

**MINUTES OF CITY COUNCIL WORK SESSION MEETING
CITY OF KENNESAW
Council Chambers
September 25, 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

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

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

- A. DISCUSSION ONLY: Quarterly Update from Developers, including: the Duncan Drive/Tugg Property- Drew Cunningham with Highpoint Development; the Duncan Drive Townhome development across from the Post Office- Chris Olson & John Wieland with JW Collection Atlanta; and the Town Center Kennesaw - Summer Street development with H. Parke Lammert.

Mayor Easterling reminded the public that this item will be presented at the regular meeting on October 2, 2023.

9. Committee and Board Reports

10. Public Hearing(s)

11. Consent Agenda

- A. Approval of the September 11, 2023 City Council work session minutes.
- B. Approval of the September 11, 2023 City Council executive session minutes.
- C. Approval of the September 18, 2023 City Council regular meeting minutes.

12. General and Administrative

13. Public Safety

14. Information Technology

15. Public Works

- A. Approval of RESOLUTION to Award bid and Contract for Community Development Block Grant (CDBG) Woodland Acres Sidewalk Improvements Phase VII.

Public Works Director Ricky Stewart presented this bid contract for the Community Development Block Grant (CDBG) Woodland Arceres Sidewalk Improvement Phase VII for approval. He went into detail about the scope of this project and the expansion of approximately 2300 linear feet of 5' sidewalk, 4" thick, and ADA ramps along the northern side of Sycamore Drive from Woodland Drive to Kennesaw Due West Road. Public Works received a total of two bids. The lowest bidder was S. H. Creel Contracting for an amount not to exceed \$153,121.45 to perform this project and the second bidder was Curb Atlanta. S. H. Creel Contracting met all of the CDBG requirements and the Public Works Director recommended approval of this contract. Councilmember Ferris inquired as to how much money was given for the CDBG Grant. Mr. Stewart answered that \$135,000 had been received and the city had some money left over from previous years. That amount was approximately \$200,000 that could be used for this project.

After receiving confirmation from Council, Mayor Easterling suggested moving the item

to the Consent Agenda.

16. Recreation and Culture

17. Community Development

A. DISCUSSION ONLY: Jiles Place Lease Agreement.

Economic Development Director Luke Howe presented this property and gave some historical background such as that the property is in the Kennesaw Development Authority's (KDA) name. He acknowledged that his purpose in coming was to give the council an update regarding the lease agreement that will be discussed at the October KDA meeting. Mayor Easterling and Economic Development Director Howe briefly discussed the work that had been done to install utilities and how long the installation took. Councilmember Ferris questioned how the city acquired this property. Economic Director Howe answered that this property was a part of the Revival Apartment projects' negotiations and confirmed that Jiles Place is now in the KDA's name. He noted that this property was worthless with no utilities in place and this negotiation was a way to generate productivity. Councilmember Ferris recalled past efforts to acquire utilities for this property, the struggle to get easements, and also a failed attempt to install services under the railroad. Councilmember Ferris and Economic Director Howe continued the discussion about how this property came to be in city possession.

Then, Councilmember Ferris inquired about the terms of Section Two of the lease and why it had a five-year initial commitment and then up to three additional five-year commitments for a total of 20 years. He made it known that he would prefer a ten-year lease and then renew it as needed. Councilmember Ferris noted that in Section 2.2 (Termination), he did not appreciate the one-sided nature of the termination policies for the tenant. He added that he would like the KDA to have terms that allow them to terminate as needed, in addition to changes to the two-point termination terms as well. Councilmember Ferris then moved to Section 2.3(a), where there was an optional purchase price of \$35,000. He voiced his concern over the \$35,000 being in place for 20 years and the term that allows for the rent to go towards the \$35,000 optional purchase price. He continued by saying that the tenant could pay \$24,000 over 20 years and then, buy out the property at \$11,000. Councilmember Ferris insisted on an escalation of prices as the years accumulated due to inflation. Economic Director Howe added that this property is not attractive to anyone but the current tenant. The current tenant hosts events quarterly and uses the property for overflow parking. He added that his preference would be to sell the property due to his opposition to exempt properties. However, Public Works currently uses the property.

Mayor Easterling, Economic Director Howe, and Councilmember Ferris continued discussing the improvements that had been made to the property, the price of crush and run, and the revenue that the tenant was able to produce. Councilmember Ferris inquired if there was an estimate regarding the number of parking spaces that the tenant would like to put on the property. The Council and Economic Director Howe continued their discussion about the materials that may be used in the parking lot and if there would be sidewalks due to Public Works using the space as a staging area.

Economic Director Howe clarified that sidewalks were a part of previous discussions but not as of recently. Councilmember Ferris reiterated that he would like a price escalator put into place over the next 20 years due to fluctuating inflation rates. He also stated that he did not like the terms that allowed the tenant to get his money back after a certain amount of time. Mayor Easterling suggested a five-year lease with a purchase option. Councilmember Ferris agreed that he did like that option better and made it known that he was opposed to the tenant having the opportunity to sit on the property for nineteen years and then buy out the property for the remaining amount. Mayor Pro Tem Viars inquired as to where the \$35,000 buy-out term came from. Mayor Easterling answered her question by explaining the cost of getting utilities fully installed on the property, even though this will never be a fully developed property. The Council continued discussion until Councilmember Ferris explained that he would like the KDA to come out of the deal with some profit as well as the personal liability raised to one million dollars. Then, Councilmember Ferris moved on to Section 6.2, where he found that the paragraph was poorly written. He explained that it sounded as though if there was partial destruction of the property, KDA could pay for restoration. Economic Development Manager Howe agreed and said that he would make these changes and ideally sell the property to avoid more wasted time. Councilmember Ferris then inquired about the roadway and gate usage on the property. Public Work Director Ricky Stewart clarified how the city uses the property and explained the gate access policies. Councilmember Ferris continued to press about the gate access times and how the property is currently used for storage.

- B. Consideration for approval of a final plat application submitted by Beazer Gain, LLC for 2438-2460 Hidden Creek Rd, 4020 Oleander Ct. Case #FP2023-06

Zoning Administrator Darryl Simmons presented this final plat for Unit 2, Phase 1B of the proposed residential subdivision located along Pine Mountain Road NW. He noted that this plat phase includes 26 detached single-family lots and the area of the site for this phase is 15.756 acres. The Plan Review Committee, including Cobb Fire and Cobb Water and Sewer, have all reviewed said plat for compliance and recommend approval. He also added that when the developer began this project in 2021, the properties were selling for around \$500,000 and now they are selling in the upper \$700,000 range.

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

18. Public Comment/Business from the Floor

19. City Manager's Report

- A. Reports, Discussions, and Updates

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

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 6:52 PM. The next regularly scheduled meeting will be held Monday, October 2, 2023 at 6:30 PM. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.

Lily Smith

Lily Smith, Deputy City Clerk