

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

**Livestream: www.kennesaw-ga.gov/publicmeetings/
November 18, 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.
---------	---

1. Invocation

City Attorney Randall Bentley, Sr. led the invocation.

2. Pledge of Allegiance

Scout Troop #422 led the Pledge of Allegiance.

3. Call to Order

Mayor Easterling called the meeting to order at 6:33 p.m.

4. Announcements

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: Unified Development Code Text Amendment

Consideration for approval of a text amendment request as submitted by the City of Kennesaw. Said request is to amend the Unified Development Code, Appendix A, Chapter 2 "Zoning Districts", Section 2.03.00 and Unified Development Code, Appendix A, Chapter 8 "Boards and Agencies", Section 8.04.00 of said chapters regarding public art exhibits and the City of Kennesaw Art and Culture Commission as submitted by the City of Kennesaw. Case #MISC2024-03

Zoning Administrator Darryl Simmons presented an ordinance to amend the Unified Development Code, Appendix A, Chapter 2, "Zoning Districts," Section 2.03.00 and Unified Development Code, Appendix A, Chapter 8, "Boards and Agencies," Section 8.04.00 of said chapters. Mr. Simmons noted that keeping the Art and Culture Commission afloat, as well as following the process for public art exhibits, had become arduous. The original intent of the ordinance in 2013 was to have a regulatory process for the review of art, but art has since grown into a downtown amenity and a way to market the City. The result of this proposal would be the dissolution of the current Art and Culture Commission and the process would be restructured to where public art exhibits are reviewed by staff and approved by the City Manager's office. Additionally, a Kennesaw Public Art Advisory Committee will be created that will assist the City in propelling and advocating for the arts program. The new advisory committee will meet as needed and will be vetted by the City Manager's office. Mr. Simmons emphasized that City staff would provide updates to the City Council on proposed art exhibits.

The Planning Commission held a public hearing at their November 6, 2024, regular meeting and recommended approval.

Motion by Councilmember Viars to approve [Ordinance No. 2024-09](#) amending the Unified Development Code, Appendix A, Chapter 2, "Zoning Districts," Section 2.03.00 and Unified Development Code, Appendix A, Chapter 8, "Boards and Agencies," Section 8.04.00 of said chapters as presented. Seconded by Councilmember Gutierrez.

6:37 p.m. Floor Open for Public Comments

No comments.

6:38 p.m. Floor Closed for Public Comments

Mayor Pro Tem Jones asked if meetings of the Advisory Committee would be subject to the Open Meetings Act. Mr. Simmons said staff would follow proper meeting protocols for the Committee's meetings.

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

B. Ordinance: Rezoning Request for 2112 & 2114 Old 41 Highway, 1620 North Roberts Road

Consideration for approval of an ordinance authorizing a rezoning request submitted by Fabric Housing Acquisitions, LLC, for the property located at 2112 & 2114 Old 41 Hwy, and 1620 N. Roberts Rd (20017501190, 20017501210, 20017500210, 20017400080). Case #RZ2024-04

Assistant Zoning Administrator and Planner Chanelle Campbell presented a request to postpone a rezoning request for 2112, 2114 Old 41 Highway, and 1620 North Roberts Road submitted by Fabric Housing Acquisitions, LLC to the December 9, 2024, City Council work session and the December 16, 2024, City Council regular meeting. Ms. Campbell shared that on November 8, 2024, Zoning staff received a formal request from the legal representative of the applicant to postpone the application until the aforementioned City Council meeting dates. The application seeks to amend zoning conditions approved under ordinances #2018-10 and #2022-09. The request was received after the Planning Commission's regular meeting held on November 6, 2024, where the Commission voted 3-2 to approve the request with conditions. City staff had recommended denial of the request as submitted and has been meeting with the applicant to resolve outstanding concerns before being considered by the Mayor and City Council. All public notice requirements and procedures were completed in preparation for tonight's public hearing. Updated public notice signs with the new dates will be placed on the property and updated, written notices will be mailed to adjacent property owners.

Attorney Kevin Moore, of Moore Ingram Johnson & Steele LLP and representative for the applicant, provided a few words to the Council. Mr. Moore shared his appreciation for the Council's consideration to postpone the application to the December meetings. The applicant and staff were able to have a productive conversation regarding the City's expectations for the project earlier in the day.

Motion by Councilmember Orochena to postpone the rezoning request submitted by Fabric Housing Acquisitions, LLC for the property located at 2112 and 2114 Old 41 Highway and 1620 North Roberts Road to the December 9, 2024, City Council work session and the December 16, 2024, City Council regular meeting. Seconded by Councilmember Viars.

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.

11. Consent Agenda

A. Minutes: October 28, 2024 Work Session

Approval of the October 28, 2024, City Council work session minutes.

- B. **Minutes: November 4, 2024 Regular Meeting**
Approval of the November 4, 2024, City Council regular meeting minutes.
- C. **Resolution: Master Fee Schedule Updates**
Consideration for approval of a Resolution to update various portions of the Master Fee Schedule.

Resolution No. 2024-53

- D. **Resolution: Cobb County Water and Sewer Easement Agreements**
Consideration to approve a Resolution authorizing Water and Sewer Easement Agreements with Cobb County Water System

Resolution No. 2024-54

- E. **Final Plat Application: 2652 South Main Street**
Consideration for approval of a final plat application submitted by Kennesaw Development Owner, LLC for 2652 S. Main St. (Parcel 20016700020); this application intends to revise the final plat to include sewer and water easements. Case #FP2024-05

Motion by Councilmember Gutierrez to approve the Consent Agenda engross.
Seconded by Councilmember Viars.

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

12. General and Administrative

13. Public Safety

- A. **Crime Statistics: October 2024**
Consideration to accept the October 2024 Crime Statistics.

Captain Kevin Mitchell presented the October 2024 crime statistics [See **Exhibit A**].

Motion by Councilmember Ferris to accept the October 2024 crime statistics as presented. Seconded by Councilmember Orochena.

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

14. Information Technology

15. Public Works and Building Maintenance

- A. **Resolution: Emergency Stormwater Repair**
Consideration to approve a Resolution authorizing a proposal for Emergency Stormwater Repair from Proshot Concrete, Inc.

Public Works Director Ricky Stewart presented a resolution authorizing a proposal for emergency stormwater repair from Proshot Concrete, Inc. Three weeks ago, the owner of 2979 Pine Hill Drive notified Public Works about an issue she was having with an exposed storm drain in her yard causing sinkholes. After inspection, staff noticed there

was no bottom to the pipe and the water flow was carrying soil away from around the pipe. The City currently has a contract with Proshot Concrete, Inc., so they went out and took a look to provide a proposal to repair the pipe. Proshot Concrete, Inc. provided two proposals for two different linings. Mr. Stewart recommended going with the lowest proposal, for \$96,500.00. He is making this request based on it being an emergency repair.

Motion by Councilmember Viars to approve [Resolution No. 2024-55](#) authorizing a proposal for emergency stormwater repair from Proshot Concrete, Inc., for \$96,500.00 as presented. Seconded by Councilmember Orochena.

Councilmember Ferris does not see this request as being an emergency. He sees it as urgent and necessary. His personal preference would have been to go through the typical bid process for this project.

Mayor Pro Tem Jones asked if the City had gone through the typical bid process if Mr. Stewart thinks we would have received a better price. Mr Stewart thinks the price is fair. For the last six or seven years when the City has bid stormwater pipe relining, Proshot Concrete, Inc. has typically submitted the lowest bid. Following the history of this particular bid, in Mr. Stewart's opinion, Proshot Concrete, Inc., most likely would have been the lowest bid as they have been for years.

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

16. Recreation and Culture

17. Community Development

18. Public Comment/Business from the Floor

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

ANDREW BRAMLETT (City Resident): Mr. Bramlett shared the story of Lemuel Preston Whitfield (See **Exhibit B**).

6:50 P.M. Floor Closed for Public Comments

19. City Manager's Report

A. Reports, Discussions, and Updates

Dr. Drobney introduced Anna Trapp, the City's new Assistant to the City Manager, to the Council and the public. Welcome, Anna!

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 Gutierrez shared he was on a work trip last week to Boston, Massachusetts.

Councilmember Ferris takes great pleasure looking at the Depot lights around Christmastime. Every night, he sees people walking around and enjoying them!

Councilmember Orochena has been a regular donor at the Atlanta Blood Services and just recently donated again.

Mayor Pro Tem Jones visited a friend in Griffin and enjoyed the city.

Councilmember Viars welcomed Ms. Trapp and went to The Lacy ribbon cutting last weekend.

A. Public Comment: Work Sessions

Consideration to approve the continuation of the public comment section(s) for work sessions.

The Mayor and Council discussed the continuation of public comment at work sessions.

Mayor Easterling believed it was under-utilized.

Councilmember Ferris shared he tracked the usage and that only one work session had public comment. He suggested discontinuing the practice. In his mind, for the citizens, the regular meetings are the place for them to speak that has the most impact.

Mayor Pro Tem Jones enjoys hearing from the citizens before they take actions on items. He doesn't think having public comment during work sessions is disruptive.

Councilmember Gutierrez supports extending the use of public comment during work sessions.

Councilmember Orochena agrees with both Mayor Pro Tem Jones and Councilmember Gutierrez.

Councilmember Viars doesn't mind either way.

Mayor Easterling shared that having a public comment section during work sessions would continue for another two months and then be revisited again.

22. Executive Session

Pursuant to the provisions of O.C.G.A 50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session

to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters.

23. Adjourn

Mayor Easterling adjourned the meeting at 6: 58 p.m. The next work session will be held on Monday, November 25, 2024, at 6:30 p.m. in the Council Chambers. The public is encouraged to attend.



Lea Alvarez, City Clerk



October 2024 Crime Statistics

Crimes	Oct 2024	Oct 2023	YTD (01/01/24 - 10/31/24)	YTD (01/01/23 - 10/31/23)
Assault Offenses	45	37	289	326
Motor Vehicle Theft	5	0	27	11
Burglary	3	3	31	26
Homicide Offenses	0	0	2	0
Larceny	11	16	117	146
Sex Offenses	0	3	14	19
Robbery	1	1	3	9
Total	65	60	483	537

	Oct 2024	Oct 2023	YTD (01/01/24 - 10/31/24)	YTD (01/01/23 - 10/31/23)
Dispatched Calls for Service	854	797	7,731	8,281
Self-Initiated Activity	1,276	865	10,560	10,052
Traffic Citations	586 (-95)	681	5,680 (-2,086)	7,766
Traffic Warnings*	630(+330)	300	6,098 (+3,487)	2,611
Arrests**	59	81	881	860

* Warnings do not include verbal warnings

** Arrests do not include juvenile arrests

	Oct 2024	Oct 2023	YTD (01/01/24 - 10/31/24)	YTD (01/01/23 - 10/31/23)
Auto Accidents	138 (+28)	110	1079 (+1)	1078
Accident W/ Injury	8 (+4)	4	87 (-23)	110
Hit and Run	20 (+7)	13	120 (-33)	153
Hit and Run W/ Injury	0	0	1	1
Person Hit by Auto W/ Injury	0 (-1)	1	5	5

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

L P. Whitfield

Whitfield Place runs by the Turquoise Otter, and is named after Lemuel Preston Whitfield. He lived at the corner of Whitfield Place and Moon Station Road, just opposite Lazy Guy Distillery. A detective, he was connected to one of the most infamous murder cases in Atlanta history.

In 1913, Whitfield worked in Atlanta for the Pinkerton Detective Agency. He was hired as the chief investigator for the defense attorneys of Leo M. Frank, who were trying to prove his innocence. Frank, a Jewish factory superintendent, had been accused of murdering factory worker Mary Phagan. Whitfield would work to gather evidence Frank was innocent, but a tide of antisemitism would lead to Frank's conviction and eventual lynching. Until the day he died, Whitfield would believe in Frank's innocence.

Following the Frank case, Whitfield would work for William J. Burns, founder of the FBI. He became known for his work in catching bank robbers and forgers. At the time of his death in 1942, he was working for the GBI. His papers about Leo Frank are now in the American Jewish Archives.



L. P. Whitfield
January 4, 1942 *Atlanta Journal*

Presented by Andrew J. Bramlett at the November 18, 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

11/18/2024

Public Comment Sign-in

	Name	Address	Topic
1	<u>Andrew D. Bramlett</u>	<u>2990 Summerfield Ct.</u>	<u>Local history</u>
2	<u></u>	<u></u>	<u></u>
3	<u></u>	<u></u>	<u></u>
4	<u></u>	<u></u>	<u></u>
5	<u></u>	<u></u>	<u></u>
6	<u></u>	<u></u>	<u></u>
7	<u></u>	<u></u>	<u></u>
8	<u></u>	<u></u>	<u></u>
9	<u></u>	<u></u>	<u></u>
10	<u></u>	<u></u>	<u></u>
11	<u></u>	<u></u>	<u></u>
12	<u></u>	<u></u>	<u></u>
13	<u></u>	<u></u>	<u></u>
14	<u></u>	<u></u>	<u></u>
15	<u></u>	<u></u>	<u></u>
16	<u></u>	<u></u>	<u></u>
17	<u></u>	<u></u>	<u></u>
19	<u></u>	<u></u>	<u></u>