

**MINUTES OF CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
September 18, 2023
6:30 PM**

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

1. Invocation

City Attorney Randall Bentley, Sr. led the invocation.

2. Pledge of Allegiance

City resident Andrew Bramlett led the Pledge of Allegiance.

3. Call to Order

Mayor Derek 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

6:31 p.m. Floor Open for Public Comments

ANTHONY GUTIERREZ [City Council candidate, Post 2]: Mr. Gutierrez encouraged everyone to check out his website, anthony4kennesaw.com, to learn more about his campaign. He can also be reached by email at anthony4kennesaw@gmail.com. Today, Mr. Gutierrez wanted to highlight a key position within his platform, which is run-off elections. He explained run-off elections were created to ensure whichever candidate wins does so by receiving 50% of the vote plus one. A study done by the Congressional Research Service (CRS) found that 80% of Americans have a favorable view on run-offs and believe they have a positive impact on our elections. Mr. Gutierrez stated that here in Georgia, we already practice run-off elections at the state level, so he wonders why our local elections should be any different. A common critique of run-off elections is that they are expensive. To this, Mr. Gutierrez asks if we can ethically put a price tag on democracy and true representation. Another critique is the reduced participation from the general election to the run-off, which he states is a valid argument. He shared that there is a popular solution growing throughout our country: instant run-off voting. Instant run-off voting is an instantaneous run-off election where voters rank their preferred candidates rather than only selecting one. If no candidate receives the majority, the candidate with the least number of votes is eliminated and the voters' second choice number is selected, and so on. Mr. Gutierrez stated run-offs are popular, effective, and when done the right way, a free way to ensure candidates win the backing of the majority.

MADELYN OROCHENA [City Council candidate, Post 1]: Ms. Orochena shared she is running in support of the arts and culture, walkable and bikeable streets, affordable housing options, downtown development that reflects the needs of the community, as well as an inclusive community. She is a firm believer in her role as a candidate to stay accessible to voters and to be engaged with the residents of Kennesaw. Ms. Orochena is at the Lazy Labrador every Friday morning from 8:00 a.m. to 10:00 a.m. She is available to answer any questions about her platform or herself, and to address any concerns or needs. Ms. Orochena reminded everyone that early voting starts in 27 days on October 16, 2023.

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

7. Old Business

8. New Business

A. Settlement of Litigation - City of Kennesaw v. 2933 Moon Station Road CAFN 2022 1 8617 65 Cobb County Superior Court

1. to approve the terms of the agreement as presented;
2. to authorize the Mayor to execute the agreement before the City Clerk and with City seal;

3. to authorize a disbursement via wire transfer to the Bentley law firm IOLTA trust account in the amount of \$435,000 to satisfy the “Additional Funds” payment to Luxaryan under paragraphs 1.3 and 1.4 of the agreement; and
4. to authorize the City Attorney to file final disposition forms to close out the litigation

City Attorney Randall Bentley, Sr. stated the Mayor and the City Council would be voting tonight to approve a settlement agreement which both parties have agreed to resolve the condemnation of the property located at 2933 Moon Station Road. The total settlement is in the amount of \$550,000, of which \$115,00 has already been paid to the court. The terms of settlement are the amount difference. The City of Kennesaw is to pay \$435,000 through the Bentley escrow account to be paid directly to the property owner's attorney in exchange for the dismissal of the appeal of the value of condemnation by the property owner.

Motion by Mayor Pro Tem Viars to approve the settlement of litigation between the City of Kennesaw and 2933 Moon Station Road, as presented and listed. Seconded by Councilmember Ferris.

Vote taken, motion approved 4-0 (Councilmember Sinclair absent). Motion passed.

9. Committee and Board Reports

10. Public Hearing(s)

- A. FINAL PUBLIC HEARING: Consideration of RESOLUTION to adopt the Fiscal Year 2023-2024 Operating Budget for the City of Kennesaw and adopt the organizational chart.

[Items 10. A and 10.B were presented concurrently, but voted upon separately].

Assistant Finance Director Jennifer Gordy presented a resolution to adopt the Fiscal Year 2023-2024 Operating Budget for the City of Kennesaw and to adopt the organizational chart. Ms. Gordy went over a brief presentation highlighting both the operating budget and the capital improvement budget (See **Exhibit A**).

Motion by Councilmember Jones to approve [RESOLUTION NO. 2023-42, 2023](#) to adopt the Fiscal Year 2023-2024 Operating Budget for the City of Kennesaw and to adopt the organizational chart, as presented. Seconded by Mayor Pro Tem Viars.

6:42 p.m. Floor Open for Public Comments

No comments.

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

Vote taken, motion approved 4-0 (Councilmember Sinclair absent). Motion passed.

- B. FINAL PUBLIC HEARING: Consideration of RESOLUTION to adopt the Fiscal Year 2023-2024 Capital Improvement (SPLOST) Budget for the City of Kennesaw.

Motion by Councilmember Jones to approve [RESOLUTION NO. 2023-43, 2023](#) to adopt the Fiscal Year 2023-2024 Capital Improvement (SPLOST) Budget for the City of Kennesaw, as presented. Seconded by Councilmember Burnette.

6:44 p.m. Floor Open for Public Comments

No comments.

6:45 p.m. Floor Closed for Public Comments

Vote taken, motion approved 4-0 (Councilmember Sinclair absent). Motion passed.

- C. Consideration for approval of a variance application submitted by Jose Gomez for the property located at 2407 Pine Drive (Parcel Number 20016600640). Case #ZV2023-02.

Planning and Zoning Administrator Darryl Simmons presented a variance application submitted by Jose Gomez for the property located at 2407 Pine Drive (parcel number 20016600640). Mr. Simmons stated the property is within the Woodland Acres Subdivision and is zoned R-15. The current development standards for R-15 require a minimum of 15,000 square foot lot. The lot in question is 11,999 square feet. At their regularly scheduled meeting on September 6, 2023, the Planning Commission recommended approval of the variance to reduce the lot size requirement for this property location. Mr. Simmons stated a legal ad was run in the Marietta Daily Journal on August 18, 2023. All public notifications and postings were completed per code.

Motion by Councilmember Ferris to approve the variance application submitted by Jose Gomez for the property located at 2407 Pine Drive (parcel number 20016600640), as presented. Seconded by Mayor Pro Tem Viars.

Councilmember Ferris thanked Dr. Drobney, Mr. Simmons, and Ms. Alvarez for their due diligence in researching the concerns he expressed during the work session. He was concerned about grandfathering, but a 1996 action removed any grandfathering. The staff satisfied his requests.

6:48 p.m. Floor Open for Public Comments

No comments.

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

Vote taken, motion approved 4-0 (Councilmember Sinclair absent). Motion passed.

11. Consent Agenda

Motion by Councilmember Ferris to approve the Consent Agenda, engross. Seconded by Councilmember Burnette.

Vote taken, motion approved 4-0 (Councilmember Sinclair absent). Motion passed.

- A. Approval of the August 28, 2023 City Council work session minutes.
- B. Approval of the September 5, 2023 City Council regular meeting minutes.
- C. Approval of RESOLUTION to update various portions fo the Master Fee Schedule

RESOLUTION NO. 2023-44, 2023

- D. Authorization to remove the crush and run road in Section III of the Kennesaw City Cemetery and to reclaim the lots removed to create the road for burial purposes.
- E. Consideration for approval of a final plat application submitted by Kennesaw Townhome Owner, LLC for 1885 & 1945 Duncan Dr. Case #FP2023-04.

12. General and Administrative

13. Public Safety

- A. Receipt of the August 2023 Crime Statistics.

Kennesaw Police Captain Ricky Shumpert presented the August 2023 crime statistics.

Motion by Councilmember Jones to receive the August 2023 crime statistics, as presented. Seconded by Mayor Pro Tem Viars.

Vote taken, motion approved 4-0 (Councilmember Sinclair absent). Motion passed.

14. Information Technology

15. Public Works

16. Recreation and Culture

17. Community Development

18. Public Comment/Business from the Floor

6:50 p.m. Floor Open for Public Comments

JAMES STEWART [City Resident]: Mr. Stewart wanted to make the City Council aware of a situation that affected him and his family last Monday night. His family went to the farmers' market and parked by Revival. They went to the crosswalk, pressed the button to activate the flashing lights, and despite traffic stopping on both sides, a car entered

the middle lane and almost hit them at a high speed. He asked for an increase in police presence on Main Street. He asked the Council to please help the public have a safer time getting to the establishments downtown.

ANDREW BRAMLETT [City Resident]: Mr. Bramlett shared some local history of the Battle-Rama (**See Exhibit B**).

MILLIE SIMPSON [City Resident]: Ms. Simpson said her comments were in response to comments on the Nextdoor Neighbor application. Last Thursday, traffic on Cherokee Street was incredibly backed up. Many people were complaining about the traffic on the app, with one person stating that it would only get worse when all the apartments are filled on Cherokee Street. Ms. Simpson read various comments that were made on the post. She doesn't know who has the ultimate authority to approve all the building going on in the city, but she thought she would start with the City Council about how to reduce some of this development. Ms. Simpson was afraid of how dangerous it would be with so many people living on Cherokee Street.

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

19. City Manager's Report

- A. Reports, Discussions, and Updates
- B. Recommendation of the City Manager to ratify the appointment of Dave Simpson as the Smith-Gilbert Gardens Executive Director.

City Manager Jeff Drobney mentioned the city conducted a national search for the new Executive Director for the Smith-Gilbert Gardens. Mr. Simpson brings a wealth of experience from public gardens, including in-depth knowledge of horticulture and plant biology. Dr. Drobney is excited to have Mr. Simpson here tonight and to recommend the City Council ratify his appointment.

Motion by Mayor Pro Tem Viars to ratify the appointment of Dave Simpson as the Smith-Gilbert Gardens Executive Director. Seconded by Councilmember Jones.

Vote taken, motion approved 4-0 (Councilmember Sinclair absent). Motion passed.

20. Mayor's Report

- A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committee, Authority, or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve boards and commissions, as deemed necessary.

21. Council Reports & Discussions

Councilmember Burnette shared she loves this touch of fall weather. She is running for re-election and is looking forward to continuing working for this city.

Councilmember Jones had the privilege of doing jury duty today.

Councilmember Ferris mentioned the Life in the Cemetery event hosted by the Cemetery Preservation Foundation is coming up in October. Tickets are available for purchase at kennesawcemetery.org.

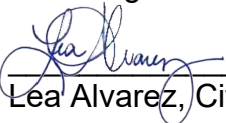
Mayor Pro Tem Viars stated she is running for re-election for City Council Post 2. In thinking about how she has got here, her journey has been very organic and transparent. In 2011, Mayor Pro Tem Viars shared that she first served on the Kennesaw Citizens Advisory Committee and then, in 2012, she served on the Kennesaw Downtown Development Authority. She served as chair for three years. In 2018, Mayor Pro Tem Viars ran in a special election to serve as a councilmember for Post 2. Since then, she has served as a liaison for the downtown merchants, worked on Smith-Gilber Gardens' Garden Gala, has been a 5k run director, spearheaded the first Kennesaw Beer and Wine Festival, and reorganized and ran the Farmers Market and Dinner at the Depot for years. She said all of that to say that she got in and rolled up her sleeves, worked to get to know the people and the businesses, and has served to foster relationships so we can be the best Kennesaw we can be. Mayor Pro Tem Viars stated she has worked to earn this position and hopes she has worked to earn the people's trust. She exclaimed #VoteViars!

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 7:04 p.m. The next regular meeting will be held Monday, October 2, 2023 at 6:30 p.m. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.



Lea Alvarez, City Clerk



City of Kennesaw, GA

September 5, 2023

FY 2024 PROPOSED BUDGET



FY 2024 BUDGET SCHEDULE

Public Hearing

- September 5, 2023 (6:30 p.m.)

Public Hearing

- September 18, 2023 (6:30 p.m.)

Adoption

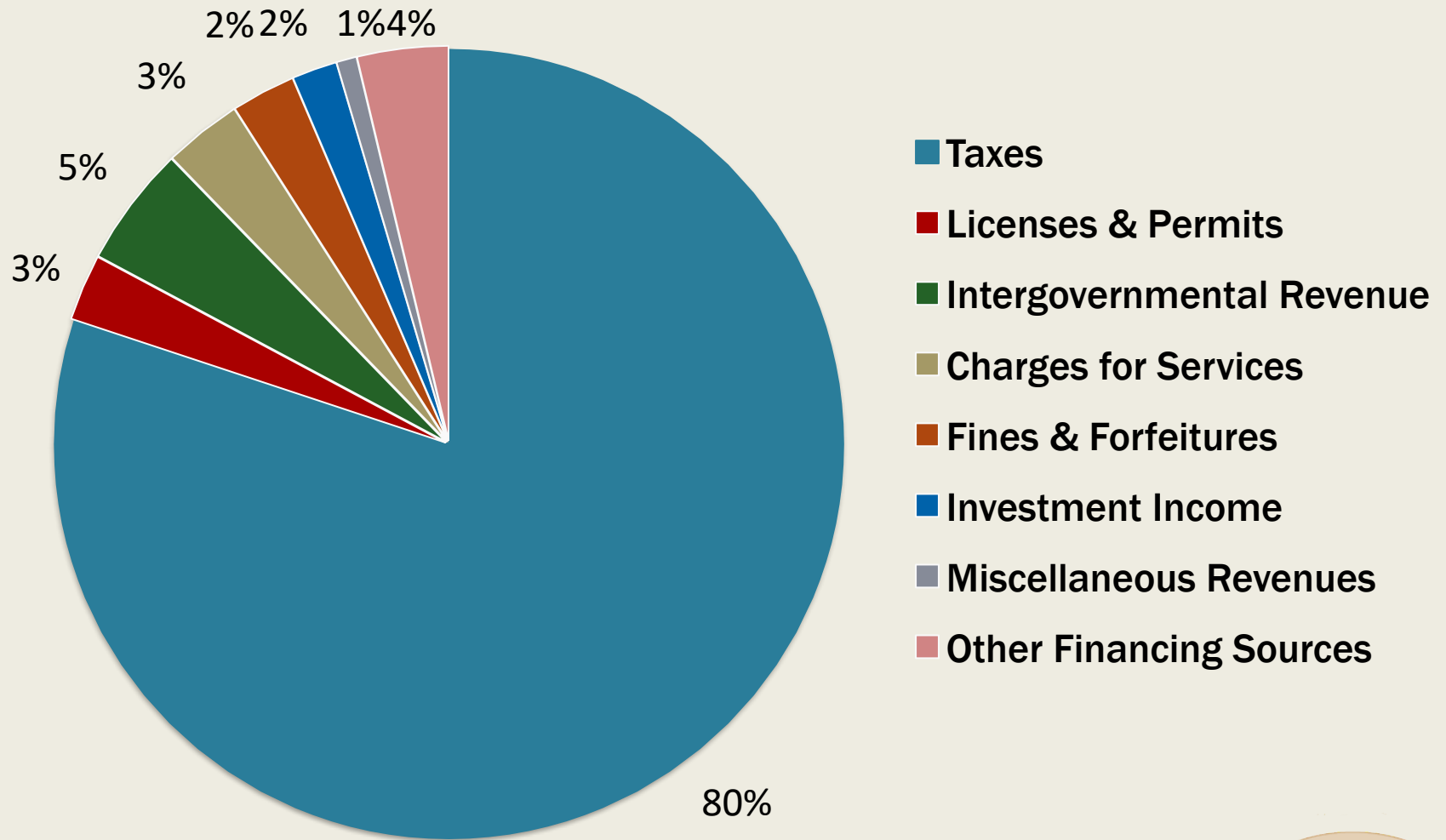
- September 18, 2023 (6:30 p.m.)



FY 2024 PROPOSED GENERAL FUND OPERATING REVENUES & OTHER SOURCES

CATEGORY	AMOUNT	PERCENTAGE
Taxes	\$23,540,715	80%
Licenses and Permits	\$799,750	3%
Intergovernmental	\$1,452,500	5%
Charges for Services	\$940,696	3%
Fines & Forfeitures	\$775,000	2%
Investment Income	\$545,000	2%
Miscellaneous Revenue	\$243,952	1%
Other Financing Sources	\$1,098,130	4%
TOTAL REVENUES	\$29,395,743	100%

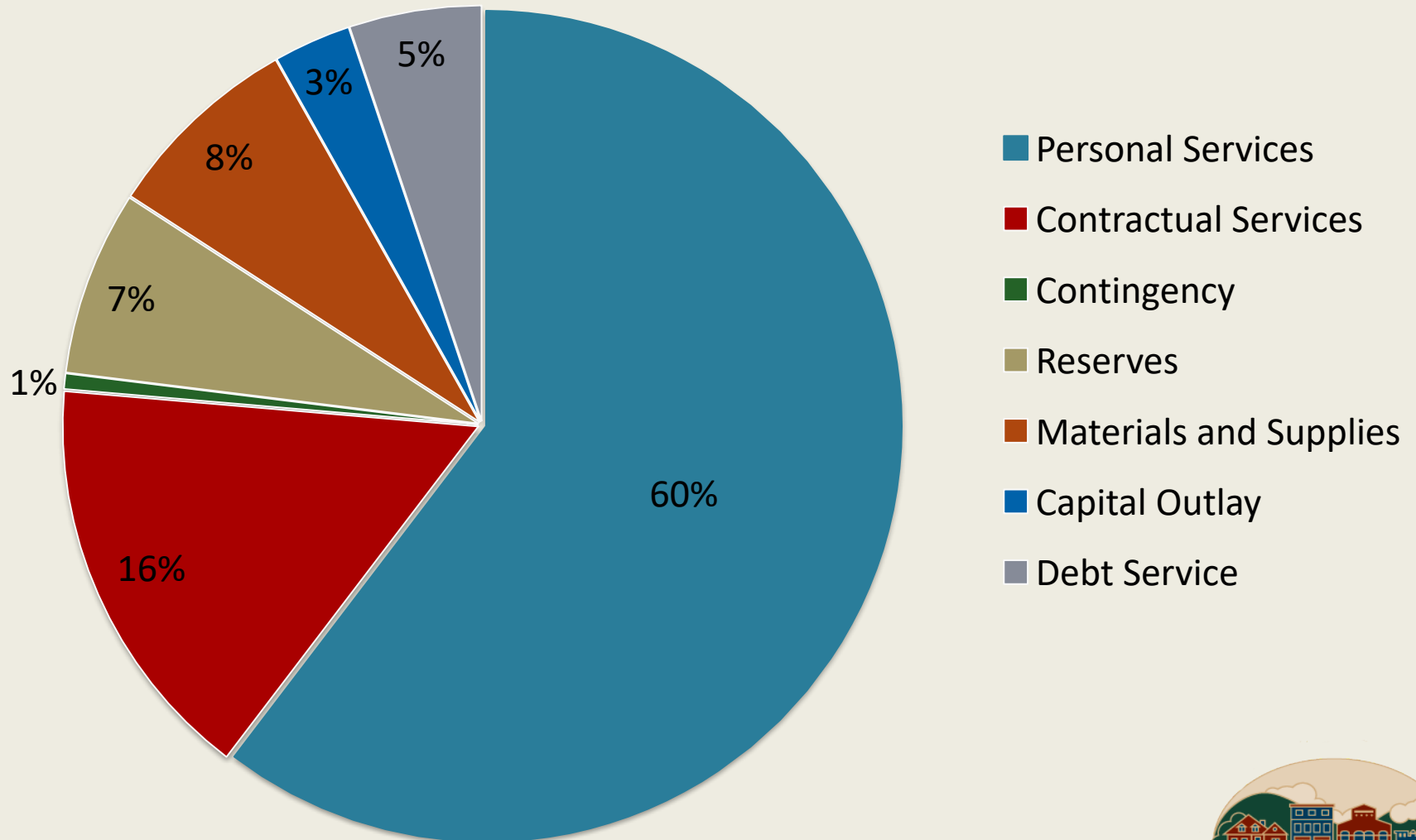
FY 2024 PROPOSED GENERAL FUND OPERATING REVENUES & OTHER SOURCES



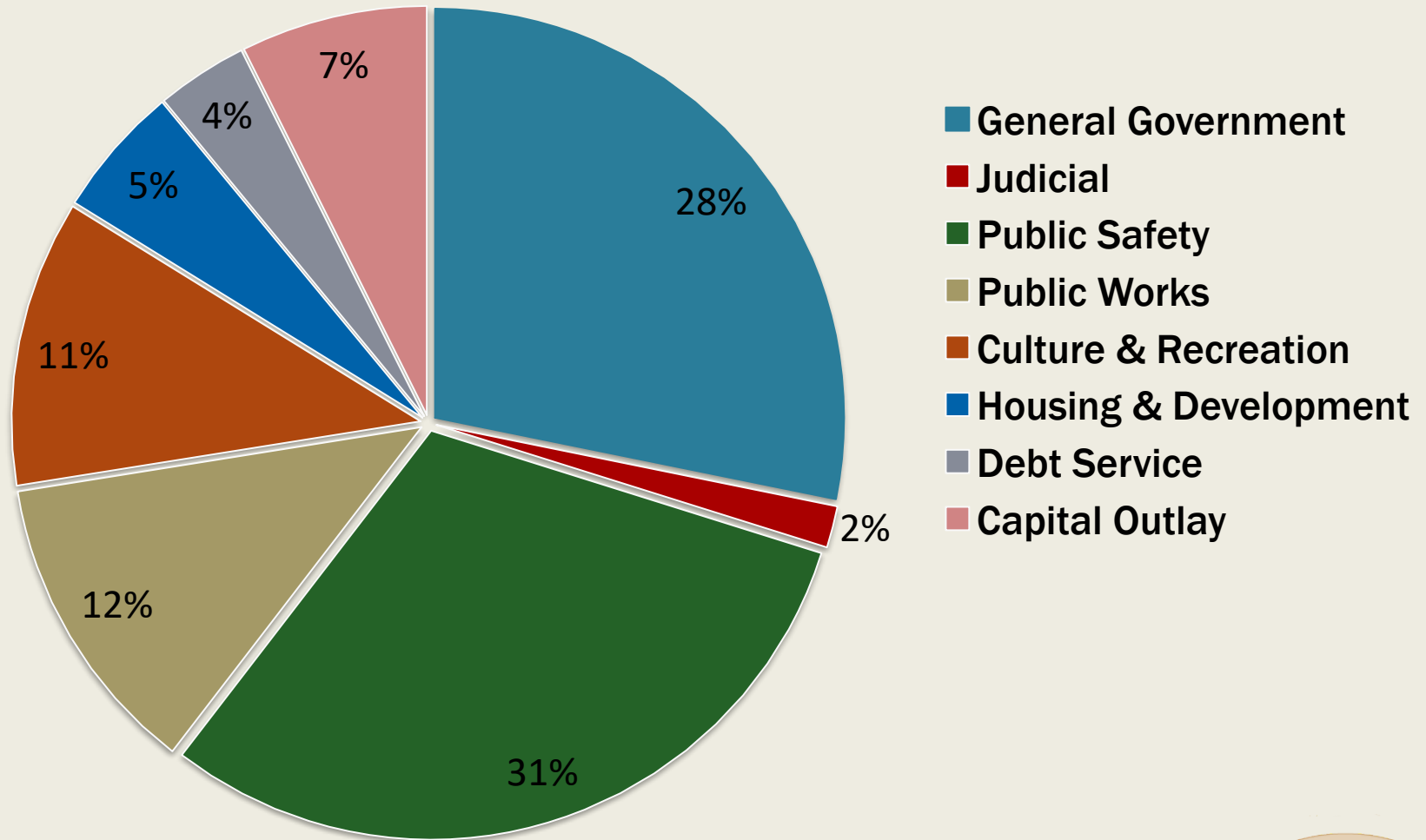
FY 2024 PROPOSED GENERAL FUND EXPENDITURES

CATEGORY	AMOUNT	PERCENTAGE
Personal Services	\$17,077,965	60%
Contractual Services	\$4,526,501	16%
Contingency	\$170,000	1%
Materials and Supplies	\$2,178,812	8%
Reserves	\$2,033,591	7%
Debt Service	\$1,454,334	5%
Capital Outlay	\$852,300	3%
TOTAL DEPT EXPENDITURES	\$28,293,503	
Transfers to Other Funds	\$1,102,240	
TOTAL EXPENDITURES	\$29,395,743	

FY 2024 PROPOSED GENERAL FUND EXPENDITURES (CATEGORIES)



FY 2024 PROPOSED GENERAL FUND EXPENDITURES (BY FUNCTION)



FY 2024 PROPOSED OPERATING BUDGET

Operating Budgets:	FY 23 Adopted	FY 24 Proposed	% Change
Governmental Fund Types			
General Fund	\$27,634,105	\$29,395,743	6%
Asset Forfeiture	\$21,085	\$21,200	1%
Treasury Equitable	\$120,006	\$20,500	-83%
Emergency 911	\$1,533,200	\$1,534,400	1%
American Rescue Plan Act	\$3,188,610	\$1,997,154	-37%
Hotel Motel	\$67,170	\$110,920	65%
Impact Fee	\$100,000	\$232,412	132%
Cemetery	\$27,616	\$57,865	110%
Debt Service	\$1,493,251	\$1,454,334	-3%
Subtotal	\$34,185,043	\$34,824,528	2%

FY 2024 PROPOSED OPERATING BUDGET

Operating Budgets:	FY 23 Adopted	FY 24 Proposed	% Change
Business - Type Funds			
Sanitation	\$3,497,194	\$3,665,500	5%
Museum	\$974,969	\$1,030,716	6%
Smith Gilbert Gardens	\$662,332	\$770,049	16%
Storm Water	\$1,234,185	\$1,450,395	18%
Streetlights	\$363,585	\$393,900	8%
Subtotal	\$6,732,265	\$7,310,560	9%
Total Operating Funds	\$40,917,308	\$42,135,088	3%

FY 2024 PROPOSED BUDGET

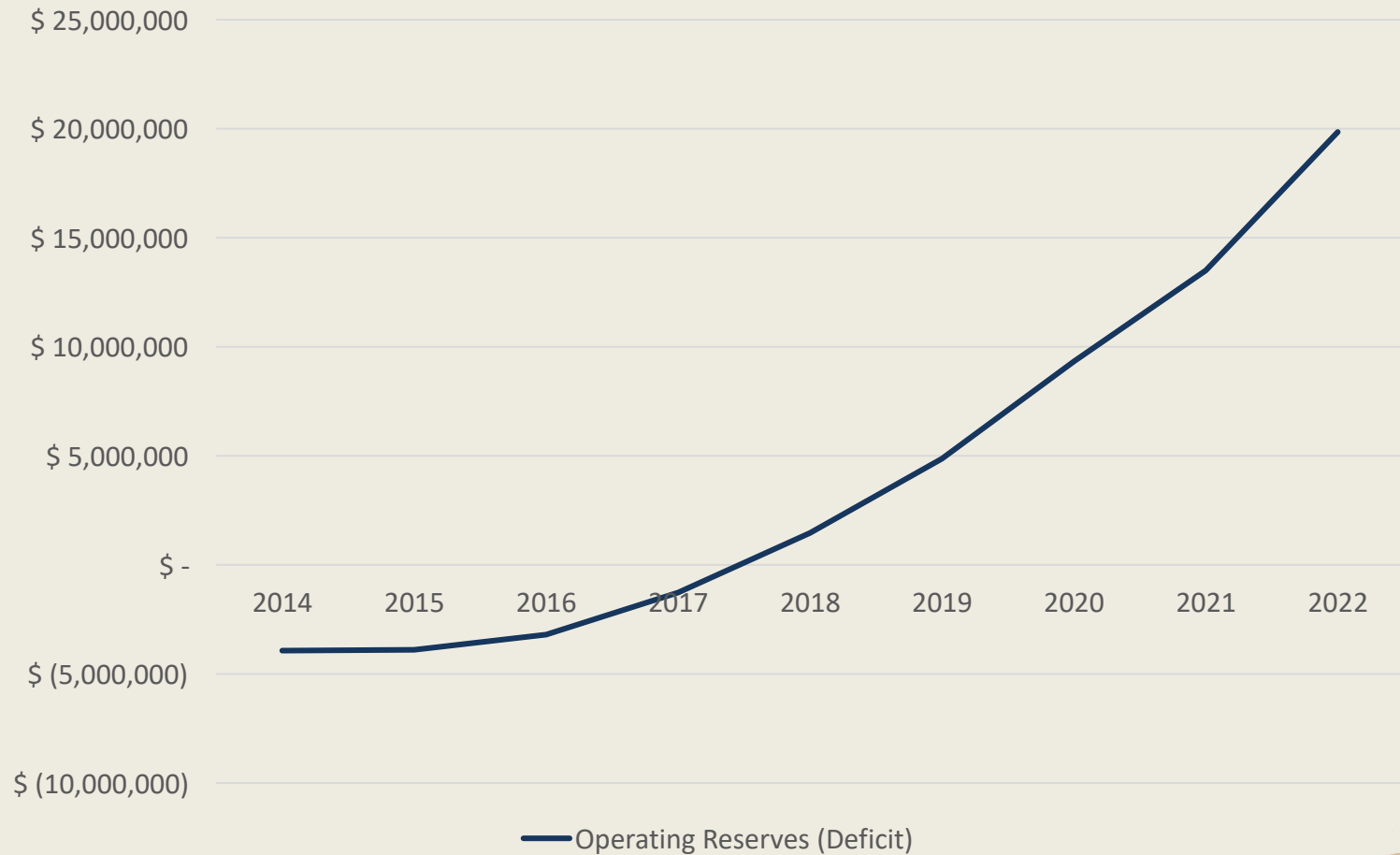
SPLOST FUND

SPLOST BY YEAR	
Remaining Dollars to be Spent	
2011 SPLOST	\$3,700,000
2016 SPLOST	\$4,600,000
2022 SPLOST	\$32,000,000
TOTAL	\$40,300,000

FY 2024 PROPOSED INTERNAL SERVICE FUND BUDGET

PARTIALLY SELF-INSURED HEALTH INSURANCE FUND	FY 23 Adopted	FY 24 Proposed	% Change
Fixed Cost	\$500,132	\$702,487	40%
Claims	\$2,618,652	\$2,730,200	4%
Total	\$3,118,784	\$3,432,687	10%

Operating Reserves



FY 2024 PERSONNEL RECOMMENDATIONS

New Full-time Positions (4)

Parks and Recreation

- Assistant Special Events Coordinator

Police

- Crime Analyst

Building Services

- Code Enforcement Inspector

Smith-Gilbert Gardens

- Horticulture Technician



FY 2024 PERSONNEL RECOMMENDATIONS

Unfreeze Positions (1)

Information Technology

- IT Director



FY 2024 PERSONNEL RECOMMENDATIONS

Reclassifications

- Accounting Manager to Senior Accountant
- Payroll Specialist to Payroll Specialist/Utility Billing Supervisor
- Garden and Education Manager to Garden Manager
- Facilities Manager to Facilities Director
- IT Systems Administrative Specialist to IT Network Manager
- Shift Supervisor to Assistant 911 Director
- Shift Supervisor to 911 Emergency Communications Officer
- Building Services Coordinator to Building Services Supervisor
- Community Development Administrative Assistant transferred to Building Services from Planning and Zoning
- Guest Services Manager to Education and Exhibits Manager



FY 2024 PROPOSED CAPITAL EXPENDITURES

- Police –Seven (7) vehicles, Flock Camera, Finger Printing Machine, Curaplex Active Assailant Kit, Gun Safe, O-light Weapon Lights, Ballistic Shields, Camera and Equipment for Evidence Tech, Crime Analyst equipment, Vehicle Radars
- Parks & Recreation – Three (3) vehicles, Baseball and Softball Scoreboards, Zero Turn Mower, Terry Lane Neighborhood Park upgrades, Additional fitness station as Swift-Cantrell Park
- IT – Cell Hawk CID, Remote UP's, Data Center Hard Drive Replacement, Replacement Computers, Office 365 upgrade City Wide



FY 2024 PROPOSED CAPITAL EXPENDITURES CONTINUED

- City Clerk- Just FOIA Pro
- Building Services – One (1) Vehicle
- Smith-Gilbert Gardens – Irrigation System
- Public Works – Vinyl Plotter
- Streets- Two (2) Zero Turn mowers
- Stormwater- One (1) vehicle, Inventory of stormwater system, MS4 report
- Cemetery – Tree Removal



QUESTIONS?

City of Kennesaw, GA

FY 2024 PROPOSED BUDGET



KENNESAW HISTORY

The Battle-Rama

Perhaps the most unique attraction to ever be found on Cobb Parkway was the Battle-Rama, a diorama replica of the Battle of Kennesaw Mountain. The attraction was opened around the time of the Civil War centennial in 1961. It was described in brochure's as the "World's Finest Civil War Diorama and Museum."

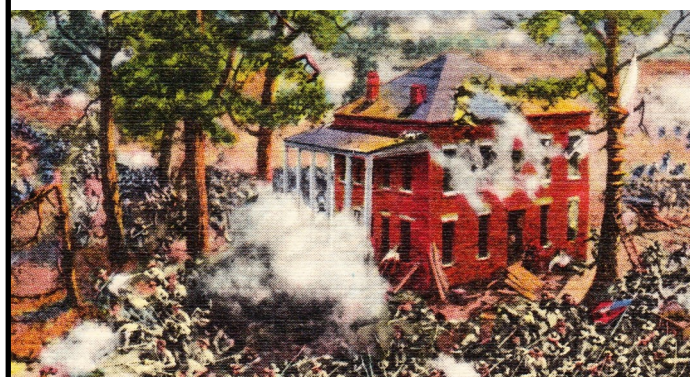
The building itself was also designed to connect to the Civil War. The design was based on the Troop-Hurt House, a home that survived the Battle of Atlanta and is depicted in the Atlanta Cyclorama.

The entire diorama display was the brainchild of brothers Don and Vince Pfab. Vince made the miniature soldiers, while Don served as the business manager.

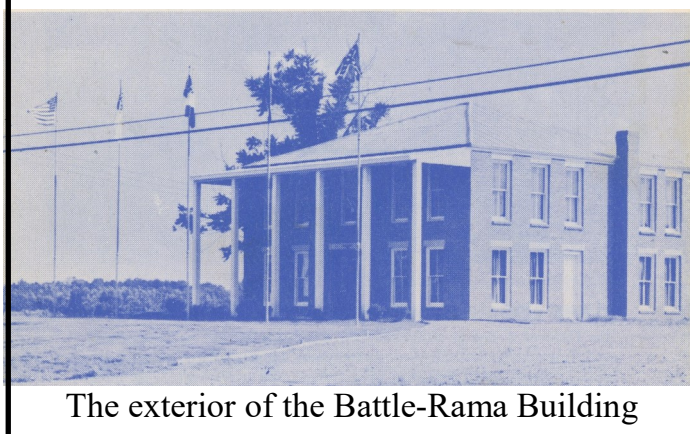
By 1966, the Pfabs had closed the diorama and the building became the home of a miniature circus display. It later became an antique store, and is today the Uniform Source store just south of Ellison Lakes Drive. The Pfabs moved to Virginia where Vince adapted the display to depict the Battle of Petersburg. As of 2016, the diorama was no longer on display but still owned by the family.



A postcard of the Battle-Rama



The Troop-Hurt House in the Cyclorama



The exterior of the Battle-Rama Building

Presented by Andrew J. Bramlett
at the September 18, 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

9/18/2023

Public Comment Sign-in

	Name	Address	Topic
1	<u>Archene J. Brantlett</u>	<u>2940 Armand St.</u>	<u>Local history</u>
2	<u>Millie Simpson</u>	<u>2078 Randolph Cir</u>	<u>Traffic & Developments</u>
3	<u>James Stewart</u>	<u>2975 North Main St NW</u>	<u>Downtown Traffic</u>
4	<u>Anthony Cutler/K2</u>		
5	<u>Madelyn Orochena</u>	<u>2981 N Main Street</u>	
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