

**MINUTES OF CITY COUNCIL WORK SESSION MEETING
CITY OF KENNESAW
Council Chambers
May 8, 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.

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

- A. Approval of RESOLUTION authorizing the use of Parks and Recreation impact fee funds in the amount of \$89,825 for the design of New Chalker Park.

City Manager Jeff Drobney presented a resolution authorizing the use of Parks and Recreation impact fee funds for the design of New Chalker Park in the amount of \$89,825. As part of the Development Agreement with East Park, now that the city is collecting its impact fees, initial design is the next step, so we can go out to bid.

Councilmember Jones asked if there was anything else the city could add to the park. Dr. Drobney said we do not have a design yet, so we are not sure what we would add or not add. Right now, it is a park, dog park, walking path, etc. At the end of the day, the design will be driven by the amount of impact fees that are collected for the project, which are still unknown at this point. Assistant City Manager Marty Hughes said this project would be done in two phases based on how the dollars come in, with the first being site prep and the second being construction.

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

9. Committee and Board Reports

10. Public Hearing(s)

- A. Consideration to approve a land use permit application for the property located at 1205 Mountain Springs Drive as submitted by applicant Ann Moormann. Case # LU2023-01.

Assistant Zoning Administrator and Planner Albert Trevino presented a land use permit application for the property located at 1205 Mountain Springs Drive as submitted by applicant Ann Moormann. The applicant is looking to acquire an occupational home business license to make soaps and bath-related products within the R-10 zoning district. Her products will include soaps, bath bombs, solid bubble bath bars, shampoo bars, shower steam bars, as well as lip balms. All the equipment used to make these products is commonly found as household items. The applicant plans to sell her products at craft fairs, farmers markets, and social media. All products will be sold off-site or delivered through a carrier service. Mr. Trevino noted the applicant would not be allowed to have any customers pick up products at her house. If approved, the permit will be valid for 24 months per the Unified Development Code. Zoning staff recommends approval with two conditions. The first condition is that this land use permit is limited to, exclusively for, and only valid for the current applicant and the life of this particular business. Its use is not transferrable and any changes will need to come back before the city for approval. The second condition is that no clients, customers, or employees should be allowed on the property, as well as that there shall be no evidence that this is a business from outside the home.

- B. Approval of an ORDINANCE authorizing a rezoning request of property located at 0 Cobb Parkway or parcel number 20013900990 and owned by the City of Kennesaw. Case # RZ2023-02(A).

Assistant Zoning Administrator and Planner Albert Trevino provided brief context regarding the next seven rezoning items. The properties are being rezoned from their current designation to the Central Business District (CBD). Each item was applied for by the City of Kennesaw, and they will be voted on separately at the regular meeting. Mr. Trevino explained that over 20 years ago, the city created the CBD district, which laid the groundwork for the downtown core as we know it today. It is a mixed-use district, which was adopted by the City Council in 2002. In 2003, city staff mailed out invitation letters to all downtown properties with responses from over 100 property owners to buy in to the new district. In 2005, another rezoning for CBD was done with responses from about 30 property owners. This year, staff mailed out invitation letters to about 25 property owners within downtown that were not zoned CBD. Mr. Trevino stated that staff's intention was to plug in the islands that were not CBD to make downtown a more contiguous zoning category. He emphasized that if these properties are rezoned as CBD, they will have to come back before the Council through the CBD application process for any new development.

Mr. Trevino presented an ordinance authorizing the rezoning request for property located at 0 Cobb Parkway or parcel number 20023900990 and owned by the City of Kennesaw. This property is located in Adams Park, which is a detention pond. The intention of this rezoning is to make Adams Park a contiguous zoning destination.

- C. Approval of an ORDINANCE authorizing a rezoning request of property located at 2681 South Main Street or parcel number 20016700140 and owned by Old South Village, LLC c/o Kodiak Ventures. Case # RZ2023-02 (B).

Assistant Zoning Administrator and Planner Albert Trevino presented an ordinance authorizing a rezoning request of property located at 2681 South Main Street or parcel number 20016700140 and owned by Old South Village, LLC c/o Kodiak Ventures. This property is currently a privately owned mobile home park. It is about 3.5 acres with approximately 25 manufactured homes on site. Mr. Trevino explained rezoning the property to the Central Business District (CBD) would not change the use of the property. It will still operate as a mobile home property, which is protected by the city's non-conforming ordinance within the Unified Development Code.

Councilmember Jones asked if any of the lots are owned by individuals or are they owned by a subdivision. Mr. Trevino responded that the parcel is owned by an individual, but the pads are leased out to the manufactured home owners. Councilmember Jones asked how long the lease agreements were and if the tenants had rights if the owner decides to sell the property. Mr. Trevino said staff could ask how long the leases are and if there is a clause indicating the timeframe and relocation process for tenants if the property owner decides to sell his or her parcel.

- D. Approval of an ORDINANCE authorizing a rezoning request of property located at 2716 South Main Street or parcel number 20013801750 and owned by Hugh E. Byrd. Case # RZ2023-02 (C).

Assistant Zoning Administrator and Planner Albert Trevino presented an ordinance authorizing a rezoning request for property located at 2716 South Main Street or parcel number 20013801750 and owned by Hugh E. Byrd. The property is currently zoned R-

15 and is an occupied, single detached family house and will remain as such.

Councilmember Jones asked if the Council approved this rezoning to the Central Business District, and if the property owner has a homestead exemption, would the owner lose that exemption? Mr. Trevino responded there would be no impact on the homeowner.

- E. Approval of an ORDINANCE authorizing a rezoning request of property located at 2753 Watts Drive or parcel number 20013900590 and owned by the City of Kennesaw. Case #RZ2023-02 (D).

Assistant Zoning Administrator and Planner Albert Trevino presented an ordinance authorizing a rezoning request of property located at 2753 Watts Drive or parcel number 20013900590 and owned by the City of Kennesaw. This property is the location of the Ben Robertson Community Center. The intent of this rezoning is to make Adams Park a contiguous zoning category.

- F. Approval of an ORDINANCE authorizing a rezoning request of property located at 2754 South Main Street or parcel number 20013801880 and owned by Bencivenga Gabriel Living Trust 7/9/02, Gabriel Bencivenga, LLC. Case #RZ2023-02 (E).

Assistant Zoning Administrator and Planner Albert Trevino presented an ordinance authorizing a rezoning request of property located at 2754 South Main Street or parcel number 20013801880 and owned by Bencivenga Gabriel Living Trust 7/9/02, Gabriel Bencivenga, LLC. This property has one building that houses two eating establishments: Fern Gully and Kennesaw Thai. These establishments will remain if the parcel is rezoned to the Central Business District.

- G. Approval of an ORDINANCE authorizing a rezoning request of property located at 2817 Sardis Street or parcel number 20013800770 and owned by the City of Kennesaw. Case #RZ2023-02 (F).

[Councilmember Ferris shared he will abstain from the vote on item 10 - G at the regular meeting due to his proximity to the property].

Assistant Zoning Administrator and Planner Albert Trevino presented an ordinance authorizing a rezoning request for property located at 2817 Sardis Street or parcel number 20013800770. The property is currently zoned R-15 and is a part of Depot Park. It is the last parcel in Depot Park not zoned in the Central Business District.

- H. Approval of an ORDINANCE authorizing a rezoning request of property located at 2971 North Main Street or parcel number 20013900200 and owned by David & Kathryn Collier. Case #RZ2023-02 (G).

[Mayor Pro Tem Viars shared she will abstain from the vote on item 10 - H at the regular meeting since she has worked with the homeowner on other real estate projects].

Assistant Zoning Administrator and Planner Albert Trevino presented a rezoning

request for property located at 2971 North Main Street or parcel number 20013900200 and owned by David and Kathryn Collier. It is a historic, detached single family home zoned R-15 located within the Historic District.

Mr. Trevino stated staff is recommending approval on items 10 - B through G, as well as the Planning Commission; however, the Planning Commission recommended denying the rezoning request regarding item 10 - H. The following day, staff received an email from the applicant requesting to withdraw the application. Staff changed their recommendation to withdraw the application with prejudice, which means the Zoning department cannot receive an application for this property for the next 12 months following the Council's decision to accept this request to withdraw.

- I. Approval of ORDINANCE to amend the Unified Development Code, Appendix A, Chapter 5 "Standards for Accessory and Temporary Uses," Section 5.03.14 and Section 5.03.18 of said chapter regarding political campaign signage as submitted by the City of Kennesaw. Case #MISC2023-02.

Zoning Administrator Darryl Simmons presented an ordinance to amend the Unified Development Code, Appendix A, Chapter 5, "Standards for Accessory and Temporary Uses," Section 5.03.14 and Section 5.03.18 of said chapter regarding political campaign signage as submitted by the City of Kennesaw. Mr. Simmons explained these text amendments stem from conversations had with the Council back in January. This amendment is to clearly define and give reference to O.C.G.A 16-7-58 (a)(2), which is the standard for political signs regarding the length of stay on property, exceptions, and clarifying some language about political signage on right of way or public property.

City Attorney Randall Bentley, Sr. shared this ordinance change originated from Councilmember Ferris' concerns regarding political signs on the city's right of way and private property.

Councilmember Ferris shared he was happy with the amendments because they extended beyond political signs. He mentioned his frustration with signs on telephone poles. With the changes the attorneys made, staff will have new options regarding enforcement of signage like that.

Councilmember Jones asked if the city has jurisdiction over light poles or are they owned by the utility companies. Mr. Simmons said our sign ordinance states there shall be no signs on the city's right of way or public infrastructure, which includes light poles. He further explained the city does not allow signage on light poles because of safety concerns. All the code enforcement is driven by public safety.

11. Consent Agenda

- A. Approval of the April 24, 2023 City Council work session minutes.
- B. Approval of the May 1, 2023 City Council regular meeting minutes.

12. General and Administrative

13. Public Safety

- A. Receipt of April 2023 Crime Statistics.

Police Chief Bill Westenberger presented the April 2023 crime statistics.

14. Information Technology

15. Public Works

- A. Approval of RESOLUTION providing a Power Distribution Easement Agreement with Georgia Power.

Public Works Director Ricky Stewart presented a resolution authorizing a power distribution easement agreement with Georgia Power. Georgia Power is requesting an easement to run their underground from their distribution to the transformers that will be supplying power to the restrooms and stage at the amphitheater in Depot Park. The easement will be placed 10 feet on either side of the infrastructure.

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

- B. Approval of RESOLUTION authorizing the purchase of six crosswalk sign assemblies.

Public Works Director Ricky Stewart presented a resolution authorizing the purchase of six crosswalk sign assemblies. The city budgeted, through state and local fiscal recovery act funds, to upgrade our current crosswalk signs. The six proposed signs will match what was installed in front of the Revival apartment complex. The recommendation is to replace the six existing cross walks at Main Street and Watts Drive, Main Street and Moon Station Road, Main Street and Dallas Street, Main Street and Park Drive, Cherokee Street at the ampitheatre crossing, as well as Watts Drive at the Revival crossing.

Councilmember Jones asked staff to look at the signs the City of Milton put in front of their crosswalks before making any decisions. He believes it is easier to see their signs than it is to see ours.

Mayor Easterling stated the Council could still approve the item with a follow-up request to look at the City of Milton's crosswalks. After receiving confirmation from Council, Mayor Easterling suggested moving the item to the Consent Agenda.

Councilmember Sinclair hopes with six more cross walks that match the one in front of Revival, maybe more people will pay attention.

- C. Approval of RESOLUTION re-authorizing the condemnation of Parcel 15 – Cherokee Street Improvement Project, located at 3195 Travelers Trail, Kennesaw, Georgia, 30144, as required for the Special Purpose Local Option

Sales Tax (SPLOST) Cherokee Street Project.

Public Works Director Ricky Stewart presented a resolution re-authorizing the condemnation of project Parcel 15, a part of the Cherokee Street Improvement Project, located at 3195 Travelers Trail. Mr. Stewart shared the Council has heard and approved this condemnation before, but is restating the condemnation as we get closer to actually filing.

Councilmember Ferris wondered why the Council had to approve the condemnation again. City Manager Jeff Drobney stated the city has been advised by Legal that because the approval was longer than six months ago, it is important to bring it back to the Council. City Attorney Randall Bentley, Sr. mentioned that if the approvals lapse six months, the value of the property could change.

Mayor Easterling asked for the condemnations to remain where they are on the agenda.

- D. Approval of RESOLUTION re-authorizing the condemnation of Parcel 25 – Cherokee Street Improvement Project, located at 3248 Cherokee Street, Kennesaw, Georgia, 30144, as required for the Special Purpose Local Option Sales Tax (SPLOST) Cherokee Street Project.

Public Works Director Ricky Stewart presented a resolution re-authorizing the condemnation of project Parcel 25, a part of the Cherokee Street Improvement Project, located at 3248 Cherokee Street. Again, Mr. Stewart stated the Council has approved condemnation of this property, but it has been greater than six months since that approval.

- E. Approval of RESOLUTION authorizing the condemnation of Parcel 35 – Cherokee Street Improvement Project, located at 3326 Cherokee Street, Kennesaw, Georgia, 30144, as required for the Special Purpose Local Option Sales Tax (SPLOST) Cherokee Street Project.

Public Works Director Ricky Stewart presented a resolution authorizing the condemnation of project Parcel 35, a part of the Cherokee Street Improvement Project, located at 3326 Cherokee Street. Mr. Stewart noted the city has had land agents in discussion with the property owner; however, no fair value has been established, so staff is requesting to begin the condemnation process.

- F. Approval of RESOLUTION re-authorizing the condemnation of Parcel 55 – Cherokee Street Improvement Project, located at 3461 Cherokee Street, Kennesaw, Georgia, 30144, as required for the Special Purpose Local Option Sales Tax (SPLOST) Cherokee Street Project.

Public Works Director Ricky Stewart presented a resolution re-authorizing the condemnation of project Parcel 55, a part of the Cherokee Street Improvement Project, located at 3461 Cherokee Street. Again, Mr. Stewart stated the Council has approved condemnation of this property, but it has been greater than six months since that approval.

- G. Approval of RESOLUTION re-authorizing the condemnation of Parcel 59 – Cherokee Street Improvement Project, located at 3481 Cherokee Street, Kennesaw, Georgia, 30144, as required for the Special Purpose Local Option Sales Tax (SPLOST) Cherokee Street Project.

Public Works Director Ricky Stewart presented a resolution re-authorizing the condemnation of project Parcel 59, a part of the Cherokee Street Improvement Project, located at 3481 Cherokee Street. Again, Mr. Stewart stated the Council has approved condemnation of this property, but it has been greater than six months since that approval.

Mayor Easterling requested item 15 - E be moved to the end of section 15 to distinguish the initial condemnation item from the items requesting re-authorization. Motion by Councilmember Jones to move item 15 - E , a resolution authorizing the condemnation of project Parcel 25, a part of the Cherokee Street Improvement Project, located at 3326 Cherokee Street, to the end of section 15 to distinguish it from the items requesting reauthorization for condemnation, as requested. Seconded by Mayor Pro Tem Viars. The vote was taken and the motion unanimously passed 5-0. Motion carried.

16. Recreation and Culture

17. Community Development

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 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 7:13 P.M. The next regular meeting will be held Monday, May 15, 2023 at 6:30 P.M. in the Council Chambers. The public is

encouraged to attend or view via Facebook Live.

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