

Mayor

Derek Easterling

City Manager

Jeff Drobney, ICMA-CM

City Clerk

Lea Alvarez, CMC

**Council**

Madelyn Orochena

Tracey Viars

Pat Ferris

Antonio Jones

Anthony Gutierrez

City Council**Meeting Agenda**

April 7, 2025 6:30 PM

Council Chambers

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

Livestream: www.kennesaw-ga.gov/publicmeetings/

- 1. Invocation**
- 2. Pledge of Allegiance**
- 3. Call to Order**
- 4. Announcements**
- 5. Presentations**
 - A. Proclamation: Education and Sharing Day**
Proclamation presented by Mayor Easterling recognizing April 9, 2025, as Education and Sharing Day in the City of Kennesaw.
- 6. Public Comment/Business from the Floor**
- 7. Old Business**
- 8. New Business**
- 9. Committee and Board Reports**
- 10. Public Hearing(s)**
 - A. Resolution: 2025-2029 Capital Improvement Short Term Work Program**
Consideration for approval of a Resolution to submit the transmittal of updates to the Capital Improvement Element and the Short Term Work Program (CIE/STWP) covering the five-year period of 2025-2029. Case #MISC2025-03
- 11. Consent Agenda**
 - A. Minutes: March 10, 2025 Work Session**

Approval of the March 10, 2025, City Council work session minutes.

B. Minutes: March 17, 2025 Regular Meeting

Approval of the March 17, 2025, City Council regular meeting minutes.

C. Cemetery Deed: Section III-11-E

Authorization for Mayor to sign a deed for a cemetery lot purchased by Marlene Zachman.

D. Cemetery Deed: Section III-48-E & F

Authorization for the Mayor to sign a deed for cemetery lots purchased by Cary Todd and Mildred Nesmith.

E. Cemetery Deed: Section III-37-B

Authorization for the Mayor to sign a deed for a cemetery lot purchased by Fraternel Amuri Misako

F. License Review Board: UHP Partners LLC, d/b/a SuBourbon Bar and Social Club

Ratify the actions by the License Review Board from their hearing held on March 17, 2025, for UHP Partners LLC, d/b/a SuBourbon Bar and Social Club; and to receive the meeting minutes.

G. Resolution: 2025 General Election Contract

Approval of a Resolution authorizing the 2025 General Election qualifying dates and authorization of the Mayor to execute the contract with the Cobb County Board of Elections and Registration to conduct the City's election for Council Posts 3, 4 and 5 to be held on November 4, 2025.

H. Resolution: Replacement of Adams Park Electrical Service

Approval of a Resolution accepting the proposal presented by Allstar Lighting & Electrical Services, Inc. for the replacement of electrical services at Adams Park.

I. Road Closures: Taste of Kennesaw

Approval of road closures for the Taste of Kennesaw festival, November 1, 2025.

J. Road Closures: 2025 Pigs and Peaches

Approval of road closures for the 2025 Pigs and Peaches Festival, August 15 - 16, 2025.

12. General and Administrative

13. Public Safety

A. Crime Statistics: February 2025

Consideration to accept the February 2025 Crime Statistics.

14. Information Technology

15. Public Works and Building Maintenance

A. Resolution: Land Appraisal for Abandoned Right-of-Way at 2995 & 2997 North Main St.

Consideration for approval of a Resolution authorizing the sale of the portion of abandoned right-of-way fronting 2995 and 2997 North Main Street.

16. Recreation and Culture

17. Community Development

18. Public Comment/Business from the Floor

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

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



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: April 7, 2025

TITLE: **Proclamation: Education and Sharing Day**
Proclamation presented by Mayor Easterling recognizing April 9, 2025, as Education and Sharing Day in the City of Kennesaw.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. Proclamation - Education and Sharing Day



PROCLAMATION

DECLARING APRIL 9, 2025, AS KENNESAW EDUCATION AND SHARING DAY

WHEREAS: a quality education is one of the significant foundations for the continuing success of our state, our country, and our society at large; and in the city of Kennesaw, the education of our youth is a priority; and

WHEREAS: in order to achieve its highest goals, education must not only impart knowledge but also teach the students how to live, forming and strengthening their moral character to make a better life for themselves as individuals and for society as a whole; and

WHEREAS: one of the leading global advocates for the advancement of education, the Rebbe, Rabbi Menachem Schneerson, of righteous memory, stressed the importance of moral and ethical education as the bedrock of humanity and the hallmark of a healthy society; and

WHEREAS: in recognition of the Rebbe's outstanding and lasting contributions toward improvements in world education and acts of charity, the United States Congress has established his birthdate as a national "Education and Sharing Day" to pause and reflect on our responsibility to ensure our youth have the foundation necessary to lead lives rich in purpose and fulfillment through service and good works; and

WHEREAS: April 9, 2025, will mark 123 years since the Rebbe's birth, and this year marks the 75th anniversary of his leadership of the Chabad-Lubavitch movement. "Chabad" is an acronym of three Hebrew words for "wisdom, understanding and knowledge." The name "Lubavitch" comes from the city which served as the movement's headquarters for over a century and means city of love. Of all the ethical values which inform our civilization, none is more important than love - love of wisdom, love of our fellow man, and love of our Creator; and

WHEREAS: education can nurture the unity of diverse peoples through encouraging acts of goodness and kindness, imbued with awareness that even a single positive act of an individual can make a major impact in this world.

NOW, THEREFORE, BE IT PROCLAIMED, I, Derek Easterling, do hereby recognize April 9th as Education and Sharing Day in the City of Kennesaw and call upon everyone to work together to create a better, brighter, and more promising future for all.

IN WITNESS THEREOF, I have hereunto set my hand and caused the official seal of the City of Kennesaw, Georgia, to be affixed this 7th day of April 2025.

ATTEST:

CITY OF KENNESAW:

Lea Alvarez, City Clerk

Derek Easterling, Mayor



Item Report

TO: The Honorable Mayor and City Council

FROM: Darryl Simmons, Zoning Administrator

DATE: April 7, 2025

TITLE: **Resolution: 2025-2029 Capital Improvement Short Term Work Program**
Consideration for approval of a Resolution to submit the transmittal of updates to the Capital Improvement Element and the Short Term Work Program (CIE/STWP) covering the five-year period of 2025-2029. Case #MISC2025-03

Summary:

Recommendation:

The Planning and Zoning Administrator recommends approval.

Fiscal Impact:

Attachments:

1. RES 2025 - CIESTWP Transmittal
2. CIE-STWP 2025 Report Packet
3. MDJ Legal Advertisement 2025

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2025-

**RESOLUTION ADOPTING THE TRANSMITTAL OF UPDATES TO THE CAPITAL
IMPROVEMENT ELEMENT AND THE SHORT-TERM WORK PROGRAM COVERING
THE FIVE-YEAR PERIOD 2025-2029**

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

WHEREAS, the City of Kennesaw has prepared an annual update to the Capital Improvements Element and Short Term Work Program; and

WHEREAS, the annual update of the Capital Improvements Element and Short-Term Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on April 7, 2025 at 6:30 p.m. in the Kennesaw City Hall.

BE IT THEREFORE RESOLVED, which the Mayor and the Council of the City of Kennesaw does hereby submit for transmittal the annual update of the Capital Improvements Element and Short Term Work Program covering the five-year period 2025-2029 to the Atlanta Regional Commission for Regional review, as per the requirements of the Georgia Planning Act of 1989.

Approved at the regular meeting of the Kennesaw Mayor and Council on this _____ day of April, 2025.

Attest:

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor

ANNUAL FEE FINANCIAL REPORT - FY 2023-2024
CITY OF KENNESAW, GEORGIA

	PARKS/REC	Police	Total
IMPACT FEE FUND BALANCE FROM FY 2022-2023 (ENDING 09/30/2023)	\$ 1,583,617.33	\$ 230,907.91	\$ 1,814,525.24
PRIOR PERIOD ADJUSTMENT	\$ -	\$ -	\$ -
IMPACT FEES COLLECTED IN FY 2023-2024	\$ 181,669.60	\$ 22,110.57	\$ 203,780.17
INTEREST EARNED	\$ 17,358.22	\$ 2,480.31	\$ 19,838.53
ADMINISTRATIVE/OTHER COST	\$ -	\$ -	\$ -
(IMPACT FEE REFUNDS)	\$ -	\$ -	\$ -
(PROJECT EXPENDITURES)	\$ 334,569.87	\$ -	\$ 334,569.87
IMPACT FEE FUND BALANCE ENDING FY 2023-2024 (9/30/24)	\$ 1,448,075.28	\$ 255,498.79	\$ 1,703,574.07
IMPACT EXPENDITURES ENCUMBERED	\$ -	\$ -	\$ -

* Encumbrance accounting - under which purchase orders, contracts and other commitments for the expenditure of resources are recorded to reserve that portion of the applicable appropriation - is not employed by the City.

CITY OF KENNESAW
SUMMARY OF FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM

	FY2024-2025	FY2025-2026	FY2026-2027	FY2027-2028	FY2028-2029	TOTAL
Police vehicles	200,000	200,000	250,000	350,000	200,000	\$ 1,200,000
Parks & Recreation Vehicles	40,000	45,000	80,000	80,000	80,000	\$ 325,000
Street Vehicles	100,000	150,000	150,000	150,000	150,000	\$ 700,000
Stormwater Utility CIP Project	500,000	350,000	350,000	350,000	350,000	\$ 1,900,000
Street Improvements - Paving/Sidewalks/LMIG	425,000	425,000	300,000	350,000	500,000	\$ 2,000,000
Neighborhood Park Improvements, Stormwater Improvements, Playground Improvements, Sidewalk Installations/Improvements	40,000	35,000	35,000	40,000	40,000	\$ 190,000
Computer System Upgrades	75,000	100,000	100,000	100,000	100,000	\$ 475,000
Traffic Improvements - Rutledge Rd., Cathey Ln., Cherokee St., Ben King Rd., Sardis St. Ext. & Overpass	4,000,000	10,000,000	7,000,000	5,000,000	4,000,000	\$ 30,000,000
Adams Park Improvements	100,000	250,000	250,000	100,000	250,000	\$ 950,000
Parks & Recreation Facility Improvements	50,000	100,000	150,000	150,000	50,000	\$ 500,000
Smith-Gilbert Gardens Improvements - pavillion, pathways, restrooms, ADA parking lot	1,141,489	NA	NA	NA	NA	\$ 1,141,489
Swift-Cantrell Park Improvement	100,000	NA	NA	NA	NA	\$ 100,000
Public Safety Building	4,700,000	11,000,000	NA	NA	NA	\$ 15,700,000
East Park Community Park	250,000	950,000	NA	NA	NA	\$ 1,200,000
Community Center Improvements	50,000	100,000	100,000	NA	NA	\$ 250,000
Neighborhood Street Improvements - Kencrest/Knights Bridge	3,000,000	2,000,000	1,500,000	1,000,000	NA	\$ 7,500,000
Hiram-Butler House Improvements	NA	250,000	250,000	NA	NA	\$ 500,000
Trail Improvements - Pedestrian Bridges	NA	250,000	200,000	NA	NA	\$ 450,000
Cemetery Improvements - Street Paving	NA	100,000	NA	NA	NA	\$ 100,000
Cemetery Improvements - Erosion Control	NA	50,000	NA	NA	NA	\$ 50,000
Cobb International Blvd Reclamation	NA	2,000,000	NA	NA	NA	\$ 2,000,000
Swift Cantrell Traffic Light	NA	350,000	NA	NA	NA	\$ 350,000
Smith-Gilbert Gardens Education Center	NA	NA	2,000,000	2,000,000	2,000,000	\$ 6,000,000
Fleet Maintenance Facility Upgrade	NA	NA	NA	1,500,000	1,000,000	\$ 2,500,000
Public Works Building Improvements	NA	NA	NA	NA	1,600,000	\$ 1,600,000
Public Works Site Improvements	NA	NA	NA	NA	350,000	\$ 350,000
Community Center Expansion	NA	NA	NA	NA	300,000	\$ 300,000
Totals	\$ 14,771,489	\$ 28,705,000	\$ 12,715,000	\$ 11,170,000	\$ 10,970,000	\$ 78,331,489

2024-2025								
PROJECT DESCRIPTION	PROJECT START DATE	PROJECT END DATE	EST. COST OF PROJECT	% FUNDING FROM IMPACT FEES	OTHER FINANCE SOURCES	EXPENDITURES FOR YEAR	ANTICIPATED IMPACT FEES EXPENDED THROUGH YEAR	STATUS/REMARKS
Police vehicles	10/1/2024	9/30/2025	\$ 1,200,000	10%	GF/CPF/CSIF	\$ 200,000	\$ 20,000	Programmed for FY 2025
Parks & Recreation Vehicles	10/1/2024	9/30/2025	\$ 325,000	0%	General Fund	\$ 40,000	\$ -	Programmed for FY 2025
Street Vehicles	10/1/2024	9/30/2025	\$ 700,000	0%	General Fund	\$ 100,000	\$ -	Programmed for FY 2025
Stormwater utility CIP Project	10/1/2024	9/30/2025	\$ 1,900,000	0%	Stormwater	\$ 500,000	\$ -	Programmed for FY 2025
Street Improvements - Paving/Sidewalks/LMIG	10/1/2024	9/30/2025	\$ 2,000,000	0%	SPLOST/LMIG	\$ 425,000	\$ -	Programmed for FY 2025
Neighborhood Park Improvements, Stormwater Improvements, Playground Improvements, Sidewalk Installations/Improvements	10/1/2024	9/30/2025	\$ 190,000	50%	General Fund	\$ 40,000	\$ 20,000	Programmed for FY 2025
Computer System Upgrades	10/1/2024	9/30/2025	\$ 475,000	0%	General Fund	\$ 75,000	\$ -	Programmed for FY 2025
Traffic Improvements - Rutledge Rd., Cathey Ln., Cherokee St., Ben King Rd., Sardis St. Ext. & Overpass	10/1/2024	9/30/2025	\$ 30,000,000	0%	SPLOST	\$ 4,000,000	\$ -	Programmed for FY 2025
Adams Park Improvements	10/1/2024	9/30/2025	\$ 950,000	50%	General Fund/HUD Earmark	\$ 100,000	\$ 50,000	Programmed for FY 2025
Parks & Recreation Facility Improvements	10/1/2024	9/30/2025	\$ 500,000	25%	General Fund/SPLOST	\$ 50,000	\$ 12,500	Programmed for FY 2025
Smith-Gilbert Gardens Improvements - pavillion, pathways, restrooms, ADA parking lot	10/1/2024	9/30/2025	\$ 1,141,489	0%	SPLOST/Grants/ARPA	\$ 1,141,489	\$ -	Programmed for FY 2025
Swift-Cantrell Park Improvement	10/1/2024	9/30/2025	\$ 100,000	25%	SPLOST	\$ 100,000	\$ 25,000	Programmed for FY 2025
East Park Community Park	10/1/2024	9/30/2025	\$ 1,200,000	75%	Grants	\$ 250,000	\$ 187,500	Programmed for FY 2025
Public Safety Building	10/1/2024	9/30/2025	\$ 15,700,000	0%	SPLOST	\$ 4,700,000	\$ -	Programmed for FY 2025
Community Center Improvements	10/1/2024	9/30/2025	\$ 250,000	0%	SPLOST/GF	\$ 50,000	\$ -	Programmed for FY 2025
Neighborhood Street Improvements - Kencrest/Knights Bridge	10/1/2024	9/30/2025	\$ 7,500,000	0%	HUD Earmark/SPLOST	\$ 3,000,000	\$ -	Programmed for FY 2025
TOTAL			\$ 64,131,489			\$ 14,771,489	\$ 315,000	

2025-2026								
PROJECT DESCRIPTION	PROJECT START DATE	PROJECT END DATE	EST. COST OF PROJECT	% FUNDING FROM IMPACT FEES	OTHER FINANCE SOURCES	EXPENDITURES FOR YEAR	ANTICIPATED IMPACT FEES EXPENDED THROUGH YEAR	STATUS/REMARKS
Police vehicles	10/1/2025	9/30/2026	\$ 1,200,000	10%	GF/CPF/CSIF	\$ 200,000	\$ 20,000	Programmed for FY 2026
Parks & Recreation Vehicles	10/1/2025	9/30/2026	\$ 325,000	0%	General Fund	\$ 45,000	\$ -	Programmed for FY 2026
Street Vehicles	10/1/2025	9/30/2026	\$ 700,000	0%	General Fund	\$ 150,000	\$ -	Programmed for FY 2026
Stormwater utility CIP Project	10/1/2025	9/30/2026	\$ 1,900,000	0%	Stormwater	\$ 350,000	\$ -	Programmed for FY 2026
Street Improvements - Paving/Sidewalks/LMIG	10/1/2025	9/30/2026	\$ 2,000,000	0%	SPLOST/LMIG	\$ 425,000	\$ -	Programmed for FY 2026
Neighborhood Park Improvements, Stormwater Improvements, Playground Improvements, Sidewalk Installations/Improvements	10/1/2025	9/30/2026	\$ 190,000	50%	General Fund	\$ 35,000	\$ 17,500	Programmed for FY 2026
Computer System Upgrades	10/1/2025	9/30/2026	\$ 475,000	0%	General Fund	\$ 100,000	\$ -	Programmed for FY 2026
Traffic Improvements - Rutledge Rd., Cathey Ln., Cherokee St., Ben King Rd., Sardis St. Ext. & Overpass	10/1/2025	9/30/2026	\$ 30,000,000	0%	SPLOST	\$ 10,000,000	\$ -	Programmed for FY 2026
Adams Park Improvements	10/1/2025	9/30/2026	\$ 950,000	50%	General Fund/HUD Earmark	\$ 250,000	\$ 125,000	Programmed for FY 2026
Parks & Recreation Facility Improvements	10/1/2025	9/30/2026	\$ 500,000	25%	General Fund/SPLOST	\$ 100,000	\$ 25,000	Programmed for FY 2026
East Park Community Park	10/1/2025	9/30/2026	\$ 1,200,000	75%	Grants	\$ 950,000	\$ 712,500	Programmed for FY 2026
Public Safety Building	10/1/2025	9/30/2026	\$ 15,700,000	0%	SPLOST	\$ 11,000,000	\$ -	Programmed for FY 2026
Community Center Improvements	10/1/2025	9/30/2026	\$ 250,000	0%	SPLOST/GF	\$ 100,000	\$ -	Programmed for FY 2026
Neighborhood Street Improvements - Kencrest/Knights Bridge	10/1/2025	9/30/2026	\$ 7,500,000	0%	HUD Earmark/SPLOST	\$ 2,000,000	\$ -	Programmed for FY 2026
Hiram-Butler House Improvements	10/1/2025	9/30/2026	\$ 500,000	0%	Grants	\$ 250,000	\$ -	Programmed for FY 2026
Trail Improvements - Pedestrian Bridges & Steel Bridge Replacements	10/1/2025	9/30/2026	\$ 450,000	0%	HUD Earmark	\$ 250,000	\$ -	Programmed for FY 2026
Cemetery Improvements - Street Paving	10/1/2025	9/30/2026	\$ 100,000	0%	General Fund	\$ 100,000	\$ -	Programmed for FY 2026
Cemetery Improvements - Erosion Control	10/1/2025	9/30/2026	\$ 50,000	0%	General Fund	\$ 50,000	\$ -	Programmed for FY 2026
Cobb International Blvd Reclamation	10/1/2025	9/30/2026	\$ 2,000,000	0%	DOT Earmark	\$ 2,000,000	\$ -	Programmed for FY 2026
Swift-Cantrell Traffic Light	10/1/2025	9/30/2026	\$ 350,000	0%	DOT Earmark	\$ 350,000	\$ -	Programmed for FY 2026
TOTAL			\$ 66,340,000			\$ 28,705,000	\$ 900,000	

2026-2027								
PROJECT DESCRIPTION	PROJECT START DATE	PROJECT END DATE	EST. COST OF PROJECT	% FUNDING FROM IMPACT FEES	OTHER FINANCE SOURCES	EXPENDITURES FOR YEAR	ANTICIPATED IMPACT FEES EXPENDED THROUGH YEAR	STATUS/REMARKS
Police vehicles	10/1/2026	9/30/2027	\$ 1,200,000	10%	GF/CPF/CSIF	\$ 250,000	\$ 25,000	Programmed for FY 2027
Parks & Recreation Vehicles	10/1/2026	9/30/2027	\$ 325,000	0%	General Fund	\$ 80,000	\$ -	Programmed for FY 2027
Street Vehicles	10/1/2026	9/30/2027	\$ 700,000	0%	General Fund	\$ 150,000	\$ -	Programmed for FY 2027
Stormwater utility CIP Project	10/1/2026	9/30/2027	\$ 1,900,000	0%	Stormwater	\$ 350,000	\$ -	Programmed for FY 2027
Street Improvements - Paving/Sidewalks/LMIG	10/1/2026	9/30/2027	\$ 2,000,000	0%	SPLOST/LMIG	\$ 300,000	\$ -	Programmed for FY 2027
Neighborhood Park Improvements, Stormwater Improvements, Playground Improvements, Sidewalk Installations/Improvements	10/1/2026	9/30/2027	\$ 190,000	50%	General Fund	\$ 35,000	\$ 17,500	Programmed for FY 2027
Computer System Upgrades	10/1/2026	9/30/2027	\$ 475,000	0%	General Fund	\$ 100,000	\$ -	Programmed for FY 2027
Traffic Improvements - Rutledge Rd., Cathey Ln., Cherokee St., Ben King Rd., Sardis St. Ext. & Overpass	10/1/2026	9/30/2027	\$ 30,000,000	0%	SPLOST	\$ 7,000,000	\$ -	Programmed for FY 2027
Adams Park Improvements	10/1/2026	9/30/2027	\$ 950,000	50%	General Fund/HUD Earmark	\$ 250,000	\$ 125,000	Programmed for FY 2027
Parks & Recreation Facility Improvements	10/1/2026	9/30/2027	\$ 500,000	25%	General Fund/SPLOST	\$ 150,000	\$ 37,500	Programmed for FY 2027
Community Center Improvements	10/1/2026	9/30/2027	\$ 250,000	0%	SPLOST/GF	\$ 100,000	\$ -	Programmed for FY 2027
Neighborhood Street Improvements - Kencrest/Knights Bridge	10/1/2026	9/30/2027	\$ 7,500,000	0%	HUD Earmark	\$ 1,500,000	\$ -	Programmed for FY 2027
Hiram-Butler House Improvements	10/1/2026	9/30/2027	\$ 500,000	0%	Grants	\$ 250,000	\$ -	Programmed for FY 2027
Trail Improvements - Pedestrian Bridges & Steel Bridge Replacements	10/1/2026	9/30/2027	\$ 450,000	0%	HUD Earmark	\$ 200,000	\$ -	Programmed for FY 2027
Smith-Gilbert Gardens Education Center	10/1/2026	9/30/2027	\$ 6,000,000	0%	Grants/SPLOST	\$ 2,000,000	\$ -	Programmed for FY 2027
TOTAL			\$ 52,940,000			\$ 12,715,000	\$ 205,000	

2027-2028								
PROJECT DESCRIPTION	PROJECT START DATE	PROJECT END DATE	EST. COST OF PROJECT	% FUNDING FROM IMPACT FEES	OTHER FINANCE SOURCES	EXPENDITURES FOR YEAR	ANTICIPATED IMPACT FEES EXPENDED THROUGH YEAR	STATUS/REMARKS
Police vehicles	10/1/2027	9/30/2028	\$ 1,200,000	10%	GF/CPF/CSIF	\$ 350,000	\$ 35,000	Programmed for FY 2028
Parks & Recreation Vehicles	10/1/2027	9/30/2028	\$ 325,000	0%	General Fund	\$ 80,000	\$ -	Programmed for FY 2028
Street Vehicles	10/1/2027	9/30/2028	\$ 700,000	0%	General Fund	\$ 150,000	\$ -	Programmed for FY 2028
Stormwater utility CIP Project	10/1/2027	9/30/2028	\$ 1,900,000	0%	Stormwater	\$ 350,000	\$ -	Programmed for FY 2028
Street Improvements - Paving/Sidewalks/LMIG	10/1/2027	9/30/2028	\$ 2,000,000	0%	SPLOST/LMIG	\$ 350,000	\$ -	Programmed for FY 2028
Neighborhood Park Improvements, Stormwater Improvements, Playground Improvements, Sidewalk Installations/Improvements	10/1/2027	9/30/2028	\$ 190,000	50%	General Fund	\$ 40,000	\$ 20,000	Programmed for FY 2028
Computer System Upgrades	10/1/2027	9/30/2028	\$ 475,000	0%	General Fund	\$ 100,000	\$ -	Programmed for FY 2028
Traffic Improvements - Rutledge Rd., Cathey Ln., Cherokee St., Ben King Rd., Sardis St. Ext. & Overpass	10/1/2027	9/30/2028	\$ 30,000,000	0%	SPLOST	\$ 5,000,000	\$ -	Programmed for FY 2028
Adams Park Improvements	10/1/2027	9/30/2028	\$ 950,000	50%	General Fund/HUD Earmark	\$ 100,000	\$ 50,000	Programmed for FY 2028
Parks & Recreation Facility Improvements	10/1/2027	9/30/2028	\$ 500,000	25%	General Fund/SPLOST	\$ 150,000	\$ 37,500	Programmed for FY 2028
Neighborhood Street Improvements - Kencrest/Knights Bridge	10/1/2027	9/30/2028	\$ 7,500,000	0%	HUD Earmark	\$ 1,000,000	\$ -	Programmed for FY 2028
Smith-Gilbert Gardens Education Center	10/1/2027	9/30/2028	\$ 6,000,000	0%	Grants/SPLOST	\$ 2,000,000	\$ -	Programmed for FY 2028
Fleet Maintenance Facility Upgrade	10/1/2027	9/30/2028	\$ 2,500,000	0%	SPLOST	\$ 1,500,000	\$ -	Programmed for FY 2028
TOTAL			\$ 54,240,000			\$ 11,170,000	\$ 142,500	

2028-2029								
PROJECT DESCRIPTION	PROJECT START DATE	PROJECT END DATE	EST. COST OF PROJECT	% FUNDING FROM IMPACT FEES	OTHER FINANCE SOURCES	EXPENDITURES FOR YEAR	ANTICIPATED IMPACT FEES EXPENDED THROUGH YEAR	STATUS/REMARKS
Police vehicles	10/1/2028	9/30/2029	\$ 1,200,000	10%	GF/CPF/CSIF	\$ 200,000	\$ 20,000	Programmed for FY 2029
Parks & Recreation Vehicles	10/1/2028	9/30/2029	\$ 325,000	0%	General Fund	\$ 80,000	\$ -	Programmed for FY 2029
Street Vehicles	10/1/2028	9/30/2029	\$ 700,000	0%	General Fund	\$ 150,000	\$ -	Programmed for FY 2029
Stormwater utility CIP Project	10/1/2028	9/30/2029	\$ 1,900,000	0%	Stormwater	\$ 350,000	\$ -	Programmed for FY 2029
Street Improvements - Paving/Sidewalks/LMIG	10/1/2028	9/30/2029	\$ 2,000,000	0%	SPLOST/LMIG	\$ 500,000	\$ -	Programmed for FY 2029
Neighborhood Park Improvements, Stormwater Improvements, Playground Improvements, Sidewalk Installations/Improvements	10/1/2028	9/30/2029	\$ 190,000	50%	General Fund	\$ 40,000	\$ 20,000	Programmed for FY 2029
Computer System Upgrades	10/1/2028	9/30/2029	\$ 475,000	0%	General Fund	\$ 100,000	\$ -	Programmed for FY 2029
Traffic Improvements - Rutledge Rd., Cathey Ln., Cherokee St., Ben King Rd., Sardis St. Ext. & Overpass	10/1/2028	9/30/2029	\$ 30,000,000	0%	SPLOST	\$ 4,000,000	\$ -	Programmed for FY 2029
Adams Park Improvements	10/1/2028	9/30/2029	\$ 950,000	50%	General Fund/HUD Earmark	\$ 250,000	\$ 125,000	Programmed for FY 2029
Parks & Recreation Facility Improvements	10/1/2028	9/30/2029	\$ 500,000	25%	General Fund/SPLOST	\$ 50,000	\$ 12,500	Programmed for FY 2029
Smith-Gilbert Gardens Education Center	10/1/2028	9/30/2029	\$ 6,000,000	0%	Grants/SPLOST	\$ 2,000,000	\$ -	Programmed for FY 2029
Fleet Maintenance Facility Upgrade	10/1/2028	9/30/2029	\$ 2,500,000	0%	SPLOST	\$ 1,000,000	\$ -	Programmed for FY 2029
Public Works Building Improvements	10/1/2028	9/30/2029	\$ 1,600,000	0%	SPLOST	\$ 1,600,000	\$ -	Programmed for FY 2029
Public Works Site Improvements	10/1/2028	9/30/2029	\$ 350,000	0%	SPLOST	\$ 350,000	\$ -	Programmed for FY 2029
Community Center Expansion	10/1/2028	9/30/2029	\$ 300,000	50%	SPLOST	\$ 300,000	\$ 150,000	Programmed for FY 2029
TOTAL			\$ 48,990,000			\$ 10,970,000	\$ 327,500	

City of Kennesaw Annual Short Term Work Program Update FY2027/2028							
Project Number	Plan Element		Start Date	End Date	Estimated Cost	Funding Source	Responsible Party
1	Land Use	Implement next phase of annexation plan city wide	2027	2028	N/A	N/A	Economic Dev. & Planning
2	Public Facilities	Storm Water Utility CIP Project	2027	2028	\$350,000	SPLOST	Public Works
3	Public Safety	police vehicles	2027	2028	\$350,000	Court Services/GF	Economic Development
4	Economic Development	Apply for grants for development projects	2027	2028	\$5,000	N/A	Economic Development & Planning
5	Land Use	Revise land use strategy for major corridors	2027	2028	NA	GF	Planning and Zoning
6	Land Use	Trail linkage study to be initiated with Town Center CID	2027	2028	N/A	NA	Community Development
7	Land Use	Review of Impact Fee Ordinance	2027	2028	N/A	NA	Planning
8	Community Development	Annual review of Unified Development Code	2027	2028	N/A	NA	Community Development
9	Community Facilities	coordinate with police department on exploring technology for safety and business recruitment	2027	2028	N/A	N/A	Park and Recreation
10	Community Facilities	Continued marketing of Downtown venues in cooperation with Downtown Merchants	2027	2028	N/A	KDDA	Economic Development
11	Information Technology	City Wide Software Upgrades/purchases City Wide Computer upgrade and integration WI-FI integration in parks	2027	2028	\$100,000	GF	Information Technology
12	Information Technology	GIS upgrades for land use analysis and public safety	2027	2028	\$10,000	GF	Community Development
13	Community Facilities	Traffic Improvements-Rutledge rd, Cathey In, Cherokee Street, Ben King Rd.,Sardis St Ext. & Overpass	2027	2028	\$5,000,000	SPLOST	Public Works
14	Community Facilities	Promote partnerships with Gardens,KDDA and KSU MasterCraftsmen Program	2027	2028	N/A	N/A	Smith Gilbert Gardens
15	Community Facilities	Street Improvements-Paving/Sidewalks/LMIG	2027	2028	\$350,000	SPLOST	Public Works
16	Community Facilities	Continue to promote quarterly community outreach meetings	2027	2028	N/A	GF	Planning
18	Land Use	Major update to City of Kennesaw Comprehensive Plan	2027	2028	N/A	GF	Planning
19	Community Facilities	Trail linkage project visioning and discussions withTown Center CID	2027	2028	N/A	N/A	Planning and Zoning
	Community Facilities	Smith Gilbert Gardens Education Center	2027	2028	\$2,000,000	GF	Parks and Recreation

FY 2028/2029							
Project Number	Plan Element	Project Description	Start Date	End Date	Estimated Cost	Funding Source	Responsible Party
1	Community Facilities	LCI plan project evaluation for next study area	2028	2029	N/A	NA	Planning and Zoning
2	Community Facilities	review sustainability policies for city facilities	2028	2029	N/A	N/A	Public Works
3	Economic Development	Continue business recruitment, expansion and retention efforts	2028	2029	\$5,000	GF, KDA & KDDA	Economic Development
4	Economic Development	Apply for grants for development projects	2028	2029	N/A	N/A	Economic Development & Planning
5	Community Facilities	Evaluate effectiveness of Museum marketing strategies and make adjustments as needed	2028	2029	N/A	N/A	Museum & Economic Dev
6	Community Facilities	Upgrade neighborhood parks, stormwater improvements, playground improvements, sidewalk installations	2028	2029	\$40,000	GF	Parks and Recreation
7	Land Use	Initiate study for sustainability initiatives and incentive program for new development	2028	2029	N/A	N/A	Community Development
8	Community facilities	Reevaluating Trail Master plan	2028	2029	N/A	N/A	Parks and Recreation
9	Housing	Continue strategies (through zoning) aimed at the identification and preservation of existing sound housing and stable residential neighborhoods including preservation of historic properties	2028	2029	N/A	N/A	Community Development
10	Land Use	Explore policies that can promote more diverse housing development	2028	2029	N/A	N/A	Planning and Zoning
11	Information Technology	City Wide Computer upgrade and integration	2028	2029	\$100,000	GF	Information Technology
12	Community Facilities	Traffic Improvements-Rutledge rd, Cathey In, Cherokee Street, Ben King Rd., Sardis St Ext. & Overpass	2028	2029	\$4,000,000	SPLOST	Public Works
13	Economic Development	Continue implementation of downtown master plan	2028	2029	N/A	SPLOST	Community Development
14	Community Facilities	Research alternative methods for water quality solutions for new development	2028	2029	N/A	N/A	Public Works
15	Community Facilities	Storm Water Utility assesment and system analysis	2028	2029	N/A	GF	Public Works
16	Community Facilities	Street Improvements-Paving/Sidewalks/LMIG	2028	2029	\$500,000	SPLOST	Parks and Recreation
17	Community Facilities	Drainage Improvements	2028	2029		SPLOST	Public Works
18	Land Use	Evaluate downtown entertainment district signage standards	2028	2029	N/A	N/A	Planning and Zoning
19	Community Facilities	Depot master plan review of projects	2028	2029	N/A	N/A	Parks and Recreation
20	Community Facilities	Smith-Gilbert Gardens facility Education Center	2028	2029	\$2,000,000	SPLOST	Parks and Recreation
21							

City of Kennesaw Annual STWP Update 2024/2025							
Project Number	Plan Element	Project Description	Start Date	End Date	Estimated Cost	Funding Source	Responsible Party
1	Economic Development	Continue business recruitment, expansion and retention efforts	2024	2025	\$8,000	KDA & KDDA	Economic Development
2	Community Facilities	Evaluate master trail system tie-in to Cobb County System	2024	2025	N/A	N/A	Planning and Zoning/parks and recreation
3	Land Use	Historic District survey with KSU historic program and DCA	2024	2025	\$4,000	GF	Planning and Zoning
4	Land Use	Pursue potential program creation that will provide a rescue fund to repair and rehabilitate historic properties and structures on prioviate property	2024	2025	N/A	N/A	Planning and Zoning
5	Community Facilities	Storm Water Utility CIP Project	2024	2025	\$500,000	SPLOST	Public Works
6	Community Facilities	Traffic Improvements-Rutledge rd, Cathey ln, Cherokee Street, Ben King Rd.,Sardis St Ext. & Overpass	2024	2025	\$4,000,000	SPLOST	Public Works
7	Land Use	Annual review of Unified Development code	2024	2025	NA	NA	Planning and Zoning
8		Smith Gilbert Gardens Improvements-pavillion, pathways, restrooms, ADA and parking lot	2024	2025	\$1,141,489	SPLOST	Parks and Recreation
9	Community Facilities	Street Improvements-Paving/Sidewalks/LMIG	2024	2025	\$425,000	SPLOST	Public Works
10	Community Facilities	Pave Streets throughout city cemetery	2024	2025	\$100,000	GF	Public Works
11	Land Use	Strengthen enforcement of housing codes in order to revitalize neighborhoods	2024	2025	N/A	N/A	Community Development
12	Community Facilities	Submittal of phase two LCI Study application for Cobb Parkway	2024	2025	N/A	N/A	Planning and Zoning
13	Information Technology	City Wide Computer upgrade and integration	2024	2025	\$75,000	GF	Information Technology
14	sign standards	Amend the Unified Development Code to address design standards issues	2024	2025	N/A	N/A	Planning and Zoning
15	Community Facilities	Community Center Improvements	2024	2025	\$50,000	GF	Parks and Recreation
16	Community Facilities	Review status of adopted redevelopment areas	2024	2025	NA	NA	Economic Development/Planning

City of Kennesaw Annual STWP Update FY2025/2026							
Project Number	Plan Element	Project Description	Start Date	End Date	Estimated Cost	Funding Source	Responsible Party
1	Economic Development	Continue implementation of Kennesaw LCI downtown master plan	2025	2026	N/A	N/A	Mayor and Council & City Manager
2	Land Use	review downtown master plan	2025	2026	N/A	N/A	Community Development
3	Economic Development	Continue business recruitment, expansion and retention efforts	2025	2026	\$5,000	GF, KDA, KDDA	Economic Development
4	Community Facilities	re-evaluate storm water management plan	2025	2026	N/A	N/A	Public Works
5	Land Use	reviewing comprehensive plan and objectives	2025	2026	N/A	N/A	Community Development
6	Land Use	Evaluate existing development regulations for provisions that may limit diversity in housing types and barriers to revitalization and infill development and recommend changes where appropriate	2025	2026	\$5,000	KDDA, GF, and DCA Grants	Community Development
7	Community Facilities	Traffic Improvements-Rutledge rd, Cathey ln, Cherokee Street, Ben King Rd., Sardis St Ext. & Overpass	2025	2026	\$10,000,000	SPLOST	Public Works
8	Land Use	Analyze Senior Housing inventory	2025	2026	N/A	N/A	Planning and Zoning
9	Land Use	Annual review of Unified Development code	2025	2026	N/A	N/A	Community Development, Public Works
10	Land Use	Develop additional development standards for the provision and location of pedestrian and bicycle facilities in connection with private development projects.	2025	2026	N/A	N/A	Community Development
11	Community Facilities	Neighborhood park improvements, Stormwater, playgrounds and sidewalk installations	2025	2026	\$35,000	GF	Parks and Recreation
12	Land Use	identify areas of city in transition that is appropriate for redevelopment	2025	2026	N/A	N/A	Planning and Zoning
13	Community Facilities	Establish strategies and priorities for funding road improvements needed in the city in conjunction with county, state, regional and federal agencies.	2025	2026	N/A	N/A	Public Works/Economic Development
14	Land Use	re-evaluate needs for student housing demand	2025	2026	NA	NA	Planning and Zoning
15	Community Facilities	Explore policies that can promote more diverse housing development	2025	2026	N/A	N/A	Planning and Zoning, Economic Dev
16	Community Facilities	Storm Water Utility CIP Project	2025	2026	\$350,000	SPLOST	Public Works
17	Information Technology	City Wide Computer upgrade and integration	2025	2026	\$100,000	GF	Information Technology
18	Environmental	Evaluate environmentally sensitive areas affected by development	2025	2026	N/A	N/A	Public Works/Community development
19	Land Use	Participate in regional and local transportation studies and initiatives to discuss rail connectivity to cities and county	2025	2026	N/A	N/A	Community Development
20	Land Use	Work with Cobb County to implement a greenbelt system for flood plains that can also be used as a passive recreation resource.	2025	2026	N/A	N/A	Community Development
21	Economic Development	Evaluate Economic Development Incentive program	2025	2026	N/A	N/A	Community Development
22	Community Facilities	Review trail network program	2025	2026	N/A	N/A	Parks and Recreation

City of Kennesaw Annual STWP Update FY2026-2027							
Project Number	Plan Element	Project Description	Start Date	End Date	Estimated Cost	Funding Source	Responsible Party
1	Land Use	Create housing audit report	2026	2027	N/A	N/A	Mayor and Council & City Manager
2	Public Facilities	Revisions to Zoning ordinance and development standards	2026	2027	N/A	N/A	Community Development
3	Public Facilities	Continue business recruitment, expansion and retention efforts	2026	2027	\$5,000	GF, KDA & KDDA	Economic Development
4	Land Use	Update Comprehensive Plan	2026	2027	N/A	N/A	Planning and Zoning
5	Land Use	Review of implementation of Cobb's Plan 2040	2026	2027	N/A	N/A	Community Development
6	Economic Development	Evaluate annexation action plan for all commercial and industrial corridors	2026	2027	N/A	NA	Community Development
7	Public Facilities	Transportation study on existing roadways and gateways into the City in association with GRTA and ARC consistent with the LCI Plan.	2026	2027	NA	NA	Community Development, Public Works
8	Economic Development	Reevalute Entertainment District Growth Strategy	2026	2027	N/A	GF, KDDA	Economic Development
9	Economic Development	Review strategic growth plan with Planning and Zoning Department	2026	2027	N/A	N/A	Museum & Economic Dev
10	Community Facilities	Neighborhood park improvements, Stormwater, playgrounds and sidewalk installations	2026	2027	\$35,000	GF	Parks and Recreation
11	Information Technology	implement electronic submittal programs for all departments	2026	2027	N/A	N/A	Information Technology
12	Community Facilities	Street Improvements-Paving/Sidewalks/LMIG	2026	2027	\$300,000	SPLOST	Public Works
13	Transportation Element	Promote the expansion of local public transit alternatives in conjunction with Cobb County, ARC and other state/regional agencies.	2026	2027	N/A	N/A	Community Development
14	Community Facilities	City Wide Computer upgrade and integration	2026	2027	\$100,000	GF	Information Technology
15	Economic Development	Review Downtown Development authority business recruitment strategy	2026	2027	N/A	N/A	Community Development
16	Community Facilities	Review greenspace requirement for population	2026	2027	N/A	N/A	Parks and Recreation
17	Economic Development	Analyze the downtown business retention plan	2026	2027	N/A	N/A	Economic Development
18	Land Use	City to expand network with local school board system in order to improve input regarding future development	2026	2027	N/A	N/A	Commuinty Dev
19	Land Use	Create housing density analysis	2026	2027	N/A	N/A	Community Development
20	Community Facilities	comprehensive plan major updates	2026	2027	N/A	NA	Planning and Zoning
21	land use	analyze Senior Housing inventory for lifelong community initiative	2026	2027	N/A	N/A	Planning and Zoning
22	Community Facilities	Storm Water Utility assessment of projects	2026	2027	N/A	N/A	Public Works
23	Land Use	Reevaluate Main Street Development vision	2026	2027	N/A	N/A	Economic Development
24	Community Facilities	review city transportation plan	2026	2027	N/A	GF	Public Works

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Total LEG 2.89
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AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

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MDJ-2552
GPN-16
CITY OF KENNESAW
PUBLIC NOTICE
Notice is hereby given that the City of Kennesaw shall hold a public hearing to give consideration to transmitting the updated draft of the required Capital Improvement Element and Short-term work program report for 2025-2029 to the Atlanta Regional Commission and Department of Community Affairs for review. These updates are necessary for the City of Kennesaw to maintain qualified local government status.
A copy of the draft is on file in the Planning and Zoning Office for viewing during normal business hours of 8:00am to 5:00pm Monday through Friday. The City of Kennesaw is soliciting input from the public on these updates. The Mayor and Council will consider adoption of these updates later in 2025 at a scheduled public hearing following public notice.
The Mayor and Council shall hold a public hearing on this matter on April 7, 2025 at 6:30pm meeting to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia.
Any interested persons may attend and be heard relative thereto.

Darryl Simmons
Planning and Zoning Administrator
3:28; 4:4-2025



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: April 7, 2025

TITLE: **Minutes: March 10, 2025 Work Session**
Approval of the March 10, 2025, City Council work session minutes.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. 2025-03-10 City Council Work Session Draft Minutes

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

**Livestream: www.kennesaw-ga.gov/publicmeetings/
March 10, 2025
6:30 PM**

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

2. Pledge of Allegiance

3. Call to Order

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

4. Announcements

5. Presentations

6. Old Business

7. New Business

8. Committee and Board Reports

9. Public Hearing(s)

A. Ordinance: Rezoning Request for 2112 & 2114 Old 41 Highway, 1620 North Roberts Road

Consideration for approval of an ordinance authorizing a rezoning request submitted by Fabric Housing Acquisitions, LLC for the property located at 2112 & 2114 Old 41 Hwy, and 1620 N. Roberts Rd (20017501190, 20017501210, 20017500210, 20017400080). Case #RZ2024-04

Planning and Zoning Administrator Darryl Simmons presented an ordinance authorizing a rezoning request submitted by Fabric Housing Acquisitions, LLC for the property located at 2112 and 2114 Old 41 Highway and 1620 North Roberts Road. Mr. Simmons

recounted the postponement of this item. Originally, the applicant wanted to amend the previously approved masterplan affecting the commercial and office components of the project. Throughout numerous meetings and discussions, the City expressed its concerns and expectations regarding the request. The applicant submitted a letter of withdrawal dated February 11, 2025. On March 5, 2025, the Planning Commission recommended acceptance of the letter without prejudice.

B. Land Use Permit: 4227 Carillon Trace

Consideration for approval of a Land Use Permit application for property located at 4227 Carillon Trace as submitted by Mark Jackson. Case # LU2025-01

Mr. Simmons presented a land use permit for property located at 4227 Carillon Trace as submitted by Mark Jackson. Mr. Jackson is seeking a home occupation business license for the printing of t-shirts. The Homeowners' Association of Legacy Park submitted a letter of approval regarding the use. Staff have not received any complaints or inquiries from the community. Staff recommends approval with conditions.

C. Ordinance: Rezoning Request for 2615 South Main Street

Consideration for approval of an ordinance authorizing a rezoning request submitted by High Point Acquisitions, LLC for the property located at 2615 South Main Street (20016700990). Case #RZ2025-01

Assistant Zoning Administrator and Planner Chanelle Campbell presented an ordinance authorizing a rezoning request submitted by High Point Acquisitions, LLC for the property located at 2615 South Main Street. The request is to rezone the property from Light Industrial (LI) to Central Business District (CBD) to construct a mixed-use development consisting of 300 Class A residential units and 5,000 square feet of retail/commercial area. Staff recommends approval with conditions. The application was advertised in the Marietta Daily Journal on February 14, 2025, and signs were placed on the property as required.

Councilmember Viars asked if smoke shops could be added to the list of uses that are not allowed that is within the packet. Ms. Campbell stated that the CBD does not allow for smoke shops.

Councilmember Orochena asked about condition #4, which states, "prior to the issuance of a 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." She wondered if that was a condition that has been included in the past. Ms. Campbell stated it is a requirement in the zoning ordinance that 20% of the certificate of occupancy will be withheld for the residential until the certificate of completion of the commercial component is obtained.

Councilmember Jones asked if the commercial portion would be built first or last. Ms. Campbell said it is staff's understanding that the commercial portion will be built

concurrently with the residential.

Mayor Pro Tem Ferris chimed in on Councilmember Orochena's question. He stated the Council has seen the condition before, but developers still come back stating they cannot find anyone to fill the commercial component.

As far as visioning and long-term planning are concerned, Mayor Pro Tem Ferris had questions about when the City is planning on saying there is enough CBD. Ms. Campbell noted that the staff do not have any intention of expanding the Central Business District, but if the property is already zoned or if the future land use is CBD, then staff will allow the rezoning as approved.

Mayor Pro Tem Ferris also asked Mr. Simmons at what point does the City say no to apartments? He wondered if there was a standard that existed, such as 60/40 or 70/30? Mr. Simmons shared that last year, Planning and Zoning created a matrix that was placed on the GIS Hub online, which shows the ratio between multifamily projects and single-family areas within the city. The multifamily that has been approved has been strategic. Most of them have been a part of either redevelopment or part of a transition that had already been identified over 15 years ago by the character map and LCI plan. Everything has been done strategically by planning visioning starting in 2015. Mr. Simmons emphasized that staff want the existing apartments that have been approved to be absorbed.

Mayor Pro Tem Ferris asked if townhomes were a part of the multifamily designation. Mr. Simmons said it was not. He further asked what the current ratio of single-family and multifamily houses was and whether that was a healthy mix. Economic Development Director Luke Howe stated that staff looked at this ratio for the City last year and that it is about 70% single-family to 30% multifamily. This ratio leads every city in Cobb County, Cobb County itself, the state, and national averages. Cobb County's average ratio is 67-68%.

Mayor Pro Tem Ferris is worried about the tipping point for apartments, especially in terms of traffic, services, schools, etc.

Elliot Van Dyke of High Point Acquisitions, LLC responded to Councilmember Jones' question about why there was not any for-sale product in this phase. Mr. Van Dyke stated it was because of the available acreage. They are limited based on size and because of the price they are paying for the land. The company plans on owning the project for seven to 10 years. Councilmember Jones asked if the project would still be profitable for the developer if there was a mix of for-rent and for-sale product. Mr. Van Dyke responded that the math would not work and the owners of the properties would not be interested.

Mayor Pro Tem Ferris asked if we had a set written goal in the Comprehensive Plan that we want a 70/30 or 60/40 ratio of single-family and multifamily. Mr. Simmons stated it is hard to have a set formula as markets, economics, and lifestyles constantly

change.

Councilmember Gutierrez mentioned that a portion of the land is currently a mobile home park. He inquired if residents still live there and what the plan would be to transition those residents. Mr. Van Dyke said that as of November there were 19 tenants remaining and currently there are 12 tenants left. It is important to note that none of the tenants own the homes and are leasing them on a month-to-month basis. The plan is to give the remaining tenants 90 days' notice. They will also receive their full deposit back from the owner and relocation assistance in the amount of \$1,000 from the developer.

Councilmember Jones asked about the traffic engineering plan. Mr. Van Dyke said what they found in the traffic patterns from The Lacy (Phase 1) is that, unlike the 1990s or 2000s, people do not all commute to work at the same time. The traffic studies were done with existing data that then projected out to a 92% occupancy rate.

D. Ordinance: Variance Request for 2615 & 2681 South Main Street

Consideration for approval of a variance application submitted by Highpoint Acquisitions, LLC for the properties located at 2615 South Main Street (20016700990) and 2681 South Main Street (20016700140). Case # ZV2025-01

Ms. Campbell presented a variance application submitted by Highpoint Acquisitions, LLC, located at 2615 South Main Street. The request is to vary from the minimum floor area and average minimum floor area required for multifamily development in the Central Business District. The applicant is requesting to reduce the minimum multifamily floor area from 850 square feet to 705 square feet and to reduce the average multifamily floor area from the minimum of 1,000 square feet to 900 square feet. Staff recommends approval and a full presentation will be held at the regular meeting on Monday.

10. Consent Agenda

A. Minutes: February 24, 2025 Work Session

Approval of the February 24, 2025, City Council work session minutes.

B. Minutes: March 3, 2025 Regular Meeting

Approval of the March 3, 2025, City Council regular meeting minutes.

11. General and Administrative

A. Alcohol License: Chevron Food Mart

Consideration for approval of an Alcohol License for Beer, Wine, and Sunday Sales for 2057 Cobb Pkwy LLC d/b/a Chevron Food Mart located at 2057 N. Cobb Pkwy, Kennesaw, Ga 30152.
Applicant: Hardik Patel

Finance Director Jennifer Gordy presented an alcohol license for beer, wine, and Sunday Sales for 2057 Cobb Parkway LLC d/b/a Chevron Food Mart located at 2057

North Cobb Parkway. The applicant completed the required alcohol workshop per Section 6-69. Signs have been posted, and the application has been properly advertised per Section 6-36. The current application and background results are on file. A distance survey completed by a certified surveyor, verified by the Planning and Zoning Department, confirms the establishment is the appropriate distance from the property line or structure listed in Section 6-42 and 6-43.

12. Public Safety

13. Information Technology

14. Public Works and Building Maintenance

A. Resolution: Governmental Lease Agreement for Lighting Services

Consideration for approval of a Resolution authorizing a Governmental Lease Agreement for Lighting Services with Georgia Power for the Public Safety Facility.

Public Works Director Ricky Stewart presented a resolution authorizing a governmental lease agreement for lighting services with Georgia Power for the Public Safety Facility. Mr. Stewart stated the proposal includes the installation of 15 lights around the building and parking lot. The cost of the installation is \$74,500.00 with a monthly fee of \$450.00.

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

B. Surplus: City Vehicles and Equipment

Consideration to approve the surplus and disposal of select vehicles and equipment.

Mr. Stewart shared a list of equipment and vehicles that will be surplus on GovDeals because they are no longer fit for use. All will be placed on GovDeals in an attempt to sell. If they do not sell, they will be disposed of. He noted that the snowplows would not be placed on GovDeals because Public Works have scavenged any usable parts.

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

15. Recreation and Culture

16. Community Development

A. Central Business District Project Application: 2615 & 2681 South Main Street

Consideration to review a CBD project application request for a mixed-use development on the parcels located at 2615 South Main Street (Parcel 20016700990) and 2681 South Main Street (Parcel 20016700140).
Case#CBD2025-01

Assistant Zoning Administrator and Planner Chanelle Campbell presented a CBD project application request for a mixed-use development on the parcels located at 2615

South Main Street and 2681 South Main Street. This application runs concurrent with the rezoning and variance applications heard earlier. The current process for any projects going into the Central Business District includes being heard by the Kennesaw Downtown Development Authority and Historic Preservation Commission. Those bodies approved the application, and the next step in the process is for the Mayor and Council to review and approve.

Mayor Pro Tem Ferris sat through the Historic Preservation Commission meeting. He said the Commissioners brought up a question about the facades of the buildings and how they are flat with no variation. Mr. Van Dyke stated that they agree with the Historic Preservation Commission and will be adding some variation to the facades of those buildings.

17. Public Comments

7:09 p.m. Floor Open for Public Comments

No comments.

7:10 p.m. Floor Closed for Public Comments

18. City Manager's Report

A. Reports, Discussions, and Updates

Dr. Drobney went to the Georgia City and County Managers Association conference and realized how well the City of Kennesaw does community. He encourages everyone to go visit the Downtown Plaza to see the new lights. Economic Development held a pop-up event for Mardi Gras at the Plaza and will have another one on Friday for Pi Day.

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

Councilmember Gutierrez is not a fan of daylight savings.

Councilmember Jones gave kudos to the Kennesaw Police Department for an arrest that was made recently.

Councilmember Orochena is looking forward to Pi Day.

Mayor Pro Tem Ferris mentioned that next Monday is St. Patrick's day.

Councilmember Viars thought the Mardi Gras pop-up event was great. There are 32

days until the Big Shanty Festival.

A. Update: Stormwater Infrastructure

Update requested by Councilmember Jones regarding the status of the City's stormwater system.

Public Works Director Ricky Stewart provided an update on the status of the City's stormwater system. Mr. Stewart stated that Public Works inspects 20% of the system annually. Public Works is on a five-year rotation to inspect the system in its entirety. The current state of the system is debatable as the city has a lot of old and new infrastructure. A lot of the pipes in the old system are corrugated metal and the City no longer allows that. It is these pipes that Public Works focuses on for the reline projects.

Councilmember Jones asked how many times the city has evaluated the entire system. Mr. Stewart said the City has inspected the system several times. In a five-year rotation, Public Works is currently on their third lap.

Councilmember Jones asked Mr. Stewart if there was anything the Council could provide to assist Mr. Stewart on evaluating the pipe system. He asked if the most recent pipe failure, and the one that happened in Tara, were on Public Works' radar. Mr. Stewart responded that the most recent pipe failure on Pine Hill was escalated because of Hurricane Helene. Every pipe is on their radar, and there is not a pipe in some form or fashion that Public Works is not mildly to majorly concerned about. The boom in houses in the City of Kennesaw was between the 1980s and the 1990s. The majority of pipes within the system are pushing 30–40 years old. During that time, a lot of corrugated metal was placed into the ground.

Councilmember Jones said he wanted to have an idea of what the condition of the system is because there is an upcoming SPLOST, and it could be an opportunity to invest in that system.

Mr. Stewart said that stormwater is a utility, so there is constant funding for stormwater. Public Works is working toward modeling our stormwater system.

Councilmember Orochena wondered what the lifespan is for the new product being laid down. Mr. Stewart said about 50 years except for corrugated metal, which lasts about 5–10 years, maybe 20-30 if it is just your average rain intervals. Most of the collapses are the 20-30 year old pipes.

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

Mayor Easterling adjourned the meeting at 7:29 p.m. The regular meeting will be held

on Monday, March 17, 2025, at 6:30 p.m. in the Council Chambers. The public is encouraged to attend.

Lea Alvarez, City Clerk

DRAFT



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: April 7, 2025

TITLE: **Minutes: March 17, 2025 Regular Meeting**
Approval of the March 17, 2025, City Council regular meeting minutes.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. 2025-03-17 City Council Draft Minutes

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

**Livestream: www.kennesaw-ga.gov/publicmeetings/
March 17, 2025
6:30 PM**

Present	Mayor Derek Easterling Mayor Pro Tem Pat Ferris Councilmember Madelyn Orochena Councilmember Tracey Viars Councilmember Antonio Jones Councilmember Anthony Gutierrez Deputy City Clerk Christie Burgner 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

Mia Gonzalez, a third grade student from Big Shanty Elementary, led the Pledge of Allegiance.

3. Call to Order

Mayor Easterling called the meeting to order at 6:32 p.m.

4. Announcements

5. Presentations

6. Public Comment/Business from the Floor

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

No comments.

6:33 p.m. Floor Closed for Public Comments

7. Old Business

8. New Business

9. Committee and Board Reports

10. Public Hearing(s)

A. Ordinance: Rezoning Request for 2112 & 2114 Old 41 Highway, 1620 North Roberts Road

Consideration for approval of an ordinance authorizing a rezoning request submitted by Fabric Housing Acquisitions, LLC for the property located at 2112 & 2114 Old 41 Hwy, and 1620 N. Roberts Rd (20017501190, 20017501210, 20017500210, 20017400080). Case #RZ2024-04

Planning & Zoning Administrator Darryl Simmons presented information for the withdrawal without prejudice of the zoning request. Staff has met with the applicant multiple times and their recent proposals did not meet staff expectations for a mixture of commercial and multifamily. On February 11, 2025, the applicant submitted a request to withdraw the rezoning request without prejudice. This withdrawal allows the applicant to review all the commercial opportunities. The withdrawal without prejudice was accepted by the Planning Commission at the March 5 meeting and staff recommends accepting the withdrawal.

Motion by Councilmember Viars to accept the withdrawal without prejudice for the rezoning request for 2112 & 2114 Old Highway 41. Seconded by Councilmember Gutierrez. Floor opened for public comment at 6:34 p.m. There was no comment. Floor closed for public comment at 6:35 p.m. There was no council discussion. Vote taken, motion unanimously approved 5-0. Motion passed.

B. Land Use Permit: 4227 Carillon Trace

Consideration for approval of a Land Use Permit application for property located at 4227 Carillon Trace as submitted by Mark Jackson. Case # LU2025-01

Planning & Zoning Administrator Darryl Simmons presented information for the land use permit for Mark Jackson for a home-based business of t-shirt design. The Legacy Park homeowners' association has approved Mr. Jackson's request for the business, appropriate signs were posted, and legal ads were run in the Marietta Daily Journal. The land use permit was approved by the Planning Commission at the March 5 meeting with staff recommended conditions. Those conditions are: the land use permit is limited to, exclusive for and only valid for, the current applicant and the life of this particular business/use and is not transferable, any changes would require additional review and approval, there shall be no clients, customers or employees at this location, there shall be no evidence of a home-based business visible from the public right-of-way including no signs and no more than one commercial vehicle dedicated to this business, and the land use permit is valid for 24-months starting from the date of final approval.

Motion by Councilmember Jones to approve the land use permit for 4227 Carillon Trace. Seconded by Councilmember Orochena. Floor opened for public comment at 6:38 p.m. There was no comment. Floor closed for public comment at 6:39 p.m. There was no council discussion. Vote taken, motion unanimously approved 5-0. Motion passed.

C. Ordinance: Rezoning Request for 2615 South Main Street

Consideration for approval of an ordinance authorizing a rezoning request submitted by High Point Acquisitions, LLC for the property located at 2615 South Main Street (20016700990). Case #RZ2025-01

Public Hearing Items 10.C and 10.D were heard concurrently.

Assistant Zoning Administrator Chanelle Campbell presented information regarding the rezoning request from Highpoint Acquisitions for 2615 South Main Street concurrent with a variance request submitted by Highpoint Acquisitions for properties located at 2615 and 2681 South Main Street (agenda item 10.D.). Currently, the subject property was rezoned to Light Industrial (LI) for use by Kennesaw Wrecker Company. This request is to rezone the subject property from LI to Central Business District (CBD) for the development of a mixed-used development based on the criteria of Livable Centers Initiative, the Comprehensive Plan, and the Unified Development Code. The 2022 Comprehensive Plan designates the future land use of the subject property as Downtown Activity Center (DAC). The applicant's request to rezone to CBD aligns with the city's goal of promoting more diverse developments. This development will include a combination of 300 apartment units, a parking deck, and a minimum of 5000 square footage of commercial retail. The development proposes traffic-calming measures, gathering spaces and enhancing the gateway entrance to create a walkable community. Staff recommends approval of the rezoning request with conditions.

Representing the applicant, Attorney Parks Huff, discussed the zoning of the mobile home park and combining the two lots (mobile home park and wrecker service) to create the apartment development which would create a natural cut-off of the CBD in downtown. Mr. Huff introduced developer Elliott Van Dyke.

Elliott Van Dyke with Highpoint Development provided an update for The Lacey I [Exhibit A], and advised that when combined with Phase II, it will become the anchor point of downtown. Information included: site plan, aerials, exteriors, interiors, the shared parking deck, park space, and possible commercial businesses with clothing, salon, pastry and financial advisor. Water and sewer was installed, the site was pad graded, there is an underground detention pond, and 50 parking spaces have been installed for the retail spaces.

Mr. Van Dyke introduced Rajpal Sagoo who has partnered with Highpoint as stakeholders. Rajpal Sagoo stated that there had been a delay due to Cobb Water and Fire. However, they are currently looking for different uses for the commercial portions. Conversation about Phase II has spurred interest in Phase I due to the added density. They anticipate final retail commitments by the end of the second quarter.

Mr. Van Dyke, using Exhibit A, then discussed Phase II, including the purchase of the subject properties, acreage, topography, shape of land, and perimeters of land. Price constraints are different as the purchase price was double what Phase I was. Therefore, the requested density is necessary. The creek on the property dictates where the parking lot and buildings must go. Amenities include a park, restaurant, commercial space, fitness club, resort-style pool, dog park and pedestrian connectivity.

Crosswalks with beacons will be placed and should have traffic-calming measures. They are proposing to install a new five-foot sidewalk, replacing the current four-foot sidewalk. 18 on-street, slant parking spaces will be added. After traffic studies and signal analysis, a southbound decel lane will be added. The traffic study also showed an added 20-second time delay to the left turn from Duncan to Main Street which is already at one minute at peak hours. Mr. Van Dyke discussed design ideas and the buildings' facade. There will be parking behind the apartments out of sight of the road and a parking deck on the inside of the property which will not be visible from Main Street. Regarding the mobile home park tenants; there were 19 to start and there are currently 12. The leases for the tenants are month to month, they will be given a 90-day notice to vacate, their security deposit will be returned, and Highpoint will provide \$1000 for relocation.

Regarding the two variances requested, Mr. Huff advised the minimum square footage would be 705 square feet. Census data of Cobb County allows that households are 2.5 people which means a lot of one and two-person households, and fits with the variance of 900 square feet minimum to 705 square feet minimum. With the opportunity to develop these two subject properties together, the driveways will align with one access point [Exhibit A]. This is an opportunity to combine these two properties and develop them together.

Mr. Van Dyke clarified the commercial usage would be built concurrently. There is no intention of backing out, and the lender will require they complete the restaurant.

Assistant Zoning Administrator Chanelle Campbell presented information regarding the variance request for 2615 & 2681 South Main Street concurrent with a rezoning request (agenda item 10.C.). Highpoint Acquisitions is requesting to reduce the average multi-family floor plan from a minimum of 1000 square feet to a minimum of 900 square feet and to reduce the minimum multifamily floor area from 850 square feet to 705 square feet, which is similar to The Lacey Phase I in 2021. Staff recommends approval for this variance with 22 conditions. This mixed-use development would include less than 300 units, a parking deck and commercial businesses. The project will go before the Historic Preservation Commission at 40% and 80% for approval. The Planning Commission approved this rezoning request with the 22 stipulations. Appropriate signs were posted, and legal ads were run in the Marietta Daily Journal.

Motion made by Councilmember Viars to approve ORDINANCE 2025-03 to rezone 2615 South Main Street. Seconded by Mayor Pro Tem Ferris.

Floor opened for public comment at 7:17 p.m.

Timothy Heying [Resident]: Likes the hidden parking deck and buildings along roadway, but wonders what will happen with traffic when Cobb DOT moves McCollum Parkway.

Carlene Fregeolle [Resident]: Is unsure how only 20 seconds will be added to the turn at Duncan and Main, and wonders if a roundabout is feasible in the area.

Matt Olsen [Owner of Old South Village property]: Has been in Kennesaw for 20 years, and believes that what is happening downtown has always been the city's vision. It has been increasingly difficult with new restrictions to operate the mobile home park and

maximize the income from it. He took the opportunity to sell because it was a known developer/product which gives this project a known quantity/product. This will also provide the retail that is wanted on Main Street.

Floor closed for public comment at 7:22 p.m.

Councilmember Gutierrez inquired about estimated rental costs. Mr. Van Dyke advised that prices are market-based. Currently, a one-bedroom at Phase I would be \$1600-\$1700, a two-bedroom would be \$300 more, and a three-bedroom would be \$250-300 more. There were no further council questions or discussion.

Vote taken, motion approved with a vote of 3-2. Councilmembers Jones and Gutierrez opposed. Motion passed.

D. Variance: 2615 & 2681 South Main Street

Consideration for approval of a variance application submitted by Highpoint Acquisitions, LLC for the properties located at 2615 South Main Street (20016700990) and 2681 South Main Street (20016700140). Case # ZV2025-01

Motion made by Councilmember Viars to approve the variance request for 2615 & 2681 South Main Street. Seconded by Mayor Pro Tem Ferris.

Floor opened for public comment at 7:24 p.m. There was no public comment. Floor closed for public comment at 7:25 p.m. There was no council discussion.

Vote taken, motion approved with a vote of 3-2. Councilmembers Jones and Gutierrez opposed. Motion passed.

11. Consent Agenda

Motion by Councilmember Gutierrez to approve the Consent Agenda. Seconded by Councilmember Orochena. There was no discussion.

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

A. Minutes: February 24, 2025 Work Session

Approval of the February 24, 2025, City Council work session minutes.

B. Minutes: March 3, 2025 Regular Meeting

Approval of the March 3, 2025, City Council regular meeting minutes.

C. Resolution: Governmental Lease Agreement for Lighting Services

Consideration for approval of a Resolution authorizing a Governmental Lease Agreement for Lighting Services with Georgia Power for the Public Safety Facility.

D. Surplus: City Vehicles and Equipment

Consideration to approve the surplus and disposal of select vehicles and equipment.

12. General and Administrative

A. Alcohol License: Chevron Food Mart

Consideration for approval of an Alcohol License for Beer, Wine, and Sunday Sales for 2057 Cobb Pkwy LLC d/b/a Chevron Food Mart located at 2057 N. Cobb Pkwy, Kennesaw, Ga 30152.

Applicant: Hardik Patel

Business License Compliance Officer Mariyah Nall presented information for the alcohol license application for Chevron Food Mart at 2057 Cobb Parkway. The applicant has completed the required alcohol workshop, appropriate signs were posted, and legal ads were run in the Marietta Daily Journal. The current application and background results are on file. A distance survey was completed by a certified surveyor and verified by the Planning and Zoning Department. The Finance Director recommends approval.

Motion by Councilmember Orochena to approve the alcohol license for Chevron Food Mart. Seconded by Councilmember Jones. There was no discussion. Vote taken, motion unanimously approved 5-0. Motion passed.

13. Public Safety

14. Information Technology

15. Public Works and Building Maintenance

16. Recreation and Culture

17. Community Development

A. Central Business District Project Application: 2615 & 2681 South Main Street

Consideration to review a CBD project application request for a mixed-use development on the parcels located at 2615 South Main Street (Parcel 20016700990) and 2681 South Main Street (Parcel 20016700140).
Case#CBD2025-01

Assistant Zoning Administrator Chanelle Campbell reiterated the information provided in items 10.C and 10.D for the Central Business District application. This request was heard by the KDDA on February 14, 2025, where it was unanimously approved, and was heard by the Historic Preservation Commission on February 21, 2025, where it was unanimously approved with conditions.

Motion by Mayor Pro Tem Pat Ferris to approve the central business district application for 2615 & 2681 South Main Street. Seconded by Councilmember Orochena.

There was no council discussion.

Vote taken, motion approved with a vote of 3-2. Councilmembers Jones and Gutierrez opposed. Motion passed.

18. Public Comment/Business from the Floor

ANDREW BRAMLETT [City Resident]: Mr. Bramlett presented a local history story

about Dom Pedro II of Brazil and his trip through Georgia in 1876. [Exhibit B]

RACHEL ELEY [City Resident]: Ms. Eley commented on a stormwater pipe which has been broken since 2009 in the Tara neighborhood. Ms. Eley has requested assistance with this in the past. However, it still has not been corrected. Councilmember Jones asked that she forward the information to him via email.

19. City Manager's Report

A. Reports, Discussions, and Updates

City Manager Dr. Jeff Drobney thanked Ms. Eley for her comments on stormwater and directed the information to Public Works Director Ricky Stewart.

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

Mayor Pro Tem Pat Ferris wished everyone a Happy St. Patrick's Day. He stated that with spring arriving on Thursday it is bringing lots of pollen keeping car washes busy. He asked that residents watch for the great spring events coming to the City of Kennesaw.

Councilmember Jones stated he was happy to attend the groundbreaking for the new Public Safety facility and welcomed Andrew Bramlett back from his recent trip to Costa Rica.

Councilmember Gutierrez advised he would be attending newly elected officials training this week and thanked the City Clerk's office for their hard work.

Councilmember Orochena regretted missing Pi-Day and wished everyone a Happy St. Patrick's Day. She was looking forward to meeting with council at their retreat/discussion and to working effectively, productively and respectfully. She hopes that Kennesaw can be a model for how local government can be a force of good for the public. Councilmember Orochena wants to come together and find common ground to work together as a team.

Councilmember Viars reminded everyone that there are 26 days to Big Shanty and encouraged Councilmember Gutierrez to enjoy his training. Friday was a big day in Kennesaw with a ribbon cutting at Jeremiah's Italian Ice Cream, Pi Day in downtown and the groundbreaking for the Public Safety facility.

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 7:38 p.m. The next regularly scheduled council meeting is Monday, March 31, 2025, at 6:30 p.m. in the Council Chambers.

DRAFT

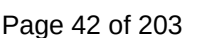
South Main Mixed-Use Development Phase II Kennesaw, GA

March 2025

DEVELOPER: HIGHPOINT DEVELOPMENT

SUBJECT PROPERTIES

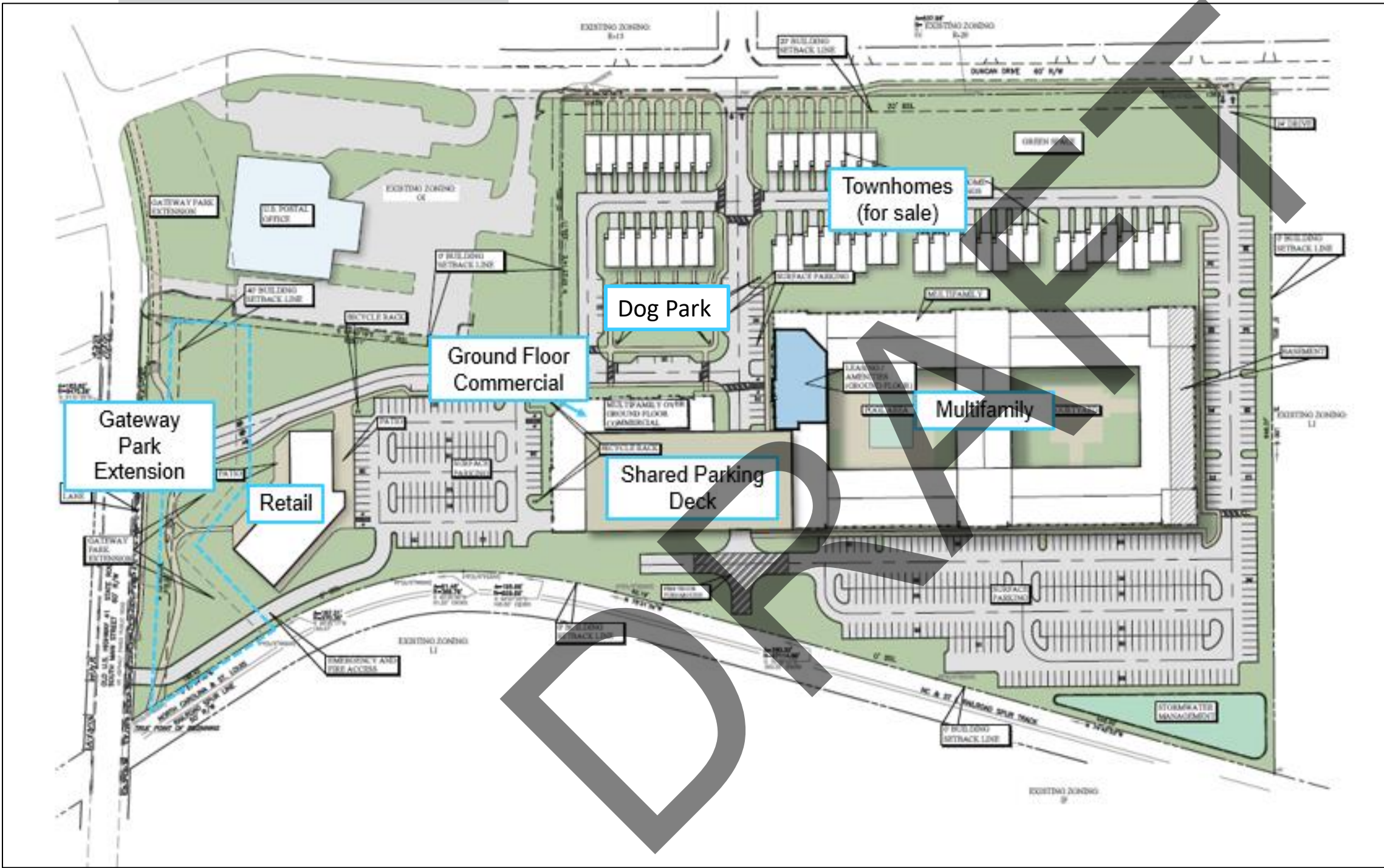




THE LACY (PHASE I) UPDATE

SITE PLAN

HIGHPOINT



PROJECT STATISTICS

- 44 townhomes
- 318 apartments
- Shared parking deck
- Park space
- 10,000 SF ground floor commercial
- Retail outparcel

AERIALS

HIGHPOINT



McSHANE
CONSTRUCTION
C O M P A N Y

Kennesaw Apartments

Print #241202808
Date: 12/02/24
Lat/Lon: 34.018209 -84.606704
Order No. 74976
Aerial Photography, Inc. 954-568-0484



McSHANE
CONSTRUCTION
C O M P A N Y

Kennesaw Apartments

Print #241202807
Date: 12/02/24
Lat/Lon: 34.018209 -84.606704
Order No. 74976
Aerial Photography, Inc. 954-568-0484

TOWNES AT
SOUTH MAIN

HIGHPOINT



APARTMENTS
EXTERIOR

HIGHPOINT



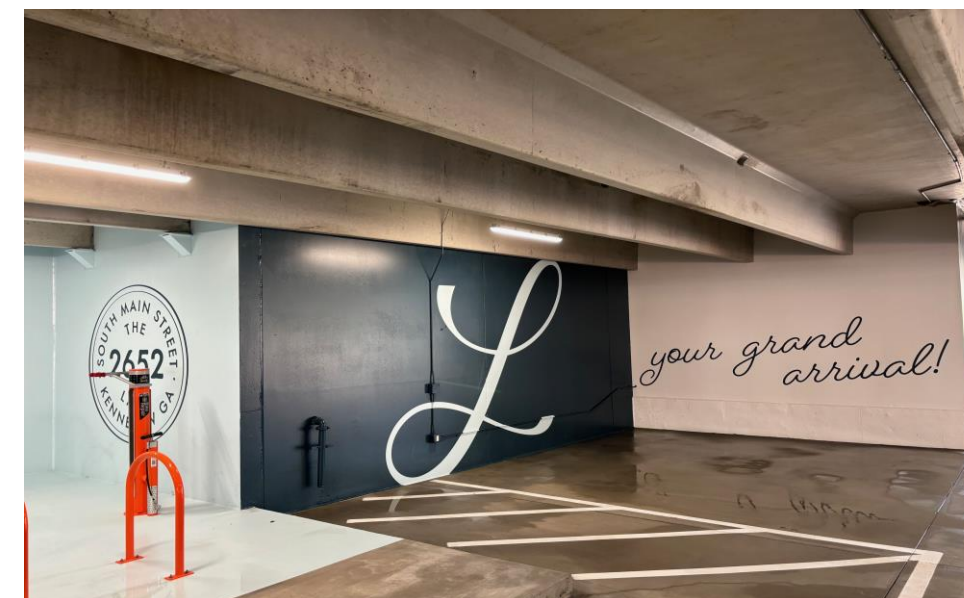
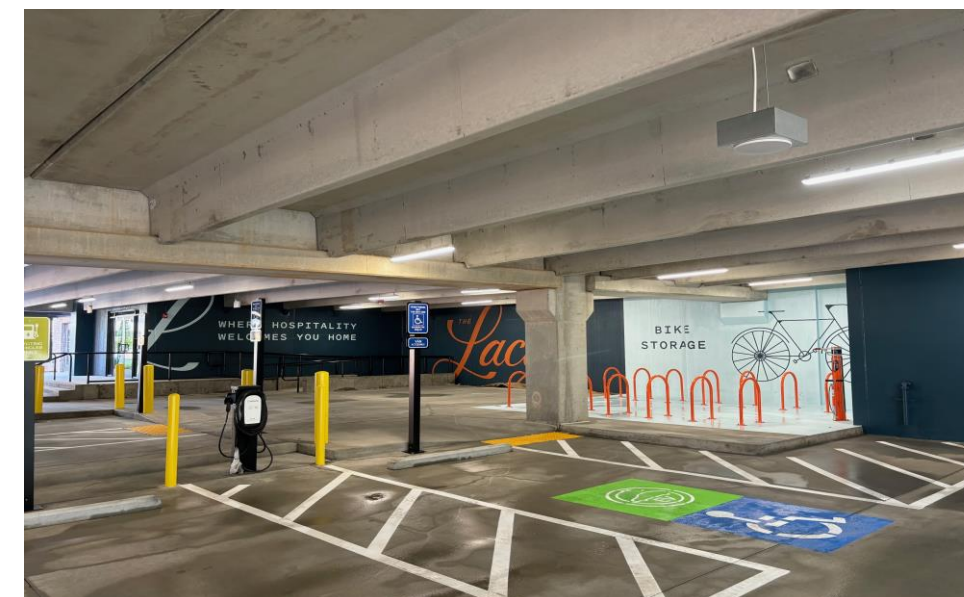
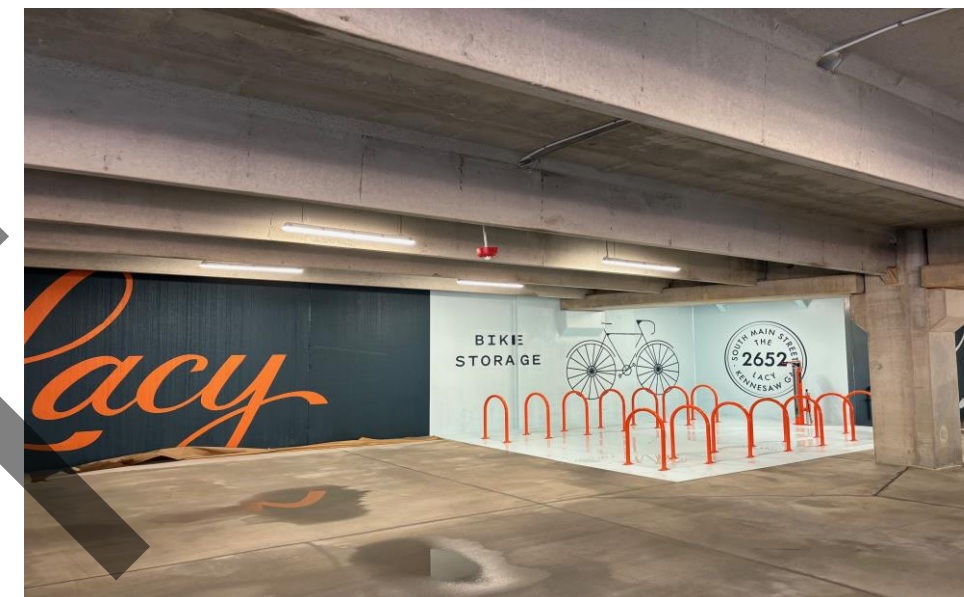
APARTMENTS
INTERIOR

HIGHPOINT



SHARED PARKING DECK

HIGHPOINT



PARK SPACE

HIGHPOINT



GROUND
FLOOR
COMMERCIAL

HIGHPOINT



RETAIL OUTPARCEL

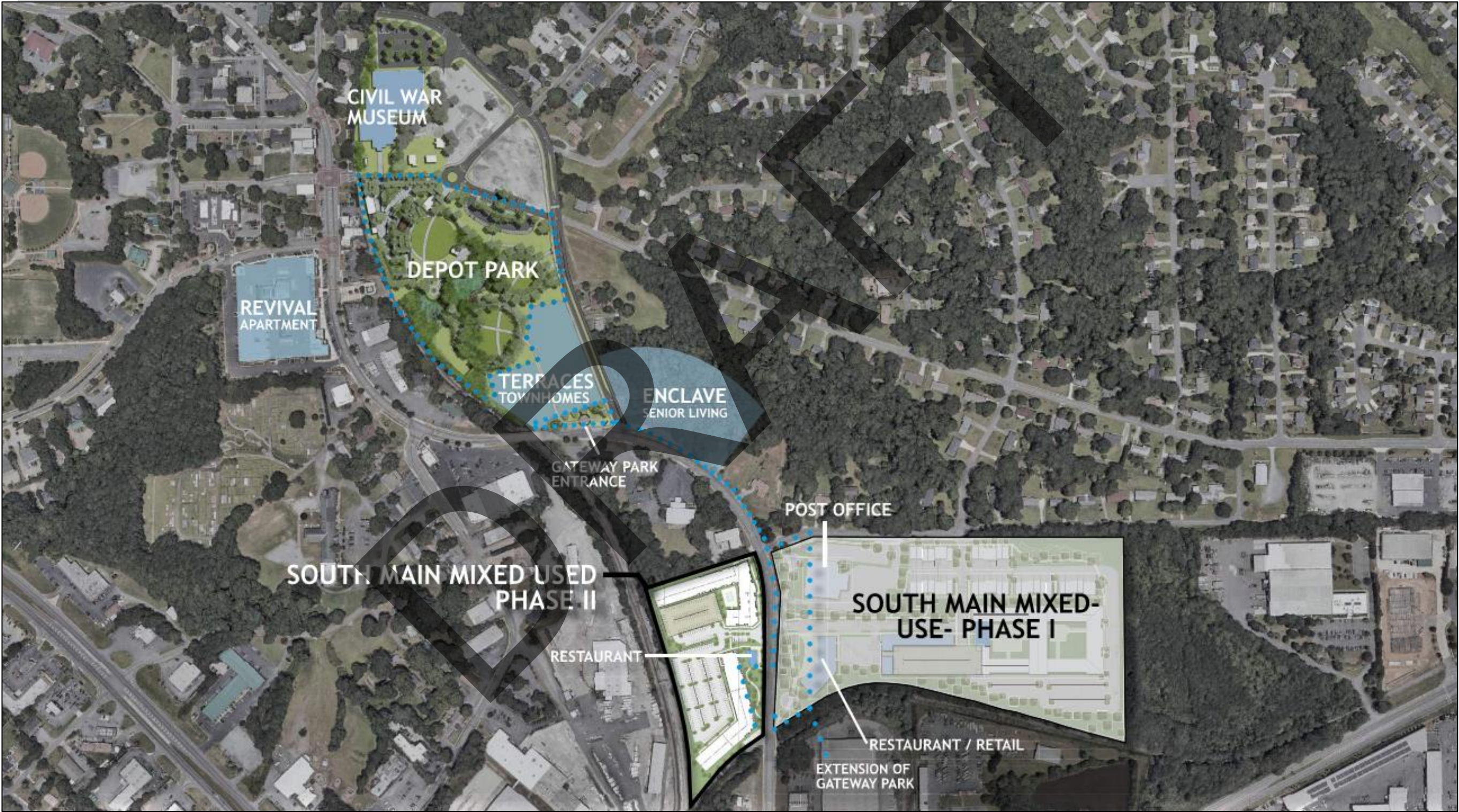
HIGHPOINT



PHASE II PROJECT INFORMATION

HIGHPOINT

OVERALL SITE PLAN



HIGHPOINT

SITE PLAN

Residential:

300 Units
 60% 1-Bedrooms = 180 units / 180 parking spaces
 @750 SF/unit
 35% 2-Bedrooms = 105 units / 210 parking spaces
 @1,100 SF/unit
 5% 3-Bedrooms = 15 units / 30 parking spaces @1,400 SF/unit
 8,000 SF Club/Fitness/Pool

Retail Out-parcel:

2,500 SF

Ground Floor Commercial:

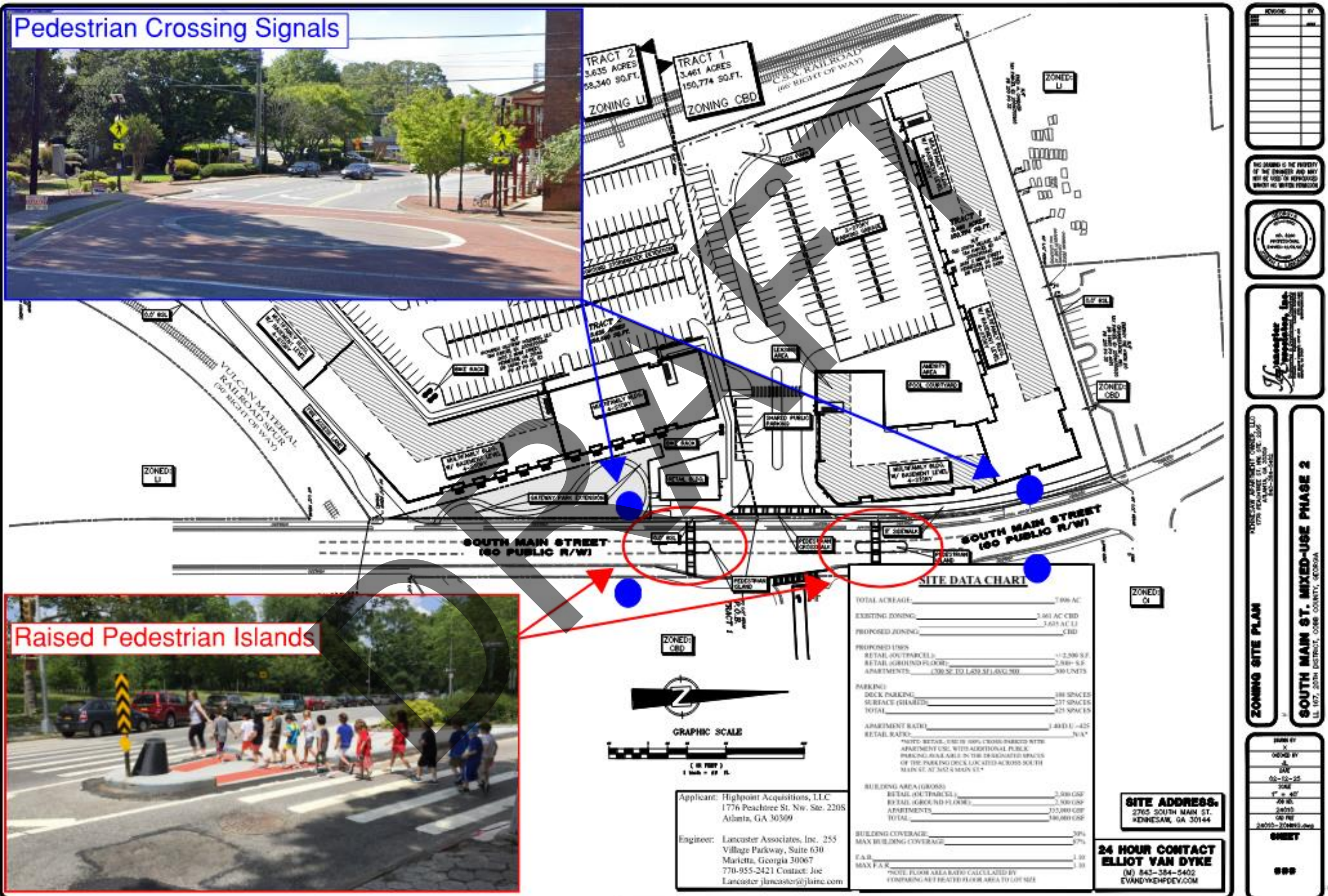
2,500 SF

Other Features:

2-story parking deck
 Dog park
 New walking trail to Gateway Park
 Pedestrian connectivity (crossing S. Main Street)



HIGHPOINT



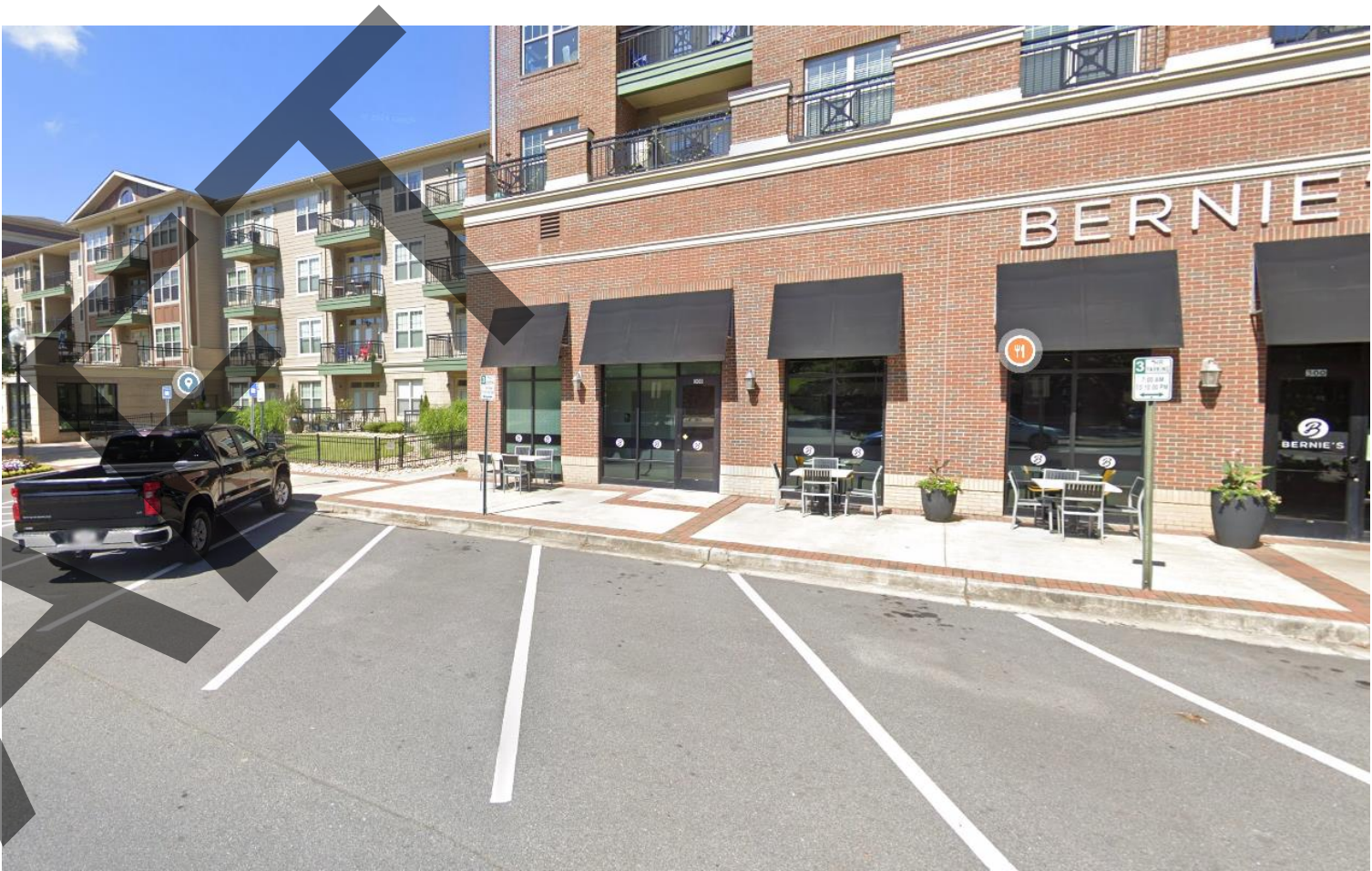
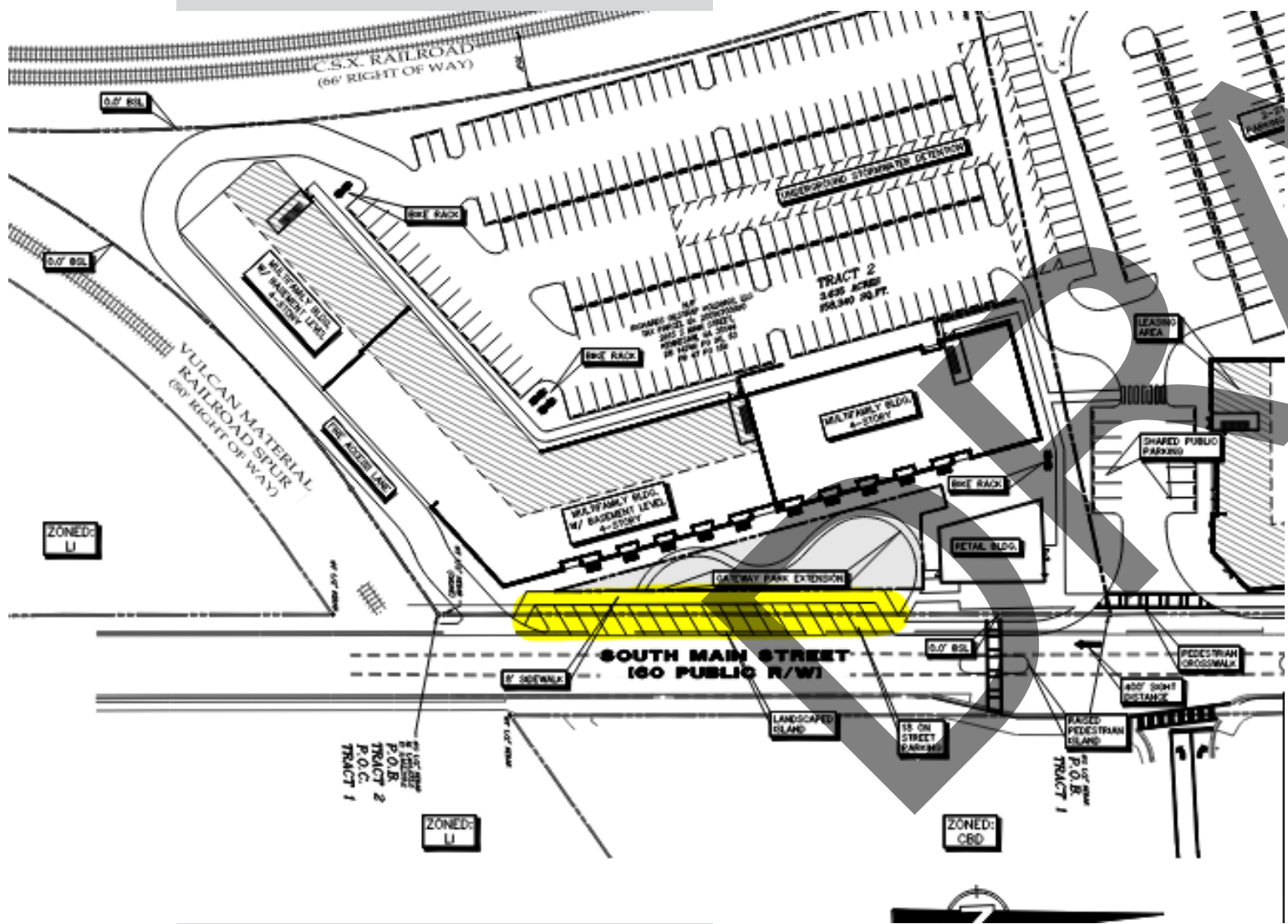
NEW SIDEWALK

HIGHPOINT



ON-STREET
PARKING

HIGHPOINT



HIGHPOINT

Intersections Studied:

1. South Main at Duncan Drive / private driveway
2. McCollum Parkway at South Main Street
3. Duncan Drive at Pine Hill Drive / The Lacy access
4. Big Shanty Drive at Duncan Drive

TRAFFIC STUDY CONCLUSIONS

“...The future analysis reveals acceptable traffic operations at all study intersections and no mitigation is identified other than the recommendations for turn lanes and control at the project access, as follows:

- a. The existing center two-way left turn lane on South Main Street should be restriped in this segment to become an exclusive northbound left turn lane for Phase 2 and an exclusive southbound left turn lane for the Phase 1 approach.*
- b. A southbound right turn lane should be added on South Main Street to serve Phase 2.*
- c. The eastbound approach exiting Phase 2 should include a shared left turn / through lane and a separate right turn lane.*
- d. The side street approach exiting the project should be controlled by side street stop sign and accompanying stop bar.*

To facilitate pedestrian crossing activity across South Main Street between Phase 1 and Phase 2, a pedestrian crosswalk with actuated beacon is recommended...”

SIGNAL WARRANT CONCLUSION

*“The analysis reveals that **no warrants** for signalization are satisfied at the intersection of South Main Street at the Lacy at South Main Phase 1 and Phase 2 accesses when Phase 1 and Phase 2 are both fully developed...” and “Therefore, according to the standards set forth in the MUTCD, this intersection will not justify the installation of a traffic signal at the completion of Phase 1 and Phase 2 and this study agrees with that conclusion.”*

INSPIRATION

HIGHPOINT



RENDERINGS

HIGHPOINT



RENDERINGS

HIGHPOINT



RENDERINGS

HIGHPOINT



HIGHPOINT

ELEVATIONS BLDG 100



HIGHPOINT

ELEVATIONS BLDG 200



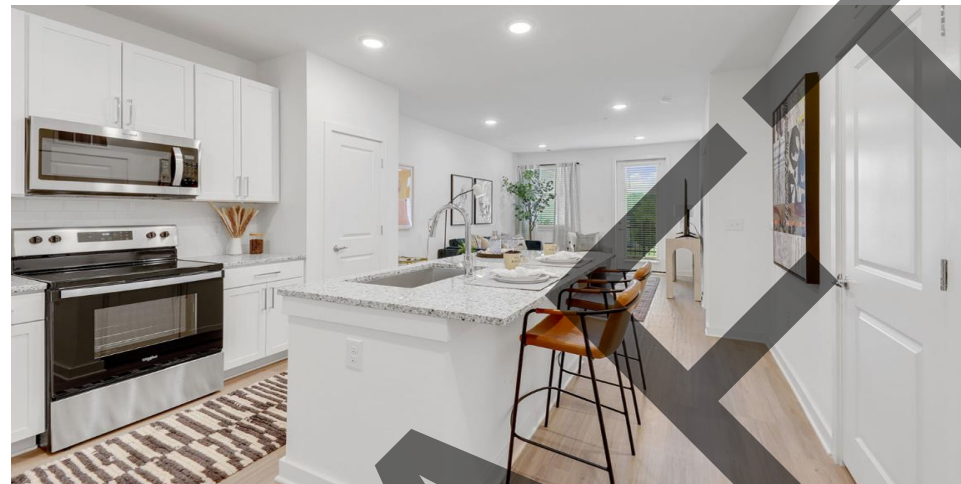
EXAMPLE PROJECTS

Club Space



HIGHPOINT

Unit Interiors



Amenity & Green Space



MHC TENANT RELOCATION PLAN

TENANT RELOCATION PLAN

HIGHPOINT



- 90-day notice (law requires 60 days)
- Remaining tenants receive full deposit back, no questions asked
- Remaining tenants receive relocation assistance i/a/o \$1,000

Notes: Currently, this community has 19 tenants. No tenants own their homes, and all tenants are currently leasing on a month-to-month basis.

VARIANCES

DRAFT

VARIANCE REQUESTS

Variance Request #1: MINIMUM Multifamily Floor Area (code is 850 SF)

Variance Request #2: AVERAGE Multifamily Floor Area (code is 1,000 SF)

Conceptual Multifamily Unit Mix
Proposed South Main Street Mixed-Use Development

Beds	Baths	Avg SF	# Units	Mix %
1	1.0	705	45	15.0%
1	1.0	740	45	15.0%
1	1.0	770	45	15.0%
1	1.0	785	45	15.0%
2	2.0	1,070	65	21.7%
2	2.0	1,140	30	10.0%
2	2.0	1,180	10	3.3%
3	3.0	1,450	15	5.0%
All 1 Beds		750	180	60.0%
All 2 Beds		1,100	105	35.0%
All 3 Beds		1,450	15	5.0%
Totals		908	300	100.0%

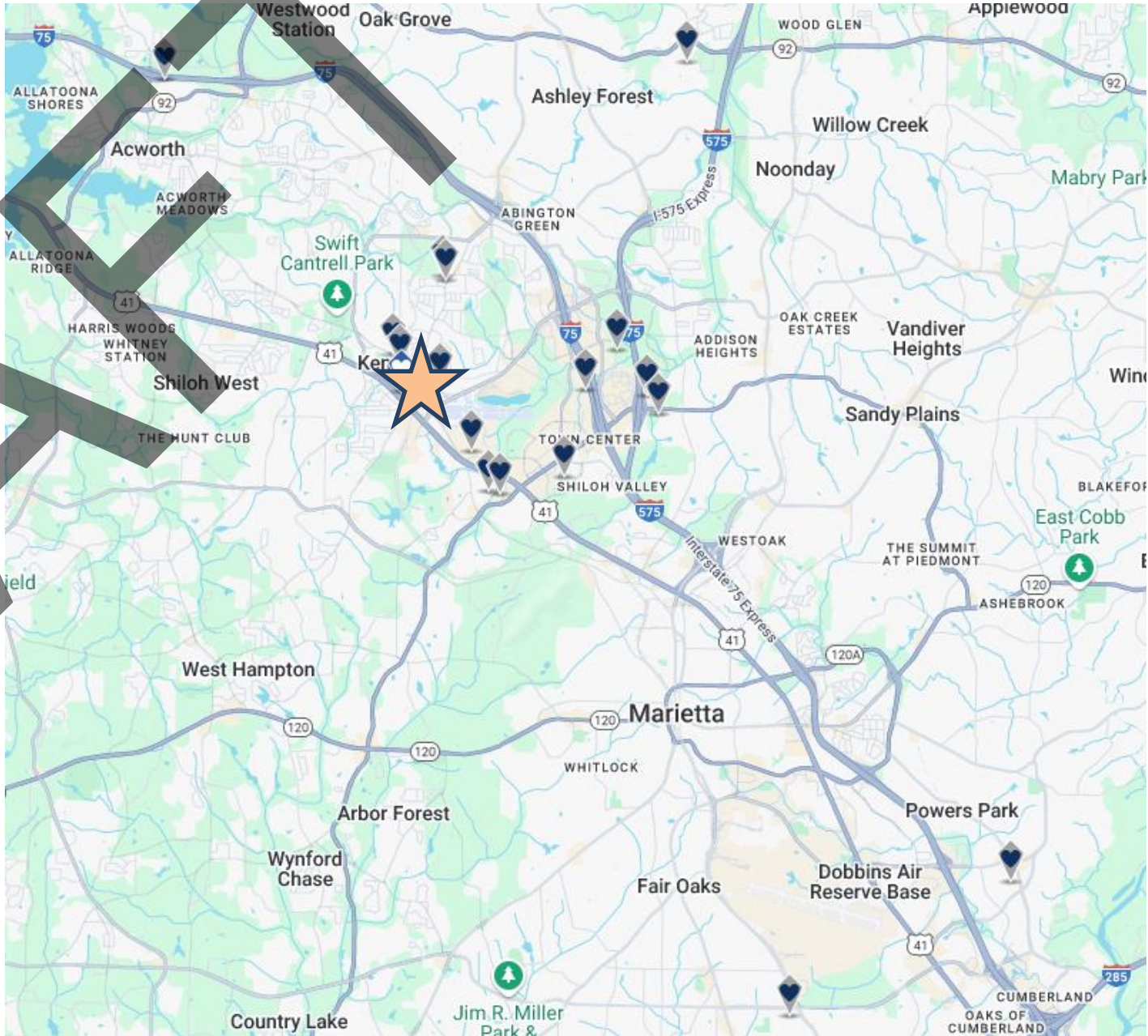
Applicant is requesting to reduce the MINIMUM floor area of multifamily units from 850 SF to 700 SF.

Applicant is requesting to reduce the AVERAGE floor area of multifamily units from 1,000 SF to 900 SF.

Having a variety of unit sizes encourages a range of tenant profiles as smaller units offer a high-quality living space while naturally being more moderately priced.

VARIANCE
REQUESTS

#	PROPERTY NAME	SUBMARKET	YEAR BUILT	UNIT COUNT	SMALLEST UNIT SIZE	AVERAGE UNIT SIZE
	Subject Property	Kennesaw	2028	300	705	908
1	The Lacy at South Main	Kennesaw	2024	318	708	940
2	Revival on Main	Kennesaw	2015	252	638	876
3	Park at Main	Kennesaw	2020	132	683	971
4	Town Kennesaw	Kennesaw	2024	395	723	1,122
5	Aldridge at Town Village	Kennesaw	2016	300	716	969
6	The Legacy at Walton Heights	Kennesaw	2013	192	776	842
7	Twenty25 Barrett	Kennesaw	2013	238	708	989
8	Manor Barrett	Kennesaw	2024	347	750	944
9	The Barrett	Kennesaw	2019	200	708	961
10	Marketplace Village	Marietta	2020	298	707	971
11	400 Belmont	Marietta	2015	274	604	958
12	The View at Woodstock	Woodstock	2020	320	767	997
13	The Archer in Acworth	Acworth	2020	315	707	996
14	The Ellison	Kennesaw	2021	250	785	1,063
15	The Ashton at East Park	Kennesaw	2024	302	641	935
16	The Delaney at East Park	Kennesaw	2024	277	641	912
17	The Landing on Summers St.	Kennesaw	2023	396	754	1,001
18	Overture Barrett	Kennesaw	2018	175	701	973
TOTAL / WEIGHTED AVG.				5,281	708	970



VARIANCE REQUESTS

Variance Request #1: MINIMUM Multifamily Floor Area (code is 850 SF)

Variance Request #2: AVERAGE Multifamily Floor Area (code is 1,000 SF)

Revival On Main

Unit Mix and Unit Pricing

Zoned CBD

2825 S. Main St. NW, Kennesaw, GA 30144					
Beds	Baths	Avg SF	Monthly Rent	# Units	Mix %
1	1.0	638	\$1,342	30	11.9%
1	1.0	696	\$1,404	4	1.6%
1	1.0	702	\$1,681	30	11.9%
1	1.0	780	\$1,775	70	27.8%
1	1.0	853	\$1,736	35	13.9%
2	2.0	1,055	\$1,831	32	12.7%
2	2.0	1,076	\$2,286	6	2.4%
2	2.0	1,115	\$1,840	11	4.4%
2	2.0	1,141	\$1,864	17	6.7%
2	2.0	1,230	\$2,510	3	1.2%
2	2.0	1,244	\$2,075	3	1.2%
3	2.0	1,294	\$2,075	11	4.4%
All 1 Beds		754	\$1,665	169	65.5%
All 2 Beds		1,101	\$1,917	72	29.8%
All 3 Beds		1,294	\$2,075	11	4.8%
Totals		877	\$1,782	252	100.0%

The Lacy at South Main

Unit Mix and Unit Pricing

Zoned CBD

2652 S Main St, Kennesaw, GA 30114					
Beds	Baths	Avg SF	Monthly Rent	# Units	Mix %
1	1.0	708	\$1,665	38	11.9%
1	1.0	722	\$1,749	14	4.4%
1	1.0	730	\$1,665	30	9.4%
1	1.0	736	\$1,711	1	0.3%
1	1.0	744	\$1,970	6	1.9%
1	1.0	750	\$1,693	4	1.3%
1	1.0	760	\$1,720	44	13.8%
1	1.0	792	\$1,812	16	5.0%
1	1.0	967	\$2,524	1	0.3%
1	2.0	1,026	\$2,162	12	3.8%
1	2.0	1,083	\$2,207	47	14.8%
2	2.0	1,026	\$2,065	13	4.1%
2	2.0	1,033	\$2,132	3	0.9%
2	2.0	1,035	\$2,011	1	0.3%
2	2.0	1,083	\$2,194	14	4.4%
2	2.0	1,102	\$2,121	4	1.3%
2	2.0	1,118	\$2,184	3	0.9%
2	2.0	1,129	\$2,252	3	0.9%
2	2.0	1,130	\$2,116	7	2.2%
2	2.0	1,135	\$2,199	30	9.4%
2	2.0	1,224	\$2,114	8	2.5%
2	2.0	1,251	\$2,772	3	0.9%
2	2.0	1,410	\$3,047	2	0.6%
3	2.0	1,317	\$2,572	3	0.9%
3	2.0	1,344	\$2,655	2	0.6%
3	2.0	1,370	\$2,580	4	1.3%
3	2.0	1,502	\$2,819	3	0.9%
3	2.0	1,505	\$2,582	2	0.6%
All 1 Beds		833	\$1,854	213	67.0%
All 2 Beds		1,122	\$2,196	91	28.6%
All 3 Beds		1,403	\$2,640	14	4.4%
Totals		941	\$1,987	318	100.0%

Park at Main

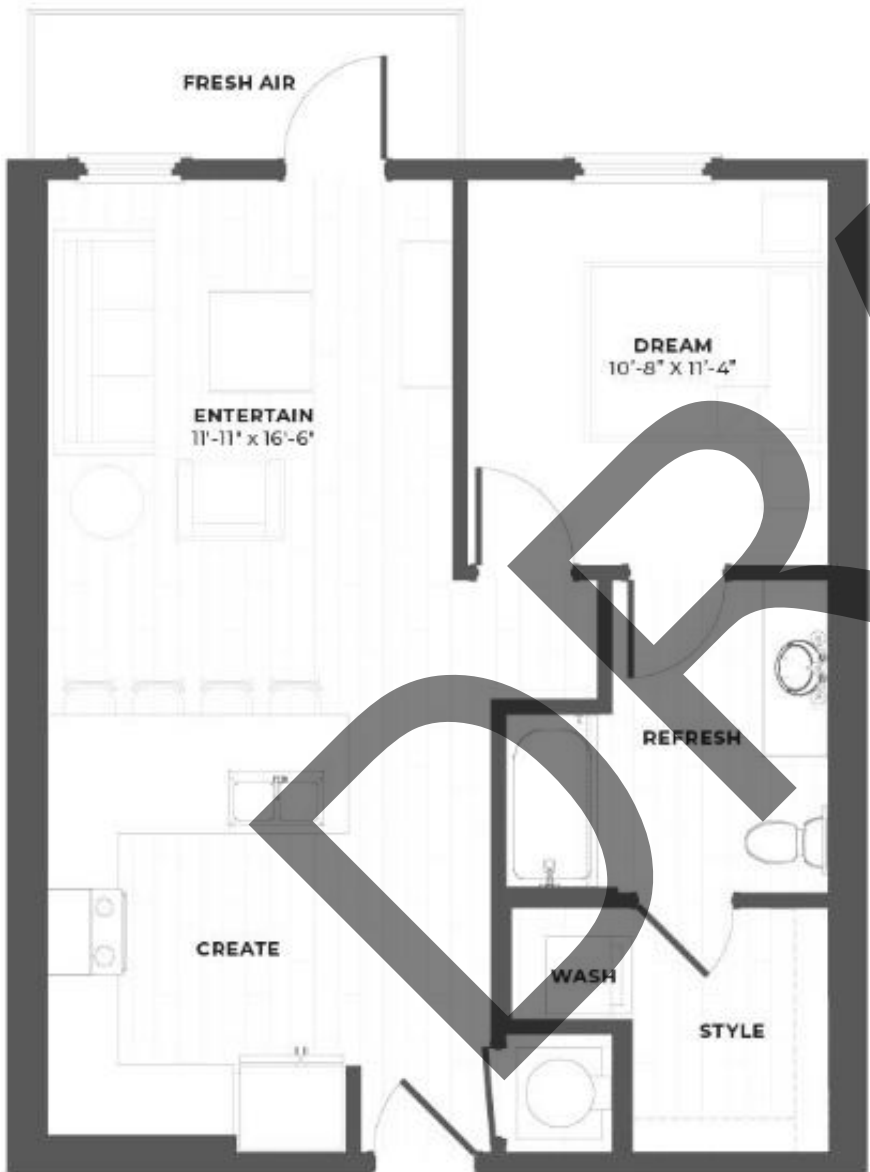
Unit Mix and Unit Pricing

Zoned CBD

2891 Lewis St, Kennesaw, GA 30144					
Beds	Baths	Avg SF	Monthly Rent	# Units	Mix %
1	1.0	670	\$1,345	10	7.6%
1	1.0	717	\$1,334	4	3.0%
1	1.0	800	\$1,300	10	7.6%
1	1.5	784	\$1,651	4	3.0%
2	2.0	840	\$1,570	29	22.0%
2	2.0	1,028	\$1,638	10	7.6%
2	2.0	1,030	\$1,750	30	22.7%
2	2.0	1,130	\$1,747	6	4.5%
2	2.0	1,201	\$2,109	2	1.5%
2	2.0	1,239	\$1,759	2	1.5%
2	2.5	1,052	\$2,008	10	7.6%
3	2.0	1,181	\$2,094	10	7.6%
3	2.5	1,755	\$3,033	2	1.5%
3	3.0	1,502	\$2,421	3	2.3%
All 1 Beds		739	\$1,371	31	23.5%
All 2 Beds		986	\$1,716	89	67.4%
All 3 Beds		1,322	\$2,285	12	9.1%
Totals		972	\$1,707	132	100.0%

The Lacy: 1-Bedroom Units

A1
1 Bed | 1 Bath
708 SF
Rents starting at: \$1,592



A3
1 Bed | 1 Bath
792 SF
Rents starting at: \$1,673

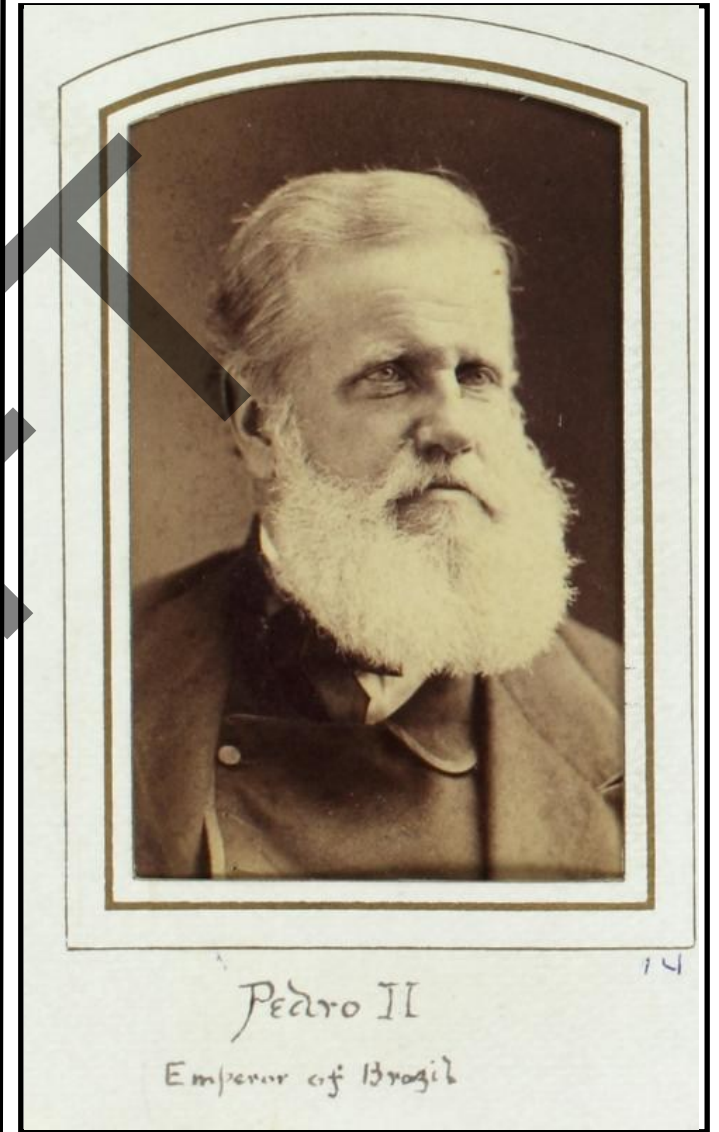


KENNESAW HISTORY

Dom Pedro II of Brazil

In looking into the notable residents of Kennesaw's past, one of the odder articles in my files is from the June 2, 1876 *Marietta Journal*. In the article, local correspondent "Simon Suggs" (likely a pseudonym) described Judge Gaspard T. Carrie as the "Dom Pedro" of Big Shanty, and George Lacy as "the best Epicurean caterer in the State." I had assumed this referred to Pedro II, the Emperor of Brazil from 1831 to 1889. However, why they would reference Pedro II remained a mystery.

A few weeks ago, I found Pedro's connection to Big Shanty. In 1876, he was making a trip from Brazil to Boston to help celebrate the US Centennial. On May 30, he stopped in Marietta and received a bouquet of flowers. His train next traveled north, passing through Big Shanty later that day. While he did not stop, the *Journal* said the town put "on 'foreign airs'" to celebrate the visit. In all likelihood, Dom Pedro II is the only royal head of state to visit our community, even if it was brief. Later that same week, Simon Suggs referenced both Brazil's emperor and Big Shanty's own Dom Pedro in his column.



Dom Pedro II of Brazil
From the Library Company of Philadelphia

Presented by Andrew J. Bramlett at the March 17, 2025,
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

**City Council Meeting
3/17/2025
Public Comment Sign-in**

	Name	Address	Topic
1	Andrew J. Brantlett	2990 Summerfield Ct.	Local history
2	Rachael Eley	2021 Smith DR	stormwater
3	Ellen H. [unclear]		Robert
4	Rajpal Sagoo		Re
5	Timothy Hess	2059 [unclear]	2000 [unclear]
6	Matth Olsen		
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
19			



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: April 7, 2025

TITLE: **Cemetery Deed: Section III-11-E**
Authorization for Mayor to sign a deed for a cemetery lot purchased by Marlene Zachman.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. Deed - III-11-E

Deed Number: 2025-02

City of Kennesaw Cemetery Deed Cobb County, Georgia

This Indenture, made the 18 day of March, 2025 between the City of Kennesaw, a political subdivision of Cobb County existing under the Laws of the State of Georgia, hereinafter called Grantor, and:

Name	Address	City, ST ZipCode
ZACHMAN, MARLENE	1009 BRENTMOOR LANE	KENNESAW, GA 30144

Hereinafter called Grantee.

WITNESSETH that: Grantor, for and in consideration of the sum of TWO THOUSAND DOLLARS AND 0 CENTS (\$2,000.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby transfer remise and convey unto the said grantee that certain lot or tract located in the Kennesaw City Cemetery in Land Plot 74 of the 20th District, Cobb County, Georgia, said cemetery lot being more particularly described as follows:

SECTION	PLOT	LOT	PRICE
III	11	E	\$2,000.00

To have and to hold the said premises to grantee. By acceptance of this Deed the grantee herein, his heirs, administrators, successor, and assigns acknowledge that said conveyance is for the purpose of interment of human remains, and for no other purpose; and the grantee herein further does hereby agree to maintain the above demised premises in a neat and orderly condition and abide by the rules and regulations concerning said cemetery as they may from time to time be promulgated by the grantor herein.

Chapter 30- CEMETERIES Code of Ordinance, Kennesaw, Georgia Regulations and Non-Liability of City: Section 30-8 states:

(a) *The Mayor and Council reserve to themselves and their successor in the office the right to alter, amend, modify or add to the rules, regulations, conditions, and restrictions set for in this chapter and any time it is deemed advisable to do so in order to carry out the purpose of this chapter.*

(b) *There shall be no liability whatsoever, either tort or contractual, on the part of the city, or its officials or officers, or their successors in office, or its agents or employees, to any purchasers of any lots in the cemetery, or to any person holding under then, or to the family or relatives of any person buried in the cemetery, or to any person or the family of such person who has erected any monument, marker, or mausoleum therein, by reason of any act, thing, omission, negligence, or otherwise relating to the cemetery. In accepting any conveyance of any burial lot, each purchaser agrees that all provisions of this chapter are valid and that he and his heirs and assigns shall hold such lot subject to all provisions of this chapter and subject to all amendments to this chapter made by the Mayor and Council.*

This deed is given by virtue of and under authority granted by the City Council of the City of Kennesaw at its regular meeting on the 07 day of April, 2025.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed the day and year first above written.

This deed hereby accepted subject to the conditions herein set forth.

Purchaser

Mayor

Purchaser

City Clerk

Assignment of Burial Permit

Deed No. 2025-02

The undersigned hereby transfers and assigns the following burial space listed on the first sheet hereof, to the person or persons set forth opposite each space, and requests the Clerk of **City of Kennesaw** located in **Cobb County** to accept and record the same in accordance with the rules and regulations of said Board.

Description

Burial Space(s):

Name

Date

Signature

Transfer approved and recorded, on _____

City Clerk



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: April 7, 2025

TITLE: **Cemetery Deed: Section III-48-E & F**
Authorization for the Mayor to sign a deed for cemetery lots purchased by Cary Todd and Mildred Nesmith.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. Deed - III-48-E&F

Deed Number: 2025-03

City of Kennesaw Cemetery Deed Cobb County, Georgia

This Indenture, made the 21 day of March, 2025 between the City of Kennesaw, a political subdivision of Cobb County existing under the Laws of the State of Georgia, hereinafter called Grantor, and:

Name	Address	City, ST ZipCode
NESMITH, CARY TODD & MILDREC	7998 9TH AVE S	ST PETERSBURG, FL 33

Hereinafter called Grantee.

WITNESSETH that: Grantor, for and in consideration of the sum of FOUR THOUSAND DOLLARS AND 0 CENTS (\$4,000.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby transfer remise and convey unto the said grantee that certain lot or tract located in the Kennesaw City Cemetery in Land Plot 74 of the 20th District, Cobb County, Georgia, said cemetery lot being more particularly described as follows:

SECTION	PLOT	LOT	PRICE
III	48	E	\$2,000.00
III	48	F	\$2,000.00

To have and to hold the said premises to grantee. By acceptance of this Deed the grantee herein, his heirs, administrators, successor, and assigns acknowledge that said conveyance is for the purpose of interment of human remains, and for no other purpose; and the grantee herein further does hereby agree to maintain the above demised premises in a neat and orderly condition and abide by the rules and regulations concerning said cemetery as they may from time to time be promulgated by the grantor herein.

Chapter 30- CEMETERIES Code of Ordinance, Kennesaw, Georgia
Regulations and Non-Liability of City:
Section 30-8 states:

(a) *The Mayor and Council reserve to themselves and their successor in the office the right to alter, amend, modify or add to the rules, regulations, conditions, and restrictions set for in this chapter and any time it is deemed advisable to do so in order to carry out the purpose of this chapter.*

(b) *There shall be no liability whatsoever, either tort or contractual, on the part of the city, or its officials or officers, or their successors in office, or its agents or employees, to any purchasers of any lots in the cemetery, or to any person holding under then, or to the family or relatives of any person buried in the cemetery, or to any person or the family of such person who has erected any monument, marker, or mausoleum therein, by reason of any act, thing, omission, negligence, or otherwise relating to the cemetery. In accepting any conveyance of any burial lot, each purchaser agrees that all provisions of this chapter are valid and that he and his heirs and assigns shall hold such lot subject to all provisions of this chapter and subject to all amendments to this chapter made by the Mayor and Council.*

This deed is given by virtue of and under authority granted by the City Council of the City of Kennesaw at its regular meeting on the 07 day of April, 2025.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed the day and year first above written.

This deed hereby accepted subject to the conditions herein set forth.


Purchaser

Mayor


Purchaser

City Clerk



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: April 7, 2025

TITLE: **Cemetery Deed: Section III-37-B**
Authorization for the Mayor to sign a deed for a cemetery lot purchased by Fraternel Amuri Misako

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. Deed - III-37-B

Deed Number: 2025-04

City of Kennesaw Cemetery Deed Cobb County, Georgia

This Indenture, made the 21 day of March, 2025 between the City of Kennesaw, a political subdivision of Cobb County existing under the Laws of the State of Georgia, hereinafter called Grantor, and:

Name	Address	City, ST ZipCode
AMURI MISAKO, FRATERNEL	3215 DOUGLAS LN NW	KENNESAW, GA 30144

Hereinafter called Grantee.

WITNESSETH that: Grantor, for and in consideration of the sum of ONE THOUSAND FIVE HUNDRED DOLLARS AND 0 CENTS (\$1,500.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby transfer remise and convey unto the said grantee that certain lot or tract located in the Kennesaw City Cemetery in Land Plot 74 of the 20th District, Cobb County, Georgia, said cemetery lot being more particularly described as follows:

SECTION	PLOT	LOT	PRICE
III	37	B	\$1,500.00

To have and to hold the said premises to grantee. By acceptance of this Deed the grantee herein, his heirs, administrators, successor, and assigns acknowledge that said conveyance is for the purpose of interment of human remains, and for no other purpose; and the grantee herein further does hereby agree to maintain the above demised premises in a neat and orderly condition and abide by the rules and regulations concerning said cemetery as they may from time to time by promulgated by the grantor herein.

Chapter 30- CEMETERIES Code of Ordinance, Kennesaw, Georgia
Regulations and Non-Liability of City:
Section 30-8 states:

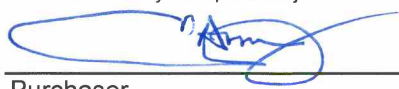
(a) *The Mayor and Council reserve to themselves and their successor in the office the right to alter, amend, modify or add to the rules, regulations, conditions, and restrictions set for in this chapter and any time it is deemed advisable to do so in order to carry out the purpose of this chapter.*

(b) *There shall be no liability whatsoever, either tort or contractual, on the part of the city, or its officials or officers, or their successors in office, or its agents or employees, to any purchasers of any lots in the cemetery, or to any person holding under then, or to the family or relatives of any person buried in the cemetery, or to any person or the family of such person who has erected any monument, marker, or mausoleum therein, by reason of any act, thing, omission, negligence, or otherwise relating to the cemetery. In accepting any conveyance of any burial lot, each purchaser agrees that all provisions of this chapter are valid and that he and his heirs and assigns shall hold such lot subject to all provisions of this chapter and subject to all amendments to this chapter made by the Mayor and Council.*

This deed is given by virtue of and under authority granted by the City Council of the City of Kennesaw at its regular meeting on the 07 day of April, 2025.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed the day and year first above written.

This deed hereby accepted subject to the conditions herein set forth.

 _____ Purchaser	_____ Mayor
_____ Purchaser	_____ City Clerk



Item Report

TO: The Honorable Mayor and City Council

FROM: Lea Alvarez, City Clerk

DATE: April 7, 2025

TITLE: **License Review Board: UHP Partners LLC, d/b/a SuBourbon Bar and Social Club**
 Ratify the actions by the License Review Board from their hearing held on March 17, 2025, for UHP Partners LLC, d/b/a SuBourbon Bar and Social Club; and to receive the meeting minutes.

Summary:

On March 17, 2025, the License Review Board was convened for a hearing regarding the alcohol license for UHP Partners, LLC d/b/a SuBourbon Bar and Social Club (SuBourbon) and David Ulmer (Licensee). The Licensee and the City agreed to a Consent Decision that was signed by all parties. The terms of the Consent Decision have been incorporated into the agenda packet. The License Review Board voted unanimously to accept the Consent Decision, 3-0.

Recommendation:

City Clerk recommends ratifying the actions of the License Review Board and receiving the meeting minutes.

Fiscal Impact:

Attachments:

1. 2025-03-17 SuBourbon Bar and Social Club Consent Decision
2. 2025-03-17 LRB Hearing Notification Documents
3. 2025-03-17 License Review Board Draft Minutes
4. Citations issued on 10-29-24_Redacted
5. Citations issued on 12-26-24_Redacted

BEFORE THE LICENSE REVIEW BOARD
CITY OF KENNESAW, GEORGIA

CITY OF KENNESAW	:	
	:	
v.	:	
	:	
UHP PARTNERS LLC, d/b/a	:	
SUBOURBON BAR AND SOCIAL CLUB,	:	
and DAVID ULMER	:	
	:	
Licensee	:	

CONSENT DECISION

This matter came before the City of Kennesaw (“City”) License Review Board (“LRB”) for hearing on March 17, 2025, regarding the alcohol license for UHP Partners, LLC d/b/a SuBourbon Bar and Social Club (“SuBourbon”) and David Ulmer (“Licensee”), and the City and Licensee consent and agree as follows:

PROBATIONARY PERIOD

1.

Licensee’s alcohol license shall be placed on probation effective immediately and continuing until June 15, 2025 (“Probationary Period”).

2.

Any violation of O.C.G.A. Title 3 or Chapter 6 of the Code of Ordinances of the City of Kennesaw during the Probationary Period shall result in an immediate LRB hearing, and if a violation is determined by the LRB and affirmed in any further appeals, SuBourbon and Licensee agree that a revocation of the alcohol license shall be the penalty. SuBourbon and Licensee agree that email notice of the hearing shall constitute proper notice.

3.

SuBourbon and Licensee agree that all servers and bar staff must be dressed in a manner that is compliant with the Kennesaw Code of Ordinances.

4.

SuBourbon and Licensee agree that all social media posted by or at the direction of SuBourbon and/or Licensee (i.e., www.SuBourbonBar.com and www.Facebook.com/SuBourbon.com) shall be removed by March 18, 2025, and no new social media or advertising can be posted during the Probationary Period by or at the direction of SuBourbon and/or Licensee.

SUSPENSION PERIOD

5.

SuBourbon and Licensee agree that at the conclusion of the Probationary Period, a 45-day suspension of the alcohol license shall automatically go into effect with the suspension to begin on June 15, 2025 (“Suspension Period”) and running through July 31, 2025.

6.

At the conclusion of the Suspension Period, the current alcohol license held by SuBourbon and Licensee shall be deemed to be voluntarily surrendered as of July 31, 2025 (“Surrender Period”). For clarity, this voluntary surrender is not considered a revocation under the City’s ordinances, but June 15, 2025, shall be the last date alcohol may be served under the current license.

SURRENDER PERIOD

7.

Licensee agrees that he shall not apply for an alcohol license in the City during the 24-month Surrender Period beginning July 31, 2025, through July 31, 2027.

8.

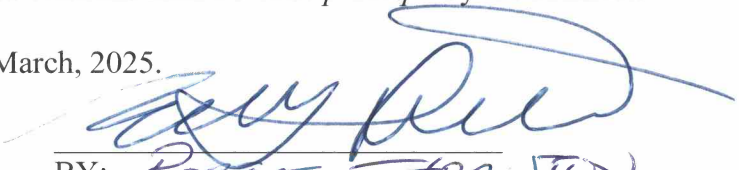
Licensee agrees that he shall not own or maintain any financial or other interest in any business within the bounds of the City of Kennesaw that holds an alcohol license during the Surrender Period.

PENDING CITATIONS

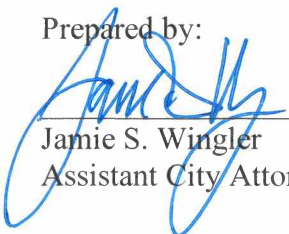
9.

Licensee shall appear in court and resolve the citations issued on October 29, 2024, and December 26, 2024, now pending in the City of Kennesaw Municipal Court by paying a diversion fee of \$1,000.00 and restitution to the City in the amount of \$6,000 on April 1, 2025. Upon payment of said sums, the aforementioned citations shall be *nolle prosequi* by the solicitor.

SO ORDERED this 17th day of March, 2025.

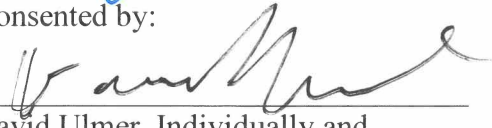

BY: ROBERT THORNTON
Chairman, License Review Board

Prepared by:



Jamie S. Wingler
Assistant City Attorney

Consented by:



David Ulmer, Individually and
On behalf of UHP Partners, LLC
d/b/a SuBourbon Bar and Social Club

Approved by:



Cary Wiggins
Attorney for David Ulmer and
UHP Partners, LLC d/b/a
SuBourbon Bar and Social Club

MAYOR

Derek Easterling

City Manager

Jeff Drobney, ICMA-CM

**COUNCIL**

Mayor Pro Tem Pat Ferris

Madelyn Orochena

Tracey Viars

Antonio Jones

Anthony Gutierrez

March 7, 2025

UHP Partners, LLC
D/B/A SuBourbon Bar & Social Club
2718 Summers St.
Kennesaw, GA 30144

Dear Licensee:

The City of Kennesaw Police Department has provided official notification, as required by Section 6-63(c) of the Alcohol Code of the City of Kennesaw, that your business was cited on October 29, 2024, and December 26, 2024, for multiple violations. According to the provisions of the City of Kennesaw Alcohol Code,

- 1) The incidents which form the basis of the hearing include multiple violations cited on October 29, 2024, as follows
 - A. On or about May 24, 2024 and/or May 25, 2024, Licensee David Ulmer allowed alcoholic beverages to be sold from an outdoor bar at SuBourbon outside the curtilage of the owner's business license in violation of **Section 6-31** which states: "No alcoholic beverages shall be manufactured or sold at wholesale or retail, in the original package or by the drink, nor shall any bottle house be operated except under a license granted by the mayor and city council."
 - B. On October 21, 2024, Licensee David Ulmer allowed Clara Carter to work as a manager at SuBourbon without a work permit in violation of **Section 6-87 (e)** which states: "It is the responsibility of the licensee and designee to ensure that the employees and independent contractors, whether compensated or non-compensated, required under this Code section obtain and possess the required work permit issued by the Kennesaw Police Department prior to working in the licensed establishment. Failure of an employee and/or independent contractor to possess a work permit while selling or serving alcoholic beverages, as required by this section, shall be unlawful and will subject the employee and/or independent contract and licensee to prosecution as provided in this chapter and shall be grounds for placing on probation, suspending, or revoking the license."
 - C. On or about October 29, 2023, Licensee David Ulmer allowed employees to serve free unlimited amounts of alcohol to patrons by pouring directly from the bottle into the patrons mouth in violation of **Section 6-109 (b)** which states: "No

licensee or holder of any license to sell alcoholic beverages for consumption on the premises or in any part thereof, or employee or agent of a licensee, shall:

- (1) Offer or deliver any free alcoholic beverage to the general public. This subsection shall not apply to tasting rooms of farm wineries where wine is offered in a quantity to only taste the product. This subsection shall also not apply to those persons or entities who are engaged in the business of refilling growlers who are allowed to provide samples to taste the product as set forth in section 6-111 of this chapter.
 - (2) Deliver more than two alcoholic beverages to one person at one time, or allow any patron to possess more than two alcoholic beverages at one time.”
- D. On or about October 29, 2023 and/or December 31, 2023, Licensee David Ulmer allowed employees to wear clothing that exposed to public view their buttocks and/or a portion of the female breast below the top of the areola in violation of **Section 6-110: (b)** which states: “Activities prohibited; minimum clothing requirements; exception.
- (1) No person shall suffer or permit any person to engage in live conduct exposing to public view the person's genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or any portion of the female breast below the top of the areola on the licensed premises.
 - (2) It shall be unlawful for any employee of any licensee to consume alcoholic beverages on the premises of the licensee during such employees working hours.
 - (4) No licensee shall allow any person to engage in specified sexual activities on the licensed premises.
 - (5) No licensee shall use any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva, and or genitals.”
- E. On or about May 24, 2024, May 25, 2024, June 10, 2024, and/or February 5, 2025, Licensee David Ulmer allowed an area of the parking lot to be cordoned off to accommodate an outdoor bar and/or game area at SuBourbon in violation of **Section 22-483 (a)** which states that: “Under this chapter, no merchant, vendor, business or property owner shall:
- (1) Place any tables, or chairs on any portion of the public property other than that directly in front of his existing place of business without the written consent of adjacent landowners and businesses. In no event shall such items be placed in the landscaped areas or extend beyond 25 feet from each side of the owner's business.
 - (2) Block or restrict the passageway on the sidewalk to less than five feet in width or block the ingress/egress to any building. Also, no items shall be placed so as to block any driveway, crosswalk, counter service window or public parking.

- (3) Arrange the cafe tables and chairs so as to impede the efficiency of the pedestrian path. In areas of congested pedestrian activity, the building official is authorized to require a wider pedestrian path for the protection and welfare of the public.
 - (6) Place objects around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier.
 - (7) Use tables, chairs, umbrellas and any other objects of such quality, design, materials, and workmanship that are not approved or otherwise authorized by the planning and zoning administrator."
- F. Licensee David Ulmer was aware of the habitually and commonly conducted illegal activities set forth in Paragraphs A through E above in violation of **Section 46-500 (9)**: which states in part that: "The following conditions may be declared to be nuisances:
- (9) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent those activities."
- G. On or about October 29, 2023, and/or December 31, 2023, Licensee David Ulmer permitted lewd, immoral or improper entertainment, conduct or practices at SuBourbon by allowing employees to wear clothing that exposed to public view their buttocks and/or a portion of the female breast below the top of the areola in violation of **Section 6-101 (b)** which states in part that:
- (b) "It shall be unlawful for a licensee to permit any disturbance of the peace or obscenity or any lewd, immoral or improper entertainment, conduct or practices on any licensed premises."
- (2) The incidents which form the basis of the hearing include multiple violations cited on December 26, 2024, as follows:
- A. On or about November 28, 2024, Licensee David Ulmer allowed employee Abbeigh Oberg to work as a waitress without a work permit at SuBourbon in violation of **Section 6-87 (e)** which states that: "It is the responsibility of the licensee and designee to ensure that the employees and independent contractors, whether compensated or non-compensated, required under this Code section obtain and possess the required work permit issued by the Kennesaw Police Department prior to working in the licensed establishment. Failure of an employee and/or independent contractor to possess a work permit while selling or serving alcoholic beverages, as required by this section, shall be unlawful and will subject the employee and/or independent contract and licensee to prosecution as provided in this chapter and shall be grounds for placing on probation, suspending, or revoking the license."
 - B. On or about November 28, 2024, Licensee David Ulmer allowed one or more employees to wear clothing that exposed to public view their buttocks and/or a

portion of the female breast below the top of the areola in violation of **Section 6-110 (b)** which states:

- (1) "No person shall suffer or permit any person to engage in live conduct exposing to public view the person's genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or any portion of the female breast below the top of the areola on the licensed premises.
 - (2) It shall be unlawful for any employee of any licensee to consume alcoholic beverages on the premises of the licensee during such employees working hours.
 - (4) No licensee shall allow any person to engage in specified sexual activities on the licensed premises.
 - (5) No licensee shall use any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva, and or genitals.
- C. On or about November 28, 2024, Licensee David Ulmer allowed alcoholic beverages to be sold by the drink between the hours of 2:00 a.m. and 8:00 a.m. in violation of **Section 6-93: Hours of operation (b)** which states: "Alcoholic beverages by the drink. Sale of any alcoholic beverages by the drink for on-premises consumption, including operation of a bottle house: Licensees shall not engage in the sale of any alcoholic beverages between the hours of 2:00 a.m. and 8:00 a.m. Monday through Saturday, and between the hours of 2:00 a.m. and 11:00 a.m. on Sunday. All alcoholic beverages will be consumed or removed no later than 30 minutes after legal sales have been terminated, provided that this subsection shall not apply to private clubs hereunder."
- D. On or about November 28, 2024, Licensee David Ulmer allowed alcoholic beverages to be sold to a person in an intoxicated condition in violation of **Section 6-89: Sale to underage persons, incompetents, intoxicated persons**, which states in part that:
- "No licensee under this chapter and no employee of such a licensee under this chapter shall furnish, sell or knowingly allow the possession of any alcoholic beverages, whether by the package or by the drink to:
- (2) Any person in an intoxicated condition; or"
- E. Even after receiving citations on October 29, 2024 for the violations set forth in Section 1, Paragraphs A through G above, Licensee David Ulmer continued to allow the habitually and commonly conducted illegal activities as set forth in Section 2, Paragraphs A through D above in violation of **Section 46-500 (9)** which states in part that: "The following conditions may be declared to be nuisances:
- (9) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner

or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent those activities.”

The Kennesaw License Review Board will hold a due cause hearing to hear the charges and specifications against you, and your responses, if any, will be read into the record. The License Review Board will make a determination regarding the status of your license at the hearing.

Pursuant to Section 6-63(f) of the City of Kennesaw Alcohol Code, you are hereby notified of a due cause hearing before the Kennesaw License Review Board on **March 17, 2025**, at **2:00 P.M.** to be held in the Council Chambers of the Kennesaw City Hall at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia 30144.

You have the right to be represented by counsel at this due cause hearing. The Kennesaw Alcohol Beverage Code is available for your review on our website at www.kennesaw-ga.gov.

Respectfully submitted,



Marty Hughes
Assistant City Manager

Cc: Finance Director
City Attorney
Chief of Police

MAYOR

Derek Easterling

City Manager

Jeff Drobney, ICMA-CM



CHARGES AND SPECIFICATIONS

COUNCIL

Mayor Pro Tem Pat Ferris

Madelyn Orochena

Tracey Viars

Antonio Jones

Anthony Gutierrez

A HEARING WILL OCCUR ON MONDAY, MARCH 17, 2025, AT 2:00 P.M. RELATIVE TO UHP PARTNERS, LLC D/B/A SUBOURBON BAR & SOCIAL CLUB ("SuBourbon") AND LICENSEE, DAVID ULMER, LOCATED AT 2718 SUMMERS ST., KENNESAW, GA 30144

Pursuant to the City of Kennesaw Ordinances, Section 6-63, a hearing will be held to determine whether or not the City of Kennesaw Alcoholic Beverage License for UHP Partners, LLC and licensee, David Ulmer, located at 2718 Summers St., Kennesaw, GA 30144 should be suspended, revoked, or placed on probation.

The alleged circumstances necessitating the hearing are as follows:

- 1) The incidents which form the basis of the hearing include multiple violations cited on October 29, 2024, as follows
 - A. On or about May 24, 2024 and/or May 25, 2024, Licensee David Ulmer allowed alcoholic beverages to be sold from an outdoor bar at SuBourbon outside the curtilage of the owner's business license in violation of **Section 6-31** which states: "No alcoholic beverages shall be manufactured or sold at wholesale or retail, in the original package or by the drink, nor shall any bottle house be operated except under a license granted by the mayor and city council."
 - B. On October 21, 2024, Licensee David Ulmer allowed Clara Carter to work as a manager at SuBourbon without a work permit in violation of **Section 6-87 (e)** which states: "It is the responsibility of the licensee and designee to ensure that the employees and independent contractors, whether compensated or non-compensated, required under this Code section obtain and possess the required work permit issued by the Kennesaw Police Department prior to working in the licensed establishment. Failure of an employee and/or independent contractor to possess a work permit while selling or serving alcoholic beverages, as required by this section, shall be unlawful and will subject the employee and/or independent contract and licensee to prosecution as provided in this chapter and shall be grounds for placing on probation, suspending, or revoking the license."
 - C. On or about October 29, 2023, Licensee David Ulmer allowed employees to serve free unlimited amounts of alcohol to patrons by pouring directly from the bottle into the patrons mouth in violation of **Section 6-109 (b)** which states: "No licensee or holder of any license to sell alcoholic beverages for consumption on the premises or in any part thereof, or employee or agent of a licensee, shall:

City of Kennesaw 2529 J.O. Stephenson Avenue Kennesaw, Georgia
30144



- (1) Offer or deliver any free alcoholic beverage to the general public. This subsection shall not apply to tasting rooms of farm wineries where wine is offered in a quantity to only taste the product. This subsection shall also not apply to those persons or entities who are engaged in the business of refilling growlers who are allowed to provide samples to taste the product as set forth in section 6-111 of this chapter.
 - (2) Deliver more than two alcoholic beverages to one person at one time, or allow any patron to possess more than two alcoholic beverages at one time.”
- D. On or about October 29, 2023, and/or December 31, 2023, Licensee David Ulmer allowed employees to wear clothing that exposed to public view their buttocks and/or a portion of the female breast below the top of the areola in violation of **Section 6-110: (b)** which states: “Activities prohibited; minimum clothing requirements; exception.
- (1) No person shall suffer or permit any person to engage in live conduct exposing to public view the person's genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or any portion of the female breast below the top of the areola on the licensed premises.
 - (2) It shall be unlawful for any employee of any licensee to consume alcoholic beverages on the premises of the licensee during such employees working hours.
 - (4) No licensee shall allow any person to engage in specified sexual activities on the licensed premises.
 - (5) No licensee shall use any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva, and or genitals.”
- E. On or about May 24, 2024, May 25, 2024, June 10, 2024, and/or February 5, 2025, Licensee David Ulmer allowed an area of the parking lot to be cordoned off to accommodate an outdoor bar and/or game area at SuBourbon in violation of **Section 22-483 (a)** which states that: “Under this chapter, no merchant, vendor, business or property owner shall:
- (1) Place any tables, or chairs on any portion of the public property other than that directly in front of his existing place of business without the written consent of adjacent landowners and businesses. In no event shall such items be placed in the landscaped areas or extend beyond 25 feet from each side of the owner's business.
 - (2) Block or restrict the passageway on the sidewalk to less than five feet in width or block the ingress/egress to any building. Also, no items shall be placed so as to block any driveway, crosswalk, counter service window or public parking.

- (3) Arrange the cafe tables and chairs so as to impede the efficiency of the pedestrian path. In areas of congested pedestrian activity, the building official is authorized to require a wider pedestrian path for the protection and welfare of the public.
 - (6) Place objects around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier.
 - (7) Use tables, chairs, umbrellas and any other objects of such quality, design, materials, and workmanship that are not approved or otherwise authorized by the planning and zoning administrator.”
- F. Licensee David Ulmer was aware of the habitually and commonly conducted illegal activities set forth in Paragraphs A through E above in violation of **Section 46-500 (9)**: which states in part that: “The following conditions may be declared to be nuisances:
- (9) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent those activities.”
- G. On or about October 29, 2023, and/or December 31, 2023, Licensee David Ulmer permitted lewd, immoral or improper entertainment, conduct or practices at SuBourbon by allowing employees to wear clothing that exposed to public view their buttocks and/or a portion of the female breast below the top of the areola in violation of **Section 6-101(b)** which states in part that:
- (b) “It shall be unlawful for a licensee to permit any disturbance of the peace or obscenity or any lewd, immoral or improper entertainment, conduct or practices on any licensed premises.”
- (2) The incidents which form the basis of the hearing include multiple violations cited on December 26, 2024, as follows:
- A. On or about November 28, 2024, Licensee David Ulmer allowed employee Abbeigh Oberg to work as a waitress without a work permit at SuBourbon in violation of **Section 6-87 (e)** which states that: “It is the responsibility of the licensee and designee to ensure that the employees and independent contractors, whether compensated or non-compensated, required under this Code section obtain and possess the required work permit issued by the Kennesaw Police Department prior to working in the licensed establishment. Failure of an employee and/or independent contractor to possess a work permit while selling or serving alcoholic beverages, as required by this section, shall be unlawful and will subject the employee and/or independent contract and licensee to prosecution as provided in this chapter and shall be grounds for placing on probation, suspending, or revoking the license.”
 - B. On or about November 28, 2024, Licensee David Ulmer allowed one or more employees to wear clothing that exposed to public view their buttocks and/or a portion of the

female breast below the top of the areola in violation of **Section 6-110 (b)** which states:

- (1) “No person shall suffer or permit any person to engage in live conduct exposing to public view the person's genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or any portion of the female breast below the top of the areola on the licensed premises.
- (2) It shall be unlawful for any employee of any licensee to consume alcoholic beverages on the premises of the licensee during such employees working hours.
- (4) No licensee shall allow any person to engage in specified sexual activities on the licensed premises.
- (5) No licensee shall use any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva, and or genitals.

C. On or about November 28, 2024, Licensee David Ulmer allowed alcoholic beverages to be sold by the drink between the hours of 2:00 a.m. and 8:00 a.m. in violation of **Section 6-93: Hours of operation (b)** which states: “Alcoholic beverages by the drink. Sale of any alcoholic beverages by the drink for on-premises consumption, including operation of a bottle house: Licensees shall not engage in the sale of any alcoholic beverages between the hours of 2:00 a.m. and 8:00 a.m. Monday through Saturday, and between the hours of 2:00 a.m. and 11:00 a.m. on Sunday. All alcoholic beverages will be consumed or removed no later than 30 minutes after legal sales have been terminated, provided that this subsection shall not apply to private clubs hereunder.”

D. On or about November 28, 2024, Licensee David Ulmer allowed alcoholic beverages to be sold to a person in an intoxicated condition in violation of **Section 6-89: Sale to underage persons, incompetents, intoxicated persons**, which states in part that:

“No licensee under this chapter and no employee of such a licensee under this chapter shall furnish, sell or knowingly allow the possession of any alcoholic beverages, whether by the package or by the drink to:

- (2) Any person in an intoxicated condition; or”

E. Even after receiving citations on October 29, 2024 for the violations set forth in Section 1, Paragraphs A through G above, Licensee David Ulmer continued to allow the habitually and commonly conducted illegal activities as set forth in Section 2, Paragraphs A through D above in violation of **Section 46-500 (9)** which states in part that: “The following conditions may be declared to be nuisances:

- (9) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of

the business or building was aware of the illegal activities and failed to reasonably attempt to prevent those activities.”

- F. The witnesses that may be called at said hearing include the following: Licensee, David Ulmer; Kennesaw Officer, Scott Luther; Kennesaw Officer, Victor Secaida; Kennesaw Officer, Genesis Angulo; Kennesaw Officer, Zacharey Saxon; Kennesaw Detective, Brian Moon; and Kennesaw Officer, Adrian Barton.
- G. Documentary or physical evidence that may be tendered at said hearing include: Alcohol License for UHP Partners, LLC; Incident Reports; Citations issued October 29, 2024 and December 26, 2024; Social Media postings; any other supporting documentation, citations, or evidence of alleged violations.

MAYOR
Derek Easterling

City Manager
Jeff Drobney, ICMA-CM

City Clerk
Lea Alvarez, CMC



COUNCIL

Mayor Pro Tem Pat Ferris

Madelyn Orochena

Tracey Viars

Antonio Jones

Anthony Gutierrez

SUBPOENA

City of Kennesaw

Date: March 7, 2025

Vs.

Kennesaw Citation Number:
2408-2088; 2409-1800; 2410-1379; 2411-1771;
and 2412-1186

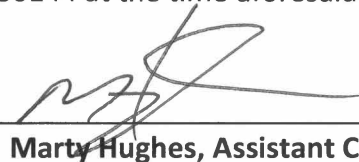
UHP Partners, LLC
D/B/A SuBourbon Bar & Social Club

State of Georgia, Cobb County
City of Kennesaw

TO: David Ulmer
2718 Summers Street
Kennesaw, GA 30144

YOU ARE HEREBY COMMANDED

To appear as a witness in the above-named case on the **17th day of March 2025 at 2:00 PM** in a due cause hearing before the License Review Board of the City of Kennesaw to be held in the Council Chambers of the Kennesaw City Hall at 2529 J.O. Stephenson Avenue, Kennesaw, GA 30144 at the time aforesaid.



Marty Hughes, Assistant City Manager

Signature acknowledges service of this summons and receipt of copy of same.

MAYOR

Derek Easterling

City Manager

Jeff Drobney, IMCA-CM

City Clerk

Lea Alvarez, CMC



COUNCIL

Mayor Pro Tem Pat Ferris

Madelyn Orochena

Tracey Viars

Antonio Jones

Anthony Gutierrez

This is to acknowledge receipt of an electronically delivered letter from the City Clerk's Office regarding an Alcohol License Review Board Hearing scheduled for Monday, March 17, 2025, at 2:00 PM before the License Review Board.

X _____

Date: _____

David Ulmer
UHP Partners, LLC
2718 Summers Street
Kennesaw, GA 30144

**MINUTES OF LICENSE REVIEW BOARD MEETING
CITY OF KENNESAW
Council Chambers
March 17, 2025
2:00 PM**

1. Call to Order / Roll Call

Chairman Thornton called the meeting to order at 2:00 p.m.

2. Due Cause Hearings

A. UHP Partners, LLC d/b/a SuBourbon Bar & Social Club
2718 Summers Street, Kennesaw, GA 30144

Chairman Thornton recognized the Attorney for the License Review Board, Sam Hensley, Jr. Mr. Hensley, Jr. announced that the respective parties had reached a settlement proposal in resolution of the matter at hand. Chairman Thornton recognized the Assistant Attorney for the City, Jamie Wingler. Mr. Wingler shared the following terms of the agreement with UHP Partners LLC d/b/a SuBourbon Bar and Social Club and Licensee David Ulmer:

The Licensee's alcohol license shall be placed on probation, which is effective immediately, continuing until June 15, 2025. Starting June 15, 2025, SuBourbon and the Licensee will begin a 45-day suspension of the alcohol license. The last day that SuBourbon Bar and Social Club will be able to sell alcohol under this license is June 15, 2025. Upon completion of that 45-day suspension period, the SuBourbon and the Licensee will voluntarily surrender the alcohol license, which will begin on July 31, 2025. Further, the Licensee has agreed not to apply for an alcohol license in the City of Kennesaw during the 24-month surrender period beginning July 31, 2025, through July 31, 2027. The Licensee agreed not to own or maintain any financial or other interest in any business within the bounds of the City of Kennesaw that holds an alcohol license during the surrender period. SuBourbon and the Licensee agreed to remove all social media postings regarding the sale of alcohol by March 18, 2025, and to not direct any new social media or advertising during the probationary period.

The Licensee shall appear in court and resolve the citations issued on October 29, 2024, and December 26, 2024, which are pending in Kennesaw Municipal Court, by paying a diversion fee of \$1,000.00 and restitution to the City in the amount of \$6,000.00 on April 1, 2025. Upon payment of said sums, the aforementioned citations shall be nolle prosequi by the solicitor.

Mr. Cary Wiggins, counsel for the Licensee, confirmed that the Consent Agreement [see **Exhibit A**] reflects the agreement made between all parties. He also agreed to waive the charges and specifications.

Motion by Board Member Chambless to accept the Consent Agreement as presented.
Seconded by Board Member Perez.

Vote taken, motion unanimously approved 3-0. Motion passed.

3. Adjourn

Chairman Thornton adjourned the hearing at 2:07 p.m.

Lea Alvarez, City Clerk

DRAFT

BEFORE THE LICENSE REVIEW BOARD
CITY OF KENNESAW, GEORGIA

CITY OF KENNESAW	:
	:
v.	:
	:
UHP PARTNERS LLC, d/b/a	:
SUBOURBON BAR AND SOCIAL CLUB,	:
and DAVID ULMER	:
	:
Licensee	:

CONSENT DECISION

This matter came before the City of Kennesaw (“City”) License Review Board (“LRB”) for hearing on March 17, 2025, regarding the alcohol license for UHP Partners, LLC d/b/a SuBourbon Bar and Social Club (“SuBourbon”) and David Ulmer (“Licensee”), and the City and Licensee consent and agree as follows:

PROBATIONARY PERIOD

1.

Licensee’s alcohol license shall be placed on probation effective immediately and continuing until June 15, 2025 (“Probationary Period”).

2.

Any violation of O.C.G.A. Title 3 or Chapter 6 of the Code of Ordinances of the City of Kennesaw during the Probationary Period shall result in an immediate LRB hearing, and if a violation is determined by the LRB and affirmed in any further appeals, SuBourbon and Licensee agree that a revocation of the alcohol license shall be the penalty. SuBourbon and Licensee agree that email notice of the hearing shall constitute proper notice.

3.

SuBourbon and Licensee agree that all servers and bar staff must be dressed in a manner that is compliant with the Kennesaw Code of Ordinances.

4.

SuBourbon and Licensee agree that all social media posted by or at the direction of SuBourbon and/or Licensee (i.e., www.SuBourbonBar.com and www.Facebook.com/SuBourbon.com) shall be removed by March 18, 2025, and no new social media or advertising can be posted during the Probationary Period by or at the direction of SuBourbon and/or Licensee.

SUSPENSION PERIOD

5.

SuBourbon and Licensee agree that at the conclusion of the Probationary Period, a 45-day suspension of the alcohol license shall automatically go into effect with the suspension to begin on June 15, 2025 (“Suspension Period”) and running through July 31, 2025.

6.

At the conclusion of the Suspension Period, the current alcohol license held by SuBourbon and Licensee shall be deemed to be voluntarily surrendered as of July 31, 2025 (“Surrender Period”). For clarity, this voluntary surrender is not considered a revocation under the City’s ordinances, but June 15, 2025, shall be the last date alcohol may be served under the current license.

SURRENDER PERIOD

7.

Licensee agrees that he shall not apply for an alcohol license in the City during the 24-month Surrender Period beginning July 31, 2025, through July 31, 2027.

8.

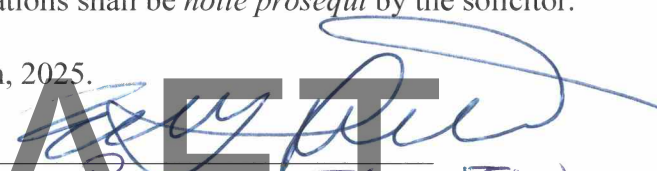
Licensee agrees that he shall not own or maintain any financial or other interest in any business within the bounds of the City of Kennesaw that holds an alcohol license during the Surrender Period.

PENDING CITATIONS

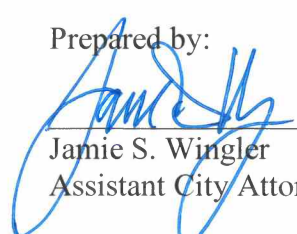
9.

Licensee shall appear in court and resolve the citations issued on October 29, 2024, and December 26, 2024, now pending in the City of Kennesaw Municipal Court by paying a diversion fee of \$1,000.00 and restitution to the City in the amount of \$6,000 on April 1, 2025. Upon payment of said sums, the aforementioned citations shall be *nolle prosequi* by the solicitor.

SO ORDERED this 17th day of March, 2025.

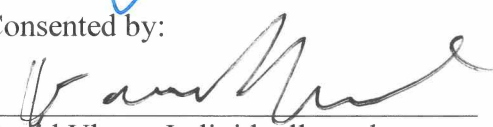
BY: 
Chairman, License Review Board

Prepared by:



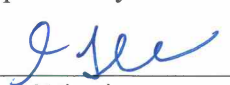
Jamie S. Wingler
Assistant City Attorney

Consented by:



David Ulmer, Individually and
On behalf of UHP Partners, LLC
d/b/a SuBourbon Bar and Social Club

Approved by:



Cary Wiggins
Attorney for David Ulmer and
UHP Partners, LLC d/b/a
SuBourbon Bar and Social Club

STATE OF GEORGIA
UNIFORM CITATION, ACCUSATION & SUMMONS
GA 0330600 NCIC NUMBER

CITATION NUMBER

COURT COPY

Page 1 of 2

COUNTY OF Cobb	AGENCY Kennesaw Police Department	LATITUDE	AGENCY INCIDENT/ CASE NO 2410-1962
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Tuesday	MONTH October	DAY 29	YEAR 2024
LOCATION OF OCCURRENCE 2718 Summers St (Subourbon Rock & Oyster Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE 960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU	
	OTN	PLACE OF BIRTH			IDEN / ID NUMBER		STATE GA	TYPE OF I.D. OL		ID EXPIRES 2027		
	SCARS/MARKS/TATTOOS			ENDORSEMENTS								
	STREET 3271 STONEY ACRES DR			CITY KENNESAW		STATE GA	ZIP CODE 30152-4613		PROBATION / PAROLE ☐ Yes ☐ No			
	DATE OF ARREST NA			LOCATION OF ARREST NA			DEFENDANT CELL #					
	DEFENDANT EMAIL											

VEHICLE(s)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
-----------	-------	------------	------------------	------	------	---------------

CHARGE(S)

IN VIOLATION OF ☐ GEORGIA CODE CODE SECTION	CODE DESCRIPTION	VIOLATION LEVEL ☒ MUST APPEAR BEFORE JUDGE
IN VIOLATION OF ☐ COUNTY ORDINANCE CODE SECTION 6-31	☒ CITY ORDINANCE CODE DESCRIPTION (Alcohol) License required for manufacture, sale	

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

No alcoholic beverages shall be manufactured or sold at wholesale or retail, in the original package or by the drink, nor shall any bottle house be operated except under a license granted by the mayor and city council. A farm winery is required to obtain a license as provided in this chapter for the manufacture of wine, fortified wine, or hard cider.

(Ord. No. 2008-18, § 2, 5-19-08; Ord. No. 2012-11, 9-4-12)

State Law reference— Local permit or license for wholesale or retail sales of alcoholic beverages, O.C.G.A. § 3-3-2(a).

OFFICER NAME	OFFICER'S SIGNATURE
ID NO	ORGANIZATION / UNIT Code Enforcement

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE	DEFENDANT SIGNATURE:
Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144	
PHONE: 770-429-4531	COURT DATE: JANUARY 07, 2025
	COURT TIME: 0900
To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.	

Version 12.7.18

STATE OF GEORGIA
UNIFORM CITATION, ACCUSATION & SUMMONS
GA 0330600 NCIC NUMBER

CITATION NUMBER

COURT COPY

Page 1 of 2

COUNTY OF Cobb	AGENCY Kennesaw Police Department	LATITUDE	AGENCY INCIDENT/ CASE NO 2410-1962
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Tuesday	MONTH October	DAY 29	YEAR 2024
LOCATION OF OCCURRENCE 2718 Summers St (Subourbon Rock & Oyster Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE 1960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU	
	OTN	PLACE OF BIRTH		DLN/ID NUMBER	STATE GA	TYPE OF I.D. DL		ID EXPIRES 2027				
	SCARS/MARKS/TATTOOS				ENDORSEMENTS							
	STREET 3271 STONEY ACRES DR				CITY KENNESAW		STATE GA	ZIP CODE	PROBATION / PAROLE ☐ Yes ☐ No			
	DATE OF ARREST NA		LOCATION OF ARREST NA									
	DEFENDANT EMAIL				DEFENDANT CELL #							

VEHICLE(s)

TAG / REG	STATE	EXPIRATION	VIN	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☐ GEORGIA CODE CODE SECTION	VIOLATION LEVEL ☒ MUST APPEAR BEFORE JUDGE
IN VIOLATION OF ☐ COUNTY ORDINANCE CODE SECTION	☒ CITY ORDINANCE CODE DESCRIPTION
6-87(e)	Employment and entry upon the premises

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

EMPLOYEE - LEON HALL (Case 2410-1379 & 2408-2088)

(e)It is the responsibility of the licensee and designee to ensure that the employees and independent contractors, whether compensated or non-compensated, required under this Code section obtain and possess the required work permit issued by the Kennesaw Police Department prior to working in the licensed establishment. Failure of an employee and/or independent contractor to possess a work permit while selling or serving alcoholic beverages, as required by this section, shall be unlawful and will subject the employee and/or independent contract and licensee to prosecution as provided in this chapter and shall be grounds for placing on probation, suspending, or revoking the license.
(Ord. No. 2016-18, § 3, 8-15-16; Ord. No. 2021-14, § 6, 11-15-21)

Editor's note— Ord. No. 2016-18, § 3, adopted Aug. 15, 2016, amended § 6-87 in its entirety to read as herein set out. Former § 6-87 pertained to employment of minors and derived from Ord. No. 2008-18, § 2, adopted May 19, 2008.

OFFICER NAME Officer Luther, S.O.	OFFICER'S SIGNATURE
ID NO 1529	ORGANIZATION / UNIT Code Enforcement

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE	DEFENDANT SIGNATURE:
Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144	
PHONE: 770-429-4531	COURT DATE: JANUARY 07, 2025
	COURT TIME: 0900
To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.	

Version 12.7.18

STATE OF GEORGIA
UNIFORM CITATION, ACCUSATION & SUMMONS
GA 0330600 NCIC NUMBER

CITATION NUMBER

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COUNTY OF Cobb	AGENCY Kennesaw Police Department	LATITUDE	AGENCY INCIDENT / CASE NO 2410-1962
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Tuesday	MONTH October	DAY 29	YEAR 2024
LOCATION OF OCCURRENCE 2718 Summers St (Subourbon Rock & Oyster Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE 1960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU
	OTN	PLACE OF BIRTH		OLN / ID NUMBER	STATE GA		TYPE OF I.D. DL		ID EXPIRES 027		
	SCARS/MARKS/TATTOOS				ENDORSEMENTS						
	STREET 3271 STONEY ACRES DR			CITY KENNESAW	STATE GA	ZIP CODE 30152-4613	PROBATION / PAROLE ☐ Yes ☐ No				
	DATE OF ARREST NA		LOCATION OF ARREST NA		DEFENDANT CELL #						
	DEFENDANT EMAIL										

VEHICLE(S)

TAG / REG	STATE	EXPIRATION	VIN	YEAR	MAKE	MODEL / COLOR
			NA			

CHARGE(S)

IN VIOLATION OF ☐ GEORGIA CODE CODE SECTION	CODE DESCRIPTION	VIOLATION LEVEL ☒ MUST APPEAR BEFORE JUDGE
IN VIOLATION OF ☐ COUNTY ORDINANCE ☒ CITY ORDINANCE CODE SECTION	CODE DESCRIPTION 6-87(e) Employment and entry upon the premises	

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

EMPLOYEE - CARLA CARTER (Case 2410-1379)

(e)It is the responsibility of the licensee and designee to ensure that the employees and independent contractors, whether compensated or non-compensated, required under this Code section obtain and possess the required work permit issued by the Kennesaw Police Department prior to working in the licensed establishment. Failure of an employee and/or independent contractor to possess a work permit while selling or serving alcoholic beverages, as required by this section, shall be unlawful and will subject the employee and/or independent contract and licensee to prosecution as provided in this chapter and shall be grounds for placing on probation, suspending, or revoking the license.
(Ord. No. 2016-18, § 3, 8-15-16; Ord. No. 2021-14, § 6, 11-15-21)

Editor's note— Ord. No. 2016-18, § 3, adopted Aug. 15, 2016, amended § 6-87 in its entirety to read as herein set out. Former § 6-87 pertained to employment of minors and derived from Ord. No. 2008-18, § 2, adopted May 19, 2008.

OFFICER NAME Officer Luther, S.O.	OFFICER'S SIGNATURE
ID NO 1529	ORGANIZATION / UNIT Code Enforcement

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE	DEFENDANT SIGNATURE:
Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144	
PHONE: 770-429-4531	COURT DATE: JANUARY 07, 2025
	COURT TIME: 0900
To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.	

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STATE OF GEORGIA
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COUNTY OF Cobb	AGENCY Kennesaw Police Department	LATITUDE	AGENCY INCIDENT/ CASE NO 2410-1962
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Tuesday	MONTH October	DAY 29	YEAR 2024
LOCATION OF OCCURRENCE 2718 Summers St (Subourbon Rock & Oyster Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE [REDACTED] 960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU
	OTN	PLACE OF BIRTH		OLN/ID NUMBER	STATE GA		TYPE OF I.D. DL		ID EXPIRES 2027		
	SCARS/MARKS/TATTOOS				ENDORSEMENTS						
	STREET 3270 STONEY ACRES DR				CITY KENNESAW		STATE GA		ZIP CODE 30152-4613		PROBATION / PAROLE ☐ Yes ☐ No
	DATE OF ARREST NA		LOCATION OF ARREST NA								
	DEFENDANT EMAIL				DEFENDANT CELL #						

VEHICLE(s)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☐ GEORGIA CODE CODE SECTION	VIOLATION LEVEL ☒ MUST APPEAR BEFORE JUDGE
IN VIOLATION OF ☐ COUNTY ORDINANCE ☒ CITY ORDINANCE CODE SECTION	CODE DESCRIPTION
46-500	Declaration of nuisance conditions

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

The following conditions may be declared to be nuisances:

(1)Stagnant water on premises;(2)Any dead or decaying matter, weeds, vegetation or any fruit, vegetable, animal or rodent, upon premises which is odorous or capable of causing disease or annoyance to the inhabitants of the city;(3)The generation of smoke or fumes in sufficient amount to cause odor or annoyance to the inhabitants of the city;(4)The pollution of public water or the injection of matter into the sewage system which would be damaging thereto;(5)Maintaining a dangerous or diseased animal or fowl;(6)Obstruction of a public street, highway or sidewalk without a permit;(7)Loud or unusual noises which are detrimental or annoying to the public, including without limitation, unusual or loud disturbances in or around churches or multiple-family complexes such as loud music and other activities in swimming pool and clubhouse areas;(8)All walls, trees and buildings that may endanger persons or property;(9)Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent those activities;(10)Unused iceboxes, refrigerators and the like unless the doors, latches or locks thereof are removed;(11)Any trees, shrubbery or other plants or parts thereof, which obstruct clear, safe vision on roadways and intersections of the city; and(12)Any other condition constituting a nuisance under state law.

(Ord. No. 2014-16, Att., 11-3-14)

OFFICER NAME Luther, S.O.	OFFICER'S SIGNATURE
ID NO 1529	ORGANIZATION / UNIT Code Enforcement

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE

Kennesaw Municipal Court
2529 J.O. Stephenson Ave.
Kennesaw, Ga. 30144

PHONE: 770-429-4531

DEFENDANT SIGNATURE:

COURT DATE: JANUARY 07, 2025

COURT TIME: 0900

To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.

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COUNTY OF Cobb	AGENCY	LATITUDE	AGENCY INCIDENT / CASE NO 2410-1962
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Tuesday	MONTH October	DAY 29	YEAR 2024
TIME OF DAY			
LOCATION OF OCCURRENCE 2718 Summers St (Suburban Rock & Oyster Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE [REDACTED] 960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU
	OTN	PLACE OF BIRTH		DLN / ID NUMBER [REDACTED]	STATE GA	TYPE OF I.D. DL		ID EXPIRES [REDACTED] 027			
	SCARS/MARKS/TATTOOS				ENDORSEMENTS						
	STREET 3271 STONEY ACRES DR			CITY KENNESAW	STATE GA	ZIP CODE 30152-4613	PROBATION / PAROLE ☐ Yes ☒ No				
	DATE OF ARREST		LOCATION OF ARREST								
DEFENDANT EMAIL				DEFENDANT CELL #							

VEHICLE(S)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☒ GEORGIA CODE		VIOLATION LEVEL ☐ MUST APPEAR BEFORE JUDGE	
CODE SECTION	CODE DESCRIPTION		
IN VIOLATION OF ☐ COUNTY ORDINANCE ☐ CITY ORDINANCE			
CODE SECTION	CODE DESCRIPTION		
6-109 (b)(1)		Pricing of alcoholic beverages	

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

(b)No licensee or holder of any license to sell alcoholic beverages for consumption on the premises or in any part thereof, or employee or agent of a licensee, shall:(1)Offer or deliver any free alcoholic beverage to the general public. This subsection shall not apply to tasting rooms of farm wineries where wine is offered in a quantity to only taste the product. This subsection shall also not apply to those persons or entities who are engaged in the business of refilling growlers who are allowed to provide samples to taste the product as set forth in section 6-111 of this chapter.

OFFICER NAME Officer Luther, S.O.	OFFICER'S SIGNATURE
ID NO 1529	ORGANIZATION / UNIT

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE	DEFENDANT SIGNATURE:
Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144	
PHONE: 770-429-4531	COURT DATE: JANUARY 07, 2025
	COURT TIME: 0900
To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.	

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COUNTY OF Cobb	AGENCY	LATITUDE	AGENCY INCIDENT/ CASE NO 2410-1962
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Tuesday	MONTH October	DAY 29	YEAR 2024
TIME OF DAY			
LOCATION OF OCCURRENCE 2718 Summers St (Subourbon Rock & Oyster Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE [REDACTED] 1960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU
	OTN	PLACE OF BIRTH		DLN / ID NUMBER	STATE GA	TYPE OF I.D. DL		ID EXPIRES [REDACTED] 2027			
	SCARS/MARKS/TATTOOS			ENDORSEMENTS							
	STREET 3270 STONEY ACRES DR			CITY KENNESAW	STATE GA	ZIP CODE 30152-4613	PROBATION / PAROLE ☐ Yes ☒ No				
	DATE OF ARREST		LOCATION OF ARREST		DEFENDANT CELL # [REDACTED]						
DEFENDANT EMAIL											

VEHICLE(s)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☒ GEORGIA CODE		VIOLATION LEVEL ☐ MUST APPEAR BEFORE JUDGE	
CODE SECTION	CODE DESCRIPTION		
IN VIOLATION OF ☐ COUNTY ORDINANCE ☐ CITY ORDINANCE			
CODE SECTION	CODE DESCRIPTION		
22-483 (a)(2), (3), (6) & (7)		Prohibited conduct (Eating and Drinking Encroachment Permits)	

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

(a) Under this chapter, no merchant, vendor, business or property owner shall:

(2) Block or restrict the passageway on the sidewalk to less than five feet in width or block the ingress/egress to any building. Also, no items shall be placed so as to block any driveway, crosswalk, counter service window or public parking.

(3) Arrange the cafe tables and chairs so as to impede the efficiency of the pedestrian path. In areas of congested pedestrian activity, the building official is authorized to require a wider pedestrian path for the protection and welfare of the public.

(6) Place objects around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier.

(7) Use tables, chairs, umbrellas and any other objects of such quality, design, materials, and workmanship that are not approved or otherwise authorized by the planning and zoning administrator.

OFFICER NAME Officer Luther, S.O.	OFFICER'S SIGNATURE
ID NO 1529	ORGANIZATION / UNIT

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE		DEFENDANT SIGNATURE:
Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144		
PHONE: 770-429-4531		COURT DATE: JANUARY 07, 2025
		COURT TIME: 0900
To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.		

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COUNTY OF Cobb	AGENCY	LATITUDE	AGENCY INCIDENT/ CASE NO 2410-1962
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Tuesday	MONTH October	DAY 29	YEAR 2024
LOCATION OF OCCURRENCE 2718 Summers St (Subourbon Rock & Oyster Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE [REDACTED] 960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU
	OTN	PLACE OF BIRTH		DLN / ID NUMBER	STATE GA	TYPE OF I.D. DL		ID EXPIRES [REDACTED] 027			
	SCARS/MARKS/TATTOOS			ENDORSEMENTS							
	STREET 3271 STONEY ACRES DR			CITY KENNESAW	STATE GA	ZIP CODE 30152-4613		PROBATION / PAROLE ☐ Yes ☒ No			
	DATE OF ARREST		LOCATION OF ARREST		DEFENDANT CELL # [REDACTED]						
DEFENDANT EMAIL											

VEHICLE(s)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☒ GEORGIA CODE CODE SECTION		VIOLATION LEVEL ☐ MUST APPEAR BEFORE JUDGE	
IN VIOLATION OF ☐ COUNTY ORDINANCE CODE SECTION		☐ CITY ORDINANCE CODE DESCRIPTION	
6-110 (b)(1) & (5)		Additional activities prohibited; rationale and findings; exception.	

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

(b)Activities prohibited; minimum clothing requirements; exception.

(1)No person shall suffer or permit any person to engage in live conduct exposing to public view the person's genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or any portion of the female breast below the top of the areola on the licensed premises.

(5)No licensee shall use any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva, and or genitals.

OFFICER NAME Officer Luther, S.O.	OFFICER'S SIGNATURE
ID NO 1529	ORGANIZATION / UNIT

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE		DEFENDANT SIGNATURE:
Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144		
PHONE: 770-429-4531		COURT DATE: JANUARY 07, 2025
		COURT TIME: 0900
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COUNTY OF Cobb	AGENCY Kennesaw Police Department	LATITUDE	AGENCY INCIDENT/ CASE NO 2410-1962
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Tuesday	MONTH October	DAY 29	YEAR 2024
LOCATION OF OCCURRENCE 2718 Summers St (Subourbon Rock & Oyster Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE [REDACTED] 960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU
	OTN	PLACE OF BIRTH		OTN / ID NUMBER	STATE GA		TYPE OF I.D. DL		ID EXPIRES [REDACTED] 027		
	SCARS/MARKS/TATTOOS				ENDORSEMENTS						
	STREET 3271 STONEY ACRES DR			CITY KENNESAW		STATE GA		ZIP CODE 30152-4613		PROBATION / PAROLE ☐ Yes ☐ No	
	DATE OF ARREST NA		LOCATION OF ARREST NA		DEFENDANT CELL # [REDACTED]						
DEFENDANT EMAIL											

VEHICLE(s)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☐ GEORGIA CODE CODE SECTION		CODE DESCRIPTION	VIOLATION LEVEL ☒ MUST APPEAR BEFORE JUDGE
IN VIOLATION OF ☐ COUNTY ORDINANCE ☒ CITY ORDINANCE CODE SECTION		CODE DESCRIPTION	
6-87(e)		Employment and entry upon the premises	

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

EMPLOYEE - ALEJANDRO BENITEZ (Case 2409-1800)

(e)It is the responsibility of the licensee and designee to ensure that the employees and independent contractors, whether compensated or non-compensated, required under this Code section obtain and possess the required work permit issued by the Kennesaw Police Department prior to working in the licensed establishment. Failure of an employee and/or independent contractor to possess a work permit while selling or serving alcoholic beverages, as required by this section, shall be unlawful and will subject the employee and/or independent contract and licensee to prosecution as provided in this chapter and shall be grounds for placing on probation, suspending, or revoking the license.
(Ord. No. 2016-18, § 3, 8-15-16; Ord. No. 2021-14, § 6, 11-15-21)

Editor's note— Ord. No. 2016-18, § 3, adopted Aug. 15, 2016, amended § 6-87 in its entirety to read as herein set out. Former § 6-87 pertained to employment of minors and derived from Ord. No. 2008-18, § 2, adopted May 19, 2008.

OFFICER NAME Officer Luther, S.O.	OFFICER'S SIGNATURE
ID NO 1529	ORGANIZATION / UNIT Code Enforcement

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE		DEFENDANT SIGNATURE:
Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144		
PHONE: 770-429-4531		COURT DATE: JANUARY 07, 2025
		COURT TIME: 0900
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COUNTY OF Cobb	AGENCY	LATITUDE	AGENCY INCIDENT/ CASE NO 2410-1962
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Tuesday	MONTH October	DAY 29	YEAR 2024
LOCATION OF OCCURRENCE 2718 Summers St (Subourbon Rock & Oyster Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE 1960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU
	OTN	PLACE OF BIRTH		OLN/ID NUMBER	STATE GA	TYPE OF I.D. DL		ID EXPIRES 2027			
	SCARS/MARKS/TATTOOS			ENDORSEMENTS							
	STREET 3271 STONEY ACRES DR			CITY KENNESAW	STATE GA	ZIP CODE 30152-4613	PROBATION / PAROLE ☐ Yes ☒ No				
	DATE OF ARREST		LOCATION OF ARREST		DEFENDANT CELL #						
DEFENDANT EMAIL											

VEHICLE(S)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☒ GEORGIA CODE CODE SECTION	CODE DESCRIPTION	VIOLATION LEVEL ☐ MUST APPEAR BEFORE JUDGE
IN VIOLATION OF ☐ COUNTY ORDINANCE ☐ CITY ORDINANCE CODE SECTION	CODE DESCRIPTION	
6-101	Sanitary and fire protection regulations; disturbances; inspections.	

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

(a) All premises licensed under this chapter shall be kept clean and in proper sanitary condition and in full compliance with the provisions and regulations governing the condition of premises used for the storage and sale of food for human consumption.

(b) It shall be unlawful for a licensee to permit any disturbance of the peace or obscenity or any lewd, immoral or improper entertainment, conduct or practices on any licensed premises.

(c) The fire inspector shall inspect premises licensed under this chapter to determine compliance with subsections (a) and (d) of this section and report its findings to the mayor and city council.

(d) All premises licensed under this chapter shall conform at all times with all fire regulations of the city, county, and state.

(Ord. No. 2008-18, § 2, 5-19-08)

OFFICER NAME Officer Luther, S.O.	OFFICER'S SIGNATURE
ID NO 1529	ORGANIZATION / UNIT

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE	DEFENDANT SIGNATURE:
Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144	
PHONE: 770-429-4531	COURT DATE: JANUARY 07, 2025
	COURT TIME: 0900
To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.	

Version 12.7.18

STATE OF GEORGIA
UNIFORM CITATION, ACCUSATION & SUMMONS
GA 0330600 NCIC NUMBER

CITATION NUMBER

COURT COPY

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COUNTY OF Cobb	AGENCY Kennesaw Police Department	LATITUDE	AGENCY INCIDENT/ CASE NO 2412-1643
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Thursday	MONTH December	DAY 26	YEAR 2024
LOCATION OF OCCURRENCE 2718 Summers St (SuBourbon Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE 960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU
	OTN	PLACE OF BIRTH		OTN / ID NUMBER	STATE GA		TYPE OF I.D. DL		ID EXPIRES 2027		
	SCARS/MARKS/TATTOOS				ENDORSEMENTS						
	STREET 3271 STONEY ACRES DR			CITY KENNESAW		STATE GA		ZIP CODE 30152-4613		PROBATION / PAROLE ☐ Yes ☐ No	
	DATE OF ARREST NA		LOCATION OF ARREST NA								
	DEFENDANT EMAIL				DEFENDANT CELL #						

VEHICLE(s)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☐ GEORGIA CODE CODE SECTION	CODE DESCRIPTION	VIOLATION LEVEL ☒ MUST APPEAR BEFORE JUDGE
IN VIOLATION OF ☐ COUNTY ORDINANCE CODE SECTION	☒ CITY ORDINANCE CODE DESCRIPTION 6-87(e) Employment and entry upon the premises	

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

Abbeigh Oberg - Server, incident report 2411-1771, no permit)

(e)It is the responsibility of the licensee and designee to ensure that the employees and independent contractors, whether compensated or non-compensated, required under this Code section obtain and possess the required work permit issued by the Kennesaw Police Department prior to working in the licensed establishment. Failure of an employee and/or independent contractor to possess a work permit while selling or serving alcoholic beverages, as required by this section, shall be unlawful and will subject the employee and/or independent contract and licensee to prosecution as provided in this chapter and shall be grounds for placing on probation, suspending, or revoking the license.
(Ord. No. 2016-18, § 3, 8-15-16; Ord. No. 2021-14, § 6, 11-15-21)

Editor's note— Ord. No. 2016-18, § 3, adopted Aug. 15, 2016, amended § 6-87 in its entirety to read as herein set out. Former § 6-87 pertained to employment of minors and derived from Ord. No. 2008-18, § 2, adopted May 19, 2008.

OFFICER NAME	OFFICER'S SIGNATURE <i>Letto AC</i>
ID NO	ORGANIZATION / UNIT Code Enforcement

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE	DEFENDANT SIGNATURE:
Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144	<i>Refused 1-8-25 21148</i>
PHONE: 770-429-4531	COURT DATE: MARCH 4, 2025
	COURT TIME: 0900
To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.	

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STATE OF GEORGIA
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GA 0330600 NCIC NUMBER

CITATION NUMBER

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COUNTY OF Cobb	AGENCY Kennesaw Police Department	LATITUDE	AGENCY INCIDENT/ CASE NO 2412-1643
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Thursday	MONTH December	DAY 26	YEAR 2024
LOCATION OF OCCURRENCE 2718 Summers St (SuBourbon Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE 960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU	
	OTN	PLACE OF BIRTH		OLN / ID NUMBER	STATE GA	TYPE OF I.D. DL		ID EXPIRES 027				
	SCARS/MARKS/TATTOOS			ENDORSEMENTS								
	STREET 3271 STONEY ACRES DR			CITY KENNESAW	STATE GA	ZIP CODE 30152-4613	PROBATION / PAROLE ☐ Yes ☐ No					
	DATE OF ARREST NA		LOCATION OF ARREST NA		DEFENDANT CELL #							
	DEFENDANT EMAIL											

VEHICLE(S)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☐ GEORGIA CODE CODE SECTION	CODE DESCRIPTION	VIOLATION LEVEL ☒ MUST APPEAR BEFORE JUDGE
IN VIOLATION OF ☐ COUNTY ORDINANCE ☒ CITY ORDINANCE CODE SECTION	CODE DESCRIPTION	
6-87(e)	Employment and entry upon the premises	

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

(Haylee Oglesby - Bartender, incident 2412-1186, no permit)

(e)It is the responsibility of the licensee and designee to ensure that the employees and independent contractors, whether compensated or non-compensated, required under this Code section obtain and possess the required work permit issued by the Kennesaw Police Department prior to working in the licensed establishment. Failure of an employee and/or independent contractor to possess a work permit while selling or serving alcoholic beverages, as required by this section, shall be unlawful and will subject the employee and/or independent contract and licensee to prosecution as provided in this chapter and shall be grounds for placing on probation, suspending, or revoking the license.
(Ord. No. 2016-18, § 3, 8-15-16; Ord. No. 2021-14, § 6, 11-15-21)

Editor's note— Ord. No. 2016-18, § 3, adopted Aug. 15, 2016, amended § 6-87 in its entirety to read as herein set out. Former § 6-87 pertained to employment of minors and derived from Ord. No. 2008-18, § 2, adopted May 19, 2008.

OFFICER NAME	OFFICER'S SIGNATURE
ID NO	ORGANIZATION / UNIT Code Enforcement

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE	DEFENDANT SIGNATURE:
Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144	
PHONE: 770-429-4531	COURT DATE: MARCH 4, 2025
	COURT TIME: 0900
To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.	

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COUNTY OF Cobb	AGENCY	LATITUDE	AGENCY INCIDENT/ CASE NO 2412-1643
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Thursday	MONTH December	DAY 26	YEAR 2024
TIME OF DAY			
LOCATION OF OCCURRENCE 2718 Summers St (SuBourbon Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE [REDACTED] 960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU	
	OTN	PLACE OF BIRTH		DLN/ID NUMBER	STATE GA	TYPE OF I.D. DL		ID EXPIRES [REDACTED] 2027				
	SCARS/MARKS/TATTOOS				ENDORSEMENTS							
	STREET 3271 STONEY ACRES DR				CITY KENNESAW		STATE GA	ZIP CODE 30152-4613	PROBATION / PAROLE ☐ Yes ☒ No			
	DATE OF ARREST		LOCATION OF ARREST									
	DEFENDANT EMAIL				DEFENDANT CELL # [REDACTED]							

VEHICLE(S)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☒ GEORGIA CODE		VIOLATION LEVEL ☐ MUST APPEAR BEFORE JUDGE	
CODE SECTION	CODE DESCRIPTION		
IN VIOLATION OF ☐ COUNTY ORDINANCE ☐ CITY ORDINANCE			
CODE SECTION	CODE DESCRIPTION		
6-110 (b) (2)		Additional activities prohibited; rationale and findings (employee consuming alcohol)	

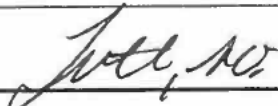
NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

VIDEO #4 00:00-00:30 & 2:15-10:00 (Mini bar, Employee pours, sells & drinks alcohol)

It shall be unlawful for any employee of any licensee to consume alcoholic beverages on the premises of the licensee during such employees working hours.

OFFICER NAME Officer Luther, S.O.	OFFICER'S SIGNATURE 
ID NO 1529	ORGANIZATION / UNIT

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE	DEFENDANT SIGNATURE:
Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144	<u>Refused 1-8-25 @ 1/48</u>
PHONE: 770-429-4531	COURT DATE: MARCH 4, 2025
	COURT TIME: 0900
To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.	

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UNIFORM CITATION, ACCUSATION & SUMMONS
GA 0330600 NCIC NUMBER

CITATION NUMBER

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COUNTY OF Cobb	AGENCY	LATITUDE	AGENCY INCIDENT/ CASE NO 2412-1643
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Thursday	MONTH December	DAY 26	YEAR 2024
LOCATION OF OCCURRENCE 2718 Summers St (SuBourbon Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE [REDACTED] 960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU	
	OTN	PLACE OF BIRTH		OLN / ID NUMBER	STATE GA	TYPE OF I.D. DL		ID EXPIRES [REDACTED] 027				
	SCARS/MARKS/TATTOOS				ENDORSEMENTS							
	STREET 3271 STONEY ACRES DR			CITY KENNESAW	STATE GA	ZIP CODE 30152-4613	PROBATION / PAROLE ☐ Yes ☒ No					
	DATE OF ARREST		LOCATION OF ARREST									
	DEFENDANT EMAIL				DEFENDANT CELL # [REDACTED]							

VEHICLE(S)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☒ GEORGIA CODE CODE SECTION	CODE DESCRIPTION	VIOLATION LEVEL ☐ MUST APPEAR BEFORE JUDGE
IN VIOLATION OF ☐ COUNTY ORDINANCE CODE SECTION	☐ CITY ORDINANCE CODE DESCRIPTION	
6-110 (b) (2)	Additional activities prohibited; rationale and findings (employee consuming alcohol)	

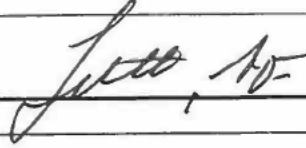
NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

VIDEO #6 07:15-08:05 (Mini bar, female bartender, pours & drinks alcohol)

It shall be unlawful for any employee of any licensee to consume alcoholic beverages on the premises of the licensee during such employees working hours.

OFFICER NAME Officer Luther, S.O.	OFFICER'S SIGNATURE 
ID NO 1529	ORGANIZATION / UNIT

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144 PHONE: 770-429-4531	DEFENDANT SIGNATURE: <u>Refused 1-8-25 21148</u> COURT DATE: MARCH 4, 2025 COURT TIME: 0900
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To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.

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COUNTY OF Cobb	AGENCY	LATITUDE	AGENCY INCIDENT/ CASE NO 2412-1643
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Thursday	MONTH December	DAY 26	YEAR 2024
TIME OF DAY			
LOCATION OF OCCURRENCE 2718 Summers St (SuBourbon Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE 1960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU
	OTN	PLACE OF BIRTH		OLN / ID NUMBER	STATE GA	TYPE OF I.D. OL		ID EXPIRES 2027			
	SCARS/MARKS/TATTOOS			ENDORSEMENTS							
	STREET 3271 STONEY ACRES DR			CITY KENNESAW	STATE GA	ZIP CODE 30152-4613	PROBATION / PAROLE ☐ Yes ☒ No				
	DATE OF ARREST		LOCATION OF ARREST								
	DEFENDANT EMAIL				DEFENDANT CELL #						

VEHICLE(s)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☒ GEORGIA CODE		VIOLATION LEVEL ☐ MUST APPEAR BEFORE JUDGE	
CODE SECTION	CODE DESCRIPTION		
IN VIOLATION OF ☐ COUNTY ORDINANCE ☐ CITY ORDINANCE			
CODE SECTION	CODE DESCRIPTION		
6-93(b)	Hours of operation (Alcoholic beverages by the drink)		

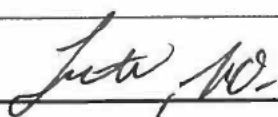
NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

VIDEO #5 & Video #6 (Mini bar selling & serving alcohol past 2:00am)

Sale of any alcoholic beverages by the drink for on-premises consumption, including operation of a bottle house: Licensees shall not engage in the sale of any alcoholic beverages between the hours of 2:00 a.m. and 8:00 a.m. Monday through Saturday, and between the hours of 2:00 a.m. and 11:00 a.m. on Sunday. All alcoholic beverages will be consumed or removed no later than 30 minutes after legal sales have been terminated, provided that this subsection shall not apply to private clubs hereunder.

OFFICER NAME Officer Luther, S.O.	OFFICER'S SIGNATURE 
ID NO 1529	ORGANIZATION / UNIT

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144 PHONE: 770-429-4531	DEFENDANT SIGNATURE: <u>Refused 1-8-25 @ 1148</u> COURT DATE: MARCH 4, 2025 COURT TIME: 0900
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To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.

STATE OF GEORGIA
UNIFORM CITATION, ACCUSATION & SUMMONS
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COUNTY OF Cobb	AGENCY	LATITUDE	AGENCY INCIDENT/ CASE NO 2412-1643
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Thursday	MONTH December	DAY 26	YEAR 2024
LOCATION OF OCCURRENCE 2718 Summers St (SuBourbon Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE [REDACTED] 1960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU	
	OTN	PLACE OF BIRTH		OTN / ID NUMBER	STATE GA	TYPE OF I.D. DL		ID EXPIRES [REDACTED] 2027				
	SCARS/MARKS/TATTOOS				ENDORSEMENTS							
	STREET 3271 STONEY ACRES DR				CITY KENNESAW		STATE GA	ZIP CODE 30152-4613	PROBATION / PAROLE ☐ Yes ☒ No			
	DATE OF ARREST		LOCATION OF ARREST									
	DEFENDANT EMAIL				DEFENDANT CELL #							

VEHICLE(S)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☒ GEORGIA CODE		VIOLATION LEVEL ☐ MUST APPEAR BEFORE JUDGE	
CODE SECTION	CODE DESCRIPTION		
IN VIOLATION OF ☐ COUNTY ORDINANCE ☐ CITY ORDINANCE			
CODE SECTION	CODE DESCRIPTION		
6-110 (b) (2)		Additional activities prohibited; rationale and findings (employee consuming alcohol)	

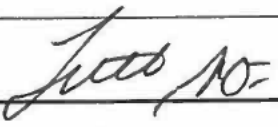
NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

VIDEO #6 10:00-10:30 & 24:10-24:44 (Mini bar, male bar back, pours & drinks alcohol)

It shall be unlawful for any employee of any licensee to consume alcoholic beverages on the premises of the licensee during such employees working hours.

OFFICER NAME Officer Luther, S.O.	OFFICER'S SIGNATURE 
ID NO 1529	ORGANIZATION / UNIT

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE	DEFENDANT SIGNATURE:
Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144	<u>Refused 1-8-25 2/1/48</u>
PHONE: 770-429-4531	COURT DATE: MARCH 4, 2025
	COURT TIME: 0900

To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.

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GA 0330600 NCIC NUMBER

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COUNTY OF Cobb	AGENCY	LATITUDE	AGENCY INCIDENT/ CASE NO 2412-1643
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Thursday	MONTH December	DAY 26	YEAR 2024
TIME OF DAY			
LOCATION OF OCCURRENCE 2718 Summers St (SuBourbon Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE 960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU	
	OTN	PLACE OF BIRTH		OLN / ID NUMBER	STATE GA	TYPE OF I.D. DL		ID EXPIRES 2027				
	SCARS/MARKS/TATTOOS				ENDORSEMENTS							
	STREET 3271 STONEY ACRES DR				CITY KENNESAW		STATE GA	ZIP CODE 30152-4613	PROBATION / PAROLE ☐ Yes ☒ No			
	DATE OF ARREST		LOCATION OF ARREST									
	DEFENDANT EMAIL				DEFENDANT CELL #							

VEHICLE(s)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☒ GEORGIA CODE	VIOLATION LEVEL ☐ MUST APPEAR BEFORE JUDGE
CODE SECTION	CODE DESCRIPTION
IN VIOLATION OF ☐ COUNTY ORDINANCE ☐ CITY ORDINANCE	
CODE SECTION	CODE DESCRIPTION
6-110 (b)(1) & (5) Additional activities prohibited; rationale and findings; exception.	

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

VIDEO #3 8:55-9:27 & 15:55-16:43 (Mini bar, only one bartender)
(b)Activities prohibited; minimum clothing requirements; exception.

(1)No person shall suffer or permit any person to engage in live conduct exposing to public view the person's genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or any portion of the female breast below the top of the areola on the licensed premises.

(5)No licensee shall use any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva, and or genitals.

OFFICER NAME Officer Luther, S.O. OFFICER'S SIGNATURE *Luther, S.O.*

ID NO 1529 ORGANIZATION / UNIT

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE

Kennesaw Municipal Court
2529 J.O. Stephenson Ave.
Kennesaw, Ga. 30144

PHONE: 770-429-4531

DEFENDANT SIGNATURE:
Refused 1-8-25 21148

COURT DATE: MARCH 4, 2025

COURT TIME: 0900

To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.

Version 12.7.18

STATE OF GEORGIA
UNIFORM CITATION, ACCUSATION & SUMMONS
GA 0330600 NCIC NUMBER

CITATION NUMBER

COURT COPY

Page 1 of 2

COUNTY OF Cobb	AGENCY	LATITUDE	AGENCY INCIDENT/ CASE NO 2412-1643
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Thursday	MONTH December	DAY 26	YEAR 2024
TIME OF DAY			
LOCATION OF OCCURRENCE 2718 Summers St (SuBourbon Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE [REDACTED] 960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU	
	OTN	PLACE OF BIRTH		DLN / ID NUMBER	STATE GA	TYPE OF I.D. DL		ID EXPIRES [REDACTED] 2027				
	SCARS/MARKS/TATTOOS			ENDORSEMENTS								
	STREET 3271 STONEY ACRES DR			CITY KENNESAW		STATE GA	ZIP CODE 30152-4613	PROBATION / PAROLE ☐ Yes ☒ No				
	DATE OF ARREST		LOCATION OF ARREST									
	DEFENDANT EMAIL				DEFENDANT CELL # [REDACTED]							

VEHICLE(s)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☒ GEORGIA CODE		VIOLATION LEVEL ☐ MUST APPEAR BEFORE JUDGE	
CODE SECTION	CODE DESCRIPTION		
IN VIOLATION OF ☐ COUNTY ORDINANCE ☐ CITY ORDINANCE			
CODE SECTION	CODE DESCRIPTION		
6-93(b)	Hours of operation (Alcoholic beverages by the drink)		

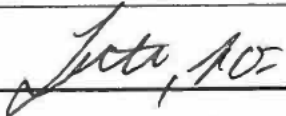
NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

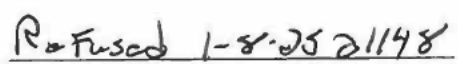
SHORT NARRATIVE DESCRIPTION

VIDEO #2, #2.5 and #8 (Main bar selling & serving alcohol past 2:00am)

Sale of any alcoholic beverages by the drink for on-premises consumption, including operation of a bottle house: Licensees shall not engage in the sale of any alcoholic beverages between the hours of 2:00 a.m. and 8:00 a.m. Monday through Saturday, and between the hours of 2:00 a.m. and 11:00 a.m. on Sunday. All alcoholic beverages will be consumed or removed no later than 30 minutes after legal sales have been terminated, provided that this subsection shall not apply to private clubs hereunder.

OFFICER NAME Officer Luther, S.O.	OFFICER'S SIGNATURE 
ID NO 1529	ORGANIZATION / UNIT

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE	DEFENDANT SIGNATURE: 
Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144	COURT DATE: MARCH 4, 2025
PHONE: 770-429-4531	COURT TIME: 0900

To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.

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GA 0330600 NCIC NUMBER

CITATION NUMBER

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COUNTY OF Cobb	AGENCY	LATITUDE	AGENCY INCIDENT/ CASE NO 2412-1643
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Thursday	MONTH December	DAY 26	YEAR 2024
LOCATION OF OCCURRENCE 2718 Summers St (SuBourbon Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE [REDACTED] 1960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU
	OTN	PLACE OF BIRTH		OLN / ID NUMBER [REDACTED]	STATE GA	TYPE OF I.D. DL		ID EXPIRES [REDACTED] 2027			
	SCARS/MARKS/TATTOOS			ENDORSEMENTS							
	STREET 3271 STONEY ACRES DR			CITY KENNESAW	STATE GA	ZIP CODE 30152-4613	PROBATION / PAROLE ☐ Yes ☒ No				
	DATE OF ARREST		LOCATION OF ARREST								
	DEFENDANT EMAIL				DEFENDANT CELL # [REDACTED]						

VEHICLE(s)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☒ GEORGIA CODE CODE SECTION	VIOLATION LEVEL ☐ MUST APPEAR BEFORE JUDGE
IN VIOLATION OF ☐ COUNTY ORDINANCE CODE SECTION	☐ CITY ORDINANCE CODE DESCRIPTION
6-110 (b)(1) & (5) Additional activities prohibited; rationale and findings; exception.	

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

VIDEO #1 19:00 - 20:00 (Main bar - Bartender with pigtails)
(b)Activities prohibited; minimum clothing requirements; exception.

(1)No person shall suffer or permit any person to engage in live conduct exposing to public view the person's genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or any portion of the female breast below the top of the areola on the licensed premises.

(5)No licensee shall use any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva, and or genitals.

OFFICER NAME Officer Luther, S.O. OFFICER'S SIGNATURE *[Signature]*

ID NO 1529 ORGANIZATION / UNIT

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE

Kennesaw Municipal Court
2529 J.O. Stephenson Ave.
Kennesaw, Ga. 30144

PHONE: 770-429-4531

DEFENDANT SIGNATURE:
Refused 1-8-25 2/1/48

COURT DATE: MARCH 4, 2025

COURT TIME: 0900

To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.

STATE OF GEORGIA
UNIFORM CITATION, ACCUSATION & SUMMONS
GA 0330600 NCIC NUMBER

CITATION NUMBER

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COUNTY OF Cobb	AGENCY	LATITUDE	AGENCY INCIDENT / CASE NO 2412-1643
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Thursday	MONTH December	DAY 26	YEAR 2024
TIME OF DAY			
LOCATION OF OCCURRENCE 2718 Summers St (SuBourbon Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE 1960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU
	OTN	PLACE OF BIRTH		JOIN / ID NUMBER	STATE GA	TYPE OF I.D. DL		ID EXPIRES 2027			
	SCARS/MARKS/TATTOOS			ENDORSEMENTS							
	STREET 3271 STONEY ACRES DR			CITY KENNESAW	STATE GA	ZIP CODE 30152-4613	PROBATION / PAROLE ☐ Yes ☒ No				
	DATE OF ARREST		LOCATION OF ARREST		DEFENDANT CELL #						
DEFENDANT EMAIL											

VEHICLE(S)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☒ GEORGIA CODE	VIOLATION LEVEL ☐ MUST APPEAR BEFORE JUDGE
CODE SECTION	CODE DESCRIPTION
6-110 (b)(1) & (5) Additional activities prohibited; rationale and findings; exception.	
IN VIOLATION OF ☐ COUNTY ORDINANCE	☐ CITY ORDINANCE
CODE SECTION	CODE DESCRIPTION

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

VIDEO #1 26:30 - 27:00 & 30:45 - 31:30 (Main bar - Bartender with straight hair with see thru skirt)
(b)Activities prohibited; minimum clothing requirements; exception.

(1)No person shall suffer or permit any person to engage in live conduct exposing to public view the person's genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or any portion of the female breast below the top of the areola on the licensed premises.

(5)No licensee shall use any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva, and or genitals.

OFFICER NAME Officer Luther, S.O. OFFICER'S SIGNATURE *Luther, S.O.*

ID NO 1529 ORGANIZATION / UNIT

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE

Kennesaw Municipal Court
2529 J.O. Stephenson Ave.
Kennesaw, Ga. 30144

PHONE: 770-429-4531

DEFENDANT SIGNATURE:
Refused 10-2501148

COURT DATE: MARCH 4, 2025

COURT TIME: 0900

To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.

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GA 0330600 NCIC NUMBER

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COUNTY OF Cobb	AGENCY Kennesaw Police Department	LATITUDE	AGENCY INCIDENT/ CASE NO 2412-1643
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Thursday	MONTH December	DAY 26	YEAR 2024
LOCATION OF OCCURRENCE 2718 Summers St (SuBourbon Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE 960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU
	OTN	PLACE OF BIRTH			JOIN / ID NUMBER	STATE GA	TYPE OF I.D. DL	ID EXPIRES 2027			
	SCARS/MARKS/TATTOOS			ENDORSEMENTS							
	STREET 3271 STONEY ACRES DR			CITY KENNESAW	STATE GA	ZIP CODE 30152-4613	PROBATION / PAROLE ☐ Yes ☐ No				
	DATE OF ARREST NA		LOCATION OF ARREST NA								
	DEFENDANT EMAIL				DEFENDANT CELL #						

VEHICLE(S)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☐ GEORGIA CODE CODE SECTION	CODE DESCRIPTION	VIOLATION LEVEL ☒ MUST APPEAR BEFORE JUDGE
IN VIOLATION OF ☐ COUNTY ORDINANCE CODE SECTION 6-89	☒ CITY ORDINANCE CODE DESCRIPTION Sale to underage persons, incompetents, intoxicated persons	

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

No licensee under this chapter and no employee of such a licensee under this chapter shall furnish, sell or knowingly allow the possession of any alcoholic beverages, whether by the package or by the drink to:

(1)Any person under the age at which such beverages may be legally purchased in the state; or
(2)Any person in an intoxicated condition; or
(3)Any person known to such licensee or his or her employee to be an habitual drunkard; or
(4)Any person known to such licensee or his or her employees to be of intemperate habits or of unsound mind.
(Ord. No. 2008-18, § 2, 5-19-08; Ord. No. 2012-10, 8-6-12)

State Law reference— Offenses involving alcohol and underage persons, O.C.G.A. § 3-3-23.

OFFICER NAME	OFFICER'S SIGNATURE
ID NO	ORGANIZATION / UNIT Code Enforcement

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144 PHONE: 770-429-4531	DEFENDANT SIGNATURE: Refused 1-8-05 @ 1148 COURT DATE: MARCH 4, 2025 COURT TIME: 0900
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To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.

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COUNTY OF Cobb	AGENCY Kennesaw Police Department	LATITUDE	AGENCY INCIDENT/ CASE NO 2412-1643
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Thursday	MONTH December	DAY 26	YEAR 2024
LOCATION OF OCCURRENCE 2718 Summers St (SuBourbon Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE 960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU
	OTN	PLACE OF BIRTH		OTN / ID NUMBER	STATE GA		TYPE OF I.D. DL		ID EXPIRES 2027		
	SCARS/MARKS/TATTOOS				ENDORSEMENTS						
	STREET 3271 STONEY ACRES DR				CITY KENNESAW		STATE GA		ZIP CODE 30152-4613		PROBATION / PAROLE ☐ Yes ☒ No
	DATE OF ARREST NA		LOCATION OF ARREST NA								
	DEFENDANT EMAIL				DEFENDANT CELL #						

VEHICLE(s)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☒ GEORGIA CODE CODE SECTION	CODE DESCRIPTION	VIOLATION LEVEL ☒ MUST APPEAR BEFORE JUDGE
IN VIOLATION OF ☐ COUNTY ORDINANCE CODE SECTION	☒ CITY ORDINANCE CODE DESCRIPTION 6-93(b) Hours of operation (Alcoholic beverages by the drink)	

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

(incident 2411-1771 last receipt shows 0212)

Sale of any alcoholic beverages by the drink for on-premises consumption, including operation of a bottle house: Licensees shall not engage in the sale of any alcoholic beverages between the hours of 2:00 a.m. and 8:00 a.m. Monday through Saturday, and between the hours of 2:00 a.m. and 11:00 a.m. on Sunday. All alcoholic beverages will be consumed or removed no later than 30 minutes after legal sales have been terminated, provided that this subsection shall not apply to private clubs hereunder.

OFFICER NAME	OFFICER'S SIGNATURE <i>John, NO.</i>
ID NO	ORGANIZATION / UNIT Code Enforcement

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144 PHONE: 770-429-4531	DEFENDANT SIGNATURE: <i>Refused 1-8-25 @ 1148</i> COURT DATE: MARCH 4, 2025 COURT TIME: 0900
--	---

To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.

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COUNTY OF Cobb	AGENCY Kennesaw Police Department	LATITUDE	AGENCY INCIDENT/ CASE NO 2412-1643
CITY OF (IF APPLICABLE) Kennesaw		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK Thursday	MONTH December	DAY 26	YEAR 2024
LOCATION OF OCCURRENCE 2718 Summers St (SuBourbon Bar)		LOCATION DESCRIPTION	

PERSON(S)

DEFENDANT	NAME (FIRST) DAVID	NAME (MIDDLE) BRISBANE	NAME (LAST) ULMER	DATE OF BIRTH & AGE [REDACTED] 960	JUV	R	S	HGT 510	WGT 205	HAIR BLD	EYES BLU
	OTN	PLACE OF BIRTH		COLN / ID NUMBER	STATE GA		TYPE OF I.D. DL		ID EXPIRES [REDACTED] 2027		
	SCARS/MARKS/TATTOOS				ENDORSEMENTS						
	STREET 3271 STONEY ACRES DR			CITY KENNESAW		STATE GA		ZIP CODE 30152-4613		PROBATION / PAROLE ☐ Yes ☐ No	
	DATE OF ARREST NA		LOCATION OF ARREST NA		DEFENDANT CELL # [REDACTED]						
DEFENDANT EMAIL											

VEHICLE(S)

TAG / REG	STATE	EXPIRATION	VIN NA	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF ☐ GEORGIA CODE CODE SECTION	CODE DESCRIPTION	VIOLATION LEVEL ☒ MUST APPEAR BEFORE JUDGE
IN VIOLATION OF ☐ COUNTY ORDINANCE CODE SECTION 46-500	☒ CITY ORDINANCE CODE DESCRIPTION Declaration of nuisance conditions	

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION

The following conditions may be declared to be nuisances:

(1)Stagnant water on premises;(2)Any dead or decaying matter, weeds, vegetation or any fruit, vegetable, animal or rodent, upon premises which is odorous or capable of causing disease or annoyance to the inhabitants of the city;(3)The generation of smoke or fumes in sufficient amount to cause odor or annoyance to the inhabitants of the city;(4)The pollution of public water or the injection of matter into the sewage system which would be damaging thereto;(5)Maintaining a dangerous or diseased animal or fowl;(6)Obstruction of a public street, highway or sidewalk without a permit;(7)Loud or unusual noises which are detrimental or annoying to the public, including without limitation, unusual or loud disturbances in or around churches or multiple-family complexes such as loud music and other activities in swimming pool and clubhouse areas;(8)All walls, trees and buildings that may endanger persons or property;(9)Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent those activities;(10)Unused iceboxes, refrigerators and the like unless the doors, latches or locks thereof are removed;(11)Any trees, shrubbery or other plants or parts thereof, which obstruct clear, safe vision on roadways and intersections of the city; and(12)Any other condition constituting a nuisance under state law.
(Ord. No. 2014-16, Att. 1, 11-3-14)

OFFICER NAME	OFFICER'S SIGNATURE <i>[Signature]</i>
ID NO	ORGANIZATION / UNIT Code Enforcement

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE Kennesaw Municipal Court 2529 J.O. Stephenson Ave. Kennesaw, Ga. 30144 PHONE: 770-429-4531	DEFENDANT SIGNATURE: <i>[Signature]</i> COURT DATE: MARCH 4, 2025 COURT TIME: 0900
--	---

To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.

Version 12.7.18



Item Report

TO: The Honorable Mayor and City Council

FROM: Lea Alvarez, City Clerk

DATE: April 7, 2025

TITLE: **Resolution: 2025 General Election Contract**
Approval of a Resolution authorizing the 2025 General Election qualifying dates and authorization of the Mayor to execute the contract with the Cobb County Board of Elections and Registration to conduct the City's election for Council Posts 3, 4 and 5 to be held on November 4, 2025.

Summary:

The City of Kennesaw will have a general election on November 4, 2025, for City Council Posts 3, 4 and 5. In accordance with the Kennesaw Code of Ordinances § 42-2, the City Council shall appoint the Cobb County Board of Elections and Registration to perform all duties as superintendent of elections. In accordance with O.C.G.A § 21-2-540 (b) and the Kennesaw Charter § 5.02, the qualifying period will be for a minimum of three days. The qualifying dates are hereby established as Monday, August 18, 2025, Tuesday, August 19, 2025, and Wednesday, August 20, 2025, from 8:30 a.m. to 4:30 p.m., closed for lunch from 12:00 p.m. and 1:00 p.m.

Recommendation:

The City Clerk recommends approval of the resolution and authorization for the Mayor to execute the contract with the Cobb County Board of Elections and Registration.

Fiscal Impact:

Attachments:

1. RES 2025 - Qualifying Dates and Election Contract
2. Cobb Elections Contract

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2025

**APPROVAL OF THE 2025 GENERAL ELECTION QUALIFYING DATES AND
AUTHORIZATION FOR THE MAYOR TO EXECUTE THE CONTRACT WITH THE COBB
COUNTY BOARD OF ELECTIONS AND REGISTRATION TO CONDUCT THE CITY'S
GENERAL ELECTION TO BE HELD NOVEMBER 4, 2025.**

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

WHEREAS, the City of Kennesaw shall have a General Election on November 4, 2025 for the City Council Posts 3, 4, and 5, elected at large; and

WHEREAS, in accordance with the City of Kennesaw Code of Ordinances § 42-2, the Council shall appoint the Cobb County Board of Elections and Registration to perform all duties as superintendent of elections; and

WHEREAS, in accordance with O.C.G.A. § 21-2-540(b) and Kennesaw Charter § 5.02, the qualifying period will be for a minimum of three days, and hereby establish the qualifying dates of Monday, August 18, 2025, Tuesday, August 19, 2025, and Wednesday, August 20, 2025, from 8:30 a.m. to 4:30 p.m., closed for lunch from 12:00 p.m. to 1:00 p.m.

WHEREAS, Resolution No. 2025-01 set the qualifying fee of \$360 for Council Posts 3, 4, and 5 (3% of the gross salary of said office) in accordance with O.C.G.A. § 21-2-131; and

WHEREAS, Cobb County Board of Elections and Registration will publish the required advertising of qualifying dates with the Call of Election notice; and

WHEREAS, the contract with Cobb County Board of Elections and Registration is attached.

NOW, THEREFORE, BE IT RESOLVED the Kennesaw City Council set the qualifying dates for the November 4, 2025, General Election to be held Monday, August 18, 2025, Tuesday, August 19, 2025, and Wednesday, August 20, 2025, from 8:30 a.m. to 4:30 p.m., closed for lunch from 12:00 p.m. to 1:00 p.m.

BE IT FURTHER RESOLVED this hereby authorizes the Mayor to sign and execute the contract agreement with Cobb County Board of Elections and Registration for said election services.

PASSED AND ADOPTED by the Kennesaw City Council on this ___ day of April 2025.

ATTEST:

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor

CONTRACT FOR CONDUCT OF KENNESAW CITY ELECTION

This Agreement, entered into this _____ day of _____, 2025, by and between the City of Kennesaw, Georgia (hereinafter “City”) and Cobb County, Georgia, by and through the Cobb County Board of Elections and Registration (hereinafter “County”), witnesseth that:

WHEREAS, County is authorized to contract with any municipality located within Cobb County to hold a primary or election to be conducted within the municipality (1985 Ga. Laws 4653, Section 10);

WHEREAS, City has by ordinance authorized County to conduct the Kennesaw City General Election to be held on November 4, 2025 (“General Election”), and

WHEREAS, City has authorized County to perform certain functions authorized by O.C.G.A. § 21-2-45(c)(1) with reference to such elections.

NOW, THEREFORE, in consideration of the sum \$1.00, and in consideration of the mutual covenants, promises, conditions and agreements contained herein, the parties mutually agree as follows:

1. **Payment for Costs:** Because there is a statewide general election in 2025, there is no charge for the services rendered in connection with City’s General Election 2025. City agrees to pay to County for the service of its Board of Elections and Registration and staff in the conduct of any subsequent runoff election on Tuesday, December 2, 2025, all actual costs incurred in conducting the runoff that are directly attributable to the cost of conducting runoff. Where applicable, costs will be shared among those other cities whose elections are conducted by the County on the same date, based on the number of precincts served.
2. **Duties of the County:** County shall perform, through its Board of Elections and Registration, the following functions with reference to the conduct of the Election: (a) election planning; (b) ballot layout for absentee and provisional ballots; (c) hiring of personnel; (d) qualifying of candidates; (e) programming of election equipment; (f) preparation of electors list; (g) election day coverage; (h) election managers meeting; (i) auditing of election results; (j) certification and consolidation of returns; (k) absentee voting; (l) advance voting at a suitable location provided by the City; (m) purchasing or renting of equipment, supplies, and facilities; (n) publishing any required Call or notice; (o) training of poll workers; (p) obtaining legal research and representation to County as necessary to provide such services; and (q) such other reasonable and necessary duties and services as are required.
3. **Duties of City.** In addition to covering the cost of services as provided herein, City shall provide the latest shape files of the City of Kennesaw and accurately identify the wards/districts. City shall provide such other information as reasonably requested by County to assist in the provision of services. City represents that County may rely on the accuracy of any information provided by City. Additionally, City shall identify a

suitable advance in person voting site within City.

4. Term: This Agreement will begin on the Effective Date and shall continue until the conclusion of the General Election and Runoff, if any, unless terminated by either Party with 30 days written notice. If City terminates the Agreement, City agrees to pay County the actual cost incurred by County in preparing for and/or conducting the Election through the date of termination.
5. Indemnification: City agrees to indemnify, to the extent permitted by law, and defend and hold harmless Cobb County, its officials, officers, employees and agents, as well as the Cobb County Board of Elections and Registration and its agents and employees from and against any and all liability, loss, damage, injury, liens, claims, costs, and expenses (including attorney's fees and expenses of litigation) and demands arising out of or connected in any way with the conduct of the Election that are not occasioned by any gross negligence on the part of County or its Board of Elections and Registration. This section will survive the termination of this Agreement.
6. Force Majeure: County shall not be liable for non-willful failure to perform any duties or obligations under this Agreement or for any delay in such performance due to: (i) any cause beyond their respective reasonable control; (ii) any act of God; (iii) any change in applicable governmental rules or regulations rendering the performance of any portion of this Agreement legally impossible; (iv) earthquake, fire, explosion, or flood; (v) strike or labor dispute, excluding strikes or labor disputes by employees and/or agents of Parties; (vi) delay or failure to act by any governmental or military authority; or (vii) any war, hostility, embargo, sabotage, civil disturbance, riot, insurrection, or invasion. In such event, the time for performance shall be extended by an amount of time equal to the period of delay caused by such acts, and all other obligations shall remain intact.
7. Merger: The Recitals are incorporated into this Agreement by reference. This Agreement states the full agreement between the Parties and supersedes all prior negotiations and agreements.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this _____ day of _____, 2025.

CITY OF KENNESAW

BY:

Derek Easterling, Mayor

ATTEST:

Lea Alvarez, City Clerk

(seal)

COBB COUNTY BOARD OF ELECTIONS & REGISTRATION

BY: _____
Toronda M. Silas, Chairman

ATTEST: _____
Tate Fall, Director

(seal)



Item Report

TO: The Honorable Mayor and City Council

FROM: Robbie Balenger, Building & Facilities Director

DATE: April 7, 2025

TITLE: **Resolution: Replacement of Adams Park Electrical Service**
Approval of a Resolution accepting the proposal presented by Allstar Lighting & Electrical Services, Inc. for the replacement of electrical services at Adams Park.

Summary:

The purpose of this resolution is to accept the proposed scope of work and cost associated with replacing electrical services for Fields 5 & 6 at Adams Park as presented by Allstar Lighting & Electrical Services, Inc. The repairs include replacing all electrical components to include breakers, panels, enclosures, contacts, wires, and conduit. The electrical service equipment has reached the end of its usable life, resulting in these two fields becoming unusable. Staff utilized Cobb County contract pricing, and the estimated cost to complete the project is \$30,130.97.

Recommendation:

The Building and Facilities Director recommends approval.

Fiscal Impact:

2022 SPLOST Facility Improvements : 310-4228-54-150000-00000

Attachments:

1. RES 2025 - Adams Park Service Replacement
2. Estimate - Allstar Lighting Baseball Electrical

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2025-__, 2025

**RESOLUTION TO APPROVE THE PROPOSAL PRESENTED BY ALLSTAR
LIGHTING & ELECTRICAL SERVICES, INC FOR THE REPLACEMENT OF THE
ADAMS PARK BASEBALL FIELD ELECTRICAL SERVICES**

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

WHEREAS, the electrical service equipment for Fields 5 and 6 at Adams Park has reached the end of its usable life; and

WHEREAS, the lack of control over the lights and scoreboards has made these two field unusable; and

WHEREAS, the scope of work to restore electrical services for Fields 5 and 6 to a usable state includes the replacement of all breakers, high voltage panel, low voltage panel, enclosures, contactors, wires, and conduit; and

WHEREAS, Allstar Lighting & Electrical Services, Inc. has proposed a cost estimate of \$30,130.97, based on current Cobb County Contract pricing; and

WHEREAS, the cost to replace the electrical services at Adams Park will be paid from 2022 SPLOST Facility Improvements.

NOW, THEREFORE, BE IT RESOLVED the Kennesaw City Council authorizes the Mayor to approve the proposal presented by Allstar Lighting and Electrical Services, Inc. for the replacement of electrical services at Adams Park.

PASSED AND ADOPTED by the Kennesaw City Council on this __ day of April, 2025.

ATTEST:

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor

**Allstar Lighting & Electrical
Services, Inc**
361 Reynolds Rd
Hiram, GA 30141 US
invoice@allstar-light.com

Estimate 1211



ADDRESS	SHIP TO	DATE	TOTAL	
City of Kennesaw	Adams Park	03/06/2025	\$30,130.97	
2529 J O Stephenson	Baseball Field Service			
Ave, NW				
Kennesaw, GA 30144				

SALESMAN
JO

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
		Remove and replace baseball field electrical service			
	96879-c008 Electrician	96879-c008 Electrician	192	38.00	7,296.00
	96879-c014 Material	96879-c014 Material - Large enclosure, breakers, boxes, high voltage panel, low voltage panel, contactors, wire, conduit	1	22,834.97	22,834.97

Please find attached your latest job quote. This is not an invoice. Thank You for your repeat business. If there are any questions you may have please don't hesitate to contact us at 770-439-0844.	SUBTOTAL	30,130.97
	TAX	0.00
	TOTAL	\$30,130.97

THANK YOU.

We appreciate and value your support.

AllStar Lighting and Electrical
361 Reynolds Road
Hiram, Ga. 30141
770-439-0844



Item Report

TO: The Honorable Mayor and City Council
FROM: Marty Hughes, Assistant City Manager
DATE: April 7, 2025
TITLE: **Road Closures: Taste of Kennesaw**
 Approval of road closures for the Taste of Kennesaw festival, November 1, 2025.

Summary: The Kennesaw Business Association has requested the following road closures associated with the Taste of Kennesaw festival beginning Friday, October 31, 2025, at 11:00 p.m. through November 1, 2025, at 12:00 a.m./Midnight;

- Cherokee Street from Main Street to Shirley Drive/Big Shanty Drive;
- Main Street from Summer Street to Lewis Street;
- J.O. Stephenson Avenue from the entrance to Eaton Chiropractic to Main Street;
- Lewis Street from Little General Cloggers Lane to Main Street.

Recommendation:

The Events Committee recommends approval of the road closures.

Fiscal Impact:

Attachments:

1. 2025 Taste of Kennesaw Application - City of Kennesaw FINAL_Redacted



City of Kennesaw Special Event Application

Applications to hold an event must be submitted to the Kennesaw Events Committee at least 90 days before your event. The application will be reviewed by the Kennesaw Events Committee during their monthly meeting held on the first Thursday of each month at 3:30pm at the Ben Robertson Community Center, located at 2753 Watts Drive, Kennesaw, GA 30144. Direct your applications to Marty Hughes, Events Committee Chair at mhughes@kennesaw-ga.gov; or mail at 2529 J.O. Stephenson Ave., Kennesaw, GA 30144.

A NON-REFUNDABLE APPLICATION FEE OF \$50 IS DUE UPON RECEIPT OF THIS APPLICATION. CHECK TO BE MADE TO CITY OF KENNESAW.

You will be notified of the exact Kennesaw Events Committee meeting date so you can be present to discuss your event with the committee members. **You are required to attend that meeting.**

Please note that filling out an application does not guarantee approval of requests. Final approval or denial shall be made by the City Manager or his designee. If you have filed this application without adequate time for complete processing, we will ask you to re-file your request at a later date.

Name of Event Taste of Kennesaw

Type of Event Community "Taste of" event food, entertainment and sponsors

Event Date(s): 1st choice November 1, 2025 2nd Choice None

Event Site being requested: Main Street - Downtown Kennesaw - see attached

Beginning Time(s) Sat - 11:00 a.m. am/pm to Ending Time(s) Sat - 6:00 p.m. am/pm

Event Set up Time Oct. 31 - 11:00 p.m. Nov. 1 - 6:00 p.m. - Midnight
Event Clean up Time

Purpose of Event Community "Taste of" event to enhance local business and quality of life for citizens

Details of the Event Community "Taste of" event food, entertainment & sponsors - benefiting 5 charities

City of Kennesaw 2529 J.O. Stephenson Avenue Kennesaw, Georgia 30144

1. Applicant/Organization Kennesaw Business Association
Address P.O. Box 777; Kennesaw, GA 30156
Phone Number 770-423-1330 Fax Number 770-293-0047
E-mail Address/Website billwatson@jrmmanagment.com / kennesawbusiness.org

2. Name of Organizer/Contact Person Bill Watson
Phone Number [REDACTED] Email [REDACTED]
Any Other Organizers Name(s) _____
Phone Number _____ Email _____

3. General Event Information:
Number of person(s) expected 15,000 Have you previously held this Event? Yes
What types of advertising will you use to promote this event? Print, billboards, radio, social media
To whom are you marketing Families and general public

4. **Fees.** Based on your request, you will be invoiced for any fees due that are associated with this event. Fees will be charged for facilities, equipment, and personnel. More explanation of fees will be discussed during your scheduled Event Committee Meeting; see Fee Schedule attached.

Are you requesting **City Personnel**? List required assistance: Yes, security - traffic control - Parks & Rec and Public Works - see attached.

Are you requesting **City Streets** to be closed for your event, if so which ones? Yes - see attached

Are you requesting **City Facilities** for this event? Yes - see attached

Are you requesting **City Equipment** for this event? Yes - see attached

Are you requesting Trash and Recycling? Yes - see attached - trash cans

5. Is your event a fundraiser? Yes If yes, for whom or what organization(s)? ALL proceeds benefit 5 charities - Jerry Worthan Christmas, Shop with, Mustang, Warrior & Longhorn; Kenn Teen Center

6. **We will need the Following Supporting Documents along with your Application:**

1. **Property Owner's Affidavit** (if Private Property is to be used in conjunction with your event).
2. A **Certificate of Insurance**, in the amount of \$1,000,000 or as determined to be appropriate to

City of Kennesaw 2529 J.O. Stephenson Avenue Kennesaw, Georgia 30144

the size of the event, naming the City of Kennesaw as an Additional Insured. Certificate must be provided at least 30 days in advance of the event.

3. Return a signed **Fee Acknowledgement Agreement** within 30 days of event approval.
4. Include your **Cleanup/Recycling Plan**.
5. Are you a non-profit organization? If so, provide a **Copy of Your 501C-3**.
6. Include additional forms stating you are in Compliance with all other agencies requiring Permitting. i.e.: Cobb/Public Health Department, Cobb Fire Marshal Office, Alcohol Permits
7. Attached map showing the event site & set-up.

For City of Kennesaw Use Only

DEPARTMENT CHECKS

Date Received _____ Received by _____ Reviewed by Events Committee _____

Suggest Approved _____ Suggest Denial _____

Payments Received: Fees _____ Insurance Received: _____

Departments Notified

City Clerk

Events Committee Chairperson

Events Committee Secretary

Mayor and Council Approval

Mayor and Council Denial

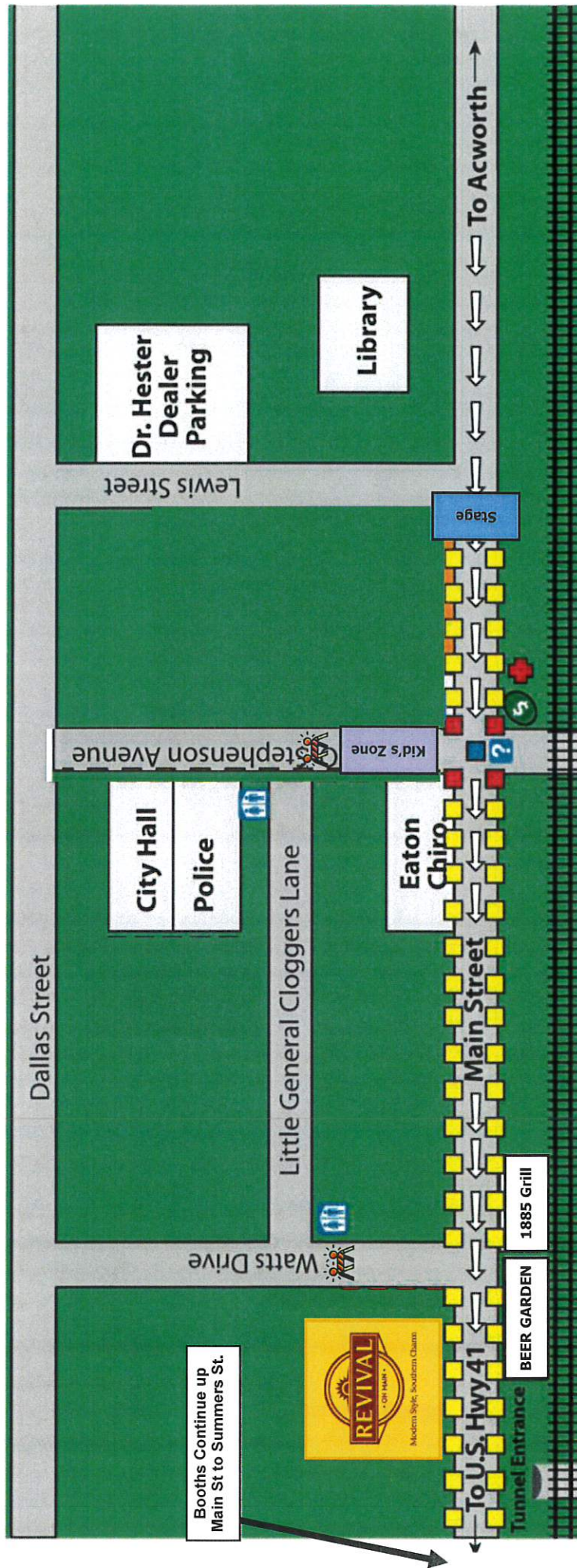
Date _____

Notification _____



2025 Superior Plumbing Taste of Kennesaw
Facilities Use Permission

1. Use of the City Parking Lot adjacent to tunnel on Main St (October 31st after close of business 11:00 p.m.) and the tunnel entrance/plaza off Main St. on Friday October 31 and Saturday November 1, 2025.
2. Use of and approval to place the County stage across Main St. at Lewis St.
3. General assistance and support from the Parks and Recreation Departments, Police and Public Works Departments during the weekend with ground maintenance, operations, and garbage removal. Specifically:
 - Provide as many Herby Curby (96 gal) roll trash cans as possible – half on corner of J.O. Stephenson and Main St. and half on plaza.
 - Cut and trim grass and shrubs in downtown area.
 - Notify CSX of the event.
 - Check all City power for integrity and function along Main St, on the plaza, Confederate Park.
 - Check all City water sources for integrity and function along Main St, on the plaza, Conf. Park.
 - Have a city electrician on call for any power issues on Saturday.
 - Provide all barricades and signage needed to block roads and reroute traffic.
 - Provide in cooperation with Police use of large vehicles to block entrances to the festival from vehicle traffic.
 - Place handicap parking signs in designated lots.
4. Approval of using the following outdoor areas owned by the City.
 - A. JO Stephenson Ave from entrance to Eaton Chiro to Main St.
 - B. Main St. from Summer St. to Lewis St.
 - C. Watts Dr from Little General Cloggers Lane to Main St.
 - a. This will be the entrance for Revive.
 - D. City Parking Lot adjacent to tunnel on Main St.
 - E. Tunnel entrance/plaza off Main St.
 - F. Parking spaces on Watts Dr and Main Street are adjacent to Revival on Main.
5. Approval of street closings:
 - A. Beginning Friday, October 31, 2025, at 11:00 p.m. until November 1, 2025, at 12:00 a.m./Midnight; Cherokee Street from Main Street to Shirley Drive/Big Shanty Drive. Main Street from Summer St. to Lewis St.; J.O. Stephenson Ave from entrance to Eaton Chiro to Main St; Lewis St. from Little General Cloggers Lane to Main St.
6. In addition to these specific requests, we seek the general assistance and support of the City of Kennesaw as a partner with the 2025 Taste of Kennesaw.



Taste of Kennesaw - Saturday

November 1, 2025 - 11 a.m. - 6 p.m.





Item Report

TO: The Honorable Mayor and City Council
FROM: Bill McNair, Parks & Recreation Director
DATE: April 7, 2025
TITLE: **Road Closures: 2025 Pigs and Peaches**
 Approval of road closures for the 2025 Pigs and Peaches Festival, August 15 - 16, 2025.

Summary:

2025 Pigs and Peaches Road Closures

Event Timeline

Friday, August 15, 2025

1. 6:00 a.m. -- Vendor Move In Begins
2. 6:00 p.m. -- Festival Begins
3. 10:00 p.m. -- Festival, Day One – Closes

Saturday, August 16, 2025

1. 10:00 a.m. – Festival Opens
2. 12:00 p.m. – 4:00 p.m. – BBQ Tasting
3. 10:00 p.m. – Festival Ends
4. Midnight – Roads Reopen Downtown

The following road closures support the Pigs & Peaches Festival on the following days:

Friday, August 15, 2025, and Saturday, August 16, 2025

Hard Closures - 6:00 a.m., Friday, August 15 through Midnight, Saturday, August 16, 2025

- Main Street from Lewis to the Horned Owl
- Cherokee from Big Shanty to Little General Cloggers

The following roads will be closed at Main Street from 4:00 p.m., Friday, August 15, 2025, through Midnight, Saturday, August 16, 2025.

- J.O. Stephenson after Little General Cloggers
- Watts Drive after Revival/PD Entrance
- Revival Entrance/Exit Main Street near Summers Street

Recommendation:

The Parks and Recreation Director recommends approval of road closures for Pigs and Peaches 2025.

Fiscal Impact:

Attachments:

1. Pigs and Peaches 2025 Road Closures



Hard closures with Public Works or PD vehicles at the 2 locations.

- *Watts Dr. after Revival/PD entrance*
- *JO after Little General*

Soft closures with KSU Barricades at the 3 locations.

- *Main St. & Lewis*
- *Main St. & Summers*
- *Cherokee St.*

Soft closures with Cornerstone Parking located at 3 locations

- *Watts Dr. Roundabout (for Revival and PD access)*
- *Revival entrance near Summers St.*



Item Report

TO: The Honorable Mayor and City Council
FROM: Bill Westenberger, Chief of Police
DATE: April 7, 2025
TITLE: **Crime Statistics: February 2025**
Consideration to accept the February 2025 Crime Statistics.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. M&C Report February 2025 PPT



February 2025 Crime Statistics

Group A Crimes	Feb, 2025	Feb, 2024	YTD 2025	YTD 2024
AGGRAVATED ASSAULT	4 (+2)	2	10 (+6)	4
ANIMAL CRUELTY	0 (+0)	0	0 (+0)	0
ARSON	0 (+0)	0	0 (+0)	0
BRIBERY	0 (+0)	0	0 (+0)	0
BURGLARY	2 (-2)	4	7 (+0)	7
DRUG/ NARCOTICS OFFENSES	28 (-1)	29	59 (+5)	54
EMBEZZLEMENT	1 (+1)	0	1 (+0)	1
EXTORTION	3 (+1)	2	3 (+0)	3
FORGERY	0 (-3)	3	3 (-1)	4
FRAUD OFFENSES	13 (-1)	14	29 (+0)	29
HOMICIDE OFFENSES	0 (+0)	0	0 (+0)	0
INTIMIDATION	12 (+7)	5	25 (+13)	12
KIDNAPPING	1 (+0)	1	2 (+0)	2
LARCENY/ THEFT OFFENSES	17 (+7)	10	32 (+1)	31
MOTOR VEHICLE THEFT	2 (+2)	0	6 (+4)	2
PORNOGRAPHY/ OBSCENE MATERIAL	0 (+0)	0	0 (-1)	1
ROBBERY	2 (+2)	0	2 (+2)	0
SEX OFFENSES	1 (-2)	3	4 (-2)	6
SIMPLE ASSAULT	14 (+2)	12	27 (-9)	36
STOLEN PROPERTY OFFENSES	2 (+2)	0	5 (+3)	2
VANDALISM	2 (-2)	4	9 (-1)	10
WEAPONS LAW VIOLATIONS	6 (+5)	1	10 (+5)	5
Total	110	90	234	209

	Feb, 2025	Feb, 2024	YTD 2025	YTD 2024
Auto Accidents	95 (+14)	81	182 (-4)	186
Accident W/ Injury	13 (+7)	6	30 (+16)	14
Hit and Run	15 (+8)	7	24 (+1)	23
Hit and Run W/ Injury	0 (+0)	0	0 (+0)	0
Person Hit by Auto W/ Injury	1 (+0)	1	2 (-1)	3

	Feb, 2025	Feb, 2024	YTD 2025	YTD 2024
Dispatched Calls for Service	690 (-9)	699	1385 (-25)	1,410
Self-Initiated Activity	1208 (+247)	961	2556 (+656)	1,900
Traffic Citations	601 (+89)	512	1173 (+84)	1,089
Traffic Warnings*	656 (+160)	496	1451 (+490)	961
Arrests**	85 (+0)	85	171 (+1)	170

* Warnings do not include verbal warnings

** Arrests do not include juvenile arrests



Item Report

TO: The Honorable Mayor and City Council

FROM: Ricky Stewart, Public Works Director

DATE: April 7, 2025

TITLE: **Resolution: Land Appraisal for Abandoned Right-of-Way at 2995 & 2997 North Main St.**
 Consideration for approval of a Resolution authorizing the sale of the portion of abandoned right-of-way fronting 2995 and 2997 North Main Street.

Summary:

The City has received two appraisals for the land value of the portion of abandoned right-of-way fronting 2995 and 2997 North Main Street. The appraisals are for the entire width of the properties, approximately 198', and a depth of 25'. The property owner provided an appraisal from Beck Appraisal Services concluding that the fair market value of the abandoned right-of-way is \$9,000.00. The City hired Hall Rigdon & Associates to perform an appraisal, concluding that the fair market value of the abandoned right of way is \$15,600.00. The Council is authorizing the sale for \$12,300, and in accordance with Georgia law O.C.G.A Title 32, Chapter 7, staff will notify the property owner that the right -of-way may be purchased. The property owner will then have 60 days to make an acceptable offer to the City and purchase the property.

Recommendation:

The Public Works Director recommends approval of the \$12,300 sale, as authorized by the Council, and continuing the abandonment process.

Fiscal Impact:

Attachments:

1. RES 2025 - 2995 & 2997 ROW Abandonment Appraisal
2. 2995-2997 N Main St ROW Abandonment - Hall Rigdon
3. ROW abandonment appraisal 2025 - Owner Supplied
4. 2995&2997 N. Main St ROW abandonment

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2025-__

**RESOLUTION TO APPROVE THE LAND APPRAISAL FOR ABANDONED RIGHT-
OF-WAY AT 2995 AND 2997 NORTH MAIN STREET.**

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

WHEREAS, the Kennesaw City Council authorized starting the process of right-of-way abandonment for a portion of land fronting 2995 and 2997 North Main Street; and

WHEREAS, as part of the abandonment process, the City has received two appraisals for the land value of the entire width of the properties, approximately 198', and a depth of 25'; and

WHEREAS, one appraisal concluded that the fair market value of the abandoned right-of-way is \$9,000.00 and one appraisal concluded that the fair market value of the abandoned right-of-way is \$15,600.00; and

WHEREAS, Council is authorizing the sale for \$12,300; and

WHEREAS, in accordance with Georgia law O.C.G.A Title 32, Chapter 7, upon Council approval, City staff will notify the property owner that the right-of-way may be purchased; and

WHEREAS, upon notification, the property owner will have 60 days to make an acceptable offer to the City and purchase the property.

BE IT RESOLVED the Kennesaw City Council authorizes the sale for \$12,300 and the continuation of the abandonment process for portions of right-of-way at 2995 and 2997 North Main Street.

PASSED AND ADOPTED by the Kennesaw City Council on this ____ day of April 2025.

ATTEST:

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor

APPRAISAL REPORT

**2995 AND 2997 NORTH MAIN STREET
CITY OF KENNESAW**

Proposed 0.114-Acre North Main Street Abandonment

OWNER: City of Kennesaw

CITY OF KENNESAW,
COBB COUNTY, GEORGIA

FEBRUARY 2025

HALL RIGDON & ASSOCIATES, INC.
231 WASHINGTON AVENUE, MARIETTA, GEORGIA 30060
Phone: 770-794-9433 • Email: hallrigdon@gmail.com
HRA Job No. 3219

HALL RIGDON & ASSOCIATES, INC.

REAL ESTATE APPRAISERS AND CONSULTANTS

231 WASHINGTON AVENUE

MARIETTA, GEORGIA 30060

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

HALL RIGDON, MAI

February 20, 2025

Mr. Ricky Stewart
Public Works Director
City of Kennesaw
3080 Moon Station Road
Kennesaw, Georgia 30144

RE: **Proposed 0.114-Acre North Main Street Abandonment**
2995 and 2997 North Main Street
City of Kennesaw
Project Number: N/A
Kennesaw, Cobb County, Georgia

Dear Mr. Stewart:

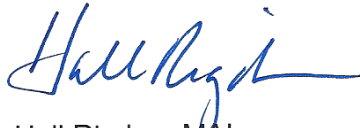
In accordance with your request, the referenced property was inspected, and the economics of the area were analyzed for the purpose of estimating the market value of the unencumbered fee simple interest. The proposed abandonment consists of a 25' x 198.52' or 0.114-acre strip that is currently part of North Main Street right-of-way.

This report does not convey the market value to a typical market participant because the proposed abandonment has limited functional utility and value as a stand-alone parcel and the highest and best use is for either assemblage with the adjoining lots or continued use as road right of way. Thus, the proposed abandonment is valued as if part of the adjoining lots, to reflect the cost the city would incur to acquire this strip of right of way. The effective date of this report is February 13, 2025, the most recent inspection date.

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

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

Respectfully,
HALL RIGDON & ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "Hall Rigdon", with a stylized flourish at the end.

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

REPORT OF AN APPRAISAL

OF

**2995 AND 2997 NORTH MAIN STREET
CITY OF KENNESAW**

Proposed 0.114-Acre North Main Street Abandonment

OWNER: City of Kennesaw

CITY OF KENNESAW,
COBB COUNTY, GEORGIA

AS OF

FEBRUARY 2025

PREPARED BY

HALL RIGDON, MAI

HALL RIGDON AND ASSOCIATES

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ADDENDA

EXHIBIT	I	SURVEY
EXHIBIT	II	AERIAL TAX PLAT
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EXHIBIT	VI	FLOOD MAP
EXHIBIT	VII	LAND SALES
EXHIBIT	VIII	PROPOSED RIGHT-OF-WAY ABANDONMENT

SUMMARY APPRAISAL REPORT

SECTION 1 – PROPERTY IDENTIFICATION

The subject is comprised of a 25' x 198.52' strip of land that is currently part of North Main Street right of way within the City of Kennesaw that is proposed for abandonment. The subject lies between North Main Street and two residential lots at 2995 and 2997 North Main Street.

SECTION 2 – PARCEL IDENTIFICATION

The subject proposed abandonment contains 4,963 square feet or 0.114 acres along the frontage of 2995 and 2997 North Main Street

SECTION 3 – OWNER CONTACT/OWNERSHIP INTERESTS

The proposed abandonment was discussed with the City of Kennesaw's representative, Mr. Ricky Stewart, public works director.

Title History

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

Physical History

Current Use:	North Main Street right of way
# of Years of Use:	5+ years
Previous Use (if current use less than 5 Years):	N/A
Anticipated Use:	Assemblage with adjoining property

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

SECTION 4 - REPORTING DISCLOSURE

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

Purpose and Intended Use of the Appraisal

Appraisal Purpose: Estimate the value of the proposed abandonment

Intended Use: To assist the client in a proposed sale of abandoned right of way.

Date of Appraisal: February 13, 2025

Intended Client and Intended User of the Appraisal

The intended client and user of this appraisal is Ricky Stewart, Public Works Director for the City of Kennesaw and any designated representatives.

Property Rights Being Appraised and Property Rights Proposed for Disposition

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

Market Value Definition

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

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

Exposure Time

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

Appraisal Type

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

Scope of the Appraisal Assignment

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

Property Type:	Residential
Improved or Vacant:	Vacant, unimproved road right of way
Surveys conducted:	Lot Sales
Time span analyzed:	Last three years

This report does not convey the market value to a typical market participant because the proposed abandonment has limited functional utility and value as a stand-alone parcel and the highest and best use is for either assemblage with the adjoining lots or continued use as road right of way. Thus, the proposed abandonment is valued as if part of the adjoining lots, to reflect the cost the city would incur to acquire this strip of right of way. The effective date of this report is February 13, 2025, the most recent inspection date.

Accordingly, similar residential lot sales were examined. The subject of this assignment was inspected along with the comparable sales. The sales examined were confirmed with either the buyer, seller, broker and/or through public records. The income approach is not relevant to the appraisal of the subject land. Also, since the right of way proposed for abandonment is vacant land, the cost approach is not used.

SECTION 5 – LOCAL GOVERNMENT REQUIREMENTS

The subject right of way is city owned property and is not zoned. However, since the adjoining lots form the basis for our valuation, their zoning is presented.

Zoning

Classification:	R-15, Single-Family Residential
Future Land Use Map:	R/L – Residential Low/Medium
Government Jurisdiction:	City of Kennesaw
Major Permitted Uses:	Residential related
Major Restrictions/Restricted Uses:	Commercial/Industrial
Remarks:	N/A

City of Kennesaw - R-15, Single-Family Residential

	<u>Zoning Regulations</u>
Minimum area:	15,000 SF
Min. Lot Width:	75 Feet
Front Setback -	
Arterial/collector:	40 Feet
Local:	35 Feet
Rear Setback:	30 Feet
Side Setback -	
Major:	20 Feet
Minor:	10 Feet
Maximum cover:	35%
Maximum Height:	
requirements:	35 Feet

Taxes

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

SECTION 6 - PROPERTY DESCRIPTION

Land

Based on a physical inspection and the "Proposed Abandonment" plans included in the Addenda as Exhibit VII, the abandoned right of way is described as follows:

Location:	Between North Main Street and existing lots at 2995 and 2997 North Main Street, Land Lot 139, 2 nd Section, District 20, City of Kennesaw, Cobb County, Georgia
Size:	4,963 square feet or 0.114 Acres
Shape:	Rectangular (25' x 198.52')
Frontage:	198.52' North Main Street and 25' Park Drive
Topography:	Sloping
Ground Cover:	Lawn
Drainage:	Appears adequate.
Soil/Subsoil Conditions:	No adverse soil conditions were noted at the time of inspection
Flood Plain:	None per FEMA Flood Insurance Rate Map Panel 13067 C0038H, effective date March 4, 2013.
Easements:	None noted that interfere with development potential
Access/driveways:	North Main Street
Exposure:	Good
Utilities:	All public utilities are available in the area.
Adjoining Uses:	Single-family residential

Conclusions

Due to the subject's narrow shape, the proposed subject abandonment does not have any development potential as a stand-alone parcel.

SECTION 7 - HIGHEST AND BEST USE

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

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

As Vacant

Physical Constraints

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

Legally Permissible Uses

The land adjacent to the subject is zoned for single-family use.

Financially Feasible and Maximally Productive Use

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

Conclusion

If not required by the city, the highest and best use of the proposed abandonment is assemblage with the adjacent land for residential use.

As Improved

N/A

SECTION 8 – VALUATION

Appraisal Procedure

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

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

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

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

Valuation Procedure(s) Employed in this Appraisal

The sales comparison approach is used to value the subject as part of the adjoining residential lots.

<u>Item</u>	<u>Subject</u>	<u>Land Sale One</u>	<u>Land Sale Two</u>	<u>Land Sale Three</u>
Address/Location	2995-2997 N Main St	3010 Wrens Way	2350 Mtn Springs Pl	3735 Hickory Grove Rd
Proximity to Subject	-	1.2 Miles NE	0.5 Miles North	2.2 Miles West
Verification		Agent	Agent	Agent
Sale Date		1/24/2025	10/10/2023	4/12/2024
Sales Price		\$53,000	\$32,500	\$55,000
Size (AC)	0.40	0.34	0.40	0.53
No. of Lots		1	1	1
Price/Lot		\$53,000	\$32,500	\$55,000
Intangible Adjustments				
Rights Conveyed		0%	0%	0%
Financing		0%	0%	0%
Conditions of Sale		0%	0%	0%
Market Conditions (Time)		<u>0%</u>	<u>6%</u>	<u>3%</u>
Total Intangible Adjustment		0%	6%	3%
Adjusted Price/Lot		\$53,000	\$34,450	\$56,650
Tangible Adjustments				
		<u>Comparison/Adjustment</u>		
Location		<i>Similar</i>	<i>Similar</i>	<i>Similar</i>
View/Visibility		<i>Similar</i>	<i>Similar</i>	<i>Similar</i>
Size (AC)		<i>Similar</i>	<i>Similar</i>	<i>Similar</i>
Zoning/Use		<i>Similar</i>	<i>Similar</i>	<i>Similar</i>
Frontage		<i>Similar</i>	<i>Similar</i>	<i>Similar</i>
Access		<i>Similar</i>	<i>Similar</i>	<i>Similar</i>
Topography		<i>Similar</i>	<i>Similar</i>	<i>Similar</i>
Shape		<i>Similar</i>	<i>Similar</i>	<i>Similar</i>
Utilities		<i>Similar</i>	<i>Similar</i>	<i>Similar</i>
Functional Utility		<i>Inferior/Upward</i>	<i>Inferior/Upward</i>	<i>Similar</i>
Other		<u><i>Similar</i></u>	<u><i>Similar</i></u>	<u><i>Similar</i></u>
Net Adjustment		Upward	Upward	Neutral

Land Valuation of Assemblage Including Abandonment

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

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

<u>No.</u>	<u>Sale Date</u>	<u>Location</u>	<u>Price</u>	<u>Size (AC)</u>	Time
					Adjusted Price/Lot
Subj.	-	2995 N Main St 2997 N Main St	-	0.40 * 0.40 *	-
1	1/24/2025	3010 Wrens Way	\$53,000	1.06	\$53,000
2	10/10/2023	2350 Mtn Springs Pl	\$32,500	1.97	\$34,450
3	4/12/2024	3735 Hickory Grove Rd	\$55,000	3.72	\$56,650

* Includes proposed right-of-way abandonment

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

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

Adjustments are made for dissimilarities and are discussed as follows:

First, an annual time adjustment of 3% is applied to the sales. Then, adjustments for tangible items are discussed as follows:

Land Sale No. 1 is located at 3010 Wrens Way about 1.2 radial miles northeast of the subject. An upward adjustment is made for this sale's inferior functional utility. Following adjustments, this sale indicates that the value of each adjoining lot should be greater than \$53,000.

Land Sale No. 2 is located at 2350 Mountain Springs Place about 0.5 radial miles north of the subject. An upward adjustment is made for this sale's inferior functional utility. Following adjustments, this sale indicates that the value of each adjoining lot should be greater than \$34,450.

Land Sale No. 3 is located at 3735 Hickory Grove Road about 2.2 radial miles west of the subject. This sale indicates a market value for each of the adjoining lots near \$56,650 per lot.

Based on the sales considered, the market value of the adjoining lots, including the proposed abandonment area, should range from about \$50,000 to \$60,000 per lot. Correlating at \$55,000 per lot, the value of the assemblage, including the proposed abandonment, is calculated as follows:

<u>Adjoining Lot</u>	<u>Indicated Lot Value</u>	
2995 North Main Street	\$55,000	
2997 North Main Street	<u>55,000</u>	
Total		\$110,000
<u>Assemblage</u>	<u>Area (SF)</u>	
2995 North Main Street	15,099	
2997 North Main Street	15,108	
Proposed Abandonment	<u>4,963</u>	
Total		<u>35,170</u>
Assemblage Value/SF		\$3.13

Valuation of Proposed Abandonment

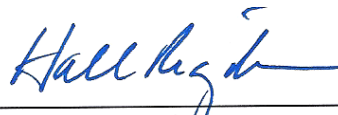
This assemblage value per square foot is the value the city would pay if acquiring the right of way of the proposed abandonment. Accordingly, at \$3.13 per square foot, the fee simple value of the proposed abandonment is calculated as follows:

<u>Fee Simple</u>	
Square Feet	4,963
Price Per SF	<u>\$3.13</u>
Total	\$15,526
Rounded To:	\$15,600

CERTIFICATION (GENERAL)

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

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



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

HALL RIGDON AND ASSOCIATES

LIMITING CONDITIONS AND ASSUMPTIONS

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

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

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

QUALIFICATIONS OF HALL RIGDON**Work Experience**

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

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

Education

University of Georgia, BBA 1979

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

Affiliations

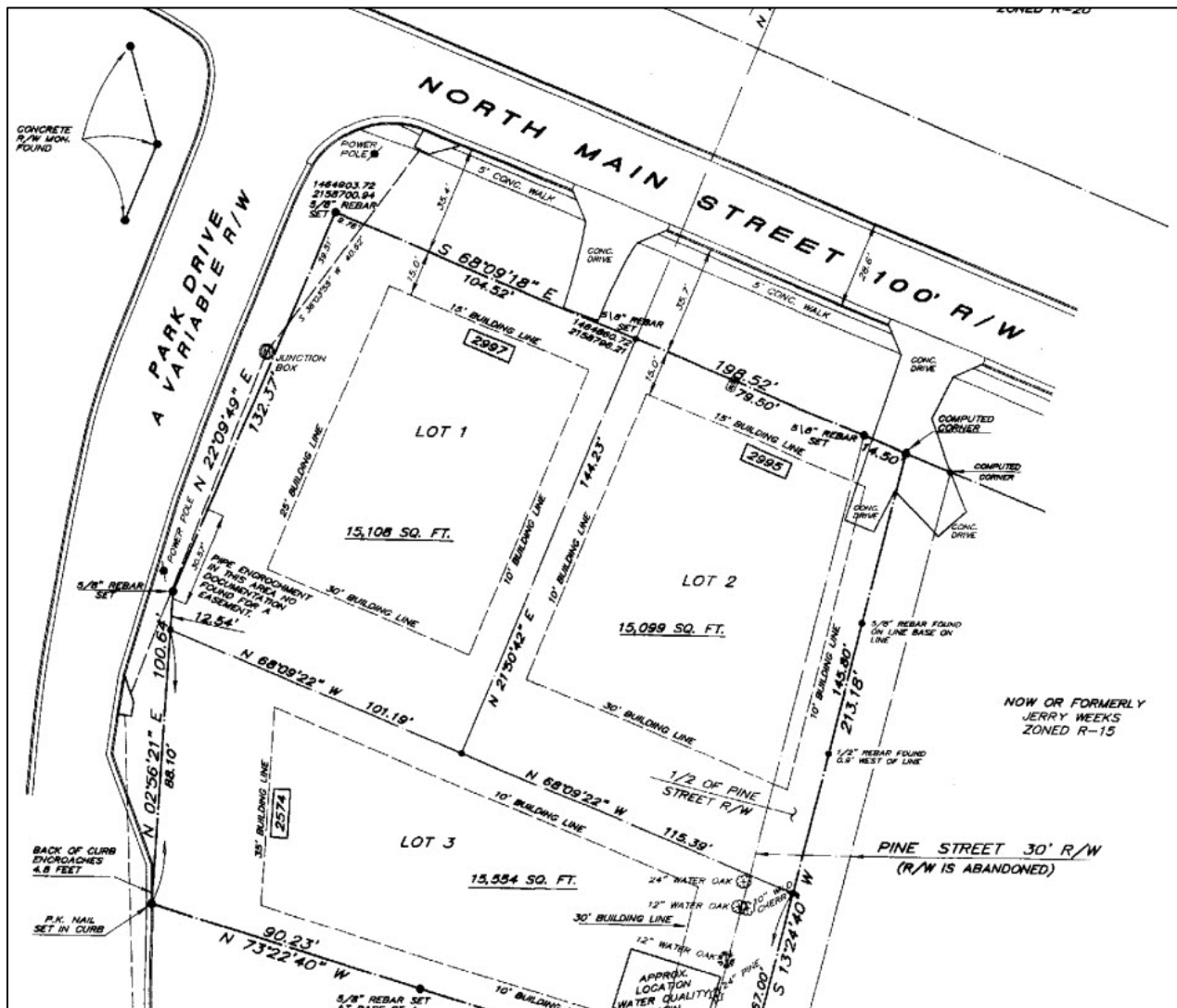
Member of the Appraisal Institute – MAI #10627

State Licensing/Certification

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

ADDENDA

North ↑



PLAT BOOK 228 PAGE 62

HALL RIGDON AND ASSOCIATES

2995 North Main Street

North ↑



2995 North Main Street outlined in Red

HALL RIGDON AND ASSOCIATES

2997 Noth Main Street

North ↑



2997 North Main Street outlined in Red



2995 North Main Street looking NW



2995 North Main Street looking SE

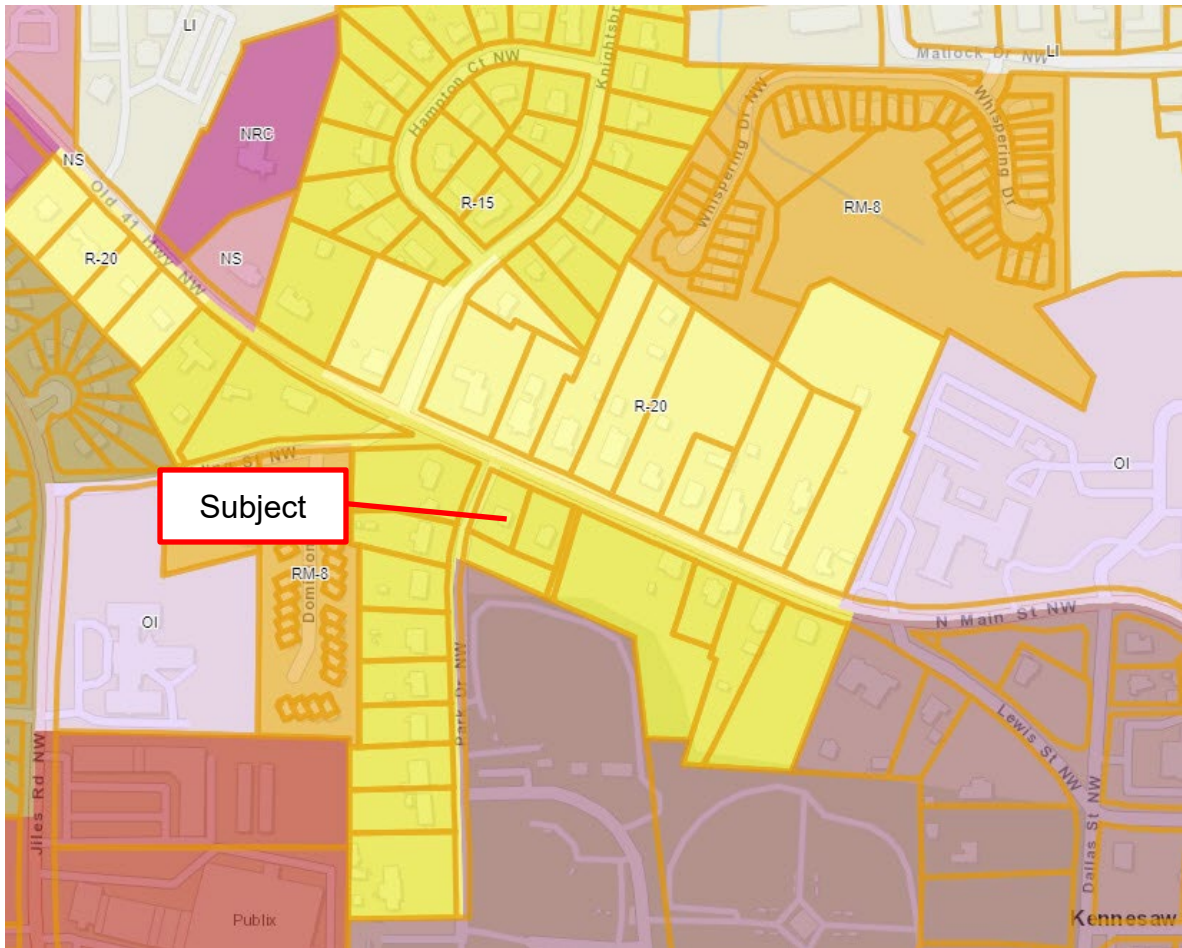


2997 North Main Street looking NW

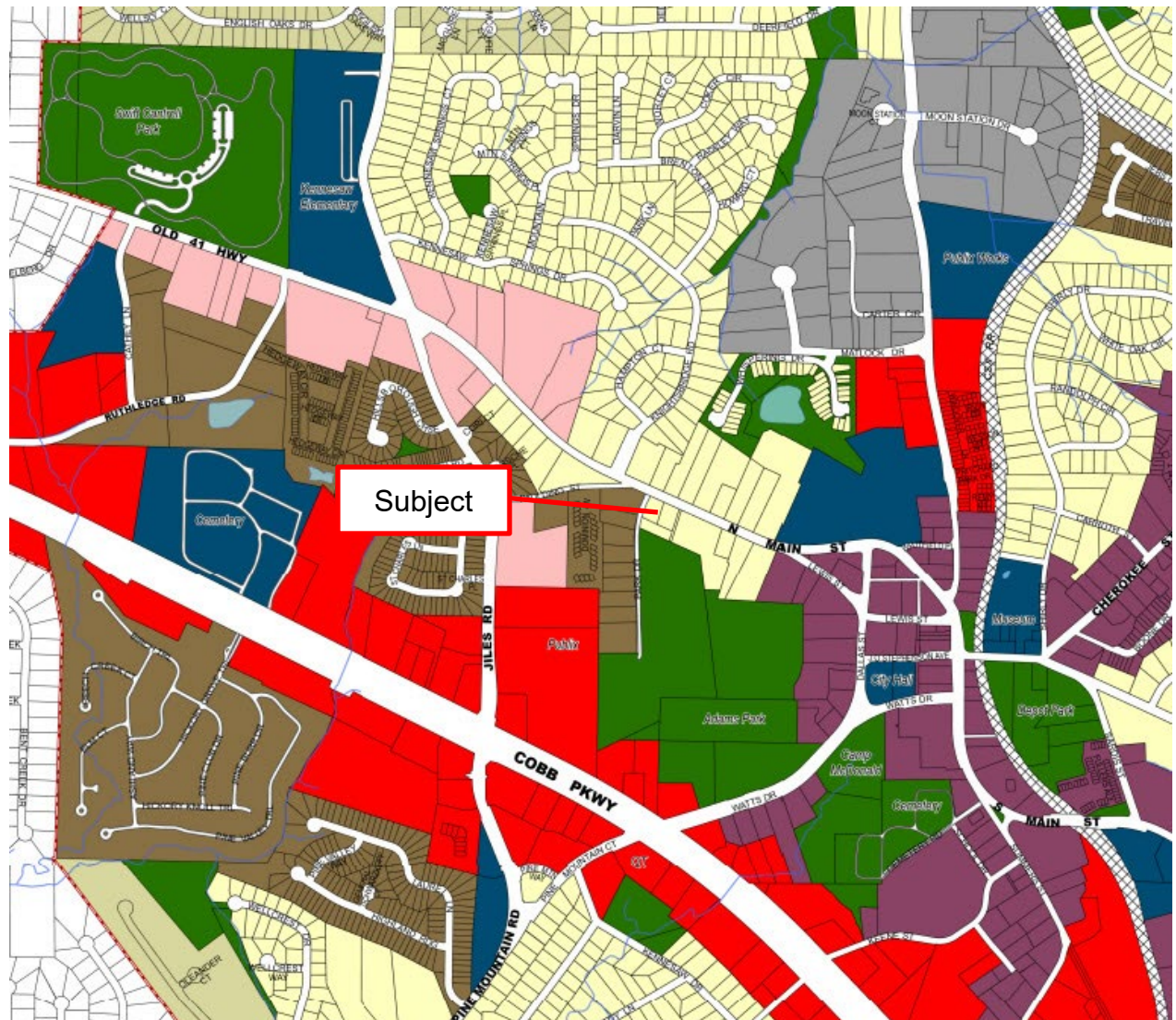


2997 North Main Street looking SE

North ↑

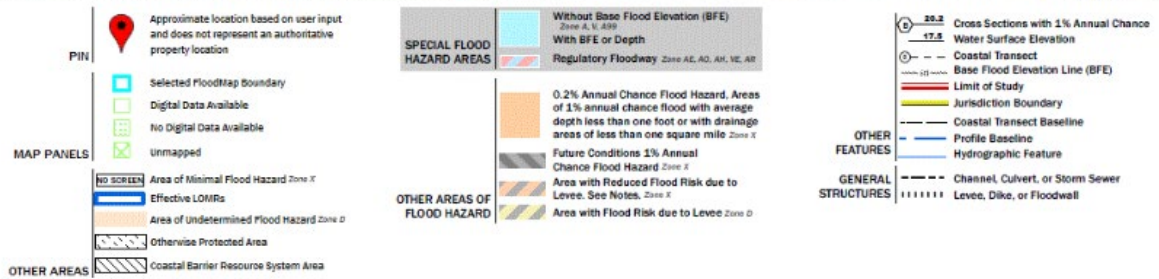
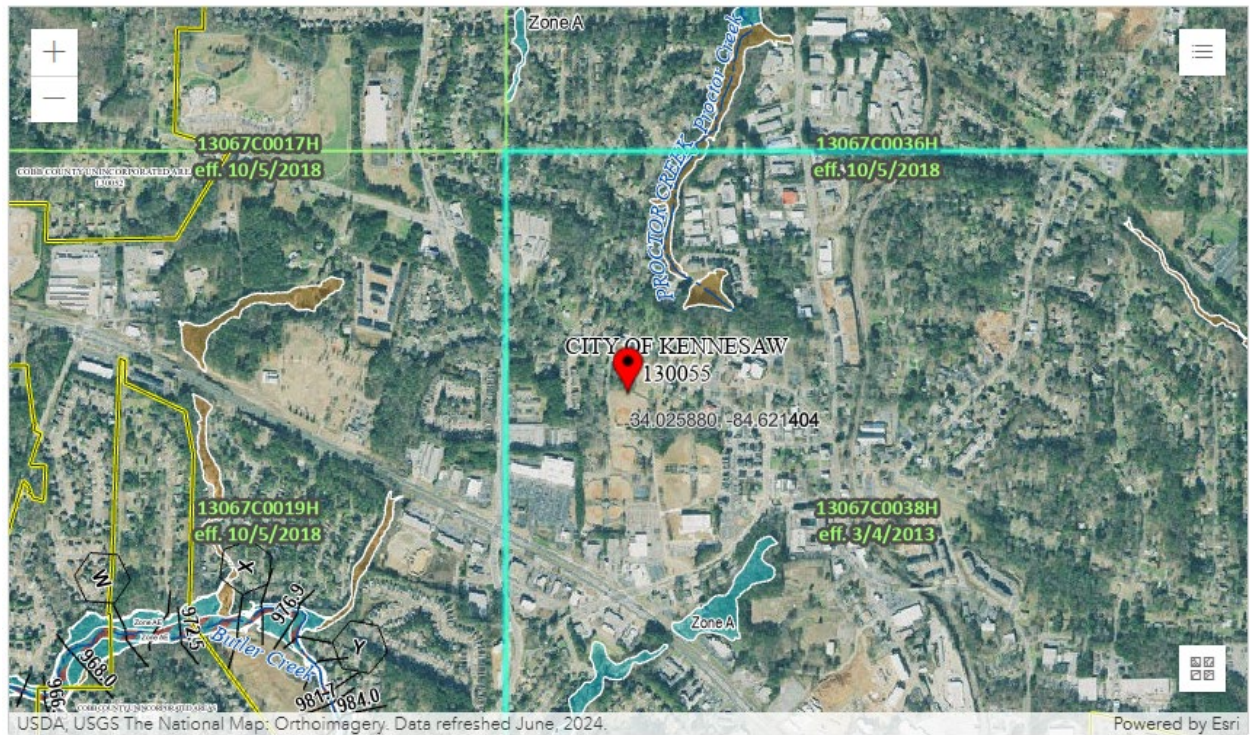


Subject is zoned R-15, Single-Family Residential by the City of Kennesaw



Future Land Use

	NAC - Neighborhood Activity Center		I - Industrial
	CAC - Community Activity Center		PI - Public Service/Institutional
	DAC - Downtown Activity Center		PRC - Park/Recreation/Conservation
	RAC - Regional Activity Center		RL - Residential Low/Medium



LAND SALE NO. 1

Location: 3010 Wrens Way; District 20, Land Lot 130; Kennesaw, Cobb County

Grantor: Estate of Robert Todd Turnbull

Grantee: Pappu Paul

Recorded: Deed Book: 16258 Page: 3556 Trans Tax: \$53.00

Date of Transaction: 1/24/2025

Consideration: \$53,000 **Price/Unit:** \$53,000 /Lot

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

Zoning at Sale: R-15, Single-Family Residential by City of Kennesaw

Verification Contact: Jack Meyer, Agent

Conditions of Sale: Arm's length

Highest and Best Use at Sale: Residential

Present Use: Vacant land

Size - Acre(s): 0.34 **Units Planned:** 1

Tax ID No.: 20-0130-0-159-0

Improvements: N/A

Property Description

Access: Wrens Way

Frontage: Wrens Way

Utilities: All available

Drainage: Appears adequate; detention pond in rear of lot.

Topography: Slopes down from road grade. **Shape:** Rectangular

Easements: Detention pond easement.

Remarks: Basement lot.

LAND SALE NO. 1 (CONT'D)

North ↑



Photographed by Hall Rigdon, MAI on February 13, 2025

HALL RIGDON AND ASSOCIATES

LAND SALE NO. 1 (CONT'D)

PT-61 (Rev. 2/18)

To be filed in **COBB COUNTY****PT-61 033-2025-001484**

SECTION A - SELLER'S INFORMATION (Do not use agent's information)				SECTION C - TAX COMPUTATION	
SELLER'S BUSINESS / ORGANIZATION / OTHER NAME The Estate of Robert Todd Turnbull				Exempt Code If no exempt code enter NONE	NONE
MAILING ADDRESS (STREET & NUMBER) 61525 Gosney Road				1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown	\$53,000.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Bend, OR 97702 USA		DATE OF SALE 1/24/2025		1A. Estimated fair market value of Real and Personal property	\$0.00
SECTION B - BUYER'S INFORMATION (Do not use agent's information)				2. Fair market value of Personal Property only	\$0.00
BUYER'S LAST NAME Paul	FIRST NAME Pappu	MIDDLE		3. Amount of liens and encumbrances not removed by transfer	\$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 587 Jackson Ridge Drive Northwest				4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)	\$53,000.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Kennesaw, GA 30144 USA		Check Buyers Intended Use () Residential () Commercial () Agricultural () Industrial		5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)	\$53.00
SECTION D - PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))					
HOUSE NUMBER & EXTENSION (ex 265A) 3010		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION Wrens Way NW			SUITE NUMBER
COUNTY COBB		CITY (IF APPLICABLE) KENNESAW		MAP & PARCEL NUMBER 20-0130-0-159-0	ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT	ACRES	LAND LOT	SUB LOT & BLOCK
SECTION E - RECORDING INFORMATION (Official Use Only)					
DATE	DEED BOOK 16258	DEED PAGE 3556	PLAT BOOK	PLAT PAGE	

ADDITIONAL BUYERS**None****HALL RIGDON AND ASSOCIATES**

LAND SALE NO. 2

Location: 2350 Mountain Springs Place; District 20, Land Lot 128; Kennesaw, Cobb County

Grantor: Jerry Clover

Grantee: RIZ Communities & Development, LLC

Recorded: Deed Book: 16165 Page: 6017 Trans Tax: \$32.50

Date of Transaction: 10/10/2023

Consideration: \$32,500 **Price/Unit:** \$32,500 /Lot

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

Zoning at Sale: R-10, Single-Family Residential by City of Kennesaw

Verification Contact: Agent

Conditions of Sale: Arm's length

Highest and Best Use at Sale: Residential

Present Use: Home site

Size - Acre(s): 0.40 **Units Planned:** 1

Tax ID No.: 20-0128-0-029-0

Improvements: N/A

Property Description

Access: Mountain Springs Place

Frontage: Mountain Springs Place and Mountain Springs Court

Utilities: All available

Drainage: Appears adequate

Topography: Slopes downward to rear **Shape:** Irregular

Easements: None noted that interfere with development potential

Remarks: Improved after sale with a single-family residence.

HALL RIGDON AND ASSOCIATES

LAND SALE NO. 2 (CONT'D)

North ↑



Photographed by Hall Rigdon, MAI on February 13, 2025

HALL RIGDON AND ASSOCIATES

LAND SALE NO. 2 (CONT'D)

PT-61 (Rev. 2/18)

To be filed in **COBB COUNTY****PT-61 033-2023-019689**

SECTION A – SELLER'S INFORMATION (Do not use agent's information)			SECTION C – TAX COMPUTATION	
SELLER'S LAST NAME Clover	FIRST NAME Jerry	MIDDLE	Exempt Code If no exempt code enter NONE	NONE
MAILING ADDRESS (STREET & NUMBER) 383 Carmichael Circle			1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown	\$32,500.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Canton, GA 30115 USA		DATE OF SALE 10/10/2023	1A. Estimated fair market value of Real and Personal property	\$0.00
SECTION B – BUYER'S INFORMATION (Do not use agent's information)			2. Fair market value of Personal Property only	\$0.00
BUYER'S BUSINESS / ORGANIZATION / OTHER NAME RIZ Communities & Development, LLC			3. Amount of liens and encumbrances not removed by transfer	\$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 5491 Roswell Road Suite 100			4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)	\$32,500.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Atlanta, GA 30342 USA		Check Buyers Intended Use (X) Residential () Commercial () Agricultural () Industrial	5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)	\$32.50
SECTION D – PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))				
HOUSE NUMBER & EXTENSION (ex 265A) 2350	PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION Mountain Springs Place			SUITE NUMBER
COUNTY COBB	CITY (IF APPLICABLE) Kennesaw		MAP & PARCEL NUMBER 20012802900	ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT	ACRES	LAND LOT
SUB LOT & BLOCK				
SECTION E – RECORDING INFORMATION (Official Use Only)				
DATE	DEED BOOK 16165	DEED PAGE 6017	PLAT BOOK	PLAT PAGE

ADDITIONAL BUYERS**None****HALL RIGDON AND ASSOCIATES**

LAND SALE NO. 3

Location: 3750 Memorial Parkway; District 20, Section 2, Land Lot 144; Cobb County

Grantor: Paul David Hurley

Grantee: Georgia Liquidation LLC

Recorded: Deed Book: 16200 Page: 2614 Trans Tax: \$55.00

Date of Transaction: 4/12/2024

Consideration: \$55,000 **Price/Unit:** \$55,000 /Lot

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

Zoning at Sale: R-20, Single-Family Residential by Cobb County

Verification Contact: Agent

Conditions of Sale: Arm's length

Highest and Best Use at Sale: Residential

Present Use: Home site

Size - **Acre(s):** 0.53 **Units Planned:** 1

Tax ID No.: 20-0144-0-015-0

Improvements: N/A

Property Description

Access: Memorial Parkway

Frontage: Memorial Parkway

Utilities: All available

Drainage: Appears adequate

Topography: At road grade, slopes downward to rear. **Shape:** Rectangular

Easements: None noted that interfere with development potential

Remarks: Basement lot. Improved after sale with a home that sold for \$430,000 on 12/23/2024.

HALL RIGDON AND ASSOCIATES

LAND SALE NO. 3 (CONT'D)

North ↑



Photographed by Hall Rigdon, MAI on February 13, 2025

HALL RIGDON AND ASSOCIATES

LAND SALE NO. 3 (CONT'D)

PT-61 (Rev. 2/18)

To be filed in **COBB COUNTY****PT-61 033-2024-006266**

SECTION A – SELLER'S INFORMATION (Do not use agent's information)			SECTION C – TAX COMPUTATION	
SELLER'S LAST NAME HURLEY	FIRST NAME PAUL	MIDDLE DAVID	Exempt Code If no exempt code enter NONE	NONE
MAILING ADDRESS (STREET & NUMBER) 503 BENTWOOD DR			1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown	\$55,000.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY WOODSTOCK, GA 30189 USA		DATE OF SALE 4/12/2024	1A. Estimated fair market value of Real and Personal property	\$0.00
SECTION B – BUYER'S INFORMATION (Do not use agent's information)			2. Fair market value of Personal Property only	\$0.00
BUYER'S BUSINESS / ORGANIZATION / OTHER NAME GEORGIA LIQUIDATION LLC			3. Amount of liens and encumbrances not removed by transfer	\$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 4380 LAURIAN DR			4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)	\$55,000.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY KENNESAW, GA 30144 USA		Check Buyers Intended Use () Residential () Commercial () Agricultural () Industrial	5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)	\$55.00
SECTION D – PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))				
HOUSE NUMBER & EXTENSION (ex 265A) 3750		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION MEMORIAL PARKWAY NW		SUITE NUMBER
COUNTY COBB	CITY (IF APPLICABLE)		MAP & PARCEL NUMBER 20014402150	ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT	ACRES	LAND LOT
				SUB LOT & BLOCK
SECTION E – RECORDING INFORMATION (Official Use Only)				
DATE	DEED BOOK 16200	DEED PAGE 2614	PLAT BOOK	PLAT PAGE

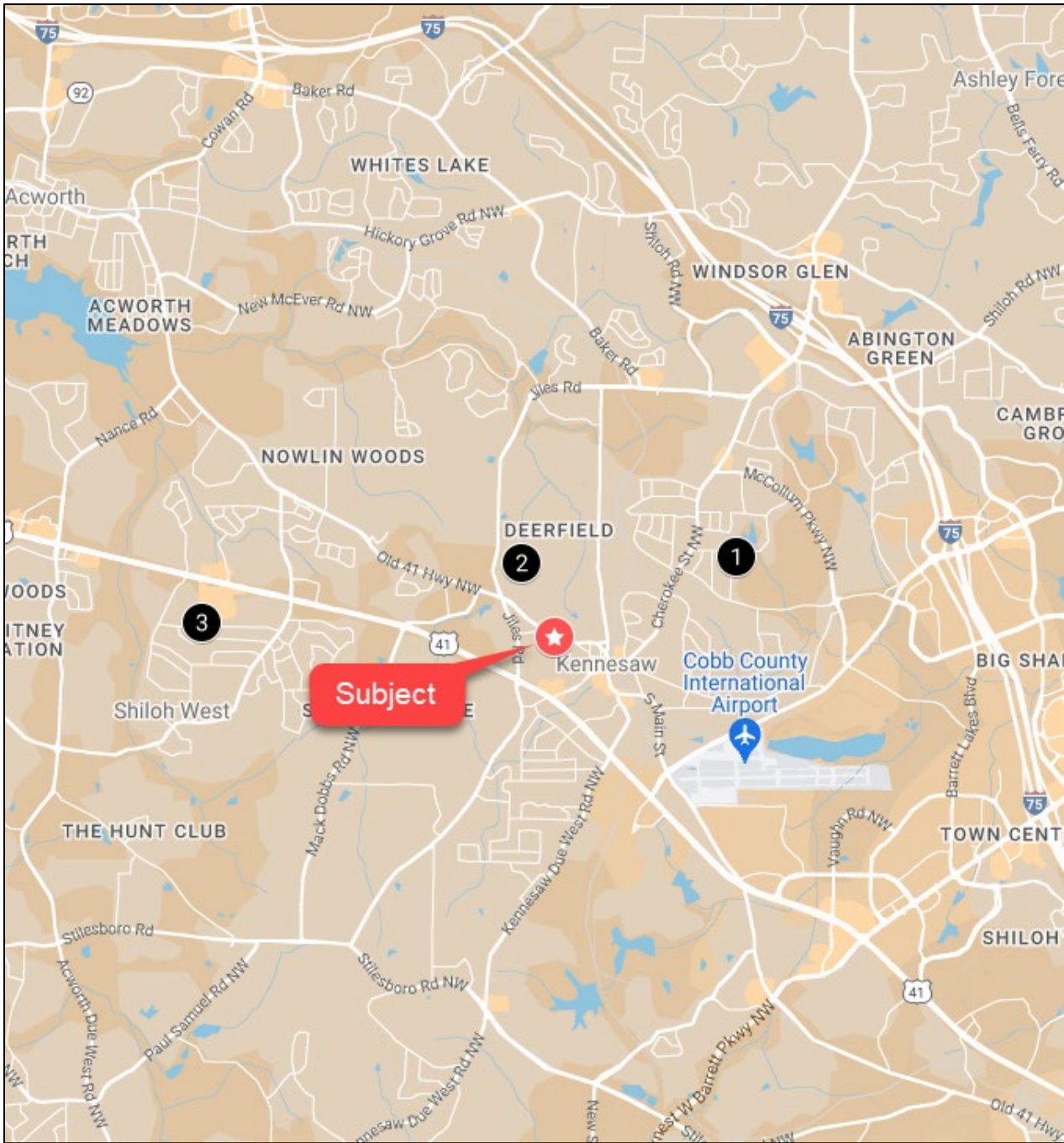
ADDITIONAL BUYERS

None

HALL RIGDON AND ASSOCIATES

LAND SALES MAP

North ↑



(SEE FOLLOWING PAGE)

HALL RIGDON AND ASSOCIATES

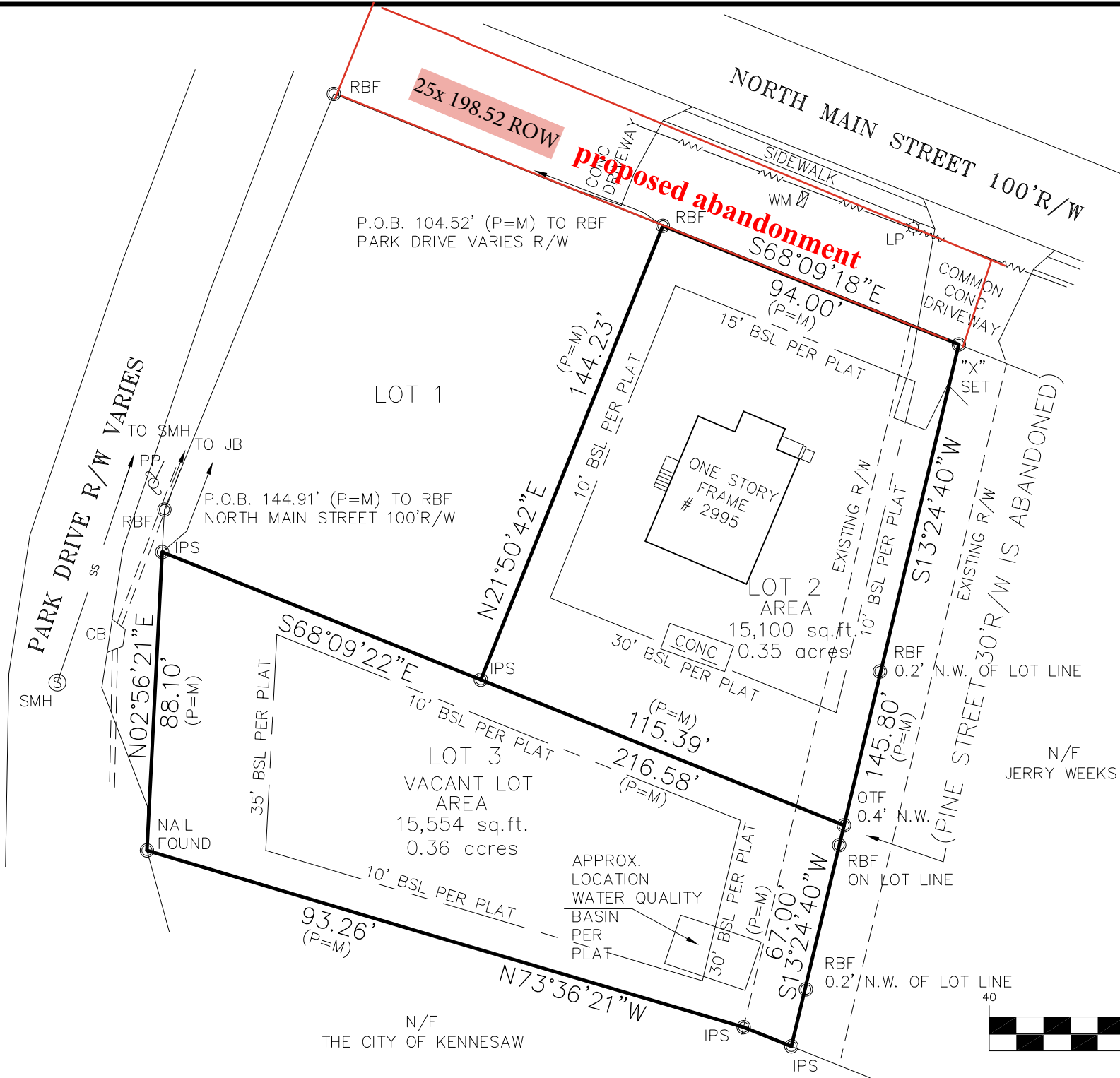
LEGEND AND SYMBOLS USED

- IPF - Iron Pin Found
- IPS - Iron Pin Set (1/2" Capped Rebar)
- RBF - Rebar Found
- OTF - Open Top Pipe Found
- CTF - Crimped Top Pipe Found
- MON - Monument Found
- CMF - Concrete Monument Found
- CP - Calculated Point
- ⊗ PP - Power Pole
- ⊗ LP - Light Pole
- ⊗ PED - Utility Pedestal
- ⊗ FH - Fire Hydrant
- ⊗ WM - Water Meter
- ⊗ WV - Water Valve
- ⊗ GM - Gas Meter
- ⊗ SMH - Sewer Manhole
- ⊗ CB - Catch Basin
- DI - Drop Inlet
- ⊗ C/O - Cleanout
- ⊗ PBX - Power Box
- ⊗ Deciduous Tree
- ⊗ Coniferous Tree
- CMP - Corrugated Metal Pipe
- RCP - Reinforced Concrete Pipe
- R/W - Right of Way
- N~F - Now or Formerly
- DB, PG - Deed Book and Page
- PB, PG - Plat Book and Page
- POB - Point of Beginning
- P = PLAT
- D =DEED
- M = MEASURED

SURVEYOR'S CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

John C. Groves, Jr. RLS 3237



SURVEYOR'S NOTES:

1. The field data upon which this plat is based has a relative positional accuracy of 0.02 feet.
2. This plat has been calculated for closure and has a mathematical error of 1: 300,000+.
3. Field angles and measurements acquired for the production of this plat were obtained on 8/30/2022 using a Leica TCRP 1203 Total Station.
4. This plat was prepared without benefit of a current title examination. Easements or other encumbrances may exist which are not shown hereon. All matters pertaining to title are excepted.
5. No provisions have been made to secure the delineation of any wetlands, historical, or cultural features that may exist on this property.
6. Information regarding the reputed presence, size, character, and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his employees, his consultants, his contractors and/or his agents shall hereby distinctly understand that the surveyor is not responsible for the correctness or sufficiency of this information shown hereon as to such underground installations.
7. The certification, as shown hereon, is purely a statement of professional opinion based on knowledge, information and belief; and based on existing field evidence and documentary evidence available. The certification is not an expressed or implied warranty or guarantee.

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.



BOUNDARY SURVEY PREPARED FOR
DEAN KLEIN & MARY KLEIN

ROCHWALSKYS CORNER
LOCATED IN LAND LOT 139
20TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

DATE:10/10/2022
SCALE: 1"= 40'
DRAWING:22-206A
COORD:
REVISIONS:
SHEET #: 1 of 1

APPRAISAL OF REAL PROPERTY



LOCATED AT

2995/2997 N Main St
Kennesaw, GA 30144
LAND LOT 139 20TH DISTRICT

FOR

DEAN KLEIN
2995 N MAIN STREET
KENNESAW, GA 30144

AS OF

JANUARY 7, 2025

BY

JEFFREY BELK
BELK APPRAISAL SERVICE
1855 JACKSONS CREEK DR.
MARIETTA, GA 30068
(770) 594-1985
belks@bellsouth.net
WWW.BELKAPPRAISALSERVICE.NET

INVOICE**FROM:**

BELK APPRAISAL SERVICE INC.
1855 JACKSONS CREEK DR.
MARIETTA, GA. 30068

Telephone Number:

Fax Number:

TO:

DEAN KLEIN
2995 N. MAIN ST.
KENNESAW, GA. 30144

E-Mail:

Telephone Number: N/A

Fax Number: N/A

Alternate Number:

VENMO @Jeff-Belk
ZELLE 4042597099

INVOICE NUMBER**DATES**

Invoice Date: 01/01/2025

Due Date: 02/01/2025

REFERENCE

Internal Order #:

Lender Case #:

Client File #:

FHA/VA Case #:

Main File # on form: 111-2205

Other File # on form:

Federal Tax ID:

Employer ID:

DESCRIPTION

Lender: DEAN KLEIN
Purchaser/Borrower: DEAN KLEIN
Property Address: 2995/2997 N Main St
City: Kennesaw
County: COBB
Legal Description: LAND LOT 139 20TH DISTRICT

Client: DEAN KLEIN

State: GA Zip: 30144

FEES**AMOUNT**

500.00

SUBTOTAL 500.00

PAYMENTS**AMOUNT**

Check #: Date: Description:
Check #: Date: Description:
Check #: Date: Description:

1

SUBTOTAL 0.00

TOTAL DUE \$ 500.00

BELK APPRAISAL SERVICE
1855 JACKSONS CREEK DR.
MARIETTA, GA 30068
(770) 594-1985
WWW.BELKAPPRAISALSERVICE.NET

01/11/2025

N/A
DEAN KLEIN
2995 N MAIN STREET
KENNESAW, GA 30144

Re: Property: 2995/2997 N Main St
Kennesaw, GA 30144
Borrower: DEAN KLEIN
File No.: 111-2205

Opinion of Value: \$ 9,000
Effective Date: JANUARY 7, 2025

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Sincerely,



JEFFREY BELK
License or Certification #: 2589
State: GA Expires: 11/30/2025
belks@bellsouth.net

SUBJECT	Borrower <u>DEAN KLEIN</u>		Census Tract <u>0302.58</u>	File No. <u>111-2205</u>																																																																											
	Property Address <u>2995/2997 N Main St</u>		Map Reference <u>31924</u>																																																																												
	City <u>Kennesaw</u>	County <u>COBB</u>	State <u>GA</u>	Zip Code <u>30144</u>																																																																											
	Legal Description <u>LAND LOT 139 20TH DISTRICT</u>																																																																														
NEIGHBORHOOD	Sale Price \$ <u>N/A</u>		Date of Sale <u>N/A</u>	Loan Term _____ yrs.																																																																											
	Actual Real Estate Taxes \$ <u>2,868</u>		(yr)	Loan charges to be paid by seller \$ <u>N/A</u>																																																																											
	Lender/Client <u>DEAN KLEIN</u>		Address <u>2995 N MAIN STREET, KENNESAW, GA 30144</u>																																																																												
	Occupant <u>OWNER</u>	Appraiser <u>JEFFREY BELK</u>	Instructions to Appraiser <u>APPRAISE PORTION OF LOT (RIGHT OF WAY)</u>																																																																												
	Location	☐ Urban	☒ Suburban	☐ Rural																																																																											
	Built Up	☒ Over 75%	☐ 25% to 75%	☐ Under 25%																																																																											
	Growth Rate	☐ Fully Dev.	☐ Rapid	☐ Steady																																																																											
	Property Values	☒ Increasing	☐ Stable	☐ Declining																																																																											
	Demand/Supply	☐ Shortage	☒ In Balance	☐ Oversupply																																																																											
	Marketing Time	☒ Under 3 Mos.	☐ 4-6 Mos.	☐ Over 6 Mos.																																																																											
SITE	Present	<u>65</u> % One-Unit	<u>2</u> % 2-4 Unit	<u>2</u> % Apts.																																																																											
	Land Use	<u>5</u> % Industrial	<u>5</u> % Vacant	<u>6</u> % Condo																																																																											
	Change in Present Land Use	☒ Not Likely	☐ Likely (*)	☐ Taking Place (*)																																																																											
	Predominant Occupancy	☒ Owner	☐ Tenant	<u>5</u> % Vacant																																																																											
	One-Unit Price Range	\$ <u>\$200,000</u> to \$ <u>\$1,500,000</u>	Predominant Value \$ <u>\$450,000</u>																																																																												
	One-Unit Age Range	<u>NEW</u> yrs. to <u>100</u> yrs.	Predominant Age <u>70</u> yrs.																																																																												
	Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise)																																																																														
	<u>The subject is located in the kennesaw area (Cobb County) approximately 20 miles from the central business district of Atlanta. The are is well accepted due to it's proximity to local shopping, employment opportunities and area schools. The future outlook is considered to be good. Other land use is vacant land.</u>																																																																														
MARKET DATA ANALYSIS	Dimensions	<u>94 X 145.80 x 115.39 x 144.23</u>																																																																													
	Zoning Classification	<u>SFR</u>																																																																													
	Highest and Best Use	☐ Present Use ☐ Other (specify) _____																																																																													
	Elec.	☒																																																																													
	Gas	☒																																																																													
	Water	☒																																																																													
	San. Sewer	☒																																																																													
	Underground Elect. & Tel.	☐																																																																													
	OFF SITE IMPROVEMENTS	☒ Street Access ☐ Public ☐ Private ☒ Surface <u>ASPHALT/TYPICAL</u> ☒ Maintenance ☐ Public ☐ Private ☒ Storm Sewer ☐ Curb/Gutter ☒ Sidewalk ☐ Street Lights																																																																													
	Topo	<u>GENTLY ROLLING</u>																																																																													
Size	<u>.35/ACRES+-</u>																																																																														
Shape	<u>IRREGULAR</u>																																																																														
View	<u>HOMES/MINOR ARTERIAL ROAD</u>																																																																														
Drainage	<u>TYPICAL/APPEARS ADEQUATE</u>																																																																														
Is the property located in a FEMA Special Flood Hazard Area? ☐ Yes ☒ No																																																																															
Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions) <u>THERE ARE NO APPARENT EASMENTS OR ENCROACHMENTS NOTED PER APPRAISER INSPECTION, BUT MUST BE VERIFIED BY OFFICIAL COUNTY PLAT. LOT INFORMATION IS DERIVED FROM TAX RECORDS. THE HOME IS LOCATED ON N. MAIN STREET WHICH IS A MINOR ARTERIAL ROAD AND EXPERIENCES GREATER THAN NORMAL TRAFFIC AND TRAFFIC NOISE.</u>																																																																															
The undersigned has recited the following recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.																																																																															
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>ITEM</th> <th>SUBJECT PROPERTY</th> <th>COMPARABLE NO. 1</th> <th>COMPARABLE NO. 2</th> <th>COMPARABLE NO. 3</th> </tr> </thead> <tbody> <tr> <td>Address</td> <td><u>2995 N Main St Kennesaw, GA 30144</u></td> <td><u>2972 N Main St NW Kennesaw, GA 30144</u></td> <td><u>2939 Cherokee St NW Kennesaw, GA 30144</u></td> <td><u>3035 Shirley Dr NW Kennesaw, GA 30144</u></td> </tr> <tr> <td>Proximity to Subject</td> <td></td> <td><u>0.10 miles E</u></td> <td><u>0.56 miles E</u></td> <td><u>0.44 miles E</u></td> </tr> <tr> <td>Sales Price</td> <td>\$ <u>N/A</u></td> <td>\$ <u>400,000</u></td> <td>\$ <u>330,000</u></td> <td>\$ <u>270,000</u></td> </tr> <tr> <td>Price \$/Sq. Ft.</td> <td>\$</td> <td>\$</td> <td>\$</td> <td>\$</td> </tr> <tr> <td>Data Source(s)</td> <td><u>INT./EXTERIOR</u></td> <td><u>FMLS/CORELOGIC</u></td> <td><u>FMLS/CORELOGIC</u></td> <td><u>FMLS/CORELOGIC</u></td> </tr> <tr> <td>ITEM</td> <td>DESCRIPTION</td> <td>DESCRIPTION</td> <td>DESCRIPTION</td> <td>DESCRIPTION</td> </tr> <tr> <td>Date of Sale/Time Adj.</td> <td><u>N/A</u></td> <td><u>02/09/2024</u></td> <td><u>05/02/2024</u></td> <td><u>09/27/2024</u></td> </tr> <tr> <td>Location</td> <td><u>SUB./GOOD</u></td> <td><u>SUB./GOOD</u></td> <td><u>SUB./GOOD</u></td> <td><u>SUB./GOOD</u></td> </tr> <tr> <td>Site/View</td> <td><u>HOMES/M.ART.</u></td> <td><u>HOMES/M.ART.</u></td> <td><u>HOMES/M.ART.</u></td> <td><u>HOMES/GOOD</u></td> </tr> <tr> <td>IMPROVEMENTS</td> <td><u>1,280 Sq.Ft. House</u></td> <td><u>1,527 Sq.Ft. House</u></td> <td><u>1,325 Sq.Ft. House</u></td> <td><u>1,365 Sq.Ft. House</u></td> </tr> <tr> <td>LOT SIZE</td> <td><u>.35/ACRES+-</u></td> <td><u>1.00/ACRES+-</u></td> <td><u>.30/ACRES+-</u></td> <td><u>.73/ACRES+-</u></td> </tr> <tr> <td>Sales or Financing Concessions</td> <td><u>N/A</u></td> <td><u>N/A</u></td> <td><u>N/A</u></td> <td><u>N/A</u></td> </tr> <tr> <td>Net Adj. (Total)</td> <td></td> <td>☐ + ☒ - \$ <u>-60,000</u></td> <td>☐ + ☐ - \$</td> <td>☐ + ☒ - \$ <u>-50,000</u></td> </tr> <tr> <td>Indicated Value of Subject</td> <td></td> <td><u>Net 15.0 %</u> <u>Gross 15.0 %</u> \$ <u>340,000</u></td> <td><u>Net 0.0 %</u> <u>Gross 0.0 %</u> \$ <u>330,000</u></td> <td><u>Net 18.5 %</u> <u>Gross 18.5 %</u> \$ <u>220,000</u></td> </tr> </tbody> </table>					ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3	Address	<u>2995 N Main St Kennesaw, GA 30144</u>	<u>2972 N Main St NW Kennesaw, GA 30144</u>	<u>2939 Cherokee St NW Kennesaw, GA 30144</u>	<u>3035 Shirley Dr NW Kennesaw, GA 30144</u>	Proximity to Subject		<u>0.10 miles E</u>	<u>0.56 miles E</u>	<u>0.44 miles E</u>	Sales Price	\$ <u>N/A</u>	\$ <u>400,000</u>	\$ <u>330,000</u>	\$ <u>270,000</u>	Price \$/Sq. Ft.	\$	\$	\$	\$	Data Source(s)	<u>INT./EXTERIOR</u>	<u>FMLS/CORELOGIC</u>	<u>FMLS/CORELOGIC</u>	<u>FMLS/CORELOGIC</u>	ITEM	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION	Date of Sale/Time Adj.	<u>N/A</u>	<u>02/09/2024</u>	<u>05/02/2024</u>	<u>09/27/2024</u>	Location	<u>SUB./GOOD</u>	<u>SUB./GOOD</u>	<u>SUB./GOOD</u>	<u>SUB./GOOD</u>	Site/View	<u>HOMES/M.ART.</u>	<u>HOMES/M.ART.</u>	<u>HOMES/M.ART.</u>	<u>HOMES/GOOD</u>	IMPROVEMENTS	<u>1,280 Sq.Ft. House</u>	<u>1,527 Sq.Ft. House</u>	<u>1,325 Sq.Ft. House</u>	<u>1,365 Sq.Ft. House</u>	LOT SIZE	<u>.35/ACRES+-</u>	<u>1.00/ACRES+-</u>	<u>.30/ACRES+-</u>	<u>.73/ACRES+-</u>	Sales or Financing Concessions	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	Net Adj. (Total)		☐ + ☒ - \$ <u>-60,000</u>	☐ + ☐ - \$	☐ + ☒ - \$ <u>-50,000</u>	Indicated Value of Subject		<u>Net 15.0 %</u> <u>Gross 15.0 %</u> \$ <u>340,000</u>	<u>Net 0.0 %</u> <u>Gross 0.0 %</u> \$ <u>330,000</u>	<u>Net 18.5 %</u> <u>Gross 18.5 %</u> \$ <u>220,000</u>
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Comments on Market Data <u>ALL COMPARABLES ARE LOCATED IN THE SUBJECT MARKET AREA (DOWNTOWN KENNESAW) AND ARE FELT TO BE THE BEST INDICATORS OF VALUE FOR THE AREA. ADJUSTMENTS ARE MADE FOR LOT SIZE, AND SITE DIFFERENCES (COMPARABLE 3 IS NOT LOCATED ON A MINOR ARTERIAL ROAD).</u>																																																																															
Comments and Conditions of Appraisal <u>ALL DATA WAS OBTAINED VIA FMLS/TAX/CORELOGIC/CLIENT INFORMATION.</u>																																																																															
RECONCILIATION	Final Reconciliation <u>THE APPRAISAL REPORT IS A SUMMARY REPORT. THE SALES COMPARISON APPROACH IS FELT TO OFFER THE BEST METHOD IN DETERMINING VALUE AND IS THE PRIMARY APPROACH UTILIZED IN THIS REPORT. THE COST AND INCOME APPROACH ARE NOT FELT TO BE APPLICABLE FOR RESIDENTIAL PROPERTIES OF THIS TYPE.</u>																																																																														
	I (WE) ESTIMATE THE MARKET VALUE AS DEFINED OF THE SUBJECT PROPERTY AS OF <u>JANUARY 7, 2025</u> TO BE \$ <u>310,000</u>																																																																														
	Appraiser <u>JEFFREY BELK</u>	Supervisory Appraiser (if applicable) <u>N/A</u>																																																																													
	Date of Signature and Report <u>01/11/2025</u>	Date of Signature _____																																																																													
	Title _____	Title _____																																																																													
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Or State License # _____ ST _____	Or State License # _____ ST _____																																																																														
Expiration Date of State Certification or License <u>11/30/2025</u>	Expiration Date of State Certification or License _____																																																																														
Date of Inspection (if applicable) _____	Date of Inspection _____																																																																														
☐ Did ☐ Did Not Inspect Property																																																																															

Supplemental Addendum

File No. 111-2205

Borrower	DEAN KLEIN				
Property Address	2995/2997 N Main St				
City	Kennesaw	County	COBB	State	GA Zip Code 30144
Lender/Client	DEAN KLEIN				

THIS REPORT IS A NARRATIVE RESTRICTED APPRAISAL REPORT FOR THE PURPOSE OF DETERMINING VALUE FOR A PORTION OF RESIDENTIAL LOT.

THE OWNER/CLIENT HAS STATED THAT THE CITY OF KENNESAW HAS OFFERED TO SELL A PORTION OF ABANDONED RIGHT OF WAY AT THE FRONT SECTION OF THE SUBJECT LOT TO THE CLIENT (SEE ATTACHED PLAT). THE SUBJECT SITE FRONTS N. MAIN STREET AT THE CORNER OF PARK DRIVE. THE CLIENT OWNS 2995 AND 2997 N. MAIN ST. AS WELL 2574 PARK DR. WHICH IS A VACANT LOT TO THE REAR OF THESE HOMES. THE RIGHT OF WAY RUNS ACROSS THE FRONT OF BOTH 2995 AND 2997 N. MAIN STREET.

THE LOT SIZE OF 2995 N. MAIN ST. IS APPROXIMATELY 15,182 SQ. FT., THE LOT SIZE FOR 2997 N. MAIN ST. IS APPROXIMATELY 15,214 SQ. FT., AND THE LOT AT 2574 PARK DR. IS APPROXIMATELY 14,594 SQ.FT. THE RIGHT OF WAY IS APPROXIMATELY 2,350 SQ.FT. FOR 2995 N. MAIN ST. AND 2,613 SQ.FT. FOR 2997 N. MAIN ST.

N. MAIN ST. IS FELT TO BE A MINOR ARTERIAL ROAD AND EXPERIENCES GREATER THAN NORMAL TRAFFIC AND TRAFFIC NOISE. IT IS FELT THAT THESE FACTORS HAVE A NEGATIVE AFFECT ON MARKET VALUE AND MARKETABILITY AS A SINGLE FAMILY HOME.

IT IS FELT THAT THE BEST APPROACH TO INDICATE VALUE WOULD BE FROM THE EXTRACTION METHOD (DETERMINE VALUE OF THE SUBJECT LOT BY DETERMINING SUBJECT PROPERTY VALUE (HOME AND LAND) AND EXTRACTION LAND VALUE ON A PERCENTAGE VALUE BASIS. MARKET VALUE OF LOTS IS TYPICALLY A PERCENTAGE OF OVERALL PROPERTY VALUE. THE REPORT INCLUDED 3 SALES IN THE AREA THAT GIVE GOOD INDICATION OF MARKET VALUE FOR THE SUBJECT HOMES.

THE SUBJECT PROPERTY VALUE (HOME AND LAND PER HOUSE) IS FELT TO BE IN A RANGE FROM APPROXIMATELY \$295,000 - \$320,000 BASED UPON RECENT SALES AND LISTINGS IN THE SUBJECT MARKET AREA. A VALUE OF \$310,00 IS UTILIZED IN THIS REPORT BASED UPON THIS DATA.

WHEN EXTRACTING LOT VALUES BASED UPON TOTAL PROPERTY SALES PRICE OF SIMILAR HOMES IN THE SUBJECT AREA IT IS FELT THAT LOT VALUES FOR THE SUBJECT PROPERTY AREA WOULD BE IN RANGE OF APPROXIMATELY 25-27%. THIS IS OBVIOUSLY A RANGE AND MANY FACTORS DETERMINE LOT VALUE BUT THIS WOULD BE A TYPICAL LOT IN THE MARKET AREA.

BASED UPON THIS INFORMATION, IT IS FELT THAT THE SUBJECT **LAND VALUE** WOULD BE IN A RANGE FROM APPROXIMATELY **\$75,000 - \$80,000**. FOR PURPOSES OF THIS REPORT A VALUE OF **\$77,000** WILL BE UTILIZED AS SUBJECT LOT VALUE.

BASED UPON THE SIZE OF THE LOTS (15,000 SQFT +/-) AND THE SIZE OF THE ABANDONED RIGHT AWAY (2,350-2,613) THE PERCENTAGE WOULD BE APPROXIMATELY 15% OF TOTAL SITE SIZE.

AN ADDITIONAL NEGATIVE AFFECT ON VALUE WOULD COME FROM IT BEING LOCATED ON A MINOR ARTERIAL ROAD (TRAFFIC NOISE GREATER THAN TYPICAL). THE SITE ALSO HAS A STEEP GRADE WHICH MAKES IT DIFFICULT TO MAINTAIN (OWNER WILL INCUR ADDITIONAL COST TO LANDSCAPE AND GRADE SITE).

IT IS FELT THAT THE APPROXIMATE VALUE OF THE ABANDONED RIGHT OF WAY SECTION BASED UPON METHODS DESCRIBED ABOVE WOULD BE APPROXIMATELY \$9,000.

Supplemental Addendum

File No. 111-2205

Borrower	DEAN KLEIN				
Property Address	2995/2997 N Main St				
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Lender/Client	DEAN KLEIN				

• **Land : Market Area Analysis - Market Area Description and Characteristics**

THE SUBJECT IS LOCATED IN THE DOWNTOWN KENNESAW AREA OF COBB COUNTY APPROXIMATELY 20 MILES FROM THE CENTRAL BUSINESS CENTER OF ATLANTA. THE AREA IS VERY WELL ACCEPTED AND IS LOCATED CLOSE TO LOCAL SHOPPING AND DINING AREAS, EMPLOYMENT CENTERS, WELL ACCEPTED SCHOOLS AS WELL AS OTHER RECREATIONAL CENTERS. PRESENT MARKET CONDITIONS ARE CONSIDERED TO BE GOOD AND MOST HOMES CONTINUE TO SELL IN A REASONABLE TIME PERIOD IF PROPERLY PRICED, ADEQUATELY MAINTAINED, AND NOT HAVING ANY OBJECTIONABLE FEATURES.

Scope of Work

THE SCOPE OF THIS APPRAISAL REPORT IS BASED UPON A PRE-ARRANGED AGREEMENT WITH THE LENDER/CLIENT OF THIS REPORT. THE SCOPE OF THIS APPRAISAL IS TO RESEARCH, INVESTIGATE AND PRESENT THE INFORMATION AND DATA NECESSARY TO PRODUCE A RELIABLE AND ACCURATE OPINION OF MARKET VALUE FOR THE SUBJECT PROPERTY(PORION OF ABANDONED RIGHT OF WAY). IN PREPARING THIS APPRAISAL, THE APPRAISER PERFORMED A VISUAL INSPECTION OF THE SUBJECT PROPERTY; GATHERED INFORMATION FROM THE NEIGHBORHOOD AREA AND SIMILAR COMPETING NEIGHBORHOODS ON COMPARABLE LAND AND IMPROVED SALES; CONSTRUCTION COSTS, ACCRUED DEPRECIATION, SALES DATA AND OTHER RELEVANT INFORMATION. INFORMATION AND DATA GATHERING DID NOT INCLUDE VERIFICATION OF NECESSARY LOCAL BUILDING PERMIT DATA, WHICH IS BEYOND THE NORMAL SCOPE OF WORK. THE ADEQUACY OR SUITABILITY OF ANY INDIVIDUAL PRIVATE SEWER AND WATER SYSTEMS IS ALSO BEYOND THE SCOPE OF WORK.

THIS APPRAISAL IS NOT INTENDED FOR LENDING PURPOSES OR FOR USE IN OBTAINING A LOAN OR FINANCING OF ANY KIND.

OPINIONS OR ESTIMATES EXPRESSED HEREIN REPRESENT OUR BEST JUDGMENT BUT SHOULD NOT BE CONSTRUED AS ADVICE OR RECOMMENDATION TO ACT. ANY ACTIONS TAKEN BY YOU (THE CLIENT) OR ANY OTHERS SHOULD BE BASED UPON YOUR OWN JUDGMENT, AND THE DECISION PROCESS SHOULD CONSIDER MANY FACTORS OTHER THAN JUST THE VALUE ESTIMATED AND INFORMATION GIVEN IN THIS REPORT. THIS APPRAISAL REPRESENTS AN ESTIMATE OF VALUE BASED ON AN ANALYSIS OF INFORMATION KNOWN TO US AT THE TIME THE APPRAISAL WAS COMPLETED. WE DO NOT ASSUME ANY RESPONSIBILITY FOR INCORRECT ANALYSIS BECAUSE OF INCORRECT OR INCOMPLETE INFORMATION, WHICH WAS PROVIDED TO THE APPRAISER. IF NEW DATA OR DOCUMENTATION IS PROVIDED TO THE APPRAISER, THE VALUE IN THIS REPORT IS SUBJECT TO CHANGE BASED ON THE SIGNIFICANCE OF THIS NEW DATA.

• **Final Reconciliation**

THE EXTRACTION METHOD HAS BEEN UTILIZED FOR VALUATION OF THE ABANDONED RIGHT OF WAY ADJACENT TO THE SUBJECT LOT. THE INCOME APPROACH IS NOT CONSIDERED APPLICABLE FOR NON INCOME PRODUCING PROPERTY AS THE SUBJECT. THE COST APPROACH WAS NOT CALCULATED AS IT IS NOT NECESSARY IN THIS APPRAISAL REPORT AND IS NOT REQUIRED. COST APPROACH IS NOT CONSIDERED EFFECTIVE DUE TO SUBJECT AGE AND MARKET CONDITIONS, INCOME APPROACH IS NOT WARRANTED FOR OWNER OCCUPIED SFH'S, WEIGHTING OF SALES HAS BEEN APPLIED WITH AN EMPHASIS ON NET/GROSS ADJUSTMENTS AND DATE OF SALE.

IT IS FELT THAT THE PORTION OF LAND HAS A FAIR MARKET VALUE OF APPROXIMATELY \$9,000 BASED UPON RECENT DATA INDICATED IN THE SUBJECT MARKET DATA.

Subject Photos

Borrower	DEAN KLEIN					
Property Address	2995/2997 N Main St					
City	Kennesaw	County	COBB	State	GA	Zip Code 30144
Lender/Client	DEAN KLEIN					

**SUBJECT FRONT**

2995 N Main St
 Sales Price N/A
 Gross Living Area 2,565
 Total Rooms 9
 Total Bedrooms 4
 Total Bathrooms 4
 Location SUB./GOOD
 View HOMES/M.ART.
 Site 12,772
 Quality TYPICAL
 Age 22

**RIGHT OF WAY STRIP****STREET VIEW**

Comparable Photo Page

Borrower	DEAN KLEIN					
Property Address	2995/2997 N Main St					
City	Kennesaw	County	COBB	State	GA	Zip Code 30144
Lender/Client	DEAN KLEIN					

**Comparable 1**

2972 N Main St NW

Prox. to Subject 0.10 miles E

Sale Price 400,000

Gross Living Area

Total Rooms

Total Bedrooms

Total Bathrooms

Location SUB./GOOD

View HOMES/M.ART.

Site

Quality

Age

**Comparable 2**

2939 Cherokee St NW

Prox. to Subject 0.56 miles E

Sale Price 330,000

Gross Living Area

Total Rooms

Total Bedrooms

Total Bathrooms

Location SUB./GOOD

View HOMES/M.ART.

Site

Quality

Age

**Comparable 3**

3035 Shirley Dr NW

Prox. to Subject 0.44 miles E

Sale Price 270,000

Gross Living Area

Total Rooms

Total Bedrooms

Total Bathrooms

Location SUB./GOOD

View HOMES/GOOD

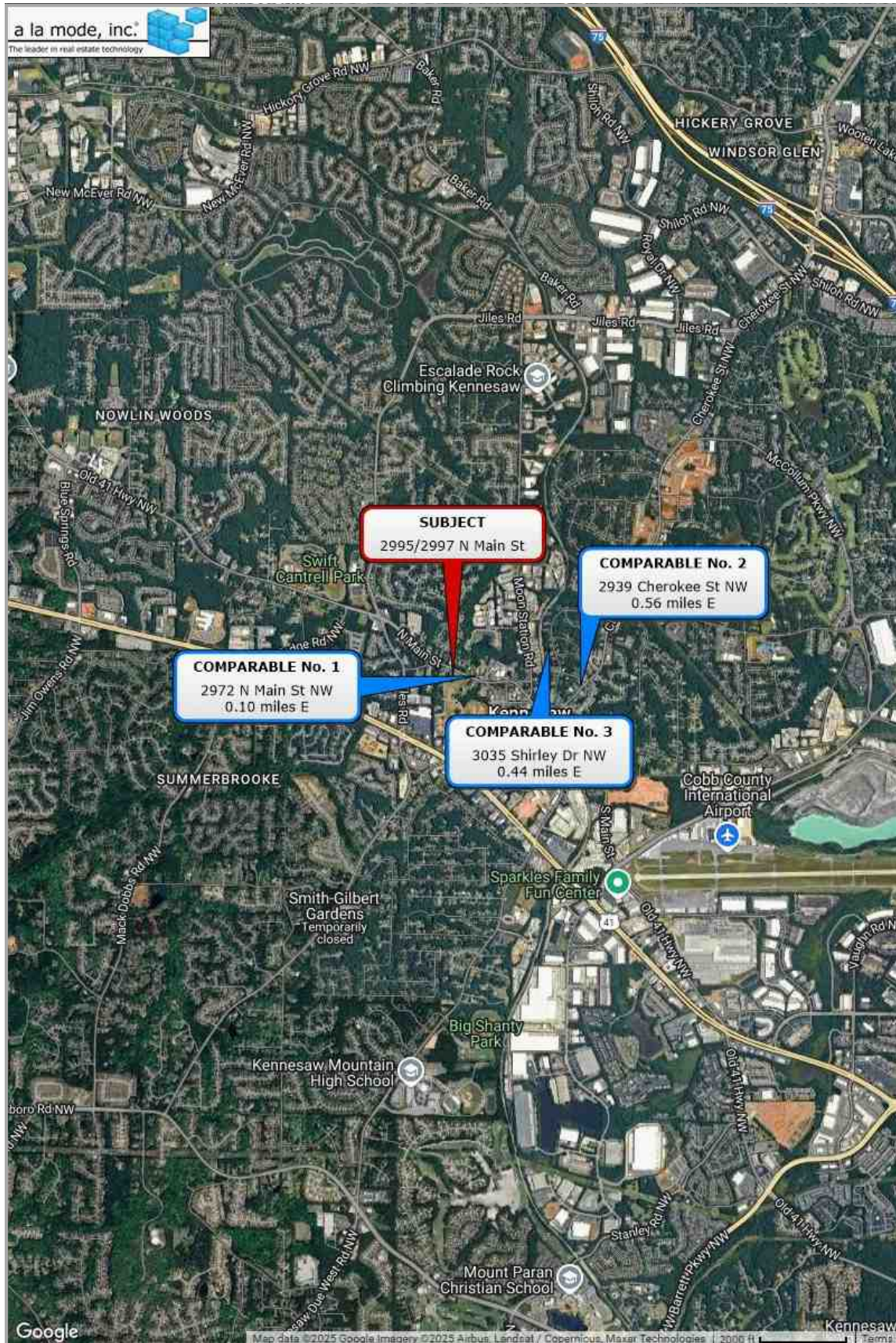
Site

Quality

Age

Location Map

Borrower	DEAN KLEIN					
Property Address	2995/2997 N Main St					
City	Kennesaw	County	COBB	State	GA	Zip Code 30144
Lender/Client	DEAN KLEIN					



Location Map

Borrower	DEAN KLEIN					
Property Address	2995/2997 N Main St					
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Supplemental Addendum

File No. 111-2205

Borrower	DEAN KLEIN				
Property Address	2995/2997 N Main St				
City	Kennesaw	County	COBB	State	GA Zip Code 30144
Lender/Client	DEAN KLEIN				

STATE OF GEORGIA REAL ESTATE APPRAISERS BOARD

JEFFREY PLETZ BELK

2589

IS AUTHORIZED TO TRANSACT BUSINESS IN GEORGIA AS A
CERTIFIED RESIDENTIAL REAL PROPERTY APPRAISER

THE PRIVILEGE AND RESPONSIBILITIES OF THIS APPRAISER CLASSIFICATION SHALL CONTINUE IN EFFECT AS LONG AS THE APPRAISER PAYS REQUIRED APPRAISER FEES AND COMPLIES WITH ALL OTHER REQUIREMENTS OF THE OFFICIAL CODE OF GEORGIA ANNOTATED, CHAPTER 43-39-A. THE APPRAISER IS SOLELY RESPONSIBLE FOR THE PAYMENT OF ALL FEES ON A TIMELY BASIS.

D. SCOTT MURPHY
Chairperson

JEFF A. LAWSON
Vice Chairperson

JEANMARIE HOLMES
KEITH STONE
WILLIAM A. MURRAY

1233067222212611

JEFFREY PLETZ BELK

2589
Status ACTIVE

END OF RENEWAL
11/30/2025

CERTIFIED RESIDENTIAL REAL
PROPERTY APPRAISER

THIS LICENSE EXPIRES IF YOU FAIL TO PAY
RENEWAL FEES OR IF YOU FAIL TO COMPLETE ANY
REQUIRED EDUCATION IN A TIMELY MANNER.

State of Georgia
Real Estate Commission
Suite 1000 - International Tower
229 Peachtree Street, N.E.
Atlanta, GA 30303-1605



LYNN DEMPSEY
Real Estate Commissioner

1233067222212611

JEFFREY PLETZ BELK

2589
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229 Peachtree Street, N.E.
Atlanta, GA 30303-1605



LYNN DEMPSEY
Real Estate Commissioner

1233067222212611

BELK, JEFFREY PLETZ
 1855 JACKSONS CREEK DRIVE
 MARIETTA, GA 30068

Report Version 8

Generated on 11/14/2024 at 4:20:19 PM

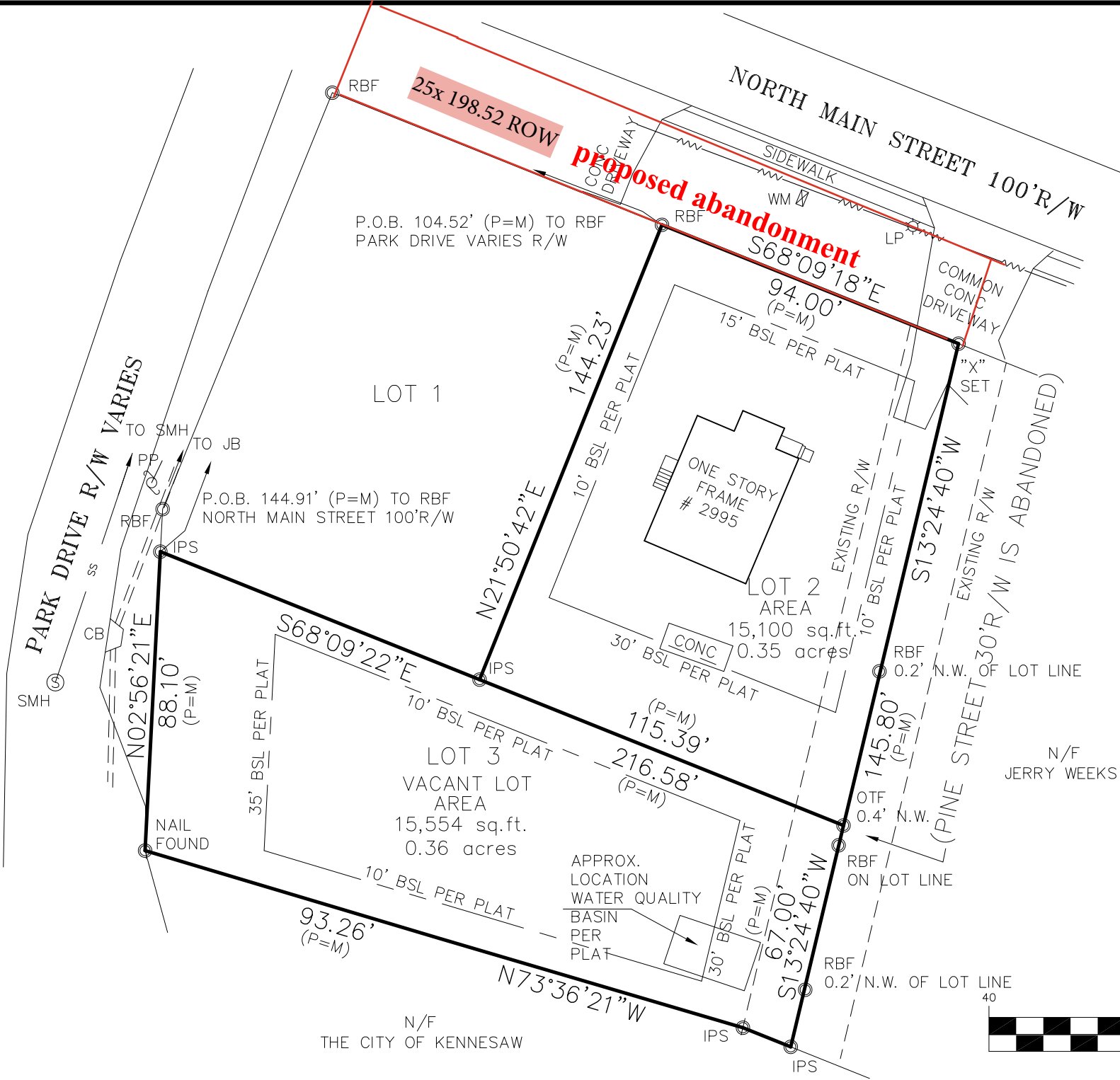
LEGEND AND SYMBOLS USED

- IPF - Iron Pin Found
- IPS - Iron Pin Set (1/2" Capped Rebar)
- RBF - Rebar Found
- OTF - Open Top Pipe Found
- CTF - Crimped Top Pipe Found
- MON - Monument Found
- CMF - Concrete Monument Found
- CP - Calculated Point
- ⊕ PP - Power Pole
- ⊕ LP - Light Pole
- ⊕ PED - Utility Pedestal
- ⊕ FH - Fire Hydrant
- ⊕ WM - Water Meter
- ⊕ WV - Water Valve
- ⊕ GM - Gas Meter
- ⊕ SMH - Sewer Manhole
- ⊕ CB - Catch Basin
- DI - Drop Inlet
- ⊕ C/O - Cleanout
- ⊕ PBX - Power Box
- ⊕ Deciduous Tree
- ⊕ Coniferous Tree
- CMP - Corrugated Metal Pipe
- RCP - Reinforced Concrete Pipe
- R/W - Right of Way
- N~F - Now or Formerly
- DB, PG - Deed Book and Page
- PB, PG - Plat Book and Page
- POB - Point of Beginning
- P = PLAT
- D =DEED
- M = MEASURED

SURVEYOR'S CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

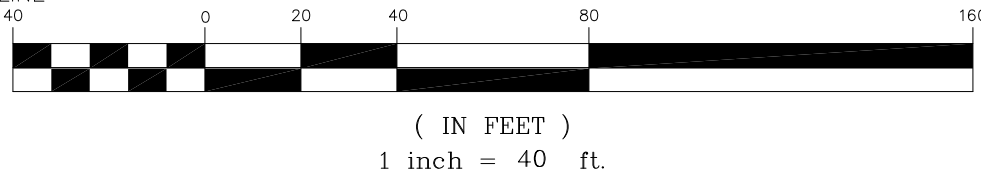
John C. Groves, Jr. RLS 3237



SURVEYOR'S NOTES:

1. The field data upon which this plat is based has a relative positional accuracy of 0.02 feet.
2. This plat has been calculated for closure and has a mathematical error of 1: 300,000+.
3. Field angles and measurements acquired for the production of this plat were obtained on 8/30/2022 using a Leica TCRP 1203 Total Station.
4. This plat was prepared without benefit of a current title examination. Easements or other encumbrances may exist which are not shown hereon. All matters pertaining to title are excepted.
5. No provisions have been made to secure the delineation of any wetlands, historical, or cultural features that may exist on this property.
6. Information regarding the reputed presence, size, character, and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his employees, his consultants, his contractors and/or his agents shall hereby distinctly understand that the surveyor is not responsible for the correctness or sufficiency of this information shown hereon as to such underground installations.
7. The certification, as shown hereon, is purely a statement of professional opinion based on knowledge, information and belief; and based on existing field evidence and documentary evidence available. The certification is not an expressed or implied warranty or guarantee.

GRAPHIC SCALE



FOOTHILLS
LAND SURVEYING, LLC

8450 KNOX BRIDGE HWY
CANTON, GA 30114
(678) 533-8637
www.foothillslandsurveying.com
GA LSF #1152

BOUNDARY SURVEY PREPARED FOR
DEAN KLEIN & MARY KLEIN

ROCHWALSKYS CORNER
LOCATED IN LAND LOT 139
20TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

DATE:10/10/2022
SCALE: 1"= 40'
DRAWING:22-206A
COORD:
REVISIONS:
SHEET #: 1 of 1



Item Report

TO: The Honorable Mayor and City Council
FROM:
DATE: April 7, 2025
TITLE: Reports, Discussions, and Updates

Summary:

Recommendation:

Fiscal Impact:

Attachments:
None



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: April 7, 2025

TITLE: 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.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

None