

Mayor

Derek Easterling

City Manager

Jeff Drobney, ICMA-CM

City Clerk

Lea Alvarez, CMC

**Council**

Mayor Pro-Tem Tracey Viars

Lynette Burnette

Pat Ferris

Antonio Jones

Trey Sinclair

City Council Work Session**Meeting Agenda**

June 26, 2023 6:30 PM

Council Chambers

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

- A. This public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center, if needed.

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

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

5. Presentations**6. Public Comment/Business from the Floor****7. Old Business****8. New Business****9. Committee and Board Reports****10. Public Hearing(s)**

- A. FINAL PUBLIC HEARING: Approval of an ORDINANCE to amend the Charter of the City of Kennesaw, Georgia, Part I, Article VI, "Municipal Court," Section 6.04, "Right of Appeal."

11. Consent Agenda

- A. Approval of the June 19, 2023 City Council regular meeting minutes.

12. General and Administrative

13. Public Safety

14. Information Technology

15. Public Works

- A. Approval of RESOLUTION granting a Sanitary Sewer Easement Agreement with Cobb County Water System

16. Recreation and Culture

17. Community Development

18. Public Comment/Business from the Floor

19. City Manager's Report

- A. Reports, Discussions, and Updates
- B. City Councilmember Items Requested for Discussion
 - 1. Councilmember Antonio Jones
 - 2. Mayor Pro Tem Tracey Viars
- C. DISCUSSION ONLY: Financial Management Policies
- D. Approval of RESOLUTION for a programming and schematic design proposal and agreement with Croy Engineering and Croft & Associates for the Kennesaw Public Safety Facility.

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 Comments

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: Lea Alvarez, City Clerk

DATE: June 26, 2023

TITLE: FINAL PUBLIC HEARING: Approval of an ORDINANCE to amend the Charter of the City of Kennesaw, Georgia, Part I, Article VI, "Municipal Court," Section 6.04, "Right of Appeal."

Summary:

The Charter of the City of Kennesaw Part I, Article VI "Municipal Court," Section 6.04 "Right of Appeal" reflects the appellate procedures from the decisions of the municipal court to the superior court of Cobb County, Georgia. The Georgia Legislature amended Chapter 3, Title 5, of the Official Code of Georgia Annotated, which takes effect on July 1, 2023. The Mayor and City Council have determined it is in the best interests of the citizens of Kennesaw to amend the municipal court appellate procedures to comply with the amendment to Chapter 3, Title 5, of the Official Code of Georgia Annotated. In accordance with O.C.G.A. § 36-35-3(b)(1), two consecutive public hearings will be conducted and duly advertised. A legal ad was posted in the June 9, 2023, June 16, 2023, and June 23, 2023 editions of the Marietta Daily Journal.

Recommendation:

The City Clerk recommends approval.

Fiscal Impact:

Attachments:

1. ORDINANCE - Municipal Court Charter Amendment
2. 06-09-23 Legal Ad
3. 06-16-23 Legal Ad
4. 06-23-23 Legal Ad

**CITY OF KENNESAW
GEORGIA**

ORDINANCE NO. 2023-____, 2023

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF KENNESAW, GEORGIA, PART I, ARTICLE VI, “MUNICIPAL COURT,” SECTION 6.04, “RIGHT OF APPEAL”

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

WHEREAS, the Charter of the City of Kennesaw Part I, Article VI “Municipal Court,” Section 6.04 “Right of Appeal” reflects the appellate procedures from the decisions of the municipal court to the superior court of Cobb County, Georgia; and

WHEREAS, the Georgia Legislature amended Chapter 3, Title 5, of the Official Code of Georgia Annotated, which takes effect on July 1, 2023; and

WHEREAS, the Mayor and City Council has determined it is in the best interests of the citizens of Kennesaw to amend the municipal court appellate procedures to comply with the amendment to Chapter 3, Title 5, of the Official Code of Georgia Annotated; and

WHEREAS, this code change is in accordance with the City Charter Part I, Article II “City Government,” Section 2.11 “City Legislation,” which states that The mayor and council shall exercise their powers in public meetings. “Any action of the council having a regulatory or penal affect or required to be done by ordinance under this Charter shall be done only by ordinance. Each resolution and ordinance shall be in written form before being introduced. The affirmative vote of at least three members of the council shall be required to pass any resolution or ordinance. After adoption of ordinances, the city clerk shall number ordinances consecutively, in the order of their final adoption, and shall copy them into a permanent record book used solely for this purpose; and the city clerk shall do likewise for resolutions, using a separate series of numbers and a separate record book, which may include electronic files. The original copies of all ordinances, resolutions, and motions shall be filed and preserved by the city clerk.”

WHEREAS, the public hearings were duly advertised in the Marietta Daily Journal.

WHEREAS, the Charter of the City of Kennesaw Part I, Article VI “Municipal Court,” Section 6.04 “Right of Appeal” shall be amended as follows:

Section 1:

That section 6.04 of the Code of Ordinances, Kennesaw, Georgia, is hereby amended to read as follows:

Sec. 6.04. - Right of appeal.

The right of appeal and procedures pertaining to appeal bonds to the Superior Court of Cobb County from the municipal court shall ~~lie in the same manner and under the same procedure as generally prescribed for appeals and appeal bonds from the probate court. An appeal to the superior court shall be a de novo proceeding~~ be entered as set forth in O.C.G.A. § 40-13-28 and Chapter 3, Title 5, of the Official Code of Georgia Annotated and as amended.

Section 2:

The effective date of this ordinance shall be July 1, 2023

PASSED AND ADOPTED by the Kennesaw City Council on this ___ day of July, 2023.

ATTEST:

CITY OF KENNESAW:

Lea Alvarez, City Clerk

Derek Easterling, Mayor

6:9,16,23-2023

MDJ-4892
GPN-16

**NOTICE OF PUBLIC HEARINGS
CITY OF KENNESAW**

Notice is hereby given the Mayor and Council of the City of Kennesaw, Georgia will conduct public hearings on June 19, 2023 and July 5, 2023 at 6:30 p.m. in the Council Chambers, Kennesaw City Hall, 2529 J.O. Stephenson Avenue, Kennesaw, GA 30144, to consider an Ordinance to amend the Charter of the City of Kennesaw, Georgia Part I, Article VI, "Municipal Court," Section 6.04, "Right of Appeal" of the Code of Ordinances. Final action is anticipated to occur at the July 5, 2023 Mayor and Council meeting. Copies of the proposed Ordinances are on file in the Office of the City Clerk and the Office of the Clerk of the Superior Court of Cobb County during normal business hours, Monday-Friday, 8:00 a.m. to 5:00 p.m. for public viewing.

6:9,16,23-2023

2023 6:9,16,23-2023

0:7,10,23-2023

MDJ-4892

GPN-16

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6:9,16,23-2023

MDJ-4996

0:7,10,43-2023

MDJ-4892

GP-16

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6:9,16,23-2023

MDJ-5038

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

City Attorney Randall Bentley, Sr. led the invocation.

City resident Andrew Bramlett led the Pledge of Allegiance.

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

A. This public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center, if needed. Mayor and Council will be conducting their meeting via real-time telephonic technology using Zoom Meeting and Facebook Live. You can access the meeting via the following link: <https://www.facebook.com/CityofKennesaw/>

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

6. Public Comment/Business from the Floor

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

No comments.

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

7. Old Business

8. New Business

9. Committee and Board Reports

10. Public Hearing(s)

- A. FIRST PUBLIC HEARING: Approval of an ORDINANCE to amend the Charter of the City of Kennesaw, Georgia, Part I, Article VI, "Municipal Court," Section 6.04, "Right of Appeal."

City Clerk Lea Alvarez presented the first public hearing for an ordinance to amend the Charter of the City of Kennesaw, Georgia, Part I, Article VI, "Municipal Court," Section 6.04, "Right of Appeal." Ms. Alvarez explained the current code section reflects the appellate procedures regarding the decisions of the municipal court to Cobb County superior court. The Georgia Legislature amended Chapter 3, Title 5 of the Official Code of Georgia Annotated (O.C.G.A), which takes effect on July 1, 2023. The city would like to amend its current code section to comply with the Legislature's amendment to Chapter 3, Title 5 of O.C.G.A. Ms. Alvarez stated, in accordance with O.C.G.A § 36-35-3(b)(1), there will be two consecutive public hearings conducted with the second and final hearing on July 5, 2023 at 6:30 p.m.

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

No comments.

6:34 p.m. Floor Closed for Public Comments

The final public hearing and vote for this item will be held and conducted on Wednesday, July 5, 2023 at 6:30 p.m.

- B. SECOND PUBLIC HEARING: Approval of RESOLUTION adopting the updates to the Capital Improvement Element and Short Term Work Program (CIE/STWP) report covering the five-year period of 2023-2027. Case# MISC2023-04.

Planning and Zoning Administrator Darryl Simmons presented the final public hearing to approve a resolution adopting the updates to the Capital Improvement Element and Short Term Work Program (CIE/STWP) report covering the five-year period of 2023-2027. This report is submitted annually to the Georgia Department of Community Affairs and the Atlanta Regional Commission. Mr. Simmons explained its annual review and adoption is required for all jurisdictions collecting development impact fees

in order to maintain their Qualified Local Government status.

Motion by Mayor Pro Tem Viars to approve [RESOLUTION NO. 2023-27, 2023](#) adopting the updates to the Capital Improvement Element and Short Term Work Program (CIE/STWP) report covering the period of 2023-2027, as presented. Seconded by Councilmember Sinclair.

6:34 p.m. Floor Open for Public Comments

No comments.

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

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

- C. Approval of an ORDINANCE to amend the Unified Development Code, Appendix A, Chapter 1 and Chapter 10 regarding changes to the Zoning Procedures Law. Case #MISC2023-05.

Planning and Zoning Administrator Darryl Simmons presented an ordinance to amend the Unified Development Code, Appendix A, Chapter 1 and 10 regarding changes to the Zoning Procedures Law. Mr. Simmons outlined the proposed changes in a presentation **(See Exhibit A)**. The text amendments comply with the Zoning Procedures Law passed by the Georgia Legislature in 2022 under House Bill 1405 regarding public notification and public hearing requirements. The new Zoning Procedures Law will take effect on July 1, 2023. The amendments were duly advertised in the Marietta Daily Journal and at a special call meeting on July 14, 2023, the Planning Commission unanimously voted to approve the proposed ordinance as presented.

Motion by Mayor Pro Tem Viars to approve [ORDINANCE NO. 2023-12, 2023](#) to amend the Unified Development Code, Appendix A, Chapter 1 and Chapter 10 regarding changes to the Zoning Procedures Law, as presented. Seconded by Councilmember Burnette.

6:45 p.m. Floor Open for Public Comments

No comments.

6:46 p.m. Floor Closed for Public Comments

Councilmember Ferris asked Mr. Simmons why the regularly scheduled July 7, 2023 Planning Commission meeting was canceled, but a special called meeting was held to hear these proposed amendments. Mr. Simmons responded it boiled down to a timing issue. Because it had to be adopted by July 1 and the final version was not ready for the regularly scheduled Planning Commission, staff decided to hold a special call meeting to make sure it was properly advertised within enough time to meet the city's legal standards.

Councilmember Ferris stated he was surprised to read that the Georgia Legislature passed this bill in 2022, and we are just now adopting these amendments after one year has lapsed. Mr. Simmons explained the state did not provide a specific deadline until the last minute.

Councilmember Ferris asked if Mr. Simmons believed one legal ad would suffice when, in the past, we were required to do two. Mr. Simmons stated he believed it would suffice because of all the other ways in which his department notices the public.

His last question to Mr. Simmons was regarding who posts the public notice signs, and who is charged with making sure the signs are not vandalized or lost. Mr. Simmons shared Public Works' Sign Department creates the signs and places the signs based on a map provided by Planning and Zoning. The Sign Department will then provide a time-stamped photo of the sign for Planning and Zoning, and monitor the signage to make sure it has not been removed or damaged. Councilmember Ferris asked how often the signage is monitored to which Mr. Simmons replied, weekly.

Councilmember Ferris recognized the city has had issues in the past with signs disappearing. He asked staff to check the signs every two or three days.

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

11. Consent Agenda

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

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

- A. Approval of the May 30, 2023 City Council work session minutes.
- B. Approval of the June 5, 2023 City Council regular meeting minutes.

12. General and Administrative

- A. Consideration for approval of a Temporary Use Permit for TNT Fireworks.
Applicant: Laura Martin.

Business License Manager Derek Cox presented a Temporary Use Permit for TNT Fireworks on behalf of applicant Laura Martin. The applicant would like to sell fireworks in the Goodwill parking lot located at 2500 North Cobb Parkway. The property owner has given the applicant written permission to sell the fireworks on the property between June 14 - July 10, 2023. Mr. Cox stated a similar fireworks sale was conducted last year during June 2022. The council's approval is contingent on the applicant passing the Cobb Fire Marshall inspection.

Motion by Councilmember Jones to approve the Temporary Use Permit for TNT Fireworks for applicant Laura Martin, as presented. Seconded by Councilmember

Sinclair.

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

13. Public Safety

A. Receipt of the May 2023 Crime Statistics.

Chief Bill Westenberger presented the May 2023 crime statistics.

Motion by Mayor Pro Tem Viars to receive the May 2023 crime statistics, as presented. Seconded by Councilmember Burnette.

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

14. Information Technology

15. Public Works

A. Approval of RESOLUTION to award bid and authorize the Mayor to sign a contract with Proshot Concrete, Inc. for the 2023 Pipe Rehabilitation Project.

Public Works Director Ricky Stewart presented a resolution to award the bid and contract to Proshot Concrete, Inc. for the 2023 Pipe Rehabilitation project. A request for bids was advertised to repair failing storm water pipes throughout the city. Eight bids were received and ProShot Concrete came in as the lowest bid in the amount of \$288,443.00.

Motion by Mayor Pro Tem Viars to approve [RESOLUTION NO. 2023-28, 2023](#) awarding the bid and authorizing the Mayor to sign a contract with Proshot Concrete, Inc. for the 2023 Pipe Rehabilitation project, as presented. Seconded by Councilmember Sinclair.

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

16. Recreation and Culture

17. Community Development

18. Public Comment/Business from the Floor

6:57 p.m. Floor Open for Public Comments

ANDREW BRAMLETT (City Resident): Mr. Bramlett shared the story of the "Little General" (**See Exhibit B**).

6:58 p.m. Floor Closed for Public Comments

19. City Manager's Report

A. Reports, Discussions, and Updates

City Manager Jeff Drobney did not have any updates to share.

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 Comments

Councilmember Antonio Jones shared his experience regarding some of the activities at the Juneteenth event over the weekend.

Mayor Pro Tem Viars also attended the Juneteenth event hosted by the Kennesaw Police Department this past weekend and said it was a wonderful event. She reminded the community about "Coffee with a Cop" tomorrow from 8:00 a.m. to 10:00 a.m. at Honeysuckle Bakery and encouraged the public to get to know their local police officers. Mayor Pro Tem Viars shared five years ago this month, she became a Kennesaw Councilmember. She said it has been a great honor, and she has not missed a Monday since!

Councilmember Pat Ferris told Andrew Bramlett , based on his recollection, the Little General was moved to the Square of Marietta where it sat on display for quite some time. He wondered if the City of Marietta had it hidden away somewhere.

Councilmember Lynette Burnette congratulated Mayor Pro Tem Viars on five years of service to the Kennesaw community.

Councilmember Trey Sinclair joked that it sounded like Councilmember Ferris was signing us up for another Great Locomotive Chase with the City of Marietta.

22 Executive Session

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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 7:02 p.m. The next regularly scheduled meeting will be held on Wednesday, July 5, 2023 at 6:30 P.M. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.



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Text Amendments

Case #MISC2023-05

Unified Development Code

Chapters 1 and 10

CHAPTER 1 – OVERVIEW OF UPDATES

- Update to the Building Official's Title
- Update to the Zoning Administrator's Title

DRAFT

Section 1.06.01 – Building Official

- The Building Official shall also be known as the Building Services Director

DRAFT

1.06.01 - Building Official

Shall be the individual who serves as Director of the Construction and Development Division as designated by the Mayor and City Council in accordance with Section 101.4 of the Standard Building Code, 1991 Ed., and as may be amended from time to time. As used herein, the Building Official shall also be known as the Building Services Director.

Section 1.06.03 – Zoning Administrator

- The Zoning Administrator shall also be known as the Planning and Zoning Administrator

1.06.03 - Zoning Administrator

City of Kennesaw staff person as designated by the Mayor and City Council who serves to administer the Unified Development Code and who is authorized to interpret the terms and provisions of the Unified Development Code, including the Zoning Ordinance, Historic Preservation Design Guidelines, and Architectural Standards and to ensure consistent application and adherence to the adopted Comprehensive Plan, all adopted Master Plans and Studies for the City of Kennesaw and all other duties assigned by the City Manager. As used herein, Zoning Administrator shall also be known as the Planning and Zoning Administrator.

CHAPTER 10 – OVERVIEW OF UPDATES

- Updating the title changes for the “Building Director” and “Zoning Administrator” within the following sections:
 - 10.00.02, 10.00.03, 10.00.06, 10.01.02, 10.02.03, 10.02.04, 10.03.13, 10.04.02, 10.05.01
- Updates to Unified Development Code (UDC) to match House Bill 1405 which was passed in 2022.
- Updates to Annexation Initiations to match O.C.G.A.
- Update to the Comprehensive Plan “Future Development Map” term

10.00.05 (A) Public Notice Requirements

- The UDC will use the Official Code of Georgia Annotated (O.C.G.A.) definition for “Zoning Decision.”
- O.C.G.A. 36-66-3(4) states: “Zoning decision” means final legislative action by a local government which results in:
 - (A) The adoption or repeal of a zoning ordinance;
 - (B) The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
 - (C) The adoption or denial of an amendment to a zoning ordinance to rezone property from one zoning classification to another;
 - (D) The adoption or denial of an amendment to a zoning ordinance by a municipal local government to zone property to be annexed into the municipality;
 - (E) The grant or denial of a permit relating to a special use of property; or
 - (F) The grant or denial of a variance or conditions concurrent and in conjunction with a decision pursuant to subparagraphs (C) or (E) of this paragraph.

10.00.05 (B)(1) Public Notice Requirements

- Removal of the requirement to publish a legal ad in the local newspaper for two (2) consecutive weeks.
- The requirement is now publishing a legal ad only once in the newspaper.

1. Such notice shall be published once a week for two (2) consecutive weeks in such newspaper.
2. The notice shall state:
 - a. The time, place, and purpose of the hearing.
 - b. Location of the property.
 - c. Present zoning classification of the property.
 - d. Proposed zoning classification of the property.

10.00.05 (C) Public Notice Requirements

- Added language for yellow public notice signs, which states that, “acts of vandalism or natural occurrences...shall not void any proceedings or actions taken by the Planning Commission or Mayor and Council.”

C. The City of Kennesaw shall be required to post and maintain signs supplied by the zoning division on or near the right-of-way of the nearest public street, so as to be visible from the street, for at least fifteen (15) days immediately preceding the date for any public hearings on the application, which shall remain posted until a final decision by the Mayor and Council.

1. It is the responsibility of the City of Kennesaw to post the signs. Acts of vandalism or natural occurrences which may diminish the effectiveness of the public notice provided shall not void any proceedings or actions taken by the Planning Commission or Mayor and Council. ~~and to maintain the signs during the posting period. Failure to post and maintain the signs continuously may prohibit consideration of the application at any schedule public hearing.~~

10.00.05 (G) Public Notice Requirements

- This proposed section has been taken out all together

~~G. For a hearing before the Planning Commission, notice of such hearing shall be provided at least 30 days prior to the quasi-judicial hearing, with such notice being made as provided for herein and with additional notice being mailed to the owner of the property that is the subject of the proposed action.~~

The new section 10.05.00 (G): (1 of 3)

- House Bill 1405 introduces a new rule statewide that local governments must follow.
- The new rule applies to rezoning requests from Single-Family to Multi-Family only when the request is initiated by a local government.
- This rule does not apply if the request is initiated by the property owner or authorized agent of the owner.

The new section 10.05.00 (G): (2 of 3)

- If a local government makes a request to deviate from a single-family residential zoning classification to authorize a multi-family residential use, then the zoning decision must be adopted in the following manner:
 - A zoning decision must be adopted at 2 regular Council meetings during a period of not less than 21 days apart.
 - Such public hearings shall be held at least 3 months and not more than 9 months prior to the date of final action on the zoning decision.
 - At least one of the public hearing meetings must be held between 5 p.m. and 8 p.m.
 - When more than 500 parcels are affected, a public notice sign is required every 500-feet.
 - A published notice must be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper

The new section 10.05.00 (G): (3 of 3)

- A zoning decision must be adopted in accordance with the new rules also, if a local government makes:
 - A request is made to abolish all single-family residential zoning classifications within the territorial boundaries of the city, or
 - A zoning decision that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of the city to multifamily residential uses of property.
- This subsection does NOT apply to rezoning requests from single-family to multi-family when the request is initiated by the property owner or authorized agent of the owner of such property.

10.00.08 Procedures for Annexation of Property

- This section adds in the O.C.G.A. rules on how annexation requests can be accomplished.
- Types of Annexation Initiations:
 - By Local Act of the General Assembly
 - By 100% of landowners
 - By 60% of the land and 60% of electors
 - By Resolution and Referendum

10.01.02 (E) (2) & (F) (2) Rezoning Procedures for Amending the Official Zoning Map

- Adds “with prejudice” to recommendations list that the Planning Commission and Mayor and Council may recommend.

E. *Planning Commission.*

1. The Planning Commission shall hold a public hearing on each application for ~~rezoning and use permit, special land use permit.~~ The ~~sStaff rReport~~ on each application shall be submitted to and considered by the Planning Commission at the public hearing. The Planning Commission shall investigate and consider each of the matters listed in Section (G) below.
2. As to each application, the Planning Commission shall make a recommendation to the Mayor and City Council ~~for approval, denial, deferral, continuance, hold, withdrawal~~ **with or** without prejudice, or no recommendation. Written minutes of the Planning Commission's recommendation to the Mayor and City Council shall be prepared and maintained. Additionally, the ~~sStaff rReport~~ and application shall be submitted to the Mayor and City Council. All documents shall thereafter become public record.

10.01.03 Procedures for Amending the Future Development Maps

- In this section, staff eliminated the term “Character Area” and changed it to “Area.”
- “Character Area” was used in the 2017 Comprehensive Plan.
- In the 2022 Comprehensive Plan, “Character Area” was changed to “Area.”

10.01.03 Procedures for Amending the Future Development Maps

The Future Development Maps are composed of two, individual maps:

- A) The **Character**-Area Map, and
- B) The Future Land Use Map.

The Future Development Maps were developed over the course of two separate planning processes. The **Character** Area Map shows the **character** areas as identified for Kennesaw during the 2007 update to the Comprehensive Plan update. The **character** areas function as broad, high level categories for planning and development concept formation. The **Character**-Area Map was created in response to a requirement by the Department of Community Affairs and may be revised with each update to the Comprehensive Plan or as needed by staff and adopted by Mayor and Council.

The Future Land Use Map presents the types of land uses allowed at the individual parcel level. The current Future Land Use Map was adopted in 2007 along with Future Land Use Category descriptions. The Future Land Use Map may be revised from time to time as recommended by city staff and adopted by Mayor and Council.

The **character** areas correspond closely with the Future Land Use Map, but there are minor differences. In the event of a land use conflict, the most current Future Land Use Map will function as the controlling Future Development Map.

10.03.11 Final Plat Certificates

- Eliminating duplicate signature requirements by the City Engineer and by the Mayor

DRAFT

KENNESAW HISTORY

The Little General

The Little General

Image from the Southern
Museum of Civil War and
Locomotive History



Before the *General* returned to Kennesaw permanently in 1972, another train could be found in our downtown.

In 1967, a small replica of a locomotive was placed in what was then known as Fuller Park and is today referred to as Commemorative Park. The small train was given to the Big Shanty Historical Society by the Louisville and Nashville Railroad as a stand-in until the actual *General* could be returned to our area.

This small train became known as the “Little General” and over time the two engines were conflated, with the original train sometimes called by that name as well. Shortly after its unveiling in 1967, the model went on a tour across the state to raise money for the original *General*’s return. The model’s ultimate fate is unknown, but it was likely removed from the park around the time the *General* came back to Kennesaw.

Presented by Andrew J. Bramlett
at the June 19, 2023,
City of Kennesaw Mayor &
Council Meeting

KENNESAW
HISTORICAL
SOCIETY

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

PLEASE MAKE SURE YOUR NAME IS LEGIBLE AND CLEAR

Mayor & Council Regular Meeting

6/19/2023

Public Comment Sign-in

	Name	Address	Topic
1	<i>Andrew Brant</i>	<i>2990 Amherst Ct., Kennesaw</i>	<i>Local History</i>
2			
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19			

DRAFT



Item Report

TO: The Honorable Mayor and City Council
FROM: Ricky Stewart, Public Works Director
DATE: June 26, 2023
TITLE: Approval of RESOLUTION granting a Sanitary Sewer Easement Agreement with Cobb County Water System

Summary:

Cobb County Water System has requested that the City of Kennesaw grant an easement through a portion of Depot Park. This easement will contain an existing sanitary sewer line that currently lies from Cherokee Street to the Depot Park tunnel. This will be a 20-foot easement, 10 feet on either side of the line, as shown by the hatched area in Exhibit A of the Agreement.

Recommendation:

The Public Works Director recommends approval of the agreement.

Fiscal Impact:

Attachments:

1. RESOLUTION - CCWS Easement
2. City of Kennesaw - CCWS Depot Park Easement - Final

**CITY OF KENNESAW
GEORGIA**

**RESOLUTION NO. 2023- _____, 2023
CITY OF KENNESAW
GEORGIA**

RESOLUTION TO GRANT SEWER EASEMENTS TO COBB COUNTY WATER SYSTEM

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

WHEREAS, Cobb County Water System has an existing sanitary sewer line that lies within the City of Kennesaw's Depot Park; and

WHEREAS, Cobb County Water System has requested that the City provide an easement for the existing sanitary sewer line; and

WHEREAS, the request is for a 20-foot easement, 10 feet on either side of the line, in order for Cobb County Water System to maintain the line.

BE IT RESOLVED the Kennesaw City Council authorizes the Mayor to execute the easement agreement with Cobb County Water System as shown as Exhibit A in the Easement Agreement.

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

PASSED AND ADOPTED by the Kennesaw City Council on this ____ day of July, 2023.

ATTEST:

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor

After Recording Return To:
Cobb County Water System
660 South Cobb Drive
Marietta, Georgia
Attn: Angela Robinson

(For Recording Purposes)

**GRANT OF SEWER EASEMENT
AND
HOLD HARMLESS AGREEMENT**

**State of Georgia
County of Cobb**

This Grant of Sewer Easement and Hold Harmless Agreement is made and entered into this _____ day of _____ 20____, by and between **CITY OF KENNESAW**, of the aforementioned State, as party of the first part, hereinafter referred to as "Grantor" and **COBB COUNTY**, a political subdivision of the State of Georgia, as party of the second part hereinafter referred to as "Grantee" (the term "Grantee" to include respective heirs, beneficiaries, legal representatives, employees, contractors, agents, tenants and subtenants, successors and assigns, where the context hereof requires or permits).

WHEREAS, Grantor is the owner of all that tract or parcel of land lying and being in Land Lot 138 of the 20th District, 2nd Section, Cobb County, Georgia, and being Parcel Number 20013802010 recorded in Deed Book ___, Page ___, in the Office of the Clerk of Superior Court of Cobb County, which recorded plat is incorporated herein and made a part hereof by reference (the "Grantor's Property"); and

WHEREAS, Grantee has a sanitary sewer line under, across, and through a portion of Grantor's Property as depicted and identified on the plat attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter the "Sewer Line") that existed on Grantor's Property prior to the construction of Grantor's improvements and structures; and

WHEREAS, Grantee does not have a recorded easement for the location of the Sewer Line from Grantor or any predecessor in interest to Grantor; and

WHEREAS, Grantor desires to grant and Grantee desires to receive an easement for the Sewer Line over, across, and through Grantor's Property;

WHEREAS, there exists concrete walls located on and across portions of the Sewer Line also

as depicted on Exhibit "A", (hereinafter the "Encroachments"); and

WHEREAS, Grantor and Grantee wish and intend also to address and otherwise allow for the Encroachments to remain despite the existence of the Sewer Line; and

WHEREAS, Cobb County is unwilling to assume any liability of any kind whatsoever for said Encroachments.

NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee hereby agree as follows:

Grant of Sewer Easement

Grantor does hereby grant, bargain, sell and convey unto Grantee, a perpetual sewer easement over, upon, through, under, and across Grantor's Property, said easement being more particularly depicted on the plat attached hereto as Exhibit "A" which shows the dimensions of this easement and which is made a part hereof by reference (the "Easement Area").

The sanitary sewer easement conveyed by this instrument is **twenty (20) feet in width**, the center line of which is the center line of the existing sewer line. The easement starts at that point where the easement conveyed herein enters the Grantor's Property and terminates at that point where the easement conveyed leaves the subject property. This easement is bounded by the Grantor's property as previously established by the dimensions recited hereinabove and totals approximately three hundred and twenty-four (324) +/- linear feet.

The sanitary sewer easement conveyed herein by Grantor is for the purpose of allowing Grantee to operate and maintain the existing sanitary sewer line and includes the rights to enter upon Grantor's Property to inspect, maintain, replace, or repair the same, as may from time to time be necessary, or whenever Grantee deems fit, with all rights, members and appurtenances to said easement in anywise appertaining or belonging thereto; provided, however, Grantee shall use its best efforts to not disturb, or otherwise damage, the Encroachments in exercising its rights hereunder, considering that the Encroachments are located within the easement area.

Grantor, for both itself and its heirs and assigns, understands and agrees in connection with this conveyance that any and all future construction, digging, grubbing, clearing, filling, or other earth moving or construction activities within or in the Easement Area are specifically in violation of the rights conveyed herein and are, therefore, prohibited; provided, however, nothing contained herein shall prevent Grantor from performing maintenance or repairs not involving the above restricted activities to the Encroachments.

Grantor hereby covenants with Grantee that it is lawfully seized and possessed of the real estate previously described herein and that it has good and lawful right to convey the easement covered by this document, or any part thereof. The easement herein granted shall bind the heirs and assigns of Grantor and shall inure to the benefit of the successors in title of Grantee.

Grantee hereby expressly consents to the location of the Encroachments within and upon the

Easement Area. Grantor agrees that the size of the Encroachment shall not be increased in area.

Grantor, its administrators, executors, successors, heirs and assigns hereby release, indemnify and hold harmless Grantee, its elected officials, agents, servants, employees, or representatives from any and all damages, accidents, casualties, occurrences or claims that might arise or be asserted against Grantee as a result of the Encroachments location relative to the Sewer Line or as a result of the sole negligence of Grantor, including damage caused by the Sewer Line or failure of the Sewer Line.

This Agreement shall be a covenant running with the land and bind all future owners.

Witness my hand and seal, this ____ day of _____, 20__.

**GRANTOR:
CITY OF KENNESAW**

Witness (Signature)

By: _____

Witness (Printed Name)

Title: _____

NOTARY PUBLIC

(SEAL)

Approval _____
Date _____
Stipulations _____

****Attach an "8 ½ x 11" Plat – Exhibit "A"****

20' COBB COUNTY S.S.E.

CALL TABLE

LINE	BEARING	DISTANCE
L1	S89°10'48"E	20.41'
L2	S9°42'11"E	84.39'
L3	S12°23'33"E	184.66'
L4	S81°19'42"W	41.17'
L5	S73°32'42"W	28.82'
L7	N73°32'42"E	28.89'
L8	N61°19'42"E	24.04'
L9	N12°23'33"W	170.13'
L10	N8°42'11"W	88.94'

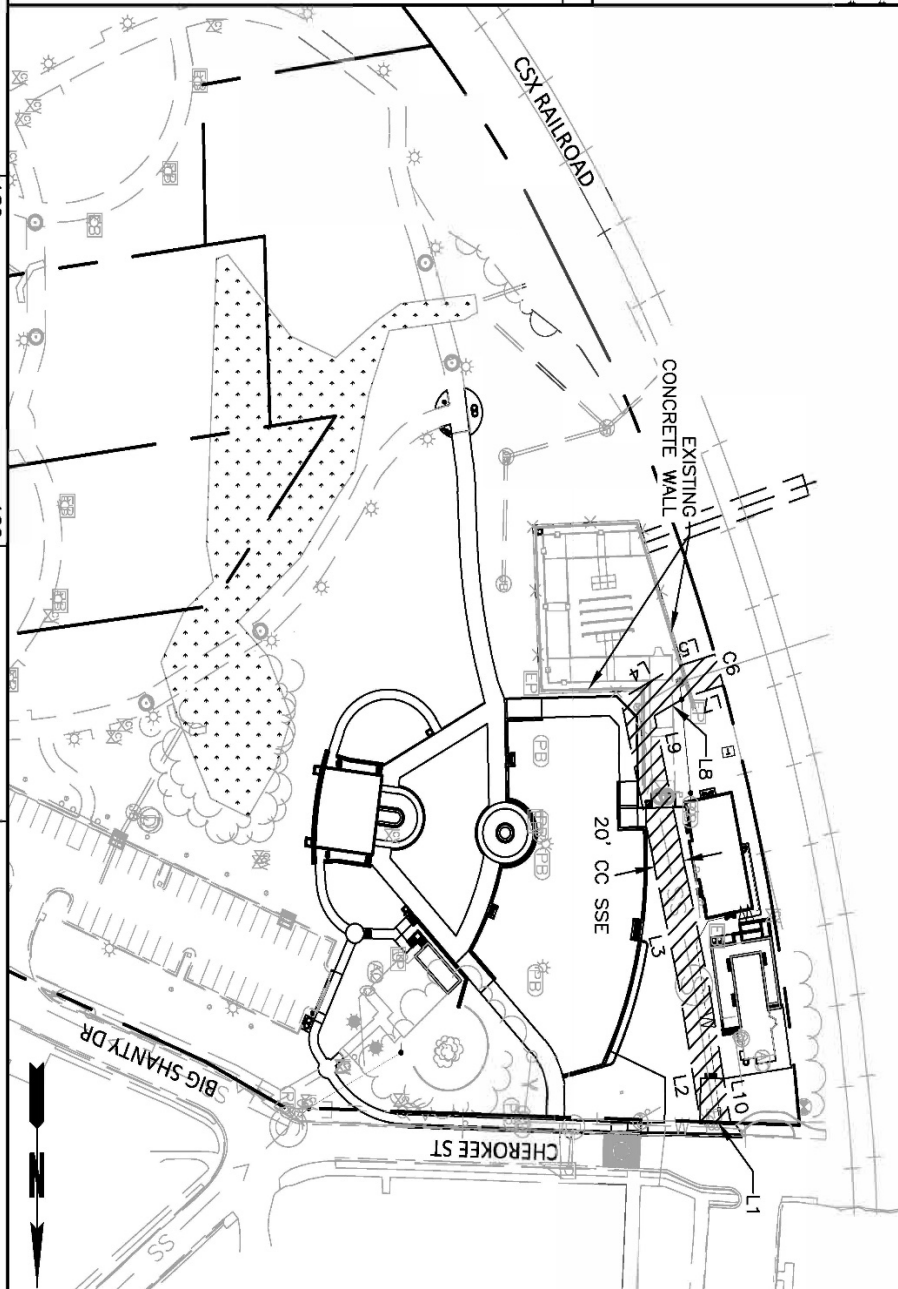
CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	BEARING
C6	20.00'	1400.09'	20.00'	N78°48'50"W

THESE PLANS AND DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION OF THE ENGINEER OF RECORD. ANY VIOLATION OF THESE TERMS SHALL BE CONSIDERED TO BE A VIOLATION OF ANY APPLICABLE LAW AND SHALL BE PUNISHED BY LAW WITHOUT WRITTEN PERMISSION AND CONSENT.

COBB COUNTY SSE = 6,485 SF

PERMANENT EASEMENT



100' 100'

SCALE IN FEET: 1"=100'

- CONSTRUCTION ESMT.
- DRIVEWAY ESMT.
- EX. RIGHT OF WAY
- EX. PROPERTY LINES
- PROP. RIGHT OF WAY

2/13/2023

CROY
200 NORTH COBB PARKWAY, SUITE 400, SUITE 415
Kennesaw, GA 30144
PHONE: (770) 871-4407 FAX: (770) 871-4850

REVISION DATES

NO.	DATE	DESCRIPTION

Sketch of Right of Way & Easements
Required by Cobb County
through the Property of:

CITY OF KENNESAW
Located in Section 2, Land District 20
Land Lot 138, Parcel 2822
2828 Cherokee St
Cobb County, Georgia



Item Report

TO: The Honorable Mayor and City Council
FROM:
DATE: June 26, 2023
TITLE: Reports, Discussions, and Updates

Summary:

Recommendation:

Fiscal Impact:

Attachments:
None



Item Report

TO: The Honorable Mayor and City Council
FROM:
DATE: June 26, 2023
TITLE: Councilmember Antonio Jones

Summary:

Recommendation:

Fiscal Impact:

Attachments:
None



Item Report

TO: The Honorable Mayor and City Council
FROM: Jeff Drobney, City Manager
DATE: June 26, 2023
TITLE: DISCUSSION ONLY: Financial Management Policies

Summary:

For the Mayor and Council's review, staff created two draft financial policies to maintain transparency and consistency regarding the City's budget process and management of cash and investments.

Recommendation:

Fiscal Impact:

Attachments:

1. Kennesaw Budget and Fund Balance Policy
2. Kennesaw Cash and Investment Mgt Policy

City of Kennesaw
Financial Management Policies

BUDGET & FUND BALANCE

SECTION I. GENERAL BUDGET POLICIES

The budget process provides the primary mechanism by which key decisions are made regarding the levels and types of services to be provided within estimated resources. Budget policy guides this process. Budget policy also directs the City's financial health and stability.

Georgia law (e.g., O.C.G.A. 36-81-2 et seq.) provides the budget requirements for Georgia local governments. The information below provides an outline of the City's application of those laws.

The City's goal will be to adopt operating budgets where current revenues equal anticipated expenditures once operating reserves are met. All departments supported by the resources of this City must function within the limits of the financial resources identified or available specifically to them. A balance must be struck between revenues and expenditures, so that the public can realize the benefits of a strong and stable government. It is important to understand that this policy is applied to budget entities over periods of time which extend beyond current appropriations. By law, budgets cannot exceed available resources, defined as revenues generated in the current period added to balances carried forward from prior years. Temporary shortages, or operating deficits can and do occur, but they are not tolerated as extended trends.

A. SCOPE

This policy applies to all budgeted funds, which are the responsibility, and under the management of the City of Kennesaw.

B. FINANCING CURRENT COSTS

Current costs shall be financed with current revenues, including the use of authorized fund balances. The City is prohibited from balancing current expenditures through the obligation of future year's resources. The City shall strive to avoid short-term borrowing to meet cash flow requirements. However, the City may enter into short-term borrowing should a critical need arise.

C. BUDGET OBJECTIVE BY TYPE OF FUND

The following budget objectives are established for the different funds the City uses:

1. **General Fund** – The annual budget for the General Fund shall provide for general government operations of the City and maintain working capital necessary for the City's financial health and stability.
2. **Special Revenue Fund(s)** – The City adopts annual budgets for each special revenue fund that demonstrates any legally restricted revenue sources are used consistent with the applicable laws and/or regulations (i.e. Emergency 911 Fund, Impact Fee Fund, etc.).
3. **Capital Project Fund(s)** – The City adopts project budgets for each of its capital project funds. These adopted appropriations do not lapse at the end of a fiscal year; rather they remain in effect until project completion or re-appropriation by City Council.
4. **Debt Service Fund(s)** – The City adopts annual budgets for its debt service funds as applicable. Any remaining fund balances from prior years plus current years projected revenues shall be sufficient to meet all annual debt service requirements.

5. **Enterprise Fund(s).** Although generally accepted accounting principles (GAAP) and state statutes do not require the city to adopt budgets for enterprise funds, the city shall adopt budgets for its enterprise funds in order to monitor revenues and control expenses. The city uses a business approach when budgeting enterprise funds. Enterprise funds shall be self-supporting whenever possible and subsidized losses will be minimized when break-even is not possible.
6. **Trust and agency Fund(s)** - to account for assets held by a governmental unit as trustee or agent for individuals, private organizations, and other governmental units.
7. **Intergovernmental Service Fund(s)** - to account for the financing of special activities and services performed by a designated organizational unit within a governmental jurisdiction for other organizational units within the same governmental jurisdiction.
8. **Special Assessment Fund(s)** - to account for special assessments levied to finance public improvements or services deemed to benefit the properties against which the assessments are levied.

Additionally, the City classifies funds as either **operating funds** or non-operating funds. Operating funds are those funds that include appropriations for the payment of salary/benefits and whose maintenance & operating appropriations are necessary to continue the daily operations of the City. The General Fund will always be an operating fund. **Non-operating funds** are those funds that do not include appropriations for the payment of salary/benefits and whose maintenance & operating appropriations are not critical to the daily operations of the City.

SECTION II. OPERATING BUDGET

The operating budget shall be prepared on an annual basis and include those funds detailed in Section I that are subject to annual appropriation. Prior year budget appropriations and prior year actual data will be provided as reference data, with the current year appropriation and projection of expenditures. At a minimum, the City shall adopt annual balanced budgets for the general fund, each special revenue fund, and each debt service fund in accordance with O.C.G.A. 36-81-3.

The annual proposed budget should be submitted to the governing authority in accordance with the City of Kennesaw Charter while being held by the City Clerk's Office for public review/inspection in accordance with O.C.G.A. 36-81-3. Public meetings will be conducted after proper advertisement prior to the City Council adopting and approving the annual budget document. (O.C.G.A. 36-81-5 and 36-81-6).

A. DEPARTMENTAL APPROPRIATIONS

The budget shall be developed based upon "line-item" expenditures within each department. This type of budget focuses on categories of expenditures such as personal services, contractual services, supplies, equipment, etc. within each department. At a minimum, each department's appropriation in each fund shall be detailed within the budget document. (O.C.G.A. 36-81-3 and 36-81-5).

B. BUDGET PREPARATION CATEGORIES

Each department shall submit budget requests separately for:

- ❑ **Current Level of Service** - A current services budget is defined as that level of funding which is necessary to provide the same level of service for the upcoming year that is currently being provided. The current services budget will include replacement of capital equipment and maintenance of existing systems.
- ❑ **Supplement Requests** - Supplement requests include funding requests associated with new services or improved services including additional personnel or new capital projects/equipment which directly correspond to a core service delivered to constituents identified as a goal of the department, City Manager, Mayor, or City Council.

C. BALANCED BUDGET

The budget shall be balanced for each budgeted fund. Total anticipated revenues plus that portion of fund balance in excess of authorized reserves that is designated as a budget-funding source shall equal total estimated expenditures for each fund.

D. BASIS OF BUDGETING

Neither GAAP nor Georgia statutes address a required budgetary basis of budgeting; however, the City shall adopt budgets in conformity with GAAP for all budgeted funds. All funds shall use the modified accrual basis of accounting for budgeting purposes.

E. LEVEL OF BUDGET ADOPTION AND CONTROL

All budgets shall be adopted at the legal level of budgetary control, which is the department level for the General Fund and at the total expenditure level for the remaining funds. See policy I below for amending the budget.

F. BUDGET STABILIZATION RESOURCES

The City shall establish adequate fund balances and reserves according to the City's fund balance policy. This reserve shall accumulate and then be maintained at an amount, which represents no less than 12 months of operating and debt expenditures (approximately 100% of budgeted expenditures). Such reserve shall be discussed during the annual budget planning process so that a clear understanding is maintained by the Mayor and City Council of the City's progress in meeting the reserve requirements.

If necessary, the city may use unassigned fund balance in excess of the reserve for working capital as a funding source for that funds budget in any given year, assuming those funds are sufficient and do not caused unassigned fund balance to go below the minimum threshold. The minimum requirement for the reserve for working capital equals 50% of operating expenditures. The amount of surplus fund balance shall be estimated conservatively, taking into consideration the future year's needs. The utilization of fund balance shall be deemed a use of one-time revenues for budgeting purposes. The purpose is to cover the cost of expenditures caused by unforeseen emergencies, cover shortfalls caused by revenue declines, and to eliminate any short-term borrowing for cash flow purposes.

G. APPROPRIATION LAPSES AT YEAR END

All operating budget appropriations, including encumbered appropriations, shall lapse at the end of a fiscal year. Purchases encumbered in the current year, but not received until the following year, must be charged against a department's subsequent year appropriation.

H. BUDGET CONTROL REPORTS

The City shall maintain a system of budgetary control reports to assure adherence to the budget. The City will prepare and distribute to departments, timely monthly financial reports comparing actual revenues, and outstanding encumbrances and expenditures with budgeted amounts.

I. AUTHORIZATION OF BUDGET ADJUSTMENTS AND AMENDMENTS

The budget is a dynamic rather than static plan, which requires adjustments and formal budget amendments as circumstances change. The Mayor and City Council must approve all increases in total departmental appropriations in accordance with O.C.G.A. 36-81-3 et seq.

Department directors may transfer appropriations from one line item to another within the specific department appropriation (other than salary and benefit line items). Adjustments from appropriations that have been obligated, committed, or reserved for a designated purpose shall not be transferred until a formal de-obligation occurs.

J. CONTINGENCY LINE-ITEM

If financially feasible, the City shall establish an appropriated contingency of .5% percent of the total annual expenditure appropriation in all operating funds (defined in Section I of this policy) in order to accommodate unexpected operational changes, legislative impacts, or other economic events affecting the City's operations which could not have been reasonably anticipated at the time the budget was prepared. Non-operating funds shall not require a contingency reserve appropriation.

This contingency reserve appropriation will be a separate line item within the budget. This amount shall be subject to annual appropriation. The approval of the City Manager is required before this appropriation can be expended. If approved, the appropriation from the contingency line item to the applicable line item(s) with the applicable department's budget will occur.

K. MAINTENANCE AND REPLACEMENT OF CAPITAL EQUIPMENT

The Mayor and City Council will give budget priority to requests that provide for adequate maintenance of capital equipment and facilities and for their orderly repair or replacement.

L. CONTRIBUTIONS

Outside contributions to programs operated by City departments shall be subject to the City's accounting and budgetary policies. The City welcomes both unrestricted and restricted contributions compatible with the City's programs and objectives.

M. ADMINISTRATIVE SERVICE FEE/COST ALLOCATION

Whenever possible, the City may assess an administrative service fee from the General Fund to any other fund, based upon documentation and/or an outside independent study. This assessment will be based upon a percentage of the operating revenues, or services provided

to the fund and shall be used to reimburse the General Fund for the administrative and support services provided to the assessed fund.

N. ONE-TIME REVENUE SOURCES

Non-recurring revenues shall be utilized within the appropriate fund for items relating to non-recurring expenses. The purpose of limiting these funding sources is to eliminate the fluctuations in funding operations with non-sustainable resources. One-time revenues shall be distinguished during the budget process and budget presentation so that a match can be made with non-recurring expenditures.

SECTION III. ANTICIPATED REVENUES

As part of the annual budget development process the city Manager shall present the anticipated revenues on the basis of the ordinary and reasonable revenues which can be expected for the fiscal year. Property tax revenue estimates shall be based upon the anticipated tax digest, less a stated discount for delinquent taxes based on a consideration of the taxes which were delinquent at the close of the three prior fiscal years.

SECTION IV. CAPITAL PROJECT IMPROVEMENT PLAN

The City will prepare a five-year capital project improvement plan (CIP) which will be updated annually. This plan will assist in the planning, acquisition, and financing of capital projects. A major capital project generally is defined as an expenditure that has an expected useful life of more than 5 years with an estimated total cost of \$25,000 or more, or an improvement/addition to an existing capital asset. Examples include building/infrastructure construction, park improvements, streetscapes, computer systems, land acquisitions, heavy duty trucks.

Major capital projects will be budgeted in the Capital Improvement Fund and or SPLOST Fund consistent with all available resources. With the involvement of the responsible departments, the City Manager in cooperation with the Finance Director will prepare the capital budget in conjunction with the operating budget.

A. PROJECT LENGTH BUDGET

The CIP budget shall be developed based upon defined projects approved by the Mayor and City Council. Budget appropriation shall include the complete project costs with contingency amounts as appropriate and if available. (O.C.G.A. 36-81-3)

B. BUDGET PREPARATION

Each department, in conjunction with the City Manager, will identify potential capital projects throughout the year. All identified projects will be added to the CIP document, regardless of available funding. These needed projects will provide a method of tracking and planning for the future needs of the City. Every effort will be made to identify those projects committed by the City Council through legislative action.

C. BUDGET CONTROL REPORTS

The City shall maintain a system of budgetary control reports to assure adherence to the budget. The City will prepare and distribute to departments, timely monthly financial reports comparing actual revenues, and outstanding encumbrances and expenditures with budgeted amounts.

D. AUTHORIZATION OF BUDGET ADJUSTMENTS AND AMENDMENTS

No appropriation provided for in the capital improvements budget shall lapse or be reallocated until the purpose for which the appropriation was made shall have been accomplished or the priority of the project has changed.

All obligations and encumbrances shall be covered prior to any transfer being completed. Unused appropriations from existing projects can only be used for those projects deemed necessary and acceptable recipients of appropriations during the annual budget process. Projects receiving appropriations shall be the next in-line for funding, based upon the existing project priority at the time the appropriation occurs. The City Manager shall review and approve all requests for budget adjustments.

E. APPROPRIATIONS AT YEAR END

Capital project appropriations shall carry forward to the subsequent budget period an equal amount of any encumbrances/purchase orders issued as of the close of the fiscal year plus any unencumbered amount. Purchases encumbered in the current year, but not received until the following year, must be charged against each department's subsequent year carry-over appropriation.

F. CONTINGENCY ACCOUNT

If financially feasible, the City shall include an appropriated contingency of 1 percent of the total annual expenditure appropriation in the Capital Project Fund in order to accommodate expenditures that may not have been expected during the duration of a capital project. Expenditure of contingency funds shall only be authorized in accordance with the Change Order Policy outlined within the purchasing section of the Financial Management Program. All contingency budgets shall be subject to annual appropriation.

SECTION V. FUND BALANCE CLASSIFICATIONS

The hierarchy of possible classifications of fund balances are:

- A. Nonspendable - Fund balance reported as "nonspendable" represents fund balance associated with inventory, prepaid items, or long-term receivables. Nonspendable indicates the respective resources are not available to be spent in any way due to their very nature and, or their lack of availability.
- B. Restricted - Fund balance reported as "restricted" represents amounts that can be spent only on the specific purposes stipulated by law through constitutional provisions or enabling legislation or by the external providers of those resources.
- C. Committed - Fund balance reported as "committed" includes amounts that can be used only for the specific purposes determined by a formal action of the Mayor and Council. The only way "committed" funds can be removed or changed is by formal action of the Mayor and Council.
- D. Assigned - Fund balance reported as "assigned" represents the amounts intended to be used for specific purposes, but not meeting the criteria to be reported as committed or restricted fund balance. The City Manager will have the authority under this policy to

Kennesaw Financial Management Policies

assign funds for particular purposes as would be described in the background of the assignment.

- E. Unassigned – Fund balance reported as "unassigned" represents the residual classification of fund balance and includes all spendable amounts not contained within the other classifications

City of Kennesaw
Financial Management Policies

CASH & INVESTMENT MANAGEMENT

CASH AND INVESTMENT MANAGEMENT

The objective of the cash and investment management policy is to maximize interest earnings within an environment that strongly emphasizes legal compliance and safety while providing cash flow liquidity to meet the City's financial obligations.

A. SCOPE

This investment policy applies to all cash and investments, both short and long-term, which are the responsibility, and under the management of The City of Kennesaw's Finance Director.

B. GENERAL OBJECTIVES

The primary objectives of investment activities shall be as follows:

1. Safety

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of principle in each (the) portfolio of investments. The objective will be to mitigate credit risk and interest rate risk.

i. Credit Risk

The City will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:

- Limiting investments to the safest types of securities (primarily obligations of the U.S. government or obligations explicitly guaranteed by the U.S. government or their agencies)
- Requiring a credit rating of "A3" or better from Moody's rating agency and "A-" from Standard & Poor's.
- Pre-qualifying the financial institutions, brokers/dealers, intermediaries, and advisers with which the City will do business
- Diversifying the investment portfolio so that potential losses on individual securities will be minimized.

ii. Custodial Risk

Custodial risk, that is the risk associated with uninsured deposits, uninsured securities, or securities not registered in the City's name shall be minimized by,

- Collateralization in alignment with State of Georgia legislation equal to 110% of the deposit held in the City's name (see section F, Safekeeping and Custody, subsection 2, Collateralization);
- Securities shall be held in the City's name.

iii. Interest Rate Risk

The City will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity
- Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools.

iv. Concentration Risk

The risk associated with a high concentration of government funds which are not diversified shall be reduced by:

- Limiting investments to any one issuer to less than 5% of the investment portfolio.
- Investments explicitly guaranteed by the U.S. government and investments in mutual funds, external investment pools, and other pooled investments are excluded from this requirement.

v. Foreign Currency Risk

The City will negate all foreign currency risk through investment only in instruments where exchange rates do not apply.

2. Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist of securities with active secondary or resale markets (dynamic liquidity). A portion of the portfolio also may be placed in instruments offering same-day liquidity for short-term funds.

3. Yield

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:

- A security with declining credit may be sold early to minimize loss of principal or to reduce any eminent risk as identified under Section 1, "Safety" of this policy
- A security swap which improves the quality, yield, or target duration in the portfolio
- Liquidity needs of the portfolio require that the security be sold.

C. STANDARDS OF CARE

1. Prudence

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officer(s) acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility of an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment.

2. Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and

management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

3. Delegation of Authority

Authority to manage the investment program is granted to the Finance Director or his/her delegate, referred to as the investment officer in this policy. Responsibility for the operation of the investment program is hereby delegated to the investment officer, who shall act in accordance with the established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the investment officer. The investment officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

D. SAFEKEEPING AND CUSTODY

1. Authorized Financial Dealers and Institutions

A list will be maintained of financial institutions authorized to provide investment services. In addition, a list also will be maintained of approved security broker/dealers selected by creditworthiness (e.g., a minimum capital requirement of \$10,000,000 and at least five years of operation). These may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule).

All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:

- Audited financial statements
- Proof of National Association of Securities Dealers (NASD) certification
- Proof of state registration
- Completed broker/dealer questionnaire
- Certification of having read and understood and agreeing to comply with the City's investment policy.

An annual review of the financial condition and registration of qualified financial institutions and broker/dealers will be conducted by the investment officer.

2. Internal Controls

The investment officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the investment officer shall establish a process for an annual independent review by an external auditor to assure compliance with regulatory

policies and procedures including Generally Accepted Governmental Auditing Standards.

3. Delivery vs. Payment

All trades where applicable will be executed by delivery vs. payment to ensure that securities are deposited in an eligible financial institution prior to the release of funds. Securities will be held by a third-party custodian in the City's name, as evidenced by safekeeping receipts.

E. SAFEKEEPING AND CUSTODY

1. Investment Types

Investments (other than bond proceeds) shall be made in instruments permitted by the State of Georgia for local governments, regulated under Georgia Code, O.C.G.A. 36-83-4. Such instruments include:

- Obligations issued by the U.S. government,
- Obligations fully insured or guaranteed by the U.S. government or by a government agency of the United States,
- Obligations of any corporation of the U.S. government;
- Prime bankers' acceptances,
- The Georgia local government investment pool (i.e., Georgia Fund I)
- Repurchase agreements, and
- Obligations of other political subdivisions of the state

In accordance with O.C.G.A. 36-82-7, investments made with unexpended bond proceeds shall be limited to:

- Bonds or obligations of the governmental entities and/or political subdivisions of the state,
- Bonds or obligations of the U.S. government which are fully guaranteed,
- Obligations of agencies of the U.S. government, bonds or other obligations of public housing agencies or municipal corporations in the United States,
- Certificates of deposit of national or state banks insured by the Federal Deposit Insurance Corporation;
- Certificates of deposit of Federal Saving and Loan Associations; and
- The Georgia local government investment pool (Georgia Fund I)

2. Collateralization

City shall require pledges of collateral from the depository institution covering at least 110% of the cash/investment. This requirement is in accordance with O.C.G.A. 36-83-5; 45-8-12; 50-17-59; and 45-8-13. Deposit-type securities (i.e., certificates of deposit) shall be collateralized at 110% of the face value.

Other investments shall be collateralized by the actual security held in safekeeping by the primary agent.

3. Repurchase Agreements/Derivatives

Repurchase agreements shall be consistent with GFOA Recommended Practices on Repurchase Agreements. Investments in derivatives of the above instruments shall require authorization by the Mayor and City Council and be consistent with GFOA Recommended Practices on the "Use of Derivatives by State and Local Governments".

F. USING GEORGIA FUND I

The City will utilize the State of Georgia local government investment pool (i.e., Georgia Fund I) anytime this investment tool is deemed to be in the best interest of the City. Criteria used to determine the use of this investment pool will be the same as any other investment purchase.

G. INVESTMENT PARAMETERS

1. Diversification

The investments shall be diversified by:

- Limiting investments to avoid over concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities)
- Limiting investment in securities that have higher credit risks
- Investing in securities with varying maturities, and
- Continuously investing a portion of the portfolio in readily available funds such as a the Georgia Local Government Investment Pool, money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

2. Maximum Maturities

To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than five (5) years from the date of purchase. The City shall adopt weighted average maturity limitations ranging from 90 days to 5 years, consistent with the investment objectives.

Reserve funds and other funds with longer-term investment horizons may be invested in securities exceeding five (5) years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of funds. The intent to invest in securities with longer maturities shall be disclosed in writing to the Mayor and City Council.

Governmental Accounting Standards Board References:

Statement No. 3, Deposits with Financial Institutions, Investments, and Reverse Repurchase Agreements

Statement No. 28, Accounting and Financial Reporting for Securities Lending Transactions

Statement No. 31, Accounting and Financial Reporting for Certain Investments and for External Investment Pools

Statement No. 40, Deposit and Investment Risk Disclosures



Item Report

TO: The Honorable Mayor and City Council

FROM: Marty Hughes, Assistant City Manager

DATE: June 26, 2023

TITLE: Approval of RESOLUTION for a programming and schematic design proposal and agreement with Croy Engineering and Croft & Associates for the Kennesaw Public Safety Facility.

Summary:

As part of the 2022 voter approved SPLOST, Cobb County and the City of Kennesaw will construct a new public safety facility located at 3080 Moon Station Road. As part of the design and development process, Croy Engineering has submitted this proposal and agreement using Croft & Associates as the architectural firm. Total proposed cost is \$73,690. Scope of services include the following:

1.) Programming:

Development of a Program Document that will capture the goals for the new facility and will serve as the basis for schematic design.

2.) Schematic Design

Development of design drawings to include the Site Plan, Floor Plan, Exterior Elevation(s), 3D Rendering and design narrative for Civil, Structural, Mechanical, Electrical and Plumbing.

Recommendation:

The City Manager recommends approval of the proposal and for Council to authorize the Mayor to sign the agreement as shown in Exhibit A.

Fiscal Impact:

SPLOST 2022 Public Safety Facility: 310-4228-54-150700-00000

Attachments:

1. RESOLUTION - Croy-Croft Architecture Services Public Safety Facility
2. Exhibit A

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2023-__, 2023

**RESOLUTION TO APPROVE A PROPOSAL AND AGREEMENT WITH CROY
ENGINEERING AND CROFT & ASSOCIATES FOR THE PROGRAMMING AND
SCHEMATIC DESIGN OF THE PUBLIC SAFETY FACILITY**

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

WHEREAS, the 2022 voter approved SPLOST allows for the construction of a new City Public Safety Facility; and

WHEREAS, in April 2023 City staff and Croy Engineering interviewed several prospective architects and selected Croft & Associates as the most qualified architectural firm; and

WHEREAS, Croy Engineering facilitated the submission of programming and schematic design services from Croft & Associates for \$73,690.

NOW, THEREFORE, BE IT RESOLVED the Kennesaw City Council authorizes the Mayor to execute the proposal and agreement with Croy Engineering and Croft & Associates for programming and schematic design as shown in Exhibit A.

PASSED AND ADOPTED by the Kennesaw City Council on this __ day of July, 2023.

ATTEST:

CITY OF KENNESAW

Lily Smith, Deputy City Clerk

Derek Easterling, Mayor



June 5, 2023

Mr. Robbie Balenger
Building and Facilities Director
City of Kennesaw
2753 Watts Drive
Kennesaw, GA 30144

RE: Public Safety Facility, Programming and Schematic Design

Mr. Balenger:

Croy Engineering is pleased to submit this Proposal for the initial Programming and Schematic Design Services for the Kennesaw Public Safety Facility project. We understand the intent of the City is to have a new Public Safety facility constructed utilizing an existing City owned property located at 3080 Moon Station Road. The initial task of this proposal will be to develop a Schematic Design package for the new Kennesaw Public Safety facility.

Scope of Services

The initial design services will be divided into two phases: Programming/Conceptual Design, and Schematic Design.

Programming

The Croy Design Team will meet with Kennesaw senior management for a Programming session. This meeting will be highly interactive to learn your needs and will result in a written Program Document. This Program Document will capture the goals that you have for the new facility and will serve as the basis for Schematic Design. The result of this task will be a written program document.

CROY Programming fees \$ 1,160
CROFT Programming fees \$ 13,850
Programming Budget: \$ 15,010

Schematic Design

Schematic Design drawings will be developed based on the program information gathered to ensure the City's vision is captured. The drawings will be presented for review and comment. Upon receiving comments, the drawings will be refined and presented for review and approval. Deliverables for Schematic Design phase will be as follows:

- Site Plan
- Floor Plan
- Exterior Elevation(s)
- 3D Rendering
- Design Narrative for Civil, Structural, Mechanical, Electrical and Plumbing

CROY Schematic Design fees \$ 580
CROFT Schematic Design fees \$ 58,100
Schematic Design Budget: \$ 58,680

TOTAL Proposal Budget: \$ 73,690

Design Assumptions

- All site utilities are presumed to be adequate for building requirements without need for supplemental systems.
- Environmental Services are not included as part of this proposal.
- Geotechnical services are not included as part of this proposal.
- Life cycle or energy cost analysis are not included as part of this proposal.

Deliverables

Deliverables will be provided electronically in PDF file format for review.

Schedule

Below is a preliminary project schedule. Confirmation of schedule will be addressed in the project kick-off meeting.

Programming/Conceptual Design: 3 weeks* from Notice to Proceed (NTP)

Schematic Design: 3 weeks from Programming

* Subject to client availability



Invoicing

Invoicing will be progressive and will be submitted monthly for work completed to date less previous payments.

This proposal incorporates, as if fully set forth herein, the terms and conditions of the Professional Services Agreement for Engineering Services dated February 27, 2013, between Croy Engineering, LLC and the City of Kennesaw. If this proposal is acceptable to you, please sign below indicating your approval and return (1) signed copy for our files. This letter of agreement will serve as Croy Engineering's Notice to Proceed.

Thank you for this opportunity to submit this proposal. If you have any questions, please contact me at (770) 971-5407.

Respectfully,
Croy Engineering, LLC.

Roy Acree
Program Manager

Attachments:

cc: Marty Hughes, City of Kennesaw
Wayne McGary, Croy Engineering
Project File

APPROVED

City of Kennesaw

Signed _____

Title _____

Name _____

Date _____



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: June 26, 2023

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