

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

Livestream: <https://www.facebook.com/CityofKennesaw/>

August 19, 2024

6:30 PM

Present	Mayor Derek Easterling Mayor Pro Tem Antonio Jones Councilmember Madelyn Orochena Councilmember Tracey Viars Councilmember Pat Ferris Councilmember Anthony Gutierrez 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

Scout Troop #002 led the Pledge of Allegiance.

3. Call to Order

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

4. Announcements

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

5. Presentations

6. Public Comment/Business from the Floor

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

No comments.

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

7. Old Business

8. New Business

9. Committee and Board Reports

10. Public Hearing(s)

A. Ordinance: Rezoning Request for 3045 Cherokee Street

Consideration for approval of an ordinance authorizing a rezoning request submitted by Jason Kisz for the property located at 3045 Cherokee Street (Parcel 20012900950). Case #RZ2024-03

Planning and Zoning Administrator Darryl Simmons presented an ordinance authorizing a rezoning request submitted by Jason Kisz for the property located at 3045 Cherokee Street (Parcel 20012900950). The property is currently zoned R-15, and the request is to rezone the property to the Central Business District (CBD). The property is located in the Historic District along the gateway of Cherokee Street. The rezoning is driven by the redevelopment of this property and the property to the south of it which is under the same ownership. Due to the discussion and questions from the Mayor and Council during the work session, Planning and Zoning staff were able to provide some additional options for review prior to the weekend. Mr. Simmons explained build-to lines, setbacks, and options regarding orientation on Cherokee Street. The data provided to the Mayor and Council shows where the historic district starts with the property just north, as well as the range of setbacks starting from Shirley Drive.

The applicant came up with three concepts as a result of concerns regarding safety and on-street parking. Concept A includes four on-street parking spaces, but the orientation, based on the proposal, would be a 6-foot sidewalk with a five-foot separation from the sidewalk to the nearest building. That would be an 11-foot setback from the curblane. Concept B allows two on-street parking spaces along the southern orientation. This particular concept allows for a 21-foot back of curb to the building for the commercial component on the north side of the access drive and 11 feet for the townhomes on the southern portion of the property. Concept C eliminates all on-street parking, which will yield a 21-foot back of curb to building setback, which will include a six-foot continuous sidewalk. Mr. Simmons explained whichever concept the Council feels is most appropriate will be added as an additional condition to the 17 conditions already recommended by staff.

As part of the rezoning and the Central Business District project approval process, the applicant went through the Historic Preservation Commission and Kennesaw Downtown Development Authority to show the specifics of the architecture and orientation of the buildings. This proposal has 31 for-sale units comprised of 14 townhomes and 17 stacked, flat condos. The units range from 1,250 square feet to 1,500 square feet for the townhomes and 1,015 square feet to 1,600 square feet for the stacked, flat condos.

Mr. Simmons recommended approval with the 17 conditions as outlined in the staff analysis.

Councilmember Viars confirmed that this project is all for-sale product and no apartments. Mr. Simmons confirmed it was an all for-sale product.

The designer of the project, Jason Scheidt, stated his intentions for the design was to make it a strong gateway to the downtown from Cherokee Street.

6:48 p.m. Floor Open for Public Comments

No comments.

6:49 p.m. Floor Closed for Public Comments

Councilmember Ferris discussed several areas of concern including limiting the number of units that could be set aside as rental units to no more than 10%, not permitting any cross-connecting roads without the approval of at least 50% of the Galt Commons' homeowners, requiring a minimum of setback of 21 feet for the entire development, and no on-street parking. Ultimately, he is in favor of Concept C.

After much discussion, Mayor Easterling, Councilmember Viars, and Councilmember Orochena preferred Option A. Councilmember Jones' voiced desire for a fence around the detention pond and a safety buffer between the road and the buildings. Mr. Simmons shared the applicant was agreeable to both requests. Councilmember Gutierrez and Mayor Pro Tem Jones preferred Option C.

Motion by Councilmember Viars to approve Concept A. Seconded by Councilmember Orochena.

Vote taken, motion denied 2-3 (Mayor Pro Tem Jones, Councilmember Ferris, and Councilmember Gutierrez opposed). Motion failed.

Motion by Councilmember Ferris to approve Concept C. Seconded by Mayor Pro Tem Jones.

Vote taken, motion approved 3-2 (Councilmember Orochena and Councilmember Viars opposed). Motion carried.

Motion by Mayor Pro Tem Jones to approve an ordinance authorizing a rezoning request submitted by Jason Kisz for the property located at 3045 Cherokee Street with the 17 stipulations as outlined in the staff analysis as well as the following four additional stipulations: no units within the development shall be offered for rent, all units must be for-sale; prior to the implementation of inter-connectivity with the adjoining Galt Commons Community, the developer must obtain fifty (50) percent approval from the current property owners permitting inter-parcel access; there shall be a minimum

setback of 21 feet from the property line fronting Cherokee Street; and the rezoning of the subject property for the construction of a mixed-use development shall be in substantial conformity to the revised site plan (Option C). Seconded by Councilmember Ferris.

Vote taken, motion denied 2-3 (Councilmember Orochena, Councilmember Viars, and Councilmember Gutierrez opposed). Motion failed.

Councilmember Viars stated her opposition comes from changing the concept from what it was meant to be with the setbacks and interconnectivity. Councilmember Orochena agreed. Councilmember Gutierrez wanted more time to speak with the Galt Commons residents to gauge their opinions.

Mayor Easterling suggested removing the interconnectivity stipulation to proceed.

Motion by Councilmember Viars to reconsider. Seconded by Councilmember Orochena.

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

Motion by Mayor Pro Tem Jones to approve an ordinance authorizing a rezoning request submitted by Jason Kisz for the property located at 3045 Cherokee Street with the 17 stipulations as outlined in the staff analysis as well as the following three additional stipulations: no units within the development shall be offered for rent, all units must be for-sale; there shall be a minimum setback of 21 feet from the property line fronting Cherokee Street; and the rezoning of the subject property for the construction of a mixed-use development shall be in substantial conformity to the revised site plan (Option C). Seconded by Councilmember Viars.

Vote taken, motion denied 2-3 (Councilmember Orochena, Councilmember Viars, and Councilmember Ferris opposed). Motion failed.

Councilmember Ferris consulted City Attorney Randall Bentley, Sr. on parliamentary procedure. He believed that at this time, it was appropriate to postpone the vote to a certain date to allow for more time and discussion.

Mr. Simmons asked for clarification on the impasse. Councilmember Viars is still concerned about the setback. Councilmember Orochena agreed.

Motion by Councilmember Viars to reconsider. Seconded by Councilmember Orochena.

Mayor Easterling stated the Council needed to move forward with action at the meeting. He stated the only thing that changed was the interconnectivity stipulation. He asked for some consistency if the motion is reconsidered with the four stipulations that were considered earlier.

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

Councilmember Ferris stated he would like to make a motion to postpone this item until the next regularly scheduled meeting. Councilmember Viars asked if the Council could deliberate now. She would be willing to concede her position on the inter-connectivity stipulation.

Mr. Simmons suggested removing the right of way dedication from the proposal. It would solve the issue with the setback. Councilmember Viars felt as though it was a better project with the dedication.

Motion by Councilmember Ferris to approve [**ORDINANCE NO. 2024-08**](#) authorizing a rezoning request submitted by Jason Kisz for the property located at 3045 Cherokee Street with the original stipulations as outlined in the staff analysis, except for the omission of stipulation 6, as well as the following four additional stipulations: no units within the development shall be offered for rent, all units must be for-sale; prior to the implementation of inter-connectivity with the adjoining Galt Commons Community, the developer must obtain fifty (50) percent approval from the current property owners permitting inter-parcel access; there shall be a minimum setback of 21 feet from the property line fronting Cherokee Street; the rezoning of the subject property for the construction of a mixed-use development shall be in substantial conformity to the revised site plan (Option C). Seconded by Mayor Pro Tem Jones.

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

11. Consent Agenda

- A. **Minutes: July 17, 2024 Service Delivery Strategy Mediation**
Approval of the July 17, 2024 Service Delivery Strategy Mediation special called meeting minutes.
- B. **Minutes: July 29, 2024 1st Property Tax Hearing**
Approval of the July 29, 2024, 1st Property Tax Hearing minutes.
- C. **Minutes: July 29, 2024 Work Session**
Approval of the July 29, 2024, City Council work session minutes.
- D. **Minutes: July 29, 2024 Executive Session**
Approval of the July 29, 2024, City Council executive session minutes.
- E. **Minutes: August 5, 2024 2nd Property Tax Hearing**
Approval of the August 5, 2024, 2nd Property Tax Hearing minutes.
- F. **Minutes: August 5, 2024 Regular Meeting**
Approval of the August 5, 2024, City Council regular meeting minutes.
- G. **Resolution: Transfer 2016 SPLOST Funds**

Consideration for approval of a Resolution to transfer various 2016 SPLOST funds to the 2016 SPLOST Resurfacing and Sidewalks account.

RESOLUTION NO. 2024-39

H. Resolution: Transfer 2016 SPLOST Funds

Consideration for approval of a Resolution to transfer 2016 SPLOST Stormwater Infrastructure funds to the 2016 Ben King Road Improvements account.

RESOLUTION NO. 2024-40

I. Resolution: Transfer 2022 SPLOST Funds

Consideration for approval of a Resolution to transfer 2022 SPLOST Depot Park funds to the 2022 SPLOST Neighborhood Improvements account.

RESOLUTION NO. 2024-41

J. Resolution: Transfer 2022 SPLOST Funds

Consideration for approval of a Resolution to transfer 2022 SPLOST Depot Park funds to the 2022 SPLOST Facility Improvements account.

RESOLUTION NO. 2024-42

K. Resolution: Smith-Gilbert Garden Improvements Project

Consideration for approval of a Resolution awarding the bid and contract to Magnum Contracting, LLC for construction of various Smith-Gilbert Garden improvements.

RESOLUTION NO. 2024-43

L. Resolution: Updated Intergovernmental Agreement (IGA) and Property Use Agreement for 2840 S. Main Street

Consideration for approval of a Resolution to update an IGA and Property Use Agreement pertaining to a shared dumpster between the KDDA, 1885 Grill, and Bernie's Social Bar.

RESOLUTION NO. 2024-44

Motion by Councilmember Jones to approve the Consent Agenda. Seconded by Councilmember Jones.

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

12. General and Administrative

13. Public Safety

A. Crime Stats: July 2024

Captain Ricky Shumpert presented the July 2024 crime statistics [See **Exhibit A**].

Motion by Councilmember Orochena to accept the July 2024 crime statistics as presented. Seconded by Mayor Pro Tem Jones.

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

14. Information Technology

15. Public Works and Building Maintenance

16. Recreation and Culture

17. Community Development

A. Central Business District Project Application: 3033 and 3045 Cherokee Street

Consideration to review a CBD project application request for a mixed-use development on parcels located at 3033 Cherokee Street (Parcel 20012900960) and 3045 Cherokee Street (Parcel 20012900950).
Case#CBD2024-02.

Planning and Zoning Administrator Darryl Simmons presented a CBD project application request for a mixed-use development on parcels located at 3033 Cherokee Street (Parcel 20012900960) and 3045 Cherokee Street (Parcel 20012900950). The Kennesaw Downtown Development Authority (KDDA) heard this project on July 12, 2024, and voted unanimously to accept the business plan. The Historic Preservation Commission (HPC) also heard the project on June 21, 2024. At the hearing, the HPC considered the demolition of the two residential structures on 3033 and 3045 Cherokee Street, respectively. The structure on 3045 Cherokee Street is designated as historic. The HPC voted to approve the demolitions with conditions. The demolition of the historic structure on 3045 Cherokee Street must adhere to the requirements for demolition outlined in Section 8.2.03 of the Historic Preservation design standards and a commemorative plaque must be installed within the development to recognize the historic contribution of the home that was at that location. For 3033 Cherokee Street, the applicant must adhere to the requirements for demolition outlined in Section 8.2.03 of the Historic Preservation design standards and fencing will be permitted during the demolition process to mitigate any disturbance to the surrounding properties. The Historic Preservation Commission also approved the CBD project application with conditions, including that the applicant must provide design drawings at the 30%, 60% 90% benchmarks of the project and the design updates will include a landscaping plan.

Motion by Councilmember Viars to approve a CBD project application request for a mixed-use development on parcels located at 3033 Cherokee Street (Parcel 20012900960) and 3045 Cherokee Street (Parcel 20012900950) with conditions as read into the record. Seconded by Councilmember Orochena.

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

18. Public Comment/Business from the Floor

7:48 p.m. Floor Open for Public Comments

ANDREW BRAMLETT [City Resident]: Mr. Bramlett shared a local history story about Pine Ridge Memorial Park [See **Exhibit B**].

7:49 p.m. Floor Closed for Public Comments

19. City Manager's Report

A. Reports, Discussions, and Updates

Dr. Drobney shared he did not have any updates or reports to share tonight.

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 Ferris noted that those present in the Council Chambers tonight were able to see how a City Council should operate. Discussions were held, disagreements occurred, but ultimately, the Council were able to find a compromise.

Councilmember Gutierrez is getting used to being a cat owner!

Mayor Pro Tem Jones thanked Pastor Green who invited a bunch of community leaders to worship at his church this past weekend. He also attended the Cobb Municipal Association and learned a lot from the meeting that he hopes to be able to implement in the future.

Councilmember Orochena did not have any comments tonight.

Councilmember Viars said she went to a ribbon cutting last week for the Independent Electrical Contractors. It is a great organization promoting future electrical workers. Also, USA Today rated cities throughout Georgia and Kennesaw was rated the number one best city for people to move to!

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 7:55 p.m. The next regularly scheduled meeting will be held on Monday, August 26, 2024, at 6:30 p.m. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.

Lea Alvarez, City Clerk



July 2024 Crime Statistics

Crimes	July 2024	July 2023	YTD (01/01/24)-(07/31/24)	YTD (01/01/23)-(07/31/23)
Assault Offenses	18	30	206	214
Motor Vehicle Theft	6	3	18	8
Burglary	3	3	21	16
Homicide Offenses	0	0	0	0
Larceny	4	9	24	45
Sex Offenses	0	2	9	15
Robbery	0	0	5	6
Total	31	47	283	304

	July 2024	July 2023	YTD (01/01/24)-(07/31/24)	YTD (01/01/23)-(07/31/23)
Dispatched Calls for Service	782 (-56)	838	5342 (-502)	5844
Self-Initiated Activity	1351 (+531)	820	8172 (+1014)	7158
Traffic Citations	665 (-30)	695	4072 (-1212)	5284
Traffic Warnings*	710 (+574)	136	4117 (+2120)	1997
Arrests**	113 (+23)	90	693 (+88)	605

*Warnings do not include verbal warnings

**Arrests statistics do not include juveniles

	July 2024	July 2023	YTD (01/01/24)-(07/31/24)	YTD (01/01/23)-(07/31/23)
Auto Accident	96 (-9)	105	730 (-18)	748
Accident W/ Injury	4 (-8)	12	58 (-24)	82
Hit and Run	9 (-8)	17	81 (-23)	104
Hit and Run W/ Injury	0 (-1)	1	1	1
Person Hit by Auto W/ Injury	0	0	5 (+2)	3

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



KENNESAW HISTORY

Pine Ridge Memorial Park

Marietta Baptist Tabernacle

Image from the *Marietta Daily Journal*



Kennesaw's Pine Ridge Memorial Park has been serving area residents since 1983. Some of its earliest burials, however, are connected to one of the strangest cemetery odysseys in Cobb County history.

Off of Allegood Road, about halfway between Interstate 75 and Piedmont Road, was a church called the Marietta Baptist Tabernacle. In the mid 1970s, the church opened a cemetery called Morningside Memorial Park next door. Located on over 20 acres, grand plans for the cemetery were made, but never came to fruition. As the church began to suffer major financial issues, it became evident in 1983 that the corporation set up to sell lots did not actually own the land.

When this news was announced, the new Pine Ridge Memorial Park announced it would accept deeds to any lot sold at Morningside. In 1984, nine bodies were moved from one cemetery to the other, becoming some of the first burials at Pine Ridge. Now, decades later, there is no trace of the forgotten Morningside Memorial Park.

Presented by Andrew J. Bramlett at the August 19, 2024,
City of Kennesaw Mayor & Council Meeting

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

PLEASE MAKE SURE YOUR NAME IS LEGIBLE AND CLEAR

**Mayor & Council Regular Meeting
8/19/2024
Public Comment Sign-in**

	Name	Address	Topic
1	<u>Andrew J. Brantlett</u>	<u>2990 Snoverfield Ct.</u>	<u>Local History</u>
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