

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
Meeting Agenda
July 5, 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.
- B. Approval of RESOLUTION granting a Sanitary Sewer Easement Agreement with Cobb County Water System
- C. Approval of RESOLUTION for a programming and schematic design proposal and agreement with Croy Engineering and Croft & Associates for the Kennesaw Public Safety Facility.

12. General and Administrative

13. Public Safety

14. Information Technology

15. Public Works

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: Lea Alvarez, City Clerk

DATE: July 5, 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

0:7,10,23-2023

MDJ-4892

GPB-16

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CITY OF KENNESAW**

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6:9,16,23-2023

MDJ-4996

0:7,10,43-2023

MDJ-4892

GPN-16

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6:9,16,23-2023

MDJ-5038

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**MINUTES OF CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
June 19, 2023
6:30 PM**

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.
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1. Invocation

City Attorney Randall Bentley, Sr. led the invocation.

2. Pledge of Allegiance

City resident Andrew Bramlett led the Pledge of Allegiance.

3. Call to Order

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

4. Announcements

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

6. Public Comment/Business from the Floor

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

No comments.

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

7. Old Business

8. New Business

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	Andrew Brantle	2990 Amorywood Ct., Kennesaw	Local History
2			
3			
4			
5			
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12			
13			
14			
15			
16			
17			
19			



Item Report

TO: The Honorable Mayor and City Council
FROM: Ricky Stewart, Public Works Director
DATE: July 5, 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'

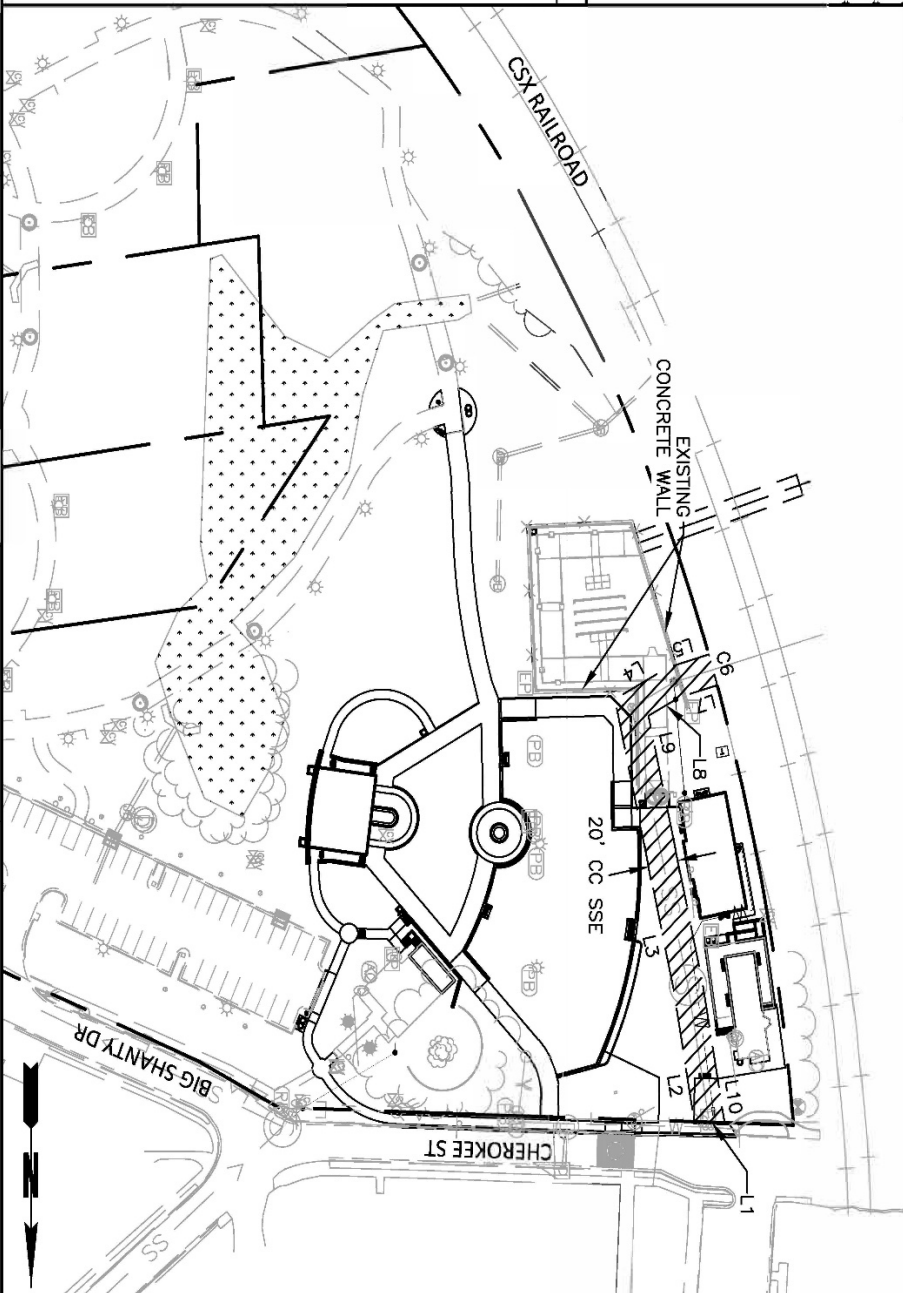
CURVE TABLE

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, STATE 415
PHOENIX, AZ 85016
PHONE: (770) 871-4407 FAX: (770) 871-4820

REVISION DATES

NO.	DATE	DESCRIPTION
1	2/13/2023	ISSUED FOR PERMIT

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: Marty Hughes, Assistant City Manager

DATE: July 5, 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: July 5, 2023
TITLE: Reports, Discussions, and Updates

Summary:

Recommendation:

Fiscal Impact:

Attachments:
None



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: July 5, 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