

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

**Livestream: www.kennesaw-ga.gov/publicmeetings/
December 9, 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

5. Presentations

6. Old Business

7. New Business

8. Committee and Board Reports

9. Public Hearing(s)

A. 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

Zoning Administrator and Planner Darryl Simmons presented a request to postpone a rezoning request submitted by Fabric Housing Acquisitions, LLC for the property located at 2112 & 2114 Old 41 Highway and 1620 North Roberts Road to the January

13, 2025, City Council work session and the January 21, 2025, City Council regular meeting. The applicant is requesting to amend a master plan that was previously approved in 2018 and then again in 2022. The rezoning application was duly advertised and posted for the November meetings, but the applicant and their legal team submitted a letter, dated November 8, 2024, wishing to postpone the hearing until the December meetings.

Since then, Planning and Zoning staff have met with the applicant and expressed their concerns regarding the application. The proposed plan did not meet the criteria or the intent of the original agreements. Based on those concerns, the application submitted a letter on December 2, 2024, requesting to postpone the hearing until the January 13, 2025, City Council work session and the January 21, 2025, City Council regular meeting to rework the site plan and proposal. Mr. Simmons emphasized that since it is anticipated that significant changes will be made, the application will also go back before the Planning Commission in January.

10. Consent Agenda

- A. **Minutes: November 25, 2024 Work Session**
Approval of the November 25, 2024, City Council work session minutes.
- B. **Minutes: November 25, 2024 Executive Session**
Approval of the November 25, 2024, Executive Session minutes.
- C. **Minutes: December 2, 2024 Regular Meeting**
Approval of the December 2, 2024, City Council regular meeting minutes.

11. General and Administrative

- A. **Resolution: GIRMA Fund for First Responder's PTSD Program**
Consideration for approval of a Resolution to add membership into the Georgia Interlocal Risk Management Agency's (GIRMA) Fund for the First Responder's PTSD Program.

Human Resources Director Brian Acker presented a resolution to add membership into the Georgia Interlocal Risk Management Agency's (GIRMA) Fund for the First Responder's Post Traumatic Stress Disorder (PTSD) Program.

Mr. Acker shared that earlier this year, the Ashley Wilson Act was passed, which states that all Georgia public entities must offer a supplemental benefit program for eligible first responders diagnosed with PTSD resulting from exposure to line-of-duty traumatic events. The program includes an initial diagnostic benefit and a long-term benefit in the event they cannot return to their first responder duties due to the diagnosis. Mr. Acker noted that these benefits can be accessed confidentially. By way of the resolution, the City is requesting membership into GIRMA's Fund for the First Responder's PTSD program. The policy is underwritten by MetLife. The first year annual premium quote is \$10,508.

Mayor Pro Tem Jones asked if the first responders would have to report the request to their supervisors. Mr. Acker stated that the request would be made through GIRMA and that it is confidential.

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

B. Alcohol License Renewal: Stop 2 Go Shell

Consideration for approval of the 2025 annual renewal of the Alcoholic Beverage License for Beer, Wine, and Sunday Sales for Damanis Food and Fuel, Inc. d/b/a Stop 2 Go Shell located at 2515 N Cobb Pkwy, Kennesaw, GA 30152.

Business License Manager LaMaya Edmonds presented a 2025 annual renewal of the Alcohol Beverage License for Beer, Wine, and Sunday Sales for Damanis Food and Fuel, Inc. d/b/a Stop 2 Go Shell located at 2515 North Cobb Parkway. Ms. Edmonds stated that Stop 2 Go Shell is an existing business with a current alcohol license. The business was cited on June 24, 2024, for providing alcohol to an underage person. The License Review Board suspended the alcohol license for a period of 30 days effective August 3, 2024. Stop 2 Go Shell has not had any further violations.

C. Alcohol License Renewal: Racetrac #052

Consideration for approval of the 2025 annual renewal of the Alcoholic Beverage License for Beer, Wine, and Sunday Sales for Racetrac Petroleum, Inc. d/b/a Racetrac #052 located at 1625 Old 41 Hwy, Kennesaw, GA 30152.

Ms. Edmonds presented a 2025 annual renewal of the Alcoholic Beverage License for Beer, Wine and Sunday Sales for Racetrac Petroleum, Inc. d/b/a RaceTrac #052 located at 1625 Old 41 Highway. RaceTrac #052 is an existing business with a current alcohol license. The business was cited on June 24, 2024, for providing alcohol to an underage person. The License Review Board suspended the alcohol license for a period of 30 days effective August 3, 2024. RaceTrac #052 has not had any further violations.

D. Alcohol License Renewal: Cobb Food Mart

Consideration for approval of the 2025 annual renewal of the Alcoholic Beverage License for Beer, Wine, and Sunday Sales for RS Diamond Jubilee LLC d/b/a Cobb Food Mart located at 2651 N Cobb Pkwy, Kennesaw, GA 30152.

Ms. Edmonds presented a 2025 annual renewal of the Alcohol License for Beer, Wine, and Sundal Sales for RS Diamond Jubilee LLC d/b/a Cobb Food Mart located at 2651 North Cobb Parkway. Cobb Food Mart is an existing business with a current alcohol license. The business was cited on June 24, 2024, for providing alcohol to an underage person as well as not having a server permit. The License Review Board suspended the alcohol license for a period of 7 days effective August 3, 2024. Cobb Food Mart has not had any further violations.

E. Alcohol License: Bottle Shop

Consideration for approval of an Alcohol License for Beer, Wine, Liquor, and Sunday Sales for MCRAA Inc. d/b/a Bottle Shop located at 2774 Cobb Pkwy #111 Kennesaw, GA 30152. Applicant: Chandulal Mendpara

Ms. Edmonds presented an Alcohol License for Beer, Wine, Liquor, and Sunday Sales for MCRAA Inc. d/b/a Bottle Shop located at 2774 Cobb Parkway #111. The applicant has completed the required alcohol workshops, signs have been posted, and the request has been properly advertised. The current application, background check and fingerprint results are on file.

F. Resolution: IGA between the City of Kennesaw and the KDA for the Jiles Place Property Transfer

Consideration for approval of a Resolution confirming the intergovernmental agreement (IGA) between the City of Kennesaw and the Kennesaw Development Authority (KDA) regarding the transfer of the Jiles Place Property.

Finance Director Gina Auld presented a resolution confirming the intergovernmental agreement between the City of Kennesaw and the Kennesaw Development Authority (KDA) regarding the transfer of the Jiles Place property. Ms. Auld noted that in 2018, the Jiles Place property was transferred from the KDA to the City and that staff is seeking approval for the City to transfer it back to the KDA to ratify a current lease they have. The person who is leasing the property is interested in purchasing the property. Ms. Auld said the City acquired that property in 2009 as part of the downtown Main Street assemblage. Subsequently, it sold all the properties in 2016, except for Jiles Place. Jiles Place now has a potential buyer, so the City would like to transfer it back to the KDA to sell it.

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

G. Resolution: Dedication of remaining American Rescue Plan Act (ARPA) Funding

Consideration for approval of a Resolution dedicating remaining ARPA Funds of approximately \$250,000 to the Public Safety Facility and Real Time Crime Center.

City Manager Jeff Drobney presented a resolution dedicating the remaining ARPA funds of approximately \$250,000 to the Public Safety Facility and Real Time Crime Center. Dr. Drobney shared that ARPA funds have to be committed by the end of December. This dedication is not increasing the budget for the Public Safety Facility.

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

12. Public Safety

A. Crime Statistics: November 2024

Consideration to accept the November 2024 crime statistics.

Chief Bill Westenberger presented the November 2024 crime statistics [see **Exhibit A**].

B. Resolution: Fusus Contract Extension

Consideration for approval of Resolution to extend the current contract with Axon (FUSUS) and authorization for the Mayor to execute the agreement.

Chief Westenberger presented a resolution to extend the current contract with Axon (FUSUS) and requested authorization for the Mayor to execute the agreement. Last year, the Kennesaw Police Department received a grant from the State that it applied to Fusus. Fusus is an integrated camera system that pulls Flock cameras, Department of Transportation cameras, and private cameras (with the owners' permission) to one location. That contract was \$75,000 per year. Since then, Axon purchased Fusus. Axon contacted the Kennesaw Police Department and told them they would see significant increases in the coming years. Axon proposed tying the Department to an extended contract for seven years. The original contract is set to expire in 2026. Chief Westenberger stated that the savings for the additional four-year period starting in 2027 would be in excess of \$70,000. The contract provides flexibility so that if the Department was unable to fund the system, they would have the ability to withdraw.

Councilmember Ferris needed clarification if Axon was asking for a seven-year contract. Chief Westenberger stated the Department was approached with a five-year or a 10-year contract. The 10-year contract felt a little too long, and the five-year contract was too short.

Councilmember Ferris asked about terminating the contract, if needed. Chief Westenberger read Section 16.2 under the Termination clause in the Master Services and Purchasing Agreement into the record: "If sufficient funds are not appropriated or otherwise legally available to pay the fees, Customer may terminate this Agreement. Customer will deliver notice of termination under this section as soon as reasonably practicable."

Chief Westenberger emphasized Fusus is a critical tool for the Kennesaw Police Department.

Councilmember Ferris asked Chief Westenberger to monitor the services of Axon. He is concerned about Fusus being purchased by Axon and the possibility of the quality of services being impacted by the acquisition.

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

13. Information Technology

14. Public Works and Building Maintenance

A. Resolution: Landscape Services

Consideration for approval of a Resolution awarding the bid and contract for landscape services to Creative Cuts Landscapes DBA Creative Landscape

Group.

Public Works Director Ricky Stewart presented a resolution awarding the bid and contract for landscape services to Creative Landscape Group. As a part of the Fiscal Year 2025 budget, funds were allocated to seek a landscape service contract. The City advertised an RFP for those services and received four bids. The bid opening consisted of a base bid for items staff knew were needed as part of the contract and there were add-on alternates to select if they fit within budget. The full bid, including the add-ons, came in below what was budgeted for Fiscal Year 2025. The contract will be for the maintenance of City Hall, Watts Drive median, the Southern Museum, Gateway Park, Depot Park, and Commemorative Park.

Being able to afford the entire bid with the budget allocated, the low bid was Creative Landscape Group in the amount of \$107,405.25.

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

B. Resolution: Adams Park Restroom Facility Reconstruction

Consideration of approval for a Resolution to award construction of the Adams Park Restroom Facility to S.H. Creel Contracting.

Facilities Director Robbie Balenger presented a resolution to award construction of the Adams Park Restroom Facility to S.H. Creel Contracting. The restroom is near Field 6 and needs to be replaced to better serve the citizens. The City received three bids with the lowest responsible bid being S.H. Creel Contracting in the amount of \$374,152.80. The contractor was not the lowest bid at the opening. During due diligence, it was realized that the lowest bid was missing a significant portion of the responsive documents requested through the bid documents.

Councilmember Ferris asked if staff was going to tear down the existing restroom and place the new one in the same spot. Mr. Balenger responded he was correct.

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. Final Plat Application: 2640 S. Main Street

Consideration for approval of a final plat submitted by Station at South Main, LLC to subdivide existing parcel 20016701150 into five (5) commercial tracts. Case #PS2024-01

Zoning Administrator Darryl Simmons presented a final plat submitted by Station at South Main, LLC to subdivide existing parcel 20016701150 into five commercial tracts. The multifamily building has been constructed, and the townhomes are currently under construction. The development team had been working with staff to get everything lined

up for the commercial to be marketed, but they had to provide some additional information to Cobb Water and Sewer for them to sign off the plat. Cobb Water and Sewer has approved the plat. This plat will establish the five commercial tracts that will front South Main Street, so they can aggressively market them and begin to attract users for those tracts.

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

17. Public Comments

6:56 P.M. Floor Open for Public Comments

No comments.

6:57 P.M. Floor Closed for Public Comments

18. City Manager's Report

A. Reports, Discussions, and Updates

Dr. Drobney and his staff have been working to try and set up a Legislative Update with the Kennesaw Delegation. The date and time chosen was Friday, December 20, 2024, at 7:30 a.m.

After brief discussion, the Council decided not to proceed with the Legislative Update.

Dr. Drobney recognized and thanked everyone who worked to make A Day with Santa a success.

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

Councilmember Gutierrez shared that he had just got back from Vermont for a work trip. Driving in five or six inches of snow every night made him miss Kennesaw!

Councilmember Ferris said he has been driving around the city looking at all the lights and decorations. He exclaimed that our Christmas tree was magnificent and thanked all the staff members for putting the tree together.

Councilmember Orochena had a great time watching the parade during A Day with Santa.

Mayor Pro Tem Jones thanked Public Works and Parks and Recreation for a wonderful

Day with Santa event and reminded everyone to check on their friends during the holiday season.

Councilmember Viars reiterated that the staff did a great job with the lighting and decorations this holiday season. She received a lot of compliments over the weekend regarding Mayor Easterling's joy and enthusiasm during the Day with Santa event.

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.

Motion by Councilmember Gutierrez to enter into Executive Session as allowed by O.C.G.A § 50-14-3 for the purpose of discussing personnel. Motion seconded by Councilmember Viars.

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

7:03 p.m. Recess to Executive Session

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

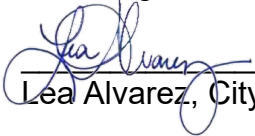
7:14 p.m. Reconvene to Open Session

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

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

22. Adjourn

Mayor Easterling adjourned the meeting at 7:14 p.m. The regular meeting will be held on Monday, December 16, 2024, at 6:30 p.m. in the Council Chambers. The public is encouraged to attend.



Lea Alvarez, City Clerk



November 2024 Crime Statistics

Crimes	Nov 2024	Nov 2023	YTD (01/01/24 - 11/30/24)	YTD (01/01/23 - 11/30/23)
Assault Offenses	36	23	328	350
Motor Vehicle Theft	3	1	30	12
Burglary	2	3	33	29
Homicide Offenses	1	0	3	0
Larceny	12	9	129	155
Sex Offenses	1	2	15	20
Robbery	0	0	3	9
Total	55	38	541	575

	Nov 2024	Nov 2023	YTD (01/01/24 - 11/30/24)	YTD (01/01/23 - 11/30/23)
Dispatched Calls for Service	815	754	8,546	9,035
Self-Initiated Activity	1,071	981	13,010	11,033
Traffic Citations	512 (-109)	621	6,237 (-2,136)	8,373
Traffic Warnings*	608 (+196)	412	6,716 (+3,682)	3,034
Arrests**	53	79	934	939

* Warnings do not include verbal warnings

** Arrests do not include juvenile arrests

	Nov 2024	Nov 2023	YTD (01/01/24 - 11/30/24)	YTD (01/01/23 - 11/30/23)
Auto Accidents	122 (-8)	130	1201 (-7)	1,208
Accident W/ Injury	13	13	100 (-23)	123
Hit and Run	8 (-1)	9	130 (-32)	162
Hit and Run W/ Injury	0	0	1 (+1)	0
Person Hit by Auto W/ Injury	1 (-1)	2	7 (-1)	8

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



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

12/9/2024

Public Comment Sign-in

	Name	Address	Topic
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