

Mayor

Derek Easterling

City Manager

Jeff Drobney, ICMA-CM

City Clerk

Lea Alvarez, CMC

**Council**

Mayor Pro Tem Antonio

Jones

Madelyn Orochena

Tracey Viars

Pat Ferris

Anthony Gutierrez

City Council Work Session**Meeting Agenda**

August 12, 2024 6:30 PM

Council Chambers

(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)

Livestream: <https://www.facebook.com/CityofKennesaw/>

1. Invocation**2. Pledge of Allegiance****3. Call to Order****4. Announcements**

- A. 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. **Facebook Live is not monitored for public comment.**

5. Presentations**6. Old Business****7. New Business****8. Committee and Board Reports****9. Public Hearing(s)**

A. **Ordinance: Rezoning Request for 3045 Cherokee Street**

Consideration for approval of an ordinance authorizing a rezoning request submitted by Jason Kisz for the property located at 3045 Cherokee Street (Parcel 20012900950). Case #RZ2024-03

10. Consent Agenda

- A. **Minutes: July 17, 2024 Service Delivery Strategy Mediation**
Approval of the July 17, 2024 Service Delivery Strategy Mediation special called meeting minutes.
- B. **Minutes: July 17, 2024 1st Property Tax Hearing**
Approval of the July 17, 2024, 1st Property Tax Hearing minutes.
- C. **Minutes: July 29, 2024 Work Session**
Approval of the July 29, 2024, City Council work session minutes.
- D. **Minutes: July 29, 2024 Executive Session**
Approval of the July 29, 2024, City Council executive session minutes.
- E. **Minutes: August 8, 2024 2nd Property Tax Hearing**
Approval of the August 8, 2024, 2nd Property Tax Hearing minutes.
- F. **Minutes: August 5, 2024 Regular Meeting**
Approval of the August 5, 2024, City Council regular meeting minutes.

11. General and Administrative

12. Public Safety

- A. **Crime Stats: July 2024**
- B. **Discussion Only: Research Results on Electric Vehicles**
- C. **Discussion Only: Public Safety Facility 3rd Floor**

13. Information Technology

14. Public Works and Building Maintenance

- A. **Resolution: Transfer 2016 SPLOST Funds**
Consideration for approval of a Resolution to transfer various 2016 SPLOST funds to the 2016 SPLOST Resurfacing and Sidewalks account.
- B. **Resolution: Transfer 2016 SPLOST Funds**
Consideration for approval of a Resolution to transfer 2016 SPLOST Stormwater Infrastructure funds to the 2016 Ben King Road Improvements account.
- C. **Resolution: Transfer 2022 SPLOST Funds**
Consideration for approval of a Resolution to transfer 2022 SPLOST Depot Park funds to the 2022 SPLOST Neighborhood Improvements account.
- D. **Resolution: Transfer 2022 SPLOST Funds**
Consideration for approval of a Resolution to transfer 2022 SPLOST Depot Park funds to the 2022 SPLOST Facility Improvements account.
- E. **Resolution: Smith-Gilbert Garden Improvements Project**

Consideration for approval of a Resolution awarding the bid and contract to Magnum Contracting, LLC for construction of various Smith-Gilbert Garden improvements.

F. Discussion Only: City Hall Entrance Improvements

15. Recreation and Culture

16. Community Development

A. Central Business District Project Application: 3033 and 3045 Cherokee Street

Consideration to review a CBD project application request for a mixed-use development on parcels located at 3033 Cherokee Street (Parcel 20012900960) and 3045 Cherokee Street (Parcel 20012900950). Case#CBD2024-02.

B. Resolution: Updated Intergovernmental Agreement (IGA) and Property Use Agreement for 2840 S. Main Street

Consideration for approval of a Resolution to update an IGA and Property Use Agreement pertaining to a shared dumpster between the KDDA, 1885 Grill, and Bernie's Social Bar.

17. Public Comment

18. City Manager's Report

A. Reports, Discussions, and Updates

19. 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, Committee, Authority, or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve boards and commissions, as deemed necessary.

20. Council Reports & Discussions

21. Executive Session

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.

22. Adjourn



Item Report

TO: The Honorable Mayor and City Council

FROM: Darryl Simmons, Zoning Administrator

DATE: August 12, 2024

TITLE: **Ordinance: Rezoning Request for 3045 Cherokee Street**
 Consideration for approval of an ordinance authorizing a rezoning request submitted by Jason Kisz for the property located at 3045 Cherokee Street (Parcel 20012900950).
 Case #RZ2024-03

Summary:

Consideration for approval of a rezoning application submitted by Jason Kisz. Said request is to rezone the property located at 3045 Cherokee Street (Parcel 20012900950) from R-15, Single Family Residential to Central Business District (CBD) for the development of a mixed-use development. The lot consists of 1.663 +/- acres, and lies in Land Lot 129 Tax Parcel 95. This public hearing was advertised in the Marietta Daily Journal on July 19, 2024, and a public notice sign has been posted on site. At their August 7, 2024 meeting, the Planning Commission voted to approve the request to rezone with the conditions as outlined by staff.

Recommendation:

The Zoning Administrator recommends approval of the rezoning request with conditions.

Fiscal Impact:

Attachments:

1. RZ2024-03_3045 Cherokee St_ORDINANCE DRAFT
2. RZ2024-03_3045 Cherokee St_Rezoning Application_All Docs Merged_Redacted_FINAL
3. RZ2024-03_3045 Cherokee St_Unit Itemization_7-25-24
4. 8-7-24 PC Action Minutes

**CITY OF KENNESAW
GEORGIA**

ORDINANCE NO. 2024-, 2024

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE
CITY OF KENNESAW, GEORGIA SO AS TO CHANGE THE ZONING DISTRICT
DESIGNATION FROM CITY R-15, SINGLE FAMILY RESIDENTIAL DISTRICT TO
CITY CENTRAL BUSINESS DISTRICT (CBD) FOR THE PROPERTY LOCATED AT
3045 CHEROKEE STREET**

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

WHEREAS, JASON KISZ made an application to amend the Official Zoning Map of the City of Kennesaw, Georgia so as to change the zoning designation from **CITY R-15, SINGLE FAMILY RESIDENTIAL DISTRICT to CITY CENTRAL BUSINESS DISTRICT (CBD)**; for property located at 3045 Cherokee Street (Parcel Number 20012900950), identified as 20th District, Land Lot 129 Tax Parcel 95 containing +/- 1.663 acres (as more particularly described below); and

WHEREAS, notice was advertised in the Marietta Daily Journal on July 19, 2024 of a public hearing before the Kennesaw Planning Commission held on August 7, 2024 and the Mayor and Council on August 19, 2024; and

WHEREAS, the Kennesaw Planning Commission held a public hearing on this proposal at a meeting held August 7, 2024; and

WHEREAS, the Mayor and Council held a public hearing to consider this proposal at a meeting held August 19, 2024; and

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

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

SECTION 1. The Official Zoning Map of the City of Kennesaw, Georgia is hereby amended so as to change the zoning district designation from **CITY R-15 SINGLE FAMILY RESIDENTIAL DISTRICT to CITY CENTRAL BUSINESS DISTRICT (CBD)** for the following described property:

**3045 CHEROKEE STREET
LEGAL DESCRIPTION**

PARCEL NUMBER: 20012900950

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 129 OF THE 20TH DISTRICT, 2ND SECTION, OF COBB COUNTY, GEORGIA AS SHOWN ON PLAT OF SURVEY BY THOMAS M. GINN, SR. DATED JUNE 23, 1969, A COPY OF WHICH IS RECORDED IN PLAT BOOK 47, PAGE 198, COBB COUNTY, GEORGIA RECORDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT WHERE WESTERN RIGHT OF WAY OF CHEROKEE STREET (FKA SHILOH ROAD) (60 FOOT RIGHT OF WAY) INTERSECTS WITH SOUTHERN RIGHT OF WAY OF SHIRLEY DRIVE (50 FOOT RIGHT OF WAY), THENCE RUN IN THE SOUTHERLY DIRECTION ALONG WESTERN RIGHT OF WAY OF CHEROKEE STREET DISTANCE 447.00 FEET TO A 0.5"RBF AND THE TRUE POINT OF BEGINNING,

THENCE RUN IN THE SAME DIRECTION ALONG WESTERN RIGHT OF WAY OF CHEROKEE STREET SOUTH 08 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 121.07 FEET TO A IPF,

THENCE LEAVING SAID WESTERN RIGHT OF WAY OF CHEROKEE STREET AND RUN IN THE WESTERLY DIRECTION NORTH 79 DEGREES 44 MINUTES 45 SECONDS WEST A DISTANCE OF 388.04 FEET TO A IPF,

THENCE RUN NORTH 56 DEGREES 21 MINUTES 31 SECONDS WEST A DISTANCE OF 176.28 FEET TO A 0.5"RBF,

THENCE RUN NORTH 55 DEGREES 40 MINUTES 13 SECONDS WEST A DISTANCE OF 108.00 FEET TO A 0.5"RBF,

THENCE RUN NORTH 52 DEGREES 01 MINUTES 16 SECONDS WEST A DISTANCE OF 82.27 FEET TO A 0.5"RBS,

THENCE RUN SOUTH 79 DEGREES 35 MINUTES 58 SECONDS EAST A DISTANCE OF 317.50 FEET TO A 1"OTP,

THENCE RUN SOUTH 01 DEGREES 54 MINUTES 45 SECONDS WEST A DISTANCE OF 31.22 FEET TO A 1"OTP,

THENCE RUN SOUTH 79 DEGREES 48 MINUTES 25 SECONDS EAST A DISTANCE OF 396.01 FEET TO A 0.5"RBF, LOCATED ON THE WESTERN RIGHT OF WAY OF CHEROKEE STREET AND THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 1.663 AC.

SECTION 2. BE IT FURTHER ORDAINED THAT the amendment to the Official Zoning Map outlined in Section 1 above is adopted to change the zoning district designation from **CITY R-15, SINGLE FAMILY RESIDENTIAL** to **CITY CENTRAL BUSINESS DISTRICT (CBD)** +/- 1.663 acres with stipulations below:

ZONING CONDITIONS

1. The Subject Property shall be constructed as a mixed-use development consisting of a maximum of thirty-one (31) "For Sale" residential units and a minimum of 1,600 sq. ft. of total commercial area given that the required parking ratio requirements are met.
2. Applicant agrees the minimum floor area of all residential units shall be 1,000 sq. ft. Applicant also agrees that the maximum height of the overall development will adhere to the Historic District Design Standards.
3. The architectural style and composition of the buildings to be constructed on the Subject Property shall be in reasonable conformity to the architectural renderings/elevations submitted with the rezoning application.
4. Project design updates must be submitted to the Historic Preservation Commission at 30, 60, and 90 percent completion until the approval of the final project design.
5. Project design updates submitted to the Historic Preservation Commission for review must include landscaping plans and should outline the trees that will be removed from the property prior to the commencement of the project and tree removal on the property.
6. Dedication of approximately 10' of property frontage for right-of-way along Cherokee Street (which includes the sidewalk and parking) after the installation and construction of the required infrastructures.
7. Compliance with the recommendations from the City Engineer and/or the City's Public Works Director regarding detention, water quality and stormwater management.
8. Applicant agrees to the protection of all required stream buffers affecting the Property and shall utilize such areas as a passive amenity for the proposed development; any potential impact to the stream(s) due to revisions to the site plans will require a variance.
9. A minimum of three (3) amenities based on the proposed list by applicant will be included in the final site plan submitted for review and approval; mail kiosk will not be included as one of the required amenities.

10. Prior to the issuance of Certificate of Occupancy for the last twenty (20) percent of residential units, the non-residential portion of the development will be required to obtain a certificate of completion.
11. The site plan shall incorporate public space architectural and urban features consistent with the City wide Architectural Design Standards and the City of Kennesaw Historic District Design Standards including fountains, gardens, squares, courtyards, lighting, signage, and paving that blend the mixed uses.
12. Proposed lighting for signs, parking lots, and entrance ways shall be environmentally sensitive and consistent with lighting styles utilized in the downtown streetscape design and approved under the City of Kennesaw Historic Design Standards and Citywide Design Guidelines.
13. The creation of a mandatory homeowners association ("HOA") to be managed by Applicant or a 3rd party professional HOA management company until such time the HOA is "turned-over" to the homeowners which is typically at 100% buildout. Applicant shall fund any shortfall in the operating budget until such time as the HOA is "turned-over" to the homeowners. Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations.
14. The homeowners association shall be solely responsible for the upkeep and maintenance of all common areas, mail kiosk, amenities, and amenity areas; including the entrance areas, boundary landscape buffers, stormwater management systems, driveways and parking lot.
15. Dumpsters shall be positioned consistent with the City of Kennesaw Ordinance regulations with dumpster lids containing rubber cushions to reduce noise and with the enclosure surrounding the dumpster being designed to be complementary to the buildings' architecture while meeting all development Standards. The design and position of said enclosure shall be reviewed and approved by the Zoning Administrator and/or his designee.
16. The proposed community shall utilize the City or Cobb County; utility services as is typical for such residential development.
17. The Applicant agrees that construction activity will begin within two years of the approval date of the rezoning. If no land development activity is initiated, then the subject property will automatically revert back to the original zoning and all previously imposed conditions.

SECTION 3. BE IT FURTHER ORDAINED THAT it is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable, and if any section, paragraph, sentence, clause, and phrase is

declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance.

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

PASSED AND ADOPTED by the Kennesaw City Council on this ____ day of August, 2024.

ATTEST:

CITY OF KENNESAW:

Lea Alvarez, City Clerk

Derek Easterling, Mayor



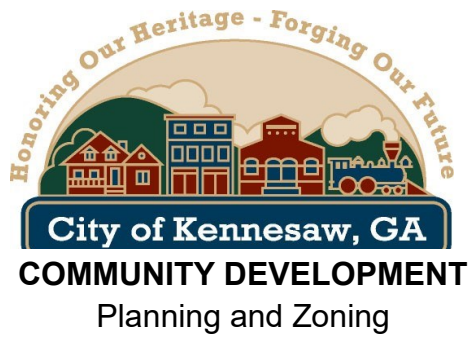
CASE NUMBER		LAND USE OR ZONING		3045 Cherokee St NW Land Lot 29, Tax Parcel 95  Subject Property	  CITY OF KENNESAW PLANNING & ZONING DEPT. 770-590-8268 	Scale: 1" = 238' Print Date: 5/28/2024 RZ2023_000
AV	LU	FROM	TO			
CBD2024-002	RZ 2024-003	LI	CBD			
COA2024-005	AV – Administrative Variance AX – Annexation DX – De-annexation HBR – Historic Board Review LU – Land Use RZ – Re-zoning SLUP – Special Land Use ZV – Variance		 ZONING  KENNESAW CITY LIMITS  COBB COUNTY  LAND LOT			
HBR						
SLUP						
ZV						

ZONING ADMINISTRATOR
DARRYL SIMMONS

**ASSISTANT ZONING
ADMINISTRATOR/PLANNER**
CHANELLE CAMPBELL

CONTACT US

OFFICE: (770) 590-8268
WEBSITE: www.kennesaw-ga.gov
EMAIL: zoningdept@kennesaw-ga.gov



2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

MAYOR AND COUNCIL
AUGUST 19, 2024

PLANNING COMMISSION
AUGUST 7, 2024

LEGAL ADVERTISEMENTS
JULY 19, 2024

PUBLIC NOTICE SIGN
JULY 19, 2024

APPLICATION SUBMITTED
MARCH 15, 2024

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-03

Property Addresses

3045 Cherokee St

Applicant

Jason Kisz

Representative

N/A

Property Owner

French 3 Investments, LLC

Current Zoning

R-15, Single-Family Residential (15 Units/Acre)

Proposed Zoning

Central Business District (CBD)

Future Land Use Category

Downtown Activity Center (DAC)

Project Request: Rezoning for the construction of a mixed-used development.

[Please see page 4 and 5 for project request](#)

PROPERTY DETAILS

Within 1/2 mi from Unincorporated Cobb Co: No
Historic District: Yes
Cemetery: No **Floodplain:** No **Stream:** Yes
Parcel ID #: 20012900950
Land Lot #: 129 **Tax Parcel #:** 95
Land Area: 1.663 +/- acres
Existing Building Total SQFT: 1,607 sq. ft

RECOMMENDATION

Staff Recommendation

Approval with conditions

[Please see page 20 & 21 for basis for recommendation.](#)



Aerial view of subject property (Cobb Tax Assessor)

ADJACENT PROPERTY DETAILS

Surrounding Zoning Dist. and Future Land Use

North: No Street

Zoning: Central Business District (CBD)

Future Land Use: Downtown Activity Center (DAC)

South: No Street

Zoning: Central Business District (CBD)

Future Land Use: Downtown Activity Center (DAC)

East: Cherokee Street

Zoning: Central Business District (CBD)

Future Land Use: Downtown Activity Center (DAC)

West: No Street

Zoning: R-15, Single Family Residential

Future Land Use: Residential Low/Medium (RL)

[Please see pages 2 for zoning map.](#)

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-03

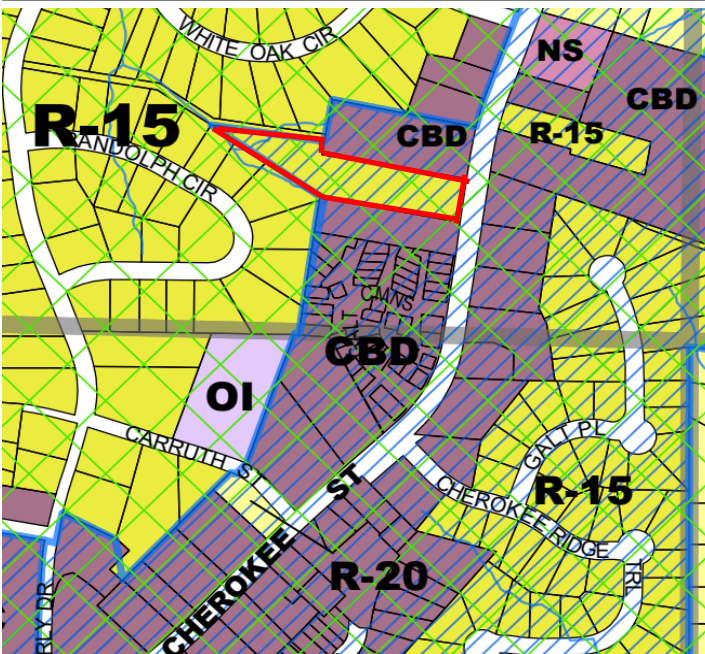
AERIAL MAP

LOCATION:

The 1.663 +/- acre tract is located on Cherokee Street and sits in the Cherokee Street Historic District. Surrounding uses include Kennesaw Heights subdivision to the west zoned R-15, Single Family Residential. To the south the newly completed mixed-used development known as Galt Commons zoned Central Business District (CBD). To the north and east of the subject site are primarily residential structures converted for commercial uses including Mike's Trophies & Award Inc State Farm Insurance to the east; both zoned Central Business District (CBD).



ZONING MAP



LEGEND

Zoning Districts

	CBD		HGB		NRC		PUD-R
	CRC		HI		NS		PVC
	FST		LI		OI		R-10
	GC		MHP		PBSH		R-12
					PSC		R-15

BACKGROUND:

The site is currently zoned R-15, Single Family Residential, with a vacant residential structure. As part of the CBD Expansion Project II initiated in 2023, the property owner was invited to rezone the parcel to Central Business District (CBD) to create continuity of the Downtown Activity Center along Cherokee Street; the owner declined to participate in the rezoning initiative.

On June 21, 2024, the property went before the Historic Preservation Commission (HPC) with a Certificate of Appropriateness application and was granted approval for the demolition of the vacant structure on the property.

AERIAL VIEW

ZONING CASE #: RZ2024-03



 = Approximate project location

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-03

DESCRIPTION OF ZONING REQUEST

This is a rezoning request to change the zoning designation from R-15, Single Family Residential to Central Business District (CBD) for the construction of a mixed-use development.

PROJECT INTENT

The applicant is requesting to rezone the property to Central Business District to construct the development of 31 "For sale" residential units town-homes and stacked flats condos and approximately 1,600 sq. ft. of commercial floor area.

Number of units proposed: 31

Proposed Density: 12.20 DUA

Proposed parking spaces: 80

New Construction Total SF: +/- 39,225 sq. ft.

Land area (This site): 1.663 +/- acres

Land Area (Entire site): 2.543 +/- acres

Proposed Amenities: Wet Pond and trail, commercial plaza, dog park, hammock area, fire pit area, greenway park connecting to neighboring Galt Commons green.

Pre-Application Meeting

March 15, 2024

Application Submitted

March 15, 2024

Fees Paid

\$375.00

Certified Letters Mailed

July 19, 2024

CBD ZONING DESIGN STANDARDS

Min. lot size: None

Max lot coverage: Not more than 87%

Minimum Setbacks:

Side: None

Rear: None

Max. Height: Subject to Historic District Guidelines

Min floor area:

Condominium: 1,000 sq. ft.

Townhouse: 1,000 sq. ft.

EXISTING SITE CONDITIONS



STAFF ANALYSIS REPORT



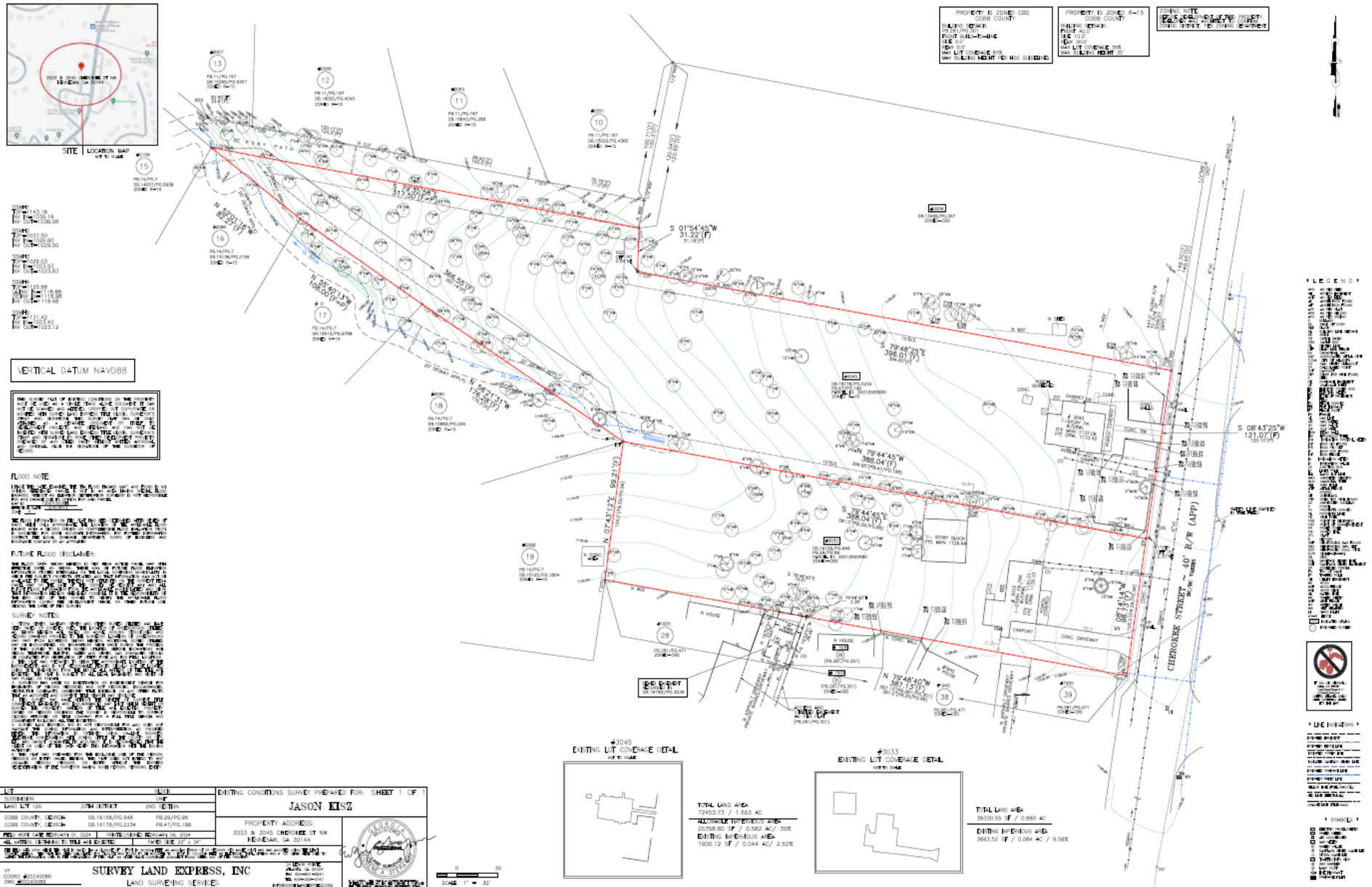
ZONING CASE #: RZ2024-03

PROJECT DETAILS

- The applicant proposed thirty-one (31) “For Sale” Residential units; will consist of fourteen (14) townhomes and seventeen (17) stacked flats.

Type	Plan Description	Heated SF	Total #
Townhomes	19 X 21 TH	1,250	9
Townhomes	21 X 28 TH	1,500	3
Townhomes	26 X 21 TH	1,500	2
Flats	Stacked Flats	1,045	15
Flats	Stacked Flats (above commercial)	1,600	2

- The project will include 1,600 sq. ft. of total commercial floor area for retail that would benefit residents and surrounding community members.
- The project will include approximately 39,225 sq. ft. of new construction, with residential units accounting for 37,625 sq. ft. of the construction total.
- Proffered conceptual plan proposes a total of 80 parking spaces are proposed with site accessed by a single point from Cherokee Street and sidewalks a minimum of 5’ wide are shown throughout the development. Plans to mitigate traffic includes commercial parking located in the rear of the business and assessable parking throughout the development.
- Conceptual plans includes pocket courtyards throughout the development to create connectivity and informal public meeting spaces that encourages the gathering of residents and community members.
- Proposed Amenities includes:
 - * Commercial plaza at front of the development
 - * Greenway Park connecting to neighboring Galt Commons green
 - * Wet Pond and Trail
 - * Residential amenities:
 - * Dedicated storage facility section and shared community items
 - * Pre-assigned residential and guest parking spaces
 - * Dog park
 - * Mail kiosk
 - * Fountain
 - * Hammock Area
 - * Fire pit area
 - * Grill area/pizza oven



PROPOSED SITE PLAN

ZONING CASE #: RZ2024-03



Group
BAILEY civil
P.O. Box 4302
Kennesaw, GA 30144
770.424.1111
baileycivil.com

FOR
KISZ CONSTRUCTION INC.
WOODSTOCK, GA 30189
PROJECT
CHERRY STREET WOODSTOCK
301 SCHENCK DRIVE
KENNESAW, GA 30144

SHEET TITLE
SITE PLAN

SHEET NUMBER
C201

PROJECT NUMBER
24114

DATE
JUNE 10TH, 2024

REVISIONS

24 HOUR CONTACT
JASON KISZ
678-616-5221



SCALE: 1" = 30'

SITE PLAN

PROPOSED RENDERING (MATERIAL LIST)



ZONING CASE #: RZ2024-03

Kennesaw Cherokee St

Materials List for Construction:

- Painted and Natural Brick
- Smooth Lap Siding
- Asphalt Shingles
- Standing Seam Metal Roof Accents on
Featured Architectural Elements
- Wood Windows
- Wood or Composite Wood Shutters



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PROPOSED RENDERING (PAGE 1 OF 6)



ZONING CASE #: RZ2024-03

Kennesaw Cherokee St
Mixed-Use Commercial Plaza
(Residential above Retail)



Honoring Our Heritage ... Forging Our Future 9



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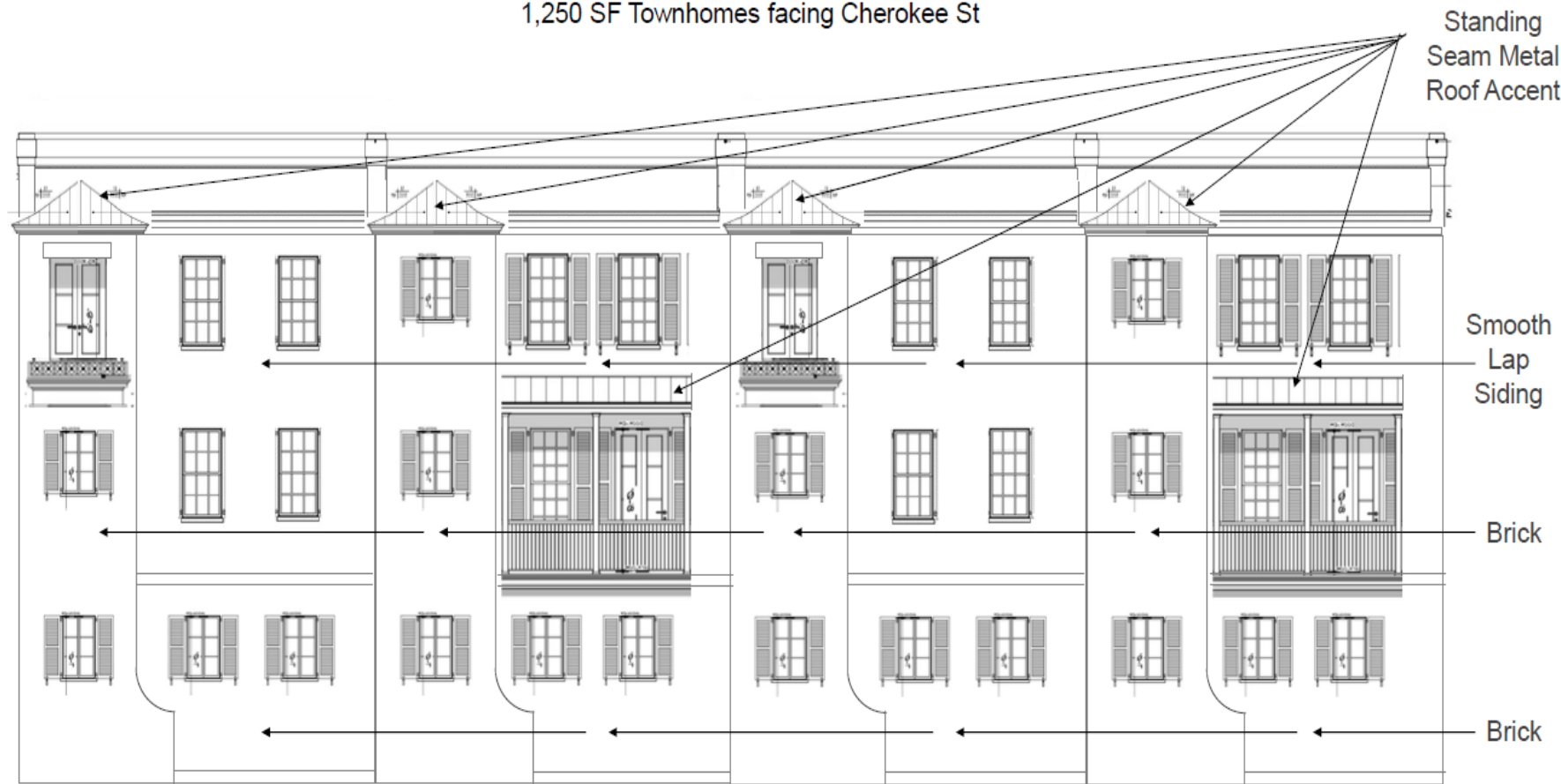
PROPOSED RENDERING (PAGE 2 OF 6)



ZONING CASE #: RZ2024-03

Kennesaw Cherokee St

1,250 SF Townhomes facing Cherokee St



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PROPOSED RENDERING (PAGE 3 OF 6)



ZONING CASE #: RZ2024-03



Honoring Our Heritage ... Forging Our Future 11



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PROPOSED RENDERING (PAGE 4 OF 6)



ZONING CASE #: RZ2024-03

Kennesaw Cherokee St
1,500 SF Townhomes (Triplet)



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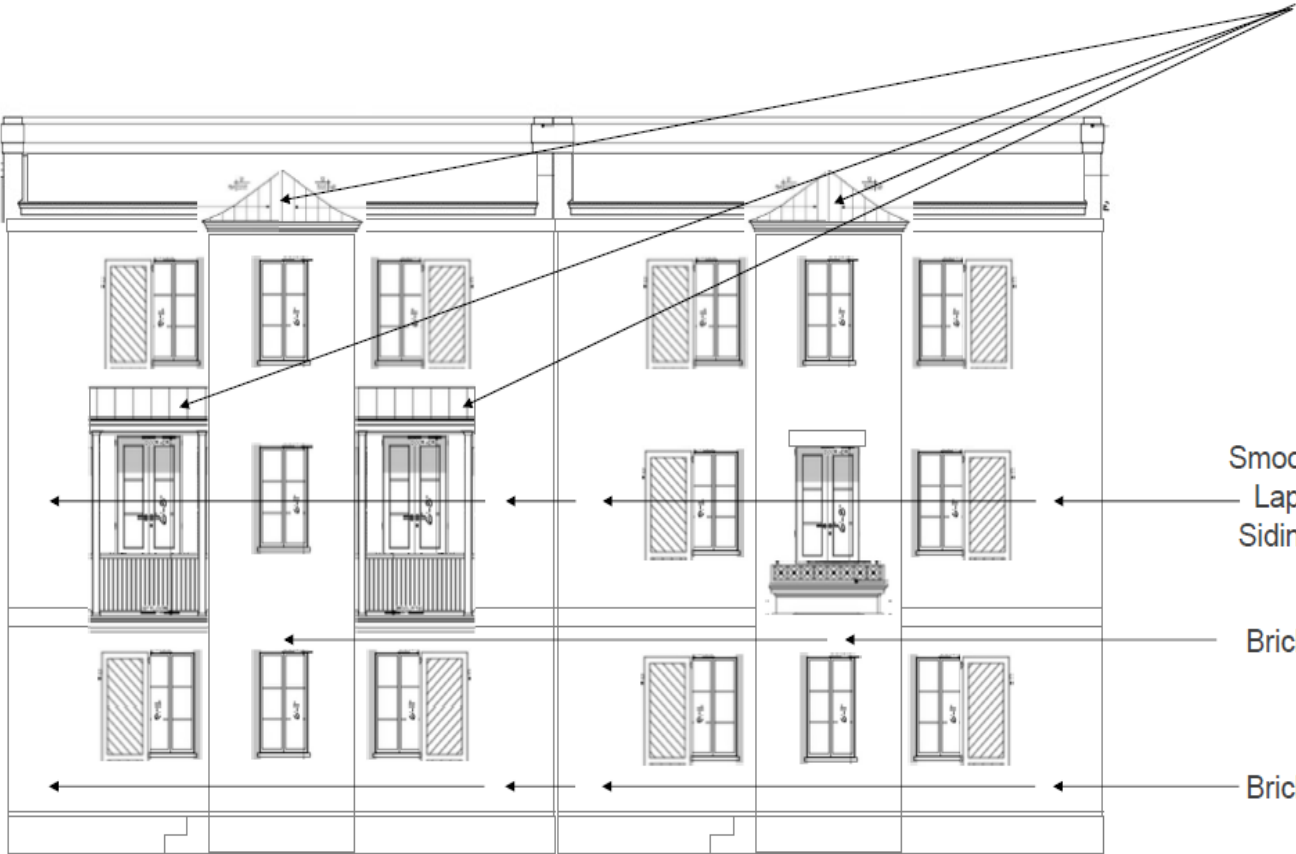
PROPOSED RENDERING (PAGE 5 OF 6)



ZONING CASE #: RZ2024-03

Kennesaw Cherokee St
1,500 SF Townhomes (Double)

Standing
Seam Metal
Roof Accent



Smooth
Lap
Siding

Brick

Brick



Honoring Our Heritage ... Forging Our Future 13



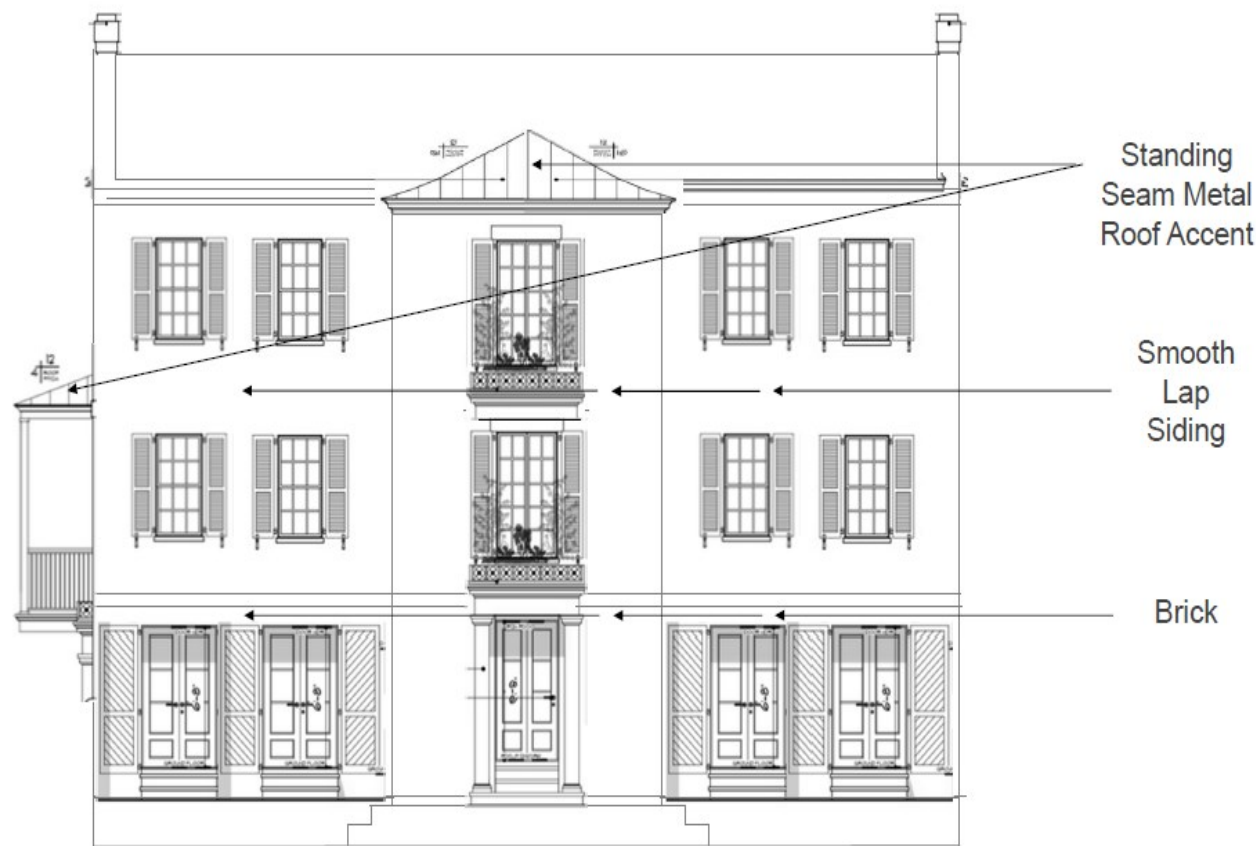
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PROPOSED RENDERING (PAGE 6 OF 6)



ZONING CASE #: RZ2024-03

Kennesaw Cherokee St
Stacked Flats – 4 per Building



0 ft 80 ft

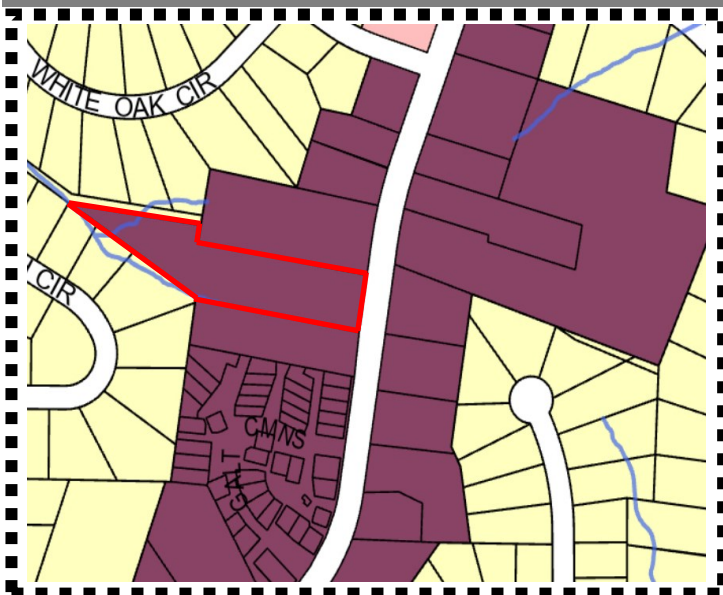


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STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-03

2022 COMPREHENSIVE PLAN - AREAS



LEGEND

- NAC - Neighborhood Activity Center
- CAC - Community Activity Center
- DAC - Downtown Activity Center
- RAC - Regional Activity Center
- RL - Residential Low/Medium

FUTURE LAND USE CATEGORY

DAC—DOWNTOWN ACTIVITY CENTER

This area is the traditional downtown of Kennesaw. As part of the Livable Centers Initiatives, the goal of this area is to create vibrant, walkable communities that offers increased mobility options, encourages healthy lifestyle and provide improved access to jobs and services.

FUTURE LAND USE ANALYSIS

The Comprehensive Plan designates the subject property to the north along Cherokee Street as Downtown Activity Center (DAC). The land use category consists of the traditional downtown of Kennesaw, that was highlighted as part Livable Center Initiative (LCI) study conducted in 2015. The study aims to create an economically viable and active Downtown Kennesaw that serves a multi-generational and is suitable for residents to live, work, play and shop. The goal of the Central Business District is to facilitate the redevelopment and revitalization of the downtown area. The subject property is located in close proximity to the Downtown Area and the proposal would align with the Comprehensive Plan for economic development by encouraging the creation of local business within the city.

The request to rezone to Central Business (CBD) is consistent with the Comprehensive Plan. The proposed development will offer a mix of commercial and residential use that will serve as catalyst for placemaking at the gateway to central downtown. The close proximity to central downtown would encourage and facilitate pedestrian movement and provide convenient access to the amenities of downtown as outline in the goals of the district.

STAFF ANALYSIS REPORT

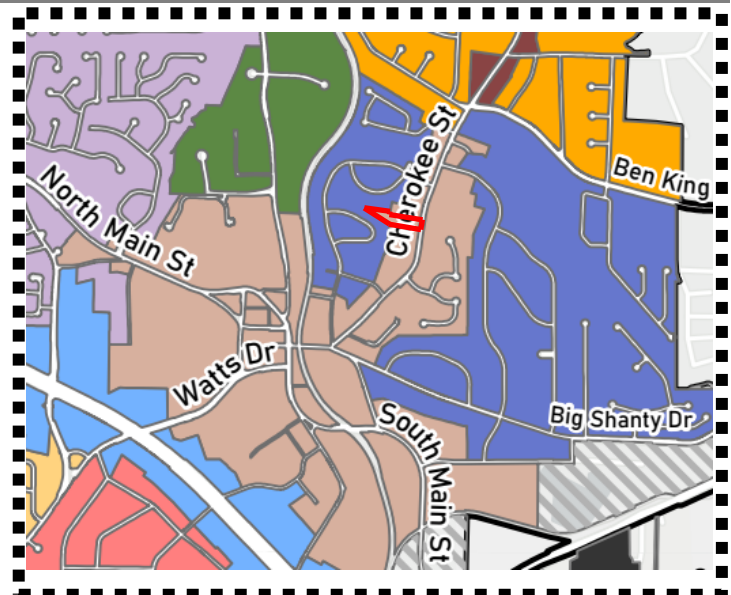


ZONING CASE #: RZ2024-03

2022 COMPREHENSIVE PLAN UPDATE

Kennesaw Areas

- Barrett and Old 41
- Campus Living
- Cherokee Street Commercial Corridor
- Cobb International Industrial Corridor
- Cobb Parkway Commercial Corridor
- East Pine Mountain Revitalization
- Historic Central Business District
- In-Town Living
- Jiles and Baker
- Kennesaw Due West
- Kennesaw Marketplace
- McCollum Industrial Corridor
- Moon Station Industrial Corridor
- North Cherokee



AREA DESIGNATION

HISTORIC CENTRAL BUSINESS DISTRICT

The Historic CBD area includes the Central Business District, the five historic districts and the study area of the City's Livable Centers Initiative (LCI). The area spans a distance along the northern edge of the Cobb Parkway Commercial Corridor from McCollum Parkway to near Jiles Road, northward to Matlock Drive on Moon Station Road, also northward to Pine Hill Drive on Cherokee Street and to South Main Street at McCollum Parkway. Currently, this area is composed of a mix of land uses, historical and cultural resources, businesses, homes and neighborhoods and architectural styles and elements. Overall, this area is in the process of revitalization and reinvestment.

AREA DESIGNATION ANALYSIS

The site is located within the Historic Central Business District. According to the Area Policy Matrix outlined in the Comprehensive Plan, development in this area should encourage pedestrian access to downtown and requires compatibility of infill development with the surrounding neighborhoods and businesses. The project proposes a blend of uses to create a dynamic and livable space and fulfilling economic and social goals as outlined in the Comprehensive Plan.

SURROUNDING NEIGHBORHOODS

- | | |
|--------------------|------------------|
| • Galt Commons | • Pine Hills |
| • Kennesaw Heights | • Kennesaw Woods |
| • Andrews Arbor | • Tara park |
| • Cherokee Ridge | • Duvall Place |

NEARBY PUBLIC SCHOOLS

- Big Shanty Elementary School
- Palmer Middle School
- North Cobb High School

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-04/ZV2023-03

TRANSPORTATION DATA

ROAD #1	AERIAL OF ROAD #1
Roadway Name Cherokee Street Roadway Classification Arterials Speed Limit 35 MPH Jurisdictional Control City of Kennesaw Minimum Width of Right-of-Way requirement 100-feet	 3045 Cherokee St. (20012900950) CHEROKEE ST
ROAD #2	AERIAL OF ROAD #2
Roadway Name N/A Roadway Classification N/A Speed Limit N/A Jurisdictional Control N/A Minimum Right-of-Way Requirement N/A	

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-03

ENVIRONMENTAL

Floodplain:

- ☐ Yes
☒ No
☐ Not Verified

Wetlands:

- ☐ Yes
☒ No
☐ Not Verified

Drainage Basin:

- ☒ None
☐ FEMA 100-year floodplain area
☐ Flood Damage Prevention Ordinance¹
☐ Project subject to Cobb County Damage Prevention Requirements
☐ Dam Breach Zone (Upstream)²
☐ Owner/Developer is responsible for obtaining any required wetland permits from the United States Army Corps of Engineers

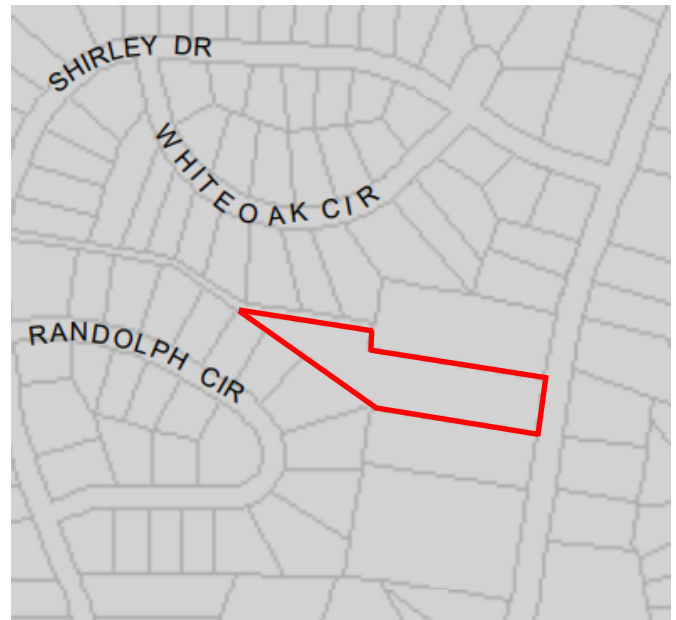
Streams and Creeks:

- ☐ Metropolitan River Protection Area³
☐ Chattahoochee River Corridor Tributary Area⁴
☐ Georgia Erosion-Sediment Control Law and County Ordinance⁵
☐ Georgia DNR Variance for work being done in 25-foot stream bank buffers (may be required)
☐ City Stream Buffer Required
☒ No Stream Buffer Required

Public Works Comments:

See page 20 for comments from Public Works.

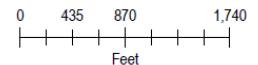
FEMA FLOOD ZONE MAP



Special Flood Hazard Areas

2018 Flood Zones

- AE
- AE, FLOODWAY
- X, 0.2 Pct Annual Chance
- Land Lots
- Kennesaw City Limits
- Subject Property



ADDITIONAL COMMENTS REGARDING PROJECT:

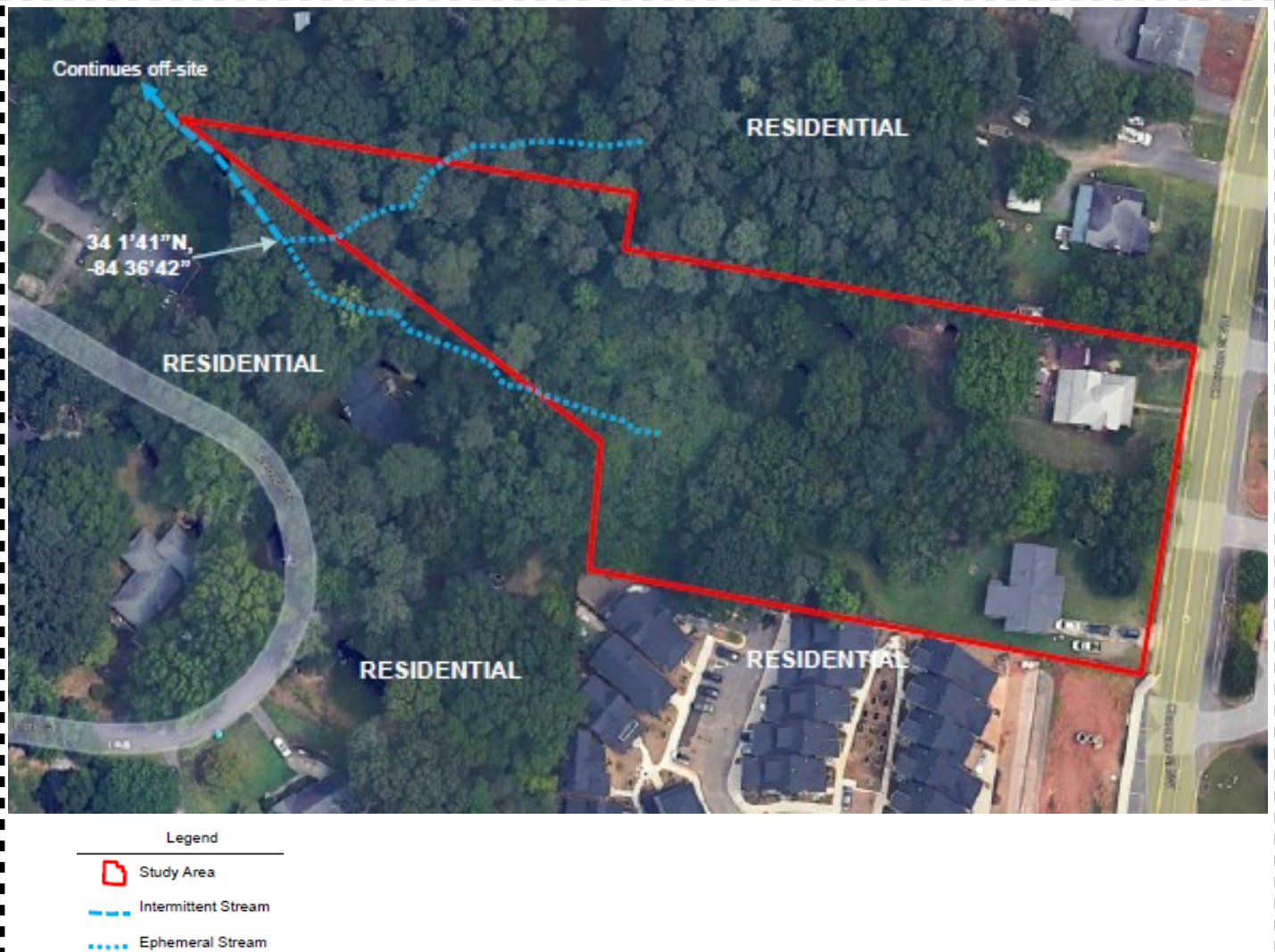
- Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be resolved in the plan review process.
- Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains and obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.
- Applicant will be responsible to meet all City of Kennesaw Development & Zoning Ordinance Standards, State, County and applicable Federal regulations as part of the plan review approval process. All conceptual representations submitted with the application and acted on by Mayor and Council does not relieve applicant and property owners from meeting all development standards.

- Designated flood hazard
- Need to keep residential buildings out of hazard.
- Within 2000-feet of the Chattahoochee River. ARC review 35-feet undisturbed buffer each side of waterway.
- Cobb County review (___-feet undisturbed buffer on each side)
- State of Georgia and Cobb County review.

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-03

STREAMS ANALYSIS



STREAM ANALYSIS:

While the property does not lie in a flood zone, two (2) streams were identified on the property. A stream analysis consisting of a site reconnaissance was conducted to identify whether the streams located on the subject property would require a variance. Analysis of the property concluded that the upper reaches of the stream area considered ephemeral and do not require a State or County vegetated buffer or impervious surface setback. The extreme lowest reach of the stream is considered intermittent and would require the 50-foot buffer plus additional 25-foot impervious surface setback.

If the stream is to be avoided and clearing/construction activities will be kept out of the 50-foot stream buffer (plus 25-foot impervious setback), then a variance will not be required.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-03

PLANNING AND ZONING

Site Visit:

☒ Yes
☐ No

Staff Member:

Name: Chanelle Campbell
Date of Visit: 05/30/2024

Land Use Recommendation:

Mixed used development is a compatible use

Historic Preservation:

Yes, in the historic district

Cemetery Preservation:

No cemeteries on site

Required Parking: 70 parking spaces

DEPARTMENT COMMENTS

Engineering: No Comments

Public Works:

- Cherokee Steet has a roadway classification as an arterial and requires an addition of 10' of right-of-way.
- Development will need to adhere to the 50' undisturbed buffer requirements for the streams located on site.

Building Services: No Comments

Cobb County Fire: None provided

Cobb County Water: None provided

STAFF ANALYSIS:

The applicant, Jason Kisz, is requesting to rezone the property located at 3045 Cherokee Street from R-15, Single Family Residential to Central Business District (CBD). In 2023, the subject property was identified as part as the city initiated rezoning known as Central Business District Phase 2 and the owner invited to participate in the rezoning project. The city initiated rezoning intended to rezone parcels located within or directly adjacent to Downtown Kennesaw to CBD to create continuity of uses and design standards throughout the downtown area; the property owner decided not to participate in the rezoning at that time.

Staff has analyzed the request to rezone based on the standard for decision outlined in [section 10.01.02](#) Rezoning Procedures for Amending the Official Zoning Map and the requirement outline in [section 4.02.03](#) for the Central Business District (CBD) with the following observations:

The city's land use policy documents and Comprehensive plan supports the rezoning request. The proposed development will comply with the purpose and intent of the Central Business District as outline in the Unified Development Code [section 4.02.03](#), that states the intent of the Central Business District (CBD) is to not only preserve and protect the cultural and historic aspects of downtown Kennesaw, but to also develop a compact core to encourage and facilitate pedestrian movement and provide convenient access to the amenities of Historic Downtown Kennesaw. The flexibility of the zoning district allows for diverse development that will serve the residential and commercial needs while encouraging walkability and alternative modes of transportation facilitating connectivity throughout the city's downtown.

The proposed development will encompass the idea of "live, work, play" with the proposed commercial aspect that will includes a designated commercial plaza to be utilized by surrounding community members to congregate and create a sense of community. The addition of the proposed amenities such as a dog park, hammock area, wet pond amenities, etc., further creates a shared spaces that promotes a sense of belonging and cohesion among residents and visitors.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-03

Sidewalks a minimum of 5' wide are shown throughout the development and the close proximity to central downtown encourages walkability and promotes alternative modes of transportation such as walking and biking and continues to facilitate pedestrian-friendly environment through the addition of sidewalks throughout the development, the presence of a proposed trail to the rear of the property and the intentional connection to neighboring subdivision such as Galt Commons through the connections of greenspace.

The proposed Charleston-inspired home aligns with the city's goal for the area to incorporate architectural elements from the Central Business District to ensure the development is compatibility with surrounding neighborhoods and development. The proffered conceptual plan illustrates the presence of ground-floor retail and upper-floor residence; proposed building materials include wood windows, painted and natural brick and standing seam metal roof accents on featured architectural elements incorporating compatible designs and improving the built environment along Cherokee Street.

A proffered conceptual plan proposes thirty (31) "For Sale" residential units that will consist of a mix of attached townhomes and stacked flats condos ranging from 1,045 - 1,600 sq. ft and approximately 1,600 sq. ft of total commercial floor area. The proposed project plans contains a unique housing configuration that will increase housing variety and affordability through the blend of stacked flats and townhomes ranging in prices. This meets one of the City of Kennesaw's long range goals for the citizens regarding promotion of accessible housing for purchase.

Per the parking standards per use as outlined in [section 6.06.00](#) Off Street Parking Facilities requires:

- *2 spaces per dwelling unit for Townhouse dwelling units (attached)*
14 units X 2 = 28 parking spaces required
- *2 spaces per dwelling unit for Condominiums*
17 units X 2 = 34 parking spaces required
- *1 space per 200 sq. ft. (net) of floor space for Community retail uses*
1,600 sq. ft / 200 sq. ft. = 8 parking spaces required

Based on the requirements outlined in [section 6.06.00](#), of the Unified Development Code, the proposed project will be required to provide seventy (70) parking spaces; a total of 80 parking spaces are proposed surpassing the required parking with site accessed by a single point from Cherokee Street. The presence of the additional parking will serve as parking for visitors and guests and will assist in eliminating the congestion along Cherokee Street.

The proposed use, density and overall character as submitted by the applicant would be in conformance with the policy and intent of the Comprehensive Plan. The location of the proposed development will also assist with the revitalization along Cherokee Street while keeping the development more concentrated and intentional. The presence of the development will promote a balanced mix of retail, entertainment, residential and community gathering uses facilitating economic growth and viability in the city's downtown.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-03

ZONING ADMINISTRATOR'S RECOMMENDATION: **APPROVAL WITH CONDITIONS**

Based on the findings outlined in the analysis section of this staff report, City staff recommends **approval with conditions** of case #RZ2024-03.

PROPOSED ZONING CONDITIONS:

1. The Subject Property shall be constructed as a mixed-use development consisting of a maximum of thirty-one (31) "For Sale" residential units and a minimum of 1,600 sq. ft. of total commercial area given that the required parking ratio requirements are met.
2. Applicant agrees the minimum floor area of all residential units shall be 1,000 sq. ft. Applicant also agrees that the maximum height of the overall development will adhere to the Historic District Design Guidelines.
3. The architectural style and composition of the buildings to be constructed on the Subject Property shall be in reasonable conformity to the architectural renderings/elevations submitted with the rezoning application.
4. Project design updates must be submitted to the Historic Preservation Commission at 30, 60, and 90 percent completion until the approval of the final project design.
5. Project design updates submitted to the Historic Preservation Commission for review must include landscaping plans and should outline the trees that will be removed from the property prior to the commencement of the project and tree removal on the property.
6. Dedication of approximately 10' of property frontage for right-of-way along Cherokee Street (which includes the sidewalk and parking) after the installation and construction of the required infrastructures.
7. Compliance with the recommendations from the City Engineer and/or the City's Public Works Director regarding detention, water quality and stormwater management.
8. Applicant agrees to the protection of all required stream buffers affecting the Property and shall utilize such areas as a passive amenity for the proposed development; any potential impact to the stream(s) due to revisions to the site plans will require a variance.
9. A minimum of three (3) amenities based on the proposed list by applicant will be included in the final site plan submitted for review and approval; mail kiosk will not be included as one of the required amenities.
10. Prior to the issuance of Certificate of Occupancy for the last twenty (20) percent of residential units, the non-residential portion of the development will be required to obtain a certificate of completion.
11. The site plan shall incorporate public space architectural and urban features consistent with the City wide Architectural Design Standards and the City of Kennesaw Historic District Design Standards including fountains, gardens, squares, courtyards, lighting, signage, and paving that blend the mixed uses.
12. Proposed lighting for signs, parking lots, and entrance ways shall be environmentally sensitive and consistent with lighting styles utilized in the downtown streetscape design and approved under the City of Kennesaw Historic Design Standards and Citywide Design Guidelines.
13. The creation of a mandatory homeowners association ("HOA") to be managed by Applicant or a 3rd party professional HOA management company until such time the HOA is "turned-over" to the homeowners which is typically at 100% buildout. Applicant shall fund any shortfall in the operating budget until such time as the HOA is "turned-over" to the homeowners. Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-03

PROPOSED ZONING CONDITIONS:

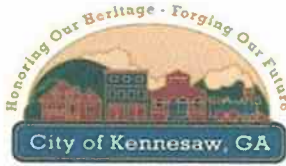
14. The homeowners association shall be solely responsible for the upkeep and maintenance of all common areas, mail kiosk, amenities, and amenity areas; including the entrance areas, boundary landscape buffers, stormwater management systems, driveways and parking lot.
15. Dumpsters shall be positioned consistent with the City of Kennesaw Ordinance regulations with dumpster lids containing rubber cushions to reduce noise and with the enclosure surrounding the dumpster being designed to be complementary to the buildings' architecture while meeting all development Standards. The design and position of said enclosure shall be reviewed and approved by the Zoning Administrator and/or his designee.
16. The proposed community shall utilize the City or Cobb County; utility services as is typical for such residential development.
17. The applicant agrees that construction activity will begin within two years of the approval date of the rezoning. If no land development activity is initiated, then the subject property will automatically revert back to the original zoning and all previously imposed conditions.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends **approval with conditions as outlined by staff** for case #RZ2024-03.

MAYOR AND COUNCIL DECISION:

To be determined on August 19, 2024



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

REZONING APPLICATION
Required Fee \$375.00

Darryl Simmons
Planning & Zoning Administrator

Rashida Williamson
Zoning Clerk

*****Note:** If property is identified as being located within the Kennesaw Historic District and there are to be any exterior improvements or changes to be made such as, façade, parking, landscaping, signage, etc. applicant must follow application procedures to the Historic Preservation Commission. Please consult with Planning and Zoning Staff.

For questions, please feel free to contact the Planning and Zoning Department at 770-590-8268. When the application and all checklist items have been properly completed and filed with the Planning and Zoning Department, the applicant will be notified of the date of hearing(s).

- ☐ **Original application completed, signed and notarized.**
- ☐ **A copy of the warranty deed for said property that includes the full legal description/ in word format.**
- ☐ **A copy of the current taxes paid in full for said property from the Cobb County Tax & City Tax Departments**
- ☐ **Rezoning Fee – \$375.00**
- ☐ **Completed application and supporting documents listed on one Flash Drive or email to dsimmons@kennesaw-ga.gov in PDF format**



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

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 2053**

REZONING APPLICATION

Required Fee \$375.00

Date Received 03/15/2024

Staff's Initials CMC

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

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

Date of Consultation 03/15/24

Staff's Initials CMC

REZONING PROPERTY ADDRESS 3045 Cherokee St.

Land Lot 129 Tax Parcel 20012900950 Lot Size 1.663 acres

Resident Population 0 Housing Units 1 Other Buildings 0

Zoning Request from:

Present Zoning R-15 To: CBD

For the purpose of: developing gateway community to downtown Kennesaw

APPLICANT EMAIL

Applicant Address 136 SANTA ANITA TRAIL WOODSTOCK GA 30189

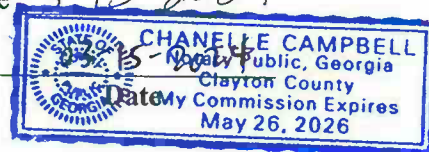
(Phone #) _____

Applicant Signature

Date 3-15-2024

Signed, sealed and delivered in presence of:

Notary



REPRESENTATIVE

(Fax #) _____ (Work#) _____ (Cell#) _____

Representative Signature _____ Date _____

Signed, sealed and delivered in presence of:

Notary

Date _____

TITLEHOLDER: FRENCH 3 INVESTMENTS, LLC (Phone #) [REDACTED]

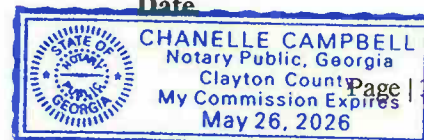
Signature:

Addres

Signed, sealed and delivered in presence of:

Notary

03-20-24
Date





CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

Each applicant must complete a separate form

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

No

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

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

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

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

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

I certify that the foregoing information is true and correct, this 15 day of March, 2024

[Signature]
Applicants Signature

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

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

May 29, 2024

Subject: Please Take Notice - Notification of Nearby Zoning Application
3045 Cherokee Street, Kennesaw, GA, 30144 – Parcel ID #20012900950

To whom it may concern,

This correspondence is to formally notify you that the City of Kennesaw Planning and Zoning Department has received a zoning application for a parcel of land within two hundred feet of your property. As a nearby property owner, you have the right to be informed of potential zoning changes.

The application details are as follows:

Applicant Name: Jason Kisz

Property Address: 3045 Cherokee Street

Parcel Identification Number: 20012900950

Description of Proposal: Developing gateway community to downtown Kennesaw.

The application will be reviewed and voted on at public hearings by the Planning Commission and the Mayor and Council. The meeting details are as follows:

Planning Commission Meeting

Date: July 3, 2024

Time: 6:30 p.m.

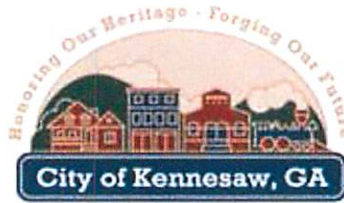
Mayor & Council Meeting

Date: July 15, 2024

Time: 6:30 p.m.

Both meetings occur in the City Hall Council Chambers located at 2529 J. O. Stephenson Avenue, Kennesaw, GA 30144. You may appear in person or be represented by an attorney to present any objections you may have. The application is enclosed for your review. This notice is being sent to you by order of the Planning Commission and the Mayor and Council.

Applicant Signature _____ Date _____



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

CERTIFICATION AUTHORIZATION

I hereby attest to the fact that a certified mailing to property owners within 200 feet was mailed out on 7/18/2024 in accordance with the application requirements.

7/23/2024

Date

[Signature]

Applicant or Authorized Agent

Sworn and subscribed before me this 23rd day of July 2024

[Signature]

Notary Public



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



Printed: 3/18/2024

Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:
Thomas Richards

**RICHARDS THOMAS R SR REVOCABLE
TRUST**

Payment Date: 11/27/2023

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2023	20012900950	10/15/2023	Pay:	N/A or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$63.79	\$173.58	\$0.00	\$0.00	\$3,708.96	\$0.00



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



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780
(770) 429-4542

2023 Property Tax Bill

Parcel ID	Tax District	Bill #
20012900950	3/3-BOND - KENNESAW CITY	235288
Property Owner/Location/Description		Taxable Value
RICHARDS THOMAS R SR REVOCABLE TRUST 3045 CHEROKEE ST		115,144

Levies	Taxable Value	-	Exemptions	=	Net Assessment	X	Tax Rate	=	Net Tax
CITY OF KENNESAW	115,144		0		115,144		7.7500000000		\$892.37
BOND	115,144		0		115,144		1.5000000000		\$172.72

Exemptions:

Interest will accrue monthly at a rate of .96% per month, based on an annual calculation of Federal Prime Rate (8.5%) plus 3%. To arrive at the new monthly interest rate, divide the Federal Prime Rate by 12. This annual interest rate will change when the Federal Reserve announces the new bank prime loan rate each January (House Bill 960).

Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).

Any questions concerning payment instructions should be directed to the City of Kennesaw Property Tax Department at (770) 429-4542.

Current Year Tax	\$1,065.09
Interest	\$0.00
Penalty	\$0.00
Other Fees	\$0.00
Payments Received	\$1,065.09
Other Amounts Due	\$0.00
Total Due	\$0.00
Due Date	12/01/2023



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

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

For your convenience, you may pay by check,
money order, Discover, Mastercard, AMEX,
VISA.
3% fee and \$3.50 per transaction fee added to
debit/credit card payments. \$1.25 fee per
ECheck transaction paid online.

Parcel ID: 20012900950
Amount Due: \$0.00
Bill#: 235288
Due Date: 12/01/2023

AMOUNT PAID

RICHARDS THOMAS R SR REVOCABLE TRUST
3045 CHEROKEE ST
KENNESAW, GA 30144

City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

LEGAL DESCRIPTIONS

3045 CHEROKEE ST NW KENNESAW, GA 30144

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 129 OF THE 20TH DISTRICT, 2ND SECTION, OF COBB COUNTY, GEORGIA AS SHOWN ON PLAT OF SURVEY BY THOMAS M. GINN, SR. DATED JUNE 23, 1969, A COPY OF WHICH IS RECORDED IN PLAT BOOK 47, PAGE 198, COBB COUNTY, GEORGIA RECORDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT WHERE WESTERN RIGHT OF WAY OF CHEROKEE STREET (FKA SHILOH ROAD) (60 FOOT RIGHT OF WAY) INTERSECTS WITH SOUTHERN RIGHT OF WAY OF SHIRLEY DRIVE (50 FOOT RIGHT OF WAY), THENCE RUN IN THE SOUTHERLY DIRECTION ALONG WESTERN RIGHT OF WAY OF CHEROKEE STREET DISTANCE 447.00 FEET TO A 0.5"RBF AND THE TRUE POINT OF BEGINNING,

THENCE RUN IN THE SAME DIRECTION ALONG WESTERN RIGHT OF WAY OF CHEROKEE STREET SOUTH 08 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 121.07 FEET TO A IPF,

THENCE LEAVING SAID WESTERN RIGHT OF WAY OF CHEROKEE STREET AND RUN IN THE WESTERLY DIRECTION NORTH 79 DEGREES 44 MINUTES 45 SECONDS WEST A DISTANCE OF 388.04 FEET TO A IPF,

THENCE RUN NORTH 56 DEGREES 21 MINUTES 31 SECONDS WEST A DISTANCE OF 176.28 FEET TO A 0.5"RBF,

THENCE RUN NORTH 55 DEGREES 40 MINUTES 13 SECONDS WEST A DISTANCE OF 108.00 FEET TO A 0.5"RBF,

THENCE RUN NORTH 52 DEGREES 01 MINUTES 16 SECONDS WEST A DISTANCE OF 82.27 FEET TO A 0.5"RBS,

THENCE RUN SOUTH 79 DEGREES 35 MINUTES 58 SECONDS EAST A DISTANCE OF 317.50 FEET TO A 1"OTP,

THENCE RUN SOUTH 01 DEGREES 54 MINUTES 45 SECONDS WEST A DISTANCE OF 31.22 FEET TO A 1"OTP,

THENCE RUN SOUTH 79 DEGREES 48 MINUTES 25 SECONDS EAST A DISTANCE OF 396.01 FEET TO A 0.5"RBF, LOCATED ON THE WESTERN RIGHT OF WAY OF CHEROKEE STREET AND THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 1.663 AC.

23-262
Record and Return to:
Brian M. Douglas & Associates, LLC
900 Circle 75 Pkwy SE, Suite 800
Atlanta, GA 30339

Parcel ID#: 20012900950

TRUSTEE'S DEED

State of GEORGIA
County of COBB

THIS INDENTURE, made this 15 day of DECEMBER, 2023 between

**THOMAS R. RICHARDS, JR., AS TRUSTEE OF THE THOMAS R. RICHARDS, SR.,
REVOCABLE TRUST, DATED MARCH 18, 2016**

as party or parties of the first part, hereinafter called Grantor, and

FRENCH 3 INVESTMENTS, LLC

as party or parties of the second part, hereinafter, called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: That said Grantor for and in consideration of the sum of TEN AND 00/100 (\$10.00) DOLLARS in hand paid, at and before me sealing and delivery of these presents (the receipt of which is hereby acknowledged), Grantor (acting under and by virtue of the power and authority granted to Trustee under that certain Thomas R. Richards, Sr., Revocable Trust dated March 18, 2016), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said grantee:

EXHIBIT "A"

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

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the lawful claims and demands of all persons claiming by, through or under the above named Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public



GRANTOR:

[Signature] AS TRUSTEE
(Seal)
**THOMAS R. RICHARDS, JR., AS TRUSTEE
OF THE THOMAS R. RICHARDS, SR.,
REVOCABLE TRUST, DATED MARCH 18,
2016**

EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 129 OF THE 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA AS SHOWN ON PLAT OF SURVEY BY THOMAS M. GINN, SR. DATED JUNE 23, 1969, A COPY OF WHICH IS RECORDED IN PLAT BOOK 47, PAGE 198, COBB COUNTY, GEORGIA RECORDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A MARBLE MARKER ON THE WESTERLY RIGHT-OF-WAY OF CHEROKEE STREET FOUR HUNDRED FORTY-SEVEN (447) FEET SOUTHERLY FROM THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF CHEROKEE STREET WITH THE SOUTHERLY RIGHT-OF-WAY OF SHIRLEY DRIVE AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF CHEROKEE STREET; THENCE SOUTH 6 DEGREES 07 MINUTES 30 SECONDS WEST ONE HUNDRED TWENTY AND TEN HUNDREDTHS (120.10) FEET ALONG THE WESTERLY RIGHT-OF-WAY OF CHEROKEE STREET TO AN IRON PIN; THENCE NORTH 81 DEGREES 08 MINUTES 30 SECONDS WEST THREE HUNDRED NINETY SIX AND EIGHTY HUNDREDTHS (396.80) FEET TO AN IRON PIN; THENCE NORTH 56 DEGREES 51 MINUTES 00 SECONDS WEST THREE HUNDRED FIFTY-SEVEN AND FOURTEEN HUNDREDTHS (357.14) FEET TO AN IRON PIN AT A BRANCH; THENCE SOUTH 81 DEGREES 45 MINUTES 30 SECONDS EAST THREE HUNDRED SEVENTEEN AND FIFTY HUNDREDTHS (317.50) FEET TO AN IRON PIN; THENCE SOUTH 0 DEGREES 19 MINUTES 50 SECONDS WEST THIRTY-ONE AND EIGHTEEN HUNDREDTHS (31.18) FEET TO AN IRON PIN; THENCE SOUTH 81 DEGREES 12 MINUTES 30 SECONDS EAST THREE HUNDRED NINETY FOUR AND FIFTY HUNDREDTHS (394.50) FEET TO A MARBLE MARKER AND THE POINT OF BEGINNING.

SUBJECT TO ALL COVENANTS, CONDITIONS, ZONING ORDINANCES, RESTRICTIONS, AND EASEMENTS OF RECORD.

BEING SAME PROPERTY CONVEYED IN THAT CERTAIN QUITCLAIM DEED BETWEEN THOMAS R. RICHARDS, SR. AND THOMAS R. RICHARDS, JR., AS TRUSTEE OF THE THOMAS R. RICHARDS, SR., REVOCABLE TRUST, DATED MARCH 18, 2016, FILED MARCH 30, 2016 IN DEED BOOK 15323, PAGE 4240, COBB COUNTY, GEORGIA RECORDS.

Re: 3045 Cherokee Street

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 129 OF THE 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA AS SHOWN ON PLAT OF SURVEY BY THOMAS M. GINN, SR. DATED JUNE 23, 1969, A COPY OF WHICH IS RECORDED IN PLAT BOOK 47, PAGE 198, COBB COUNTY, GEORGIA RECORDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A MARBLE MARKER ON THE WESTERLY RIGHT-OF-WAY OF CHEROKEE STREET FOUR HUNDRED FORTY-SEVEN (447) FEET SOUTHERLY FROM THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF CHEROKEE STREET WITH THE SOUTHERLY RIGHT-OF-WAY OF SHIRLEY DRIVE AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF CHEROKEE STREET; THENCE SOUTH 6 DEGREES 07 MINUTES 30 SECONDS WEST ONE HUNDRED TWENTY AND TEN HUNDREDTHS (120.10) FEET ALONG THE WESTERLY RIGHT-OF-WAY OF CHEROKEE STREET TO AN IRON PIN; THENCE NORTH 81 DEGREES 08 MINUTES 30 SECONDS WEST THREE HUNDRED NINETY SIX AND EIGHTY HUNDREDTHS (396.80) FEET TO AN IRON PIN; THENCE NORTH 56 DEGREES 51 MINUTES 00 SECONDS WEST THREE HUNDRED FIFTY-SEVEN AND FOURTEEN HUNDREDTHS (357.14) FEET TO AN IRON PIN AT A BRANCH; THENCE SOUTH 81 DEGREES 45 MINUTES 30 SECONDS EAST THREE HUNDRED SEVENTEEN AND FIFTY HUNDREDTHS (317.50) FEET TO AN IRON PIN; THENCE SOUTH 0 DEGREES 19 MINUTES 50 SECONDS WEST THIRTY-ONE AND EIGHTEEN HUNDREDTHS (31.18) FEET TO AN IRON PIN; THENCE SOUTH 81 DEGREES 12 MINUTES 30 SECONDS EAST THREE HUNDRED NINETY FOUR AND FIFTY HUNDREDTHS (394.50) FEET TO A MARBLE MARKER AND THE POINT OF BEGINNING.

SUBJECT TO ALL COVENANTS, CONDITIONS, ZONING ORDINANCES, RESTRICTIONS, AND EASEMENTS OF RECORD.

BEING SAME PROPERTY CONVEYED IN THAT CERTAIN QUITCLAIM DEED BETWEEN THOMAS R. RICHARDS, SR. AND THOMAS R. RICHARDS, JR., AS TRUSTEE OF THE THOMAS R. RICHARDS, SR., REVOCABLE TRUST, DATED MARCH 18, 2016, FILED MARCH 30, 2016 IN DEED BOOK 15323, PAGE 4240, COBB COUNTY, GEORGIA RECORDS.



VERTICAL DATUM NAVD88

FLOOD NOTE:

I HAVE THIS DATE, EXAMINED THE "FIA FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL IS NOT IN AN AREA HAVING SPECIAL FLOOD PROBLEMS WITH AN ELEVATION CERTIFICATION SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE ITS OPINION FOR SAID PARCEL.

MAP ID 1306700203BH

EFFECTIVE DATE: 3/4/2013

ZONE: X

THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA A SECOND OPINION OR COMPREHENSIVE FLOOD EVALUATION STUDY IS SUGGESTED FOR MORE ACCURATE INFORMATION. FOR FURTHER INFORMATION CONTACT LOCAL ELEVATION DEPARTMENT, CORPS OF ENGINEERS AND INSURANCE COMPANY OR AN APPRAISER.

[illegible]

EXISTING CONDITIONS SURVEY PREPARED FOR: SHEET 1 OF 1

JASON KISZ

PROPERTY ADDRESS:
3033 & 3045 CHEROKEE ST NW
KENNESAW, GA 30144



SURVEY LAND EXPRESS, INC
 LAND SURVEYING SERVICES
 24 LENOX POINTE
 ATLANTA, GA 30324
 FAX 404-601-0941
 TEL 404-252-5747
 INFO@SURVEYLANDEXPRESS.COM

24 LENOX POINTE
ATLANTA, GA 30324
FAX 404-601-0941
TEL 404-252-5747
INFO@SURVEYLANDEXPRESS.COM

0 30
SCALE 1" = 30'

#3033
EXISTING LOT COVERAGE DETAIL
NOT TO SCALE

* L E G E N D *

[illegible]

IF YOU DIG GEORGIA...
CALL US FIRST
1-800-282-7411
770-623-4344
(METRO ATLANTA ONLY)
UTILITY PROTECTION CENTER
IT'S THE LAW

* LINE INDICATORS *

INDICATES EASEMENT
INDICATES FENCE LINE
INDICATES POWER LINE
INDICATES SANITARY SEWER LINE
INDICATES DRAINAGE LINE
INDICATES WATER LINE
YELLOW LINE (FUEL/GAS/OIL)
RED LINE (ELECTRICAL)
ORANGE LINE (TELEPHONE)

* SYMBOLS *

- ☐ ELECTRIC PANEL/METER
- ☐ WATER METER
- ☐ AIR CONDITIONER
- ☒ GAS METER
- ☐ WATER VALVE
- ☐ SANITARY SEWER MANHOLE
- ☐ STORM MANHOLE
- ☒ TRAFFIC/INFO SIGN
- ☐ GAS MARKER
- ☐ LAMP POST
- ☒ FIRE HYDRANT
- ☐ DRAINAGE INLET

Professional Service Industries, Inc.
95 Chastain Road, Suite 301
Kennesaw, Georgia 30144
Phone: 770.424.6200

Bailey Civil Group, LLC
650 Henderson Drive, Suite 431
Cartersville, Georgia 30120

Matt Bailey, P.E.

Email: [REDACTED]

Re: Report of Stream Identification Services
Proposed Cherokee Street Woodstock Project
±2.7-acres Residential/Wooded Land
3033/3045 Cherokee Street, Kennesaw, Cobb County, GA

Dear Mr. Bailey:

Professional Service Industries, Inc. (PSI), an Intertek company, is pleased to inform you of our findings for the above-referenced project. The project was conducted at the subject property and included a Stream Identification, including site observations, online research, interpretations, and a letter report. The work was conducted in accordance with PSI Proposal 0517-4298188, dated June 17, 2024.

SITE DESCRIPTION AND PURPOSE

The subject property includes two residential lots (3033 and 3045 Cherokee Street) totaling 2.7-acres identified by the Cobb County Tax Assessor as Parcel IDs 20012900950 and 20012900960. The subject property consists of wooded land in the west and residential land (two residences) in the east. See the attached tax parcel maps and Site Plan.

PSI conducted a Stream Identification study to identify whether a stream system in the western portion of the property (identified on the Cobb County GIS website) is a wet-weather conveyance (i.e. ephemeral stream) or a flowing stream (i.e. intermittent or perennial). Ephemeral streams typically do not require a vegetative buffer, while flowing streams do. We understand that the client is not requesting an official wetland and waters of the United States (WUS) delineation of the study area.

STATE WATERS REVIEW

A records review and a site reconnaissance were conducted to determine the presence of state waters, on the subject property. The records review is intended to provide information on the potential occurrence of WUS on the subject property. The review is not intended to establish the definitive presence or absence of wetlands. Research for potential WUS areas was performed by reviewing appropriate source documents, as available, for the property, including U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) maps, United States Geological Survey (USGS) rainfall data, Natural Resources Conservation Service (NRCS) maps, or information available from the United States Army Corps of Engineers (USACE).

A Wetlands Delineation was not included in this scope of work.



DATA COLLECTION METHODOLOGY

The distribution of distinctive vegetative communities, combined with topographic and hydrologic data, were used to determine if streams are present within the study area. The subject property and suspect areas were photographed to provide the client with visual information regarding the stream characteristics, as necessary.

PSI conducted the stream assessment in general accordance with the methods and procedures described in the United States Army Corps of Engineers' 1987 Wetland Delineation Manual (USACE Manual) and regional supplements; however, no state waters or WUS were flagged in the field and no delineation data forms were completed. No other warranty, expressed or implied, is made. The specific methods used and the results of the assessment are presented in this report.

Additionally, PSI followed the Georgia Department of Natural Resources (GADNR) "Field Guide for Determining the Presence of State Waters That Require a Buffer, September 2006".

Suspect areas within the study area were examined in accordance with the procedures set forth in the 1987 Manual and GADNR Guide. The upper soil profile was probed, and samples were examined to determine the soil's consistency, color, and moisture content. The soil color, value and chroma, as well as consistency, were used to characterize sampled soils. The soil moisture condition was used to determine the potential saturation or other wetland hydrology characteristics. Random soil probe samples were taken to a depth of approximately 6-12 inches.

After the field inspection was completed, the following sources were consulted to prepare the report:

- The List of Hydric Soils (National Resource Conservation Service (NRCS 2007)
- The National List of Plant Species that Occur in Wetlands: 1988 National Summary (Reed)
- National Wetland Plant List (USACE, 2020)
- The Soil Survey of Cobb County, GA (online NRCS Web Soil Survey)
- USDA/NRCS PLANTS database (<http://plants.usda.gov/>)

Site Investigation

Mr. Andrew Peiken, Principal Scientist/Certified Ecologist with PSI, conducted a site assessment on July 5, 2024 to identify the dry-weather baseline conditions. Weather during the site investigation was sunny with temperatures in the low 90s (F). According to the USGS stream gauge GA02392920 at Chastain Meadows Pkwy, the last measurable rainfall in the area was on July 4, 2024 (trace, ~0.02-inches) and June 28, 2024 (~0.42-inches). PSI investigated the subject property for indications of WUS. Stormwater sheet flows on the property from the east to the west southwest toward a low area in the wooded area. Mr. Peiken observed an ephemeral stream channel in the wooded area behind the 3045 Cherokee St. NW residence. The beginning of the ephemeral channel is depicted in Figure 2 and is consistent with the Cobb County GA GIS Web Map included in the appendix. PSI observed indicators typical of an ephemeral feature, and did not exhibit indications of an intermittent/perennial stream. The ephemeral feature continued westerly where it left the subject property boundaries and entered the southwest adjoining residential property at 2090 Randolph Circle NW. A second ephemeral feature was observed in the western portion of the 3045 Cherokee St. NW property. It entered the subject property from the residential properties from the north. The ephemeral feature continued southwesterly where it merged with the first ephemeral feature discussed above. The merger point is located at approximately 34° 1'41" N, -84° 36'42" W. From this merger point the stream became intermittent in nature. PSI observed pools of water and very slight stream flow in some areas. It is likely that this segment of the stream has more consistent flow of water during the rainy, cold season when the groundwater table is higher. This intermittent portion of the stream never



actually enters the subject property boundaries, but rather flows westerly behind the residences at 2098/2116 Randolph Circle NW where it continues west into the residential neighborhood to the west.

Hydrophytic Vegetation

The indicator status of each plant species, assigned by the United States Department of the Interior, Fish and Wildlife Service (USFWS), is a measure of how often a species is located in a wetland area. Obligate Wetland (OBL) plant species are found in a wetland >99% of the time. Facultative Wetland (FACW) plant species are found in a wetland 67-99% of the time. Facultative (FAC) plant species are found in a wetland 34-66% of the time. Facultative Upland (FACU) plant species are found in a wetland 1-33% of the time. Obligate Upland (UPL) plant species are found in a wetland <1% of the time. Modifiers (“+” and “-”) are used to further modify the indicator status, so that a FAC+ species is more likely to occur in a wetland than a FAC- species.

The wooded areas behind the two residences contained blackberry (*Rubus argutus*, FACU), honeysuckle (*Lonicera jamonica*, FACU), Chinese privet (*Ligustrum sinense*, FACU), loblolly pine (*Pinus taeda*, FAC), sweetgum (*Liquidambar styraciflua*, FAC), American Beech (*Fagus grandifolia*, FACU), black walnut (*Juglans nigra*, FACU), English ivy (*Hedera helix*, FACU), kudzu (*Pueraria montana*, UPL), pokeweed (*Phytolacca americana*, UPL), muscadine (*Vitis rotundifolia*, FAC), and Virginia Creeper (*Parthenocissus quinquefolia*, FACU). These plant types are typical of non-wetland/upland areas.

The stream bed and bank contained English ivy (*Hedera helix*, FACU), pokeweed (*Phytolacca americana*, UPL), Chinese privet (*Ligustrum sinense*, FACU), boxelder (*Acer negundo*, FAC), muscadine (*Vitis rotundifolia*, FAC), water oak (*Quercus nigra*, FAC), flowering dogwood (*Cornus florida*, FACU), Christmas fern (*Polystichum acrostichoides*, FACU), and southern lady fern (*Athyrium splenioides*, FAC). Some of the pooled areas that contained water also had bullrush (*Juncus effusus*, OBL). Most of these plant types (the FAC plants) grow equally well in upland areas as well as moist stream beds and bottom lands with a lack of consistent, year-round moisture or stream flow. The only true wetland obligate (OBL) plant, the bullrush, was found in the scattered pools of water in the intermittent portion of the stream.

Based on plant communities found on the property, the upper portion of the stream segments would be considered ephemeral, while the lower, more moist portions, would be considered intermittent.

Hydric Soils

A soil map and description of the soil acronyms are included in the figures section of the Appendix.

The Cobb County soil survey map indicated that the soils mapped on the property are composed of four (4) soil types: MsD3 Madison and Pacolet soils, 10 to 15 percent slopes, severely eroded; MsE2 Madison and Pacolet soils, 15 to 25 percent slopes, eroded; PgC3 Pacolet sandy clay loam, 6 to 10 percent slopes, severely eroded; and UfC Urban land-Cecil complex, 2 to 10 percent slopes. According to the USDA’s Natural Resources Conservation Service (NRCS), none of the four soils are considered to be hydric.

On-site soils probed in the ephemeral stream bed indicated non-hydric indicators. On-site soils probed in the intermittent stream bed indicated partial hydric indicators and moisture in the upper 10”.

Soil maps are appended.

NWI Map

The USFWS National Wetlands Inventory (NWI) map does not indicate any streams or other wetlands in the



subject property. The NWI map is appended.

Topographical Maps

According to the USGS topographical map ("Kennesaw, GA 2020"), no blue-lined streams are identified on the subject property or on the adjoining properties. The closest blue-lined stream is Proctor Creek located approximately 2,500-ft to the northwest.

The topographical map is appended as Figure 1.

Aerial Photographs

The 4/2023 aerial photograph (Google Earth) indicated the majority of the property as wooded land, with two residences with grassed lawns in the eastern boundary. No indications of streams and/or wetlands were apparent on the aerial photograph. See Figure 2.

Hydrologic Conditions

Hydrology is a dynamic characteristic in wetlands or streams and is often not present during periods of minimal seasonal precipitation. Indirect indicators are used to determine if wetland hydrology such as extended saturation or ponding has been present during the growing season. Examples of indirect hydrology indicators include water staining, flow patterns, wrested vegetation, defined bed/bank structures, buttressing of trees, and moss growth on trees near the ground surface. Water staining in leaves occurs when they are saturated or inundated for extended periods, causing the tannins or brown coloring in the leaves to leach out, leaving a grayish hue to the leaves. Mosses tend to colonize trees in wet, damp wooded areas.

The upper reaches of the stream (that would be considered ephemeral) appeared to have poorly defined bed/bank structure and no water was observed. No pools were observed, and PSI observed evidence of leaf litter and/or rooted plants in the stream bed, indicating no consistent flow of water.

After the two ephemeral stream branches merged, PSI observed a more defined bed/bank structure. PSI observed pools of water, with minimal flow of water between them. PSI observed the presence of an ordinary high-water mark and a point of wrested vegetation; however, invasive species such as English Ivy and kudzu was able to grow onto the stream bed. Portions of the intermittent reach were deeply incised due to storm flows. No fish, crawfish, or aquatic insects were observed.

See Figure 2 for locations of the ephemeral and intermittent stream reaches. See the appendices for site photographs.

CONCLUSIONS

Based on the presence of a well-defined stream bed and bank, the observed ordinary high-water mark/wrested vegetation indicative of a relatively normal flow of water, and pools of water with slight stream flow approximately 7-days after the last appreciable rain event, PSI considers the lower stream reach to be intermittent in nature.

The upper reaches of the intermittent segment, upstream of the merger of the two branches, appeared to be ephemeral in nature. A poorly defined bed and bank, no water flow, and vegetation/leaf litter present in the stream bed indicate its ephemeral nature. Typically, ephemeral streams only flow in direct response to a rain event, and only flow for 24-hours at most after a rain event has ceased. They do not flow intermittently or consistently throughout the year.



Additionally, USFWS NWI maps and USGS topographical maps do not plot a blue-line stream at that subject property, further supporting the identification of the streams as non-perennial. It should be noted that the intermittent portion of the stream would be considered jurisdictional to the USACE and would require a Federal wetlands permit to fill or alter it. The upper, ephemeral reaches would be considered non-jurisdictional and do not require a permit to fill. However, only the USACE can make the final determination whether a stream is jurisdictional or not.

PSI did not observe indications of wetlands on the subject property.

Based on the Georgia Department of Natural Resources (GADNR) "Field Guide for Determining the Presence of State Waters That Require a Buffer, September 2006", intermittent streams require a 25-foot state mandated vegetative buffer. This Field Guide is appended.

Based on the Cobb County Code of Ordinances (Chapter 50 Environment, Article III Land Disturbing Activities), an undisturbed vegetative buffer shall be maintained for 50 feet measured horizontally, on both banks (as applicable) of intermittent or perennial stream as measured from the top of the stream bank. An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling, and earthmoving shall be minimized within the setback." A Variance may be provided by the County; however, the Client would need to prove that the "property's shape, topography or other physical conditions existing at the time of the adoption of this article prevents land development unless a buffer variance is granted; and unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship." If the stream and its buffers can be avoided and the property still be developed, then the project would not qualify for a Variance.

RECOMMENDATIONS

The upper reaches of the stream area considered ephemeral and do not require a State or County vegetated buffer or impervious surface setback. The extreme lowest reach of the stream is considered intermittent and would require the 50-foot buffer plus additional 25-foot impervious surface setback.

If the stream is to be avoided and clearing/construction activities will be kept out of the 50-foot stream buffer (plus 25-foot impervious setback), then PSI recommends no further assessment at this time.

If the stream or its buffer is to be impacted in any way, PSI would recommend a full Wetland Delineation be performed and the USACE be consulted for a Jurisdictional Determination and recommendation for a wetland permit (which would likely require potentially expensive compensatory mitigation). Additionally, the County would need to be consulted to determine whether a Variance would be permitted.

WARRANTY

The information contained in this report is based upon the information furnished by the Client and observations and research provided by PSI. These observations and results are time dependent, are subject to changing site conditions, and revisions to Federal, State and local regulations. The findings are preliminary in nature and include site observations conducted by qualified person(s).

This report was prepared pursuant to the contract PSI has with Bailey Civil Group, LLC. That contractual relationship included an exchange of information about the subject site that was unique and between PSI and its client and serves as the basis upon which this report was prepared. Because of the importance of



communication between PSI and its client, reliance or any use of this report by anyone other than Bailey Civil Group, LLC, for whom it was prepared, is prohibited and therefore not foreseeable to PSI.

Reliance on or use by any such third party without explicit authorization in the report does not make said third party a third party beneficiary to PSI's contract with Bailey Civil Group, LLC. Any such unauthorized reliance on or use of this report, including any of its information or conclusions, will be at third party's risk. For the same reasons, no warranties or representations, expressed or implied in this report, are made to any such third party.

No other warranties are implied or expressed.

UNIDENTIFIABLE CONDITIONS

This report is necessarily limited to the conditions observed and to the information available at the time of the work. Due to the nature of the work, there is a possibility that there may exist conditions which could not be identified within the scope of work or which were not apparent at the time of our site work. This report is also limited to information available from the client at the time it was conducted. The report may not represent all conditions at the subject site as it only reflects the information gathered from specific locations.

PSI appreciates the opportunity to have been of service to you. If you have any questions regarding our findings, please do not hesitate to contact us at (770) 424-6200.

Sincerely,

PROFESSIONAL SERVICE INDUSTRIES, INC.

Eric Lowe
Department Manager

Andrew Peiken
Principal Consultant

Enclosures: Appendices

APPENDICES



Legend



Study Area



Intermittent Stream



Ephemeral Stream



95 Chastain Road, NW
Suite 301
Kennesaw, Georgia
30144
Tel +1 770.424.6200
Fax +1 770.424.0199
intertek.com/building

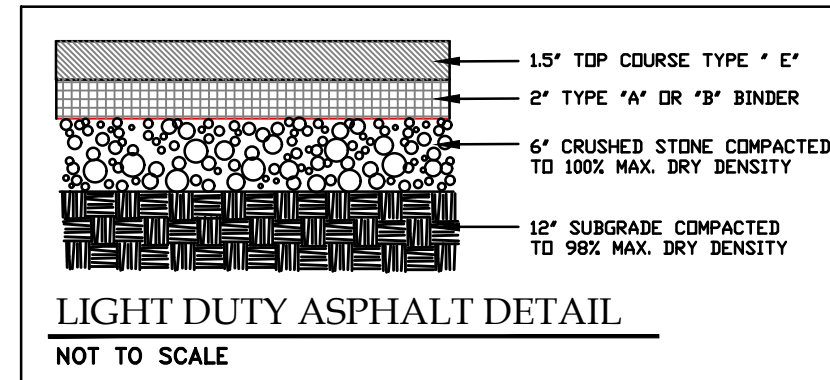
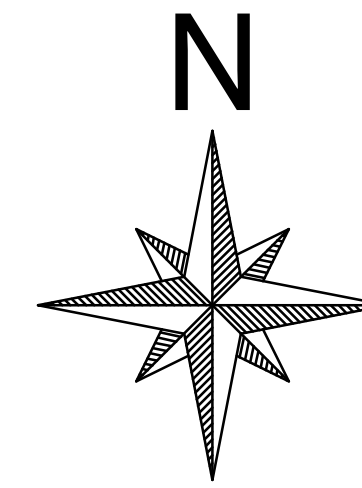
Aerial Photograph with Site
Observations
Proposed Cherokee St. Woodstock
Project
3033/3045 Cherokee Street, Kennesaw,
Cobb County, GA

Project No.:
05171779-1

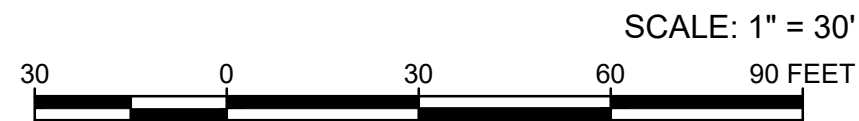
Drawn by: ASP
Checked by: EL

Date:
6/24/2024

Source: Google
Earth 2023



24 HOUR CONTACT
JASON KISZ
678-616-5221



SITE PLAN

Group
BAILEY CIVIL
P.O. Box 4392
Cartersville, Ga 30120
678.925.6003
baileycivilgroup.com

FOR
KISZ CONSTRUCTION INC
136 SANTA ANITA TRAIL
WOODSTOCK, GA 30189

PROJECT
CHEROKEE ST WOODSTOCK
303 CHEROKEE ST NW
KENNESAW, GA 30144

SHEET TITLE
SITE PLAN

SHEET NUMBER
C201

PROJECT NUMBER
24114

DATE
JUNE 10TH, 2024

REVISIONS

Cobb County Web Map



6/24/2024, 1:54:27 PM

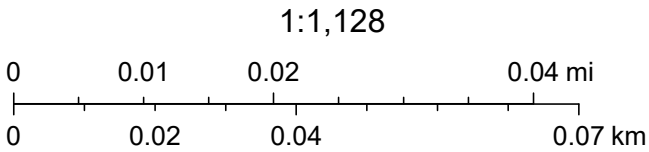
- Cobb Parcels

Rivers
- ORTHOS

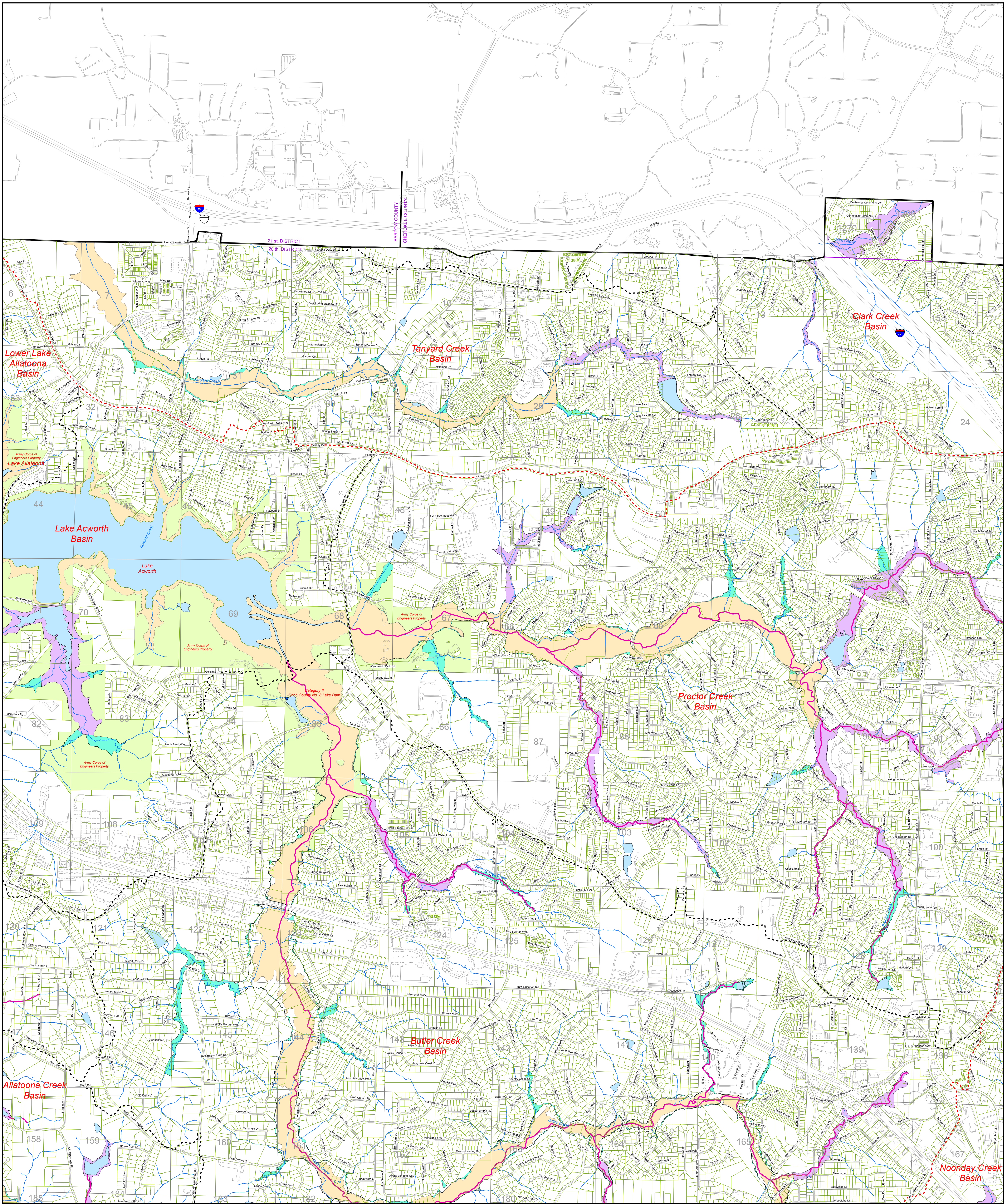
Red: Band_1

Green: Band_2

Blue: Band_3



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Print August 1, 2018



Cobb County Water System

680 South Cobb Drive
Marietta, GA 30060-3113
Phone: (770) 419-6435 - Fax: (770) 419-6444

Counter Map

Scale: 1" = 1,000 feet

FEMA FIRM Flood Plains

- Cobb County Basins
- 7 Mile Limits
- Zone AE : October 5, 2018
- Zone A : October 5, 2018
- Zone X : October 5, 2018

Stream Buffer Classification

- Stream: 50 ft. Buffer with 25 ft. Impervious Buffer
- Stream: 75 ft. Buffer
- Stream: 100 ft. Buffer
- Stream: 200 ft. Buffer
- 7 mile Water Intake: 100 ft. Buffer with 50 ft. Impervious Buffer
- Chattahoochee River 50 ft. Buffer with 100 ft. Impervious Buffer

Legend

Georgia Safe Dam Classification

- Category I Dam
- Category II Dam
- 2000 ft. Limit of Chattahoochee River Corridor (Metropolitan River Protection Act)

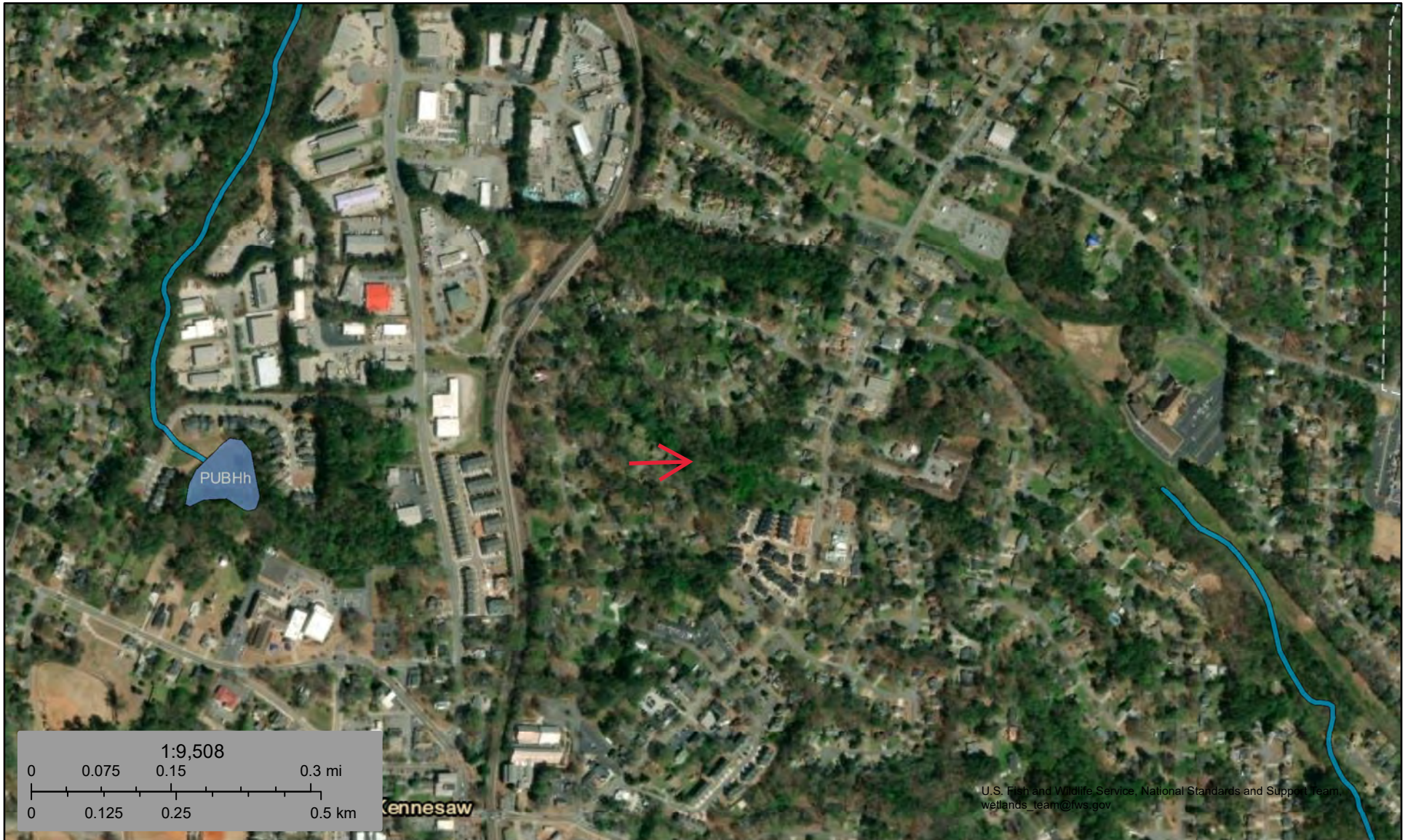
2



U.S. Fish and Wildlife Service

National Wetlands Inventory

3033/3045 Cherokee St.



June 24, 2024

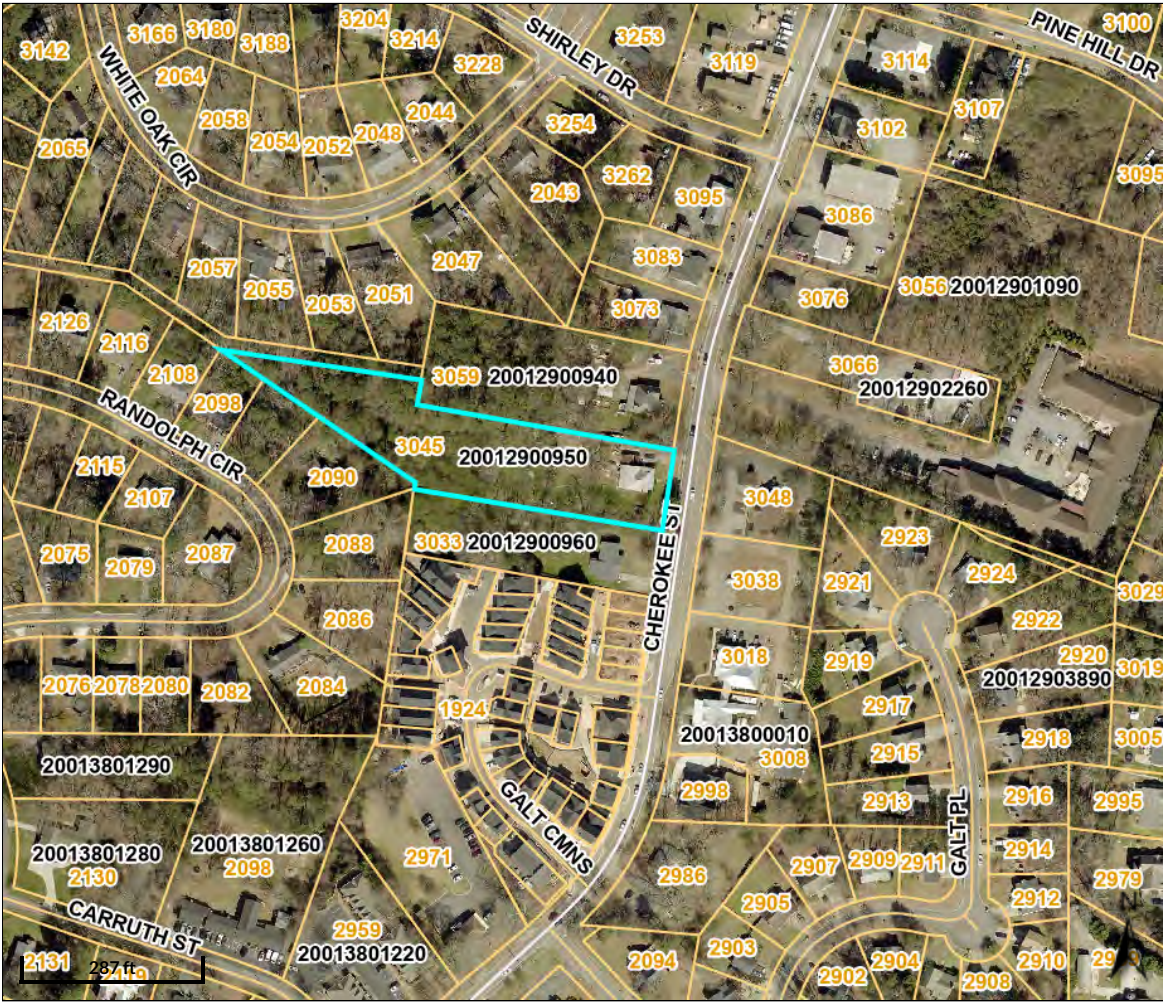
Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



Overview



Legend

-  Administrative Facilities
-  Libraries
-  Police Stations
-  Fire Stations
-  County Parks
-  Federal Parks
-  House Number Labels
-  Parcels
- Roads**
 -  ARTERIAL
 -  INTERSTATE
 -  LOCAL
 -  MAJOR
 -  MINOR
 -  PRIVATE
 -  RAMP

Parcel ID	20012900950	Physical Address	3045 CHEROKEE ST	Last 2 Sales			
Class Code	R4 - Residential Small Tracts	Address		Date	Price	Reason	Qual
Taxing District	(3) KENNESAW	Owner	FRENCH 3 INVESTMENTS LLC	12/15/2023	\$495000	VALID SALE	Q
Acres	1.9		4905 VILLAGE GREEN DR ROSWELL GA 30075	n/a	0	n/a	n/a

Date created: 6/17/2024

Last Data Uploaded: 6/16/2024 7:36:38 AM

Developed by  Schneider GEOSPATIAL



- Administrative Facilities
- Libraries
- Police Stations
- Fire Stations
- County Parks
- Federal Parks
- House Number Labels
- Parcels
- Roads
 - ARTERIAL
 - INTERSTATE
 - LOCAL
 - MAJOR
 - MINOR
 - PRIVATE
 - RAMP

Parcel ID	20012900960	Physical Address	3033 CHEROKEE ST	Last 2 Sales			
Class Code	C3 - Commercial Lots	Owner	FRENCH 3 INVESTMENTS LLC	Date	Price	Reason	Qual
Taxing District	(3) KENNESAW		4905 VILLAGE GREEN DR	12/29/2023	\$625000	n/a	U
Acres	0.8		ROSWELL GA 30075	9/1/2023	\$545000	n/a	U

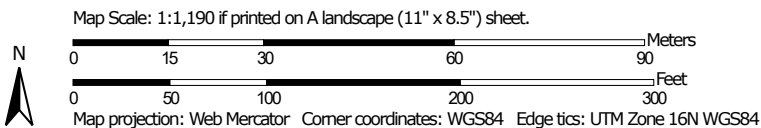
Last Data Uploaded: 6/16/2024 7:36:38 AM

Developed by  **Schneider**
GEOSPATIAL

Soil Map—Cobb County, Georgia (Bailey)



Soil Map may not be valid at this scale.



**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cobb County, Georgia

Survey Area Data: Version 14, Aug 30, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 14, 2022—Jun 21, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
MsD3	Madison and Pacolet soils, 10 to 15 percent slopes, severely eroded	0.8	29.5%
MsE2	Madison and Pacolet soils, 15 to 25 percent slopes, eroded	0.0	0.4%
PgC3	Pacolet sandy clay loam, 6 to 10 percent slopes, severely eroded	1.2	44.5%
UfC	Urban land-Cecil complex, 2 to 10 percent slopes	0.7	25.7%
Totals for Area of Interest		2.7	100.0%

Hydric Rating by Map Unit—Cobb County, Georgia (Bailey)



Soil Map may not be valid at this scale.

Map Scale: 1:1,190 if printed on A landscape (11" x 8.5") sheet.

0 15 30 60 90 Meters

0 50 100 200 300 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 16N WGS84



**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

Hydric Rating by Map Unit—Cobb County, Georgia (Bailey)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available

Soil Rating Lines

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available

Soil Rating Points

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cobb County, Georgia
Survey Area Data: Version 14, Aug 30, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 14, 2022—Jun 21, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydric Rating by Map Unit

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
MsD3	Madison and Pacolet soils, 10 to 15 percent slopes, severely eroded	0	0.8	29.5%
MsE2	Madison and Pacolet soils, 15 to 25 percent slopes, eroded	0	0.0	0.4%
PgC3	Pacolet sandy clay loam, 6 to 10 percent slopes, severely eroded	0	1.2	44.5%
UfC	Urban land-Cecil complex, 2 to 10 percent slopes	0	0.7	25.7%
Totals for Area of Interest			2.7	100.0%

Description

This rating indicates the percentage of map units that meets the criteria for hydric soils. Map units are composed of one or more map unit components or soil types, each of which is rated as hydric soil or not hydric. Map units that are made up dominantly of hydric soils may have small areas of minor nonhydric components in the higher positions on the landform, and map units that are made up dominantly of nonhydric soils may have small areas of minor hydric components in the lower positions on the landform. Each map unit is rated based on its respective components and the percentage of each component within the map unit.

The thematic map is color coded based on the composition of hydric components. The five color classes are separated as 100 percent hydric components, 66 to 99 percent hydric components, 33 to 65 percent hydric components, 1 to 32 percent hydric components, and less than one percent hydric components.

In Web Soil Survey, the Summary by Map Unit table that is displayed below the map pane contains a column named 'Rating'. In this column the percentage of each map unit that is classified as hydric is displayed.

Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). Under natural conditions, these soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

The NTCHS definition identifies general soil properties that are associated with wetness. In order to determine whether a specific soil is a hydric soil or nonhydric soil, however, more specific information, such as information about the depth and duration of the water table, is needed. Thus, criteria that identify those estimated soil properties unique to hydric soils have been established (Federal Register, 2002). These criteria are used to identify map unit components that normally are associated with wetlands. The criteria used are selected estimated soil properties that are described in "Soil Taxonomy" (Soil Survey Staff, 1999) and "Keys to Soil Taxonomy" (Soil Survey Staff, 2006) and in the "Soil Survey Manual" (Soil Survey Division Staff, 1993).

If soils are wet enough for a long enough period of time to be considered hydric, they should exhibit certain properties that can be easily observed in the field. These visible properties are indicators of hydric soils. The indicators used to make onsite determinations of hydric soils are specified in "Field Indicators of Hydric Soils in the United States" (Hurt and Vasilas, 2006).

References:

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18.

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service. U.S. Department of Agriculture Handbook 436.

Soil Survey Staff. 2006. Keys to soil taxonomy. 10th edition. U.S. Department of Agriculture, Natural Resources Conservation Service.

Rating Options

Aggregation Method: Percent Present

Component Percent Cutoff: None Specified

Tie-break Rule: Lower



Photo 1: East adjoining property



Photo 2: Northwest adjoining property



Photo 3: Southwest adjoining property



Photo 4: South adjoining property



Photo 5: 3033 Cherokee St. NW



Photo 6: 3045 Cherokee St. NW



Photo 7: Main ephemeral stream structure behind 3033/3045 Cherokee St. NW. Note: poorly defined bed and bank.



Photo 8: Another view of the main ephemeral stream structure. Note: poorly defined bed and bank, vegetation growing in stream bed, no OHWM.



Photo 9: Point where the ephemeral stream (left side) becomes an intermittent stream (right side).



Photo 10: Another view, point where the ephemeral stream (top) becomes an intermittent stream (bottom).



Photo 11: Northern fork of the ephemeral stream as it merges with the main ephemeral stream. Note undefined bed/bank structure; leaf litter in stream bed.

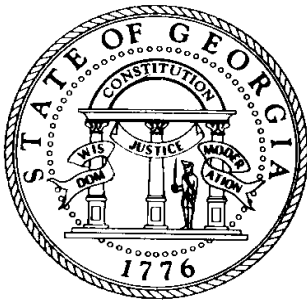


Photo 12: Pools of water in the intermittent portion of the stream. Note: wetland rush plants along with invasive English Ivy.



Photo 13: Hydric soils (greyish) in intermittent stream bank.

Field Guide for Determining The Presence of State Waters That Require a Buffer



Georgia Department of Natural Resources
Environmental Protection Division
Watershed Protection Branch
NonPoint Source Program

This guidance is based on the Georgia Erosion and Sedimentation Control Rules (Rules), 391-3-7, promulgated under the Georgia Erosion and Sedimentation Act (Act), O.C.G.A. 12-7.

The Act defines State Waters as “any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.”

This guidance only addresses the identification of rivers, streams, creeks and branches that require a buffer. The State-mandated buffer requirements apply to all State Waters that require a buffer (i.e., have wrested vegetation by normal stream flow).

The definition of Normal Stream Flow that is used in this document is found in the definition of Stream Bank in the Rules, and only applies to non-trout streams. Streams that have Normal Stream Flow as defined in the Rules have characteristics that are not normally associated with ephemeral streams.

STEPS FOR DETERMINING THE PRESENCE OF STATE WATERS AND BUFFER REQUIREMENTS ON A SITE

Please note that this guidance is primarily written to assist local issuing authorities with their determinations of State Waters and buffer requirements. However, it is also a tool for plan preparers and environmental consultants to use in the preparation of accurate Erosion, Sedimentation and Pollution Control Plans.

- Step 1 Review the topography of the Erosion, Sedimentation and Pollution Control Plan for natural or artificial features that may indicate the presence of State Waters.
- Step 2 Walk the site in order to identify State Waters as defined.
- Step 3 Begin the inspection at one end of the potential State Waters and walk the entire length of the State Waters until it exits the property.
- Step 4 Examine the drainage feature using this field guide to determine whether the feature is perennial, intermittent or ephemeral. If the drainage feature is determined to be perennial or intermittent, then a State-mandated buffer exists. If the drainage feature appears to be ephemeral then go to Step 5 to make a final determination. If the identified feature is a salt marsh, then Georgia Department of Natural Resources (DNR), Coastal Resources Division should be contacted for the delineation of the DNR jurisdictional line (point from which the buffer is measured).
- Step 5 If base flows are present during the site inspection, the stream is either perennial or intermittent and will require a buffer. If the site is visited during a dry phase and base flows are not evident, the drainage may be ephemeral or intermittent. If there is no flowing water within 24 hours of a rain event, then the drainage feature is probably ephemeral. **NOTE:** Ephemeral non-trout streams do not require buffers so great care should be exercised when conducting field investigations for ephemeral and intermittent stream determinations. In such conditions inspections must be accomplished by professionals trained or otherwise familiar with methods used to determine whether the stream is in a season when base flows may not be observable, or if the stream is ephemeral and simply flows in direct response to precipitation. The ephemeral stream guidance should be used to make the final determination as to whether the stream is ephemeral.
- Step 6 If there is still a question about base flow after Step 5 is completed, then the “North Carolina Division of Water Quality Stream Identification Method, Version 3.0” (or most current version) should be used to verify whether or not base flow is present.
- Step 7 The determination should be documented in writing.

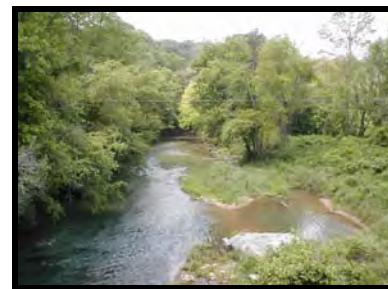
DEFINITIONS

- a. "Base Flow" means the discharge that enters a stream channel mainly from groundwater, but also from lakes during periods when no precipitation occurs.
- b. "Buffer" means the area of land immediately adjacent to the banks of State Waters in its natural state of vegetation, which facilitates, when properly vegetated, the protection of water quality and aquatic habitat (O.C.G.A. 12-7-3(2)).
- c. "Ephemeral Stream" means a stream that typically has no well-defined channel, and which flows only in direct response to precipitation with runoff.
- d. "Intermittent Stream" means a stream that flows in a well-defined channel during wet seasons of the year but not for the entire year.
- e. "Land Disturbing Activity" means any activity which may result in soil erosion and the movement of sediments into State Waters or onto lands within the State, including but not limited to grubbing, dredging, grading, excavating, transporting, and filling of land, but not including those practices to the extent described in O.C.G.A. 12-7-17 (O.C.G.A. 12-7-3(9)).
- f. "Normal Stream Flow" for non-trout waters only, means any stream flow that consists solely of base flow or consists of both base flow and direct runoff during any period of the year. Base flow results from groundwater that enters the stream channel through the soil. This includes spring flows into streams. Direct runoff is the water entering stream channels promptly after rainfalls or snow melts (Rule 391-3-7-.01(w)).
- g. "Perennial Stream" means a stream that flows in a well-defined channel throughout most of the year under normal climatic conditions.
- h. "State Waters" include any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation, except as may be defined in O.C.G.A. 12-7-17(8) (O.C.G.A. 12-7-3(16)).
- i. "Stream Bank" means the confining cut of a stream channel and is usually identified as the point where the normal stream flow has wrested the vegetation (Rule 391-3-7-.01(w)).
- j. "Typical/Average Year" means a year in which the observed base flow and rainfall quantity is approximately equal to the long-term average.
- k. "Wrested Vegetation" means movement of water that removes soil, debris and vegetation, creating a clear demarcation between water flow and vegetative growth.

Please note the following:

- The definition of Normal Stream Flow that appears in this guidance applies only to non-trout streams. **Ephemeral trout streams are not exempt from buffer requirements, but may be eligible for the General Stream Buffer Variance in 391-3-7-.05(9) of the Erosion and Sedimentation Control Rules.** Refer to the Georgia Water Quality Control Rules (391-3-6-.03) for a listing of trout streams.
- Buffer requirements are included in the General NPDES Permit for Storm Water Discharges from Construction Activities.
- Contact DNR, Coastal Resources Division for guidance involving any land disturbing activity in marshland areas.
- State Waters may also be classified as Waters of the U.S., and may require a U.S. Army Corps of Engineers Section 404 permit.

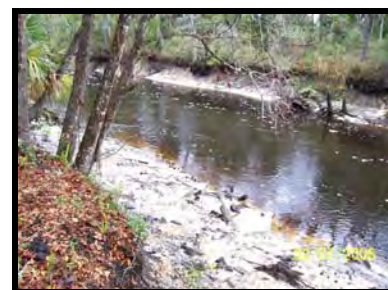
PERENNIAL STREAM CHARACTERISTICS



North Georgia Perennial



Piedmont Perennial



Coastal Perennial

All perennial streams flow throughout the year in a normal climatic year. Site inspections should result in visually discernible stream flows as evidence of base flow contribution between rain events, even in low flow conditions. After confirming perennial flow regimes, the presence of one or more of the following characteristics indicates that the drainage feature is a **perennial stream**:

1. Base flow that maintains stream flow throughout the year under normal circumstances.
2. Well-developed stream banks and channels include riffles/pools.
3. A channel that is almost always sinuous (winding, snake-like, etc.). The degree of sinuosity is specific to physiographic regions. For example, in geographic regions that have mountainous terrain, or in the coastal plain where many streams have been channelized, the channels are less sinuous.
4. Evidence of fluctuating high water marks (flood prone width) and/or sediment stained leaves, bare ground, and/or drift lines.
5. Evidence of soil and debris movement (scouring) in the stream channel. Leaf litter is usually transient or temporary in the flow channel.
6. Wetland or hydrophytic vegetation is usually associated with the stream channel. However, perennial streams with deeply incised or "down-cut" channels will usually have wetland vegetation present along the banks or flood-prone zone. Examples include sedges, rushes, mosses, ferns, and the riparian grasses, shrubs and other woody species.
7. Stream bank soils with hydric conditions, including dominant black/gray colors evident in the exposed stream bank profiles at or above the low flow conditions.
8. Exposure of rock or gravel or sand in a continuous or nearly continuous low lying channel.

INTERMITTENT STREAM CHARACTERISTICS



North Georgia Intermittent



Piedmont Intermittent



Coastal Intermittent

EPHEMERAL STREAM CHARACTERISTICS



North Georgia Ephemeral



Piedmont Ephemeral



Coastal Ephemeral

After confirming whether base flows are seasonally present, one or more of the following characteristics indicates that the drainage feature is an **intermittent stream**:

1. Well-developed stream bank and defined channel. Riffles/pools channel morphology is evident.
2. Evidence of fluctuating high water marks (flood prone width) and/or sediment deposits, sediment stained leaves, bare ground and/or drift lines.
3. Evidence of soil and debris movement (scouring) in the stream channel. Leaf litter is usually transient or temporary in the flow channel.
4. Wetland or hydrophytic vegetation is usually associated with the stream channel or flow area. Intermittent streams with deeply incised or "down-cut" channel will usually have wetland vegetation present along the banks or flood prone zone. Examples include sedges, rushes, mosses, ferns, and the riparian grasses, shrubs and other woody species.
5. Exposure of rock or gravel or sand in a continuous or nearly continuous low lying channel.
6. In the coastal plain, the soils may be sandy with veins of black.
7. Presence of crayfish burrows or chimneys.
8. The presence of aquatic insects (in any life phase) or fish. (For help identifying insects as aquatic, use the GA Adopt-A-Stream Aquatic Macroinvertebrate Field Guide, www.georgiaadoptastream.com)
9. Presence of buttressed trees.

The most reliable method for differentiating between intermittent and ephemeral stream types during drier conditions requires investigation of the stream bank (i.e., from the stream bed to the top of the bank).

Intermittent stream banks typically are dominated by soils with hydric indicators, such as: visually confirmed oxidized rhizospheres in the stream bank, matrix of gray or black soils, reducing conditions present and confirmed by a redox meter, or the stream banks otherwise include indicators of hydric soils as determined by the most current list of *Regional Indicators of Soil Saturation* as produced by the National Technical Committee for Hydric Soils.

Ephemeral streams usually have poor channel development and lack groundwater-induced base flows that normally result in hydric soils dominating the banks of intermittent and perennial streams.

EPHEMERAL STREAM CHARACTERISTICS

The prerequisite for a drainage feature to be classified as ephemeral is there must be no evidence of base flows in the stream bank (see methods discussed in intermittent stream characteristics).

After meeting the prerequisite above, the presence of one or more of the following characteristics indicates that the drainage feature is an **ephemeral stream**:

1. Poorly developed stream banks.
2. Absence of riffles/pools.
3. A flow area that is almost always straight and either "flattens" out at the bottom of the slope or grades into intermittent or perennial streams.
4. Fluctuating high water marks (flood prone width) and/or sediment transport are usually absent.
5. Evidence of leaf litter and/or small debris jams in the flow areas.
6. Usually sparse or no wetland (hydrophytic) vegetation present.
7. Side slope soils with characteristics typical of the surrounding landscape. Soil texture usually more loamy than the surrounding upslope landscape and usually has a clay subsurface.

Braided Channels



Buffers for braided channels such as those pictured above are measured from the point where vegetation is wrested from the outside channel of the braided system.

Concrete Channel



Concrete channels are examples of drainage features that usually do not require a buffer due to lack of "wrested vegetation."

NOTES

- This guidance does not change or modify any requirements in the Erosion and Sedimentation Act of 1975 O.C.G.A. 12-7 or DNR Rules on Buffer Variance Procedures and Criteria 391-3-7-05, as amended.
- Copies of the Georgia Erosion and Sedimentation Act (O.C.G.A. 12-7), the Erosion and Sedimentation Control Rules (391-3-7) and the Water Quality Control Rules (391-3-6) can be found at www.gaepd.org.



Contact Information:

Georgia Department of Natural Resources
Environmental Protection Division
Watershed Protection Branch
NonPoint Source Program
4220 International Parkway, Suite 101
Atlanta, GA 30354

Telephone: (404) 675-6240

FAX: (404) 675-6245

www.gaepd.org



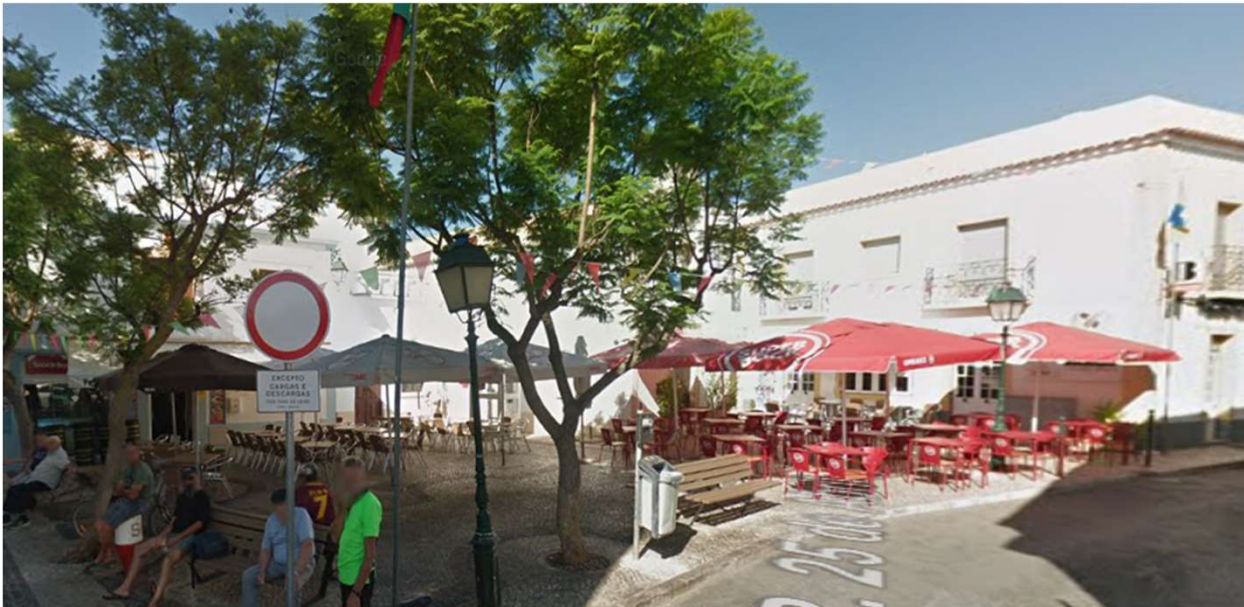
The publication of this document was supported by the Georgia Department of Natural Resources, Environmental Protection Division and was financed in part through a grant from the U.S. Environmental Protection Agency under the provisions of Section 319(h) of the Federal Clean Water Act of 1987, as amended, at a cost of \$1.00 per field guide. **September 2006.**

Exhibit B :: Inspiration for Development



SCALE OF COMMERCIAL PLAZA

*almost identical to Adair Park Plaza in Woodstock (above)
and the Central Square in Alvor, Portugal (below)*



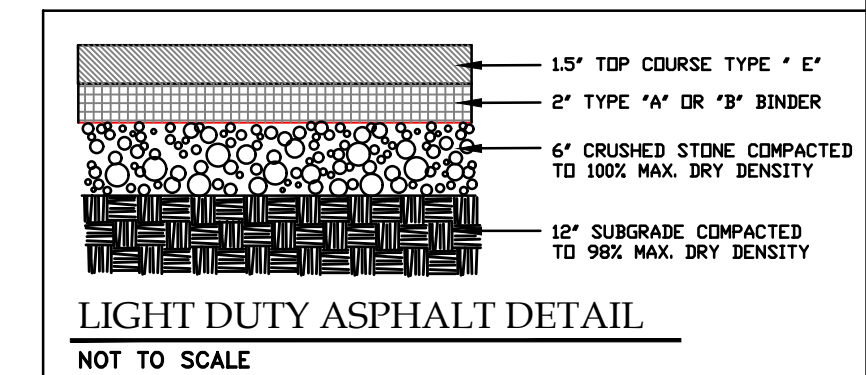
Please note that this is a Conceptual Plan only and has been prepared for conceptual purposes only; and is subject to withdrawals, additions and changes as a result of final architectural and engineering reviews and approvals. Illustrations are provided for conceptual purposes only and approved architectural and landscape plans may differ substantially from images and examples provided here within.



PROJECT
CHEROKEE ST WOODSTOCK
3033 CHEROKEE ST NW
KENNESAW, GA 30144

SHEET NUMBER
C201

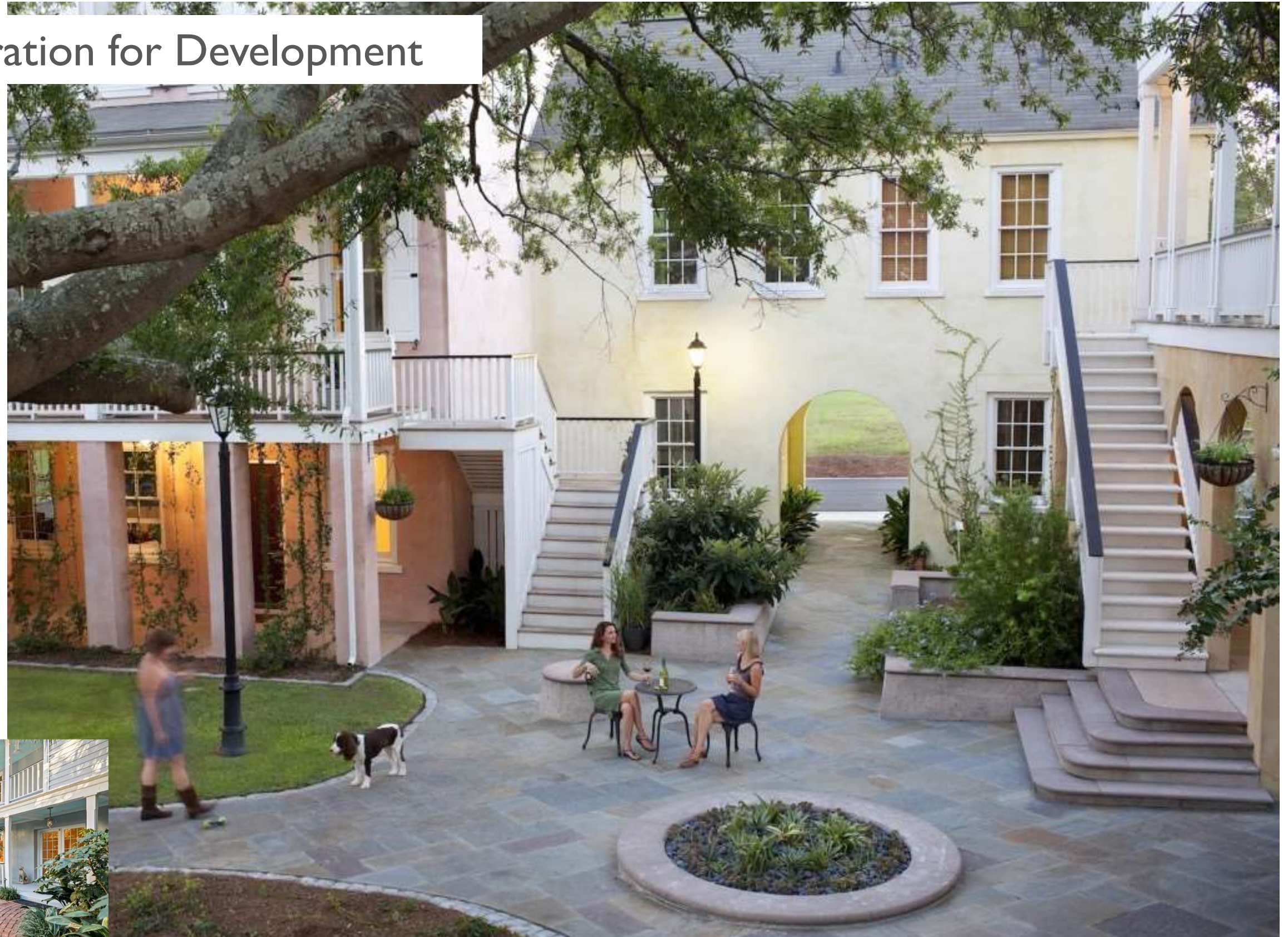
DATE
JUNE 10TH, 2024



Know what's below.
Call before you dig.

SITE PLAN

Exhibit B :: Inspiration for Development



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Exhibit B :: Inspiration for Development



Cherokee St Development ::

A curated collection of compact courtyard homes |
Just steps from downtown Kennesaw | Attainable
urbanism -- stacked flats potentially starting at 300k

Charleston-inspired homes carefully arranged
amongst intimate urban spaces

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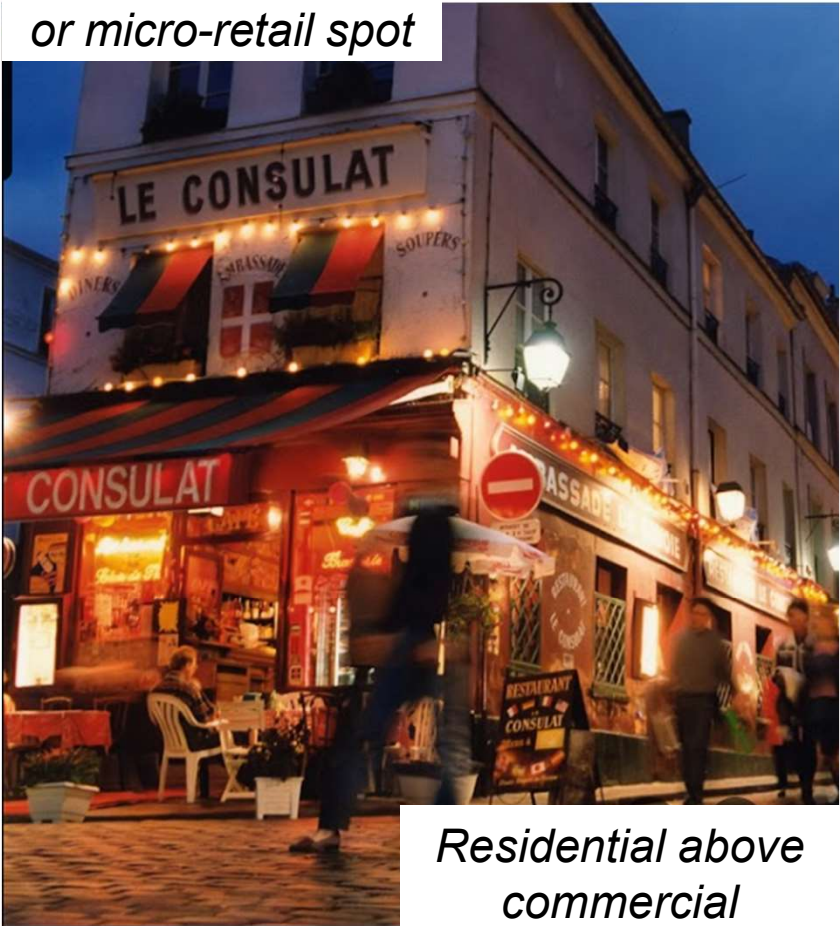
Exhibit B :: Inspiration for Development



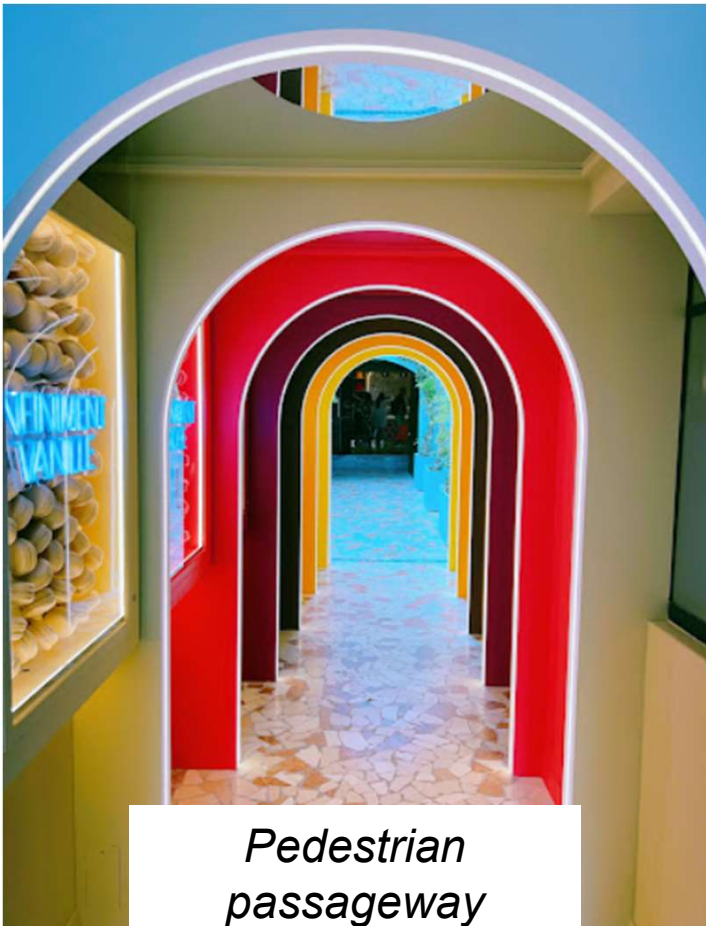
*Inviting gateway to
Downtown Kennesaw*



*Kiosk, food truck,
or micro-retail spot*



*Residential above
commercial*



*Pedestrian
passageway*

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Exhibit B :: Inspiration for Development



Colorful exteriors



[View Gallery](#)



Tasteful amenity spaces

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Kennesaw Cherokee St

Materials List for Construction:

Painted and Natural Brick

Smooth Lap Siding

Asphalt Shingles

Standing Seam Metal Roof Accents on
Featured Architectural Elements

Wood Windows

Wood or Composite Wood Shutters



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Kennesaw Cherokee St

Mixed-Use Commercial Plaza
(Residential above Retail)



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Kennesaw Cherokee St
1,250 SF Townhomes facing Cherokee St



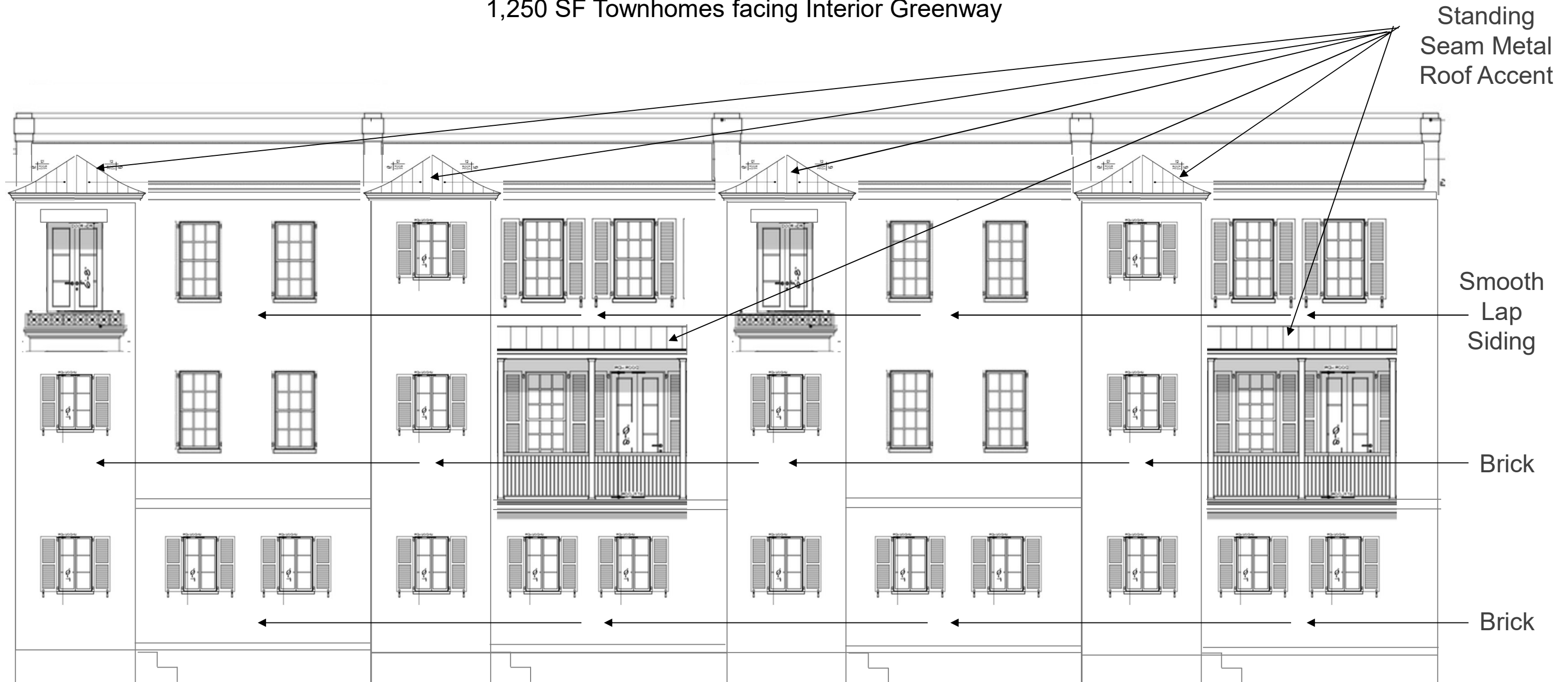
0 ft 80 ft



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Kennesaw Cherokee St

1,250 SF Townhomes facing Interior Greenway



Standing
Seam Metal
Roof Accent

Smooth
Lap
Siding

Brick

Brick

0 ft

80 ft



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Kennesaw Cherokee St
1,500 SF Townhomes (Triplet)



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Kennesaw Cherokee St
1,500 SF Townhomes (Double)

Standing
Seam Metal
Roof Accent



0 ft

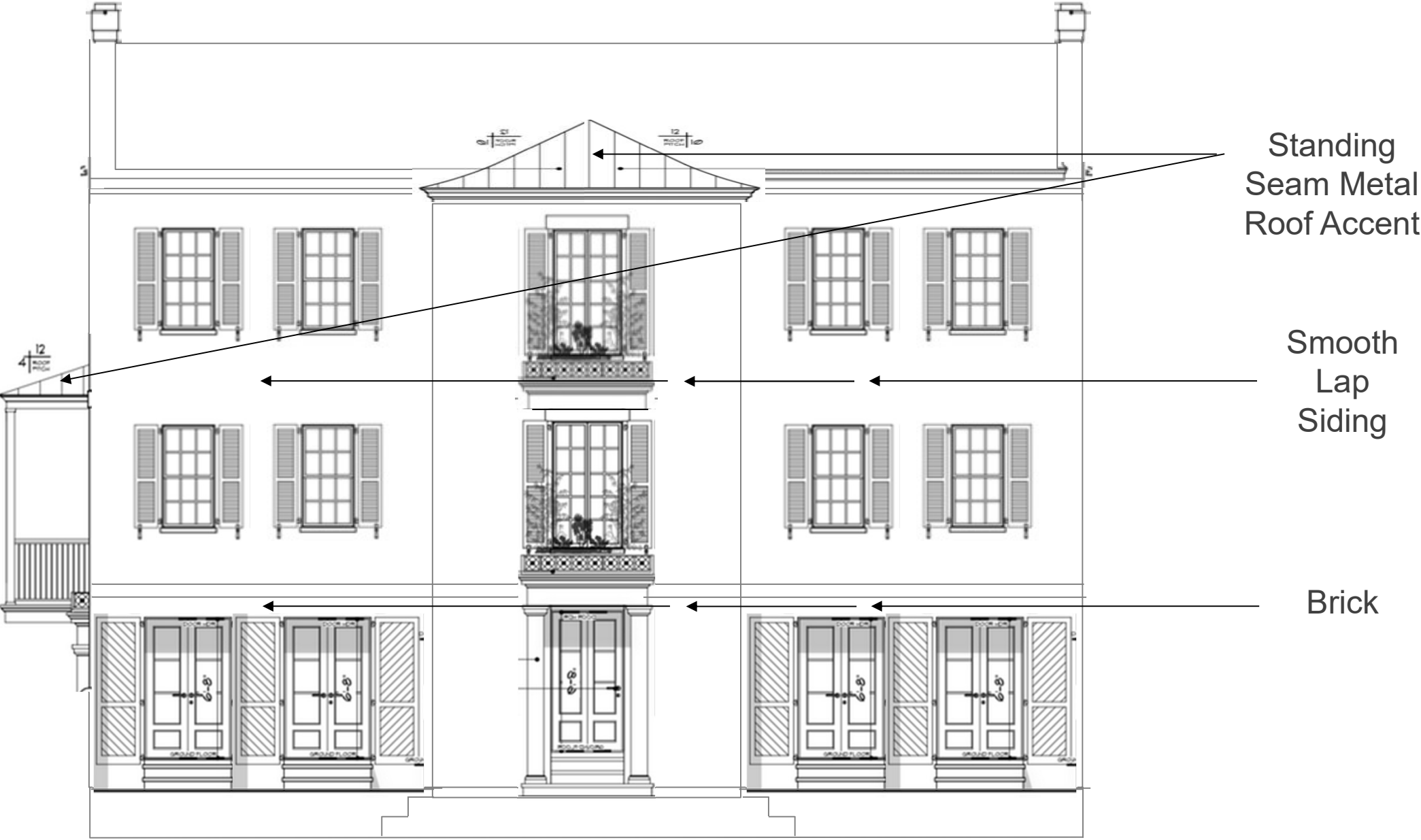


80 ft



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Kennesaw Cherokee St
Stacked Flats – 4 per Building

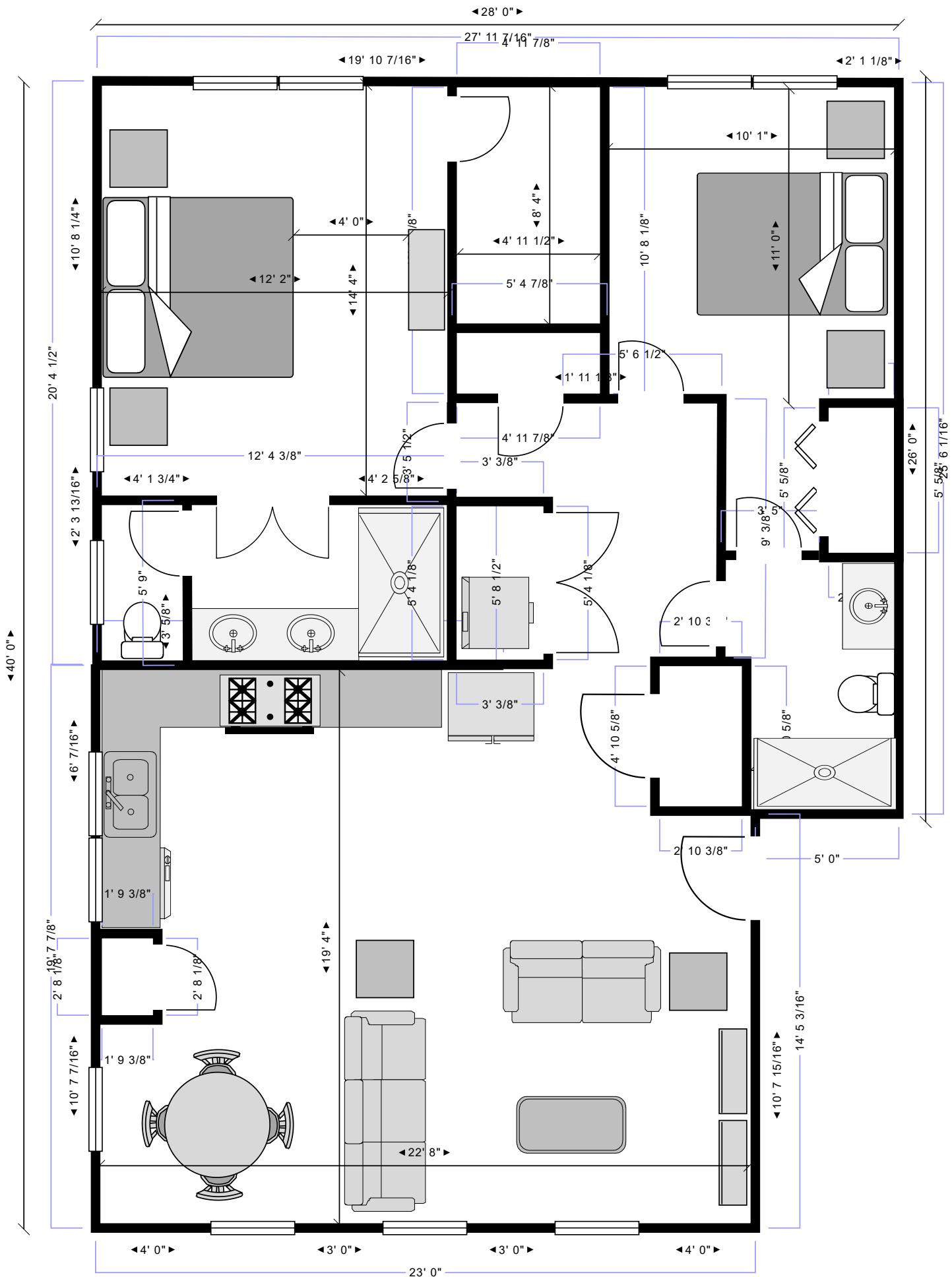


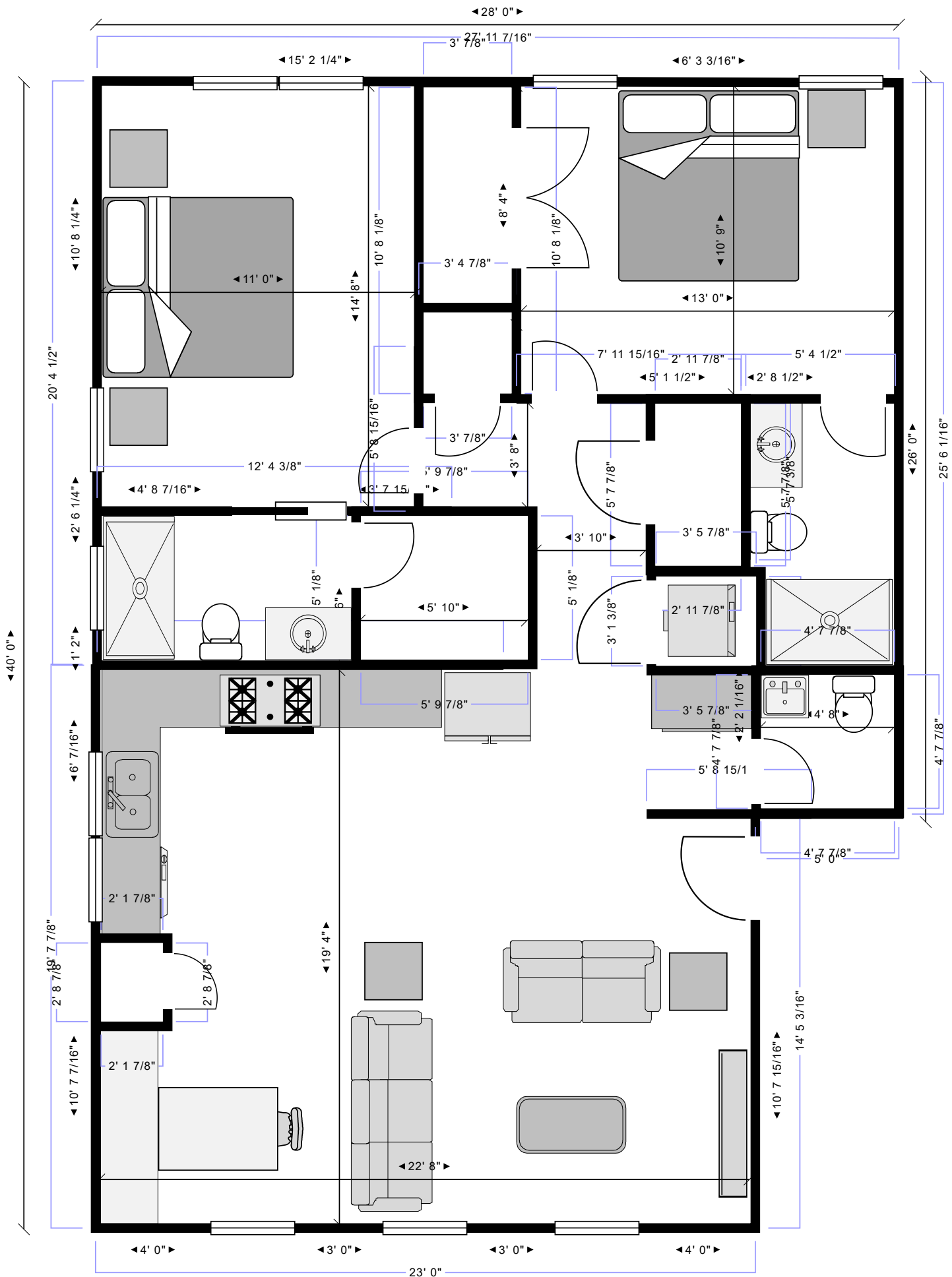
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80 ft



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Kennesaw Cherokee St

1,250 SF Townhomes
2 BR / 2.5 BA



0 ft

80 ft



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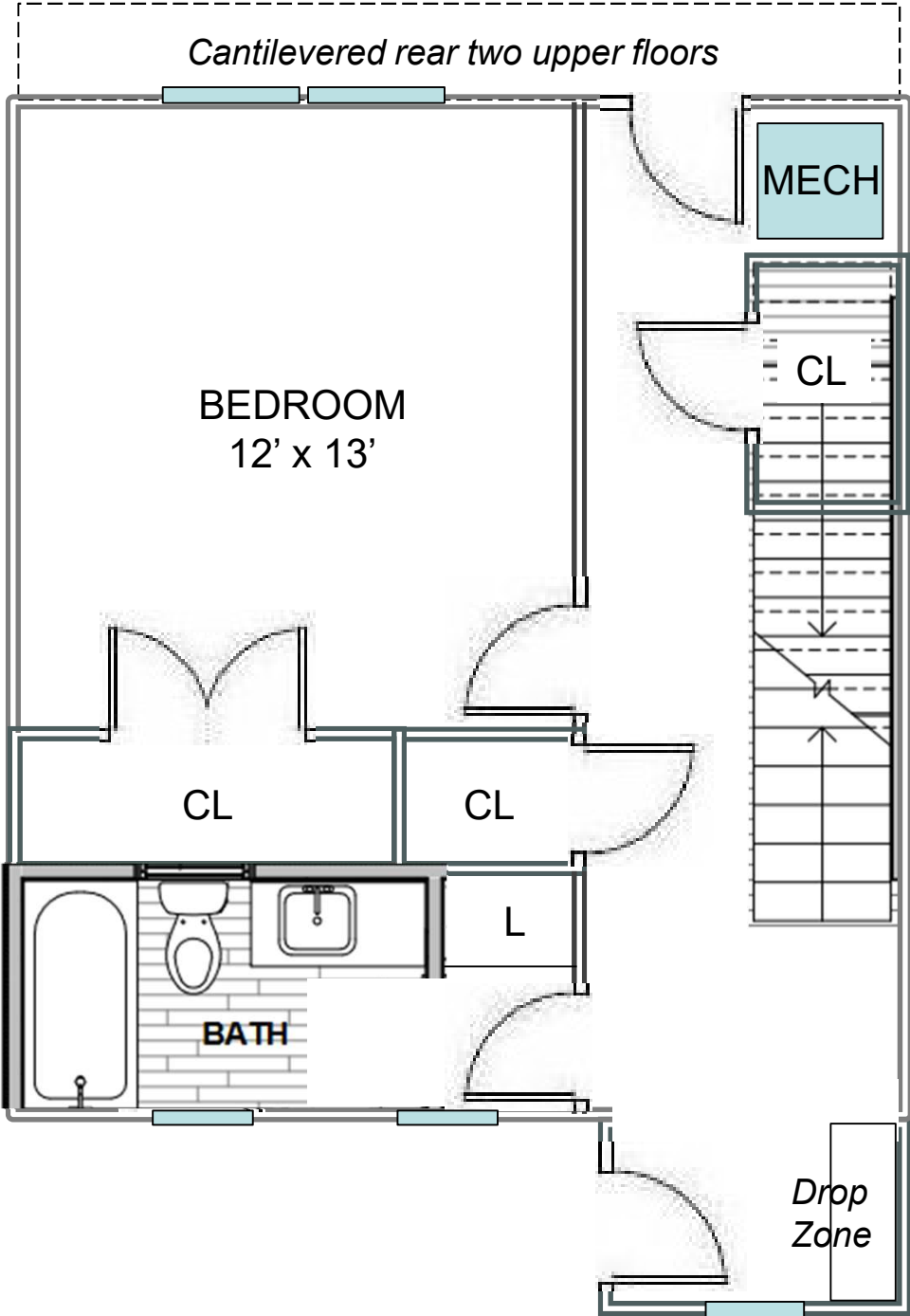
CHEROKEE ST FRONT FOUR
GROUND FLOOR OPTION A – REAR BEDROOM

SLAB OR BASEMENT
VERSION COMPATIBLE

19' x 21' Footprint
19' x 23' Cantilevered
Floors
Front Foyer and Rear
Deck extensions

APPROX 1,200
HEATED SF

Four (4) that front
Cherokee St



0' 25'

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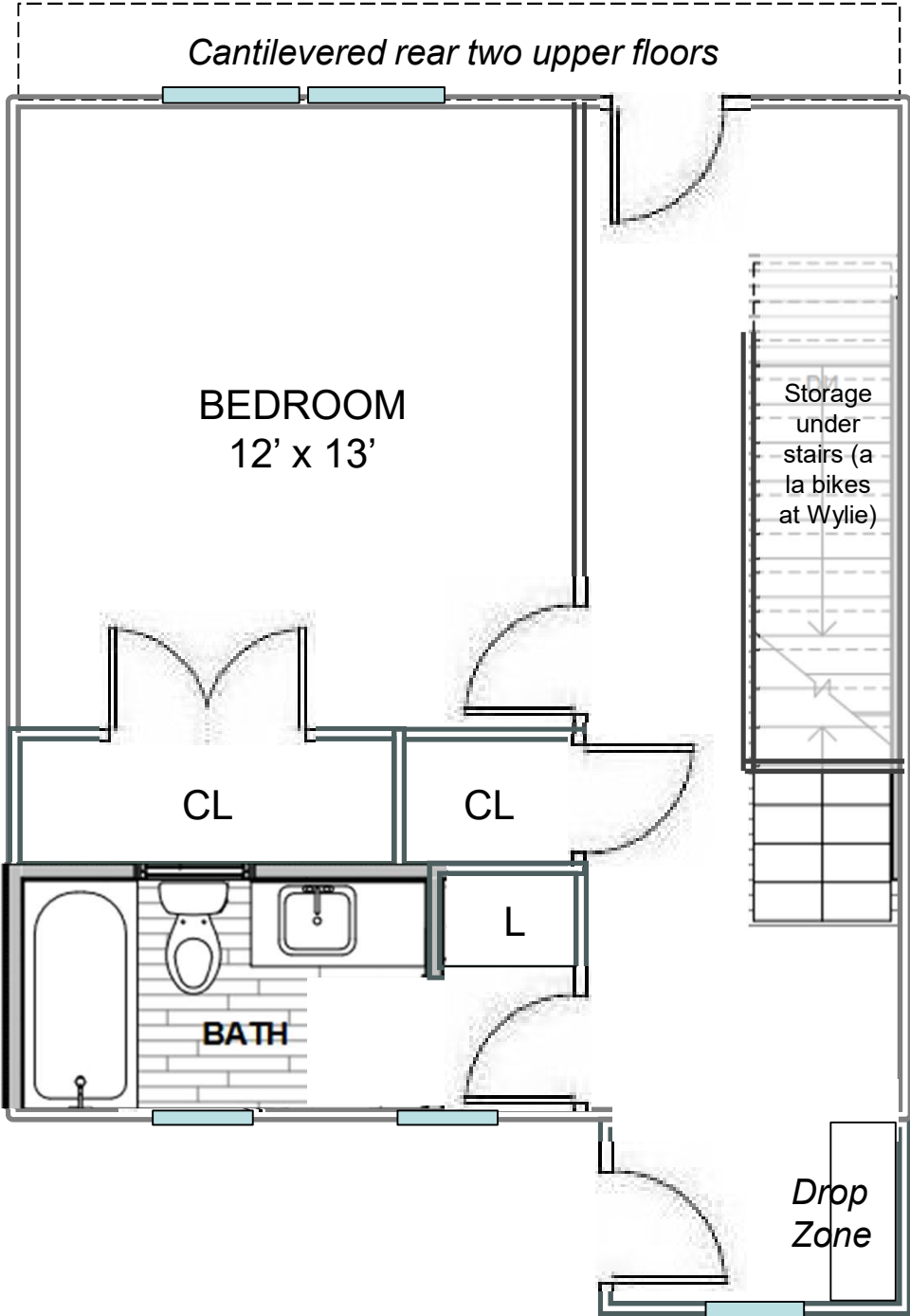
CHEROKEE ST FRONT FOUR
GROUND FLOOR OPTION A – REAR BEDROOM

SLAB OR BASEMENT
VERSION COMPATIBLE

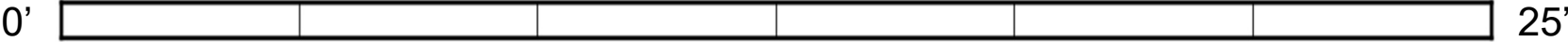
19' x 21' Footprint
19' x 23' Cantilevered
Floors
Front Foyer and Rear
Deck extensions

APPROX 1,200
HEATED SF

Four (4) that front
Cherokee St



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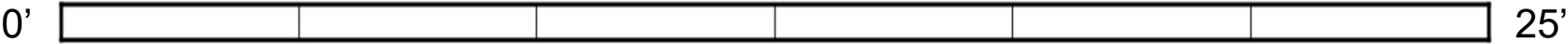
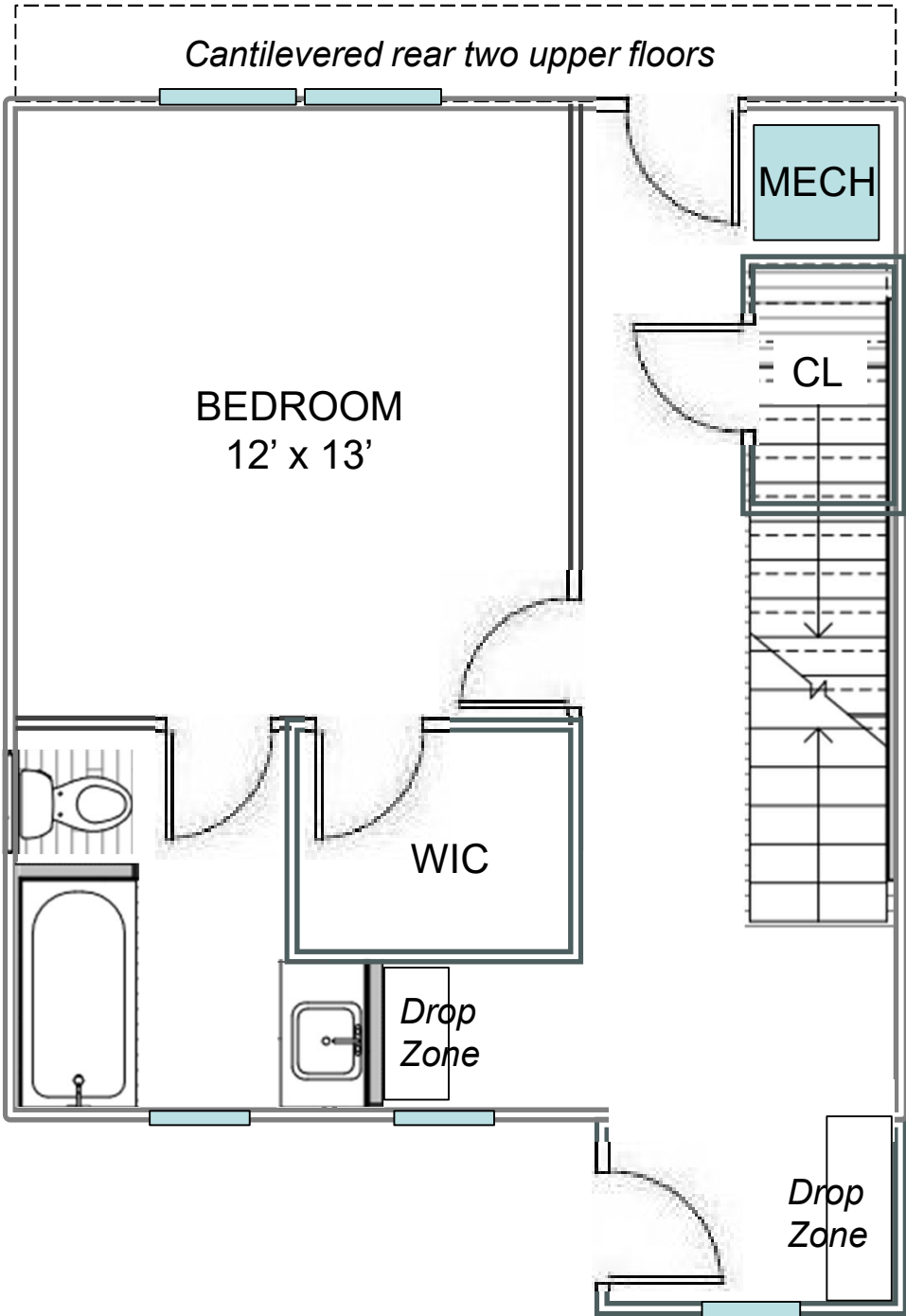
CHEROKEE ST FRONT FOUR
GROUND FLOOR OPTION B1 – REAR BEDROOM

SLAB OR BASEMENT
VERSION COMPATIBLE

19' x 21' Footprint
19' x 23' Cantilevered
Floors
Front Foyer and Rear
Deck extensions

APPROX 1,200
HEATED SF

Four (4) that front
Cherokee St



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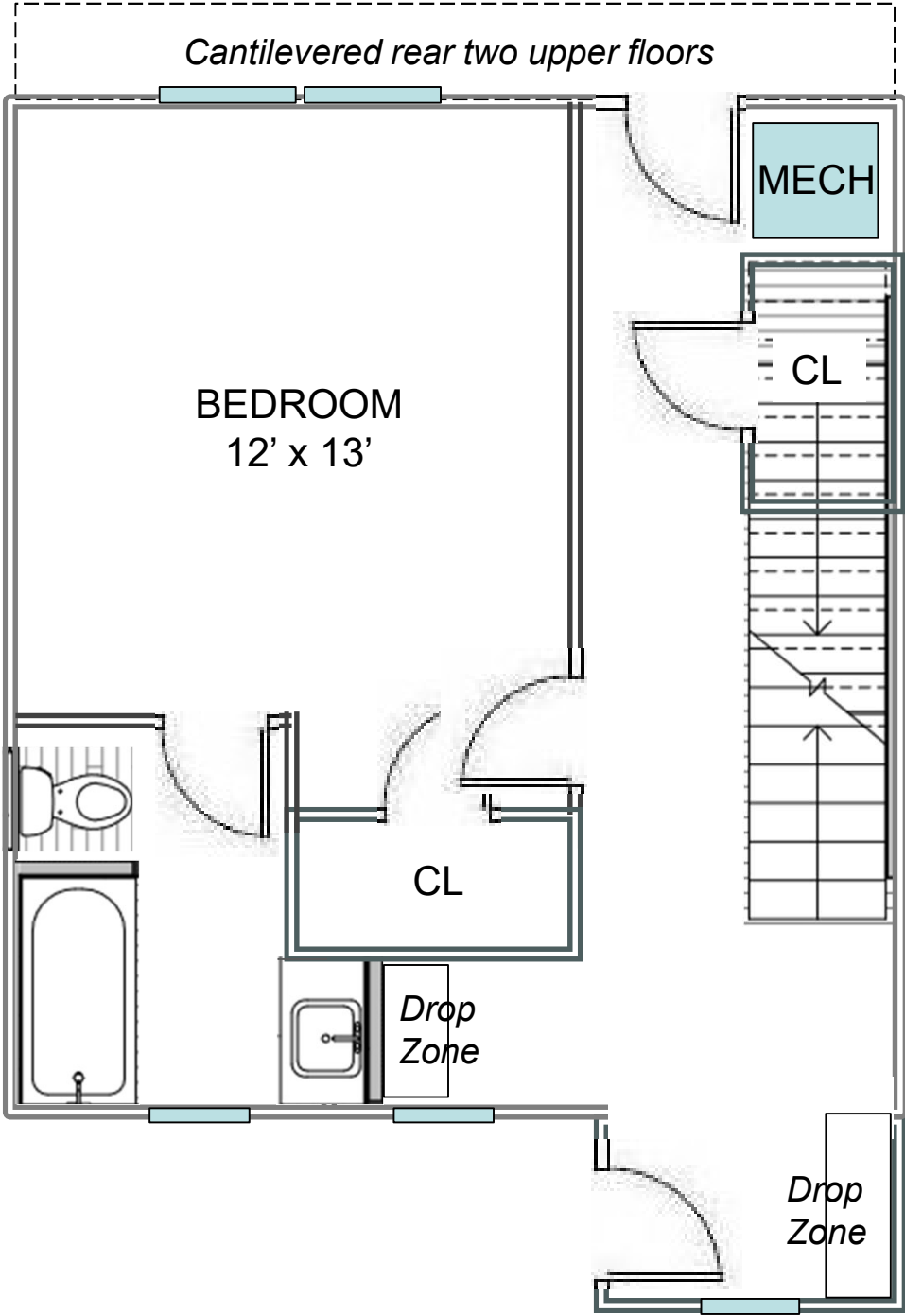
CHEROKEE ST FRONT FOUR
GROUND FLOOR OPTION B2 – REAR BEDROOM

SLAB OR BASEMENT
VERSION COMPATIBLE

19' x 21' Footprint
19' x 23' Cantilevered
Floors
Front Foyer and Rear
Deck extensions

APPROX 1,200
HEATED SF

Four (4) that front
Cherokee St



0' 25'

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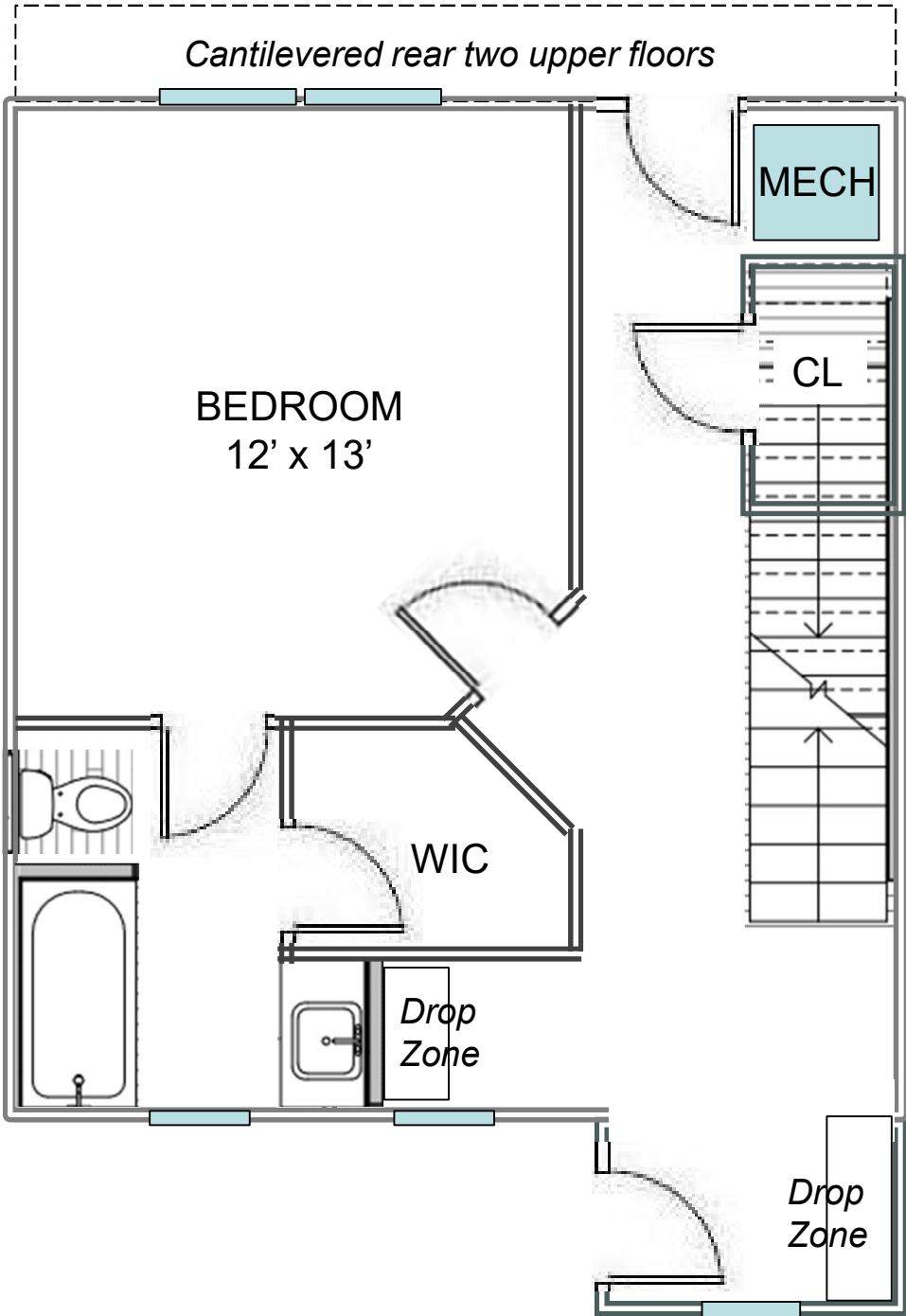
CHEROKEE ST FRONT FOUR
GROUND FLOOR OPTION B3 – REAR BEDROOM

SLAB OR BASEMENT
VERSION COMPATIBLE

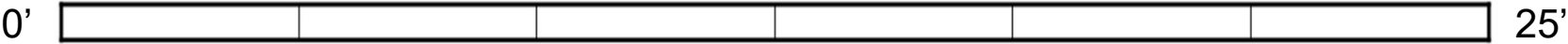
19' x 21' Footprint
19' x 23' Cantilevered
Floors
Front Foyer and Rear
Deck extensions

APPROX 1,200
HEATED SF

Four (4) that front
Cherokee St



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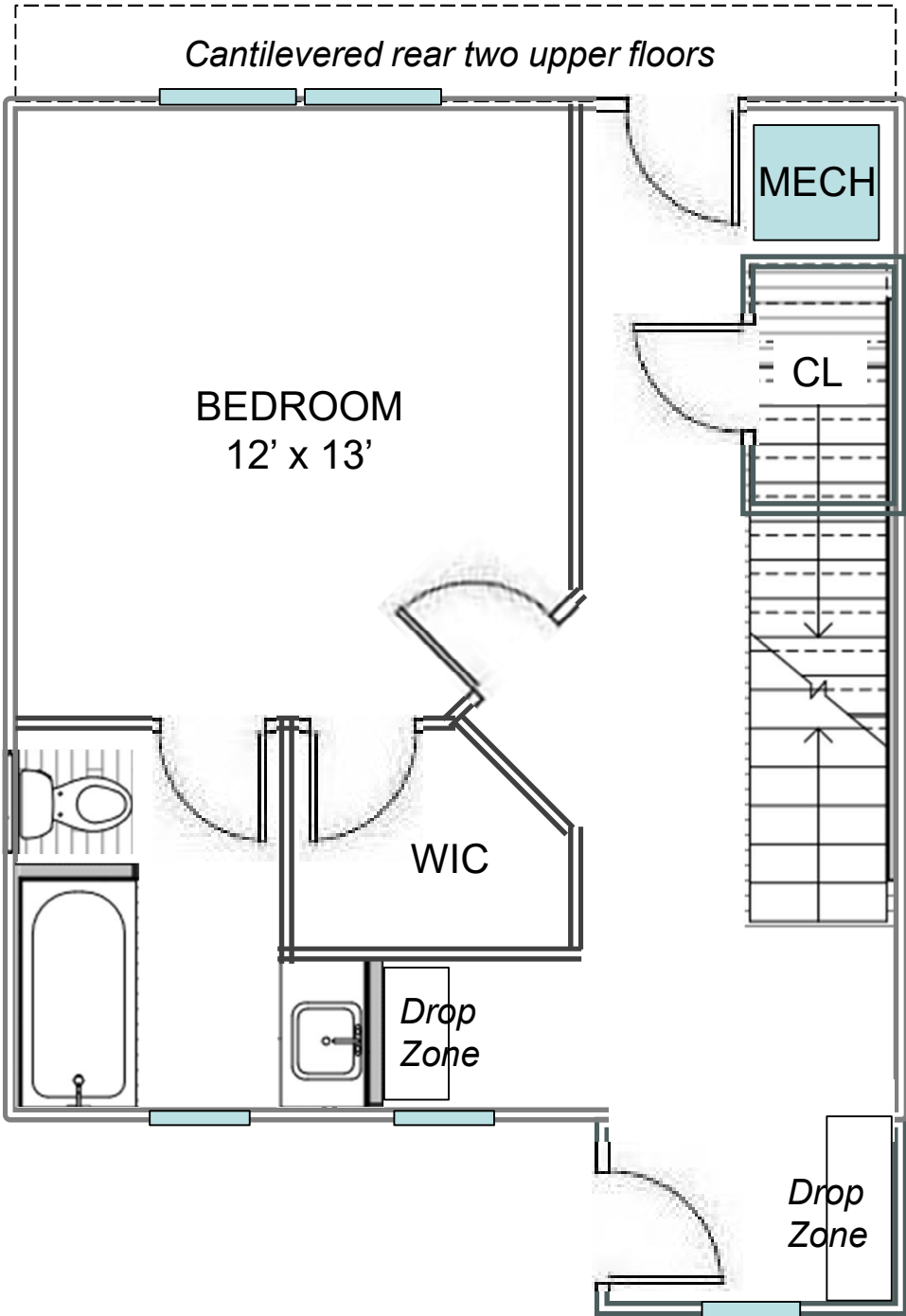
CHEROKEE ST FRONT FOUR
GROUND FLOOR OPTION B4 – REAR BEDROOM

SLAB OR BASEMENT
VERSION COMPATIBLE

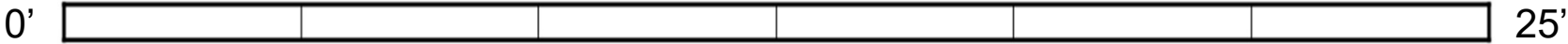
19' x 21' Footprint
19' x 23' Cantilevered
Floors
Front Foyer and Rear
Deck extensions

APPROX 1,200
HEATED SF

Four (4) that front
Cherokee St



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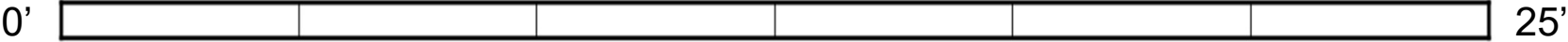
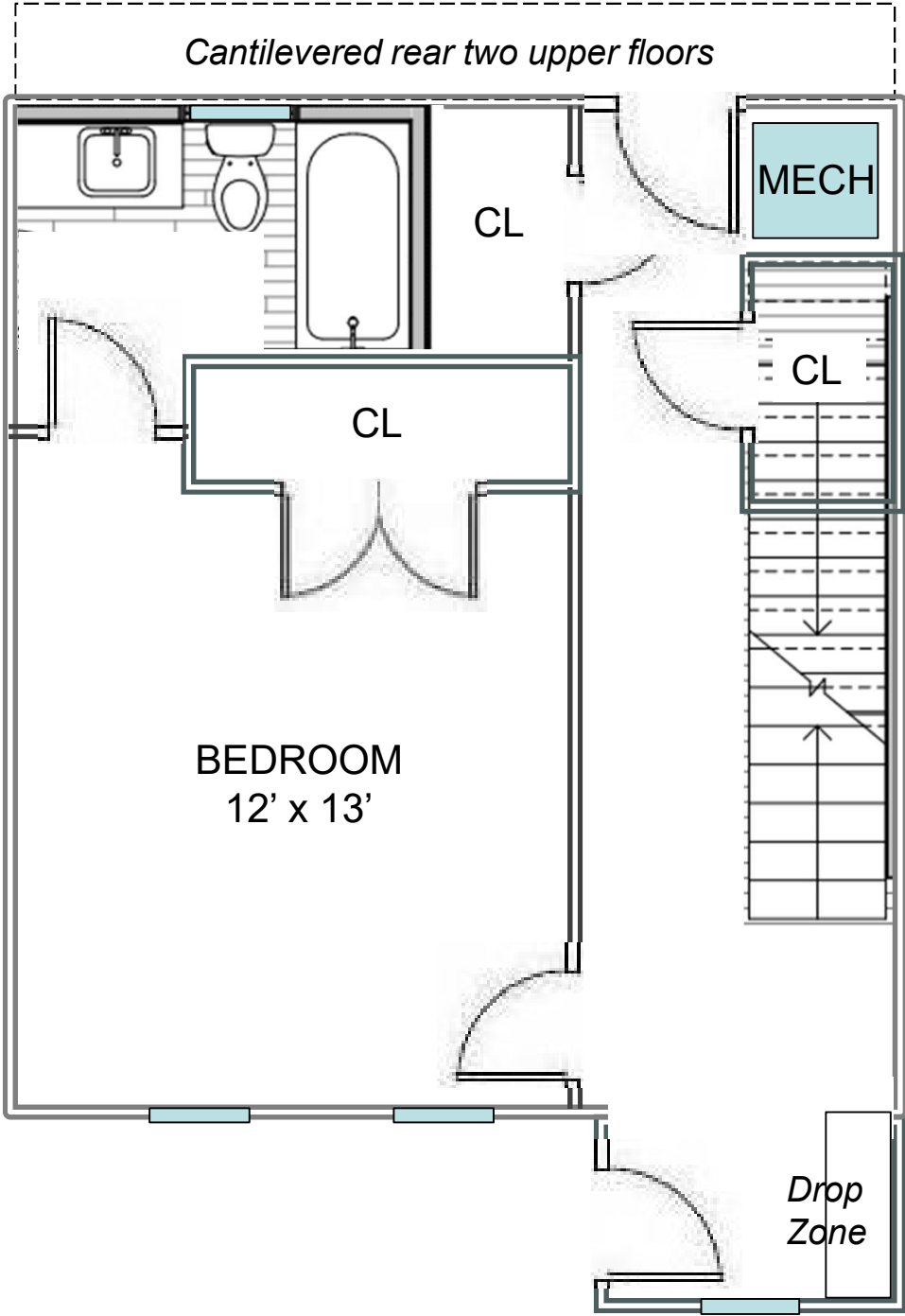
CHEROKEE ST FRONT FOUR
GROUND FLOOR OPTION C – FRONT BEDROOM

SLAB OR BASEMENT
VERSION COMPATIBLE

19' x 21' Footprint
19' x 23' Cantilevered
Floors
Front Foyer and Rear
Deck extensions

APPROX 1,200
HEATED SF

Four (4) that front
Cherokee St



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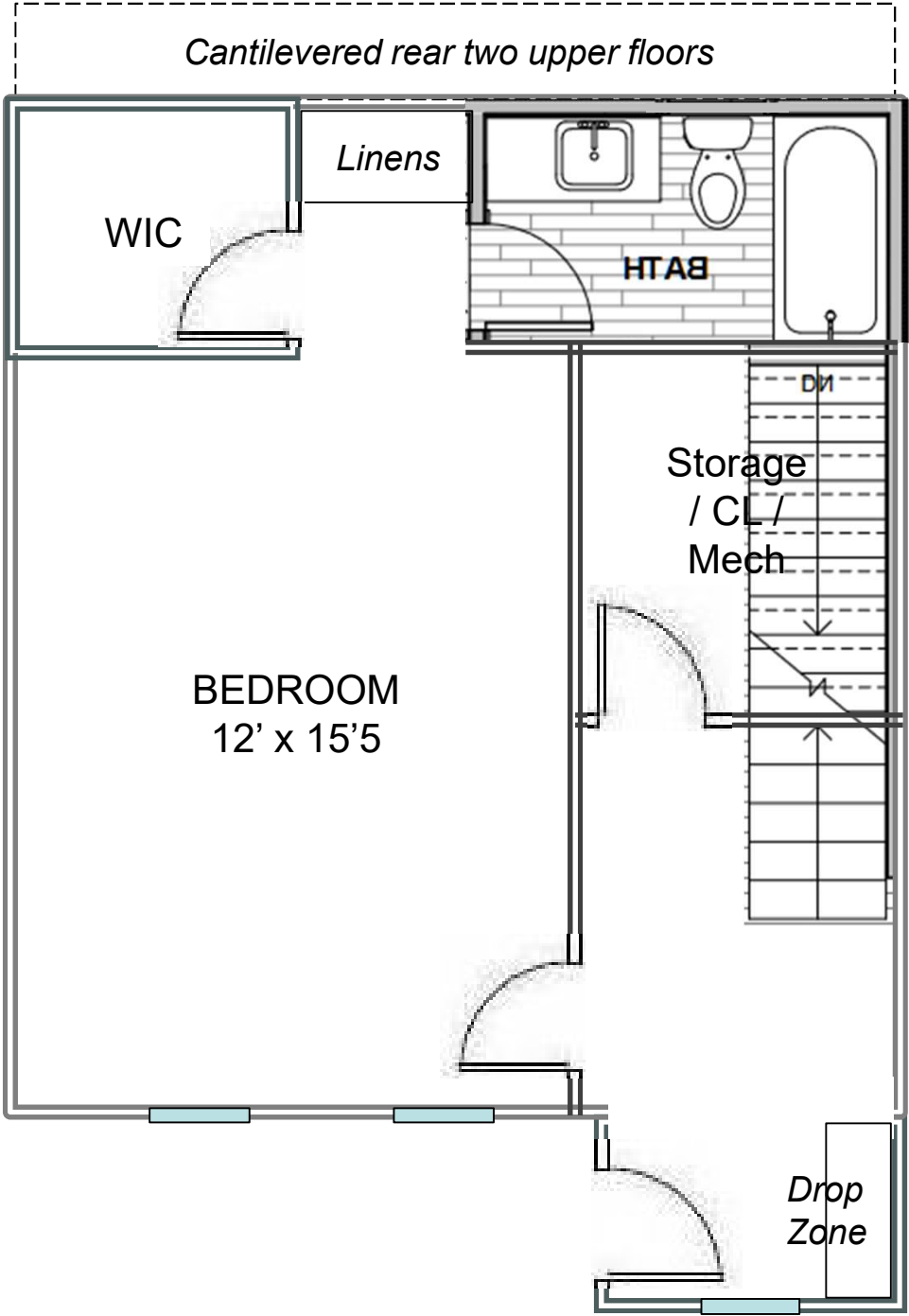


GREENWAY REAR FOUR
GROUND FLOOR – FRONT BEDROOM

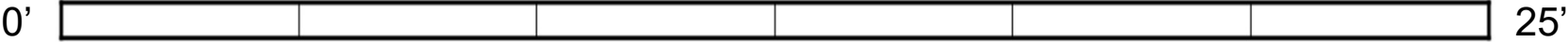
SLAB OR BASEMENT
VERSION COMPATIBLE

19' x 21' Footprint
19' x 23' Cantilevered
Floors
Front Foyer and Rear
Deck extensions

APPROX 1,200
HEATED SF



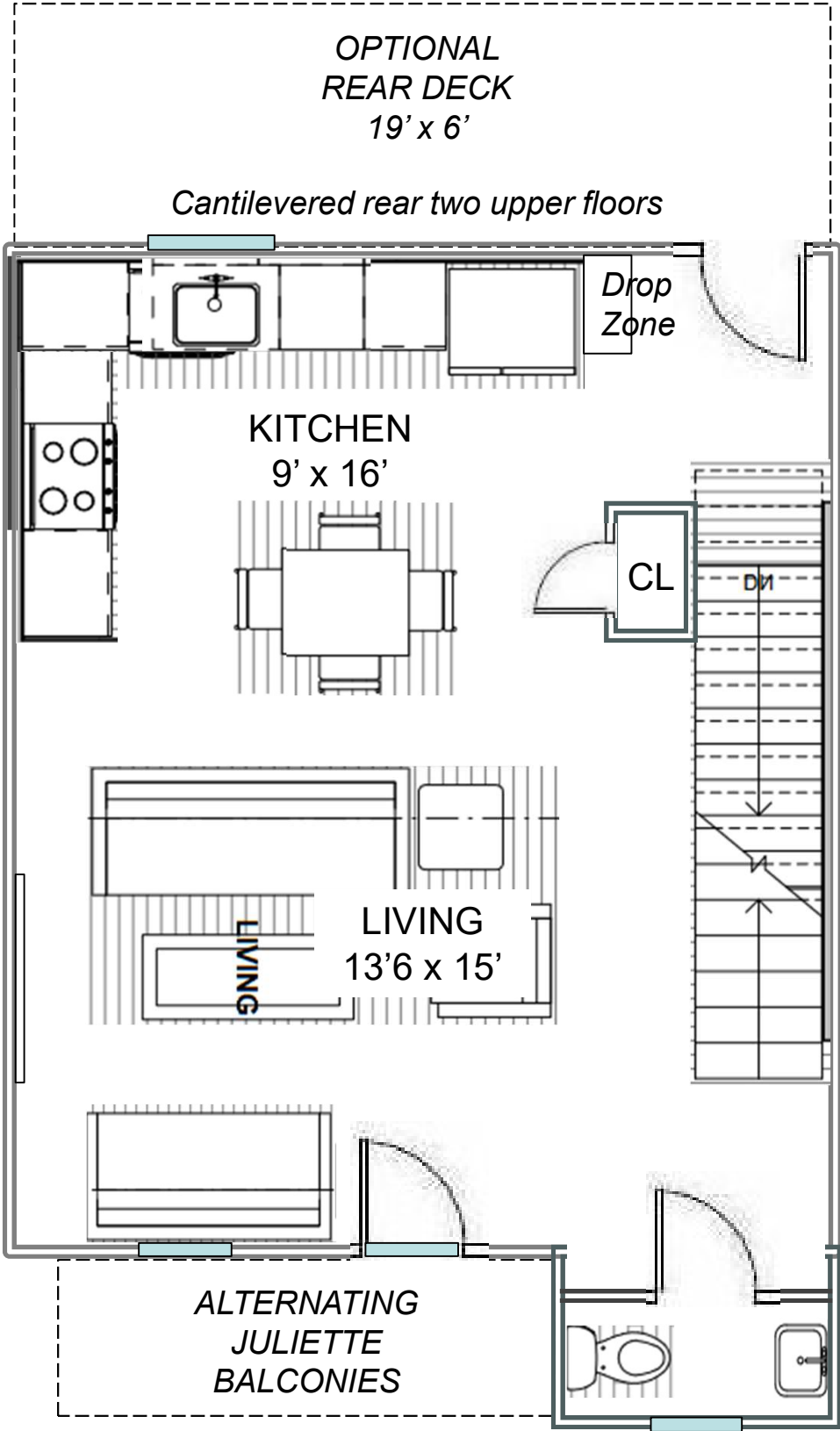
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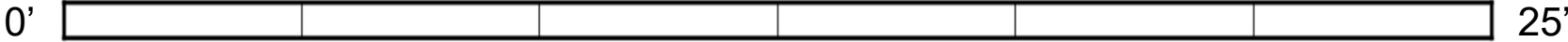
SLAB OR BASEMENT
VERSION COMPATIBLE

19' x 21' Footprint
19' x 23' Cantilevered
Floors
Front Foyer and Rear
Deck extensions

APPROX 1,200
HEATED SF



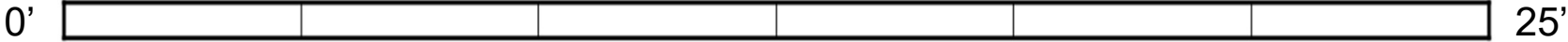
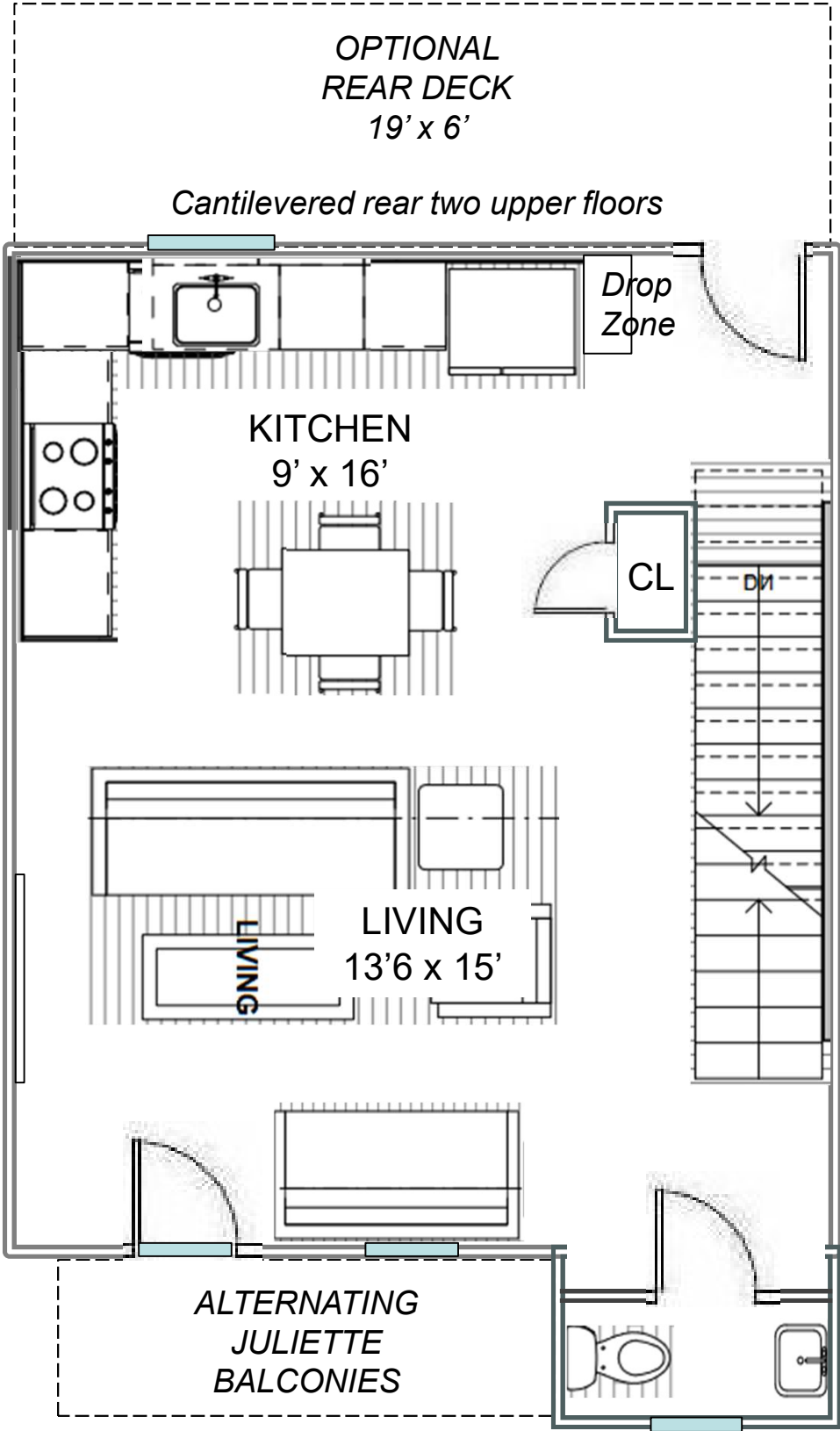
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SLAB OR BASEMENT
VERSION COMPATIBLE

19' x 21' Footprint
19' x 23' Cantilevered
Floors
Front Foyer and Rear
Deck extensions

APPROX 1,200
HEATED SF



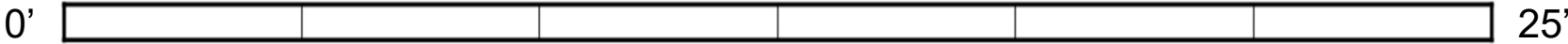
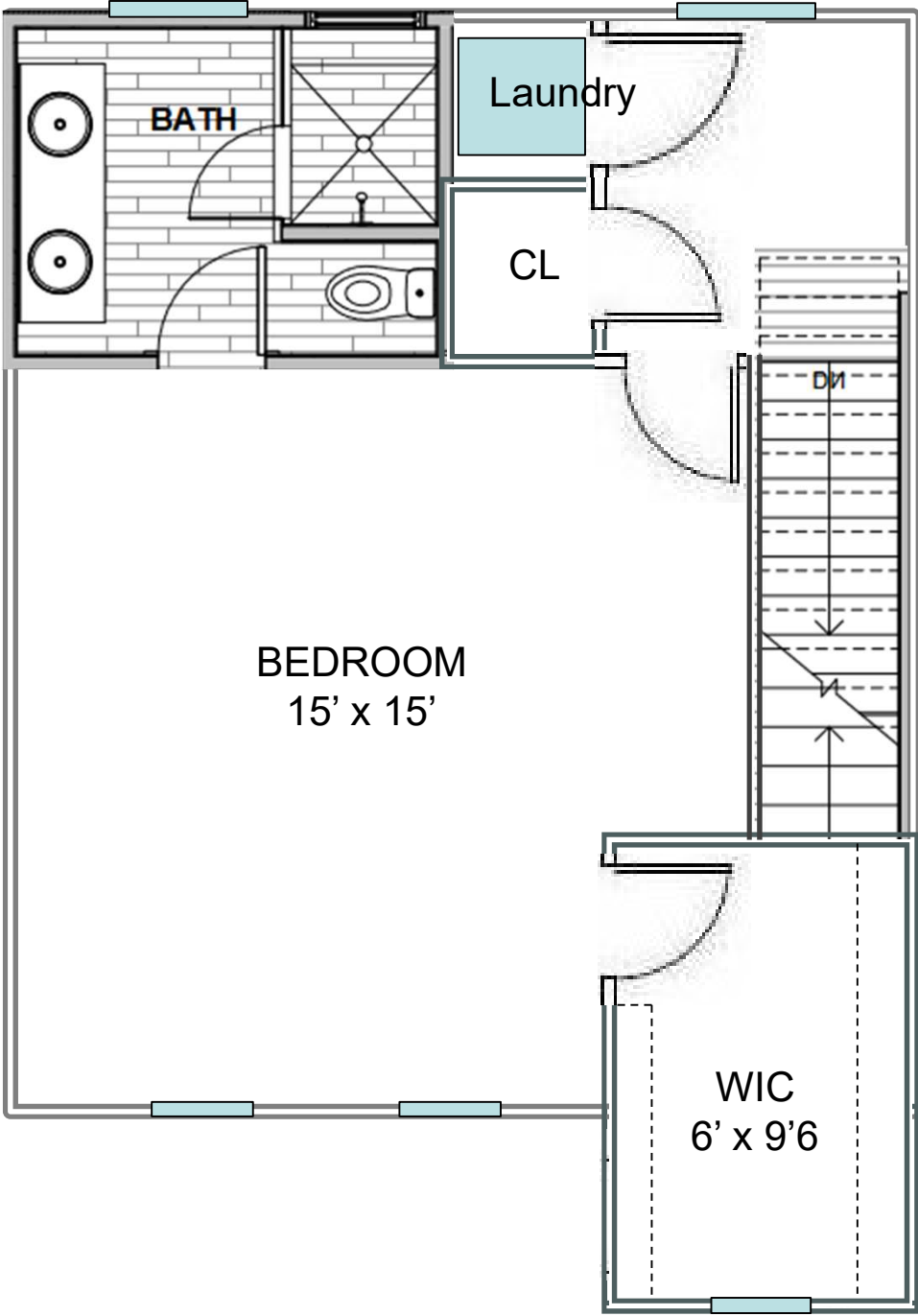
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SLAB OR BASEMENT
VERSION COMPATIBLE

19' x 21' Footprint
19' x 23' Cantilevered
Floors
Front Foyer and Rear
Deck extensions

APPROX 1,200
HEATED SF



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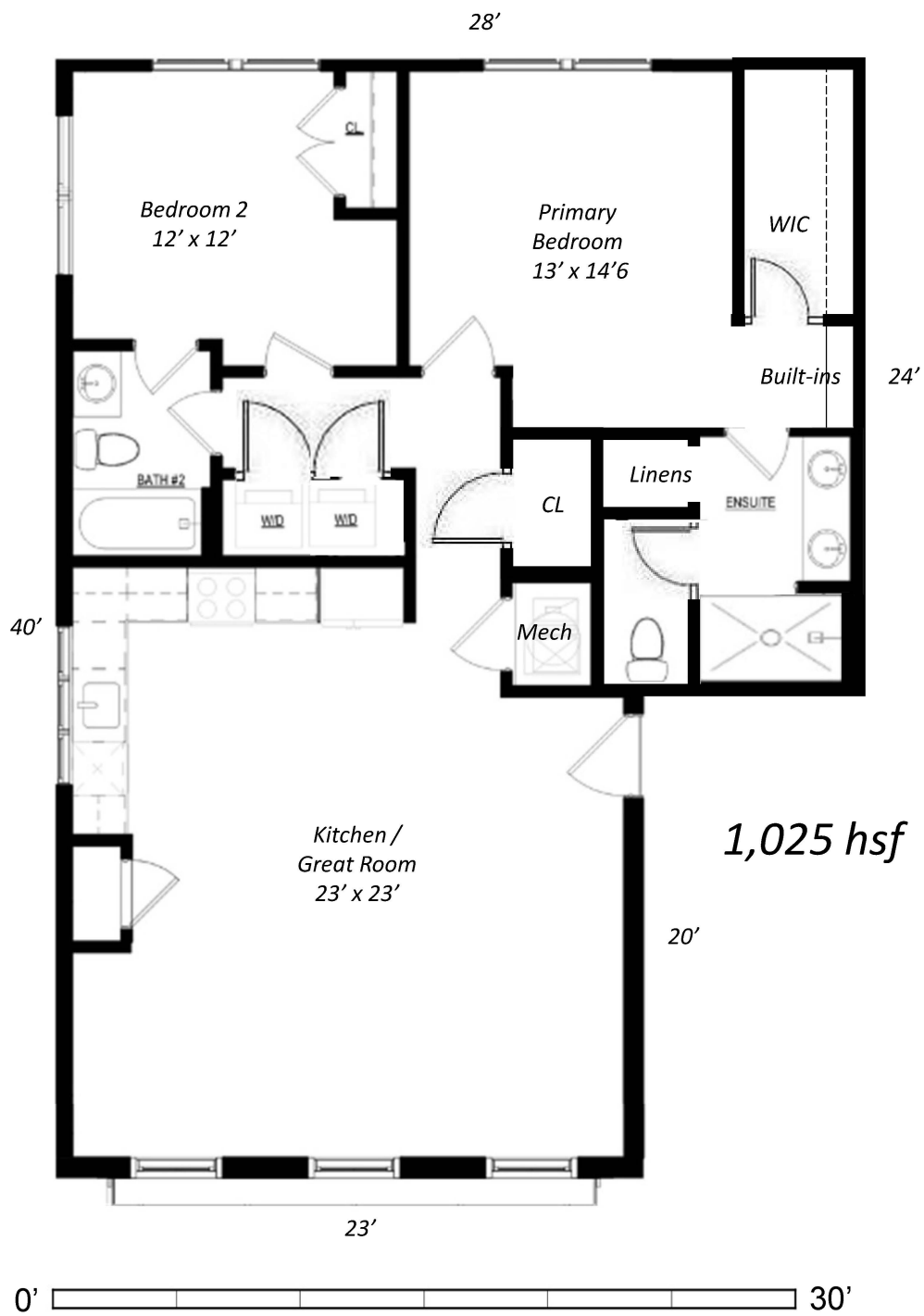




REAR
CANTILEVER



REAR
CANTILEVER



Kennesaw Cherokee St

1,500 SF Townhomes (Double)
3 BR / 3.5 BA



0 ft



80 ft



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SLAB OR BASEMENT
VERSION COMPATIBLE

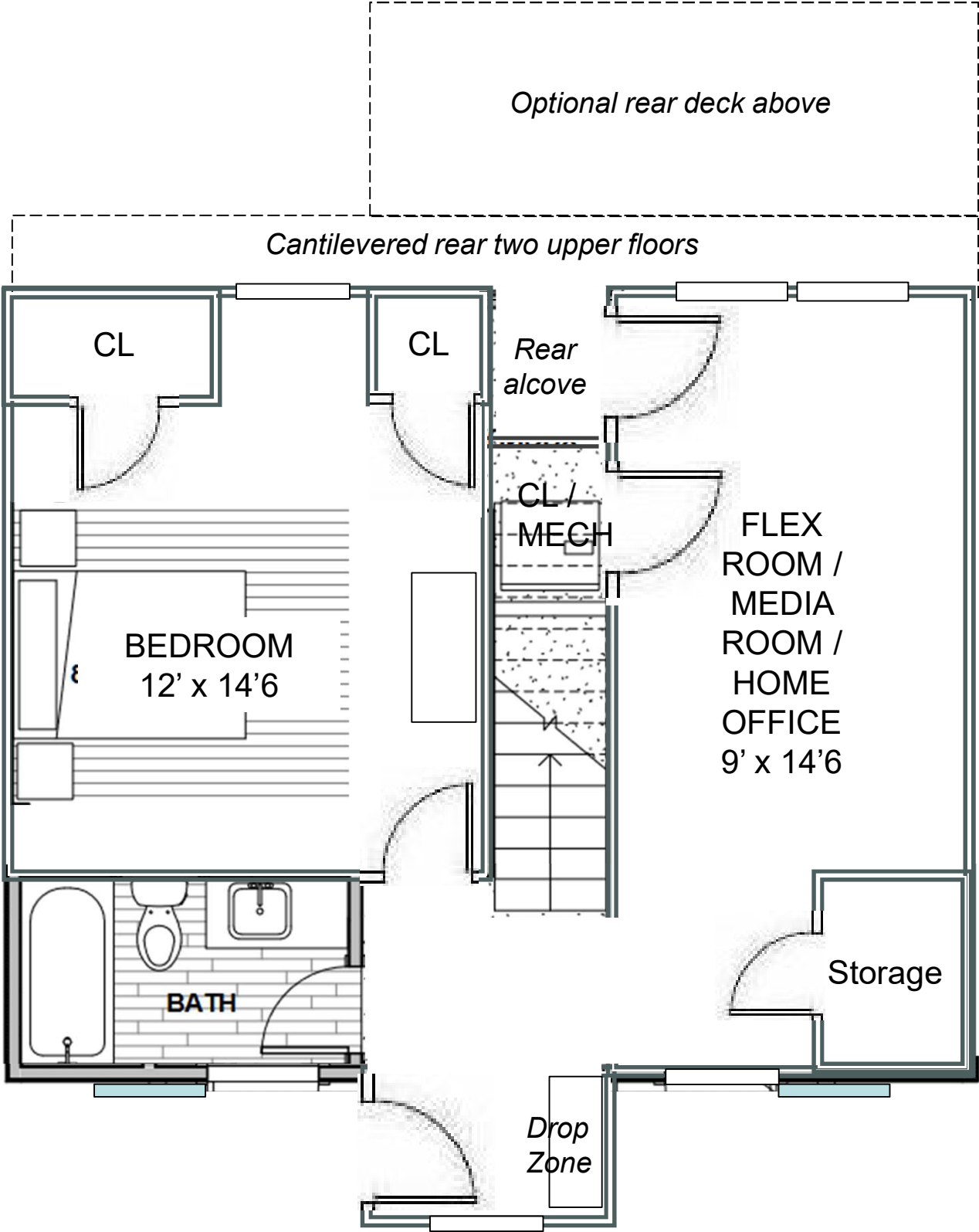
21' x 26' Footprint

23' x 26' Cantilevered
Floors

Front Foyer and Rear
Deck extensions

APPROX 1,500
HEATED SF

BOTTOM FLOOR
SLAB VERSION



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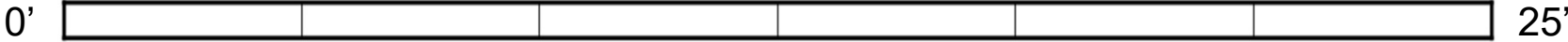
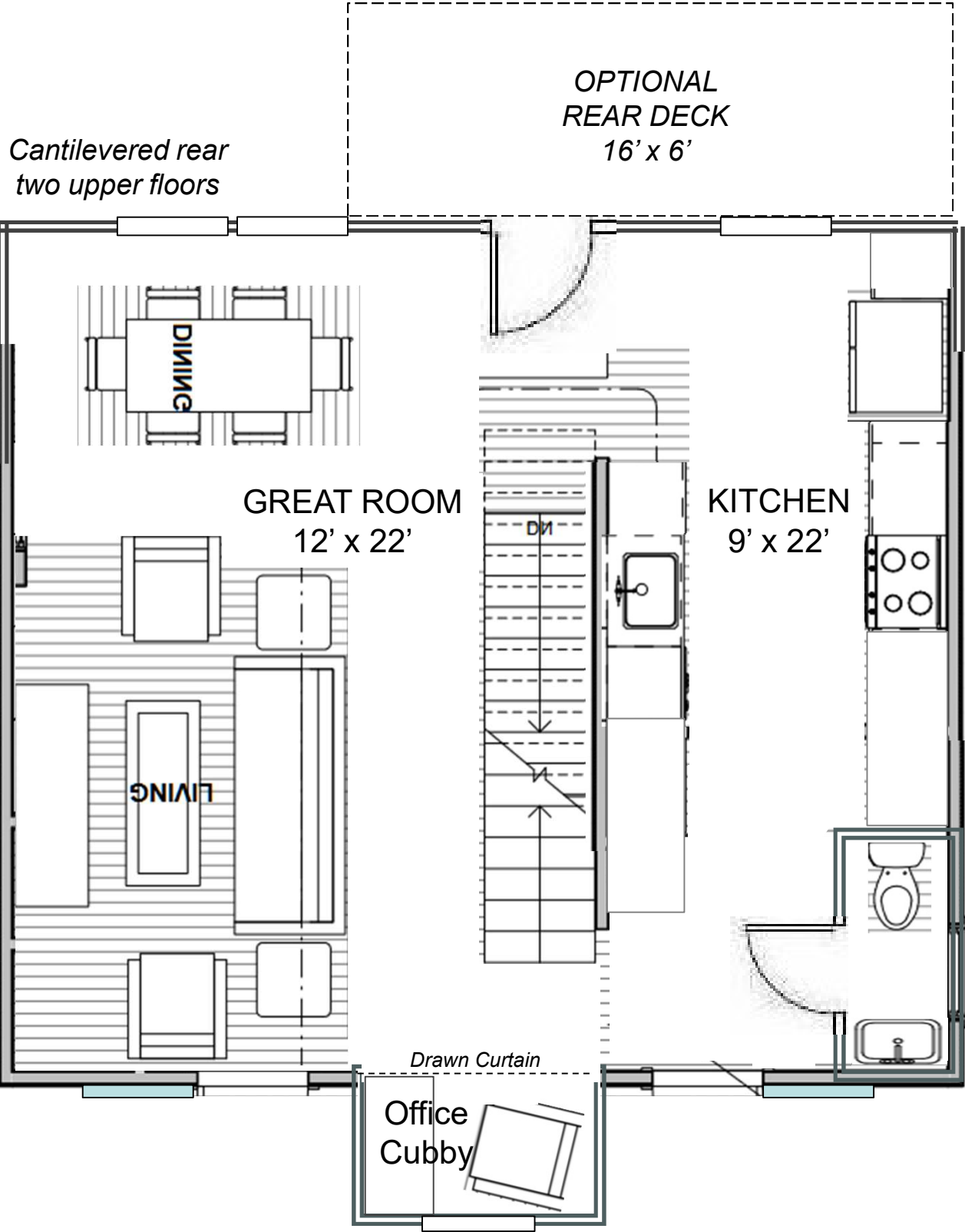


SLAB OR BASEMENT
VERSION COMPATIBLE

21' x 26' Footprint
23' x 26' Cantilevered
Floors
Front Foyer and Rear
Deck extensions

APPROX 1,500
HEATED SF

MIDDLE FLOOR
SLAB VERSION



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404-304-0439 or at jscheidt@gmail.com.

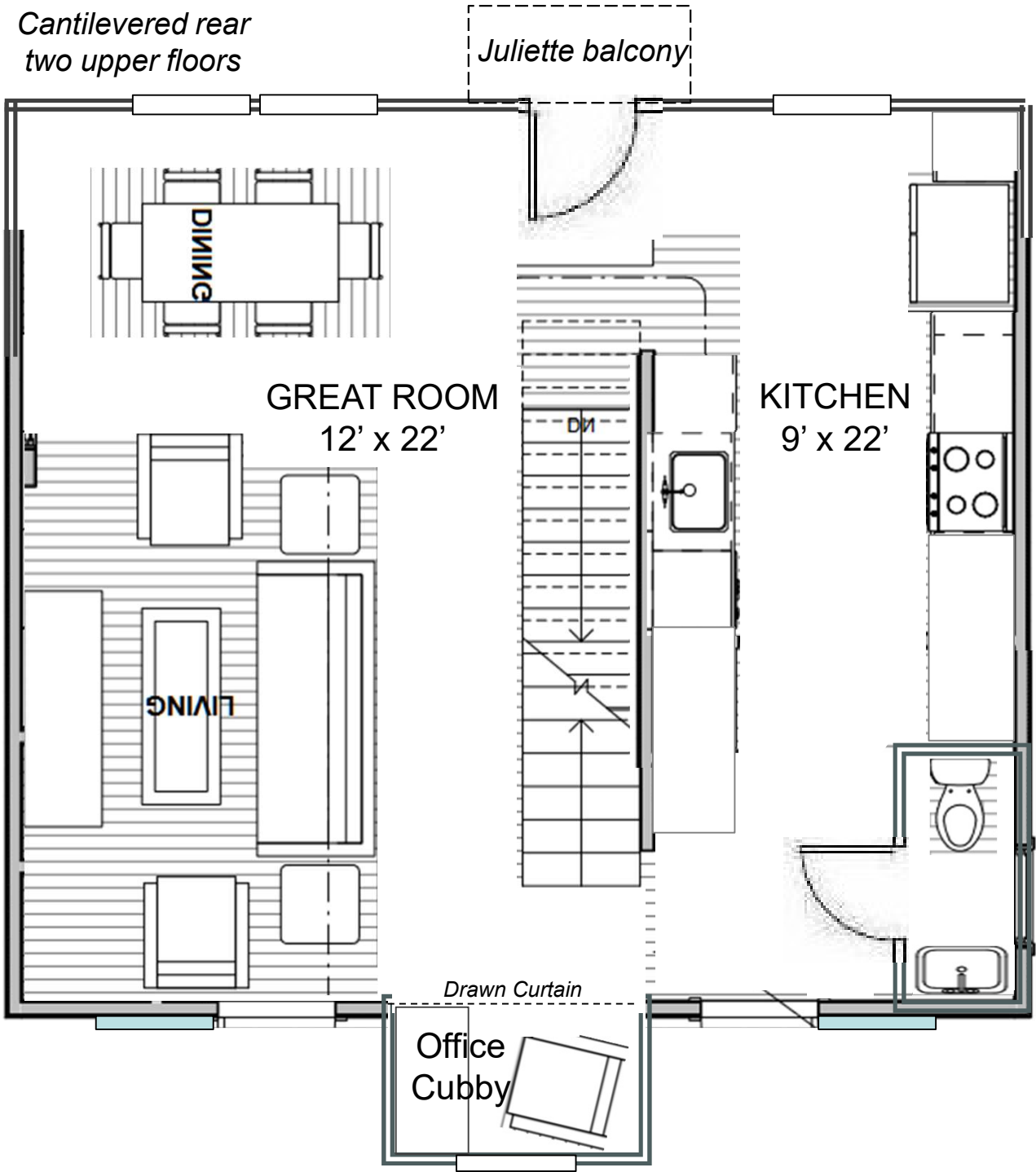


SLAB OR BASEMENT
VERSION COMPATIBLE

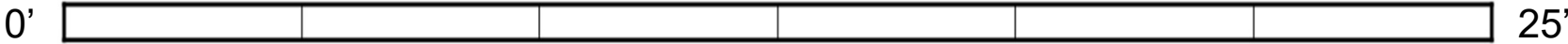
21' x 26' Footprint
23' x 26' Cantilevered
Floors
Front Foyer and Rear
Deck extensions

APPROX 1,500
HEATED SF

MIDDLE FLOOR
SLAB VERSION



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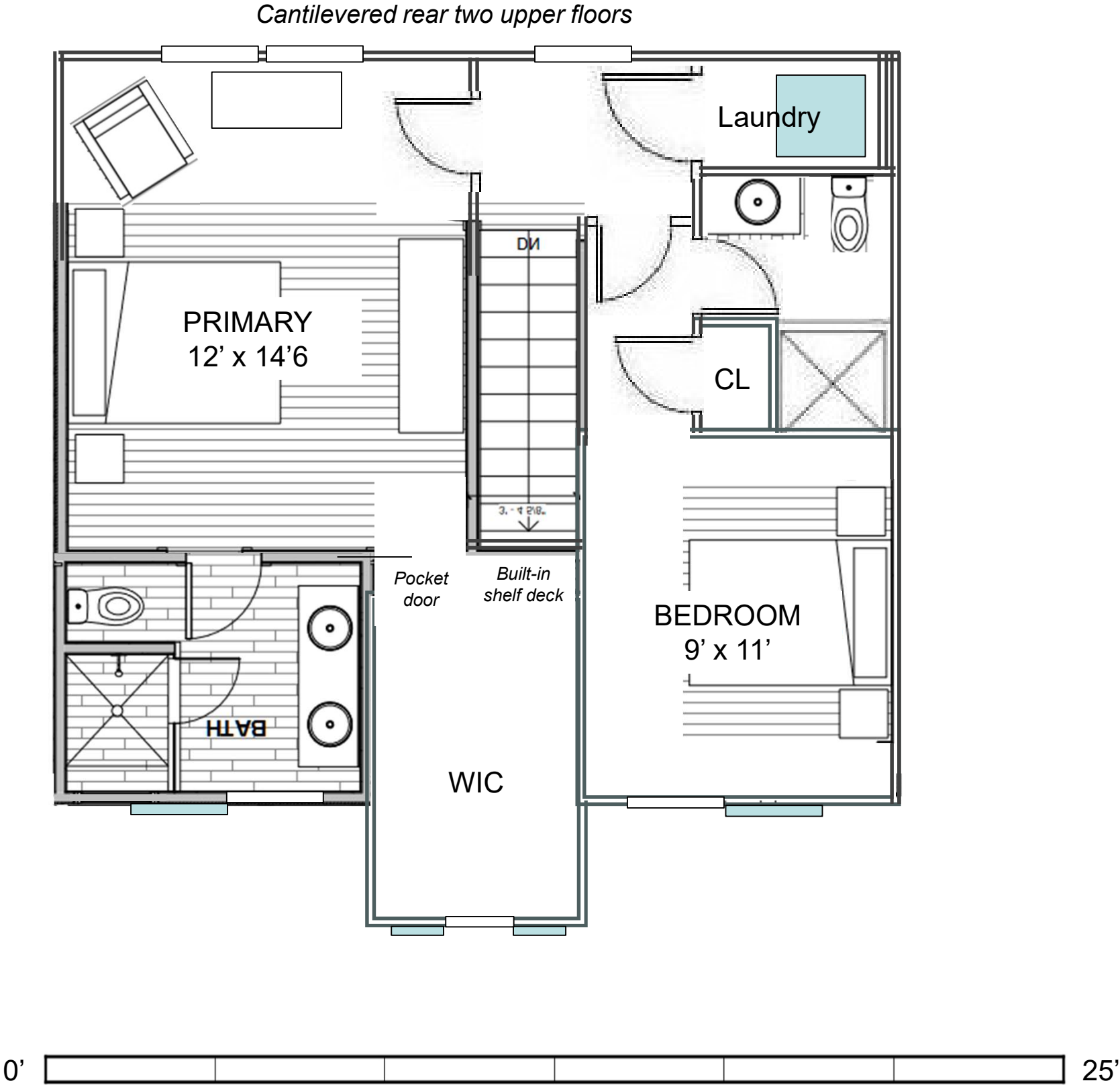


SLAB OR BASEMENT
VERSION COMPATIBLE

21' x 26' Footprint
23' x 26' Cantilevered
Floors
Front Foyer and Rear
Deck extensions

APPROX 1,500
HEATED SF

UPPER FLOOR
SLAB VERSION



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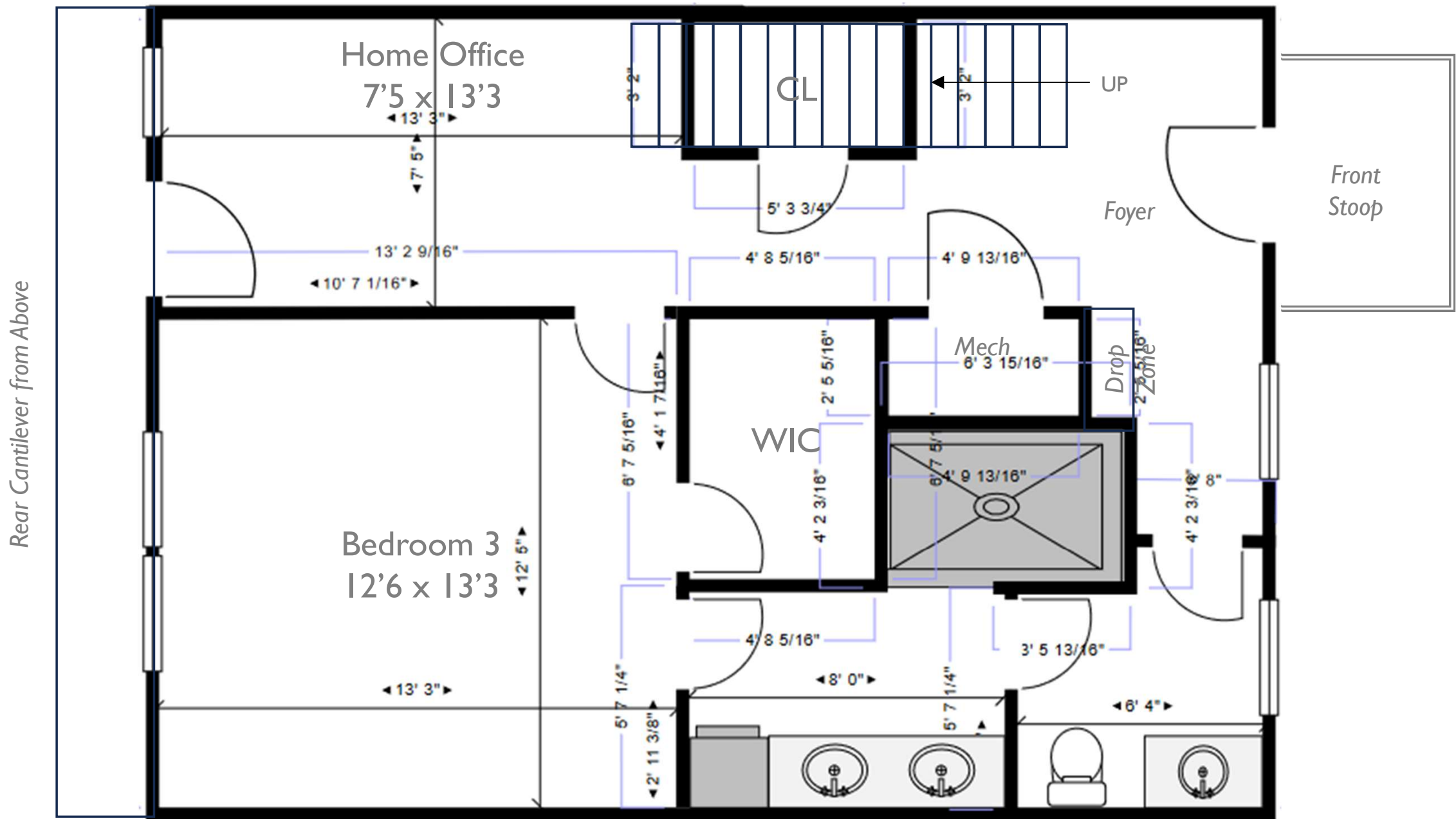
Kennesaw Cherokee St

1,500 SF Townhomes (Triplet)
3 BR / 3 BA



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I,500 SF Plan :: 20' x 28' Townhomes

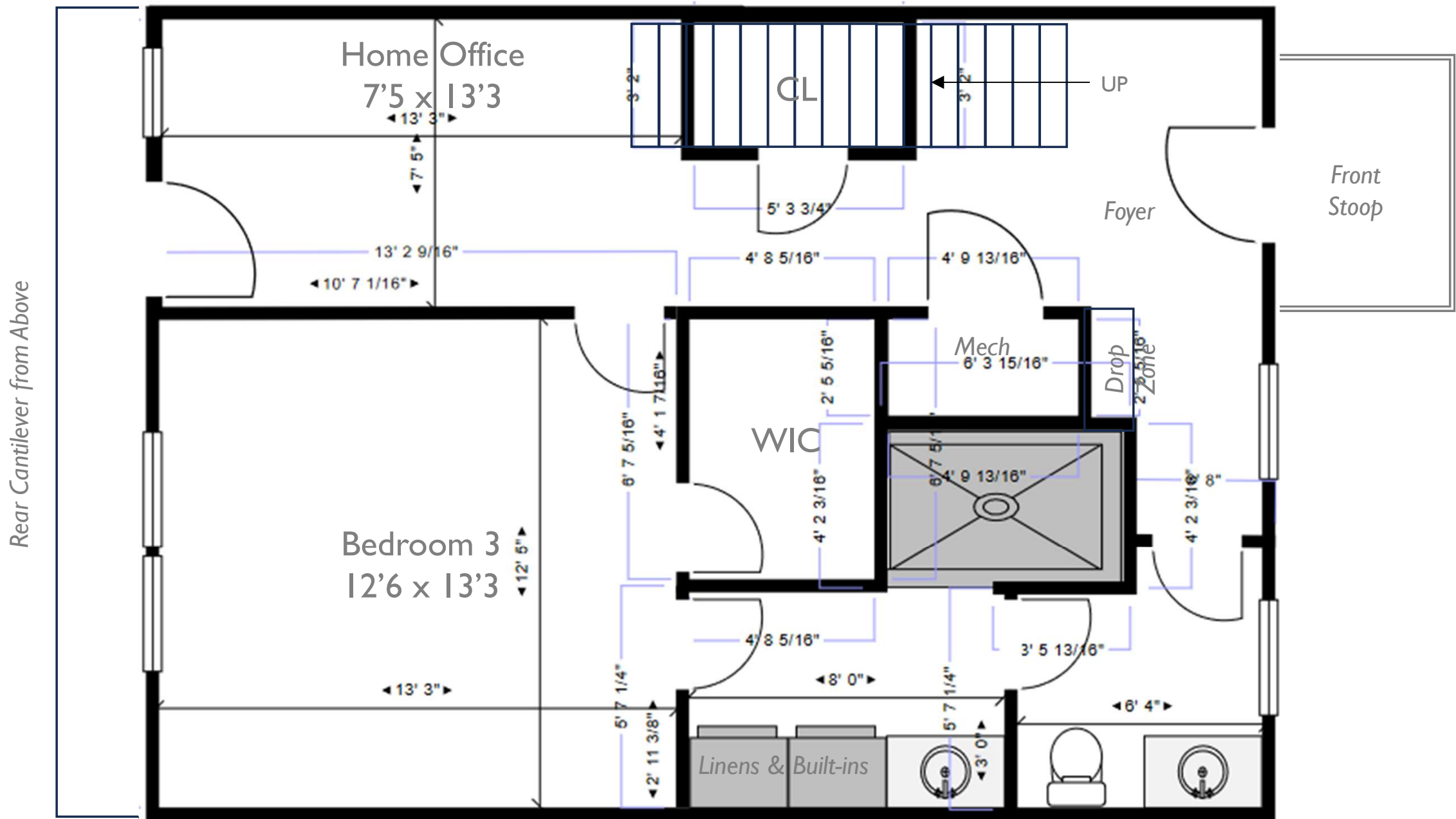


Ground Floor :: Rear Bedroom A

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please contact Jason
Scheidt at 404-304-0439
or at jscheidt@gmail.com.



I,500 SF Plan :: 20' x 28' Townhomes

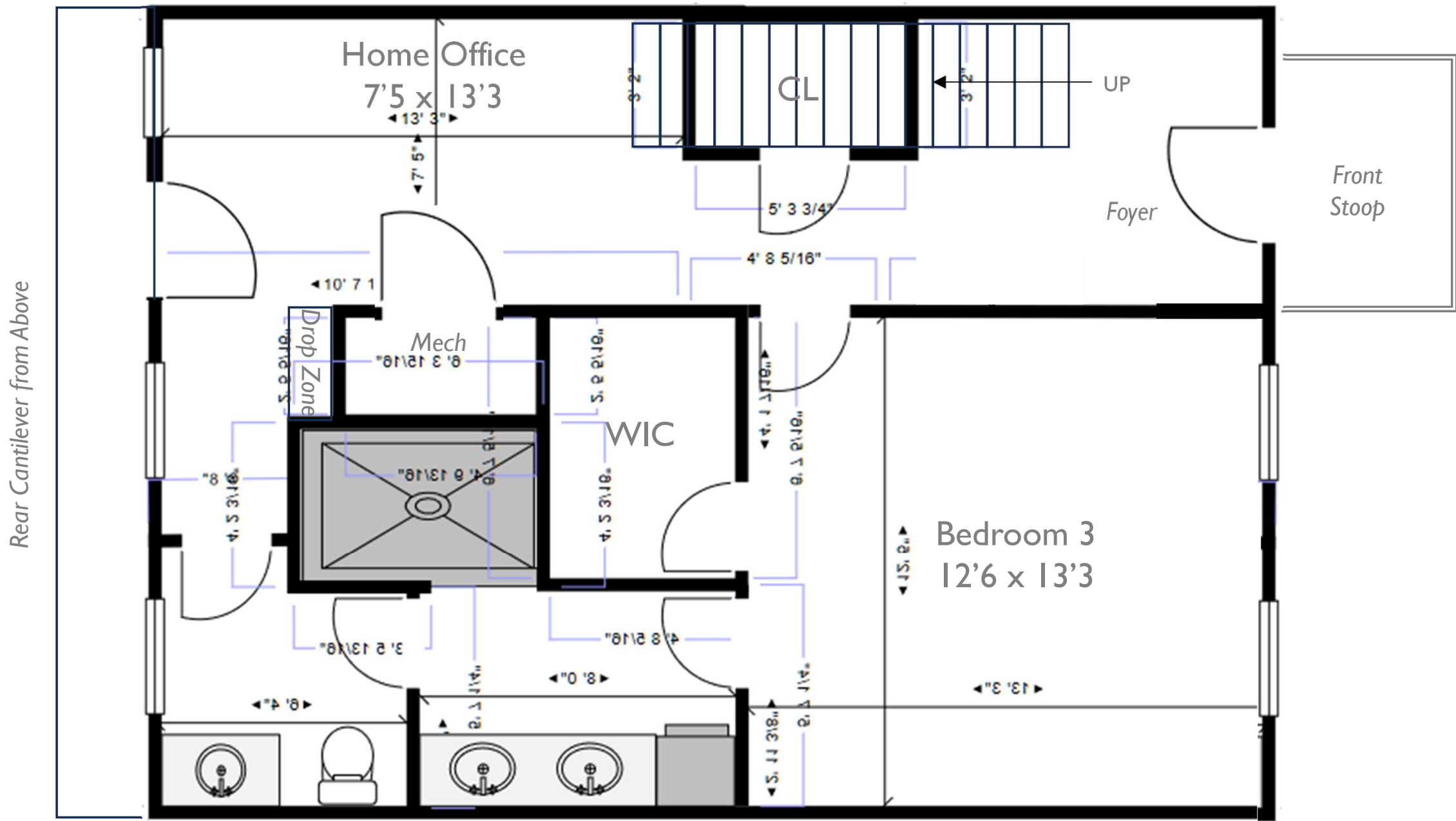


Ground Floor :: Rear Bedroom B

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please contact Jason
Scheidt at 404-304-0439
or at jscheidt@gmail.com.



I,500 SF Plan :: 20' x 28' Townhomes

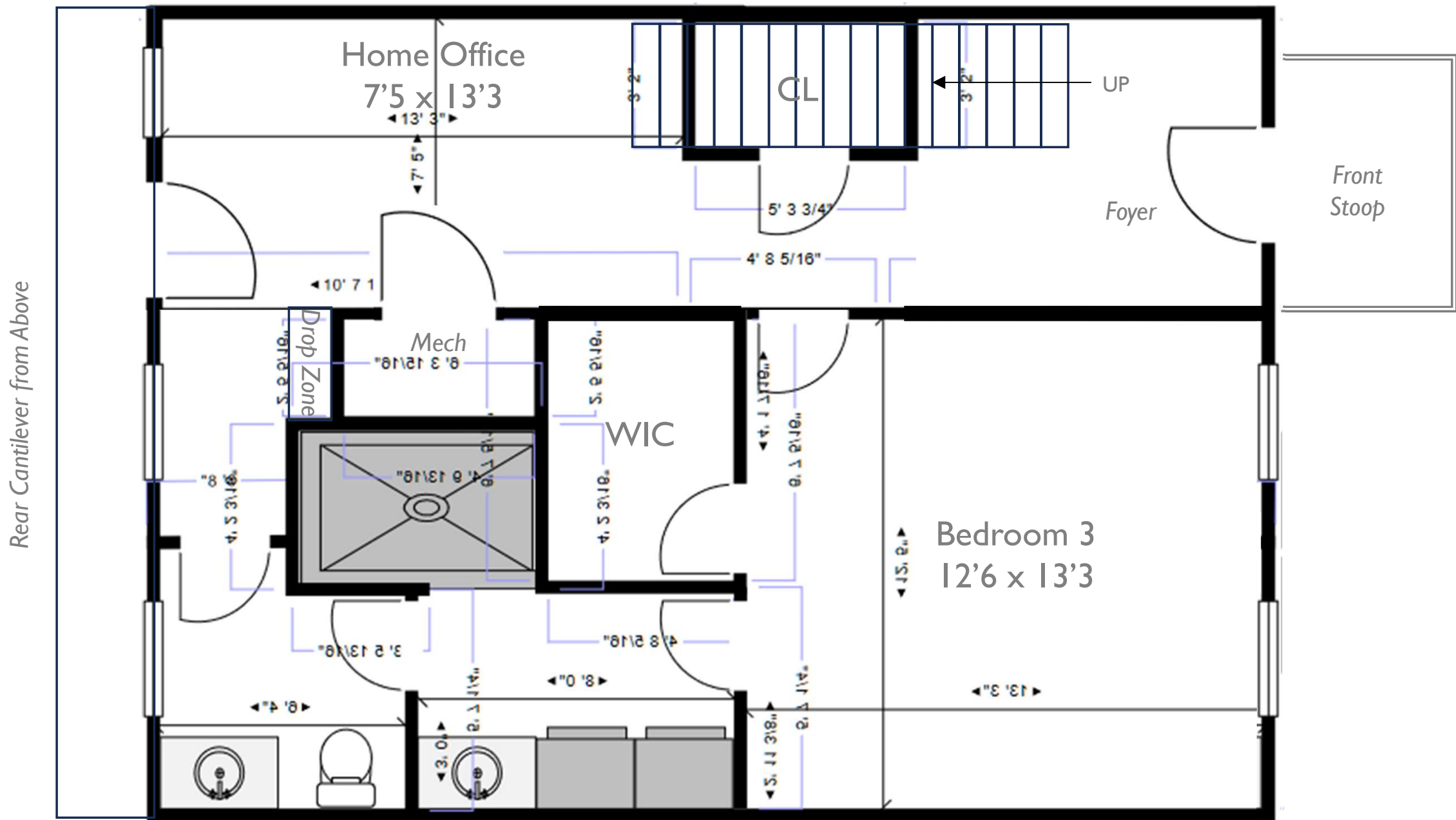


Ground Floor :: Front Bedroom A

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engineering reviews and
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please contact Jason
Scheidt at 404-304-0439
or at jscheidt@gmail.com.



I,500 SF Plan :: 20' x 28' Townhomes

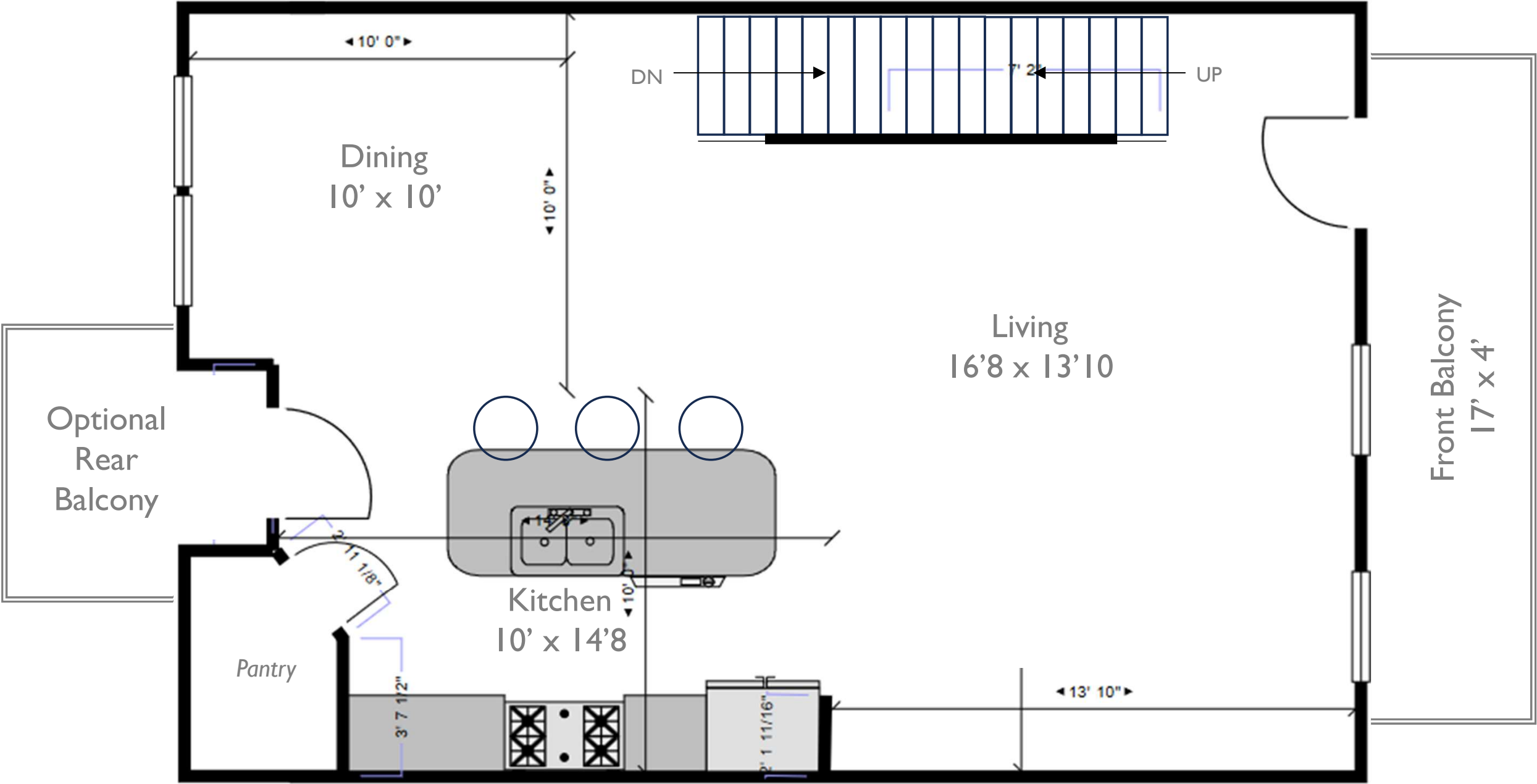


Ground Floor :: Front Bedroom B

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please contact Jason
Scheidt at 404-304-0439
or at jscheidt@gmail.com.



I,500 SF Plan :: 20' x 28' Townhomes

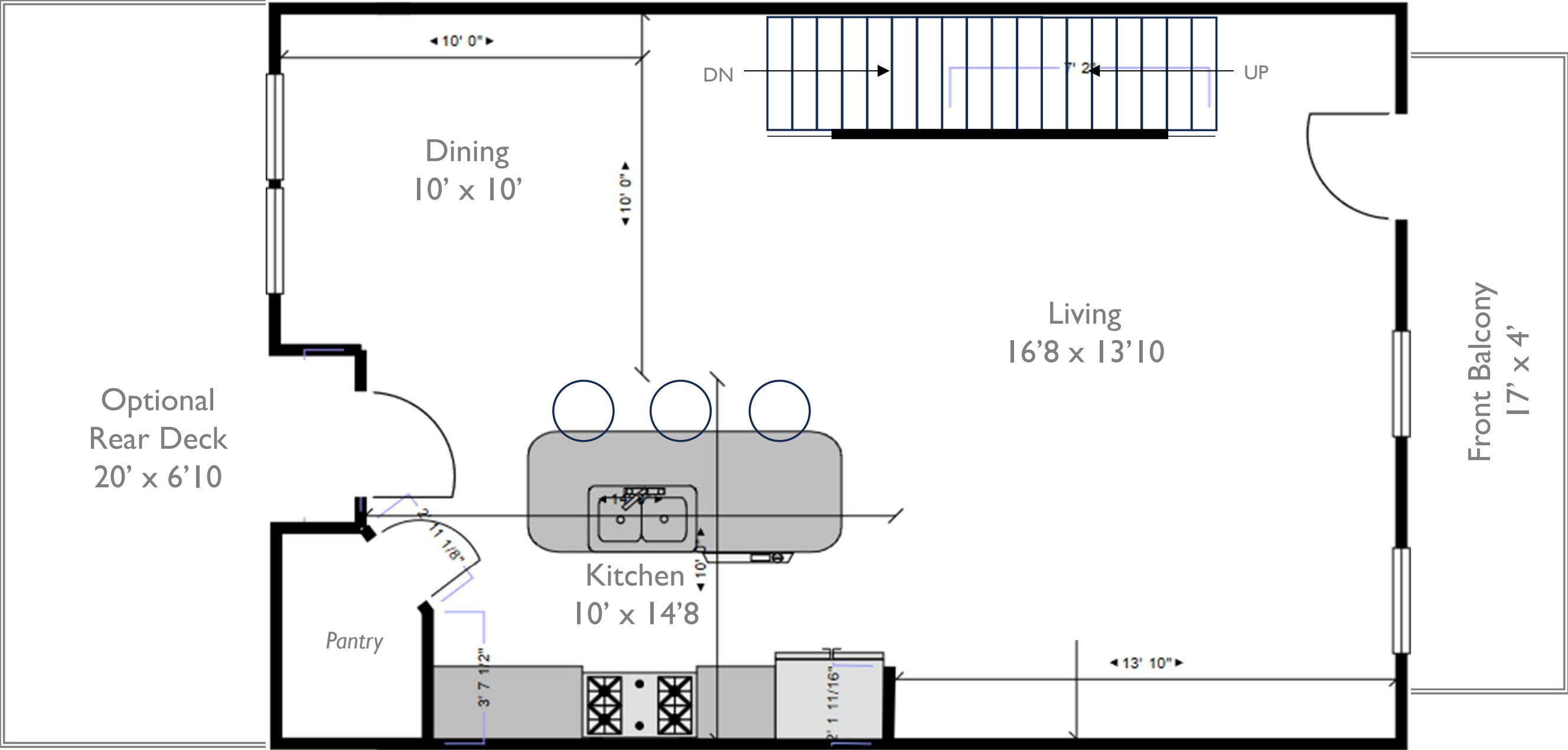


Second Floor A

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Recivilize Properties LLC,
2024. Please note that
this is a Conceptual Plan
only and has been
prepared for conceptual
purposes only; it is
subject to withdrawals,
additions and other
changes as a result of
final architectural and
engineering reviews and
approvals. For more info,
please contact Jason
Scheidt at 404-304-0439
or at jscheidt@gmail.com.



I,500 SF Plan :: 20' x 28' Townhomes

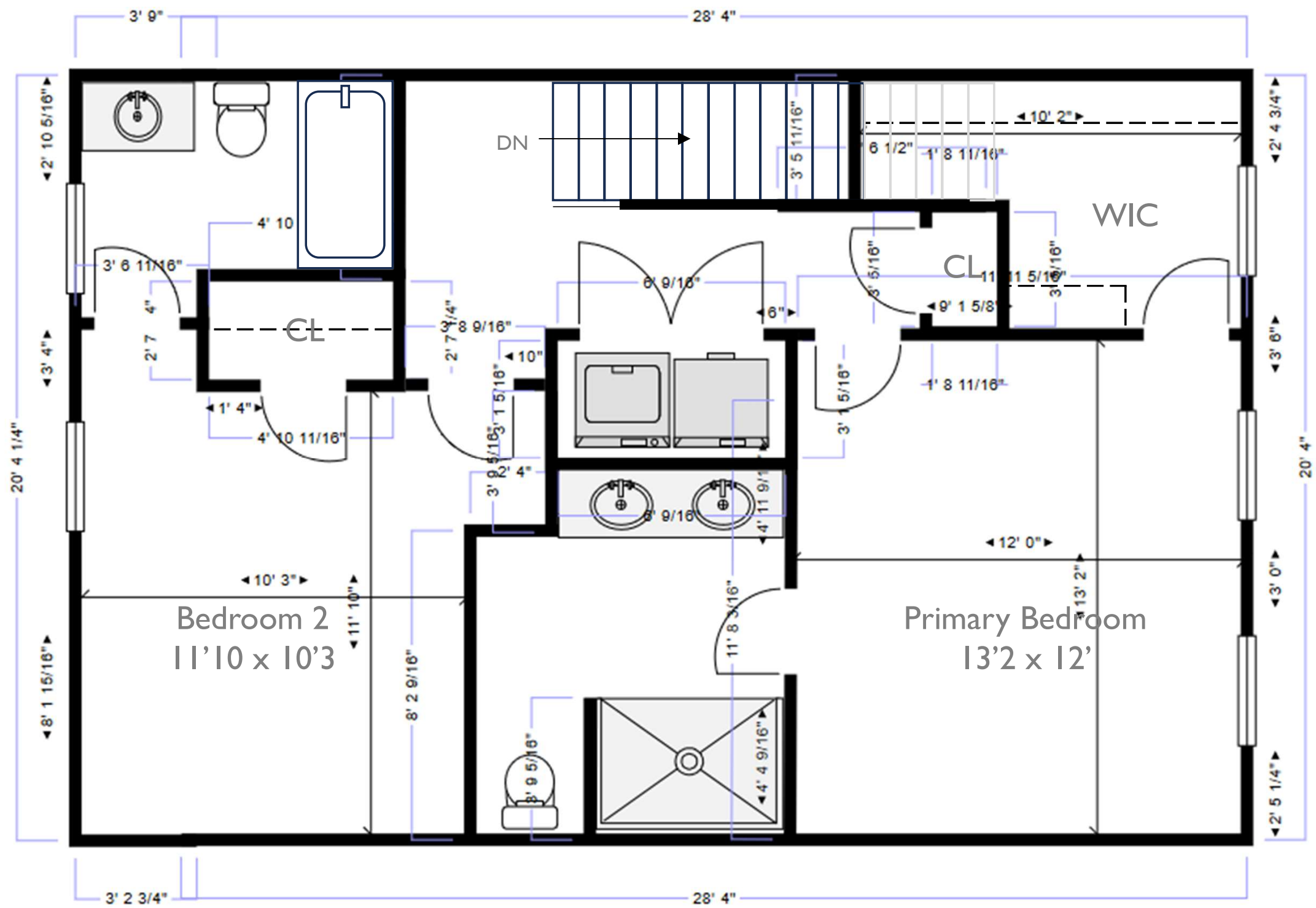


Second Floor B

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please contact Jason
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or at jscheidt@gmail.com.



I,350 SF Plan :: 20' x 28' Townhomes



Third Floor

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please contact Jason
Scheidt at 404-304-0439
or at jscheidt@gmail.com.



To: kennesawcouncil <kennesawcouncil@kennesaw-ga.gov>

Subject: Public Comment Submission

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Submitted by: Leigh Moss

Email Address: [REDACTED]

Commented on event: <https://kennesawga.portal.civicclerk.com/event/372/overview>

If you are having trouble viewing the URL above, cut and paste the string into your browser window.

User comment: As a resident of Galt Commons, I am extremely excited to see this type of development next door. It's just what my husband and I had envisioned ,and hoped for, when we moved back to Kennesaw and specifically to the Historic District.

The future is looking bright for our area! [REDACTED]



**CITY OF KENNESAW
LAND USE NOTICE**

APPLICATION # **RZ2024-03**

PURPOSE **Rezoning from R-15 to
Central Business District (CBD)**

DATE OF PUBLIC MEETING: **8/7/2024** TIME: **6:30PM**

DATE OF PUBLIC MEETING: **8/19/2024** TIME: **6:30PM**

PLACE: CITY HALL KENNESAW, GA

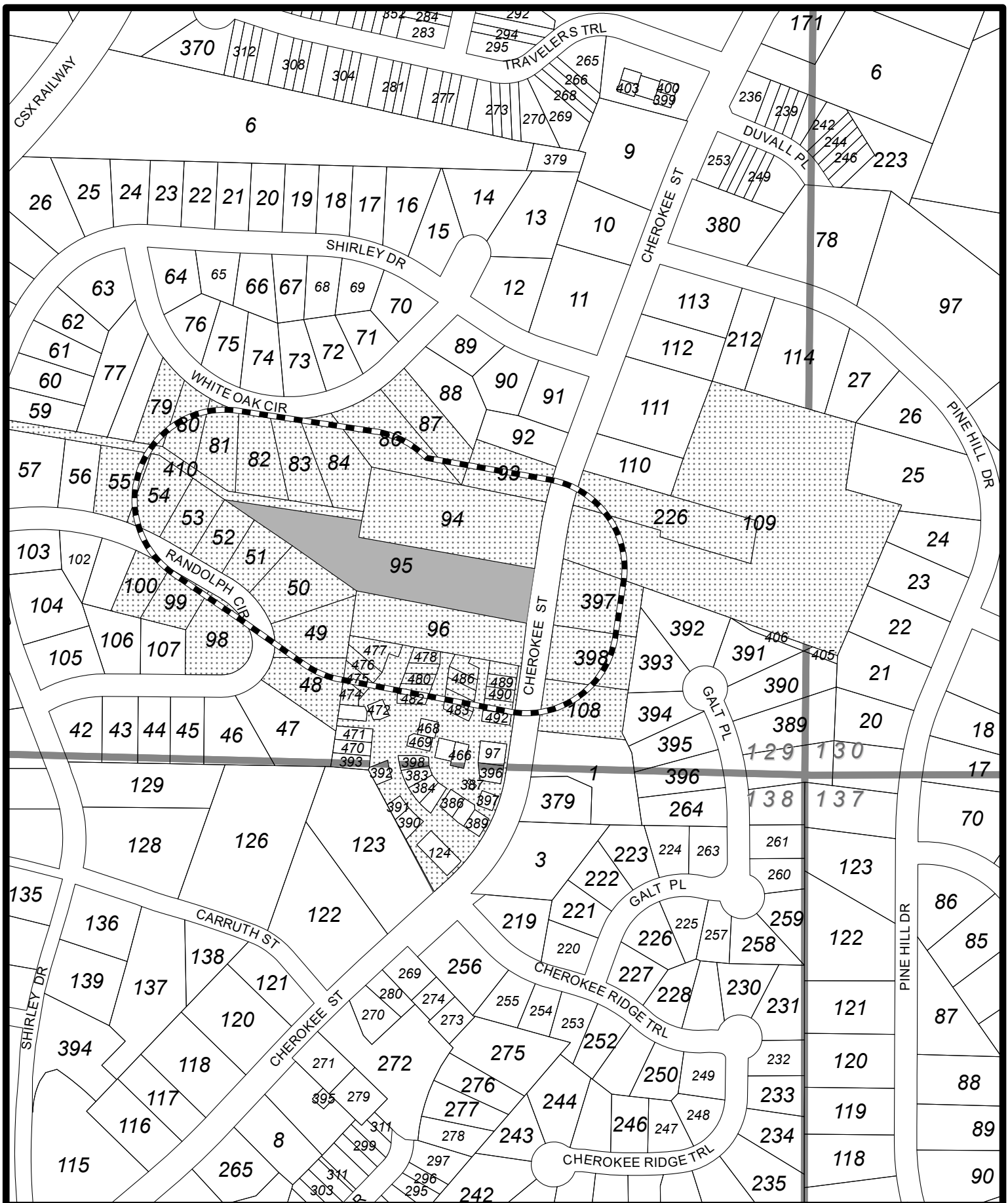
Due to the priority for public health and safety,
the City of Kennesaw will implement a public meeting
protocol / system for community participation
in compliance to social distancing protocol.
For specific public meeting guidelines and access to all
application information please visit our website

[HTTP://WWW.KENNESAW-GA.GOV](http://www.kennesaw-ga.gov)

FOR FURTHER INFORMATION PLEASE CALL :
PLANNING AND ZONING DEPARTMENT 770-590-8268

07.19.2024 09:15

7:19,26,2024
MDJ5721
9pm17
CITY OF KENNESAW
PUBLIC NOTICE
Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a rezoning request submitted by Jazon Kisz. Said request is to rezone a parcel located at 3045 Cherokee Street (20012900950) from Single-Family Residential (R-15) to Central Business District (CBD). The Planning Commission shall hold a meeting on August 7, 2024, at 6:30 p.m. with a final scheduled hearing and adoption by the Mayor and Council to be considered on August 19, 2024, at 6:30 p.m. Meetings will be held in the Kennesaw City Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, GA. All interested persons may attend and be heard relative there to. Mayor and Council will be conducting their meeting in person and you can access the meeting via the following link: <https://www.facebook.com/City-ofKennesaw/> Any interested citizens are invited to email kennesawcouncil@kennesaw-ga.gov.
7:19,2024



-  Subject Parcel
-  200' Radius
-  Properties Notified

3045 Cherokee St
Land Lot 129,
Tax Parcel 95

RZ2024-003
200' PROPERTY NOTIFICATION



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

Derek Easton
 MANOR
Lee Moore
 CITY CLERK

Date: 3/25/2024

RZ2024-003



Tax Parcel - 20012900990
CHAUVIN REVOCABLE TRUST
4553 CHATSWORTH OVERLOOK NE
ROSWELL GA 30075

Tax Parcel - 20012904770
GIBSON DELLE
1925 NW GALT COMM LOT 28
KENNESAW GA 30144

Tax Parcel - 20012900830
MCJILES LLC
1275 SHILOH RD NW STE 2310
KENNESAW GA 30144

Tax Parcel - 20012901000
THE ESTATE OF GUY DONALD
2115 RANDOLPH CIR
KENNESAW GA 30144-2856

Tax Parcel - 20012900480
PRADELLA JESSE & G BATTISTA
97 COUNTY RD
TEWSKBURY MA 01876

Tax Parcel - 20012904840
CRUZ BUSTAMANTE MARTHA PATRICIA
1939 GALT CMNS
KENNESAW GA 30144

Tax Parcel - 20012904100
UNKNOWN
SHIRLEY DR

Tax Parcel - 20012900490
PRADELLA JESSE & G BATTISTA
97 COUNTY RD
TEWSKBURY MA 01876

Tax Parcel - 20012904850
MACE WILLIAM
1941 GALT CMNS
KENNESAW GA 30144

Tax Parcel - 20012900550
HOGAN DONNA
2126 RANDOLPH CIR NW
KENNESAW GA 30144

Tax Parcel - 20012900500
BUTLER LAUREN ASHLEY
2090 RANDOLPH CIR NW
KENNESAW GA 30144

Tax Parcel - 20012904760
MITCHAM JAMES & MARTHA
1923 GALT CMNS
KENNESAW GA 30144

Tax Parcel - 20012904740
TARULLI WILLIAM THOMAS & FAUX ROBERT J
1919 GALT CMNS
KENNESAW GA 30144

Tax Parcel - 20012904780
LUSCRE KELLY & MICHAEL R JR
1935 GALT COMM
KENNESAW GA 30144

Tax Parcel - 20012904750
ADAMS GINA A
1921 GALT COMMONS
KENNESAW GA 30144

Tax Parcel - 20012900520
BRAMLETT WAYNE E
100 MOUNT CALVARY RD
MARIETTA GA 30064

Tax Parcel - 20012903970
BCKC PROPERTIES LLC
2095 ADAMS DR
ATLANTA, GA 30318

Tax Parcel - 20012900790
LEONARD KATHLEEN BENNETT
2058 WHITE OAK CIR
KENNESAW GA 30144

Tax Parcel - 20012904790
MCCRAINE RODNEY E & SARAH L
31329 VIA NUBES
TEMECULA, CA 92592

Tax Parcel - 20012900510
THREE R REALTY TRUST
2759 DELK RD SUITE 1294
MARIETTA GA 30067

Tax Parcel - 20012900930
THE JUDY I WHEELER REVOCABLE TRUST
28522 WHARTON DR
BONITA SPRINGS FL 34135

Tax Parcel - 20012903980
ROSE KENNESAW PROPERTIES LLC
3008 CHEROKEE ST
KENNESAW GA 30144

Tax Parcel - 20012904800
RIVERSBEND CONTRUCTION INC
3018 CHEROKEE ST NW
KENNESAW GA 30144

Tax Parcel - 20012900810
CAMPOS CECILIA
115 STONEWOOD CREEK CT
DALLAS GA 30132

Tax Parcel - 20013801250
OLD CHEROKEE JV LLC
3008 CHEROKEE ST NW
KENNESAW GA 30144

Tax Parcel - 20012904810
NEWCOMER DANIEL & KORNWEIBEL KAREN
RUTH
1929 GALT CMNS
KENNESAW GA 30144

Tax Parcel - 20012900530
BERUMEN ARMANDO & LUCIA
2108 RANDOLPH CIR
KENNESAW GA 30144

Tax Parcel - 20012904820
SHEEHAN TANYA
1927 GALT CMNS
KENNESAW GA 30144

Tax Parcel - 20012900540
ZHILAKZADEH RAY
2116 RANDOLPH CIR NW
KENNESAW GA 30144

Tax Parcel - 20012901080
ROSE KENNESAW PROPERTIES LLC
3008 CHEROKEE ST
KENNESAW GA 30144

Tax Parcel - 20012901090

ABL REAL ESTATE HOLDINGS LLC
210 W MAIN ST
CARTERSVILLE GA 30120

Tax Parcel - 20012904900

OLD CHEROKEE JV LLC
3008 CHEROKEE ST NW
KENNESAW GA 30144

Tax Parcel - 20012904830

MOSS GARY WAYNE & LEIGH ANN
1937 GALT CMNS
KENNESAW GA 30144

Tax Parcel - 20012904910

OLD CHEROKEE JV LLC
3008 CHEROKEE ST NW
KENNESAW GA 30144

Tax Parcel - 20012900840

JAIMES TERESA
2051 WHITE OAK CIR NW
KENNESAW GA 30144

Tax Parcel - 20012900820

PECK KATHY ELLEN & PATTERSON REBECCA
JUNE
2055 WHITE OAK CIR NW
KENNESAW GA 30144

Tax Parcel - 20012900860

LUNA ALBERTO & JAIMES TERESA
2047 WHITE OAK CIR NW
KENNESAW GA 30144

Tax Parcel - 20012900800

HEYING RICHARD
2059 WHITE OAK CIR NW
KENNESAW GA 30144

Tax Parcel - 20012900870

COUNTS GURDON W & MOORE SCOTT J
2996 NORTH MAIN ST
KENNESAW GA 30144-0000

Tax Parcel - 20012900940

ALLATOONA PROPERTY INVESTMENTS LLC
PO BOX 156
KENNESAW GA 30156

Tax Parcel - 20012902260

VARELA JOSE BICET MURILLO
3066 CHEROKEE ST NW
KENNESAW GA 30144

Tax Parcel - 20012900960

JEFF GRUBB THE FAMILY LIMITED PARTNERSHI
234 KIRK RD
WHITE GA 30184

Tax Parcel - 20012904860

RIVERSBEND CONTRUCTION INC
3018 CHEROKEE ST NW
KENNESAW GA 30144

Tax Parcel - 20012900980

JOHNSON JERRY R & PATRICIA W
2087 RANDOLPH CIR
KENNESAW GA 30144

Tax Parcel - 20012904870

RIVERSBEND CONSTRUCTION INC
3018 CHEROKEE ST NW
KENNESAW GA 30144

Tax Parcel - 20012904880

OLD CHEROKEE JV LLC
3008 CHEROKEE ST NW
KENNESAW GA 30144

Tax Parcel - 20012904890

OLD CHEROKEE JV LLC
3008 CHEROKEE ST NW
KENNESAW GA 30144

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☐ Certified Mail Restricted Delivery	\$0.00	
☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.77	
Total Postage and Fees	\$15.22	
Sent To		
Street and	LUNA ALBERTO & JAIMES TERESA	
City, State	2047 WHITE OAK CIR NW KENNESAW GA 30144	

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☐ Certified Mail Restricted Delivery	\$0.00	
☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.01	
Total Postage and Fees	\$9.46	
Sent To		
Street and	ZILAKZADER NAT	
City, State	2116 RANDOLPH CIR NW KENNESAW GA 30144	

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☐ Certified Mail Restricted Delivery	\$0.00	
☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.01	
Total Postage and Fees	\$9.46	
Sent To		
Street and	THE ESTATE OF GUY DONALD	
City, State	2115 RANDOLPH CIR KENNESAW GA 30144-2856	

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☐ Return Receipt (hardcopy)	\$	
☐ Return Receipt (electronic)	\$	
☐ Certified Mail Restricted Delivery	\$	
☐ Adult Signature Required	\$	
☐ Adult Signature Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$	
Sent To		
Street and	LUSCRE KELLY & MICHAEL R JR	
City, State	1935 GALT COMM KENNESAW GA 30144	

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☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.01	
Total Postage and Fees	\$9.46	
Sent To		
Street and	VARELA JOSE BICE I MURILLO	
City, State	3066 CHEROKEE ST NW KENNESAW GA 30144	

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☐ Certified Mail Restricted Delivery	\$0.00	
☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.01	
Total Postage and Fees	\$9.46	
Sent To		
Street and	TARULLI WILLIAM THOMAS & FAUX	
City, State	ROBERT J 1919 GALT CMNS KENNESAW GA 30144	

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☐ Return Receipt (electronic)	\$0.00	
☐ Certified Mail Restricted Delivery	\$0.00	
☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.72	
Total Postage and Fees	\$9.17	
Sent To		
Street and	LEONARD KATHLEEN BENNETT	
City, State	2058 WHITE OAK CIR KENNESAW GA 30144	

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☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.01	
Total Postage and Fees	\$9.46	
Sent To		
Street and	THREE R REALTY TRUST	
City, State	2759 DELK RD SUITE 1294 MARIETTA GA 30067	

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☐ Certified Mail Restricted Delivery	\$0.00	
☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.01	
Total Postage and Fees	\$9.46	
Sent To		
Street and	SHEEHAN TANYA	
City, State	1927 GALT CMNS KENNESAW GA 30144	

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☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.01	
Total Postage and Fees	\$9.46	
Sent To		
Street and	VARELA JOSE BICE I MURILLO	
City, State	3066 CHEROKEE ST NW KENNESAW GA 30144	

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☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.01	
Total Postage and Fees	\$9.46	
Sent To		
Street and	THE JUDY I WHEELER REVOCABLE TRUST	
City, State	28522 WHARTON DR BONITA SPRINGS FL 34135	

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☐ Certified Mail Restricted Delivery	\$0.00	
☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.72	
Total Postage and Fees	\$9.17	
Sent To		
Street and	ROSE KENNESAW PROPERTIES LLC	
City, State	3008 CHEROKEE ST KENNESAW GA 30144	

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☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$10.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00
Postage \$0.73
Total Postage and Fees \$5.61
Postmark Here 07/18/2024
Sent To MITCHAM JAMES & MARTHA
1923 GALT CMNS
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☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$10.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00
Postage \$0.73
Total Postage and Fees \$5.61
Postmark Here 07/18/2024
Sent To HEYING RICHARD
2059 WHITE OAK CIR NW
Kennesaw GA 30144
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☐ Certified Mail Restricted Delivery \$10.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00
Postage \$0.73
Total Postage and Fees \$5.61
Postmark Here 07/18/2024
Sent To JAIMES TERESA
2051 WHITE OAK CIR NW
Kennesaw GA 30144
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☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00
Postage \$0.73
Total Postage and Fees \$5.61
Postmark Here 07/18/2024
Sent To HUGAN DOMINA
2126 RANDOLPH CIR NW
Kennesaw GA 30144
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☐ Certified Mail Restricted Delivery \$10.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00
Postage \$0.73
Total Postage and Fees \$5.61
Postmark Here 07/18/2024
Sent To MCJILES LLC
1275 SHILOH RD NW STE 2310
Kennesaw GA 30144
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☐ Certified Mail Restricted Delivery \$10.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00
Postage \$0.73
Total Postage and Fees \$5.61
Postmark Here 07/18/2024
Sent To MOSS GARY WAYNE & LEIGH ANN
1937 GALT CMNS
Kennesaw GA 30144
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☐ Adult Signature Restricted Delivery \$0.00
Postage \$0.73
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2055 WHITE OAK CIR NW
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97 COUNTY RD
TEWSKBURY MA 01876
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Postage \$0.73
Total Postage and Fees \$5.61
Postmark Here 07/18/2024
Sent To RIVERSBEND CONTRUCTION INC
3018 CHEROKEE ST NW
Kennesaw GA 30144
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Total Postage and Fees \$5.61
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1925 NW GALT COMM LOT 28
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☐ Return Receipt (hardcopy) \$	\$4.10
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Postage \$0.73	Postmark Here
Total Postage and Fees \$9.68	07/18/2024
Sent To	
Street and Apt	BRAMLETT WAYNE E
City, State, Zip	100 MOUNT CALVARY RD MARIETTA GA 30064
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

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Certified Mail Fee \$4.85	0257 74
Extra Services & Fees (check box, add fee as appropriate)	
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Postage \$1.01	Postmark Here
Total Postage and Fees \$9.96	07/18/2024
Sent To	
Street and Apt	CRUZ BUSTAMANTE MARTHA PATRICIA
City, State, Zip	1939 GALT CMNS KENNESAW GA 30144
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Postage \$0.73	Postmark Here
Total Postage and Fees \$9.68	07/18/2024
Sent To	
Street and Apt	CAMPUS CECILIA
City, State, Zip	115 STONEWOOD CREEK CT DALLAS GA 30132
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Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	\$4.10
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Postage \$0.73	Postmark Here
Total Postage and Fees \$9.68	07/18/2024
Sent To	
Street and Apt	BERUMEN ARMANDO & LUCIA
City, State, Zip	2108 RANDOLPH CIR KENNESAW GA 30144
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Atlanta, GA 30318	
Certified Mail Fee \$4.85	0257 74
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Postage \$1.01	Postmark Here
Total Postage and Fees \$9.96	07/18/2024
Sent To	
Street and Apt	BORG PROPERTIES LLC
City, State, Zip	2095 ADAMS DR ATLANTA, GA 30318
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Certified Mail Fee \$4.85	0257 74
Extra Services & Fees (check box, add fee as appropriate)	
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Postage \$0.73	Postmark Here
Total Postage and Fees \$9.68	07/18/2024
Sent To	
Street and Apt	COUNTS GURDON W & MOORE
City, State, Zip	SCOTT J 2996 NORTH MAIN ST KENNESAW GA 30144-0000
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Temecula, CA 92592	
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Extra Services & Fees (check box, add fee as appropriate)	
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☐ Return Receipt (electronic) \$	\$0.00
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Postage \$0.73	Postmark Here
Total Postage and Fees \$9.68	07/18/2024
Sent To	
Street and Apt	MCCRaine RODNEY E & SARAH L
City, State, Zip+4®	31329 VIA NUBES TEMECULA, CA 92592
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

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Postage \$1.01	Postmark Here
Total Postage and Fees \$9.96	07/18/2024
Sent To	
Street and Apt	ALLATOONA PROPERTY INVESTMENTS LLC
City, State, Zip	PO BOX 156 KENNESAW GA 30156
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Total Postage and Fees \$9.68	07/18/2024
Sent To	
Street and Apt	CHAUVIN REVOCABLE TRUST
City, State, Zip	4553 CHATSWORTH OVERLOOK NE ROSWELL GA 30075
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Postage \$0.73	Postmark Here
Total Postage and Fees \$9.68	07/18/2024
Sent To	
Street and Apt	MACE WILLIAM
City, State, Zip	1941 GALT CMNS KENNESAW GA 30144
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Certified Mail Fee \$4.85	0257 74
Extra Services & Fees (check box, add fee as appropriate)	
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Postage \$0.73	Postmark Here
Total Postage and Fees \$9.68	07/18/2024
Sent To	
Street and Apt	BUTLER LAUREN ASHLEY
City, State, Zip	2090 RANDOLPH CIR NW KENNESAW GA 30144
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Cartersville, GA 30120	
Certified Mail Fee \$4.85	0257 74
Extra Services & Fees (check box, add fee as appropriate)	
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Postage \$1.01	Postmark Here
Total Postage and Fees \$9.96	07/18/2024
Sent To	
Street and Apt	ABL REAL ESTATE HOLDINGS LLC
City, State, Zip	210 W MAIN ST CARTERSVILLE GA 30120
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☐ Certified Mail Restricted Delivery

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☐ Adult Signature Required

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Postage

\$0.73

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Total Postage and Fees

\$9.68

Sent To

Street and A

City, State, Z

ADAMS GINA A
1921 GALT COMMONS
KENNESAW GA 30144

Page 132 of 293

	Kennesaw Galt North Concept Plan 6/1/2024					
	<i>Includes new 3 story stacked flats</i>					
	<i>Spreadsheet updated 7/24/2024</i>					
	Lot	Type	Plan Description	Heated SF	BR	BA
	COMMERCIAL					
	C1	MUB	Commercial Building 1 (Ground Floor Only)	800		
	C2	MUB	Commercial Building 2 (Ground Floor Only)	800		
			Commercial Total	1,600		
	RESIDENTIAL					
	1	Flat	Stacked Flat Above Commercial (No Garage)	1,600	3	2.5
	2	Flat	Stacked Flat Above Commercial (No Garage)	1,600	3	2.5
			Total	3,200		
	3	Townhome	19 x 21 TH	1,250	2	2.5
	4	Townhome	19 x 21 TH	1,250	2	2.5
	5	Townhome	19 x 21 TH	1,250	2	2.5
	6	Townhome	19 x 21 TH	1,250	2	2.5
			Total	5,000		
	7	Townhome	19 x 21 TH	1,250	2	2.5
	8	Townhome	19 x 21 TH	1,250	2	2.5
	9	Townhome	19 x 21 TH	1,250	2	2.5
	10	Townhome	19 x 21 TH	1,250	2	2.5
			Total	5,000		
	11	Townhome	21 x 28 TH	1,500	3	3
	12	Townhome	21 x 28 TH	1,500	3	3
	13	Townhome	21 x 28 TH	1,500	3	3
			Total	4,500		
	14	Flat	Stacked Flat	1,045	2	2
	15	Flat	Stacked Flat	1,045	2	2
	16	Flat	Stacked Flat	1,045	2	2
	17	Flat	Stacked Flat	1,045	2	2
	18	Flat	Stacked Flat	1,045	2	2
	19	Flat	Stacked Flat	1,045	2	2
	20	Townhome	19 x 21 TH	1,250	2	2.5
			Total	7,520		
	21	Flat	Stacked Flat	1,045	2	2.5
	22	Flat	Stacked Flat	1,045	2	2.5
	23	Flat	Stacked Flat	1,045	2	2.5
	24	Flat	Stacked Flat	1,045	2	2.5

	25	Flat	Stacked Flat	1,045	2	2.5
	26	Flat	Stacked Flat	1,045	2	2.5
	27	Flat	Stacked Flat	1,045	2	2.5
	28	Flat	Stacked Flat	1,045	2	2.5
	29	Flat	Stacked Flat	1,045	2	2.5
			Total	9,405		
	30	Townhome	26 x 21 TH	1,500	3	3.5
	31	Townhome	26 x 21 TH	1,500	3	3.5
			Total	3,000		
			Residential Total	37,625		
			New Construction Total SF	39,225		

MINUTES OF PLANNING COMMISSION MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)
August 7, 2024
6:30 PM

1. Call to Order / Roll Call

The meeting was called to order by Chairman Jackson at 6:30 p.m.

Roll Call: Commissioner Bodenhamer, Commissioner Patterson, Commissioner Vande Zande, and Commissioner Trim

Absent: Commissioner Ragus and Commissioner Greenall

Staff Present: Darryl Simmons (Planning & Zoning Administrator), Chanelle Campbell (Assistant Zoning Administrator & City Planner), and Natalie Faustine (Community Development Administrative Assistant)

Speakers: Jason Kisz (Applicant), Jason Scheidt (Project Designer) and Leigh Ann Moss (Property Owner)

2. Announcements

- A. 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 Facebook Live via the following link: [www.Facebook.com/City of Kennesaw/](https://www.facebook.com/CityofKennesaw/). However, comments made on Facebook Live will not be visible by City staff. 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 p.m. the night of the regular meeting. Your comment will be read aloud or grouped into categories for the record. All interested parties may attend the meeting in person with limited seating available at the City Hall Council Chambers and the Ben Robertson Community Center, if needed. Please note that the Planning Commission serves as an advisory board that makes recommendations to the Mayor and Council unless otherwise noted.
- B. Pending zoning applications may be viewed on an interactive map via the Planning & Zoning webpage or using the following link: <https://arcg.is/1q1ubX0>.
- C. New business items on this agenda will be heard by the Mayor and Council on August 19, 2024.

3. Approval of the Meeting Minutes

- A. Approval of Meeting Minutes: April 3, 2024

Chairman Jackson called for a motion.
Motion to approve by Commissioner Trim
Seconded by Commissioner Vande Zande
Chairman Jackson proceeded with a roll call for approval.
Vote taken, motion unanimously approved 4-0. Motion carried.

4. New Business

A. Rezoning Application: 3045 Cherokee Street

Consideration to rezone property located at 3045 Cherokee St (20012900950) from R-15, Single Family Residential to Central Business District (CBD) as submitted by Jason Kisz. Said request to rezone the property for the development of a mixed-use development consisting of 31 "For Sale" residential units and 1,600 sq. ft. of commercial floor area. Property consists of 1.663 +/- acres and lies in land lot 129 tax parcel 95. Case#RZ2024-03.

Commissioner Vande Zande and Commissioner Patterson recused themselves from voting on the application to rezone 3045 Cherokee Street.

Chairman Jackson called for a motion.

Motion by Commissioner Bodenhamer to approve the request to rezone with the conditions as outlined by staff

Seconded by Commissioner Trim

Chairman Jackson proceeded with a roll call for approval.

Vote taken, Vote 2-0. Chairman Jackson vote to approve. Motion carried.

5. Staff Comment

6. Adjourn

Chairman Jackson adjourned the meeting at 7:02 p.m.



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: August 12, 2024

TITLE: **Minutes: July 17, 2024 Service Delivery Strategy Mediation**
Approval of the July 17, 2024 Service Delivery Strategy Mediation special called meeting minutes.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. 2024-07-17 SDS Mediation Minutes - DRAFT

**MINUTES OF CITY COUNCIL MEETING
CITY OF KENNESAW
Hilton Marietta Hotel/Conference Center
(500 Powder Springs Street, Marietta, Georgia)
July 17, 2024
9:30 AM**

Present	Mayor Derek Easterling Mayor Pro Tem Antonio Jones Councilmember Madelyn Orochena Councilmember Tracey Viars Councilmember Pat Ferris Councilmember Anthony Gutierrez Deputy City Clerk Christie Burgner City Manager Jeff Drobney City Attorney Fred Bentley
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1. Call to Order/ Roll Call

Senior Judge G. Grant Brantley called the meeting to order at 9:30 a.m. Judge Brantley listed his credentials, gave an overview of what would occur throughout the day, and advised what was expected of him as the mediator. Attorney Andrew Welch then asked each city to call their meeting to order and approve the mediation agreement. Mayor Derek Easterling called the Kennesaw City Council to order at 9:47 a.m. with all council members present.

2. Approval of Mediation Agreement

Mayor Easterling asked for a motion to approve the mediation agreement with the Honorable Judge Brantley to perform services related to the mediation of the Cobb County Service Delivery Strategy negotiations. Councilmember Tracy Viars moved to approve the motion. Mayor Pro Tem Antonio Jones seconded the motion. There was no discussion. The motion passed unanimously (5:0).

3. Opening Presentation by Mr. Welch on Service Delivery Strategy (SDS)

Attorney Andrew (Andy) Welch, who is representing the six Cobb cities, began his presentation at 9:51 a.m.

Attorney Ken Jarrad, who is representing Cobb County, started his presentation at 10:10 a.m.

4. Recess into Mediation

Senior Judge G. Grant Brantley recessed the meeting at 10:40 a.m. and asked that the Mayors, City Managers, County representatives, and counsel move to their respective meeting rooms.

DRAFT



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: August 12, 2024

TITLE: **Minutes: July 17, 2024 1st Property Tax Hearing**
Approval of the July 17, 2024, 1st Property Tax Hearing minutes.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. 2024-07-29 City Council 1st Millage Rate Hearing Minutes - DRAFT

**MINUTES OF CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)**

Livestream: <https://www.facebook.com/CityofKennesaw/>
**July 29, 2024
6:00 PM**

Present	Mayor Derek Easterling Mayor Pro Tem Antonio Jones Councilmember Madelyn Orochena Councilmember Tracey Viars Councilmember Pat Ferris City Clerk Lea Alvarez City Manager Jeff Drobney City Attorney Randall Bentley, Sr.
Absent	Councilmember Anthony Gutierrez

1. Invocation

City Attorney Randall Bentley, Sr. led the Invocation.

2. Pledge of Allegiance

Visting Boy Scouts led the Pledge of Allegiance.

3. Call to Order

Mayor Easterling called the meeting to order at 6:00 p.m.

4. Announcements

- A. 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. **Facebook Live is not monitored for public comment.**

5. Presentations

6. Public Comment/Business from the Floor

7. Old Business

8. New Business

9. Committee and Board Reports

10. Public Hearing(s)

A. **First Public Hearing: Maintenance and Operation (M&O) Millage Rate**

Consideration for approval of a Resolution to adopt the proposed Maintenance and Operation Millage Rate

Property Tax Administrator Latisha Gunn presented a resolution to adopt the proposed Maintenance and Operation (M&O) millage rate. The City of Kennesaw is proposing a millage rate of 7.75 mills for M&O, which is the same as last year. The public hearing dates, 2024 tax digest, and 5-year history of levy were properly advertised in the Marietta Daily Journal on July 20, 2024, and July 27, 2024, in accordance with O.C.G.A § 48-5-32. The second and final hearings will take place on August 5, 2024, at 10:30 a.m. and 6:30 p.m., respectively.

6:01 p.m. Floor Open for Public Comments

No comments.

6:02 p.m. Floor Closed for Public Comments

B. **First Public Hearing: Bond Millage Rate**

Consideration for approval of a Resolution to adopt the proposed Bond Millage Rate

Ms. Gunn presented a resolution to adopt the proposed Bond millage rate. The City of Kennesaw is proposing a 1.5 millage rate for the Bond, which is the same as last year. The Bond millage rate is levied to fund the debt service of the \$15,000,000 Recreation and Traffic Safety Bonds that were approved by the voters on September 21, 2004. The public hearing dates, 2024 tax digest, and 5-year history of levy were properly advertised in the Marietta Daily Journal on July 20, 2024, and July 27, 2024, in accordance with O.C.G.A § 48-5-32. The second and final hearings will take place on August 5, 2024, at 10:30 a.m. and 6:30 p.m., respectively.

6:03 p.m. Floor Open for Public Comments

No comments.

6:04 p.m. Floor Closed for Public Comments

Councilmember Ferris requested the Council to consider reducing the millage rate. He mentioned both the M&O budget and the Bond budget seem to be well funded and was curious about moving another 0.25 for either one to give our residents some relief.

Councilmember Viars asked Finance Director Gina Auld and Assistant Finance Director Jennifer Gordy what the reduction would be for the taxpayers. Ms. Gordy responded that a 0.25 M&O rollback would be a \$35.00 reduction for the taxpayer and a \$500,000 reduction in revenue for the City. Ms. Auld shared what they had calculated for the Bond was a full rollback of 0.104, which would be a \$15.00 reduction for the taxpayer,

and the City would lose \$230,000 in revenue. If the City was to do a 0.25 rollback, it would be about a \$30.00 savings for the taxpayer and about \$460,000 in lost revenue for the City.

Councilmember Ferris asked the Council to consider a 0.25 rollback on the Maintenance and Operation millage rate.

Councilmember Jones said he is not opposed to reducing the millage rate since the City is doing so well financially.

Councilmember Viars asked the Council to think about some of the things they are considering, such as employee recruitment and retention, fixing potholes, more fireworks, etc. The rollback would have a significant impact on the City side.

Councilmember Orochena agreed with Councilmember Viars.

Mayor Easterling stated that we have to run the City of Kennesaw like a business. Councilmember Ferris responded that he agreed, but the lost revenue would come out of the reserves, so it would not affect the City Manager's budget. We will still be able to accomplish everything laid out in the budget.

11. Consent Agenda

12. General and Administrative

13. Public Safety

14. Information Technology

15. Public Works and Building Maintenance

16. Recreation and Culture

17. Community Development

18. Public Comment/Business from the Floor

19. City Manager's Report

20. Mayor's Report

21. Council Reports & Discussions

22. Executive Session

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.

23. Adjourn

Mayor Easterling adjourned the meeting at 6:11 p.m.

Lea Alvarez, City Clerk

DRAFT

Names and Addresses will be disclosed in the Permanent Minutes of the
City of Kennesaw

PLEASE MAKE SURE YOUR NAME IS LEGIBLE AND CLEAR

**1st Millage Rate Hearing - Special Called Meeting
7/29/2024**

Public Comment Sign-in

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Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: August 12, 2024

TITLE: **Minutes: July 29, 2024 Work Session**
Approval of the July 29, 2024, City Council work session minutes.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. 2024-02-26 City Council Work Session Minutes - DRAFT

**MINUTES OF CITY COUNCIL WORK SESSION MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)
February 26, 2024
6:30 PM**

Present Mayor Derek Easterling
 Mayor Pro Tem Antonio Jones
 Councilmember Madelyn Orochena
 Councilmember Tracey Viars
 Councilmember Pat Ferris
 City Clerk Lea Alvarez
 City Manager Jeff Drobney
 City Attorney Randall Bentley, Sr.

1. Invocation

2. Pledge of Allegiance

Boy Scout Troop #002 led the Pledge of Allegiance.

3. Call to Order

Mayor Easterling called the meeting to order at 6:30 p.m.

4. Announcements

- A. 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, if needed. 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. **Facebook Live is not monitored for public comment.**

5. Presentations

6. Public Comment/Business from the Floor

7. Old Business

8. New Business

B. Resolution: Conveyance of Property at 1920 Twelve Oaks Circle for Driveway Relocation

Approval of a Resolution to convey a section of the City owned property at 1920 Twelve Oaks Circle in fee simple to Harold and Patricia Anderson.

Mayor Easterling asked the Council to take the agenda out of order to allow Legal to present item 15. B first.

Attorney Linda Brunt from Bentley, Bentley, and Bentley presented a resolution to convey a section of the city-owned property at 1920 Twelve Oaks Circle in fee simple to Harold and Patricia Anderson. Ms. Brunt shared that this was a housekeeping item regarding a matter that came before the Council at the beginning of December. However, the agenda item and resolution at that time did not include a legal description of the green shaded area on the attached plat. She explained that Mr. and Mrs. Anderson's driveway is being closed, and they need title to the green area for their new driveway to access the public road system. Ms. Brunt asked the Council to approve the conveyance of the green area and authorize the Mayor to sign the quit claim deed and revised exchange agreement with the Andersons.

After receiving confirmation from the Council, Mayor Easterling suggested moving the item to the Consent Agenda for the regular meeting.

9. Committee and Board Reports

A. Road Closures: Big Shanty Festival

Approval of road closures to support the Big Shanty Festival on April 19-21, 2024.

Assistant to the City Manager and Events Committee Chair James Friedrich presented the proposed road closures to support the Big Shanty Festival on April 19 - 21, 2024.

The road closures are as follows:

From Friday, April 19, 2024, at 6:00 p.m. to Sunday, April 21, 2024, at 8:00 p.m., J.O. Stephenson Avenue, Cherokee Street, Watts Drive, and Lewis Street, at their various intersections, will be closed. On Saturday, April 20, 2024, at 6:00 a.m. until Sunday, April 21, 2024, at 8:00 p.m., Main Street from Summer Street to Moon Station Road will be closed. For the parade, on Saturday, April 20, 2024, Main Street will also be closed from Park Drive to Watts Drive from 9:15 a.m. to 10:45 a.m. Watts Drive will be closed from the entrance to Adams Park to Main Street from 9:15 a.m. to 10:30 a.m.

After receiving confirmation from the Council, Mayor Easterling suggested moving the item to the Consent Agenda for the regular meeting.

10. Public Hearing(s)

A. Ordinance: Charter Amendment to Section 3.04 "Oath of Office"

FIRST PUBLIC HEARING

Consideration of approval of an ordinance to amend the City of Kennesaw Charter § 3.04, "Oath of Office."

City Clerk Lea Alvarez presented an ordinance to amend the City of Kennesaw Charter § 3.04, "Oath of Office." This amendment codifies the oaths and filing processes necessary before a person takes any elected office in the city government. Specifically, the oaths shall be administered before an officer of the state authorized to administer oaths at an open public meeting of the Mayor and City Council. The oaths shall be filed with the Cobb County Probate Court.

Ms. Alvarez explained that this charter amendment must be read at two regular consecutive meetings of the Mayor and City Council. The first public hearing will be held on March 4, 2024, at 6:30 p.m., and the final public hearing will be held on March 18, 2024, at 6:30 p.m., where final action will take place.

B. Ordinance: Oaths for Boards, Commissions, and Authorities

Consideration of approval of an ordinance to adopt an oath as prescribed by the Code of Ordinances of the City of Kennesaw, Georgia § 2-71(f) and O.C.G.A § 45-3-1; and the Loyalty Oath as set forth in O.C.G.A § 45-3-13.

City Clerk Lea Alvarez presented an ordinance to adopt an oath as prescribed by the Kennesaw Code of Ordinances § 2-71(f) and O.C.G.A § 45-3-1 as well as the inclusion of the Loyalty Oath as set forth in O.C.G.A § 45-3-13. Ms. Alvarez explained that this ordinance codifies the oaths and filing processes necessary before a person assumes office as a member of a board, commission, or authority. Specifically, the oaths shall be administered before the mayor, municipal court judge, associate judge, or an officer of the state authorized to administer oaths at an open public meeting of the Mayor and City Council. The oaths shall be filed with the Cobb County Probate Court.

Because this is an ordinance amendment, only one public hearing is required. The public hearing and final action will take place at the March 4, 2024, regular meeting of the Mayor and City Council at 6:30 p.m.

Councilmember Ferris asked why the members are required to take their oath at a regular meeting of the Mayor and City Council. He said we should be more accommodating to them and did not mind the oaths being administered in the Mayor's office at their convenience. Ms. Alvarez said the language was a carry over from the charter amendment, but was not necessary. She will strike that language out before the amendment is considered for adoption at the regular meeting.

11. Consent Agenda

A. Minutes: February 12, 2024, City Council Work Session

Approval of the February 12, 2024, City Council work session minutes.

B. Minutes: February 12, 2024, City Council Executive Session

Approval of the February 12, 2024, City Council executive session minutes.

C. Minutes: February 19, 2024, City Council Regular Meeting

Approval of the February 19, 2024, City Council regular meeting minutes.

12. General and Administrative

13. Public Safety

14. Information Technology

15. Public Works

A. Resolution: CDBG Subrecipient Agreement

Approval of a Resolution for the 2024 Community Development Block Grant (CDBG) Subrecipient Agreement between Cobb County and the City of Kennesaw.

Public Works Ricky Stewart presented a resolution for the 2024 Community Development Block Grant (CDBG) Subrecipient Agreement between Cobb County and the City of Kennesaw. Mr. Stewart stated the city enters into this agreement annually with the county each year, so instead of going through the state's CDBG process, the county will receive the funds from the state and disburse it to the cities, if participating. This year, Kennesaw's appropriation is a minimum of \$113,360.85. However, adjustments will be made as the county finalizes their numbers. Mr. Stewart confirmed this grant will be used for new sidewalk installation in Woodland Acres subdivision.

After receiving confirmation from the Council, Mayor Easterling suggested moving the item to the Consent Agenda for the regular meeting.

16. Recreation and Culture

A. Resolution: Sports Association Facility Use Agreement

Approval of a Resolution to authorize the Mayor to execute a Sports Association Facility Use Agreement between the Kennesaw Baseball and Softball Association (KBSA) and the City of Kennesaw.

Parks and Recreation Director Bill McNair presented a resolution authorizing the Mayor to execute a Sports Association Facility Use Agreement with the Kennesaw Baseball and Softball Association for an additional one-year term.

After receiving confirmation from the Council, Mayor Easterling suggested moving the item to the Consent Agenda for the regular meeting.

17. Community Development

18. Public Comment/Business from the Floor

19. City Manager's Report

A. Reports, Discussions, and Updates

Update to 489 - haven't made headway in negotiations

B. Resolution: Revenue Administration Policy

Approval of a Resolution to adopt the City of Kennesaw's Revenue Administration Policy.

City Manager Jeff Drobney presented a resolution adopting the City of Kennesaw's Revenue Administration policy. Dr. Drobney explained that this policy provides direction for the application, acceptance, and administration of the various revenues the city receives.

After receiving confirmation from the Council, Mayor Easterling suggested moving the item to the Consent Agenda for the regular meeting.

C. Resolution: Debt Management Policy

Approval of a Resolution to adopt the City of Kennesaw's Debt Management Policy.

City Manager Jeff Drobney presented a resolution to adopt the City of Kennesaw's Debt Management policy. The intent of this policy is to ensure the city issues and manages its debt prudently in order to maintain a sound financial position and protect its credit rating.

After receiving confirmation from the Council, Mayor Easterling suggested moving the item to the Consent Agenda for the regular meeting.

20. 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, Committee, Authority, or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve boards and commissions, as deemed necessary.

21. Council Reports & Discussions

A. Discussion: First Light Technologies

Requested by Mayor Pro Tem Antonio Jones regarding the use of solar lighting.

The City Council listened to a brief presentation from Jesse Leimer of First Light Technologies, which is a manufacturer of solar lighting in Canada and Victoria, British Columbia. Mr. Leimer went over various solar lighting products with the Council that could be used to light smaller neighborhood parks.

22. Executive Session

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.

23. Adjourn

Mayor Easterling adjourned the meeting at 7:05 p.m. The next regular meeting will be

held on Monday, March 4, 2024, at 6:30 p.m. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.

Lea Alvarez, City Clerk

DRAFT



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: August 12, 2024

TITLE: **Minutes: July 29, 2024 Executive Session**
Approval of the July 29, 2024, City Council executive session minutes.

Summary:

Recommendation:

Fiscal Impact:

Attachments:
None



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: August 12, 2024

TITLE: **Minutes: August 8, 2024 2nd Property Tax Hearing**
Approval of the August 8, 2024, 2nd Property Tax Hearing minutes.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. 2024-08-05 City Council 2nd Millage Rate Hearing Minutes - DRAFT

**MINUTES OF CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)**

Livestream: <https://www.facebook.com/CityofKennesaw/>
**August 5, 2024
10:30 AM**

Present	Mayor Derek Easterling Mayor Pro Tem Antonio Jones Councilmember Madelyn Orochena Councilmember Tracey Viars Councilmember Pat Ferris City Clerk Lea Alvarez City Manager Jeff Drobney
Absent	Councilmember Anthony Gutierrez

1. Invocation

Mayor Easterling led the Invocation.

2. Pledge of Allegiance

Mayor Easterling led the Pledge of Allegiance.

3. Call to Order

Mayor Easterling called the meeting to order at 10:30 a.m.

4. Announcements

- A. 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. **Facebook Live is not monitored for public comment.**

5. Presentations

6. Public Comment/Business from the Floor

7. Old Business

8. New Business

9. Committee and Board Reports

10. Public Hearing(s)

A. Second Public Hearing: Maintenance and Operation (M&O) Millage Rate

Consideration for approval of a Resolution adopt the Maintenance and Operation (M&O) Millage Rate.

Property Tax Administrator Latisha Gunn presented a resolution to adopt the proposed Maintenance and Operation (M&O) millage rate. The City of Kennesaw is proposing a millage rate of 7.75 mills for M&O, which is the same as last year. The public hearing dates, 2024, tax digest, and 5-year history of levy were properly advertised in the Marietta Daily Journal on July 20, 2024, and July 27, 2024, in accordance with O.C.G.A § 48-5-32. The third and final public hearing will take place on August 5, 2024, at 6:30 p.m.

10:31 a.m. Floor Open for Public Comments

No comments.

10:32 a.m. Floor Closed for Public Comments

B. Second Public Hearing: Bond Millage Rate

Consideration for approval of a Resolution to adopt the Bond Millage Rate.

Ms. Gunn presented a resolution to adopt the proposed Bond millage rate. The City of Kennesaw is proposing a 1.5 millage rate for the Bond, which is the same as last year. The Bond millage rate is levied to fund the debt service of the \$15,000,000 Recreation and Traffic Safety Bonds that were approved by the voters on September 21, 2004. The public hearings dates, 2024 tax digest, and 5-year history of levy were properly advertised in the Marietta Daily Journal on July 20, 2024, and July 27, 2024, in accordance with O.C.G.A § 48-5-32. The third and final hearing will take place on August 5, 2024, at 6:30 p.m.

10:32 a.m. Floor Open for Public Comments

No comments.

10:33 a.m. Floor Closed for Public Comments

11. Consent Agenda

12. General and Administrative

13. Public Safety

14. Information Technology

15. Public Works and Building Maintenance

16. Recreation and Culture

- 17. Community Development**
- 18. Public Comment/Business from the Floor**
- 19. City Manager's Report**
- 20. Mayor's Report**
- 21. Council Reports & Discussions**
- 22. Executive Session**

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.

23. Adjourn

Mayor Easterling adjourned the meeting at 10:33 a.m.

DRAFT

Names and Addresses will be disclosed in the Permanent Minutes of the
City of Kennesaw

PLEASE MAKE SURE YOUR NAME IS LEGIBLE AND CLEAR

**2nd Millage Rate Hearing - Special Called Meeting
8/5/2024**

Public Comment Sign-in

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Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: August 12, 2024

TITLE: **Minutes: August 5, 2024 Regular Meeting**
Approval of the August 5, 2024, City Council regular meeting minutes.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. 2024-08-05 City Council Minutes - DRAFT

**MINUTES OF CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)**

Livestream: <https://www.facebook.com/CityofKennesaw/>
**August 5, 2024
6:30 PM**

Present	Mayor Derek Easterling Mayor Pro Tem Antonio Jones Councilmember Madelyn Orochena Councilmember Tracey Viars Councilmember Pat Ferris Councilmember Anthony Gutierrez City Clerk Lea Alvarez City Manager Jeff Drobney City Attorney Randall Bentley, Sr.
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1. Invocation

City Attorney Randall Bentley, Sr. led the Invocation.

2. Pledge of Allegiance

City Resident Andrew Bramlett led the Pledge of Allegiance.

3. Call to Order

Mayor Easterling called the meeting to order at 6:30 p.m.

4. Announcements

- A. 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. **Facebook Live is not monitored for public comment.**

5. Presentations

6. Public Comment/Business from the Floor

6:31 p.m. Floor Open for Public Comments

No comments.

6:32 p.m. Floor Closed for Public Comments

7. Old Business

8. New Business

A. License Review Board: Due Cause Hearings

Consideration to ratify actions by the License Review Board from their due cause hearings held on July 31, 2024, for ABC Liquor Co, Inc d/b/a Bottle Shop (2774 North Cobb Parkway); RS Diamond Jubilee LLC d/b/a Cobb Food Mart (2651 North Cobb Parkway); Damanis Food and Fuel Inc., d/b/a Stop 2 Go Shell (2515 North Cobb Parkway); and Racetrac Petroleum, Inc. d/b/a RaceTrac #052 (1625 Old Highway 41); and to receive the meeting minutes.

City Clerk Lea Alvarez presented the actions by the License Review Board from their due cause hearings held on July 31, 2024, for ABC Liquor Co, Inc d/b/a Bottle Shop (2774 North Cobb Parkway); RS Diamond Jubilee LLC d/b/a Cobb Food Mart (2651 North Cobb Parkway); Damanis Food and Fuel Inc., d/b/a Stop 2 Go Shell (2515 North Cobb Parkway); and Racetrac Petroleum, Inc. d/b/a RaceTrac #052 (1625 Old Highway 41); and to receive the meeting minutes. The incidents which formed the basis of the hearings were the furnishing of, providing of, or possessing of alcoholic beverages by an underage person on June 24, 2024, as a result of compliance checks conducted by the Kennesaw Police Department, in violation of City of Kennesaw Alcohol Code § 6-89. RS Diamond Jubilee LLC d/b/a Cobb Food Mart also violated § 6-70 due to an employee possessing an expired alcohol server permit.

Prior to the hearings, the parties reached consent agreements that were submitted to the License Review Board for approval. The terms of each agreement are as follows: a 30-day suspension of ABC Liquor Co, Inc. d/b/a Bottle Shop effective August 2, 2024; a 7-day suspension of RS Diamond Jubilee LLC d/b/a/ Cobb Food Mart effective August 3, 2024; a 30-day suspension of Damanis Food and Fuel Inc., d/b/a Stop 2 Go Shell effective August 3, 2024; and a 30-day suspension of Racetrac Petroleum, Inc. d/b/a RaceTrac #052 effective August 3, 2024. All rights of appeal were waived. The License Review Board approved all respective agreements 2-0-1 (Board Member Thornton was absent).

Motion by Mayor Pro Tem Jones to ratify the actions of the License Review Board hearing held on July 31, 2024, and to receive the meeting minutes as presented. Seconded by Councilmember Viars.

Vote taken, motion unanimously approved 5-0. Motion passed.

9. Committee and Board Reports

10. Public Hearing(s)

A. Third and Final Public Hearing: Maintenance and Operation (M&O) Millage Rate

Consideration for approval of a Resolution to adopt the proposed Maintenance and Operation (M&O) Millage Rate

Property Tax Administrator Latisha Gunn presented a resolution to adopt the proposed Maintenance and Operation (M&O) millage rate. Ms. Gunn shared that the City of Kennesaw is proposing a millage rate of 7.75 mills for M&O, which is the same as last year. The dates of the public hearings, the current 2024 Tax Digest, and the 5-year History of Levy were properly advertised in the Marietta Daily Journal on July 20, 2024, whereas the other advertisements were published on both July 20 and July 27, 2024, in accordance with O.C.G.A § 48-5-32. The first and second public hearings were held on July 29, 2024, at 6:00 p.m. and August 5, 2024, at 10:30 a.m., respectively.

Motion by Councilmember Viars to approve a resolution adopting the proposed Maintenance and Operation (M&O) millage rate of 7.75 mills. Seconded by Councilmember Jones.

6:35 p.m. Floor Open for Public Comments

No comments.

6:36 p.m. Floor Closed for Public Comments

Councilmember Ferris stated that six years ago, the City had Tax Allocation Notes (TANs) and very little money in the reserves. The Council at that time set financial goals to get the City in better shape. As the City no longer operates on TANs and has a healthy number in the reserves, he believes this is a good time to consider rolling back the millage rate.

Councilmember Ferris made a motion to amend the main motion on the floor to reduce the proposed M&O millage rate by 0.25 mills. Mayor Pro Tem Jones seconded.

Councilmember Viars shared that she does not think it is a good time to do a rollback as there is still a lot of uncertainty surrounding House Bill 489. Further, the City is looking at increasing costs for projects, attracting and retaining talent, etc. She asked Finance Director Gina Auld to explain the Homestead Exemption and its impact.

Vote taken, amended motion denied 2-3 (Councilmember Orochena, Councilmember Gutierrez, and Councilmember Viars opposed). Amended motion failed.

Motion by Councilmember Viars to approve [**RESOLUTION NO. 2024-34**](#) adopting the proposed M&O millage rate of 7.75 mills. Seconded by Councilmember Gutierrez.

Vote taken, motion unanimously approved 5-0. Motion passed.

B. Third and Final Public Hearing: Bond Millage Rate

Consideration for approval of a Resolution to adopt the proposed Bond Millage Rate

Ms. Gunn presented a resolution to adopt the proposed Bond millage rate of 1.5 mills, which is the same as last year. The Bond millage rate is levied to fund the debt service

on the \$15 million Recreation and Traffic Safety Bonds that were approved by the voters on September 21, 2004. The dates of the public hearings, the current 2024 Tax Digest, and the 5-year History of Levy were properly advertised in the Marietta Daily Journal on July 20, 2024, whereas the other advertisements were published on both July 20 and July 27, 2024, at 6:00 p.m. and August 5, 2024, at 10:30 a.m., respectively.

Motion by Councilmember Orochena to approve [RESOLUTION NO. 2024-35](#) to adopt the Bond millage rate of 1.5 mills. Seconded by Councilmember Viars.

6:42 p.m. Floor Open for Public Comments

No comments.

6:43 p.m. Floor Closed for Public Comments

Vote taken, motion unanimously approved 5-0. Motion passed.

11. Consent Agenda

- A. **Minutes: July 8, 2024 Work Session**
Approval of the July 8, 2024, City Council work session minutes
- B. **Minutes: July 8, 2024 Special Called City Council FY 25 Budget Work Session**
Approval of the July 8, 2024, special called FY 25 budget work session.
- C. **Minutes: July 15, 2024 Regular Meeting**
Approval of the July 15, 2024, City Council regular meeting minutes.
- D. **Minutes: July 15, 2024 Executive Session**
Approval of the July 15, 2024, City Council executive session minutes.
- E. **Resolution: New Bank Account for the National Opioid Settlement Funds**
Consideration for approval of a Resolution authorizing the opening of a new bank account for the National Opioid Settlement funds.

[RESOLUTION NO. 2024-36](#)

- F. **Bail Bond License: Empire Surety Group**
Consideration for approval of a Bail Bond license for Empire Surety Group, Inc. d/b/a A 24 Hour Bail Bonding located at 2248 Austell Road SW Marietta, GA 30008. Applicant: Robert Corley.

Motion by Mayor Pro Tem Jones to approve the Consent Agenda engross. Seconded by Councilmember Ferris.

Vote taken, motion unanimously approved 5-0. Motion passed.

12. General and Administrative

A. Resolution: Paid Parental Leave

Consideration for approval to adopt Section 11.14 in the City's Personnel Policies and Procedures Manual regarding paid parental leave.

City Manager Jeff Drobney presented a resolution to adopt Section 11.14 of the City of Kennesaw's Personnel Policies and Procedures Manual regarding paid parental leave. This policy would grant all employees the opportunity to take up to six consecutive weeks of paid parental leave for the adoption or birth of a child. Eligible employees would be those employed full time with at least one year of service.

Motion by Mayor Pro Tem Jones to approve [RESOLUTION NO. 2024-37](#) adopting Section 11.14 of the City of Kennesaw's Personnel Policies and Procedures Manual regarding paid parental leave as presented. Seconded by Councilmember Orochena.

Vote taken, motion unanimously approved 5-0. Motion passed.

13. Public Safety

A. Crime Statistics: June 2024

Chief Bill Westenberger presented the June 2024 crime statistics [See **Exhibit A**].

Motion by Councilmember Viars to receive the June 2024 crime statistics as presented. Seconded by Mayor Pro Tem Jones.

Vote taken, motion unanimously approved 5-0. Motion passed.

14. Information Technology

15. Public Works and Building Maintenance

16. Recreation and Culture

17. Community Development

18. Public Comment/Business from the Floor

6:47 p.m. Floor Open for Public Comments

ANDREW BRAMLETT [City Resident]: Mr. Bramlett shared a local history story about the origins of an Olympic-sized pool located in Pinetree Country Club [See **Exhibit B**].

6:48 p.m. Floor Closed for Public Comments

19. City Manager's Report

A. Reports, Discussions, and Updates

20. 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, Committee, Authority, or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve boards and commissions, as deemed necessary.

21. Council Reports & Discussions

A. Public Comment: Work Session

Consideration to approve adding a public comment section to work sessions.

Councilmember Orochena asked the Council to consider adding a public comment section to the work session.

Councilmember Viars spent last week watching recorded meetings of various cities to see how they conduct their meetings and how possibly we might be able to do better. She looked at their agendas as well as noticed none of the cities allowed for public comment during their work session. Councilmember Viars explained that work sessions are an opportunity to plan the regular meeting and interact with staff in a more informal setting. The Council needs time to digest information received during a work session. A work session has a distinct feeling and purpose and the regular meeting has a distinct feeling and purpose. She fears intertwining the two will confuse the public as to which kind of meeting they are attending. The City of Kennesaw is the only other city besides Acworth which offers two opportunities to provide public comment at the regular meeting.

Councilmember Gutierrez referred back to his comment last week that adding public comment to work sessions is providing an opportunity for residents to speak to the Council regarding what is troubling them, which has more of an impact than sending an email or making a phone call.

Mayor Easterling reiterated that the public has two opportunities to speak during the regular meeting.

Councilmember Ferris stated that people have many opportunities already to speak with the Council. Much like tonight, we have public comment at the beginning of the agenda, during the public hearings, and a public comment section at the end. We do so much already to be transparent and to offer communication. Echoing what Councilmember Viars said, the work session agenda is to set the agenda for meetings like tonight. He does not see any valid reason to add the public comment section.

Motion by Councilmember Orochena to approve adding a public comment section to work sessions. Seconded by Councilmember Gutierrez.

Mayor Easterling asked the Council if they wanted to add the public comment section on a trial basis for three months to see what kind of comments the City receives.

Motion by Councilmember Ferris to amend the main motion to approve adding a public

comment section to work sessions for a trial period of four months ending November 18, 2024. Seconded by Mayor Pro Tem Jones.

Vote taken, motion unanimously approved 5-0. Motion passed.

Mayor Easterling said there is now an amended motion adding public comment to work sessions for a trial period of four months that would be re-evaluated at the November 18, 2024, regular meeting. This motion is now the main motion on the floor.

MARY WHITLOCK [City Resident]: Ms. Whitlock stated she is a long-term resident and attends most meetings in the city. Most of the comments that the Council is looking for at the work session would be answered if people attended some of the board and commission meetings, such as the Planning Commission, Historic Preservation Commission, etc. Ms. Whitlock requested that if the Council is going to allow comments at work sessions, that they apply the same boundaries as they do for public comment at regular meetings. She would like to see more people attend the board and commission meetings because then you would not need public comment at the work sessions.

Vote taken, amended motion approved 4-1 (Councilmember Viars opposed). Amended motion passed.

Mayor Pro Tem Jones is extremely excited about paid parental leave for the City of Kennesaw. When he had a meeting with Dr. Drobney a few months ago, he was frustrated because his employer only allowed him 70% of his pay during paternal leave. In this economy, with one income, it was a struggle to make it through for his family. Mayor Pro Tem Jones wants to let the staff know that the Council is here to support them through such an important time in their lives.

Councilmember Gutierrez is looking forward to Pigs and Peaches!

Councilmember Orochena said she is keeping it short and sweet because it is her brother's birthday, and it is about time to eat cake.

Councilmember Ferris offered prayers for people in north Florida and south Georgia as Hurricane Debby rolls through those areas. He highlighted that the Kennesaw Police Department's National Night Out is tomorrow night and encouraged everyone to attend.

Councilmember Viars is also excited about parental leave and thinks it is a great benefit that will attract talent here to the City of Kennesaw. She also thanked Gina Auld and Finance department for their work on the millage rate hearings.

22. Executive Session

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.

23. Adjourn

Mayor Easterling adjourned the meeting at 7:06 p.m. The next regularly scheduled meeting will be held on Monday, August 12, 2024, at 6:30 p.m. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.

Lea Alvarez, City Clerk

DRAFT



June 2024 Crime Statistics

Summary

June 2024 Group A Offenses (58) increased by 41% compared to June 2023 (41). Assault Offenses accounted for 55% of crimes reported in June 2024. June 2024 Motor Vehicle Theft (5) increased 500% compared to June 2023 (1). June 2024 Sex Offenses (0) decreased 100% compared to June 2023 (3). YTD 2024 crimes (340) are about even with YTD 2023 (341).

June 2024 arrests (110) increased by 50% compared to June 2023 (73). YTD 2024 adult arrests (580) increased by 13% compared to YTD 2023 (515).

In June 2024 1,078 traffic stops were conducted resulting in 629 written warnings and 644 citations.

YTD 2024 traffic accidents (523) decreased 8% compared to YTD 2023 (570). YTD 2024 18% of traffic accidents included injuries compared to 21% in YTD 2023.

Crimes	June 2024	June 2023	YTD (01/01/2024) – (06/30/2024)	YTD (01/01/2023) – (06/30/2023)
Assault Offenses	32	24	192	184
Motor Vehicle Theft	5	1	12	5
Burglary	4	2	18	13
Homicide Offenses	0	0	1	0
Larceny	16	10	107	125
Sex Offenses	0	3	8	8
Robbery	1	1	2	6
Total	58	41	340	341

	June 2024	June 2023	YTD (01/01/2024) – (06/30/2024)	YTD (01/01/2023) – (06/30/2023)
Dispatched Calls for Service	783 (-12)	795	4560 (-446)	5006
Self-Initiated Activity	1,352 (+449)	903	6821 (+483)	6338
Traffic Citations	644 (+76)	568	3446 (-1161)	4607
Traffic Warnings*	629 (+284)	345	3367 (+1506)	1861
Arrests*	110 (+37)	73	580 (+65)	515

*Warnings do not include verbal warnings

*Arrest statistics does not include juveniles



KENNESAW HISTORY

Olympic Sized Pool

Pinetree Country Club pool,
c. 1960

Image from Joe Bozeman



With the Olympics taking place in Paris, it seemed appropriate to focus today on the Olympic sized swimming pool in the Kennesaw area. Located at Pinetree Country Club, it was one of the largest pools in Georgia at the time it was built.

Land was purchased for the Cobb County Recreation Area and O. B. Keeler Golf Course in 1958 and 1959. The plan was for the golf course and pool to be managed by the county. By April of 1960, the pool was “99 percent complete.” It opened on June 5, and the *Marietta Daily Journal* described the pool as “one of the nation’s most modern.” According to a promotional brochure, it was one of only five pools across the nation that met Olympic specifications. Because it could be used for swimming competitions, a grandstand to hold 1,300 people was built beside it. Within a month of opening, the pool had seen over 11,000 visitors.

In 1960, the project became a divisive issue in the 1960 election for county commissioner. That, combined with integration of public golf courses, caused the project to be sold in 1962 to private developers. Renamed Pinetree Country Club, the pool is still used and looks much like it did brand new.

Presented by Andrew J. Bramlett at the August 5, 2024,
City of Kennesaw Mayor & Council Meeting

Names and Addresses will be disclosed in the Permanent Minutes of the
City of Kennesaw

PLEASE MAKE SURE YOUR NAME IS LEGIBLE AND CLEAR

**Mayor & Council Regular Meeting
8/5/2024**

Public Comment Sign-in

	Name	Address	Topic
1	Andrew J. Bramlett	2990 Cornwell Ct.	Local history
2	Mary Whitcomb	resident	
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DRAFT



Item Report

TO: The Honorable Mayor and City Council
FROM: Bill Westenberger, Chief of Police
DATE: August 12, 2024
TITLE: **Crime Stats: July 2024**

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. July 2024 Crime Statistics (M+C)



July 2024 Crime Statistics

Crimes	July 2024	July 2023	YTD (01/01/24)-(07/31/24)	YTD (01/01/23)-(07/31/23)
Assault Offenses	18	30	206	214
Motor Vehicle Theft	6	3	18	8
Burglary	3	3	21	16
Homicide Offenses	0	0	0	0
Larceny	4	9	24	45
Sex Offenses	0	2	9	15
Robbery	0	0	5	6
Total	31	47	283	304

	July 2024	July 2023	YTD (01/01/24)-(07/31/24)	YTD (01/01/23)-(07/31/23)
Dispatched Calls for Service	782 (-56)	838	5342 (-502)	5844
Self-Initiated Activity	1351 (+531)	820	8172 (+1014)	7158
Traffic Citations	665 (-30)	695	4072 (-1212)	5284
Traffic Warnings*	710 (+574)	136	4117 (+2120)	1997
Arrests**	113 (+23)	90	693 (+88)	605

*Warnings do not include verbal warnings

**Arrests statistics do not include juveniles

	July 2024	July 2023	YTD (01/01/24)-(07/31/24)	YTD (01/01/23)-(07/31/23)
Auto Accident	96 (-9)	105	730 (-18)	748
Accident W/ Injury	4 (-8)	12	58 (-24)	82
Hit and Run	9 (-8)	17	81 (-23)	104
Hit and Run W/ Injury	0 (-1)	1	1	1
Person Hit by Auto W/ Injury	0	0	5 (+2)	3

Bill Westenberger
Chief of Police



Kennesaw Police Department
2539 J. O. Stephenson Ave., Kennesaw, GA, 30144
911 Call Center: (770) 422-2505
Criminal Investigations Division: (770) 429-4533





Item Report

TO: The Honorable Mayor and City Council
FROM: Bill Westenberger, Chief of Police
DATE: August 12, 2024
TITLE: Discussion Only: Research Results on Electric Vehicles

Summary:

Recommendation:

Fiscal Impact:

Attachments:
None



Item Report

TO: The Honorable Mayor and City Council

FROM: Marty Hughes, Assistant City Manager

DATE: August 12, 2024

TITLE: **Resolution: Transfer 2016 SPLOST Funds**
 Consideration for approval of a Resolution to transfer various 2016 SPLOST funds to the 2016 SPLOST Resurfacing and Sidewalks account.

Summary:

The 2016 SPLOST projects listed below are complete, but there are remaining balances totaling \$16,395. The City can move forward with various street improvement projects by reallocating these funds into the 2016 SPLOST Resurfacing and Sidewalks account.

Property Acquisition - \$38 (310.4228.54.149300)
 Park Improvements - \$132 (310.4228.54.149400)
 Dallas/Watts - \$189 (310.4228.54.149500)
 Facility Improvements - \$2,449 (310.4228.54.149600)
 Economic Development/Depot Park - \$13,529 (310.4228.54.149700)
 Police Vehicles - \$58 (310.4228.54.150000)

Recommendation:

The Assistant City Manager recommends approval.

Fiscal Impact:

Transfer Out:

2016 SPLOST Property Acquisition - \$38 (310.4228.54.149300)
 2016 SPLOST Park Improvements - \$132 (310.4228.54.149400)
 2016 SPLOST Dallas/Watts - \$189 (310.4228.54.149500)
 2016 SPLOST Facility Improvements - \$2,449 (310.4228.54.149600)
 2016 SPLOST Economic Development/Depot Park - \$13,529 (310.4228.54.149700)
 2016 SPLOST Police Vehicles - \$58 (310.4228.54.150000)

Transfer In:

2016 SPLOST Resurfacing and Sidewalks - \$16,395 (310.4228.54.149900)

Attachments:

1. RES 2024 - 2016 SPLOST Transfer Various Accounts to Resurfacing and Sidewalks

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2024__, 2024

**RESOLUTION AUTHORIZING THE TRANSFER OF VARIOUS 2016 SPLOST FUNDS
TO THE 2016 SPLOST RESURFACING AND SIDEWALKS ACCOUNT**

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

WHEREAS, the City Council has the authority to move SPLOST funds between accounts that are within the same referendum; and

WHEREAS, the following 2016 SPLOST projects are complete, but there are remaining balances totaling \$16,395; and

Property Acquisition - \$38 (310.4228.54.149300)
Park Improvements - \$132 (310.4228.54.149400)
Dallas/Watts - \$189 (310.4228.54.149500)
Facility Improvements - \$2,449 (310.4228.54.149600)
Economic Development/Depot Park - \$13,529 (310.4228.54.149700)
Police Vehicles - \$58 (310.4228.54.150000); and

WHEREAS, the City can move forward with various street improvement projects by reallocating these funds into the 2016 SPLOST Resurfacing and Sidewalks account.

NOW THEREFORE, BE IT RESOLVED, the Kennesaw City Council authorizes the transfer of \$16,395 from various 2016 SPLOST accounts to the 2016 SPLOST Resurfacing and Sidewalks account.

PASSED AND ADOPTED by the Kennesaw City Council on this __ day of August, 2024.

ATTEST:

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor



Item Report

TO: The Honorable Mayor and City Council

FROM: Marty Hughes, Assistant City Manager

DATE: August 12, 2024

TITLE: **Resolution: Transfer 2016 SPLOST Funds**
Consideration for approval of a Resolution to transfer 2016 SPLOST Stormwater Infrastructure funds to the 2016 Ben King Road Improvements account.

Summary:

The 2016 SPLOST Stormwater project is complete, but there is a remaining balance of \$343,551 in that account. The City can use these remaining funds for the Ben King Road improvement project by reallocating them from the 2016 SPLOST Stormwater Infrastructure account into the 2016 SPLOST Ben King Road Improvements account.

Recommendation:

The Assistant City Manager recommends approval.

Fiscal Impact:

Transfer Out:

2016 SPLOST Stormwater Infrastructure - \$343,551 (310.4228.54.148900)

Transfer In:

2016 SPLOST Ben King Road Improvements - \$343,551 (310.4228.54.148900)

Attachments:

1. RES 2024 - 2016 SPLOST Transfer Stormwater Infrastructure to Ben King Road Improvements

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2024__, 2024

**RESOLUTION AUTHORIZING THE TRANSFER OF 2016 SPLOST STORMWATER
INFRASTRUCTURE FUNDS TO THE 2016 BEN KING ROAD IMPROVEMENTS
ACCOUNT**

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

WHEREAS, the City Council has the authority to move SPLOST funds between accounts that are within the same referendum; and

WHEREAS, the 2016 SPLOST Stormwater project is complete, but there is a remaining balance of \$343,551 in that account; and

WHEREAS, the City can use these remaining funds for the Ben King Road improvement project by reallocating them from the 2016 SPLOST Stormwater Infrastructure account into the 2016 SPLOST Ben King Road Improvements account.

NOW THEREFORE, BE IT RESOLVED, the Kennesaw City Council authorizes the transfer of \$343,551 from the 2016 SPLOST Stormwater Infrastructure account to the 2016 SPLOST Ben King Road Improvements account.

PASSED AND ADOPTED by the Kennesaw City Council on this __ day of August, 2024.

ATTEST:

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor



Item Report

TO: The Honorable Mayor and City Council

FROM: Marty Hughes, Assistant City Manager

DATE: August 12, 2024

TITLE: **Resolution: Transfer 2022 SPLOST Funds**
 Consideration for approval of a Resolution to transfer 2022 SPLOST Depot Park funds to the 2022 SPLOST Neighborhood Improvements account.

Summary:

The Depot Park project is complete, but there is a remaining balance of \$1,721,394 in the 2022 SPLOST Depot Park account. The City can move forward with street resurfacing, sidewalk installation, and drainage improvements throughout various neighborhoods by reallocating \$911,701.64 from the 2022 SPLOST Depot Park account to the 2022 SPLOST Neighborhood Improvements account.

Recommendation:

The Assistant City Manager recommends approval.

Fiscal Impact:

Transfer Out:

2022 SPLOST Depot Park - \$911,701.64 (310.4228.54.150600)

Transfer In:

2022 SPLOST Neighborhood Improvements - \$911,701.64 (310.4228.54.151000)

Attachments:

1. RES 2024 - 2022 SPLOST Transfer Depot Park to Neighborhood Improvements

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2024__, 2024

**RESOLUTION AUTHORIZING THE TRANSFER OF 2022 SPLOST DEPOT PARK
FUNDS TO THE 2022 NEIGHBORHOOD IMPROVEMENTS ACCOUNT**

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

WHEREAS, the City Council has the authority to move SPLOST funds between accounts that are within the same referendum; and

WHEREAS, the Depot Park project is complete, but there is a remaining balance of \$1,721,394 in the 2022 SPLOST Depot Park account; and

WHEREAS, The City can move forward with street resurfacing, sidewalk installation, and drainage improvements throughout various neighborhoods by reallocating \$911,701.64 from the 2022 SPLOST Depot Park account to the 2022 SPLOST Neighborhood Improvements account.

NOW THEREFORE, BE IT RESOLVED, the Kennesaw City Council authorizes the transfer of \$911,701.64 from the 2022 SPLOST Depot Park account to the 2022 SPLOST Neighborhood Improvements account.

PASSED AND ADOPTED by the Kennesaw City Council on this __ day of August, 2024.

ATTEST:

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor



Item Report

TO: The Honorable Mayor and City Council

FROM: Marty Hughes, Assistant City Manager

DATE: August 12, 2024

TITLE: **Resolution: Transfer 2022 SPLOST Funds**
 Consideration for approval of a Resolution to transfer 2022 SPLOST Depot Park funds to the 2022 SPLOST Facility Improvements account.

Summary:

The Depot Park project is complete, but there is a remaining balance of \$809,692.36 in the 2022 SPLOST Depot Park account. The City can move forward with the Smith-Gilbert Gardens improvement project by reallocating 659,692.36 from the 2022 SPLOST Depot Park account to the 2022 SPLOST Facility Improvements account.

Recommendation:

The Assistant City Manager recommends approval.

Fiscal Impact:

Transfer Out:

2022 SPLOST Depot Park - \$659,692.36 (310.4228.54.150600)

Transfer In:

2022 SPLOST Facility Improvements - \$659,692.36 (310.4228.54.150500)

Attachments:

1. RES 2024 - 2022 SPLOST Transfer: Depot Park to Facility Improvements

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2024__, 2024

**RESOLUTION AUTHORIZING THE TRANSFER OF 2022 SPLOST DEPOT PARK
FUNDS TO THE 2022 SPLOST FACILITY IMPROVEMENTS ACCOUNT**

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

WHEREAS, the City Council has the authority to move SPLOST funds between accounts that are within the same referendum; and

WHEREAS, the Depot Park project is complete, but there is a remaining balance of \$809,692.36 in the 2022 SPLOST Depot Park account; and

WHEREAS, the City can move forward with the Smith-Gilbert Gardens improvement project by reallocating 659,692.36 from the 2022 SPLOST Depot Park account to the 2022 SPLOST Facility Improvements account.

NOW THEREFORE, BE IT RESOLVED, the Kennesaw City Council authorizes the transfer of \$659,692.36 from the 2022 SPLOST Depot Park account to the 2022 SPLOST Facility Improvements account.

PASSED AND ADOPTED by the Kennesaw City Council on this __ day of August, 2024.

ATTEST:

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor



Item Report

TO: The Honorable Mayor and City Council

FROM: Robbie Balenger, Building & Facilities Director

DATE: August 12, 2024

TITLE: **Resolution: Smith-Gilbert Garden Improvements Project**
 Consideration for approval of a Resolution awarding the bid and contract to Magnum Contracting, LLC for construction of various Smith-Gilbert Garden improvements.

Summary:

The Smith-Gilbert Garden improvements project will consist of a new restroom facility, pavilion, ADA Parking Lot, ADA Pathway, and Accessible Pathway. This contract also includes the top coating and striping of the current parking lot on Pine Mountain Road. Magnum Contracting, LLC was the lowest qualified bid for this project at \$1,124,821.40. There is an additional \$16,667.50 needed for architecture and engineering fees, which brings the total cost of the project to \$1,141,488.90. This project will be funded with previously approved ARPA funds, previously approved SGG Foundation funds, and 2022 SPLOST Funds.

Recommendation:

The Building and Facilities Director recommends approval.

Fiscal Impact:

Previously Approved ARPA Trail and Restroom Project - \$234,796.54 (230.6171.54.120000)
 Previously Approved SGG Foundation - \$247,000
 2022 SPLOST Facility Improvements - \$659,692.36 (310.4228.54.150500)

Attachments:

1. 2024 - SGG Improvements Resolution
2. Exhibit A - SGG executed by contractor
3. SGG Improvements Project -Recommendation of Award

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2024-__, 2024

**RESOLUTION TO AWARD THE BID AND CONTRACT TO MAGNUM
CONTRACTING, LLC FOR THE SMITH-GILBERT GARDENS IMPROVEMENT
PROJECT**

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

WHEREAS, various Smith-Gilbert Garden improvements will provide better accessibility and amenities for visitors; and

WHEREAS, the scope of work includes all material and labor necessary to construct ADA Pathways, Accessible Pathways, Restroom Facility, and a Pavilion; and

WHEREAS, Magnum Contracting, LLC was the lowest qualified bid of \$1,124,821.40 and there is an additional \$16,667.50 needed for architecture and engineering costs, which brings the total cost of the project to \$1,141,488.90; and

WHEREAS, This project will be funded with previously approved ARPA funds, previously approved SGG Foundation funds, and 2022 SPLOST Funds..

NOW, THEREFORE, BE IT RESOLVED the Kennesaw City Council authorizes the Mayor to award the bid and sign the contract with Magnum Contracting, LLC for Smith-Gilbert Gardens Improvement Project as shown in Exhibit A.

PASSED AND ADOPTED by the Kennesaw City Council on this __ day of August, 2024.

ATTEST:

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor



**City of Kennesaw, Georgia
2529 J. O. Stephenson Avenue
Kennesaw, Georgia 30144
SMITH-GILBERT GARDENS IMPROVEMENTS PROJECT**

**Proposal Opening: June 14, 2024
10:00am Local Time, City Hall Training Room**

Kevin Morton
VP of General Contracting/Sr. Project Manager
kmorton@magnumcontracting.net
770.231.8824
Utility Contractor License Number: UC302091
General Contracting License Number: GCCO005918



Table of Contents



**City of Kennesaw, Georgia
2529 J. O. Stephenson Avenue
Kennesaw, Georgia 30144
SMITH-GILBERT GARDENS IMPROVEMENTS PROJECT**

**Proposal Opening: June 14, 2024
10:00am Local Time, City Hall Training Room**

- Required Documents: Submission of Statement of Qualifications”
 - Firm Qualifications
 - References and Relationships
 - Experience
 - Litigation Record
- Bid Proposal
- Bid Bond
- Contractor Affidavit
- Evidence of Insurance
- Magnum Marketing Package



A pocket-sized license card is below. Above is an enlarged copy of your pocket card.
Please make note of the expiration date on your license. It is your responsibility to renew your license before it expires. Please notify the Board if you have a change of address.
Wall certificates suitable for framing are available at cost, see board fee schedule. To order a wall certificate, please order from the web site – www.sos.ga.gov/plb.
Please refer to Board Rules for any continuing education requirements your profession may require.

Georgia State Board of Professional Licensing
237 Coliseum Drive
Macon GA 31217
Phone: (404) 424-9966
www.sos.ga.gov/plb

Magnum Contracting, LLC
1050 Shiloh Rd
Suite 306
Kennesaw GA 30144



This license is Non-Transferable

Business License

License Number: 24446



Pickens County

This is to certify, that on 07/01/2023, Pickens County approved the License for Magnum Contracting, LLC. The holder of this license is Bradley Cox. This license will expire on 06/30/2024.

Business Name: Magnum Contracting, LLC

Business Location: 2 Mountain Park Drive West, Jasper, GA 30143

Land Development

Entity Type

License Official

Planning & Development • 1266 East Church Street, Jasper 30143 • (706) 253-8850



MAGNUM CONTRACTING LLC

FIRM HISTORY

In the sweeping cornfields of Indiana in 1974, a story commenced that is told with an uplifting spirit and inspiration till this day. To understand Magnum Contracting, you need to know Brad Cox, our Founder—a man forged in the time-honored ethos of hard work, unwavering commitment, and candid transactions. Today, Magnum Contracting is a testament to these values, encapsulating Brad's lifelong learnings and experiences.

Brad's humble beginnings are reminiscent of any heartland story. Hours spent on the fields tilling under the sun, unbending labor spent in cattle barns. These days taught Brad one invaluable lesson: true value lies in relentless work and devotion.

Over time, this teenage farm boy continued to gain a deeper understanding of his grandfather's words of wisdom: "Always give thanks to the Lord, love your family, serve your community, appreciate friends, and respect the land." The teenage farm boy bottled his grandfather's wisdom and carried it into the world. Combined with an entrepreneurial spirit, these words steered Brad towards Purdue University, earning him a Farm Management & Economics degree in 1996.

Then, in a twist of fate, the winds changed course, and Brad found himself in Georgia. Stepping into the exhilarating world of construction, this brave new frontier marked the formation of Magnum Contracting in 2002.



MAGNUM CONTRACTING LLC

FIRM HISTORY

Despite achievements, life presents roadblocks, and the 2008-2012 economic downturn was one such hurdle for Magnum Contracting. Yet, adversity often opens avenues for reflection. Brad leaned into his unyielding faith and illustrated true love towards his family. Those time-tested values ensured that the company survived and continued to garner respect in the construction market.

So, what does the future look like for Magnum Contracting? It shines bright with the light of resilience and determination. Trials have only fortified the heart, passion, and commitment towards customers, vendors, employees, families, and most importantly, the Lord above.

The story of Magnum Contracting is still being written 22 years later.



KEY PERSONNEL

- President: Bradley D. Cox
- Principal: Kevin J. Morton
- Project Manager: Mike Moczarski
- General Superintendent: Kevin Trammell
- Quality Control Superintendent: Kevin Morton

Primary Point of Contact: Kevin J. Morton



Bradley D. Cox
President

PROFILE

Hands-on construction and development professional with over 25 years of experience in site development. Has successfully guided Magnum Contracting as the President and CEO for the past 20 years and has overseen the completion of several projects. Has shown the ability to build relationships with clients, subcontractors, general contractors, local officials and vendors resulting in a positive impact for the completion of projects.

Areas of Expertise

- Operations Manager
- Project Manager
- Budget Analysis
- Construction Planning and Scheduling
- Estimating and Job Costing
- Organization and Time Management
- Employee Human Relations
- Sales and Real Estate Development
- Company Financial Statements
- Staff Development
- Safety and Compliance Management
- Quality Control Management

EMPLOYMENT HISTORY

Magnum Contracting, LLC

President / CEO

- Responsible for the daily operations of \$10+ million a year construction firm.
- Developed and maintained client relationships.
- Managed Accounting Department and the company cash flow, Human Resource Department, Estimating Department, Purchasing Department and Field Operations.
- Responsible for contract review and negotiations.
- Implemented P.O.'s and subcontracts.
- Worked closely with CPA and bonding company on company financials.
- Renegotiated company Healthcare, Dental Insurance programs, Worker's Compensation and General Liability Insurance.

Key Projects Managed:

- Plantation Apartments, City of Macon: Site work for a \$1 million apartment project. The project was an 8 acre site with multistory apartments, parking, and amenities. The project was completed over a one year period.
- Marketplace, City of Cumming: Constructed a \$2 million residential project. The project was an 18 acre site with lots for single family homes, tennis courts, and walking trails.
- Claremore Manor, Woodstock, Georgia: Site work for a \$2 million residential project. The project was a 20 acre site including lots for single family homes, tennis courts, and walking trails.

Dickman Grading & Hauling, Inc. Marietta, GA

Operations Manager

- Responsible for the daily operations of \$14+ million a year construction firm.
- Developed and maintained client relationships.
- Managed 60 full time employees including Accounting Department and the company cash flow, Human Resource Department, Estimating Department, Purchasing Department and Field Operations.
- Responsible for contract review and negotiations.
- Implemented P.O.'s and subcontracts.
- Worked closely with CPA and bonding company on company financials.
- Renegotiated company Healthcare, Dental Insurance programs, Worker's Compensation and General Liability Insurance for annual savings of 20%.
- Successful in researching company losses in overhead expenses for annual savings of 30%.
- Safety Director in charge of researching information and creating a company specific safety program with zero OSHA violations.
- Responsible for operations of full heavy equipment shop.
- Itemized over 80 pieces of equipment and 30 vehicles and set up master list for allocating insurance values and tax adjustments.

Project Manager

- Developed and maintained subcontractor and vendor relationships.
- Prepared pay requests and verified change orders in billing.
- Submitted requests for information, project submittals, shop drawings and coordinated with engineers and architects on all project matters.
- Involved in estimates and preparing bids and change order allocation.
- Responsible for preconstruction buy out

Key Projects Managed:

- Buckhead Apartments, City of Atlanta: Site work for a \$2.5 million apartment project. The project was a 12 acre site with multistory apartments, parking, and amenities. The project was completed over a one year period.
- Marketplace, City of Roswell: Constructed a \$1.5 million commercial & retail site. The project was a 10 acre site with various retail buildings and parking lots.
- Academy Park, Alpharetta, Georgia: Site work for a \$2 million residential project. The project included recreational fields, Townhomes, tennis courts, and walking trails.

EDUCATION AND CREDENTIALS

- Purdue University 1996, Bachelor's degree in Business Economics with a minor in Farm Management

Goshen Baptist Church

Deacon Board

- Co- Chairman of Building Committee
- Welcoming Committee Member
- Sunday School Teacher



Kevin J. Morton
Magnum Contracting, LLC
Vice President, General Contracting
Senior Project Manager
GC License # GCCO005918

PROFILE

Hands-on construction and development professional with over 25 years of experience in all facets of the industry. Verifiable track record for the successful completion of several multi-million dollar on time, and profitable projects. Successful ability to build positive rapport with clients, subcontractors, general contractors, local officials and vendors while maintaining cost and profit goals. Versed in contract negotiations, project estimating, impeding design problems, document preparation, building code and regulations, material purchasing, and site management through certification of occupancy. Held an executive position as a general contractor and as a subcontractor.

Areas of Expertise

- Operations Manager
- Project Manager
- Budget Analysis
- Construction Planning and Scheduling
- Estimating and Job Costing
- Organization and Time Management
- Employee Human Relations
- Sales and Real Estate Development
- Company Financial Statements
- Staff Development
- Safety and Compliance Management
- Quality Control Management

EMPLOYMENT HISTORY

Magnum Contracting, LLC

Vice President of Gen. Contracting / Senior Project Manager

Lusk & Company, Inc.

Senior Project Manager/ Sales

Projects Managed:

- Catholic Church of Saint Monica- Multipurpose Addition 12,000 sf \$2.2 million
- City of Bogart Vocational School Renovation to New City Hall \$1.2 million
- Ga. Institute of Technology- Renovation of Chapin Hall \$1.9 million
- Unicoi State Park- Ga. Dept. of Natural Resources- ADA Improvements \$260 K
- Catholic Church of Saint Lawrence Columbarium- \$20 K

Prime Contractors Inc.

Project Manager / Sales

Projects Managed:

- Habitat for Humanity Atlanta- Development and Construction of 56 Lot subdivision \$2.2 million.
- Ga. Department of Natural Resources- Developed/ Designed/ and Constructed various projects in over 20 Ga. State Parks throughout Ga. Construction value of over \$3 million.
- Parex USA- Industrial Warehouse Addition
- Paulding County Youth Detention Center. Ga. Department of Juvenile Justice. Sports Field.
- Technical College of Ga. Acworth Campus. Student Center.

Reid & Reid Contractors, LLLP, Cumming, GA

Operations Manager

- Responsible for the daily operations of \$10+ million a year construction firm.
- Developed and maintained client relationships.
- Managed 40 full time employees including Accounting Department and the company cash flow, Human Resource Department, Estimating Department, Purchasing Department and Field Operations.
- Responsible for contract review and negotiations.
- Implemented P.O.'s and subcontracts.
- Worked closely with CPA and bonding company on company financials.
- Renegotiated company Healthcare, Dental Insurance programs, Worker's Compensation and General Liability Insurance for annual savings of 20%.
- Successful in researching company losses in overhead expenses for annual savings of 30%.
- Safety Director in charge of researching information and creating a company specific safety program with zero OSHA violations.
- Responsible for operations of full heavy equipment shop.

- Itemized over 80 pieces of equipment and 50 vehicles and set up master list for allocating insurance values and tax adjustments.

Project Manager

- Developed and maintained subcontractor and vendor relationships.
- Prepared pay requests and verified change orders in billing.
- Submitted requests for information, project submittals, shop drawings and coordinated with engineers and architects on all project matters.
- Involved in estimates and preparing bids and change order allocation.
- Responsible for preconstruction buy out.

Examples of Projects Managed

- Midway Family Festival, Watkins Development Group: site work for a \$2.5 million retail development project with a sports field.
- Oxford Summit Development, Oxford Properties, LLC: A \$1.5 million residential development project including clearing, grading, erosion control, storm drain, and cast in place walls.
- Lanier Technical College, DPR Construction: A \$2 million site project including clearing, grading, erosion control, parking lot and building pad grading, storm drain, sanitary sewer, water line, paving and curb and gutter for an addition to current Forsyth County campus.
- Many other projects ranging from \$200K to \$500K. Grading, site work and utilities for CVS, Taco Bell, Delta Credit Unions, Hickory Flat Retail, Five Oaks Fence, Rock Mill Road Extension, Laurel Creek Assisted Living, Kelly Mill Retail.
- Cumming Aquatic Center for the City of Cumming, a \$4.2 million site work project.

Morton Construction Inc., Alpharetta, GA Partner & Vice President of Construction

Responsible for overseeing project managers and superintendents for a \$10+ million a year general contractor working on both public and private construction projects, quality control, preparing monthly pay requests, and handle all project changes. Senior project manager on all projects including working with owners, engineers, owner's representatives, geotech companies and architects on a daily basis. Safety Director in charge of researching and creating a company specific program. Coordinated shop drawings and submittals.

Key Projects Managed:

- Bay Creek Park, Gwinnett County Parks & Recreation: Constructed a \$4.5 million park from start to finish. The project was a 60 acre park with baseball fields, football fields, landscaping, irrigation, track, concession buildings, trails, miracle field and playgrounds. The project was completed over a one year period.
- Riverside Park, City of Roswell: Constructed a \$2 million park with walking trails, playgrounds (2 each), amphitheater, play fields, concessions, irrigation and landscaping.

- Wills Park, Alpharetta, Georgia: Remodeled a 20+ year old park including constructing new sports fields, building concessions, and installing tennis courts, walking trails, landscaping, new playgrounds and irrigation. The project was a \$2.8 million project.
- Webb Bridge Park (Ocee Park), Alpharetta, Georgia: Constructed a 50-acre park from start to finish with sports fields, trails, concessions, playgrounds and landscaping.
- Sweet Apple Soccer Fields, City of Roswell: Constructed a \$1 million project that included sports fields, irrigation and landscaping.
- Many projects including retail centers, veterinarian hospitals, climate controlled storage, Woodstock City Hall, Fulton County Fire Station #19, Cobb County Water Treatment Plant and Cobb County Fire Station #9.

Highland Homes, Austin, TX
Division Construction Manager

Established a new division for Highland Homes in a new city. Worked with developers to start new subdivisions. Built relationships with vendors and subs to start up a new company. Managed superintendents and sales staff. Completed model homes in record time.

Highland Homes, Atlanta, GA
Atlanta Construction Manager

Centex Homes, Atlanta, GA
Superintendent

EDUCATION AND CREDENTIALS

- Auburn University 1992, Bachelor's degree in Business Administration/Management with a minor in Building Science
- Personally Licensed General Contractor with the State of Georgia
- Commercial General Contractor since 1996

Saint Brendan The Navigator Catholic Church

- Present Pastoral Council Member
- Present Co- Chairman of Building Committee
- Former Stewardship Committee Member 2010-2014
- Eucharist Minister
- Welcoming Committee Member
- Usher



Mike Moczarski
Estimator/ Project Manager, General Contracting
M-470-505-8606
mmoczarski@magnumcontracting.net

PROFESSIONAL EXPERIENCE

Magnum Contracting, LLC

Estimator/ Project Manager 2020-present
General Contracting

Projects Managed

- Clean Wave Laundry
- Mulberry Rock Park
- Tribble Mill Park
- Gum Springs Park
- Tanger Park
- Acorn Tree Care

AT&T

Network Operations Manager 2011 – 2020

Reid and Reid Contractors

Estimator / Assistant Project Manager 2007 – 2011

Paramount Grading Company

Estimator 2003 – 2007

EDUCATION

University of Phoenix- Bachelor of Science –Business Administration & minor in Marketing

2 Mountain Park Drive, W. | Jasper, Georgia 30143

magnumcontracting.net



BRETT ROGERS

PROJECT MANAGER

(770) 878-2937

BROGERS@MAGNUMCONTRACTING.NET

PROFESSIONAL EXPERIENCE

MAGNUM CONTRACTING, LLC

PROJECT MANAGER | 2017- Present

PROJECTS MANAGED:

- Clean Wave Laundry
- Tribble Mill Park
- Gum Springs Park
- Tanger Park
- Dawsonville Farmers Market
- Acorn Tree Care
- River Rock Development

DOW CHEMICAL

MENLO LOGISTICS SUPERVISOR - CONTRACTOR FOR DOW | 2013- 2017

SOUTHEAST RESTORATION

PROJECT MANAGER | 2006- 2013

2 Mountain Park Drive, W. | Jasper, GA 30143
magnumcontracting.net



KEVIN TRAMMELL

PROJECT MANAGER

(470) 270-0634

KTRAMMELL@MAGNUMCONTRACTING.NET

PROFESSIONAL EXPERIENCE

MAGNUM CONTRACTING, LLC

GC PROJECT MANAGER | July 2021- Present

PROJECTS MANAGED:

- Tribble Mill Park
- Mulberry Rock Park Phase II
- Clean Wave Laundry
- Taylor Farm
- Cherokee 75 Corporate Park

AVENUE GRADING

PROJECT MANAGER | 2018-2021

IRON HORSE GRADING AND EXCAVATING

OWNER | 2017-2018

GADDCOM INC.

SAFETY DIRECTOR | 2016-2017

2 Mountain Park Drive, W. | Jasper, GA 30143
magnumcontracting.net



MAGNUM CONTRACTING LLC

OFFICE LOCATION FOR EACH LISTED TEAM
MEMBER

Magnum Contracting, LLC Office

Address:

2 Mountain Park Drive, W.

Jasper, GA 30143

Mayor
Steven W. Miller

Council Members
Kevin Moore
Dee Phillips
Kyle Whitaker
Jeff Wilbur
Michael Roy Zenchuk II



City of Holly Springs

Post Office Box 990
Holly Springs, GA 30142
www.hollyspringsga.us
Office: 770-345-5536 – Fax: 770-345-0209

City Attorney
Robert M. Dyer

City Manager
Robert H. Logan

City Clerk
Karen Norred

May 9, 2024

To whom it may concern,

I am pleased to recommend Magnum Contracting based on their outstanding work at Barrett Memorial Park in Holly Springs. The primary goal of this project was to transform the park into a safer, more inclusive, and modern space for our community. Throughout the project, the Magnum team demonstrated professionalism, attention to detail, and excellent communication, keeping stakeholders informed about progress and timelines, ensuring transparency and collaboration.

Magnum's contributions were instrumental in various aspects of the park's renovation. They successfully upgraded the playground equipment, installed a new Fibar underdrain system, and a timber retaining wall, significantly enhancing the park's safety and functionality. The installation of an ADA-accessible ramp further ensured inclusivity and accessibility for all park visitors.

One of the most challenging tasks accomplished by Magnum Contracting was the installation of approximately 975 feet of copper water lines to supply essential amenities like dog watering stations and hose bibs. They navigated obstacles such as crossing an existing stream bed and trenching through the parking lot with skill and efficiency. Moreover, the Magnum team addressed drainage issues in multiple areas of the park by utilizing excess materials from infrastructure upgrades to improve site drainage, enhancing both aesthetics and sustainability.

Despite facing adverse weather conditions, unsuitable soil, and delays in material deliveries over six months, the Magnum team's dedication and hard work prevailed. They successfully completed all project areas within the defined scope, adhering to timelines and minimizing change orders.

Based on their outstanding performance and positive impact on our community, I have full confidence in recommending Magnum Contracting for future projects. Their dedication, expertise, and ability to overcome challenges make them a valuable partner for any construction endeavor.

Please contact me if you need more information or have any questions about Magnum Contracting's work at Barrett Memorial Park.

Sincerely,


Robert H. Logan, City Manager



To Whom It May Concern,

I am pleased to write this letter of recommendation for Magnum Contracting LLC based on their outstanding performance and dedication during a recent project for Cobb County School District (CCSD). The purpose of this project was to develop a much-needed storage lot for the district's auxiliary classroom trailers. The scope of work performed by Magnum included:

- Clearing and preparing 1.8 acres of land.
- Installing a stormwater management facility with an infiltration system.
- Connecting an 18-inch corrugated metal pipe to an existing 48-inch CMP with a custom-fabricated connection collar for a watertight seal.
- Placement of over 1500 tons of GAB (graded aggregate base) for the parking lot area.

Despite facing significant challenges, including adverse weather conditions and unsuitable soil, the Magnum team exhibited exemplary professionalism and problem-solving skills to complete the project on time and within budget. The site conditions were less than desirable and required the removal of over 200 loads of unsuitable material. Once complete, the Magnum team diligently followed third-party geotechnical recommendations to stabilize the site. Notably, Magnum Contracting LLC voluntarily installed geotechnical fabric beneath the entire storage lot for added stability, surpassing the requirements of the geotechnical advisor to ensure the durability of the project for years to come.

Magnum Contracting LLC shows impressive dedication to quality, attention to detail, and a proactive approach. They've proven resilient and resourceful in overcoming challenges, all while upholding a high standard of work. What stood out to me most about Magnum Contracting LLC is their integrity and commitment to delivering excellent results. They willingly invested in extra measures without seeking reimbursement, showing a genuine focus on client satisfaction and project excellence.

Based on our positive experience collaborating with Magnum Contracting LLC, I confidently recommend them for all general contracting projects they are considered for. Their expertise, professionalism, and proactive approach make them an ideal partner for any endeavor.

Sincerely,
Joseph Gentry


Construction Manager - CCSD

Dynamus Capital

Mr. Kevin J. Morton
Vice-President of General Contracting
Magnum Contracting, LLC
2 Mountain Park Drive, W
Jasper, Georgia 30143

RE: Recommendation for Construction of Clean Wave Laundry Project

Dear Mr. Morton,

I am pleased to provide this letter of recommendation in reference to the recently completed Clean Wave Laundry Project. As the owner of the project, I had the opportunity to witness the exemplary professionalism, expertise, and dedication demonstrated by your team throughout the construction process.

The Clean Wave Laundry project encompassed various stages, including design, value engineering, and addressing material lead time conflicts. Magnum Contracting not only excelled in each of these areas but also ensured a seamless integration of all project components.

Magnum Contracting's commitment to delivering exceptional results was evident throughout the construction process. The quality of workmanship displayed by your skilled craftsmen was exemplary, ensuring that the laundry facility not only met but surpassed our standards of excellence.

I would also like to express my appreciation for the outstanding work ethic and integrity exhibited by your team members. Their dedication to the project, coupled with their professionalism, fostered a positive and collaborative working environment. It was a pleasure to work with a team that consistently demonstrated ethical standards and a strong commitment to delivering the best possible outcomes.

Based on the outstanding performance of Magnum Contracting during the construction of the Clean Wave Laundry project, I have no hesitation in recommending your services to any prospective clients seeking a reliable and proficient construction contractor. Your professionalism, expertise, and dedication to delivering exceptional results make you an ideal partner for any construction project.

I would be more than willing to provide a personal reference or discuss my experience with Magnum Contracting in greater detail if required. Please feel free to contact me at your convenience.

Thank you once again for your exemplary work on the Clean Wave Laundry project. I look forward to the opportunity of working together on future projects.

Sincerely,

Matt Roos
Principal
Dynamus Capital Partners, LLC





GWINNETT COUNTY
DEPARTMENT OF COMMUNITY SERVICES
PARKS AND RECREATION PROJECT ADMINISTRATION

75 Langley Drive | Lawrenceville, GA 30046-6935
770.822.8840
www.gwinnettcounty.com | www.gwinnettParks.com

August 17, 2022

Mr. Kevin J. Morton, G.C.
Vice-President of General Contracting
Magnum Contracting, LLC
2 Mountain Park Drive, W
Jasper, GA 30143

RE: Tribble Mill Park Improvements Project - Letter of Recommendation

Dear Mr. Morton:

I am pleased to offer this Letter of Recommendation to Magnum for the work your firm accomplished adding a new phase of park development to Tribble Mill Park.

The project, with its new entrance on Chandler Road, started with Magnum successfully meeting the challenge of shifting the location of a primary 16" active water main along much of our entrance frontage. This tricky work was accomplished rapidly and met the requirements of our Department of Water Resources. The subsequent meter vault construction and routing of potable water to the restroom was also well done.

The grading operations for the filled plateau on which you constructed the restroom, picnic shelters, parking lot and bio-retention pond on a rise immediately above Chandler Lake was done without any significant leakage of erosive materials into that lake. Similarly, the work done to place both a large bottomless culvert and pedestrian bridge over a flowing stream was also done very carefully without significant erosion and with the retention of the trees and shrubs flanking that stream.

Magnum also handled the pavement of a major asphalt multi-purpose trail linkage of our parking area to existing trails within the park with great care, dealing expeditiously with the challenges of poor soils and wet weather as they arose.

The citizens of Gwinnett County have flocked to the new park developments and will enjoy those facilities for years to come. Thanks for your help making these park resource available to our park users.

Sincerely,

Rex Schuder
Principal Planner - Gwinnett County Department of Community Services
Parks and Recreation Project Administration



**ENGINEERS | SURVEYORS
LANDSCAPE ARCHITECTS**

6554 E CHURCH ST DOUGLASVILLE, GA 30134
TEL: 770.942.0196 | FAX: 770.942.0152
www.HRCEngineers.com

March 24, 2022

RE: Reference Letter

HRC Engineers, Surveyors & Landscape Architects, recommends Magnum Contracting, LLC as a reputable company based on previous projects whereby we were the Civil Engineer or Surveyor. We recently worked with Magnum Contracting, LLC, on three large projects- Gum Springs Park in Jackson County, Tribble Mill Park in Gwinnett County, and Taylor Farms Park in Paulding County. The work Magnum Contracting, LLC performed was General Contracting.

If you need additional information regarding HRC Engineers, Surveyors & Landscape Architects experience with Magnum Contracting, LLC, please feel free to give me a call at 770-942-0196.

Thank you,

A handwritten signature in black ink, appearing to read "Aaron McCullough". The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Aaron McCullough
Vice President of Business Development

SOUTHERN **PIPE & SUPPLY**

P.O. Box 683
1850 Freeman Parkway
Mableton, GA 30126
Office: 404.691.0003
Fax: 404.691.2844

February 7, 2019

Re: Magnum Contracting, LLC

To Whom It May Concern,

Southern Pipe & Supply Co., Inc. has enjoyed a relationship with Magnum Contracting, LLC for five years. Over that period, we have supplied material for over twenty-five projects. Our experience with the Magnum team has been one of professionalism throughout the entire company.

It is our hope to continue this very important relationship for years to come.

Sincerely,



Mitchell Pass

Branch Manager
Mableton, Ga.



February 8, 2019

To Whom It May Concern,

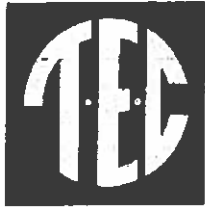
RE: MAGNUM CONTRACTING LLC – 2 MOUNTAIN PARK DRIVE WEST, JASPER GA 30143

At the request of our customer, it is confirmed that a relationship as construction material supplier has been established for over fifteen (15) years. To date, their credit account has been maintained in a satisfactory manner.

Sincerely,

A handwritten signature in blue ink, appearing to read "BD", with a long horizontal line extending to the right.

**Brian Dunmire
Credit Manager
Vulcan Materials Company
Southeast Division**



Tractor & Equipment Company

Serving the Southeast Since 1943.

February 6, 2019

RE: Magnum Contracting LLC

To Whom It May Concern:

Tractor and Equipment Company is pleased to recommend to you the services provided by Magnum Contracting LLC. We are a vendor for Magnum Contracting and feel very fortunate to have had them as a business partner since 2003.

We sell equipment, rent equipment and supply heavy machinery parts and service to Magnum Contracting. We (TEC) feel that all transactions are handled in a highly professional and fair manner. We (TEC) look forward to many more years of partnership with Magnum Contracting.

We would sincerely recommend Magnum Contracting for any needs you may have relating to the services that they offer and can provide for you.

Sincerely,
Randy Powers
Credit Manager
Tractor and Equipment Company
Birmingham, Al
Phone 205-591-2131
rpowers@tractor-equipment.com



- ***HRC - Tribble Mill Park***
 - ***02/21/2021-04/01/2022***
- ***Southern Pipe & Supply - Dawsonville
Farmer's Market***
 - ***07/20/2019-03/15/2020***
- ***Vulcan - Gum Springs Park***
 - ***08/01/2020-01/10/2022***
- ***Tractor and Equipment - Taylor Farm Park***
 - ***10/10/2021-4/12/2022***



PROJECT REFERENCES

Dawsonville Farmers Market - City of Dawsonville

The project consisted of clearing, grading, erosion control, landscaping, sidewalks, curb and gutter, asphalt paving, Veterans memorial area, handrails, fencing and complete construction of a 7,500 square foot, heavy timber, pavilion and a 1,900 square foot masonry restroom building. Magnum Contracting was the prime General Contractor for this entire project. The estimated schedule for this project was 365 days and Magnum completed this project in 120 days.

- **Bob Bolz:** City Manager -City of Dawsonville
770-429-4524 | bob.bolz@dawsonville-ga.gov
- **Rachel Burton:** PLA - Davis Engineering
678-267-2968

Gum Springs Park - Jackson County Board of Commissioners

Magnum Contracting constructed 3 each completed baseball fields and a multipurpose field. Each field was completed with Tifway #419 Sod, irrigation, fencing & backstops, and dugouts. The park had 27,000 SF of concrete walking trails, batting cage and a basketball court. A complete landscaping package was installed with fencing and retaining walls.

- **Kevin Poe:** Jackson County Manager
706-367-6314 | kpoe@jacksoncountygov.com



Tribble Mill Park - Gwinnett County

Magnum Contracting's General Contracting Division completed Tribble Mill Park for Gwinnett County! Tribble Mill Park is a beautiful nature park for outdoor enthusiasts. The park is located around an existing lake in South East Gwinnett County. A portion of the work completed includes a road system with pervious pavement and parking tucked inside of a wooded forest! Magnum Contracting constructed a large concrete bridge overpass above a feeder creek leading to the lake. Pavilions for picnics & small gatherings, along with a restroom building, were constructed for visitors. Finally, walking trails with bridges and lake overlooks have been built throughout Tribble Mill Park!

- **Rex Schuder:** Gwinnett County
770-853-9300 | rexschuder@gmail.com
- **Christopher Manes:** CHA Companies
404-543-9824 | cmanes@chacompanies.com

Taylor Farm Park - Paulding County BOC

Magnum Contracting, LLC successfully completed an addition to Paulding County's Taylor Farm Park. Taylor Farm Park now consists of two supplementary features: Feature 1: Magnum Contracting, LLC performed demolition services to the existing original hay barn at Taylor Farm Park. Prior to the park being constructed, the hay barn was an extension of the farm. It served primarily as a setting for play and small picnics. Magnum Contracting, LLC designed and built a modern replica of the hay barn with a metal pavilion structure. The structure, as a whole, now contains a concrete floor. This pavilion will accommodate shade and protection from the weather, as the adjacent playground is being used by park goers. Furthermore, the pavilion will be utilized for large events, such as picnics gatherings and concerts.



MAGNUM CONTRACTING LLC

PROJECT REFERENCES

Feature 2: Magnum Contracting provided a design-built, college-sized, covered basketball pavilion structure. The open metal building features a completed basketball court that provides the open concept of playing basketball with protection from outdoor weather elements. In addition, we prepared the court for stadium seats and drinking fountains. As a beautiful new feature to the park, it was immediately used for recreation upon completion.

- **Michael Justus:** Director of Parks & Rec.
770-445-8065 | michael.justus@paulding.gov
- **Scott McNally:** Croy Engineering
470-270-5184 | smcnally@croyeng.com

Clean Wave Laundry - Dynamus Capital Partners, LLC

The conversion of a 5,000 square foot restaurant into a laundromat involves a comprehensive transformation process. Starting with design and permitting, the project proceeds with full interior demolition to create a blank canvas. The subsequent build-out phase includes the installation of 26 commercial dryers, 40 commercial washers, and four bathroom stalls, along with all necessary mechanical, electrical, and plumbing systems. Careful attention is given to creating a well-organized layout and incorporating quality finishes to enhance both functionality and aesthetics. This project aims to deliver a modern and efficient laundromat that caters to the needs of the community, offering a convenient and reliable laundry solution.

Throughout the conversion, a skilled team of professionals collaborates to ensure seamless coordination and adherence to project timelines and budgetary constraints. From the initial planning stages to the final implementation, meticulous attention is given to compliance with building codes and safety regulations.



MAGNUM CONTRACTING LLC

PROJECT REFERENCES

The successful conversion of the 5,000 square foot restaurant will result in the creation of a thriving laundromat, providing a comfortable and user-friendly environment for customers and staff alike.

- **Matt Roos:** Dynamus Capital Partners, LLC
404-545-2024 | mroos@dynamuscapital.com



MAGNUM CONTRACTING LLC

MAGNUM - AWARDS

KEVIN J. MORTON ACCEPTS AGC'S BUILD GEORGIA
AWARD FOR FIRST PLACE AT TANGER PARK IN THE CITY
OF LOCUST GROVE -- JUNE 2021 ANNUAL AGC
CONVENTION IN PONTE VEDRA, FLORIDIA



Pictured with Kevin is AGC President Dave Moody(left)
and AGC C.E.O. Mike Dunham (right)



MAGNUM CONTRACTING LLC

LITIGATION RECORD

MAGNUM CONTRACTING, LLC - LITIGATION RECORD

Magnum Contracting, LLC does not have a
Litigation Record

EXHIBIT A: ITEMIZED BID PROPOSAL FORM

CONTRACTOR NAME: Magnum Contracting, LLC DATE: 6/13/24

1. BASE BID:

PROJECT NAME: Smith-Gilbert Gardens Improvement Project

ITEM NO.	DESCRIPTION	EST. QTY.	UNIT	UNIT PRICE	TOTAL AMOUNT
1	DEMOLITION	1	LS	\$ <u>18,060</u> Numerals	\$ <u>18,060.00</u> Numerals <u>Eighteen Thousand and sixty dollars</u> Words(unit price only)
2	GRADING COMPLETE -	1	LS	\$ <u>296,517</u> Numerals	\$ <u>296,517.00</u> Numerals <u>Two Hundred ninety-six Thousand, Five Hundred seventeen dollars</u> Words(unit price only)
3	PAVILLION	1	LS	\$ <u>198,455.40</u> Numerals	\$ <u>198,455.40</u> Numerals <u>One Hundred ninety-eight Thousand, Four Hundred fifty-five dollars + Forty cents</u> Words(unit price only)
4	RESTROOM	1	LS	\$ <u>278,287.80</u> Numerals	\$ <u>278,287.80</u> Numerals <u>Two Hundred seventy-eight Thousand, Two Hundred eighty-seven dollars + Eighty cents</u> Words(unit price only)
5	UTILITY CONNECTIONS	1	LS	\$ <u>36,225</u> Numerals	\$ <u>36,225.00</u> Numerals <u>Thirty-six Thousand, Two Hundred Twenty-five dollars</u> Words(unit price only)

REVISED EXHIBIT A: ITEMIZED BID PROPOSAL FORM

ITEM NO.	DESCRIPTION	EST. QTY.	UNIT	UNIT PRICE	TOTAL AMOUNT
6	EROSION CONTROL	1	LS	\$ <u>42,860</u> Numerals <u>Forty-Two Thousand, Eight Hundred and sixty dollars</u> Words(unit price only)	\$ <u>42,860.00</u> Numerals
7	PERMANENT GRASSING	1	LS	\$ <u>4,200</u> Numerals <u>Four Thousand, Two Hundred dollars</u> Words(unit price only)	\$ <u>4,200.00</u> Numerals
8	CONC. SIDEWALK 4 IN	1,430	SY	\$ <u>70.00</u> Numerals <u>Seventy dollars</u> Words(unit price only)	\$ <u>100,100.00</u> Numerals
9	GR AGGR BASE CRS, 4 INCH, INCL MATL	762	SY	\$ <u>20.96</u> Numerals <u>Twenty dollars and ninety-six cents</u> Words(unit price only)	\$ <u>15,971.52</u> Numerals
10	ASPHALT 19 MM SUPERPAVE, TYPE 1 TOPPING	82	TN	\$ <u>276.19</u> Numerals <u>Two Hundred seventy-six dollars and nineteen cents</u> Words(unit price only)	\$ <u>22,647.58</u> Numerals
11	12.5 MM ASPHALT	272	TN	\$ <u>176.82</u> Numerals <u>One Hundred seventy-six dollars and eighty-two cents</u> Words(unit price only)	\$ <u>48,095.04</u> Numerals
12	TACK COAT	4,092	SY	\$ <u>0.44</u> Numerals <u>Zero dollars and forty-four cents</u> Words(unit price only)	\$ <u>1800.48</u> Numerals
13	8 IN WHITE STRIPING	294	LF	\$ <u>1.58</u> Numerals <u>One dollar and fifty-eight cents</u> Words(unit price only)	\$ <u>464.52</u> Numerals

EXHIBIT A: ITEMIZED BID PROPOSAL FORM

ITEM NO.	DESCRIPTION	EST. QTY.	UNIT	UNIT PRICE	TOTAL AMOUNT
14	4 IN WHITE STRIPING	1,387	LF	\$ <u>0.74</u> Numerals	\$ <u>1,026.38</u> Numerals <u>Zero dollars and seventy-four cents</u> Words(unit price only)
15	4 IN BLUE STRIPING	478	LF	\$ <u>0.74</u> Numerals	\$ <u>353.72</u> Numerals <u>zero dollars and seventy-four cents</u> Words(unit price only)
16	HANDICAP SYMBOL	6	EA	\$ <u>63.00</u> Numerals	\$ <u>378.00</u> Numerals <u>Sixty-Three dollars</u> Words(unit price only)
17	ADA SIGNAGE	6	EA	\$ <u>285.34</u> Numerals	\$ <u>1,712.04</u> Numerals <u>Two Hundred Eighty-five dollars and thirty-four cents</u> Words(unit price only)
18	5 FT CONCRETE WHEEL STOP	3	EA	\$ <u>142.00</u> Numerals	\$ <u>426.00</u> Numerals <u>One Hundred Forty-two dollars</u> Words(unit price only)
19	ADA RAMP	1	EA	\$ <u>3675</u> Numerals	\$ <u>3675.00</u> Numerals <u>Three Thousand, six Hundred seventy-five dollars</u> Words(unit price only)

EXHIBIT A: ITEMIZED BID PROPOSAL FORM

ITEM NO.	DESCRIPTION	EST. QTY.	UNIT	UNIT PRICE	TOTAL AMOUNT
	TOTAL AMOUNT			\$	<u>1,071,258.48</u> Numerals <u>One Million, Seventy-one Thousand, Two Hundred Fifty-eight dollars and Forty-eight cents</u> Words
	CONTINGENCY (5%)			\$	<u>53,562.92</u> Numerals <u>Fifty-three Thousand, Five Hundred sixty-two dollars and ninety-two cents</u> Words
	GRAND TOTAL OF AMOUNTS			\$	<u>1,124,821.40</u> Numerals <u>One Million, One Hundred twenty- four Thousand, Eight Hundred and twenty-one dollars & Forty</u> Words <u>cents</u>

BID PROPOSAL

Place Jasper, GA

Date 6/13/2024

Proposal of Magnum Contracting LLC

(hereinafter called "Bidder") a contractor organized and existing under the laws of the State of Georgia, an individual, a corporation, or a partnership doing business as General Contractor.

TO: City of Kennesaw, Georgia
(Hereinafter called "City")

Gentlemen:

The Bidder in compliance with your request for qualifications for the construction of:
City of Kennesaw

SMITH-GILBERT GARDENS IMPROVEMENTS PROJECT

having examined the scope and specifications with related documents and the site of the proposed work and being familiar with all of the conditions surrounding the construction of the proposed Project, including the availability of materials and labor, hereby proposes to furnish all labor, materials, and supplies, and to construct the Project in accordance with the Contract Documents, within the time set forth herein, and at the price stated below. The price will cover all expenses incurred in performing the work required under this Contract, of which this proposal is a part.

Bidder hereby agrees to commence work under this Contract on or before a date to be specified in a written "Notice to Proceed" of the City and project completion date will be negotiable upon contract award. Bidder further agrees to pay as liquidated damages, beyond the negotiated completion date, in the sum of \$500 per each consecutive calendar day that the Contractor shall be in default after the negotiated date stipulated in the Contract for completing the work.

Bidder acknowledges receipt of the following addenda:

Addenda 1
Addenda 2

Scope of Services – SMITH-GILBERT GARDENS IMPROVEMENTS PROJECT:

The property identified for the Smith-Gilbert Gardens Improvement Project is located at 2382 Pine Mountain Rd, Kennesaw, Ga. 30152, and is approximately 12.37 ac. in area. The improvements to Smith-Gilbert Gardens will include topping an existing asphalt parking area, adding a new smaller ADA parking area, the construction of a new restroom building and a new pavilion, and the addition of hard-surface walking pathways. All necessary specifications, details, and engineered requirements can be found in the Smith-Gilbert Gardens Construction Documents.

BID PROPOSAL (Continued)

Note: Please complete Exhibit A – Itemized Bid Proposal Form, to calculate Grand Total for the project.

Grand Total
(From Exhibit A)

\$1,124,821.40
(Numerals)

One Million, One Hundred twenty-
four Thousand, Eight Hundred
twenty-one dollars and
Forty cents
(Words)

Amount shall be shown in both words and figures. In case of discrepancy, the amount shown in words will govern.

The above price shall include all labor, materials, removal, overhead, profit, insurance, etc., to cover the finished work of the several kinds called for.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

The Bidder agrees that this bid shall be good and may not be withdrawn for a period of 60 calendar days after the scheduled closing time for receiving bids.

The undersigned further agrees that, in case of failure on his part to execute said Contract and bond within ten (10) calendar days after the award thereof, the check or bond accompanying his bid and the money payable thereon shall become the property of the City; otherwise, the check or bond accompanying this proposal shall be returned to the Bidder.

The Bidder declares that he understands that the items shown on the plans are subject to adjustment by either increase or decrease, and that should the quantities of any of the items of work be increased, the undersigned proposes to do the additional work at the unit prices stated in the schedule of values; and should the quantities be decreased, he also understands that payment will be made on actual quantities at the unit price stated in the schedule of values and will make no claim for anticipated profits for any decrease in the quantities and that actual quantities will be determined upon completion of work by field measurement agreed to by the Project Representative, at which time adjustment will be made to the Contract amount by direct increase or decrease.

Attached hereto is a bid bond or certified check on the Smith-Gilbert Gardens Improv of City of Kennesaw, in the amount of 5% according to conditions under "Information for Bidders" and the provisions therein.

The full name and residence of persons or parties interested in the foregoing bids, as principals, are named as follows:

Magnum Contracting, LLC
2 Mountain Park Drive, W.
Jasper, GA 30143

Dated at: June 14th, 2024

The 13th day of June, 2024

Bradley D. Cox
Signature

Bradley D. Cox
Printed

President
Title

SECTION TWO
CONTRACT DOCUMENTS

BID BOND
(Five Percent of Bid)

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned

Magnum Contracting, LLC as Principal and

American Alternative Insurance Corporation as Surety,

are hereby held and firmly bound unto the City of Kennesaw, Georgia as City in the penal

sum of FIVE PERCENT OF AMOUNT BID Dollars (\$ 5%) for

the payment of which, well and truly to be made, we hereby jointly and severally bind

ourselves, our heirs, executors, administrators, successors, and assigns.

Signed this 14th day of June, 20 24.

The condition of the above obligation is such that whereas the Principal has submitted to the City of Kennesaw, Georgia a certain bid attached hereto and hereby made a part hereof to enter into a contract in writing for the construction of:

City of Kennesaw

SMITH-GILBERT GARDENS IMPROVEMENTS PROJECT

NOW, THEREFORE,

- (a) If said bid shall be rejected or in the alternate,
- (b) If said bid shall be accepted and the Principal shall execute and deliver a contract in the Form of Contract attached hereto (properly completed in accordance with said bid) and shall furnish a bond for his faithful performance of said contract and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the Contract created by the acceptance of said bid, then this obligation shall be void; otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

BID BOND
(Continued)

The Surety, for value received, hereby stipulates, and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the City may accept such Bids and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

SEAL

Magnum Contracting, LLC

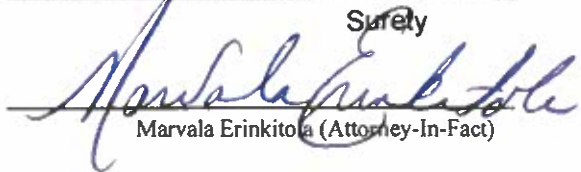
Principal



SEAL

American Alternative Insurance Corporation

Surety


Marvala Erinkitola (Attorney-In-Fact)

CERTIFIED COPY**POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the AMERICAN ALTERNATIVE INSURANCE CORPORATION, a corporation organized and existing by virtue of the laws of the State of Delaware ("Corporation") with offices at 555 College Road East, Princeton, N.J. 08543, has made, constituted and appointed, and by these presents, does make, constitute and appoint:

David Potts; Marveta Erinkitola; and Cindy Troxel

its true and lawful Attorneys-in-Fact, at Princeton, in the State of New Jersey, each of them alone to have full power to act without the other or others, to make, execute and deliver on its behalf, as Surety or Co-surety, bonds and undertakings given for any and all purposes, also to execute and deliver on its behalf as aforesaid renewals, extensions, agreements, waivers, consents or stipulations relating to such bonds or undertakings provided, however, that no single bond or undertaking so made, executed and delivered shall obligate said Company for any portion of the penal sum thereof in excess of the sum of One Hundred Million Dollars (\$100,000,000). Such bonds and undertakings for said purposes, when duly executed by said Attorney(s)-in-Fact, shall be binding upon said Company as fully and to the same extent as if signed by the President of said Company under its corporate seal attested by its Secretary. This appointment is made under and by authority of a certain Resolution adopted at a meeting of the Board of Directors of said Company duly held on the 27th day of August, 1975, a copy of which appears below.

IN WITNESS WHEREOF, the AMERICAN ALTERNATIVE INSURANCE CORPORATION has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officers this 24th day of September, 2021.



By:

Michael G. Kerner
Michael G. Kerner
President

Attest:

Ignacio Rivera
Ignacio Rivera
Deputy General Counsel & Secretary

STATE OF NEW JERSEY, COUNTY OF SOMERSET

The foregoing instrument was acknowledged before me by means of online notarization this 24th day of September, 2021, by Michael G. Kerner and Ignacio Rivera, who are personally known to me.



Jillian Sanfilippo
Jillian Sanfilippo, Notary Public
State of New Jersey
My Commission Expires February 8, 2026

SECRETARY'S CERTIFICATE

The undersigned, Ignacio Rivera, hereby certifies:

1. That the undersigned is Secretary of American Alternative Insurance Corporation, a corporation of the State of Delaware;
2. That the original power of attorney of which the foregoing is a copy was duly executed on behalf of said Corporation on the day of its date, and has not since been revoked, amended or modified; that the undersigned has compared the foregoing copy thereof with said original power of attorney, and that the same is a true and correct copy of said original power of attorney and of the whole thereof;
3. That the original resolution of which the following is a copy was duly adopted at, and recorded in the minutes of, a regular meeting of the Board of Directors of said Corporation duly held on August 4, 1998, and has not since been revoked, amended or modified.

RESOLVED, that each of the following officers of this Corporation, namely, the President, the Executive Vice President, the Senior Vice Presidents, and the Vice Presidents, be, and they hereby are, authorized, from time to time in their discretion, to appoint such agent or agents or attorney or attorneys-in-fact as deemed by them necessary or desirable for the purpose of carrying on this Corporation's business, and to empower such agent or agents or attorney or attorneys-in-fact to execute and deliver, in this Corporation's name and on its behalf, and under its seal or otherwise, surety bonds, surety undertakings or surety contracts made by this Corporation as surety thereon.

RESOLVED, that the signature of any authorized officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney and revocation of any power of attorney or certificate of either given for the execution of any surety bond, surety undertaking, or surety contract, such signature and seal, when so used being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed.

FURTHER RESOLVED, that any prior appointments by the Corporation of MGAs are, in all respects, hereby ratified, confirmed and approved.

FURTHER RESOLVED, that the Secretary or any Assistant Secretary of this Corporation is hereby authorized to certify and deliver to any person to whom such certification and delivery may be deemed necessary and desirable in the opinion of such Secretary or Assistant Secretary, a true copy of the foregoing resolution.

4. The undersigned has compared the foregoing copies of said original resolutions as so recorded, and they are the same true and correct copies of said original resolutions as so recorded and of the whole thereof.

Witness the hand of the undersigned and the seal of said Corporation this 14th day of June, 2024.



AMERICAN ALTERNATIVE INSURANCE CORPORATION

Ignacio Rivera
Ignacio Rivera
Deputy General Counsel & Secretary

TRS-1001-1

CONTRACTOR AFFIDAVIT AND AGREEMENT

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with the City of Kennesaw has registered with and is participating in a federal work authorization program* [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A. § 13-10-91.

The undersigned further agrees that, should it employ or contract with any subcontractor(s) in connection with the physical performance of services pursuant to this contract with the City of Kennesaw, contractor will secure from such subcontractor(s) similar verification of compliance with O.C.G.A. § 13-10-91 on the Subcontractor Affidavit provided in Rule 300-10-01-.08 or a substantially similar form. Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to the (name of the public employer) at the time the subcontractor(s) is retained to perform such service.

147636
EEV/Basic Pilot Program e-Verify Number

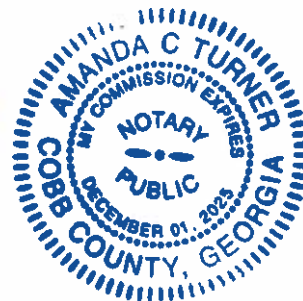
Bradley D. Cox
BY: Authorized Officer or Agent Date
(Contractor Name)

President
Title of Authorized Officer or Agent of Contractor

Bradley D. Cox
Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS 13th DAY OF June, 2024

Amanda C. Turner
Notary Public
My Commission Expires: 12/01/2025



* As of the effective date of O.C.G.A. § 13-10-91, the applicable federal work authorization program is the "EEV/Basic Pilot Program" operated by the U. S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA).



MAGNCON-01

JMC FARLAND

DATE (MM/DD/YYYY)

7/5/2023

CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Oakbridge Insurance Agency 8358 Main Street Woodstock, GA 30188	CONTACT Rhonda K Julian	
	PHONE (A/C, No, Ext): (770) 592-3132	FAX (A/C, No):
INSURED Magnum Contracting, LLC 2 Mountain Park Drive W Jasper, GA 30143	E-MAIL ADDRESS: rjulian@oakbridgeinsurance.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Frankenmuth Insurance Company	
	INSURER B: Evanston Insurance Company	
	INSURER C:	
	INSURER D:	
INSURER E:		
INSURER F:		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☐ LOC ☐ OTHER:			6632892	7/15/2023	7/15/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPOPP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY ☒ ANY AUTO OWNED AUTOS ONLY ☒ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS ONLY			6632891	7/15/2023	7/15/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 10,000			6632892	7/15/2023	7/15/2024	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N Y N/A			6632890	7/15/2023	7/15/2024	☒ PER STATUTE ☐ OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
B	Professional Liab			CPLMOL112232	7/15/2023	7/15/2024	Limit 2,000,000
B	Pollution Liability			CPLMOL112232	7/15/2023	7/15/2024	Limit 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Leased/Rented Limit - \$500,000 Colony Specialty Policy IM256054-0 7/15/23-7/15/24

Builders Risk - Policy IM257370-0 - Carrier: Colony Specialty effective

9/15/2022-9/15/2023- All Risk Form - Special Coverage - ded \$1,000

Please see attached endorsement forms for Additional Insured, Waiver of Subrogation, and/or other policy coverages as it relates to requested contract requirements or verbiage. Endorsements apply when required by written contract. Modification of a certificate of insurance other than listing the specific policy form titles, form numbers, edition dates, project/job name and/or number is a violation of Georgia law. See Georgia Statute OCGA 33-24-9 and Georgia State Insurance Commission information attached.

CERTIFICATE HOLDER

CANCELLATION

Evidence of insurance

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Julie McFarland

ACORD 25 (2016/03)

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Mr. Robbie Balenger
Building and Facilities Director
City of Kennesaw
2753 Watts Drive
Kennesaw, GA 30144

June 17, 2024

Re: Recommendation of Award: Smith-Gilbert Gardens Improvements Project

Mr. Balenger:

Bids were opened for the above referenced project on June 14, 2024. The lowest responsible and responsive bidder was submitted by Magnum Contracting in the amount of \$1,124,821.40. A reference check has been completed, and qualifications of this bidder have been verified. Therefore, it is our recommendation that the contract be awarded to Magnum Contracting. Upon receipt of the City's concurrence, we will prepare the contracts and forward them to the Contractor for execution.

Enclosed for your review is a copy of the bid log for the project.

Respectfully,

Roy Acree
Program Manager
Croy Engineering, LLC

Cc: Marty Hughes, City of Kennesaw
Lea Alvarez, City of Kennesaw
Wayne McGary, Croy Engineering

Enclosure: Bid Log



Item Report

TO: The Honorable Mayor and City Council
FROM: Ricky Stewart, Public Works Director
DATE: August 12, 2024
TITLE: Discussion Only: City Hall Entrance Improvements

Summary:

This discussion item will be to review the elevation rendering for the improvements to City Hall.

Recommendation:

Fiscal Impact:

Attachments:

1. 2024-08-05 City Hall Ent Rendering
2. Kennesaw City Hall Entrance Rendering (1)









Item Report

TO: The Honorable Mayor and City Council

FROM: Darryl Simmons, Zoning Administrator

DATE: August 12, 2024

TITLE: **Central Business District Project Application: 3033 and 3045 Cherokee Street**
 Consideration to review a CBD project application request for a mixed-use development on parcels located at 3033 Cherokee Street (Parcel 20012900960) and 3045 Cherokee Street (Parcel 20012900950). Case#CBD2024-02.

Summary:

Consideration to review a CBD project application request located on 2.543 +/- acres for the construction of a mixed used development located at 3033 and 3045 Cherokee Street (20012900960 & 20012900950).

Recommendation:

The Zoning Administrator recommends approval of the CBD project application.

Fiscal Impact:

Attachments:

1. CBD2024-02_3033&3045CherokeeSt_ApplicationPacket
2. RZ2024-03_3045 Cherokee St_Unit Itemization_7-25-24
3. 6-24-24 HPC Approved Minutes
4. CBD2024-03_3033&3045 Cherokee St_ KDDA Draft Minutes 7.12.24



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

**CENTRAL BUSINESS DISTRICT
REZONING CHECKLIST**
Required Fee \$0

Darryl Simmons
Planning & Zoning Administrator

Chanelle Campbell
Assistant Zoning Administrator/Planner

For questions, please feel free to contact the Planning and Zoning Department at (770) 590-8268 or zoningdept@kennesaw-ga.gov.

CHECKLIST ITEMS

- ☐ Application completed, signed and notarized
- ☐ A copy of the deed for said property with full legal description
Please note: Copy of the deed is needed to verify the name of the property owner
- ☐ Total Rezoning Fee – \$0
- ☐ The above items can be submitted in one of the following ways:
 - 1. Scan and email to zoningdept@kennesaw-ga.gov in PDF format.
 - 2. Submit in person at 2529 J O Stephenson Avenue, Kennesaw, GA 30144
 - 3. Mail to ATTN: Zoning, 2529 J O Stephenson Avenue, Kennesaw, GA 30144
 - a. For your convenience, a pre-paid postage envelope has been enclosed



**CENTRAL BUSINESS DISTRICT
PROJECT APPROVAL**

Date Received 03/20/24
Staff's Initials CMC

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.

Date Received 03/20/2024

Staff's Initials CMC

Procedures for filing for CBD Approval:

1. Original application completed, signed and notarized
2. Application must be filled out completely, signed and returned to the Zoning Administrator
3. Copy of Business Plan
4. Copy of warranty deed that reflects the current property owner
5. Copy of site plan with proposed project consistent with the Kennesaw Design Guidelines
6. Completed application and supporting documents listed on one Flash Drive or email to dsimmons@kennesaw-ga.gov in PDF format

CBD Approval Process:

1. Submittal to KDDA for review and comment
2. Submittal to HPC for Certificate of Appropriateness (if in HPC district) not in HPC district comments only required from HPC
3. Review/ Approval by Mayor and Council

PROPERTY ADDRESS 3045 Cherokee St. / 3033 Cherokee St. E
Land Lot 129 Tax Parcel 20012900950 Lot Size 1.663 acres Present Zoning R-15/CBD
20012900960 .8 acres

Proposed Project for Property
developing gateway community to downtown
Kennesaw

Add additional sheet if necessary

APPLICANT JASON Kisz

APPLICANT EMAIL JASON Kisz c Gmail.com

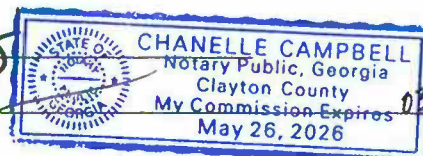
Applicant address 136 Santa Anita Trail Woodstock GA 30189

(Fax #) _____ (Work #) _____ (Cell #) _____

Applicant Signature [Signature]

Signed, sealed and delivered in presence of:

Notary



03/20/24
Date

TITLEHOLDER: FRENCH 3 INVESTMENTS, LLC Telephone: 404-245-9220

Address: 4905 VILLAGE GREEN DRIVE, ROSWELL, GA 30075

Signature [Signature] OWNER FRENCH 3 INVESTMENTS, LLC

Signed, sealed and delivered in presence of:

Notary



03/20/24
Date



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



CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

A separate form must be completed by each applicant

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

NO

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

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

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

NO

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

NO

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

I certify that the foregoing information is true and correct, this 20 day of MARCH, 2024


Applicants Signature

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

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



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.

**United States Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Ave. N.W. -G St.
Washington, DC 20530**



OVERVIEW: Introducing The Newest Jewel in Downtown Kennesaw's Crown

The new F3/Kisz/Recivilize Development at 3033 and 3045 Cherokee Street is a Downtown Kennesaw gateway development project in the City's Central Business District (CBD). The Central Business District (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 Central Business District (CBD) is to develop a compact core to encourage and facilitate pedestrian movement and provide convenient access to the amenities of downtown. The City has made some great strides in the last few years, and we are excited to continue the trend by adding another jewel to Downtown Kennesaw's crown.

Overview of the New 3033/3045 Cherokee St Development (name of development is TBD at this point):

- The initial phase of the development is 3033 (.88 acres) and 3045 Cherokee St (1.663 acres), immediately north of Galt Commons = 2.543 acres (see Exhibit A for accompanying survey and Exhibit B for conceptual site plan and illustrative architecture and landscapes for inspiration) – plan is designed to seamlessly accommodate future property additions to the north and west as deemed viable
- For sale: 31 residential units (12.19 du / acre), approx 40,000 total heated square feet of residential (mix of attached townhomes and stacked flat condos)
- For sale or lease: 2 commercial units, approx 2,000 total heated square feet of commercial
- Total of approx 42,000 heated square feet of new construction (see Exhibit C for accompanying spreadsheet for a full itemization of residential and commercial units)
- Investment by French 3 Investments, design by Recivilize Properties, and construction by Kisz Construction

According to Kennesaw's Strategic Economic Development Plan, the City is "focused on increasing density in the Downtown which will in turn create additional demand for everyday goods and services and for restaurants and bars. New mixed-use developments are expected to increase the potential for retail."

Goals are to "continue to support and pursue mixed-used development – Kennesaw already has begun enabling mixed-use development to augment the existing supply of commercial and residential spaces. In Kennesaw, the scale of nonresidential development needs to be consistent with market potential/opportunities; small office and dining/entertainment in downtown, maker-space and small-scale retail along commercial corridors. There are opportunities for repositioning underperforming assets and strengthening downtown."

The Strategic Economic Development Plan also aspires to "improve Kennesaw as a place to live, work, shop, and recreate – The City should actively engage with existing businesses and potential developers to enhance the office, retail, shopping, and recreational amenities in Kennesaw. This would require partnerships which leverage existing resources to promote and shepherd projects through the public process."



In summary, The Strategic Economic Development Plan notes that the Kennesaw CBD is designed to achieve the following:

- Create an environment where residents and visitors can live, work, meet, and play
- Promote a balanced mix of retail, office-professional, entertainment, residential, civil, and cultural uses in the core downtown area
- Allow for growth of a healthy economic business district
- Incorporate aesthetically compatible design from gateway points to the core of the city to improve the aesthetics of street and built environments
- Ensure compatibility with the historic district to achieve architectural and design integrity and consistency
- Provide accessible and sufficient parking that is unobtrusive by encouraging shared parking and alternative modes of transportation including pedestrian and bicycles
- Promote a pedestrian environment through sidewalk-oriented buildings and attractive street-facing façades that encourage pedestrian activity
- Provide safe and accessible parks and public and private open space

Fortunately, our project meets or exceeds all of Kennesaw's CBD mandates outlined above.

Kennesaw has to compete with walkable premium mixed-use neighborhoods that are proliferating in downtown Woodstock, Marietta, et al – we think this is an opportunity to make a huge statement and to deliver a strong competitive offering. Our goal is to capitalize on the quaint Galt Commons development and extend the walkable new urban quotient northward along Cherokee Street to create even more new urban synergies and impact. We can create a true, activated mixed-use gateway into Downtown Kennesaw that – with its commercial plaza and retailer(s) / restaurant(s) – we feel will even become a mini-destination of its own.

Highlights of the New 3033/3045 Cherokee St Development:

Plan:

- Will be Kennesaw's first small-scale infill development to offer a mix of commercial and residential uses
- Residential features a curated collection of compact courtyard homes
- 5-minute walk to the start of all the civic amenities, retail and restaurants of Downtown Kennesaw
- Designed to grow and seamlessly integrate into new phases to the north or west if additional properties later come available

Pricing:

- Just north of the progressive Galt Commons development, with homes that sold for over \$300 / sq ft – our goal is to sell our new homes at over \$325 / sq ft
- Should set new standards for sales price / sq ft, but also provide some affordable units starting in the 600 sf to 1000 sf range
- Attainable urbanism with some residential flats potentially starting at \$300k



Product:

- Charleston-inspired homes carefully arranged amongst intimate urban spaces
- Site delivers 31 new classic courtyard homes, and a new commercial plaza flanked by two stunning mixed-use buildings with commercial on the ground floor of each
- Plan aligns with roadways and greenways from Galt Commons and continues them to the north (and potentially to the west)
- Also provides a wet pond amenity with a trail and benches at the rear of the property

Commercial:

- Type of businesses for commercial is still TBD, though we envision one coffee / food service plus one retail shop
- Projected market targeted for commercial are those living within walking distance or those visiting downtown Kennesaw
- Projected customer generation for commercial includes retailers that generate multiple frequent visits due to highly walkable accessibility (10,000 to 20,000 customer visits per year = \$100,000 to \$500,000 in revenue per year per establishment, and the resulting City, County, State taxes)
- Plan on traffic control for ingress/egress of property – commercial parking is included in the plan, positioned directly behind the business (if needed, we would consider a shared parking arrangement with the insurance office immediately across Cherokee Street); potential for a raised traffic table at the entrance of development to slow traffic and benefit the pedestrians

Amenities of the New Development

New Commercial and Residential Amenities:

1. Commercial Plaza at front of the development
2. Greenway Park connects from neighboring Galt Commons green
3. Central Residential Plaza connects from Greenway Park
4. Wet Pond and Trail
5. Other residential amenity options might include, but are not limited to:
 - a. Dedicated storage facility section (potentially on rear of commercial building) – private (lockers for bikes, storage, etc) and shared community items (ladders, tools, etc)
 - b. Pre-assigned residential and guest parking spaces
 - c. Dog park
 - d. Mail kiosk
 - e. Fountain
 - f. Hammock area
 - g. Fire pit area
 - h. Grill area / pizza oven



New Pedestrian Connectivity:

1. Cherokee St sidewalk / Commercial Plaza pedestrian connection to north and south
2. Interior Greenway Park / Central Residential Plaza pedestrian connection to north and south to Galt Commons green
3. Wet Pond and Trail at rear of development
4. Option of Pony Trail pedestrian connection from the west

Benefits to the City of Kennesaw

Here's what else the New 3033/3045 Cherokee St Development delivers:

- Truly defined public plaza will become a treasured gateway into downtown – provides visual relief from neighboring direct street frontage and a space large enough for public and private events, and features new highly photo-worthy mixed-use buildings that will make the strongest possible gateway statement into Downtown Kennesaw
- Truly usable / enjoyable public realm features flexible plaza use opportunities for events, plaza kiosks, food trucks, and / or micro retail
- Multiple local art installation opportunities including two large mural walls facing Cherokee Street traffic inbound to Downtown Kennesaw
- New development's kinked roadway network for better low speed traffic geometries throughout the site – combined with all of the pedestrian paths and greenways – prioritize pedestrians over cars and illustrates Kennesaw's forward-thinking mentality

About Us:

About Kisz Construction: www.kiszconstruction.com

About Recivilize Design & Development: www.recivilize.com

23 262
Record and Return to:
Brian M. Douglas & Associates, LLC
900 Circle 75 Pkwy SE, Suite 800
Atlanta, GA 30339

Parcel ID#: 20012900950

TRUSTEE'S DEED

State of GEORGIA
County of COBB

THIS INDENTURE, made this 15 day of DECEMBER, 2023 between

**THOMAS R. RICHARDS, JR., AS TRUSTEE OF THE THOMAS R. RICHARDS, SR.,
REVOCABLE TRUST, DATED MARCH 18, 2016**

as party or parties of the first part, hereinafter called Grantor, and

FRENCH 3 INVESTMENTS, LLC

as party or parties of the second part, hereinafter, called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: That said Grantor for and in consideration of the sum of TEN AND 00/100 (\$10.00) DOLLARS in hand paid, at and before me sealing and delivery of these presents (the receipt of which is hereby acknowledged), Grantor (acting under and by virtue of the power and authority granted to Trustee under that certain Thomas R. Richards, Sr., Revocable Trust dated March 18, 2016), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said grantee:

EXHIBIT "A"

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

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the lawful claims and demands of all persons claiming by, through or under the above named Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public



GRANTOR:

Thomas R. Richards, Jr. AS TRUSTEE (Seal)
**THOMAS R. RICHARDS, JR., AS TRUSTEE
OF THE THOMAS R. RICHARDS, SR.,
REVOCABLE TRUST, DATED MARCH 18,
2016**

EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 129 OF THE 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA AS SHOWN ON PLAT OF SURVEY BY THOMAS M. GINN, SR. DATED JUNE 23, 1969, A COPY OF WHICH IS RECORDED IN PLAT BOOK 47, PAGE 198, COBB COUNTY, GEORGIA RECORDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A MARBLE MARKER ON THE WESTERLY RIGHT-OF-WAY OF CHEROKEE STREET FOUR HUNDRED FORTY-SEVEN (447) FEET SOUTHERLY FROM THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF CHEROKEE STREET WITH THE SOUTHERLY RIGHT-OF-WAY OF SHIRLEY DRIVE AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF CHEROKEE STREET; THENCE SOUTH 6 DEGREES 07 MINUTES 30 SECONDS WEST ONE HUNDRED TWENTY AND TEN HUNDREDTHS (120.10) FEET ALONG THE WESTERLY RIGHT-OF-WAY OF CHEROKEE STREET TO AN IRON PIN; THENCE NORTH 81 DEGREES 08 MINUTES 30 SECONDS WEST THREE HUNDRED NINETY SIX AND EIGHTY HUNDREDTHS (396.80) FEET TO AN IRON PIN; THENCE NORTH 56 DEGREES 51 MINUTES 00 SECONDS WEST THREE HUNDRED FIFTY-SEVEN AND FOURTEEN HUNDREDTHS (357.14) FEET TO AN IRON PIN AT A BRANCH; THENCE SOUTH 81 DEGREES 45 MINUTES 30 SECONDS EAST THREE HUNDRED SEVENTEEN AND FIFTY HUNDREDTHS (317.50) FEET TO AN IRON PIN; THENCE SOUTH 0 DEGREES 19 MINUTES 50 SECONDS WEST THIRTY-ONE AND EIGHTEEN HUNDREDTHS (31.18) FEET TO AN IRON PIN; THENCE SOUTH 81 DEGREES 12 MINUTES 30 SECONDS EAST THREE HUNDRED NINETY FOUR AND FIFTY HUNDREDTHS (394.50) FEET TO A MARBLE MARKER AND THE POINT OF BEGINNING.

SUBJECT TO ALL COVENANTS, CONDITIONS, ZONING ORDINANCES, RESTRICTIONS, AND EASEMENTS OF RECORD.

BEING SAME PROPERTY CONVEYED IN THAT CERTAIN QUITCLAIM DEED BETWEEN THOMAS R. RICHARDS, SR. AND THOMAS R. RICHARDS, JR., AS TRUSTEE OF THE THOMAS R. RICHARDS, SR., REVOCABLE TRUST, DATED MARCH 18, 2016, FILED MARCH 30, 2016 IN DEED BOOK 15323, PAGE 4240, COBB COUNTY, GEORGIA RECORDS.

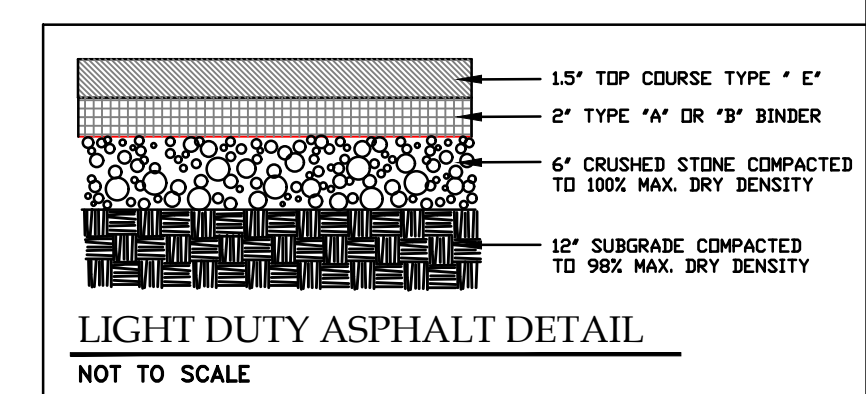
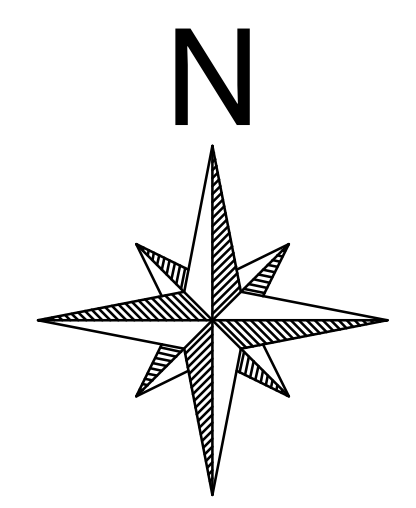
Re: 3045 Cherokee Street

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 129 OF THE 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA AS SHOWN ON PLAT OF SURVEY BY THOMAS M. GINN, SR. DATED JUNE 23, 1969, A COPY OF WHICH IS RECORDED IN PLAT BOOK 47, PAGE 198, COBB COUNTY, GEORGIA RECORDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

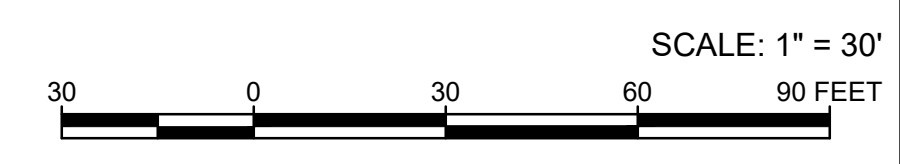
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24 HOUR CONTACT
JASON KISZ
678-616-5221



SITE PLAN

Group

BAILEY CIVIL

P.O. Box 4392
Cartersville, Ga 30120
678.925.6003
baileycivilgroup.com

FOR

KISZ CONSTRUCTION INC
136 SANTA ANITA TRAIL
WOODSTOCK, GA 30189

PROJECT

CHEROKEE ST WOODSTOCK
303 CHEROKEE ST NW
KENNESAW, GA 30144

SHEET TITLE

SITE PLAN

SHEET NUMBER

C201

PROJECT NUMBER

24114

DATE

JUNE 10TH, 2024

REVISIONS

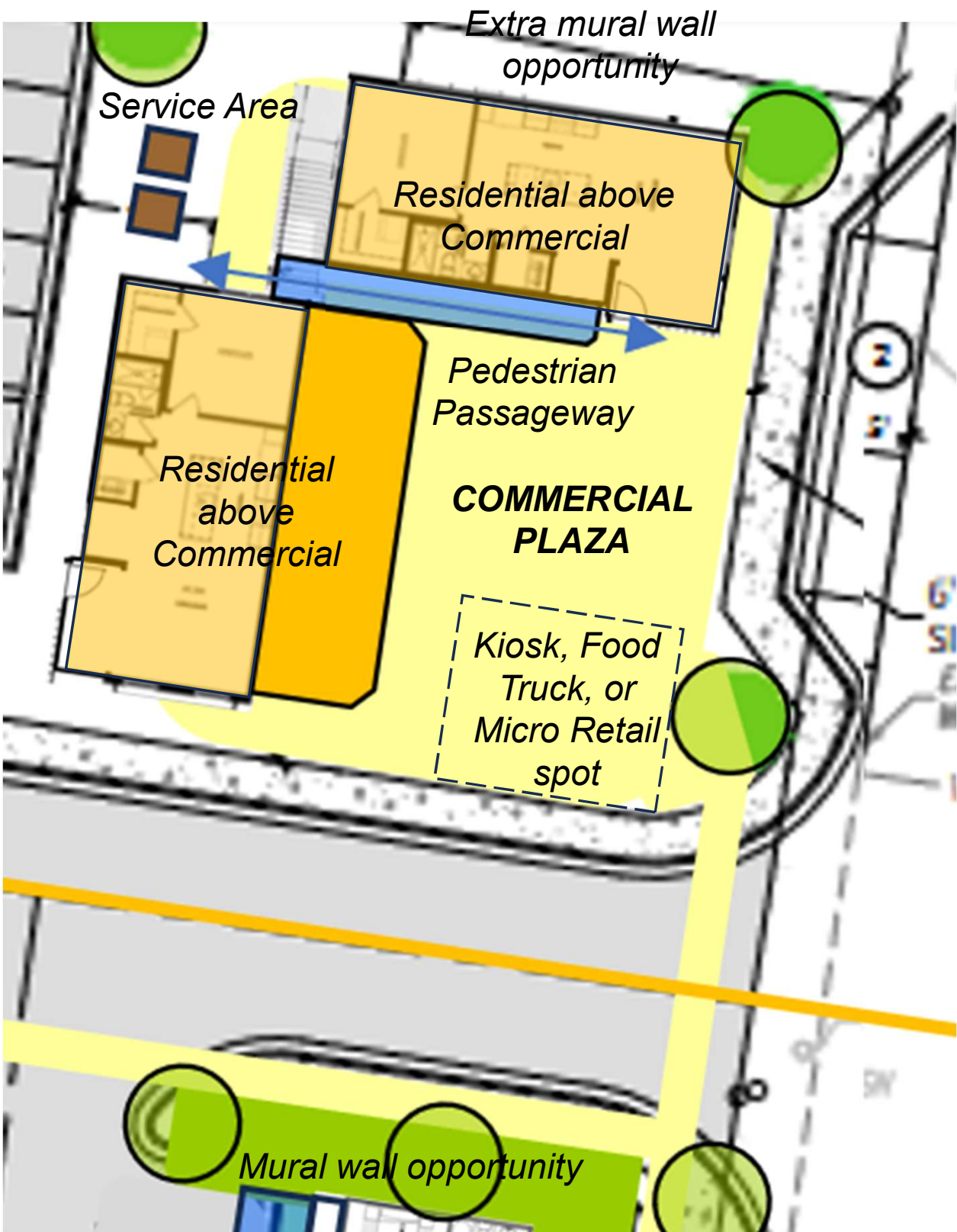
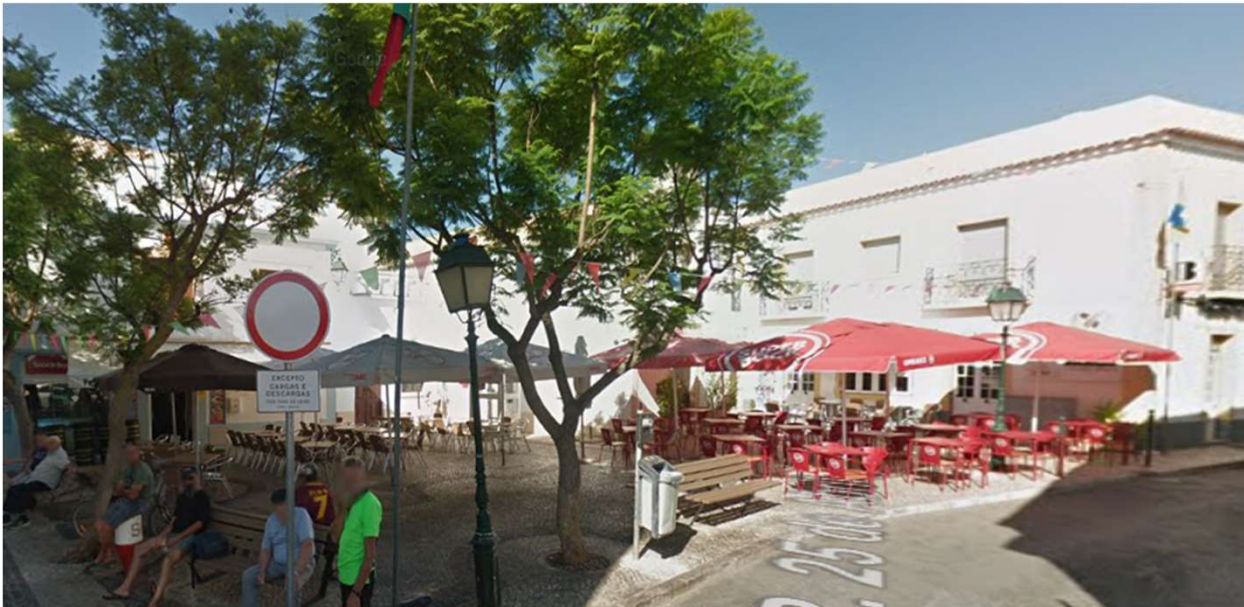
Page 248 of 293

Exhibit B :: Inspiration for Development



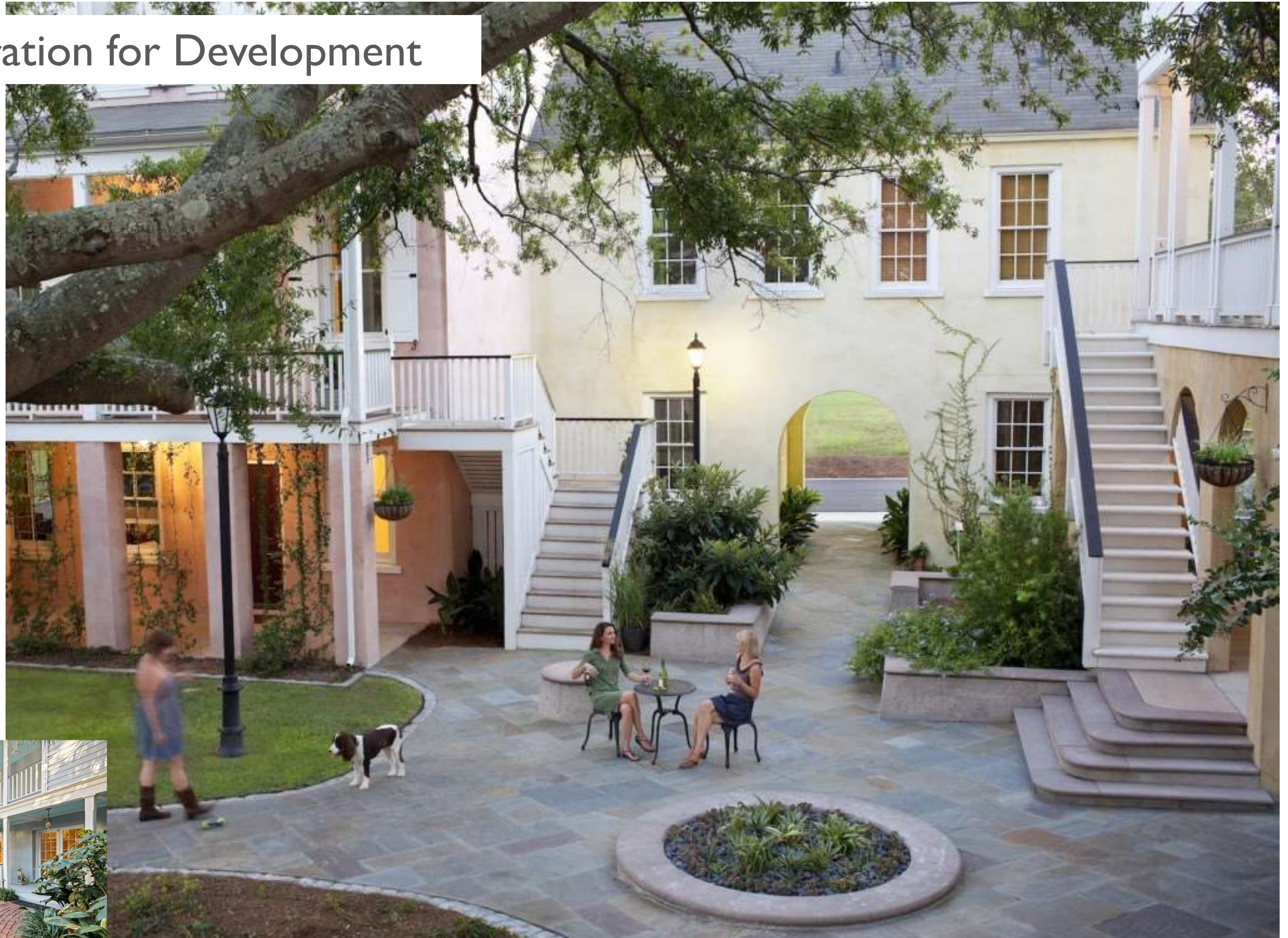
SCALE OF COMMERCIAL PLAZA

*almost identical to Adair Park Plaza in Woodstock (above)
and the Central Square in Alvor, Portugal (below)*



Please note that this is a Conceptual Plan only and has been prepared for conceptual purposes only; and is subject to withdrawals, additions and changes as a result of final architectural and engineering reviews and approvals. Illustrations are provided for conceptual purposes only and approved architectural and landscape plans may differ substantially from images and examples provided here within.

Exhibit B :: Inspiration for Development



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Exhibit B :: Inspiration for Development



Cherokee St Development ::

A curated collection of compact courtyard homes |
Just steps from downtown Kennesaw | Attainable
urbanism -- stacked flats potentially starting at 300k

Charleston-inspired homes carefully arranged
amongst intimate urban spaces

Please note that this is a Conceptual Plan only and has been prepared for conceptual purposes only; and is subject to withdrawals, additions and changes as a result of final architectural and engineering reviews and approvals. Illustrations are provided for conceptual purposes only and approved architectural and landscape plans may differ substantially from images and examples provided here within.

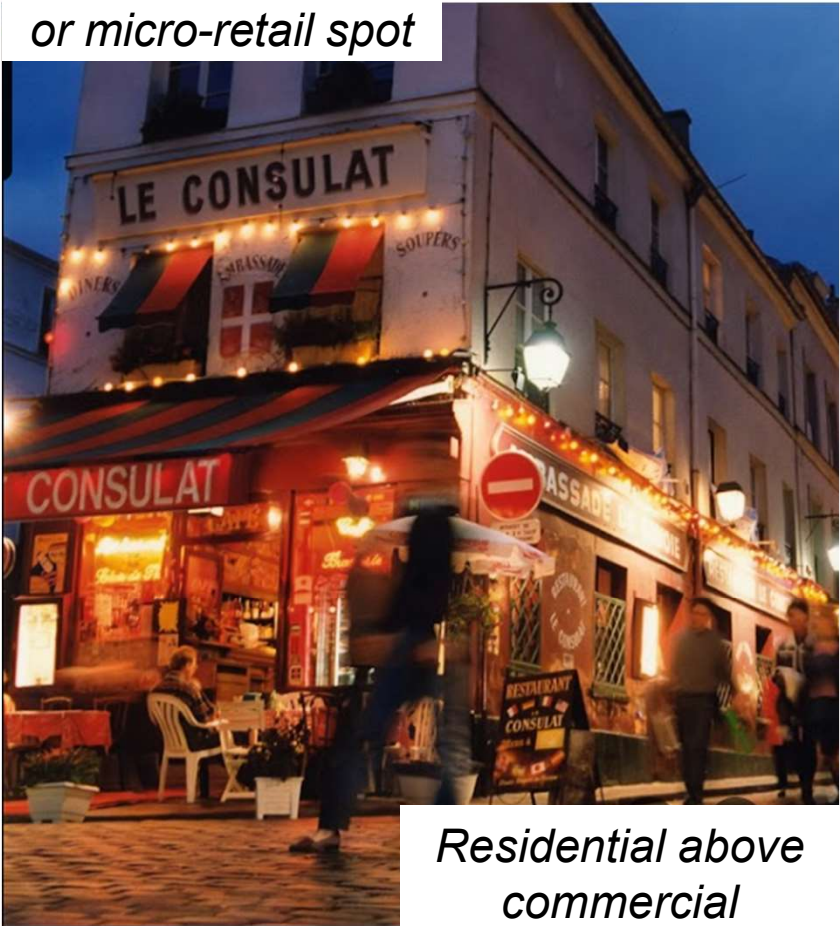
Exhibit B :: Inspiration for Development



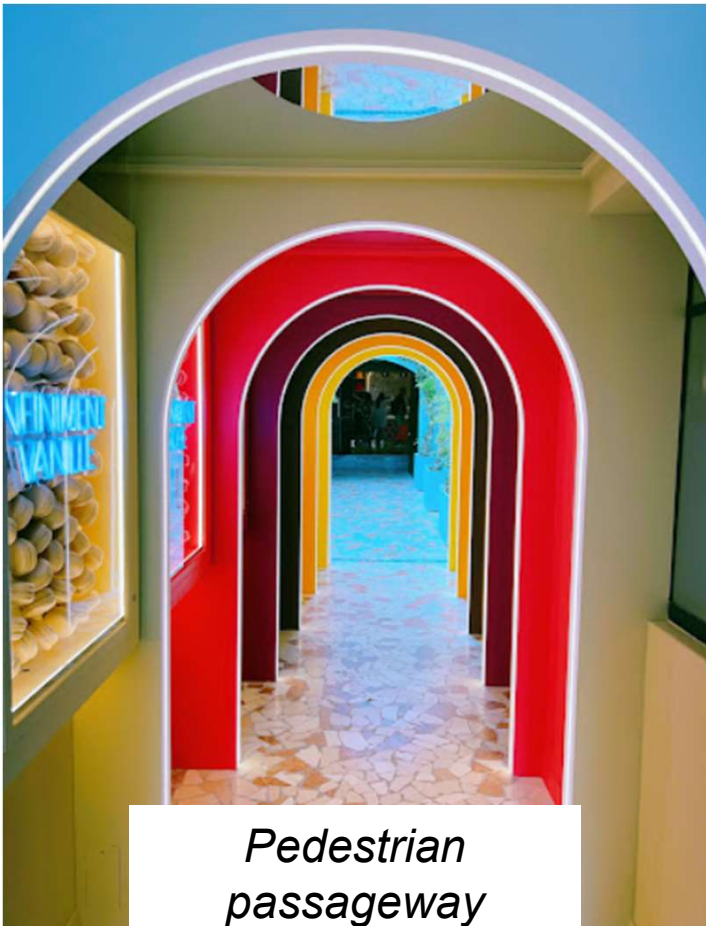
*Inviting gateway to
Downtown Kennesaw*



*Kiosk, food truck,
or micro-retail spot*



*Residential above
commercial*



*Pedestrian
passageway*

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Exhibit B :: Inspiration for Development



Colorful exteriors

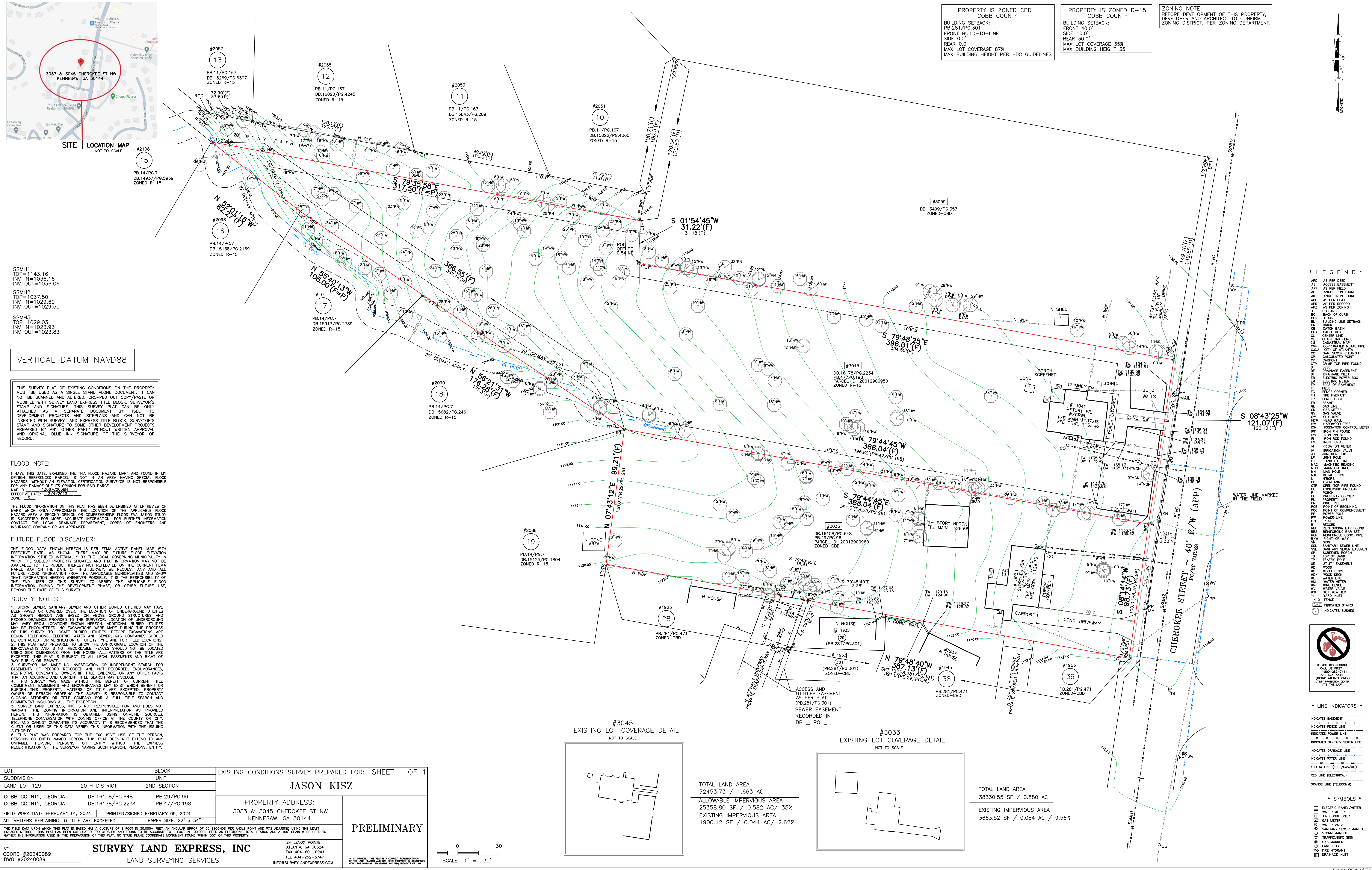


[View Gallery](#)



Tasteful amenity spaces

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SSMH1
TOP=1143.16
INV IN=1036.16
INV OUT=1036.06

SSMH2
TOP=1037.50
INV IN=1029.50
INV OUT=1029.50

SSMH3
TOP=1029.93
INV IN=1023.93
INV OUT=1023.83

VERTICAL DATUM NAVD88

THIS SURVEY PLAT OF EXISTING CONDITIONS ON THE PROPERTY MUST BE USED AS A SINGLE STAND ALONE DOCUMENT. IT CAN NOT BE SCANNED AND ALTERED, CROPPED OUT COPY/PASTE OR MODIFIED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE. THIS SURVEY PLAT CAN BE ONLY ATTACHED AS A SEPARATE DOCUMENT BY ITSELF TO DEVELOPMENT PROJECTS AND SITEPLANS AND CAN NOT BE INSERTED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE TO SOME OTHER DEVELOPMENT PROJECTS PREPARED BY ANY OTHER PARTY WITHOUT WRITTEN APPROVAL AND ORIGINAL BLUE INK SIGNATURE OF THE SURVEYOR OF RECORD.

FLOOD NOTE:

I HAVE THIS DATE, EXAMINED THE "FIA FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL IS NOT IN "AN AREA HAVING SPECIAL FLOOD HAZARDS, WITHOUT AN ELEVATION CERTIFICATION SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE TO ITS OPINION FOR SAID PARCEL."

MAP ID: 130720208N

EFFECTIVE DATE: 3/4/2013

ZONE: R-15

THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA. A SECOND OPINION OR COMPREHENSIVE FLOOD EVALUATION STUDY IS SUGGESTED FOR MORE ACCURATE INFORMATION. FOR FURTHER INFORMATION CONTACT THE LOCAL DRAINAGE DEPARTMENT, CORPS OF ENGINEERS AND INSURANCE COMPANY OR AN APPRAISER.

FUTURE FLOOD DISCLAIMER:

THE FLOOD DATA SHOWN HEREON IS PER FEMA ACTIVE PANEL MAP WITH EFFECTIVE DATE, AS SHOWN. THERE MAY BE FUTURE FLOOD ELEVATION INFORMATION STUDIED INTERNALLY BY THE LOCAL GOVERNING MUNICIPALITY IN WHICH THE SUBJECT PROPERTY SITUATES AND THAT INFORMATION MAY NOT BE AVAILABLE TO THE PUBLIC, THEREBY NOT REFLECTED ON THE CURRENT FEMA PANEL MAP ON THE DATE OF THIS SURVEY. WE REQUEST ANY AND ALL FUTURE FLOOD INFORMATION FROM THE APPLICABLE MUNICIPALITIES AND SHOW THAT INFORMATION HEREON WHENEVER POSSIBLE. IT IS THE RESPONSIBILITY OF THE END USER OF THIS SURVEY TO VERIFY THE APPLICABLE FLOOD INFORMATION DURING THE DEVELOPMENT PHASE, OR OTHER FUTURE USE, BEYOND THE DATE OF THIS SURVEY.

SURVEY NOTES:

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE COURSE OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.

2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF THE TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.

3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD RECORDED AND NOT RECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

4. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED. PROPERTY OWNER OR PERSON ORDERING THE SURVEY IS RESPONSIBLE TO CONTACT CLOSING ATTORNEY OR TITLE COMPANY FOR A FULL TITLE SEARCH AND COMMITMENT INCLUDING ALL THE EXCEPTION.

5. SURVEY LAND EXPRESS, INC. IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREON. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, TELEPHONE CONVERSATION WITH ZONING OFFICE AT THE COUNTY OR CITY, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.

6. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS, ENTITY.

LOT	BLOCK	EXISTING CONDITIONS SURVEY PREPARED FOR: SHEET 1 OF 1
SUBDIVISION	UNIT	
LAND LOT 129	20TH DISTRICT 2ND SECTION	
COBB COUNTY, GEORGIA	DB.16158/PG.648 PB.29/PG.96	
COBB COUNTY, GEORGIA	DB.16178/PG.2234 PB.47/PG.198	
FIELD WORK DATE FEBRUARY 01, 2024	PRINTED/SIGNED FEBRUARY 09, 2024	
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED	PAPER SIZE: 22" x 34"	

PROPERTY ADDRESS:
3033 & 3045 CHEROKEE ST NW
KENNESAW, GA 30144

PRELIMINARY

24 LENOX POINTE
ATLANTA, GA 30324
FAX 404-601-0941
TEL 404-255-5747
INFO@SURVEYLANDPRESS.COM

BY MY OFFICIAL, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMANCE WITH THE MEASURE, STANDARD AND REQUIREMENTS OF LAW.

0 30
SCALE 1" = 30'

PROPERTY IS ZONED CBD
COBB COUNTY
BUILDING SETBACK:
PB.281/PG.301
FRONT BUILD-TO-LINE
SIDE 0.0'
REAR 0.0'
MAX LOT COVERAGE 87%
MAX BUILDING HEIGHT PER HDC GUIDELINES

PROPERTY IS ZONED R-15
COBB COUNTY
BUILDING SETBACK:
FRONT 40.0'
SIDE 10.0'
REAR 30.0'
MAX LOT COVERAGE 35%
MAX BUILDING HEIGHT 35'

ZONING NOTE:
BEFORE DEVELOPMENT OF THIS PROPERTY,
DEVELOPER AND ARCHITECT TO CONFIRM
ZONING DISTRICT, PER ZONING DEPARTMENT.

- * LEGEND *
- APD AS PER DEED
 - AE ACCESS EASEMENT
 - APF AS PER FIELD
 - AI ANGLE IRON FOUND
 - APR AS PER PLAT
 - ASR AS PER RECORD
 - APZ AS PER ZONING
 - B BOLLARD
 - BC BACK OF CURB
 - BLK BLOCK
 - BL BUILDING LINE SETBACK
 - CB CATCH BASIN
 - CSK CABLE ROW
 - CLF CENTER LINE
 - CMF CADASTRAL MAP
 - CON CORRUGATED METAL PIPE
 - C.O.A. CITY OF ATLANTA
 - CS SAN SEWER CLEANOUT
 - CP CALCULATED POINT
 - CRP CRIMP TOP PIPE FOUND
 - D DEED
 - DE DRAINAGE EASEMENT
 - DI DRAINAGE INLET
 - EB ELECTRIC POWER BOX
 - EF ELECTRIC METER
 - EP EDGE OF PAVEMENT
 - F FENCE
 - FC FENCE CORNER
 - FI FIRE HYDRANT
 - FP FENCE POST
 - FR FENCE
 - FW FENCE WALL
 - GW GAS LINE
 - GV GAS VALVE
 - HW HEAD WALL
 - ICM IRON PIN FOUND
 - IPS IRON PIN SET
 - IRF IRON FENCE



- * LINE INDICATORS *
- INDICATES EASEMENT
 - INDICATES FENCE LINE
 - INDICATES POWER LINE
 - INDICATES SANITARY SEWER LINE
 - INDICATES DRAINAGE LINE
 - INDICATES WATER LINE
 - INDICATES FUEL/GAS/OIL
 - RED LINE (ELECTRICAL)
 - ORANGE LINE (TELECOMM)
- * SYMBOLS *
- ELECTRIC PANEL/METER
 - AIR CONDITIONER
 - GAS METER
 - WATER VALVE
 - SANITARY SEWER MANHOLE
 - STORM MANHOLE
 - TRAFFIC/STOP SIGN
 - LAMP POST
 - FIRE HYDRANT
 - DRAINAGE INLET

	Kennesaw Galt North Concept Plan 6/1/2024					
	<i>Includes new 3 story stacked flats</i>					
	<i>Spreadsheet updated 7/24/2024</i>					
	Lot	Type	Plan Description	Heated SF	BR	BA
	COMMERCIAL					
	C1	MUB	Commercial Building 1 (Ground Floor Only)	800		
	C2	MUB	Commercial Building 2 (Ground Floor Only)	800		
			Commercial Total	1,600		
	RESIDENTIAL					
	1	Flat	Stacked Flat Above Commercial (No Garage)	1,600	3	2.5
	2	Flat	Stacked Flat Above Commercial (No Garage)	1,600	3	2.5
			Total	3,200		
	3	Townhome	19 x 21 TH	1,250	2	2.5
	4	Townhome	19 x 21 TH	1,250	2	2.5
	5	Townhome	19 x 21 TH	1,250	2	2.5
	6	Townhome	19 x 21 TH	1,250	2	2.5
			Total	5,000		
	7	Townhome	19 x 21 TH	1,250	2	2.5
	8	Townhome	19 x 21 TH	1,250	2	2.5
	9	Townhome	19 x 21 TH	1,250	2	2.5
	10	Townhome	19 x 21 TH	1,250	2	2.5
			Total	5,000		
	11	Townhome	21 x 28 TH	1,500	3	3
	12	Townhome	21 x 28 TH	1,500	3	3
	13	Townhome	21 x 28 TH	1,500	3	3
			Total	4,500		
	14	Flat	Stacked Flat	1,045	2	2
	15	Flat	Stacked Flat	1,045	2	2
	16	Flat	Stacked Flat	1,045	2	2
	17	Flat	Stacked Flat	1,045	2	2
	18	Flat	Stacked Flat	1,045	2	2
	19	Flat	Stacked Flat	1,045	2	2
	20	Townhome	19 x 21 TH	1,250	2	2.5
			Total	7,520		
	21	Flat	Stacked Flat	1,045	2	2.5
	22	Flat	Stacked Flat	1,045	2	2.5

	23	Flat	Stacked Flat	1,045	2	2.5
	24	Flat	Stacked Flat	1,045	2	2.5
	25	Flat	Stacked Flat	1,045	2	2.5
	26	Flat	Stacked Flat	1,045	2	2.5
	27	Flat	Stacked Flat	1,045	2	2.5
	28	Flat	Stacked Flat	1,045	2	2.5
	29	Flat	Stacked Flat	1,045	2	2.5
			Total	9,405		
	30	Townhome	26 x 21 TH	1,500	3	3.5
	31	Townhome	26 x 21 TH	1,500	3	3.5
			Total	3,000		
			Residential Total	37,625		
			New Construction Total SF	39,225		

MINUTES OF HISTORIC PRESERVATION COMMISSION MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)
June 21, 2024
8:00 AM

1. Call to Order / Roll Call

Vice Chairman Gallagher called the meeting to order at 8:01 a.m.

Roll Call: Commissioner Butler, Commissioner Bramlett, Commissioner Gallagher, Commissioner Blandford and Commissioner Buffington

Absent: Chairman Whipple

Staff Present: Darryl Simmons (Planning & Zoning Administrator), Chanelle Campbell (Assistant Zoning Administrator & City Planner), Ricky Stewart (Public Works Director)

Speakers Present: Jason Kisz (Applicant), Jason Scheidt (Applicant), Will Mace (1941 Galt Commons), Karl Louviere (3059 Cherokee Street), Chris McGuire (2652 S. Main Street), Burton Wheeler (3073 Cherokee Street), Sam Smith (Galt Commons), Mike Schroeder (Applicant) and Chris McGuire (High Point Construction)

2. Approval of the Meeting Minutes

A. Approval of Meeting Minutes: May 17, 2024

Vice Chair Gallagher called for a motion to approve the May 17, 2024 meeting minutes.

Motion to approve by Commissioner Blandford

Seconded by Commissioner Bramlett

Vote taken, motion unanimously approved 4-0. Motion carried.

3. Financial Report

HPC funds were collected from fines and fees related to violations identified by the HPC over the past five years. Additionally, the staff is exploring ways to allocate the HPC funds to benefit historic districts, potentially through a rescue fund or educational outreach. Once the proposal is finalized, it will be presented to the HPC for consideration, and ultimately, it will require approval from the mayor and city council.

Vice Chair Gallagher called for a motion to approve the financial report as presented.

Motion to approve by Commissioner Blandford

Seconded by Commissioner Bramlett

Vote taken, motion unanimously approved 4-0. Motion carried.

4. Old Business

5. New Business

A. Demolition Application: 3045 Cherokee St

Consideration of approval for the demolition of one (1) historic structure located at 3045 Cherokee Street. Application submitted by Jason Kisz.
Case#COA2024-05

Mr. Simmons gave a brief overview of the public hearing process. He went on to introduce the first application, a demolition request for one (1) historic structure at 3045 Cherokee Street. The parcel under consideration covers an area of 1.66 acres. Mr. Simmons pointed out some of the contents of the agenda packet, including a historical summary of the property prepared by Commissioner Bramlett and a structural assessment from a certified historic preservation architect dated March 8th, as required by the HPC design standards. The evaluation was conducted by Ms. Brandy Morrison, who outlined the overall condition of the structure, modern alterations, recommendations, and photos of the interior and exterior of the structure. Mr. Simmons also mentioned that this demolition application was submitted alongside a Central Business District project proposal, which is also on this agenda.

The applicant, Jason Kisz, introduced himself. He stated that when he acquired the property and a historical analysis was done on the structure, it became clear that the only historic element remaining was the shape of the house, as the inside was demolished, and the siding, roofing, and windows had changed. He also stated that the structure is in very bad shape, and the floors are rotting. Mr. Kisz asked if the Commissioners had any questions.

Vice Chair Gallagher opened the floor for public comment.

Burton Wheeler (3073 Cherokee St NW) approached the podium and emphasized that despite other changes to the structure, the building's location has remained unchanged. He briefly discussed the property's value and taxes. He went on to highlight the heavy traffic conditions in front of his business, two doors down from this property, noting that bumper-to-bumper traffic occurs daily, and frequent traffic accidents occur. Mr. Wheeler voiced his dissatisfaction with the lack of mixed-use development in the area, emphasizing that only houses are being built, which could worsen the traffic conditions. He mentioned other properties on Cherokee Street that should be redeveloped in order to improve the area and asked for details about planned future improvements. Mr. Wheeler urged the Commissioners to address these concerns before approving structures that could strain existing utilities.

Will Mace (1941 Galt Commons) shared that Galt Commons residents are enthusiastic about the potential redevelopment of downtown Kennesaw and the surrounding area. When he initially moved to Galt Commons, he thought it was a busy downtown area, but there has been disappointment due to the lack of development. Mr. Mace expressed excitement about the work done by applicant Jason Kisz elsewhere and looks forward to seeing the impact this development could have on the community.

Karl Louviere (3059 Cherokee St) stated that he has lived in his home next door to the property of interest for 11 years and has witnessed a significant decline in the property's

quality over time. Mr. Louviere expressed appreciation for the developer's purchase of the property, given past issues with tenants and criminal activity. He inquired about the demolition timeline and whether a temporary fence would be installed along the property line during the demolition and construction of the new development. Additionally, he sought information how the demolition would be handled safely, considering the presence of asbestos siding on the house.

Vice Chair Gallagher addressed Mr. Wheeler's transportation inquiries, assuring him that the Public Works Director, Ricky Stewart, and the city engineering firm would be available to answer his questions and provide further details on Cherokee Street's long-term traffic mitigation plans. Additionally, he directed Mr. Wheeler to the Cobb County Tax Assessor's office and the City of Kennesaw's tax office for information on property values and taxes.

Regarding Mr. Louviere's concerns, Vice Chair Gallagher invited applicant Jason Kisz to address the questions about asbestos and the demolition timeline. Mr. Kisz acknowledged the property's condition and past tenant issues, recognizing the Kennesaw Police Department's efforts in addressing safety concerns. Mr. Kisz stated that the demolition schedule is dependent on the outcome of upcoming public hearings, and he stated his willingness to share the redevelopment timeline as they progress. Mr. Kisz assured that an accredited asbestos removal company has already assessed the property and would assist in handling the demolition. He confirmed that a silt fence would be installed around the property before the demolition would begin.

Vice Chair Gallagher concluded public comments and invited the Commissioners to pose questions to the applicant.

Commissioner Butler inquired whether the applicant had considered utilizing the existing structure and rebuilding the foundation for Building 2 in the commercial plaza on the proposed site plan. She also inquired about relocating the historic structure and whether it qualifies as a contributing historic structure. Mr. Simmons clarified that while it originally held that status of historic contributing, alterations to more than two-thirds of the structure might have changed its classification. The structure has undergone alterations that resulted in the loss of internal architectural features that were historically significant. Notably, the existing structure exhibits non-historic elements such as a concrete porch and vinyl siding.

Commissioner Butler asked whether the applicant had considered using the house upon purchasing the property. Mr. Kisz confirmed they had. Commissioner Butler noted that, according to Brandy Morrison, most of the structure is in good condition, with the foundation being the primary concern. She asked if the building could be restored for commercial use and specifically referred to the site plan, questioning whether the proposed location of Structure 2 aligns with the existing historic home.

Mr. Simmons explained that Planning and Zoning staff held proposal meetings with applicants before they submit their applications, and during these meetings, staff inquire about the applicant's goals for the property and the type of retail they intend to establish. He noted that in the case of Galt Commons, residential historic structures for commercial use were incorporated into the site plan, but finding tenants for renovated residential historical homes has proven challenging. Mr. Simmons listed some of the issues developers face when renovating historic homes for commercial use, including needing a flexible design to accommodate various types of uses, having to build to current Fire Marshal, building, and ADA fire codes, and increasing the floor loads. Additionally, the Mayor and City Council have expressed interest in mixed-use developments that integrate retail spaces into the designs for residential developments. The proposed new structure features ground-floor retail and two stories for residential use.

Mr. Simmons stated that the proposed approach minimizes structural constraints, which increases the chances of finding a commercial tenant, and gives the space a higher chance of occupation. He acknowledged that when considering all the factors, reconstruction becomes less feasible. While relocating the structure would be preferable, the deteriorated foundation poses a risk to its survival during the move. Even if it would survive, significant work would be necessary to bring the building up to code standards. Mr. Simmons highlighted how transportation design elements related to the upcoming Cherokee Street improvements could impact the structure if it remains in its current location.

Commissioner Butler highlighted three downtown businesses operating from historic residential structures and emphasized the commission's goal of preserving Kennesaw's historical character. After reviewing Brandy Morrison's report, she believed the structure retained historic value and remained in good condition. Mr. Simmons acknowledged that converting the structure is possible but costly. He mentioned that successful downtown historic home conversions, like the transformation of the Lazy Labrador, were influenced by the structure's excellent condition and property owner investment. He went on to discuss the financial burden on property owners to maintain their historic properties. Mr. Simmons stated that when there is redevelopment, the city has an opportunity to save historic properties if it is feasible. However, in this case, there are several factors that pose a problem, and the city aims to avoid requiring costly renovations for buildings that are not commercially viable. However, he raised concerns about the upcoming roadway improvements on Cherokee Street and the structure's location, which could pose challenges. While Mr. Simmons was addressing the Commissioners, a citizen interrupted to express concerns. Mr. Simons requested that the citizen speak with him after the meeting to discuss these concerns. This exchange lasted for approximately two minutes before the meeting proceeded. Mr. Simmons stated that there were long discussions with the applicant about the implications of taking this demolition application to the HPC as well as how it fits into the long-term goals for Cherokee Street and downtown.

Commissioner Buffington inquired about whether the applicant had reached out to Dale Hughes, the owner of Fuller's Chase. In a previous meeting, it was mentioned that there might be space to relocate additional historic structures to Fuller's Chase. Mr. Kisz responded that he had not spoken with Mr. Hughes. Mr. Simmons clarified that he had sent the historic architectural assessment to Mr. Hughes, who expressed doubts about the feasibility of relocating the structure due to structural integrity issues. Despite the applicant's willingness to move the structure, the subsequent discussion led to the conclusion that relocation was not viable.

Commissioner Butler expressed her gratitude for the applicant's submittal of an in-depth report and interior photos of the structure.

Vice Chair Gallagher highlighted section 8.02.3 of the HPC guidelines, specifically addressing the demolition of historically contributing structures. He stated that any motion should reference these guidelines. Additionally, he inquired whether it would be possible to include placing a plaque on the property, designating it as the former location of a historic structure. Mr. Simmons confirmed that the Commissioners may add that as a requirement.

Vice Chair Gallagher requested a motion for the demolition application at 3045 Cherokee Street.

Motion by Commissioner Blandford to approve the application for demolition with the following conditions:

1. The applicant must adhere to the requirements for demolition outlined in sections 8.2.03 of the Historic Preservation Commission Design Standards and;
2. A commemorative plaque to be approved by the HPC and placed within the development to recognize the historical contribution of the home.

Seconded by Commissioner Buffington

Vote taken, Vote 2-2. Commissioners Butler and Bramlett oppose. Vice Chair Gallagher broke the tie with a vote to approve. Motion carried.

B. Demolition Application: 3033 Cherokee St

Consideration of approval for the demolition of one (1) structure located at 3033 Cherokee Street. Application submitted by Jason Kisz. Case#COA2024-06

Mr. Simmons presented the following application to demolish one (1) non-historic structure at 3033 Cherokee Street. Although the building, constructed in 1971, lacks historical significance, it falls within the historic district and is part of a CBD redevelopment project. Applicant Jason Kisz emphasized the property's lack of historical importance and highlighted existing structural issues.

Vice Chair Gallagher opened the floor for public comment.

Sam Smith (Resident of Galt Commons) introduced himself and stated that although construction could be burdensome, he was pleased to see something being done with

these properties. He asked the Commissioners to clarify what makes a building historic. Vice Chair Gallagher deferred the question to Mr. Simmons and Commissioner Bramlett. Commissioner Bramlett explained that the structure at 3045 Cherokee Street, built in 1907, may be a contributing historical property due to the age of the structure. In contrast, 3033 Cherokee Street lacks similar historical significance, as it was built in 1971. Mr. Simmons responded that the structure at 3045 Cherokee Street is officially recognized as historic by the city and the state, necessitating the formal process because it is listed on the National Historic Register.

Vice Chair Gallagher called for a motion to approve the demolition application for 3033 Cherokee Street.

Motion by Commissioner Butler to approve the application for demolition with the following conditions:

1. The applicant must adhere to the requirements for demolition outlined in sections 8.2.03 of the Historic Preservation Commission Design Standards, and
2. Fencing will be implemented during the demolition process to alleviate disturbance to surrounding properties.

Seconded by Commissioner Bramlett

Vote taken, motion unanimously approved 4-0. Motion carried.

C. Central Business District Project Application: 3033 and 3045 Cherokee Street

Consideration to review a CBD project application request for a mixed-use development on two parcels located at 3033 Cherokee Street (20012900960) and 3045 Cherokee Street (20012900950). Case#CBD2024-02.

Mr. Simmons introduced the following application, a Central Business District project for redevelopment at 3045 Cherokee Street and 3033 Cherokee Street. He clarified that, apart from HPC review, the application and business plan will also be presented to the Downtown Development Authority and voted on by the Mayor and City Council. The proposal included 31 residential units, consisting of a mix of townhomes and stacked flats, along with nearly 2,000 square feet of retail space on the first floor of the front buildings. All units would be for sale and exceed the minimum 1,000 square feet requirement per unit.

Mr. Simmons highlighted that the applicant disclosed two potential streams on the property, which will be investigated to determine their status. The applicant may seek a variance for the stream buffer if confirmed as actual streams, subject to a formal public hearing process. The Mayor and City Council will review and vote on this CBD application in August, allowing stream-related issues to be addressed. Mr. Simmons then invited the applicant to present the application to the Commissioners.

Applicant Jason Kisz introduced project designer Jason Scheidt. Regarding the stream issues, Mr. Kisz clarified that although there is no active running water on the property, a water runoff ditch suggests the possibility of water presence. An inspection will occur after rainfall to confirm the legitimacy of the stream. Mr. Kisz anticipates that the potential stream originates from water runoff from neighboring properties that are now

contained.

Mr. Scheidt presented the site plan for the mixed-use development proposal, featuring two buildings arranged in an 'L' shape to create a hardscape plaza at the front of the property to serve as a public gathering space. Incorporating retail in this development is intended to improve walkability and mitigate traffic issues. He highlighted the southern green area on the site plan, aligned with the Galt Commons green to create a greenway. They would like to extend this greenway northward to provide pedestrian access away from Cherokee Street and potentially incorporate a hardscape or courtyard. This project aims to build upon the successful aspects of Galt Commons while introducing their own architectural style. He pointed out the U-shaped building on the site plan, identifying it as stacked flats. Commissioner Butler inquired about the number of units on that building, and Mr. Scheidt responded that there would be six units (three on each side) with a central staircase. These units would be 1,045 square feet, featuring two bedrooms and two bathrooms.

Commissioner Butler sought clarification on the meaning of the different colors of the buildings on the site plan, and Mr. Scheidt explained. When asked about tree preservation, Mr. Scheidt responded that the design prioritizes retaining as many trees as possible, including a 22-inch hardwood tree by the plaza.

Regarding section 4.2 of the HPC design guidelines, Vice Chair Gallagher inquired about the top roofline for the proposed three-story structures. Mr. Scheidt clarified that they have not finalized whether the structures would have pitched or parapet roofs. Mr. Simmons noted that the elevations resembled those of the Collier and Macaulay buildings on Main Street. Vice Chair Gallagher requested clarification on the meaning of 'smooth lap siding' as mentioned on the elevations, as it is not listed as an approved material in section 4.5 of the HPC design guidelines, and Mr. Kisz explained it refers to a smooth hardiplank siding.

Commissioner Butler cited section 5.5.10 of the HPC design standards, which allows materials such as brick, stone, concrete block, wood siding, or wood shingles. She sought confirmation from the applicant regarding their intended materials to ensure compliance and avoid prohibited materials such as vinyl siding. Mr. Kisz assured the Commission they would not use prohibited materials and emphasized that vinyl siding is not part of his construction practices.

Commissioner Bramlett asked about the proximity of the commercial structures to the structures on the adjacent property. Mr. Scheidt confirmed that they would adhere to setbacks as required. Mr. Simmons stated that the Cobb County Fire Marshal mandates a distance between three-story structures and other structures or property lines to ensure emergency vehicle access.

Commissioner Butler inquired about the placement of the HVAC unit in the mixed-use buildings. Mr. Scheidt explained that a rear service area behind those buildings would conceal the utilities from the plaza. Commissioner Butler expressed concern that the

neighboring property to the north may have an unpleasant view of the back of the building and utilities.

Commissioner Blandford pointed out that Chapter 5 of the HPC design guidelines addresses multi-family and mixed-use development requirements, including mechanical systems and service areas for dumpsters, satellites, etc. She asked how the applicant could revise the site plan to accommodate these requirements. Mr. Kisz clarified that utilities would be situated in the rear service area for the mixed-use portion of the design. Additionally, there is access behind each residential structure, allowing residents a place to store trash bins.

Commissioner Blandford raised concerns about chapter 5 of the HPC design guidelines, which calls for more landscaping than the plan depicts. Mr. Scheidt clarified that the current site plan is conceptual and intended to show the location of the buildings, parking, hardscapes, and landscapes. He stated that a comprehensive landscaping plan would be provided as the project progresses.

Commissioner Bramlett inquired about a red line on the site plan at the rear of the development, questioning whether it was a walking path. Mr. Scheidt responded that it is intended as a walking path, but the final location of the path would be determined after the stream evaluation. Additionally, he highlighted that the dog park at the rear of the property would be accessible to Galt Commons residents and those who would live in the new development. Mr. Kisz outlined the green space vision for the property's rear, which includes a water feature, walking trail, and benches.

Commissioner Butler highlighted the six-foot concrete sidewalk and front landscape areas. She inquired about the depth of those landscape zones, expressing concern for the one-story house across Cherokee Street. Mr. Scheidt estimated a depth of approximately 10 feet and discussed the potential donation of the sidewalk for right-of-way.

Vice Chair Gallagher verified with Mr. Simmons that, pending Commission approval, they could require the applicant to submit progress designs and a final landscaping plan. Mr. Simmons confirmed and noted that there has been a discussion with Public Works Director Ricky Stewart about acquiring the right-of-way for ongoing and future infrastructure improvement projects.

Commissioner Butler asked Mr. Simmons about the number of trees to be removed for this project. Mr. Simmons stated that he was unaware, but the applicant must submit a comprehensive landscaping plan that includes a tree assessment before removal occurs.

Vice Chair Gallagher calls for a motion for the Central Business District application. Motion by Commission Blandford to approve with the following conditions:

1. Applicant must provide project design drawings and details at 30, 60 and 90 percent

for review by the Historic Preservation Commission, and

2. Design updates must include landscaping plans and outline the trees that will be removed prior to the commencement of the project and tree removal on the property.

Seconded by Commissioner Buffington

Vote taken, motion unanimously approved 4-0. Motion carried.

D. Landscaping Application (Tree Removal): 2840 S Main Street

Consideration for approval of a Certificate of Appropriateness application submitted by Mike Schroeder for the property located at 2840 South Main Street. Case #COA2024-07.

Mr. Simmons presented the application for the removal of trees and shrubs at the future location of 1885 Grill, situated at 2840 S. Main Street. He explained that the trees in question, which the applicant wishes to remove, appear to be around seven years old and are referred to as 'accent trees.' Mr. Simmons explained that the trees in front of the building have grown to obstruct the view from inside the restaurant and obscure the front of the building, and there are shrubs that the applicant would like to remove for aesthetic reasons. Mr. Simmons mentioned that the applicant plans to return to the HPC to discuss creating an outdoor seating area facing Main Street.

Applicant Mike Schroeder explained that the submitted application aims to enhance the building's visibility from the street. A Georgia Power representative also advised removing one of the trees due to its growth into the power line. Mr. Schroeder wanted to clear some front bushes to create an outdoor seating area for customers who wish to bring their pets.

Commissioner Buffington inquired whether the applicant had conducted a property survey to confirm that the potential patio would be located on their property rather than encroaching on the city right-of-way or the adjacent city-owned parking lot. In response, Mr. Schroeder explained that he had not yet reached that stage of planning. However, when he discussed the idea with his surveyor, there were no apparent concerns, and the surveyor expressed willingness to perform another survey for verification. Mr. Schroeder emphasized that even if they decide not to install a patio, he still intends to proceed with the proposed removal of trees and shrubs. He noted that while the building is visible when traveling north on Main Street, it can be easily overlooked when traveling south.

Mr. Simmons stated that businesses seeking to add outdoor seating within the city's right-of-way could go through the sitting area approval process to obtain a permanent easement, as outlined in the downtown redevelopment plan. He mentioned a few downtown businesses that have successfully navigated this process. Mr. Simmons clarified that while the process includes internal procedures and insurance requirements, it remains a viable option.

Commissioner Butler referred to section 6.11.02 of the HPC design guidelines, which emphasizes preserving existing vegetation whenever possible and adding new vegetation that complements the building's historic character. She noted the abundance

of vegetation in the area and expressed concern about limited space for replanting. She inquired whether replanting had been considered, given the project's scope. In response, Mr. Simmons clarified that replanting was not part of the current plan. However, he mentioned that in similar situations where tree replacement is not feasible, developers have been encouraged to contribute to Kennesaw's tree banks or plant trees elsewhere for community benefit.

Commissioner Buffington noted that the trees and shrubs in question are not old-growth vegetation, as they are ornamental and were recently planted by a previous property owner.

Vice Chair Gallagher called for a motion for the Certificate of Appropriateness application for landscaping at 2840 S. Main Street.

Motion by Commissioner Blandford to approve the removal of the trees as outlined in the application; Vice Chair Gallagher amended the motion to include the condition that the applicant discuss contributing to the City of Kennesaw's tree bank with city staff.

Seconded by Commissioner Butler

Vote taken, motion unanimously approved 4-0. Motion carried.

6. COAA Approval by City Staff and HPC Chair

A. COAA2024-11 - 2840 S Main St

Mike Schroeder applied for a Certificate of Appropriateness for new signage at 2048 S. Main Street for 1885 Grill. Following a review by Chairman Whipple and Mr. Simmons, it was confirmed that the sign plans adhere to all HPC requirements related to materials and location.

B. COAA2024-12 - 2828 Cherokee St

The City of Kennesaw applied for a Certificate of Appropriateness for four (4) new signs at the city's new amphitheater. All signs have been reviewed and approved, including some free-standing signs.

7. Discussion

A. Landscaping update from Highpoint Development on 2652 South Main Street

Chris McGuire from High Point Development presented a comprehensive landscaping plan for their project at 2652 S. Main Street, as requested by the HPC. Mr. McGuire provided a brief project update, mentioning their progress toward obtaining the first Certificate of Occupancies in the coming weeks. The landscaping plan includes over 300 trees. Notable features include 5-foot-wide sidewalks along South Main Street, a city-dedicated park with 10-foot-wide sidewalks, a dog park, and a courtyard with a pool, pool deck, and astroturf. The retail portion of the property remains to be determined.

Commissioner Buffington inquired about the property lines for the city-dedicated park. Mr. McGuire clarified that these details are absent from the landscaping plans but are included in the civil drawings. Mr. Simmons expressed ongoing confusion about

property maintenance responsibilities. He emphasized that the park, per zoning conditions, should mirror Gateway Park, including replicating its sign. According to the city's understanding, the developers were initially responsible for building and maintaining the park, with the possibility of dedicating it to the city later on.

Commissioner Butler asked about the landscaping of the townhomes on Duncan Drive. Mr. McGuire clarified that High Point Development no longer owns the property. Commissioner Butler asked Mr. Simmons if the applicant for Duncan Drive would submit a landscaping plan. Mr. Simmons confirmed that Traton Homes is constructing the townhomes and is responsible for providing the final landscaping plan once it is complete.

8. Public Comment

9. Staff Comment

Mr. Simmons expressed gratitude to the Commissioners and recognized the impact of their decisions on the community. He assured that staff would keep them informed about training opportunities and provide updates on public meetings regarding revising historic district standards.

10. Adjourn

Vice Chair Gallagher adjourned the meeting at 9:39 a.m.

MINUTES OF KENNESAW DOWNTOWN DEVELOPMENT AUTHORITY MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)
July 12, 2024
7:30 AM

Present	Chair Mark Allen Vice Chair David Lyons Treasurer Leslie Patton Secretary Mary Jo Groeneveld Lexie Newhouse Ian Coats
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1. Call to Order / Roll Call

The meeting was called to order at 7:30 am by Chair, Mark Allen.

Members Present: Mark Allen, Ian Coats, David Lyons, Mary Jo Groeneveld, Lexie Newhouse, Leslie Patton

Staff Present: Luke Howe, Miranda Taylor, Fred Bentley, Jr.

2. Approval of the Meeting Minutes

A. Draft minutes 6.14.24 meeting

Draft minutes from the June 14 meeting were reviewed. David Lyons made a motion to approve the minutes as presented. The motion was seconded by Mary Jo Groeneveld. Motion passed unanimously.

3. Financial Report

A. Review of financial report as of 6.30.24

Leslie Patton presented the financial report as of June 30, 2024, with an ending cash balance of \$92,819.24. David Lyons made a motion to approve the financial report; the motion was seconded by Leslie Patton. Motion passed with a vote of 6-0.

B. Review of open invoices

There were no open invoices for review at this meeting; no action was required on this item.

4. Old Business

A. Drinks @ The Depot Festival Discussion - Event and Contract review

Mark Allen discussed the event with the board and advised that all the food truck spots are now filled. Mary Jo Groeneveld has secured several sponsors and vendors, including the stage sponsor. Mark will share the event logo and graphics with the board

as soon as they are available.

The board reviewed the draft event contract, with red-lined changes highlighted. Most changes are updating the document with current year, event name, and venue. Exhibit "A" will be updated to show a current aerial view of Depot Park, and event entrance and fencing locations will be added after Mark has a logistics walk-through with the vendor. The board updated item 3 on Exhibit "B" to state that a minimum of 100 beverage options will be available, and to request a pour list for review by September 1.

David Lyons made a motion to approve the contract with the red-lined changes. Ian Coats seconded the motion. The motion passed unanimously.

5. New Business

A. CBD Project Application: 3033 & 3045 Cherokee Street

This item was taken out of order following the Executive Session; discussion began at 7:43 am.

Darryl Simmons, Planning & Zoning Administrator, provided an overview of the project application for the parcels located at 3033 and 3045 Cherokee Street, and introduced the applicants: Jason Scheidt (Project Designer) and Jason Kisz (Developer for the project). Darryl noted that the application was heard by HPC in June and was approved based on the elements required for review by that board.

Jason Scheidt reviewed the project outline and business plan with the board. The concept is a mixed-use project with 2 retail/commercial spaces at the front (along Cherokee Street) and 31 for-sale residential units (with a mix of townhomes and stacked flat condos). The applicants acknowledged that this area is in a critical gateway area for downtown and as such they desire to activate the area to make a strong gateway statement. The proposed retail/commercial area will anchor the front corner of the development and include an outdoor plaza area. The board inquired about the project's timeline, and Mr. Scheidt and Mr. Kisz advised that the project would be built from back to front, but shared that they already have strong interest in the commercial opportunities and have no concerns about their viability. The board asked about the target prices for the residential units; the applicant advised that the stacked flats would be in the mid-300's and the townhomes are not expected to go over the 500's. The applicants stated that they have all of their plans completed and are ready to start/submit construction plans as soon as all CBD project approvals and zoning approvals are completed.

Darryl advised the board that one of the parcels currently has a residential zoning (not CBD) and that parcel is being rezoned to CBD on the same timeline as the CBD application being considered today. The older residential home also received a Certificate of Appropriateness for demolition from HPC in June.

Ian Coats made a motion to approve the CBD application as presented. Lexie Newhouse seconded the motion. The motion passed unanimously.

B. First Friday Amphitheater logistics

Board member David Lyons had requested that the board discuss upcoming First Friday concerts and the logistics of moving the concerts to the Amphitheater. Mark Allen advised the board that the leadership team of the Downtown Merchants Association (KDMA) will be meeting with City leadership on Monday to discuss this topic and therefore would have no information to share at today's KDDA meeting. Mark advised that he would provide the board with an update via email on the logistics for the remaining concerts following the KDMA/City meeting on Monday. There is no action required on this item today.

C. Review of grant application received by 1885 Grill

The board discussed the flex grant application submitted by 1885 Grill Kennesaw. This grant allocation was previously awarded to Bernardo's, but they closed before requesting the grant funds. At a previous meeting the board voted to invite 1885, the new owners/occupants in the former Bernardo's space, to apply for the unused grant funds. The board agreed that the project met the requirements of the grant guidelines. David Lyons made a motion to approve the grant application as submitted. Mary Jo Groeneveld seconded the motion. The motion passed unanimously, 6-0.

6. Main Street Program Updates

A. Review of Main Street assessment: standard #6

Miranda Taylor reviewed Standard #6 of the Main Street self-assessment tool with the board. Mark Allen reminded the board that he had challenged them to think about projects that KDDA could sponsor/implement in the downtown area to help support our Main Street efforts and asked that the board still consider bringing options to the group for discussion. This item was informational only, and no action was required at today's meeting.

7. Public Comments

No public comment.

8. Board Comments

David Lyons offered kudos to Mary Jo re: the farmers market and Drinks at the Depot sponsors and thanked her for the work on both. He also offered thanks to Lexie for the support that she and her fiancé, Donovan, provided to the market.

Mary Jo Groeneveld stated that she loves all the new development that we have reviewed and approved but is concerned about the traffic; does the city have a plan to address the added traffic? Staff reminded the board that the Cherokee Street widening project would be bid out and started later this year and that the Sardis Street extension/overpass is on the horizon. Both will help address traffic within and around the downtown.

9. Economic Development Director Comments

Luke Howe provided updates on the following projects/properties:

- Highpoint development on South Main Street (The Lacy) and a potential phase 2 of this project
- Commercial spaces adjacent to the South Main Highpoint development (currently named "The Station at South Main")
- Collier Building (North Main Street; former hardware store)
- Dale Hughes's Main Street parcels (formerly the By-Gone Treasures block)
- Cherkokee Street/East Park development (remaining parcels)

10. Executive Session

This item was taken out of order, following the Call to Order at 7:31 am.

Mary Jo Groeneveld made the following motion: That this Authority now enter into closed session as allowed by O.C.G.A. §50-14-3 and pursuant to advice by the City Attorney, for the purpose of discussing: legal. The motion was seconded by David Lyons. The motion passed with a vote of 6-0. The board entered closed session at 7:31 am.

The board exited closed session at 7:41 am. Mary Jo Groeneveld made the following motion: That this body, in open session, adopt a resolution authorizing and directing the presiding officer to execute an affidavit in compliance with O.C.G.A. §50-14-4, and that this body ratifies the actions of the KDDA taken in closed session and confirm that the subject matter(s) of the closed session were within exceptions permitted by the open meetings law. David Lyons seconded the motion. The motion passed with a vote of 6-0.

- A. 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).

11. Adjourn

With no further business to discuss, Mary Jo Groeneveld made a motion to adjourn and was seconded by Lexie Newhouse. The motion passed unanimously. The meeting was adjourned at 8:48 am.

- A. 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.



Item Report

TO: The Honorable Mayor and City Council

FROM: Miranda Taylor, Downtown / Main Street Manager

DATE: August 12, 2024

TITLE: **Resolution: Updated Intergovernmental Agreement (IGA) and Property Use Agreement for 2840 S. Main Street**
 Consideration for approval of a Resolution to update an IGA and Property Use Agreement pertaining to a shared dumpster between the KDDA, 1885 Grill, and Bernie's Social Bar.

Summary:

The City currently has an Intergovernmental Agreement (IGA) with the KDDA regarding the parking lot and dumpster placement at 2840 S. Main Street (formerly Trackside, now 1885 Grill Kennesaw). The dumpster was used by Trackside and Bernie's. This IGA was approved as Resolution 2010-54. The owners of 1885 Grill and Bernie's Social Bar have asked that the City and KDDA update the IGA and Property Use Agreement to reflect the new ownership of the property at 2840 S. Main Street. The updated IGA states that the KDDA will provide the dumpster located onsite at 2840 S. Main Street, manage the contract with a private waste hauler, and will pass the charges for service on to the two restaurants using the dumpster. A fee schedule based on the KDDA's contract with a private waste hauler will determine the monthly fee for each restaurant using the dumpster.

The updated IGA and Property Use Agreement have been submitted to legal for review.

Recommendation:

The Economic Development Director recommends approval.

Fiscal Impact:

Attachments:

1. Resolution and IGA
2. Property Use Agreement
3. Exhibit A- Legal Description-2840S.Main

4. Exhibit B- Permanent Site Location=2840S.Main

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2024-, 2024

**RESOLUTION APPROVING THE AMENDED INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF KENNESAW, GEORGIA AND THE KENNESAW
DOWNTOWN DEVELOPMENT AUTHORITY RELATED TO THE LEASE OF CITY
PROPERTY BY THE KENNESAW DOWNTOWN DEVELOPMENT AUTHORITY**

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

WHEREAS, the City of Kennesaw ("City") and the Kennesaw Downtown Development Authority ("KDDA") entered into an Intergovernmental Agreement (Resolution 2010-54) related to City property located at 2820 South Main Street, Kennesaw, Georgia; and

WHEREAS, the Intergovernmental Agreement was amended to reflect new terms and parties and an amended Property Use Agreement.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Kennesaw hereby approves the Amended Intergovernmental Agreement between the City and the KDDA related to property located at 2820 South Main Street, Kennesaw, Georgia.

BE IT FURTHER RESOLVED this hereby authorizes the Mayor to sign and execute the intergovernmental agreement with the Kennesaw Downtown Development Authority, attached.

PASSED AND ADOPTED by the Kennesaw City Council on this th day of, 2024.

ATTEST

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor

**AMENDED INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
KENNESAW, GEORGIA AND THE KENNESAW DOWNTOWN DEVELOPMENT
AUTHORITY RELATED TO THE LEASE OF CITY PROPERTY BY THE
KENNESAW DOWNTOWN DEVELOPMENT AUTHORITY**

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) entered into this ____ day of _____, 2024, by and between the City of Kennesaw, Georgia (“the City of Kennesaw”) and the Kennesaw Downtown Development Authority (“KDDA”).

WITNESSETH:

WHEREAS, the KDDA was created to promote the revitalization and redevelopment of the central business districts within the City of Kennesaw and to develop and promote for the public good and general welfare trade, commerce, industry, and employment opportunities and promote the general welfare of this state by creating a climate favorable to the location of new industry, trade, and commerce and the development of existing industry, trade, and commerce, all as more fully and particularly described in the Downtown Development Authorities Law (O.C.G.A. § 36-42-1 *et seq.* as amended from time to time);

WHEREAS, the City of Kennesaw is the owner of a property located in Land Lot 138 of the 20th District, 2nd Section, Kennesaw, Cobb County, Georgia, known as 2820 South Main Street, Kennesaw, Georgia and more fully described in Exhibit “A,” attached hereto and incorporated by reference (the “Property”);

WHEREAS, the Property was acquired from the State of Georgia, acting by and through the State Properties Commission, a public body in the Executive Branch of the State government of Georgia on November 4, 2005, said conveyance deed is recorded in Deed Book 14253, Page 2134, Cobb County, Georgia public records;

WHEREAS, said deed details restrictions in the event the State of Georgia determines that the Property is necessary for railroad purposes and, in such an event, the City of Kennesaw agrees to convey all or a sufficient portion of the Property;

WHEREAS, the KDDA is desirous of leasing, in the interests of promoting industry and commercial development and to serve and benefit the public, a portion of the Property for the permanent placement of a dumpster for trash collection facilities for its routine use and special events usage and for the joint use by 1885 Grill Kennesaw and Olszeski and Associates, LLC, (the “Permanent Site,” attached hereto as Exhibits “B”;

WHEREAS, the City of Kennesaw acknowledges that the goals and purposes of the KDDA as it relates to the lease of a portion of 2820 South Main Street, Kennesaw, Georgia is a public purpose and will be of benefit to the City of Kennesaw;

WHEREAS, pursuant to Article 9, Section 3, Paragraph 1 of the Constitution of the State of Georgia, City of Kennesaw and the KDDA are authorized to enter into intergovernmental agreements.

NOW THEREFORE, in consideration of the mutual covenants, agreements and benefits set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Lease of the Sites by the KDDA

(a) The City of Kennesaw agrees to a fifty (50) year lease of the Permanent Site to the KDDA, commencing upon the approval and execution of this Agreement, so long as the Permanent Site is used for public purposes. There shall be no charge to the KDDA.

(b) The term of such lease may be terminated by the City of Kennesaw in the event the underlying deed restrictions are exercised and either Site is affected.

(c) As consideration for such use of the Property, the KDDA agrees that the City of Kennesaw may elect to use the dumpsters to be located on the Permanent and Temporary Sites for routine use as well as special event usage, at no cost to the City of Kennesaw.

(d) As agreed upon by the KDDA, 1885 Grill Kennesaw, and Olszeski and Associates, LLC, the dumpster shall be provided by KDDA, , and shall comply with the Kennesaw Code of Ordinances, Appendix A-Zoning, Section 802.09 and the Historic Preservation Design Guidelines for Downtown. A copy of the agreement between the KDDA and Olszeski is attached hereto as Exhibit "C."

(e)

2. Further Cooperation.

The Parties agree to cooperate fully and execute any and all supplementary documents and to take all additional actions that may be necessary or appropriate to give full force and effect to the terms and intent of this Agreement.

3. Construction of Agreement.

This Agreement shall be construed and interpreted in accordance with the laws of the State of Georgia, with the sole and exclusive venue for the resolution of any dispute arising out of or related to this Agreement being in the State and/or Superior Court of Cobb County, Georgia. If any sentence, phrase, provision, portion, or clause of this Agreement should at any time be adjudged invalid, unlawful, unconstitutional, or unenforceable for any reason, said adjudication shall in no manner or way affect the other sentences, phrases, provisions, portions or clauses hereof, and all remaining portions shall remain in full force and effect as if the portion adjudged or declared invalid was not originally a part hereof.

4. Entire Agreement.

This Agreement constitutes the entire agreement between these Parties and supersedes all prior agreements regarding the subject matter, whether any such prior agreements are written or oral.

5. Execution

This Agreement may be executed in any number of copies and each copy signed shall constitute an original. Any Party transmitting its signature by facsimile shall be deemed to have accepted and adopted such facsimile signature as such Party's original signature and that same is

sufficient to bind such Party to this Agreement as if such Party's original handwritten signature is attached hereto. This Agreement may be amended or modified only by a written instrument signed by all Parties.

6 Authority.

The Parties hereto hereby affirmatively represent that each such Party has authority to enter into this Agreement and that this Agreement has been properly and duly approved by each respective Party.

7. Headings.

The descriptive headings in this Agreement are included for convenience of reference only and shall not affect in any way the meaning or interpretation of this Agreement.

8. Time of Essence.

Time is of the essence of this Agreement.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals this day and year first above written.

APPROVED AS TO FORM:

City Attorney

CITY OF KENNESAW, GEORGIA

By: _____

Title: _____

Attest: _____
City Clerk

Unofficial Witness

Sworn to and Subscribed before me
this the ____ day of _____, 2024.

Notary

(SEAL)

**KENNESAW DOWNTOWN DEVELOPMENT
AUTHORITY**

By: _____
Mark Allen

Title: Chairperson

Attest: _____

Unofficial Witness

Sworn to and Subscribed before me
this the ____ day of _____, 2024.

Notary
(SEAL)

EXHIBIT A
CITY OF KENNESAW PROPERTY DESCRIPTION

EXHIBIT B
PERMANENT SITE DRAWING

EXHIBIT C
PROPERTY USE AGREEMENT BETWEEN 1885 GRILL KENNESAW, OLSZESKI &
ASSOCIATES, LLC AND KENNESAW DOWNTOWN DEVELOPMENT AUTHORITY

PROPERTY USE AGREEMENT

THIS PROPERTY USE AGREEMENT (the “Agreement”), dated the _____ day of _____, 2024, is hereby executed by and between 1885 GRILL KENNESAW located at 2840 South Main Street, Kennesaw, Georgia 30144, (“1885 Grill”), OLSZESKI & ASSOCIATES, LLC located at 2825 South Main Street, Kennesaw, Georgia 30144 (“Olszeski”) and the KENNESAW DOWNTOWN DEVELOPMENT AUTHORITY located at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia 30144 (the “KDDA”) as follows:

Recitals

WHEREAS, 1885 Grill is the owner in fee simple of a tract of land in Land Lot 138 of the 20th District, 2nd Section, Kennesaw, Cobb County, Georgia and more fully described in Exhibit “A,” attached hereto and incorporated by reference (the “1885 Grill Property”);

WHEREAS, 1885 Grill owns and operates the 1885Grill Kennesaw on the 1885 Grill Property, and Olszeski owns and operates Bernie’s Social Bar located at 2825 South Main Street;

WHEREAS, the KDDA is the lessee of a site located in Land Lot 138 of the 20th District, 2nd Section, Kennesaw, Cobb County, Georgia and more fully described in Exhibit “B” attached hereto and incorporated by reference (the “Permanent Site”);

WHEREAS, to serve and benefit the public, the KDDA has agreed to allow the Permanent Site to be used for the placement of a dumpster for trash collection for its routine use and for special event usage and to share such use with 1885 Grill and Olszeski; and

WHEREAS, the parties agree that the shared use of the dumpster serves the general public;

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements, and benefits set forth herein and other good and valuable consideration, the receipt and sufficiency all of which is hereby acknowledged, the KDDA, 1885 Grill, and Olszeski agree as follows:

Terms and Conditions

Section 1. Recitals.

The parties agree that the foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Use of Property Authorized.

(a) The KDDA authorizes 1885 Grill and Olszeski to jointly use the dumpster placed on the Permanent Site. The duration of such use by 1885 Grill and Olszeski may be terminated by the KDDA in the event the underlying deed restrictions are exercised and the Permanent Site is affected.

(b) The dumpster shall be provided by KDDA subject to the provisions detailed in Section 2 (b) above, and shall comply with the Kennesaw Code of Ordinances, Appendix A-Zoning, Section 802.09 and the Historic Preservation Design Guidelines for Downtown.

(c) KDDA shall enter into a contract with a private waste hauler for commercial dumpster service. 1885 Grill and Olszeski shall pay a monthly dumpster use fee to the KDDA as outlined by the fee schedule shown in Exhibit "C", attached hereto and incorporated by reference ("Dumpster Fee").

(c) As consideration for providing the dumpster and use of the Permanent Site, 1885 Kennesaw, Olszeski and the KDDA agree to a shared use of the dumpster. The dumpster shall be available for routine use by KDDA, 1885 Grill, and Bernie's Social Bar. In the event the KDDA elects to use the dumpster for special events, the KDDA shall notify 1885 Kennesaw and Olszeski at least forty-eight (48) hours prior to such use and arrange for additional pickup at no cost to 1885 Kennesaw or Olszeski in order that the 1885 Grill and Bernie's Social Bar are able to continue use of the dumpster without interruption of its normal daily needs.

Section 5. Indemnification and Protection from Hazardous Uses.

1885 Grill and Olszeski hereby releases and agrees to hold harmless, indemnify and defend the KDDA, the City and its elected officials, officers, employees, agents, and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties") from and against any and all liabilities, penalties, fines, charges, costs, losses, damages, expenses, causes of action, claims, demands, orders, judgments, or administrative actions, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with: (1) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, during the time of 1885 Grill and Olszeski's use, unless due to the sole negligence of any of the Indemnified Parties; (2) the violation or alleged violation of, or other failure to comply with any state, federal or local law, regulation, or requirement, including, without limitation, CERCLA, RCRA and other federal, state or local toxic or hazardous substances or waste statutes, regulations, or requirements by any person other than any of the Indemnified Parties, in any way affecting, involving, or relating to the Property during the time of 1885 Grill and Olszeski's use; and (3) the presence or release in, on, from, or about the Property, during the time of 1885 Grill and Olszeski's use, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any state, federal or local law, regulation, or requirement, as hazardous, toxic, polluting, or otherwise contaminating to the air, water, or soil, or in any way harmful or threatening to human health or the environment, unless caused by any of the Indemnified Parties.

Section 5. Condition of Property.

In the event this Agreement is terminated, the KDDA has the right to retain the dumpster enclosure or to restore the same to its original state as much as is practicable. The decision shall be made at the time of termination and shall be in the sole discretion of the KDDA.

Section 6. The City's Remedies.

If the KDDA determines that a violation of the terms of this Agreement has occurred or is threatened, the KDDA shall have the option of giving written notice to 1885 Grill and Olszeski and give them a reasonable time for correction, if necessary. This option shall not preclude the KDDA's right to seek judicial enforcement of the Agreement and such written notification and opportunity to correct shall not be a prerequisite to judicial enforcement.

Section 7. Transferability.

This Agreement is transferable only with the KDDA's prior written approval, which such approval shall not be unreasonably withheld.

Section 8. Insurance.

1885 Kennsaw and Olszeski shall, at its own expense, maintain a policy or policies of comprehensive general liability insurance with respect to the activities on the Site with the premiums thereon fully paid on or before due date, issued by and binding upon some insurance company approved by KDDA, such insurance to afford minimum protection of not less than \$1,000,000 combined single limit coverage of bodily injury, property damage or combination thereof. KDDA and the City of Kennesaw shall be listed as an additional insureds on such policy or policies of comprehensive general liability insurance, and Olszeski shall provide KDDA with current Certificates of Insurance evidencing Olszeski's compliance with this Paragraph.

Section 9. Authority to Bind

The signatories below hereby affirmatively represent that they have proper authority to bind the parties hereto and enter into this Agreement and that this Agreement has been properly and duly approved by each respective party hereto.

Section 10. Further Cooperation

1885 Grill, Olszeski and the KDDA agree to cooperate fully and execute any and all supplementary documents and to take all additional actions that may be necessary or appropriate to give full force and effect to the terms and intent of this Agreement.

Section 11. No Waiver

The failure of any of the parties hereto to require performance of any provision of this Agreement shall in no way affect the full right of any party to require such performance at any time thereafter. The waiver by any party hereto of a breach of any provision in this Agreement by any party shall not operate or be construed as a waiver by the other party of any subsequent breach, nor constitute a waiver of this provision itself.

Section 12. Entire Agreement.

This Agreement sets forth the entire agreement of the parties with respect to the Site use and supersedes all prior discussions, negotiations, understandings, or agreements relating to this Agreement, all of which are merged herein.

Section 13. Construction of Settlement Agreement

This Agreement shall be construed and interpreted in accordance with the laws of the State of Georgia, with the sole and exclusive venue for the resolution of any dispute arising out of or related to this Agreement being in the State and/or Superior Court of Cobb County, Georgia. If any sentence, phrase, provision, portion, or clause of this Agreement should at any time be adjudged invalid, unlawful, unconstitutional, or unenforceable for any reason, said adjudication shall in no manner or way affect the other sentences, phrases, provisions, portions or clauses hereof, and all remaining portions shall remain in full force and effect as if the portion adjudged or declared invalid was not originally a part hereof.

Section 14. Headings

The descriptive headings in this Agreement are included for convenience of reference only and shall not affect in any way the meaning or interpretation of this Agreement.

Section 15. Counterparts

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original instrument but all of which together shall constitute but one instrument.

THE UNDERSIGNED PARTIES HAVE READ THE FOREGOING AGREEMENT AND SIGN IT VOLUNTARILY.

OLSZESKI & ASSOCIATES, LLC

**KENNESAW DOWNTOWN
DEVELOPMENT AUTHORITY**

By: _____
Brett Olszeski
Title: Managing Member

By: _____
Mark Allen
Title: Chairman

1885 GRILL KENNESAW

By: _____
Mike Schroeder
Title: Owner

Attest: _____

DRAFT

EXHIBIT "A"
1885 GRILL PROPERTY LEGAL DESCRIPTION

DRAFT

EXHIBIT "B"
THE PERMENANT SITE LOCATION

DRAFT

EXHIBIT "C"
DUMPSTER USE FEE SCHEDULE

DRAFT

EXHIBIT "A"

Legal Description

All that tract of land situate, lying and being in the City of Kennesaw, Cobb County, Georgia, containing approximately of an acre of real property, lying and being in Land Lot(s) 138 of the 20th Land District, 2nd Section, Kennesaw, Cobb County, Georgia, shown marked in hash marks on a drawing entitled "Proposed Release of Lease 2.73+/- AC in Kennesaw Ga" (drawn on Western and Atlantic Railroad's Valuation Map V302/12), prepared for CSX Transportation, Inc., dated December 11, 2002, a copy of which is on file at the offices of the State Properties Commission. Said drawing being Exhibit "A-4" to that certain Deed of Quitclaim and Release from CSX Transportation, Inc. to the State of Georgia, dated January 27, 2003, recorded May 27, 2003, in State Properties Commission RPR 009844, incorporated herein by reference, and being more particularly described therein or as follows.

Tract I

Beginning at a point formed by the intersection of the centerline of Cherokee Street (a 40 foot right of way) and the easterly line of the railroad right of way, as shown on plat of survey for City of Kennesaw prepared by Thomas E. Williams, Georgia Registered Surveyor; running thence southeasterly along the easterly and northeasterly line of the railroad right of way, and following the curvature thereof, 625.0 feet to a point; running thence North 01 degree 15 minutes West 686.11 feet to a point; running thence North 87 degrees 45 minutes West 185.85 feet to a point on the easterly line of the railroad right of way; running thence southerly along the easterly line of said railroad right of way and following the curvature thereof 105.30 feet to a point at the centerline of Cherokee Street, said point being the point of beginning, less and except that portion of the above described tract lying within the right of way of Cherokee Street.

Tract II

Beginning at a point formed by the intersection of the easterly right of way line of Main Street (also known as Old U.S. 41 Highway, Dixie Highway) and the northwesterly side of a 20 foot alley, running thence northerly along the easterly right of way line of Main Street 200 feet to a point; running thence easterly 138.3 feet to a point on the westerly line of the railroad right of way; running thence southerly along the westerly line of the railroad right of way 190 feet more or less to a point on the northwesterly side of a 20 foot alley; running thence southwesterly along the northwesterly side of said alley 215 feet to the easterly right of way line of Main Street and the point of beginning.

010139

Project Number 29143



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