

**MINUTES OF CITY COUNCIL WORK SESSION MEETING
CITY OF KENNESAW
Council Chambers
June 26, 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 Deputy City Clerk Lily Smith City Manager Jeff Drobney City Attorney Randall Bentley, Sr.
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1. Invocation

2. Pledge of Allegiance

3. Call to Order

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. FINAL PUBLIC HEARING: Approval of an ORDINANCE to amend the Charter of the City of Kennesaw, Georgia, Part I, Article VI, "Municipal Court," Section 6.04, "Right of Appeal."

City Clerk Lea Alvarez presented an amendment to the Charter of the City of Kennesaw, Georgia, Part 1, Article VI, "Municipal Court," Section 6.04, "Right to Appeal". The final public hearing for this item will be Wednesday, July 5, 2023 at 6:30 p.m. at the regularly scheduled City Council meeting. Ms. Alvarez noted the proposed changes represent the appellate procedures from decisions of the municipal courts to superior court, as amended by the Georgia Legislature. The public hearings were duly advertised in the Marietta Daily Journal, and a copy of the ordinance was mailed to the Clerk of Superior Court for public viewing. The City Clerk and City Attorney recommend approval.

11. Consent Agenda

- A. Approval of the June 19, 2023 City Council regular meeting minutes.

12. General and Administrative

13. Public Safety

14. Information Technology

15. Public Works

- A. Approval of RESOLUTION granting a Sanitary Sewer Easement Agreement with Cobb County Water System

Public Works Director Ricky Stewart presented a resolution granting a sanitary sewer easement agreement with Cobb County Water System. Mr. Stewart explained this agreement was regarding an existing sanitary sewer line that goes through a portion of Depot Park. Cobb County Water is requesting that the City of Kennesaw grant them an easement for this line that is 20 feet total with 10 feet on either side.

Councilmember Ferris asked if this project would affect the concession stands that are in place at Depot Park. Mr. Stewart answered that it would not affect the concession stands and that it is located in the plaza near the back of the amphitheater.

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

16. Recreation and Culture

17. Community Development

18. Public Comment/Business from the Floor

19. City Manager's Report

A. Reports, Discussions, and Updates

City Manager Jeff Drobney had a few housekeeping items to announce, including reminding everyone to attend the Salute to America event on July 3rd. Dr. Drobney shared the City's Moody's credit rating had improved from an AA3 to an AA2. He further explained the positive impact that this would have when the city needed to borrow money.

B. City Councilmember Items Requested for Discussion

1. Councilmember Antonio Jones

Councilmember Jones requested to postpone his discussion items until the July 10, 2023 City Council work session to allow those items to be placed on the agenda as submitted. Councilmember Jones met with Senator Warnock's office earlier in the day and shared that they are working together to come up with a list of initiatives to fund. Senator Warnock is open to helping with police or recreational initiatives and would like to discuss more in the future.

2. Mayor Pro Tem Tracey Viars

Mayor Pro Tem Viars wanted to discuss business license options for individuals working in multi-family developments. She started the discussion by giving some background on this item. Mayor Pro Tem Viars noted the city has a lot of younger people that use Kennesaw as a home base for their online businesses through cellphones and laptops. However, those who do not have a physical address or are not a home owner struggle to find ways to apply for a business license due to current requirements. She stated there are a lot of luxury apartments that attract people who do not tend to commute or work traditional jobs. Many apartment complexes in the area do not allow business owners to use their apartments as a business location due to liabilities. Whenever a person has a particular occupation such as a therapist, consultant, or a retailer that does not keep inventory, they have the opportunity to sign an affidavit explaining that they will not have visitors, have excessive shipping, or take up parking. People living in rental properties or apartments do not have that opportunity. She proposes that the city comes up with a business license process that would allow it to track a person's digital/ e-commerce footprint in rentals and apartments.

Councilmember Jones lent his support and mentioned he had come across this issue in the past as well with a P.O. Box for a business he had. Councilmember Sinclair thought it was a great idea and added he would like to see some research done to see if this issue is being resolved elsewhere. Councilmember Burnette also lent her support and said it was a wonderful initiative. Councilmember Ferris mentioned the business world has changed and there is no longer a need for expansive office space. He wondered what would need to be done from a property owner's perspective. Mayor Pro Tem Viars continued the conversation by informing council that individual property owners could

sign off on their renters' business affidavits, but apartment complexes are not so willing. Mayor Pro Tem Viars said she wants to come up with a system that allows residents with an online or virtual business to have proper licensing if they are renting and do not have a physical address.

C. DISCUSSION ONLY: Financial Management Policies

City Manager Jeff Drobney introduced this discussion item and Finance Director Gina Auld.

Ms. Auld went over the specifics of the city's proposed Budget and Fund Balance policy. She mentioned the city has ordinances addressing the budget, but nothing at this time to dictate the operating reserves that should be kept at any one time. She spoke about the policies put into place in accordance with state law that were approved by the Mayor and Council for a balanced budget. Additionally, Ms. Auld noted that this new policy will be adopted to ensure that the budget is balanced overall, but also at the departmental level. The Finance department has to go before the Mayor and Council in order to transfer from one budget to another, which is usually done toward the end of the year. The budget is always balanced at the city level, but there may be some departments that go over at times, resulting in the need to shift funds.

Ms. Auld then discussed the fund balance portion of the policy by recommending the city adopt a twelve month reserve policy. She was happy to share that the city currently has twelve months' worth of funds in the reserve fund, which amounts to 20 million dollars. By putting proper policies in place in the past, the city budgeted to have excess left over every year in order to save. These reserve funds will be vital when there is an unexpected project that needs to be done, especially when the American Rescue Funds are not available. Ms. Auld reminded everyone that the city used to be in such a financial situation that it would have to borrow money in the summer in order to cover payroll until the taxes went out in the fall months, but that it is no longer the case.

In the final portion of the budget and fund balance policy, Ms. Auld discussed contingencies. The city has been budgeting for contingencies for the Mayor and Council, but not city wide. Ms. Auld proposed a contingency fund of five percent, which would equal to \$100,000 for operations. Then, in addition to the contingency fund, she suggests a capital fund that features one percent, which would equal \$400,000. These funds would be held with the city's special-purpose local-option sales tax (SPLOST) funding, which is currently exceeding projections.

Councilmember Jones took the time to thank the city staff for their hard work in regulating the budget. Councilmember Ferris congratulated the staff for their hard work as well. Councilmember Ferris asked what was the purpose of the contingency funds. Ms. Auld responded that the contingency funds are in place for any unexpected expenditures that might come up within the current budget. Councilmember Ferris agreed this fund would be needed for things like rising inflation. Councilmember Sinclair followed up with how the municipal code would be updated with this information. Ms. Auld said the Finance Department will advertise and then adopt the changes formally.

after the Council votes on them.

Ms. Auld then discussed the city's proposed Cash and Investment policy. The city currently mirrors state law when it comes to handling cash and investments. House Bill 531, which is in the works, advises on municipal cash and investment policies. Despite the bill not yet being passed, the City of Kennesaw has decided to get ahead of the curve and start putting these types of policies in place. Ms. Auld outlined a few of the sections contained in the document, such as safety, credit risk, investment interest rate risk, liquidation, yield, prudence of care, ethics when investing, delegation of authority, safe keeping (collateralized at 110%), auditing, and types of investments allowed.

- D. Approval of RESOLUTION for a programming and schematic design proposal and agreement with Croy Engineering and Croft & Associates for the Kennesaw Public Safety Facility.

Assistant City Manager Marty Hughes presented a resolution for a programming and schematic design proposal and agreement with Croy Engineering and Croft & Associates for the Kennesaw Public Safety Facility. Mr. Hughes explained the selection process briefly and then announced that Croft & Associates was chosen because they were the best rated and most available for this project. This resolution will allow the city to move forward with the chosen schematic design for the new public safety building.

Mr. Hughes noted this is a SPLOST project that will be built next to the current Public Works facility. Mr. Hughes told Council about the internal programming committee gathering input from staff and how the next phase was to bring the design team together, which was approved by Council in March. The City Manager's Office recommends approval.

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

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 Comments

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 7:02P.M. The next regularly scheduled meeting will be held Wednesday, July 5, 2023 at 6:30 P.M. in the Council Chambers.

The public is encouraged to attend or view via Facebook Live.

Lily Smith

Lily Smith, Deputy City Clerk