

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
November 6, 2023 6:30 PM
Council Chambers**

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

- A. This public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center, if needed. Mayor and Council will be conducting their meeting via real-time telephonic technology using Zoom Meeting and Facebook Live. You can access the meeting via the following link: <https://www.facebook.com/CityofKennesaw/>
- B. If you are not able to attend a meeting in-person and would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record. **Facebook Live is not monitored for public comment.**

5. Presentations

- A. Kennesaw 101: Citizens Government Academy Graduation, Class of 2023.

6. Public Comment/Business from the Floor**7. Old Business****8. New Business****9. Committee and Board Reports**

- A. UPDATE: Cemetery Preservation Commission from Chair Lewis Bramlett at the November 6, 2023 regular meeting.

10. Public Hearing(s)

- A. Approval of ORDINANCE to amend Chapter 30, "Cemeteries," of the Code of Ordinances.
- B. Approval of ORDINANCE to amend Chapter 2, "Administration," Article 1. "In General," Section 2-3, "Records," of the Code of Ordinances.
- C. Approval of ORDINANCE to amend Article II, "Recognition and Adoption of Standard Codes," of Chapter 18, "Buildings and Building Regulations," of the Code of Ordinances to enact a local amendment to the Georgia State Minimum Standard Plumbing Code.

11. Consent Agenda

- A. Approval of the October 9, 2023 City Council work session minutes.
- B. Approval of the October 9, 2023 City Council executive session minutes.
- C. Approval of the October 16, 2023 City Council regular meeting minutes.
- D. Consideration to Authorize Purchase of Vehicles Approved in the FY24 Budget.
- E. Approval of RESOLUTION authorizing the Mayor and Council to approve an additional \$35,151 for final repairs to complete the restoration of the Kennesaw Depot Building as part of the Depot Park Master Plan.
- F. Amendment to approved Public Art Exhibit #PA 2023-02

12. General and Administrative

- A. Consideration for approval of an Alcohol Retail Package License for Beer, Wine, Liquor, and Sunday Sales for The Jack C. Phoenix Corp d/b/a Monte Cristo located at 1635 Old 41 Hwy Ste 110 Kennesaw, GA 30152. Applicant: Cedric Jackson and Jason Norris.

13. Public Safety

14. Information Technology

15. Public Works

16. Recreation and Culture

17. Community Development

18. Public Comment/Business from the Floor

19. City Manager's Report

- A. Reports, Discussions, and Updates

20. Mayor's Report

- A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committee, Authority, or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve boards and commissions, as deemed necessary.

21. Council Reports & Discussions

22. Executive Session

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

23. Adjourn



Item Report

TO: The Honorable Mayor and City Council
FROM: James Friedrich, Assistant to the City Manager
DATE: November 6, 2023
TITLE: Kennesaw 101: Citizens Government Academy Graduation, Class of 2023.

Summary:

Certificates of completion will be presented to the graduates of the Kennesaw 101: Citizens Government Academy Class of 2023. For the past eight weeks, ten participants have met weekly to learn about the inner workings of local government by meeting with City staff and officials. By understanding Kennesaw's past, present and future, these graduates will serve as ambassadors to the City and will continue to be engaged within the community.

Recommendation:

Fiscal Impact:

Attachments:

None



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: November 6, 2023

TITLE: UPDATE: Cemetery Preservation Commission from Chair Lewis Bramlett at the November 6, 2023 regular meeting.

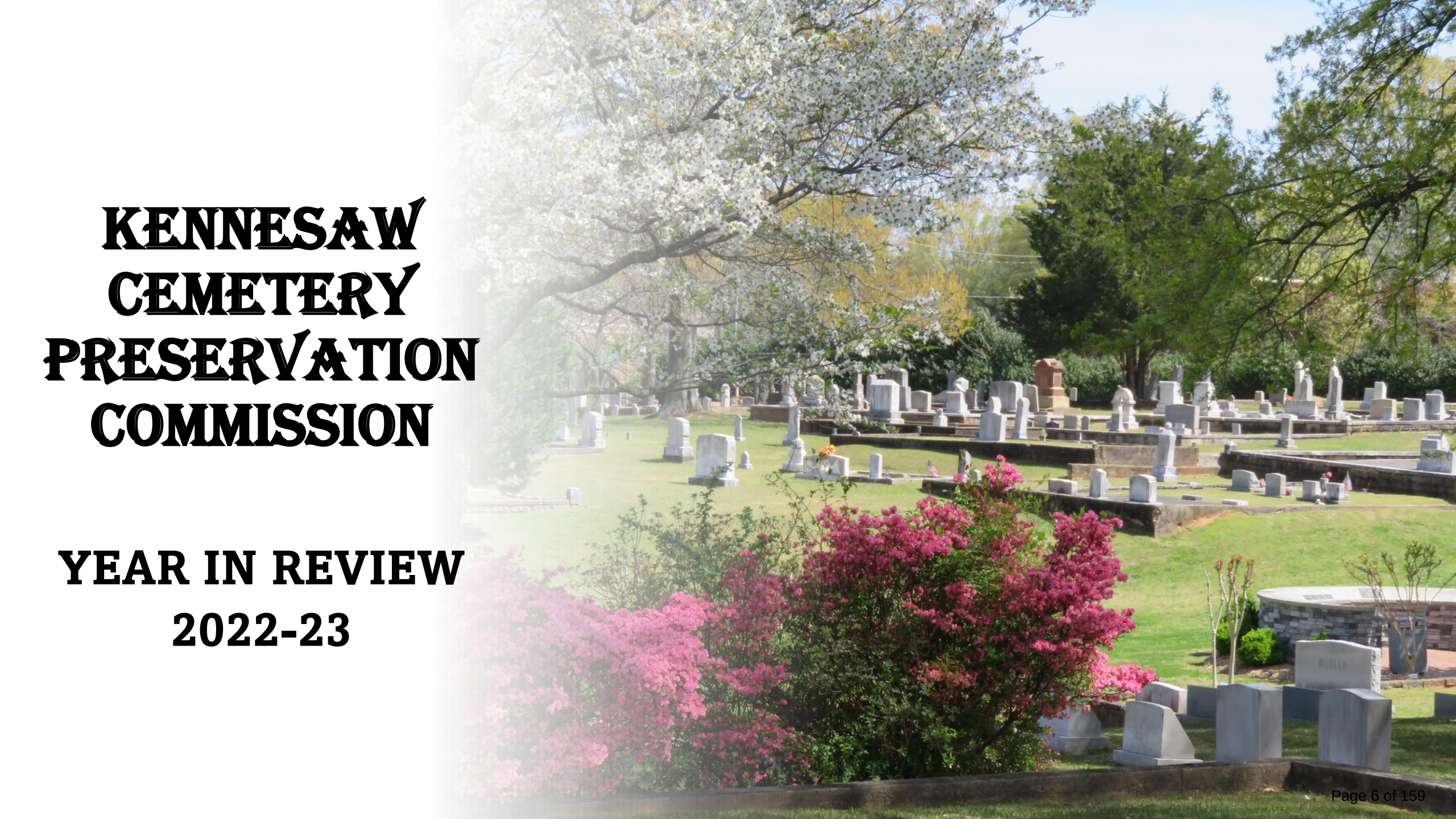
Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. Cemetery Commission - YEAR IN REVIEW 2023



KENNESAW CEMETERY PRESERVATION COMMISSION

YEAR IN REVIEW 2022-23

Commission Members 2023

Chairman: Lewis Bramlett

Vice Chair: Lizz Gray

Members: Judi Burrell

Honorary Member: Andrew Bramlett

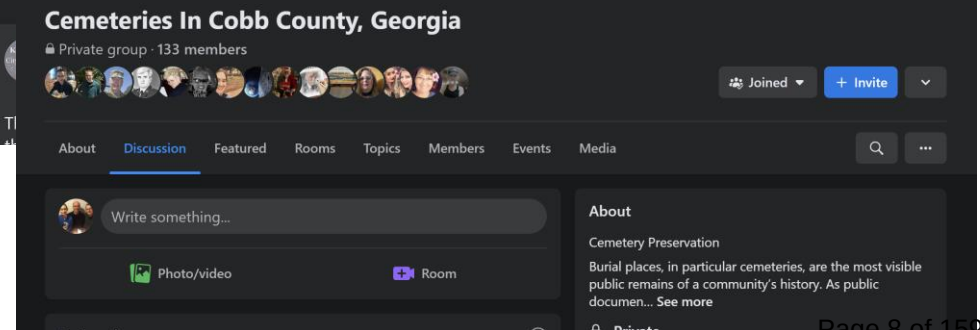
City Liaisons: City Clerk's office - Lea Alvarez

Public Works - Tim Cox City Council – Pat Ferris

Cemetery Foundation Liaison – Stephen King

Social Media - Ongoing

Andrew Bramlett videos, events and other information shared on Cemetery Foundation, Kennesaw Historical Society, Cemeteries of Cobb County and other relevant Facebook pages



TWO INFORMATION KIOSKS

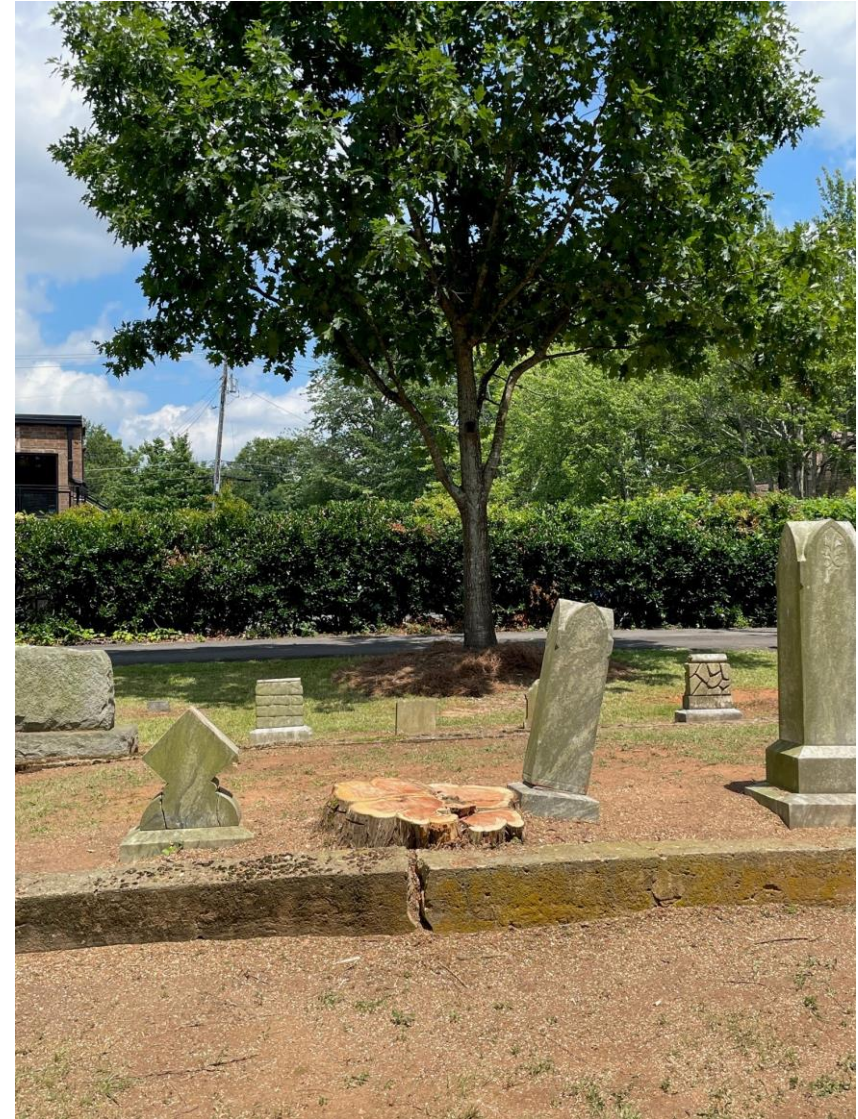
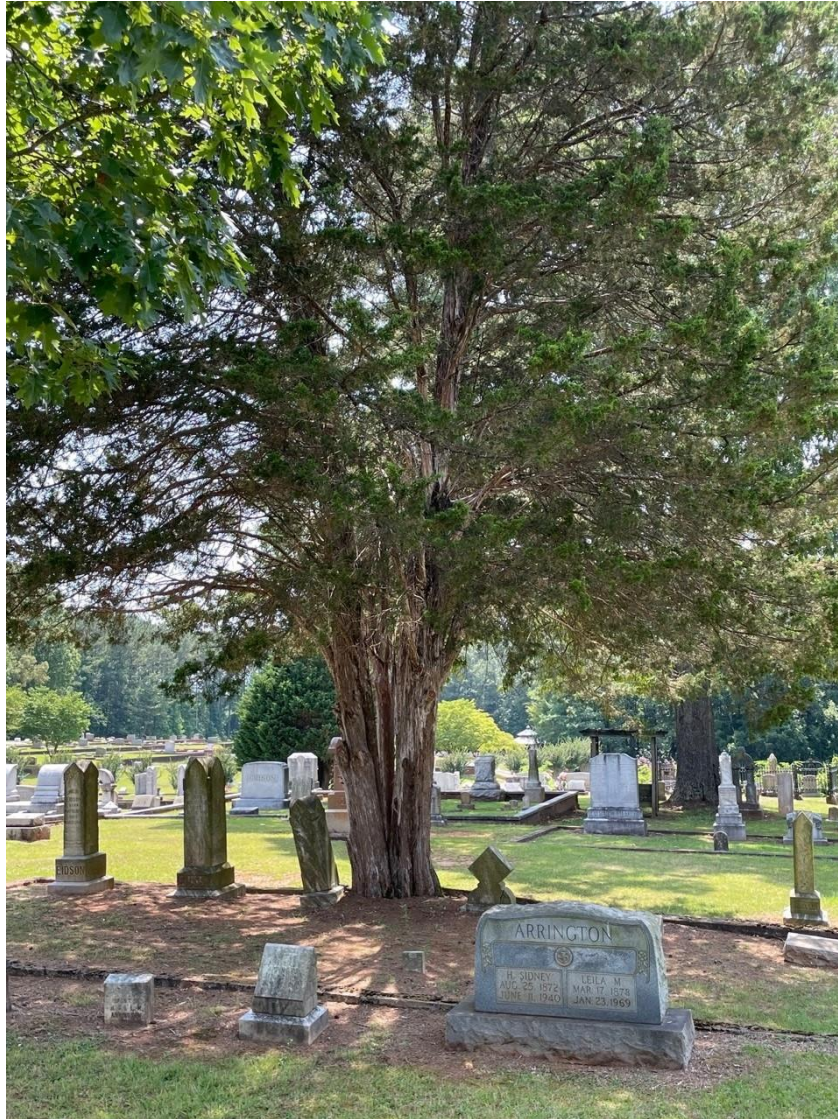
Installed by Public Works Dept.



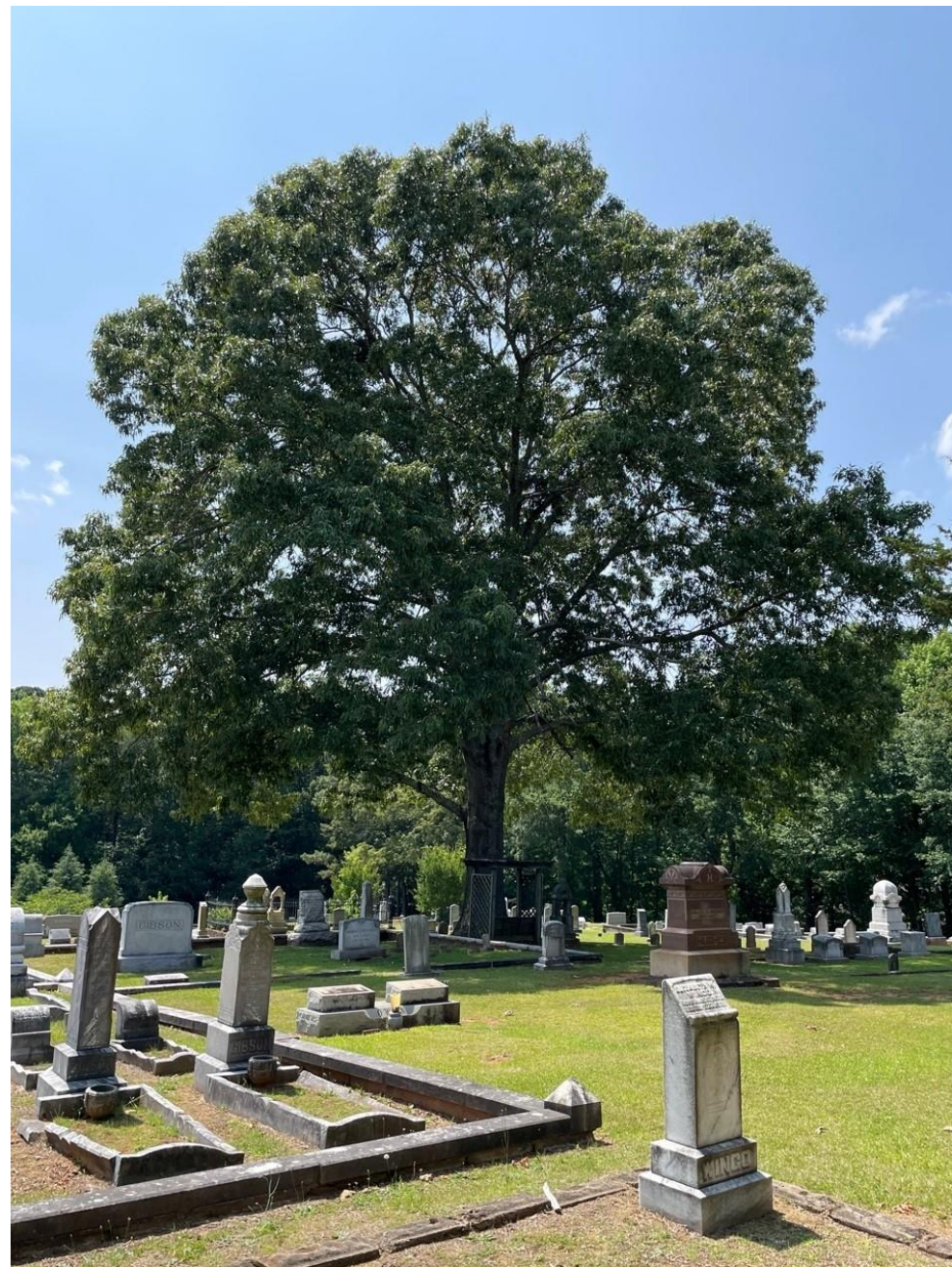
TREES REMOVED – June 2023



TREES REMOVED - June 2023



RED OAK TREATMENT June 2023



TWO NEW FLAG POLES

**Installed by Public Works Dept.
September 2023**

**Space Force, Army, Navy, Marines,
Air Force, Coast Guard, POA/MIA
flags surround a center pole
that has the United States
above the State of Georgia**



BENCHES

3 new installed by Public Works Dept. September 2022

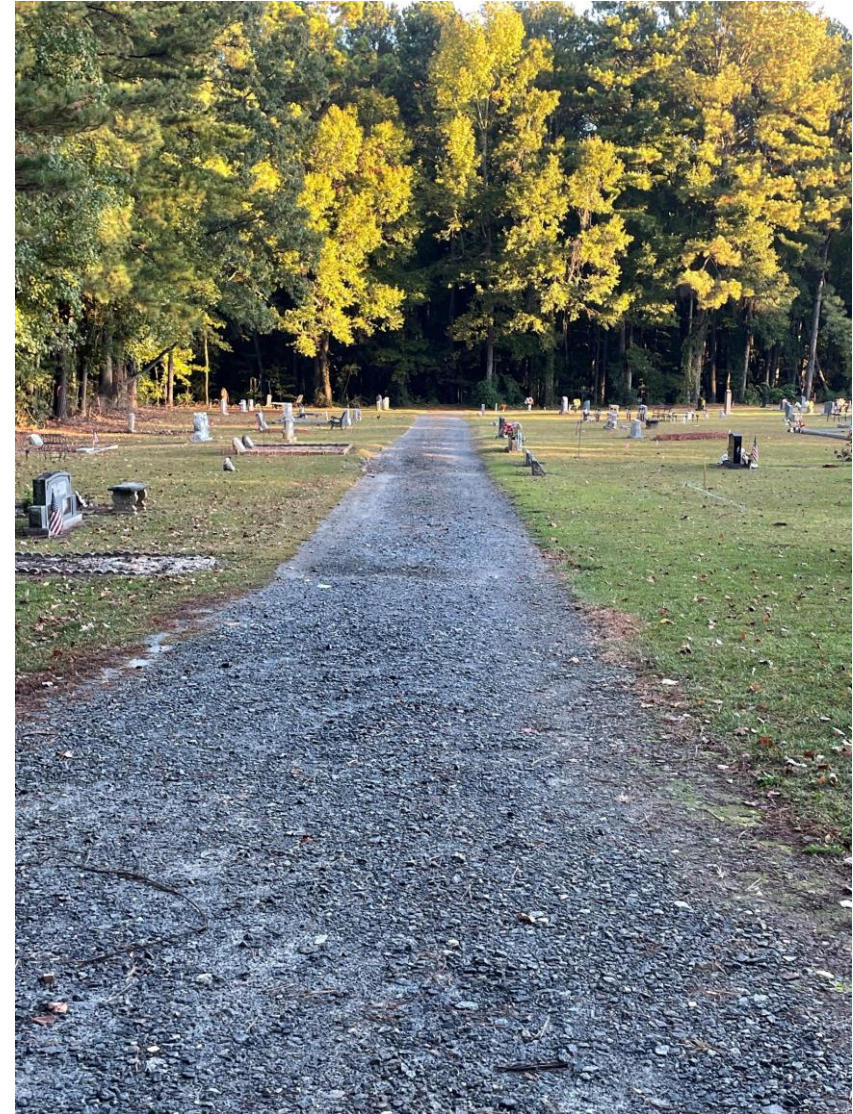


SECTION 3 - SURVEY



SECTION 3

Close gravel road in rear of Cemetery – DATE TBD



SECTION 3 – SURVEY

Legal Descriptions

LEGAL DESCRIPTION

All of that tract or parcel of land lying and being in Land Lot 139 of the 20th District, 2nd Section, in the City of Kennesaw, Cobb County, Georgia, being Lot F, of Plot 17 of Section III, of the City of Kennesaw Cemetery and being more particularly described as follows:

To find the **Point of Beginning** commence at an iron pin found (1/2 inch open top pipe) marking the common corner of Land Lots 138, 139, 166 & 167 and proceed N73°23'54"W from said Land Lot corner a distance of 247.15 feet to the southeast corner of said Lot F which is the **Point of Beginning**.

From the **Point of Beginning** thus established, proceed N86°46'12"W for a distance of 10.05 feet to a point; thence N03°09'25"E for a distance of 5.02 feet to a point; thence S86°41'17"E for a distance of 10.03 feet to a point; thence S02°54'44"W for a distance of 5.00 feet to the **Point of Beginning**.

Said tract or parcel containing ±50.3 square feet.

ONE WAY SIGNS

**Installed by Public Works Dept.
October 2023**



REVIVAL SIDE TREES - BEFORE

September 21



REVIVAL SIDE TREES

Being removed - October 2



REVIVAL SIDE TREES - AFTER

October 5



BEFORE



AFTER



Amendments to CODE OF ORDINANCES

CITY OF KENNESAW
GEORGIA

ORDINANCE NO. 2023-__, 2023

AN ORDINANCE TO AMEND CHAPTER 30, ENTITLED “CEMETERIES,”
ARTICLE 1, ENTITLED “IN GENERAL,” OF THE CODE OF ORDINANCES OF THE
CITY OF KENNESAW, GEORGIA

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

SECTION 1. Chapter 30 of the Code of Ordinances of the City of Kennesaw, Georgia, is hereby amended so as to repeal Article 1 of said Chapter and replace it n its entirety by striking and replacing the following:

~~Sec. 30-1—Deeds for lots~~

~~The city clerk shall be authorized to take applications for cemetery lots according to the master plan drawn by the city engineer. The mayor or the mayor pro tem shall be authorized to execute deeds to cemetery lots in the city cemetery.~~

~~(Code 1986, § 5-3-1)~~

Sec. 30-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Burial service means any service other than a funeral service offered or provided by any person in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains.

Care and maintenance means the perpetual process of keeping a cemetery and its lots, graves, grounds, landscaping, roads, paths, parking lots, fences, utilities, and other improvements, structures, and embellishments in a well-cared for and dignified condition, so that the cemetery does not become a nuisance or place of reproach and desolation in the community. Care and maintenance may include, but is not limited to, any or all of the following activities: mowing the grass at reasonable intervals; raking and cleaning the grave spaces and adjacent areas; pruning of shrubs and trees; suppression of weeds and

CEMETERY EVENTS

DECORATION DAY - May 6, 2023

Decoration Day PROGRAM OF events

10:00 AM REGISTRATION

11:00 AM WELCOMING REMARKS

LEWIS BRAMLETT, CHAIR
CEMETERY PRESERVATION
COMMISSION

STEPHEN KING, PRESIDENT
CEMETERY PRESERVATION
FOUNDATION

MEMORIAL TREE
DEDICATION CEREMONY

11:30 PM LUNCH

12:00 PM WALKING TOUR

ANDREW BRAMLETT, HM
CEMETERY PRESERVATION
COMMISSION



CLEAN UP DAY – October 7, 2023

Work done in Old Section



CEMETERY FOUNDATION

Life in the Cemetery Tour



UPCOMING EVENT

Wreaths Across America

December 16, 2023

**Kennesaw Mountain Chapter of the
Daughters of the American Revolution
in cooperation with
City of Kennesaw and the Kennesaw
Cemetery Preservation Commission**



CEMETERY FOUNDATION
meets 3rd Wednesday of every month

Chairman: Stephen King

Vice Chair: Randy Akers

**Members: Jacque Cullins, Dale Meeks, Joyce Yung,
Joe Morris, Michelle Newman, Ron Chalker**

City Liaison: City Clerk - Lea Alvarez

Cemetery Commission Liaison: Lewis Bramlett

CEMETERY FOUNDATION Updated Bylaws

Amended By-laws of the Kennesaw Cemetery Preservation Foundation, Inc.

(A Non Profit Corporation)

The address of the registered office of the Corporation is 11200 Atlantic Place, Alpharetta, Georgia 30022, and the name of the registered agent at this address is Ronald F. Chalker.

Purpose and Objectives

The Kennesaw City Cemetery, hereinafter called "the Cemetery", is owned by the City of Kennesaw, Georgia. The City of Kennesaw Cemetery Preservation Foundation, Inc., hereinafter called "the Foundation," is a private, not-for-profit corporation created to support the Cemetery and for other charitable purposes permitted by law. The Foundation is to work responsibly to fulfill the long-range objectives of the Kennesaw City Cemetery. The following are areas in which the Foundation will function:

1. Provide opportunities and materials for the furtherance of the preservation of such cemetery history to the public.
2. Nurture community awareness from local individuals and businesses in local culture and history to encourage the preservation of the physical remnants of the City's heritage while promoting proper use.
3. Recommend infrastructure enhancements as well as environmental, educational, artistic, and other program enhancements to the Cemetery Commission for consideration.
4. Establish appropriate investment policies for all assets of the Foundation.
5. Conduct its financial business in a manner that maintains its nonprofit status.

Article 4: Removal from Office

1. An officer or trustee may be removed with or without cause by a majority vote of the Trustees whenever it is determined to be in the best interest of the Foundation. Any Trustee may resign at any time by delivering notice in writing or by electronic transmission to the Foundation. A resignation is effective when the notice is delivered unless the notice specifies a later effective date or at the Executive Committee's discretion.

Article 5: Meetings

1. Regular meetings of the Foundation will be held monthly.
2. The President may call special meetings from time to time. In addition, special meetings shall be called by the President at the request of three (3) Trustees, or within one month upon the written request of a majority of the Executive Committee delivered to the President.
3. Fifty percent (50%) of the members of the Executive Committee, in addition to one (1) other active Trustee, shall constitute a quorum at any meeting. Attendance of Trustees who constitute a quorum may be in person or by electronic means that allow the Trustee and other members full real-time, two-way communication during the entirety of the discussion and vote on any given issue. A majority of the quorum present may take any action the Trustees are authorized to take. Notice of regular Foundation meetings will be provided not less than five (5) business days prior to the date of the meeting.
4. Notice of annual or special meetings for the Foundation shall be provided to each Trustee not less than five (5) business days prior to the meeting date.

Article 6: Administration of Business

1. The business and property of the Foundation shall be managed by the Trustees.
2. The Trustees shall have full power and authority to alter or amend the Articles of Incorporation for this Foundation. They also have full power and authority to make, alter, or repeal all bylaws of the Foundation.
3. The immediate past President shall be an ex-officio member of the Executive Committee for a period of one(1) year following the expiration of the term as President.
4. The Trustees shall elect a Chairperson for each committee at its last meeting of the year, if applicable. These Trustees shall hold office for one(1) year beginning on the first day of the next calendar year until their successors are elected. All vacancies on the Executive Committee shall be filled at any regular or special meeting the Foundation.
5. The Trustees may appoint and/or employ agents or representatives, as is necessary, to carry out the work of the Foundation, prescribe their duties, fix their compensation, and dismiss them, as necessary.
6. All standing committees shall report and present for file their proceedings to the Foundation at its next occurring meeting.
7. Written records of any meeting of the Trustees shall be kept in a permanent Book of the Foundation Minutes.
8. The Foundation shall create policies and protocols to assist with its Trustees and agents to properly accomplish the purposes of the Foundation.
9. Any Trustee may resign at any time by delivering notice in writing or by electronic transmission to the Foundation. A resignation is effective when the notice is delivered unless the notice specifies a future effective date. If a resignation is made effective at a future date and the Foundation accepts the future effective date, the Trustees may fill the pending vacancy before the effective date if the Foundation provides that the successor does not take office until the effective date.

Article 1: Membership of the Foundation

The Foundation shall be comprised of no more than 25 Trustees.

New Trustees will be nominated and elected by the Trustees of the Foundation. If there is ever a need for a committee to be formed for a specific project or purpose, the following statements will apply in regards to committees: each Trustee of the Foundation, with the exception of the President of the Foundation, may serve on one or more of the committees of the Foundation.

The term of service of the Trustees shall be one(1) year. Trustees who are completing a one(1) year term may be recommended for election to a subsequent term.

The Kennesaw City Clerk shall be an ex-officio member of the Foundation. Ex-officio Members will not have voting powers within the Foundation.

The Trustees are empowered to appoint Emeritus Members. Emeritus Members will be included in the membership roster of the Trustees and will have no term limitations. Emeritus Members will not have voting powers within the Foundation.

Article 2: Executive Committee

The Executive Committee is a group of persons vested in the daily management of the business of the Foundation and are subject to the bylaws and articles of incorporation. The Executive Committee shall consist of the following members:

- A. President
- B. Vice President
- C. Secretary
- D. Treasurer
- E. Chair of each standing committee of the Foundation (if applicable)
- F. Past President

Article 7: Selection and Election of Foundation Members

1. The Trustees shall approve new members. Selection of new members will only be by nomination and election of current Trustees. Newly elected Trustees' term of service shall be for one(1) year. If any Trustee is unable to complete his or her term of service for any reason, the Trustees shall nominate and elect a replacement.
2. The normal election of Trustees shall be conducted during the last meeting of the calendar year.
3. An orientation will be conducted for each new Trustee. The orientation shall be conducted by the Nominating Committee Chair or the President's delegate.

Article 8: Gifts and Donations

1. Any person may make gifts to the Foundation without designation, specification, condition, or limitation. These shall be known as unrestricted gifts. These gifts to the Foundation may be added to or merged with other gifts.
2. Any person making gifts to the Foundation may designate how the gifts shall be administered and used. These gifts shall be known as restricted gifts. These gifts to the Foundation may only be used for the designated purpose.
3. The Foundation reserves the right to refuse gifts of any kind, whether restricted or unrestricted, if it is deemed to be in the best interest of the Foundation.
4. The name of the donor contributing gifts or donations will be included on all Foundation financial reports unless anonymity is requested.

Article 9: Fund Management

1. All necessary operating expenses of the Foundation shall be paid out of the funds acquired and held by the Foundation.
2. Only the President, Vice President, Secretary, and Treasurer shall have signature power. Any credit card expenditures or payments will be approved by the Treasurer.

Article 3: The Powers and Duties of the Officers

1. The President, Vice President, Secretary, Treasurer shall be known as the Officers of the Foundation and shall have prescribed duties and responsibilities.
2. The President shall preside over all meetings of the Foundation, shall serve as Chair of the Executive Committee, and shall be an ex-officio member of all standing committees. The President shall manage and supervise all business of the Foundation, shall see that all orders and resolutions are put into effect, and shall execute all necessary documentation as may be ordered by the Trustees. The President shall appoint the Chair of each standing committee.
3. In the event the President cannot serve, the Vice President shall have the power to perform all the duties for the President until the vacancy is filled. The Vice President shall preside over meetings of the Foundation or Executive Committee in the absence of the President. The Vice President shall perform such other duties as may be delegated by the Trustees or by the Executive Committee.
4. The Secretary shall preserve in the Book of the Foundation Minutes, the proceedings of all meetings. The Secretary shall be the custodian of the seal of the Foundation and shall attest the seal when it is affixed by order of the Foundation. The Secretary shall perform such other duties as may be delegated by the Trustees or by the Executive Committee.
5. The Treasurer shall provide oversight for the collection, receiving, and holding of the moneys for the Foundation and shall be responsible for all funds, securities, and financial assets. The Treasurer shall make full and accurate accounts of all receipts and disbursements. The Treasurer shall direct the depositing of moneys, securities, and other valuables in the name of the Foundation as ordered by the Trustees. The Treasurer shall serve as Chair of the Budget and Finance Committee. The Treasurer shall perform such other duties as may be delegated by the Trustees or the Executive Committee.

3. No funds or assets of the Foundation, including loans, gifts, donations, or scholarships, shall ever be transferred to any Trustee or to any member of the family of a Trustee.
4. The fiscal Year shall begin January 1 of each year unless otherwise determined by the Foundation.
5. An annual budget may be presented to the Trustees by the Executive Committee for consideration and approval prior to the first meeting in any fiscal year.
6. The Foundation should hold at least one fundraising event every calendar year to ensure proper funding of Foundation operations and the programming listed in the objectives.

Article 10: Audit

1. The books of the Foundation and its fiscal agent shall be audited annually or as directed by the Trustees.

Article 11: Insurance

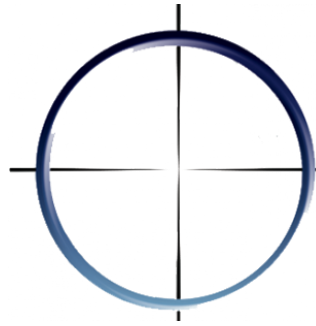
1. The Foundation should purchase liability insurance on an annual basis as approved by the Trustees.

Article 12: Amendments

1. Amendments to the Articles of Incorporation or to the Bylaws can be made in a regular, annual, or special meeting. If done at a special meeting, the purpose of the meeting with a copy of the proposed amendment must be stated in the written notice of the meeting. The vote of two-thirds (2/3) of the Trustees is required to amend the Articles of Incorporation or the Bylaws. Votes regarding amendments must be made by Trustees who are attending the meeting. Attendance may be in person or by electronic means that allows the trustees and Foundation full real-time, two-way communication during the entirety of the discussion and vote.

NATIONAL REGISTER OF HISTORIC PLACES DESIGNATION

Kennesaw Cemetery Foundation Project – IN PROGRESS



NEW SOUTH ASSOCIATES

PROVIDING PERSPECTIVES ON THE PAST



CEMETERY FOUNDATION

Helped to fund bench project



**Bench generously
donated by the
Friends of Camp McDonald**

CEMETERY FOUNDATION

Life in the Cemetery Tour



CEMETERY FOUNDATION






KENNESAW CITY CEMETERY
PRESERVATION COMMISSION




Item Report

TO: The Honorable Mayor and City Council
FROM: Lea Alvarez, City Clerk
DATE: November 6, 2023
TITLE: Approval of ORDINANCE to amend Chapter 30, "Cemeteries," of the Code of Ordinances.

Summary:

Chapter 30, "Cemeteries," in the Code of Ordinances sets the foundation for operations in the Kennesaw City Cemetery. A significant portion of Article I of Chapter 30 has not been updated since 1986. City staff has amended this Article to provide more detailed requirements for lot owners and visitors as well as greater direction for staff regarding varied responsibilities. This ordinance would replace the "Cemetery Regulations and Guidelines" adopted via Resolution #2022-14. At their regularly scheduled meeting held on October 12, 2023, the Cemetery Preservation Commission recommended approval of the proposed amendments to Chapter 30 of the Code of Ordinances. This public hearing was advertised in the Marietta Daily Journal on October 27, 2023 and on November 3, 2023.

Recommendation:

The City Clerk recommends approval.

Fiscal Impact:

Attachments:

1. ORDINANCE - Chapter 30 Amendments
2. 10-27-23 Legal Ad
3. 11-03-23 Legal Ad

CITY OF KENNESAW
GEORGIA

ORDINANCE NO. 2023-__, 2023

AN ORDINANCE TO AMEND CHAPTER 30, ENTITLED "CEMETERIES,"
ARTICLE 1, ENTITLED "IN GENERAL," OF THE CODE OF ORDINANCES OF THE
CITY OF KENNESAW, GEORGIA

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

SECTION 1. Chapter 30 of the Code of Ordinances of the City of Kennesaw, Georgia, is hereby amended so as to repeal Article 1 of said Chapter and replace it in its entirety by striking and replacing the following:

~~Sec. 30-1 – Deeds for lots~~

~~The city clerk shall be authorized to take applications for cemetery lots according to the master plan drawn by the city engineer. The mayor or the mayor pro tem shall be authorized to execute deeds to cemetery lots in the city cemetery.~~

~~(Code 1986, § 5-3-1)~~

Sec. 30-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Burial service means any service other than a funeral service offered or provided by any person in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains.

Care and maintenance by the city means the perpetual process of keeping a cemetery and its lots, graves, grounds, landscaping, roads, paths, parking lots, fences, utilities, and other improvements, structures, and embellishments in a well-cared for and dignified condition, so that the cemetery does not become a nuisance or place of reproach and desolation in the community. Care and maintenance by the city may include, but is not limited to, any or all of the following activities: mowing the grass at reasonable intervals; raking and cleaning the grave spaces and adjacent areas; pruning of shrubs and trees; suppression of weeds and exotic flora; seeding and filling in sunken graves, removing dead flowers only. The city shall not remove any type of artificial flora placed at a grave site or be held liable for any type of artificial flora or other items placed upon a grave site if removed from grave site. Care and maintenance by the city does not include expenses for the construction and development of new grave spaces or interment structures to be sold to the public or watering nor repairing or replacement of markers or memorial structures of any nature.

Casket means a container which is designed for the encasement and viewing of a dead human body.

Cemetery means any cemetery owned and/or maintained by the city for the purpose of receiving the remains of deceased humans.

Cremation includes any mechanical or thermal process whereby a deceased human being is reduced to ashes. Cremation also includes any other mechanical or thermal process whereby human remains are pulverized, burned, recremented, or otherwise further reduced in size or quantity.

Funeral director means any person licensed in this state to practice funeral directing pursuant to the provisions of O.C.G.A. TIT. 43, CH. 18.

Funeral service means any service relating to the transportation, embalming, and interment of a deceased human being.

Interment means the burial of human remains, but shall not include the opening and closing of a grave space, crypt, or niche or the installation of a vault.

Owner means the lot, grave, or deed holder, the owner of burial rights, the owner of burial privilege, or a person with authority for collateral use of any burial lot as evidenced by a deed or by proved and recognized descent or device from the original owner.

Vault or outer burial container means an enclosure into which a casket is placed and includes, but is not limited to, containers made of concrete, steel, fiberglass, copper or other metals.

~~Sec. 30-2. -- Lot charges.~~

~~The purchase price of cemetery lots shall be as set forth in the schedule of fees and charges. City employees currently employed shall receive a discount as set forth in the schedule of fees and charges.~~

~~(Code 1986, § 5-3-2)~~

Sec. 30-2. Management, maintenance, and supervision of municipal cemeteries.

- (a) The responsibility for the management and operation of all municipal cemeteries shall be vested in the city clerk, and the maintenance and general supervision of all municipal cemeteries shall be vested in the superintendent director of public works.
- ~~(b) All existing city cemeteries shall be maintained in an orderly fashion and shall be cleaned at least once a year.~~
- (b) Cemeteries covered. All cemeteries owned and/or maintained by the city, or which may hereafter be acquired by the city, wheresoever situated, are hereby declared to be public burial grounds, subject to the provisions of this chapter.

- (c) The city reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterment's or removals, or installation of memorials, or transfer or conveyance of interment rights, including the right to substitute and convey in lieu thereof other interment rights of equal value or similar location as far as possible, or as may be selected by the city or, in the sole discretion of the city, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the city reserves and shall have the right to remove and transfer such remains so interred to the correct location or such other property of equal value and/or similar location as may be substituted and conveyed in lieu thereof. The city reserves the right to enlarge, reduce, replat or change the boundaries or grading of the cemetery or of a section or sections, from time to time, including right to modify or change the locations or remove or regrade roads, drives, trees, shrubs, flowers, landscaping, and walks.

~~Sec. 30-3. Maintenance of lots; location of graves on lot.~~

- ~~(a) In addition to the requirements of state law, all lot owners shall keep their lots neat and clean at all times and shall not abandon the cemetery lots; and no grave shall be dug closer than one foot from the side line of the grave lot.~~
- ~~(b) In no case shall a grave be dug unless a permit for the digging of a grave shall first be obtained from the city clerk. The city clerk shall verify that the proposed location of the grave is a valid location prior to the issuance of said permit. The fee for said burial permit shall be as set forth in the schedule of fees and charges.~~
- ~~(c) In no case shall one grave serve as a resting place for more than one body.~~
- ~~(d) The violation of this section shall be a misdemeanor and shall be punished pursuant to section 1-11 of this Code of Ordinances.~~

(Code 1986, § 5-3-4; Ord. No. 2001-11, § 1, 11-19-01; Ord. No. 2006-15, 8-7-06; Ord. No. 2014-07, 6-16-14)

Sec. 30-3. General rules and regulations.

The following rules and regulations shall apply in regard to the cemetery, including use and enforcement of this chapter, unless otherwise and specifically stated:

- (a) *Decorum.* Cemetery ground being sacredly devoted to the interment and repose of the dead, strict observance of decorum due to such a place will be required of all persons.
- (b) *Strangers in funeral zone.* Strangers shall not approach the grave at which a funeral is being conducted and when deemed necessary by the city clerk or upon request of the lot owner or his representative, a funeral zone may be established and properly marked and no one except persons attending the funeral will be permitted to trespass within its boundaries.

- (c) Places of entrance. No person shall enter nor shall any vehicle be propelled or driven into any cemetery except through the established gates and entrances thereof.
- (d) Sightseeing or heavy vehicles. Sightseeing vehicles or other heavy or cumbersome vehicles shall not enter any cemetery without permission of the city clerk.
- (e) Work suspended. Workers must suspend their labors within the immediate vicinity of a funeral until the conclusion of such service.
- (f) Vehicle speed. No vehicle shall be driven in any cemetery at any time at a speed greater than is reasonable and proper under all circumstances, and in no event in excess of 15 miles per hour.
- (g) Noise or disorderly conduct. No person shall make any improper noise or disturbance or use any profane or indecent language or conduct themselves in a disorderly manner in violation of state law or local ordinance within the limits of any cemetery.
- (h) Food or beverages prohibited. No person shall take any refreshments, food or intoxicating beverages of any kind within the boundary of the cemetery, unless for religious purposes, and except such food and temperate beverages as may be required by workers engaged therein.
- (i) Trespassing. Walking or driving through cemetery grounds to property or land outside of any cemetery for the purpose of saving time or distance is strictly prohibited.
- (j) Children. Children under the age of 16 shall not be allowed in cemeteries unless accompanied by their parents or other adults, except for the purpose of placing flowers on the grave of a deceased relative or friend or performing any other customary evidence of respect in accordance with their religious principles.
- (k) Animals. No animals shall be allowed in any cemetery except in the confines of a vehicle and must at all times be retained within the confines of the vehicle while the vehicle remains in the cemetery.
- (l) Rubbish. It shall be unlawful for any person to leave or scatter rubbish within the confines of the cemetery.
- (m) Vehicle traffic. No vehicle of any description shall be driven or propelled in the cemetery except upon the portions of the roadways set aside for vehicular traffic or for the purpose of opening a grave.

Sec. 30-4. Marking of lot boundaries; encroachments.

~~Lot purchasers shall have a city employee designate the corners of the lot purchased clearly prior to burial therein, and no lot owner shall encroach upon another lot.~~

(Code 1986, § 5-3-5)

Sec. 30-4 Grave site regulations.

- (a) *Owner's responsibilities.* In addition to the requirements of state law, local ordinances, and cemetery rules and regulations, all owners shall keep their lots neat and clean at all times, care for and maintain the headstones, and shall not abandon the cemetery lots.
- (b) *Care reserved.* In addition to the general care and maintenance by the city, if the owner fails to take care of the lot as required in Sec.30-4 (a), the city reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of all lots, headstones, and graves in the cemetery after ten (10) calendar days' notice to the next of kin has been made directing them to comply with the owner's responsibilities. A letter sent via first-class mail to the last known next of kin shall constitute sufficient notice under this subsection. The ten (10) calendar day notice period shall run from the date of mailing.
- (c) *Opening and closing of graves.* After a lot has been properly identified by the city clerk or a representative thereof and a permit has been issued, a grave may be opened and closed by a grave digger as contracted and directed by the funeral home conducting such funeral. No grave shall be dug closer than one foot from the side line of the grave lot. Furthermore, the closing of a grave shall include filling and tamping to ensure the least amount of future settling.
- (d) *Lot boundaries.* A city employee designates the corners of the lot purchased clearly prior to burial therein, and no lot owner shall encroach upon another lot.
- (e) *Grave mounds.* No grave mounds shall be permitted and graves shall be leveled with the lawn as soon as settling is complete.
- (f) *Location of grave.* No grave shall be placed so as to have an irregular appearance with graves on the same or adjoining lots.
- (g) *Fences, railings, walls, enclosures prohibited.* No fence, railing, coping, curb, wall, wall hedge or enclosure of any kind shall be located around or on any lot or grave site. The city reserves the right to remove and dispose of any of these items without notice and no responsibility for the return to owner will be assumed.
- (h) *Existing wall enclosures.* Any deteriorated or unsightly wall enclosure shall be the perpetual responsibility of the certificate or deed owner for removal or repair. The city reserves the right to remove any wall or fragments without notice to the owner, if deemed that the wall is deteriorated and unsightly and/or prevents the city from performing routine maintenance.
- (i) *All grave sites must be covered with grass.* It is expressly prohibited to outline a grave site with any material such as brick, brick stones, pebbles, gravel, landscape materials, etc.
- (j) *No objects are allowed on graves.* All objects or forms of decoration will be removed from gravesites without notice and with no responsibility for return to the owner; this includes trees, shrubs, plantings, flags, statuary, toys, cans, ornaments, all glass, crockery, Styrofoam, balloons, and any similar items.
- (k) *No grave site shall be illuminated by any means.* No lighting fixtures may be installed on a grave site, this includes staked solar lights or battery powered lights.

- (l) No one shall plant any plants, flowers or trees on a grave site.
- (m) Memorial flags. Memorial flags are defined as the American Flag with a staff of no more than 30 inches, and a flag no larger than 12 inches by 18 inches (12" x 18"). Memorial flags are allowed to be placed year-round, as long as the flag does not become unsightly.
- (n) Restricted use. Lots shall not be used for any purpose other than a place for the remains of human bodies or human cremains.
- (o) Mausoleums. The construction or placing of mausoleums upon lots in the cemetery shall not be permitted.

~~Sec. 30-5. Management; maintenance.~~

- ~~(a) The responsibility for the management, operation and maintenance and general supervision of all municipal cemeteries shall be vested in the superintendent of public works.~~
- ~~(b) All existing city cemeteries shall be maintained in an orderly fashion and shall be cleaned at least once a year.~~

(Code 1986, § 5-3-6)

Section 30-5. Flowers, trees and shrubbery.

- (a) Any artificial or fresh flowers, plants, or flora that become wilted and/or faded, may be removed and disposed of by the city or its representatives.
- (b) Artificial and fresh floral arrangements are permitted provided they are in a vase that is permanently mounted on the monument or memorial. One stand-alone staked vase is permitted at a grave site with the absence of a monument or where a flat in-ground monument is present. Any vase containing a floral arrangement that becomes unsightly may be removed and disposed of by the city or its representatives. Under no circumstances may vases of glass, porcelain, or similar substances be placed at a gravesite. Saddle arrangements on monuments are acceptable.
- (c) Freestanding hangers, brackets and other materials used for hanging plants, flowers or flags are not allowed. Wreaths or other similar religious items as customarily used during the Christmas/holiday season are permitted at a grave site if staked, mounted on an easel or stand, and no larger than 30 inches. Wreaths or other similar religious items will only be permitted during the Christmas/holiday season from Thanksgiving through January 10 and will be removed by the city or its representatives thereafter.
- (d) The city is not responsible for loss, theft, or damage of any type of floral arrangement and/or container placed within the cemetery.
- (e) Trimming trees and shrubbery. If any trees or shrubbery situated upon any lot, which by means of their roots, branches or otherwise, become detrimental to the adjacent lots or roadways of the cemeteries, or are unsightly or inconvenient to pedestrians or vehicles, it shall be the right and duty of the city to enter the lot and remove, cut back or trim such trees or shrubbery.

- (f) Protection to flowers, trees, shrubs. Except for the city or its representatives, no person shall cut, remove, injure, or carry away any flowers, shrubs, trees, plants, vines, or any growing thing in or from the cemetery.

~~Sec. 30-6. Enclosures.~~

~~Any fencing, curbing, or enclosure around burial plots that is installed by private parties shall require prior approval from the cemetery preservation commission before installation. Ongoing maintenance of said curbing, fencing, or enclosures shall be the perpetual responsibility of the installing parties.~~

~~(Code 1986, § 5-3-7; Ord. No. 2001-11, § 2, 11-19-01; Ord. No. 2004-12, § 1, 3-1-04)~~

Sec. 30-6. Deeds for lots.

- (a) The city clerk shall be authorized to take applications for cemetery lots according to the master plan drawn by the city engineer. The mayor or the mayor pro tem shall be authorized to execute deeds to cemetery lots in the city cemetery.
- (b) Persons holding a deed evidencing burial rights within the cemetery shall possess burial rights only to such cemetery lot but title to the burial lot shall remain in the city.
- (c) The city clerk shall keep such records as are necessary to properly identify the holders of burial rights.
- (d) If a deed is lost, misplaced, or destroyed and a replacement therefore is requested, the party requesting it may be required to furnish a bond and/or hold harmless agreement protecting the city from the consequences of such reissuance. The replacement certificate shall be appropriately designated as such.
- (e) Contents of deeds.
- (1) Deeds shall bear the name of the owner or owners, lot number, number of graves, legal description, sum of payment, name of cemetery and such other information as may be necessary and shall be signed by the city clerk.
- (f) Transfer of deeds. Burial rights shall be transferable and upon presentment of proper evidence of a lawful transfer, the city clerk may issue a new deed.
- (1) Transfer by court order. In the absence of a written order to the contrary, the city will, after the owner's death, honor a transfer of ownership by court order when presented for record to the city clerk.
- (2) Transfer by affidavit of descent. In cases where the owner is deceased and there is no estate to be probated, the heirs of the deceased shall submit an affidavit of descent to the city clerk, and upon submission of satisfactory evidence, approved by the city attorney, the clerk shall attach said affidavit to the corresponding deed(s) on file for future reference.
- (g) Burial designations. A lot owner or their legal representative may, at any time, designate in writing whom they wish buried in their lot or grave, forbid the burial of certain persons and have a record made of such desire with the city clerk.

- (h) Recording power to act. Power to act for the owner of any lot must be filed for record with the city clerk to become operative.
- (i) Sale subject to rules. Every lot or single grave sold is subject to the rules and regulations now in force or that may be hereafter adopted and to such changes of the present rules as are found necessary for the protection of lot owners and the remains of the dead.
- (j) Remuneration prohibited. It shall be unlawful for the owner of any lot to allow an interment to be made in any cemetery for remuneration.

(Code 1986, § 5-3-1)

Sec. 30-2 7. Lot charges.

- (a) The purchase price of cemetery lots shall be as set forth in the schedule of fees and charges. City employees currently employed shall receive a discount as set forth in the schedule of fees and charges.
- (b) Deposit of sales funds. All money received by the city clerk for the sale of lots in the city cemetery shall be deposited into the Cemetery Trust Fund.

(Code 1986, § 5-3-2)

Sec. 30-8. Interments.

- (a) Interments in the Kennesaw City Cemetery shall be classified in three ways:
 - (1) Burial in a casket and vault.
 - (2) Burial of cremains.
 - (3) Scattering of cremains.
- (b) Interment in casket and vault. Only one person shall be buried in a grave site. No casket shall be placed in a grave without the use of a vault as defined in section 30-1.
- (c) Interment cremations. Up to four cremains shall be permitted in one grave site. Cremains shall be placed in a container for burial. Cremains shall be buried and not scattered. Container for burial must fit within a 2' x 2' x 2' space.
- (d) Scattering cremations. Cremains shall be scattered only within the designated cremation garden areas and must be supervised and/or carried out by city staff.
- (e) Interment or burial permit required. No interment shall be permitted without a permit as required by law. This permit shall be issued by the city clerk or the city clerk's designee.
- (f) Interment or burial permit fees. Payment of interment or burial permit fees are paid to the city clerk at the time of issuance of the burial permit. Interment or burial permit

fees shall be fixed by the mayor and city council and set forth in the schedule of fees and charges on file with the office of the city clerk.

- (g) *Notice of funeral.* Notice of funeral, with identification of the grave, must be furnished to the city clerk within two business days if conducted during the week and three business days if conducted on the weekend.
- (h) *Control of funerals.* All funerals and interments in any cemetery shall be under the direction of the funeral home director. The funeral home director is solely responsible to make sure that all permits are issued by the city and that the grave is properly dug, in the correct location, and the grave properly filled after burial.
- (i) *Errors.* In the event an error is committed in the interment of the remains of any person, the city reserves the right to remove and reinter the remains in a vacant grave site of equal value and similar location within the cemetery, as may be substituted and conveyed in lieu of the mistaken property. The party who committed the error in opening the grave shall be responsible for all said costs. Under no circumstances will the city assume responsibility for errors in opening graves.

Sec. 30-9. Disinterment.

- (a) *Disinterment.* The city holds that a lot or grave once used for burial thereby becomes sacred ground and the city shall refuse to allow the body buried therein to be disinterred by except court order and the city reserves the right to refuse any such request except that of a court order.
- (b) *Funeral directors or a representative must be present for disinterment.*

Sec. 30-10. Monuments or headstones.

- (a) *Monuments or headstones.* Any installation of a headstone or monument must receive prior approval by the city clerk to allow for marking of installation site within lot lines. A monument or headstone should be designed with reference to the location in which it is to be placed, consideration being given to the number, size and character of monuments standing near it. Such monuments or headstones shall be constructed out of cut stone or real bronze, and no limestone, sandstone or any artificial material will be permitted. All foundations shall be built of solid masonry and shall be at least as wide and as long as the base stone resting upon it and must not project above the surface of the ground. Foundations for monuments and headstones shall rest upon concrete foundations installed by a monument company and be of a sufficient size to carry the load of the headstone or monuments. The city reserves the right to place an identification marker on any lot until such time that a permanent monument or headstone is placed.
- (b) *Monument with multiple cremains.* For a grave site with multiple "up to four" cremains, there shall be only one above ground monument containing names of the cremains or individual flush ground "markers" of the cremains.

- (c) Owners are responsible for the condition and maintenance of headstones. The city is not responsible for the condition or maintenance of headstones placed at grave sites within the cemetery. However, if the owner fails to maintain the headstone, the city reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of the headstones in the cemetery after ten (10) calendar days' notice to the next of kin has been made directing them to comply with the owner's responsibilities. A letter sent via first-class mail to the last known next of kin shall constitute sufficient notice under this subsection. The ten (10) calendar day notice period shall run from the date of mailing.
- (d) The city reserves the right to order the removal of any headstone or monument that contains any inappropriate or profane language, falls into disrepair, or constitutes a safety hazard.
- (e) Protection to markers, monuments, headstones or cemeteries. No person shall deface, injure, disturb, mark or write upon any marker, monument, headstone, fence or structure in the cemetery. In addition, no person shall disturb, deface, alter, or disrespect or injure any cemetery plot, casket, marker, or any other area within the boundary of the cemetery.

Sec. 30-11. Visiting hours.

No person shall enter or remain within any cemetery for the period beginning from sunset to sunrise, except workers employed by the city.

Sec. 30-12. Violation.

- (a) Any person performing any act forbidden by this chapter or failing to perform any act required by this chapter shall have breached this chapter and, upon conviction thereof, shall be punished as provided by section 1-11 and shall be responsible for all costs to correct any said violation.
- (b) State law. Any violation of state law shall also be considered a violation of this chapter.

Sec. 30-8-13. Subsequent regulations; nonliability of city.

- (a) The mayor and council reserve to themselves and their successors in office the right to alter, amend, modify, or add to the rules, regulations, conditions, and restrictions set forth in this chapter at any time it is deemed advisable to do so in order to carry out the purposes of this chapter.
- (b) There shall be no liability whatsoever, either tort or contractual, on the part of the city, or its officials or officers, or their successors in office, or its agents or employees, to any purchasers of any lots in the cemetery, or to any person holding under them, or

to the family or relatives of any person buried in the cemetery, or to any person or the family of such person who has erected any monument, marker, or mausoleum therein, by reason of any act, thing, omission, negligence, or otherwise relating to the cemetery. In accepting any conveyance of any burial lot, each purchaser agrees that all provisions of this chapter are valid and that ~~he and his~~ they and their heirs and assigns shall hold such lot subject to all the provisions of this chapter and subject to all amendments to this chapter made by the mayor and council.

(Code 1986, § 5-3-15; Ord. No. 2004-12, § 3, 3-1-04)

Sec. 30-14 – 30-30. – Reserved.

SECTION 2. BE IT FURTHER ORDAINED THAT this ordinance shall become effective from and after its adoption and execution by the Mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

ADOPTED THIS ____ DAY OF _____, 2023.

Derek Easterling, Mayor

Attest:

City Clerk

10/27/2023 10:27

MDJ-8202
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 November 6, 2023 at 6:30 p.m. in the City Council Chambers, Kennesaw City Hall at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia 30144 to consider an Ordinance to amend Chapter 30, entitled "Cemeteries", Article I, entitled "In General", of the Code of Ordinances of the City of Kennesaw, Georgia. A copy of the proposed Ordinance is 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.

10:27; 11:3-2023

ADD 10017

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Public Hearing

**MDJ-8202
GPN-16****NOTICE OF PUBLIC HEARING
CITY OF KENNESAW**

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10:27; 11:3-2023**MD IR217**



Item Report

TO: The Honorable Mayor and City Council
FROM: Lea Alvarez, City Clerk
DATE: November 6, 2023
TITLE: Approval of ORDINANCE to amend Chapter 2, "Administration," Article 1. "In General," Section 2-3, "Records," of the Code of Ordinances.

Summary:

To align with industry standards and promote greater accessibility for the public, the proposed text amendment will allow the Kennesaw Police Department and Kennesaw/Acworth 911 to handle their own open records requests. The City Clerk's office will handle all City Hall related requests. This public hearing was advertised in the Marietta Daily Journal on October 27, 2023 and on November 3, 2023.

Recommendation:

The City Clerk recommends approval.

Fiscal Impact:

Attachments:

1. ORDINANCE - Open Records Requests
2. 10-27-23 Legal Ad
3. 11-03-23 Legal Ad

**CITY OF KENNESAW
GEORGIA**

ORDINANCE NO. 2023-____, 2023

**AN ORDINANCE TO AMEND CHAPTER 2, "ADMINISTRATION,"
ARTICLE I, "IN GENERAL," SECTION 2-3, "RECORDS," OF THE
CODE OF ORDINANCES OF THE CITY OF KENNESAW, GEORGIA,
REGARDING OPEN RECORDS REQUESTS.**

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

SECTION 1. Chapter 2, Article I of the Code of Ordinances of the City of Kennesaw, Georgia, to amend section 2-3 of said Chapter by striking and adding the following:

Sec. 2-3. - Records.

- (a) Record retention. The city adopts the record management plan and record retention schedules recommended by the Georgia Secretary of State pursuant to Georgia Records Act, Article 5, O.C.G.A. § 50-18-90, as amended from time to time, by resolution by the mayor and council of the city of Kennesaw. A copy of such management plan and record retention schedule is on file in the office of the city clerk.

The city clerk shall be the records officer and deputy city clerk as authorized deputy records officer (O.C.G.A. 50-18-71(b)(1)(B)) and shall coordinate all records management for the city including storage, archiving and destruction of records, excluding the police department and municipal court.

The support services commander has been designated as the records manager for the police department as approved in the police department standard operating procedures manual. The municipal court clerk shall be designated as the records manager for the municipal court.

Records shall be maintained according to the approved retention schedule, and no record shall be destroyed except as provided in the approved retention schedule. Any changes to the retention schedules shall be adopted by resolution of the mayor and council.

- (b) Open record request. All requests made under the Georgia Open Records Act, O.C.G.A. § 50-18-70, as may be amended from time to time, ~~shall be made to the records officer.~~ shall be made to the city clerk, who is the designated records officer; except that open records requests for city police department records, incident/accident reports, and video footage shall be made to the city police department records supervisor or his/her designee, and open records requests for 911 records shall be made to the 911 Director or his/her designee.

(c) Minutes. The official record of the City of Kennesaw meetings shall consist of the written meeting minutes voted and accepted by the council at their next regularly scheduled meeting. The official record of every committee, agency, board, commission and authority shall consist of the written meeting minutes voted and accepted at the next regularly scheduled meeting of said committee, agency, board, commission and authority.

SECTION 2. BE IT FURTHER ORDAINED THAT this ordinance shall become effective on ____, and after its adoption and execution by the mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

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

ATTEST:

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor

10:27;11:3,2023	V
MDJ8218	Y
9pn16	N
NOTICE OF PUBLIC HEARING	V
CITY OF KENNESAW	V
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10:27;11:3,2023	N
MDJ8218	V
9pn16	Y
NOTICE OF PUBLIC HEARING	N
CITY OF KENNESAW	V
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10:27;11:3,2023	G
MDJ8218	V
9pn16	Y
NOTICE OF PUBLIC HEARING	N
CITY OF KENNESAW	V
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**NOTICE OF PUBLIC HEARING
CITY OF KENNESAW**

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10:27;11:3,2023



Item Report

TO: The Honorable Mayor and City Council

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

DATE: November 6, 2023

TITLE: Approval of ORDINANCE to amend Article II, "Recognition and Adoption of Standard Codes," of Chapter 18, "Buildings and Building Regulations," of the Code of Ordinances to enact a local amendment to the Georgia State Minimum Standard Plumbing Code.

Summary:

The City points to state law for all standard codes, including building, mechanical, plumbing, electrical, etc. The Metropolitan North Georgia Water Planning District required the City to adopt an amendment to the plumbing code that it follows, the International Plumbing Code, which is in essence the State Minimum Standard Plumbing Code. In Section 18-15, language was added to clarify that the City is now pointing to the International Plumbing Code, as amended. Section 18-132 articulates those amendments. These amendments will go into effect on January 1, 2024. Legal has reviewed. This public hearing was advertised in the Marietta Daily Journal on October 27, 2023 and on November 3, 2023.

Recommendation:

The City Attorney recommends approval.

Fiscal Impact:

Attachments:

1. ORDINANCE - Chapter 18 Amendments
2. 10-27-23 Legal Ad
3. 11-03-23 Legal Ad

**CITY OF KENNESAW
GEORGIA**

ORDINANCE NO. 2023-____, 2023

AN ORDINANCE TO AMEND SECTION 18-15 (ENTITLED GEORGIA STATE MINIMUM STANDARD CODES) OF ARTICLE II (ENTITLED RECOGNITION AND ADOPTION OF STANDARD CODES) OF CHAPTER 18 (ENTITLED BUILDINGS AND BUILDING REGULATIONS) AND TO AMEND ARTICLE VIII OF CHAPTER 18 TO ADD A NEW SECTION 18-132 TO BE ENTITLED “AMENDMENT TO THE STATE MINIMUM STANDARD PLUMBING CODE” 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, effective January 1, 2024, the Georgia State Minimum Standard Plumbing Code has been amended by the City of Kennesaw as follows:

That Section 18-15 of Article II of Chapter 18 of the City Code of Ordinances Kennesaw, Georgia is hereby amended by adding the underlined language to subparagraph (a)(4) to read as follows:

(4) International Plumbing Code, as amended as set forth in a new section: Chapter 18, Article VIII, Section 18-132;

That Article VIII of Chapter 18 of the City Code of Ordinances of Kennesaw, Georgia is hereby amended by adding a new section 18-132 to read as follows:

18-132. - AMENDMENT TO THE STATE MINIMUM STANDARD PLUMBING CODE (the following is to be read, applied, and enforced in conjunction with the Georgia State Minimum Standard Plumbing Code, as amended from time to time).

“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 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 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 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 gallons of water per minute at 80 pounds per square inch of pressure, 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 3½ gallons (13 L) per flushing cycle.
2. Vegetable sprays.
3. Clinical sinks having a water consumption not greater than 4½ gallons (17 L) per flushing cycle.
4. Laundry tray sinks and 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 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 & 2.0 gpm at 80 psi ^f
Kitchen faucet and replacement aerators	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, CaCO₃ 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 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."

BE IT ORDAINED THAT all ordinances, parts of ordinances, or regulations in conflict herewith are repealed as of the effective date of this ordinance.

BE IT FURTHER ORDAINED THAT should any section of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration **shall** not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

BE IT FURTHER ORDAINED THAT this ordinance shall become effective on January 1, 2024, and after its adoption and execution by the mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

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

ATTEST:

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor

[illegible]

MDJ8217

gpn16

**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 November 6, 2023 at 6:30 p.m. in the City Council Chambers, Kennesaw City Hall at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia 30144 to consider an Ordinance to amend Section 18-15 entitled "Georgia State Minimum Standard Codes" of Article II entitled "Recognition and Adoption of Standard Codes" of Chapter 18 entitled "Buildings and Building Regulations" and to amend Article VIII of Chapter 18 to add a new section 18-132 to be entitled "Amendment To The State Minimum Standard Plumbing Code" of the Code of Ordinances of the City of Kennesaw, Georgia in order to enact a local amendment to the Georgia State Minimum Standard Plumbing Code. A copy of the proposed Ordinance is 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.

10:27;11:3,2023

ADD 10210

**MINUTES OF CITY COUNCIL WORK SESSION MEETING
CITY OF KENNESAW
Council Chambers
October 9, 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.

Councilmember Antonio Jones arrived at 6:34 p.m.

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

9. Committee and Board Reports

10. Public Hearing(s)

- A. Consideration to approve a Land Use Permit application for the property located at 2800 Dominion Lane submitted by applicant Ali Jackson. Case #LU2023-02.

Zoning Administrator Darryl Simmons presented a land use permit application for the property located at 2800 Dominion Lane submitted by applicant Ali Jackson. Mr. Simmons explained that Ms. Jackson would like to bake and decorate cookies in her townhome. During the Planning Commission meeting on October 4, 2023, residents of the development spoke at the meeting regarding internal issues with their Home Owners Association's communication. Mr. Simmons explained that the city could not get involved in those issues. The HOA submitted a letter of approval for the proposed use. Mr. Simmons concluded all public notification requirements have been met.

- B. Approval of an ORDINANCE to amend the Unified Development Code, Appendix A, Chapters 4 and 5. Case #MISC2023-08

[Councilmember Jones arrived at 6:34 p.m.]

Zoning Administrator Darryl Simmons presented an ordinance to amend the Unified Development Code, Appendix A, Chapters 4 and 5. Mr. Simmons clarified that Chapter 4 was regarding additional language for the home occupation and business license process and Chapter 5 was a proposal from staff to amend the sign ordinance primarily giving exemptions to religious institutions for temporary signs. After legal review, there were issues with the proposed language, so Chapter 5 amendments will be withdrawn.

Councilmember Ferris saw the Planning Commission meeting last week, and the Commissioners brought up several issues. He asked if Mr. Simmons had done something to address the issues. Mr. Simmons replied there was some confusion regarding the two categories (Category A and Category B) in the Chapter 4 amendments and how the requirements will be regulated. The language talks about prohibiting a certain amount of deliveries. The question was raised as to how the city could regulate the amount of deliveries. Mr. Simmons responded the city would have to look at the volume of deliveries. There is a difference between getting a Rooms-To-Go delivery versus large, raw materials being delivered. Further, a question was raised about regulating the visiting hours for businesses that fall under Category B, such as a counselor or piano teacher. There is a set time for visitation from 8:00 a.m. to 8:00 p.m.

Councilmember Ferris said the term "deliveries" is too broad of a term for the Type A category. He asked Mayor Pro Tem Viars for some insight on how the deliveries are handled for Revival. Mayor Pro Tem Viars said Revival has a package room and every carrier knows how to get to the package room. She said she has never seen anyone

get an obscene number of deliveries. She is excited for Kennesaw to be so progressive. There is no other municipality that is doing this. She called and tried to find language and it did not exist. Mayor Pro Tem Viars stated that from a virtual office standpoint, deliveries are not a part of their business. She stated if you have to touch inventory, it needs to be coming from a warehouse somewhere, with you being in between, but it should not be coming to your house.

Mayor Easterling mentioned "bulk delivery" to describe the broad term "deliveries".

Mr. Simmons stated he would get with legal and come up with a term that is measurable.

11. Consent Agenda

- A. Approval of the September 25, 2023 City Council work session minutes.
- B. Approval of the October 2, 2023 City Council regular meeting minutes.

12. General and Administrative

- A. Consideration for approval of a Massage License for Huajian, LLC d/b/a A1 Feeling Massage located at 2839 Cherokee Street NW STE D Kennesaw, GA 30144. Applicant: Bangqiong Li.

Business License Manager LaMaya Edmonds presented a massage license for Huajian, LLC dba A1 Feeling Massage located at 2839 Cherokee Street NW, Suite D. Ms. Edmonds stated the applicant has a completed application on file and has met all requirements. The applicant was also notified regarding attendance at the regular meeting.

13. Public Safety

- A. Receipt of the September 2023 Crime Statistics.

Kennesaw Police Chief Bill Westenberger presented the September 2023 crime statistics.

14. Information Technology

15. Public Works

16. Recreation and Culture

- A. Consideration to approve the Day With Santa road closure extension.

Parks and Recreation Director Bill McNair presented a road closure extension for the Day of Santa event. The city's annual Day with Santa is on December 5, 2023. Parks and Recreation staff is requesting to extend the Watts Drive road closure from Little General Cloggers Lane to Dallas Street. This closure will be from 10:00 a.m. to 8:00 p.m. Before, the road was closed from Little General Cloggers Lane to Main Street. Residents should be able to get in and out of Revival.

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

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.

Motion by Councilmember Burnette to enter into Executive Session as allowed by O.C.G.A. Sec. 50-14-3 for the purpose of discussing personnel. Motion seconded by Mayor Pro Tem Viars.

After receiving visual and verbal confirmation from the Council, the motion was approved unanimously, 5-0. Motion carried.

6:46 p.m. Recess to Executive Session

The Mayor, City Council, and City Attorney attended the Executive Session.

6:53 p.m. Reconvene to Open Session

Councilmember Burnette read the Board back into Open Session and directed the Mayor and City Council to execute an affidavit in compliance with O.C.G.A. Sec. 50-14-4. Motion seconded by Mayor Pro Tem Viars.

After receiving visual and verbal confirmation from the Council, the motion was approved unanimously, 5-0. Motion carried.

23. Adjourn

Mayor Easterling adjourned the meeting at 6:53 p.m. The regular meeting will be held

on Monday, October 16, 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

DRAFT

**MINUTES OF CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
October 16, 2023
6:30 PM**

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

City Attorney Randall Bentley, Sr. led the Invocation.

2. Pledge of Allegiance

City Resident 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

JONATHON BOTHERS [City Resident and Candidate for City Council, Post 1]: Mr. Bothers has been living in the City of Kennesaw for two decades and has seen a lot of change during that time. He mentioned Swift-Cantrell Park did not exist when he moved here. There are great changes that have happened and will continue to happen in the city, and Mr. Bothers would like to be a part of them. The reason his family moved to the city was because it had a small town feel. Mr. Bothers is running because he believes he is able to help the city move forward. He believes the city can still be great despite the large number of apartments and traffic here. He believes in putting the city and our citizens first. He told the audience if they believe the same, they can visit jon4kennesaw.com and vote for him on November 7, 2023.

ANTHONY GUTIERREZ [City Resident and Candidate for City Council, Post 2]: Mr. Gutierrez stated because this will be the last time he can address the Council on air, instead of wasting time in reintroducing himself or giving a long-winded story about the campaign trail, he will be spit-firing what he believes and what his campaign is built upon. The first issue he mentioned was term limits. Mr. Gutierrez believes the age of the career politician needs to end from the federal level to the local level. He stated being a politician is supposed to be an act of civil servitude, not a career. He shared a three-term limit for the mayor and city council is a necessity. His second issue was regarding energy independence. Mr. Gutierrez believes Georgia Power is a monopoly and what they say goes. The city pays all of their investments and Georgia Power reaps all of the benefits. The citizens' reward at the end of the month is a higher bill. He stated our city should help its citizens to invest in renewable energy through a tax credit and help them save an average of \$1,500 on their electric bills.

Mr. Gutierrez' third issue was instant runoff voting. He said our last city council election had a candidate win despite only receiving 18% of the vote. A system where 82% of the vote does not go to the winner is outdated and flawed. Instant runoff elections would prevent this from happening again. His fourth issue was regarding the end to luxury apartments. Mr. Gutierrez believes these so-called "luxury apartments" only crowd our roads, increase our rents, raise our costs of living, and ultimately, lead our government resources to run thin, which then raises our taxes. Instead of investing in bringing new people to Kennesaw, he asked the Council to focus on the ones already living here. Mr. Gutierrez addressed the public and stated if they do not like the direction Kennesaw is heading, there is only one way to stop it, and it is to use their vote. Further, he shared that if they are as tired and upset as he is, go tell their friends about his campaign. He concluded by saying this is how they can get their Kennesaw back. To learn more, visit anthony4kennesaw.com.

MADELYN OROCHENA [City Resident and Candidate for City Council, Post 1]: Ms. Orochena shared that there were 25 people that voted early today, so she hopes it picks up a little bit more. Further, she hopes the city turns out the vote this time. She reminded people that election day is November 7, 2023. If the public would like to learn more about her, she encouraged them to visit madelyn4kennesaw.com.

Mayor Easterling opened the floor for the public to comment on anything on the agenda.

6:39 p.m. Floor Open for Public Comments

No comments.

6:40 p.m. Floor Closed for Public Comments

7. Old Business

8. New Business

9. Committee and Board Reports

10. Public Hearing(s)

- A. Consideration to approve a Land Use Permit application for the property located at 2800 Dominion Lane submitted by applicant Ali Jackson. Case #LU2023-02.

Zoning Administrator Darryl Simmons presented a land use permit application for the property located at 2800 Dominion Lane submitted by applicant Ali Jackson. The applicant has submitted the application for the decoration of cookies within the residential unit utilizing regular household supplies and appliances. The applicant followed all of the public notification requirements. Staff received approval from the Homeowners Association regarding this proposed use application. On October 4, 2023, the Planning Commission voted to approve the land use permit application with conditions as outlined in the staff analysis. The use of the residential unit is in compliance with current home occupation standards.

Motion by Councilmember Jones to approve the land use permit application for the property located at 2800 Dominion Lane submitted by applicant Ali Jackson, as presented. Seconded by Councilmember Ferris.

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

No comments.

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

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

- B. Approval of an ORDINANCE to amend the Unified Development Code, Appendix A, Chapters 4 and 5. Case #MISC2023-08

Zoning Administrator Darryl Simmons presented an ordinance to amend the Unified Development Code, Appendix A, Chapter 4 and 5. The legal ads that ran for these amendments noted Chapters 4 and 5 of the Unified Development Code. Chapter 4

deals with home occupation and Chapter 5 deals with amendments proposed by staff for temporary banners. Upon review, Mr. Simmons requested withdrawing the amendments proposed for Chapter 5 due to potential legal challenges; however, because it was advertised, a public hearing on Chapter 5 will still need to be had. Moving on to Chapter 4, Mr. Simmons mentioned one of the words was not stricken from 4.04.05(B)(1). The code section should read as the following, "In Type A home occupations, resident(s) use their home as a Virtual Home Office only. Employees, clients, or customers are prohibited from coming to the residence." What was removed was the term "delivery personnel." Including this term would be counterproductive to what the city is trying to accomplish due to delivery personnel visiting every residence within the city.

Staff have noted that since COVID, people have been using their homes as administrative offices. Because of that, there have been many inquiries into how the city was going to document this use properly. The proposed amendments went before the Planning Commission on October 4, 2023, which included discussions on how the city defines "deliveries" and "delivery personnel." Staff spent the last week reviewing these questions with the city's legal team and the conclusion by all parties was that it would be indefensible to prohibit delivery personnel from coming to residences. Since the city cannot differentiate personal delivery from home office delivery, it is impossible to enforce that. Mr. Simmons concluded that the best option is to eliminate any reference to prohibiting deliveries at the home as it pertains to Type B of the home occupation definition.

6:50 p.m. Floor Open for Public Comments

No comments.

6:51 p.m. Floor Closed for Public Comments

Motion by Councilmember Sinclair to divide item 10.B. Seconded by Mayor Pro Tem Viars.

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

Motion by Mayor Pro Tem Viars to approve [ORDINANCE NO. 2023-17, 2023](#) to amend the Unified Development Code, Appendix A, Chapter 4, as presented, including striking "delivery personnel" from 4.04.05 (B)(1) and the entirety of 4.04.05(D)(2) as requested by Councilmember Ferris. Seconded by Councilmember Jones.

Councilmember Jones asked if we have a Department of Development Services as referenced in 4.04.05(C)(8). Mr. Simmons replied that it had been removed and replaced by the Business License Department and Code Enforcement.

Councilmember Ferris stated he talked about his concerns regarding deliveries last week. He referenced 4.04.05(B)(1) and 4.04.05(D)(2) and finds them unenforceable.

Councilmember Ferris understands that the Type A business license is meant to be restrictive, but what is being proposed as far as delivery is too restrictive. How can we tell the United States Postal Service you cannot make deliveries to residences? Mr. Simmons said those requirements are being removed.

Mayor Pro Tem Viars stated she was the one who brought this idea up. Kennesaw is a university town and an incubator for start-ups and entrepreneurs. She has called other cities and no one has an ordinance in place that addresses this topic. Mayor Pro Tem Viars stated this language is progressive and that it is how a majority of people are working today. She appreciates Mr. Simmons' efforts and the work he did to accomplish these text amendments.

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

Motion by Mayor Pro Tem Viars to accept the withdrawal of ORDINANCE to amend the Unified Development Code, Appendix A, Chapter 5. Seconded by Councilmember Ferris.

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

11. Consent Agenda

- A. Approval of the September 25, 2023 City Council work session minutes.
- B. Approval of the October 2, 2023 City Council regular meeting minutes.
- C. Approval of RESOLUTION authorizing contract amendment regarding the City Clerk.

RESOLUTION NO. 2023-46, 2023

- D. Consideration to approve the Day With Santa road closure extension.
- E. On October 9, 2023, Gary Craft purchased three (3) cemetery lots in Kennesaw City Cemetery. This lot is located in Section III, Plot 11, Lots B,C and D. Requesting authorization for the Mayor to sign a supporting deed for the purchase of this lot. The City Clerk recommends approval.

Motion by Councilmember Jones to approve the Consent Agenda, engross. Seconded by Councilmember Burnette.

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

12. General and Administrative

- A. Consideration for approval of a Massage License for Huajian, LLC d/b/a A1 Feeling Massage located at 2839 Cherokee Street NW STE D Kennesaw, GA 30144. Applicant: Bangqiong Li.

Business License Manager LaMaya Edmonds presented a Massage License for Huajian, LLC d/b/a A1 Feeling Massage located at 2839 Cherokee Street NW, Suite D.

The applicant has submitted all required documents and has included their State of Georgia massage license.

Motion by Mayor Pro Tem Viars to approve a Massage License for Huajian, LLC d/b/a A1 Feeling Massage located at 2839 Cherokee Street NW, Suite D, as presented. Seconded by Councilmember Sinclair.

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

13. Public Safety

A. Receipt of the September 2023 Crime Statistics.

Captain Ricky Shumpert presented the crime statistics for September 2023 (See **Exhibit A**).

Motion by Councilmember Sinclair to receive the September 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

7:02 p.m. Floor Open for Public Comments

LEWIS BRAMLETT [City Resident]: Mr. Bramlett provided insight as to the possible date of a photo frequently used to represent early Downtown Kennesaw (See **Exhibit B**).

7:04 p.m. Floor Closed for Public Comments

19. City Manager's Report

A. Reports, Discussions, and Updates

Dr. Drobney shared the City of Kennesaw has a busy few weeks coming up. Life in the Cemetery is fast approaching starting Friday, October 20, 2023 through Sunday, October 22, 2023. Tickets are almost sold out! On Friday, October 27, 2023, Tales from the Rails is happening at the Southern Museum as well as the downtown Candy Crawl. On Saturday, October 28, 2023, Nightmare on Main is taking place, which is the final 5K of the year. On Friday, November 3, 2023, it is the VIP night for the Holiday Market at the Ben Robertson Community Center. The public Holiday Market is open on November 4, 2023, which is also the same day as Taste of Kennesaw. Dr. Drobney

invited everyone to come out and enjoy all of the events!

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

Councilmember Sinclair commends Mayor Pro Tem Viars for the home occupation ordinance amendments as well as the speed at which Darryl and staff moved from the idea to the execution. Sometimes, local government gets a bad reputation for being slow, but these changes were incredibly fast.

Councilmember Jones has found out he and his wife are expecting twins. He is excited about the Life in the Cemetery event this week as it was a wonderful event last year.

Councilmember Burnette is running for reelection to City Council Post 1. She is excited to serve over 34,000 citizens here in the city. Councilmember Burnette is looking forward to using her business experience to make decisions for the city and to continue to see Kennesaw grow and prosper. Kennesaw has great things coming.

Councilmember Ferris said Dr. Drobney stole his thunder. He loves this time of year with all of the city's events. He recognized the high-quality staff and all the planning that went into them.

Mayor Pro Tem Viars is running for reelection to City Council Post 2. She mentioned a candidate forum that was held last week. Approximately 20 people attended the forum. The organization that ran it said without a state governor or presidential candidate on the ballot, we could expect 8% participation. She said we needed to do better than that. City elections are non-partisan. The team we all play for is Kennesaw, and the policies we pass can impact your life greatly. She implored everyone to get out and vote and not let someone else decide for them. Early voting started today! She exclaimed Vote Viars!

22. Executive Session

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

23. Adjourn

Mayor Easterling adjourned the meeting at 7:12 p.m. The next regularly scheduled meeting will be held Monday, October 30, 2023 at 6:30 p.m. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.

DRAFT



September 2023 Crime Statistics

Summary

September 2023 Group A Offenses (119) increased by 5% compared to September 2022 (115). A vast majority of the crimes reported in September 2023 were Assault Offenses (40). This trend is also present in the data collected for crimes reported in September 2022. Assault Offenses account for approximately 34% (40) of the crimes that have occurred within our jurisdiction in September 2023. Out of the 600 traffic stops in September 2023, (863) resulted in Citations and 18% (135) Warnings. There were a total of 73 Adult Arrests that took place during the month, which is a 15% decrease from September 2022 (86).

There were 1,223 traffic accidents YTD, 140 of which were classified as Hit and Run. Of the 1,223 accidents 111 had injuries, and 9 involved a pedestrian. YTD 2022 total accidents (1,231) are up compared to 1,223 YTD 2022.

Crimes	September 2023	September 2022	YTD (01/01/2023) – (09/30/2023)	YTD (01/01/2022) – (09/30/2022)
Assault Offenses	40	27	283	236
Motor Vehicle Theft	2	0	14	20
Burglary	2	3	23	19
Homicide	0	0	0	0
Larceny	20	31	196	219
Sex Offenses	1	2	15	20
Robbery	2	1	9	4
Total	67	64	540	518

	September 2023	September 2022	YTD (01/01/2023) – (09/30/2023)	YTD (01/01/2022) – (09/30/2022)
Dispatched Calls for Service	442 (-484)	926	5,333 (-2,086)	7,419
Self-Initiated Activity	845 (-129)	974	9,187 (+587)	8,600
Traffic Citations	863 (-93)	956	9,314 (+2,384)	6,930
Traffic Warnings*	155 (-310)	465	2,304 (-1,411)	3,715
Arrests*	73 (-13)	86	817 (+79)	738

*Warnings do not include verbal warnings

*Arrest statistics does not include juveniles

Bill Westenberger
Chief of Police



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



Bayleigh Brown
Crime/ Intelligence
Analyst

KENNESAW HISTORY

Kennesaw, c. 1893-1901

Right: Downtown
Kennesaw, from GSU

Below: The 1901 *General*
Monument



The photograph above on the right, from Georgia State University, is often used to represent early Downtown Kennesaw. The fascinating image was taken from Main Street looking across the railroad tracks towards the depot. Interestingly, the photo shows how much the tracks have been built up over the years. The photographer was J. C. Stokely of Acworth, but there are some questions as to when the photo was made. Several clues, however, offer insight.

On the right is the current Kennesaw Depot, which according to newspaper accounts was built in 1893. Behind it, the earlier 1870s depot is shown, which was moved away from the tracks when the current depot was built. The water tower shown on the left was constructed by the Nashville, Chattanooga, and St. Louis Railway at the same time the current depot was built. All of these details mean the photo was taken after 1893.

Not shown on the left of Stokely's image is the monument to the *General* that was erected by the railroad in 1901 and is now a part of Commemorative Park. Because the monument is not depicted, the photo must have been taken before 1901.

Presented by Andrew J. Bramlett
at the October 16, 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

10/16/2023

Public Comment Sign-in

	Name	Address	Topic
1	LEWIS BRANLETT	2990 Summerfield Ct Ksaw	local history
2	Jon Bothner	2707 Denia Ct	—
3	Anthony Gutierrez		
4	Madelyn Orochena		candidate
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
19			



Item Report

TO: The Honorable Mayor and City Council
FROM: Ricky Stewart, Public Works Director
DATE: November 6, 2023
TITLE: Consideration to Authorize Purchase of Vehicles Approved in the FY24 Budget.

Summary:

Council approved the purchase of vehicles for Parks and Recreation, Building Services and Stormwater Utility. Using the State contracts available through the Georgia Department of Administration, the City is able to purchase the following from Hardy Family Ford:

2024 Ford Transit 350 van (P&R).....	\$55,524.85
2024 Ford F-450 truck (P&R).....	\$70,804.00
2024 Explorer 4X2 (B.S.).....	\$39,899.00
2024 Explorer 4X4 (SWU).....	\$43,509.70

The total cost for the purchase of these vehicles is \$209,737.55. The total available budgeted funds is \$213,642.00.

Recommendation:

The Public Works Director recommends authorization to purchase the vehicles.

Fiscal Impact:

Park and Recreation: 230.6100.54.220000.00000
 Building Services: 100.1060.54.220000.00000
 Stormwater Utility: 560.4320.54.220000.00000

Attachments:

None



Item Report

TO: The Honorable Mayor and City Council

FROM: Robbie Balenger, Building & Facilities Manager

DATE: November 6, 2023

TITLE: Approval of RESOLUTION authorizing the Mayor and Council to approve an additional \$35,151 for final repairs to complete the restoration of the Kennesaw Depot Building as part of the Depot Park Master Plan.

Summary:

During the repairs to the foundation of the Depot building, it was determined that the electrical wiring was in need of replacement and the windows and doors needed to be repaired and reglazed. In addition, the Depot exterior needs to be painted from all of the replacement materials installed to repair the deteriorated wood. The proposal from Gay Construction is to install a new electrical panel and associated wiring throughout the Depot building, painting of the exterior, repair and reglazing of the windows, and replacement of the door thresholds. The Mayor and Council originally authorized \$350,000 - this will bring the total authorization to \$385,151.

Recommendation:

Facility Director recommends approval.

Fiscal Impact:

\$35,151 State and Local Fiscal Recovery Funds

Attachments:

1. RESOLUTION - Depot Building Additional Repairs
2. Exhibit A - Train Depot 10.17.2023

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2023-__, 2023

**RESOLUTION AUTHORIZING THE MAYOR AND COUNCIL TO APPROVE AN
ADDITIONAL \$35,151 FOR FINAL REPAIRS TO COMPLETE THE RESTORATION
OF THE KENNESAW DEPOT BUILDING AS PART OF THE DEPOT PARK MASTER
PLAN.**

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

WHEREAS, Gay Construction Company has been doing emergency repair work on the Kennesaw Depot building to ensure the safety of visitors and the structural integrity of the historic landmark; and

WHEREAS, through Resolution 2023-15, the Mayor and Council approved a budget of \$350,000 to perform the necessary repairs; and

WHEREAS, during the repairs to the foundation of the Depot building, it was determined that the electrical wiring was in need of replacement, the windows and doors needed to be repaired and reglazed, and the exterior of the building needs to be painted; and

WHEREAS, Gay Construction Company provided a cost proposal of \$35,151 to complete the aforementioned, final repairs, which would bring the total budget authorization to \$385,151.

BE IT RESOLVED the City of Kennesaw Mayor and Council authorize the use of additional ARPA Funds in the amount of \$35,151 to Gay construction Company to perform described work as shown in Exhibit A.

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

ATTEST:

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor

Division		Labor	Material	Subcontractor	Equipment	Total
1	General Conditions	-	-	-	-	-
1.1	Project Requirements	-	-	-	-	-
2	Existing Conditions	-	-	-	-	-
3	Concrete	-	-	-	-	-
4	Masonry	-	-	-	-	-
5	Metals	-	-	-	-	-
6	Wood, Plastics, and Composites	1,360	5,445	-	-	6,805
7	Thermal and Moisture Protection	-	-	-	-	-
8	Openings	680	1,089	4,518	-	6,287
9	Finishes	-	-	18,301	-	18,301
10	Specialties	-	-	-	-	-
11	Equipment	-	-	-	-	-
12	Furnishings	-	-	-	-	-
13	Special Construction	-	-	-	-	-
14	Conveying Equipment	-	-	-	-	-
21	Fire Suppression	-	-	-	-	-
22	Plumbing	-	-	-	-	-
23	Heating, Ventilation & Air Conditioning	-	-	-	-	-
26	Electrical / Fire Alarm	-	-	18,976	-	18,976
27	Communications	-	-	-	-	-
28	Electronic Safety & Security	-	-	-	-	-
31	Earthwork	-	-	-	-	-
32	Exterior Improvements	-	-	-	-	-
33	Utilities	-	-	-	-	-
TOTALS		2,040	6,534	41,795	-	50,369

BURDEN:

Labor	36.00%
Material Sales Tax	8.90%
General Liability Insurance	0.40%
Equipment	2.00%
Contingency	5.00%
Escalation	0.00%
Fee	4.75%

Building Permit	\$0
Business License	\$0
P & P Bond	\$0
Sub Bonds Premium	\$0
Builder's Risk Premium	\$0
Special/Other Insurance Premium	\$0
Subtotal	\$50,369
Contingency	\$0
Fee	\$2,393
Escalation Allowance	\$0
Grand Total	\$52,761

Page 86 of 159

Page 87 of 159



Item Report

TO: The Honorable Mayor and City Council
FROM: Darryl Simmons, Zoning Administrator
DATE: November 6, 2023
TITLE: Amendment to approved Public Art Exhibit #PA 2023-02

Summary:

The Mayor and City Council approved the location of the Bell Tower Art Exhibit #PA 2023-02 on April 17, 2023. The approved site was at Commemorative Park located at 2870 North Main Street. City staff determined through additional site analysis that the approved location would create challenges during installation, as well as not having the maximum visibility of the Bell Tower for the general public.

Recommendation:

City staff recommends the alternative site as presented in this agenda item. The new proposed location is identified as 2829 Cherokee Street. This parcel is owned and maintained by the City of Kennesaw and is located on the corner of Cherokee Street and North Main Street. This plaza contains 0.11 acres. The new location is highly visible and allows easier access for installation, display and maintenance.

Fiscal Impact:

Attachments:

1. New proposed location on Main Street
2. New Main street location site photos
3. New location on N.Main st site photos
4. Previously approved location "A" in commemorative park
5. 2023-04-17 Minutes
6. Bell Tower Quote



J O STEPHENSON AVE

CHEROKEE ST

SHIRLEY DR

20013800810

20013800780

20013800800

WATTS DR

SOUTH MAIN ST





Sign Location “A”



Sign Location “B”



Public Notice

Project Address: 2870 North Main St

**This sign serves as written notice for public art
per section 2.03.05**

**The following public hearings will take place for a public art
exhibit application. All meetings will be held in the City
Hall Council Chambers at 2529 JO Stephenson Ave.**

Meeting Dates

Historic Preservation Commission - March 31, 2023 @8:00am

Art and Culture Commission - April 6, 2023 @5:30pm

Mayor and Council - April 17, 2023 @6:30pm

**Should you have any questions, contact Planning & Zoning
at (770)424-8274 or [zoningdept@ ennesaw-ga.gov](mailto:zoningdept@ennesaw-ga.gov)**

**MINUTES OF MAYOR & CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
Monday, April 17, 2023
6:30 p.m.**

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

I. INVOCATION

City Attorney Randall Bentley, Sr. led the invocation.

II. PLEDGE OF ALLEGIANCE

City resident Ray Fregeolle led the Pledge of Allegiance.

III. CALL TO ORDER

Mayor Easterling called the meeting to order at 6:30 P.M.

IV. ANNOUNCEMENTS

- A. This public meeting is being conducted via the use of real-time telephonic technologies 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 through Zoom Meeting and Facebook Live and you can access the meeting via the following link:
<https://www.facebook.com/CityofKennesaw/>
- B. If you would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 P.M. the night of the regular meeting. Your 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.**

[The City Attorney swore-in any witnesses or individuals offering comments on the agenda].

V. PRESENTATIONS

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

6:32 P.M. Floor Open for Public Comments

MARTY HUGHES [Assistant City Manager]: Mr. Hughes read a summary of emails submitted to kennesawcouncil@kennesaw-ga.gov supporting agenda item X.A from: Anne Atkins; Bradley Stephens; Erica Sharifzadeh; Holly Lacour; Jill Smith; Jim Davis; Kim Meachum; Kristen Thomas; Mary Miller; Nina West; Patricia Hill; Sha Huang; Shannon Sikorski; Sherry Rosen; and Valarie Dibble. **(See Exhibit A)**

6:35 P.M. Floor Closed for Public Comments

VII. OLD BUSINESS

No items.

VIII. NEW BUSINESS

No items.

IX. COMMITTEE AND BOARD REPORTS

No items.

X. PUBLIC HEARING(S)

[The City Attorney swore-in any witnesses or individuals offering comments on the agenda].

- A. Consideration of approval for a public arts exhibit application submitted by Sean Mills for property located at 2871 North Main Street. Case #PA2023-01.

The applicant presented a mural art exhibit application to staff for the subject location. The proposal is to install mural art on the boarded-up windows and door opening facing Main Street. The property was the former location for the Whistle Stop Restaurant. The building is currently vacant. The applicant submitted the art concept for the location. The required approval process involves public meetings before the Art and Culture Commission on April 6, 2023, the Historic Preservation Commission on March 31, 2023 and Mayor and City Council on April 17, 2023. The Historic Preservation Commission must reschedule their meeting due to lack of quorum on March 31, 2023. The city staff followed the public notification procedures as per adopted code by posting signs at the subject property and mailing of letters to the adjacent property owners.

Planning and Zoning Administrator Darryl Simmons presented a public arts exhibit submitted by Sean Mills for property located at 2871 North Main Street. This exhibit is a temporary mural installed on existing plywood used to board the windows and doors on the former Whistle Stop restaurant building, which will help beautify the property, particularly in time for the upcoming Big Shanty Festival. Mr. Simmons made it known this temporary installation will be on display for six months, which is the scope of the

submittal. All public meeting and notice protocols were followed. The required approval process involved public meetings before the Kennesaw Art and Culture Commission (KACC) on April 6, 2023 and the Historic Preservation Commission (HPC) on April 17, 2023, in lieu of the HPC meeting that was cancelled due to lack of quorum on March 31, 2023. Art and Culture Commission recommend approval with the following optional recommendations: a QR Code, for the public to get additional information about the exhibit as well as more male faces present within the artwork.

Motion by Mayor Pro Tem Viars to approve a public arts exhibit application submitted by Sean Mills for property located at 2871 North Main Street for a period of 6 months, including the recommendations by Historic Preservation Commission and Kennesaw Art and Culture Commission to add a QR code and additional male faces, as presented. Seconded by Councilmember Jones.

6:40 P.M. Floor Open for Public Comments

Mayor Pro Tem Viars posed the question if the artist were to change the gender of the people in the panels, would that affect the approval process that has already been set into motion. Mr. Simmons replied no, the intention behind changing the gender in some of the panels was to help represent everyday people. He also noted that KACC was walking a fine line between satisfying code and allowing for artistic expression. The artist would have to be willing to make the changes to the work as well. The artist, Sean Mills, then came up and spoke about how he is open making the suggested changes and welcomes the opportunity to collaborate with the community.

6:43 P.M. Floor Closed for Public Comments

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

- B. Consideration of approval for a public arts exhibit application submitted by The City of Kennesaw for property located at 2870 N Main Street. Case #PA2023-02.

The City of Kennesaw in collaboration with the Kennesaw State University Master Craftsman program, solicited the art students to present concepts that would be considered for a single selection for approval, fabrication and placement within the veteran's memorial park located on Main Street. The city staff identified two possible locations for the selected sculpture within the veteran's memorial park property. The required approval process involves public meetings before the Art and Culture Commission on April 6, 2023, the Historic Preservation Commission on March 31, 2023 and Mayor and City Council on April 17, 2023. The Historic Preservation Commission must reschedule their meeting due to lack of quorum on March 31, 2023. The city staff followed the public notification procedures as per adopted code by posting signs at the subject property and mailing of letters to the adjacent property owners.

Planning and Zoning Administrator Darryl Simmons presented a public arts exhibit application submitted by the City of Kennesaw for property located at 2870 North Main Street. Mr. Simmons explained this application was a collaboration with students in the Kennesaw State University's (KSU) Master Craftsman Program. The location for the

proposed artwork would be in the Veterans' Memorial Park on Main Street. An internal panel reviewed the proposals for things such as liability, maintenance, and appropriateness. Five pieces were considered. Mr. Simmons went through each piece and its unique materials, shape and dimensions. He highlighted the two recommendations that were given by the Historic Preservation Commission (HPC) and the Kennesaw Art and Culture Commission (KACC).

The first recommendation was regarding the location of the art within the park. HPC and KACC both recommended location A within the park for any piece that was selected. The second recommendation was regarding which proposal to install within the park. The KACC recommended the Bell Tower piece as the selected work with the second option piece to be the Fallen Poppies piece. If the Bell Tower is selected, the KACC recommended the height be changed from sixteen feet to ten feet in addition to a rope or interactive element for the bell, a color coordination with other works, and instructions on when to ring the bell. If the Fallen Poppies is selected, the recommendation would be to raise this piece an additional ten feet to discourage touching by the public as well as add a plaque with poetry. Mr. Simmons noted this is a permanent installation under the protocol and guidance of the city once installed. The HPC recommendation was to follow the recommendation of the KACC. Mayor Easterling asked about a remote operated ringer for the Bell Tower. Planning and Zoning Administrator Simmons said that the HPC and KACC would leave that up to the City's discretion.

6:55 P.M. Floor Open for Public Comments

The Mayor briefly conversed with the city attorney to make sure his order of parliamentary procedure was correct before allowing the rest of council to speak on their thoughts about the projects presented. City Attorney Randall Bentley, Sr, swore in citizen Tanju Bayramoglu during public comment to lend his support to the Willow Tree Design. Artist Sean Mills gave some background on the group of pieces selected, noting which pieces were done by students and which were done by professors. Mayor Easterling brought up Mr. Simmons to reassure the public that the selection of a piece for this location was just the beginning and they will be considering the pieces not selected to go elsewhere in the city. Councilmember Jones selected the Bell Tower, suggested that there be a QR code with the lives and stories of veterans, and praised the use of other art being used around the city. Councilmember Ferris stated that he was not in support of any of the artwork presented and that he would like to place something in Depot Park instead. Councilmember Burnett chose the Bell Tower. Mayor Pro Tem Viars loved the Tree and the Fallen Poppies pieces, but she went with the Bell Tower because it felt more appropriate. She also asked about the lower height being too accessible to the public. Mr. Simmons replied that it would be at the discretion of the artist depending on the space that was selected in order to be as safe as possible. Mayor Easterling then clarified if Council agreed on location A and then Councilmember Sinclair agreed that he liked the Bell Tower piece in location A. Mayor Easterling noted Councilmember Ferris' opposition.

7:06 P.M. Floor Closed for Public Comments

Mayor Pro Tem Viars made a motion to approve a public arts exhibit application submitted by The City of Kennesaw for property located at 2870 N Main Street, which is the permanent installation of the Bell Tower in location A to be between 10 feet and 16 feet in height, as presented. Seconded by Councilmember Burnette.

Vote taken, motion approved, 4-1. (*Councilmember Ferris Opposed*). Motion carried.

- C. Consideration of approval for a public arts exhibit application submitted by The City of Kennesaw for property located at 2820 Cherokee Street. Case #PA2023-03

The City of Kennesaw proposes to relocate an existing sculpture from the present location at Smith Gilbert Gardens to the proposed location at the Depot Park. This sculpture was purchased through the Art and Culture Commission as part of the City of Kennesaw's initiative to promote art and education in public places. The required approval process involves public meetings before the Art and Culture Commission on April 6, 2023, the Historic Preservation Commission on March 31, 2023 and Mayor and City Council on April 17, 2023. The Historic Preservation Commission must reschedule their meeting due to lack of quorum on March 31, 2023. The city staff followed the public notification procedures as per adopted code by posting signs at the subject property and mailing of letters to the adjacent property owners.

Planning and Zoning Administrator Darryl Simmons presented a public arts exhibit application submitted by the City of Kennesaw for property located at 2820 Cherokee Street. Mr. Simmons shared this piece will be permanently relocated from Smith-Gilbert Gardens to the Depot Park. The exhibit was purchased originally through the Art and Culture Commission (KACC) from the artist. This would be the Depot's first art installation but can be moved in the future to accommodate other pieces. The sculpture will stand five feet and four inches and is made of moving steel parts that is activated by wind.

Motion by Mayor Pro Tem Viars to approve a public arts exhibit application submitted by the City of Kennesaw for property located at 2820 Cherokee Street, as presented. Seconded by Councilmember Sinclair.

7:10 P.M. Floor Open for Public Comments

No Comment.

7:11 P.M. Floor Closed for Public Comments

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

- D. Consideration of approval for a public arts exhibit application submitted by Pine Mountain Middle School for property located at 2670 Summers Street. Case #PA2023-04

The Kennesaw Art and Culture Commission worked in collaboration with the administration at Pine Mountain Middle School to propose a music themed mural to be located on the existing retaining wall. The required approval process involves

public meetings before the Art and Culture Commission on April 6, 2023, the Historic Preservation Commission on March 31, 2023 and Mayor and City Council on April 17, 2023. The Historic Preservation Commission must reschedule their meeting due to lack of quorum on March 31, 2023. The city staff followed the public notification procedures as per adopted code by posting signs at the subject property and mailing of letters to the adjacent property owners.

Planning and Zoning Administrator Darryl Simmons presented a public arts application by Pine Mountain Middle School for property located at 2670 Summers Street. This exhibit is a collaboration with the Art and Culture Commission (KACC) and Pine Mountain Middle School. One of the KACC Commissioners, Erin Light, is a teacher at the middle school and helped to spearhead this project. The piece will be a whimsical music themed mural to be painted on the retaining wall on the property's parking lot and will be visible from Summers Street. The property owner has acknowledged the importance of keeping the art piece properly maintained and well kept. The students and teachers will be assisting with the creation of this piece. Mr. Simmons explained the exhibit would need to be completed this month as to not interfere with school getting out for summer. The students will be coming together for two Saturdays, April 21st and 29th, to finish it before the summer starts. Mr. Simmons noted that all four of the aforementioned proposals had the proper notification, postings, and letters sent out to all adjacent property owners.

Motion by Mayor Pro Tem Viars to approve a public arts exhibit application submitted by Pine Mountain Middle School for property located at 2670 Summers Street, as presented. Seconded by Councilmember Jones.

7:13 P.M. Floor Open for Public Comments

No Comment.

7:14 P.M. Floor Closed for Public Comments

Councilmember Ferris asked about the scope, scale and materials used for the proposed work. Mr. Simmons responding the painting would be scaled up to span across the entire wall and painted by hand.

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

XI. CONSENT AGENDA

A. Approval of the April 3, 2023 Mayor and City Council regular meeting minutes.

B. Approval of the March 27, 2023 Mayor and City Council work session minutes.

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

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

DEPARTMENT REPORTS

XII. FINANCE AND ADMINISTRATION

GINA AULD, Finance Director

No items.

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief

NIKKI MCGRAW, 911 Communications Director

A. Receipt of the 2023 March Crime Statistics.

Captain Kevin Mitchell presented the March 2023 crime statistics.

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

Vote taken, unanimously approved, 5-0. Motion carried.

XIV. INFORMATION TECHNOLOGY

RICK ARNOLD, Operations Specialist

JOSHUA GUERRERO, System Administration Specialist

KENNETH KING, Help Desk Specialist

No items.

XV. PUBLIC WORKS

RICKY STEWART, Director

ROBBIE BALENGER, Building & Facilities Manager

No items.

XVI. RECREATION AND CULTURE

RICHARD BANZ, Museum and Agency Director

STEVE ROBERTS, Parks and Recreation Director

BRITTANY JONES, Smith-Gilbert Gardens Director

No items.

XVII. COMMUNITY DEVELOPMENT

LUKE HOWE, Economic Development Director

DARRYL SIMMONS, Zoning Administrator

SCOTT BANKS, Building Official

No items.

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

7:16 P.M. Floor Open for Public Comments

RANDY STEWART [City Resident]: Mr. Stewart made the Council aware of his displeasure about the rezoning of a historic house next to his 2975 N. Main Street residence. He moved his family to Kennesaw due to the historic and small town appeal.

He noted his fears about rising crime, the loss of historic credibility in the area, increased traffic, and his inability to have a say in this rezoning and other changes in the housing around him. He urged Council to keep Kennesaw historic.

ANDREW BRAMLETT [City Resident]: Mr. Bramlett spoke about the history of Adams Park (**See Exhibit B**).

MARTY HUGHES [Assistant City Manager]: Mr. Hughes read a summary of an email submitted to kennesawcouncil@kennesaw-ga.gov by Brittany Haugen who lives near 2971 N. Main Street. She is highly opposed to the rezoning and stated there are other unused properties in the area that can be used for commercial purposes instead (**See Exhibit C**).

MADELYN OROCHENA [City Resident]: Ms. Orochena expressed support for the consolidation of the central business district, but noted the property being considered for rezoning is a residential home and the historic portion of her street would be encroached upon, leaving a small historic portion left.

MARY KLIEN [City Resident]: Ms. Klein shared she owns an acre of land not far from the proposed rezoning area and expressed her concern that all of the historic elements of the area will slowly start to disappear. She suggested using other unused areas for commercial use instead.

7:28 P.M. Floor Closed for Public Comments

XIX. CITY MANAGERS REPORT – Jeff Drobney

A. City Manager reports, discussions and updates.

City Manager Drobney gave an update on the progress of the Bobby Grant water tower repainting project.

XX. 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, Committees, Authority or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve committees, as deemed necessary.

Mayor Easterling presented resignations from the Kennesaw Cemetery Preservation Commission and the Kennesaw Enrichment and Enhancement Program.

Motion by Mayor Pro Tem Viars to accept the resignations of Mary Helyn Hagin and Mickey Bozeman from the Cemetery Preservation Commission and Chris Davis from the Kennesaw Enrichment and Enhancement Program, as presented. Seconded by Councilmember Jones.

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

XXI. COUNCIL COMMENTS

Councilmember Brunette thanked Councilmember Ferris for showing her around various parts of the city this past week.

Councilmember Ferris honored former Councilmember Jack Rowland who passed away last weekend with a few words of fond memories.

Councilmember Sinclair expressed his excitement for the Big Shanty Festival and the art being placed around downtown

Councilmember Jones remembered former Councilmember Jack Rowland as a mentor and friend.

Mayor Pro Tem Viars is excited about Big Shanty! She asked everyone to slow down when driving along Main Street and to come to the farmers market as it ramps up for the season.

XXII. EXECUTIVE SESSION –Land, Legal, Personnel

- A. 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.

No Items.

XXIII. ADJOURN

Mayor Easterling adjourned the meeting at 7:35 P.M. The next regular meeting will be held Monday, May 1, 2023 at 6:30 P.M. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.



Lily Smith, Deputy City Clerk

Lea Alvarez

From: Anne Atkins [REDACTED]
Sent: Saturday, April 15, 2023 1:31 PM
To: kennesawcouncil
Subject: Mural Project

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

Hello,

I've heard about the awesome idea to have an "Everyday People" themed mural downtown and think this is a great idea! Our hometown in Michigan did something similar and it brought lovely, positive vibes to the downtown area. This is such a great way to demonstrate what a great community Kennesaw is!

Thank you!

Anne Atkins
3174 Kirkwood Dr NW, Kennesaw, GA 30144

Lea Alvarez

From: Bradley Stephens [REDACTED]
Sent: Sunday, April 16, 2023 10:58 PM
To: kennesawcouncil
Subject: Support: Everyday People mural

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

Good evening,

I wanted to take a moment to share my excitement for the "Everyday People" mural in downtown, to be installed on the old Whistlestop Cafe.

As a new resident of Kennesaw, and a long term resident of northwest Cobb, it excites me to see beautiful art that represents everyone in the community.

I look forward to your approval of this important installation.

Thank you,
Brad

Lea Alvarez

From: Erica Horvat [REDACTED]
Sent: Monday, April 17, 2023 12:27 AM
To: kennesawcouncil
Subject: Downtown

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

Hello Kennesaw Council,

I am delighted to hear of the proposed mural for the downtown area. A show of appreciation and love of diversity is certainly needed in the area and will be a welcome sight. Thank you for considering this step in an inclusive direction! I hope it's a sign of more changes to come.

- Erica Sharifzadeh

[Sent from Yahoo Mail on Android](#)

Lea Alvarez

From: Holly Lacour [REDACTED]
Sent: Tuesday, April 11, 2023 2:28 PM
To: kennesawcouncil
Subject: Whistle Stop Art Project

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

Dear Council members,

As a resident of the city of Kennesaw for 17 years, I am writing in support of the art project scheduled to be installed in the boarded up windows of the old Whistle Stop Cafe. I want to keep this short, because frankly I think it's ridiculous I even need to send this email. If the city is taking the stance that private property owners can do what they want with their properties, why is this even an issue? You're fine with the look of Wildmans but unsure of a mural that depicts residents enjoying the city of Kennesaw? I'm deeply concerned about my city's ability to embrace love and acceptance.

-Holly Lacour

A resident of Prichard Park

Lea Alvarez

From: [REDACTED]
Sent: Monday, April 17, 2023 3:19 PM
To: kennesawcouncil; Tracey Floyd Viara
Subject: Downtown artwork

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

Hello,

I wanted to voice my support for the artwork in downtown Kennesaw. I believe we should take steps as that to make Kennesaw more visually appealing. Boarded up buildings or empty buildings that sit and the yard is overgrown does not promote a welcoming or inviting atmosphere. I would like to see more done to clean up those types of areas.

Kind regards,
Jill Smith
Kennesaw business owner

Sent from my iPhone

Lea Alvarez

From: Jim Davis [REDACTED]
Sent: Saturday, April 15, 2023 3:45 PM
To: kennesawcouncil
Subject: Downtown Murals

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

Hello!

I write on behalf of my family.

We love the idea of painting temporary murals on the boarded up buildings in downtown Kennesaw. It would show that downtown is a vital, welcoming place.

Thanks for your time. Please let me know if you have any questions.

-Jim Davis
3833 Mast Ct NW, Kennesaw, GA 30144

Lea Alvarez

From: Kim R. Meacham [REDACTED]
Sent: Tuesday, April 11, 2023 3:25 PM
To: kennesawcouncil
Subject: Proposed Murals
Attachments: 3C2EF53E-1C2D-48ED-939E-9277F2946E25.jpeg

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

Hello,

As a long time resident of Kennesaw, I wanted to let the City know how much I am looking forward to the proposed murals that will cover the plywood used to board up the windows and doors after the Whistle Stop Cafe burned and had to relocate.

The murals will a significant improvement along Main Street while the building remains empty and unused.

Regards,
Kim R Meacham

Lea Alvarez

From: Kristin Thomas [REDACTED]
Sent: Monday, April 10, 2023 8:09 PM
To: kennesawcouncil
Subject: Kristin Thomas- public comment

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

Hi!

My name is Kristin Thomas and I live at 2976 N Main St, Kennesaw GA 30144. I am excited to see the new Art installation that will be going on some of our empty & boarded up buildings. I am frustrated with all of the worn down and abandoned buildings being an eye soar and this will bring a little more joy and visual improvement to the city. I am fully in support of the Sean Mills Art Installation at the old Whistle Stop building .

Thanks,
Kristin Thomas
Sent from my iPhone

Lea Alvarez

From: Mary Miller [REDACTED]
Sent: Sunday, April 16, 2023 7:31 PM
To: kennesawcouncil
Subject: Main Street "Everyday People" Mural

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

Dear Mayor, Council and City Manager,

I want to write in support of the "Everyday People" mural proposed for the boarded up windows on the Old Whistle Stop Cafe. It's a beautiful theme, looks great, and will do a lot to beautify Main Street.

Congrats on a great project and thanks to Mr. Hughes for supporting it.

Mary Miller

3905 Collier Trace

City of Kennesaw

Lea Alvarez

From: Nina West [REDACTED]
Sent: Tuesday, April 11, 2023 10:53 AM
To: kennesawcouncil
Subject: Whistle Stop Mural Project

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

Dear Kennesaw Council Members,

Please support Sean Mills and the Whistle Stop Mural Project. This is a public arts project that will bring art to the public in settings that provide a broad diversity of people access to experiencing art. Many people do not have access to museums. Bringing art to the people via public murals such as Sean Mills is proposing is an outstanding way of democratizing accessibility to visual art. Art can be uplifting, can beautify public spaces, can lead people to think in new ways about their own lives and the world around them. I urge the Kennesaw Council to approve the Whistle Stop Mural Project.

Thank you,
Nina West

Lea Alvarez

From: Patricia Hill [REDACTED]
Sent: Wednesday, April 12, 2023 10:24 PM
To: kennesawcouncil
Subject: Whistle stop art installation

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

I fully support the positive message that Kennesaw is contemplating with inclusive art on the wooden panels of the old whistle stop location. Having a message that promotes all types of citizens feeling welcome on the same building row as Wildman's would be a conscientious step in the right direction for our city.

In gratitude,
Patricia Hill
Patricia Hill Color Studio
2950 Cherokee Street #100
Kennesaw, Ga 30144
[REDACTED]

Lea Alvarez

From: Sha Huang <shuang5@kennesaw.edu>
Sent: Saturday, April 15, 2023 4:53 PM
To: kennesawcouncil
Cc: Sean Mills
Subject: Support whistle stop mural project at Kennesaw City

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

To whom it may concern,

I'm writing this email to support the whistle stop mural project proposed by Sean Mills. I believe this project will enrich the culture of kennesaw city and bring kennesaw downtown more beauty and visibility.

Thank you for reading this email and considering our voices.

Sincerely,

Sha Huang



KENNESAW STATE
UNIVERSITY

Sha Huang

Coordinator of Asian Studies and Associate Professor of Chinese and Interdisciplinary Studies
Department of World Languages and Cultures - Interdisciplinary Studies Department

375 Cobb Ave NW
Room 249, MD 1804
Kennesaw, GA 30144

p: [470-578-6361](tel:470-578-6361)

e: shuang5@kennesaw.edu

Lea Alvarez

From: Tracey Viars <tracey@kennesawbroker.com>
Sent: Monday, April 17, 2023 9:09 AM
To: kennesawcouncil
Subject: FW: Art work

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

Forwarding.



Tracey Viars

Real Estate Advisor
Singleton Real Estate, LLC
678-467-1326
2765 S Main St #200,
Kennesaw GA 30144
Tracey@KennesawBroker.com
www.KennesawBroker.com



From: Shannan Smith [REDACTED]
Sent: Monday, April 17, 2023 9:03 AM
To: Tracey Viars <tracey@kennesawbroker.com>
Subject: Fwd: Art work

I sent this to the city but said it could not be delivered
So I'm sending to you

Sent from my iPhone

Begin forwarded message:

From: Shannan Smith [REDACTED]
Date: April 17, 2023 at 8:47:07 AM EDT
To: kennesawcouncil@kennew-ga.govsa
Subject: Art work

I wanted to come tonight and support the art work that's being proposed for downtown. I think it will be a beautiful feature for downtown.
Great job. Wish we could have had it completed before Big Shanty so we did not go one more year with plywood on a major property on main st.

Thank you
Shannan Sikorski
Owner of properties
And business on main st

Lea Alvarez

From: [REDACTED]
Sent: Monday, April 10, 2023 8:22 PM
To: kennesawcouncil
Subject: Art in Downtown Kennesaw

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

I just wanted to say thank you for the artwork. Sean Mills is very talented and it looks so much better than seeing the boarded-up windows!

Sent from my iPhone

Lea Alvarez

From: Val Dibble [REDACTED]
Sent: Monday, April 10, 2023 7:58 PM
To: kennesawcouncil
Subject: Mural at Whistle Stop

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

> Hello City Council of Kennesaw

> As a Main St resident I was delighted to hear of the proposed plan for a mural on the unsightly boarded windows of the former Whistle Stop. It's my understanding that this initiative has the full support of the owner and of the KACC. I've seen the rendition from Sean Mills and feel it will be a welcome visual message of positivity and inclusion. The progressive nature of having murals like this to brighten up spaces that are not in active use will be an applauded effort by the City of Kennesaw. As a member of this community and an art professional I am proud of this initiative and give it my full support.

> Thank you!

> Valerie Dibble

>

>

KENNESAW HISTORY

Adams Park

Adams Park, 1969

Image from the
Kennesaw Neighbor



Adams Park has been the home to Kennesaw's baseball fields since the 1950s. It was originally known as the Kennesaw Recreation Area. In 1957, plans were announced for the park that included a picnic area, clubhouse, playgrounds, and a lake. Except for the lake, all of these plans came to fruition.

In 1966, the park was renamed Adams Park in honor of the family of Mayor James "Johnny" Adams, whose family had given the land for the park. Throughout the 1970s and 1980s, more fields were added to Adams Park for baseball, softball, and football.

The Ben Robertson Community Center was built in 1972 as Food Giant, a grocery store. After being used as a SuperValu store and Dollar General, it was purchased by the City of Kennesaw in 1999. It was renovated into a community center and reopened in 2004. The building was named for Charles "Ben" Robertson in 2007. The most recent addition to the park is the Kennesaw Recreation Center, which opened in 2022.

Presented by Andrew J. Bramlett
at the April 17, 2023,
City of Kennesaw Mayor &
Council Meeting

KENNESAW
HISTORICAL
SOCIETY

Lea Alvarez

From: Brittany Haugen [REDACTED]
Sent: Monday, April 17, 2023 6:00 PM
To: kennesawcouncil
Subject: 2971 N Majn St NW

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

Good afternoon,

It has been brought to our attention that 2971 N. Main St NW is applying to be rezoned commercial. As a neighbor on the street I would like to HIGHLY oppose this request. Where is the line if we allow this property to become commercial. There are plenty of unoccupied commercial properties in downtown that could be used instead. Let's keep Main Street historic and not turn it into Cherokee Street.

Thanks,
Brittany Haugen
2990 N Main St NW

Get [Outlook for iOS](#)

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

4/3/2023

Public Comment Sign-in

	Name	Address	Topic
1	Andrew J. Brantley	2990 Commodore Ct., Kennesaw	Local History
2	Jason Arce	2803 Summer Stream Dr Kennesaw	
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
19			

**MEMORIAL BELLTOWER PROJECT QUOTE
CITY OF KENNESAW
MASTER CRAFTSMAN PROGRAM**

KSU MASTER CRAFTSMAN FOUNDRY CASTINGS

160# silicon bronze (\$6.35/lb.)	\$1016.00
40# aluminum (\$4.13/lb.)	\$165.20
Freight	\$350.00
100# cast iron (\$0.55/lb.)	\$55.00
1200# sand (\$0.35/pound)	\$420.00
Catalyst/resin (288oz. Resin/72oz. Cat. @ \$6.00/pound)	\$135.00
Total =	\$2141.20

SENDCUTSEND

(6) gussets, .250" carbon steel	\$282.17
(3) feet, .5" carbon steel	\$249.37
Safety screen, .188 carbon steel	\$250.00
Total =	\$781.54

METAL SUPERMARKET

(5) 3" x 3" x .125" x 20' A500 carbon steel square tubing (legs, braces, crossmembers)	
.125" x 2" x 10' hot-rolled carbon steel flatbar (belfry sides)	
.125" x 4" x 10' hot-rolled carbon steel flatbar (belfry bottom)	
.125" x 2' x 4' hot-rolled carbon steel sheet (belfry roof)	
1.5" x .065 wall x 8' carbon steel round tube	
.25" x 3" x 6' hot-rolled carbon steel flatbar (crossmember gussets)	
.375" x 2" x 6' hot-rolled carbon steel flatbar (foot gussets)	
Total =	\$1158.80

FASTENAL

(3) 1" x 2.5" zinc-finished thick fender washer, @ \$3.54 https://www.fastenal.com/product/details/11101285	\$10.62
(3) 1"-8 Grade 2 zinc-finished nylon lock nut, @ \$3.06 https://www.fastenal.com/product/details/37045#	\$9.18
Total =	\$19.80

HOME DEPOT

1" x 3' zinc-plated threaded rod	\$49.42
----------------------------------	---------

<https://www.homedepot.com/p/Simpson-Strong-Tie-ATR-1-in-x-36-in-Zinc-Plated-All-Thread-Rod-ATR1X36ZP/205330035>

Quikrete High-Strength Anchoring Epoxy \$30.87

<https://www.homedepot.com/p/Quikrete-8-6-oz-High-Strength-Anchoring-Epoxy-862031/203604182>

(2) Rust-Oleum Hammered Black paint, quart \$45.96

<https://www.homedepot.com/p/Rust-Oleum-Stops-Rust-1-qt-Black-Hammered-Rust-Preventive-Paint-7215502/100670381>

6" paint roller w/ frame \$6.37

<https://www.homedepot.com/p/6-in-x-3-4-in-High-Capacity-Polyester-Knit-Mini-Paint-Roller-with-Frame-HD-MT-375-0600/205871742>

6" paint roller covers \$12.34

<https://www.homedepot.com/p/6-in-x-1-2-in-High-Capacity-Polyester-Knit-Mini-Paint-Roller-6-Pack-HD-MR-3506-0600/205871770>

½" x 4" Grade 8 hex bolt \$2.75

<https://www.homedepot.com/p/Everbilt-1-2-x-13-tpi-x-4-in-Zinc-Plated-Grade-8-Hex-Bolt-810128/204273689#overlay>

½"-13 nylon lock nut \$1.38

<https://www.homedepot.com/p/Everbilt-1-2-in-13-Zinc-Plated-Nylon-Lock-Nut-811521/204274162>

(2) ¼"-20 x 1 ½" stainless steel hex bolt, 10-pack, @ \$8.99 \$17.98

<https://www.homedepot.com/p/Hillman-1-4-in-x-1-1-2-in-External-Hex-Full-Thread-Hex-Head-Bolt-10-Pack-45224/204786296>

Total = **\$167.07**

MATTERHACKERS

(2) Grey PLA filament, 1000g, @ \$20.81 \$41.74

<https://www.matterhackers.com/store/l/gray-mh-build-series-pla-filament-175mm-1kg/sk/MPLOQ8ZD>

Total = **\$41.74**

GRAINGER

3/16" stainless steel cable, clear vinyl coat, 50' roll \$51.90

<https://www.grainger.com/product/DAYTON-Cable-302-304-Stainless-Steel-33RF65>

(2) 3/16" stainless steel sleeve and thimble kit, @ \$6.32 \$12.64
https://www.grainger.com/product/DAYTON-Sleeve-and-Thimble-Kit-Stainless-1DKJ9?opr=PDPBRDSP&analytics=dsbrItems_4FRY8

Total = \$64.54

MCMaster-CARR

(8) Female threaded round standoff, 1/4"-20 thread, @ \$3.87 \$30.96
<https://www.mcmaster.com/91125A392/>

Shipping \$7.33

Total = \$38.29

AIRGAS

Radnor ER70S-6 welding wire, 11# spool \$49.72
<https://www.airgas.com/product/Welding-Products/Filler-Metal/MIG-Wire-%28GMAW-%26SAW%29/MIG-Wire---Carbon-Steel/p/RAD64004182>

Flexovit 4 1/2" x .045" Razorblade cutoff wheel, box of 25 \$102.00
<https://www.airgas.com/product/Tools-and-Hardware/Abrasives/Bonded-Abrasives/Grinding-%26-Cut-Off-Wheels/p/FLEF1207>

Radnor 4 1/2" 36g flap disc, box of 10 \$105.00
<https://www.airgas.com/p/RAD64000861>

Shipping \$20.95

100# propane \$284.00
<https://www.airgas.com/product/Gases/Propane/p/PR%20100>

Argon/CO2 welding gas, 125 cylinder \$14.71
<https://www.airgas.com/product/Gases/Mixed-Gases/p/AR%20CD25125>

Total = \$576.38

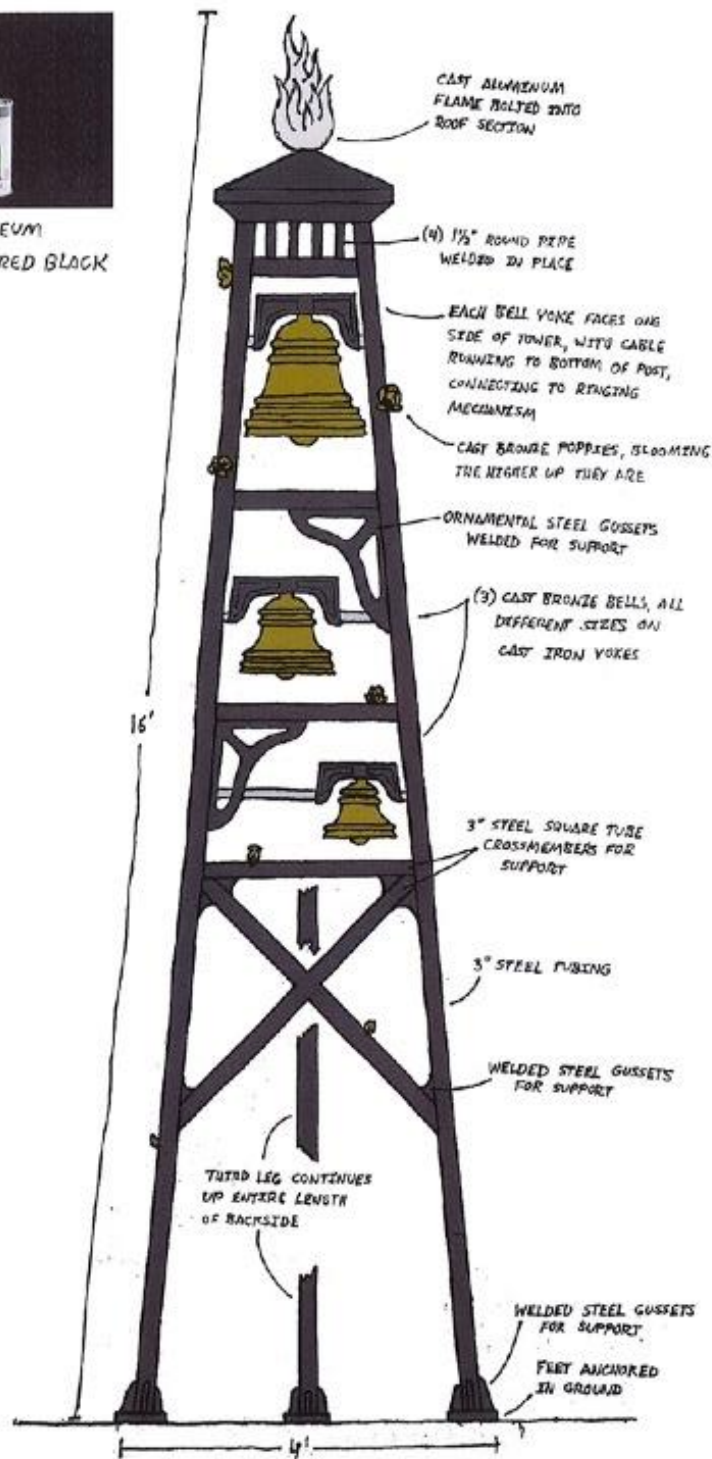
Subtotal = \$4989.36

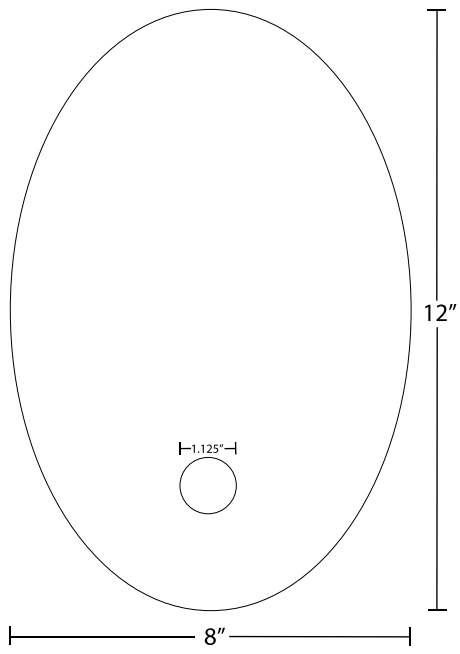
MC Surcharge = \$748.40

Grand Total = \$5737.76



RUSTOLEUM
HAMMERED BLACK
PAINT





Bell tower Feet - Laser cut, 1/2" steel plate



Item Report

TO: The Honorable Mayor and City Council

FROM: LaMaya Edmonds, Business License Manager

DATE: November 6, 2023

TITLE: Consideration for approval of an Alcohol Retail Package License for Beer, Wine, Liquor, and Sunday Sales for The Jack C. Phoenix Corp d/b/a Monte Cristo located at 1635 Old 41 Hwy Ste 110 Kennesaw, GA 30152. Applicant: Cedric Jackson and Jason Norris.

Summary:

The applicant has completed the required alcohol workshop per Sec. 6-69. Signs have been posted and it has been properly advertised per Sec. 6-36. Current application and background check are on file. Sec. 6-42 refers to all locations within 300 feet of a private residence. This location is within 300 feet of a private residence. Sec. 6-42 states the Mayor and Council may waive the distance requirement if the quiet enjoyment of the premises by the residents thereof shall not be adversely affected and the granting of such license shall not have any adverse effect on the private residence.

Recommendation:

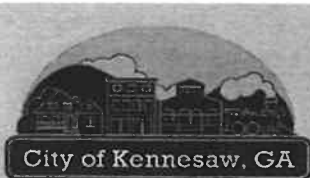
Finance Director recommends approval.

Fiscal Impact:

100-0000-32-1900 Application Fee \$350.00

Attachments:

1. 2023 Monte Cristo Spirits_Redacted Final
2. 10-27-23 Display Ad



Business License
2529 J.O. Stephenson Ave.
Kennesaw, GA 30144

Contact Information:
Phone: (770) 424-8274
Fax: (770) 429-4559
www.kennesaw-ga.gov

License Application:
Alcoholic Beverage

APPLICATION

Applying For (Check All That Apply):

- ☒ Liquor
- ☒ Beer
- ☒ Wine
- ☐ Growler
- ☒ Sunday Sales

License Type (Choose one):

- ☐ Manufacturer
- ☐ Wholesaler
- ☒ Retail Package
- ☐ Retail Pouring

Type of Establishment (Choose one):

- | | |
|--|--|
| ☐ Restaurant | ☐ Bottle House |
| ☐ Night Club | ☐ Convenience Store |
| ☐ Grocery Store | ☐ Indoor Entertainment Hall |
| ☐ Lounge | ☐ Hotel/Motel |
| ☐ Private Club | ☒ Package Store |

Business Type (Choose one):

- ☐ Sole Proprietor
- ☒ Corporation
- ☐ LLC
- ☐ Partnership
- ☐ LLP

Please fill out the below information:

1. Full name of business: THE JACK C. PHOENIX CORP
Doing Business As (DBA): MONTE CRISTO SPIRITS
Anticipated start date of business: 12/1/23
2. Business location: 1635 DODD HWY STE 110 KENNESAW, GA 30152
Email address: CEDILRIC@GMAIL.COM
Phone Number: 678 524 4127
Mailing address: 3699 BRANDEIS CT DECATUR, GA 30034
3. Do you have a certified survey of the location of the property? YES

Does the certified survey indicate that the business is within the designated distance of the following:

- | | | | |
|-------------------------------------|-----------------|---|--|
| a. Private residence | 300 feet radius | ☒ Yes | ☐ No |
| b. School or college | 600 feet radius | ☐ Yes | ☒ No |
| c. Church | 600 feet radius | ☐ Yes | ☒ No |
| d. Public building | 600 feet radius | ☐ Yes | ☒ No |
| e. Hospital | 600 feet radius | ☐ Yes | ☒ No |
| f. Public park | 600 feet radius | ☐ Yes | ☒ No |
| g. Day care center* | 600 feet radius | ☐ Yes | ☒ No |
| h. Alcohol or drug treatment center | 600 feet radius | ☐ Yes | ☒ No |

Package Sales have additional distance limitations as follows:

Package Sales Only (Liquor):

- | | | | |
|-------------------------------------|------------------|------------------------------|--|
| a. School or college | 300 feet radius | ☐ Yes | ☒ No |
| b. Retail Liquor Package | 1500 feet radius | ☐ Yes | ☒ No |
| c. Church | 300 feet radius | ☐ Yes | ☒ No |
| d. Day care center* | 300 feet radius | ☐ Yes | ☒ No |
| e. Alcohol or drug treatment center | 300 feet radius | ☐ Yes | ☒ No |

Package Sales Only (Beer or Wine):

- | | | | |
|-------------------------------------|-----------------|------------------------------|--|
| a. School or college | 300 feet radius | ☐ Yes | ☒ No |
| b. Alcohol or drug treatment center | 300 feet radius | ☐ Yes | ☒ No |

* Must accept GA Pre-K or HOPE Scholarship Monies

* Must follow a prescribed state curriculum

See Code Sections 6-1, 6-42 and 6-43 for distance measurement definition and limitations.

4. For Retail Pouring license, please indicate the following:

Number of pool tables:

N/A

Number of video game machines:

N/A

Size of dance floor:

N/A

Amount of cover charge:

N/A

Will the location have a DJ, and if so, number of times per week:

N/A

5. How many square feet are the following:

a. Dining area:

N/A

b. Bar area:

N/A

c. % of total dining space that is a bar area:

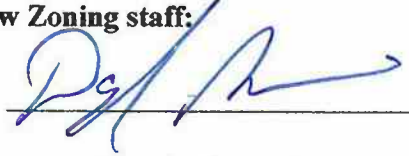
N/A

Is this location new construction or pre-existing? Pre-existing

How is the proposed location zoned? NRC

This section is to be completed and signed by the City of Kennesaw Zoning staff:

Zoning verified by City of Kennesaw Zoning Division staff member



If this is an application for a new establishment, attach proof of adequate parking facilities of one (1) off street parking space for each (200) square feet of total floor area within the building in conformity with the zoning ordinance and regulations of the City of Kennesaw.

If new establishment, parking verified by the Zoning Division staff member _____

If Partnership or LLP:

6. Partnership of LLP Name: N/A

Partner/Member: N/A
Position: N/A
Email Address: N/A
Phone Number: N/A

Social Security #: N/A
Date of Birth: N/A
% of Ownership: N/A

Home Address: N/A
N/A

City: N/A
State: N/A
ZIP: N/A

Partner/Member: N/A
Position: N/A
Email Address: N/A
Phone Number: N/A

Social Security #: N/A
Date of Birth: N/A
% of Ownership: N/A

Home Address: N/A
N/A

City: N/A
State: N/A
ZIP: N/A

****Attach additional sheets if needed****

If Corporation or LLC:

7. Corporation or LLC Name: The Jack C. Phoenix Corp

President/Member:	<u>Cedric L. Jackson</u>	Social Security #:	<u>[REDACTED]</u>
Email Address:	<u>ced12ric@gmail.com</u>	Date of Birth:	<u>[REDACTED] 1970</u>
Phone Number:	<u>[REDACTED]</u>	% of Ownership:	<u>51</u>

Home Address:	<u>3699 Brandeis Ct</u>	City:	<u>Decatur</u>
		State:	<u>Ga</u>
		ZIP:	<u>30034</u>

VP/Member:	<u>Jason Norris</u>	Social Security #:	<u>[REDACTED]</u>
Email Address:	<u>jasonsdnorris@icloud.com</u>	Date of Birth:	<u>[REDACTED] 72</u>
Phone Number:	<u>[REDACTED]</u>	% of Ownership:	<u>49</u>

Home Address:	<u>102 Caitlin Ct</u>	City:	<u>Dallas</u>
		State:	<u>Ga</u>
		ZIP:	<u>30132</u>

Secretary/Member:	<u>N/A</u>	Social Security #:	<u>N/A</u>
Email Address:	<u>N/A</u>	Date of Birth:	<u>N/A</u>
Phone Number:	<u>N/A</u>	% of Ownership:	<u>N/A</u>

Home Address:	<u>N/A</u>	City:	<u>N/A</u>
	<u>N/A</u>	State:	<u>N/A</u>
		ZIP:	<u>N/A</u>

Treasurer/Member:	<u>N/A</u>	Social Security #:	<u>N/A</u>
Email Address:	<u>N/A</u>	Date of Birth:	<u>N/A</u>
Phone Number:	<u>N/A</u>	% of Ownership:	<u>N/A</u>

Home Address:	<u>N/A</u>	City:	<u>N/A</u>
	<u>N/A</u>	State:	<u>N/A</u>
		ZIP:	<u>N/A</u>

****Attach additional sheets if needed****

If the business listed in questions 6 or 7 is owned by another firm or corporation, provide the information requested in questions 8 and 9.

8. List corporate name, business name, and % of business owned by the corporation

Corporate Name	Business Name	% Owned
N/A		
N/A		

9. List name, position, social security number, address, and % owned for each board member of the corporation listed in question 8.

Name	Position	SSN	Home Address	% Owned
N/A				

10. Is the licensee or any owner listed in questions 6 – 9 currently holding an interest or ever been associated with any alcoholic beverage establishment? If yes, list below.

Licensee/Owner Name	Business Name	Address
Cedric Jackson	Monte Cristo Spirits, LLC	1635 Old 41 Hwy Kennesaw, Ga 30152

11. List full name and other required information of relatives of the licensee or owners who have or have had any license or any financial or ownership interest in any alcoholic beverage business.

Name/Relationship	Home Address	Business Name/Address
N/A		

12. List the full name and address of the property owner on which the business is to be conducted.

Property Owner: RPC - Retail Planing Corp

Address: 35 Johnson Ferry Rd Marietta, Ga 30068

13. State the total amount of capital funds to be invested in this business.

\$ [REDACTED]

14. State the amount of personal funds invested by the following:

Licensee/Owner \$ [REDACTED]

Other Owners \$ [REDACTED]

15. If capital is borrowed, provide the following and attach a copy of the note (s) or evidence of indebtedness, with all attachments, to this application.

Name of Lender	Address	Amount	Date	Interest Rate
N/A				

16. Name the person (s) that will be the manager of this business and provide the following information.

Name	Address	Compensation
Cedric Jackson	3699 Brandeis Ct Decatur, Ga 30034	

17. Provide the name and address of your CPA or accounting firm:

Name	Address
David Morris	3330 Cumberland Blvd SE Atlanta, Ga. 30339

18. Has the *business or any business associated with this business* been cited, charged, indicted, have a pending charge or been convicted at any time for any violation of Georgia Law, Federal Law or any rule or regulation of the State revenue commissioner or any rule, regulation or ordinance of the City of Kennesaw, Cobb County or other governmental unit? Yes ☐ No ☒

If yes, give full details.

19. Has the licensee, the licensee's spouse or any person having ownership interest in this business or their spouse been: Cedric Jackson

Arrested	☒ Yes	☐ No	Convicted	☐ Yes	☒ No
Detained	☐ Yes	☒ No	Indicted	☐ Yes	☒ No
Pled Guilty	☐ Yes	☒ No	Pled Nolo Contender	☒ Yes	☐ No
On Probation	☐ Yes	☒ No	Any Pending Criminal Charge	☐ Yes	☒ No

If you answered "YES" to any of these questions, list below in complete detail the name, dates, charges, places of arrest and disposition of charge (s). Failure to make a full disclosure in response to this question will result in denial of the application or a revocation of the license if information requested was not provided.

Cedric Jackson - Trespassing DUI early 1990's, Muscogee County Ga.

Cedric Jackson - DUI Nov 2021, Muscogee County Ga.

Jason Norris - N/A

20. Has the licensee, the licensee's spouse or any person having ownership interest in this business or their spouse ever had any interest in any business, ever been a licensee or ever been an officer in any business that was cited, had an employee of any business cited, detained, arrested, indicted or convicted for any offense by any federal, state, county or city government or has any business been warned or had any license placed on probation, denied, suspended or revoked by any federal, state, county or city government? Failure to make a full disclosure in response to this question will result in denial of the application or a revocation of the license if information requested was not provided.

N/A

21. Indicate the type of alcohol awareness training and the number of hours of training that is required of owners and employees selling alcoholic beverages for the business. Also, indicate if training is required annually and the number of hours required.

30 hours to be employed

20 hours annually

22. What types of materials (written materials, signs, badges, etc.) are provided with the training of the employees?

Training packet and name badge for each new hire

23. Have you read and do you understand all the provisions of the City of Kennesaw and State of Georgia Alcoholic Beverage requirements as stated in Chapter Six (6) of the City of Kennesaw Code of Ordinances and Title III of the Official Code of Georgia.

Yes ☒ No ☐

24. Are you aware that the sale of alcoholic beverages to an underage person (s) by you or your employees may result in the suspension or revocation of the alcoholic beverage license?

Yes ☒ No ☐

25. What procedures do you have in place to ensure that alcoholic beverages are not sold to underage person (s) or any other violation of the City of Kennesaw Code of Ordinances and State Law? Please attach all documentation relating to such procedures and include an explanation as their usage.

The POS system requires ID verification and scan for each Alcoholic product sold. This helps to validate the proper age of each individual attempting to purchase alcohol

26. What technology, equipment and products have been or will be implemented in the location to ensure compliance with the City of Kennesaw, Cobb County and State Law? Examples include cash registers that require the date of birth to be entered, cameras, signs and calendars). Describe below:

There are cameras throughout the store with DVR. The POS system requires ID verification for all Alcoholic products being sold

27. Estimated gross receipts from this location for the remaining calendar year: \$ [REDACTED]

28. List occupations for the past ten years. Include dates of employment and positions.

Cedric Jackson

From/To Month/Year	Company	City	State	Position/Salary
07/2021/Current	Monte Cristo Spirits	Kennesaw	Ga	Owner/[REDACTED]
01/2012-07/2021	Shane's Performance	Marietta	Ga	Mechanic/[REDACTED]

29. List previous residences of the licensee for the past ten years.

Cedric Jackson

From/To Month/Year	Address	City	State
08/1999 - current	3699 Brandeis Ct	Decatur	Ga

25. What procedures do you have in place to ensure that alcoholic beverages are not sold to underage person (s) or any other violation of the City of Kennesaw Code of Ordinances and State Law? Please attach all documentation relating to such procedures and include an explanation as their usage.

See reponse to #25 on Cedric Jackson's sheet

26. What technology, equipment and products have been or will be implemented in the location to ensure compliance with the City of Kennesaw, Cobb County and State Law? Examples include cash registers that require the date of birth to be entered, cameras, signs and calendars). Describe below:

See response to #26 on Cedric Jackson's sheet

27. Estimated gross receipts from this location for the remaining calendar year: \$ _____

28. List occupations for the past ten years. Include dates of employment and positions.

Jason Norris

From/To Month/Year	Company	City	State	Position/Salary
4/97 - 9/23	Clip-A-Lawn, Inc	Dallas	GA	Owner/ [REDACTED]

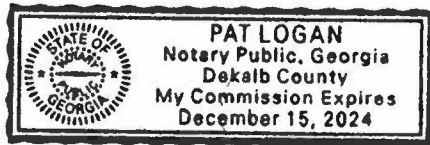
29. List previous residences of the licensee for the past ten years.

From/To Month/Year	Address	City	State
3/10 - 5/20	3771 Lamb Drive	Marietta	GA
4/20 - 9/23	2207 Lattimore Farm Drive	Kennesaw	GA

KENNESAW, GEORGIA
COBB COUNTY

I, CEDEC JACKSON being duly sworn according to law, do swear that the facts and things stated by me in the above and foregoing answers to questions are true and no false or fraudulent statement is made herein and such answers were made in order to procure the granting of such a license.

I have received a copy of the City of Kennesaw Alcoholic Beverage Code and I am aware that all licenses must be obtained and fees paid no later than two weeks from the date of approval of this application by the Mayor and Council.



[Signature]
Signature of Applicant

N/A
Signature of Spouse of Applicant

Sworn to and subscribed before me this
15th day of September, 2023

[Signature: Pat Logan]
Notary Public

Signature and title of person other than applicant filing out this application

Phone Number

Application received in Kennesaw City Hall by:

[Signature: Yamaya Elmore]

Application to be heard by Mayor & Council

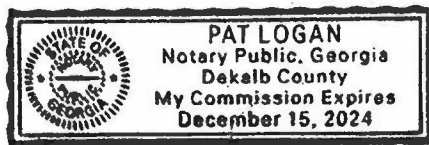
Date & Time: 11/6/23 - 6:30 PM

A REPRESENTATIVE MUST BE PRESENT AT THE MAYOR & COUNCIL MEETING

KENNESAW, GEORGIA
COBB COUNTY

I, Jason Norris being duly sworn according to law, do swear that the facts and things stated by me in the above and foregoing answers to questions are true and no false or fraudulent statement is made herein and such answers were made in order to procure the granting of such a license.

I have received a copy of the City of Kennesaw Alcoholic Beverage Code and I am aware that all licenses must be obtained and fees paid no later than two weeks from the date of approval of this application by the Mayor and Council.



[Signature]
Signature of Applicant

[Signature]
Signature of Spouse of Applicant

Sworn to and subscribed before me this
25th day of September, 2023

[Signature]
Notary Public

Signature and title of person other than applicant filing out this application

Phone Number

Application received in Kennesaw City Hall by:
[Signature]

Application to be heard by Mayor & Council

Date & Time: 11/16/23 - 11:30 pm

A REPRESENTATIVE MUST BE PRESENT AT THE MAYOR & COUNCIL MEETING



Business License
2529 J.O. Stephenson Ave.
Kennesaw, GA 30144

Contact Information:
Phone: (770) 424-8274
Fax: (770) 429-4559
www.kennesaw-ga.gov

License Application:
Alcoholic Beverage

OWNER/LICENSEE PERSONAL STATEMENT INFORMATION

1. Full name of licensee (No initials): Cedric Lamar Jackson
(Include maiden names and alias names if any)

2. Phone Numbers:
a. Business: 6784028221
b. Cell: [REDACTED]
c. Home: [REDACTED]

3. Home Address: 3699 Brandeis Ct Decatur, Ga. 30034
4. Business Address: 1635 Old Hwy 41 Ste 110 Kennesaw, Ga. 30152



5. Please fill out the following:
Age: 52 Sex: M Height: 5'7" Color of Hair: Blk
Race: Blk Weight: 185 Color of Eyes: Brown

6. Social Security #: [REDACTED]

7. Place of Birth: Georgia/United States Date of Birth: [REDACTED] 1970

U.S. Citizen: yes ☒ By Birth ☐ Naturalized

If a naturalized citizen, provide certificate #: _____
and submit original naturalization certificate or U. S. Passport

If a legal permanent resident, provide alien registration #: _____
and submit copy of I-551 card

Derived Parents Certificate #'s: _____

Date & Port of Entry: _____

8. How long have you resided in the City of Kennesaw or Cobb County? N/A
9. Number of years at this present address? 24

10. Are you (Choose one): ☒ Single ☐ Married ☐ Widowed ☐ Divorced

11. If married, complete the following information on spouse.

Full Name of Spouse: N/A

Social Security #: _____

Place of Birth: _____

Place of Marriage: _____

Spouse's Maiden Name: _____

Date of Birth: _____

Date of Marriage: _____

Cedric Jackson

Name of spouse's employer: N/A

Address of employer: _____

U.S. Citizen: _____ ☐ By Birth ☐ Naturalized

If a naturalized citizen, provide certificate #: _____

and submit original naturalization certificate or U. S. Passport

If a legal permanent resident, provide alien registration #: _____

and submit copy of I-551 card

Derived Parents Certificate #'s: _____

Date & Port of Entry: _____

12. Give names and addresses of all children and stepchildren (regardless of age).

Full Name	Address	Age	Birth Place
N/A	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

13. Give names and addresses of all immediate living relatives.

	Full Name	Address
Parents:	Deceased	_____
Siblings:	Kellie Jones, Tiffany Anothony	5453 Chatham Woods Dr Columbus, Ga,
	Yolanda Lemons	Buena Vista Rd Columbus, Ga.
In-Laws:	_____	_____
	_____	_____

14. Do you or your spouse have financial interest in any bar, lounge, tavern, restaurant, or other place of business where alcoholic beverage are sold and consumed on the premises? If yes, give details:

No

15. Are you or your spouse related to anyone who has ownership or is employed by any wholesale or retail alcoholic beverage business? If so, give name, relationship to licensee or licensee's spouse, business name and the amount of interest, and/or type of employment in each.

No

16. Education: List name of schools attended, address, dates of attendance and degrees earned.

Cedric Jackson

M/YR	to	M/YR	School	Address	City	State	Degree
8/86		8/89	Columbus High	1700 Cherokee Ave	Columbus	Ga	Diploma
4/10		4/14	Shorter University		Rome	Ga	BS



Business License
2529 J.O. Stephenson Ave.
Kennesaw, GA 30144

Contact Information:
Phone: (770) 424-8274
Fax: (770) 429-4559
www.kennesaw-ga.gov

License Application:
Alcoholic Beverage

OWNER/LICENSEE PERSONAL STATEMENT INFORMATION

1. Full name of licensee (No initials): Jason Daniel Norris
(Include maiden names and alias names if any)

2. Phone Numbers:

a. Business: _____
b. Cell: _____
c. Home: _____

3. Home Address: 2207 Lattimore Farm Drive, Kenn 30152
4. Business Address: 102 Caitlin Court, Dallas GA 30132



5. Please fill out the following:

Age: 51 Sex: Male Height: 5' 10" Color of Hair: GreyBlack
Race: White Weight: 200 Color of Eyes: Blue

6. Social Security #: _____

7. Place of Birth: Marietta Date of Birth: 72

U.S. Citizen: Yes ☒ By Birth ☐ Naturalized

If a naturalized citizen, provide certificate #: N/A

and submit original naturalization certificate or U. S. Passport

If a legal permanent resident, provide alien registration #: N/A

and submit copy of I-551 card

Derived Parents Certificate #'s: N/A

Date & Port of Entry: N/A

8. How long have you resided in the City of Kennesaw or Cobb County? 13 years
9. Number of years at this present address? 3 years

10. Are you (Choose one): ☐ Single ☒ Married ☐ Widowed ☐ Divorced

11. If married, complete the following information on spouse.

Full Name of Spouse: Amanda Lee Norris

Social Security #: _____

Place of Birth: Atlanta

Place of Marriage: Smyrna

Spouse's Maiden Name: Ellis

Date of Birth: 73

Date of Marriage: 94

Jason Norris

Name of spouse's employer: Chick-fil-A, Inc.

Address of employer: 5200 Buffington Rd, Atlanta 30349

U.S. Citizen: Yes ☒ By Birth ☐ Naturalized

If a naturalized citizen, provide certificate #: N/A

and submit original naturalization certificate or U. S. Passport

If a legal permanent resident, provide alien registration #: N/A

and submit copy of I-551 card

Derived Parents Certificate #'s: N/A

Date & Port of Entry: N/A

12. Give names and addresses of all children and stepchildren (regardless of age).

Full Name	Address	Age	Birth Place
Emma Grace Norris	2207 Lattimore Farm Dr, Kennesaw	22	Atlanta
Luke Daniel Norris	2207 Lattimore Farm Dr, Kennesaw	18	Atlanta

13. Give names and addresses of all immediate living relatives.

	Full Name	Address
Parents:	Richard/Judy Norris	102 Caitlin Ct, Dallas, GA 30132
Siblings:	April Martin	276 Red Maple Way, Dallas GA 30157
In-Laws:	Don/Diane Long	3248 Crawford Cr, Marietta, GA 30066

14. Do you or your spouse have financial interest in any bar, lounge, tavern, restaurant, or other place of business where alcoholic beverage are sold and consumed on the premises? If yes, give details:

No

15. Are you or your spouse related to anyone who has ownership or is employed by any wholesale or retail alcoholic beverage business? If so, give name, relationship to licensee or licensee's spouse, business name and the amount of interest, and/or type of employment in each.

No

Jason Norris

16. Education: List name of schools attended, address, dates of attendance and degrees earned.

<u>M/YR</u>	<u>to</u>	<u>M/YR</u>	<u>School</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Degree</u>
<u>8/87</u>		<u>5/91</u>	<u>McEachern High</u>	<u>2400 N Macland</u>	<u>P Spring</u>	<u>GA</u>	<u>Diploma</u>
<u> </u>		<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>		<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>



Business License
2529 J.O. Stephenson Ave.
Kennesaw, GA 30144

Contact Information:
Phone: (770) 424-8274
Fax: (770) 429-4559
www.kennesaw-ga.gov

License Application:
Alcoholic Beverage

OWNER/LICENSEE PERSONAL FINANCIAL STATEMENT

Name: Cedric Jackson
Social Security #: [REDACTED]
Residence Address: 3699 Brandeis Ct
City/State/Zip: Decatur, Ga 30034
Residence Phone: [REDACTED]

Date of Birth: [REDACTED] 70
Name of Spouse: N/A
Business/Organization: Monte Cristo Spirits
Business Phone: 6784028221
Partner/Officer in any other business? ☒ Yes ☐ No

Assets

Cash on hand in banks [REDACTED]
Accounts Receivable [REDACTED]
Stocks & Bonds [REDACTED]
Real Estate [REDACTED]
Cash value of Life Insurance [REDACTED]
Automobiles [REDACTED]
Deposit Accounts [REDACTED]
Credit w/ Financial Institutions [REDACTED]
Other Assets (Itemize) [REDACTED]
Total Assets [REDACTED]

Liabilities

Notes payable to banks - Secured [REDACTED]
Notes payable to banks - Unsecured [REDACTED]
Accounts Payable [REDACTED]
Unpaid Taxes [REDACTED]
Mortgage on Real Estate [REDACTED]
Other Debts (itemize) [REDACTED]
Total Liabilities [REDACTED]
Net Worth [REDACTED]
Total Liabilities & Net Worth [REDACTED]

Source of Annual Income Monte Cristo Spirits
Bonus & Commissions [REDACTED]
Alimony, Child Support, or Separate Income [REDACTED]
Itemize all loan sources & Interest [REDACTED]
Other Income (Itemize) [REDACTED]
Total Income [REDACTED]

Salary [REDACTED]
Dividends [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Unsatisfied judgments or lawsuits pending?

☐ Yes ☒ No

Are any income tax returns made by you for prior years being contested?

☐ Yes ☒ No

If so, what do you estimate as the additional amount you may be required to pay?

Are any assets pledged or joint names other than as described above?

☐ Yes ☒ No

Have you ever been declared bankrupt?

☐ Yes ☒ No

Do you have a will?

☒ Yes ☐ No

Who is named as your executor?

Beneficiary: Kellie Jones
Executor: _____

As of 9/25 2023



Business License
2529 J.O. Stephenson Ave.
Kennesaw, GA 30144

Contact Information:
Phone: (770) 424-8274
Fax: (770) 429-4559
www.kennesaw-ga.gov

License Application:
Alcoholic Beverage

OWNER/LICENSEE PERSONAL FINANCIAL STATEMENT

Name: Jason Daniel Norris
Social Security #: [REDACTED]
Residence Address: 2207 Lattimore Farm Dr
City/State/Zip: Kennesaw, GA 30152
Residence Phone: [REDACTED]

Date of Birth: [REDACTED] 1972
Name of Spouse: Amanda Lee Norris
Business/Organization: Monte Cristo
Business Phone: 678-402-8221
Partner/Officer in any other business? ☐ Yes ☒ No

Assets

Cash on hand in banks	[REDACTED]
Accounts Receivable	[REDACTED]
Stocks & Bonds	[REDACTED]
Real Estate	[REDACTED]
Cash value of Life Insurance	[REDACTED]
Automobiles	[REDACTED]
Deposit Accounts	[REDACTED]
Credit w/ Financial Institutions	[REDACTED]
Other Assets (Itemize)	[REDACTED]
Total Assets	[REDACTED]

Liabilities

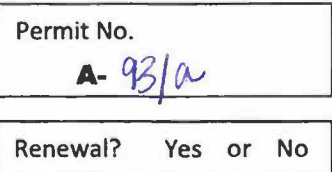
Notes payable to banks - Secured	[REDACTED]
Notes payable to banks - Unsecured	[REDACTED]
Accounts Payable	[REDACTED]
Unpaid Taxes	[REDACTED]
Mortgage on Real Estate	[REDACTED]
Other Debts (itemize)	[REDACTED]
Total Liabilities	[REDACTED]
Net Worth	[REDACTED]
Total Liabilities & Net Worth	[REDACTED]

Source of Annual Income ClipaLawn, ChickfilA
Bonus & Commissions _____
Alimony, Child Support, or Separate Income _____
Itemize all loan sources & Interest _____
Other Income (Itemize) _____
Total Income _____

Salary _____
Dividends _____

Unsatisfied judgments or lawsuits pending? ☐ Yes ☒ No
Are any income tax returns made by you for prior years being contested? ☐ Yes ☒ No
If so, what do you estimate as the additional amount you may be required to pay? _____
Are any assets pledged or joint names other than as described above? ☒ Yes ☐ No
Have you ever been declared bankrupt? ☐ Yes ☒ No
Do you have a will? ☐ Yes ☒ No
Who is named as your executor? _____ Beneficiary: Spouse
Executor: Diane Long

As of 9/25 2023



Page 147 of 159

Cedric Jackson

Have you ever been **arrested, charged and/or convicted** of a crime in this Country or any other Country for any offense **in the last five (5) years**? Yes ☒ No ☐

If yes, please list:

Note: Please list all arrests within the last five years regardless of the disposition of the case

Offense/Charge	Arresting Agency	Date	Disposition
DUI	Muscogee County Sheriff	11/7/21	

Are you **currently** on probation or parole for a drug or alcohol offense? Yes ☐ No ☒

I have received and read a copy of the Kennesaw Ordinance pertaining to obtaining a solicitation permit.
Yes ☒ No ☐

I hereby certify that all information given by me on this application is complete and true to the best of my knowledge. I further understand that **any falsification or intentional omission of requested information will result in denial of my application for a solicitation license.**

Signature of Applicant



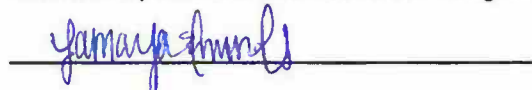
For Department Use Only:

GCIC Operator #: **cm**

Reviewed by Chief of Police or designee **is**

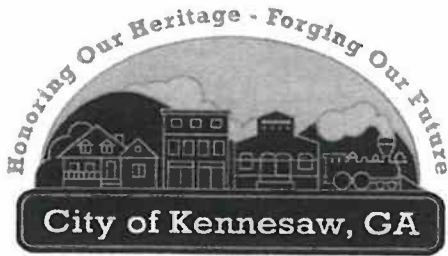
Approved ☒ Denied ☐

Reviewed by Business License Clerk or designee:



City Signature

Georgia Only
Criminal History Record Information



City of Kennesaw

Alcohol License

Permit No.

A- 93/b

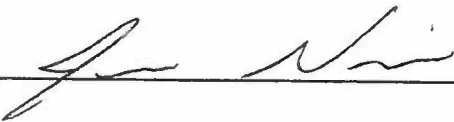
Renewal? Yes or No

Name-Based Criminal History Record Information Consent/Inquiry Form

I hereby authorize City of Kennesaw to conduct an inquiry for the purpose listed below and receive any Georgia and/or national criminal history record information as authorized by the state and federal law. City Ordinance 22-121 Solicitation Licensing.

Full Name (print)	Jason Daniel Norris		
Address	2207 Lattimore Farm Drive, Kennesaw, GA 30152		
Sex	Race	Date of Birth	Social Security Number
Male	White	1972	

☒ This authorization is valid for 364 days from date of signature.



Purpose Code Used: (check one)

NON-CRIMINAL JUSTICE PURPOSES	
☒	A- Alcohol License
☐	B- Bail Bonds
☐	E- Adult Entertainment
☐	M- Massage Therapy
☐	P- Pawn & Precious Metal
☐	S- Solicitation Permit

The inquiry resulted in the following: (check all that apply)

☒	No Criminal Record Available
☐	Criminal Record (Attached/Released)
☒	No NCIC/GCIC Warrant
☐	Possible NCIC/GCIC Warrant (List Wanting Agency Below)

Wanting Agency Name: _____

Wanting Agency Telephone: _____

Jason Norris

Have you ever been **arrested, charged and/or convicted** of a crime in this Country or any other Country for any offense in the last five (5) years? Yes ☐ No ☒

If yes, please list:

Note: Please list all arrests within the last five years regardless of the disposition of the case

Offense/Charge	Arresting Agency	Date	Disposition

Are you **currently** on probation or parole for a drug or alcohol offense? Yes ☐ No ☒

I have received and read a copy of the Kennesaw Ordinance pertaining to obtaining a solicitation permit. Yes ☒ No ☐

I hereby certify that all information given by me on this application is complete and true to the best of my knowledge. I further understand that **any falsification or intentional omission of requested information will result in denial of my application for a solicitation license.**

Signature of Applicant



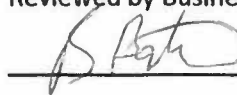
For Department Use Only:

GCIC Operator #: **cm**

Reviewed by Chief of Police or designee 

Reviewed by Business License Clerk or designee:

Approved ☒ Denied ☐



City Signature

**No History
Georgia Only**
0836 10-6-23 cm

Applicant Privacy Rights
Notification Signature Form

Applicant Notification and Record Challenge:

Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedure of obtaining a change, correction or updating an FBI identification record is set forth in Title 28, Code of Federal Regulations (CFR), 16.34.

Procedures for obtaining a copy of the FBI criminal history record are set forth in 28 CFR 16.30 through 16.33 or review the [FBI website](#).



Signature

CEDRIC JACKSON

Print Name

9/25/23

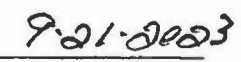
Date

Applicant Privacy Rights
Notification Signature Form

Applicant Notification and Record Challenge:

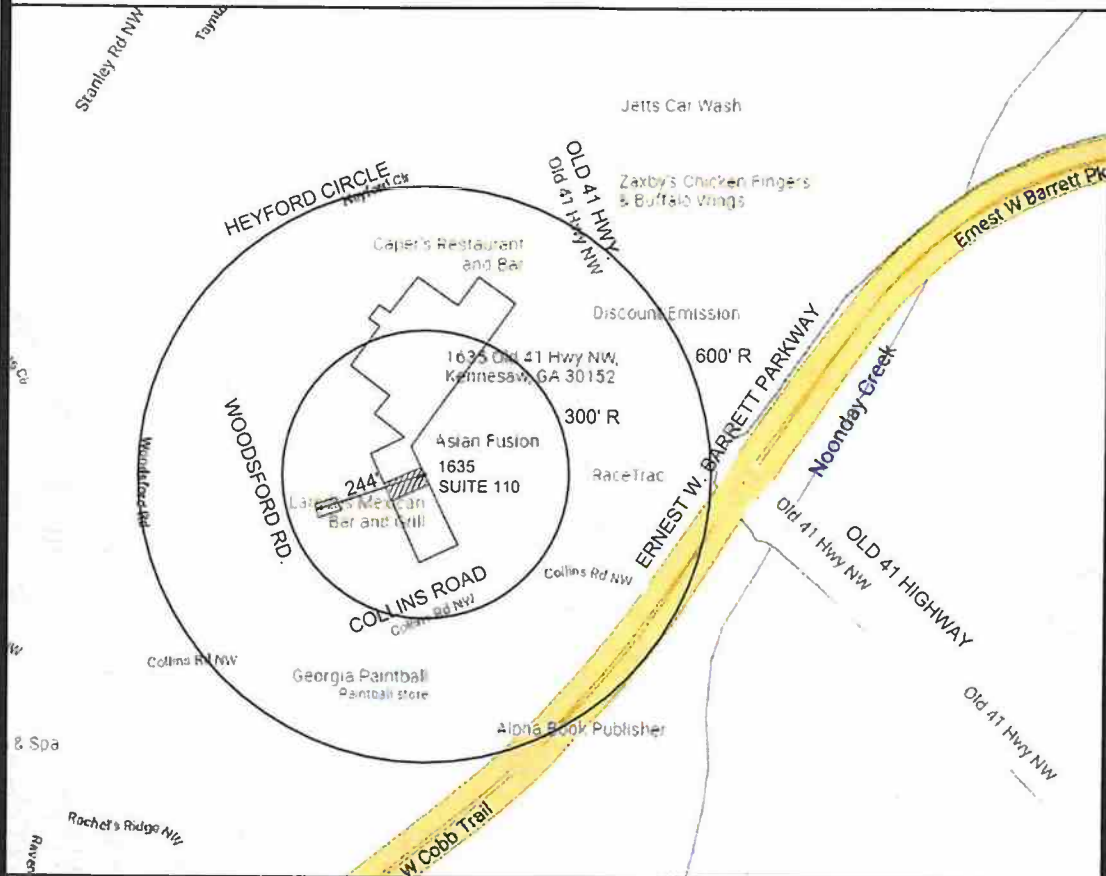
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Signature	Print Name	Date

ATLANTA ENGINEERING SERVICES, INC. HAS NOT
PERFORMED A BOUNDARY LINE SURVEY AS PER
THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

ATLANTA ENGINEERING SERVICES
918 HOLCOMB BRIDGE ROAD, SUITE 201
ROSWELL, GEORGIA 30076
PHONE: 770-316-1720



DISTANCE MEASUREMENTS:

RESIDENTIAL: 1642 WOODSFORD ROAD
KENNESAW, GA 30152
244' MEASURED IN A STRAIGHT LINE

CHURCH: MT. PARAN CHURCH
1275 STANLEY ROAD, KENNESAW, GA 30152
4626' MEASURED IN A STRAIGHT LINE

SCHOOL: MT. PARAN CHRISTIAN SCHOOLS
1275 STANLEY ROAD, KENNESAW, GA 30152
4626' MEASURED IN A STRAIGHT LINE

COLLEGE: KENNESAW STATE UNIVERSITY
430 BARTOW AVE., KENNESAW, GA 30152
2.69 MILES MEASURED IN A STRAIGHT LINE

PUBLIC PARK: BIG SHANTY PARK
2050 KENNESAW DUE WEST RD., KENNESAW, GA 30152
1.19 MILES MEASURED IN A STRAIGHT LINE

PUBLIC BUILDING: US POST OFFICE ANNEX
6950 COBB INTERNATIONAL BLVD., KENNESAW, GA 30152
3499' MEASURED IN A STRAIGHT LINE

HOSPITAL: WELLSTAR KENNESTONE HOSPITAL
677 CHURCH STREET, MARIETTA, GA 30060
3.14 MILES MEASURED IN A STRAIGHT LINE

ALCOHOLIC TREATMENT CENTER: N GA RECOVERY CENTER
1690 ROBERTS BLVE., SUITE 109, KENNESAW, GA 30144
3533' MEASURED IN A STRAIGHT LINE

HOUSING AUTHORITY: MARIETTA HOUSING AUTHORITY
95 COLE STREET, MARIETTA, GA 30066
4.16 MILES MEASURED IN A STRAIGHT LINE

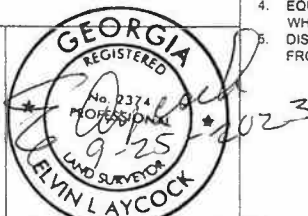
ALCOHOLIC LICENSE SURVEY FOR:

OWNER: CEDRIC JACKSON
1635 OLD HWY 41 NW, SUITE 110
KENNESAW, GA 30152

Business name: MONTE CRISTO
Site Address: 1635 OLD HWY 41 NW, SUITE 110
KENNESAW, GA 30152

COBB COUNTY
STATE OF GEORGIA

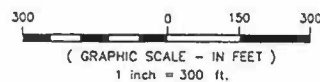
JOB. NO. 2021-3097
SCALE: AS NOTED
DWN. BY: ELA
FIELD WORK: 11-05-2021
DATE DRAFTED: 11-05-2021
REVISION: 09-25-2023



NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY ATLANTA ENGINEERING SERVICES, INC. OR USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO USE OF SURVEY FOR SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.

GENERAL NOTES:

1. THIS MAP IS A SPECIAL PURPOSE MAP INTENDED FOR SOLE USE OF THE OWNER.
2. ALL MATTERS OF TITLE ARE EXCEPTED.
3. THIS PLAT IS NOT FOR RECORDING.
4. EQUIPMENT USED FOR MEASUREMENTS: SURVEY MEASURING WHEEL AND GOOGLE EARTH.
5. DISTANCES MEASURED IN A STRAIGHT LINE FROM THE BUSINESS TO A CHURCH, SCHOOL, ETC.



STATE OF GEORGIA

Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

CERTIFICATE OF INCORPORATION

I, **Brad Raffensperger**, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

The Jack C. Phoenix Corp.
a Domestic Profit Corporation

has been duly incorporated under the laws of the State of Georgia on **08/08/2023** by the filing of articles of incorporation in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta
and the State of Georgia on **08/16/2023**.



Brad Raffensperger

Brad Raffensperger
Secretary of State



Certificate of Completion

AAACEA

(America's Alcohol Certified Education Association)

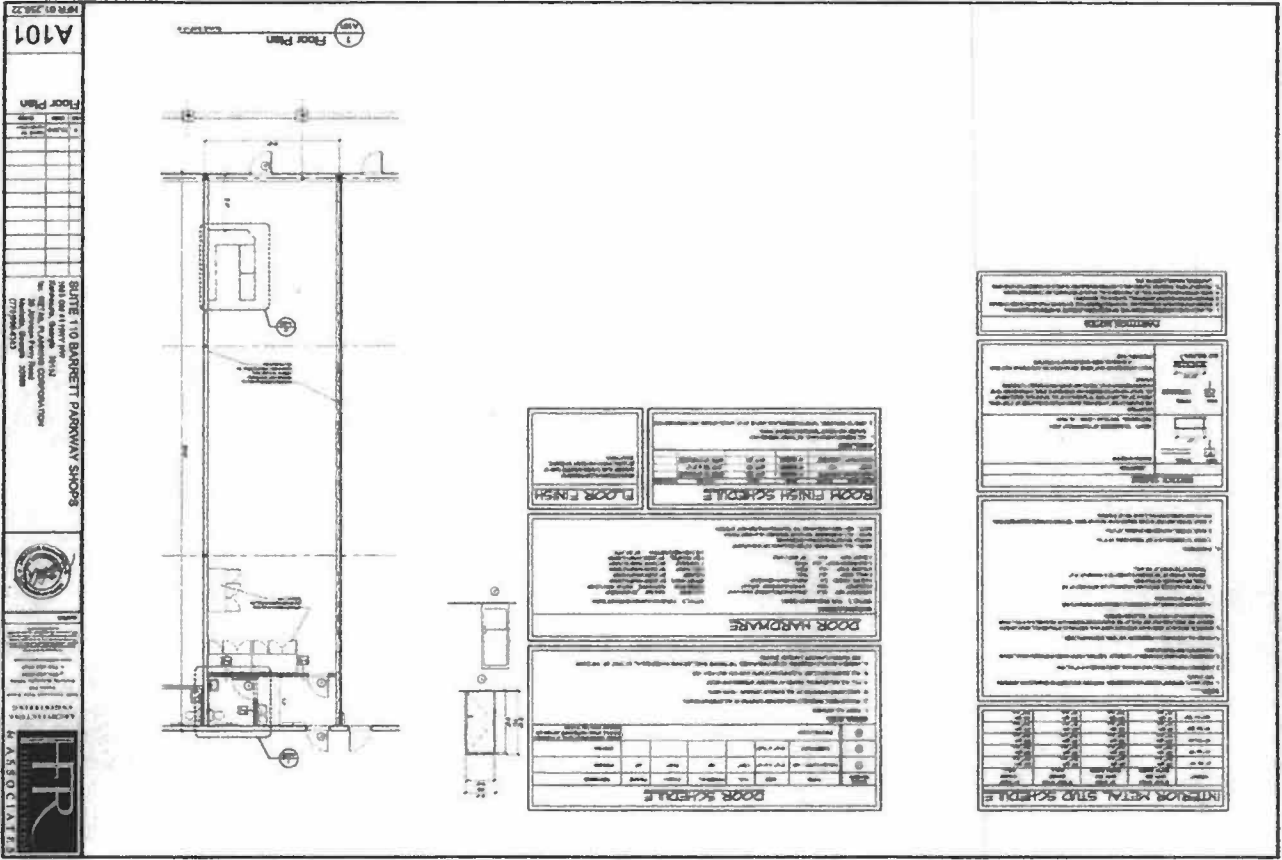
This certificate confirms that Cedric Jackson has
completed the *AAACEA Responsible Alcohol Seller/Server Training and
Education Seminar.*

Completed on 11/10/2021

Expiration Date 11/10/2023

Lee Riggs
President/CEO
888-865-1900
www.aaacea.com

Certificate #: 806111021



I have made application with the City of Kennesaw at the business license office for **Beer, Wine, Liquor, and Sunday Sales Retail Package License** for: **The Jack C. Phoenix Corp d/b/a Monte Cristo located at 1635 Old 41 Hwy STE 110, Kennesaw, GA 30152.**

The Mayor and City Council will hear said request on **November 6, 2023 at 6:30 p.m.** at Kennesaw City Hall, 2529 J. O. Stephenson Avenue, Kennesaw, GA 30144. All interested persons are hereby notified of said hearing and invited to attend and be heard relative thereto.

Cedric Jackson
Licensee

The Jack C. Phoenix Corp
Name of Establishment



Item Report

TO: The Honorable Mayor and City Council
FROM:
DATE: November 6, 2023
TITLE: Reports, Discussions, and Updates

Summary:

Recommendation:

Fiscal Impact:

Attachments:
None



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: November 6, 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