

**MINUTES OF CITY COUNCIL WORK SESSION MEETING
CITY OF KENNESAW
Council Chambers
October 30, 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

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

- A. Kennesaw 101: Citizens Government Academy Graduation, Class of 2023.

At the regular meeting on Monday, November 6, 2023, Assistant to the City Manager, James Friedrich, will present to the Mayor and City Council the Kennesaw 101: Citizens Government Academy Class of 2023.

6. Public Comment/Business from the Floor

7. Old Business

8. New Business

9. Committee and Board Reports

- A. UPDATE: Cemetery Preservation Commission from Chair Lewis Bramlett at the November 6, 2023 regular meeting.

At the regular meeting on November 6, 2023, Cemetery Preservation Commission Chair Lewis Bramlett will provide the Mayor and City Council with an update on all that has been accomplished this year in the Kennesaw City Cemetery.

10. Public Hearing(s)

- A. Approval of ORDINANCE to amend Chapter 30, "Cemeteries," of the Code of Ordinances.

City Clerk Lea Alvarez presented an ordinance to amend Chapter 30, "Cemeteries," of the Code of Ordinances. Ms. Alvarez mentioned that most of this chapter has not been updated since 1986. The proposed amendments set out to provide greater detail regarding rules and regulations for lot owners and clearer guidance for staff regarding their various responsibilities. The public hearing was advertised in the Marietta Daily Journal on October 27, 2023 and will be published again on November 3, 2023. Ms. Alvarez stated Legal had reviewed the ordinance, and that she recommended approval.

Councilmember Jones had several questions regarding some of the provisions within the proposed ordinance. His first concern was regarding Section 30-3 (g), "Noise or disorderly conduct." Councilmember Jones did not want to jeopardize our police officers by enforcing an ordinance so vague. He requested Legal add reference to law to clarify the section. He also requested language be added to Section 30-3 (h), "Food or beverages prohibited," to allow the use of alcoholic beverages, such as wine, for religious purposes.

Regarding Section 30-4 (a), "Care Reserved," Councilmember Jones asked to include within the provision that if the city does any work upon a gravesite, that staff will attempt to contact next of kin, if possible. He asked if Section 30-4 (f), "Fences, railings, walls, enclosures prohibited," would apply to what is already present in the cemetery. Ms. Alvarez stated existing enclosures will have to be grandfathered in; however, it must be prohibited because it is extremely difficult to maintain and care for the cemetery with them in place. Furthermore, if the enclosures are not placed within the lot lines like they are supposed to be, they can create spacing issues.

Councilmember Jones also asked about Section 30-4 (i) and 30-4 (l) to which Councilmember Ferris and Mayor Easterling explained why those two provisions needed to remain as written.

- B. Approval of ORDINANCE to amend Chapter 2, "Administration," Article 1. "In General," Section 2-3, "Records," of the Code of Ordinances.

City Clerk Lea Alvarez presented an ordinance to amend Chapter 2, "Administration," Article 1., "In General," Section 2-3, "Records" of the Code of Ordinances. Ms. Alvarez stated this change was to better align with industry standards and to create a more efficient process for the public. Currently, all open records requests are filtered through the City Clerk's office. However, the amendment will allow the Kennesaw Police Department and the Kennesaw/Acworth 911 Department to handle their own requests instead. The City Clerk will continue to handle open records requests that are City Hall related. The public hearing was advertised in the Marietta Daily Journal on October 27, 2023 and will be advertised again on November 3, 2023. Legal has reviewed the ordinance and the City Clerk recommended approval.

Mayor Pro Tem Viars clarified the process and asked if the public is now supposed to call the Kennesaw Police Department for any related requests. Ms. Alvarez responded yes, but the city provides an electronic open records request process as well. There will now be three separate request forms on the public portal: police records, 911 records, and City Hall records. Staff is also working to make them dynamic forms, so when an individual starts typing "police" on the City Hall form, a message will pop up telling them to make the request on the police records form.

Councilmember Jones asked questions related to the three-business day requirement. Ms. Alvarez reiterated that state law as it relates to open records is remaining the same, staff is only changing the submittal process.

- C. Approval of ORDINANCE to amend Article II, "Recognition and Adoption of Standard Codes," of Chapter 18, "Buildings and Building Regulations," of the Code of Ordinances to enact a local amendment to the Georgia State Minimum Standard Plumbing Code.

City Manager Jeff Drobney presented an ordinance to amend Article II, "Recognition and Adoption of Standard Codes," of Chapter 18, "Buildings and Building Regulations" of the Code of Ordinances, to enact a local amendment to the Georgia State Minimum Standard Plumbing code. Dr. Drobney stated this ordinance is an administrative update that is being required of us from the Metropolitan North Georgia Water Planning District for all cities within Metro Atlanta. Ultimately, the city does not have a lot of choice in adopting the amendments. The city points back to the state code for all standard codes: building, mechanical, plumbing, and electrical. Though we do not codify them, we point back to the state code, so as the state updates the code, it is easier for the city to stay up to date as well. However, the Metropolitan North Georgia Water Planning District is requiring the city to add some language to amend that state code and have written the language they want us to adopt. It ultimately goes back to water conservation issues. Legal has reviewed the ordinance.

11. Consent Agenda

- A. Approval of the October 9, 2023 City Council work session minutes.

- B. Approval of the October 9, 2023 City Council executive session minutes.
- C. Approval of the October 16, 2023 City Council regular meeting minutes.

12. General and Administrative

- A. Consideration for approval of an Alcohol Retail Package License for Beer, Wine, Liquor, and Sunday Sales for The Jack C. Phoenix Corp d/b/a Monte Cristo located at 1635 Old 41 Hwy Ste 110 Kennesaw, GA 30152. Applicant: Cedric Jackson and Jason Norris.

Business License Manager LaMaya Edmonds presented an alcohol retail package license for beer, wine, liquor, and Sunday sales for The Jack C. Phoenix Corp d/b/a Monte Cristo located at 1635 Old 41 Highway, Suite 110. Ms. Edmonds shared that all signs had been posted and the application was properly advertised and on file along with a background check in the Business License office. There is an existing license at this location, so the application is for a name and ownership change. The applicants will be present at the regular meeting. The Finance Department recommended approval.

Councilmember Jones noticed one of the applicants received a DUI in 2021. He asked if it would keep the applicant from getting his license. Ms. Edmonds responded it does not. The city's code allows for two alcohol or drug related violations within five years before it triggers an issue with their application.

13. Public Safety

14. Information Technology

- A. DISCUSSION ONLY: Microsoft Office 365 transition as approved in the FY24 Budget.

IT Director Robert Mayes presented an update on the Microsoft Office 365 transition as approved in the Fiscal Year 2024 budget.

Councilmember Jones stated he uses Microsoft Office 365 at work. He asked if we have any safeguards in place because he knows his medical practice has been hacked before. Mr. Mayes shared the department purchased a Microsoft GCC tenant, which meets the security criteria for government organizations. The city is leveraging that license versus the standard, commercial license, which ends up not being as secure.

15. Public Works

- A. Consideration to Authorize Purchase of Vehicles Approved in the FY24 Budget.

Public Works Director Ricky Stewart requested authorization to purchase vehicles approved in the Fiscal Year 2024 budget. By a state contract, staff is capable of buying four vehicles through Hardy Family Ford. The first vehicle is a 2024 Ford Transit 350 van for Parks and Recreation at a cost of \$55,524.85. The second vehicle is a 2024 Ford F-450 truck at a cost of \$70,804.00. Further, there is a 2024 Explorer 4X2 at a

cost of \$39,899.00 for Building Services and a 2024 Explorer 4X4 at a cost of \$43,509.70 for Public Works. The total cost for the vehicles is \$209,737.55. The cumulative budget was \$213,642, so the city is under budget for the purchase of the four vehicles.

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

B. DISCUSSION ONLY: Results of the Main Street Speed Study.

Public Works Director Ricky Stewart did a speed study on the north and southbound lanes on Main Street in front of Revival as well as a study on the north and southbound lanes on Main Street in front of Kennesaw First Baptist Church for a week. Mr. Stewart shared that there were some high speeds during the studies. He presented two graphs (See Exhibit A), which show speeds by the hour and in five mile per hour speed segments.

To begin, the northbound lane in front of Revival saw higher minimum speeds overnight. The maximum speed over the entire study time was between the hours of 6:00 p.m. and 7:00 p.m., which was 50 miles per hour. If you look by segment, there was only one vehicle that was traveling between 50 and 55 miles per hour. That reading could possibly be errors in the tubes being tripped, either by a vehicle pulling a trailer or an emergency vehicle. The majority of the traffic traveled between 25 and 30 miles per hour. When it comes down to true percentages, 86.6% of all traffic was doing 30 miles per hour or less. This percentage is comprised of 37,000 vehicles. Mr. Stewart shared that, yes, there are some vehicles that travel above the 25 miles per hour speed limit, but when it comes down to the averages, it is hard to say that there is truly a speeding problem.

Mayor Pro Tem Viars invited Mr. Stewart to come sit on her deck at the Revival. There is a speeding problem.

Mr. Stewart continued by explaining the average speed captured was 28.66 miles per hour over the week it was studied. Mr. Stewart said there are some cars that are speeding along Main Street. There are not but a couple of hours throughout the day that there isn't a vehicle that exceeds 40 miles per hour at some point.

Mayor Pro Tem Viars asked if staff could track the speeds through the sign that flashes along Main Street. Mr. Stewart responded that while there are some tracking capabilities within the device, it is not certified.

Looking at the data, the southbound lane in front of Revival is much the same as the northbound lane. Mr. Stewart explained that when it comes to overall speeds, there are fewer hours within the 24 that we saw evidence of speeds greater than 40 miles per hour. The large majority of cars drive 20 to 25 miles per hour or 25 to 30 miles per hour. Further, the average speed was 28 miles per hour. There were 35,000 going southbound during the speed study. The maximum speed was 48.1 miles per hour. The

85th percentile was 27.7 miles per hour. Cumulatively, as a whole, a majority of the traffic followed the speed limit.

Public Works also studied the north and southbound lanes in front of the Kennesaw Baptist Church.

Councilmember Jones said regarding the southbound lane in front of Revival, there were 240 vehicles driving 35 to 40 miles per hour. It only takes one car to kill someone. He asked Mr. Stewart what can we do to fix the situation? Mr. Stewart said if the Council is asking what his recommendation is, he doesn't believe there is as much of a "speeding" problem as there is a "clear, unobstructed view of pedestrians" problem. What he meant by that is, the two areas in which they receive the most complaints as far as vehicles and pedestrians are the crosswalk at Park Drive and the crosswalk in front of Revival. In his opinion, both of these crosswalks should not exist. Any mid-block crosswalk is trouble waiting to happen. Vehicles are always looking for pedestrians crossing at traffic signals, not mid-block where you have on-street parking. He also said the trees we have planted cause a lot of obstructions. His solution would be to put the pedestrians where they need to cross.

Councilmember Jones asked about liability regarding rubberized speed bumps. Mr. Stewart stated Public Works has a departmental policy prohibiting the installation of speed bumps on any street for various reasons. The first reason is that speed bumps only slow you down when you cross them. A lot of times you speed up when you cross the speed bump to recover the time that you just lost. Secondly, speed bumps change road characteristics as far as drainage is concerned. The final significant problem is that if a street has a number of speed bumps, and the next street over does not, traffic is going to start collecting along the roads that do not have speed bumps.

Councilmember Sinclair chimed in by saying since this conversation is about pedestrian safety, and we want this to be a walkable city, if one of the recommendations is to eliminate mid-block cross walks, he wondered if that was something we can look into further.

Councilmember Jones said he likes the crosswalk in front of Revival. He would like to see hanging signs with lights to get the attention of those driving. The City of Milton has them and he likes the way Milton did it.

Mayor Easterling responded that the more signs you put up, the more you obstruct the view. He does not think you can regulate people to do the right thing. The Sardis Street extension project will help. If we do anything, it is time for us to move up our other options for getting the traffic around us.

Councilmember Ferris is in favor of anything Public Works can come up with to make this issue better.

C. Approval of RESOLUTION authorizing the Mayor and Council to approve an

additional \$35,151 for final repairs to complete the restoration of the Kennesaw Depot Building as part of the Depot Park Master Plan.

Building Facilities Director Robbie Balenger presented a resolution authorizing the Mayor and Council to approve an additional \$35,151 for final repairs to complete the restoration of the Kennesaw Depot Building as part of the Depot Park Master Plan. He stated this expenditure would be to finish the project. When the Depot was in the air, professionals realized we needed to replace the electrical and bring the building up to code.

Councilmember Ferris asked if the other subsystems were in good condition. Mr. Balenger responded yes. The plumbing was able to be tied back in to the County line. The HVAC system was scheduled to be replaced through the 2022 Facilities SPLOST, which was already a part of the plan. Also, the roof was in good shape and any rotten siding has been removed.

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

16. Recreation and Culture

17. Community Development

A. Amendment to approved Public Art Exhibit #PA 2023-02

Public Works Director Ricky Stewart presented an amendment to the approved Public Art Exhibit #PA 2023-02. Mr. Stewart and Mr. Simmons visited the site previously approved for the Bell Tower art installation. However, upon review, staff decided there was not a safe way to get the installation into Commemorative Park because of the trees and power lines. When Mr. Stewart and Mr. Simmons walked down Main Street to find an alternate location, staff determined the best site was the park area beside Main Street and BurgerFi. There is already a bench and a concrete pad. It would be easier to install the art in this new location, which puts the bell tower in a much more visible spot.

Mayor Easterling likes the new location better and would like it better if staff got rid of the Crepe Myrtles as well.

Mayor Pro Tem Viars and Councilmember Ferris think the proposed location is a much better space.

Mr. Stewart stated the installation would not be up for this Veterans Day.

After receiving confirmation from 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

Dr. Drobney mentioned the plant material in the medians coming from Cobb Parkway into downtown was lost last December due to the freeze. Staff is putting together a new landscape plan and are getting prices. When the plan is finalized, it will be brought before the Mayor and Council.

1. House Bill 489 Update

Dr. Drobney provided an update on House Bill 489. House Bill 489 is a service delivery strategy agreement that has to be in place and is mandated by the state. Our agreement expires with Cobb County at the end of October 2024. City managers and mayors have met religiously and have not gotten very far. Dr. Drobney pointed out this agreement is going to be one of the most important items he will have to deal with and bring back to the Council in early 2024. The cities and county will have to get this agreement to the Department of Community Affairs by June to give them time to review and bring it back to the Councils of the municipalities for adoption by the end of October 2024.

Dr. Drobney mentioned the county hired a consultant unbeknownst to the cities, which brought back a study that stated there is no double taxation. The study ultimately concluded the county doesn't owe the cities anything. In response, the cities have come together to bring on a consultant that they can all support. Currently, the cities have agreed on Balli Law, which is, more specifically, James Balli and Rob Hosack. Rob Hosack played a role in the original negotiations back in 1997. The cities received a contract back from them last week. At most, it would be a 10-month agreement. The cost would be \$10,000 a month. \$5,000 to the county and the rest would be split by the cities.

The cities calculated what they believe were the amounts that were double taxed back through the city. They used a formula through the Georgia Municipal Association and a formula used through the Mercer study that was agreed upon at the time by both the cities and the county in 2004. The numbers come back much higher, but it is a starting point. Dr. Drobney hopes to bring forward a contract for consideration in two weeks with Balli Law.

Councilmember Ferris asked if Mableton was included in this agreement. Dr. Drobney stated they are not participating in his agreement. However, the mayor of Mableton has been to a few of the meetings to observe. We may have to come back in two years to revisit Mableton's involvement.

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

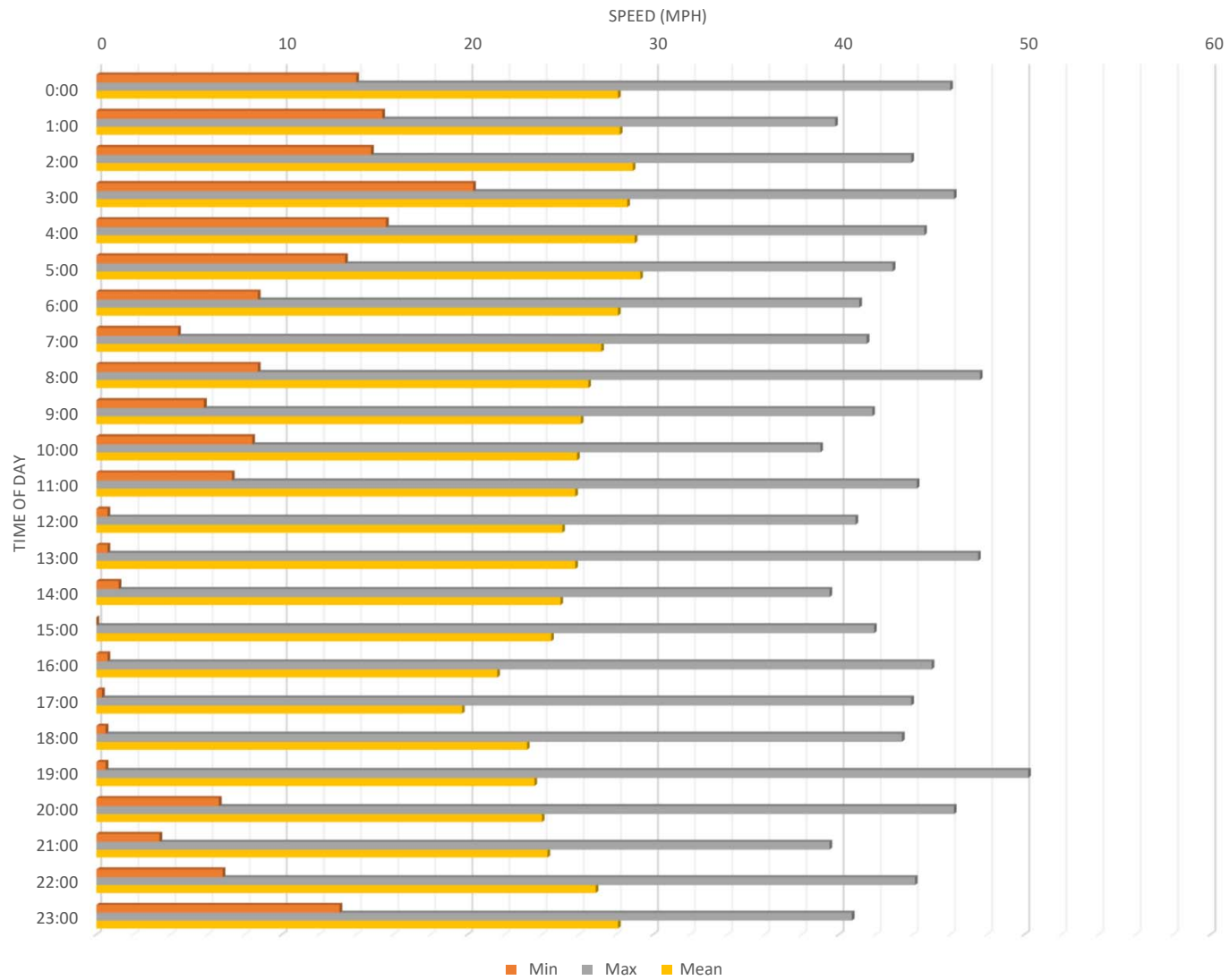
Pursuant to the provisions of O.C.G.A 50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters.

23. Adjourn

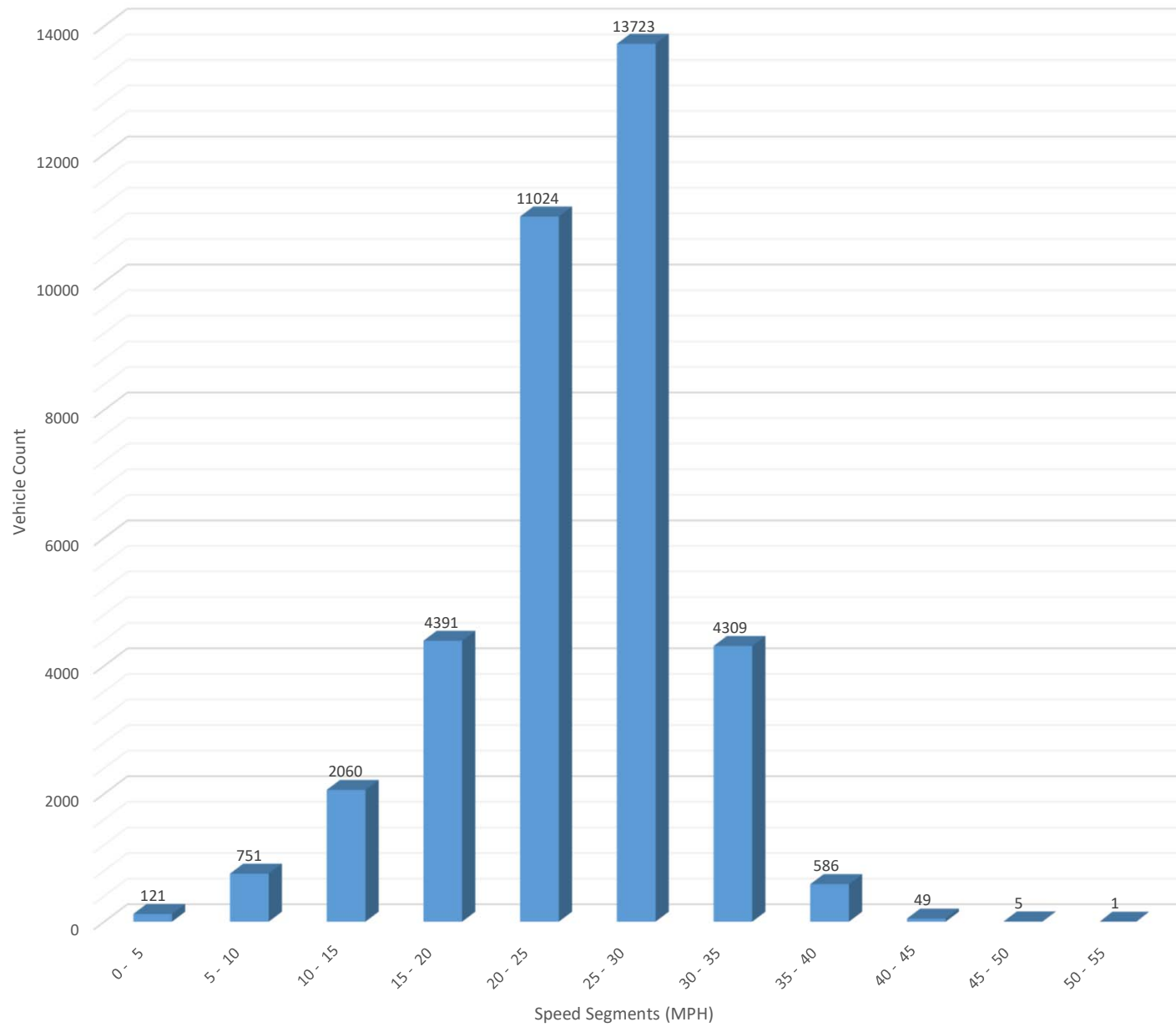
Mayor Easterling adjourned the meeting at 7:40 p.m. The regular meeting will be held on Monday, November 6, 2023 at 6:30 p.m. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.

Lea Alvarez, City Clerk

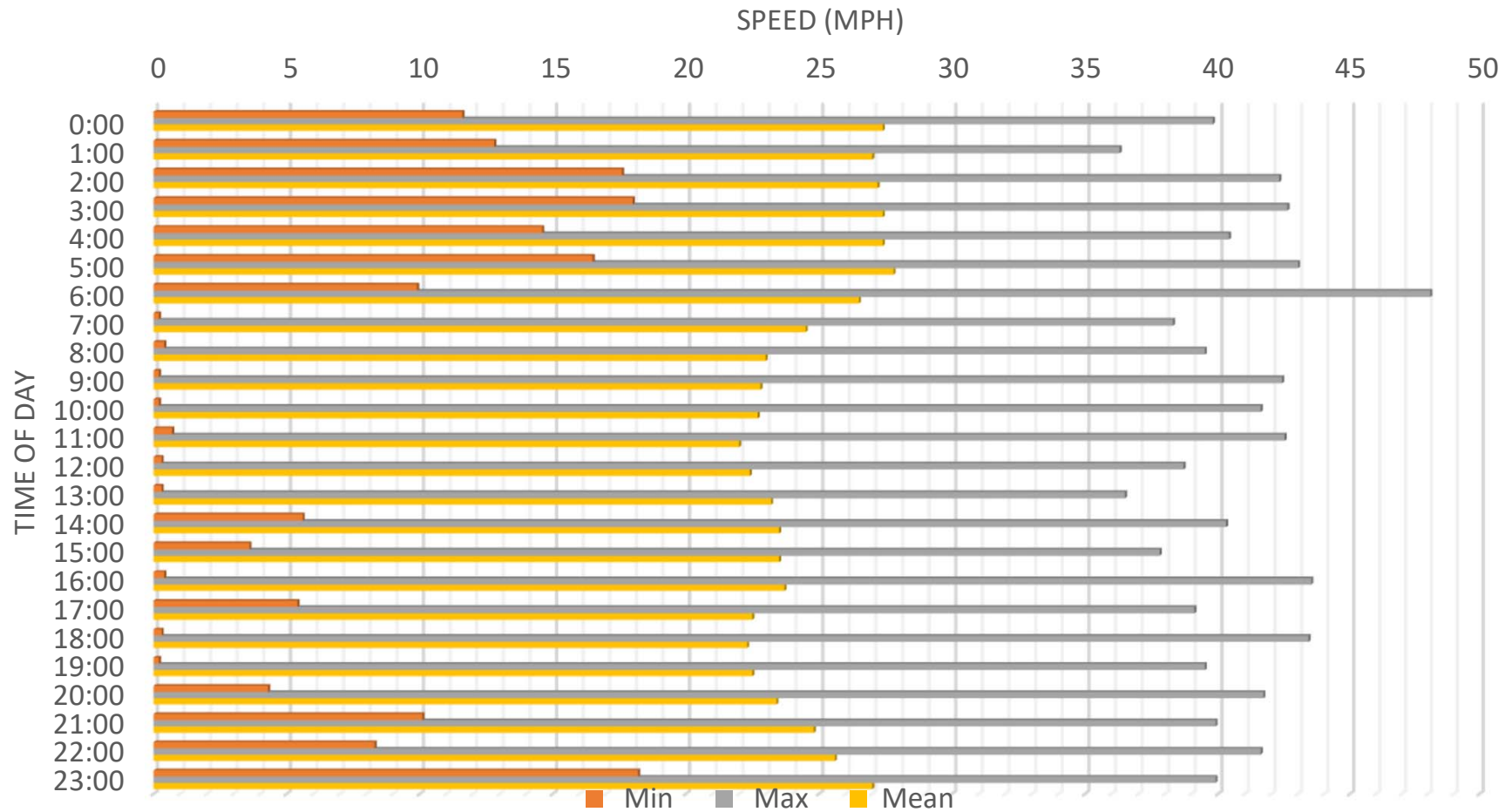
Northbound Speed By Time (Revival)



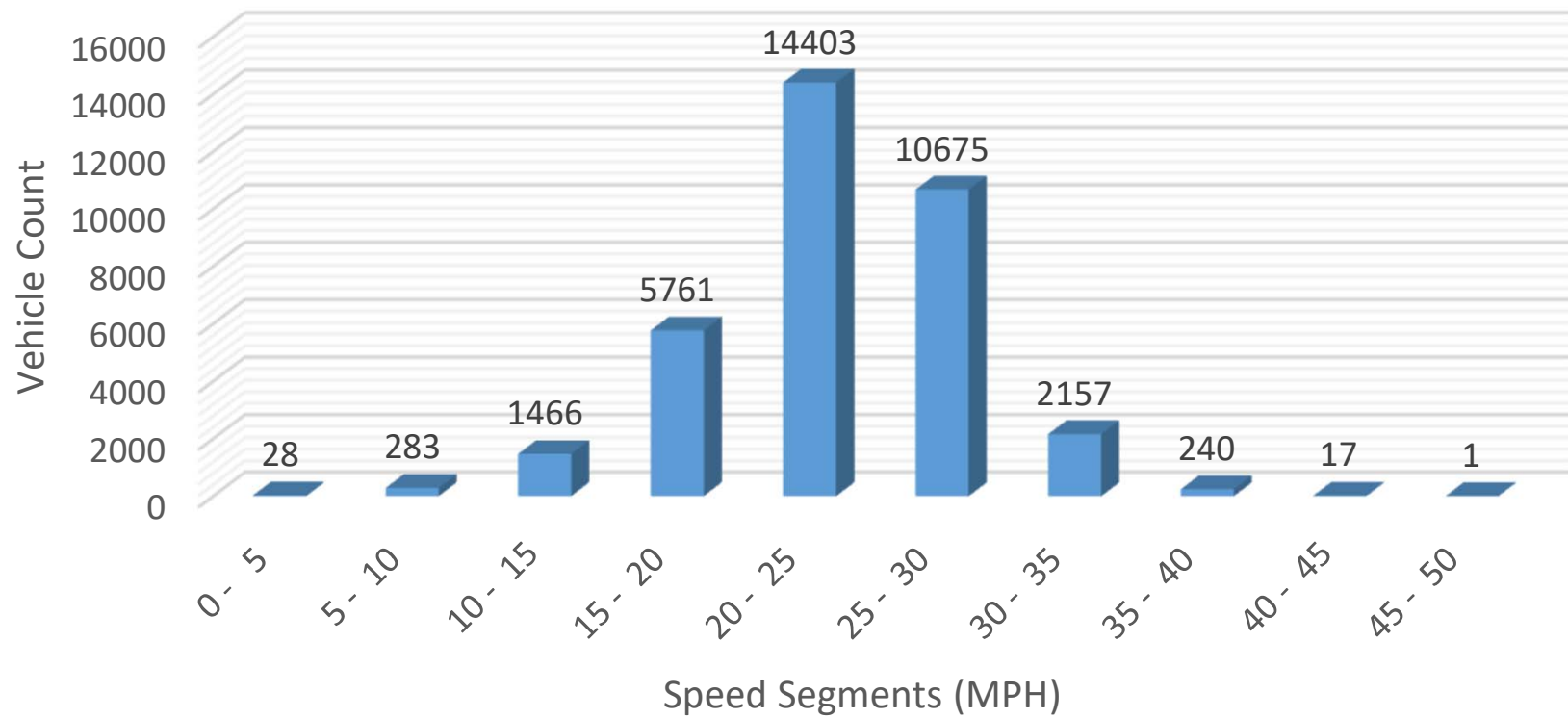
Northbound Speed By Segment (Revival)



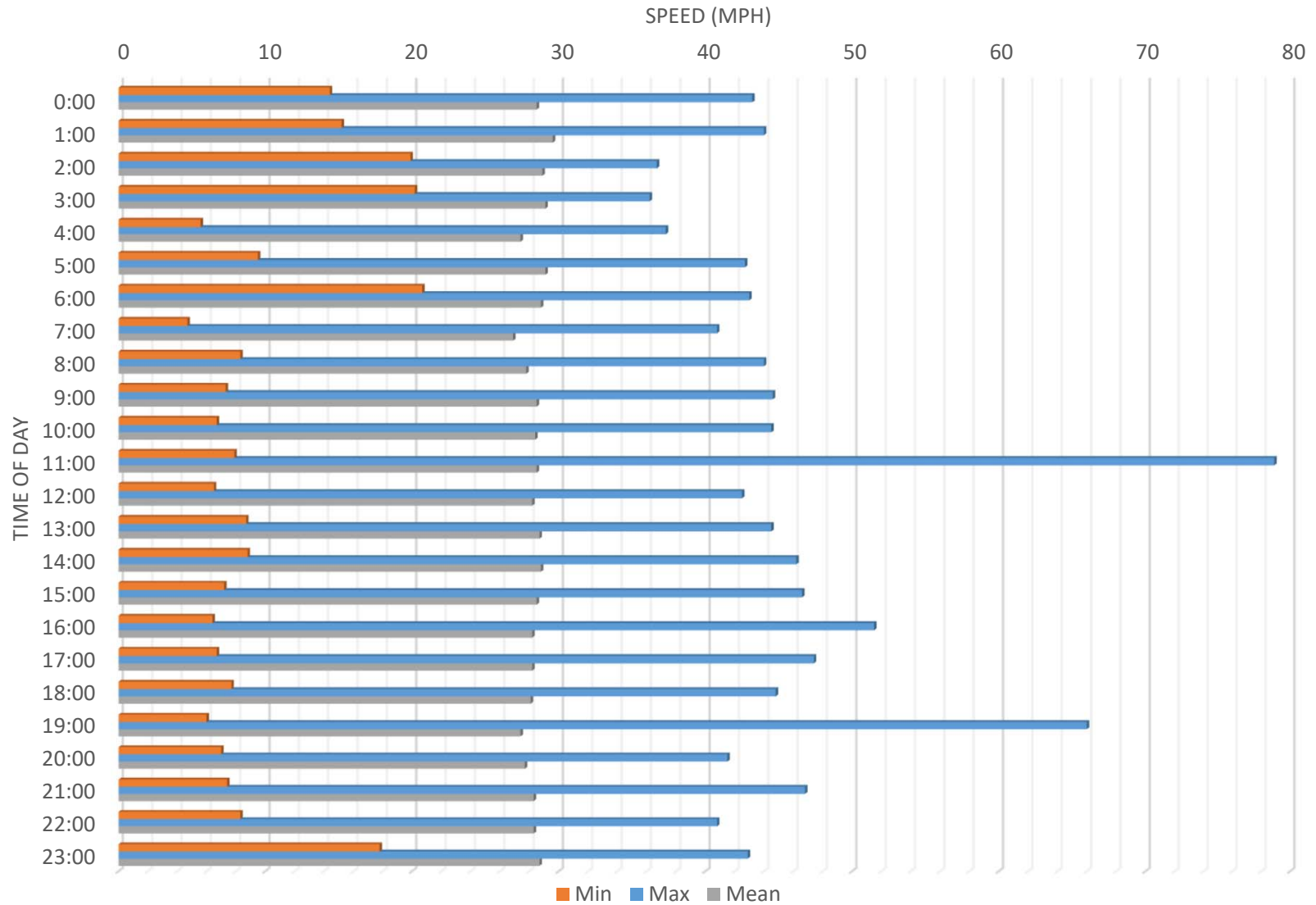
Southbound Speed By Time (Revival)



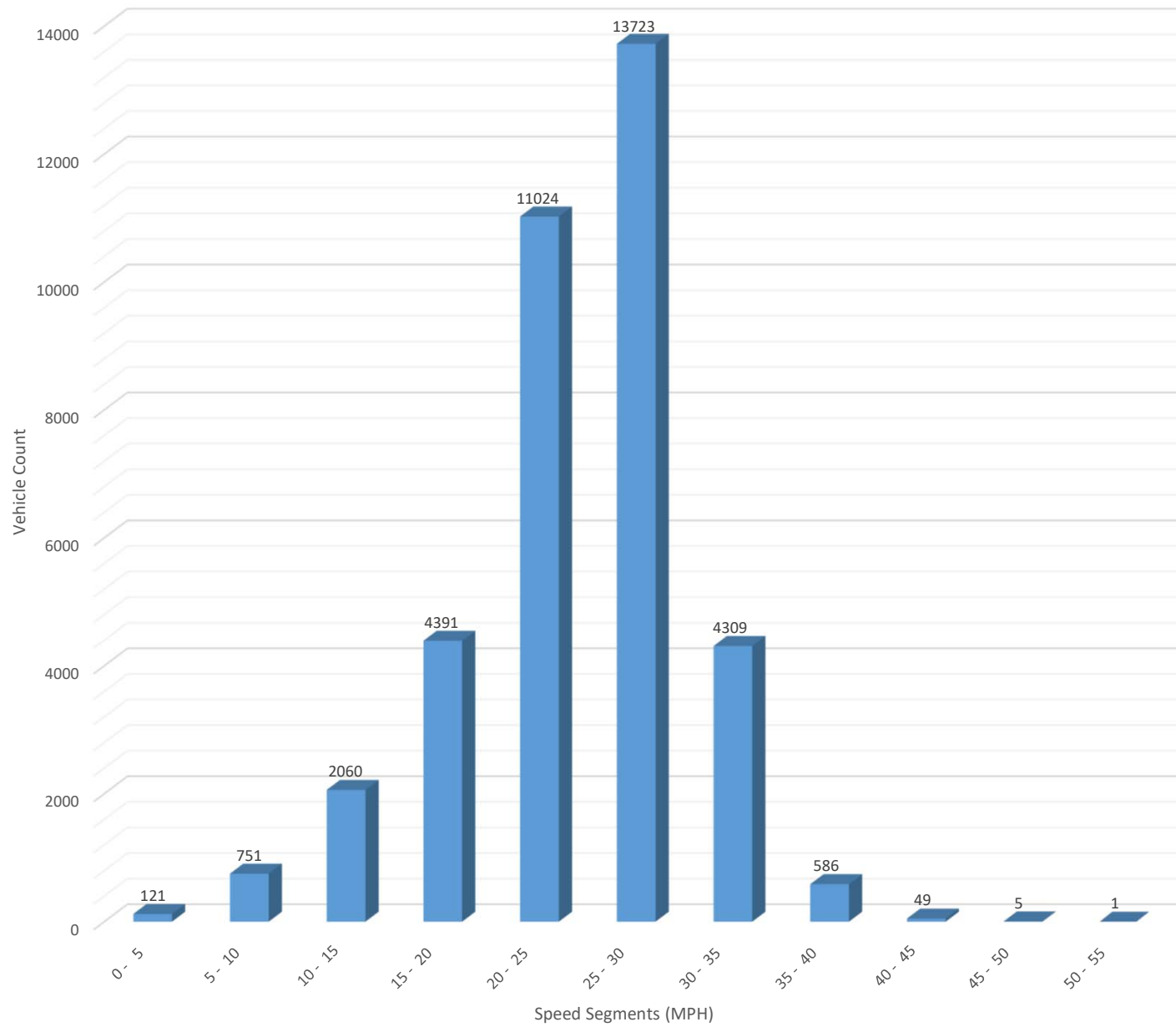
Southbound Speed By Segment (Revival)



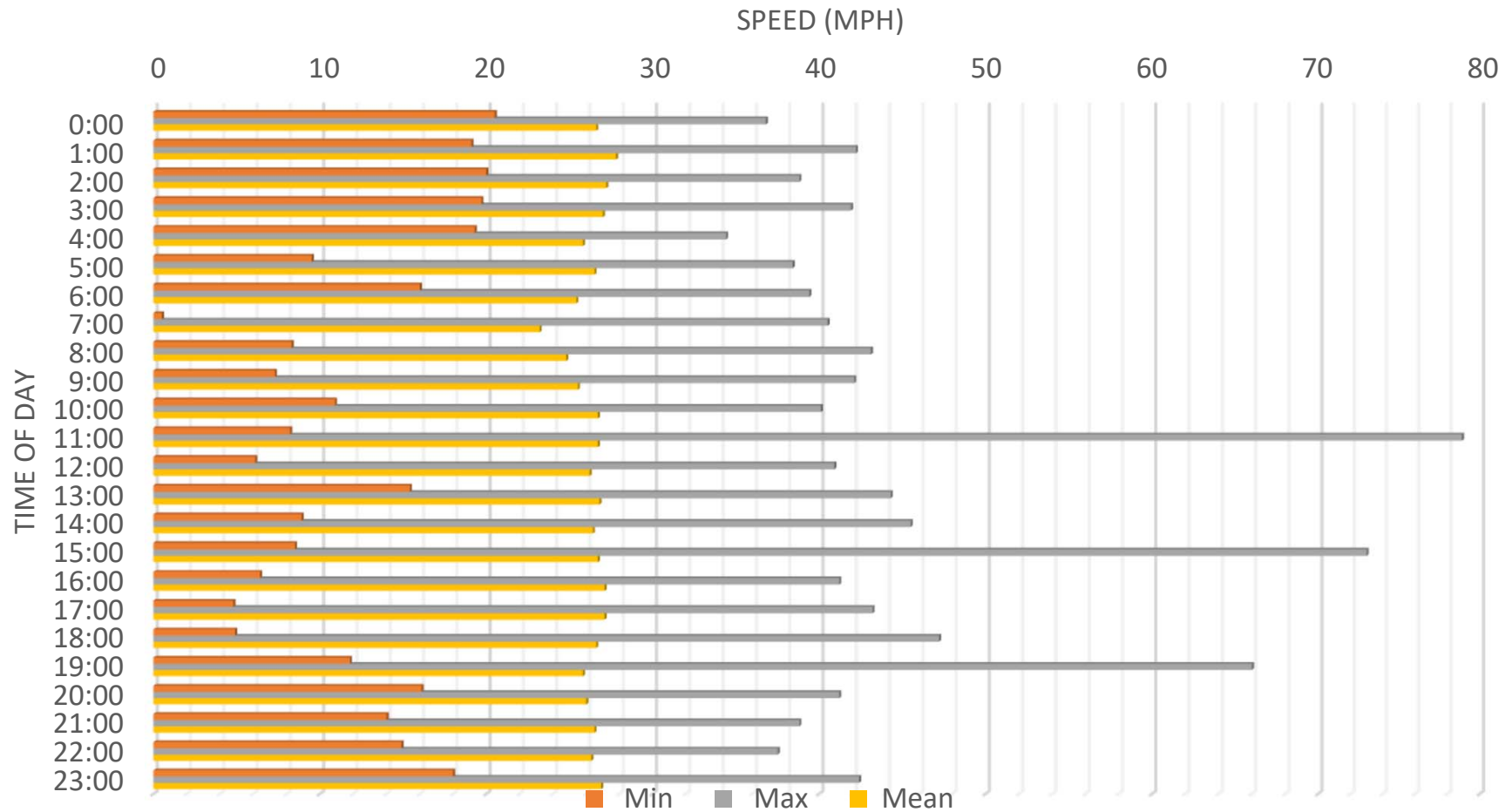
Northbound Speed By Time (KFBC)



Northbound Speed By Segment (Revival)



Southbound Speed By Time (KFBC)



Southbound Speed By Segment (KFBC)

