

**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/
January 13, 2025
6:30 PM**

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

A. Resolution: Purchase of Former Kennesaw Public Library Building

Consideration for approval of a Resolution authorizing the purchase of property located at 2250 Lewis Street, Kennesaw, Georgia 30144.

City Manager Jeff Drobney presented a resolution authorizing the purchase of property located at 2250 Lewis Street. Dr. Drobney reminded the Council that the initial offer for the former Kennesaw Public Library was \$550,000, but he was able to work with the County and settle at a price of \$470,000.

Mayor Pro Tem Ferris asked how the purchase would be funded. Dr. Drobney stated through the General Fund.

After receiving confirmation from the Council, Mayor Easterling suggested moving the

item to the Consent Agenda for the regular meeting.

B. Resolution: Engineering Services

Consideration for approval of a Resolution authorizing the professional services agreement with Patterson & Dewar Engineering for on-call engineering and related services.

Assistant City Manager Marty Hughes presented a resolution authorizing the professional services agreement with Patterson & Dewar Engineering for on-call engineering and related services. Mr. Hughes stated that sealed Statements of Qualifications for on-call engineering services were opened to select a qualified engineering firm to provide professional services to assist the City of Kennesaw with specific tasks related to capital improvement projects and other engineering efforts. A selection committee evaluated all responses received and assessed each submittal based on four criteria: Company Overview, Project Management/Team, References and Relationships, and Financial Stability/Litigation Record. The top four candidates were called in for an in-person interview and could earn up to 20 additional points. Mr. Hughes shared that the highest score went to Patterson & Dewar Engineers. The contract was reviewed by Legal.

Councilmember Jones asked if Croy Engineering was being replaced. Mr. Hughes responded that he was correct.

Mayor Pro Tem Ferris pointed out that the City reappoints its Engineer on an annual basis, so if there are any issues, the City can start the process over next year.

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

C. Resolution: Statewide Mutual Aid Agreement

Consideration for approval of a Resolution authorizing city representatives to coordinate county and statewide aid for natural and man-made disasters.

Mr. Hughes presented a resolution authorizing city representatives to coordinate county and statewide aid for natural and man-made disasters. The Cobb County Board of Commissioners approved this agreement, and as required by the Georgia Emergency Management Agency, municipalities must also review and approve this agreement to ensure full compliance and preparedness.

Councilmember Jones asked who would be appointed to coordinate. Mr. Hughes responded the City Manager.

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

9. Public Hearing(s)

A. Ordinance: Building Fee Amendments

Consideration for approval of an Ordinance to amend Chapter 18, Section 18-72 of the Kennesaw Code of Ordinances regarding building fees.

City Clerk Lea Alvarez presented an ordinance to amend § 18-72 of the Kennesaw Code of Ordinances regarding building fees. Ms. Alvarez stated the amendments included removing the existing fees as codified in the ordinance and adding that all associated fees will be set forth in the master fee schedule adopted by the Mayor and City Council. The public hearing was advertised in the Marietta Daily Journal on January 3, 2025, and January 10, 2025. Further, Legal has reviewed the ordinance.

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

Zoning Administrator Darryl Simmons presented an ordinance authorizing a rezoning request submitted by Fabric Housing Acquisitions, LLC for property located at 2112 & 2114 Old 41 Highway and 1620 North Roberts Road. Mr. Simmons shared a recap of the application, which began in November 2024. The request was to amend the previously approved master plan which was approved in 2018 and amended in 2022. The current application has went through a number of iterations, and the applicant has requested postponement each month since November. Mr. Simmons stated staff received a letter from the applicant earlier this afternoon requesting to postpone the application until the March cycle of meetings, including the March 5, 2025 Planning Commission meeting and the March 17, 2025 City Council regular meeting [See **Exhibit A**].

On behalf of the applicant, Attorney Kevin Moore stated that he has appreciated the Council's indulgence and patience. The applicant met with staff a week ago to update with ideas and plans in attempt to address concerns they have raised. Mr. Moore shared the applicant would have requested the hearing be postponed to February; however, there is a scheduling conflict, which required postponement until March.

10. Consent Agenda

A. Minutes: January 6, 2025 Regular Meeting

Approval of January 6, 2025, City Council regular meeting minutes.

11. General and Administrative

A. Discussion: House Bill (HB) 581 Local Opt-out Floating Homestead Exemption

Continued discussion of HB 581 Statewide Floating Homestead Exemption and FLOST.

City Manager Jeff Drobney and Assistant Finance Director Jennifer Gordy gave a presentation on the House Bill Local Opt-out Floating Homestead Exemption

[See **Exhibit C**]. Dr. Drobney recommends opting out of House Bill 581 as remaining in has no benefit for the Kennesaw tax-payers on their homestead property. The City's current floating homestead exemption with a property value "freeze" is more beneficial. He discussed that if the Council agrees, staff is under a strict timeline to meet requirements handed down by the state. The City will hold three public hearings: January 27, 2025 at 6:00 p.m., February 3, 2025, at 10:30 a.m., and February 3, 2025, at 6:30 p.m. during the regular City Council meeting. The opt out resolution must be filed with the Secretary of State by March 1, 2025.

The Council directed the City Manager to proceed.

12. Public Safety

A. Crime Statistics: December 2024

Consideration to accept the December 2024 Crime Statistics.

Chief Bill Westenberger presented the December 2024 crime statistics [See **Exhibit C**].

13. Information Technology

14. Public Works and Building Maintenance

15. Recreation and Culture

16. Community Development

A. Central Business District Project Application: 3059 Cherokee Street

Consideration to review a CBD project application request for a mixed-use development on the parcel located at 3059 Cherokee Street (Parcel 20012900940). Case#CBD2024-03.

Zoning Administrator Darryl Simmons presented a Central Business District (CBD) project application request for a mixed-use development on the parcel located at 3059 Cherokee Street. The City of Kennesaw approved Phase 1 of the CBD project, which included 31 for-sale units with ground floor commercial. During the approval process of Phase 1, the applicant was in negotiation with the adjoining property owner. They were successful in securing the property and came back to the City with Phase 2.

Phase 2 will be a similar concept as approved in Phase 1, including the same architecture and setback. The application request is for 19 for-sale units. The range of the units is from 1,045 square feet to 1,650 square feet. Also, parking will be in the rear and to City standards. The Kennesaw Downtown Development Authority met on December 13, 2024, reviewed the business plan, and recommended approval. The property is within the Cherokee Street Historic District, so the application was heard by the Historic Preservation Commission on December 20, 2024. The HPC recommended approval with conditions. Mr. Simmons mentioned one thing to note is that within this phase, there is a historic building that is contributing to the district. Staff recommends that the structure be repurposed for commercial.

B. Resolution: Updated Master Fee Schedule

Consideration for approval of a Resolution to update fees on the Master Fee

Schedule, reflecting changes to fees associated with Building Services and Planning and Zoning.

City Clerk Lea Alvarez presented a resolution to update fees associated with Building Services and Planning and Zoning on the Master Fee Schedule. Ms. Alvarez noted that to comply with House Bill 461, Building Services fees must be updated to reflect the required recalculations of regulatory fees set forth in the bill.

Because the updates to the Master Fee Schedule are dependent on item 9. A being approved, the item will remain where it is on the agenda.

17. Public Comments

7:00 p.m. Floor Open for Public Comments

No comments.

7:01 p.m. Floor Closed for Public Comments

18. City Manager's Report

A. Reports, Discussions, and Updates

Dr. Drobney recognized Public Works, Kennesaw/Acworth 911, and the Kennesaw Police Department for their efforts during the inclement weather event on Friday and Saturday.

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 Jones recognized staff for their work during the inclement weather.

Councilmember Gutierrez experienced flight delays due to the weather, but watched the fun everyone had in the snow on social media!

Councilmember Orochena thanked staff for all the hard work that goes into keeping Kennesaw safe during bad weather. She is also looking forward to the State of the City tomorrow.

Mayor Pro Tem Ferris shared he drove around on Friday and Saturday during the snow and didn't experience any issues. He thanked everyone for their efforts!

Councilmember Viars echoed gratitude to staff and their dedication to the City.

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 legal. Motion seconded by Councilmember Viars. Vote taken, motion unanimously approved 5-0. Motion passed.

7:06 p.m. Recess to Executive Session

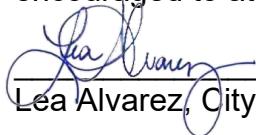
The Mayor, City Council, City Manager, City Clerk, Deputy City Clerk, and City Attorney attended the Executive Session.

7:25 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 7:26 p.m. The regular meeting will be held on Tuesday, January 21, 2025, at 6:30 p.m. in the Council Chambers. The public is encouraged to attend.



Lea Alvarez, City Clerk

Received
3:47
pm

MOORE INGRAM JOHNSON & STEELE

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WWW.MIJS.COM

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January 13, 2025

Via E-mail Only to dsimmons@kennesaw-ga.gov

Mr. Darryl Simmons
Zoning Administrator
Department of Community Development
City of Kennesaw, Georgia
2529 J.O. Stephenson Avenue
Kennesaw, Georgia 30144

RE: Application for Rezoning (Master Plan Amendment)

 Case No.: RZ2024-04

 Applicant: Fabric Housing Acquisitions, LLC

 Property Owners: JLV Kennesaw Crossing, LLC;
 JLV Kennesaw Mixed Use, LLC

 Property: 4.547 acres, more or less, located at the
 intersection of Old 41 Highway and North
 Roberts Road, being more particularly known as
 2112 and 2124 Old 41 Highway and
 1620 N. Roberts Road; Land Lots 174 and 175,
 20th District, 2nd Section, City of Kennesaw,
 Cobb County, Georgia

Dear Darryl:

Please accept this correspondence as the request of Applicant and Owners in the above-referenced Application for Master Plan Amendment to table the pending Application from the January 13, 2025, Mayor and City Council Work Session and the January 21, 2025, Mayor and City Council Hearing Agenda to the respective agenda dates in March 2025. Applicant continues its work on revising the master plan to incorporate City Staff comments. Moreover, the additional time will provide the Applicant an opportunity to continue its work with City Staff to incorporate potential revisions in response to expressed concerns; as well as, address outstanding items or issues arising out of the initial rezoning in 2018 and the subsequent master plan amendment approved in 2022.

MOORE INGRAM JOHNSON & STEELE

Mr. Darryl Simmons
Zoning Administrator
Department of Community Development
City of Kennesaw, Georgia
Page 2 of 2
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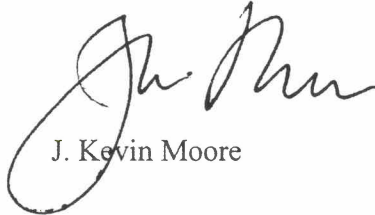
Therefore, we respectfully request the Application be tabled to again be heard by the Planning Commission on March 5, 2025, and presented at the Mayor and City Council Work Session on March 10, 2025, and subsequently heard before the Mayor and City Council on March 17, 2025.

As always, we appreciate your professional courtesy in handling of any application and would very much appreciate the opportunity to continue our work to produce a development that achieves the goals of all parties involved.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

c: Channelle Campbell
Assistant Zoning Administrator/Planner
Department of Community Development
City of Kennesaw
(Via E-mail Only)

Samuel S. Olens, Esq.
Dentons
Attorney for Federal Express
(Via E-mail Only)

Fabric Housing Acquisitions, LLC
(Via E-mail Only)

House Bill 581

Statewide Floating Homestead Exemption and FLOST

- Passed by House and Senate in 2024
- Signed into Law April 18th, 2024
- Referendum passed by voters November 2024

City of Kennesaw



Statewide Floating Homestead Exemption



Establishes a statewide "floating homestead" exemption based on a rate of inflation determined by DOR (Consumer Price Index)

- Requires approval through referendum in November 2024 (HR 1022); Applies to taxable years beginning in 2025 (approved by voters)
- Exemption allows assessment on homesteaded properties to only rise annually at the rate of inflation
- Property value resets with a sale or adjusts with "substantial property change"
- If your local government has an existing homestead exemption the taxpayer will receive the exemption that is more beneficial

How does HB 581 effect the current Homestead Float in Kennesaw



- There is no effect to the current homestead float in Kennesaw, Cobb County or the other cities in Cobb that currently have a floating homestead freeze
- Kennesaw's homestead float keeps the owner's primary residence property taxes from going up as a result of reassessments by increasing the amount of homestead exemption
- The increased exemption only applies to property taxes for the city general fund. It does not affect taxes for schools or bond indebtedness
- The exemption automatically renews annually as long as the owner continues to occupy the residence as his or her homestead. It terminates when the property is sold or otherwise no longer qualifies for homestead exemption
- In Kennesaw each home with a Floating Homestead has an established base year value which does not change unless some improvement is made to the property.

Implications (or options) for the City of Kennesaw



- Opt-in (we don't do anything):
 - General Fund float will remain the same
 - Bond remains the same
 - Only Homestead properties will be capped on increases
 - Significantly increased administrative burden with no benefit or change - Kennesaw property owners will continue to receive the more beneficial floating homestead exemption
- Opt-out:
 - General Fund float will remain the same
 - Bond remains the same
 - Only Homestead properties receive the current float
 - Kennesaw property owners will see no change and continue to receive the more beneficial floating homestead exemption

Let's compare...



Example of Current "Frozen" Homestead Exemption

Assumptions:

- Year 1 - Assessed Value of \$100,000
- Year 2 - Assessed Value increased to \$110,000 due to market changes
- Assessed Value increased every three years due to market changes
- Assuming an inflationary rate of 2%

Current "Frozen" Floating Homestead Exemption:				
Year	Assessed Value	Exemption	Frozen Base Year Value	Taxes Paid using current M&O millage rate of 7.75 MILLS
1	100,000	0	100,000	\$ 775.00
2	110,000	10,000	100,000	\$ 775.00
3	110,000	10,000	100,000	\$ 775.00
4	110,000	10,000	100,000	\$ 775.00
5	140,000	40,000	100,000	\$ 775.00
6	140,000	40,000	100,000	\$ 775.00
7	140,000	40,000	100,000	\$ 775.00
8	170,000	70,000	100,000	\$ 775.00
9	170,000	70,000	100,000	\$ 775.00
10	170,000	70,000	100,000	\$ 775.00
Total Taxes Paid over 10 Year Period:				\$ 7,750.00
Additional Taxes Paid under current "Frozen" Homestead				0.00

Let's compare...



Example of HB 581 "Adjustable" Floating Homestead Exemption

Assumptions:

- Year 1 - Assessed Value of \$100,000
- Year 2 - Assessed Value increased to \$110,000 due to market changes
- Assessed Value increased every three years due to market changes
- Assuming an inflationary rate of 2%

HB 581 "Adjustable" Floating Homestead Exemption:				
Year	Assessed Value	Exemption	Adjusted Base Year Value	Taxes Paid using current M&O millage rate of 7.75 MILLS
1	100,000	0	100,000	\$ 775.00
2	110,000	8,000	102,000	\$ 790.50
3	110,000	8,000	102,000	\$ 790.50
4	110,000	8,000	102,000	\$ 790.50
5	140,000	35,960	104,040	\$ 806.31
6	140,000	35,960	104,040	\$ 806.31
7	140,000	35,960	104,040	\$ 806.31
8	170,000	63,879	106,121	\$ 822.44
9	170,000	63,879	106,121	\$ 822.44
10	170,000	63,879	106,121	\$ 822.44
Total Taxes Paid over 10 Year Period:				\$ 8,032.74
Additional Taxes Paid Under HB 581				\$ 282.74

Recommendation



Staff recommendation is to **opt out** of HB 581 – staying in has no benefit for the Kennesaw tax-payers on their homestead property as our current Floating Homestead exemption with a property value “freeze” is always more beneficial.

Opt-out Proposed Timeline



- Formal Decision to Opt-out (January)
- Hold three required Public Hearings
 - 1st Hearing – prior to Council Work Session at 6:00 PM January 27th
 - 2nd Hearing – Special Called session at 10:30 AM February 3rd
 - 3rd Hearing – Council Meeting at 6:30 PM February 3rd
- Opt-out resolution filed with the Secretary of State by March 1, 2025

Questions?



December 2024 Crime Statistics



Crimes	Dec, 2024	Dec, 2023	YTD (01/01/24 - 12/31/24)	YTD (01/01/23 - 12/31/23)
Assault Offenses	26	26	354	377
Motor Vehicle Theft	3	2	33	14
Burglary	5	3	38	32
Homicide Offenses	0	0	3	0
Larceny	14	15	146	173
Sex Offenses	0	1	15	21
Robbery	0	0	3	9
Total	48	47	592	626

	Dec, 2024	Dec, 2023	YTD (01/01/24 - 12/31/24)	YTD (01/01/23 - 12/31/23)
Auto Accidents	95 (-33)	128	1297 (-39)	1,336
Accident W/ Injury	9 (-1)	8	109 (-22)	131
Hit and Run	16 (-3)	19	146 (-35)	181
Hit and Run W/ Injury	1 (+1)	0	2 (+2)	0
Person Hit by Auto W/ Injury	1	1	8 (-1)	9

	Dec, 2024	Dec, 2023	YTD (01/01/24 - 12/31/24)	YTD (01/01/23 - 12/31/23)
Dispatched Calls for Service	710	785	9,256	9,820
Self-Initiated Activity	1,232	725	14,244	11,758
Traffic Citations	505 (+59)	446	6747 (-2,072)	8,819
Traffic Warnings*	767(+446)	321	7487 (+4,132)	3,355
Arrests**	52	59	986	998

* Warnings do not include verbal warnings

** Arrests do not include juvenile arrests