

**MINUTES OF CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
October 16, 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 Resident Lewis Bramlett 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

6. Public Comment/Business from the Floor

JONATHON BOTHERS [City Resident and Candidate for City Council, Post 1]: Mr. Bothers has been living in the City of Kennesaw for two decades and has seen a lot of change during that time. He mentioned Swift-Cantrell Park did not exist when he moved here. There are great changes that have happened and will continue to happen in the city, and Mr. Bothers would like to be a part of them. The reason his family moved to the city was because it had a small town feel. Mr. Bothers is running because he believes he is able to help the city move forward. He believes the city can still be great despite the large number of apartments and traffic here. He believes in putting the city and our citizens first. He told the audience if they believe the same, they can visit jon4kennesaw.com and vote for him on November 7, 2023.

ANTHONY GUTIERREZ [City Resident and Candidate for City Council, Post 2]: Mr. Gutierrez stated because this will be the last time he can address the Council on air, instead of wasting time in reintroducing himself or giving a long-winded story about the campaign trail, he will be spit-firing what he believes and what his campaign is built upon. The first issue he mentioned was term limits. Mr. Gutierrez believes the age of the career politician needs to end from the federal level to the local level. He stated being a politician is supposed to be an act of civil servitude, not a career. He shared a three-term limit for the mayor and city council is a necessity. His second issue was regarding energy independence. Mr. Gutierrez believes Georgia Power is a monopoly and what they say goes. The city pays all of their investments and Georgia Power reaps all of the benefits. The citizens' reward at the end of the month is a higher bill. He stated our city should help its citizens to invest in renewable energy through a tax credit and help them save an average of \$1,500 on their electric bills.

Mr. Gutierrez' third issue was instant runoff voting. He said our last city council election had a candidate win despite only receiving 18% of the vote. A system where 82% of the vote does not go to the winner is outdated and flawed. Instant runoff elections would prevent this from happening again. His fourth issue was regarding the end to luxury apartments. Mr. Gutierrez believes these so-called "luxury apartments" only crowd our roads, increase our rents, raise our costs of living, and ultimately, lead our government resources to run thin, which then raises our taxes. Instead of investing in bringing new people to Kennesaw, he asked the Council to focus on the ones already living here. Mr. Gutierrez addressed the public and stated if they do not like the direction Kennesaw is heading, there is only one way to stop it, and it is to use their vote. Further, he shared that if they are as tired and upset as he is, go tell their friends about his campaign. He concluded by saying this is how they can get their Kennesaw back. To learn more, visit anthony4kennesaw.com.

MADELYN OROCHENA [City Resident and Candidate for City Council, Post 1]: Ms. Orochena shared that there were 25 people that voted early today, so she hopes it picks up a little bit more. Further, she hopes the city turns out the vote this time. She reminded people that election day is November 7, 2023. If the public would like to learn more about her, she encouraged them to visit madelyn4kennesaw.com.

Mayor Easterling opened the floor for the public to comment on anything on the agenda.

6:39 p.m. Floor Open for Public Comments

No comments.

6:40 p.m. Floor Closed for Public Comments

7. Old Business

8. New Business

9. Committee and Board Reports

10. Public Hearing(s)

- A. Consideration to approve a Land Use Permit application for the property located at 2800 Dominion Lane submitted by applicant Ali Jackson. Case #LU2023-02.

Zoning Administrator Darryl Simmons presented a land use permit application for the property located at 2800 Dominion Lane submitted by applicant Ali Jackson. The applicant has submitted the application for the decoration of cookies within the residential unit utilizing regular household supplies and appliances. The applicant followed all of the public notification requirements. Staff received approval from the Homeowners Association regarding this proposed use application. On October 4, 2023, the Planning Commission voted to approve the land use permit application with conditions as outlined in the staff analysis. The use of the residential unit is in compliance with current home occupation standards.

Motion by Councilmember Jones to approve the land use permit application for the property located at 2800 Dominion Lane submitted by applicant Ali Jackson, as presented. Seconded by Councilmember Ferris.

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

No comments.

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

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

- B. Approval of an ORDINANCE to amend the Unified Development Code, Appendix A, Chapters 4 and 5. Case #MISC2023-08

Zoning Administrator Darryl Simmons presented an ordinance to amend the Unified Development Code, Appendix A, Chapter 4 and 5. The legal ads that ran for these amendments noted Chapters 4 and 5 of the Unified Development Code. Chapter 4

deals with home occupation and Chapter 5 deals with amendments proposed by staff for temporary banners. Upon review, Mr. Simmons requested withdrawing the amendments proposed for Chapter 5 due to potential legal challenges; however, because it was advertised, a public hearing on Chapter 5 will still need to be had. Moving on to Chapter 4, Mr. Simmons mentioned one of the words was not stricken from 4.04.05(B)(1). The code section should read as the following, "In Type A home occupations, resident(s) use their home as a Virtual Home Office only. Employees, clients, or customers are prohibited from coming to the residence." What was removed was the term "delivery personnel." Including this term would be counterproductive to what the city is trying to accomplish due to delivery personnel visiting every residence within the city.

Staff have noted that since COVID, people have been using their homes as administrative offices. Because of that, there have been many inquiries into how the city was going to document this use properly. The proposed amendments went before the Planning Commission on October 4, 2023, which included discussions on how the city defines "deliveries" and "delivery personnel." Staff spent the last week reviewing these questions with the city's legal team and the conclusion by all parties was that it would be indefensible to prohibit delivery personnel from coming to residences. Since the city cannot differentiate personal delivery from home office delivery, it is impossible to enforce that. Mr. Simmons concluded that the best option is to eliminate any reference to prohibiting deliveries at the home as it pertains to Type B of the home occupation definition.

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

No comments.

6:51 p.m. Floor Closed for Public Comments

Motion by Councilmember Sinclair to divide item 10.B. Seconded by Mayor Pro Tem Viars.

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

Motion by Mayor Pro Tem Viars to approve [ORDINANCE NO. 2023-17, 2023](#) to amend the Unified Development Code, Appendix A, Chapter 4, as presented, including striking "delivery personnel" from 4.04.05 (B)(1) and the entirety of 4.04.05(D)(2) as requested by Councilmember Ferris. Seconded by Councilmember Jones.

Councilmember Jones asked if we have a Department of Development Services as referenced in 4.04.05(C)(8). Mr. Simmons replied that it had been removed and replaced by the Business License Department and Code Enforcement.

Councilmember Ferris stated he talked about his concerns regarding deliveries last week. He referenced 4.04.05(B)(1) and 4.04.05(D)(2) and finds them unenforceable.

Councilmember Ferris understands that the Type A business license is meant to be restrictive, but what is being proposed as far as delivery is too restrictive. How can we tell the United States Postal Service you cannot make deliveries to residences? Mr. Simmons said those requirements are being removed.

Mayor Pro Tem Viars stated she was the one who brought this idea up. Kennesaw is a university town and an incubator for start-ups and entrepreneurs. She has called other cities and no one has an ordinance in place that addresses this topic. Mayor Pro Tem Viars stated this language is progressive and that it is how a majority of people are working today. She appreciates Mr. Simmons' efforts and the work he did to accomplish these text amendments.

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

Motion by Mayor Pro Tem Viars to accept the withdrawal of ORDINANCE to amend the Unified Development Code, Appendix A, Chapter 5. Seconded by Councilmember Ferris.

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

11. Consent Agenda

- A. Approval of the September 25, 2023 City Council work session minutes.
- B. Approval of the October 2, 2023 City Council regular meeting minutes.
- C. Approval of RESOLUTION authorizing contract amendment regarding the City Clerk.

RESOLUTION NO. 2023-46, 2023

- D. Consideration to approve the Day With Santa road closure extension.
- E. On October 9, 2023, Gary Craft purchased three (3) cemetery lots in Kennesaw City Cemetery. This lot is located in Section III, Plot 11, Lots B,C and D. Requesting authorization for the Mayor to sign a supporting deed for the purchase of this lot. The City Clerk recommends approval.

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

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

12. General and Administrative

- A. Consideration for approval of a Massage License for Huajian, LLC d/b/a A1 Feeling Massage located at 2839 Cherokee Street NW STE D Kennesaw, GA 30144. Applicant: Bangqiong Li.

Business License Manager LaMaya Edmonds presented a Massage License for Huajian, LLC d/b/a A1 Feeling Massage located at 2839 Cherokee Street NW, Suite D.

The applicant has submitted all required documents and has included their State of Georgia massage license.

Motion by Mayor Pro Tem Viars to approve a Massage License for Huajian, LLC d/b/a A1 Feeling Massage located at 2839 Cherokee Street NW, Suite D, as presented. Seconded by Councilmember Sinclair.

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

13. Public Safety

A. Receipt of the September 2023 Crime Statistics.

Captain Ricky Shumpert presented the crime statistics for September 2023 (See **Exhibit A**).

Motion by Councilmember Sinclair to receive the September 2023 crime statistics, as presented. Seconded by Councilmember Burnette.

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

14. Information Technology

15. Public Works

16. Recreation and Culture

17. Community Development

18. Public Comment/Business from the Floor

7:02 p.m. Floor Open for Public Comments

LEWIS BRAMLETT [City Resident]: Mr. Bramlett provided insight as to the possible date of a photo frequently used to represent early Downtown Kennesaw (See **Exhibit B**).

7:04 p.m. Floor Closed for Public Comments

19. City Manager's Report

A. Reports, Discussions, and Updates

Dr. Drobney shared the City of Kennesaw has a busy few weeks coming up. Life in the Cemetery is fast approaching starting Friday, October 20, 2023 through Sunday, October 22, 2023. Tickets are almost sold out! On Friday, October 27, 2023, Tales from the Rails is happening at the Southern Museum as well as the downtown Candy Crawl. On Saturday, October 28, 2023, Nightmare on Main is taking place, which is the final 5K of the year. On Friday, November 3, 2023, it is the VIP night for the Holiday Market at the Ben Robertson Community Center. The public Holiday Market is open on November 4, 2023, which is also the same day as Taste of Kennesaw. Dr. Drobney

invited everyone to come out and enjoy all of the events!

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 Sinclair commends Mayor Pro Tem Viars for the home occupation ordinance amendments as well as the speed at which Darryl and staff moved from the idea to the execution. Sometimes, local government gets a bad reputation for being slow, but these changes were incredibly fast.

Councilmember Jones has found out he and his wife are expecting twins. He is excited about the Life in the Cemetery event this week as it was a wonderful event last year.

Councilmember Burnette is running for reelection to City Council Post 1. She is excited to serve over 34,000 citizens here in the city. Councilmember Burnette is looking forward to using her business experience to make decisions for the city and to continue to see Kennesaw grow and prosper. Kennesaw has great things coming.

Councilmember Ferris said Dr. Drobney stole his thunder. He loves this time of year with all of the city's events. He recognized the high-quality staff and all the planning that went into them.

Mayor Pro Tem Viars is running for reelection to City Council Post 2. She mentioned a candidate forum that was held last week. Approximately 20 people attended the forum. The organization that ran it said without a state governor or presidential candidate on the ballot, we could expect 8% participation. She said we needed to do better than that. City elections are non-partisan. The team we all play for is Kennesaw, and the policies we pass can impact your life greatly. She implored everyone to get out and vote and not let someone else decide for them. Early voting started today! She exclaimed Vote Viars!

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 7:12 p.m. The next regularly scheduled meeting will be held Monday, October 30, 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



September 2023 Crime Statistics

Summary

September 2023 Group A Offenses (119) increased by 5% compared to September 2022 (115). A vast majority of the crimes reported in September 2023 were Assault Offenses (40). This trend is also present in the data collected for crimes reported in September 2022. Assault Offenses account for approximately 34% (40) of the crimes that have occurred within our jurisdiction in September 2023. Out of the 600 traffic stops in September 2023, (863) resulted in Citations and 18% (135) Warnings. There were a total of 73 Adult Arrests that took place during the month, which is a 15% decrease from September 2022 (86).

There were 1,223 traffic accidents YTD, 140 of which were classified as Hit and Run. Of the 1,223 accidents 111 had injuries, and 9 involved a pedestrian. YTD 2022 total accidents (1,231) are up compared to 1,223 YTD 2022.

Crimes	September 2023	September 2022	YTD (01/01/2023) – (09/30/2023)	YTD (01/01/2022) – (09/30/2022)
Assault Offenses	40	27	283	236
Motor Vehicle Theft	2	0	14	20
Burglary	2	3	23	19
Homicide	0	0	0	0
Larceny	20	31	196	219
Sex Offenses	1	2	15	20
Robbery	2	1	9	4
Total	67	64	540	518

	September 2023	September 2022	YTD (01/01/2023) – (09/30/2023)	YTD (01/01/2022) – (09/30/2022)
Dispatched Calls for Service	442 (-484)	926	5,333 (-2,086)	7,419
Self-Initiated Activity	845 (-129)	974	9,187 (+587)	8,600
Traffic Citations	863 (-93)	956	9,314 (+2,384)	6,930
Traffic Warnings*	155 (-310)	465	2,304 (-1,411)	3,715
Arrests*	73 (-13)	86	817 (+79)	738

*Warnings do not include verbal warnings

*Arrest statistics does not include juveniles

Bill Westenberger
Chief of Police



Kennesaw Police Department
2539 J. O. Stephenson Ave., Kennesaw, GA, 30144
911 Call Center: (770) 422-2505
Criminal Investigations Division: (770) 429-4533



Bayleigh Brown
Crime/ Intelligence
Analyst

KENNESAW HISTORY

Kennesaw, c. 1893-1901

Right: Downtown
Kennesaw, from GSU

Below: The 1901 *General*
Monument



The photograph above on the right, from Georgia State University, is often used to represent early Downtown Kennesaw. The fascinating image was taken from Main Street looking across the railroad tracks towards the depot. Interestingly, the photo shows how much the tracks have been built up over the years. The photographer was J. C. Stokely of Acworth, but there are some questions as to when the photo was made. Several clues, however, offer insight.

On the right is the current Kennesaw Depot, which according to newspaper accounts was built in 1893. Behind it, the earlier 1870s depot is shown, which was moved away from the tracks when the current depot was built. The water tower shown on the left was constructed by the Nashville, Chattanooga, and St. Louis Railway at the same time the current depot was built. All of these details mean the photo was taken after 1893.

Not shown on the left of Stokely's image is the monument to the *General* that was erected by the railroad in 1901 and is now a part of Commemorative Park. Because the monument is not depicted, the photo must have been taken before 1901.

Presented by Andrew J. Bramlett
at the October 16, 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

10/16/2023

Public Comment Sign-in

	Name	Address	Topic
1	LEWIS BRANLETT	2990 Summerfield Ct Ksaw	local history
2	Jon Bothner	2707 Denia Ct	-
3	Anthony Gutierrez		
4	Madelyn Orochena		candidate
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