

**MINUTES OF CITY COUNCIL WORK SESSION MEETING
CITY OF KENNESAW
Council Chambers
August 14, 2023
6:30 PM**

Present Mayor Derek Easterling
 Mayor Pro Tem Tracey Viars
 Councilmember Lynette Burnette
 Councilmember Pat Ferris
 Councilmember Trey Sinclair
 City Clerk Lea Alvarez
 City Manager Jeff Drobney
 City Attorney Randall Bentley, Sr.

Councilmember Antonio Jones arrived at 6:31 p.m.

1. Invocation

2. Pledge of Allegiance

3. Call to Order

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

4. Announcements

- A. 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

6. Public Comment/Business from the Floor

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.

[Councilmember Jones arrived at 6:31 p.m.].

Zoning Administrator Darryl Simmons presented an ordinance granting a rezoning modification request submitted by CF&G Enterprises, Inc. located at 0 Ellison Lakes Drive. Mr. Simmons explained this is an amended zoning request for a master plan that was approved in 2001. This parcel is one of the few remaining parcels the applicant would like to change from office use to for-sale condominium units. The maximum number of units for the entire development, which includes townhomes and apartments, equals 898 units. There are currently 845 units in existence, so that would leave a 53 unit capacity before the property is maximized. Mr. Simmons said the application is to rezone the two-acre tract for 45-50 condos. He shared that the applicant would be present at the regular meeting to answer any questions.

Councilmember Ferris asked what could be built on the property as it exists today. Mr. Simmons replied it is currently designated for Office/Institutional. The parcel in front of it is a day care center, which is also designated Office/Institutional. The property owner owns both pieces. Mr. Simmons explained the city was approached on two or three occasions for other uses, such as high-density townhomes, which staff rejected, as well as retail. Because the parcel is not facing Cobb Parkway, staff did not think retail would be successful. The property owner wishes to change the parcel for residential units.

Councilmember Ferris stated his concern is that, once again, we have a multi-use, planned community, and the commercial piece is never actualized. Instead, the property sits for months or years, and the owners come back in asking for more residential space. He gets tired of getting fooled. Mr. Simmons replied that what the Council approved in 2001 was progressive for that time. The case was the first major mixed-use annexation the city had ever had. Unfortunately, what has happened over the years includes an economic bust, a pandemic, and continuously changing markets. Mr. Simmons emphasized that in 2001, no one could have foreseen where we would be 20 years later. He insisted that the property owner had tried everything to market this parcel for institutional use, including a senior care facility, senior condos, and specialty schools. This request is certainly not for a lack of trying. The property owner would like to try condos because we do not have residential condos in the city and it is a very good location with quick access to Cobb Parkway.

Councilmember Ferris shared that the garages included in the proposal will end up being storage units. He further explained that the idea of putting 25 garages to replace 25 parking spots on the property is misleading. Councilmember Ferris believes the city's parking requirements for neighborhoods are not sufficient. He used Pritchard Park as an example of the city needing to increase its parking requirements.

Assistant Zoning Administrator and Planner Albert Trevino suggested that staff could add a condition requiring the garages to be used for parking only and not storage. Councilmember Ferris stated there was not a way for that condition to be enforced.

Mayor Pro Tem Viars asked if the garages were going to be a premium. Mr. Simmons replied it would be an extra cost.

Councilmember Ferris said Pritchard Park looks like it has 8-foot wide garages, in which it would be difficult to park a mid-sized car. Councilmember Ferris does not understand how people put up with our minimum standards.

Councilmember Jones asked if the space could be used as a restaurant. Mr. Simmons responded no.

- 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. The Future Land Use map is re-adopted every five years concurrently with the city's Comprehensive Plan Update. The last adoption of the map was in June 2022. Mr. Trevino explained the Future Land Use Map is one of the city's tools used for long range planning. The State of Georgia's Department of Community Affairs allows local jurisdictions to do annual updates as needed. Mr. Trevino stated there are six areas staff would like to propose changing their future land use categories. These changes are not rezonings, but are amendments to their future land use designations, which is a special category outlined in the city's Comprehensive plan that looks ahead to the future. Due to the nature of the request, staff recommends each item be voted on individually. Mr. Trevino shared that all property owners have been notified of their respective land use designation changes and signs were placed on each property as well.

Mayor Pro Tem Viars asked City Attorney Randall Bentley, Sr. if she needed to recuse herself from the vote on 2971 North Main Street because she was the listing agent. Mr. Bentley, Sr. responded yes. Mayor Easterling asked City Clerk Lea Alvarez if she would break down the agenda item into subsections for the regular meeting.

- 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. Mr. Simmons shared these amendments are regarding the appellate process, aligning it with the changes made by the Georgia Legislature regarding Chapter 3, Title 5, which took effect on July 1, 2023.

11. Consent Agenda

- 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.

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 presented an alcohol license application for beer, wine, and Sunday sales for Chioma's African Cuisine, LLC dba Chioma's African Cuisine located at 2655 Cobb Parkway. This application is being presented because there is a new owner at the location. The location is within 300 feet of a private residence and within 600 feet of a church, but staff is not sure if it is still open. Both distance requirements were waived in the past. Ms. Auld shared the applicant will be present at the regular meeting to answer any questions.

13. Public Safety

- A. Receipt of the July 2023 crime statistics.

Chief Bill Westerberger presented the July 2023 crime statistics. He mentioned statistics on traffic accidents would be added to the crime statistics moving forward.

- B. DISCUSSION ONLY: Review the traffic study conducted by Public Works for Big Shanty Drive

Kennesaw Police Department Lieutenant Joseph Morgan reminded the Council of his previous discussion item back in May regarding a complaint from the Pine Hill community about vehicular traffic concerns on Big Shanty Drive and Duncan Drive. The Police Department began preliminary visual research, which yielded the conclusions that a majority of drivers were going above the posted speed limit and were not properly stopping at the stop sign. Lieutenant Morgan brought that information to the Council, and the Council recommended that a formal traffic study take place in that area. Lieutenant Morgan stated that Public Works conducted that traffic study on Big Shanty

Drive and Duncan Drive from June 13, 2023 to June 20, 2023.

Public Works Director Ricky Stewart presented the findings of the traffic study. For Duncan Drive, which has a 30 miles per hour posted speed limit, speed studies were run for both eastbound and westbound lanes. For the westbound lane, the study yielded a count of 9,995 vehicles in the seven-day period. The minimum speed for that lane was four miles per hour, and the maximum speed was 60 miles per hour. The counts are done with tubes, which are spaced to pick up axle length. So, 60 miles per hour could be a vehicle pulling a trailer or the speed of an emergency vehicle. The mean speed for the westbound lane was 31 miles per hour in a 30 miles per hour zone. As far as excessive speeds, only one percent of vehicles were going over 45 miles per hour. For the eastbound lane, the study yielded a count of 8,899 vehicles in the seven-day period. The minimum speed was 7.4 miles per hour, and the maximum speed was 76.1 miles per hour. Again, Mr. Stewart reiterated it could be a bad reading, a trailer, or an emergency vehicle. The mean speed for the eastbound lane was 32.8 miles per hour. Both directions were one to three miles over the posted speed limit. In Mr. Stewart's opinion, the results do not call for a reduced speed limit as most vehicles are obeying the posted speed limit.

For Big Shanty Drive, staff set up two different test points: one point between Sardis Street and Pine Hill Drive and one point between Pine Hill Drive and Ivey Park Drive. The test points were placed so staff could capture speeds before drivers got to the four-way stop. For the westbound lane, the test point between Sardis Street and Pine Hill Drive yielded a count of 21,000 vehicles in the seven-day period. The minimum speed was 5.1 miles per hour, and the maximum speed was 70.2 miles per hour. The mean speed was 35 miles per hour, which is the posted speed limit. There were less than three percent of vehicles that went over the posted speed limit. For the eastbound lane, the test point between Sardis Street and Pine Hill Drive yielded a count of 21,000 vehicles in the seven-day period. The minimum speed was 5 miles per hour and the maximum speed was 79.3 miles per hour. The mean speed was 35.3 miles per hour. For the westbound lane, the test point between Pine Hill Drive and Ivey Park Drive yielded a count of 26,000 vehicles in the seven-day period. The minimum speed was 0 miles per hour, which could be that someone stepped on one tube and not the other. The maximum speed was 67.8 miles per hour. The mean speed was 31.2 miles per hour, which is four miles below the posted speed limit. For the eastbound lane, the test point between Pine Hill Drive and Ivey Park Drive yielded a count of 35,000 vehicles in a seven-day period. The minimum speed was 4.9 miles per hour, and the maximum speed was 61.4 miles per hour. The mean speed was 31.7 miles per hour, which is roughly three miles below the posted speed limit. Less than two percent of vehicles drove 10 miles per hour over the posted speed limit.

Mr. Stewart stated that overall, in his opinion, most drivers are obeying the posted speed limit. Lieutenant Morgan said the Kennesaw Police Department will yield its informal, visual investigation to the formal study completed by Public Works.

Councilmember Ferris said that Mr. Stewart described what he has experienced living

on Sardis Street. He was surprised at the amount of traffic on Big Shanty Drive. Councilmember Ferris believes the city does not have a speeding problem. Based on what Mr. Stewart just laid out, the city has a stop sign problem. However, when looking at the numbers presented, the stop signs are doing what they are supposed to do as traffic calming devices. He does not see a reason to lower the speed limit on either street.

Councilmember Jones asked if a lighted stop sign could be installed. Mr. Stewart said there are different alternatives for lighting that area. Big Shanty Drive is a wide road that leads drivers to feel more comfortable speeding. A more intrusive alternative would be to narrow the roads to what they should be in a residential area. Overall, Mr. Stewart stated staff could increase the size of the stop sign to make it more visible.

Mayor Easterling said it comes down to people obeying the law and doing the right thing.

Mayor Pro Tem Viars thanked both Mr. Stewart and Lieutenant Morgan for the work they did.

Councilmember Ferris asked how long it had been since Public Works did a similar study on Main Street. Mr. Stewart responded the digital speed limit signs on Park Drive and Main Street log traffic counts and speed. The signs are not certified radar, but it is radar because that is what gives you the readout of your speed. Councilmember Ferris said he would be curious to see what the average speed would be on Main Street or in the downtown area.

Mr. Stewart said in downtown, staff could do what they did with this study with the tubes. The accuracy might be a little skewed because of the onstreet parking and the numerous driveways along the road. To verify true speeds, staff would have to go line by line and vet out those they would knowably assume are turn movements.

Councilmember Ferris would like to see what the mean speed limit is on Main Street and the downtown area.

14. Information Technology

15. Public Works

16. Recreation and Culture

17. Community Development

- A. 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.

Assistant Zoning Administrator and Planner Albert Trevino presented a parcel combination plat application submitted by Cherokee Growth, LLC for 0 North Cobb

Parkway (PIN: 20014100920) and 0 North Cobb Parkway (PIN: 20014100100). The property is the site of a future medical office facility, which is under construction. The request is to combine two parcels into one. The total acreage will be 3.68 acres. Staff have identified a new address for the combined parcel as 2985 Mack Dobbs Road. The entire site is zoned Office/Institutional. Staff, as well as Cobb Water and Cobb Fire, have reviewed the application and approved the plat.

Councilmember Ferris asked what kind of medicine would be practiced when construction is complete. Mr. Trevino replied primary care.

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

- B. Consideration for approval of a public art exhibit application submitted by El Taco Azteca for the property located at 2689 Summers Street. Case #PA2023-05.

Zoning Administrator Darryl Simmons stated the public art exhibit application submitted by El Taco Azteca for the property located at 2689 Summers Street will have to be rescheduled until it can be heard by the Historic Preservation Commission, which will have to cancel their meeting this week due to a lack of quorum. A special meeting will be called on August 25, 2023. If that special meeting occurs, the Council will hear this item at the August 28, 2023 work session and the September 5, 2023 regular meeting.

Mayor Easterling asked the City Clerk Lea Alvarez to remove the item from the regular meeting agenda.

- C. 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.

Zoning Administrator Darryl Simmons discussed the upcoming appeal hearing for Edson Macedo located at 3101 Old 41 Highway (also known as 3101 North Main Street) regarding the denial of his site plan for chickens. Mr. Simmons stated per Chapter 10, titled "Animals," in the Code of Ordinances, any person that disagrees with the decision of the Zoning Administrator or staff has the right to appeal to the Mayor and Council. The appeal hearing will be conducted at the regular meeting on August 21, 2023, and at that time, the applicant will have the opportunity to present his case.

18. Public Comment/Business from the Floor

19. City Manager's Report

- A. Reports, Discussions, and Updates

City Manager Dr. Jeff Drobney reminded everyone that Pigs and Peaches will be this Friday, August 18, 2023 and Saturday, August 19, 2023.

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

- A. DISCUSSION ONLY: Main Street Crosswalks as requested by Councilmember Viars.

Mayor Pro Tem Viars discussed the need for solutions to improve safety for pedestrians within the crosswalks on Main Street.

Mayor Easterling asked staff to look at the average speed of cars on Main Street and provide ideas for solutions.

- B. DISCUSSION ONLY: Topics as requested by Councilmember Jones.

1. Establish Juneteenth as an official paid city holiday. Employees will be allowed to use their paid holiday effective immediately. City employees will be allowed to use the holiday as a paid flex day off.

2. Interns for City Council members. Make edits to our current policy which only allow the city manager and department heads to have interns. The new policy will allow city council members to have either paid or unpaid interns at their discretion.

Councilmember Jones would like to make Juneteenth a city holiday, and, even though the holiday has passed, allow the employees to use this paid holiday effective immediately. Mayor Easterling stated if the Council is asking staff to look into making Juneteenth a paid holiday next year, he would also like to make Veterans Day a paid holiday as well. Mayor Pro Tem Viars agreed, but did not think the retroactive holiday would work because of budgeting.

Councilmember Ferris asked if Veterans Day was a federal holiday. Mayor Easterling said yes. Councilmember Ferris said he agrees with adding both holidays for next year, but did not agree with retroactively giving the holiday.

Councilmember Sinclair agreed and asked if staff had any floating days. Dr. Drobney responded that under our current leave policy, new employees get 80 hours in their first year, which is two weeks of vacation. Additionally, they get 40 sick hours after six months and begin to accumulate after that. Employees also receive two personal days.

Councilmember Jones noted that as our current policy stands, only department heads and the city manager are allowed to have interns. He would like to see the policy change to allow elected officials to have interns as well.

Mayor Pro Tem Viars asked what task he would see an intern doing. Councilmember Jones responded that Mayor Easterling has tasked him with the Youth Council, so he

would like some interns to help him make calls to get the program started next year. He thinks it would be a great opportunity for our local Kennesaw State University students. Mayor Pro Tem Viars could see a shadowing program, but she does not have anything to give to an intern. She also would be worried about sensitive information getting out. Councilmember Jones said the interns would not have access to the elected officials' emails, but should certainly have their own city emails for the duration of the internship. Further, Councilmember Jones stated whether it should be a paid or unpaid internship should be up to the elected official.

Mayor Easterling does not know of another municipality of our size having any interns for their elected officials. He is also worried about the liability of having an intern running around when an elected official is not there. Mayor Easterling stated if Councilmember Jones needs someone to help set up the Youth Council, the city should begin a leadership program, and let the students advocate for themselves. The purpose of the internship program is to see if that person is a good fit before they are hired. He does not think an elected official having an intern makes any sense, especially if they are paid because they work for the people.

Councilmember Ferris agrees with what everyone is saying. He is worried about liability and confidentiality. He asked about who would manage the interns, since the Council is not there during working hours. Councilmember Ferris pointed out that there are existing city staff that can help Councilmember Jones with the Youth Council.

Councilmember Sinclair is not opposed to the idea, but based on the concerns he is hearing, there are potentially other solutions than a formal internship. He would love to see the city get more involved with Kennesaw State University, so maybe the solution is more of a student group that completes projects as needed.

Councilmember Jones mentioned he would be open to sharing an intern with a department head.

Councilmember Burnette agreed with Mayor Easterling and Councilmember Ferris about the potential liability involved.

No further action from this discussion.

Councilmember Jones mentioned that the City of Marietta's mayor, Mayor Tumlin, is pulling away from the The Cobb-Marietta Coliseum & Exhibit Hall Authority agreement. He asked if Mr. Bentley, Sr. could look at the agreement and see what our terms are despite already signing it.

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 7:42 p.m. The regular meeting will be held Monday, August 21, 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