

**MINUTES OF CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
August 21, 2023
6:30 PM**

Present	Mayor Derek Easterling Mayor Pro Tem Tracey Viars Councilmember Lynette Burnette Councilmember Pat Ferris Councilmember Antonio Jones Councilmember Trey Sinclair 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

City business owner Chukwuemeka Ohaeri's daughter led the Pledge of Allegiance.

3. Call to Order

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

4. Announcements

- A. This public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center, if needed. Mayor and Council will be conducting their meeting via real-time telephonic technology using Zoom Meeting and Facebook Live. You can access the meeting via the following link: <https://www.facebook.com/CityofKennesaw/>
- B. 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

Mayor Easterling opened the floor for all candidates who qualified for the November 7, 2023 general election earlier today.

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

MADELYN OROCHENA [City Resident and Candidate for Council, Post 1]: Ms. Orochena is running for City Council, Post 1. Her experience in the arts, community service and as a mother has prepared her well for this race. She is used to running towards a challenge, taking care of people, and prioritizing the needs of others and the most vulnerable members of a community. Ms. Orochena has the skills and experience needed for creative problem solving, and she looks forward to bringing a new perspective to the City Council. Ms. Orochena is ready to run, serve, and represent the people of Kennesaw.

ANTHONY GUTIERREZ [City Resident and Candidate for Council, Post 2]: Mr. Gutierrez shared that some might remember him from last year running on a platform of investing in and modernizing our city. While the results were not in his favor, he was hopeful that his campaign would begin new discussions on topics ranging from renewable energy sources to working with internet service providers in hopes of giving our citizens the opportunity to have fiber optic internet in their homes. Mr. Gutierrez stated he was leading conversations which others were not having. Between now and November 7, 2023, Mr. Gutierrez will be running a campaign on policy and substance. He will continue having the conversations others are not having, including the gentrification of the city we call home. He will protect the affordability and tranquility many citizens treasure and will fight the corporate greed trying to take the lives they have built here and replace them with \$2,000 studio apartments. Mr. Gutierrez shared if anyone would like to learn more about the campaign and what he stands for, visit anthony4kennesaw.com or email him at anthony4kennesaw@gmail.com.

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

6. Public Comment/Business from the Floor

6:35 p.m. Floor Open for Public Comments

No comments.

6:36 p.m. Floor Closed for Public Comments

7. Old Business

8. New Business

9. Committee and Board Reports

10. Public Hearing(s)

- A. Approval of ORDINANCE granting a rezoning modification request submitted by CF&G Enterprises, Inc. located at 0 Ellison Lakes Drive (PIN: 20017500170). The property is zoned as Planned Village Community (PVC)

and lies in Land Lot 175, Tax Parcel 17 of the 20th District, 2nd Section, Cobb County Georgia and consists of 2.72 +/- acres. Case #RZ2023-03.

Zoning Administrator Darryl Simmons presented an ordinance granting a rezoning modification request submitted by CF&G Enterprises, Inc. located at 0 Ellison Lakes Drive (PIN: 20017500170). The property is zoned as Planned Village Community (PVC) and consists of 2.72 +/- acres. This request is an amendment to a master plan which was approved in 2001. The overall Ellison Lakes master-planned community incorporated townhomes, multi-family units, and commercial. As time went on, two apartment complexes were approved and constructed as well as three separate townhome communities. The Cobb Parkway portions were slowly created and developed. The applicant tonight owns two parcels within this master-planned community. The first parcel is a day care center located along Ellison Lakes Drive and the second is the parcel in question this evening. Over the last 20 years, staff have met with a number of applicants with proposals ranging from high-density townhomes to senior care. Either, due to market conditions and/or the proposal itself, the concepts never came to fruition. This proposal is for 50 for-sale condominium units. In the original master plan, 898 units were approved, with 845 units already completed. Planning and Zoning staff, as well as the Planning Commission, recommended approval with the 23 conditions as outlined in the staff analysis. The applicant was present to answer any questions.

Motion by Mayor Pro Tem Viars to approve [ORDINANCE NO. 2023-15, 2023](#) granting a rezoning modification request submitted by CF&G Enterprises, Inc. located at 0 Ellison Lakes Drive (PIN: 20017500170), as presented and with the amended condition #2. Seconded by Councilmember Burnette.

6:43 p.m. Floor Open for Public Comments

JONATHON BOTHERS [City Resident]: Mr. Bothers wanted to know the price and square footage for each unit. Mayor Easterling responded that the information was included in the agenda packet.

Councilmember Ferris asked Mr. Simmons to explain to him the parking requirements within the ordinance. Mr. Simmons explained that this master-planned community established the parking ratio as 1.75 per unit. Since its approval, staff have amended parking standards to add an additional 0.35 per unit for guest parking. In the staff analysis, three scenarios were illustrated by the standards previously mentioned. If the applicant constructed a 40-unit condominium project, it would require 84 parking spaces; if the applicant constructed a 45-unit condominium project, it would require 95 parking spaces; and if the applicant constructed a full 50-unit condominium project, it would require 105 parking spaces. Obviously, the site would have to house all of the parking spaces on-site. As mentioned by the Planning Commission, buyers have the option of purchasing garage parking on-site, which is considered a premium, and would go towards fulfilling the parking requirements. Staff believes the parking ratio would provide adequate parking.

Councilmember Ferris confirmed with staff the number of parking spaces shown in the concept plan. Mr. Simmons explained that a site plan would have to be submitted with all parking spaces shown and would have to go through Plan Review.

Councilmember Ferris recounted the applicant discussing 25 garages at the Planning Commission meeting. He asked if they were totally enclosed garages in which Mr. Simmons responded yes. Councilmember Ferris stated the parking garage could easily be wider than 8 1/2 feet, which is larger than a parking spot. He does not want the applicant to proceed with the garages.

ERIC FEDERSPIEL [Applicant]: Mr. Federspiel owns two parcels along Cobb Parkway in Ellison Lakes. He has owned the parcel with a day care on it for over 13 years. His intention with this application is to do as the Council sees fit. He is open to their suggestions and guidance. Mr. Federspiel stated he does not have to include garages.

Mayor Pro Tem Viars said the application mentioned four parking spaces per unit, which is too many, but she was curious if the application was open to more parking. Mr. Federspiel responded he was open to it.

Councilmember Ferris thinks the garages are a bad idea and noted they are not included in the concept plan. He asked the applicant how he felt about 2.5 parking spaces per unit. The applicant stated he was flexible as long as they fit on the site.

The Council came to the consensus of 2.3 parking spaces per unit, which would be 115 parking spaces for 50 units.

6:56 p.m. Floor Closed for Public Comments

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

- B. Approval of a RESOLUTION for an amendment to the current 2022 Future Land Use Map submitted by the City of Kennesaw. The proposed 2023 Future Land Use Amendment Map includes various parcels city-wide. Case #MISC2023-06.

Assistant Zoning Administrator and Planner Albert Trevino presented a resolution for an amendment to the current 2022 Future Land Use Map submitted by the City of Kennesaw. Mr. Trevino stated the map gets updated every five years concurrently with the city's comprehensive plan update, which was completed last summer. As the city's zoning map determines how property owners can use their property in the present day, the city's future land use map determines how the city views those parcels in the future. There are six areas to which staff would like to propose making land use category changes, which are all in line with the city's comprehensive goals and vision. Mr. Trevino went through each property, and then after his presentation, the floor was opened for each item and voted on separately (see individual agenda items 10.B.1 - 10.B.6):

10.B.1. is regarding property located at 2985 Mack Dobbs Road. Mr. Trevino explained the site is currently split between two categories, including Planned Unity Development (PUD) and Community Activity Center (CAC). Now that staff knows there is a medical office being constructed at the location, their recommendation is to make the entire parcel CAC.

10.B.2 is regarding property located at 6045 Pine Mountain Road, which is currently categorized as Residential Low/Medium (RL). The Planning and Zoning staff is recommending a change to Public/Institution (PI) because the property was recently awarded a certificate of occupancy for a religious institution in April. PI is a common designation for schools, churches, cultural institutions, and cemeteries in our city.

10.B.3 is regarding property located at 2971 North Main Street, which is currently categorized as Downtown Activity Center (DAC). The Planning and Zoning Staff is recommending a change to Residential Low/Medium (RL) because there is a single family, historic home on the site. This change will keep it low-density residential into the future. Mayor Pro Tem Viars reminded everyone she would be abstaining from the vote for this item due to having been the listing agent for the home.

10.B.4 is regarding property located at 0 Kennesaw Due West Road, 2360 Kennesaw Due West Road, and 2404 Kennesaw Due West Road, which are currently categorized as Industrial (I) and are known as the "Columns" property. With the rezoning that was withdrawn last year, and after receiving numerous traffic studies, Planning and Zoning staff are aware that heavy tractor trailers are not conducive to entering onto and out of the site. Therefore, the Planning and Zoning staff are recommending to revert the categorization from Industrial back to Community Activity Center (CAC), which would allow for intense commercial use.

10.B.5 is regarding property located at 1973 Cobb Parkway. The Planning and Zoning staff recommended withdrawal of this category change because of how the property owner would like to use it in the future. Leaving its category as Community Activity Center (CAC) will not cause any harm to the city, but because of the property owner not agreeing to the proposed change, and the Planning Commission denying the change as well, staff will need to go back to the drawing board to further research whether this category is truly the best fit for this property.

10.B.6 is regarding property located at 1650 Cobb Parkway, which was recently annexed and rezoned into the city earlier this year. This property is adjacent to Kennesaw Marketplace and Ridenour, which are both major developments designated as a Regional Activity Center. Planning and Zoning staff would like to keep that designation for this property to remain as the economic hub of Kennesaw as well as a high density corridor in case any future activity could lead to that for this parcel.

Mr. Trevino stated this public hearing was advertised in the Marietta Daily Journal on July 14, 2023. Signs were posted on each owner and property owners were notified via certified letter. The Planning and Zoning staff recommended approval of items 10.B. 1,

2, 3, 4 and 6 and recommended withdrawing item 10.B.5.

Motion by Councilmember Jones to approve [RESOLUTION NO. 2023-39, 2023](#) for an amendment to the current 2022 Future Land Use Map submitted by the City of Kennesaw, as voted on independently. Seconded by Councilmember Burnette.

Vote taken, motion approved 4-0-1 (Mayor Pro Tem Viars abstained). Motion passed.

1. Approval to change the future land use category for property located at 2985 Mack Dobbs Road (parcel number 20014100100) from Planned Unit Development (PUD) to Community Activity Center (CAC).

Motion by Councilmember Ferris to approve changing the future land use category for property located at 2985 Mack Dobbs Road (parcel number 20014100100) from Planned Unit Development (PUD) to Community Activity Center (CAC), as presented. Seconded by Councilmember Sinclair.

7:05 p.m. Floor Open for Public Comments

No comments.

7:06 p.m. Floor Closed for Public Comments

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

2. Approval to change the future land use category for property located at 6045 Pine Mountain Road (parcel number 20016601430) from Residential Low/Medium (RL) to Public/ Institutional (PI).

Motion by Mayor Pro Tem Viars to approve changing the future land use category for property located at 6045 Pine Mountain Road, (parcel number 20016601430), from Residential Low/Medium (RL) to Public/ Institutional (PI), as presented. Seconded by Councilmember Sinclair.

7:06 p.m. Floor Open for Public Comments

No comments.

7:07 p.m. Floor Closed for Public Comments

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

3. Approval to change the future land use category for property located at 2971 North Main Street (parcel number 20013900200) from Downtown Activity Center (DAC) to Residential Low/Medium (RL).

(Mayor Pro Tem Viars abstained from the vote on this item).

Motion by Councilmember Jones to approve changing the future land use category for

property located at 2970 North Main Street, (parcel number 200139000200), from Downtown Activity Center (DAC) to Residential Low/Medium (RL), as presented. Seconded by Councilmember Burnette.

7:07 p.m. Floor Open for Public Comments

No comments.

7:08 p.m. Floor Closed for Public Comments

Vote taken, motion approved 4-0-1 (Mayor Pro Tem Viars abstained). Motion passed.

4. Approval to change the future land use category for property located at 0 Kennesaw Due West Road (parcel number 20017600460), 2360 Kennesaw Due West Road (parcel number 20017600450), and 2404 Kennesaw Due West Road (parcel number 20017600050) from Industrial (I) to Community Activity Center (CAC).

Motion by Councilmember Sinclair to approve changing the future land use category for property located at 0 Kennesaw Due West Road, (parcel number 20017600460), 2360 Kennesaw Due West Road, (parcel number 20017600450), and 2404 Kennesaw Due West Road, (parcel number 20017600050), from Industrial (I) to Community Activity Center (CAC), as presented. Seconded by Mayor Pro Tem Viars.

7:09 p.m. Floor Open for Public Comments

No comments.

7:10 p.m. Floor Closed for Public Comments

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

5. Approval to change the future land use category for property located at 1973 Cobb Parkway (parcel number 20020700080) from Community Activity Center (CAC) to Park/Recreational/Conservation (PRC).

Motion by Councilmember Sinclair to withdraw changing the future land use category for property located at 1973 Cobb Parkway, (20020700080), from Community Activity Center (CAC) to Park/Recreational/Conservation (PRC), as presented. Seconded by Mayor Pro Tem Viars.

Councilmember Ferris asked if the item should be withdrawn without prejudice. Mr. Trevino stated this item is not a rezoning, and since it was submitted by the city, there is no six or 12 month window.

7:11 p.m. Floor Open for Public Comments

No comments.

7:12 p.m. Floor Closed for Public Comments

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

6. Approval to change the future land use category for property located at 1650 Cobb Parkway (parcel number 20020801300) from unassigned to Regional Activity Center (RAC).

Motion by Mayor Pro Tem Viars to approve changing the future land use category for property located at 1650 Cobb Parkway, (parcel number 20020801300), from unassigned to Regional Activity Center (RAC), as presented. Seconded by Councilmember Ferris.

7:12 p.m. Floor Open for Public Comments

No comments.

7:13 p.m. Floor Closed for Public Comments

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

- C. Approval of an ORDINANCE to amend the Unified Development Code, Appendix A, Chapters 2, 3, 8 and 9. Case #MISC2023-07.

Zoning Administrator Darryl Simmons presented an ordinance to amend the Unified Development Code, Appendix A, Chapters 2, 3, 8, and 9. The goal every year is for Planning and Zoning staff to go through the Unified Development Code and identify any language that is inconsistent. In this case, the city's legal team noted language that was outdated specific to appeals. Chapters 2, 3, 8, and 9 reference manners provided by law to appeal decisions by the Mayor and Council, which are now aligned with amendments made to Chapter 3, Title 5 in the Official Code of Georgia Annotated. Mr. Simmons stated this public hearing was advertised in the Marietty Daily Journal on July 14, 2023. At their regularly scheduled meeting, the Planning Commission approved the amendments, and staff recommended approval.

Motion by Mayor Pro Tem Viars to approve [ORDINANCE NO. 2023-16, 2023](#) to amend the Unified Development Code, Appendix A, Chapter 2, 3, 8, and 9, as presented. Seconded by Councilmember Sinclair.

7:18 p.m. Floor Open for Public Comments

No comments.

7:19 p.m. Floor Closed for Public Comments

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

11. Consent Agenda

Motion by Councilmember Jones to approve the Consent Agenda, engross. Seconded by Councilmember Sinclair.

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

- A. Approval of the July 31, 2023 Special Called First Property Tax Public Hearing minutes.
- B. Approval of the July 31, 2023 City Council work session minutes.
- C. Approval of the July 31, 2023 City Council executive session minutes.
- D. Approval of the August 7, 2023 Special Called Second Property Tax Public Hearing minutes.
- E. Approval of the August 7, 2023 City Council regular meeting minutes.
- F. Consideration for approval of a parcel combination plat application submitted by Cherokee Growth, LLC for 0 N Cobb Parkway (PIN: 20014100920) & 0 N Cobb Parkway (PIN: 20014100100). Case #PC2023-01.
- G. On August 11, 2023, Douglas and Toni Smith purchased four (4) cemetery lots in the Kennesaw City Cemetery. These lots are located in Section III, Plot 4, Lots A - D. Authorize the Mayor to sign the supporting deeds for the purchase of these lots.
- H. On August 17, 2023, Christopher Aut purchased one (1) lot in the Kennesaw City Cemetery. This lot is located in Section III, Plot 29, Lot H. Authorize the Mayor to sign the supporting deed for the purchase of this lot. The City Clerk recommends approval.

12. General and Administrative

- A. Consideration for approval of an Alcohol License for Beer, Wine, and Sunday Sales for Chioma's African Cuisine, LLC d/b/a/ Chioma's African Cuisine located at 2655 Cobb Pkwy, Kennesaw, GA 30152. Applicant: Chukwuemeka Ohaeri

Finance Director Gina Auld introduced Business License Manager LaMaya Edmonds. Ms. Edmonds worked for the city for almost two years as its Business License Compliance Officer before being promoted to this new role. Ms. Edmonds presented an Alcohol License for beer, wine, and Sunday sales for Chioma's African Cuisine, LLC d/b/a Chioma's African Cuisine located at 2655 Cobb Parkway. The applicant has completed the application and the required alcohol workshop. The property is within 300 feet of a private residence and a religious assembly, but those distance requirements have been waived previously.

Motion by Mayor Pro Tem Viars to approve an Alcohol License for beer, wine, and Sunday sales for Chioma's African Cuisine, LLC d/b/a Chioma's African Cuisine located at 2655 Cobb Parkway, as presented. Seconded by Councilmember Burnette.

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

13. Public Safety

A. Receipt of the July 2023 crime statistics.

Chief Bill Westenberger presented the July 2023 crime statistics. Chief Westenberger mentioned statistics on traffic accidents have been added to the report starting this month.

Motion by Councilmember Jones to receive the July 2023 crime statistics, as presented. Seconded by Councilmember Sinclair.

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

14. Information Technology

15. Public Works

16. Recreation and Culture

17. Community Development

A. Appeal Hearing for Edson Macedo located at 3101 Old 41 Highway (also known as 3101 North Main Street) (parcel number 20012700180) regarding denial of his site plan for chickens.

Attorney Randall Bentley, Sr. made an introductory statement: "Good evening Mayor and City Council. For the record, I am Randall Bentley, Kennesaw's City Attorney. This is an appeal hearing of the Zoning Administrator's decision pursuant to Unified Development Code (UDC) 10.05.01, requested by the applicant, Edson Macedo, who resides at 3101 Old 41 Highway (also known as 3101 North Main Street)(parcel number 20012700180) regarding denial of his site plan for chickens. The UDC 10.05.01 (C) states, in part, that 'the Mayor and City Council... is authorized to hear and shall hear and decide appeals where it is alleged that there is an error in any decision made by the Department Head in the administration or enforcement of the UDC or the City Code of Ordinances. The decision of the Mayor and City Council shall result in a violation or circumvention of any applicable conditions of zoning, provision of city zoning laws, subdivision regulations, or any other regulation and ordinance.' The relevant code section at issue here is UDC 1.09.02 for 'Livestock, Nondomestic and Wild Animals, and Poultry: Animals, nondomestic and wild animals, and species of the aviary family which are or may be raised for the purpose of providing food, transportation, or being resold or bred (excluding only dogs, cats, rabbits, fish, pet mice, hamsters, gerbils, parrots and parakeets). 1. Shall only be permitted on a lot containing not less than two acres; 2. All buildings used for animals shall be set back not less than 200 feet from any

property line; 3. All animals shall be maintained at least 25 feet from any residential property line; 4. There shall be not less than 5,000 square feet of fenced lot area not covered by the principal structure for each animal, unless the property is a bona fide farm.' Darryl Simmons, Zoning Administrator, shall present first on behalf of the city. The applicant, Edson Macedo, will present his evidence once the city rests."

Mr. Bentley, Sr. swore in all the witnesses.

Mr. Simmons presented the city's case. On behalf of the Planning and Zoning department, Mr. Simmons submitted their data for consideration of this appeal. To clarify the process, Mr. Simmons explained that because of the nature of this type of use, staff requires a review of a site plan and a narrative of the intent of what will be used on the property. The Planning and Zoning staff takes into consideration the zoning, its proximity, how large the property is, and how much it can yield as far as nondomestic and wild animals as defined in the UDC 1.09.02. Mr. Macedo submitted three site plans and narratives. The Planning and Zoning staff asked the applicant relevant questions, including the total square footage, the number of chickens, and a site plan depicting how the chickens would be contained. Mr. Simmons explained that staff had conversations both verbal and through email about the city's requirements and concerns regarding the property and surrounding areas. Though the property is zoned R-20 and has two acres, out of the four criteria, it only meets two. Throughout the staff's review process, they asked how the animals would be maintained and how the animals would be protected from predators and the elements. The site plan submitted did not include a structure or any type of protective covering for the 20 chickens proposed for the property, which is located on North Main Street, situated directly across from Swift Cantrell Park. Because it is residential in nature and in close proximity to residences, the Planning and Zoning staff understand there is a high probability of nuisance regarding odor and proper containment of the animals on the property. Mr. Simmons finished by saying the Planning and Zoning department's ultimate decision was that the final site plan did not meet all the criteria and denied the request. Staff went back to the property owner and fully explained the position, citing all code sections. Further, Planning and Zoning staff went through the proper review process and acted in the best interest of the city, community, and surrounding properties. Staff also acted in the interest of the safety of the animals in question as well as for pedestrian and traffic safety if the animals were left uncontained and unattended.

Edson Macedo presented his case to the City Council. He showed the City Council which parcels he owns, more specifically the parcel in question tonight, which is 2.6 acres. Mr. Macedo has had extensive conversations with Planning and Zoning staff, and the issue he is experiencing is the requirement for all buildings used for animals to be set back not less than 200 feet from any property line. He began referencing Cobb County's requirements, to which Mr. Bentley, Sr. objected as it was not relevant to the rules and standards in place in Kennesaw. Mr. Macedo stated that chickens are raised in cages only here in America. He asked if the Council would consider reducing the set back from 200 feet to 25 feet. The other issue he faces is if he does not want to place a structure for the chickens, he should not have to comply with the provision that requires

all buildings used for animals to be set back not less than 200 feet from any property line. Mr. Macedo wants to raise them free range and keep them 25 feet from surrounding property lines. He asked why the city would prohibit him from having chickens on his land if he was not planning to provide any structure for them. His family consumes over 300 eggs a month, which is incredibly expensive. Mr. Macedo stated this ordinance needs to change.

Mayor Pro Tem Viars asked if the city allows free range chickens. Mr. Simmons responded no. Councilmember Sinclair asked if the ordinance requires a structure for the chickens. Mr. Simmons stated it is not specific to this section. Mr. Simmons explained what the staff reviewed was all proposals they have had in the past and all have accompanying site plans that show some type of shelter. Without a shelter, it would be considered a nuisance to leave an animal out in the elements that is subject to weather, predators, and possibly leaving the property. Councilmember Sinclair asked if all the site plans that were rejected had a building on them. Mr. Simmons responded that Councilmember Sinclair was correct. Mayor Pro Tem Viars stated there is not anywhere you could have up to 20 chickens. In Acworth, the most is nine and in Marietta, the most is four. She asked if the city had a number. Mr. Simmons replied no, but the city's standards in comparison are not over-restrictive. The Planning and Zoning staff review is based on the fact that residents are being housed closer together and looking at it from a nuisance standpoint, whatever the animal is, as defined by our code, is it being protected, is it being contained on the property, and will not cause a nuisance to neighbors. Based on the site plan submitted, Planning and Zoning staff believe it would. Mayor Pro Tem Viars mentioned a couple years back, someone had chickens on Cherokee Street, and some of those chickens escaped and were hit by vehicles. Mr. Simmons also mentioned using the 20 chickens as a food source will attract predators.

Councilmember Jones mentioned the code states 200 feet from each property line, but there is no way to get 200 feet from all sides of Mr. Macedo's property. Mr. Simmons responded that Councilmember Jones was correct. The site does not conform with two out of the four standards. Councilmember Jones said it is a Catch 22 because Mr. Macedo owns other adjacent properties, but they are zoned differently. He believes the ordinance is too restrictive. Councilmember Jones would like to see the property fenced in. As far as the predators, his family has coyotes around his house, so he does not think the city should be in the business of keeping someone from providing for his family. Mr. Simmons responded that there is a delicate balance of what people can do with their property and what the ordinance states for the greater good. City staff are trying to protect property and make sure there is a consistent standard across the city.

Councilmember Sinclair stated standard four in the code section requires 5,000 square feet of fence. Mr. Simmons responded that the square footage is per animal. Councilmember Sinclair also asked for a point of clarification regarding where the animal has to stay 25 feet from the property line. He asked whether it was the animals or the fence that had to be 25 feet away. Mr. Simmons stated it was the animals.

Mr. Simmons summarized that Mr. Macedo's site plan does not meet all four standards

required in the adopted ordinance. With or without a building, he does not have enough square footage and fenced lot areas to maintain 20 chickens.

Mr. Macedo rebutted that it is not mentioned in the ordinance that he has to meet all four standards. He said the language is vague and needs to be changed.

Motion by Mayor Pro Tem Viars to deny the appeal of Edson's Macedo's site plan for chickens located at 3101 Old 41 Highway (also known as 3101 North Main Street), as presented. Seconded by Councilmember Burnette.

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

18. Public Comment/Business from the Floor

7:58 p.m. Floor Open for Public Comments

MARTY HUGHES [Assistant City Manager]: Mr. Hughes read an email sent to kennesawcouncil@kennesaw-ga.gov from Micah Fincher about his dissatisfaction regarding "the public works director declining to endorse the change to speed limits on Duncan Drive and Big Shanty Drive." He asked the Council to reconsider (**See Exhibit A**).

ANDREW BRAMLETT [City Resident]: Mr. Bramlett talked about William Joseph Marion Hames, a private owner of Kennesaw Mountain in the 1880s (**See Exhibit B**).

8:00 p.m. Floor Closed for Public Comments

19. City Manager's Report

A. Reports, Discussions, and Updates

Dr. Drobney recognized Parks and Recreation for a wonderful Pigs & Peaches event.

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.

Motion by Mayor Pro Tem Viars to accept the resignations of John Greene from the Historic Preservation Commission and Anthony Gutierrez from the Cemetery Preservation Commission. Seconded by Councilmember Jones.

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

21. Council Reports & Discussions

Councilmember Pat Ferris had nothing to share tonight. He reminded everyone to look out for their neighbors in this extreme heat.

Councilmember Lynette Burnette said Pigs and Peaches was amazing this year.

Councilmember Antonio Jones had nothing to add tonight.

Councilmember Trey Sinclair congratulated everyone who qualified today and for everyone to qualify this week.

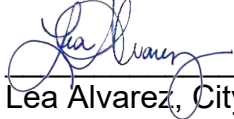
Mayor Pro Tem Viars qualified this morning for re-election and is ready to keep working for the people of Kennesaw.

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 8:03 p.m. The next regularly scheduled meeting will be held Tuesday, September 5, 2023 at 6:30 p.m. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.

A handwritten signature in blue ink, appearing to read 'Lea Alvarez', is written over a horizontal line.

Lea Alvarez, City Clerk

Lea Alvarez

From: Micah Fincher [REDACTED]
Sent: Monday, August 21, 2023 8:44 AM
To: kennesawcouncil
Subject: Meeting 8/21

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.

I would like to express my dissatisfaction with the public works director declining to endorse the change to speed limits on Duncan drive and Big Shanty drive, and implore the city council to revisit this immediately.

Though a traffic study indicated that the average speeds were above the posted speed limits, and the posted speed limits are already out of line with the surrounding neighborhood streets and the majority of residents in this area have stated they endorsed this reduction, the public works director has, to my information "declined to endorse the speed limit reduction." Our neighborhood has for long been a cut thru where excessive speed, noise, improper vehicle type, volume of traffic, stop sign running and other traffic related issues have peace and quality of life in our neighborhood. We deal with everything from street racing to semi-trucks and other commercial vehicles that have no business in our neighborhood. When walking in our neighborhood we deal with drivers running the stop signs from at a roll to at speed. I personally have nearly been hit countless times, from in my vehicle turning onto my street to walking on the sidewalks, to crossing the street. Now we're getting more high density housing of renters that will drive into our neighborhood and the predominantly longtime residents (primarily owners) cannot get a simple speed limit reduction that the citizens and taxpayers are requesting???

When I brought this up within my neighborhood, going door to door to people who mostly do not know me, the two prevailing factors were that (1) most could not wait to sign to support this and (2) that most said "the city will **NEVER** do it [reduce the speed limit]." The overwhelming sentiment echoed my own in that we can complain which results in a short-term increased police presence **and no real action or change to prevent the overall issues**. The thought is that Kennesaw does not seem to care, long term, about this neighborhood and is willing to continue to take a wait and see attitude while traffic gets faster and volume increases, we get more bars and breweries that serve alcohol to drivers, and the quality of our neighborhood is eroded.

It took a traffic fatality of the owner of 1886 Big Shanty drive to get the stop sign added on Big Shanty Dr at Pine Hill Drive. That man, a resident of this neighborhood, lost his life in front of his own home due to the speed and carelessness of a driver on the street that he paid taxes to maintain. What will it take to get this simple, reasonable and warranted reduction of speed accomplished? Do we need more pets or wildlife killed? How about a child playing in the street on the sidewalk?

Lastly I would like to point out that it was somehow acceptable to reduce the speed limits of Main Street between McCollum Pkwy and Sardis street to 25mph. This is a predominantly industrial area, with a hard raised curb and sidewalks on both sides of the street and a turning lane which further serves to protect pedestrians from traffic dangers. Our streets are residential and have little if any of the same features. We also have a much greater volume of pedestrians here from walkers and cyclists to children being discharged from school buses, but we cannot get the same speed limit

reduction? What happened to building a pedestrian friendly city where all roads (and sidewalks) lead to downtown?

Micah Fincher
2806 Pine Hill Drive
Kennesaw GA 30144



~mf

KENNESAW HISTORY

William J. M. Hames

While Kennesaw Mountain NBP may seem a permanent fixture of our area, the park has only existed since the 1930s. Before then, it was in private hands.

One of the owners of the mountain was William Joseph Marion Hames, an eccentric farmer who owned a store on the square in Marietta. On the mountain in the 1880s, Hames had a grape vineyard with over 700 vines. He eventually turned to cantaloupe and later peaches. By 1893, Hames had 11,000 peach trees on the mountain's slopes. Today, the terracing from his peach orchard can still be seen along the summit trail.

Because of the mountain's historic nature, Hames was able to gather relics from the Civil War and sell them in his store. He also had an observation platform on the mountain top. Visitors to the mountain were charged \$.25.

In 1915, he sold the mountain to Marietta developers. Several years ago, my father and I researched Hames and compiled a book of newspaper articles about his unusual life.



William J. M. Hames
May 9, 1929 *Marietta Journal*

Presented by Andrew J. Bramlett
at the August 21, 2023,
City of Kennesaw Mayor &
Council Meeting

KENNESAW
HISTORICAL
SOCIETY

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

8/21/2023

Public Comment Sign-in

	Name	Address	Topic
1	Arthur J. D. Marshall	2990 Sunnyside Ct	Kennesaw history
2	Madelyn Orcher	2991 N Main	candidate
3	Anthony Gutierrez		
4	Jon Bathors		
5	ERIC FARRER		
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