a variance is heard by public hearing. I look forward to reading about your vote in the next few days.

Sincerely,

Gloria Behrle

1390 Stonehenge Ct. NW
Kennesaw, GA 30144

Marty Hughes

From: Buzz Alexander [REDACTED]
Sent: Monday, July 20, 2020 3:16 PM
To: kennesawcouncil
Subject: 1465 Shiloh Road

As I suspected, once you opened the door to another "student development" the developer/builder would ask for more beds. It really doesn't matter what this does to the community as long as someone gets more dollars in their pockets. I doubt that this will be the last request. You really do not care what you do to property values and it really does not matter if someone lives in the city or not. "To hell with quality of life, just give us more dollars."

Obviously, I did not support the rezoning, and I certainly do not wish to have more students cutting through my neighborhood with loud music and cars revving their engines.

George Alexander
3821 Club Dr. NW
Kennesaw, Georgia 30144
Pinetree Community

--

Please remove all names before forwarding.

Marty Hughes

From: David C [REDACTED]
Sent: Monday, July 20, 2020 5:36 PM
To: kennesawcouncil
Subject: Public Comment on the Agenda – Support for the letter of appeal by Ryan A. Lee

To the Mayor and City Council of Kennesaw,

I'm writing today regarding the agenda item under Community Development, letter of appeal by Mr. Ryan Lee from the decision of the Planning and Zoning Administrator. I'm emailing to support his appeal and hope you will approve to lower the bedroom density of 1465 Shiloh Road and all future student housing projects unless a variance is heard by public hearing. I look forward to your decision tonight.

Sincerely,

David Corn
1375 Stonehenge Ct
Kennesaw, Ga. 30144

BENTLEY, BENTLEY & BENTLEY

Attorneys at Law

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MARIETTA, GEORGIA 30060
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THEBENTLEYFIRM.COM

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R. RANDALL BENTLEY, SR.

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FACSIMILE No.:
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*ADMITTED TO PRACTICE IN
LOUISIANA AND TEXAS

FRED D. BENTLEY, SR.
(1926 - 2019)

OF COUNSEL

SAM P. HENSLEY, JR.
JAMIE S. WINGLER
LAUREN L. MCKENZIE
STAN D. BABB
COLEEN D. HOSACK
LINDA W. BRUNT
J. MATTHEW BENTLEY
J. ALLEN BUSH

July 13, 2020

The Honorable Derek Easterling, Mayor
The Following Kennesaw City Council Members:
David Blinkhorn
Pat Ferris
James "Doc" Eaton
Chris Henderson
J. O. Stephenson Parkway
Kennesaw, Georgia 30144

RECEIVED

JUL 13 2020

CITY CLERK
CITY OF KENNESAW

Re: **Ryan A. Lee "Letter of Appeal From Decision of the Planning & Zoning
Administrator"**
1465 Shiloh Road, Kennesaw, Georgia
Motion to Dismiss

Dear Mayor Easterling and Council Members:

I am representing Mr. Darryl Simmons in his capacity as the Administrator of The City of Kennesaw Planning & Zoning Department in the above-referenced Letter of Appeal filed with the City by Ryan A. Lee subsequent to the rezoning at 1465 Shiloh Road. That Letter of Appeal is attached and incorporated by reference hereto as **Exhibit "A."** As you are aware, this matter has been set down for a hearing before the City Council on Monday, July 20, 2020.

On June 15, 2020, the Mayor and Council heard a rezoning application filed by Fountain Residential Partners to rezone the property at 1465 Shiloh Road from R-30 to RM-12. The rezoning was approved with several conditions to accommodate a proposed student housing development. Mr. Lee, along with his attorney Richard Calhoun, appeared at that hearing to object to the application. Following the hearing, the Mayor and Council voted to approve the application for rezoning.

On June 17, 2020, Mr. Lee sent an email to Mr. Simmons in which he stated he was "working with 75 Wade Green Office park and multiple residents at Pinetree subdivision regarding the [Mayor and Council's] decision." In the email, Mr. Lee posed two questions that are currently at issue; (1) whether the rezoning is site plan specific; and (2) "[a]s part of the administration and enforcement of zoning is it your [Mr. Simmons'] interpretation that a property zoned a RM-12, for student housing, is allowed to have five-bedroom units that will house more than three persons not related?" Mr. Simmons answered the second question as follows: "***The City of Kennesaw approved the zoning for purpose-built student housing with***

The Honorable Derek Easterling, Mayor
City of Kennesaw Council Members
July 13, 2020
Page Two...

the floor plan for five-bedroom units to be incorporated as one of the floor plan types. The city of Kennesaw legal team and staff addressed the definition of family and how it applies or in this case does not apply to this use at the public hearing." (Emphasis added.) (See Exhibit "A.")

It should be noted that the City of Kennesaw Uniform Development Code ("UDC") Section 1.09.02 defines "family" as "[o]ne or more related persons by blood, legal adoption, or marriage or not more than three (3) persons not related, occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boardinghouse, rooming house, or hotel...."

On June 25, 2020, Mr. Lee filed his "Letter of Appeal from Decision of the Planning and Zoning Administrator," in which Mr. Lee stated he was pursuing an appeal based solely on the issue of the definition of "family" regarding student housing in an RM-12 zoned property, as follows: "

There was no vote from Mayor and Council regarding the statement from the applicant's attorney that "Because the individual student tenants do not operate as a 'single housekeeping unit' under the City's code of definitions, the definition of 'family' does not apply to the proposed development so as to limit the units to three bedroom."

I request appeal to the above decision from Mr. Simmons on how this definition is to be enforced and request a vote from the Mayor and Council either confirming or denying this interpretation per UDC section 10.05.00 APPEALS. (See Exhibit "A.")

I am herewith making a Motion to Dismiss this appeal on several peremptory legal grounds.

Appeal is Premature and Not Ripe for Review

Mr. Lee's appeal is premature, and therefore not ripe for review, because no development plan has been submitted for permitting on this property. While the rezoning was granted with conditions to allow an applicant to seek a permit to build student housing on this property, no development plan has been submitted to the City for approval. That a developer may submit a plan for student housing featuring units with more than three bedroom units for approval by the City is mere speculation at this point. In general, Georgia courts, and by implication, local governing authorities, may not "render an advisory opinion on hypothetical and legal questions that have not arisen but which appellants fear may arise at a future date." *Cheeks v. Miller*, 262

Ga. 687 (1993). A copy of that case is attached and incorporated by reference hereto as **Exhibit "B."** As the Georgia Supreme Court held in *City of Suwanee v. Settles Bridge Farm, LLC*, 292 Ga. 434 (2013), in a zoning case, until a party applies for a permit to develop a particular piece of property that is affected by a zoning decision, the case is not ripe for review. A copy of that case is attached and incorporated by reference hereto as **Exhibit "C."** (The ripeness issue is related to the issue of failure to exhaust administrative remedies discussed below.)

Mr. Lee Has Failed to Bring an Indispensable Party

Mr. Lee has failed to bring an indispensable party, Fountain Residential Partners, to the appeal. Fountain Residential Partners is the entity that applied for the rezoning of the property at 1465 Shiloh Road and may be impacted by any decision the Mayor and Council might make in this matter. Under O.C.G.A. §9-11-19, a person must be joined as a party to a legal action

"...if: ... (2) He claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may: (A) As a practical matter impair or impede his ability to protect that interest...."

Fountain Residential Partners requested the rezoning of the property at 1465 Shiloh Road in order to apply for a permit to develop a student housing community, which might include units of more than three bedrooms. Such a development would allow more than three (3) unrelated persons to live in a single unit. Mr. Lee has appealed the alleged decision by Mr. Simmons to seek a clarification as to whether the standard UDC definition of "family" will apply to this development. If that definition were to be deemed applicable to this development, it would restrict Fountain Residential Partners from obtaining approval of certain formal development plans based on the conditions applied to the approved rezoning. Such an occurrence would clearly impair or impede the applicant's ability to protect its interest in this property, and they should be properly noticed and included at this hearing.

No Appealable Decision Has Been Made by Mr. Simmons

There was no decision made by Mr. Simmons in his capacity as the Administrator of the Planning & Zoning Department that is subject to an appeal. Mr. Simmons merely gave an advisory opinion as to his understanding of the City's interpretation of the relevant standards under the Uniform Development Code that apply to the rezoning and development of the property in question. Under Section 10.05.01.A. of the Kennesaw Uniform Development Code, "all questions arising in connection with *the administration and enforcement of this ordinance* shall be presented first to the Planning and Zoning Administrator and...such questions shall be presented to the Mayor and City Council only on appeal from decision of such official...." (Emphasis added.) Mr. Simmons did not render a decision on administration and enforcement of

the ordinance; rather, he merely related that City staff and legal counsel explained to him that the current UDC definition of “family” would not be applied in this context. As Mr. Simmons related to Mr. Lee in the above-referenced email exchange, the City Attorney advised Mr. Simmons that the current definition of “family” in the UDC of no more than three (3) unrelated persons living in a single housekeeping unit would not apply to student housing.

The application for this rezoning was debated before the Mayor and Council at the hearing on June 15, 2020, and the rezoning was granted with the express condition that the development could have a maximum of 52 units with a maximum of 241 beds, which allows for more than three bedrooms per unit. The Minutes of that hearing are attached and incorporated by reference hereto as **Exhibit “D.”** Thus, it was a decision of the Mayor and Council at the rezoning hearing, with the advice of the City Attorney as to the applicability of the UDC definition of “family,” and not a subsequent statement by Mr. Simmons, that would allow for more than three unrelated persons to occupy a single unit in the potential development on an RM-12 zoned parcel.

Mr. Lee Has No Standing to Appeal

Mr. Lee has no standing to appeal because he has not shown any special damage resulting from the City’s approval of units with more than three bedrooms. Special damages are those suffered by a property owner that are not common to all property owners similarly situated. The property owner must show that the damage to their property is unique and special and rises above that which may be suffered by the public in general. This is known as the “substantial interest-aggrieved citizen” test. See the Georgia Supreme Court decision in *Dunaway v. City of Marietta*, 251 Ga. 727 (1983) a copy of which is attached and incorporated by reference hereto as **Exhibit “E.”** In fact, at the hearing before Mayor and Council on June 15, 2020, Mr. Lee stated that the rezoning request “would be detrimental to his office park **and the three single-family homes nearby.**” (See Exhibit “D.”) (Emphasis added.), thereby negating any argument that his property might be unique or specially damaged by the rezoning.

Mr. Lee Has Failed to Exhaust His Administrative Remedies

Assuming for the sake of argument that Mr. Lee has standing to appeal, he has failed to exhaust his administrative remedies in that he has not appealed the rezoning decision itself, which he must do first if he is going to challenge the applicability or implementation of the rezoning. Under Section 10.05.01. B.1. of the Kennesaw Uniform Development Code, “[a]ny party desiring to appeal a decision by the Mayor and City Council as to any rezoning or variance petition shall file an appeal with the Superior Court of Cobb County within thirty (30) days from the date of the actual vote of the Mayor and City Council.” Mr. Lee and his attorney Richard Calhoun interposed several objections to the rezoning application at the hearing before Mayor

The Honorable Derek Easterling, Mayor
City of Kennesaw Council Members
July 13, 2020
Page Five...

and Council on June 15, 2020. (See Exhibit "D.") However, to the best of our information and belief, Mr. Lee has not filed an appeal of that zoning decision to the Cobb County Superior Court. He is now ostensibly attempting to appeal an alleged interpretation of a rezoning decision that has already been approved and left unchallenged under the procedures set out in the UDC.

For these reasons, Mr. Darryl Simmons in his capacity as the Administrator of the Kennesaw Planning & Zoning Department respectfully requests that this appeal be dismissed and that no substantive arguments regarding Mr. Lee's appeal may be heard at this time.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Hensley, Jr.", with a stylized flourish at the end.

Sam P. Hensley, Jr.
Attorney for Mr. Darryl Simmons in His Capacity
as The Administrator of The City of Kennesaw
Planning & Zoning Department

cc: R. Randall Bentley, Sr., Esq., City Attorney
Jeff Drobney, City Manager
Darryl Simmons, Administrator of Kennesaw Planning & Zoning Department
Lea Addington, City Clerk
Ryan A. Lee

Exhibit “A”



R.A. Lee & Associates, Architects
Residential · Commercial · Planning · Construction Management

RECEIVED

June 21, 2020

JUN 25 2020

CITY CLERK
CITY OF KENNESAW

KENNESAW CITY COUNCIL
2529 J O Stephenson Avenue
Kennesaw, Georgia 30144

**RE: LETTER OF APPEAL FROM DECISION OF THE PLANNING AND ZONING
ADMINISTRATOR**

To the honorable Mayor and City Council of Kennesaw,

Pursuant to section 10.05.00 APPEALS, § 10.05.01 APPLICABILITY, item A of the Uniform Development Code I formally seek appeal to the Mayor and Council on the following decision from the Zoning Administrator.

Per the attached email sent to Mr. Simmons on June 17, 2020 I presented the following questions regarding the 1465 Shiloh Road rezoning and its future code enforcement. The following were the pertinent questions and responses that are in regard to my appeal:

First Question: It's my understanding that the rezoning is NOT a site plan specific rezoning. The rezoning will only be per the ordinance document to be signed by the City Clerk and Mayor Easterling. Essentially outlining the RM-12 zoning and conditions. This document would be used as verification of zoning when the applicant submits technical documents for building permit review and final zoning compliance. Please confirm my understanding when you have a moment.

Response Question 1- The rezoning is not site plan specific however the rezoning approval is subject to all the additional conditions agreed upon by the applicant. The site plan that will be submitted during the construction plan review process will be reviewed for compliance of all the standards under RM-12 zoning and the additional zoning conditions.

Second Question: As part of the administration and enforcement of zoning is it your interpretation that a property zoned as RM-12, for student housing, is allowed to have five-bedroom units that will house more than three persons not related?

Response Question 2- The city of Kennesaw approved the zoning for purpose-built student housing with the floor plan for five-bedroom units to be incorporated as one of the floor plan types. The city of Kennesaw legal team and staff addressed the definition of family and how it applies or in this case does not apply to this use at the public hearing.

June 21, 2020
1465 Shiloh Road
2 of 2

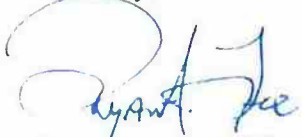
In Mr. Simmons response to question two (2) he states that the city of Kennesaw approved the zoning for purpose-built student housing with the floor plan for five-bedroom units to be incorporated as one of the floor plan types. This is factually incorrect. The zoning was approved for RM-12, not purpose-built student housing, additionally per his response to question one (1) the rezoning is not site plan specific therefore no units were approved as part of the zoning. Additionally, the zoning approved conditional has no mention of changing the definition of family and neither has a variance been received to accommodate or house a greater number of families per section 4.01.01 item B, in the UDC, where it specifically states that 'unless a proper variance is granted, no building shall hereafter be erected or altered so as to accommodate or house a greater number of families'.

There was no vote from Mayor and Council regarding the statement from the applicant's attorney that "Because the individual student tenants do not operate as a "single housekeeping unit" under the City's code of definitions, the definition of "family" does not apply to the proposed development so as to limit the units to three bedroom".

I request appeal to the above decision from Mr. Simmons on how this definition is to be enforced and request a vote from the Mayor and Council either confirming or denying this interpretation per UDC section 10.05.00 APPEALS.

I believe a vote is necessary on this decision as it will provide a direct bearing on the upcoming actual new ordinance on Purpose-Built Student Housing (PBSH) on July 6th because if his decision is upheld, on the question, no new PBSH code is needed. Additionally, if confirmed this will cause every home owner in city limits, who owns property of either single family or multifamily units, to be able to rent out to more than three persons not related if they rent out by the bedroom to students. I ask that the decision for the enforcement by the zoning administrator be appealed and be enforced as written in the code, that for a RM-12 zoning, a unit cannot be designed to house more than three people not related, which would cause a maximum unit type of three people for RM-12 zonings for student housing, unless a specific variance has been approved by Mayor and Council.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan A. Lee".

Ryan A. Lee, Architect, President & CEO
R.A. Lee & Associates, Architects
1301 Shiloh Road, Suite 321
Kennesaw, Georgia 30144

Attachment "A" – Full Email of July 17, 2020 email to Mr. Simmons

Attachment "A"

rlee@raleearchitects.com

From: Darryl Simmons <dsimmons@kennesaw-ga.gov>
Sent: Thursday, June 18, 2020 10:48 AM
To: rlee@raleearchitects.com
Cc: Randall Bentley; Coleen Hosack; Jeff Drobney
Subject: RE: 1465 Shiloh Road - Rezoning

Good morning Mr. Lee,

I will answer your questions in order.

Question 1- The rezoning is not site plan specific however the rezoning approval is subject to all the additional conditions agreed upon by the applicant. The site plan that will be submitted during the construction plan review process will be reviewed for compliance of all the standards under RM-12 zoning and the additional zoning conditions.

Question 2- The city of Kennesaw approved the zoning for purpose built student housing with the floor plan for five bedroom units to be incorporated as one of the floor plan types. The city of Kennesaw legal team and staff addressed the definition of family and how it applies or in this case does not apply to this use at the public hearing.

Question 3- The applicant will be required to meet all the minimum square footage requirements for units as per table 4.01.02 of the unified development code. . No variances were requested or granted.

From: rlee@raleearchitects.com <rlee@raleearchitects.com>
Sent: Wednesday, June 17, 2020 4:09 PM
To: Darryl Simmons <dsimmons@kennesaw-ga.gov>
Subject: 1465 Shiloh Road - Rezoning

Dear Mr. Simmons,

Good afternoon. Appreciate your efforts for the 1465 Shiloh Road rezoning and respect your decision to support the application. I'm working with 75 Wade Green Office park and multiple residents at Pinetree subdivision regarding the decision. A few questions have come up that I need some assistance on to guide any next steps our group would like to take.

First Question: It's my understanding that the rezoning is NOT a site plan specific rezoning. The rezoning will only be per the ordinance document to be signed by the City Clerk and Mayor Easterling. Essentially outlining the RM-12 zoning and conditions. This document would be used as verification of zoning when the applicant submits technical documents for building permit review and final zoning compliance. Please confirm my understanding when you have a moment.

Second Question: As part of the administration and enforcement of zoning is it your interpretation that a property zoned as RM-12, for student housing, is allowed to have five-bedroom units that will house more than three persons not related?

Third Question: As part of the administration and enforcement of zoning is it your interpretation that a property zoned RM-12, for student housing, is not required to meet the unit minimum floor area per table 4.01.02? Specifically, the applicants five-bedroom unit which is described as being 1600 SF vs. the 1800 SF required of table 4.01.02.

I ask these questions as we didn't hear any response from you after our presentation regarding these issues and I'd like to know your views. Additionally, I've recommended we seek your interpretation prior to making any decisions about

appeals and would appreciate your thoughts when you have a moment. Our thinking is that you may be asking for changes to the plans of the applicant, after the rezoning, and this would have a direct bearing on any decision our group would be making.

Please advise when you have a moment.

Sincerely,

Ryan A. Lee | Architect
R.A. Lee & Associates, Architects
1301 Shiloh Road, Suite 321
Kennesaw, Georgia 30144
(o) 678-903-8892 (c) 678-360-8171
www.raleearchitects.com

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Exhibit “B”

Cheeks v. Miller

Supreme Court of Georgia

January 29, 1993, Decided

Nos. S93A0079, S93A0141

Reporter

262 Ga. 687 *; 425 S.E.2d 278 **; 1993 Ga. LEXIS 148 ***

CHEEKS et al. v. MILLER et al. EHRHART v. MILLER
et al.

Prior History: [***1] Mandamus. Fulton Superior Court. Before Judge Eldridge. DATE OF JUDGMENT APPEALED: 08-06-92. NOTICE OF APPEAL DATE: 08-24-92. LOWER CT # :E3952. FULTON County SUPERIOR. TRIAL JUDGE: Hon. Frank M. Eldridge. DATE OF JUDGMENT APPEALED: 08-06-92. NOTICE OF APPEAL DATE: 09-01-92. LOWER CT # :E833

Disposition: *Judgment vacated and remanded.*

Core Terms

settlement, ripe, hypothetical, memorandum, vacated

Case Summary

Procedural Posture

Appellant state officials sought review of the order of the Fulton Superior Court (Georgia), which denied the appellants' motion to dismiss the action in mandamus brought against it by appellee registered voters to prevent appellants from entering into a settlement of certain federal litigation.

Overview

The voters filed an action in mandamus against the state officials to prevent them from entering into a settlement of certain federal litigation concerning the Voting Rights Act, 32 U.S.C.S. § 1971 et seq., and the trial court concluded that the provisions of the proposed settlement were consistent with state law. The court reversed and held that the issue was not ripe for review, and remanded the case to the trial court for dismissal. The court held that the settlement had yet to be presented to a federal judge for approval, pursuant to [Fed. R. Civ. P. 23\(e\)](#). The court held that the case was not yet ripe because in the absence of court approval of the settlement, the court could not render an advisory opinion on the hypothetical and legal questions arising out of the proposed settlement.

Outcome

The court reversed the decision of the trial court denying the state officials' motion to dismiss, and remanded the case to the trial court for dismissal.

LexisNexis® Headnotes

Civil

Procedure > ... > Justiciability > Mootness > Real

Controversy Requirement

Constitutional Law > ... > Case or
Controversy > Mootness > General Overview

Civil Procedure > ... > Justiciability > Case &
Controversy Requirements > General Overview

Civil
Procedure > ... > Justiciability > Mootness > General
Overview

Constitutional Law > The Judiciary > Case or
Controversy > General Overview

Constitutional Law > The Judiciary > Case or
Controversy > Ripeness

Governments > Federal Government > Employees
& Officials

district court that the settlement is "fair, adequate and reasonable." The district court must consider important factors such as: (1) the strength of the merits of the plaintiffs' case balanced against the amount offered in settlement; (2) the presence of collusion in reaching the settlement; (3) the reaction of class members to the settlement; (4) the opinion of competent counsel; and (5) the stage of the proceedings and the amount of discovery completed.

Constitutional Law > The Judiciary > Case or
Controversy > Advisory Opinions

[HN3](#) **Case or Controversy, Advisory Opinions**

A court is not authorized to render an advisory opinion on hypothetical and legal questions that have not arisen but which a party fears may arise at a future date.

[HN1](#) **Mootness, Real Controversy Requirement**

The existence of an actual controversy is fundamental to a decision on the merits by a court. A controversy is justiciable when it is definite and concrete, rather than being hypothetical, abstract, academic, or moot. Similarly, federal courts employ the doctrine of "ripeness" under the Article III requirement of a "case or controversy."

Counsel: *Stanley C. House, Charles L. Wilkinson III*, for appellants (case no. S93A0079).

Proctor & Associates, Robert J. Proctor, for appellant (case no. S93A0141).

Civil Procedure > Special Proceedings > Class
Actions > Compromise & Settlement

Civil Procedure > ... > Class Actions > Class
Members > General Overview

Civil Procedure > Special Proceedings > Class
Actions > Judicial Discretion

Civil Procedure > Special Proceedings > Class
Actions > Voluntary Dismissals

Michael J. Bowers, Attorney General, Carol A. Cosgrove, Senior Assistant Attorney General, Walbert & Hermann, David F. Walbert, for appellees.

Judges: Hunt, Presiding Justice. Clarke, C. J., Benham, Fletcher, Sears-Collins and Hunstein, JJ., concur.

[HN2](#) **Class Actions, Compromise & Settlement**

Under [Fed. R. Civ. P. 23 \(e\)](#), a class action cannot be compromised or dismissed without the district court's approval, and the federal district court cannot approve a dismissal or compromise until the class members have been given notice describing the settlement and outlining the options open to them as class members. The settlement proponents must persuade the federal

Opinion by: HUNT

Opinion

[*687] [**278] The plaintiffs -- registered voters and certain present and former members of the General Assembly -- brought this action for injunctive, mandamus, and declaratory relief, challenging the authority of the Governor and Attorney General to enter into a proposed settlement of certain federal litigation concerning the Voting Rights Act, [42 USC § 1971 et seq.](#)¹ The trial court concluded that [***2] the provisions of [*688] the proposed settlement were consistent with state law. Hence, it held the governor could settle on those terms. The trial court did not address the issue of ripeness, although that issue was suggested by the state officials. However, we hold that this case is not ripe for review, and remand to the trial court so that it may be dismissed.

The issue presented by the plaintiffs is whether the Governor and Attorney General [***3] have the authority to enter into the proposed settlement.² Our review of the [**279] posture of this case and of the federal litigation involved leads us to conclude that, at present, there is no controversy appropriate for judicial determination.

[HN1](#) [↑] "The existence of an actual controversy is fundamental to a decision on the merits by this court." [Bowers v. Bd. of Regents](#), 259 Ga. 221 (378 S.E.2d 460) (1989). A controversy is justiciable [***4] when it is definite and concrete, rather than being hypothetical, abstract, academic, or moot. [Board of Trustees v. Kenworthy](#), 253 Ga. 554, 557 (322 S.E.2d 720) (1984). Similarly, federal courts employ the doctrine of "ripeness" under the Article III requirement of a "case or

controversy." See Wright, Miller & Cooper, Federal Practice & Procedure: Jurisdiction No. 2d, § 3532.

The proposed settlement consists of a three-page "settlement memorandum" jointly from the Attorney General and an attorney for the plaintiffs in the federal litigation, addressed not to the federal judge presiding over any of the federal cases, but to another federal judge, who is serving as a mediator between the parties. The memorandum consists of 16 paragraphs containing specific and aspirational terms concerning the settlement of the federal litigation.

The proposed settlement has been submitted to the federal district court and to the U. S. Department of Justice. However, there is no indication in the record before us that any of the provisions of [Federal Rule of Civil Procedure 23 \(e\)](#),³ [***6] which must be met prior to [*689] settlement of federal class actions, has been satisfied, or that [***5] the parties have even begun steps to meet those requirements. What is apparent from the record is that at least some of the plaintiffs in the case before us have intervened in the federal litigation, presumably raising claims similar to those they

³ [Rule 23 \(e\) FRCP](#) reads as follows:

Dismissal or Compromise. A class action shall not be dismissed or compromised without the approval of the court, and notice of the proposed dismissal or compromise shall be given to all members of the class in such manner as the court directs.

¹ The four cases are: Civil Action 88-CV-146, *Brooks v. Ga. State Bd. of Elections*, United States District Court for the Southern District of Georgia, Brunswick Division; Civil Action 1:90-CV-1001-RCF, *Brooks v. Harris*, in the United States District Court for the Northern District of Georgia, Atlanta Division; Civil Action 1:90-CV-1749-RCS, *United States of America v. State of Ga. & Harris*, in the Northern District of Georgia; and Civil Action 90-2065, *State of Ga. v. Thornburg*, in the United States District Court for the District of Columbia.

² Cheeks and Ehrhart do not, and cannot, challenge the authority of the Governor and the Attorney General, as his counsel, to negotiate settlements of pending litigation. Rather, their challenge is to the authority of those constitutional officers to bind the people of Georgia to a settlement, the terms of which contravene the Constitution and legislative enactments of the state. Stated another way, the essence of their complaint is that the Governor cannot accomplish, through the settlement of this litigation, that which would otherwise require a constitutional amendment.

[HN2](#) [↑]

Under Rule 23 (e), a class action cannot be compromised or dismissed without the district court's approval, and the federal district court cannot approve a dismissal or compromise until the class members have been given notice describing the settlement and outlining the options open to them as class members. The settlement proponents must persuade the federal district court that the settlement is "fair, adequate and reasonable." See [Holmes v. Continental Can Co.](#), 706 F.2d 1144 (11th Cir. 1983).

The district court must consider important factors such as: (1) the strength of the merits of the plaintiffs' case balanced against the amount offered in settlement; (2) the presence of collusion in reaching the settlement; (3) the reaction of class members to the settlement; (4) the opinion of competent counsel; and (5) the stage of the proceedings and the amount of discovery completed. 3B Moore's Federal Practice, Par. 23.80 [4].

raise in this case.⁴

In sum, the plaintiffs challenge a tentative agreement entered into in the federal litigation. In raising these questions, [HN3](#)^(↑) plaintiffs ask this court to do what it is not authorized to do: to render an advisory opinion on hypothetical and legal questions that have not arisen but which appellants fear may arise at a future date. [Board of Commrs. of Walton County v. Dept. of Public Health, 229 Ga. 173 \(2\) \(190 S.E.2d 39\) \(1972\)](#). For the foregoing reasons, we conclude this case is not ripe for judicial review, and the trial court erred by reaching the merits of the case. Accordingly, the trial court's order is vacated, and the appeal is **[***7]** remanded to the trial court for dismissal.

Judgment vacated and remanded.

End of Document

⁴ Should the federal court grant the motion to intervene, the intervenors may present their contentions and concerns about the proposed settlement to that court. See [Davis v. City & County of San Francisco, 890 F.2d 1438 \(9th Cir. 1989\)](#). If the federal court denies their claims, the plaintiffs may yet object to any consent decree or judgment entered by the district court. [Martin v. Wilks, 490 U.S. 755 \(109 S. Ct. 2180, 104 L. Ed. 2d 835\) \(1989\)](#).

Exhibit “C”

City of Suwanee v. Settles Bridge Farm, LLC

Supreme Court of Georgia
February 18, 2013, Decided
S12A1599.

Reporter

292 Ga. 434 *; 738 S.E.2d 597 **; 2013 Ga. LEXIS 146 ***; 2013 Fulton County D. Rep. 273; 2013 WL 593504

CITY OF SUWANEE v. SETTLES BRIDGE FARM, LLC.

Prior History: Zoning. Gwinnett Superior Court. Before Judge W. Davis.

Disposition: [***1] Judgment reversed.

ordinance had effected an unconstitutional regulatory taking of a large parcel of land owned by the company and awarded the company more than \$ 1.8 million in damages. On appeal, the city contended, inter alia, that the case was unripe for judicial review due to the company's failure to exhaust its administrative remedies. The Court agreed with the city that the company should have exhausted its administrative remedies prior to initiating litigation in the matter. The Court found that to satisfy the exhaustion requirement, the company should have submitted a special use permit application to the city's planning commission for its review, to be followed by city council review. Because the company failed to apply for a permit, it did not exhaust its administrative remedies in the case.

Core Terms

zoning, exhaustion, futility, ordinance, disturbance, residential, landowner

Outcome

The court reversed the judgment.

Case Summary

Procedural Posture

Appellant city challenged the judgment of a Georgia trial court, which found in favor of appellee company. The company had commenced an inverse condemnation action against the city, asserting a regulatory taking of a portion of its property.

Overview

At the conclusion of a bench trial, the trial court found that the city's enactment of an amendment to its zoning

LexisNexis® Headnotes

Civil Procedure > Special Proceedings > Eminent Domain Proceedings > Appellate Review

Real Property Law > Inverse Condemnation > Regulatory Takings

Civil Procedure > Appeals > Standards of Review > Clearly Erroneous Review

[HN1](#) [down arrow] Eminent Domain Proceedings, Appellate Review

On appeal of a trial court's finding of an unconstitutional regulatory taking, the appellate court is bound to affirm the trial court's findings of fact unless they are clearly erroneous but must review de novo the trial court's legal conclusions.

Civil Procedure > Appeals > Appellate
Jurisdiction > State Court Review

Civil
Procedure > ... > Justiciability > Ripeness > Tests
for Ripeness

[HN2](#) [down arrow] Appellate Jurisdiction, State Court Review

If a case is unripe for judicial review, the appellate court is not authorized to decide it.

Administrative Law > Judicial
Review > Reviewability > Exhaustion of Remedies

Real Property Law > Inverse
Condemnation > Procedures

Real Property Law > Inverse
Condemnation > Regulatory Takings

[HN3](#) [down arrow] Reviewability, Exhaustion of Remedies

As a general rule, before seeking a judicial determination that a local regulation is unconstitutional as applied to its property, a party must first apply to local authorities for relief. Requiring exhaustion of administrative remedies prevents unnecessary judicial intervention into local affairs and promotes judicial economy because local authorities, unlike the court, have the power to grant the zoning relief sought.

Administrative Law > Judicial
Review > Reviewability > Exhaustion of Remedies

Civil Procedure > ... > Justiciability > Exhaustion of
Remedies > Exceptions

Civil Procedure > ... > Justiciability > Exhaustion of
Remedies > Failure to Exhaust

[HN4](#) [down arrow] Reviewability, Exhaustion of Remedies

The Supreme Court of Georgia recognizes a narrow exception to the exhaustion requirement for situations in which the litigant establishes that submitting to the administrative process would be futile. In the zoning context, precedent establishes that futility will be found to exist only where further administrative review would result in a decision on the same issue by the same body. Thus, the first step in establishing futility is to show that the administrative decision-maker to whom the litigant would be required to go to seek relief has already rendered a decision on the issue. Even where a litigant would be required to return to the same administrative body that had already denied it relief, however, the futility exception does not apply if the issue presented is not the same as the issue previously decided adversely to the litigant.

Administrative Law > Judicial
Review > Reviewability > Exhaustion of Remedies

Civil Procedure > ... > Justiciability > Exhaustion of
Remedies > Exceptions

Civil Procedure > ... > Justiciability > Exhaustion of
Remedies > Failure to Exhaust

[HN5](#) [down arrow] Reviewability, Exhaustion of Remedies

The fact that a party was pessimistic about its prospects for obtaining a special use permit, even if that pessimism was justified, does not prove that exhaustion of remedies would have been futile as the Supreme Court of Georgia has defined that term. As we have recently held, the conduct of an administrative decision-maker outside of and prior to the normal administrative process does not ordinarily demonstrate futility.

Headnotes/Summary**Headnotes**

Georgia Advance Headnotes

[GA\(1\)](#) [down arrow] (1)

Civil Procedure. > Eminent Domain Proceedings.

On appeal of a trial court's finding of an unconstitutional regulatory taking, the appellate court is bound to affirm the trial court's findings of fact unless they are clearly erroneous but must review de novo the trial court's legal conclusions.

[GA\(2\)\[↓\]](#) (2)

Real & Personal Property Law. > Eminent Domain Proceedings.

As a general rule, before seeking a judicial determination that a local regulation is unconstitutional as applied to its property, a party must first apply to local authorities for relief.

[GA\(3\)\[↓\]](#) (3)

Administrative Law. > Judicial Review. > Reviewability.
> Exhaustion of Remedies.

Requiring exhaustion of administrative remedies prevents unnecessary judicial intervention into local affairs and promotes judicial economy because local authorities, unlike the court, have the power to grant the zoning relief sought.

[GA\(4\)\[↓\]](#) (4)

Real & Personal Property Law. > Eminent Domain Proceedings.

Trial court erred in declining to dismiss an inverse condemnation case because the company bringing suit against the city failed to exhaust its administrative remedies in that it should have submitted a special use permit application to the city's planning commission for its review, to be followed by city council review, before bringing suit.

[GA\(5\)\[↓\]](#) (5)

Administrative Law. > Judicial Review. > Reviewability.
> Exhaustion of Remedies.

Supreme Court of Georgia recognizes a narrow exception to the exhaustion requirement for situations in which the litigant establishes that submitting to the

administrative process would be futile.

[GA\(6\)\[↓\]](#) (6)

Real & Personal Property Law. > Eminent Domain Proceedings.

In the zoning context, precedent establishes that futility in exhausting administrative remedies will be found to exist only where further administrative review would result in a decision on the same issue by the same body.

[GA\(7\)\[↓\]](#) (7)

Administrative Law. > Judicial Review. > Reviewability.
> Exhaustion of Remedies.

First step in establishing futility is to show that the administrative decision-maker to whom the litigant would be required to go to seek relief has already rendered a decision on the issue.

[GA\(8\)\[↓\]](#) (8)

Administrative Law. > Judicial Review. > Reviewability.
> Exhaustion of Remedies.

Even where a litigant would be required to return to the same administrative body that had already denied it relief, however, the futility exception does not apply if the issue presented is not the same as the issue previously decided adversely to the litigant.

Counsel: *Henderson & Hundley, Laurel E. Henderson, Chandler, Britt, Jay & Beck, Gregory D. Jay*, for appellant.

Mahaffey, Pickens & Tucker, Richard L. Tucker, Jr., Gerald Davidson, Jr., John D. Gussio, Andrew D. Stancil, for appellee.

Carothers & Mitchell, Thomas M. Mitchell, amicus

curiae.

Judges: HUNSTEIN, Chief Justice. All the Justices concur.

Opinion by: HUNSTEIN

Opinion

[*434] [**598] HUNSTEIN, Chief Justice.

Appellant City of Suwanee appeals the judgment rendered against it in an inverse condemnation action brought by Appellee Settles Bridge Farm, LLC. At the conclusion of a bench trial, the trial court found that the City's enactment of an amendment to its zoning ordinance had effected an unconstitutional regulatory taking of a large parcel of land owned by Settles Bridge and awarded Settles Bridge more than \$1.8 million in damages. The City appeals, contending, *inter alia*, that the case was unripe for judicial review due to [*435] Settles Bridge's failure to exhaust its administrative remedies. We agree with the City that Settles Bridge should have exhausted its administrative remedies prior to initiating litigation in this matter, and we therefore reverse the judgment entered against the City.

In 2006 and 2007, Settles Bridge assembled approximately 36 acres of property in the Suwanee North area of the City of Suwanee. The Suwanee North area is located within an R-140 zoning district, comprised primarily of low-density residential development, and Settles Bridge intended to develop [***2] a residential subdivision on the property. In December 2006 Settles Bridge submitted a 41-lot subdivision plan to the City and ultimately obtained City approval of numerous variances for its anticipated development.

During the time it was pursuing the subdivision plan, Settles Bridge was contacted by Notre Dame Academy, which expressed an interest in purchasing the property to develop for use as a school. After confirming with a City planning official that schools were a permitted use within the R-140 zoning classification, Settles Bridge agreed to sell the property to Notre Dame. Accordingly,

in February 2008, Settles Bridge and Notre Dame executed a purchase contract for the property, and Settles Bridge abandoned its subdivision plan.

Shortly thereafter, City officials learned of Notre Dame's interest in the property. Officials determined that the City's zoning ordinance, as then in effect, permitted the development of a school within the R-140 zoning classification "as of right," meaning that such a use would be authorized without any public review. At that point, the City was in the process of developing its 2030 Comprehensive Land Use Plan, which, among other things, called for [***3] remaining undeveloped property in the Suwanee North area to be developed for future single-family or compatible uses. On February 29, 2008, the Suwanee City Council adopted a three-month moratorium on the issuance of building and development permits within residential zoning districts for "large projects" exceeding certain square footage or acreage thresholds. The school envisioned by Notre Dame qualified as a "large project" covered by the moratorium.

[**599] In May 2008, the City Council amended the City's zoning ordinance to require a special use permit be obtained for large development projects within residential zoning districts, including but not limited to R-140. Under the special use permit ("SUP") amendment, "large development" is defined as a project involving (a) one or more buildings exceeding 20,000 square feet of enclosed floor area; (b) "cumulative land disturbance" exceeding five acres; or (c) creation of a residential subdivision exceeding seven lots. Projects that obtained the necessary approvals prior to enactment of the SUP amendment are exempted. Thus, though Settles Bridge's original subdivision [*436] plan would have been exempted, any plan by Notre Dame to develop the property [***4] as the site for a school would require a special use permit.

Under the City's zoning ordinance, a special use permit may be issued only if the project in question is deemed "consistent with the needs of the neighborhood or the community," "compatible with the neighborhood," and "not ... in conflict with the overall objective of the Comprehensive Plan." The zoning ordinance further requires that, in assessing an application for a special use permit, the City

shall consider the policies and objectives of the Comprehensive Plan, particularly in relationship to the proposed site and surrounding area, and shall consider the potential adverse impact on the surrounding area, especially in regards [sic] but not

limited to traffic, storm drainage, land values and compatibility of land use activities.

SUP applications are to be reviewed first by the City Planning Commission. After receiving the Planning Commission's recommendation and conducting a public hearing, the City Council makes the final decision regarding whether to issue a special use permit.

Neither Settles Bridge nor Notre Dame ever applied for a special use permit for any proposed use on the subject property. Instead, both parties [***5] filed suit against the City, challenging the legality of the moratorium and the SUP amendment. Notre Dame agreed to a settlement with the City and terminated its purchase contract with Settles Bridge. Settles Bridge persisted in its litigation against the City, which culminated in a week-long trial before an advisory jury. After receiving the advisory jury's responses to special interrogatories and conducting a follow-up hearing, the trial court held that the City by its enactment of the SUP amendment had effected a taking of the subject property. See Grados v. Bd. of Commissioners of Richmond County, 256 Ga. 469, 471 (349 SE2d 707) (1986) (zoning ordinance effects a taking where it presents a "significant detriment" to the property owner and is "insubstantially related to the public health, safety, morality and welfare"); Guhl v. Holcomb Bridge Road Corp., 238 Ga. 322 (232 SE2d 830) (1977) (setting forth six factors to be considered in deciding a zoning challenge). The trial court awarded Settles Bridge \$1,814,063 in damages, as the amount by which the property's value had been diminished, plus \$461,663.30 in prejudgment interest.

[GA\(1\)\[↑\]](#) (1) [HN1\[↑\]](#) On appeal of a trial court's finding of an unconstitutional regulatory [***6] taking, this Court is bound to affirm the trial court's findings of fact unless they are clearly erroneous but must review de novo the [***437] trial court's legal conclusions. City of Atlanta v. TAP Assocs., 273 Ga. 681, 683 (544 SE2d 433) (2001). Before reviewing the merits of the case, we must first address the issue of ripeness, because [HN2\[↑\]](#) if this case is unripe for judicial review, this Court is not authorized to decide it. See generally Cheeks v. Miller, 262 Ga. 687, 689 (425 SE2d 278) (1993).

[GA\(2\)\[↑\]](#) (2) [HN3\[↑\]](#) As a general rule, before seeking a judicial determination that a local regulation is unconstitutional as applied to its property, a party must first apply to local authorities for relief. Mayor & Aldermen of the City of Savannah v. Savannah Cigarette Amusement Svcs., 267 Ga. 173, 174 (476 SE2d 581) (1996); Village Centers v. DeKalb County,

248 Ga. 177 (2) (281 SE2d 522) (1981). [GA\(3\)\[↑\]](#) (3) Requiring exhaustion of administrative remedies "prevents unnecessary judicial intervention into local affairs and promotes judicial economy because [local authorities], unlike the court, have the power to grant the [zoning] relief sought." Powell v. City of Snellville, 266 Ga. 315, 316 (467 SE2d 540) (1996). Accord Cooper v. Unified Govt. of Athens-Clarke County, 277 Ga. 360 (589 SE2d 105) (2003). [***7] [GA\(4\)\[↑\]](#) (4) Here, to satisfy the exhaustion requirement, Settles Bridge [***600] should have submitted a special use permit application to the City Planning Commission for its review, to be followed by City Council review. Because Settles Bridge failed to apply for a permit, it did not exhaust its administrative remedies in this case.

However, [HN4\[↑\]](#) this [GA\(5\)\[↑\]](#) (5) Court has recognized a narrow exception to the exhaustion requirement for situations in which the litigant establishes that submitting to the administrative process would be "futile." Mayor & Aldermen of the City of Savannah, 267 Ga. at 174; Powell, 266 Ga. at 316. [GA\(6\)\[↑\]](#) (6) In the zoning context, our precedent establishes that "futility" will be found to exist "only where further administrative review 'would result in a decision on the same issue by the same body.'" (Citation omitted.) Little v. City of Lawrenceville, 272 Ga. 340, 342 (3) (528 SE2d 515) (2000). Accord Powell, 266 Ga. at 317 (futility established where exhaustion would require "another review by the City on the same issue"); WMM Properties v. Cobb County, 255 Ga. 436, 440 (3) (339 SE2d 252) (1986) (futility established where exhaustion "would result in a decision [***8] on the same issue by the same body"). Thus, the [GA\(7\)\[↑\]](#) (7) first step in establishing futility is to show that the administrative decision-maker to whom the litigant would be required to go to seek relief has already rendered a decision on the issue. See, e.g., Little, 272 Ga. at 342 (3). In this case, the "same body" requirement appears to have been met: the SUP amendment was considered first by the City Planning Commission and ultimately enacted by the City Council, which are the same two entities that review and decide SUP applications.

[***438] [GA\(8\)\[↑\]](#) (8) Even where a litigant would be required to return to the same administrative body that had already denied it relief, however, the futility exception does not apply if the issue presented is not the same as the issue previously decided adversely to the litigant. DeKalb County v. Cooper Homes, 283 Ga. 111 (1) (657 SE2d 206) (2008). In Cooper Homes, the plaintiff developer had been denied setback variances

by the county Zoning Board of Appeals ("ZBA") and had also, in connection with the same building project, been denied land disturbance permits by the county Planning and Development Department. *Id. at 111-112*. The plaintiff sought review of the ZBA's decision on [***9] the variances by certiorari in superior court and in the course of that litigation also sought mandamus against the Planning and Development Department with respect to the land disturbance permits. *Id. at 112*. This Court held that the plaintiff had failed to exhaust its administrative remedies with respect to the land disturbance permits by failing to appeal the permit denial to the ZBA. *Id. at 114-115 (1)*. Rejecting the plaintiff's futility argument, we noted that county ordinances prescribed completely different standards governing approval of variance applications versus approval of land disturbance permits; the ZBA had not had occasion to review the land disturbance permit application; and therefore it had not previously decided the "same issue" on which the plaintiff sought the court's review. *Id. at 115 (1)*. Cf. *Powell*, 266 Ga. at 316 (plaintiff excused from applying to the City for rezoning of her property where the City had already twice zoned same property over the plaintiff's protests); *WMM Properties*, 255 Ga. at 440 (3) (plaintiff excused from seeking administrative relief from county commission where commission had already decided applicability [***10] of contested stipulations to plaintiff's property).

As in *Cooper Homes*, the issue on which Settles Bridge should have sought administrative review is not the same as the issue previously decided by the City Planning Commission and City Council. The issue previously decided was whether to amend the City's zoning ordinance to specify that, in certain primarily residential zoning districts where the landowner proposes a permitted use that exceeds certain size/scope thresholds, the landowner must first obtain a special use permit. The issue that would have been decided, had Settles Bridge exhausted its administrative remedies, is whether, and under what conditions, Settles Bridge should be granted a special use permit to build a school on its property, and would have required assessment of site-specific considerations regarding traffic, storm damage, land values, [**601] and the like. The standards under which a SUP application must be assessed, which are prescribed in the zoning [*439] ordinance, are far different than the standards and procedures whereby the SUP amendment was adopted. See *Cooper Homes*, 283 Ga. at 113-115 (1).

HNS [↑] The fact that Settles Bridge was pessimistic about its prospects for obtaining a [***11] special use

permit, even if that pessimism was justified, does not prove that exhaustion of remedies would have been "futile" as this Court has defined that term. As we have recently held, the conduct of an administrative decision-maker "outside of and prior to the normal administrative process do[es] not ordinarily demonstrate futility." *Ga. Dept. of Community Health v. Ga. Society of Ambulatory Surgery Centers*, 290 Ga. 628, 629-630 (1) (724 SE2d 386) (2012). Thus, the evidence Settles Bridge has put forth in support of its allegation that City officials were improperly targeting Settles Bridge's property in enacting the SUP amendment, while perhaps relevant to the amendment's validity, is not relevant to the issue of futility. See *Marietta Properties, LLC v. City of Marietta*, 319 Ga. App. 184, 2012 Ga. App. LEXIS 1080 (2012) (City's actions in enacting height ordinance which on its face applied to landowner's property did not demonstrate futility so as to excuse landowner's failure to apply for building permit).

Contrary to Settles Bridge's argument, our decision in *City of Albany v. Oxford Solid Waste Landfill*, 267 Ga. 283 (476 SE2d 729) (1996), does not demand a different result. [***12] In *Oxford*, the landowner had applied for and been denied the permit it wanted prior to the trial court's decision. *Id. at 284 (1)*. In other words, the "same issue" had already been decided by the administrative decision-maker. Here, by contrast, Settles Bridge never actually applied for the permit it wanted. *Oxford*, therefore, does not control the outcome here.

Nor does it matter that Settles Bridge representatives appealed to City officials in opposition to the SUP amendment both informally and at the public hearing. These efforts do not constitute a fulfillment of the administrative process, nor does their lack of success demonstrate futility. See *Mayor & Aldermen of the City of Savannah*, 267 Ga. at 174 (exhaustion required despite fact that landowner had appeared at public hearing in unsuccessful effort to oppose rezoning).

In conclusion, Settles Bridge refused to engage in an administrative process that could have obviated the need for the protracted litigation that has unfolded. Accordingly, we conclude that the trial court erred in declining to dismiss this case due to Settles Bridge's failure to exhaust its administrative remedies, and we reverse.

Judgment reversed. All the Justices concur.

Exhibit “D”

MAYOR

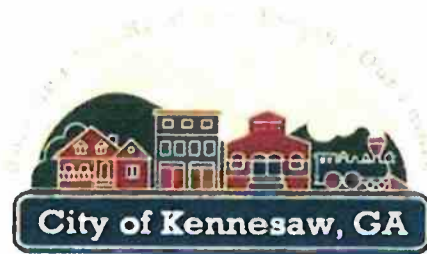
Derek Easterling

City Manager

Jeff Drobney

City Clerk

Lea Addington



COUNCIL

Mayor Pro Tem Pat Ferris

James Eaton

Tracey Viars

Chris Henderson

David Blinkhorn

CLERK'S CERTIFICATION

CITY OF KENNESAW
GEORGIA, COBB COUNTY

I, Lea Addington, hereby certify that I am the City Clerk for the City of Kennesaw and the lawful custodian of the books and records of said municipality, and as such do hereby certify the attached City of Kennesaw Mayor and Council June 15, 2020 meeting minutes with unrelated and duplicated documents from within and from the June 15, 2020 agenda omitted is a true and correct copy of records on file at City Hall.

WITNESS, my hand and Seal of the City of Kennesaw, Georgia, on this 30th day of June 2020.

ATTEST:



Lea Addington, City Clerk



MINUTES OF MAYOR & CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers/ Ben Robertson Community Center
Monday, June 15, 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
Assistant City Manager Marty Hughes
City Clerk Lea Addington
City Attorney Randall Bentley, Sr.

Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in compliance with O.C.G.A. §50-14-1, this meeting was conducted in person and via the use of Zoom Meeting and Facebook Live as the real-time telephonic technologies allowing the public simultaneous access to the public meeting.

The public had access to the Facebook Live via the following link:
<https://www.facebook.com/CityofKennesaw/>

I. INVOCATION

City Attorney Randall Bentley, Sr. led the invocation.

II. PLEDGE OF ALLEGIANCE

Ed Setzler, Georgia State Representative for District 35, led the Pledge of Allegiance.

III. CALL TO ORDER

IV. ANNOUNCEMENTS

- A. Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is being conducted via the use of real-time telephonic technologies allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center.

In addition to in person public appearance, Mayor and Council will be conducting their meeting through Zoom Meeting and Facebook Live and you can access the meeting via the following link: <https://www.facebook.com/CityofKennesaw/>

- B. If you would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record.

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

V. PRESENTATIONS

No items.

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

6:35 PM Floor Open for Public Comments on agenda items

[Mayor Easterling asked Assistant City Manager Marty Hughes if any individual in the Ben Robertson Community Center overflow room wanted to speak about the 1465 Shiloh Road rezoning. Mr. Hughes responded at least three. Mayor Easterling asked they go first so Councilmember Viars can recuse herself].

[Councilmember Viars recused herself from the Council Chambers].

[Please note: residency is listed after individuals that either verbally referenced or placed in writing his or her address during public comment].

KC HAMILL (Cobb County resident): Mr. Hamill spoke against the letter the Pinetree Civic Association sent to Council in support of the 1465 Shiloh Road rezoning item. He is an active member of his community and was shocked when he found out the Association sent the letter. The people who live adjacent from the property and a majority of those who live in Pinetree neighborhood disapprove of the rezoning application.

CINDY MCKINLAY (Cobb County resident): Ms. McKinlay is a member of the Pinetree Civic Association and she was not aware of the letter as well. She believes every member, to the best of her knowledge, is against the rezoning and they did not find out about this letter until the very last minute. Ms. McKinlay stated the letter does not represent any of the members of Pinetree.

PHIL ANZALONE (Cobb County resident and Pinetree Civic Association President): Mr. Anzalone shared the Association has done a lot of work in regards to purpose built student housing, especially with Cobb County. Support for the 1465 Shiloh Road rezoning was not given lightly as there were many tradeoffs. There are two big issues: privacy and traffic. Mr. Anzalone mentioned Fountain Residential Partners has been working to find solutions to those issues. He has a good feeling the community will not experience the same problems they are having with West 22. He says the Association strongly endorses the proposal.

JOE BOZEMAN (City of Kennesaw property owner and Cobb County resident): Mr. Bozeman lives in Pinetree; however, he is not a member of the country club. He believes

the project on Shiloh Road will be good for the City of Kennesaw. He asked Council to approve the rezoning.

TIMOTHY HEYING (City of Kennesaw resident): Mr. Heying expressed the necessity of approving the rezoning item. There are more people looking for housing in Kennesaw every year and this project would keep things more centralized and be more beneficial to the school.

GEORGE WILLIAMS IV (Kennesaw State University student): Mr. Williams IV is a Resident Assistant at Kennesaw State University (KSU) and is on the front lines of student housing. KSU saw an approximate 7% increase in student housing this past school year – a university typically sees only a 3% increase. This student housing project is important for students who will be looking for affordable housing options. If the concern is for the safety of homeowners, it makes sense to support projects like this one that gives students their own space to live.

COLEEN HOSACK (Attorney for Bentley Bentley & Bentley): Ms. Hosack clarified for the record this particular item is regarding 1465 Shiloh Road rezoning. The phrase "purpose built student housing" had been used several times during the meeting and it is a separate issue from the rezoning item.

MARTY HUGHES (Assistant City Manager for City of Kennesaw): Mr. Hughes read the names of individuals who sent emails to kennesawcouncil@kennesaw-ga.gov and his or her respective position regarding the 1465 Shiloh Road rezoning into the record. The names and positions are as follows:

In support, Jennifer R. Taylor, a member of Dillard Sellers Attorneys at Law, shared correspondence from the Pinetree Civic Association endorsing the Fountain Residential project. Please see "Comments - A."

In opposition, Ronda Porta; Katrina Champion; Philip Walerski; Robert DeVillar (resident of Pinetree neighborhood); Ty Kataja; Tony Scaturro; Miriam Tilley; Cindy McKinlay (Member of Pinetree Civic Association); Dennis M. McKeon, Sr.; Deanna L. Davis; Michael Tyrell (President of Archery Shooters Association, LLC); Ryan Lee (President and CEO of R.A. Lee & Associates, Architects); Diane McPherson; Gloria Behrle; Matt and Susan Hopkins (resident of Pinetree neighborhood); Lonnie Roberts (resident of Pinetree neighborhood); Suly Scriver (Paralegal for GDCR Attorneys at Law) sent letters and various exhibits in opposition of the request on behalf of 75 Wade Green Business Center Association, Inc.; Barry Miller (resident of Fairways to Pinetree neighborhood); Buzz Alexander; Arthur L. Way (Property owner of Elk River Properties, LLC); Jeffery Davis (resident of Pinetree neighborhood); Nancy Dowling; Brendan Cosgrove (resident on Ayers Drive); and Mary Clarice Hathaway. Please see "Comments - B."

[Councilmember Viars returned to the Council Chambers].

IX. COMMITTEE AND BOARD REPORTS

No items.

X. PUBLIC HEARING(S)

[Councilmember Viars recused herself from the Council Chambers for item X-A & B].

- A. Authorization for approval of ORDINANCE for rezoning request submitted by Fountain Residential Partners. Property located at 1465 Shiloh Road being identified as Land Lot 60, Tax Parcel 31, 2nd Section, Cobb County. Said request to rezone property consisting of 4.4+/- acres. Project proposal is student housing with a rezoning request from City R-30 to City RM-12. The application was advertised in the Marietta Daily Journal on February 14, 2020 and February 21, 2020 with property posting on February 18, 2020. The Mayor and Council meeting scheduled for June 15, 2020 was duly advertised through published legal ads run May 15 and May 22 2020. The property was reposted on May 19, 2020. The Planning Commission, at a meeting held on March 04, 2020, made recommendation (vote 3-0) to approve the rezoning with conditions. Staff Recommendation: Darryl Simmons, Zoning Administrator recommends approval of the RM-12 zoning district subject to staff's recommendation with the following item #9 added and referenced in the applicant's attorney letter dated March 13, 2020:

1. Reversionary clause that requires that construction permits and activity be initiated within 24 months of the date of the rezoning and variance approval. Failure to obtain permits and start construction activity within the 24 month period will result in the reversion of the rezoning and variances and the property will revert back to the prior zoning of R-30.
2. 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.

3. All 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.
4. Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with additional parking for visitors total equals 263 parking spaces to be provided
5. 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 eight (8)-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 Kennesaw 911's 24-hour communications center and identify the phone location if the caller is unable to talk.
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.
No over flow of light onto/into the adjacent property.
6. All façade materials to be installed similar to the elevations provided by the applicant and be in compliance with the City of Kennesaw architectural Standards.
7. Maximum height of building will be 35 feet as per the adopted zoning ordinance chapter one that defines how building height is measured.
8. Maximum number of units allowed will be 52 units with a maximum of 241 beds.
9. Right side of property - minimum 5 foot buffer be installed.

Zoning Administrator Darryl Simmons presented the second public hearing for rezoning request submitted by Fountain Residential Partners. Property located at 1465 Shiloh Road being identified as Land Lot 60, Tax Parcel 31, 2nd Section, Cobb County This is the second of two public meetings.

Mr. Simmons read into the record emails he had received in support and opposition of the rezoning item. The emails he received are as follows:

In opposition: Brendan Cosgrove (Cobb County resident) and Matt and Susan Hopkins (Cobb County residents). Please see "Comments – F."

In support: Reverend Father Ben Day, Rector of Christ Episcopal Church (Cobb County); Bryan and Amanda Broyles (City of Kennesaw business owners); Mark Allen (City of Kennesaw business owner and Chair of Kennesaw Downtown Development Authority); Pinetree Civic Association; Joe Bozeman (City of Kennesaw property owner and Cobb County resident); Kelly Trim (City of Kennesaw resident); and Robert Trim (City of Kennesaw resident). Please see "Comments – G."

Approved by the Planning Commission with nine conditions, Mr. Simmons read the Ordinance into the record. He yielded the floor to the applicant but shared he was available for any questions.

TREVOR TOLETT (Executive Vice President of Fountain Residential Partners): Mr. Tolett presented a PowerPoint to the Mayor and Council. Fountain Residential Partners visited this property in 2017 and came back in 2020 with a new plan. They decided to leave single family lots on Ayers Drive alone and mentioned there are no points of ingress and egress on the aforementioned road. The only access points for the property are on Shiloh Road. Fountain Residential Partners are here because of the explosive growth of Kennesaw State University. It is important to address a growing university with not enough housing; if you do not, students will begin to move into single-family homes in neighborhoods without any conditions. Fountain Residential Partners has worked hard with community stakeholders to make sure the project is as low impact as possible. What they have accomplished with Pinetree is a model they want to implement with developments in the future with other municipalities.

PHIL AZALONE (Cobb County resident and Pinetree Civic Association President): Mr. Azalone mentioned how Kennesaw State University has grown significantly. This development has advantages such as privacy and the security of keeping a residential community residential. There is a major issue of up to five or six students living in one house throughout Cobb County.

DOUG DILLARD (Attorney for Dillard Sellers, Attorneys at Law – Counsel for Applicant): Mr. Dillard announced he would like to reserve three minutes for rebuttal.

RICHARD W. CALHOUN (Attorney for Gregory, Doyle, Calhoun & Rogers, LLC – Counsel for 75 Wade Green Business Center Association, Inc.): Attorney Calhoun's team tendered various exhibits into the record and provided copies for the Mayor and Council. Please see "Exhibits A-F". *[Note: "Exhibit G" is a DVD of audio from West 22. It will be*

included in the minutes and available upon request in the City Clerk's office]. He mentioned the March 16, 2020 letter given to the Mayor and Council was not included in the agenda packet. Several affidavits from homeowners within Pinetree Country Club and an opposition letter from Ryan A. Lee of R.A. Lee & Associates, Architects were entered into the record as well. Please see "Exhibit H" and "Exhibit I", respectively. Attorney Calhoun brought up several issues of concern including legal ads that ran during the Mayor's Executive Order – 02 staying all zoning matters, spot zoning, and examples of disruption from similar developments.

RYAN LEE (President and CEO of R.A. Lee & Associates, Architects): Mr. Lee is a licensed architect and owns R.A. Lee. He is in opposition to the rezoning because it fails to meet RM-12 rezoning standards. Mr. Lee told the Mayor and Council the request would be detrimental to his office park and the three single-family homes nearby. He asks them to deny the request as submitted.

Motion by Councilmember Henderson to approve **ORDINANCE NO. 2020-06, 2020** for rezoning request submitted by Fountain Residential Partners, as presented, seconded by Councilmember Blinkhorn.

10:21 PM Floor Open for Public Comments

No comment.

10: 22 PM Floor Closed for Public Comments

Vote taken. Motion approved, 3-1-1 *[Mayor Pro Tem Ferris opposed, Councilmember Viars recused]*. Motion carried.

[Attorney Doug Dillard stated for the record the variance request was removed].

- B. Authorization for approval of variance requests submitted by Fountain Residential Partners, LLC for property located at 1465 Shiloh Road Property located at 1465 Shiloh Road being identified as Land Lot 60, Tax Parcel 31, 2nd Section, Cobb County. Said proposal is for purpose built student housing. The variance requests are for the following: (1) Increase the RM-12 zoning district max. density from 12 unites/acre to 15.55 units/acre (68 units total); (2) Reduce the front yard setback along Shiloh Road from 40 ft. to 30 ft. on property consisting of 4.4 +/- acres. The application was advertised in the Marietta Daily Journal on February 14, 2020 and February 21, 2020 with property posting on February 18, 2020. The Planning Commission, at a meeting held on March 04, 2020, vote 2-1, made recommendation to deny the requested variances for density and front setback reduction. Staff recommendation: Darryl Simmons, Zoning Administrator, recommends the removal of the density and setback variance application due to the compliance of the RM-12 density and setback regulations presented in the revised site plan prepared by Kimley Horn dated 3-13-20.

No action taken.

[Councilmember Viars returned to the Council Chambers].

Exhibit “E”



Positive

As of: July 13, 2020 3:44 PM Z

Dunaway v. Marietta

Supreme Court of Georgia

November 8, 1983, Decided

No. 40030

Reporter

251 Ga. 727 *; 308 S.E.2d 823 **; 1983 Ga. LEXIS 940 ***

property or to challenge the rezoning procedures used. The storeowner also appealed the trial court's grant of summary judgment in favor of the city and appellee property owner.

DUNAWAY v. CITY OF MARIETTA

Subsequent History: [***1] Amended December 8, 1983. Rehearing Denied December 5, 1983.

Prior History: Injunction. Cobb Superior Court. Before Judge Robinson.

Disposition: *Judgment affirmed in part and reversed in part.*

Core Terms

rezoning, corruption, zoning, neighbors, congestion, aggrieved, traffic, nearby, chair, spot, vice

Case Summary

Procedural Posture

Appellant storeowner sought review of a decision from the Cobb Superior Court (Georgia) which held that the storeowner did not have standing to challenge the power of appellee City of Marietta to rezone certain

Overview

The storeowner operated a drugstore in the city. The city rezoned a nearby piece of property, which allowed the property owner to lease the land to a competitor drugstore. The storeowner filed an action challenging the city's rezoning. The trial court held that the storeowner lacked standing to challenge the city's power to rezone the property or the procedures used because the traffic congestion that the storeowner alleged was caused by the rezoning did not confer upon him an interest sufficient to meet the "substantial interest-aggrieved citizen" test for standing that was set forth in Ga. Code Ann. § 69-827. The court agreed and affirmed that portion of the trial court's decision. However, the court reversed the trial court's grant of summary judgment in favor of the city and the property owner as to the storeowner's allegations of fraud and corruption. The storeowner's allegations raised a factual question as to whether the city's zoning board's decision was tainted by a conflict of interest of one of its members. If the storeowner proved this at trial then the city's rezoning decision could be reversed.

Outcome

The court affirmed that portion of the trial court's decision which held that the storeowner lacked standing to challenge the power of city to rezone certain property or the rezoning procedures used. However, the court

reversed the trial court's decision granting summary judgment in favor of the city and the property owner.

Business & Corporate Compliance > ... > Real Property Law > Zoning > Spot Zoning

Civil Procedure > Appeals > Standards of Review > General Overview

Real Property Law > Zoning > Judicial Review

LexisNexis® Headnotes

Civil Procedure > Appeals > Reviewability of Lower Court Decisions > Adverse Determinations

Real Property Law > Zoning > Judicial Review

Civil
Procedure > ... > Justiciability > Standing > General Overview

[HN1](#) [📄] Reviewability of Lower Court Decisions, Adverse Determinations

The test of standing in rezoning suits is similar to the special damages standing tests as to public nuisances. The "substantial interest-aggrieved citizen" test set forth in former Ga. Code Ann. § 69-827 for standing to appeal from decisions of boards of adjustment is applicable.

Business & Corporate Compliance > ... > Sales of Goods > Remedies > General Overview

Civil
Procedure > ... > Justiciability > Standing > General Overview

Real Property Law > Zoning > Judicial Review

[HN2](#) [📄] Sales of Goods, Remedies

The mere increase in traffic congestion adjacent to one's property as the result of improvements erected on nearby property and the attendant inconvenience resulting therefrom which are damages suffered alike by all property owners similarly situated, does not give to one individual such a substantial interest in the decision permitting the improvement as to authorize an appeal therefrom.

[HN3](#) [📄] Zoning, Spot Zoning

When neighbors of rezoned property challenge the rezoning in court on its merits, it will be set aside only if fraud or corruption is shown or the rezoning power is being manifestly abused to the oppression of the neighbors.

Counsel: Awtrey & Parker, A. Sidney Parker, Toby B. Prodders, for appellant.

Downey, Cleveland, Moore & Parker, Joseph C. Parker, Paul H. Anderson, Sr., John T. Brumby, Sutherland, Asbill & Brennan, John A. Chandler, for appellee.

Judges: Clarke, Justice. All the Justices concur.

Opinion by: CLARKE

Opinion

[*727] [823]** This is a zoning case in which we examine the issue of standing to attack the merits of a rezoning and the procedures used, and the issue **[*728]** of possible conflict of interest. We find that Dunaway lacks standing to attack the merits and procedures, but we also find **[**824]** the possible conflict of interest presents an issue of fact as to fraud and corruption. On this issue Dunaway has standing.

Appellee City of Marietta granted a rezoning application filed by appellee Georgia Associated Services, Inc. The

property was rezoned from office-institutional to general commercial, restricted to use as a drug store. Appellants Dunaway and Dunaway Drug Stores, Inc. [***2] (Dunaway) own a nearby tract used for a drug store since 1958. Georgia Associated Services conveyed the property to appellee Eckerd Drugs of Georgia after the rezoning.

Dunaway filed suit to set aside the rezoning and to enjoin its implementation. The complaint was cast in several counts. The trial court found that the complaint did not state sufficient facts to confer upon Dunaway standing to challenge the power of the city to rezone the property or the procedures used. The trial court further granted summary judgment to appellees on Dunaway's claim that the rezoning resulted from fraud and corruption due to a manifest conflict of interest by a city official. Dunaway appeals from these two orders.

The conflict of interest complained of is that of the chairman of the city planning commission, who was also a vice president of General Associated Services. This official presided over the first hearing before the planning commission, although he disqualified himself from voting. He removed himself from the chair on the second hearing before that body. Dunaway charges that this official also contacted city council members and lobbied them to rezone the property.

1. Dunaway appeals [***3] from the dismissal of the portion of the complaint dealing with the city's power to rezone and the procedures used. In Brock v. Hall County, 239 Ga. 160 (236 SE2d 90) (1977), we held that HN1 [↑] "[T]he test of standing in rezoning suits is similar to the special damages standing tests as to public nuisances." Id. at 161. In that case, we adopted the "substantial interest -- aggrieved citizen" test set forth in former Code Ann. § 69-827 for standing to appeal from decisions of boards of adjustment.

Dunaway's claim of special damages in the form of traffic congestion is not sufficient to confer upon Dunaway the status of the substantial interest -- aggrieved citizen. HN2 [↑] "The mere increase in traffic congestion adjacent to one's property as the result of improvements erected on nearby property and the attendant inconvenience resulting therefrom which are damages suffered alike by all property owners similarly situated, does not give to one individual such a substantial interest in the decision . . . permitting [*729] the improvement as to authorize an appeal therefrom." Victoria Corp. v. Atlanta Merchandise Mart, 101 Ga. App. 163, 164 (112 SE2d 793) (1960). Therefore, the

trial [***4] court properly dismissed the portions of the complaint dealing with the procedure used in rezoning the property and the merits of the rezoning.

2. The trial court found that Dunaway has standing to attack the rezoning decision as a product of fraud and corruption and an arbitrary and capricious action on the part of the city. In Cross v. Hall County, 238 Ga. 709 (235 SE2d 379) (1977), we found that HN3 [↑] "[w]hen neighbors of rezoned property challenge the rezoning in court on its merits, it will be set aside only if fraud or corruption is shown or the rezoning power is being manifestly abused to the oppression of the neighbors." Id. at 711. The trial court found that the action of the city council in approving the rezoning application was a valid exercise of conditional zoning rather than an example of invalid and arbitrary spot zoning. The court found that the conditions were placed to ameliorate the effect of the rezoning upon the neighbors. Cross v. Hall County, supra. Further, the trial court found that the rezoning did not constitute spot zoning as defined by Dunaway because it was consistent with the use of neighboring property, including that of Dunaway, at the time [***5] of the application.

3. The conduct of the chairman of the planning commission, who was also a vice president of the applicant corporation, is the basis of the allegation of fraud and corruption. The trial court granted summary judgment to the appellees, finding [**825] that any financial interest which the chairman had in the outcome of the decision was too remote and speculative as to affect the validity of the zoning. The court further found that under all the circumstances the evidence was insufficient to raise a question of fraud and corruption. We cannot agree. Although the court found the chairman's relationship to the applicant was disclosed to the council members with whom he spoke, and although the chairman never voted on the application when it was before the planning commission, the fact that he chaired the first planning commission hearing on the application raises a factual issue of whether that conduct tainted both that hearing and the subsequent hearing on the amended application. We therefore reverse the trial court's grant of summary judgment on this issue alone and remand the case for trial.

Judgment affirmed in part and reversed in part.



**Regular Meeting Agenda
8/3/2020 6:30 PM
Council Chambers**

Title of Item:	Approval of RESOLUTION for the Mayor to execute the Lease Supplement with Georgia Municipal Association (GMA) for the direct leasing program for three (3) 2020 Ford Explorers for Police department. The total amount of the loan is \$110,288.13.
Agenda Comments:	Through GMA, the City will finance the vehicles for a five year period with annual payments of \$24,048.67 at an annual interest rate of 2.95%. Funding will be through Magnolia Bank via GMA. Finance Director recommends approval.
Funding Line(s)	100.8000.58.1200 Total principal \$110,288.13 over lease term. 100.8000.58.2200 Total interest \$9,955.22 over lease term.

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/31/2020	Resolution
Lease Supplement	7/16/2020	Backup Material

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2020- ___, 2020

**RESOLUTION OF THE KENNESAW CITY COUNCIL AUTHORIZING
AND DIRECTING THE MAYOR TO EXECUTE ONE OR MORE LEASE
SUPPLEMENTS FOR A LEASE OR LEASES UNDER THE GEORGIA MUNICIPAL
ASSOCIATION (GMA) DIRECT LEASING PROGRAM; TO DESIGNATE SUCH
LEASES AS QUALIFIED TAX EXEMPT OBLIGATIONS; TO PROVIDE AN
EFFECTIVE DATE; AND FOR OTHER PURPOSES**

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

WHEREAS, the City has entered into a Master Lease (the "Master Lease") dated as of February 21, 2001, with Georgia Municipal Association, Inc. (GMA) for the leasing from time to time of certain equipment, machinery or other personal property pursuant to Supplemental Leases.

NOW, THEREFORE, BE IT RESOLVED that the Kennesaw City Council:

1. The Mayor of the City of Kennesaw is hereby authorized and directed to execute and deliver a Lease Supplement pursuant to the Master Lease to put into effect one or more leases for three (3) 2020 Ford Explorer vehicles (the "Leased Property"); said officer of the City is authorized and directed in the name and on behalf of the City to execute and deliver (i) one or more Lease Supplements for items of the Leased Property in substantially the form attached to the Master Lease, with such changes and additions as may be approved by said officer, and (ii) such other documents as may be deemed by such officer to be necessary or desirable to effect the purposes hereof or of the Master Lease, and such execution shall constitute conclusive evidence that the executed document has been authorized and approved hereby; the aforesaid officer is further authorized to do all things necessary or appropriate to effectuate the purposes hereof.
2. An appropriation in the City's current operating budget has previously been made in the amount of \$24,048.67 which shall be sufficient to pay the "rentals" and the "termination payment" during the "starting term" under such Lease Supplements.
3. The lease or leases contemplated by the said Lease Supplements are hereby designated "Qualified Tax Exempt Obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, and said officer shall be authorized to confirm such designation by execution of appropriate documents in connection therewith.
4. This authorization shall be effective immediately.

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

ATTEST:

CITY OF KENNESAW

James Friedrich, Deputy City Clerk

Derek Easterling Mayor



President
Vince Williams
Mayor, Union City

First Vice President
Jim Thornton
Mayor, LaGrange

Second Vice President
Julie Smith
Mayor, Tifton

Third Vice President
Michelle Cooper Kelly
Mayor Pro Tem, Marietta

Immediate Past President
Phil Best
Mayor, Dublin

Executive Director
Larry H. Hanson

July 13, 2020

Ms. Gina Auld
Finance Director
City of Kennesaw
2529 J. O. Stephenson Avenue
Kennesaw, Georgia 30144

RE: Direct Installment Program

Dear Ms. Auld:

Please find enclosed the proposed lease supplement between your city and the Georgia Municipal Association. GMA will file all necessary forms including the state UCC-1 and federal 8038. **Please keep in mind the payment schedule (Schedule B) may change slightly depending on the closing date.**

Please return the documents and invoice to GMA by August 15, 2020 to guarantee the 2.95% interest rate. You may wish to send the documents by overnight courier to assure prompt delivery.

PLEASE PAY CAREFUL ATTENTION TO SIGNATURES AND SEALS. OUR LENDERS WILL NOT PROCESS INCOMPLETE PAPERWORK. IF YOU ARE UNSURE ABOUT A DATE FIELD, LEAVE IT BLANK.

If you have any questions, please contact me at (678) 686-6264.

Sincerely,

A handwritten signature in black ink that reads 'Darin Jenkins'. The signature is fluid and cursive, with the first name 'Darin' being more prominent.

Darin Jenkins
Director of Financial Services

/DJ
Enclosures

DOCUMENT NOTES

LEASE SUPPLEMENT

NOTE: ON ALL PROPERTIES REQUIRING TITLE, A COPY OF THE MV - 1 APPLICATION LISTING GMA AS LIENHOLDER MUST ACCOMPANY LEASE DOCUMENTS.

Exhibit E - Lease Supplement: Please complete requested information. Please also sign on the Lessee position, which is marked with the City's name. The City Clerk should attest this document.

Exhibit E - Schedule A: Please insert appropriate information as requested (i.e., add serial number, amount, or model number).

Exhibit E- Schedule B: No action is required for this schedule.

Exhibit E- Schedule C: Please date, sign, and have the City Clerk attest this document.

Exhibit E- Schedule D: IRS Form 8038: Please add the city's Tax I.D. number and sign at the bottom. GMA will complete this document at closing.

Exhibit E- Schedule F: Resolution/Ordinance for Supplemental Lease: Please add necessary information, date, and sign this document. The Resolution/Ordinance must be adopted at a regular council meeting at which the Mayor may designate the appropriate city officials to enter into subsequent leases for the appropriate amount. The City Clerk should sign and seal at the bottom of the page.

Please return the enclosed document and all attachments (i.e., clips, etc.) to:

Georgia Municipal Association
Attention: Financial Services Program Manager
P.O. Box 105377
Atlanta, Georgia 30348

IF YOU HAVE ANY QUESTIONS OR SHOULD NEED ANY ASSISTANCE, PLEASE DO NOT HESITATE TO CALL THE FINANCIAL SERVICES PROGRAM MANAGER AT (888) 488-4462. LEASE DOCUMENTS MUST BE EXECUTED COMPLETELY AND CORRECTLY BEFORE ANY CHECKS WILL BE ISSUED BY THE SERVICING BANK.

Note: GMA's Lienholder Code is 10288896

EXHIBIT "E"
LEASE SUPPLEMENT

THIS LEASE SUPPLEMENT (this "Lease Supplement") by and between GEORGIA MUNICIPAL ASSOCIATION, INC., a Georgia non-profit corporation ("Lessor") and the municipal corporation of the State of Georgia signing below ("Lessee"), is made and entered into the date of its execution by the Lessor.

RECITALS:

Lessor and Lessee have entered into a Master Lease (the "Master Lease") dated February 21, 2001, which provides for Lessor to lease to Lessee certain property (the "Property") to be specified in Lease Supplements to be executed and delivered by Lessor and Lessee from time to time; and

Lessor and Lessee are entering into this Lease Supplement pursuant to the Master Lease to specify the terms for the lease of certain Property.

LESSOR AND LESSEE HEREBY AGREE AS FOLLOWS:

1. Definitions. Unless a different meaning or intent is required by this Lease Supplement, the capitalized terms used in this Lease Supplement shall have the meanings set forth in the Master Lease.
2. Property. The Property described on the Property Schedule incorporated as Schedule A to this Lease Supplement is specified as the Property that initially is the subject hereof.
3. Lease Payments. The Rental Schedule, incorporated as Schedule B to this Lease Supplement describes the initial amounts and payment dates of the Rentals for the Lease, and the Purchase Price for the Property. The Termination Payment may become due and payable upon the circumstances described in Section 4.2 of the Master Lease.
4. Term of Lease. The Starting Term of the Lease of the Property shall begin on the date hereof (the "Starting Date") and end on December 31 of the same year. The Lease will be renewed for successive calendar year Renewal Terms (the "Renewal Terms"), and an Ending Term (the "Ending Term") commencing January 1 of the last calendar year appearing on the Rental Schedule, and ending on the date of the final payment shown on the Rental Schedule (the "Ending Date"), unless Lessee gives a Nonrenewal Notice or there occurs an Event of Nonappropriation, as provided in the Master Lease. The "Lease Term" is the period from the Starting Date to the Ending Date, subject to the earlier expiration or termination of the Lease as provided in the Master Lease.
5. Agreements, Representations and Warranties. Lessee represents, warrants and agrees as follows:
 - (a) Lessee's representations, warranties and agreements contained in the Master Lease are true, accurate, complete and effective as of the date hereof;
 - (b) *(this clause (b) applies only if this Lease is designated as a Bank-Qualified Lease below)* in order to enable Lessor to offer the interest rate contained in this Lease, Lessee represents and warrants that it has not issued, nor does it (taken together with the entities with which it must be aggregate pursuant to Section 265(b)(3)(E) of the Code) reasonably expect to issue (taking into account the Leases) more than \$10 million of tax-exempt obligations (other than private activity bonds) for the calendar year during which the Lease becomes effective; as provided in Code Section 265(b)(3)(B)(II), Lessee specifically designates the Lease as a "qualified tax-exempt obligation" as provided by Code Section 265(b)(3);
 - (c) Lessee will take no action that will directly or indirectly affects the deductibility of that portion of Lessor's interest expense allocable to this Lease;
 - (d) Lessee has made an available appropriation of and included in its current operating budget all Rentals for the Starting Term and the Termination Payment applicable to this Lease;
 - (e) Unless Property funds are escrowed, Lessee has received, tested, and finally accepted the Property;

- (f) The portion of the Rentals representing principal, when taken together with the principal portion outstanding under any other contract entered into by Lessee pursuant to the authority of O.C.G.A. § 36-60-13, together with the amount of debt outstanding incurred by Lessee pursuant to Article IX, Section V, Paragraph I of the Constitution of Georgia of 1983, as amended, does not exceed 10% of the assessed value of all taxable property within the jurisdictional limits of Lessee;
 - (g) The Property that is the subject hereof has not been the subject of a referendum that failed to receive the approval of the voters of Lessee within the calendar year in which this Lease is entered into for any of the four immediately preceding calendar years;
 - (h) If the Property subject to this Lease is real property: and unless the Property has been approved in the most recent referendum calling for the levy of a special county 1% sales and use tax pursuant to O.C.G.A. Tit. 48, Chapt. 8, Art. 3, Pt. 1, neither of the following has occurred:
 - (i) the average annual payments on the aggregate of all outstanding contracts entered into by Lessee for real property pursuant to the authority of O.C.G.A. § 36-60-13, including this Lease, do not exceed 7.5% of the governmental fund revenues of Lessee for the last calendar year preceding the date of delivery of this Lease (provided, however, that there may be added to such governmental fund revenues any special county 1% sales and use tax proceeds collected pursuant to O.C.G.A. § 48-8-111 legally available to pay amounts on this Lease or such other contracts); and
 - (ii) the outstanding principal balance on the aggregate of all outstanding contracts entered into by Lessee for real property pursuant to the authority of O.C.G.A. § 36-60-13, including this Lease does not exceed \$25,000,000.00
 - (i) If the property subject to this Lease is real property, Lessee held a public hearing with respect to this Lease prior to the delivery of this Lease, notice of which hearing was published at least once in each of the two weeks preceding the week of the hearing in a newspaper of general circulation in the jurisdiction of Lessee.
 - (j) No Event of Default or Event of Nonappropriation has occurred with respect to any Lease entered into under the Master Lease.
6. Non-Arbitrage Certificate. The Property that is subject to the Lease has not been and is not expected to be sold or otherwise disposed of in whole or in part prior to the Ending Date. Monies appropriated for the payment of amounts under the Lease will be paid from Lessee's general fund and will not be pledged for the Lease or be otherwise separately identified or accounted for (unless the Lease is to be paid from sales tax receipts). Lessee has not been notified of any listing of it by the Internal Revenue Service as an issuer that may not certify its obligations. No proceeds or "gross proceeds" of the Lease are expected to be invested prior to an allocation for governmental use, unless an Escrow Agreement has been entered into in connection with this Lease. The proceeds of the Lease will not be used in a manner and no other action will be taken or omitted that would cause the Lease to be an "arbitrage bond" under Section 148 or a "private activity bond" under Section 141 of the Internal Revenue Code of 1986, as amended and the regulations promulgated under that Section.
7. Quitclaim. At the outset of this Lease, the Lessee does hereby assign, transfer, convey and quitclaim to Georgia Municipal Association, Inc. ("Lessor") such ownership interests as it may possess, if any, in and to the "Property," as is necessary to permit the Property to be leased by Lessor to Lessee pursuant to the terms of this Lease Supplement and the Master Lease in accordance with their terms. Pursuant to Section 2.2 of the Master Lease, Lessor further transfers title to Lessee to the extent provided therein, and Lessee accepts such transfer in accordance with such Section 2.2. This quitclaim is given in consideration of the advance by or on behalf of the Lessor of the purchase price of the Property and the undertaking of the Lessor represented by this Lease Supplement.
8. Active Municipality. The Lessee certifies that it does, and expects to continue (a) providing at least three of the following services, either directly or by contract: law enforcement; fire protection (which may be furnished by a volunteer fire force) and fire safety; road and street construction or maintenance; solid waste management; water supply or distribution or both; waste-water treatment; storm-water collection and disposal; electric or gas utility services; enforcement of building, housing, plumbing, and electrical codes and other similar codes; planning and zoning; recreational facilities; (b) holding at least six regular, monthly or bimonthly, officially recorded public meetings each year; and (c) qualifying for and holds a regular municipal election as provided by law.

9. Effect of Lease Supplement. This Lease Supplement is intended as a separate Lease of the items of Property described in this Lease Supplement pursuant to the Master Lease. The terms, conditions and provisions of the Master Lease are hereby incorporated in this Lease Supplement to the same extent as if fully set forth in this Lease Supplement in this place, except to the extent expressly amended or modified by this Lease Supplement. The owner of Lessor's interest in this Lease shall have all rights, powers and remedies of Lessor with respect to this Lease under the Master Lease. This Lease Supplement may be executed in multiple counterparts, each of which shall constitute an original. This Lease Supplement shall be effective only upon the due completion and execution of the Schedules listed below and the delivery thereof to the Servicer.

10. Bank-Qualified or Non-Bank-Qualified.

☐ The Lease under this Lease Supplement is a Non-Bank-Qualified Lease;

OR: (Check 1 box)

☒ The Lease under this Lease Supplement is a Bank-Qualified Lease and Lessee has designated the Lease under the Lease Supplement as a "qualified tax-exempt obligation" under Section 265(b)(3) of the Code. The Lessee and its subordinate entities, and the entities that issue obligations on behalf of Lessee have not issued other tax-exempt obligations (other than private activity bonds, except Qualified 501(c)(3) Bonds) in the current calendar year, and Lessee does not expect that it and such other entities will issue such tax-exempt obligations such that all of such obligations, taken together with the Lease Amount under the Lease Supplement, would exceed \$10,000,000 in such calendar year. The only tax-exempt obligations issued or expected to be issued in the current calendar year by such parties are as follows (type title, date and amount):

	TITLE	DATE	AMOUNT
(1)	_____	_____	_____
(2)	_____	_____	_____

11. Payments Direction. Lessee authorizes and directs the Servicer under this Lease Supplement to pay the vendors of the Property as indicated below:

<u>NAME AND ADDRESS OF VENDOR</u>	<u>INVOICE #</u> (attach invoices)	<u>AMOUNT</u>
City of Kennesaw 2529 J. O. Stephenson Avenue Kennesaw GA 30144 Attn: Finance Director (770) 424-8274	Enclosed	\$110,288.13

(Should Lessee have previously paid vendor, or require another means of payment to the Vendor, it should attach a request for an alternate payment method with a full explanation and, if applicable, proof of payment to the vendor.)

12. Assignee and Servicer. Lessor has assigned its rights and interests in the Lease to Magnolia Bank, which shall serve as Servicer for the Lease, and Lessee shall make payments to such Servicer.

13. Schedules. Lessee hereby delivers to Lessor and its assigns the completed, executed and effective Schedules C, D, and F, described below.

This Lease Supplement is dated: _____.

IN WITNESS WHEREOF, Lessor and Lessee have caused this Lease Supplement to be duly executed.

LESSEE:
(SEAL)

City of Kennesaw

Signed By: _____
City Manager or Mayor

Print Name: _____

Attested By: _____
City Clerk

Print Name: _____

Date: _____

LESSOR:
(SEAL)

GEORGIA MUNICIPAL ASSOCIATION, INC.

Signed By: _____
Executive Director

Attested By: _____
Financial Services Program Manager

Date of Execution: _____

Schedules Hereto:

- A. Property Schedule**
- B. Rental Schedule**
- C. Appropriation Certificate Form**
- D. Form 8038G or 8038GC**
- E. Form UCC-1 (If included)**
- F. Ordinance/Resolution for Lease Supplement**
- G. Assignment and Transfer of Lease Supplement
(Schedule G will be completed by GMA)**

Payment Amortization Report

Customer: City of Kennesaw #8

SAMPLE

Interest Rate:

2.95%

Per	Date	Payment	Principal	Interest	Principal Balance	Accrued Interest	Accrued Int Bal	Net Balance
1	9/20	0.00	0.00	0.00	110,288.13	267.53	267.53	110,555.66
13	9/21	24,048.67	20,795.17	3,253.50	89,492.96	3,203.05	217.08	89,710.04
25	9/22	24,048.67	21,408.63	2,640.04	68,084.33	2,588.11	165.15	68,249.48
37	9/23	24,048.67	22,040.18	2,008.49	46,044.15	1,955.03	111.69	46,155.84
49	9/24	24,048.67	22,690.37	1,358.30	23,353.78	1,303.26	56.65	23,410.43
61	9/25	24,048.67	23,353.78	694.89	0.00	638.24	0.00	0.00
Totals:		120,243.35	110,288.13	9,955.22		9,955.22		

SCHEDULE A

PROPERTY SCHEDULE

<u>DESCRIPTION OF PROPERTY</u>	<u>IDENTIFICATION OR VIN NUMBER</u>	<u>AMOUNT FINANCED</u>
3 Ford Explorers with Equipment		\$110,288.13

SCHEDULE C

APPROPRIATION CERTIFICATE

Re: Master Lease dated February, 21, 2001 and Lease Supplement (the "Lease Supplement") dated _____, between Lessee and Georgia Municipal Association, Inc.

The undersigned officers of the City of Kennesaw (the "Lessee") hereby certify that all Rentals and the Termination Payment under the referenced Lease Supplement, for the current fiscal year are within such Lessee's operating budget or budgets for such year and an appropriation of funds for such year has been made for such purpose and is available therefore.

Dated: _____

City of Kennesaw

Signed by: _____

Print Name: _____

Title: _____

Attested By: _____

Print Name: _____

Title: _____

(SEAL)

INSTRUCTIONS:

1. To be given at the time of signing a Lease Supplement and within 30 days of the adoption of each annual budget.
2. Complete a separate certificate for each Lease Supplement in effect.

SCHEDULE D
Information Return for Tax-Exempt Governmental Obligations

► Under Internal Revenue Code section 149(e)

► See separate instructions.

Caution: If the issue price is under \$100,000, use Form 8038-GC.

OMB No. 1545-0720

Part I Reporting Authority

If Amended Return, check here ☐

1 Issuer's name City of Kennesaw		2 Issuer's employer identification number (EIN) 58-6010582
3a Name of person (other than issuer) with whom the IRS may communicate about this return (see instructions)		3b Telephone number of other person shown on 3a
4 Number and street (or P.O. box if mail is not delivered to street address) 2529 J. O. Stephenson Avenue	Room/suite	5 Report number (For IRS Use Only) 3
6 City, town, or post office, state, and ZIP code Kennesaw, GA 30144		7 Date of issue
8 Name of issue City of Kennesaw / GMA Essential Equipment Lease-Purchase		9 CUSIP number None
10a Name and title of officer or other employee of the issuer whom the IRS may call for more information (see instructions) Ms. Gina Auld, Finance Director		10b Telephone number of officer or other employee shown on 10a (770) 424-8274

Part II Type of Issue (enter the issue price). See the instructions and attach schedule.

11 Education	11	
12 Health and hospital	12	
13 Transportation	13	
14 Public safety	14	\$110,288.13
15 Environment (including sewage bonds)	15	
16 Housing	16	
17 Utilities	17	
18 Other. Describe ► 3 Ford Explorers with Equipment	18	
19 If obligations are TANs or RANs, check only box 19a ► <input type="checkbox"/>		
If obligations are BANs, check only box 19b ► <input type="checkbox"/>		
20 If obligations are in the form of a lease or installment sale, check box ► <input checked="" type="checkbox"/>		

Part III Description of Obligations. Complete for the entire issue for which this form is being filed.

	(a) Final maturity date	(b) Issue price	(c) Stated redemption price at maturity	(d) Weighted average maturity	(e) Yield
21		\$ 110,288.13	\$ N/A	years	%

Part IV Uses of Proceeds of Bond Issue (including underwriters' discount)

22 Proceeds used for accrued interest	22	
23 Issue price of entire issue (enter amount from line 21, column (b))	23	\$110,288.13
24 Proceeds used for bond issuance costs (including underwriters' discount)	24	0 00
25 Proceeds used for credit enhancement	25	
26 Proceeds allocated to reasonably required reserve or replacement fund	26	
27 Proceeds used to currently refund prior issues	27	
28 Proceeds used to advance refund prior issues	28	
29 Total (add lines 24 through 28)	29	0 00
30 Nonrefunding proceeds of the issue (subtract line 29 from line 23 and enter amount here)	30	\$110,288.13

Part V Description of Refunded Bonds. Complete this part only for refunding bonds.

31 Enter the remaining weighted average maturity of the bonds to be currently refunded ►	years
32 Enter the remaining weighted average maturity of the bonds to be advance refunded ►	years
33 Enter the last date on which the refunded bonds will be called (MM/DD/YYYY) ►	
34 Enter the date(s) the refunded bonds were issued ► (MM/DD/YYYY)	

For Paperwork Reduction Act Notice, see separate instructions.

Cat. No. 63773S

Form **8038-G** (Rev. 9-2011)

Part VI Miscellaneous

- | | | |
|------------|--|--|
| 35 | | |
| 36a | | |
| 37 | | |
- 35** Enter the amount of the state volume cap allocated to the issue under section 141(b)(5)
- 36a** Enter the amount of gross proceeds invested or to be invested in a guaranteed investment contract (GIC) (see instructions)
- b** Enter the final maturity date of the GIC ▶ _____
- c** Enter the name of the GIC provider ▶ _____
- 37** Pooled financings: Enter the amount of the proceeds of this issue that are to be used to make loans to other governmental units
- 38a** If this issue is a loan made from the proceeds of another tax-exempt issue, check box ☐ and enter the following information:
- b** Enter the date of the master pool obligation ▶ _____
- c** Enter the EIN of the issuer of the master pool obligation ▶ _____
- d** Enter the name of the issuer of the master pool obligation ▶ _____
- 39** If the issuer has designated the issue under section 265(b)(3)(B)(i)(III) (small issuer exception), check box ☒
- 40** If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check box ☐
- 41a** If the issuer has identified a hedge, check here ☐ and enter the following information:
- b** Name of hedge provider ▶ _____
- c** Type of hedge ▶ _____
- d** Term of hedge ▶ _____
- 42** If the issuer has superintegrated the hedge, check box ☐
- 43** If the issuer has established written procedures to ensure that all nonqualified bonds of this issue are remediated according to the requirements under the Code and Regulations (see instructions), check box ☐
- 44** If the issuer has established written procedures to monitor the requirements of section 148, check box ☐
- 45a** If some portion of the proceeds was used to reimburse expenditures, check here ☐ and enter the amount of reimbursement ▶ _____
- b** Enter the date the official intent was adopted ▶ _____

Signature and Consent

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that I consent to the IRS's disclosure of the issuer's return information, as necessary to process this return, to the person that I have authorized above.

▶ _____ Signature of issuer's authorized representative Date ▶ _____ Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed	PTIN
Firm's name ▶ _____			Firm's EIN ▶ _____	
Firm's address ▶ _____			Phone no. _____	

SCHEDULE F

ORDINANCE/RESOLUTION FOR SUPPLEMENTAL LEASES

A RESOLUTION OR ORDINANCE TO AUTHORIZE AND
DIRECT AN OFFICER OF THE CITY
TO EXECUTE ONE OR MORE LEASE SUPPLEMENTS FOR A LEASE
OR LEASES UNDER THE GMA DIRECT LEASING PROGRAM; TO DESIGNATE
SUCH LEASES AS QUALIFIED TAX-EXEMPT OBLIGATIONS;
TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City has entered into a Master Lease (the "Master Lease") dated as of February, 21, 2001, with Georgia Municipal Association, Inc. for the leasing from time to time of certain equipment, machinery or other personal property pursuant to Supplemental Leases;

NOW THEREFORE, BE IT RESOLVED OR ORDAINED AS FOLLOWS BY THE GOVERNING BODY OF THE CITY:

1. The _____ of the City is hereby authorized and directed to execute and deliver a Lease Supplement pursuant to the Master Lease to put into effect one or more leases for 3 Ford Explorers with Equipment (the "Leased Property"); said officer of the City is authorized and directed in the name and on behalf of the City to execute and deliver (i) one or more Lease Supplements for items of the Leased Property in substantially the form attached to the Master Lease, with such changes and additions as may be approved by said officer, and (ii) such other documents as may be deemed by such officer to be necessary or desirable to effect the purposes hereof or of the Master Lease, and such execution shall constitute conclusive evidence that the executed document has been authorized and approved hereby; the aforesaid officer is further authorized to do all things necessary or appropriate to effectuate the purposes hereof.

2. ☐ An appropriation in the City's current operating budget has previously been made, which shall be sufficient to pay the "Rentals" and the "Termination Payment" during the "Starting Term" under such Lease Supplements; or

(check box if applicable)

☐ An appropriation from unappropriated and unreserved funds in the City's current operating budget is hereby made for the "Rentals" and the "Termination Payment" during the "Starting Term" under such Lease Supplements, and the budget of the City is hereby amended to reflect such appropriation to the extent necessary.

3. The lease or leases contemplated by the said Lease Supplements are hereby designated "Qualified Tax-Exempt Obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, and said officer shall be authorized to confirm such designation by execution of appropriate documents in connection therewith.

4. This authorization shall be effective immediately.

CLERK'S CERTIFICATE

The undersigned hereby certifies that he or she is the Clerk of the City of Kennesaw, Georgia (the "City"), and that the foregoing is a true copy of the ☐ Resolution or, ☐ Ordinance [Check One] adopted by the governing body of the City at a meeting duly held on the _____, 20____, at which a quorum was present and acting throughout, and that the same has not been rescinded or modified and is now in full force and effect. Given under the seal of the City, this _____, 20____.

(SEAL)

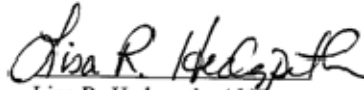
City Clerk

STATE OF NORTH CAROLINA
COUNTY OF WILSON

AFFIDAVIT OF LISA R. HEDGPETH

BEFORE ME, the undersigned Notary Public, personally appeared **Lisa R. Hedgpeth**, who, being known to me and first duly sworn, deposes upon oath and testifies as follows:

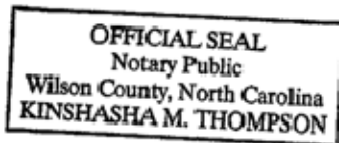
1. My name is Lisa R. Hedgpeth, and I am a resident and citizen of the State of North Carolina. I am an Assistant Vice President for Branch Banking and Trust Company ("BB&T").
2. I am providing this affidavit to comply with the law of the applicable jurisdiction which requires that any contractor doing business with the jurisdiction shall not knowingly hire for employment, employ or continue to employ an unauthorized alien.
3. To that end, I attest that BB&T has enrolled in the E-Verify program. BB&T's Identification Number is 53929.

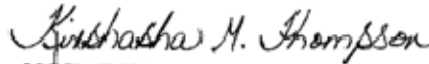


Lisa R. Hedgpeth, AVP
Branch Banking and Trust Company

SWORN TO AND SUBSCRIBED BEFORE ME, this the 6 day of April 2012.

(Seal)





NOTARY PUBLIC

Printed Name: Kinshasha M. Thompson
My Commission Expires: 10/2/2012



**Regular Meeting Agenda
8/3/2020 6:30 PM
Council Chambers**

Title of Item:	Approval of the National Endowment for the Arts Our Town Grant Application.
Agenda Comments:	<p>Kennesaw State University (KSU) Master Craftsman Program (MCP) is an academic program housed in the School of Art and Design (SOAAD). The City of Kennesaw has had a formal relationship with the MCP to develop public art installations in the downtown for the past several years. The MCP, through the KSU University Research and Service Foundation, intends to submit an application to the National Endowment for the Arts (NEA). If awarded, the Grant will provide funds for equipment for their studio space as well as fund design and fabrication of new art installations for the City's new Depot Park. The Grant would be for \$50,000 with a match of \$50,000. The application contemplates a 50/50 match with KSU and the City each providing \$25,000 in match funds. The City's match would be spread over two calendar years. Funds are available in the proposed 2021 draft budget for art installations. The value of just the material costs for the art installations for the City would be \$32,155 which exceeds the City's match. The Grant provides an opportunity to continue an excellent relationship with KSU's MCP program, add exciting public art installations to Depot Park, and continue to create a unique sense of place for the downtown by supporting its continued growth and development. The Economic Development Director recommends approval.</p>
Funding Line(s)	100.7500.52.5400

ATTACHMENTS:

Description	Upload Date	Type
Draft NEA Grant Application	7/22/2020	Backup Material

Tab 1: Application Data

*To be filled out in dropdown menus on NEA website when submitting

Tab 2: Organization Info

Subtab 1: Organization Information

Legal Name: Kennesaw State University Research and Service Foundation

Date Organization Was Incorporated: 2005

Applicant Organization Status: State Government

Applicant Organization Description: College/University

Applicant Organization Discipline: Visual Arts

Mission/Purpose of Your Organization: The Master Craftsman Program is an academic program housed in the School of Art and Design at Kennesaw State University. It exists to work with community members in providing student-built public art projects. The Master Craftsman program delivers high-impact learning practices for students through real-world applications. By engaging with clients located throughout the Atlanta area, students are actively involved in creative placemaking and placekeeping that strives to ensure a positive impact on the surrounding communities. In only its third year, the program has been responsible for the creation and placement of twenty-five sculptures and art pieces of various sizes in the greater Kennesaw area.

Providing a quality arts education is paramount to the School of Art and Design, and the Master Craftsman Program gives students valuable, real-world arts experience. Students that take the course engage in all aspects of the public art process. They meet with potential clients for design consultations, learn about public art contracts, present ideas, write proposals and budgets, and fabricate and install public artworks in a range of scales. They are subjected to almost all aspects of being a working artist, while also working collaboratively to beautify and strengthen their communities. This engagement ensures a mutually beneficial relationship for the students and the community.

Subtab 2: Organization Budget

Budget Form: To be supplied by Research office at a later date

Fiscal Health: To be supplied by Research office at a later date

Subtab 3: Primary Partner Information

Primary Partner Legal Name: City of Kennesaw

Primary Partner Popular Name (if different): N/A

Primary Partner's Taxpayer ID Number: 586010582 (We also have a DUNS number, if you need that)

Primary Partner Date Organization Was Incorporated: 1887

Primary Partner Organization Status: Municipal Government

Mission/Purpose of the Partner Organization:

The vision of the City of Kennesaw is to cultivate a progressive, vibrant community fostering an environment of opportunity, inclusion, and security, we strive to be a city inspired by innovation, guided by ethics, and enhanced by diversity. Our mission is to enhance the quality of life for our community; the City of Kennesaw is dedicated to providing fiscally responsible, innovative, efficient services and cultural resources. We are guided by core values supporting the fulfillment of the mission and vision of the city. These core values are fundamental to our city's success and reflect the RESPECT we have for our community and organization.

We are:

- Responsible
- Ethical
- Safe
- Professional
- Engaged
- Connected
- Transparent

Primary Partner Proposed Role: The City of Kennesaw has an ongoing partnership with the KSU Master Craftsman Program to facilitate the commission and installation of public art. The City commissions KSU to create original works for use and/or display by the City, and authorizes them using a mutual selection process with KSU. Students in the Master Craftsman Program design proposed works and present them to a selection committee comprised of leaders from the Mayor & Council and city departments. This committee chooses the designs to be produced from each commission. After the works are completed, the City arranges for the delivery of completed works from KSU to the City, and for the installation of any works that the City has accepted. KSU cooperates and advises in the delivery and installation process. Through a written agreement executed at the time of each commission, KSU (and the student artists creating the work) ownership of each accepted art piece is transferred to the City. As part of the agreement with KSU, the City pays for the cost of materials for creating the art pieces, and, if approved and agreed to in advance, any outsourced manufacturing costs.

To date, the partnership has produced over 20 original public art pieces, including decorative manhole covers, decorative benches, stand-alone sculpture and a signature sculptural sign at the entrance to a pocket park downtown.

Primary Partner Organization Discipline: N/A (based on the disciplines listed on the NEA site)

Primary Partner Organization Description: Government

Tab 3: Project Info

Subtab 1: Project Information

Our Town Project Type: Public art

Additional Project Type: Public art planning

Project Activity Type: Artwork Creation

Additional Project Activity Type: Distribution of Art, Building Public Awareness

Project Title: To support the design, construction, and installation of student-based public art in downtown Kennesaw

Project Description: To support the design, construction, and installation of student-based public art in downtown Kennesaw. Over a two-year period, the Master Craftsman Program seeks to work with the City of Kennesaw to provide a variety of public art for the downtown area. This will continue our collaborative efforts to enhance and reinvigorate downtown by providing student-made public art for this re-emerging area. Proposed projects will include sculptural benches, custom cast-iron manhole covers, pictographs, and sculptures placed in and around the upcoming Depot Park renovation project. This large park will serve the approximately 35,000 people in the city of Kennesaw in a variety of capacities, ranging from farmer's markets, concerts, leisure activities, to community-based arts and crafts festivals.

Project Background and Context: Demographically, the City of Kennesaw is changing, and the desire to revitalize the downtown area reflects that. According to the Tapestry Segmentation Area Profile study provided by Esri, Bright Young Professionals (8C) and Up and Coming Families (7A) comprised 46.7% of the population of Kennesaw. Nationally, these groups comprised only 4.6% of the population. If you add in Soccer Moms (4A), they account for 16.0% of the population of Kennesaw, and 2.9% nationally. That means that these three groups account for 62.7% of the population of the City of Kennesaw, compared to just 7.5% of the national population.

These demographics are important because these groups are comprised of the people who most want and can benefit from the artistic revitalization that efforts the City of Kennesaw and Master Craftsman Program provide. The Kennesaw Arts and Culture Commission, while producing its City of Kennesaw Public Art Master Plan, found through various surveys, meetings, and social engagement initiatives that residents wanted to see more public art. The key findings include:

- Citizens desire an art outlet for community placemaking and events.
- The community needs private and public commercial opportunities that will foster artistic business opportunities.
- The downtown Kennesaw area is in transition from a quiet downtown into a vibrant live, work, and play community.
- The survey concluded that artistic identity is desired by the citizens.

Working with these findings from the Kennesaw Arts and Culture Commission, the City of Kennesaw and the Master Craftsman Program's previous collaborations begin to provide

these opportunities and places that citizens desire. Continuing this work with Depot Park will be an important part of that. In addition to the creative placemaking these projects bring, they also provide essential health and wellness opportunities for the public.

Major Project Activities: The Master Craftsman Program seeks to collaborate with the City of Kennesaw to provide student-built public art in the downtown area as part of the Depot Park renovation. From August 2021 through May 2023, we seek to produce a variety of public art projects to enhance the new park area. We want to aid in the creation of an attractive greenspace that will bring in a wide range of community members who will benefit from the public art created by students. This would help to further our efforts in the ongoing revitalization of the downtown Main Street corridor and surrounding area.

Based off of the findings of the City of Kennesaw Public Arts Master Plan, we know that residents are seeking more public art. Citizens desire an art outlet for community placemaking and events, a desire met by Depot Park, as well as an artistic identity. Downtown Kennesaw is in transition from a quiet, downtown area into a vibrant live, work, and play community. The ongoing collaboration between the Master Craftsman Program and City of Kennesaw can help achieve this.

The successful completion of this project would have many benefits for the community. Students involved in the creation of public art will be able to see tangible results of their efforts in a permanent and public manner. Community members, a majority of which are families and people under the age of 44, would have access to many new public art pieces in a large greenspace. The park would provide numerous cultural and health benefits to the citizens who visit the area. In addition to this, their presence in the downtown area serves to aid in the economic development of this location. As people frequent the park, they are more likely to visit the Southern Museum of Civil War and Locomotive History, as well as the numerous restaurants and shops along the Main Street corridor.

The funding that is being requested in this proposal is meant to cover material and equipment costs. Based off of previous cost structures, we can safely estimate the approximate material costs for planned projects. Previous projects have required us to outsource many services, including CNC routing, laser cutting, tube rolling, and water jet cutting. In an effort to cut down on this outsourcing, we seek to buy several pieces of equipment that will allow us continued, in-house access to many of the resources we require for the successful completion of a wide variety of projects. We seek to purchase two laser cutters, a CNC router, and two large-format 3D printers. All of these pieces of equipment will be run and maintained by Master Craftsman faculty and staff, and students will use them for many different things. Having these pieces of equipment will allow us to create maquettes for clients, manipulate full-size sheet goods for projects, make patterns for casting, and most importantly, give students first-hand knowledge of each piece. The equipment serves not only our project goals of helping us to complete public art pieces, but also the educational goals of giving students access to emerging technologies.

The materials and equipment for this project would allow us to fully realize our mission of creating quality public art for the community, as well as fulfill the shared goals of the Master Craftsman Program and the City of Kennesaw. It would allow us to successfully create the public

art that community members wish for, at the same time creating a positive social, educational, and economic impact in our community.

Significant Dates: The proposed timeline for this project is two academic years, ranging from August 2021-May 2023. This will account for the design and creation of artworks by up to forty students. The proposed pieces of public art will be divided over the course of four semesters comprising these two years. By the beginning of the school year in August 2021, key stakeholders will have met and agreed upon specific projects and their intended completion dates and locations.

General Timeline

August 2021 – December 2021:	(2) Sculptural benches created and installed (4) Custom cast-iron manhole covers
January 2022 – May 2022:	(2) Sculptural benches created and installed (4) Cast-iron manhole covers
August 2022 – December 2022:	(2) Sculptures created and installed (4) Cast-iron manhole covers
January 2023 – May 2023:	Pictographs created and installed (4) Cast-iron manhole covers (1) Sculpture created and installed (1) Sculptural bench created and installed

Subtab 2: Project Objectives

Strengthening Communities Objective Narrative: Depot Park is a vital element in the revitalization of downtown Kennesaw. It will beautify the area and serve as an attractive gateway to the city. Being one of the main entertainment centers of the downtown area, its proximity to the Southern Museum of Civil War and Locomotive History, City Hall, and restaurants and shopping along the Main Street Corridor ensures that the entire area benefits from its presence. The museum, restaurants, and shopping will see increased economic activity from the influx of park visitors.

In order to prioritize community health, the Fit City Kennesaw program was started. Fit City is a city-wide initiative launched in 2012 to address the increasing rate of obesity and concerns over the health of Kennesaw residents. The program was recognized by the White house in 2013 for its successes. The large area of Depot Park will contain green spaces, exercise paths, bocce courts, dog parks, and play areas to further focus on physical and mental health.

Performance Measurement: Performance will be measured in several ways. The short-term measurement will be the successful completion and installation of projects. These will be deemed successful if they are completed on-time and at or under budget. These benchmarks will satisfy our partners, as well as our academic criteria.

The long-term measurement of performance will consist of several factors. These include the projects being used for their designed purposes, how well they hold up over time, and whether the community enjoys their presence. We will be able to solicit feedback from the

community through online interactions via social media platforms to gauge their responses to the projects, as well as the community interaction and interpretations of the project. Also, economic and other data collected by the city can show whether the new projects are successful or not. If they are not, we can use the data to interpret any potential changes that need to be made.

Intended Beneficiaries: The intended beneficiaries include the greater Kennesaw community. As the tapestry data noted above, those most likely to engage with the pieces include families and young professionals. In addition to the ~67% of Kennesaw residents under the age of 55, many of the students at Kennesaw State University would benefit from this project because of the close proximity to the downtown area.

This project would entice people to spend more time outdoors and being active in the park. It would also bolster the downtown area by drawing more consumers to the area, helping the revitalization efforts tremendously.

Have the intended beneficiaries been consulted in the development of this project? Yes

Community Engagement: The main goal of the Master Craftsman Program is community engagement through art. We work with stakeholders in the community in many ways to provide quality art and opportunities. We consistently work with the community (schools, museums, etc.) to provide demonstration iron and aluminum pours in which people can create their own small casting. We perform these pours approximately four times per year all over the Kennesaw/Marietta/Atlanta area.

When we work on public art projects, specifically with the City of Kennesaw, we speak with representatives from several different groups, including members of the local government, the Kennesaw Arts and Culture Commission, and students within the Master Craftsman program. All of these people represent different socioeconomic backgrounds, are local to the area, represent the demographics that we wish to serve. The Kennesaw Arts and Culture Commission hosts meeting throughout the year, all of which are open to the public, and we have spoken to committee members and local residents in the past. We have also given a presentation on the work we have done at city-wide Public Art Planning sessions. In addition to talking with community members at these events, we have also been invited to give presentations to various groups with strong community ties, including the Cobb Arts Vibe group, North Cobb Rotary Club, and the Marietta Metro Rotary Club.

Going forward, we plan on working with community leaders such as Robert Fox, the Director of Downtown Development, Darryl Simmons, a liaison to the Arts and Culture Commission and chair of the City Planning Commission, Ricky Stewart, the Kennesaw Public Works Director, Vanita Keswani, the Senior Director of Programs and Community Engagement for Cobb County, as well as the rotating members of the KACC. We will continue to meet with these individuals and the community groups they represent, as well as attend public art meetings, and give presentations on our program's work and mission.

Demographics

Race/Ethnicity:

American Indian	0.3%
Asian	5.3%
Black or African American	23.9%
Hispanic or Latino	10.9%
Pacific Islander	0.0%
White	59.5%

Age Ranges.

Children/Youth (0-18 years)	20.9%
Young Adults (19-24)	15.1%
Adults (25-64)	55.0%
Older Adults (65+)	9.0%

Underserved/Distinct Groups.

Individuals with Disabilities
Individuals below the Poverty Line
Individuals with Limited English Proficiency
Military Veterans/Active Duty Personnel
Youth at Risk

Population of Your Town/City/Tribal Land.

2020 Population: 34,172

If appropriate, describe how the project will benefit the underserved community.

The project would allow greater access to greenspaces for any of the underserved communities in the area. The park would be free to all, in a centrally-located area of Kennesaw. Students would have easy access from the Kennesaw State University campus. The pieces created by the Master Craftsman Program would allow free access to viewing public art that many of the underserved would not otherwise have access to. They would also be able to take part in various physical activity opportunities available in the park.

Subtab 3: Part 2c: Project Locations

Add Project Location: Kennesaw, GA 30144

Subtab 4: Works of Art

Description of Key Project Deliverables and/or Works of Art: The Master Craftsman Program seeks to deliver sculptural benches, manhole covers, and sculpture to Depot Park and the surrounding area. All of these pieces will be designed and fabricated by Master Craftsman students over the course of an academic semester. Students who enroll in the course will be assigned a project, complete designs and budgets, and meet with the key stakeholders to discuss their ideas. Designs will be chosen by the stakeholders (all of whom are community members) and students will then fabricate and install these pieces over the course of the semester. This will repeat for a total of four semesters. Students will look at relevant designs,

including past Master Craftsman projects, and the designs will be chosen on their artistic merit, suitability to public display, and the cost-effectiveness of the designs. The benches and manhole covers will be artistic in nature, and share some of the same qualities as seen in the completed works images accompanying this proposal.

Tab 4: Project Budget

Amount Requested from the National Endowment for the Arts: \$150,000

Subtab1: Project Expenses All fields below will be entered into dropdown menus on application website. They are listed here for draft considerations.*

Direct Costs:

Materials

(5) Benches @ \$1500	\$7,500
(16) Manhole Covers @ \$300	\$4,800
(3) Sculptures @ \$6,000	\$18,000
(6) Pictographs @ \$1,000	\$6,000
Total =	\$36,300

The materials for each of these projects is based on costs occurred for previous projects, or projects similar in nature to what is being proposed. The costs for each of the items listed includes all materials, consumables, and outsourcing (i.e. powder coating, water jet cutting, etc.) A small percentage has been added from previous estimates to cover potential tariff costs and inflation.

Equipment

(1) CAMaster CNC Router @ \$20,000	\$20,000
(2) Creality 3D Printers @ \$1,000	\$2,000
(1) BOSS Large-Format Laser Cutter @ \$30,000	\$30,000
(1) Epilog Laser Cutter @ \$45,000	\$45,000
(1) Millermatic 255 MIG Welder @ \$3,100	\$3,100
Total =	\$100,100

The equipment listed above is intended to be purchased by KSU for the Master Craftsman Program. The equipment will be used to make jigs for welding, create templates for metal fabrication, cutting acrylic, milling patterns for casting, welding, and other processes involved in the creation of these public art pieces for the City of Kennesaw. The welder and 3D printers would supplement our existing inventories, and allow more freedom to work independently as a program.

Grand Total of Materials and Equipment = \$136,400

*These prices will go up slightly. I am still communicating with vendors to try and get final costs with installation, shipping, setup, etc.

TOTAL PROJECT COSTS/EXPENSES: \$136,400

Subtab2: Project Income

TOTAL COST SHARE/MATCH FOR THIS PROJECT: \$75,000 TBD at a later date, between Department and University, and potentially City of Kennesaw funds. Potential donations and in-kind gifts may be used for the costs matching strategy. The other \$75,000 will come from the National Endowment for the Arts.

Tab 5: Project Participants

Subtab 1: Project Participants – Individuals

Selection of Key Individuals There are several key individuals already in place for this project because of the existing partnership between KSU and the City of Kennesaw. We will work with Robert Fox, the Director of Economic Development, Darryl Simmons, Zoning Administrator, members of the Kennesaw Arts and Culture Commission, and Ricky Stewart, Director of Public Works. These individuals are key members of the city government and run departments that we work with to plan projects. We will also bring in stakeholders in other programs and departments that have bearings on our project.

As far as students go, we allow any students who have met prerequisites to take the Master Craftsman course. These students are then introduced projects and create designs and budgets for these projects. They are more often than not community members who have a vested interest in not only their education, but also the strengthening of their communities through public art.

Bios of Key Individuals

Robert Fox: Bob Fox is Director of Economic Development for the City of Kennesaw and Executive Director for the Kennesaw Downtown Development Authority and Development Authority. He has been in the role with the City for 15 years and has primary responsibility for recruitment of new businesses, jobs and investment to the City. He has total of 40 years of experience; 20 years in the public sector and 20 years in the private sector in areas including landscape architecture, project management, real estate development and economic development. He has a Bachelor's of Landscape Architecture from University of Georgia and a Masters in Urban and Regional Planning from the University of Florida. He is a registered landscape architect and holds American Institute of Certified Planner (AICP).

Miranda Taylor: Miranda Taylor is the Economic Development Specialist for the City of Kennesaw. She earned Bachelor of Arts in Public Administration from Auburn University and a Master of Public Administration from Georgia State University and has worked as a local government professional for 17 years. Her experience centers in strategic planning, budget management, volunteer and board management, and community outreach. Her role with the City includes serving as staff liaison to the Kennesaw Downtown Development Authority and the Kennesaw Development Authority, business recruitment and retention, and creating/maintaining relationships with business owners, developers, and other key community stakeholders.

Darryl Simmons: Darryl Simmons is the Planning and Zoning Administrator for the City of Kennesaw. He studied architecture at the City College of New York City (CCNY) and moved to Cobb County from New York with his wife Ava in 1988. Mr. Simmons started his career in public service with the City of Marietta in 1989. During his twelve-year tenure at the City of Marietta, Mr. Simmons held the positions of Code enforcement officer, community Block Grant Housing Specialist, Existing Housing inspector, Planning and Zoning analyst. Mr. Simmons began serving as the Planning and Zoning Administrator with the City of Kennesaw in 2001. His training and certifications include Certifications for local Government Management, Management Development program graduate 1997 Carl Vinson Institute, ICC (SBCCI) certifications for inspections and code enforcement. He is a proud member of several organizations including – Regional Leadership Institute Atlanta Regional Commission, American Planning Association, Georgia Planning Association, Georgia Association of Zoning Administrators. Mr. Simmons believes that community engagement is very important. He is also a member of the Boy Scouts of America and a proud member of Civitan International since 2006, an organization that promotes programs to help children with special needs.

Ricky Stewart: Ricky Stewart is the Director of Public Works. His role with the City includes managing a staff of 30 employees that provides support for the City's street, stormwater, rights of way, sanitation and fleet maintenance operations. A graduate of Southern Polytechnic State University, Ricky has worked in local government for 23 years.

Subtab 2: Project Participants – Additional Partners

Additional Partners

Tab 6: Programmatic Activities

Lead Applicant Programmatic Activity. Over the course of the past three years, the Master Craftsman Program has delivered many works of exceptional quality to a variety of partners. We have worked with the City of Kennesaw extensively, as well as the City of Acworth Police Department, Town Center CID, the Root House Museum, the Southern Museum of Civil War and Locomotive History, Southern Graphics Council International, and The Commons at Kennesaw State University. This will be broken down by year in a dropdown tab on the grant application website.*

2017-2018: The first project completed by the Master Craftsman program was for Southern Graphics Council International. Their annual conference was taking place in Atlanta, with one day being at KSU. We were asked to design and create awards for the closing reception. Students designed and fabricated six awards out of stainless steel, brass, and walnut for the conference. Next, students created five benches for the City of Kennesaw. They were installed at the Southern Museum of Civil War and Locomotive History and City Hall Plaza. In the spring of 2018, students created a living wall for The Commons at KSU. It was

designed by architecture students, and created and installed by Master Craftsman students. In the summer, Master Craftsman students organized and ran a community iron pour during the Railroad Rendezvous event at the Southern Museum.

2018-2019: In the fall of 2018, students designed and created eight cast-iron manhole covers for the City of Kennesaw. These were cast during a workshop at Sloss Furnaces National Historic Landmark in Birmingham, Alabama. They were later installed in City Hall Plaza. Students also created designs for the upcoming Gateway Park shade structure project. In the spring, students fabricated the large shade structure from stainless steel. They also designed seven new manhole covers and two new benches. The manhole covers were cast in the iron foundry at KSU, and installed along Main Street in downtown Kennesaw. The two benches were fabricated and installed in City Hall Plaza. Students also ran another community iron pour event at the Southern Museum over the summer, which was documented by the Marietta Daily Journal newspaper and picked up by many other national newspapers on the AP wire.

2019-2020: In the fall of 2019, students created designs for the upcoming City of Acworth Police Department memorial sculpture project. During this time, they fabricated the large-scale sculptural signage for Aviation Park for Town Center CID, who was responsible for the creation of a new park next to Cobb County International Airport. Students also held an aluminum casting event as part of a Historic Maker Faire at the Southern Museum. In the spring, before school closures due to COVID-19, students began work on the City of Acworth Police Department memorial sculpture project. The project will be completed and installed over the course of the summer.

This section will include representative examples of each year in dropdown tab on grant website*

Tab 7: Items to Upload

Statements of Support Forthcoming from various stakeholders*

Work Samples

Appendix 1 – Selected City of Kennesaw Benches



Megan Pace. *Geometric Bench*. Mild steel, alkyd resin. 2017.



Thomas Daniel. *Railroad Spike Benches*. Corten steel, 2017.



Megan Pace. *Courting Bench*. Mild steel, alkyd resin, 2017.

Appendix 2 – Gateway Park Projects



Page Burch, *Gateway Park Sign*. Stainless steel, 2018.



Page Burch, *Gateway Park Sundial*. Stainless steel, corten steel, cast bronze, 2019.



Master Craftsman class. Designed by Jonathan Copeland, *Gateway Park Shade Structure*. Stainless steel, 2019.

Appendix 3 – City of Kennesaw Manhole Covers





Appendix 4 – Second Set of City Hall Park Benches



Brooke Barrett. *Curved Bench*. Powder coated mild steel, stainless steel, 2019.



Carrie McDaniel. *Untitled Bench*. Powder coated mild steel, stainless steel, 2019.



**Regular Meeting Agenda
8/3/2020 6:30 PM
Council Chambers**

Title of Item:	Receipt of May 2020 Crime Statistics.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
2020 May Crime Statistics	7/23/2020	Backup Material



To: Chief William Westenberger

Re: May 2020 Crime Statistics

May 2020 Crime Statistics

Monthly Report	May 2020	April 2020 + -	YTD (01/01/2020 05/31/2020)	Prev. Year +- (01/01/2019 05/31/2019)
Calls for Service	1,737	+946	5,650	-8
Traffic Citations	508	+298	2,054	-1,607
Traffic Warnings	467	+300	2,091	-2,544
Arrests	75	+46	368	-269

- Warnings do not include verbal warnings
- Arrest statistics do not include juveniles

Part I Crimes	May 2020	April 2020	YTD (01/01/2020 05/31/2020)	Prev. Year (01/01/2019 05/31/2019)
Homicide	0	0	0	0
Rape	1	0	3	3
Robbery	1	0	2	6
Aggravated Assault	3	0	8	10
Larceny	27	47	115	145
Burglary	3	2	13	17
Auto Theft	4	6	21	14
Total	39	55	162	195

Part 1 Crime Statistics:

- May 2020 compared to the previous month: 39 (-16)
- YTD compared to the previous year: 162 (-33)





**Regular Meeting Agenda
8/3/2020 6:30 PM
Council Chambers**

Title of Item:	Receipt of June 2020 Crime Statistics.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
2020 June Crime Statistics	7/23/2020	Backup Material



To: Chief William Westenberger

Re: June 2020 Crime Statistics

June 2020 Crime Statistics

Monthly Report	June 2020	May 2020 + -	YTD (01/01/2020 06/30/2020)	Prev. Year +- (01/01/2019 06/30/2019)
Calls for Service	1,445	-292	7,095	+286
Traffic Citations	388	-120	2,442	-1,802
Traffic Warnings	306	-161	2,397	-3,047
Arrests	69	-6	437	-310

- Warnings do not include verbal warnings
- Arrest statistics do not include juveniles

Part I Crimes	June 2020	May 2020	YTD (01/01/2020 06/30/2020)	Prev. Year (01/01/2019 06/30/2019)
Homicide	0	0	0	0
Rape	2	1	5	3
Robbery	1	1	3	5
Aggravated Assault	1	3	9	14
Larceny	22	27	137	192
Burglary	2	3	15	18
Auto Theft	2	4	23	17
Total	30	39	192	249

Part 1 Crime Statistics:

- June 2020 compared to the previous month: 30 (-9)
- YTD compared to the previous year: 192 (-57)





**Regular Meeting Agenda
8/3/2020 6:30 PM
Council Chambers**

Title of Item:	Approval of RESOLUTION to authorize an Economic Development Incentive Agreement with Horned Owl Brewery.
Agenda Comments:	<p>Horned Owl Brewery is a new craft beer brewery in development at 2765 South Main Street in downtown. They anticipate opening in the fourth quarter of 2020. The business entails significant capital investment, creation of 30 new jobs, and will generate positive revenue streams for the City as well as add to the growth and vibrancy of the City's downtown Entertainment District. In order to facilitate funding for the project, they obtained their alcohol manufacturing license well in advance of opening for business. This has created a financial hardship paying for a license they will benefit from for less than three months. The project has incurred additional unanticipated costs due to construction associated with an old building and disruptions due to COVID-19 with equipment deliveries. The attached Economic Development Incentive Analysis demonstrates there is still a positive economic benefit to the City based on providing an abatement of the alcohol manufacturing license fee for 2021. They will have paid an annual fee that they will benefit from for approximately 15 months. Based on the analysis and positive impacts the business will have, the Economic Development Incentive Committee voted to recommend the abatement of the fee for 2021 (see minutes). The Committee recommends approval.</p>
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/23/2020	Resolution
Horned Owl Brewery Incentive Agreement	7/22/2020	Backup Material

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2020-____, 2020

**RESOLUTION AUTHORIZING APPROVAL OF
ECONOMIC INCENTIVE FOR HORNED OWL BREWING**

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

WHEREAS, Horned Owl Brewing is a start-up company locating in Downtown Kennesaw, and the company will be a micro-brewery of craft beers; and

WHEREAS, their business plan forecasts significant capital investment, revenue growth and job creation in the first five years; and

WHEREAS, the incentive will provide relief for the renewal of a required alcohol manufacturing license, which Horned Owl Brewing was required to purchase prior to opening in order to secure project funding and equipment; and

WHEREAS, there is currently no option to prorate the manufacturers license fee for breweries, and Horned Owl Brewing will not open for business (and thus use the license) until the 4th quarter of 2020; and

WHEREAS, the Economic Development Committee recommends the current license expiration be extended to December 31, 2021 rather than requiring the license to be renewed in January 2021 (an incentive amount equal to \$3,000).

NOW, THEREFORE, BE IT RESOLVED the Mayor and City Council hereby approves the extension of the expiration of the alcohol manufacturer's license for Horned Owl Brewing until December 31, 2021.

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

ATTEST:

CITY OF KENNESAW

James Friedrich, Deputy City Clerk

Derek Easterling, Mayor

**City of Kennesaw Economic Development Committee
Meeting Minutes**

July 16, 2020

City Hall Conference Room/Zoom Meeting

9:00 am

Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting.

The meeting may be accessed using the following link/call-in information:

Join Zoom Meeting

<https://us02web.zoom.us/j/81015540156?pwd=NDFKNjZlZk0NFdjTE0UVpbTKyZz09>

1. Call to Order: Bob Fox called the meeting to order at 9:06 am.
 - a. Miranda Taylor read the following statement: **"Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is being conducted both in-person and via the use of real-time telephonic technology (Zoom) allowing the public simultaneous access to the public meeting. In addition, any vote taken during this meeting must be conducted by Roll Call Vote as required by Georgia law during this official state of Public Health Emergency."**
 - b. Committee Members present: Bob Fox, Darryl Simmons, Ricky Stewart, Gina Auld, Mark Allen, Scott Banks, Jeff Drobney. Staff Members present: Miranda Taylor
2. Consideration of incentive proposal for Horned Owl Brewery
 - a. Bob Fox introduced the project – Horned Owl Brewery. This new craft brewery will occupy approx. 2,500 square feet of leased space at 2765 S. Main Street. The business owner, Joe Uhl, is making significant improvements to the space which will increase the overall value of the property. They are currently on schedule to open in the 4th quarter of 2020. The business owner has already procured an alcohol-manufacturing license (at a cost of \$3,000), which was required by his lenders and equipment vendors to be able to procure necessary equipment for the brewery. However, the license will not be used until they are open and brewing beer onsite. Our ordinance does not provide a method to pro-rate the license for breweries. The incentive request is to waive the 2021 license fee and allow the current license to be valid through December 31, 2021.
 - b. Miranda Taylor presented the staff analysis related to Horned Owl Brewing. The business will add approximately 30 jobs to the downtown area. The renovation/improvements being made to the space will increase the overall property value, resulting in increased property taxes for the City. In addition, Horned Owl Brewery will install equipment, furniture, and fixtures, leading to the annual collection of personal property taxes. In the current year, the benefit to the city from adding this business is \$7,003. In year one, the benefit to the city increases to \$10,500 and remains

at this level through year five. Based on the fiscal analysis and job creation staff recommends an incentive in the form of assistance with the manufacturing license fee. Since the business will not open until 4th quarter of 2020 and there is currently no provision to prorate the license fee, staff recommends that the license expiration be extended to the end of 2021 rather than requiring the license to be renewed in January 2021. This will allow the business some flexibility in build-out and opening if the construction schedule slides, and will allow them to open and operate in 2020 as soon as the build-out of their new space is complete.

- c. Ricky Stewart made a motion to approve the incentive request as presented. Scott Banks seconded the motion. Vote taken by roll call: Bob Fox (yea), Darryl Simmons (yea), Ricky Stewart (yea), Gina Auld (yea), Mark Allen (yea), Scott Banks (yea), Jeff Drobney (yea). Motion passed unanimously.
3. Adjourn: With no further business, Mark Allen made a motion to adjourn; seconded by Scott Banks. Vote taken by roll call: Bob Fox (yea), Darryl Simmons (yea), Ricky Stewart (yea), Gina Auld (yea), Mark Allen (yea), Scott Banks (yea), Jeff Drobney (yea). Motion passed unanimously. Meeting adjourned at 9:20 am.

The Agenda is designed to make more efficient use of the committee's time. It is not designed to curtail discussion or input.

If you need special accommodations to attend or participate in our meetings, please contact City Hall at least 24 hours in advance of the specific meeting you are planning to attend.

July 1, 2020

Economic Incentive Request of Horned Owl Brewing

Economic Development Staff Analysis

Horned Owl Brewing will be a small microbrewery in downtown Kennesaw, and will occupy approximately 2,493 SF of leased space at 2765 S. Main Street. The project renovates a vacant space (previously used as office, dance studio, and educational uses) and adds an outdoor patio space. The completed renovation will continue to refresh the downtown corridor and will attract customers from several demographic groups. Horned Owl Brewing will add up to 30 jobs to community.

Joe Uhl, owner/operator of Horned Owl Brewing, has over 40 years of experience in the restaurant/bar industry. He has held various executive level positions during his career. Staff has worked with Joe while he developed his business plan, acquired necessary capital to start the business, and as he developed architectural plans for the brewery renovation. Based on the passage of SB 85 in 2017, allowing breweries to sell directly to the consumer from their brewery, Horned Owl will manufacture and sell product on site directly to the consumer. Since Horned Owl beers will only be available on-site at the brewery (they do not plan to distribute to the retail marketplace), Horned Owl will be a destination business for craft beer consumers.

As part of the process to open the facility, the owner has to acquire an alcohol manufacturer's license. The annual fee for this license is \$3,000. Based on the current construction schedule of the renovation and equipment installation, Horned Owl Brewing anticipates opening and starting production in the 4th quarter of 2020. In order to open at any point in 2020 this license is required, and there is currently no vehicle in place to pro-rate the license fee for a portion of the year. This will result in the business owner paying twice for the license in less than 6 months.

Staff prepared a fiscal analysis to determine the annual benefit of adding Horned Owl Brewing to the downtown area. In the current year, the benefit to the city is \$7,003. In year one, the total benefit to the City increases to \$10,500 and remains at this level through year five. Based on the fiscal analysis and job creation staff recommends an incentive in the form of assistance with the manufacturing license fee. Since the business will not open until 4th quarter of 2020 and there is currently no provision to prorate the license fee, staff recommends that the license expiration be extended to the end of 2021 rather than requiring the license to be renewed in January 2021. This will allow the business some flexibility in build-out and opening if the construction schedule slides, and will allow them to open and operate in 2020 as soon as the build-out of their new space is complete.

Horned Owl Brewing

2765 S. Main Street, Kennesaw GA 30144

Cost Benefit Analysis

	Current Year	Year 1 - 2021	Year 2 - 2022	Year 3 - 2023	Year 4 - 20	Year 5 - 2021
Costs						
<i>Non-Recurring Costs</i>						
Infrastructure Improvements	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>Recurring Costs</i>						
Increased Policing	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Parks and Recreation	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Infrastructure Maintenance	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Stormwater	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sanitation	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>Total Cost</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>
Benefits						
<i>Non-Recurring</i>						
Building, Electric, Plumbing, and HVAC Permit Fees	\$750.00	\$0.00				
Development Plan Review Fee	\$0.00	\$0.00				
Land Disturbance and Grading	\$0.00	\$0.00				
Variance Application	\$0.00	\$0.00				
Notice of Intent	\$0.00	\$0.00				
Impact Fee	\$0.00	\$0.00				
Tree Fund	\$0.00					
<i>Recurring Benefits</i>						
1. Business License Fee	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00
2. Personal Property Tax	\$0.00	\$1,900.00	\$1,900.00	\$1,900.00	\$1,900.00	\$1,900.00
3. Real Property Tax	\$2,253.00	\$2,600.00	\$2,600.00	\$2,600.00	\$2,600.00	\$2,600.00
Excise Tax	\$500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
Alcohol Manufacturing License	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
<i>Total Benefits</i>	<i>\$7,003.00</i>	<i>\$10,500.00</i>	<i>\$10,500.00</i>	<i>\$10,500.00</i>	<i>\$10,500.00</i>	<i>\$10,500.00</i>
Incentives and Abatements						
4. Building , Electric, Plumbing, and HVAC Permit Fee Abatement	\$0.00	\$0.00				
Development Plan Review Fee Abatement	\$0.00	\$0.00				
5. Business License Tax Abatement	\$0.00					
Variance Application Abatement	\$0.00					
Infrastructure Improvement Assistance	\$0.00					
Stormwater	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6. Other - Alcohol Manufacturer License	\$0.00	\$3,000.00				
<i>Total Incentives</i>	<i>\$0.00</i>	<i>\$3,000.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>
Funding from other Sources						
Grants	\$0.00					
Development Authority		\$0.00				
Other						
<i>Total Funding</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>
Subtotal of Incentives, Abatements, and Funding	\$0.00	\$3,000.00	\$0.00	\$0.00	\$0.00	\$0.00
Net Impact Per Year	\$7,003.00	\$7,500.00	\$10,500.00	\$10,500.00	\$10,500.00	\$10,500.00

Total Costs	\$0.00
Total Benefits	\$66,506.00
Incentive and Abatements Benefit	\$3,000.00
Net 10 Years	\$63,506.00

1. This fee is based on company's gross receipts of \$750k (est)
2. Based on \$500K in personal property (equipment); installed Q4 2020
3. Property tax figures assumes HOB improvements add \$100k to assessed value of property
4. No abatement considered
5. No Business License abatements recommended
6. Other - Manufacturer License paid for 2020; business to open Q4 2020.
Recommend allowing license to be valid through 2021 due to Q4 2020 opening.



**Regular Meeting Agenda
8/3/2020 6:30 PM
Council Chambers**

Title of Item:	The review of an amended Central Business District (CBD) project known as the Old Cherokee Project located at 2985 Cherokee Street, 3007 Cherokee Street, and Land Lot 129, Tax Parcel 125. This CBD project was approved by the City of Kennesaw in 2018. Applicant Sanctuary Development LLC. Submittal incorporates changes to the scope of the project.
Agenda Comments:	The CBD project amendment requires review and recommendations from the Kennesaw Downtown Development Authority (KDDA), the Historic Preservation Commission (HPC), and Mayor and City Council. The applicant submitted a revised conceptual site plan and a revised business plan for review that includes changes in residential and commercial components. The two changes include: 1.) The reduction of residential units from 71 units down to 45 units and the elimination of apartment units. 2.) The repurposing of the two historic homes at the site and eliminates the need for relocation of buildings off site as previously approved in 2018. The residential component includes five townhomes, ten unit condominiums, and maximum thirty detached homes with detached garages. The commercial component includes the repurposing of the two existing historic structures that will remain at site. The Kennesaw Downtown Development Authority reviewed the project business plan during the scheduled meeting on July 14, 2020. The KDDA recommended approval of the revised business plan and project. Vote 5-0. The Historic Preservation Commission reviewed the revised project plan at their scheduled meeting on July 21, 2020. The HPC recommended approval of the revised concept with the following conditions: 1.) Update site plan with parking and setbacks. 2.) Written documentation with all exterior modifications to existing historic structures. 3.) Plaques for the

	historic buildings to be placed on property. 4.) Separate review for single family homes and approval and landscaping to be presented to the HPC. Staff Recommendation: The Zoning Administrator recommends approval of the revised CBD project concept with the additional conditions as recommended by the HPC.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
revised concept plan	7/23/2020	Backup Material
2018 previously approved plan	7/27/2020	Backup Material
CBD project business plan and CBD compliance checklist	7/24/2020	Backup Material
CBD applications	7/28/2020	Backup Material
KDDA draft minutes	7/23/2020	Minutes
HPC draft Minutes July 2020	7/24/2020	Minutes
2018 HPC minutes for original CBD approval	7/23/2020	Minutes
2018 Mayor and Council minutes	7/27/2020	Minutes



PREVIOUSLY APPROVED

Designed for future
interparcel connectivity

5'-0"
Setback
Per COK

Possible future secondary
entrance

5'-0"
Setback
Per COK

5'-0"
Setback
Per COK

- FLOWER GARDEN
- VEGETABLE GARDEN



MILLER ARCHITECTURE
MULTI-FAMILY INSTITUTIONAL CUSTOM HOME COMMERCIAL ARCHITECTURAL INTERIORS

OWNER
Sanctuary Companies
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Chad Howell
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- A "SUMMIT" (35 UNIT) FOR RENT FLAT STUDIOS, 1 & 2 BEDROOM
B "WALTER" (2-12 UNIT) FOR SALE FLATS
C GARAGES (3) (2 CAR)
D TOWNHOUSE (12) WITH GARAGE

FOR RENT UNITS -35
FOR SALE UNITS - 36



Summit facing New Cherokee



Walter at Cherokee Realigned



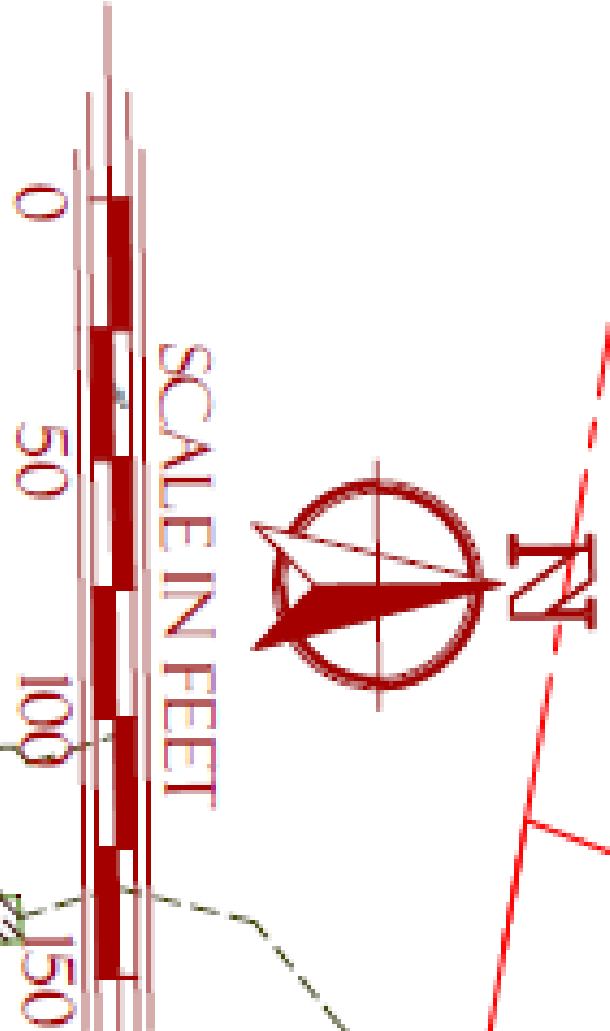
The Views Townhouse



Galt House Facing Old Cherokee



Walter front facing Old Cherokee



CHEROKEE STREET NW TRIANGLE

Cherokee Street NW
Kennesaw, Georgia 30144

FOR
SANCTUARY COMPANIES

ISSUED FOR: HPC REVIEW
ISSUE DATE: 08/10/18
REVISIONS:

SITE PLAN
&
CHEROKEE STREET NW
ILLUSTRATIVE
VIEWS

FILE NAME: 00-OCC-H301-Illustrations.dwg
DRAWN BY: TFM,KD
CHECKED BY: TFM



OLD CHEROKEE

Λ
KENNESAW
HISTORIC DISTRICT
COMMUNITY

Concept Project Prepared
By
The Sanctuary Companies, Inc.
Kennesaw, GA
09/28/2018



SANCTUARY
- COMPANIES -

COMMUNITY SUMMARY

Old Cherokee is a proposed new infill pocket community located in the Historic District of Kennesaw, GA. Located at what was formerly the Fountain Gate Life & Wellness Center property, the community is within a 5-minute walk to the Historic downtown center and Entertainment District, and a 10-minute walk to the new mixed-use East Park Village project located on Cherokee Street opening in 2021.

A pocket community specifically integrated and tailored for new residents with the option purchase different types of homes based on their living style requirements, is not currently offered in Historic Kennesaw. Old Cherokee will offer a walkable pocket community, blending single family style detached houses, attached townhome style, and multi-story condominium residences, all with access to common amenities. As Kennesaw continues to develop and make investments into the quality of life for its current and new residents, specifically parks and amenity improvements, the Old Cherokee location is poised to add value to the City's commitments to its residents by creating a new Historic District community combining both historic preservation of existing buildings and new Historically appropriate residences.

Sanctuary Companies commitment to be a part of the preservation of Historic District downtown buildings started with the purchase and renovation of the circa 1864 Historic Galt House (formerly Rose Cottage) and the relocation of its corporate headquarters to the site. At Old Cherokee, to blend old with new, **Sanctuary will keep the two historic structures (the circa 1890 Galt house, and the Grambling House) in their existing location**, even though it received approval to relocate them. This preservation of structures will serve to both preserve heritage and protect the historic buildings affirming the commitment to recognize GA's SHPO recommendations to retain Historic symmetry along Cherokee St. Instead of relocating the historic buildings as originally planned, Sanctuary will remediate them with the same attention to detail and historic preservation as the recent circa 1864 Galt (Rose Cottage) remodel, thus preserving the houses for future generations to enjoy as period appropriate preservations.

Upon completion, the residents of Old Cherokee will enjoy all the benefits of Historic District living. Depot Park expansion, new restaurants, shopping, and business located in the new Entertainment District, and planned downtown events will all serve to support the new residents walkable pocket community living experience.

BUSINESS PLAN

Residences

The Views– 5 Townhomes

Each townhouse is an 1839 square foot three-bedroom, 2.5 bath residence, with internal 2 car garages, and front porches for gathering. The residences will include 9' ceilings, stone countertops, and private bedroom-bathroom arrangements complimented by open flowing living and dining areas, crown moldings throughout the living area, modern fixtures, decorator kitchens, and stainless-steel appliances. Bathrooms finishes will include stone countertops, and modern fixtures. Cross easement access to the community pool is included in the COA fees. Prices are planned to range from \$ 319,000 to 350,000.00

Old Cherokee Unit Specs			
Townhome	5	1,839	9,195
Tower House	2	2,268	4,536
DollHouse	3	1,101	3,303
Elderberry	7	1,431	10,017
Gable	2	1,679	3,358
Coho D	4	1,295	5,180
Tulip	3	1,930	5,790
Carriage House	10	1,645	16,450
Garage	8	240	1,920
Total	44	0	59,749
Efficiency %			100.0%
Gross SF			59,749

Carriage House- 10 Unit Condominium Homes

These homes will all feature parking inclusive to the residences with two and ½ stories overlooking the Green. In addition to every residence's 4 spaces of parking, there is additional overflow parking available for additional guest parking adjacent to the village green. The residences will include 9' ceilings, hardwood type flooring, stone countertops, and private bedroom-bathroom arrangements complimented by open flowing living and dining areas, crown moldings throughout the living area, modern fixtures, decorator kitchens, and stainless-steel appliances. Bathrooms finishes will include stone countertops, and modern fixtures. Cross easement access to the community pool is included in the COA fees. Prices of the units are planned to average \$285,000.000

The Cottages – Maximum 30 Detached Homes with Detached Garages

The Cottages will include various styles of one-bedroom, two, and three-bedroom units ranging from 1,101 SF to 2,268 SF. Detached garages or surface parking are within a few steps of each residence. Resident amenities include the Commons Historic House, pool, bocce courts, and multiple raised beds for gardening for flowers or vegetables. An outdoor cabana frames the entrance to the residences and includes a common patio area with outdoor fireplace, seating and BBQ grills. Guest parking is located adjacent and convenient to the residences. There is additional overflow parking available for additional guest parking provided by new on-street parking along Cherokee Street resulting in a 4.11 space per unit ratio. The residences will include 9' ceilings, hardwood type flooring, stone countertops, complimented by open flowing living and dining areas, crown moldings throughout the living area, modern decorator kitchens, and stainless-steel appliances. Bathrooms finishes will include stone countertops, and satin nickel fixtures. Sales prices will range from \$190,000.00 to \$325,000.00

Commercial Space

Sanctuary previously had propped relocating the two historic structures onsite. This revised plan does not affect the locaton of the historic houses. The Galt 1890 is a 2100 SF building with 6 offices, admin, large seminar room, kitchen, lobby, and restrooms and will be rented as office flex space. The Grambling house is a 1300 SF building that will be readapted to become the new Commons Building and serve as the Entry to the new Historic District Community.

REVISIONS TO SITE PLAN

RESIDENTIAL

Previously approved

Proposed Changes

The Views at Old Cherokee – 12 Townhomes	12	The Views at Old Cherokee – 5 Townhome Units	5
DESIGN APPROVED		NO APPROVAL REQUIRED**	
		(**Other than as required by previous COA)	
The Walter at Old Cherokee - 2- 12 Condominium Unit Buildings	24	Carriage House at Old Cherokee - 10 Condominium Unit Buildings	10
DELETED		SUBMITTED CONCEPT PLANS**	
The Summit at Old Cherokee - 1 – 35 Unit Apartment Building	35	The Cottages at Old Cherokee – Maximum 30 Single Family Units	30**
DELETED		SUBMITTED CONCEPT PLANS**	
		**Requesting concept approval with later submission of actual architectural and landscape plans compliant with the Historic District plans. Additional site engineering will determine the final number of units.	
Total 71 Units	71	Total Maximum Units**	45
APPROVED TOTAL SQUARE FEET		PROPOSED SQUARE FEET	
174,240		59,749	

COMMERCIAL

Previously approved

Proposed Changes

Galt House Relocated and Exterior Rehabilitation	Galt House location RETAINED and Exterior Rehabilitation	
PREVIOUSLY APPROVED	NO ACTION REQUIRED	
Grambling House Relocated and Exterior Rehabilitation	Grambling House location RETAINED. Exterior rehabilitated per previous approval. Repurposed on the interior into the Commons Building to be used by residents for community meetings and as amenities restroom access.	
PREVIOUSLY APPROVED	Metal roof and rear covered deck addition requires approval. Plans to be submitted after approval of concept approval, subject to full review of plans and specifications.	
Community Garden removed (did not require approval)	Community Garden reestablished at 3038 Cherokee Street (Sponsored buy Forever Fed)	

Economic Summary

BUILDING SUMMARY

Construction Costs	\$ 11,916,400.00
Soft Costs	\$ 538,626.00
Land and Infrastructure	\$ 1,896,200.00
	\$ 14,351,226.00

Estimated Impact Fees and Permits (excluding Cobb Water & Sewer)

\$ 368,726.00

TAX SUMMARY

<u>Old Cherokee Tax Estimate</u>					
LAND					
3.46 Acres					
150717.6 LAND SF					
36 Residential Units		Total			
36 Multi SF		57259 SF			
1 1860		1860 SF			
1 1510 SF		1510 SF			
38		60629 Total SF			
Commrcial Units					
1 1860 SF					
1 1510 sf					
Appraised Value					
Land	\$ 2,090,000.00	\$ 55,000.00			
Building	\$ 10,610,075.00	\$ 175.00			
Total	\$ 12,700,075.00				
Assessed Value					
Land	\$ 836,000.00				
Building	\$ 4,244,030.00				
Total	\$ 5,080,030.00				
TAXE RATE			Per Bldg \$	Per Land SF	
School	0.0189	\$ 96,012.57	\$ 1.31	\$ 0.14	
County General	0.00846	\$ 42,977.05	\$ 0.59	\$ 0.06	
County Bond	0.00013	\$ 660.40	\$ 0.01	\$ 0.00	
County Fire	0.00286	\$ 14,528.89	\$ 0.20	\$ 0.02	
TOTAL COUNTY TAX		\$ 154,178.91	\$ 2.10	\$ 0.23	
Appeal assumed	0%	\$ 154,178.91	\$ 2.10	\$ 0.23	
ASSUMED REDUCTION'		\$ -	\$ -		
Kennesaw	0.008	\$ 40,640.24	\$ 2.10	\$ 0.23	
TOTAL ANNUAL CITY TAX		\$ 40,640.24			
	Appeal Assumed	\$ 40,640.24			
TOTAL TAXES	\$ 194,819.15				

Community Timeline

Sales and Marketing

The Marketing Center

will open for pre-sales by a 3rd party Real-estate broker mid-September 2020 in the

Historic Grambling House

located at 3007 Cherokee Street NW. Based on market conditions, and in consultation with the sales and construction professionals, Sanctuary anticipates the following schedule for construction and stabilization.

Construction Schedule

The Views at Old Cherokee Townhomes – 5 Townhomes with Garages

Construction start January 1, 2021, Construction period of each unit (6 months)

Sales volume - 2 per month

Completed and Ready for move-in July 1, 2021.

The Carriage House at Old Cherokee - 10 Condominium Homes

Construction start December 2020, Construction period (12 months)

Sales volume - 3 per month

Ready for move-in August 2021

The Cottages – Up to 30 Detached Homes with Garages

Construction start December 1, 2020, Construction period (10 months)

Sales volume - 5 per month

Completed and Ready for move-in starting May 1, 2021.

Amenities – Commons, Pool, Gardens

Construction start December 1, 2020, Construction period (10 months)

Sales volume - 5 per month

Completed and Ready for move-in starting May 1, 2021.

Old Cherokee, a mixed-use Pocket Community

Operations Management & Maintenance Summary

Sanctuary Companies commitment to providing quality sustainable housing is taken very seriously. Developing a comprehensive plan to satisfy resident's living requirements and providing appreciation in values is essential to a successful long-term community.

To ensure that Old Cherokee is properly stood up, managed and maintained, Sanctuary's plan is to sell the housing as a for sale community with community deed restrictions. Sanctuary has extensive experience in managing communities across the southeast and has staff committed to daily management activities. Due to the scale of the development, all operations including the initial condominium association's maintenance and capital expense oversight, and the homeowner's associations will be administered by Sanctuary Companies staff located at its corporate headquarters. Projects less than 100 units do not allow for onsite management yet required the same attention to detail daily. Sanctuary Companies location allows for the personal onsite management required to maintain the standards of excellence expected by Sanctuary Companies.

The Sanctuary Management, LLC a Georgia company, will oversee the initial daily operations of the associations until the board is formed and the property is handed over to the owners. This initial control will build not only strong relationships with the owners, but with the City, surrounding businesses and residents, to ensure a strong sustainable community that will appreciation of value for the new owners.

Maintenance & Facilities Management

To ensure that Old Cherokee is maintained to the highest standards, a comprehensive weekly maintenance program will be implemented to ensure owner satisfaction. Assuring the community stays in prime condition, the following items will be maintained by the associations, paid by the monthly association dues with annual reserves set aside in the budget to assure accretive value.

All Grounds maintenance	Common area cleaning
Exterior maintenance	Fire alarm and life safety
Exterior Painting	Roofing Maintenance and replacement
Clubhouse, pool, and amenities	Common Gardens semiannual preparation
ADA Compliance	Irrigation monitoring
Snow and ice mitigation	Private Street Maintenance
Site and exterior building lighting	Pedestrian paths, bicycle racks, walkways

Establishing best practices and minimum standards from daily response, to service requests, to the execution of a long-term capital replacement schedule, the project management team will ensure that compliance with all rules and regulations of the Condominium, the City of Kennesaw, and the State of Georgia are adhered to.

Preventive Maintenance

In keeping with Sanctuary's best practices direction, the Association's Board will adopt and implement a life-cycle cost and preventive maintenance program for the community in concert with Sanctuary Companies. The program will consist of periodic inspections and scheduled maintenance and repairs, that are intended to prolong the operating life of the buildings and their operating systems. Regular and predictable scheduled tasks will make maintenance less intensive and will minimize repair costs and emergency services. Included in Old Cherokee's operational budgets are substantial operational reserves collected each year to facilitate these programs.



MILLER ARCHITECTURE
MULTI-FAMILY INSTITUTIONAL CUSTOM HOME COMMERCIAL ARCHITECTURAL INTERIORS



OLD CHEROKEE



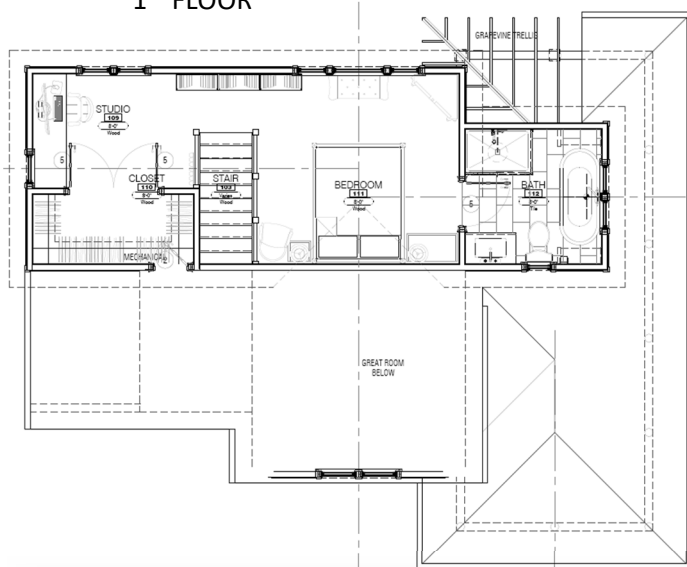
PLAN

Doll House

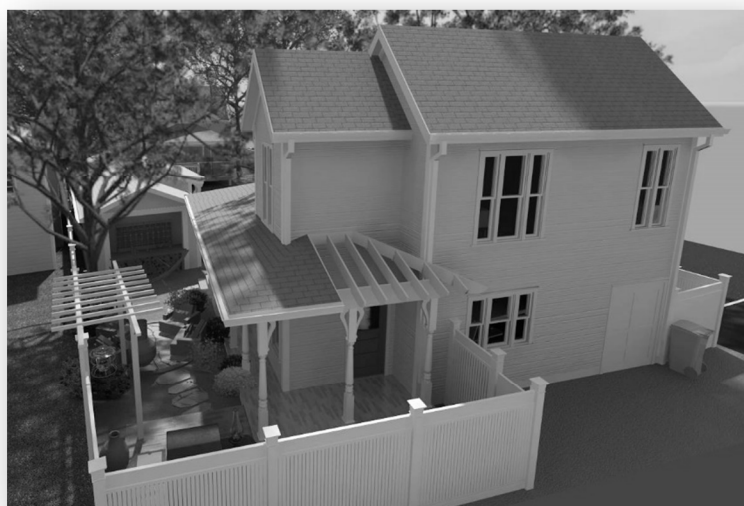
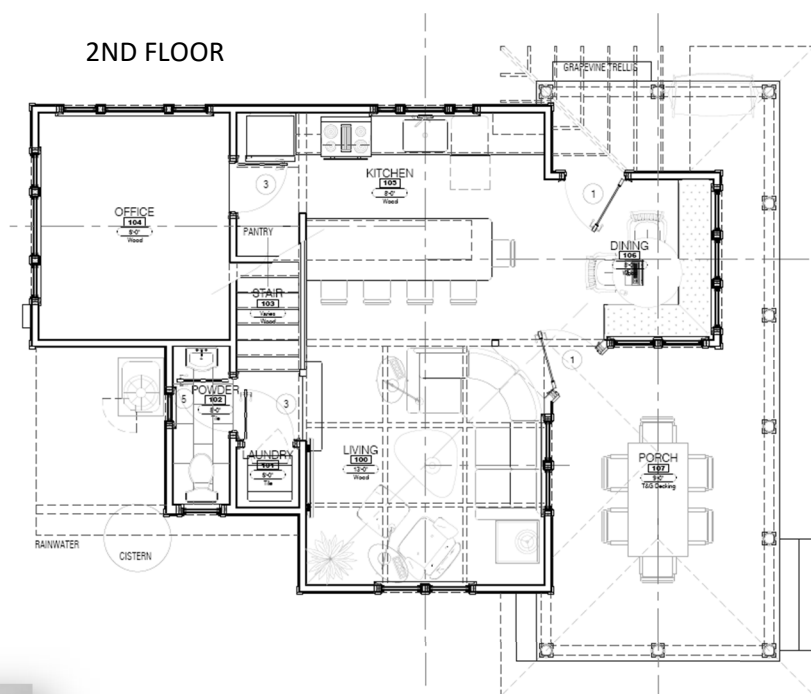


1101 SQUARE FEET

1ST FLOOR



2ND FLOOR



OLD CHEROKEE

PLAN E

First Floor

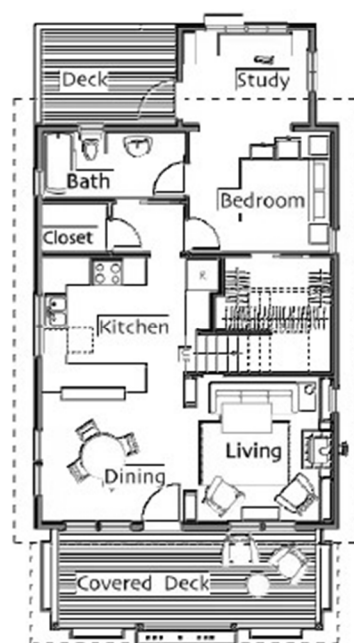
Living Room	12' x 11'-6"
Kitchen	11'-6" x 11'
Dining Room	11'-6" x 10'
Bedroom 1	11'-4 1/2" x 9'-9"
Study	8'-2" x 10'
Bathroom	full
Covered Porch	21'-6" x 8'

Second Floor

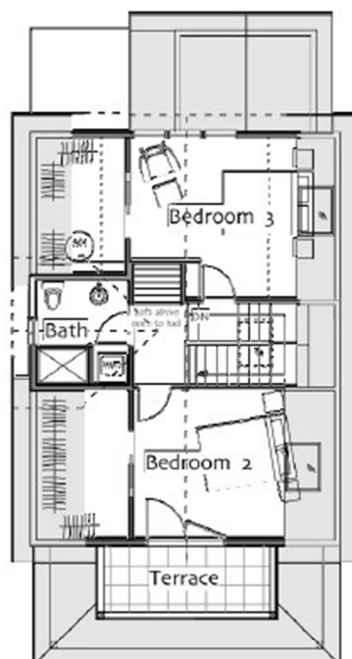
Bedroom 2	13' x 11'-6"
Bedroom 3	14' x 12'-6"
Bathroom	three quarter

Total Heated Area: 1431 sq ft

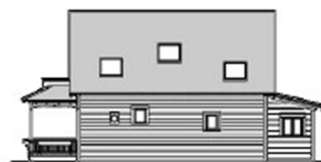
Footprint: 24' x 48'



First Floor



Second Floor



OLD CHEROKEE

PLAN G

First Floor	
Living/Kitchen	15'-6" X 23'
Bedroom	11' X 15'-2"
Bathroom	full
Second Floor	
Bedroom 1	10' X 13'-6"
Bedroom 2	15'-6" X 14'
Bathroom	full
Loft Space >5'	
	3'-6" X 26'
Basement (unheated)	
	40' X 24'
Total Heated Area	
	1679 sq ft
Footprint	
	54' X 28'



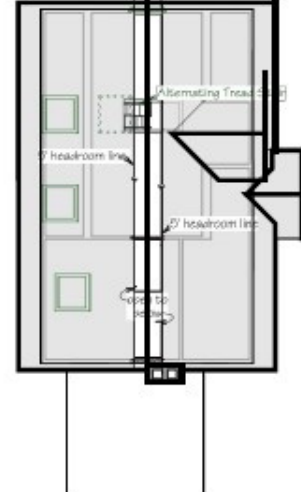
Basement
960 sq ft unfinished



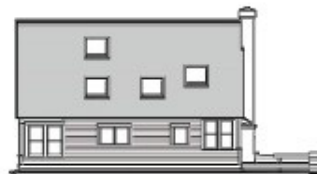
First Floor



Second Floor



Loft
(accessible by ladder)



PLAN S

First Floor
 Living/Kitchen 13' x 21'
 Dining Alcove 5'-7" x 6'-10"
 Bedroom 1 11'-6" x 12'-5"
 Office 7'-7" x 9'-3"
 Mudroom 8' x 8'-6"
 Bathroom 1 full
 Bathroom 2 half
 Covered Porch (front) 11' x 9'-6"
 Covered Porch (back) 17'-4" x 8'-6"

Second Floor >5'
 Bedroom 2 13'-3" x 10'
 Bath 3 three-quarter

Total Heated Area 1295 sq ft

Footprint 22' x 59'



OLD CHEROKEE

PLAN

Tower House



FLOOR PLAN IN DEVELOPMENT

SIZE 27'-6" X 27'-6"

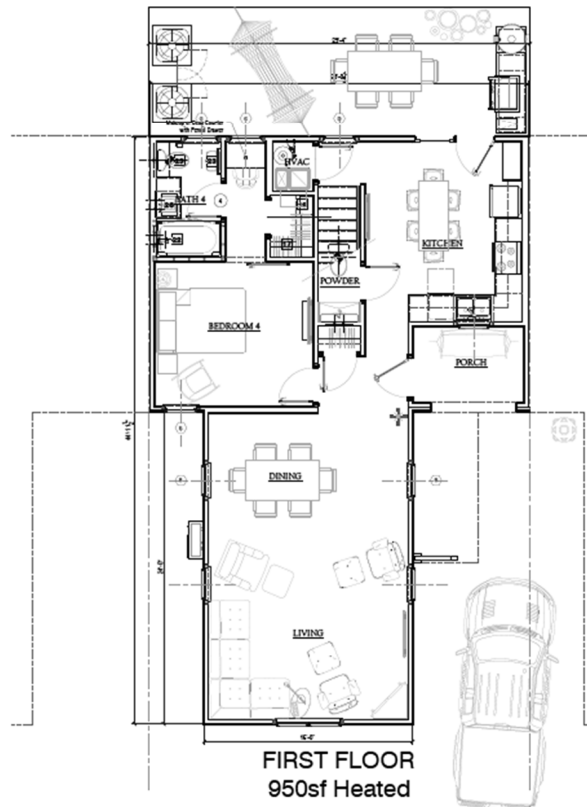
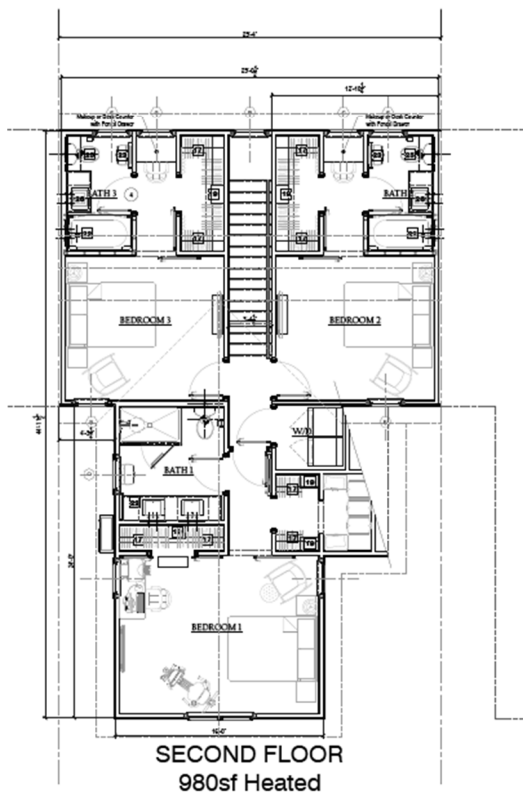
THREE STORY.

2268 SQUARE FEET

PLAN T

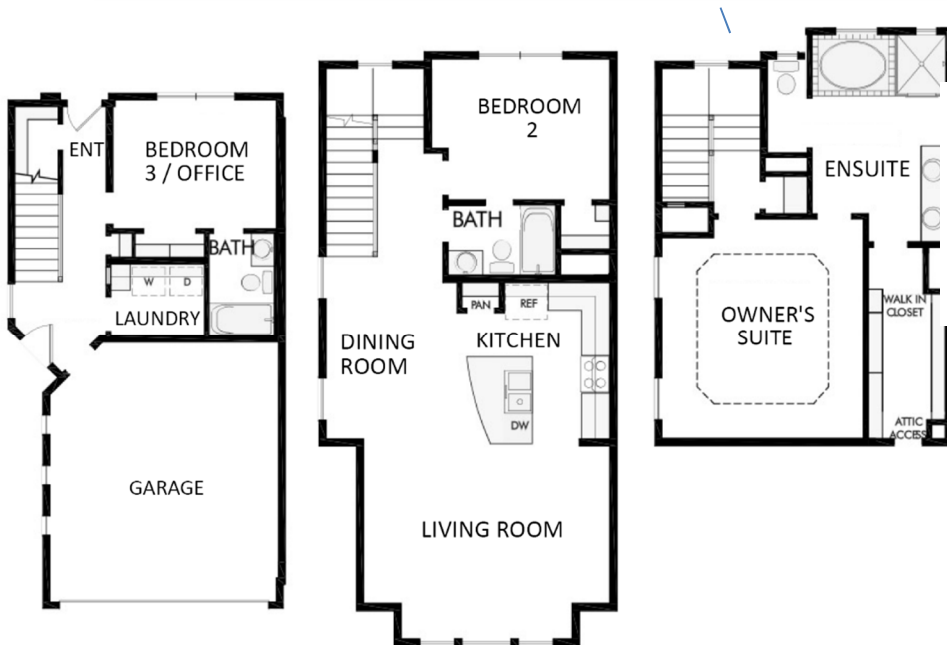


1930sf Heated + 55sf Porch



OLD CHEROKEE

PLAN CH



CARRIAGE HOUSE

1645 SF heated

420 SF Garage




OLD CHEROKEE



CITY OF KENNESAW
CENTRAL BUSINESS DISTRICT
CHECKLIST
COMPLIANCE AND COMPLIANCE

07/10/2020

- **4.02.03 - Site Design Standards for the Central Business District**

A. Purpose and Intent

3. The CBD is designed to achieve the following:

a. Create an environment where residents and visitors can live, work, meet, and play.

- ✓ **Live, work, meet, play**

b. Promote a balanced mix of retail, *office-professional*, entertainment, *residential*, civil, and cultural uses in the core downtown area.

- ✓ **Residential**

- ✓ **Office-professional**

c. Allow for growth of a healthy economic business district.

- ✓ **(future home sales and unique office/retail)**

d. Incorporate aesthetically compatible design from gateway points to the core of the city to improve the aesthetics of street and built environments.

- ✓ **(HPC, KDDA, AND COUNCIL APPROVALS OF PREVIOUS PROJECT CONCEPT)**

- ✓ **Design contemplates traffic calming features and improves the historic property by relocating the Community Garden.**

e. Ensure compatibility with the historic district to achieve architectural and design integrity and consistency.

- ✓ **Sanctuary Companies corporate headquarters historic circa 1864 GALT HOUSE restoration**

- ✓ **A mixture of Victorian, Stick, and Craftsmen period architecture found in Kennesaw and surrounding communities complementary with the HPC standards.**

f. Provide accessible and enough parking that is unobtrusive by encouraging shared, underground, and deck parking and alternative modes of transportation including pedestrian and bicycles.

- ✓ **The parking is primarily hidden from the street view by garages, buildings and extensive landscaping along roadways, both present and future.**

- ✓ **The project is pedestrian friendly with both walking and biking encouraged to the downtown activity center.**

- ✓ **Additional open on-street parking for visitors not dedicated to the project**

- ✓ **Bike racks located in the community**

- ✓ **Bike racks located within the common areas**

g. Promote a pedestrian environment through sidewalk-oriented buildings and attractive street-facing façades that encourage pedestrian activity.

- ✓ **Extensive sidewalks throughout the community tie into the street sidewalks located along Cherokee Street.**

h. Provide safe and accessible parks and public and private open space.

- ✓ **Resident gardens**

- ✓ **Internal dog park**

- ✓ **Walking distance to Depot Park Improvements**

B. **Lot size, setback and building height requirements.** Within the **CBD** the following lot size and setback requirements shall apply.

1. Minimum lot size, widths and depths: It is the intent that each enterprise or use be located on a site commensurate with its use and sufficient to meet the requirements of off-street parking, loading and unloading, and setback requirements, where applicable.

✓ **No minimum lot size**

2. Maximum lot coverage: Not more than eighty-seven (87) percent of the area of any lot may be covered by buildings structures or storm water facilities.

✓ **Town homes** - 2.2 %

✓ **Condo** - 2.8 %

✓ **Single family** - 9.8 % (including decks, cabana, garages

✓ **Garages** - 4.2 %

✓ **Commons** -3.0 %

✓ **Storm structures** - 20.8 %(including parking, driveways, and sidewalks)

✓ **PROJECT TOTAL INCLUDING PAVED AREAS (53.8)**

○ **REQUIRED MAXIMUM** 87%

○ **ACTUAL** 53.8%

3. Minimum setbacks:

a. Front - Established to "build-to-line" which equals the averaged distance from the property lines measured from existing structures along right-of-way adjoining properties as measured from existing structures.

✓ **PREVIOUSLY APPROVED**

b. Side - None, except when abutting a residential zoning district where there is no intervening right-of-way, the setbacks requirement is ten feet. Where alleys exist between districts, the setbacks shall be five feet from the property line/alley right-of-way.

✓ **NONE. Does not abut a residential District**

c. Rear - None, except when abutting a residential district where there is no intervening right-of-way the setback requirement is 25 feet.

✓ **NONE. Does not abut a residential District**

d. Where an alley exists between districts, the setback shall be five feet from the property line/alley right-of-way.

✓ **NONE.**

4. Maximum building height: Subject to the Historic District Design Guidelines
HPC Design Guidelines

✓ **Maximum 3 stories**

✓ **Maximum 12/12 roof**

✓ **Not to exceed 45' in height**

5. Maximum floor area ratio (FAR) - 1.10

✓ **Calculations for FAR: Floor Area/Lot Area = FAR**

Condo 27,629 SF

Townhome 9,195 SF

Single Family 20,250 SF

TOTAL 57,074 SF

FAR = 57,074 SF /190,096 SF

ALLOWED 1.1

ACTUAL .30

✓ **UNDERBUILDING THE SITE BY 70.1% OF ALLOWED USE**

C. **Permitted uses.** Within the **CBD**, the following uses shall be permitted:

4. Residential uses:

- ✓ a. **Condominiums**
- ✓ b. **Mixed use residential/commercial (apartments)**
- ✓ c. **Townhomes**
- ✓ d. **Single-family homes**
- ✓ e. **Live – work homes**

G. **Residential development standards:**

1. Condominiums: Minimum area for all units - 1,000 square feet

- ✓ **Minimum floor area is 1000SF.**

2. Mixed use retail/residential with residential on second floor

- ✓ **Based on design with architect, some may exist but not definitive yet. Allowed if designed into the project.**

3. Single family, detached: The minimum floor area of residential dwellings shall be 1,100 square feet.

- ✓ **Minimum floor area is 1,102 SF for all units.**

4. Townhouses: The minimum floor area of all residential units—1,000 square feet

- ✓ **Minimum floor area is 1,500 SF for all units.**

5. For-Rent Residential Apartment units:

a. To be allowed only in mixed use residential/commercial projects

- ✓ **DELETED**

~~b. Rental apartment units will be allowed subject to specific development agreement conditions as part of the Central Business District project approval process as per UDC [Section 4.02.03\(H\)](#).~~

~~✓—Coordination with staff to include:~~

- ~~○—Management guidelines and responsibilities~~
- ~~○—Resident rules and regulations~~
- ~~○—Coordination of resident safety classes with KPD @ CCFD upon completion~~
- ~~○—Right of way road acquirement by City for Cherokee Realignment~~

c. Minimum floor area for all residential units in mixed use residential project to average 1,000 sq feet.

- ✓ **Per calculation ...1,009.80**

~~d. Units with a floor plan totaling the minimum of 850 square feet can be utilized for no more than 30 percent of the total apartment units for the project.~~

- ~~✓—No plan is below minimum~~
- ~~✓—Allowed 10.5 at 850 at 35 units~~
- ~~✓—Used 3 units at 862~~



**CENTRAL BUSINESS DISTRICT
PROJECT APPROVAL**

Date Received 7-28-20
Staff's Initials DS

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

A minimum of one consultation to review project concept and factors to consider in the planning & design phase prior to initial site plan and architectural review, submission and hearing before the Mayor and Council is mandatory.

Procedures for filing for CBD Approval:

- One (1) original, three copies of the application and supporting documentation, photos, architectural rendering, elevations. Application must be filled out completely, signed and returned to the Zoning Administrator
- Application and Supporting documents in a PDF format (CD)
- Copy of Business Plan
- Copy of warranty deed that reflects the current property owner
- Copy of site plan with proposed project consistent with the Kennesaw Design Guidelines
- Submittal to KDDA for review and comment
- Submittal to HPC for Certificate of Appropriateness (if in HPC district) not in HPC district comments only required from HPC
- Review Mayor and Council
- KDDA Review, HPC Review (copy of minutes)

PROPERTY ADDRESS 2985 Cherokee Street, Kennesaw, GA 30144

Land Lot 129 Tax Parcel 20013801240 Lot Size .3759 acres Present Zoning CBD

Proposed Project for Property _____

Revision to approved plan by removing apartment building and decreasing density by changing to single family residential.

APPLICANT Sanctuary Development, LLC

APPLICANT EMAIL chowie@sanctuarycompanies.com

Applicant address 3745 Cherokee St NW STE 206 Kennesaw GA 30144

(Fax #) _____ (Work #) 770-702-1223 (Cell #) _____

Applicant Signature _____

Signed, sealed and delivered in presence of: _____

Notary

Date 7/28/20

TITLEHOLDER: Rose Kennesaw Properties, LLC

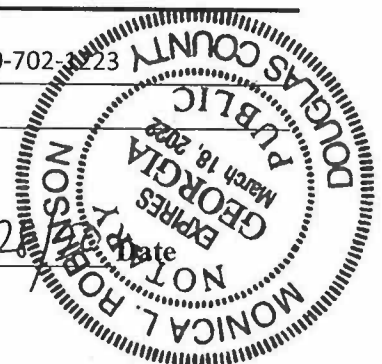
Telephone: 770-702-1223

Address: 3018 Cherokee Street Kennesaw GA 30144

Signature _____

Signed, sealed and delivered in presence of _____

Notary





CENTRAL BUSINESS DISTRICT PROJECT

CONSISTENT WITH THE UNITED STATES CONSTITUTION AND THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000, THE CITY OF KENNESAW DOES NOT DISCRIMINATE ON THE BASIS OF RELIGION IN THE APPLICATION OF ITS LAWS, POLICIES, OR PROCEDURES, INCLUDING THE APPLICATION OF ITS LAND USE REGULATIONS AND ZONING LAWS.

Under the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”), no government, including the City of Kennesaw, may apply its zoning or land use laws in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution. RLUIPA also provides that no government, including the City of Kennesaw, may apply a land use regulation in a manner that treats a religious assembly or institution (a church, for example) on less than equal terms than a nonreligious institution or assembly (a day care center or movie theater, for example). Finally, RLUIPA provides that no government, including the City of Kennesaw, may impose or implement a land use regulation in a manner that discriminates against a religious assembly or institution.

If you believe that the City of Kennesaw, or any other local government or municipality, has discriminated against you in the implementation of its zoning or land use laws, please contact the United States Department of Justice at:

United States Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Ave. N.W. –G St.
Washington, DC 20530

CENTRAL BUSINESS DISTRICT PROJECT

CBD Project Administratively approved by:

Darryl Simmons, Planning & Zoning Administrator

Date: _____

- ☐ APPROVED
- ☐ REQUIRES KDDA APPROVAL
- ☐ REQUIRES HPC APPROVAL
- ☐ MAYOR AND COUNCIL

.....

KENNESAW DOWNTOWN DEVELOPMENT AUTHORITY:

Hearing Date: _____

Recommendation: see attached minutes

Signature Kennesaw Downtown Development Authority:

HISTORIC PRESERVATION COMMISSION:

Hearing Date: _____

Recommendation: see attached minutes

Signature Historic Preservation Commission

KENNESAW MAYOR AND COUNCIL:

Hearing Date: _____ see attached minutes



**CENTRAL BUSINESS DISTRICT
PROJECT APPROVAL**

Date Received 7-28-20
Staff's Initials DS

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- KDDA Review, HPC Review (copy of minutes)

PROPERTY ADDRESS 3007 Cherokee Street, Kennesaw, GA 30144

Land Lot 129 Tax Parcel 20012900970 Lot Size 2 acres Present Zoning CBD

Proposed Project for Property

Revision to approved plan by removing apartment building and decreasing density by changing to single family residential.

APPLICANT Sanctuary Development, LLC

APPLICANT EMAIL chowie@sanctuarycompanies.com

Applicant address 3745 Cherokee Street STE 206 Kennesaw GA 30144

(Fax #) _____ (Work #) 770-702-1223 (Cell #) _____

Applicant Signature [Signature]

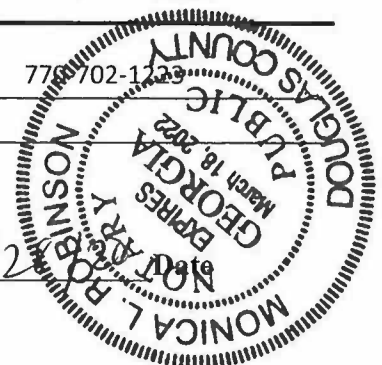
Signed, sealed and delivered in presence of: [Signature] 7/28/20
Notary Date

TITLEHOLDER: Rose Kennesaw Properties, LLC Telephone: 770-702-1223

Address: 3018 Cherokee Street Kennesaw GA 30144

Signature [Signature]

Signed, sealed and delivered in presence of: [Signature] Notary 7/28/20 Date





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United States Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Ave. N.W. -G St.
Washington, DC 20530

CENTRAL BUSINESS DISTRICT PROJECT

CBD Project Administratively approved by:

Darryl Simmons, Planning & Zoning Administrator

Date: _____

- ☐ APPROVED
- ☐ REQUIRES KDDA APPROVAL
- ☐ REQUIRES HPC APPROVAL
- ☐ MAYOR AND COUNCIL

.....

KENNESAW DOWNTOWN DEVELOPMENT AUTHORITY:

Hearing Date: _____

Recommendation: see attached minutes

Signature Kennesaw Downtown Development Authority:

HISTORIC PRESERVATION COMMISSION:

Hearing Date: _____

Recommendation: see attached minutes

Signature Historic Preservation Commission

KENNESAW MAYOR AND COUNCIL:

Hearing Date: _____ see attached minutes



**CENTRAL BUSINESS DISTRICT
PROJECT APPROVAL**

Date Received 7-28-20
Staff's Initials DS

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

A minimum of one consultation to review project concept and factors to consider in the planning & design phase prior to initial site plan and architectural review, submission and hearing before the Mayor and Council is mandatory.

Procedures for filing for CBD Approval:

- One (1) original, three copies of the application and supporting documentation, photos, architectural rendering, elevations. Application must be filled out completely, signed and returned to the Zoning Administrator
- Application and Supporting documents in a PDF format (CD)
- Copy of Business Plan
- Copy of warranty deed that reflects the current property owner
- Copy of site plan with proposed project consistent with the Kennesaw Design Guidelines
- Submittal to KDDA for review and comment
- Submittal to HPC for Certificate of Appropriateness (if in HPC district) not in HPC district comments only required from HPC
- Review Mayor and Council
- KDDA Review, HPC Review (copy of minutes)

PROPERTY ADDRESS Cherokee Street, Kennesaw, GA 30144

Land Lot 129 Tax Parcel 20013801250 Lot Size .6 acres Present Zoning CBD

Proposed Project for Property

Revision to approved plan by removing apartment building and decreasing density by changing to single family residential.

APPLICANT Sanctuary Development, LLC

APPLICANT EMAIL chowie@sanctuarycompanies.com

Applicant address 3745 Cherokee St NW STE 206 Kennesaw GA 30144

(Fax #) _____ (Work #) 770-702-1223 (Cell #) _____

Applicant Signature _____

Signed, sealed and delivered in presence of: _____

Notary

Date 7/28/20

TITLEHOLDER: Rose Kennesaw Properties, LLC

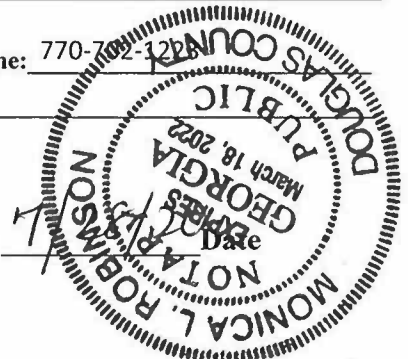
Telephone: 770-702-1223

Address: 3018 Cherokee Street Kennesaw GA 30144

Signature _____

Signed, sealed and delivered in presence of: _____

Notary





CENTRAL BUSINESS DISTRICT PROJECT

CONSISTENT WITH THE UNITED STATES CONSTITUTION AND THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000, THE CITY OF KENNESAW DOES NOT DISCRIMINATE ON THE BASIS OF RELIGION IN THE APPLICATION OF ITS LAWS, POLICIES, OR PROCEDURES, INCLUDING THE APPLICATION OF ITS LAND USE REGULATIONS AND ZONING LAWS.

Under the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), no government, including the City of Kennesaw, may apply its zoning or land use laws in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution. RLUIPA also provides that no government, including the City of Kennesaw, may apply a land use regulation in a manner that treats a religious assembly or institution (a church, for example) on less than equal terms than a nonreligious institution or assembly (a day care center or movie theater, for example). Finally, RLUIPA provides that no government, including the City of Kennesaw, may impose or implement a land use regulation in a manner that discriminates against a religious assembly or institution.

If you believe that the City of Kennesaw, or any other local government or municipality, has discriminated against you in the implementation of its zoning or land use laws, please contact the United States Department of Justice at:

United States Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Ave. N.W. -G St.
Washington, DC 20530

CENTRAL BUSINESS DISTRICT PROJECT

CBD Project Administratively approved by:

Darryl Simmons, Planning & Zoning Administrator

Date: _____

- ☐ APPROVED
- ☐ REQUIRES KDDA APPROVAL
- ☐ REQUIRES HPC APPROVAL
- ☐ MAYOR AND COUNCIL

.....

KENNESAW DOWNTOWN DEVELOPMENT AUTHORITY:

Hearing Date: _____

Recommendation: see attached minutes

Signature Kennesaw Downtown Development Authority:

HISTORIC PRESERVATION COMMISSION:

Hearing Date: _____

Recommendation: see attached minutes

Signature Historic Preservation Commission

KENNESAW MAYOR AND COUNCIL:

Hearing Date: _____ see attached minutes



**KENNESAW DOWNTOWN DEVELOPMENT AUTHORITY
DRAFT MEETING MINUTES**

July 14, 2020

Virtual Zoom Meeting (Link Below)

7:30 A.M.

Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is only being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting.

The meeting may be accessed using the following link/call-in information:

Join Zoom Meeting

<https://us02web.zoom.us/j/82073396449?pwd=MllKbWd6d2hzTElRkKJpbVVIWWtLQT09>

- I. Call to Order:** Meeting called to order by Chair Mark Allen at 7:33 am.
- a. Prior to continuing with the agenda, Mark Allen read the following statement: Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1, this public meeting is only being conducted via the use of Zoom, which is a real-time telephonic technology allowing the public simultaneous access to this public meeting. In addition, any vote taken during this meeting must be conducted by Roll Call Vote as required by Georgia law during this official state of Public Health Emergency.
 - b. Mark Allen conducted a roll call of the KDDA to record which members were on the Zoom meeting.
 - i. Mark Allen –present
 - ii. David Lyons – present
 - iii. Gary Hasty – present
 - iv. Leslie Steinle – present
 - v. Chad Howie – present
 - vi. Britt Doss – present
 - vii. Anne Langan – not present
 - c. Staff members present on the Zoom meeting: Bob Fox, Miranda Taylor, Darryl Simmons
- II. Approval of Minutes**
- a. 6.9.2020 Draft Meeting Minutes were reviewed. David Lyons made a motion to approve as presented. Gary Hasty seconded the motion. Vote taken by roll call: Mark Allen (yes), David Lyons (yes), Gary Hasty (yes), Leslie Steinle (yes), Chad Howie (yes), Britt Doss (yes). Motion passed by a vote of 6-0.
- II. Announcements/Public Comment:** None
- III. Financials**
- a. Financial Report: Leslie Steinle presented the financial report. The ending cash balance as of 6-30-2020 was \$10,800.33. David Lyons questioned how the bond expenses related to the Budgetel property were tracked, because it was not clear on the income statement. Staff will follow up with Finance and ask them to provide an overview of the account tracking at the next meeting. David Lyons made a motion to approve the financial report as presented; seconded by Leslie Steinle. Vote taken by roll call: Mark Allen (yes), David Lyons (yes), Gary Hasty (yes), Leslie Steinle (yes), Chad Howie (yes), Britt Doss (yes). Motion passed by a vote of 6-0.
- IV. Old Business**
- a. Kennesaw Market Monday Update: Mark Allen provided an update on Kennesaw Market Monday. KMM is in its 7th week, and had 17 market vendors and 4 food trucks this week. Between 30-40% of vendors each week are veggie vendors vs makers. The end date is flexible, as Mark will gauge vendor availability as the end of the season approaches. Mark asked for support from KDDA members each week with community meet & greet and clean up at the end of the night. Board members are needed between 7:30-8:30 each Monday to help with the event.
 - b. Plaza Furniture Repair: Chad Howie reported that the furniture was removed on 7/12 and will be painted this week. The furniture should return to the Plaza by the weekend if the weather cooperates. A different coating that is more durable/long-lasting (will be the same as what is currently on the green benches that has held up well) will be applied to the tables and chairs.

V. New Business

- a. Discussion of revised site plan for CBD Project – Old Cherokee
 - i. Chad Howie presented the updated site plan and business plan for the Old Cherokee Project. The original site plan contemplated a multi-family building (35 rental units), townhomes (12 for-sale units), and a condominium building (24 for-sale units), as well as relocating two historic homes. The revised site plan removes the multi-family rental building and will keep the historic homes in their current location. The revised plan blends 20 single family style detached houses, 5 attached townhomes, and a 12-unit multi-story, elevator served residence building. Old Cherokee combines both historic preservation of existing buildings and new historically appropriate residences. The site plan has been designed with the future Cherokee Street road improvements in mind, and access to the neighborhood is located on (the present) Cherokee Street; there is no access to the “new” Cherokee Street in this design, to remove any possibility of a cut-through from “old” Cherokee Street to “new” Cherokee Street. The revised CDB application will be heard by the Historic Preservation Commission (HPC) on July 21, and Mayor and Council on August 3.
 - ii. Following the project presentation, Chad Howie recused himself from further discussion due to a conflict of interest. Mr. Howie was placed in the Zoom waiting room and was not present for the remainder of the board discussion regarding this item. Mr. Howie left the discussion at 8:22 am.
 - iii. Board members asked about the financing for this project – how is it different from other projects that Sanctuary is building. Bob Fox explained to the board that residential financing is still going forward and reminded the board that there is no financial impact to the KDDA in this project. Other projects in the city that have retail elements have experienced delays in closing, but residential projects have not experienced these delays. He also explained that the City is working through the designs and timeline for the “new” Cherokee Street road project and right-of-way acquisition.
 - iv. David Lyons made a motion to approve the revised Old Cherokee CBD project application. Gary Hasty seconded the motion. Vote taken by roll call: Mark Allen (yes), David Lyons (yes), Gary Hasty (yes), Leslie Steinle (yes), Britt Doss (yes). Chad Howie was not present for the vote. Motion passed by a vote of 5-0.
 - v. Chad Howie was removed from the Zoom waiting room and re-joined the meeting at 8:28 am.

VI. Board Comments

- a. David Lyons echoed Mark’s earlier comments on needing help with at Market Monday. He appreciated Leslie’s help the last couple of weeks. He questioned the status of the benches downtown; Bob Fox advised he will provide an update as part of his Director comments.
- b. Mark Allen told the board they should contact Dale Hughes for a walk-through of the Apotheos Roastery and 1808 Venue, so that they can see the improvements to the property, as it is a great addition to downtown. Mark also told the board that the Pritchard Park development is moving quickly and has changed the look of Moon Station Road already.

VII. Community Development Director Comments: Bob Fox provided the following updates/comments:

- a. Beer Festival: The board needs to consider how to proceed with the event, in light of COVID-19 developments. Mayor & Council will be discussing how to proceed with other City events at their work session tonight. The board needs to keep this on their radar and make a decision on moving forward or cancelling soon.
- b. Bob provided an update on the following Downtown Projects: Horned Owl Brewery (should open in October/November), Gus’s Fried Chicken (should open in early fall), Enclave at Depot Park (have received CO for first building and residents are moving in – very positive response), 1808 Venue/Apotheos (working on ribbon cutting for late July), Fullers Chase townhomes, Pritchard Park (anticipate vertical construction in 4th qtr), Lewis House (anticipate CO for first buildings in 60-90 days), SchoolHouse Village/Core (moving forward with road abandonment), Depot Park (next phases are under construction and should finish by year-end).
- c. Staff is working on 2 additional shared parking agreements downtown and will share details when the agreements are confirmed.
- d. Benches: the older benches will be replaced rather than reconditioned.
- e. Bob asked if the board would be interested in touring some of these downtown projects. The board replied favorably. Miranda will send a Doodle poll to gauge availability.

VIII. EXECUTIVE SESSION – Land, Legal, Personnel: None

Pursuant to the provisions of O.C.G.A. 50-14-3, the KDDA 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 as provided under

O.C.G.A. 50-14-2(1); and/or personnel matters as provided under O.C.G.A. 50-14-3 (4) and/or real estate matters as provided under O.C.G.A 50-14-3(6).

- X. ADJOURN:** With no further business, David Lyons made a motion to adjourn at 8:47 am; seconded by Chad Howie. Motion passed unanimously and the meeting adjourned at 8:47am.

NOTICE: Any person who desires to appeal any decision from this meeting will need a record of the proceedings, and for the purpose may need to insure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based. The Agenda is designed to make more efficient use of the KDDA's time. It is not designed to curtail discussion or input. If you need special accommodations to attend or participate in our meetings, please contact City Hall at least 24 hours in advance of the specific meeting you are planning to attend.

**The next scheduled meeting of the Kennesaw Downtown Development Authority
will be 7:30 a.m. on August 11, 2020**

DRAFT



Brandi May, Chair
Kevin Whipple, Vice Chair
Mike Ferguson, Treasurer
Rachel Butler, Secretary
Mary Baldwin
Patrick Gallagher
Robert Sterling

HPC MEETING MINUTES July 21, 2020

8:00 A.M.

Darryl Simmons opened with Governor's statement @ 8:05am

- Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, this public meeting is only being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting.

I. Brandi May officially called the meeting to order @ 8:06am

- A. In attendance: Brandi May, Kevin Whipple, Mike Ferguson, Rachel Butler, Mary Baldwin, Patrick Gallagher, Robert Sterling
- B. Not in attendance: None

II. Approval of Minutes – February 18, 2020

- A. Patrick Gallagher requested correction regarding reference to Mike Ferguson versus Mike Iglesias.
 - i. Mike Ferguson seconded
 - ii. Motion approved 4-0

III. Financial Report

- A. Darryl updated commission on financial report
 - i. Kevin Whipple moved to approve financial report
 - ii. Patrick Gallagher seconded
 - iii. Motion approved 4-0

IV. Old Business- None

VI. New Business-

- Revised CBD project proposal- 2985, 3007 Cherokee Street, parcel 125 LL138-applicant Sanctuary Development LLC- Old Cherokee Project
 - Chad Howie: discussed revisions to site and no longer moving the houses to the other side of the street. According the research on site, the road is coming sooner through the site. 1890 Galt House and Grambling Houses will remain in their current location. Previously Mr. Howie received approval of townhomes and wants to change to be single family homes
 - Kevin Whipple asked what is located behind the Grambling House
 - Chad Howie responded with it is open space
 - Patrick Gallagher asked about the fence around the pool.

- Chad Howie responded with 8'-0" fence not seen from Cherokee St. pickets no larger than code required
- Brandi May asked Darryl Simmons if he could look up the requirements of what was previously approved
- (while Mr. Simmons was looking for them) Kevin Whipple asked if the 1890 Galt and Grambling houses will not be moved, will improvements to the house still be made
- Chad Howie renovations will be made since no longer moving them. The trim board is rotted, and windows are in disrepair
- Mike Ferguson asked how many designs will be in this new package
- Chad Howie answers 6 different plans
- Darryl Simmons found previous approved HPC minutes from 2018.
 - Oct 16 2018: Old Cherokee Street Project conditions were as follows:
 1. Submit updated site plan at proposed relocation parcels indicating parking and setbacks in relation to existing buildings.
 2. Submit credentials, prior historic relocations from proposed relocation company along with detailed report on project specific moving methodology.
 3. Follow Section 8.3 in it's entirely with special focus on documentation of existing buildings prior to relocation.
 4. Submit written documentation for proposed exterior modifications, finishes prior to relocation including composite rendering at final resting place of building.
 5. Plaques to be relocated in a prominent location.

Old Cherokee new residential component for development stipulations as approved in 2018:

1. HPC shall be presented design/project updates at 25%, 50%, 75%, and 100% completion for review and comment.
2. Designer shall review and reference the HPC Design Standards throughout all design phase updates and demonstrate compliance.
3. Designer shall present at next project update meeting to describe design intent and compatibility with the district.
 - Brandi May discusses that the buildings need update modifications to the houses
 - Darryl Simmons in agreement applicant will need to update commission on modifications
 - Kevin Whipple added that each house needs to be separately introduced
 - Chad Howie replies that a detail narrative including materials has already been submitted for the 1890 Galt House and Grambling House. The COA has been based off the previously approved detail narrative with historic photos
 - Darryl Simmons agrees with Mr. Howie
 - Kevin Whipple makes a motion
 - Previous approved Oct 2018 conditions will remain as follows
 1. Update site plan w/ parking & setbacks
 2. Written documentation with all exterior modifications for historic buildings.
 3. Plaques for the historic buildings to be placed at site
 4. Separate reviews for new single family homes and landscaping plan to be presented to the HPC for review and approval
 - Patrick Gallagher seconds
 - Motion approved 6-0

- 2871 Cherokee St- accessory cold storage building-applicant Common Grounds Coffeehouse
 - Darryl introduces Dale Hughes and Renee Fowler
 - Dale Hughes starts with a little background information of the progression of this project. They have applied for National Registry of the historic church building. The craft & coffee shop (Apotheos), which is in the upper main sanctuary. 1808 is the highest point on Kennesaw Mountain and is the name of the wedding event space. They have department of agriculture approval. Also, the company donates to MUST Ministry. To the left of the site is the church and temporary cold storage would be behind the house on the right, which temporary houses people in need. The company plans on branching out to make a common ground plaza, once the city relocates Sardis St. Applicant sent photos of the site
 - Mary Baldwin applies that the commission did not receive the photos
 - Darryl Simmons replies that he will send them out to help the board with clarification
 - Dale Hughes lets the commission know that the temporary cold storage will be 40'-0" length x 9'6" tall and to help conceal the unit to wrap it with the company logo
 - Darryl Simmons recommendation from the city is 3 year extension of temporary structure for this use particular issue
 - Dale Hughes agrees with Darryl and the city recommendation
 - Brandi May adds request that yearly updates be made, which Dale Hughes agrees with
 - Brandi also states that the company shall be considerate of the neighbors Horn Music, which Dale Hughes expresses willingness to work with any concerns they have regarding the temporary structure
 - Mary Baldwin asks if this temporary structure is a tractor trailer with a sign on it? And does it have a generator?
 - Dale Hughes says it is a technological temporary structure facility that will plug into the church
 - Kevin Whipple shares his screen to get a more precise location on this temporary structure, which Dale Hughes directs Kevin Whipple of the location
 - Kevin Whipple asks the question of does this fall under billboard and signage ordinance?
 - Darryl Simmons answers yes but the signage can be handled administratively and will be approached as a project update
 - Kevin Whipple informs the board that there is a storage unit outside the Nest and that this could set a precedent
 - Darryl Simmons explains that because of downtown structures being historic and limited space, exterior storage in downtown is a reality. Although the city, likes to work with the client to find an exterior storage facility that is hidden and/or screen with HPC guidelines taken into consideration
 - Dale Hughes adds that the temporary exterior storage will be moved into the building on the right, once the Sardis St. is realigned
 - Mike Ferguson asks why the sign has to be so big.
 - Dale Hughes explains that the A&M sign (5'-0"x8'-0") and if the HPC is ok with the wrap being smaller and something he can peel off for future events that would save him money
 - Kevin Whipple asks about the timeline of when is the building to arrive
 - Dale Hughes explains it is already there
 - Kevin Whipple makes a motion to approve the location of temporary structure with updates every 12 months with city and graphics to be approved by city
 - Mary Baldwin seconds
 - Motion approved 6-0

- 2950 Cherokee St (Lazy Labrador Coffee House)- exterior improvements and landscaping- applicant Rebecca Calbert
 - Robert 'Bobby' Milani is the owner of Lazy Labrador Coffee House. They would like to bring everything up to code on the exterior of the building and bring it back to its Queen Anne craftsman style home. Bobby Milani has provided the HPC with a details landscaping plan including a fenced area for people to be with their dogs and a fire pit as well
 - Brandi May asks about the material of the windows.
 - Bobby Milani windows will be replaced based on HPC standards. All windows will be replaced with vertical mullions
 - Patrick Gallagher will all windows be the same style?
 - Bobby Milani answers yes. Currently all windows are not operable. Windows on the first floor will be tempered glass but not on the second floor
 - Brandi May asks will there be any other exterior changes.
 - Bobby Milani explains that modifications are to only improve the building. Roofing material will be aluminum such as a farmhouse
 - Kevin Whipple adds that a portion of the roof is asphalt shingles
 - Bobby Milani explains that 98% of the roof will stay intact, but those areas will be replaced with asphalt shingles. He let the HPC know about (2) Mongolian trees removed because of disease and that some ferns will have to be removed for an ADA sidewalk
 - Kevin Whipple asked about the colors.
 - Bobby Milani described the location of the different paint colors
 - Mary Baldwin made Bobby Milani aware that, according to the HPC standards, there are no requirements for paint colors, Brandi May agreed
 - Mary Baldwin makes a motion with no restrictions w/ project updates
 - Robert Sterling seconds
 - Motion approved 5-0

VII Certificate of Appropriateness - Administrative Approval by Staff and Chairperson-

- 2976 N. Main Street- Tree removal – applicant Kristin & Dane Thomas
 - Tree killing grass and replacing w/ Dogwood tree
- 2741 Summer St.- Tree removal- applicant Joshua Butler
 - 3 trees on N. Main St. and arborist agrees that trees are harmful location to the house. Future improvements will be brought to HPC regarding decking rotting issues and landscaping

VIII Discussion

- Properties of Concern
 - Brandi May brought up the Galt House and Grambling House. The houses are in disrepair and grass needs to be cut

IX Public Comments

- Rachel Butler brings up a possible concern on increasing the size of the historic district in Kennesaw and including more houses. Should we consider what portion of the house is historic? Parts of the district has had the home added on to is the whole house considered historic, mainly concerning windows.

- Patrick Gallagher brings up that any window being replaced needs to come up to HPC standards
- Darryl Simmons references that sometimes the ratings and building codes for residential and commercial consumer industry currently adopted can be too expensive for consumers.
- Kevin Whipple referenced Mary Baldwin's previous comment, if you purchased in a historic district you will have to keep with certain standards just like you would if you were in a HOA community.

X Planning & Zoning Administrator Comments- no comments by city staff

Adjourn – meeting adjourned at 10:35 am

**The next scheduled meeting of the Historic Preservation Commission will be
Tuesday August 18, 2020**

NOTICE: Any person who desires to appeal any decision from this meeting will need a record of the proceedings, and for the purpose may need to insure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based. The Agenda is designed to make more efficient use of the HPC's time. It is not designed to curtail discussion or input. If you need special accommodations to attend or participate in our meetings, please contact City Hall at least 24 hours in advance of the specific meeting you are planning to attend.



Brandi May, Chair
Kevin Whipple, Vice Chair
Robert Sterling, Treasurer
Mary Baldwin, Secretary
Mike Ferguson
Rachel Butler
Patrick Gallagher

**Minutes
October 16, 2018
Mayor & Council Chambers
8:00 A.M.**

Members in attendance: Gallagher, Baldwin, May, Whipple, Ferguson, Butler
Members absent: Sterling

Staff and Guests Attending: Darryl Simmons, Chad Howie, Parks Lammerts, Eric McConaghy, Christopher Baldwin, Dale Hughes, Chris Poston

I. Call to Order

Chair May called the meeting to order at 8:06 am

II. Approval of Minutes

Ferguson moved to approve the minutes for the September 18 2018 regularly scheduled meeting. Gallagher seconded the motion. Motion carried 4-0. Ayes: Gallagher, Baldwin, Whipple, Ferguson, Butler

Gallagher moved to approve the minutes for the October 3, 2018 special called meeting. Ferguson seconded the motion. Motion carried 4-0. Ayes: Gallagher, Baldwin, Whipple, Ferguson, Butler

III. Financial Report

There were no changes on financial report. Baldwin moved to approve the financial report. Gallagher seconded the motion. Motion carried 4-0. Ayes: Gallagher, Baldwin, Whipple, Ferguson, Butler

IV. Old Business/Continued Business

- Old Cherokee Street Central Business District project review. Applicant Sanctuary Development, LLC. Relocation of two historic houses and development of new residential community located at 2985 and 3007 Cherokee Street

Simmons addressed the HPC and explained that the applicant's petition was tabled at the special called meeting on October 3, 2018. The project has two components: 1. The relocation of two historic structures to be moved across the street, and 2. Construction of new residential units on three acres including for sale/for rent. This includes multi-family, townhomes, and condos. There was discussion at the October 3 meeting about how relocation would affect the Cherokee Street historic district. Simmons said he had contacted SHPO and the consultants at New South. They provided feedback, dated Oct 8, with a statement saying that eligibility for designation of the historic district would not be negatively affected by this relocation. The city is looking at overall district, not just Cherokee St. From Mr. Simmon's viewpoint there will not be a detrimental affect in the overall district. The relocation would be incorporated in the overall survey being conducted by New South. Applicant has provided revised sight plan to show the comparison to the adjacent heights in the district since the

scale and mass was part of the discussion at the previous meeting. Simmons then gave floor to Chad Howie of Sanctuary properties.

Howie addressed some of the concerns from the previous meeting and provided slides of the revised proposal. The two houses proposed to be relocated will be restored to period appropriate architectural details. He pointed out the new locations of the two historic structures, the Galt and Grambling houses. He said his team proposes to realign the fronts in order to place parking in the rear. He showed the proposed realignment of Cherokee St. and explained the proposed site plan. He is proposing that on the existing property, after the houses are relocated, that there will be townhomes and apartment buildings which are two-story and three-story in scale. He showed rooflines of the proposed property with elevations and cross sections. The illustration shows that the heights are within 6" of the existing buildings (Galt House) due to the grade change, so visually there is no difference. He explained that the height requirement falls under HPC guidelines along Cherokee St. He addressed Whipple's concerns from the previous meeting about the roof pitch and explained how the architect intends to bring it into compliance.

Ferguson asked about the elevation of the properties which are being relocated. Howie referenced the Rose Cottage which was recently renovated, explaining that elements that were non-period appropriate (added in the 1980s) were removed in that renovation. With the properties under discussion, there are non-period shutters as compared to similar era properties nearby. The intention is to restore these to period-appropriate details.

Butler asked whether elevations of the structures on the new site can be provided in order to see visual view on the other side of the street. Howie answered that this can be Photo Shopped in order to provide an approximation of the new streetscape. Gallagher asked for a view that provides a perspective of how the view will look on Cherokee St. Howie answered that if the project is approved, this will be provided.

Ferguson asked about the moving company engaged to move the structures. Howie replied that the company has thirty years experience. He explained how the structures would be moved: beams can go under the house since there is a crawl space; the chimney must be taken down and rebuilt by hand with the original bricks. Gallagher asked about the new foundation and Howie answered that these will mimic the brick piers as the original would have been. Whipple asked whether Sanctuary will retain ownership of these buildings and Howie answered in the affirmative. Whipple asked whether details will be provided on materials and details that are proposed. Howie answered in the affirmative, contingent upon approval of the project.

Chair May referenced an email from Stephanie Cherry-Farmer of the SHPO saying that it is preferable not to move historic properties if there is a choice as this may make them no longer eligible for tax incentives. Howie replied that they went through the process to obtain tax credits to restore the structures, however, the costs associated with the submission review to obtain these credits - \$5000 – would not be feasible. Also, there are some questions about the period details which would require extensive research. Therefore, they have decided not to go through this process, but their goal remains to preserve the buildings.

Chair May commented that the HPC is not here to move historic buildings, but commissioners have toured the property and gone through every angle. The HPC doesn't want to set precedent to move buildings, but it is important to save them. Since these are Galt family homes, and will be relocated on the same family farm land, this helps make the proposal easier to consider.

Simmons commented that there are two components: 1. The historic element, which is the relocation. He suggested giving a decision with specific conditions. 2. There is the new construction and the implications on the district. He advised the HPC to consider 1. Requiring the applicant to come back at 20%-50%-80% of completion to demonstrate that the roof heights are meeting guidelines, 2. Requiring that the proposed house movers will show how the structures will be moved, and 3. Requiring applicant to come back with revised site plan and Photo Shopped elevation showing how the new street scape will appear, as well as the parking site plan. There are also the historic plaques which will need to be relocated along with the structures.

May asked for more questions. There were none.

Whipple moved to recommend approval with following stipulations:

1. Submit updated site plan at proposed relocation parcels indicating parking and setbacks in relation to existing buildings.
2. Submit credentials, prior historic relocations from proposed relocation company along with detailed report on project specific moving methodology.
3. Follow Section 8.3 in its entirety with special focus on documentation of existing buildings prior to relocation.
4. Submit written documentation for proposed exterior modifications, finishes prior to relocation including composite rendering at final resting place of building.
5. Plaques to be relocated in a prominent location.

Gallagher seconded the motion. Motion carried 5-0. Ayes: Gallagher, Baldwin, Whipple, Ferguson, Butler

Whipple moved to approve the COA for the proposed Old Cherokee residential development with following stipulations:

1. HPC shall be presented design/project updates at 25%, 50%, 75%, and 100% completion for review and comment.
2. Designer shall review and reference the HPC Design Standards throughout all design phase updates and demonstrate compliance.
3. Designer shall present at next project update meeting to describe design intent and compatibility with the district.

Baldwin seconded the motion. Motion carried 5-0. Ayes: Gallagher, Baldwin, Whipple, Ferguson, Butler

V. New Business

- Martha Moore school site and surrounding parcels as part of a Central Business District project approval that involves proposal for demolition of existing school building. Applicants Sanctuary Development LLC and Core Property Capital.

Simmons took the floor and presented the proposed project: School property is owned by Cobb County Schools, and the City has been working with district for eight months. The City met with school district, and did not want them to list the property and sell it to any developer who might come in and try to put in a high density project. Cobb County wanted to move the property, but also understood City's master plan. The plan was to work with developers on the front end, to ensure proposed developments fit into master plan and contribute to economic development.

There are two applications: 1. historic district portion, and 2. the overall site extending to Cobb Pkwy. Regarding the actual school, what is the historic significance. The Fire Marshall inspected the school building. Based on condition and structure, it was determined that it would be almost impossible to repurpose the building and it should be demolished. New South was consulted to see whether it is a contributing historical structure, which it is. The question now is what will be put in the place of this building. The applicants will present their proposed concept for consideration at this meeting, and a special session will be called later take a more in-depth look at it.

Chair May asked whether this building (the Martha Moore school) will be considered demolition by neglect since the condition was so bad. Simmons agreed that there was neglect, but there also was undocumented and unapproved additions. He said the issues are asbestos and lead which were never addressed and should have been remediated. The school district did not upgrade the property and the improvements done over the years were not to code. Over the years this has made it very difficult to bring it back into compliance. The school board is now working with the City to follow its master plan.

Simmons turned the floor over to Chad Howie who presented a project summary, saying Sanctuary had started out with every intention of saving and repurposing the school. They did a site visit with the architect and Fire Marshall. Fire Marshall said building is unusable except for one purpose – a school – but even so the structure had been neglected.

Howie introduced Park Lammerts with Core Property Capital who is working with Sanctuary on this development and is planning to mix commercial and residential on this site.

Howie explained that over the years, renovations have not preserved the historical integrity – there are institutional elements added which make it usable only as a school: 1. The size of the building, and according to fire codes, there is no appropriate place for fire walls and structurally this is almost impossible due to existing framing. None of the materials are code complaint. A library added in the 1980s is a concrete structure, non-contributing to historic significance. Howie showed photos taken during the inspections which show that during past renovations a new HVAC system was added and are haphazardly installed. The building is basically unsafe and is in structural disrepair with significant cracks. The architect pointed out to him that the materials that were used in additions were of low quality. The brick, for example, is a low grade with no historical value. Photos are shown which depict some of the degraded structural elements. There is drop ceiling installed beneath asbestos ceiling and this would all have to be removed to repurpose the building, even if it were structurally possible. Even the original doors, millwork, or trim are not left from the original historic building, these were replaced with institutional grade materials. (May comments that all photos are available on City of Kennesaw website.)

Chair May asked whether the cornerstone of the building will be saved and repurposed, and Howie answered in the affirmative. Chair May asked that all inspection reports be provided for the record, and also asked whether a plaque will be provided to identify this original site. Howie answered in the affirmative.

Chair May asked about effect on nearby cemetery. In response, Howie showed a site plan and said that they are currently proposing to repurpose the library of the school and that the village green will be similar in scale to the Marietta Square. Surrounding it will be commercial and retail with a brewery, restaurants, and cultural events venue. There will be a mixed-use component with retail shops and living units above. As for the cemetery, one thing they are looking at is making sure the cemetery is preserved and stays quiet. Therefore, they will face all the units forward on the site, the garage doors will face Cemetery Street in the rear, and there will be an alley. There will be separation between residential units and the cemetery. They propose to improve/widen Cemetery Street and building columns with fencing and lighting in between to enhance the currently proposed fencing. This will create a visual separation between the housing and the cemetery.

Gallagher asked about widening Cemetery street – on both sides of right-of-way. Howie responded that there is a 30-foot right-of-way which also gives an opportunity to create more parking. He said he believes that the cemetery property needs to be visually enhanced to preserve the historic value.

Whipple asked about a sense of scale for the proposed buildings. Howie said that none of the structures will exceed three-stories. Howie discussed the historic relevance of property as shown by old lithographs of the area which have been researched.

Lammerts took the floor and explained the site plan and the ingress and egress of the village green and park areas. Whipple asked if the primary entry is off Summers Street, and Lammerts answered in the affirmative. Howie referenced the site plan and showed which portion of King Street would be abandoned and reoriented. He pointed out four points of ingress/egress on the site plan. Discussion took place on the orientation of the property and surrounding streets. Chair May asked about parking, and Howie said the parking ratio will meet codes and pointed out parking specs on the site plan.

Simmons took the floor to explain that the city staff had to look at the overall plan, and consider the impact on the cemetery. He reiterated that it was important to have some separation from the cemetery and that the developer work along with the Cemetery Commission in designing the fencing to keep the separation and

increase capacity of the roads. Simmons said that the school was an issue because of possible historical contribution but he concurred with Howie's assessment of the school's condition and the proposed demolition. He said that the applicant must make a formal proposal for demolition and there must be a public hearing. There is both the central business district plan plus the historic preservation angle to consider. Simmons said that the applicant will bring more specific details to the next meeting and that today's presentation is for informational purposes at this time.

- 2785 Watts Drive- Dallas and Watts mixed use development. This is the commercial component of the approved CBD project. Applicant, Eric McConaghy proposes the existing bank structure and construction of new free standing building next to the bank. The HPC approved a commercial component for the site so this is a revised proposal.

Simmons said that the project has already been approved by the city and today the applicant will discuss the reuse of the existing bank and a new two-story structure.

Commissioner Baldwin recuses from discussion based on possible conflict of interest.

Eric McConaghy took the floor and discussed the old bank building which was going to be a restaurant, saying that the intent has been to do a project that works well with the city plan. He introduced architect Christopher Baldwin and referenced plans which show a micro brewery proposed for existing building plus a fitness center as the proposed new construction.

Baldwin took the floor to present the site plan. He showed a preliminary study and renderings of the proposed renovation and new building. Ferguson asked about parking, McConaghy replied that they are adjacent to public parking, and there are about twenty-four spaces behind the buildings. He discussed the parking needs and the considerations that are being made for nearby residents, employees, and delivery vehicles.

Chair May asked whether this will integrate with the residential project nearby – will it blend in with the design. For example, shutters need to be functioning. Whipple mentioned that painted brick is prohibited. Baldwin conceded that different brick will be used. Whipple asked about screening mechanical units. Baldwin answered that these will be on the rear of the building. Whipple requested that existing elevations be shown to compare to the proposed elevation. Simmons added that this initial meeting will determine design standards prior to recommending action since detail has still not been finalized according to design standards. Baldwin replied that this is a preliminary plan, and only a first step in the approval process. Whipple asked that for the next presentation there is reference to the existing buildings for comparison. He also requested that on the site plan, it should zoom in and show other existing buildings to provide visual scale. Chair May also asked for a landscape plan. Whipple asked to see a composite elevation for the proposed new structure. Chair May referenced Chapter 5 in Design Guidelines for new building and Chapter 6 for rehab of the bank building.

Chair May asked for more questions, and there were none.

- Fullers Chase- Project update of the construction of remaining 22 lots for townhomes that was already approved in 2006. Traton Homes is the new builder and will present the architecture that will be designed for remaining townhomes that will match the existing townhomes.

Simmons took the floor and explained that there has been a change of ownership and a new builder on this project. He introduced applicant Dale Hughes, owner, and Chris Poston from Traton Homes.

Hughes took the floor and referenced a site plan with ten lots and nine buildings, six of which are historic. He explained that currently there are four townhomes which are all rented (by another owner, Hensler.) Hughes is proposing to build another 22 units, and he indicated on the plan where these new units will be located.

Poston took the floor to present proposed project. Traton Homes looked at existing architecture in order to match it to the new project; the height is similar. Chair May asked whether there is more detail and a materials list. Hughes said that priorly approved plans are being used as reference. Chair May asked whether there will be rental restrictions. Hughes answered that there are no CCRs in place as of yet, but he will work with Hensler – who is leasing – to see whether they can come up with CCRs, leasing restrictions, and design standards. He said they will try to tie these two projects together to consistently maintain the properties. Discussion ensued about amenities such as parking and common mail areas. May asked to be provided with a landscape plan, and also a materials list and design details.

Chair May asked for more questions, there were none.

Simmons added that as the builder brings in construction and landscaping plans, there will be further project updates.

VI. Discussion

- Properties of Concern

Chair May referenced 2839 South Main (antique store) saying the interior is said to be in grave disrepair and an action plan is needed to try and save that property. Simmons asked for a written report of any inspections that have taken place. He mentioned that the owner is not in good health or financially able to restore property. He said all reports on this property must be submitted to the city in writing.

Chair May referenced the Tommy Aaron property, State Farm office saying the city needs to contact the owner about the state of exterior disrepair.

Gallagher referenced a house at the corner of Duncan and Main St. with holes in roof and in neglect.

Chair May requested an update on Lewis House project. Simmons replied that a new project manager will provide weekly reports to city manager.

Chair May requested an update on Hill Manor. Simmons replied that the owner is waiting on insurance for repairs and is also trying to market property as a possible residential property. He said that the current owner is under requirement to fix it in a certain period of time.

VII. Public Comments : there were no public comments

VIII. Planning & Zoning Administrator Comments :there were no further comments

IX. Adjourn

Meeting adjourned at 10:24 am

Minutes taken and typed by Mary Baldwin, secretary Kennesaw HPC

**The next scheduled meeting of the Historic Preservation Commission will be
Tuesday, November 20, 2018**

NOTICE: Any person who desires to appeal any decision from this meeting will need a record of the proceedings, and for the purpose may need to insure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based. The Agenda is designed to make more efficient use of the HPC's time. It is not designed to curtail discussion or input. If you need special accommodations to attend or participate in our meetings, please contact City Hall at least 24 hours in advance of the specific meeting you are planning to attend.

acquire the parcels for \$97,500 each. The Public Works Director recommends the Mayor and City Council approve the acquisition. Funding Line: 310.4228.54.149200.0000 Sardis Street Extension Project.

[Due to a possible conflict of interest, Councilmember Ferris recused himself and stepped down from the dais.]

Acting Public Works Director Wayne McGary presented the Resolution authorizing acquisition of the property required for the Special Purpose Local Option Sales Tax (SPLOST) Sardis Street Extension project (2850 and 2852 Boone Drive). The City has been working with a local developer that is developing remaining lots in the Village at Fuller Chase Subdivision. Two of the townhome lots will be impacted by the necessity to acquire rights-of-way and easements needed for the SPLOST Sardis Street Extension project. In order to protect the proposed alignment, the total acquisition of two parcels is necessary to prevent the acquisition of completed townhomes and the displacement of occupants. The subject parcels are 2850 Boone Drive (PIN 20013802820) and 2852 Boone Drive (PIN 20013802830). In order to avoid costly acquisitions once the properties are developed, the City is in a situation where it can acquire the necessary property thus saving a substantial amount on the City by preserving the proposed right-of-way alignment. Based on appraisals from an independent Appraiser, City Staff has reached an agreement with the owner to acquire the parcels for \$97,500 each.

Motion by Councilmember Eaton to approve the Resolution as presented, motion seconded by Councilmember Henderson. Vote taken, approved 4-0-1 (Councilmember Ferris abstained). Motion carried.

[Councilmember Ferris returned to the dais.]

XV. RECREATION AND CULTURE

RICHARD BANZ, Museum and Agency Director

DOUG TAYLOR, Parks and Recreation Director

ANN PARSONS, Smith-Gilbert Gardens Director

No items.

XVI. COMMUNITY DEVELOPMENT

ROBERT FOX, Economic Development Director

DARRYL SIMMONS, Zoning Administrator

SCOTT BANKS, Building Official

- A. Central Business District (CBD) project approval for properties located along Cherokee Street. Project submitted by Sanctuary Development, LLC. Subject properties identified as 2985 Cherokee Street, 3007 Cherokee Street and Tax parcel 124 located in Land Lot 138. The CBD project proposal incorporates properties identified within Land Lot 138, Tax Parcel 125 (Cherokee Street), Tax Parcel 124 (2985 Cherokee Street) and Land Lot 129, Tax Parcel 97 (3007 Cherokee Street). The project is to relocate two historic houses and the development of a residential community. Central Business District projects require review and approval by the Kennesaw Downtown Development Authority (KDDA) and the Historic Preservation Commission (HPC) prior to final approval of the

project by the Mayor and Council. HPC held a special called meeting on October 3, 2018, where it was tabled to the regular meeting of October 16, 2018, motion was made and seconded to approved the concept with stipulations as follows: 1) Submit updated site plan at proposed relocation parcels indicating parking and setbacks in relation to existing buildings; 2) Submit credentials, prior historic relocations from proposed relocation company along with detailed report on project specific moving methodology; 3) Follow Section 8.3 in its entirety with special focus on documentation of existing buildings prior to relocation; 4) Submit written documentation for proposed exterior modifications, finishes prior to relocation including composite rendering at final resting place of building; 5) Plaques to be relocated in a prominent location; 6) HPC shall be presented design/project updates at 25%, 50%, 75%, and 100% completion for review and comment; 7) Designer shall review and reference the HPC Design Standards throughout all design phase updates and demonstrate compliance; and 8) Designer shall present at next project update meeting to describe design intent and compatibility with the district. The KDDA heard the concept plan on October 9, 2018 and recommended approval of the concept as presented. **STAFF RECOMMENDATION:** Darryl Simmons, Zoning Administrator recommends approval of the proposed Central Business District project for residential development and the relocation of historic structures incorporating all conditions stated by the HPC.

Zoning Administrator Darryl Simmons presented the request for Central Business District (CBD) project approval for properties located along Cherokee Street. Project submitted by Sanctuary Development, LLC. Subject properties identified as 2985 Cherokee Street, 3007 Cherokee Street and Tax parcel 124 located in Land Lot 138. The CBD project proposal incorporates properties identified within Land Lot 138, Tax Parcel 125 (Cherokee Street), Tax Parcel 124 (2985 Cherokee Street) and Land Lot 129, Tax Parcel 97 (3007 Cherokee Street). The project is to relocate two historic houses and the development of a residential community. Central Business District projects require review and approval by the Kennesaw Downtown Development Authority (KDDA) and the Historic Preservation Commission (HPC) prior to final approval of the project by the Mayor and Council. HPC held a special called meeting on October 3, 2018, where it was tabled to the regular meeting of October 16, 2018, motion was made and seconded to approved the concept with stipulations as follows: 1) Submit updated site plan at proposed relocation parcels indicating parking and setbacks in relation to existing buildings; 2) Submit credentials, prior historic relocations from proposed relocation company along with detailed report on project specific moving methodology; 3) Follow Section 8.3 in its entirety with special focus on documentation of existing buildings prior to relocation; 4) Submit written documentation for proposed exterior modifications, finishes prior to relocation including composite rendering at final resting place of building; 5) Plaques to be relocated in a prominent location; 6) HPC shall be presented design/project updates at 25%, 50%, 75%, and 100% completion for review and comment; 7) Designer shall review and reference the HPC Design Standards throughout all design phase updates and demonstrate compliance; and 8) Designer shall present at next project update meeting to describe design intent and compatibility with the district. The KDDA heard the concept plan on October 9, 2018 and recommended approval of the concept as presented. Updated attachments were mailed to the Mayor and Council on Friday and a printout was available this evening. This included an updated business plan and to address the build-to line. Unified Development Code (UDC) 4.02.03 addresses site

design standards for the Central Business District (CBD) and 4.01.04 are the design standards for the Senior Living Overlay District (SLO). The infill states it aligns to the majority average of all structures nearby, therefore, based on the mean alignment, the buildings would be in compliance.

CHAD HOWIE (Applicant): A new road along Cherokee Street is being contemplated by the City for realignment. He plans to move both historic buildings to the opposite side of the existing Cherokee Street. The average setback is 13.9'; rental apartment minimum floor area will average 1000'; they are allowed 10.5 units at 850' which equals 35 units; three units will be 862'. Sanctuary strives to deliver a desirable and enjoyable project and they do not overcrowd the designs. Maximum lot coverage will not be more than 87%.

Motion by Councilmember Henderson to approve the Central Business District (CBD) project for properties located along Cherokee Street as conditioned by the HPC, seconded by Councilmember Viars.

Mr. Howie would like to work with the City to move the existing garden or to relocate to an underutilize area of the property. There was further discussion of the 15' setback and impacts to parking requirements. This is a conceptual plan and the Fire Marshall may also have changes. As they prepare their final plat, the apex of the curve will vary and in places setbacks will be more than 15'.

Vote taken on the motion to approve, 4-1 (Councilmember Ferris opposed). Motion carried.

XVII. FINANCE AND ADMINISTRATION

GINA AULD, Finance Director

No items.

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

8:08 PM Floor Open for Public Comments

DEBRA WILLIAMS (Resident): Ms. Williams received clarification on why her de-annexation request was not considered. Attorney Bentley added for the Council to consider the request, the application must comply with State law.

MS. GABBY (Miss Georgia Elementary): Gabby shared just how much she likes to help children in need. She cooks food at Ronald McDonald House and fills their pantry. She volunteers for MUST Ministries, buys socks and food for homeless kids. Her favorite is the Kids Miracle Network which she became involved via the Miss America pageant – it makes her happy.

ANN PRATT (Resident): Will there be anything left of old Kennesaw or just new buildings? Who determines blighted property? Attorney Bentley replied there is a legal definition and we must follow the code which would eventually be presented to the Council for their vote. Ms. Pratt asked if this Cobb County Housing participation lead to Section 8 housing? Mayor Easterling responded it is a mortgage assistance down payment program. Mr. Gordon Morton's information will be provided to Ms. Pratt to discuss the



**Regular Meeting Agenda
8/3/2020 6:30 PM
Council Chambers**

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



**Regular Meeting Agenda
8/3/2020 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 Liasons	5/4/2020	Backup Material
911 Advisory Board	3/6/2020	Backup Material
Art & Culture	4/8/2020	Backup Material
Cemetery Preservation	5/8/2020	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	4/17/2020	Backup Material
Kennesaw Downtown Development Authority	3/24/2020	Backup Material
License Review Board	1/28/2020	Backup Material
Planning Commission	4/21/2020	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

LEA ADDINGTON, 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
Destiny Davidson Cobb 911	770-499-4105 Destiny.davidson@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]
Lance A. Lewin	1026 Peace Drive Kennesaw, 30152 lance.visualizingart@gmail.com 678-294-0502	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, 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)	Ahight15@gmail.com cell: 678 428-2636
Brandi Miller (President, Kennesaw Girls Softball)	bmiller.masondev@gmail.com cell: 770 329-8741
Zack Typher (Kennesaw Baseball), Chair	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
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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
<i>Vacancy</i>		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
Britt Doss	4416 Black Hills Drive NW Acworth 30101 bdoss@kennesaw-ga.gov (w) 770-793-9286 (c) 770-355-9441	Dec. 2023
Gary Hasty	2887 Boone Dr., NW Kennesaw, GA 30144 (w) 404 216-7299 (c) 404-219-1801 ghasty@kennesaw-ga.gov	Dec. 2023
Chad Howie	3008 Cherokee Street NW Kennesaw 30144 chowie@kennesaw-ga.gov (w) 770-702-1223 (c) 770-789-3350	Dec. 2021
Anne Langan	4243 Sheffield Court NW Kennesaw 30144 alangan@kennesaw-ga.gov 910-233-3586	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 dbergwall@kennesaw-ga.gov (c) 937-243-2673	Dec. 2020
SaVaughn Irons	2167 Del Lago Cir NW Kennesaw 30152 sirons@kennesaw-ga.gov (c) 678-558-0089	Dec. 2022
Dan Harrison, III	1487 Shoup Court NW Kennesaw 30152 (h + cell) 954-560-6924 dharrison@kennesaw-ga.gov	Dec. 2022
Phillip Jackson	4260 Revere Walk Kennesaw pjackson@kennesaw-ga.gov (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
Lacey Ragus	2756 Fuller's Alley Kenesaw, GA 30144 babylacey78@yahoo.com (c) 404-314-4164	Dec. 2022
Doug Rhodes Chair	5670 Deerfield Place Kennesaw, GA 30144 (w) 770-684-0102 (c) 770-362-5181 drhodes@kennesaw-ga.gov	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 Wrobleski, Staff/Secretary	(w) 770-590-8268 ext 3120 dwrobleski@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@cobbcountry.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