

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

**Livestream: <https://www.kennesaw-ga.gov/publicmeetings/>
October 14, 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

2. 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.

5. Presentations

6. Old Business

7. New Business

- A. **Resolution: Professional Probation Services, Inc. Contract Addendum**
Consideration for approval of a Resolution authorizing an addendum to the contract for probation supervision and rehabilitation services by and between the City of Kennesaw and Professional Probation Services, Inc.

Court Clerk Brittany Swiney presented a resolution authorizing an addendum to a contract for probation supervision and rehabilitation services by and between the City of

Kennesaw and Professional Probation Services, Inc (PPSI). The addendum will include a \$5.00 increase across the board, to include pay-only probation supervision and basic probation supervision. The services were originally contracted at \$40.00 a month and have increased to \$45.00. PPSI will also begin charging \$45.00 a month for pre-trial diversion supervision, which was not done in the past. There is no fiscal impact on the city as these costs are borne by the defendants in matters with the Kennesaw Municipal Court.

Councilmember Ferris asked which service was new that had not been used before in the past. Ms. Swiney stated that the pre-trial diversion supervision was new. The only service the Kennesaw Municipal Court does not use is intensive probation supervision.

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

8. Committee and Board Reports

A. Road Closures: Taste of Kennesaw

Consideration to approve road closures for Taste of Kennesaw festival.

Public Works Director Ricky Stewart presented road closures for the Taste of Kennesaw festival. JRM is requesting that beginning on Friday, November 1, 2024, at 11:00 p.m. through Saturday, November 2, 2024, at midnight, the following roads are closed: Cherokee Street from Main Street to Shirley Drive/ Big Shanty Drive; Main Street from Summer Street to Lewis Street; J.O. Stephenson Avenue from the entrance to Eaton Chiropractic to Main Street; and Watts Drive from Little General Cloggers Lane to Main Street.

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

9. Public Hearing(s)

A. Land Use Permit: 2255 Long Bow Chase

Consideration for approval of a Land Use Permit application for property located at 2255 Long Bow Chase as submitted by Nancy Lesser. Case #LU2024-03

Assistant Zoning Administrator and Planner Chanelle Campbell presented a land use application for property located at 2255 Long Bow Chase. The applicant is looking to obtain a home occupational license to sell sublimation tumblers and home-decor. The applicant plans to utilize the office on the main floor and basement of her home to store, prepare, and package the items. The items will be sold online and at craft shows in the area. Staff believes that this use is very low in commercial intensity because it will be contained within an enclosed building space and should not cause any nuisance to adjacent properties. Planning and Zoning representatives received correspondence from the Victoria Crossing homeowners' association approving the use. Ms. Campbell stated that staff recommends approval with conditions as outlined in the staff analysis.

Further, the Planning Commission recommended approval with the stipulations as presented by staff at their October 2, 2024, regularly scheduled meeting.

Councilmember Viars asked if, in the future, there would be a way to look at simplifying this process as the application was submitted in July, and we are close to November approving it. Ms. Campbell stated that most of the delay is due to the public notice requirements and the timing in which these cases need to be heard by the various boards.

Councilmember Ferris asked Ms. Campbell to read through the staff recommendations at the regular meeting for the record.

10. Consent Agenda

- A. **Minutes: September 30, 2024 Work Session**
Approval of the September 30, 2024, City Council work session minutes.
- B. **Minutes: September 30, 2024 Executive Session**
Approval of the September 30, 2024, City Council executive session minutes.
- C. **Minutes: October 7, 2024 Regular Meeting**
Approval of the October 7, 2024, City Council regular meeting minutes.
- D. **Cemetery Deed: Section III, Plot 5 Lots A-D and Section III, Plot 12, Lots A-D**
Authorization for the Mayor to sign a deed for cemetery lots purchased by Mike Turner.

11. General and Administrative

- A. **Alcohol License: Cigar Gallery Club**
Consideration for approval of an Alcohol License for Beer, Wine, Liquor and Sunday Sales for Cigar Gallery Club LLC d/b/a Cigar Gallery Club located at 3600 Cherokee St NW, Suite 102 Kennesaw, GA 30144. Applicant: Victor Rodriguez

Business License Manager LaMaya Edmonds presented an alcohol license for beer, wine, and Sunday sales for Cigar Gallery Club LLC d/b/a Cigar Gallery Club located at 3600 Cherokee Street NW, Suite 102. This case was postponed from the October 7, 2024, City Council regular meeting. The applicant has completed the required alcohol workshop, signs have been posted, and the application has been properly advertised. The applicant's background check and fingerprints are on file.

12. Public Safety

- A. **Crime Statistics: September 2024**
Consideration to accept the September 2024 crime statistics.

Chief Bill Westenberger presented the September 2024 crime statistics [See **Exhibit**

A].

13. Information Technology

14. Public Works and Building Maintenance

A. Resolution: Keene Street ROW Transfer to Core Property Capital, LLC

Consideration to approve a Resolution to transfer portions of the Right Of Way known as Keene Street to Core Property Capital, LLC

Public Works Director Ricky Stewart presented a resolution to transfer portions of right of way known as Keene Street to Core Property Capital, LLC. Mr. Stewart stated this item is a follow-up to a resolution approved in December 2019 between the City and Arris Kennesaw, LLC, assignee of Core Property Capital, LLC. That resolution, and the development agreement that went along with it, was for property exchange of abandoned right of way on Keene Street and Burrell Court for future right of way once the development was complete. There is a small remnant of an additional 1,698 square feet of abandoned right of way and Core is asking for the Council to amend the development agreement to add it to the exchange. Mr. Stewart noted the original exchange was 29,882 square feet that the City gave to Core Property Capital, LLC in exchange for 38,332 square feet of future right of way.

Councilmember Viars stated she would recuse herself from discussion and vote due to a conflict of interest. The item will remain where it is on the agenda for the regular meeting.

B. Resolution: Cantrell Crossing Street Dedication

Consideration to approve a Resolution to accept dedication of street in Cantrell Crossing.

Public Works Director Ricky Stewart asked for approval to postpone the item to the November 4, 2024, City Council regular meeting. Mr. Stewart was told to proceed with postponing the item.

C. Rescind: Resolution 2024-43, 2024

Consideration to rescind Resolution No. 2024-43, 2024 terminating the contract with Magnum Contract, LLC for the Smith-Gilbert Gardens Improvement Project.

Building and Facilities Director Robbie Balenger requested approval to rescind Resolution No. 2024-43, 2024, terminating the contract with Magnum Contracting, LLC for the Smith-Gilbert Gardens Improvement Project. City staff and Croy Engineering have tried to negotiate a schedule with Magnum Contracting, LLC and are at an impasse. If the Council agrees to rescind, City staff will move on to the next qualified bidder to proceed with the project.

Mayor Pro Tem Jones mentioned that Magnum Contracting, LLC failed to bid on the grading of the property. Mr. Balenger stated that Mayor Pro Tem Jones was correct and that the contractor admitted they had not bid off of the plans submitted to them. Dr. Drobney stated that one of the reasons why City staff is asking for the contract to be

rescinded is because the contractor asked for a change order and the City will not accept that.

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

D. Resolution: Smith-Gilbert Gardens Improvements Project

Consideration for approval of a Resolution awarding the contract to S.H. Creel Contracting, LLC for construction of various Smith-Gilbert Gardens improvements.

Building and Facilities Director Robbie Balenger presented a resolution awarding the contract to S.H. Creel Contracting, LLC for construction of various Smith-Gilbert Gardens improvements. S.H. Creel Contracting, LLC was the second-lowest bidder, and City staff negotiated with them to get to within \$800 of the original contracted amount. Mr. Balenger noted a few changes were made in scope to get the project within budget.

Councilmember Ferris asked what changes were made. Mr. Balenger responded that the asphalt was changed to a different material that is like rocks that have a bonding agent put over the top and that some of the path leading to what will be the visitor's center was eliminated. Mayor Pro Tem Jones confirmed that the project still includes striping.

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

15. Recreation and Culture

16. Community Development

A. Discussion Only: Accessory Dwelling Unit Ordinance

Consideration of an ordinance to amend Appendix A, Section 1.09.02, "Definitions", Section 2.01.03, "Residential Zoning Districts", Section 2.02.03, "Table of Land Uses - Residential Districts" and and Section 4.04.01, "Special Exception Uses" of the Kennesaw Unified Development Code.

Planning and Zoning Administrator Darryl Simmons presented a draft ordinance addressing standards for Accessory Dwelling Units (ADUs). Planning and Zoning spent time interviewing and consulting other jurisdictions with existing ADU ordinances and entities such as the Cobb Fire Marshall and the Cobb County Tax Assessor to receive feedback and comments. City staff are proposing a "Special Exception Use" for ADUs. Other Special Exemption Uses that staff reviews are car dealerships, schools, cemeteries, etc. The use must meet a list of criteria. If it does not, the use would be denied. Any denial from the Zoning Administrator is appealed to the Mayor and City Council for further consideration. When creating the standards for ADUs, City staff looked at the preservation of existing neighborhoods and public safety. Mr. Simmons addressed each criterion.

After discussion, and due to the number of questions without definitive answers at this point in time, Mr. Simmons was directed to continue researching. He offered to run a scenario where Fee Simple Townhomes is an included zoning designation. He will also bring back any response Cobb County has regarding how they plan to categorize ADUs to bring some clarity on whether this is something the Council wants to pursue.

B. Discussion Only: Kennesaw Art and Culture Commission Ordinance

Consideration of an ordinance to amend Appendix A, Section 2.03.00, "Public Art Exhibits" and Section 8.04.00, "City of Kennesaw Art and Culture Commission" of the Kennesaw Unified Development Code.

Planning and Zoning Administrator Darryl Simmons presented a draft ordinance to amend Appendix A, Section 2.03.00, "Public Arts Exhibits" and Section 8.04.00, "City of Kennesaw Art and Culture Commission" of the Unified Development Code. The intent behind the ordinance is to increase the efficiency of the approval process regarding public art exhibits in the City. The draft also dissolves the Art and Culture Commission, which has struggled with keeping membership, and replaces it with an Arts Programming Coordinator, which would be a city staff designee responsible for the programming of the arts in public places.

Vanita Keswani, the Smith-Gilbert Gardens' Education and Exhibits Manager, is the proposed Arts Programming Coordinator. Ms. Keswani introduced herself to the City Council and shared her professional history in the arts.

The details of the ordinance were discussed, and it was agreed that staff would provide updates to the Council via email prior to any public arts exhibits being approved.

The Council gave Mr. Simmons permission to proceed with the ordinance.

17. Public Comments

7:52 p.m. Floor Open for Public Comments

SEAN MILLS: Mr. Mills wanted to provide his unique insight about applying for public art exhibits with the City using the current process. He noted a lot of redundancy that occurred between the Kennesaw Art and Culture Commission and the City Council. Mr. Mills is in favor of the changes, but emphasized that its success would be dependent on the budget provided.

KIMBERLY WATKINS: Ms. Watkins pointed out that she did not see any language in the ordinance that addresses public art exhibits on private property. Mr. Simmons shared with Ms. Watkins and the Council the provision in the ordinance that addressed public art exhibits on private property.

CHUCK MEACHAM: Mr. Meacham is the Chair of the Department of Theater and Performance Studies at Kennesaw State University. He wanted to speak about the wonderful partnership between the university and staff at Smith-Gilbert Gardens. He is in support of the proposed ordinance for the public art exhibits amendments.

LEA ALVAREZ: Ms. Alvarez summarized four emails received via kennesawcouncil@kennesaw-ga.gov. The emails were sent in support of the proposed ordinance for the Accessory Dwelling Units; however, some concerns were noted about items D and I [See **Exhibit B**].

ALLEN PETERSON: Mr. Peterson is a Professor of Art at Kennesaw State University, teaching sculpture and the Master Craftsman Program. He shared that appointing a city staff person as an Arts Programming Coordinator would greatly benefit the City and make the process more efficient. Mr. Peterson said it is a good model, and it works. He shared that he has worked with Ms. Keswani in her capacity with Smith-Gilbert Gardens, and that he supports her recommendation without reservation.

TIMOTHY HEYING: Mr. Heying stated he would like to see more fire hydrants placed in older neighborhoods, especially in light of the requirement in the proposed ADU ordinance regarding the necessity of an ADU being located within 500 feet of a fire hydrant.

8:04 p.m. Floor Closed for Public Comments

18. City Manager's Report

A. Reports, Discussions, and Updates

Dr. Drobney noted that the Service Delivery Strategy agreement had been submitted to the Department of Community Affairs. Once it is approved, he will let the Council know.

19. 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.

20. Council Reports & Discussions

21. 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.

22. Adjourn

Mayor Easterling adjourned the meeting at 8:09 p.m. The next regular meeting will be held on Monday, October 21, 2024, at 6:30 p.m. in the Council Chambers. The public is encouraged to attend.



Lea Alvarez, City Clerk



September 2024 Crime Statistics

Crimes	Sep 2024	Sep 2023	YTD (01/01/24 - 09/30/24)	YTD (01/01/23 - 09/30/23)
Assault Offenses	19	39	240	286
Motor Vehicle Theft	2	2	23	11
Burglary	5	2	28	23
Homicide Offenses	0	0	2	0
Larceny	13	13	105	129
Sex Offenses	4	1	14	16
Robbery	0	1	2	8
Total	43	58	414	473

	Sep 2024	Sep 2023	YTD (01/01/24 - 09/30/24)	YTD (01/01/23 - 09/30/23)
Dispatched Calls for Service	753	804	6,875	7,484
Self-Initiated Activity	1,112	845	9,284	9,187
Traffic Citations	464 (-290)	754	5,123 (-1,944)	7,067
Traffic Warnings*	653 (+514)	139	5,472 (+3,161)	2,311
Arrests**	59	65	825	777

* Warnings do not include verbal warnings

** Arrests do not include juvenile arrests

	Sep 2024	Sep 2023	YTD (01/01/24 - 09/30/24)	YTD (01/01/23 - 09/30/23)
Auto Accidents	105 (+2)	103	756 (+39)	717
Accident W/ Injury	12 (+1)	11	79 (-27)	106
Hit and Run	11 (-8)	19	100 (-40)	140
Hit and Run W/ Injury	0	0	1	1
Person Hit by Auto W/ Injury	0	0	5 (+1)	4

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



Lea Alvarez

From: [REDACTED]
Sent: Monday, October 14, 2024 1:13 PM
To: kennesawcouncil
Subject: Support for Accessory Dwelling Units

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 City Council,

I request that this email be read verbatim. For privacy reasons, please block out my email address and name when publishing meeting minutes to the internet.

I am writing to express my support for Accessory Dwelling Units (ADUs).

I object to **item d**, which requires the property owner to reside in either the main structure or the ADU. This restriction could hinder seniors who need to pay for care facilities. Renting both units may be their only option to afford necessary care, and they shouldn't be forced to sell their family home, potentially losing the opportunity to pass it down to their children.

I also oppose **item i**, which bans separate rentals or short-term rentals of the main house and ADU. This all-or-nothing approach is unnecessary. Many adult children, including those with disabilities, pay rent to their parents for a sense of independence and pride. This practice should not be made illegal.

Furthermore, seniors living in multi-story homes may wish to relocate to their more accessible ADU for mobility reasons. They deserve the option to age in place while generating income from their property to pay for an in-home nurse.

Thank you for considering these points.

[REDACTED]

Lea Alvarez

From: Ethan Milam [REDACTED]
Sent: Monday, October 14, 2024 12:51 PM
To: kennesawcouncil
Subject: Re: ADUs

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.

Excuse my wording. I want this resolution to pass, just with appropriate changes. I don't believe there should be restriction like being close to a fire hydrant, or restricting the units from being short term rentals. I'd like this to pass, just as a well written law. Thank you.

Ethan Milam

On Mon, Oct 14, 2024 at 12:33 PM Ethan Milam <[REDACTED]> wrote:
Hello,

I've heard about the meeting about accessory dwelling units and the idea of making them harder to build. I think the rules proposed would drastically limit the areas where ADUs are allowed to be built. Maybe that's the goal of whoever is proposing this rule. I just want it to be known that as someone living in Kennesaw, I don't think this rule has any benefit. ADUs aren't causing any harm. There's no reason to add more restrictions onto them. There's lots of benefits to allowing them and leaving the rules as they are. Thanks for taking this issue seriously. I hope that this measure doesn't pass tonight. Thank you.

Ethan Milam

Lea Alvarez

From: Matthew Tucciarone [REDACTED]
Sent: Monday, October 14, 2024 1:36 PM
To: kennesawcouncil
Subject: Support for ADUs

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,

I'm in support of ADUs being added to the development code of Kennesaw, though there are two points of contention I have on the code as it stands now:

Item (d) says the property owner must live in either the ADU or the principal property. I think this could cause issues with those who live in assisted living facilities but do not wish to sell their homes. Renting both properties might be the best option to pay for their care while also holding on to the home to pass on to their children.

Item (i) says that "At no time shall the principal structure and accessory dwelling unit be rented separately or used as a short-term rental". I believe this would greatly discourage homeowners from creating ADUs as it can be expensive to make the conversions. I do understand the reasoning to a point but I would like the city council to look into this point further.

Thank you for taking the time to read this email,
Matthew Tucciarone

Lea Alvarez

From: Robert Corner [REDACTED]
Sent: Monday, October 14, 2024 2:13 PM
To: kennesawcouncil
Subject: Support for ADUs

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 City Council Members and Mayor,

My name is Robert, I spoke at the City Council meeting last week in regard to MSPLOST. I currently work in Kennesaw and hope to move there in the near future.

I just wanted to reach out and voice my support for legislation that allows for development of Accessory Dwelling Units (ADUs). I believe ADUs are a great way to provide affordable housing options for any community and legislation allowing for their development would provide landowners creative license to use their property how they see fit.

I do feel as though item (i) is unreasonable and should be left to the discretion of the primary property owner.

Thank you for taking the time to read this.

God bless,
Robert

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

PLEASE MAKE SURE YOUR NAME IS LEGIBLE AND CLEAR

City Council Work Session

10/14/2024

Public Comment Sign-in

	Name	Address	Topic
1	Sean Mills	2094 Melissa Ct	ART FUNDING
2	Kimberly Watkins	2915 N Main St NW	Art
3	CHUCK MATHAM	3022 GINGERLEAF CHASE	Art
4	ALLEN PETERSON	173 CLAYSTONE ATL	ART
5	Timothy Hen	2059 White Oak Crs	ADA
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