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
August 7, 2023 6:30 PM
Council Chambers

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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. Approval of ORDINANCE to amend the Code of Ordinances of the City of Kennesaw, Georgia, Section 2-101, “Appeals”; Section 2-115, “Established”; Section 22-8, “Application; Review and Approval or Denial of Application”; Section 22-24, “Inspection of Books and Records”; Section 22-399, “Issuance of License”; Section 22-404, “Hearing; Revocation and Suspension; Appeal”; Section 46-12, “Administrative Remedy”; Section 46-225, “Judicial Review”; Section 46-462, “Administrative Appeal and Judicial Review; Section 62-9, “Community Redevelopment Tax Incentive Program”; Section 74-38, “Required Service; Fees; Security Deposit”; Section 74-39, “Fee Waiver for Active Duty Military.”

B. Third and Final Public Hearing on the proposed RESOLUTION to adopt the Maintenance and Operation (M&O) Millage Rate.

C. Third and Final Public Hearing on the proposed RESOLUTION to adopt the Bond Millage Rate.

11. Consent Agenda

A. Approval of the July 10, 2023 City Council work session minutes.

B. Approval of the July 10, 2023 Special Called FY 2023-2024 Budget work session minutes.

C. Approval of the July 17, 2023 City Council regular meeting minutes.

D. Approval of RESOLUTION to adopt findings on proposed local amendment to Plumbing Code for Water Efficiency Submission of proposed amendment to the Department of Community Affairs.

E. Approval of road closures for the 2023 Taste of Kennesaw.

F. Approval of RESOLUTION to adopt the City of Kennesaw's Budget & Fund Balance Financial Management Policy.

G. Approval of RESOLUTION to adopt the City of Kennesaw's Cash & Investment Financial Management Policy.

H. Approval of RESOLUTION authorizing the Mayor or his designee to execute a grant agreement between the City and the Department of Housing and Urban Development for the City's Neighborhood Improvement Project.

I. Approval of RESOLUTION to award bid and authorize the Mayor to execute a contract with Signature Tennis Courts Inc. for the Adams Park tennis court rehabilitation project.

J. Authorize use of ARPA funds to install conduits at the amphitheater side of Depot Park.

K. On July 28, 2023, John and Anna Hall purchased one (1) cemetery lot in the

Kennesaw City Cemetery. This lot is located in Section III, Plot 35, Lot A. Mayor to sign supporting deed for purchase of this lot. City Clerk recommends approval.

L. On August 1, 2023, Dorothy M Quinley purchased one (1) cemetery lot in the Kennesaw City Cemetery. This lot is located in Section III, Plot 29, Lot F. Mayor to sign supporting deed for purchase of this lot. City Clerk recommends approval.

M. On August 1, 2023, Charles W Quinley purchased one (1) cemetery lot in the Kennesaw City Cemetery. This lot is located in Section III, Plot 29, Lot G. Mayor to sign supporting deed for purchase of this lot. City Clerk recommends approval.

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.

B. Accept the resignation of Travice Baldwain Obas from the Kennesaw Enrichment and Enhancement Program, Kennesaw Sister Cities Commission, and Kennesaw Art and Culture Commission.

C. Accept the resignation of Kimberly Watkins from the Kennesaw Art and Culture Commission.

D. Accept the resignation of Mike Ferguson from the Historic Preservation Commission.

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: August 7, 2023

TITLE: Approval of ORDINANCE to amend the Code of Ordinances of the City of Kennesaw, Georgia, Section 2-101, “Appeals”; Section 2-115, “Established”; Section 22-8, “Application; Review and Approval or Denial of Application”; Section 22-24, “Inspection of Books and Records”; Section 22-399, “Issuance of License”; Section 22-404, “Hearing; Revocation and Suspension; Appeal”; Section 46-12, “Administrative Remedy”; Section 46-225, “Judicial Review”; Section 46-462, “Administrative Appeal and Judicial Review; Section 62-9, “Community Redevelopment Tax Incentive Program”; Section 74-38, “Required Service; Fees; Security Deposit”; Section 74-39, “Fee Waiver for Active Duty Military.”

Summary:
The Georgia Legislature amended Chapter 3, Title 5, of the Official Code of Georgia Annotated, which took 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 appellate procedures set forth in the Kennesaw Code of Ordinances to comply with the amendment to Chapter 3, Title 5, of the Official Code of Georgia Annotated, including appellate procedures for administrative decisions or the final decisions of the city council following the appeal of an administrative decision. This public hearing was duly advertised in the Marietta Daily Journal on July 28, 2023 and will again be advertised on August 4, 2023.

Recommendation:
The City Clerk recommends approval.

Fiscal Impact:

Attachments:
1. ORDINANCE - Appellate Ordinance
2. 07-28-2023 Code Amendment Ads

3. 08-04-23 Code Amendment Ads

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. 2023-___, 2023

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF KENNESAW, GEORGIA, SECTION 2-101, "APPEALS"; SECTION 2-115, "ESTABLISHED"; SECTION 22-8, "APPLICATION; REVIEW AND APPROVAL OR DENIAL OF APPLICATION"; SECTION 22-24, "INSPECTIONS OF BOOKS AND RECORDS"; SECTION 22-399, "ISSUANCE OF LICENSE"; SECTION 22-404, "HEARING; REVOCATION AND SUSPENSION; APPEAL"; SECTION 46-12, "ADMINISTRATIVE REMEDY"; SECTION 46-225, "JUDICIAL REVIEW"; SECTION 46-462, "ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW"; SECTION 62-9, "COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM"; SECTION 74-38, "REQUIRED SERVICE; FEES; SECURITY DEPOSIT"; SECTION 74-39, "FEE WAIVER FOR ACTIVE DUTY MILITARY"

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

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 appellate procedures set forth in the Kennesaw Code of Ordinances to comply with the amendment to Chapter 3, Title 5, of the Official Code of Georgia Annotated; and

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

WHEREAS, the Code of Ordinances of the City of Kennesaw shall be amended as follows:

Section 1:

That section 2-101 of the Code of Ordinances, Kennesaw, Georgia, is hereby amended to read as follows:

Sec. 2-101. - Appeals.

(a) Any member of the governing authority or the complainant adversely affected by these findings of the board of ethics under section 2-100 may obtain judicial review of such decision as provided in this section.

(b) An action for judicial review may be commenced ~~by filing an application for a writ of certiorari~~ in the Cobb County ~~s~~Superior ~~c~~Court in the manner provided by law under Chapter 3, Title 5, of the Official Code of Georgia Annotated and as amended, ~~of the country, within which the city is located,~~ within 30 days after the decision of the board of ethics becomes final which is the date that the board votes on the complaint.

(c) Upon ~~the~~ filing ~~of a writ of certiorari~~ for judicial review, any enforcement of the board's decision and/or mayor and council's penalty shall be postponed pending judicial review provided for in this section.

(d) The record on review, unless otherwise stipulated by the parties, shall include the original or certified copies of all pleadings, testimony, evidence, exhibits and other papers presented to or considered by the board of ethics and the findings and decision of the board of ethics. As to alleged procedural irregularities, evidence may be taken independently by the court.

(e) If the court finds no error, it shall affirm the decision of the board of ethics. If it finds that such decision of the board was:

(1) Arbitrary or capricious;
(2) A denial of a statutory right;
(3) Contrary to constitutional right, power, privilege or immunity;
(4) In excess of statutory jurisdiction, authority, purposes or limitation;
(5) Not in accord with the procedures or procedural limitations of this section or otherwise required by law;
(6) An abuse or clearly unwarranted exercise of discretion, unsupported by substantial evidence when the record is considered as a whole; or
(7) Otherwise contrary to law;

then the court shall hold such action by the board unlawful and set aside the decision of the board of ethics.

~~(f) The decision of the trial superior court shall be subject to appellate review in the same manner and with the same effect as in appeals from a final judgment or decree in any other civil action.~~

(Ord. of 1-1-95, § 11; Ord. No. 2007-36, Exh. A, 12-3-07; Ord. No. 2014-19, Exh. A, 12-15-14)

Section 2:

That section 2-115 of the Code of Ordinances, Kennesaw, Georgia, is hereby amended to read as follows:

Sec. 2-115. - Established.

(a) There is hereby established a license review board.

(b) The license review board established by this section shall have the following duties:

(1) To hear due cause hearings as provided in chapter 6 of this Code.
(2) To consider and act upon any matters specifically delegated to the license review board by any other city ordinance or resolution or action of the city council.

(c) Applicants or licensee shall be given notice of the date, time and place when the license review board will consider the respective matter.

(d) The license review board, other than as expressly provided in chapter 6, shall have no authority or jurisdiction to hear, consider or render decisions of any kind with respect to the suspension, revocation, probation or other disciplinary action against a license or licensee.

(e) Any decision or recommendation of the license review board may be appealed to the city council pursuant to section 6-63. Any decision or recommendation of the license review board not appealed to the mayor and council must be approved by the city council or set down for a second due cause hearing before the city council.

(f) The decision of the city council on an appeal under this article shall be final unless appeal is made to the Superior Court of Cobb County in the manner provided by law under Chapter

3, Title 5, of the Official Code of Georgia Annotated and as amended, ~~superior court of the county. Any aggrieved party may appeal a decision of the city council by filing a petition for writ of certiorari to the superior court~~ within 30 days of the decision of the city council.

(g) The license review board shall have no jurisdiction or authority to hear any appeal from or to reverse, modify or set aside any decision of the city council.

(h) The license review board members shall serve at the pleasure of the mayor and city council and shall be composed of three members determined as follows:

(1) Post 1: Mayor appoints with ratification by majority of city council.

(2) Post 2: Mayor appoints with ratification by majority of city council.

(3) Post 3: Mayor appoints with ratification by majority of city council.

(i) If there is a vacancy in any post on the license review board by virtue of a member resigning from any post or any vacancy by virtue of there being no one filling the office set forth for any post, then the mayor shall appoint a replacement for the vacant post. The replacement shall serve temporarily until the city council ratifies such appointment, and in such case, the replacement for the vacant post shall become permanent. If the council fails to ratify such replacement, then the mayor shall appoint a different replacement until a new member for that post is appointed and ratified as provided herein.

(j) Post members I and II shall serve a two-year term. Post member III shall serve for a one-year term. By majority vote, the city council may terminate any term prior to the expiration of such term. Terms of service by any board member shall automatically be renewed for an additional term unless terminated by majority action of the mayor and city council. There shall be no limit on the number of times such terms can be renewed.

(k) The license review board shall meet at such times as necessary, to be determined by such board, and shall render decisions in public on the date of the consideration by the board. The decision shall then be memorialized in writing and delivered to the affected parties after such decision is announced in public.

(l) The license review board shall select one of its members to serve as chair and one of its members to serve as secretary, to serve at the pleasure of the license review board. Minutes and records of all proceedings shall be kept and maintained in the office of the business license office.

(m) Each member of the license review board shall either be a resident of the city or have an ownership interest as principal shareholder, general partner or sole proprietor in at least one business that is located in the city. No employee or elected official of the city shall be appointed to the board. The mayor may appoint and the city council may ratify the appointment of any person who is an alcoholic beverage license holder, provided that only one such license holder, if any, serve on the board.

(Ord. No. 2002-30, 8-5-02; Ord. No. 2007-36, Exh. A, 12-3-07; Ord. No. 2008-23, § 1, 6-16-08)

Section 3:

That section 22-8 of the Code of Ordinances, Kennesaw, Georgia, is hereby amended to read as follows:

Sec. 22-8. - Application; review and approval or denial of applications.

(a) Each business license application shall contain the following information:

(1) Name and home address of the applicant if an individual or home office address if a corporation or partnership;
(2) Address where the proposed business is to be located;
(3) Kind and class of business to be conducted;
(4) Current classification code, taxable gross revenues for the preceding 12 calendar months, and number of employees;
(5) Any information as may be required by the manager of the business license department for the purpose of determining the amount of any occupation taxes to be collected under this Code; and
(6) Any additional information which the manager of the business license department may find reasonably necessary for the fair administration of this part of the Code which may include: fingerprinting; a background check; a complete record of all arrests and convictions against the applicant and every partner, officer, director or stockholder of the applicant or spouses, children or parents thereof for violations of any and all laws and ordinances of the city, state or federal government other than minor traffic violations.

(b) Each application shall be signed and sworn to by the applicant if an individual, or by a partner if a partnership, or by an officer if a corporation.

(c) False statements on any application for a license or occupation tax certificate shall be grounds for immediate revocation of the license or occupation tax certificate or denial of the application.

(d) If any provision of this part of the Code provides for the review and approval of an application for a license or occupation tax certificate by the business license manager designated therein, the business license manager shall act, favorably or otherwise, on the application as required by this Code.

(e) The granting of a business license or occupation tax certificate under any provisions of this Code shall be deemed a privilege only, and nothing herein contained shall be construed as granting any person whose business is subject to municipal regulation any legal right to engage in that business.

(f) An application for a business registration certificate shall be deemed complete at the discretion of the business license manager. Once the business license manager deems an application to be complete for purpose of processing, the business license manager shall either deny the application or grant the certificate no later than 90 days after the date the application became complete for purposes of processing.

~~(g)~~ Except as hereafter provided, upon the decision of the business license manager or his designee to approve or deny a license under this chapter, such decision being in writing and including notice of the decision and notice of the appeal procedures to the mayor and city council as provided hereafter, the applicant or any aggrieved citizen may appeal the decision of the business license manager to the mayor and council by filing a written notice of appeal with the city clerk within five calendar days of the decision by the business license manager or his designee. Every appeal shall be in writing and identify the basis for such appeal and upon receipt of the appeal, the city clerk shall forward same to the city council which shall schedule a hearing within 45 days of receipt of such notice. The city council may sustain or overrule the decision of the business license manager. No license shall be issued by the business license manager or designee during the appeal notification period or while an appeal is pending before the city council. The action of the mayor and council shall be final and may be appealed to <u>the Superior Court of Cobb County in the manner provided by law under Chapter 3, Title 5, of the Official Code of Georgia Annotated and as amended</u>.~~superior court in accordance with Georgia law.~~

(Ord. No 2019-09, § 5, 10-21-19)

Section 4:

That section 22-24 of the Code of Ordinances, Kennesaw, Georgia, is hereby amended to read as follows:

Sec. 22-24. - Inspections of books and records.

(a) In any case the business license manager of the city, or his or her designee, may inspect the books of the business or profession for which the returns are made and such books or records for the business of which the return was made in the city shall be submitted for inspection by the office of the business license and revenue division of the city within 30 days. Failure of submission of such books or records within 30 days shall be grounds for revocation of the tax certificate currently existing to do business in the city. Adequate records shall be kept in the city for the examination by the business license manager at his or her discretion. If, after examination of the books or records, it is determined that a deficiency occurs as a result of the under reporting, interest will be assessed for the period delinquent. If, after subsequent examinations of the books or records, it is determined that a deficiency occurs as a result of under-reporting, then a penalty of ten percent and interest shall be assessed as per O.C.G.A. § 48-2-40.

(b) In the event of a suspension or revocation by the ~~supervisor of the~~ business license manager~~office~~, the applicant may appeal the decision of the ~~supervisor of the~~ business license manager~~office~~ to the mayor and city council for the city by filing a written notice of appeal within ten days from the date of the decision of the business license manager. Thereafter, a hearing shall be scheduled before the mayor and city council for the city within 45 days after the date of the notice of appeal by the applicant. After hearing by the mayor and city council, city council may take such action as it deems appropriate, including the upholding of the action of the business license manager or the imposition of such action as the mayor and city council may deem appropriate under the facts. The decision of mayor and city council shall be final. Appeals from the decision of the mayor and city council shall be to the Superior Court of Cobb County in the manner provided by law under Chapter 3, Title 5, of the Official Code of Georgia Annotated and as amended~~filed within 30 days to the final action of mayor and city council.~~ In the event the applicant does not file an appeal from any decision of the business license manager, as provided herein, the decision of the business license manager shall be final.

(Ord. No 2019-09, § 5, 10-21-19)

Section 5:

That section 22-399 of the Code of Ordinances, Kennesaw, Georgia, is hereby amended to read as follows:

Sec. 22-399. – Issuance of license.

(a) Business license. Within 30 days of the filing of a completed sexually oriented business license application, the mayor and city council shall either issue a license to the applicant or deny a license to the applicant. Any denial of an application for a license by the mayor and city council may be appealed to the Cobb County Superior Court as set forth in Chapter 3, Title 5, of the Official Code of Georgia Annotated and as amended.~~within 30 days of the decision to deny by writ of certiorari~~ The mayor and city council shall issue a sexually oriented business license unless:

(1) An applicant is less than 18 years of age.

(2) An applicant has failed to provide information required by this article for issuance of a license or has falsely answered a question or request for information on the application form.

(3) The license application fee required by this article has not been paid.

(4) The sexually oriented business is not in compliance with the interior configuration requirements of this article or is not in compliance with locational requirements of this article or the locational requirements of any other part of this Code or state law. If the license application is for a renewal of an existing license that, at the time issued, was in compliance with the location requirements of this article, the mayor and council may waive compliance with the location requirements on the renewal application.

(5) Any sexually oriented business in which the applicant has had an influential interest in the previous five years (and at a time during which the applicant had the influential interest):a.Been declared by a court of law to be a nuisance; orb.Been subject to an order of closure or padlocking.

(6) An applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity.

(b) Employee license. Within 30 days of the filing of a completed sexually oriented business employee license application, the mayor and city council shall either issue an employee license to the applicant or deny an employee license to the applicant. Any denial of an application for an employee license by the mayor and city council may be appealed to the Cobb County Superior Court as set forth in Chapter 3, Title 5, of the Official Code of Georgia Annotated and as amended.~~within 30 days of the decision to deny by the writ of certiorari~~ The mayor and city council shall issue a license unless:

(1) The applicant is less than 18 years of age.

(2) The applicant has failed to provide information as required by this article for issuance of a license or has falsely answered a question or request for information on the application form.

(3) The license application fee required by this article has not been paid.

(4) Any sexually oriented business in which the applicant has had an influential interest in the previous five years (and at a time during which the applicant had the influential interest):

a. Been declared by a court of law to be a nuisance; or

b. Been subject to an order of closure or padlocking.

(5) The applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity.

(c) The license, if granted, shall state on its face the name of the person to whom it is granted, the number of the license issued to the licensee, the expiration date, and, if the license is for a sexually oriented business, the address of the sexually oriented business. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be read at any time that the business is occupied by patrons or is open to the public. A sexually oriented business employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing.

(Ord. No. 2010-10, § 1, 5-17-10)

Section 6:

That section 22-404 of the Code of Ordinances, Kennesaw, Georgia, is hereby amended to read as follows:

Sec. 22-404. - Hearing; revocation, and suspension; appeal.

(a) When the mayor and city council issues a written notice of intent to suspend or revoke a license, the mayor and city council shall immediately send such notice, which shall include the specific grounds under this article for such action, to the applicant or licensee (respondent) by personal delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the city clerk for the respondent. The notice shall specify a date, not less than ten days nor more than 20 days after the date the notice is issued, on which the mayor and city council shall conduct a hearing on the written notice of intent to suspend or revoke the license.

(1) At the hearing, the respondent shall have the opportunity to present all of respondent's arguments and to be represented by counsel, present evidence and witnesses on his behalf, and cross examine any of the city's witnesses. The mayor and city council shall also be represented by counsel, and shall bear the burden of proving the grounds for suspending or revoking the license. The hearing shall take no longer than two days, unless extended at the request of the respondent to meet the requirements of due process and proper administration of justice. The mayor and city council shall issue a written decision, including specific reasons for the decision pursuant to this article, to the respondent within five days after the hearing.

(2) If the decision is to suspend or revoke the license, the decision shall not become effective until the tenth day after it is rendered, and the decision shall include a statement advising the respondent of the right to appeal such decision to the Cobb County Superior Court 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~~by writ of certiorari.~~ If the mayor and city council's decision finds that no grounds exist for suspension, or revocation of the license, the mayor and city council shall, contemporaneously with the issuance of the decision, immediately withdraw the intent to suspend or revoke the license and to notify the respondent in writing by certified mail of such action.

(b) If any court action challenging the decision of the mayor and city council is initiated, the city shall prepare and transmit to the court a transcript of the hearing within 30 days after receiving written notice of the filing of the court action. The city shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceedings.

(Ord. No. 2010-10, § 1, 5-17-10)

Section 7:

That section 46-12 of the Code of Ordinances, Kennesaw, Georgia, is hereby amended to read as follows:

Sec. 46-12. - Administrative remedy.

(a) An applicant for an adjustment or credit may appeal a denial of said application to the city manager by filing a written appeal at the office of the city manager within ten calendar days of the date of mailing of the decision denying said application.

(b) An appeal to the city manager shall be submitted on a form provided by the city and must be accompanied by any documentation or other evidence the appellant wishes the city manager to consider in deciding the appeal.

(c) The city manager shall review and make a decision whether to allow or deny the appeal within 30 days of receipt of a completed appeal application. Said decision shall be in writing and, if denied, it shall state the reasons for the denial.

(d) The decision of the city manager shall be final, and there shall be no further administrative action. Any person aggrieved or dissatisfied with the decision of the city manager may appeal that decision to the Superior Court of Cobb County in the manner provided by law under Chapter 3, Title 5, of the Official Code of Georgia Annotated and as amended~~by Writ of Certiorari.~~

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

Section 8:

That section 46-225 of the Code of Ordinances, Kennesaw, Georgia, is hereby amended to read as follows:

Sec. 46-225. - Judicial review.

(a) Jurisdiction. All final decisions of the city concerning denial, approval or conditional approval of a special permit shall be reviewable in the Cobb County Superior Court 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.

(b) Alternate actions. Based on these proceedings and the decision of the court, the city may, within the time specified by the court, elect to:

    (1) Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;

    (2) Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or

    (3) Institute other appropriate actions ordered by the court that fall within the jurisdiction of the City of Kennesaw.

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

Section 9:

That section 46-462 of the Code of Ordinances, Kennesaw, Georgia, is hereby amended to read as follows:

Sec. 46-462. - Administrative appeal and judicial review.

(a) Administrative appeal. Any person aggrieved by a decision or order of the director may appeal in writing within seven business days after the issuance of such decision or order to the city manager and shall be entitled to a hearing before the city manager or his/her designee within 30 days of receipt of the written appeal.

(b) (b)Judicial review. Any person aggrieved by a decision or order of the city manager or his/her designee, after exhausting all administrative remedies, shall have the right to appeal ~~de novo~~ to the <u>S</u>~~s~~uperior <u>C</u>~~c~~ourt of Cobb County <u>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.</u>

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

<u>Section 10:</u>

That section 62-9(d)(5) of the Code of Ordinances, Kennesaw, Georgia, is hereby amended to read as follows:

Sec. 62-9(d)(5). - Community redevelopment tax incentive program.

Sec. 62-9(d)(5) Persons aggrieved by the determination of the board of construction appeals affirming the determination of the public officer <u>may appeal to the Superior Court of Cobb County in the manner provided by law under Chapter 3, Title 5, of the Official Code of Georgia Annotated and as amended,</u>~~may petition the Superior Court of Cobb County for a writ of certiorari,~~ within 30 days of issuance of the board of construction appeal's written determination.

<u>Section 11:</u>

That section 74-38 of the Code of Ordinances, Kennesaw, Georgia, is hereby amended to read as follows:

Sec. 74-38. - Required service; fees; security deposit.

(a) The city shall service all non-commercial units located in the city for garbage and recyclable collection unless:
    (1) An exception is made by the public works director at his or her discretion; or
    (2) The unit is unoccupied for a period of more than 30 days and the resident applies for and is granted a temporary suspension of the service fee.

(b) All commercial units that do not have city sanitation service shall obtain the service of a commercial collection provider that is licensed to conduct business in the city.

(c) The mayor and council shall establish and amend the fees for all sanitation services as defined in this chapter.

(d) The sanitation services account shall be in the name of the property owner of a residential unit, even if the unit is leased. The property owner shall be responsible for paying the required security and container deposit, before obtaining any garbage service. These non-interest bearing deposits shall be refundable when the service is terminated, if there is no delinquent balance and public works verifies the container has not been damaged.

(e) All accounts shall be paid by the due date; a late fee will be assessed for all payments made after that date. A service charge shall be assessed for all dishonored checks or dishonored credit card charges.

(f) Any account that becomes three months in arrears shall have their service terminated and their security deposit applied to such bill. In order to reinstate the service, the property owner shall pay a reinstatement fee prior to the service being re-established. An additional fee shall be assessed to collect any accumulated garbage.

(g) If an account becomes delinquent for more than four months, a lien will be placed against the property. Any further delinquencies may result in the city foreclosing on the property.

(h) Administrative remedy—Temporary suspension of service and fee.

  (1) A resident whose residential unit will be unoccupied for more than 30 consecutive days may make application with the utilities clerk for a temporary suspension of the service and fee. Such application may be made by the resident on a form made available by the ~~utility clerkbilling~~ utility billing clerk. The length of suspension of the service and fee shall not exceed six months unless authorized by the public works director.

  (2) Within 14 days of the decision by the ~~utility clerkbilling~~ utility billing clerk, any resident aggrieved by a decision to refuse to suspend may appeal that decision to the public works director for a final administrative hearing and determination. The public works director shall conduct an informal administrative hearing within ten business days of the resident appealing the original decision to not suspend. The resident and the city shall have the right to present sworn testimony and evidence. Upon the final administrative decision of the public works director to approve or deny the suspension under this chapter, such decision being in writing and including a notice of the decision and reasons therefore to the resident, the applicant may appeal the decision to the Superior Court of Cobb County in the manner provided by law under Chapter 3, Title 5, of the Official Code of Georgia Annotated and as amended.~~Cobb County Superior Court by writ of certiorari~~. There shall be no suspension of the service or fee during the appeal notification period or while an appeal is pending before the public works director.

(Ord. No. 2010-12, 6-21-10)

Section 12:

That section 74-39 of the Code of Ordinances, Kennesaw, Georgia, is hereby amended to read as follows:

Sec. 74-39. - Fee waiver for active duty military.

(a) A property owner on active duty military service in any of the Armed Forces of the United States or their dependent may make application with the utilities clerk for a temporary waiver of the monthly sanitation service fee. Such application may be made by the property owner or dependent on a form made available by the ~~utility clerkbilling~~ utility billing clerk.

(b) At the time of application, the property owner or dependent must present a valid identification card issued by the armed forces and a copy of the original orders evidencing active duty service. In addition, if a dependent is making application, the dependent shall present a power of attorney to act on behalf of the service member.

(c) The waiver shall commence on the billing cycle following approval of the application by the utilities clerk. The waiver shall automatically cease upon the first occurrence of the following:

  (1) The expiration of the original active duty orders presented with the application;
  (2) The termination of active duty status; or
  (3) The expiration of 12 months.

(d) The waiver may be renewed upon proper application pursuant to this section.

(e) Fee waivers shall not apply retroactively and the city is under no obligation to refund sanitation service fees already received.

(f) Within 14 days of the decision by the ~~utility clerkbilling~~ utility billing clerk, the property owner or dependent aggrieved by a decision denying the waiver of the sanitation service fee may appeal that decision in writing to the public works director for a final administrative hearing and determination. The public works director shall conduct an informal administrative hearing within ten business days of the receipt of the written request for a hearing. The property owner or dependent and the city shall have the right to present sworn testimony and evidence. Upon the final administrative decision of the public works director to approve or deny the suspension under this chapter, such decision being in writing and including a notice of the decision and reasons therefore to the property owner or dependent, the applicant may appeal the decision to the Cobb County Superior Court in the manner provided by law under Chapter 3, Title 5, of the Official Code of Georgia Annotated and as amended.~~by writ of certiorari.~~ There shall be no suspension of the service or fee during the appeal notification period or while an appeal is pending before the public works director.

(Ord. No. 2013-12, 6-17-13)

Section 14:

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

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

ATTEST: CITY OF KENNESAW:

___________________________ ___________________________

Lea Alvarez, City Clerk Derek Easterling, Mayor

8001 Juvenile/Youth/Family

and any other person claiming a parental interest in the above referenced child/ren. The alleged biological mother/father of the above referenced child/ren is believed to be **MEAGAN ELIZABETH SALEH**.
YOU ARE FURTHER NOTIFIED that a petition for dependency and legitimation in regard to the above referenced children was filed in the Cobb Court of Cobb County, Georgia, on the 2nd day of December, 2022. An Order for service by publication entered by the court on the 11th day of July, 2023;
YOU ARE HEREBY COMMANDED AND REQUIRED to appear before the Juvenile Court of Cobb County, Georgia, in Marietta, Georgia, on the 5th day of October, 2023, at 9:00 o'clock a.m. The hearing is for the purpose of determining whether dependency should be granted and whether a legitimation should be granted. The effect of a dependency as set forth under O.C.G.A. 29-2-22 includes the following: Georgia law provides that you (i.e., a parent) can permanently lose your rights as a parent. If the court at the trial finds that the facts set out in the petition are true and that granting dependency of the child/ren will serve the best interests of your children, the court can enter a judgment granting custody of your children to the Petitioners.
This means that you will not have the right to visit, contact, or have custody of your child/ren or make any decisions affecting your children or your child/ren's earnings or property. Even if the dependency is granted, you will still be responsible for providing financial support (child support payments) for your child/ren's care unless and until your child/ren is adopted and your children can still inherit from you unless and until your child/ren is adopted. If the Petition for legitimation is granted, Tanner Mitchell shall be the legal father. The petition which seeks to grant dependency of your child/ren to the Petitioner is a very serious matter and it is suggested that you contact an attorney immediately so that you can be prepared for the court hearing on such petition. You have the right to hire an attorney and to have the attorney represent you. If you cannot afford to hire an attorney, then the Juvenile Court of Cobb County, Georgia, will appoint an attorney to represent you if the court finds that you are an indigent person. Whether or not you decide to hire an attorney or seek appointed counsel, you have the right to attend the hearing on such petition, to call witnesses on your behalf, and to question those witnesses brought against you.
A copy of the petition for dependency may be obtained from the clerk of the Juvenile Court of Cobb County, Georgia, which is located at 32 Waddell Street, Marietta, Cobb County, Georgia 30090, during regular business hours, Monday through Friday, 8:00 a.m. until 5:00 p.m., exclusive of holidays. A free copy shall be available to you. Upon request to the clerk, the copy will be mailed to you. The child/ren is in the present temporary custody of the Petitioner.
The general nature of the allegation is that parental responsibilities and obligations owed to said children have been effectively abandoned.
YOU ARE FURTHER NOTIFIED that while responsive pleadings are not mandatory they are permissible and you are encouraged to file with the clerk of this court and serve a copy upon all parties, an answer or other responsive pleading within sixty (60) days of the date of the order for service by publication.
All concerned parties are informed that they are entitled to have an attorney represent them and if a party requests appointed counsel and qualifies for such appointment, then the court will appoint counsel at no cost if the party is unable, without financial hardship, to employ counsel.
Witness the Honorable Amber Patterson, Judge of said court.
This 17th day of July, 2023.
JENNIFER LEHR, CLERK
JUVENILE COURT OF
COBB COUNTY
7:21,28;8:4,11-2023

MDJ-5942
GPN-10
IN THE JUVENILE COURT OF COBB COUNTY, GEORGIA
IN THE INTEREST OF:
J.A.H.C., a child.
DOB: 11/06/2012 AGE: 10 SEX: M
CASE # 23-CV-1172-07
NOTICE OF PUBLICATION
To: Jorge Alberto Hernandez Chavez
By Order for Service by Publication dated the 13th of July, 2023. You are hereby notified that Aida Areli Hernandez Vargas is filing a dependency petition for J.A.H.C. with the Juvenile Court of Cobb County, on the basis of abandonment and neglect by J.A.H.C.'s parents. A copy of that petition can be obtained by interested parties who claim to have custodial or parental rights of J.A.H.C. at the Cobb County Juvenile Court, at 32 Waddell Street SE, Marietta, Georgia 30039.
You are required to file with the Clerk of the Juvenile Court of Cobb County, and to serve upon the Petitioner Aida Areli Hernandez Vargas at this address 50 Hurt Plaza SE, Suite 700, Atlanta, GA 30303 an answer to the Petition within sixty (60) days of the date of the first publication of notice.
Interested parties must appear before the Juvenile Court on September 19, 2023 at 9:00 a.m. to answer the allegations contained in the petition before the court.
Witness the Honorable Amber Patterson, Judge of this Court.
This 21st day of July, 2023.
7:28;8:4,11,18-2023

8003 Public Hearing

MDJ-5817
GPN-16
NOTICE OF PUBLIC HEARING
COBB COUNTY BOARD OF COMMISSIONERS
Notice is hereby given that on **August 8, 2023, at 9:00 a.m.**, the Board of Commissioners of Cobb County will hold a public hearing regarding consultant or consulting firm services expected to exceed $100,000.00 and involving the following:
South Cobb Water Reclamation Facility Primary Clarifier Rehabilitation and Biosolids Thickening, Program No. T3022
This public hearing will be held in the 2nd Floor Commissioners' Meeting Room, Cobb County Building, 100 Cherokee Street, Marietta, Georgia.
7:21,28; 8:4-2023

MDJ-5843
GPN-16
NOTICE OF PUBLIC HEARING
COBB COUNTY BOARD OF COMMISSIONERS
Notice is hereby given that on August 10, 2023, at 9:00 A.M., the Board of Commissioners of Cobb County will hold a public hearing regarding consultant or consulting firm services expected to exceed $100,000.00 and involving the following:
County/City Service Delivery Strategy Analysis: Professional services to conduct a Service Delivery Tax Equity report and analysis
This public hearing will be held in the 2nd Floor Commissioners' Meeting Room, Cobb County Building, 100 Cherokee Street, Marietta, Georgia.
7:21,28; 8:4-2023

MDJ-5997
GPN-16
NOTICE OF PUBLIC HEARING
City of Powder Springs
VARIANCE ALCOHOL LICENSE
Notice is hereby given that meetings shall be held at the City of Powder Springs on Wednesday, August 16 2023 (Agenda Meeting) at 5:00 pm and Monday, August 21 2023 (public hearing) at 7:00 pm before the Mayor and City Council. To consider Variance Request to the minimum separation requirements for alcohol package sales. The property is located at - 4481 Hiram Lithia Springs Road SW, within land lot 1046 of the 19 th District, 2 nd Section, Cobb County, Georgia. PIN: 19104600250.
Meetings will be held at 4181 Atlanta Street in the Ford Reception Hall - Building 2 (agenda meetings), and Cultural Arts Center - Building 1 (public hearings). When applicable Zoom link will be available at www.cityofpowdersprings.org.
Anyone who desires to speak at a public hearing is required to disclose campaign contributions to the Community Development Department 5 days prior to the hearing.
7:28-2023

MDJ-5998
GPN-16
NOTICE OF PUBLIC HEARING
CITY OF KENNESAW
Notice is hereby given the Mayor and Council of the City of Kennesaw, Georgia will conduct a public hearing on August 7, 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 Code of Ordinances of the City of Kennesaw, Georgia, Section 2-101, "Appeals"; Section 2-115, "Established"; Section 22-8, "Application; Review and Approval or Denial of Application"; Section 22-24, "Inspections of Books and Records"; Section 22-399, "Issuance of License"; Section 22-404, "Hearing; Revocation and Suspension; Appeal"; Section 46-12, "Administrative Remedy"; Section 46-225, "Judicial Review"; Section 46-462, "Administrative Appeal and Judicial Review"; Section 62-9, "Community Redevelopment Tax Incentive Program"; Section 74-38, "Required Service; Fees; Security Deposit"; Section 74-39, "Fee Waiver for Active Duty Military". Copies of the proposed Ordinance are on file in the Office of the City Clerk during normal business hours, Monday-Friday, 8:00 a.m. to 5:00 p.m. for public viewing.
7:28;8:4-2023

8004 Public Sales/Auctions

MDJ-5927
GPN-17
NOTICE OF SELF STORAGE SALE
Please take notice **Prime Storage - Acworth East 2645 Hickory Grove Rd., Acworth, GA 30101** intends to hold a public sale to sell the property stored in the following units stored at the Facility. The public sale to the highest bidder will occur as an Online Auction via **www.storagetreasures.com** on **8/17/2023 at 12:00PM**. Unless stated otherwise the description of the contents are household goods and furnishings. Martha Garcia unit #A011; A'Yua Kamau unit #A020; Howard Lockamy unit #ME13; Andrea C Thomas unit #ME17; Syreeta Jenkins unit #ME25; Arielle Martin unit #ME36; Oladotun Olalekan unit #ME38. This sale may be withdrawn at any time without notice. Certain terms and conditions apply.
7:28;8:4-2023

MDJ-5928
GPN-17
NOTICE OF SELF STORAGE SALE
Please take notice **Prime Storage - Marietta North located at 3850 Shallowford Rd., Marietta, GA 30062** intends to hold a public sale to sell the property stored in the following units stored at the Facility. The public sale to the highest bidder will occur as an Online Auction via **www.storagetreasures.com** on **8/17/2023 at 12:00PM**. Unless stated otherwise the description of the contents are household goods and furnishings. Jakeia Hudson unit #G13; Raquel Bynum unit #H12; Raymond Taylor unit #J112. This sale may be withdrawn at any time without notice. Certain terms and conditions apply.
7:28;8:4-2023

MDJ-5929
GPN-17
NOTICE OF SELF STORAGE SALE
Please take notice **Prime Storage - Acworth West located at 3495 Baker Rd., Acworth, GA 30101** intends to hold a public sale to sell the property stored in the following units stored at the Facility. The public sale to the highest bidder will occur as an Online Auction via **www.storagetreasures.com** on **8/17/2023 at 12:00PM**. Unless stated otherwise the description of the contents are household goods and furnishings. Kenneth Moulton unit #1B4; Michelle Chronic unit #1F26. This sale may be withdrawn at any time without notice. Certain terms and conditions apply.
7:28;8:4-2023

MDJ-5930
GPN-17
NOTICE OF SELF STORAGE SALE
Please take notice **Prime Storage Marietta located at 1225 Canton Rd., Marietta, GA 30066** intends to hold a public sale to sell the property stored in the following units stored at the Facility. The public sale to the highest bidder will occur as an Online Auction via **www.storagetreasures.com** on **8/17/2023 at 12:00PM**. Unless stated otherwise the description of the contents are household goods and furnishings. Alysan Wiley unit #D34. This sale may be withdrawn at any time without notice. Certain terms and conditions apply.
7:28;8:4-2023

MDJ-5931
GPN-17
NOTICE OF SELF STORAGE SALE
Please take notice **Prime Storage - Marietta Delk Rd. located at 1155 Powers Ferry Place, SE Marietta, GA 30067** intends to hold a public sale to sell the property stored in the following units stored at the Facility. The public sale to the highest bidder will occur as an Online Auction via **www.storagetreasures.com** on **8/17/2023 at 12:00PM**. Unless stated otherwise the description of the contents are household goods and furnishings. Philip Collins unit #046; Maya R Billingsley unit #277; Ajanay Gay unit #297; Diona Halbert unit #659; Sterling Clark unit #D07; Nautica Brown unit #G09; Natashia Moore unit #L02. This sale may be withdrawn at any time without notice. Certain terms and conditions apply.
7:28;8:4-2023

MDJ-5932
GPN-17
NOTICE OF SELF STORAGE SALE
Please take notice **Prime Storage - Marietta Heathersett Dr. located at 155 Heathersett Dr., Marietta, GA 30064** intends to hold a public sale to sell the property stored in the following units stored at the Facility. The public sale to the highest bidder will occur as an Online Auction via **www.storagetreasures.com** on **8/17/2023 at 12:00PM**. Unless stated otherwise the description of the contents are household goods and furnishings. Michael Pearson unit #G29; Joe Prichard unit #I36. This sale may be withdrawn at any time without notice. Certain terms and conditions apply.
7:28;8:4-2023

MDJ-5398
GPN-17
GEORGIA Newspaper Advertisement
STORAGE TREASURES AUCTION
Extra Space Storage will hold a public auction to sell personal property described below belonging to those individuals listed below at the location indicated 2340 Cobb Parkway SE Smyrna, Georgia 30080 on **08/08/2023 at 12:30 PM**
1. UNIT 1015 - Marquis Horne - Circular Suade Sectional, Matresses, Boxes, Lamps, Household Items
2. UNIT 2016 - Jayson Clifton - Boxes, Totes, Shirts, Furniture,Clothes , Clothing Machine, Rims
3. UNIT 2114 - Elsy Soto - Boxes, Totes, Furniture,Clothes Household Items
4. UNIT 2117 - Gwenedra Nelson - Boxes, Totes, Furniture,Clothes Household Items
5. UNIT 2913 - Colton James - Boxes, Totes, Furniture,Clothes Household Items
The auction will be listed and advertised on www.storagetreasures.com. Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property
7:21,28-2023

MDJ-5399
GPN-17
Extra Space Storage will hold a public auction to sell personal property described below belonging to those individuals listed below at the location indicated. 795 Veterans Memorial Hwy SE Mableton, Ga 30126
Tuesday- August 8th, 2023 at 2:30 pm
1069: Alonzo Maxwell- House hold items.
2003: Lola Blevins- Furniture for two bedroom apt.
3009: Alisha Davison- Furniture & Boxes.
The auction will be listed and advertised on www.storagetreasures.com. Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property.
7:21,28-2023

MDJ-5401
GPN-17
GEORGIA Newspaper Advertisement
STORAGE TREASURES AUCTION
Extra Space Storage will hold a public auction to sell personal property described below belonging to those individuals listed below at the location indicated: 3720 Tramore Pointe Pkwy Austell, GA 30106 on **08/08/2023 at 11:30 AM**
1. Unit-607-Linda Lewis-household items ,clothing
2. Unit: 2111-Quanzetta Davis-boxes, beds, household items, clothing
3.Unit:2121-Gregory Shatteen- household items, clothing ,boxes
4.Unit: 2532-Kara Dungee- household items
5.Unit: 2605-Brandie Williams-household items
6:Unit:3533-Michael Scott-household items
The auction will be listed and advertised on www.storagetreasures.com. Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property
7:21,28-2023

MDJ-5407
GPN-17
Pursuant to the lien granted by O.C.G.A. § 11-7-209, notice is hereby given that STORsquare Atlanta will sell by public auction the contents of the Storage Containers belonging to the following Customers to the highest

MDJ-5998
GPN-16
NOTICE OF PUBLIC HEARING
CITY OF KENNESAW

Notice is hereby given the Mayor and Council of the City of Kennesaw, Georgia will conduct a public hearing on August 7, 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 Code of Ordinances of the City of Kennesaw, Georgia, Section 2-101, "Appeals"; Section 2-115, "Established"; Section 22-8, "Application; Review and Approval or Denial of Application"; Section 22-24, "Inspections of Books and Records"; Section 22-399, "Issuance of License"; Section 22-404, "Hearing; Revocation and Suspension; Appeal"; Section 46-12, "Administrative Remedy"; Section 46-225, "Judicial Review"; Section 46-462, "Administrative Appeal and Judicial Review"; Section 62-9, "Community Redevelopment Tax Incentive Program"; Section 74-38, "Required Service; Fees; Security Deposit"; Section 74-39, "Fee Waiver for Active Duty Military". Copies of the proposed Ordinance are on file in the Office of the City Clerk during normal business hours, Monday-Friday, 8:00 a.m. to 5:00 p.m. for public viewing.

7:28;8:4-2023

City of Kennesaw, GA

Item Report

TO: The Honorable Mayor and City Council

FROM: Latisha Gunn, Property Tax Administrator

DATE: August 7, 2023

TITLE: Third and Final Public Hearing on the proposed RESOLUTION to adopt the Maintenance and Operation (M&O) Millage Rate.

Summary:
The City of Kennesaw is proposing a millage rate of 7.75 mills for M&O, which is .25 mills less than it was last year. The dates of the public hearings and the Current 2023 Tax Digest and 5 Year History of Levy were properly advertised in the Marietta Daily Journal on July 22, 2023 and July 29, 2023, in accordance with O.C.G.A. Section 48-5-32. The first and second public hearings were held on July 31, 2023 at 6:00 pm and August 7, 2023 at 10:30 am, respectively.

Recommendation:
The Finance Director recommends approval.

Fiscal Impact:

Attachments:
1. RESOLUTION - M&O Millage Rate Adoption
2. Advertisement of 5 year history and adoption date - Kennesaw Tax Year 2023 FY 24 with .25 rollback per proposed budget
3. Additional Ad 2023
4. Press Release TY 2023 FY24
5. Notice of Property Tax Increase Ad Tax Year 2023 FY24
6. 07-22-23 Legal Ads
7. 07-29-2023 Millage Rate Decrease
8. 07-29-2023 Tax Rate Increase

CITY OF KENNESAW
GEORGIA

RESOLUTION NO. 2023-, 2023

RESOLUTION OF THE KENNESAW CITY COUNCIL TO ESTABLISH A MAINTENANCE & OPERATION (M&O) MILLAGE RATE FOR THE CITY OF KENNESAW FOR FISCAL YEAR 2023-2024

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

WHEREAS, the City of Kennesaw, Georgia desires to establish its ad valorem tax millage rate for the fiscal year 2023-2024; and

WHEREAS, the governing authority has advertised its intent to establish said millage rate by placing an advertisement conforming to O.C.G.A. §48-5-32(c) in a newspaper of general circulation of Cobb County serving the residents of the City of Kennesaw, said advertisement appearing two (2) weeks prior to the hearing at which said millage rate is to be considered; and

WHEREAS, the public hearings required by O.C.G.A. §48-5-32(c) were duly held on July 31, 2023 and August 7, 2023 prior to the adoption of this resolution; and

WHEREAS, the final millage rate has been calculated by the governing authority to be 7.75 mills for Maintenance & Operation (M&O) and the final millage rate for the Bond will be adopted by separate resolution.

NOW, THEREFORE, **BE IT RESOLVED** that the Kennesaw City Council does hereby establish the M&O millage rate for the City of Kennesaw, Georgia, ad valorem property tax, for the 2023-2024 fiscal year at 7.75 mills.

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

ATTEST:	CITY OF KENNESAW
______________________	______________________
Lea Alvarez, City Clerk	Derek Easterling, Mayor

NOTICE

The Mayor and City Council of the City of Kennesaw does hereby announce that the tax millage rate for Fiscal Year 2024 will be set at a meeting of the Mayor and Council held in the Council Chambers of City Hall at 2529 J.O. Stephenson Avenue, Kennesaw, GA on August 7, 2023 at 6:30 PM. Pursuant to the requirements of O.C.G.A. Section 48-5-32, the City of Kennesaw does hereby publish the following presentation of the current year's tax digest and levy, along with the history of the tax digest and levy for the past five years.

CURRENT 2023 TAX DIGEST AND FIVE YEAR HISTORY OF LEVY

	2018	2019	2020	2021	2022	2023
Real & Personal	1,438,655,388	1,518,982,186	1,626,627,090	1,740,178,425	2,018,309,824	2,293,915,007
Motor Vehicle	15,913,870	12,503,840	10,584,720	8,208,810	7,068,760	6,794,230
Mobile Homes	1,569,458	1,640,186	1,667,223	1,592,910	1,620,674	1,613,365
Timber - 100%	0	0	0	0	0	0
Heavy Duty Equipment	2,614	8,526	30,741	7,873	87,115	36,503
Gross Tax Digest	1,456,141,330	1,533,134,738	1,638,909,774	1,749,988,018	2,027,086,373	2,302,359,105
Less M&O Exemptions	276,955,288	305,346,338	334,808,625	321,498,717	466,305,125	537,172,801
Net M&O Digest	1,179,186,042	1,227,788,400	1,304,101,149	1,428,489,301	1,560,781,248	1,765,186,304
Gross M&O Millage Rate	8.00	8.00	8.00	8.00	8.000	8.000
Less Millage Rate Rollbacks	0.00	0.00	0.00	0.00	0.000	0.250
Net M&O Millage Rate	8.00	8.00	8.00	8.00	8.000	7.750
Net M&O Taxes Levied	9,433,488	9,822,307	10,432,809	11,427,914	12,486,250	13,680,194
Gross Tax Digest	1,456,141,330	1,533,134,738	1,638,909,774	1,749,988,018	2,027,086,373	2,302,359,105
Less Bond Exemptions	200,002,666	215,923,976	229,834,718	192,887,844	251,473,580	265,480,930
Net Bond Digest	1,256,138,664	1,317,210,762	1,409,075,056	1,557,100,174	1,775,612,793	2,036,878,175
Gross Bond Millage Rate	1.50	1.50	1.50	1.50	1.500	1.500
Less Millage Rate Rollbacks	0.00	0.00	0.00	0.00	0.000	0.000
Net Bond Millage Rate	1.50	1.50	1.50	1.50	1.500	1.500
Net Bond Taxes Levied	1,884,208	1,975,816	2,113,613	2,335,650	2,663,419	3,055,317
Net M&O Taxes $ Increase	291,218	388,819	610,502	995,105	1,058,336	1,193,944
Net M&O Taxes % Increase	3.2%	4.1%	6.2%	9.5%	9.3%	9.6%
Net Bond Taxes $ Increase	122,854	91,608	137,796	222,037	327,769	391,898
Net Bond Taxes % Increase	7.0%	4.9%	7.0%	10.5%	14.0%	14.7%

All concerned citizens are invited to public hearings held at the Kennesaw City Hall Chambers located at 2529 J.O. Stephenson Avenue, Kennesaw GA on the dates and times below:

Monday, July 31, 2023 6:00 PM (Special Called Meeting)

Monday, August 7, 2023 10:30 AM (Special Called Meeting) and 6:30 PM (Final Adoption)

NOTICE TO KENNESAW TAXPAYERS
CITY PROPOSING A DECREASE IN THE MILLAGE RATE

Kennesaw Mayor & Council are proposing a decrease in the maintenance & operation millage rate from 8 mills to 7.75 mills. According to Georgia law, all taxing agencies must advertise a tax increase and hold three public hearings to claim taxes on reassessed properties when it does not roll back the maintenance & operation millage to the full roll back rate. The City is proposing a roll back of .25 mills. Property tax rates have not increased since 2008.

In addition to the proposed millage rate reduction, the City has a Floating Homestead Exemption (or Property Tax Freeze). This exemption freezes property tax assessments for City taxes on residential properties that are homeowner occupied at the value that the property was purchased until the property is sold. This assessment freeze, along with the reduction in the City millage rate, will actually result in less City maintenance & operation taxes owed by homeowners than last year.

PRESS RELEASE ANNOUNCING PROPERTY TAX INCREASE

The City of Kennesaw today announces its intention to increase the 2023 property taxes it will levy this year by 12.68 percent for M&O and 13.81 percent for Bond over the rollback millage rate.

Each year, the board of tax assessors is required to review the assessed value for property tax purposes of taxable property in the county. When the trend of prices on properties that have recently sold in the county indicate there has been an increase in the fair market value of any specific property, the board tax assessors is required by law to re-determine the value of such property and adjust the assessment. This is called a reassessment.

When the total digest of taxable property is prepared, Georgia law requires that a rollback millage rate must be computed that will produce the same total revenue on the current year's digest that last year's millage rate would have produced had no reassessments occurred.

The budget tentatively adopted by the City of Kennesaw Council requires a millage rate higher than the rollback millage rate; therefore, before the City of Kennesaw Council may finalize the tentative budget and set a final millage rate, Georgia law requires three public hearings to be held to allow the public an opportunity to express their opinions on the increase.

All concerned citizens are invited to the public hearings on this tax increase to be held at the City of Kennesaw Council Chambers located at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia on July 31, 2023 at 6:00 PM and August 7, 2023 at 10:30 AM and 6:30 PM.

NOTICE OF PROPERTY TAX INCREASE

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City of Kennesaw, GA

Item Report

TO: The Honorable Mayor and City Council

FROM: Latisha Gunn, Property Tax Administrator

DATE: August 7, 2023

TITLE: Third and Final Public Hearing on the proposed RESOLUTION to adopt the Bond Millage Rate.

Summary:
The City of Kennesaw is proposing a millage rate of 1.5 for the Bond which is the same as last year. The Bond millage rate is levied to fund the debt service on the $15 million Recreation and Traffic Safety Bonds that were approved by the voters September 21, 2004. The dates of the public hearings and the Current 2023 Tax Digest and 5 Year History of Levy were properly advertised in the Marietta Daily Journal on July 22, 2023 and July 29, 2023 in accordance with O.C.G.A. Section 48-5-32. The first and second public hearings were held on July 31, 2023 at 6:00 pm and August 7, 2023 at 10:30 am, respectively.

Recommendation:
The Finance Director recommends approval.

Fiscal Impact:

Attachments:
1. RESOLUTION - Bond Millage Rate Adoption
2. Advertisement of 5 year history and adoption date - Kennesaw Tax Year 2023 FY 24 with .25 rollback per proposed budget
3. Notice of Property Tax Increase Ad Tax Year 2023 FY24
4. Additional Ad 2023
5. Press Release TY 2023 FY24
6. 07-22-23 Legal Ads
7. 07-29-2023 Tax Rate Increase
8. 07-29-2023 Millage Rate Decrease

CITY OF KENNESAW
GEORGIA

RESOLUTION NO. 2023-, 2023

RESOLUTION OF THE KENNESAW CITY COUNCIL TO ESTABLISH THE BOND MILLAGE RATE FOR THE CITY OF KENNESAW FOR FISCAL YEAR 2023-2024

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

WHEREAS, the City of Kennesaw, Georgia desires to establish its ad valorem tax millage rate for the fiscal year 2023-2024; and

WHEREAS, the governing authority has advertised its intent to establish said millage rate by placing an advertisement conforming to O.C.G.A. §48-5-32(c) in a newspaper of general circulation of Cobb County serving the residents of the City of Kennesaw, said advertisement appearing two (2) weeks prior to the hearing at which said millage rate is to be considered; and

WHEREAS, the public hearings required by O.C.G.A. §48-5-32(c) were duly held on July 31, 2023 and August 7, 2023 prior to the adoption of this resolution; and

WHEREAS, the Bond millage rate has been calculated by the governing authority to be 1.5 mills and the final millage rate for Maintenance & Operation (M&O) will be adopted by separate resolution.

NOW, THEREFORE, **BE IT RESOLVED** that the Kennesaw City Council does hereby establish the bond millage rate for the City of Kennesaw, Georgia, ad valorem property tax, for the 2023-2024 fiscal year at 1.5 mills.

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

ATTEST:	CITY OF KENNESAW
___________________________	___________________________
Lea Alvarez, City Clerk	Derek Easterling, Mayor

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PRESS RELEASE ANNOUNCING PROPERTY TAX INCREASE

The City of Kennesaw today announces its intention to increase the 2023 property taxes it will levy this year by 12.68 percent for M&O and 13.81 percent for Bond over the rollback millage rate.

Each year, the board of tax assessors is required to review the assessed value for property tax purposes of taxable property in the county. When the trend of prices on properties that have recently sold in the county indicate there has been an increase in the fair market value of any specific property, the board tax assessors is required by law to re-determine the value of such property and adjust the assessment. This is called a reassessment.

When the total digest of taxable property is prepared, Georgia law requires that a rollback millage rate must be computed that will produce the same total revenue on the current year's digest that last year's millage rate would have produced had no reassessments occurred.

The budget tentatively adopted by the City of Kennesaw Council requires a millage rate higher than the rollback millage rate; therefore, before the City of Kennesaw Council may finalize the tentative budget and set a final millage rate, Georgia law requires three public hearings to be held to allow the public an opportunity to express their opinions on the increase.

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Item Report

TO: The Honorable Mayor and City Council

FROM: Lea Alvarez, City Clerk

DATE: August 7, 2023

TITLE: Approval of the July 10, 2023 City Council work session minutes.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. DRAFT Work Session Minutes

MINUTES OF CITY COUNCIL WORK SESSION MEETING
CITY OF KENNESAW
Council Chambers
July 10, 2023
6:30 PM

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

1. Invocation

2. Pledge of Allegiance

3. Call to Order

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

4. Announcements

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

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

5. Presentations

6. Public Comment/Business from the Floor

7. Old Business

8. New Business

A. Authorization to fund a "Practices for Successful Meetings" class through the Carl Vinson Institute of Government for the City's boards, committees, and commissions out of the Mayor and Council Contingency Fund for $3,100.

[Councilmember Burnette entered the Council Chambers at 6:32 p.m.]

City Clerk Lea Alvarez requested authorization to fund a "Practices for Successful Meetings" class through the Carl Vinson Institute of Government for the City's boards, committees, and commissions out of the Mayor and Council Contingency Fund for $3,100. Ms. Alvarez explained Councilmember Ferris approached her a couple of months ago with the idea of extending this opportunity to the many members of our boards and commissions, including their respective staff and council liaisons. Through the coordination of the Carl Vinson Institute of Government, Jim Elliot of Butler Snow LLP will be teaching the course. Mr. Elliot has presented on this topic throughout the State of Georgia, most recently at the Georgia Municipal Association's Annual Convention. While the date is still being finalized, the cost for the on-site visit is $3,100. To maximize attendance, staff is proposing a morning and afternoon session. Ms. Alvarez requested the class be funded by the Mayor and Council's Contingency Fund.

Councilmember Ferris shared he has taken the time to visit different boards, authorities, and foundations associated with the city. After speaking to various chairs, he found that many of the members had never been involved in a formal organization. It occurred to him that the city needed to fill this knowledge gap through a class of some kind. He thinks anyone that attends would walk away with a better understanding of how to run effective meetings, particularly parliamentary procedure.

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

9. Committee and Board Reports

10. Public Hearing(s)

11. Consent Agenda

A. Approval of the June 26, 2023 City Council work session minutes.

B. Approval of the July 5, 2023 City Council regular meeting minutes.

12. General and Administrative

13. Public Safety

A. Receipt of the June 2023 Crime Statistics.

Chief Westenberger presented the June 2023 crime statistics.

14. Information Technology

15. Public Works

A. Approval of RESOLUTION for a design services proposal and agreement with Croy Engineering and CSC Design, Inc for the Smith-Gilbert Garden's restroom and trail project.

Building and Facilities Manager Robbie Balenger presented a resolution for a design services proposal and agreement with Croy Engineering and CSC Design, Inc. for the Smith-Gilber Garden's restroom and trail project. The design will include four single-person restrooms and 2,800 linear feet of paved pathways throughout the gardens. Currently, the gardens only have one exterior restroom, and staff are currently renting trailers to accommodate the need. Mr. Balenger stated the pathways will help make the restrooms ADA accessible. The total cost will be $95,280 for the design documents.

Councilmember Ferris asked how this project was going to be funded. Mr. Balenger responded American Rescue Plan Act (ARPA) funds. Dr. Drobney stated the project was approved last year by City Council.

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

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. Recommendation of the City Manager to ratify the appointment of Information Technology Director, Robert Mayes

Dr. Drobney introduced Robert Mayes as his appointment to the position of Information Technology Director. Mr. Mayes is a retired Major from the United States Air Force and has spent many years in information technology and information technology security. Dr. Drobney's appointment is set to be ratified at the regular meeting on Monday, July 17, 2023.

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

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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 6:40 p.m. The regular meeting will be held Monday, July 17 at 6:30 p.m. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.

____

Lea Alvarez, City Clerk

Item Report

TO: The Honorable Mayor and City Council

FROM: Lea Alvarez, City Clerk

DATE: August 7, 2023

TITLE: Approval of the July 10, 2023 Special Called FY 2023-2024 Budget work session minutes.

Summary:

Recommendation:

Fiscal Impact:

Attachments:
1. DRAFT Special Call FY 24 Budget Work Session Minutes

MINUTES OF CITY COUNCIL WORK SESSION MEETING
CITY OF KENNESAW
Council Chambers
July 10, 2023
7:00 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.

1. Invocation

2. Pledge of Allegiance

3. Call to Order

Mayor Derek Easterling called the meeting to order at 7:00 p.m.

4. Announcements

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

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

5. Presentations

6. Public Comment/Business from the Floor

7. Old Business

8. New Business

A. Draft Operating and Capital Budget Fiscal Year 2023-2024

City Manager Jeff Drobney presented the Fiscal Year 2024 recommended budget to Council for their consideration. The Fiscal Year 2024 proposed budget is $29,395,743, which is an approximate six percent increase from last year. Dr. Drobney provided some highlights regarding the budget, including a millage rate reduction from 8 mills to 7.75 mills as a result of our current fund balance, projected development, and the overall growth of our tax digest. Additionally, there is a recommended three percent Cost of Living Adjustment for all staff, and $1,808,591 to fund the City's reserve account. Fiscal Year 2024 projected benefits and health care costs increased by approximately $314,000 and retirement contributions increased by approximately $59,434. Both costs are allocated throughout each department **(See Exhibit A).**

Dr. Drobney reviewed all proposed budget assumptions, including all revenue and expenditure highlights. Some of the expenditure highlights include how the Court Project fund, Court Service Improvement fund, State and Local Fiscal Recovery funds, and Impact Fees will be used to cover various projects and needs.

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

After the presentations, the Council asked Department Heads the following questions:

Councilmember Jones noted the amount Public Works was spending on zero turn mowers. He asked if they were enclosed with an air conditioning unit to keep the employees cool while they mowed in the summer. Public Works Director Ricky Stewart was not familiar with that model of zero turn mowers, but would look into them.

Councilmember Ferris asked Finance Director Gina Auld if the city was in a position to pay off any bonds. Ms. Auld stated staff was working with its financial advisors to possibly refinance some bonds. Any determination will be brought before the Council in the fall.

Councilmember Ferris asked Police Chief Bill Westenberger if the city was still utilizing the range at the Governor's Gun Club. Chief Westenberger responded that the officers are using ranges with Georgia Power in Emerson. The department found it to be more useful to use an outside range.

Councilmember Ferris asked Chief Westenberger if the department issued Narcan to each officer. Chief Westenberger stated Narcan is issued to each officer to keep in their vehicles; however, Cobb Fire and EMS usually arrive within enough time to administer their own supplies. Councilmember Jones asked if the department provides AEDs to keep in the vehicles as well. Chief Westenberger stated that Cobb Fire and EMS typically have AEDs on them and that keeping AEDs in the officers' vehicles would subject them to heat and possible damage.

Councilmember Ferris told Parks and Recreation Director Bill McNair he was worried about having enough staff budgeted to work on the new amphitheater. Dr. Drobney stated staff has already started to meet about the amphitheater and talked about everything from advertising to staffing. The city has $140,000 committed right now to the amphitheater for events, concerts, marketing, and how the city is going to activate the space. In terms of staffing, Dr. Drobney thinks we will be fine.

9. Committee and Board Reports

10. Public Hearing(s)

11. Consent Agenda

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

Mayor Easterling adjourned the special called FY 2023-2024 budget work session at

8:13 p.m.

Exhibit A

City of Kennesaw, GA

Honoring Our Heritage - Forging Our Future

FY 2024 Recommended Budget

Jeff Drobney
City Manager

FY 2024 Recommended Budget

City of Kennesaw, GA

- Staff is presenting for consideration the FY 24 Recommended Budget totaling $29,395,743 for Fiscal Year 2024. This refers to the period of time between October 1, 2023 and September 30, 2024.
- Property taxes remain the City's largest source of revenue. A projected increase in property tax revenue is driven by new development and re-valuations by the Cobb County Tax Assessor. In most cases, residents with the Floating Homestead Exemption will not see an increase. Steady growth and conservative budgeting has allowed Kennesaw to keep the same millage rate of 8 mills since FY 08 while building a healthy fund balance.
- As a result of our current fund balance, projected development and the overall growth of our tax digest this budget anticipates the millage rate will be reduced from 8 mills to 7.75 mills.

Moody’s Credit Rating

- The City’s fiscal stewardship has helped it to achieve a solid bond rating. Kennesaw's financial position has improved significantly within the last five fiscal years. On June 26th, Standard & Poor’s upgraded the city's general obligation unlimited tax (GOULT) rating to Aa2 from Aa3, the second such upgrade in two years and assigned a positive outlook.
- As detailed in Moody’s credit opinion the City of Kennesaw, GA (Aa2) will continue to benefit from ongoing development, proximity to Atlanta, strong financial management, and low long-term liabilities. The positive outlook reflects the expectation that the county’s financial position will remain strong in the next 12 to 18 months despite potential expenditure pressures associated with a competitive labor market.
- Moody’s noted that our credit strengths include a trend of surplus operations and maintenance of very healthy reserves with concurrent economic and population growth fueling strong revenue growth.

Moody’s Credit Rating

Moody’s noted that our credit strengths include a trend of surplus operations and maintenance of very healthy reserves with concurrent economic and population growth fueling strong revenue growth.

Highlights from the most recent Moody’s Investor Report include but are not limited to:

- The City of Kennesaw's credit quality will continue to benefit from new residential development and population growth, trends that are supported by its location within the expanding Atlanta metro area.
- The city has routinely posted surplus operations, with tax revenue growth comfortably offsetting expenditure growth.
- While fiscal 2023 doesn't conclude until September 30, city officials expect another healthy surplus and addition to general fund balance.
- The city's ESG Credit Impact Score (Environmental, Social, Governance) is CIS-1, reflecting positive governance
- The overall E issuer profile score is E-2, reflecting neutral to low exposure to environmental risks across all categories, including physical climate risk, natural capital, and waste and pollution.
- The city's S issuer profile score is S-1, reflecting positive exposure to demographic trends associated with a young and growing workforce; solid employment and labor force participation trends; a beneficial location within the rapidly growing Atlanta MSA; strong educational attainment rates; and favorable health and safety metrics.
- The G issuer profile score is G-1, reflecting strengths in the institutional structure. The score also considers the city's policy credibility, average transparency, and strong management and budgeting practices.

Budget Highlights

- Recommend millage rate decrease of .25 mills
- Real, Bond and Personal Tax Revenue budgeted at 2% increase over Current Year Actual
- $1,808,591 to fund City's reserve account
- There is a 3% COLA proposed in the FY 24 budget
- Salary budgets in all departments include budgeting the cost of employees selling sick & vacation time as allowed by City policy, based on historic trends

- Vehicle Repair and Maintenance & Energy and Gasoline budgeted expenses for each department, except for Storm Water and SGG (fuel only), have been consolidated in separate line items (Vehicle Repair and Maintenance & Energy and Gasoline) under Public Works for better tracking and management oversight
- FY 24 projected benefit and health care costs (medical/pharmacy claims, dental claims, stop loss premiums, short term and long term disability, etc) increased by approximately $314,000 and retirement contributions increased by approximately $59,434 – both are allocated throughout each department
- Increase of overall budget between FY 23 and FY 24 is approximately 6%

Revenue Highlights

- Building Services revenues have continued a recent trend in exceeding all expectations in the current fiscal year or in this case FY 23. This is a strong indicator of the continued redevelopment and growth boom under way in the City of Kennesaw the last several years. Eight (8) months into FY 23 building permit revenues are 221% above projected revenues, architectural plan review services 163%, electrical permits 125%, plumbing permits 180% and HVAC permits 42%. Annual revenues for these five (5) budget lines were projected to be $550,000. Actual revenue at eight (8) months into FY 23 is $1,597,496.

- The State and Local Fiscal Funds (SLFRF), part of the American Rescue Plan, delivered over $350 billion to state, local and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency. The SLFRF program provides substantial flexibility for each jurisdiction to meet local needs, including using the funds on government services up to the revenue loss amount, whether that be the standard allowance of $10,000,000 or the calculated amount. The City of Kennesaw received an allocated amount of approximately $12.8 million dollars. Previously approved projects include replacement of police radios, paving of city streets, restoring the historic railroad depot and adding/upgrading crosswalk signals in downtown. The proposed FY 24 budget recommends usage of approximately $780,500 dollars of SLFRF funds for enhancing and improving public safety, code enforcement and parks and recreation.

Senior Tax Exemption – Any resident over 65 years of age is exempt from City of Kennesaw ad valorem property tax for the property on which they reside. This exemption has been in place since 1959 and for FY 24 the total dollar amount not being collected into the General Fund is projected to total $1,534,445.

This is approximately a 15.3% increase over the FY 23 amount of $1,329,847 and approximately a 40% increase over the FY 22 amount of $1,093,851. This is a 379% increase since 2012 when the amount totaled $320,576. With the youngest baby boomers (age 56) being born in 1965 and with 10,000 people a day turning 65 years of age, the impact of the 100% senior exemption will continue to grow and have a larger impact on the General Fund. The dollar surpassed $1 million in FY 2022 and will continue to grow ultimately surpassing $2 million within the next 4 years if current trends continue.

Personnel

- It is being recommended to:
- Add four (4) new fulltime positions: Assistant Special Events Coordinator in Parks and Recreation to help support the ever growing number of special events, including those associated with the upcoming Amphitheatre opening in spring 2024, Crime Analyst Public Safety to support public safety and pro-active crime prevention, Code Enforcement Inspector to support city priority for enforcement of city codes and to provide for improved coverage and a Horticultural Technician at Smith-Gilbert Gardens to provide much needed manpower for plant bed maintenance and upkeep. The chart is showing the unfreezing of one (1) fulltime position (IT Director) as previously authorized. The total budgeted impact of salary and benefits of new fulltime positions, including unfreezing one position, for FY 2024 is approximately $376,000.
- Add one (1) part-time position, an Education and Program Assistant at the Smith-Gilbert Gardens to provide additional support and growth of programs and education outreach. The total budgeted salary impact of this position is $20,000.
- Re-classify nine (9) positions due to change in job responsibilities. The total budgeted impact for salary and benefits on the General Fund is approximately $39,000.

New Positions:	Unfreezing of Approved Position:
Parks and Recreation • Assistant Special Events Coordinator **Police** • Crime Analyst **Building Services** •Code Enforcement Inspector **SGG** •Horticulture Technician •Education and Program Assistant (PT)	**IT** • IT Director

Court Project Fund

Court Project Fund		
Department	Item	Amount
Police	Flock Camera	$2,800
Police	Finger Printing Machine	$9,500
Police	Curaplex Active Assailant Kit with CAT Tourniquet	$3,000
Police	V-Line Closet Vault in Wall Gun Safe	$1,530
Police	Olight Weapon Lights	$7,400
Police	Ballastic Shields - $5,000 x 4	$20,000
Police	Camera and Equipment for Evidence Tech	$4,500
IT	Cell Hawk CID	$5,500
IT	Crime Analyst IT equipment	$5,000

Court Service Improvement Fund

Court Services Improvement Fund		
Department	Item	Amount
IT	Replacement Computers Years 15-19	$65,000
IT	Office 365 Office Upgrade City Wide	$78,000
IT	Remote Building UPS's	$12,500
IT	Data Center Hard Drive Replacement	$14,000
Police	Vehicle radar 4 units	$20,400
City Clerk	Just FOIA Pro	$14,000
Building Services	Chevy Malibu for Code Enforcement	$35,000

State and Local Fiscal Recovery Funds

State and Local Fiscal Recovery Fund		
Police	Ford Interceptor Utility (1 of 4)	$80,000
Police	Ford Interceptor Utility (2 of 4)	$80,000
Police	Ford Interceptor Utility (3 of 4)	$80,000
Police	Ford Interceptor Utility (4 of 4)	$80,000
Police	Chevy Tahoe Public Safety	$80,000
Police	Ford Explorer XLT SUV PD	$55,000
Police	Ford F-150 Quad Cab Code Enforcement	$60,000
Smith-Gilbert Gardens	Irrigation System	$45,000
Public Works	Vinyl Plotter for PW sign shop	$33,000
Parks and Recreation	Ford Passenger Van 350 XL	$34,500
Parks and Recreation	Ford F-250 4x4 Crew Cab	$53,000
Parks and Recreation	Parks and Recreation Ford Explorer 4 door	$40,000
Parks and Recreation	Baseball and Softball Scoreboards	$60,000

Stormwater Fund

Stormwater Fund	
2024 Ford Explorer for Stormwater Department	$45,000
Inventory Consultant for inventory of storm water system	$150,000
MS 4 Consultant to perform annual MS4 report	$10,000

Cemetery Fund

Cemetery Fund	
Tree Removal	$30,835

Impact Fees

Parks & Recreation

- New and expanded playground at Terry Lane Neighborhood Park $50,000
- Additional Fitness Station at Swift-Cantrell Park $150,000

Capital Improvement Plan

- **Other General Fund Capital Outlay not funded by CPF CSIF, Stormwater and SLFRF:**
- $16,00 Grasshopper Zero Turn Mower with bagger (Parks and Recreation)
- $16,200 Zero Turn Mower (Streets)
- $16,200 Zero Turn Mower (Streets)

- **General Fund Grants:**
  - CDBG $300,000 (*100% grant – no match required*)
  - LMIG $297,500 (*total project cost $425,000; 30% match of $127,500 budgeted*)

Item Report

TO: The Honorable Mayor and City Council

FROM: Lea Alvarez, City Clerk

DATE: August 7, 2023

TITLE: Approval of the July 17, 2023 City Council regular meeting minutes.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. DRAFT Regular Meeting Minutes

MINUTES OF CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
July 17, 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.

1. Invocation

City Attorney Randall Bentley, Sr. led the invocation.

2. Pledge of Allegiance

City resident Lewis Bramlett led the Pledge of Allegiance.

3. Call to Order

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

4. Announcements

A. 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

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

No comments.

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

7. Old Business

8. New Business

9. Committee and Board Reports

10. Public Hearing(s)

11. Consent Agenda

A. Approval of the June 26, 2023 City Council work session minutes.

B. Approval of the July 5, 2023 City Council regular meeting minutes.

C. Approval of RESOLUTION for a design services proposal and agreement with Croy Engineering and CSC Design, Inc for the Smith-Gilbert Garden's restroom and trail project.

RESOLUTION NO. 2023-31, 2023

D. Authorization to fund a "Practices for Successful Meetings" class through the Carl Vinson Institute of Government for the City's boards, committees, and commissions out of the Mayor and Council Contingency Fund for $3,100.

Motion by Mayor Pro Tem Viars to approve the consent agenda engross. Seconded by Councilmember Ferris.

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

12. General and Administrative

13. Public Safety

A. Receipt of the June 2023 Crime Statistics.

Mayor Easterling recognized Bill Welch, a retired Chief and current Commission on Accreditation for Law Enforcement Agencies representative, who is completing the on-site assessment of the Kennesaw Police Department. Mayor Easterling asked Mr. Welch to share during public comment a little bit about what CALEA is and why its accreditation is so important.

Chief Bill Westenberger presented the June 2023 crime statistics.

Motion by Councilmember Jones to present the June 2023 crime statistics as presented. Seconded by Councilmember Burnette.

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

14. Information Technology

15. Public Works

16. Recreation and Culture

17. Community Development

18. Public Comment/Business from the Floor

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

ANDREW BRAMLETT [City Resident]: Mr. Bramlett shared an interesting story about a photo of the Kennesaw Depot on display at a bank in Highland Mills, New York **(See Exhibit A).**

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

BILL WELCH [Retired Chief and current assessor for the Commission on Accreditation for Law Enforcement Agencies (CALEA)]: Mr. Welch shared that CALEA sets forth policies and standards that professional police departments should have and follow. The Kennesaw Police department is currently undergoing review of over 900 standards covering topics such as training, equipment, search warrant procedure, community involvement, etc. Mr. Welch stated this process requires a lot of work by the police department as well as by the city. He said less than four percent of police agencies are accredited. Mr. Welch explained that what accreditation does for a municipality is it protects the city and its police officers. The events you see on TV are most likely a product of poor policy or training. He shared that the Chief and the city have undertaken a project here which will allow the patrol officers to be trained the way they should be, so hopefully, incidents will not happen. Mr. Welch gave kudos to the city for going through this process as it is not easy. CALEA comes every four years to make sure agencies walk the talk.

19. City Manager's Report

A. Reports, Discussions, and Updates

B. Recommendation of the City Manager to ratify the appointment of Information Technology Director, Robert Mayes

Motion by Councilmember Jones to ratify the appointment of Robert Mayes as the Information Technology Director. Seconded by Mayor Pro Tem Viars.

Councilmember Jones thanked Mr. Mayes for his service and welcomed him to the City of Kennesaw.

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

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.

Motion by Mayor Pro Tem Viars to accept the resignation of Lisa Michaud from the License Review Board. Seconded by Councilmember Burnette.

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

21. Council Reports & Discussions

Councilmember Burnette welcomed Mr. Mayes to the City of Kennesaw and believes he will be a great asset to the city.

Councilmember Ferris reminded everyone to stay hydrated and look after their neighbors in this heat.

Councilmember Sinclair had nothing to add tonight.

Councilmember Jones shared that the Mayor told him when he first had his son that his life would change and that the Mayor was absolutely right. He is sucking the energy out of him just like this heat!

Mayor Pro Tem Viars exclaimed Pigs and Peaches is in 31 days and encouraged everyone to attend the Farmers Market in the downtown.

Mayor Easterling asked if the Council was fine canceling the next special called budget work session meeting scheduled for Monday, July 24, 2023 if there were no additional questions. The Council was fine with canceling the meeting.

22. Executive Session

Pursuant to the provisions of O.C.G.A 50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters.

23. Adjourn

Mayor Easterling adjourned the meeting at 6:45 p.m. The next regularly scheduled meeting will be held on Monday, August 7, 2023 at 6:30 P.M. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.

Lea Alvarez, City Clerk

KENNESAW HISTORY

The Historic Depot

Kennesaw's 1870s depot

Photo from Highland Mills, New York

Recently, a friend of my family was at a bank in Highland Mills, New York, and saw a unique photo of a railroad depot on the wall. This friend has an interest in photography, so asked if the photo was from the Highland Mills area.

To their surprise, the bank teller said it was a depot in Kennesaw, Georgia. Several years ago, the manager of the bank had found the photo at an antique market and assumed it was from their area. They later found out it was from Kennesaw, but thought it was interesting enough to keep on the wall at the bank. It is a reproduction of a photo from the Vanishing Georgia collection at the Georgia Archives.

Shortly after the Civil War, this depot was built by the railroad on the site of our current depot. The building replaced an earlier version that was burned in 1864. This depot served our community until 1893, when it was moved to make way for our current depot. Its ultimate fate is unknown.

Presented by Andrew J. Bramlett at the July 17, 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
7/17/2023
Public Comment Sign-in

	Name	Address	Topic
1	Andrew Bramlett	2990 Summerfield Ct., Kennesaw	Local History
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City of Kennesaw, GA

Honoring Our Heritage - Forging Our Future

Item Report

TO: The Honorable Mayor and City Council

FROM: Lea Alvarez, City Clerk, on behalf of City Attorney Randall Bentley, Sr.

DATE: August 7, 2023

TITLE: Approval of RESOLUTION to adopt findings on proposed local amendment to Plumbing Code for Water Efficiency Submission of proposed amendment to the Department of Community Affairs.

Summary:
The City of Kennesaw, being a local jurisdiction in the 15-County Metropolitan North Georgia Water Planning District, must comply with all policies and directives of the District. The District is recommending to all local jurisdictions that it adopt uniform standards that are more stringent than those currently contained in the State Plumbing Code in order to provide for more efficient uses of water and provide clarifications on existing allowable practices. In order to adopt standards that are more stringent than the state law, the City must comply with the process outlined in O.C.G.A. § 8-2-25(c)(1). The process requires that before codifying the new water efficiency standards, the City must pass a Resolution that makes certain findings consistent with the standards as set forth in O.C.G.A. § 8-2-25(c)(1) and authorizes and directs City staff to submit the Resolution and the local proposed amendments to the Department of Community Affairs (“DCA”) for review and comment. A proposed Resolution and proposed local amendment is attached hereto to accomplish this.

Recommendation:
The City Attorney recommends approval.

Fiscal Impact:

Attachments:
1. RESOLUTION - Adopt Georgia State Minimum Standard Plumbing Code
2. ATTACHMENT A - Local Amendment REDLINES

CITY OF KENNESAW
GEORGIA

RESOLUTION NO. 2023-___, 2023

FINDINGS ON PROPOSED LOCAL AMENDMENT TO PLUMBING CODE FOR WATER EFFICIENCY SUBMISSION OF PROPOSED AMENDMENT TO DCA

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

WHEREAS, the current minimum water efficiency requirements for buildings in the City of Kennesaw's jurisdiction is the Georgia State Minimum Standard Plumbing Code ("Georgia Plumbing Code") as approved and adopted by the Georgia Department of Community Affairs ("DCA") from time to time; and

WHEREAS, the City of Kennesaw, like all local governments in the State of Georgia, is authorized under O.C.G.A. § 8-2-25(c) to adopt local requirements when needed that are more stringent than the Georgia Plumbing Code based on local climatic, geologic, topographic, or public safety factors; and

WHEREAS, the long-term availability, reliability, and resiliency of water supplies is a critical need of the City of Kennesaw and water efficiency is essential to meeting this need; and

WHEREAS, the "Local Amendments to Plumbing Code" shown in the redline in Attachment A are more stringent than the Georgia Plumbing Code on water efficacy because the amendments require even more efficient uses of water and provide clarifications on existing allowable practices; and

WHEREAS, based on its local climatic, geologic, topographic factors included in the regional water resources plan prepared by the Metropolitan North Georgia Water Planning District ("Metro Water District"), of which the City of Kennesaw is a part, water conservation is especially important to City of Kennesaw and the Metro Water District; and

WHEREAS, the City of Kennesaw has become aware that more water efficient technologies have become widely available at comparable prices and performance to the water efficient technologies currently required as the minimum in the Georgia Plumbing Code.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The governing body of the City of Kennesaw finds that, based on local climatic, geographic, topographic, and public safety factors included in the Metro Water District's

plans, it is justified in adopting local water efficiency requirements more stringent that the Georgia Plumbing Code;

2. The City of Kennesaw is considering codifying these water efficiency requirements in local code as an amendment to Georgia Plumbing Code in the form of the Local Amendments to Plumbing Code shown in the redline in Attachment A; and

3. The City of Kennesaw is directing its staff to submit this resolution and the Local Amendments to Plumbing Code to DCA for review and comment within 60 days as required by O.C.G.A. § 8-2-25(c)(1).

<u>**Attachment A**</u>

LOCAL AMENDMENT TO PLUMBING CODE FOR WATER EFFICIENCY

CITY OF KENNESAW
GEORGIA

ORDINANCE NO. 2023-___, 2023

AN ORDINANCE TO AMEND SECTIONS 18-15 AND ADD SECTION 18-132 OF ARTICLE II OF CHAPTER 18 (ENTITLED BUILDINGS AND BUILDING REGULATIONS) IN ORDER TO ENACT A LOCAL AMENDMENT TO THE GEORGIA STATE MINIMUM STANDARD PLUMBING CODE

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

WHEREAS, effective January 1, 2024, the Georgia State Minimum Standard Plumbing Code a/k/a the International Plumbing Code is hereby amended by the City of Kennesaw by adding a Section 18-132 to Article VIII of Chapter 18 entitled "Amendments"; and

WHEREAS, that a new Section 18-132 of Article VIII of Chapter 18 of the City Code of Ordinances Kennesaw, Georgia is hereby added and reads as follows: "Sec. 18-132. Local Amendment to the Georgia State Minimum Standard Plumbing Code a/k/a the International Plumbing Code;" and

WHEREAS, the Georgia State Minimum Standard Plumbing Code a/k/a the International Plumbing Code as referenced in Section 18-15(a)(4) of the City of Kennesaw Code of Ordinances is hereby incorporated by reference and is amended by reference as follows:

Chapter 2, Section 202 General Definitions. Add in alphabetical order and revise, as applicable, the following definitions:

> **KITCHEN FAUCET OR KITCHEN FAUCET REPLACEMENT AERATOR**. A kitchen faucet or kitchen faucet replacement aerator that allows a flow of no more than 1.8~~2.0~~ gallons of water per minute at a pressure of 60 pounds per square inch and conforms to the applicable requirements in ASME A112.18.1/CSA B125.1.
>
> **LAVATORY FAUCET OR LAVATORY FAUCET REPLACEMENT AERATOR**. A lavatory faucet or lavatory faucet replacement aerator that allows a flow of no more than 1.2~~5~~ gallons per minute at a pressure of 60 pounds per square inch and is listed to the WaterSense High Efficiency Lavatory Faucet Specification.
>
> **LANDSCAPE IRRIGATION**.
>
> > **Flow sensor.** An inline device in a landscape irrigation system that produces a repeatable signal proportional to flow rate.

Lawn or Landscape Irrigation system. An assembly of component parts that is permanently installed for the controlled distribution of water to irrigate landscapes such as ground cover, trees, shrubs, and other plants. Lawn and Landscape Irrigation System refer to the same system.

Master shut-off valve. An automatic valve such as a gate valve, ball valve, or butterfly valve) installed as part of the landscape irrigation system capable of being automatically closed by the WaterSense controller. When this valve is closed water will not be supplied to the landscape irrigation system.

Pressure regulating device. A device designed to maintain pressure within the landscape irrigation system at the manufacturer's recommended operating pressure and that protects against sudden spikes or drops from the water source.

Rain sensor shut-off. An electric device that detects and measures rainfall amounts and overrides the cycle of a landscape irrigation system so as to turn off such system when a predetermined amount of rain has fallen.

WaterSense irrigation controller. Is a weather-based or soil moisture-based irrigation controller~~s~~ labeled under the U.S. Environmental Protection Agency's WaterSense program, which includes standalone controllers, add-on devices, and plug-in devices that use current weather data as a basis for scheduling irrigation.

WaterSense spray sprinkler bodies. A sprinkler body with integral pressure regulation, generating optimal water spray and coverage labeled under the U.S. Environmental Protection Agency's WaterSense program.

SHOWER HEAD. A shower head that allows a flow of no more than the average of 2.0~~5~~ gallons of water per minute at 8~~6~~0 pounds per square inch of pressure, ~~and~~ is listed in the WaterSense Specification for Showerheads, and meets the US Department Definition of Energy definition of showerhead.

Chapter 6, Section 604.4 Maximum Flow and Water Consumption. Revise Section 604.4 to read as follows:

Consistent with the general approach taken in Georgia, these Maximum Flow and Water Consumption requirements and related definitions in Section 604.4 of the plumbing code shall apply to all plumbing systems, including those in one- and two-family dwellings. The maximum water consumption flow rates and quantities for all plumbing fixtures and fixture fittings shall be in accordance with Table 604.4.

Exceptions:

1. Blowout design water closets having a water consumption not greater than $3^{1}/_{2}$ gallons (13 L) per flushing cycle.

2. Vegetable sprays.

3. Clinical sinks having a water consumption not greater than $4^{1}/_{2}$ gallons (17 L) per flushing cycle.

4. Laundry tray sinks and ~~, S~~service sinks.

5. Emergency showers and eye wash stations.

TABLE 604.4
MAXIMUM FLOW RATES AND CONSUMPTION FOR PLUMBING FIXTURES AND FIXTURE FITTINGS

PLUMBING FIXTURE OR FIXTURE FITTING	MAXIMUM FLOW RATE OR QUANTITY[b]
Lavatory faucet and replacement aerators, private	WaterSense Labeled & 1.2~~5~~ gpm at 60 psi[f]
Lavatory faucet, public (metering)	0.25 gallon per metering cycle
Lavatory, public (other than metering)	0.5 gpm at 60 psi
Showerhead[a]	WaterSense Labeled & ~~2.5~~2.0 gpm at 80~~60~~ psi[f]
Kitchen ~~Sink~~ faucet and replacement aerators	~~2.0~~1.8 gpm at 60 psi[f, g]
Urinal	0.5 gallon per flushing cycle[f]
Water closet	1.28 gallons per flushing cycle[c, d, e, f]

For SI: 1 gallon = 3.785 L, 1 gallon per minute = 3.785 L/m,
1 pound per square inch = 6.895 kPa.

a. A hand-held shower spray is a shower head. As point of clarification, multiple shower heads may be installed in a single shower enclosure so long as each shower head individually meets the maximum flow rate, the WaterSense requirements, and the US Department of Energy definition of showerhead. However, multiple shower heads are not recommended for water efficiency purposes.

b. Consumption tolerances shall be determined from referenced standards.

c. For flushometer valves and flushometer tanks, the average flush volume shall not exceed 1.28 gallons.

d. For single flush water closets, including gravity, pressure assisted and electro-hydraulic tank types, the average flush volume shall not exceed 1.28 gallons.

e. For dual flush water closets, the average flush volume of two reduced flushes and one full flush shall not exceed 1.28 gallons.

f. See 2014 GA Amendment to Section 301.1.2 'Waiver from requirements of high efficiency plumbing fixtures'.

g. Kitchen faucets are permitted to temporarily increase the flow above the maximum rate, but not to exceed 2.2 gpm (8.3 L/m) at 60 psi (414 kPa) and must revert to a maximum flow rate of 1.8 gpm (6.8 L/m) at 60 psi (414 kPa) upon valve closure.

604.4.1 Clothes Washers. Residential clothes washers shall be in accordance with the Energy Star program requirements.

604.4.2 Cooling Tower Water Efficiency.

604.4.2.1 Once-Through Cooling. Once-through cooling using potable water is prohibited.

604.4.2.2 Cooling Towers and Evaporative Coolers. Cooling towers and evaporative coolers shall be equipped with makeup water and blow down meters, conductivity controllers and overflow alarms. Cooling towers shall be equipped with efficiency drift eliminators that achieve drift reduction to 0.002 percent of the circulated water volume for counterflow towers and 0.005 percent for crossflow towers.

604.4.2.3 Cooling Tower Makeup Water. Water used for air conditioning, cooling towers shall not be discharged where the hardness of the basin water is less than 1500 mg/L. **Exception:** Where any of the following conditions of the basin water are present: total suspended solids exceed 25 ppm, $CaCO_3$ exceeds 600 ppm, chlorides exceed 250 ppm, sulfates exceed 250 ppm, or silica exceeds 150 ppm.

604.4.3 Landscape Irrigation System Efficiency Requirements. The requirements in Section 604.4.3 apply to all new landscape irrigation systems connected to the public water system except those (a) used for agricultural operations as defined in the Official Code of Georgia Section 1-3-3, (b) used for golf courses, and (c) dependent upon a nonpublic water source. Nothing in this Code or this Section 604.4.3 is intended to require that landscape irrigation systems must be installed at all premises. The landscape irrigation efficiency requirements in this Section 604.4.3 apply only when someone voluntarily chooses, or is otherwise required by some requirement beyond this Code, to install a landscape irrigation system on premises.

604.4.3.1 Avoiding Water Waste Through Design. All new landscape irrigation systems shall adhere to the following design standards:

1. Pop-up type sprinkler heads shall pop-up to a height above vegetation level of not less than four (4) inches above the soil level when emitting water.
2. Pop-up spray heads or rotary sprinkler heads must direct flow away from any adjacent surfaces and must not be installed closer than four inches from impervious surfaces.
3. Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or by other means that produces no overspray or runoff.
4. Narrow or irregular shaped landscaped areas, less than four (4) feet in any direction across opposing boundaries shall not be irrigated by any irrigation emission device except sub-surface or low flow emitters with flow rates not to exceed 6.3 gallons per hour.

604.4.3.2 Landscape Irrigation System Required Components. All new landscape irrigation systems shall include the following components:

1. A rain sensor shut-off installed in an area that is unobstructed by trees, roof over hangs, or anything else that might block rain from triggering the rain sensor shutoff.
2. A master shut-off valve for each controller installed as close as possible to the point of connection of the water but downstream of the backflow prevention assembly.
3. Pressure-regulating devices such as valve pressure regulators, sprinkler head pressure regulators, inline pressure regulators, WaterSense spray sprinkler bodies, or other devices shall be installed as needed to achieve the manufacturer's recommended pressure range at the emission devices for optimal performance.
4. Except for landscape irrigation systems serving a single-family home, all other systems must also include:
   (a) a WaterSense irrigation controller; and
   (b) at least one flow sensor, which must be installed at or near the supply point of the landscape irrigation system and shall interface with the control system, that when connected to the WaterSense controller will detect and report high flow conditions to such controller and automatically shut master valves. The flow sensor serves to aid in detecting leaks or abnormal flow conditions by suspending irrigation. High flow conditions should be consistent with manufacturers' recommendations and specifications.

Chapter 13 NONPOTABLE WATER SYSTEMS, Section 1304 Reclaimed Water Systems. Revise Section 1304.3.2 to read as follows:

> **1304.3.2 Connections to water supply.** Reclaimed water provided from a reclaimed wastewater treatment system~~facility~~ permitted by the Environmental Protection Division may be used to supply water closets, urinals, trap primers for floor drains and floor sinks, water features and other uses approved by the Authority Having Jurisdiction, in motels, hotels, apartment and condominium buildings, and commercial, industrial, and institutional buildings, where the individual guest or occupant does not have access to plumbing. Also, other systems that may use a lesser quality of water than potable water such as water chillers, carwashes or an industrial process may be supplied with reclaimed water provided from a reclaimed wastewater treatment facility permitted by the Environmental Protection Division. The use of reclaimed water sourced from any new private reclaimed wastewater treatment system for outdoor irrigation shall be limited to golf courses and agriculture operations as defined in the Official Code of Georgia Section 1-3-3, and such reclaimed water shall not be approved for use for irrigating any other outdoor landscape such as ground cover, tree, shrubs, or other plants. These limitations do not apply to reclaimed water sourced from existing private reclaimed water systems or from existing or new, governmentally-owned reclaimed wastewater treatment systems.

Appendix E, Section E101.1.2. Revise Section E.101.1.2 to read as follows:

> Because of the variable conditions encountered in hydraulic design, it is impractical to specify definite and detailed rules for sizing of the water piping system. Accordingly, other sizing or design methods conforming to good engineering practice standards are acceptable alternatives to those presented herein. Without limiting the foregoing, such acceptable design methods may include for multi-family buildings the Peak Water Demand Calculator from the IAPMO/ANSI 2020 Water Efficiency and Sanitation Standard for the Built Environment, which accounts for the demands of water-conserving plumbing fixtures, fixture fittings, and appliances. If future versions of the Peak Water Demand Calculator including other building types, such as commercial, such updated version shall be an acceptable design method.

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

ATTEST: CITY OF KENNESAW:

_______________________ _________________________

Lea Alvarez, City Clerk Derek Easterling, Mayor

Item Report

TO: The Honorable Mayor and City Council

FROM: Marty Hughes, Assistant City Manager

DATE: August 7, 2023

TITLE: Approval of road closures for the 2023 Taste of Kennesaw.

Summary: Beginning Friday, November 3, 2023 at 11:00 p.m. until Saturday, November 4, 2023, at 12:00 a.m./Midnight:

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

Recommendation:
Events Committee recommends approval of road closures for the 2023 Taste of Kennesaw.

Fiscal Impact:

Attachments:
None

Item Report

TO:	The Honorable Mayor and City Council
FROM:	James Friedrich, Assistant to the City Manager
DATE:	August 7, 2023
TITLE:	Approval of RESOLUTION to adopt the City of Kennesaw's Budget & Fund Balance Financial Management Policy.

Summary:
To effectively implement financial best practices, this policy will ensure the City maintains excellent financial health and stability. This policy will apply to all budgeted funds, which are the responsibility and under the management of the City of Kennesaw. Additionally, this policy clearly defines various funds and fund balance classifications, outlines budget processes required by State law, and describes standard operating procedures.

Recommendation:
The City Manager and Finance Director recommend adoption of the Budget & Fund Balance Financial Management Policy.

Fiscal Impact:

Attachments:
1. RESOLUTION 2023 - Budget & Fund Balance Policy
2. Exhibit A

CITY OF KENNESAW
GEORGIA

RESOLUTION NO. 2023__, 2023

RESOLUTION TO APPROVE THE CITY OF KENNESAW'S BUDGET & FUND BALANCE FINANCIAL MANAGEMENT POLICY

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

WHEREAS, O.C.G.A. § 36-81-1 et seq. provides the budget requirements for Georgia local governments; and

WHEREAS, the establishment of a sound Budget & Fund Balance policy will ensure the City maintains excellent financial health and stability; and

WHEREAS, this policy applies to all budgeted funds, which are the responsibility, and under the management of the City of Kennesaw as shown in Exhibit A.

NOW THEREFORE, BE IT RESOLVED, the Kennesaw City Council and Mayor approve the City of Kennesaw's Budget & Fund Balance policy.

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

ATTEST:	CITY OF KENNESAW
____________________________	____________________________
Lea Alvarez, City Clerk	Derek Easterling, Mayor

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. 36-81-1 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 STABLIZATION 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 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

Item Report

TO: The Honorable Mayor and City Council

FROM: James Friedrich, Assistant to the City Manager

DATE: August 7, 2023

TITLE: Approval of RESOLUTION to adopt the City of Kennesaw's Cash & Investment Financial Management Policy.

Summary:
To effectively implement financial best practices, this policy will 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. This policy will also apply 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. General objectives outlined in this policy include safety, liquidity, and yield. There are also provisions that describe certain standards of care, safekeeping and custody practices as well as the use of Georgia Fund I and investment parameters.

Recommendation:
The City Manager and Finance Director recommend adoption of the Cash & Investment Financial Management Policy.

Fiscal Impact:

Attachments:
1. RESOLUTION 2023 - Cash & Investment Policy
2. Exhibit A

CITY OF KENNESAW
GEORGIA

RESOLUTION NO. 2023__, 2023

RESOLUTION TO APPROVE THE CITY OF KENNESAW'S CASH & INVESTMENT FINANCIAL MANAGEMENT POLICY

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

WHEREAS, the establishment of a sound Cash & Investment Management policy will 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; and

WHEREAS, this 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 as shown in Exhibit A.

NOW THEREFORE, BE IT RESOLVED, the Kennesaw City Council and Mayor approve the City of Kennesaw's Cash & Investment Management policy.

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

ATTEST: CITY OF KENNESAW

__________________________ ___________________________
Lea Alvarez, City Clerk Derek Easterling, Mayor

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 according 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: James Friedrich, Assistant to the City Manager

DATE: August 7, 2023

TITLE: Approval of RESOLUTION authorizing the Mayor or his designee to execute a grant agreement between the City and the Department of Housing and Urban Development for the City's Neighborhood Improvement Project.

Summary:
The City of Kennesaw's Neighborhood Improvement Project will address various infrastructure issues including street resurfacing, sidewalk installations, and drainage improvements specifically in a few of Kennesaw's older neighborhoods. Using Community Project Funding authorized by Congress and distributed by the Department of Housing and Urban Development, the City has been awarded 1 million dollars to improve the Kencrest neighborhood.

Recommendation:
The City Manager recommends that Council authorizes the Mayor or his designee to execute the grant agreement with HUD as shown in Exhibit A.

Fiscal Impact:

Attachments:
1. RESOLUTION - HUD Grant Agreement
2. Exhibit A

CITY OF KENNESAW
GEORGIA

RESOLUTION NO. 2023-__, 2023

RESOLUTION TO APPROVE A GRANT AGREEMENT BETWEEN THE CITY AND THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE CITY'S NEIGHBORHOOD IMPROVEMENT PROJECT IN KENCREST

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

WHEREAS, the Department of Housing and Urban Development (HUD) awarded the City of Kennesaw 1 million dollars to be used for their Neighborhood Improvement Program; and

WHEREAS, starting in Kencrest, the City of Kennesaw's Neighborhood Improvement program will install sidewalks, resurface streets and improve drainage systems in older neighborhoods; and

WHEREAS, the funds for this project will improve the quality of life for our residents and provide greater accessibility in our community.

NOW, THEREFORE, BE IT RESOLVED the Kennesaw City Council authorizes the Mayor or his designee to execute the grant agreement with HUD as shown in Exhibit A.

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

ATTEST: CITY OF KENNESAW

___________________________ ______________________________
Lea Alvarez, City Clerk Derek Easterling, Mayor

FY 2022 COMMUNITY PROJECT FUNDING
GRANT AGREEMENT NO. B-22-CP-GA-0270

Grantee Name: City of Kennesaw
Grantee Address: 2529 J.O. Stephenson Avenue Kennesaw , GA 30144
Grantee's Unique Entity Identifier (UEI): J4YKU2MWKWE5
Grantee's Employer Identification Number (EIN) 58-6010582
Federal Award Identification Number (FAIN) B-22-CP-GA-0270
Assistance Listing Number and Name 14.251 Economic Development Initiative, Community Project Funding, and Miscellaneous Grants
Period of Performance/Budget Period Start Date Date of grant obligation
Period of Performance/Budget Period End Date August 31, 2030

This Grant Agreement between the Department of Housing and Urban Development (HUD) and City of Kennesaw (the Grantee) is made pursuant to the authority of the Consolidated Appropriations Act, 2022 (Public Law 117-103); and the Explanatory Statement for Division L of that Act, which was printed in the House section of the Congressional Record on March 9, 2022 (Explanatory Statement); and superseding provisions of the Consolidated Appropriations Act, 2023 (Public Law 117-328).

In reliance upon and in consideration of the mutual representations and obligations under this Grant Agreement, HUD and the Grantee agree as follows:

ARTICLE I. Definitions

The definitions at 2 CFR 200.1 apply to this Grant Agreement, except where this Grant Agreement specifically states otherwise.
Budget period is defined in 2 CFR 200.1 and begins and ends on the dates specified above for the Period of Performance/Budget Period Start Date and Period of Performance/Budget Period End Date.

Period of Performance is defined in 2 CFR 200.1 and begins and ends on the dates specified above for the Period of Performance/Budget Period Start Date and Period of Performance/Budget Period End Date.

ARTICLE II. Total Grant Amount

Subject to the provisions of the Grant Agreement, HUD will make grant funds in the amount of $1,000,000 available to the Grantee.

ARTICLE III. Award-Specific Requirements

A. Federal Award Description. The Grantee must use the Federal funds provided under this Grant Agreement (Grant Funds) to carry out the Grantee's "Project." Unless changed in accordance with Article III, section C of this Grant Agreement, the Grantee's Project shall be as described in the Project Narrative that is approved by HUD as of the date that HUD signs this Grant Agreement. For reference, HUD will attach this approved Project Narrative as Appendix 1 to the Grant Agreement on the date that HUD signs this Grant Agreement.

B. Approved Budget. The Grantee must use the Grant Funds as provided by the Approved Budget. Unless changed in accordance with Article III, section C of this Grant Agreement, the Approved Budget shall be the line-item budget that is approved by HUD as of the date that HUD signs this Grant Agreement. For reference, HUD will attach this approved line-item budget as Appendix 2 to this Grant Agreement on the date that HUD signs this Grant Agreement.

C. Project and Budget Changes. All changes to the Grantee's Project or Approved Budget must be made in accordance with 2 CFR 200.308 and this Grant Agreement. To request HUD's approval for a change in the Project or Approved Budget, the Grantee must submit a formal letter to the Director of HUD's Office of Economic Development - Congressional Grants Division through the assigned Grant Officer. The letter must be submitted by email to the assigned Grant Officer and must provide justification for the change. The email submitting the letter must also include a revised project narrative or revised line-item budget, as applicable, that includes the requested change. The Grantee is prohibited from making project or budget changes that would conflict with the Applicable Appropriations Act Conditions described in Article III, section D of this Grant Agreement. The assigned Grant Officer for this grant is provided in the Award Letter for this grant and found on HUD's website. The HUD Office of Economic Development – Congressional Grants Division will notify the Grantee in writing, by email, whether HUD approves or disapproves the change. Before the Grantee expends Grant Funds in accordance with any change approved by HUD or otherwise allowed by 2 CFR 200.308, the Grantee must update its grant information in Disaster Recovery Grant Reporting (DRGR) to reflect that change.

D. Applicable Appropriations Act Conditions. The conditions that apply to the Grant Funds as provided by the Consolidated Appropriations Act, 2022, the Explanatory Statement, and the Consolidated Appropriations Act, 2023 are hereby incorporated and made part of this Grant Agreement. In the event of a conflict between those conditions, the conditions provided by the later Act will govern. The Grant Funds are not subject to the Community Development Block Grants regulations at 24 CFR part 570 or Title I of the Housing and Community Development Act of 1974.

E. In accordance with 2 CFR 200.307(b), costs incidental to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the grant. As authorized under 2 CFR 200.307(e)(2), program income may be treated as an addition to the Federal award, provided that the Grantee uses that income for allowable costs under this Grant Agreement. In accordance with 2 CFR 200.307(b), costs incidental to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the grant. Any program income that cannot be expended on allowable costs under this Grant Agreement must be paid to HUD before closeout of the grant, unless otherwise specified by an applicable Federal statute.

F. The Grantee must use the Grant Funds only for costs (including indirect costs) that meet the applicable requirements in 2 CFR part 200 (including appendices). The Grantee's indirect cost rate information is as provided in Appendix 3 to this Grant Agreement. Unless the Grantee is an Institution of Higher Education, the Grantee must immediately notify HUD upon any change in the Grantee's indirect cost rate during the Period of Performance, so that HUD can amend the Grant Agreement to reflect the change if necessary. Consistent with 2 CFR part 200, Appendix III (C.7), if the Grantee is an Institution of Higher Education and has a negotiated rate in effect on the date this Grant Agreement is signed by HUD, the Grantee may use only that rate for its indirect costs during the Period of Performance.

G. The Grantee must comply with any specific award conditions that HUD may attach to this Grant Agreement as provided by 2 CFR 200.208. If applicable, these conditions will be listed or added as Appendix 5 to this Grant Agreement.

H. The Grantee is responsible for managing the Project and ensuring the proper use of the Grant Funds. The Grantee is also responsible for ensuring the completion of the Project, the grant closeout, and compliance with all applicable federal requirements. The Grantee may subaward all or a portion of its funds to one or more subrecipients, as identified in the Project Narrative (Appendix 1) or as may be approved by HUD in accordance with 2 CFR 200.308. All subawards made with funding under this Grant Agreement are subject to the subaward requirements under 2 CFR art 200, including 2 CFR 200.332, and other requirements provided by this Grant Agreement. The Grantee is responsible for ensuring each subrecipient complies with all requirements under this Grant Agreement, including the general federal requirements in Article IV. A subaward may be made to a for-profit entity only if HUD expressly approves that subaward, and the for-profit entity is made subject to the same Federal requirements that apply to all other subrecipients, including the requirements 2 CFR part 200 provides for a "non-Federal entity" that receives a subaward.

ARTICLE IV. General Federal Requirements

A. If the Grantee is a unit of general local government, a State, an Indian Tribe, or an Alaskan Native Village, the Grantee is the Responsible Entity (as defined in 24 CFR part 58) and agrees to assume all of the responsibilities for environmental review and decision-making and action, as specified and required in regulations issued by the Secretary pursuant to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994 and published in 24 CFR art 58.

B. If the Grantee is a housing authority, redevelopment agency, academic institution, hospital or other non-profit organization, the Grantee shall request the unit of general local government, Indian Tribe or Alaskan Native Village, within which the Project is located and which exercises land use responsibility, to act as Responsible Entity and assume all of the responsibilities for environmental review and decision-making and action as specified in paragraph A above, and the Grantee shall carry out all of the responsibilities of a grantee under 24 CFR art 58.

C. After Grantee's receipt of the Letter of Invitation for this grant, neither the Grantee nor any of its contractors, subrecipients and other funding and development partners may undertake, or commit or expend Grant Funds or local funds for, project activities (other than for planning, management, development and administration activities), unless a contract requiring those activities was already executed prior to the Letter of Invitation, until one of the following occurs: (i) the Responsible Entity has completed the environmental review procedures required by 24 CFR part 58, and HUD has approved the environmental certification and given a release of funds; (ii) the Responsible Entity has determined and documented in its environmental review record that the activities are exempt under 24 CFR 58.34 or are categorically excluded and not subject to compliance with environmental laws under 24 CFR 58.35(b); or (iii) HUD has performed an environmental review under 24 CFR part 50 and has notified Grantee in writing of environmental approval of the activities.

D. Following completion of the environmental review process, the Grantee (recipient) shall exercise oversight, monitoring, and enforcement as necessary to assure that decisions and mitigation measures adopted through the environmental review process are carried out during project development and implementation.

E. The Grantee must comply with the generally applicable HUD and CPD requirements in 24 CFR part 5, subpart A, including all applicable fair housing, and civil rights requirements. If the Grantee is a Tribe or a Tribally Designated Housing Entity (TDHE) as established under 24 CFR 1000.206, the Grantee must comply with the nondiscrimination requirements in 24 CFR 1000.12 in lieu of the nondiscrimination requirements in 24 CFR 5.105(a). The Grantee must report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of the Grantee's Project, consistent with the instructions and forms provided by HUD in order to carry out its responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987 (e.g. HUD-27061).

F. The Grantee must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 CFR part 200, as may be amended from time to time. If 2 CFR part 200 is amended to replace or renumber sections of part 200 that are cited specifically in this Grant Agreement, the part 200 requirements as renumbered or replaced by the amendments will govern the obligations of HUD and the Grantee after those amendment become effective.

G. The Grantee must comply with the Award Term in Appendix A to 2 CFR part 25 ("System for Award Management and Universal Identifier Requirements") and the Award Term in Appendix A to 2 CFR part 170 ("Reporting Subawards and Executive Compensation"), which are hereby incorporated into and made part of this Grant Agreement.

H. If the Total Grant Amount, as provided in Article II of this Grant Agreement, is greater than $500,000, the Grantee must comply with the Award Term and Condition for Grantee Integrity and Performance Matters in Appendix 4 to this Grant Agreement.

I. Unless the Grantee is exempt from the Byrd Amendment as explained below, the Grantee must comply with the provisions of Section 319 of Public Law 101-121, 31 U.S.C. 1352, (the Byrd Amendment) and 24 CFR part 87, which prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, loan, or cooperative agreement. The Grantee must include in its award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements), the requirements for the certification required by Appendix A to 24 CFR part 87 and for disclosure using Standard Form- LLL (SF-LLL), "Disclosure of Lobbying Activities." In addition, the Grantee must obtain the executed certification required by Appendix A and an SF-LLL from all covered persons. "Person" is as defined by 24 CFR part 87. Federally recognized Indian tribes and TDHEs established by Federally recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment. State-recognized Indian tribes and TDHEs established only under state law must comply with this requirement.

J. The Grantee must comply with drug-free workplace requirements in Subpart B of 2 CFR part 2429, which adopts the governmentwide implementation (2 CFR part 182) of sections 5152-5158 of the Drug-Free Workplace Act of 1988, Pub. L. 100-690, Title V, Subtitle D (41 U.S.C. 701-707).

K. The Grantee must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) as implemented by regulations at 49 CFR part 24. The URA applies to acquisitions of real property and relocation occurring as a direct result of the acquisition, rehabilitation, or demolition of real property for Federal or Federally funded programs or projects. Real property acquisition that receives Federal financial assistance for a program or project, as defined in 49 CFR 24.2, must comply with the acquisition requirements contained in 49 CFR part 24, subpart B. Unless otherwise specified in law, the relocation requirements of the URA and its implementing regulations at 49 CFR part 24, cover any displaced person who moves from real property or moves personal property from real property as a direct result of acquisition, rehabilitation, or demolition for a program or project receiving HUD financial assistance

L. If Grant Funds are used for purchase, lease, support services, operation, or work that may disturb painted surfaces, of pre-1978 housing, you must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's lead- based paint rules (Lead Disclosure; and Lead Safe Housing (24 CFR part 35)), and EPA's lead- based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification (40 CFR part 745)).

M. The Grantee must comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u, and HUD's regulations at 24 CFR part 75, as applicable, including the reporting requirements in 24 CFR 75.25. Grants made to Tribes and TDHEs are subject to Indian Preference requirements in Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b)). As stated in 24 CFR 75.3(c), grants to Tribes and TDHEs are subject to Indian Preference requirements in lieu of Section 3. Grantees that are not exempt from Section 3 must submit annual reports of Section 3 accomplishment Performance Measures in DRGR in January of the calendar year. This report reflects Section 3 accomplishments for the previous calendar year.

N. The Grantee must not use any Grant Funds to support any Federal, state, or local project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use. Public use includes use of funds for mass transit, railroad, airport, seaport, or highway projects, and utility projects which benefit or serve the general public (including energy-related, communication-related, water-related, and waste water-related infrastructure), other structures designated for use by the general public or with other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields, as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. 107-118). Public use does not include economic development that primarily benefits private entities.

O. The Grantee must not use any Grant Funds to maintain or establish a computer network that does not block the viewing, downloading, and exchanging of pornography. This requirement does not limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

P. The Grantee must administer its Grant Funds in accordance with the Conflict of Interest requirements set forth in Appendix 6 of this Grant Agreement.

Q. The Grantee must comply with the governmentwide debarment and suspension requirements in 2 CFR part 180 as incorporated and supplemented by HUD's regulations at 2 CFR part 2424.

R. The Grantee must comply with the award term and condition regarding trafficking in persons in Appendix 7 of this Grant Agreement.

S. The assurances and certifications the Grantee has made and submitted to HUD are incorporated by this reference and made part of this Grant Agreement.

ARTICLE V. Drawdown Requirements

A. The Grantee may not draw down Grant Funds until HUD has received and approved any certifications and disclosures required by 24 CFR 87.100 concerning lobbying, if applicable.

B. The Grantee must use HUD's Disaster Recovery Grant Reporting (DRGR) system to draw down Grant Funds and report to HUD on activities.

C. The Grantee must enter activity and budget information in DRGR that is consistent with the Project and Approved Budget as described in Article III, sections A and B of this Grant Agreement and complies with HUD's instructions for entering information in DRGR found in the document titled "Grant Award Instructions" that accompanies the Grant Agreement. The Grantee must only enter activities in DRGR that are described in the Approved Budget.

D. The Grantee must expend all Grant Funds in accordance with the activity and budget information in DRGR.

E. Each drawdown of Grant Funds constitutes a representation by the Grantee that the funds will be used in accordance with this Grant Agreement.

F. The Grantee must use DRGR to track the use of program income and must report the receipt and use of program income in the reports the Grantee submits to HUD under Article VI of this Grant Agreement. The Grantee must expend program income before drawing down Grant Funds through DRGR.

G. Notwithstanding any other provision of this grant agreement, HUD will not be responsible for payment of any Grant Funds after the date Treasury closes the account in accordance with 31 U.S.C. § 1552. Because Treasury may close the account up to one week before the September 30 date specified by 31 U.S.C. § 1552, the grantee is advised to make its final request for payment under the grant no later than September 15, 2030.

ARTICLE VI. Program-Specific Reporting Requirements

In addition to the general reporting requirements that apply under other provisions of this Agreement, the following program-specific reporting requirements apply to the Grantee:

A. The Grantee must submit a performance report in DRGR on a semi-annual basis and must include a completed Federal financial report as an attachment to each performance report in DRGR. Performance reports shall consist of a narrative of work accomplished during the reporting period. During the Period of Performance, the Grantee must submit these reports in DRGR no later than 30 calendar days after the end of the 6-month reporting period. The first of these reporting periods begins on the first of January or June (whichever occurs first) after the date this Grant Agreement is signed by HUD.

B. The performance report must contain the information required for reporting program performance under 2 CFR 200.329(c)(2) and (d), including a comparison of actual accomplishments to the objectives of the Project as described in Article III, section A of this Grant Agreement; the reasons why established goals were not met, if appropriate; and additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

C. Financial reports must be submitted using DRGR or such future collections HUD may require and as approved by OMB and listed on the Grants.gov website (https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html).

D. The performance and financial reports will undergo review and approval by HUD. If a report submission is insufficient, HUD will reject the report in DRGR and identify the corrections the Grantee must make.

E. No drawdown of funds will be allowed through DRGR while the Grantee has an overdue performance or financial report.

F. The Grantee must report and account for all property acquired or improved with Grant Funds as provided by 2 CFR part 200 using the applicable common forms approved by OMB and provided on the Grants.gov website (https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html). This reporting obligation includes submitting status reports on real property at least annually as provided by 2 CFR 200.330, accounting for real and personal property acquired or improved with Grant Funds as part of Project Closeout, and promptly submitting requests for disposition instructions as provided by 2 CFR 200.311(c), 200.313(e), and 200.314(a).

ARTICLE VII. Project Closeout

A. The grant will be closed out in accordance with 2 CFR part 200, as may be amended from time to time, except as otherwise specified in this Grant Agreement.

B. The Grantee must submit to HUD a written request to closeout the grant no later than 30 calendar days after the Grantee has drawn down all Grant Funds and completed the Project as described in Article III, section A of this Grant Agreement. HUD will then send the Closeout Agreement and Closeout Certification to the Grantee.

C. At HUD's option, the Grantee may delay initiation of project closeout until the resolution of any findings as a result of the review of semi-annual activity reports in DRGR. If HUD exercises this option, the Grantee must promptly resolve the findings.

D. The Grantee recognizes that the closeout process may entail a review by HUD to determine compliance with the Grant Agreement by the Grantee and all participating parties. The Grantee agrees to cooperate with any HUD review, including reasonable requests for on-site inspection of property acquired or improved with Grant Funds.E. No

1. A Certification of Project Completion.

2. A Grant Closeout Agreement.

3. A final financial report giving the amount and types of project costs charged to the grant (that meet the allowability and allocability requirements of 2 CFR part 200, subpart E); a certification of the costs; and the amounts and sources of other project funds.

4. A final performance report providing a comparison of actual accomplishments with the objectives of the Project as described in Article III, section A of this Grant Agreement, the reasons for slippage if established objectives were not met and additional pertinent information including explanation of significant cost overruns.

5. A final property report, if specifically requested by HUD at the time of closeout.

ARTICLE VIII. Default

A default under this Grant Agreement shall consist of any use of Grant Funds for a purpose other than as authorized by this Grant Agreement, any noncompliance with statutory, regulatory, or other requirements applicable to the Grant Funds, any other material breach of this Grant Agreement, or any material misrepresentation in the Grantee's submissions to HUD in anticipation of this award. If the Grantee fails to comply with the terms and conditions of the Grant Agreement, HUD may adjust specific conditions of this Grant Agreement as described in 2 CFR part 200, as may be amended from time to time. If HUD determines that noncompliance cannot be remedied by imposing additional conditions, HUD may take one or more of the remedies for noncompliance described in 2 CFR part 200, as may be amended from time to time. HUD may also terminate all or a part of this award as provided by 2 CFR 200.340 and other applicable provisions of 2 CFR part 200, as may be amended from time to time. Nothing in this Grant Agreement shall be construed as creating or justifying any claim against the Federal government or the Grantee by any third party.

ARTICLE IX. HUD Contact Information

Except where this Grant Agreement specifically states otherwise, all requests, submissions, and reports the Grantee is required to make to HUD under this Grant Agreement must be made in writing via email to CPFGrants@hud.gov.

This agreement is hereby executed on behalf of the Grantee and HUD as follows:

GRANTEE

____

(Name of Organization)

BY: ____
(Signature of Authorized Official)

____
(Typed Name and Title of Authorized Official)

____
(Date)

HUD

BY: ____
Robin J. Keegan,
Deputy Assistant Secretary for Economic Development

____
(Date)

APPENDIX 1 – Project Narrative

Kencrest Neighborhood Improvement Project Narrative

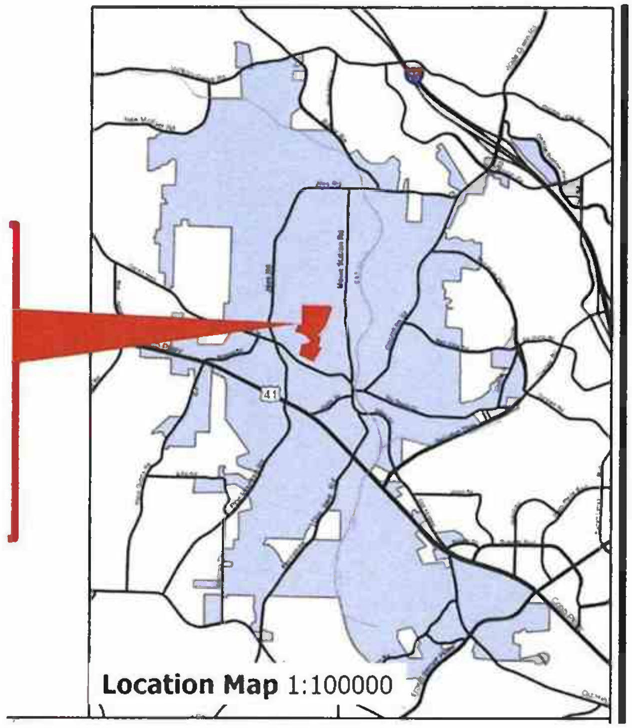
The City of Kennesaw is seeking to provide infrastructural improvements, including street resurfacing, sidewalk installations, and drainage improvements, to several neighborhoods of low to moderate income. Kencrest is the first of four neighborhoods the City will be able to provide improvements to. All four neighborhoods are integral parts of our City because they reside on arterial roads heading into our Historic Downtown. By resurfacing roads, improving drainage systems, and upgrading sidewalks in older neighborhoods, such as Kencrest, we are hoping to improve the quality of life for our residents and provide greater accessibility in our community. With the sidewalk installations specifically, the City is looking to promote an active pedestrian lifestyle by safely connecting Kennesaw's residents to the downtown area and parks.

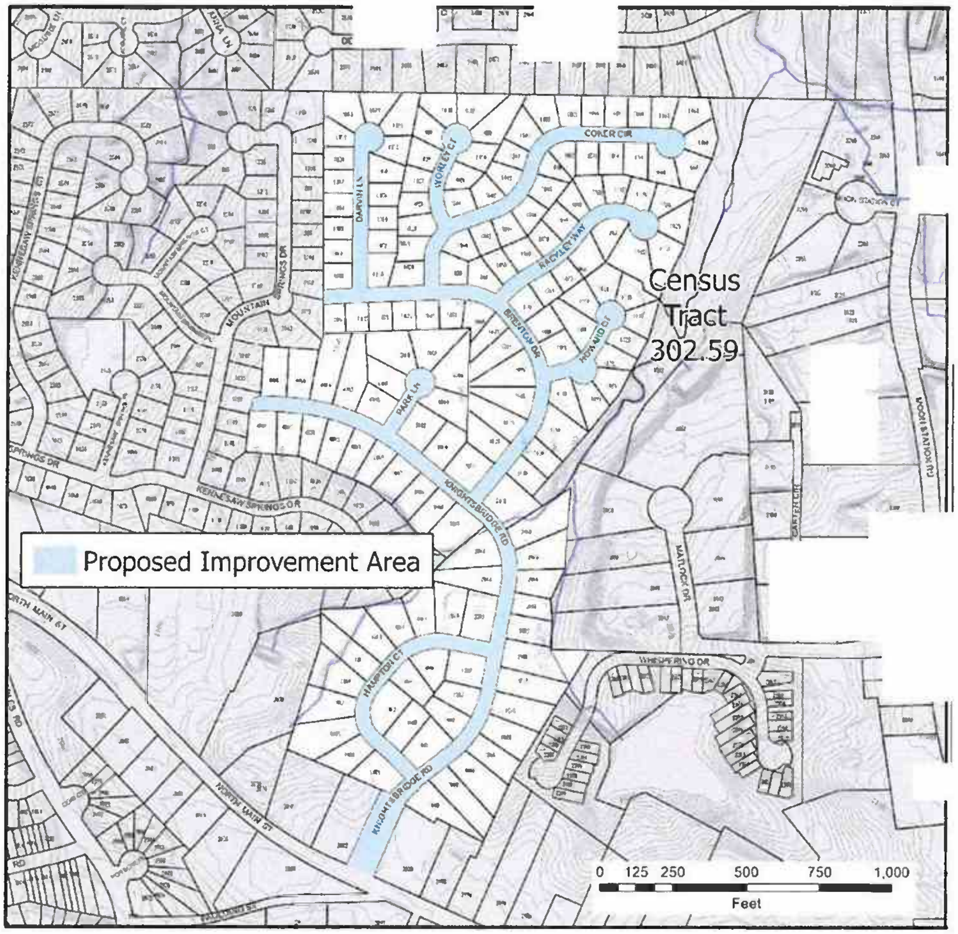
Phases I and II for the Kencrest neighborhood began fifty two (52) years ago and the North Bridge Trace Phases I and II (which are also located in the Kencrest neighborhood) began nearly forty (40) years ago. There are a total of one hundred fifty seven (157) houses in the Kencrest neighborhood with an average year of build being 1978. These roads are just as old and in desperate need of repair. No sidewalks have been installed which poses safety concerns for adults and children alike who are forced to walk and play on the neighborhood roads alongside vehicles.

The total cost for this project will be $1,140,064.69. Without this grant funding, the majority of the costs would be placed on the City. Earlier in 2022, the City of Kennesaw secured $785,000 in Special Purpose Local Option Sales Tax (SPLOST) from Cobb County, GA. This $785,000 in SPLOST money is being allocated explicitly for neighborhood improvement programs like Kencrest. For the Kencrest Neighborhood Improvement Project, the Economic Development Initiative Community Project Funding (EDI CPF) dollars will cover the first 1,000,000.00 and the remaining $140,064.69 will be covered through SPLOST dollars.

Kencrest Subdivision Kennesaw, Georgia

FIPS 13067030259





Street Name	Address Range
Brenton Dr NW	1000-1130
Coker Cir NW	1021-1064
Darvin Ln NW	1001-1014
Hampton Ct NW	1000-1019
Howard Ct NW	1090-1135
Knightsbridge Rd NW	1000-4009
Park Ln NW	5001-5007
Rackley Way NW	1050-1130
Worley Ct NW	1023-1033

APPENDIX 2 – Approved Budget

CROY ENGINEERING
Engineers Planners Surveyors

Cost Estimate

Project No: 1260.002B
Stimulus Project - FY 2022

Date: 08/24/2022

Project No.: Neighborhood Improvements Kencrest S/D

Prepared By: R. Stone & Z. Buffington

Item Number	Quantity	Unit	Unit Price	Item Description	Cost
150-1000	1	LS	10,648.84	TRAFFIC CONTROL -	10,648.84
210-0100	1	LS	62,222.22	GRADING COMPLETE -	62,222.22
	1	LS	15,791.67	EROSION CONTROL COMPLETE	15,791.67
441-0104	4,444	SY	70.00	CONC SIDEWALK, 4 IN	311,111.11
402-1802	1,337	TN	175.00	RECYCLED ASPH CONC PATCHING, INCL BITUM MATL & H LIME	233,975.00
402-3103	1,865	TN	140.00	RECYCLED ASPH CONC 9.5 MM SUPERPAVE, TYPE II, GP 2 ONLY,	261,100.00
413-1000	2,000	GL	5.00	BITUM TACK COAT	10,000.00
432-5010	22,600	SY	5.00	MILL ASPH CONC PVMT, VARIABLE DEPTH	113,000.00
611-8050	42	EA	1,200.00	ADJUST MANHOLE TO GRADE	50,400.00
611-8140	4	EA	700.00	ADJUST WATER VALVE BOX TO GRADE	2,800.00
653-1704	132	LF	10.00	THERMOPLASTIC SOLID TRAF STRIPE, 24 IN, WHITE	1,320.00
653-1804	340	LF	10.00	THERMOPLASTIC SOLID TRAF STRIPE, 8 IN, WHITE	3,400.00

Total Estimated Construction Cost:	**1,075,532.73**
E&C Rate 6.0	64,531.96
Inflation Rate	
Total Construction Cost	**1,140,064.69**
Funding Sources	
FY 22 HUD CPF Grant	1,000,000.00
2022 SPLOST Neighborhood Improvements	140,064.69
Right-of-way	0.00
Relmb. Utilities	0.00
Grand Total Project Costs	**1,140,064.69**

APPENDIX 3 – Grantee's Indirect Cost Rate Information

Subject to the applicable requirements in 2 CFR part 200 (including its appendices), the Grantee will use an indirect cost rate as represented by the Grantee below:

☑ The Grantee will not use an indirect cost rate to charge its indirect costs to the grant.

☐ The Grantee will use the indirect cost rate(s) identified in the table below to charge its indirect costs to the grant.

Agency/Dept./Major Function	Indirect cost rate	Direct Cost Base
	%	
	%	

[PLEASE NOTE: The grantee must check one of the two boxes above. If the second box is checked, the corresponding table must be filled out as described below.

The table must include each indirect cost rate that will be used to calculate the Grantee's indirect costs under the grant. The table must also specify the type of direct cost base to which each included rate applies (for example, Modified Total Direct Costs (MTDC)). Do not include indirect cost rate information for subrecipients.

For government entities, enter each agency or department that will carry out activities under the grant, the indirect cost rate applicable to each department/agency (including if the de minimis rate is used per 2 CFR 200.414), and the type of direct cost base to which the rate will be applied.

For nonprofit organizations that use the Simplified Allocation Method for indirect costs or elects to use the de minimis rate of 10% of Modified Total Direct Costs in accordance with 2 CFR 200.414, enter the applicable indirect cost rate and type of direct cost base in the first row of the table.

For nonprofit organizations that use the Multiple Allocation Base Method, enter each major function of the organization for which a rate was developed and will be used under the grant, the indirect cost rate applicable to that major function, and the type of direct cost base to which the rate will be applied.]

APPENDIX 4 –
Award Term and Condition for Grantee Integrity and Performance Matters

Reporting of Matters Related to Grantee Integrity and Performance

1. General Reporting Requirement
If the total value of the Grantee's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then during that period of time the Grantee must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings About Which Grantee Must Report
During any period of time when the Grantee is subject to the requirement in paragraph 1 of this award term and condition, the Grantee must submit the information required about each proceeding that:

a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;

b. Reached its final disposition during the most recent five-year period; and

c. Is one of the following:

> (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;
>
> (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more;
>
> (3) An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and the Grantee's payment of either a monetary fine or penalty of $5,000 or more or reimbursement, restitution, or damages in excess of $100,000; or
>
> (4) Any other criminal, civil, or administrative proceeding if:
>
>> (i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;

(ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on the Grantee's part; and

(iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. Reporting Procedures
During any period of time when the Grantee is subject to the requirement in paragraph 1 of this award term and condition, the Grantee must enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. The Grantee does not need to submit the information a second time under assistance awards that the Grantee received if the Grantee already provided the information through SAM because the Grantee was required to do so under Federal procurement contracts that the Grantee was awarded.

4. Reporting Frequency
During any period of time when the Grantee is subject to the requirement in paragraph 1 of this award term and condition, the Grantee must report proceedings information through SAM for the most recent five-year period, either to report new information about any proceeding(s) that the Grantee has not reported previously or affirm that there is no new information to report. If the Grantee has Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than $10,000,000, the Grantee must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. Definitions
For purposes of this award term and condition:

a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—

(1) Only the Federal share of the funding under any Federal award with a cost share or match requirement; and

(2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

APPENDIX 5 – Specific Award Conditions
NONE.

APPENDIX 6 – Conflict of Interest Requirements

1. *Conflicts Subject to Procurement Regulations.* When procuring property or services, the grantee and its subrecipients shall comply with the applicable conflict-of-interest rules in 2 CFR 200.317 and 2 CFR 200.318(c). In all cases not governed by 2 CFR 200.317 and 2 CFR 200.318(c), the Grantee and its subrecipients must follow the requirements contained in paragraphs 2-5 below.

2. *General prohibition.* No person who is an employee, agent, consultant, officer, or elected or appointed official of the Grantee or subrecipient and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have a financial interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has immediate family or business ties, during his or her tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including a stepchild), sibling (including a stepsibling), grandparent, grandchild, and in-laws of a covered person.

3. *Exceptions.* HUD may grant an exception to the general prohibition in paragraph (ii) upon the Grantee's written request and satisfaction of the threshold requirements in paragraph (iv), if HUD determines the exception will further the Federal purpose of the award and the effective and efficient administration of the Grantee's project, taking into account the cumulative effects of the factors in paragraph (v).

4. *Threshold requirements for exceptions.* HUD will consider an exception only after the Grantee has provided the following documentation:

> *a.* A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how that disclosure was made; and
>
> *b.* An opinion of the Grantee's attorney that the interest for which the exception is sought would not violate state or local law.

5. *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the Grantee has satisfactorily met the threshold requirements in paragraph (iii), HUD will consider the cumulative effect of the following factors, where applicable:

> *a.* Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
>
> *b.* Whether an opportunity was provided for open competitive bidding or negotiation;
>
> *c.* Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception

will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

d. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process regarding the assisted activity in question;

e. Whether the interest or benefit was present before the affected person was in a position as described in paragraph (ii);

f. Whether undue hardship will result either to the Grantee or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

g. Any other relevant considerations.

6. *Disclosure of potential conflicts of interest.* The Grantee must disclose in writing to HUD any potential conflict of interest.

APPENDIX 7 – Award Term and Condition Regarding Trafficking in Persons

The following award term and condition, which is required by 2 CFR part 175, applies as written:

a. Provisions applicable to a grantee that is a private entity.

1. You as the grantee, your employees, subrecipients under this award, and subrecipients' employees may not—

   i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;

   ii. Procure a commercial sex act during the period of time that the award is in effect; or

   iii. Use forced labor in the performance of the award or subawards under the award.

2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity:

   i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or

   ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—

A. Associated with performance under this award; or

B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by HUD at 2 CFR 2424.

b. Provision applicable to a grantee other than a private entity.
We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or

2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either:

i. Associated with performance under this award; or

ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by HUD at 2 CFR 2424.

c. Provisions applicable to any grantee.

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.

2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:

i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and

ii. Is in addition to all other remedies for noncompliance that are available to us under this award.

3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

d. Definitions. For purposes of this award term:

1."Employee" means either:

i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or

ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

3. "Private entity":

i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.

ii. Includes:

A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).

B. A for-profit organization.

4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

Item Report

TO: The Honorable Mayor and City Council

FROM: Bill McNair, Parks & Recreation Director

DATE: August 7, 2023

TITLE: Approval of RESOLUTION to award bid and authorize the Mayor to execute a contract with Signature Tennis Courts Inc. for the Adams Park tennis court rehabilitation project.

Summary:
On July 21, 2023 staff received bids for the Adams Park tennis court rehabilitation project. Scope of services includes the removal and disposal of the existing court surfaces and perimeter fencing, subsurface gravel leveling and compaction, new asphalt surface, new black vinyl coated fence posts and fence mesh, color coating of new court surfaces, new court striping that accommodates both tennis and pickleball, and new net posts and nets. Signature Tennis Courts Inc. was the lowest qualified bid in the amount of $115,000.

Recommendation:
Pending legal review, the Parks and Recreation Director recommends awarding the bid and having the Mayor execute the attached contract.

Fiscal Impact:

SPLOST 2016

Attachments:
1. RESOLUTION - Signature Tennis Courts
2. Exhibit A
3. Adams Park Tennis Court Rehab -Recommendation of Award

CITY OF KENNESAW
GEORGIA

RESOLUTION NO. 2023-__, 2023

RESOLUTION TO AWARD THE BID AND CONTRACT WITH SIGNATURE TENNIS COURTS, INC. FOR THE ADAMS PARK TENNIS COURT REHABILITATION PROJECT

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

WHEREAS, Parks and Recreation is responsible for the operations and maintenance of City parks and their amenities; and

WHEREAS, the tennis courts at Adams Park require the removal and disposal of the existing court surfaces and perimeter fencing, subsurface gravel leveling and compaction, new asphalt surface, new black vinyl coated fence posts and fence mesh, color coating of new court surfaces, new court striping that accommodates both tennis and pickleball, and new net posts and nets; and

WHEREAS, Signature Tennis Courts, Inc. was the lowest qualified bid in the amount of $115,000.

NOW, THEREFORE, BE IT RESOLVED the Kennesaw City Council authorizes the Mayor to award the bid and execute the contract with Signature Tennis Courts, Inc. for rehabilitation services as shown in Exhibit A.

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

ATTEST:	CITY OF KENNESAW
____________________________	________________________________
Lea Alvarez, City Clerk	Derek Easterling, Mayor

CONTRACT

THIS AGREEMENT made this the __________ day of ____________________, 20____,

by and between the _City of Kennesaw, Georgia_____________, hereinafter called "City",

and ____ a contractor doing business

as an individual, a partnership, or a corporation* of the City of _____________, County of

__________, and State of ______________ hereinafter called "Contractor".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the City, the Contractor hereby agrees to commence and complete the construction described as follows:

City of Kennesaw

ADAMS PARK TENNIS COURT REHAB PROJECT

hereinafter called the "Project", for the sum of ___________________________________ Dollars ($___________________________) and all extra work in connection therewith, under the terms as stated in the Contract Documents, and at their own proper cost and expense to furnish all materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and other accessories and services necessary to complete the said Project in accordance with the conditions and prices stated in the proposal, the General Conditions of the Contract, the plans, which include all explanatory matter thereof, the specifications and Contract Documents therefore as prepared by Croy Engineering, LLC., here entitled the "Engineers" and as enumerated in Paragraph 2 of the General Conditions, all of which are made a part hereof and collectively constitute the Contract.

Contractor hereby agrees to commence work under this Contract on or before a date to be specified in a written "Notice to Proceed" of the City and to fully complete the Project within forty-five (45) consecutive calendar days; Contractor further agrees to pay as liquidated damages the sum of $500 per each consecutive calendar day that the Contractor shall be in default after the date stipulated in the contract for completing the work.

The City agrees to pay the Contractor in current funds for the performance of the Contract, subject to additions and deductions as provided in the General Conditions of the Contract, and to make payments on account thereof as provided in "Payments to Contractor," of the General Conditions.

IN WITNESS WHEREOF, the parties to those presents have executed this Contract in Five (5) counterparts, each of which shall be deemed an original, in the year and day first above mentioned.

City of Kennesaw, Georgia

By________________________________

ATTEST: (Seal)

____
City Clerk

____
Contractor

By________________________________

ATTEST: (Seal)

____
Secretary

____
Witness

Secretary of City should attest. If Contractor is corporation, corporate secretary should attest.

Give proper title of each person executing Contract.

CONCERNING THE CONTRACT FOR
ADAMS PARK TENNIS COURT REHAB PROJECT

COBB COUNTY, GEORGIA

1. The City of Kennesaw is entering into a contract for ADAMS PARK TENNIS COURT REHAB PROJECT (the “Contract”) with:

   ____.

2. I have reviewed the Contract and it is hereby approved as to form.

BY:________________________________
Name: R. Randall Bentley, Sr.
Title: City Attorney for the City of Kennesaw

CONTRACTOR'S AFFIDAVIT OF INDIVIDUAL EXECUTING

____

(Name of Individual Executing Contract)

CONCERNING THE CONTRACT FOR
ADAMS PARK TENNIS COURT REHAB PROJECT

COBB COUNTY, GEORGIA

Personally appeared before the undersigned Notary Public, being of full age, who after being duly sworn, deposes and says:

1. That I am over 18 years of age, competent to make this affidavit, and I am executing this affidavit in my individual capacity.
2. That I am the ______________(title) of ___________________ (the "Company"), which is entering into a contract for ADAMS PARK TENNIS COURT REHAB PROJECT (the "Contract") with the City of Kennesaw, Georgia.
3. That the organizational documents of the Company provided to the City of Kennesaw are true and accurate, are in full force and effect and no proceeding is pending for dissolution or annulment of the Company.
4. That, pursuant to the organizational documents of the Company, I am authorized to legally bind the Company and to execute documents on behalf of the Company, which includes, but is not limited to, execution of the Contract with the City of Kennesaw.
5. That I acknowledge that this Affidavit is to be a part of the Contract with the City of Kennesaw. The City of Kennesaw shall rely upon the representations herein and those included in the organizational documents of the Company in making and entering into the Contract, and any material misrepresentation herein shall constitute grounds to permit said Contract to be voided by City of Kennesaw but shall also constitute the offense of false swearing to a written document.
6. This Affidavit is given for the purpose of inducing the City of Kennesaw's execution of the Contract.

FURTHER AFFIANT SAYETH NOT.

Signed:________________________________

Printed:________________________________

Title:__________________________________

Sworn to and subscribed before me,

this _____day of ___________, 20___.

____

NOTARY PUBLIC

CONTRACTOR AFFIDAVIT AND AGREEMENT

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with the City of Kennesaw has registered with and is participating in a federal work authorization program* [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A. § 13-10-91.

The undersigned further agrees that, should it employ or contract with any subcontractor(s) in connection with the physical performance of services pursuant to this contract with the City of Kennesaw, contractor will secure from such subcontractor(s) similar verification of compliance with O.C.G.A. § 13-10-91 on the Subcontractor Affidavit provided in Rule 300-10-01-.08 or a substantially similar form. Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to the (name of the public employer) at the time the subcontractor(s) is retained to perform such service.

____
EEV/Basic Pilot Program* User Identification Number

______________________________________ __________
BY: Authorized Officer or Agent Date
(Contractor Name)

____
Title of Authorized Officer or Agent of Contractor

____
Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS _____ DAY OF _________________, 20___

____
Notary Public
My Commission Expires: ___________________

* As of the effective date of O.C.G.A. § 13-10-91, the applicable federal work authorization program is the "EEV/Basic Pilot Program" operated by the U. S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA).

SUBCONTRACTOR AFFIDAVIT

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services under a contract with ______________ ____(name of contractor) on behalf of the City of Kennesaw has registered with and is participating in a federal work authorization program* [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A. § 13-10-91.

____

EEV/Basic Pilot Program* User Identification Number

____

BY: Authorized Officer or Agent Date
(Subcontractor Name)

____

Title of Authorized Officer or Agent of Subcontractor

____

Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE
_____ DAY OF ______________________, 20_____

____

Notary Public
My Commission Expires:

____

* As of the effective date of O.C.G.A. § 13-10-91, the applicable federal work authorization program is the "EEV/Basic Pilot Program" operated by the U. S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA).

Mr. Bill McNair
Parks and Recreation Director
City of Kennesaw
2753 Watts Drive
Kennesaw, GA 30144

July 24, 2023

Re: Recommendation of Award: Adams Park Tennis Courts Rehab

Mr. McNair:

Bids were opened for the above referenced project on July 21, 2023. The lowest responsive bid was submitted by Signature Tennis Courts in the amount of $115,000. A thorough review of all provided references and previous experience has been completed, and the qualifications of this bidder have been verified. Therefore, it is our recommendation that the contract for the rehabilitation of the Adams Park tennis courts be awarded to Signature Tennis Courts.

Upon receipt of the City's concurrence, we will prepare the contracts and forward them to the Contractor for execution.

Respectfully,

Roy Acree
Program Manager
Croy Engineering, LLC

Cc: Marty Hughes, City of Kennesaw
Lea Alvarez, City of Kennesaw
Robbie Balenger, City of Kennesaw

Item Report

TO: The Honorable Mayor and City Council

FROM: Marty Hughes, Assistant City Manager

DATE: August 7, 2023

TITLE: Authorize use of ARPA funds to install conduits at the amphitheater side of Depot Park.

Summary:

Currently, the amphitheater-side of Depot Park has access to the electrical infrastructure, which can be utilized to install conduits for eight (8) new security cameras. Installing the conduit now would save time and money from having to re-open the ground after the amphitheater project is complete.

Recommendation:

The City Manager recommends approval.

Fiscal Impact:

ARPA Fund 230

Attachments:

1. Conduit Quote

QUOTATION

United Electric Company
1270 Kennestone Circle
Marietta, GA 30066
Telephone: 770-499-9292
Fax: 770-499-0402
Contact: Mark Wise

Date:	6/2/2023
Project Name:	Kennesaw Depot Park
Project Number:	817MW
Contract #:	
Page Number:	1

Work Description

We reserve the right to correct this quote for errors and omissions.
This quote covers direct costs only and we reserve the right to claim for impact and consequential costs.
This price is good for acceptance within 10 days from the date of receipt.
Upon acceptance of this quotation, we will supply and install all materials, labor and equipment as described herein:

Furnish and install power and empty conduit for (8) new cameras.
·All empty conduits will have pull strings for fiber cable installation by others.
·Fiber conduits will terminate under the Carrie House.
·Power and empty conduits will be terminated with weather proof boxes for final connections by others.
·Power for cameras will be from the existing electric panel in each building.

Itemized Breakdown

Description	Qty	Net Price U	Total Mat.	Labor U	Total Hrs.
3/4" CONDUIT - EMT	480	112.00 C	537.60	5.20 C	24.96
3/4" CONN SS STL - EMT	8	56.51 C	4.52	16.25 C	1.30
3/4" COUPLING SS STL - EMT	48	70.92 C	34.04	6.50 C	3.12
1/2 OR 3/4" SNAP CLOSE CLIP - BTM MNT ON 1/4" FLN	52	324.46 C	168.72	13.33 C	6.93
1/2 OR 3/4" CONDUIT+BOX SUPPORT - BTM MNT ON 1	4	1,051.06 C	42.04	14.95 C	0.60
3/4" CONDUIT - PVC40	360	105.58 C	380.09	2.93 C	10.53
1" CONDUIT - PVC40	1,160	151.73 C	1,760.07	3.41 C	39.59
3/4" ELBOW 90 DEG - PVC40	4	129.71 C	5.19	15.44 C	0.62
1" ELBOW 90 DEG - PVC40	10	203.51 C	20.35	17.88 C	1.79
3/4" COUPLING - PVC	8	27.55 C	2.20	0.00 C	0.00
1" COUPLING - PVC	20	37.48 C	7.50	0.00 C	0.00
1" ADAPTER MALE - PVC	10	85.13 C	8.51	9.75 C	0.97
#12 THHN BLACK	792	197.76 M	156.63	8.37 M	6.63
#10 THHN BLACK	792	288.36 M	228.38	7.06 M	5.59
#12 THHN GREEN	396	190.32 M	75.37	6.44 M	2.55
#12/2C SOLID CABLE MC - STL ARMOR	250	950.04 M	237.51	28.28 M	7.07
3/8" CONN SADDLEGRIP DC FOR FLEX / AC-90 / MC	4	109.96 C	4.40	7.50 C	0.30
3/8" CBL SNAP CLOSE CLIP - BTM MNT ON 1/4" FLNG	27	389.87 C	105.26	10.89 C	2.94
WIRE CONN RED	12	31.62 C	3.79	7.50 C	0.90
1/8" POLYTWINE	1,500	13.93 M	20.90	3.75 M	5.63
1G 2"D DC ALUM BOX W/ LUGS & 4x 3/4" HUBS GRY	13	8.92 E	115.96	0.57 E	7.40
1G ALUM BLANK WP BOX MNT COVER GRY	13	5.15 E	66.95	0.10 E	1.33
1/4-20x 3/8 P/H SLOT/PHILLIPS MACHINE SCREW	4	6.34 C	0.25	4.72 C	0.19
#8x 1/2 WAFER HEAD SELF-TAP STUD SCREW - 12G	4	9.86 C	0.39	3.90 C	0.16
HAMMER-ON CLIP TO 1/4" FLANGE W/ 1/4-20 HOLE	4	185.15 C	7.41	9.75 C	0.39
TRENCH (12"x 3' DEEP)	1,520	0.00 E	0.00	1.75 C	26.60
COMPACTION (LINEAR FOOT)	1,520	0.00 E	0.00	2.25 C	34.20
Totals	**9,015**		**3,994.03**		**192.28**

ORIGINAL

QUOTATION

United Electric Company
1270 Kennestone Circle
Marietta, GA 30066
Telephone: 770-499-9292
Fax: 770-499-0402
Contact: Mark Wise

Date: 6/2/2023
Project Name: Kennesaw Depot Park
Project Number: 817MW
Contract #:
Page Number: 2

Summary

General Materials		3,994.03
Material Tax	(@ 9.000 %)	359.46
Total Material		**4,353.49**
ELECTRICIAN	(192.28 Hrs @ $48.50)	9,325.58
SUPERVISOR @ 10.0%	(19.23 Hrs @ $58.40)	1.123.03
TRENCHER	(1.00 @ 2.00 @ $750.00 + 6.000 % + 0.000 % + 0.000 %)	1,590.00
HAND HELD TAMPER	(1.00 @ 2.00 @ $345.00 + 6.000 % + 0.000 % + 0.000 %)	731.40
Overhead	(@ 10.000 %)	1.712.35
Markup	(@ 10.000 %)	1,883.59
Subtotal		**20,719.44**
Final Adjustment		-0.44
Final Amount		**$20,719.00**

CLIENT ACCEPTANCE

Final Amount: **$20,719.00**

Name: ______________________

Date: ______________________

Signature: ______________________

I hereby accept this quotation and authorize the contractor to complete the above described work.

ORIGINAL

Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: August 7, 2023

TITLE: On July 28, 2023, John and Anna Hall purchased one (1) cemetery lot in the Kennesaw City Cemetery. This lot is located in Section III, Plot 35, Lot A. Mayor to sign supporting deed for purchase of this lot. City Clerk recommends approval.

Summary:

Recommendation:

Fiscal Impact:

Attachments:
None

Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: August 7, 2023

TITLE: On August 1, 2023, Dorothy M Quinley purchased one (1) cemetery lot in the Kennesaw City Cemetery. This lot is located in Section III, Plot 29, Lot F. Mayor to sign supporting deed for purchase of this lot. City Clerk recommends approval.

Summary:

Recommendation:

Fiscal Impact:

Attachments:
None

Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: August 7, 2023

TITLE: On August 1, 2023, Charles W Quinley purchased one (1) cemetery lot in the Kennesaw City Cemetery. This lot is located in Section III, Plot 29, Lot G. Mayor to sign supporting deed for purchase of this lot. City Clerk recommends approval.

Summary:

Recommendation:

Fiscal Impact:

Attachments:
None

Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: August 7, 2023

TITLE: Reports, Discussions, and Updates

Summary:

Recommendation:

Fiscal Impact:

Attachments:
None

Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: August 7, 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