

**MINUTES OF CITY COUNCIL WORK SESSION MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)
February 12, 2024
6:30 PM**

Present	Mayor Derek Easterling Mayor Pro Tem Antonio Jones Councilmember Madelyn Orochena Councilmember Tracey Viars Councilmember Pat Ferris 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. **Proclamation: Government Communicators Day**
Presentation of a proclamation at the February 19, 2024, regular City Council meeting declaring February 24, 2024, as Government Communicators Day in the City of Kennesaw.

6. Public Comment/Business from the Floor

7. Old Business

8. New Business

9. Committee and Board Reports

10. Public Hearing(s)

A. Land Use Permit: 2358 Whispering Drive

Consideration for approval of a Land Use Permit application for the property located at 2358 Whispering Drive as submitted by applicant Marzia Minns. Case #LU2023-03.

Assistant Zoning Administrator and Planner Chanelle Campbell presented a land use permit application for the property located at 2358 Whispering Drive submitted by Marzia Minns. The application is a request for a permit to obtain a home occupation business license to become a cottage food operator that would allow for the baking and selling of pastries. The property is zoned RM-8, which is Multi-Family Residential. Ms. Campbell shared that the application was advertised in the Marietta Daily Journal on January 19, 2024, and a public notice sign was placed on the property. At their regularly scheduled meeting, the Planning Commission recommended approval of the permit application with conditions as outlined in the staff analysis.

Councilmember Ferris asked if the property was off of Moon Station Road because he was looking at it on Google Earth, and the property looked more like a single-family development. Ms. Campbell responded the property is zoned Multi-Family residential, so some of the houses within the neighborhood are duplexes, town homes, and single-family. This particular home is attached.

B. Ordinance: Unified Development Code Text Amendment

Consideration for approval of an Ordinance to amend the Unified Development Code, Appendix A, Chapter 2 "Zoning Districts," Section 2.01.03.06 of said chapter regarding the regulation for the R-10 single-family residential district as submitted by the City of Kennesaw. Case #MISC2024-01.

Zoning Administrator Darryl Simmons presented an ordinance to amend the Unified Development Code, Appendix A, Chapter 2, "Zoning Districts," Section 2.01.03.06 regarding the regulation of the R-10 Single-Family Residential district.

Mr. Simmons explained this amendment stemmed from discussion last year regarding a variance application regarding a property in Woodland Acres. Councilmember Ferris raised the question as to why the Council was looking at a variance application when everything around the property was the same size and density. City staff did extensive research and back in the early 1990s, it was discovered that Woodland Acres was built to R-10 standards, but was given an R-15 zoning designation. The entire neighborhood is non-conforming, and it was established that way. After consulting with the city attorneys, staff determined that a text amendment would solve the issue permanently.

and add a level of protection to existing property owners in the event of destruction of property or building on vacant lots.

The proposed language would acknowledge that Woodland Acres is a legal, non-conforming area.

Mayor Pro Tem Jones clarified that Woodland Acres would keep the R-15 Zoning District, but maintain the R-10 building standards. Mr. Simmons confirmed.

C. Ordinance: 2024 Zoning Map

Consideration for approval of an Ordinance to adopt the 2024 Official Zoning Map for the City of Kennesaw. Case #MISC2024-02.

Assistant Zoning Administrator and Planner Chanelle Campbell presented an ordinance to adopt the 2024 official zoning map. The map is adopted annually and reflects all new rezoning, annexations, and zoning amendments.

11. Consent Agenda

A. January 29, 2024, City Council Work Session Minutes

Approval the January 29, 2024, City Council work session minutes.

B. February 5, 2024, City Council Meeting Minutes

Approval of the February 5, 2024, City Council regular meeting minutes.

12. General and Administrative

A. Fiscal Year 2023 Budget Adjustments

Authorization for Council to approve Budget Adjustments for Fiscal Year Ended September 30, 2023. These budget adjustments are necessary to record year-end budget realignments for Annual Comprehensive Financial Reporting (ACFR) purposes.

Assistant Finance Director Jennifer Gordy reviewed the budget adjustments for Fiscal Year ended September 30, 2023, which are necessary to record year-end budget alignments for Annual Comprehensive Financial Reporting purposes (See **Exhibit A**).

13. Public Safety

A. January 2024 Crime Statistics

Receipt of the January 2024 Crime Statistics.

Chief Bill Westenberger presented the January 2024 crime statistics (See **Exhibit B**).

14. Information Technology

15. Public Works

16. Recreation and Culture

17. Community Development

A. Public Arts Exhibit: 2871 North Main Street

Consideration of approval for the renewal of a public arts exhibit application submitted by Sean Mills for property located at 2871 North Main Street. Case #PA2023-01.

Zoning Administrator Darryl Simmons presented a renewal of a public arts exhibit application submitted by Sean Mills for property located at 2871 North Main Street. The application was originally approved in April 2023 for six months. The application has expired and is up for renewal. The property owner stated in writing that he was happy with the art and would support renewing the exhibit for another six months. Mr. Simmons stated the public noticing process was followed. The Art and Culture Commission and Historic Preservation Commission will hear this application throughout the week as part of the approval process.

Councilmember Ferris stated part of the reason the Council approved the exhibit for six months is because the art becomes static. He was hoping the artist would update the mural or do something different. He has no objections for another six months. However, he expects to see it updated at some point. Mr. Simmons said he would have that discussion with the property owner.

B. Final Plat Application: 1994 Smith Street

Final plat application submitted by Watts & Browning Engineers, Inc. for 1994 Smith Street (parcel number 20009901250); this plat depicts Phase 3 of the East Park Village consisting of a 56 lot townhome development. Case# FP2023-08.

Zoning Administrator Darryl Simmons presented a final plat application submitted by Watts & Browning Engineers, Inc for 1994 Smith Street. This plat depicts Phase 3 of Traton Homes' town home project on Cherokee Street.

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

18. Public Comment/Business from the Floor

19. City Manager's Report

A. Award Bid and Contract: Gay Construction for the Public Safety Facility

Consideration for approval of a Resolution to award the bid and contract for the Public Safety Facility to Gay Construction Company.

Assistant City Manager Marty Hughes requested approval of a resolution to award the contract for the Public Safety Facility to Gay Construction Company. The request for qualifications was advertised in the Marietta Daily Journal for the Construction Manager At Risk for pre-construction and construction services. Mr. Hughes explained that seven qualification packages were received, reviewed, and ranked by a Selection Committee consisting of himself, Police Chief Bill Westenberger, Public Works Director Ricky Stewart, Building Facilities Director Robbie Balenger, and Rod Green, who serves on the Police's Citizens Advisory Committee. The four highest ranked qualification

packages were asked to interview. Based upon the interviews, the Selection Committee, as well as the City Manager, recommended Gay Construction.

Mayor Pro Tem Jones asked if Gay Construction was awarded the lowest bid. Mr. Hughes stated the recommendation was based upon qualitative scoring. Mayor Pro Tem Jones asked if the process could be clarified. Dr. Drobney explained that with a Construction Manager at Risk, the selection is not based on the lowest bid. It is based on qualifications and an interview. So, once interviews are completed, a recommendation is made, and the company's fee proposal package is opened to look at costs and enter into negotiations. This process puts the city in a position to receive a quality product.

Mayor Pro Tem Jones asked about some of the qualifications that were considered. Mr. Hughes responded that the qualifications include overall experience, completion of similar projects in the community, litigation record, and the qualifications of those who will work on the project. Mayor Pro Tem Jones was curious about the possibility of looking at the fees submitted by the six other companies. Mr. Hughes shared that once a selection is made, the other fee packages are not opened, which follows the process for qualitative bidding.

There was confusion about whether the other packages are destroyed after the final recommendation is made. It was confirmed the packages are not destroyed, but maintained by the city.

Councilmember Ferris mentioned that a couple of meetings ago, it was discussed that the building would be 23,000 square feet, but there was discussion about increasing it to 30,000 square feet. He asked where we were at as far as engineering was concerned. Roy Acree, with Croy Engineering, responded with clarification regarding the request for qualifications process. Mr. Acree stated that the process is to select a company to manage the construction process that has yet to begin. There have not been any bids. In accordance with procurement law, the request for qualifications has to be separate from a sealed fee proposal. So, along with their qualification submittals, companies have to submit in a separate, sealed envelope their fees. That envelope can only be opened when the selection committee makes the recommendation. By procurement law, the other sealed fee proposals cannot be opened. Mr. Acree emphasized that we are at the end of schematic design. The next step would be design documents and construction documents.

Councilmember Ferris asked if the fees for Gay Construction would increase if there is change in the square footage. Mr. Acree stated the fee would not change. The fee submitted is not a bid to construct the building, it is a cost to oversee and manage the construction.

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.

Motion by Councilmember Orochena to enter into Executive Session as allowed by O.C.G.A. Sec. 50-14-3 for the purpose of discussing land. Motion seconded by Councilmember Viars.

After receiving visual and verbal confirmation from the Council, the motion was approved unanimously, 4-0. Motion carried.

7:12 p.m. Recess to Executive Session

The Mayor, City Council, City Manager, Assistant City Manager, City Clerk, Deputy City Clerk, Public Works Director, Croy Engineering Representative, and City Attorneys attended the Executive Session.

7:30 p.m. Reconvene to Open Session

Councilmember Orochena read the Board back into Open Session and directed the Mayor and City Council to execute an affidavit in compliance with O.C.G.A. Sec. 50-14-4. Motion seconded by Councilmember Viars.

After receiving visual and verbal confirmation from the Council, the motion was approved unanimously, 4-0. Motion carried.

23. Adjourn

Mayor Easterling adjourned the meeting at 7:30 p.m. The next regular meeting will be held on Monday, February 19, 2024, at 6:30 p.m. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.

Lea Alvarez, City Clerk

City of Kennesaw
ADJUSTMENT TO ANNUAL BUDGET
Fiscal Year Ended September 30, 2023

Fund	Description	Amount	
		DR	CR
General Fund	IT Dept Salaries/Benefits – increased for staff shifted from City Mgr Dept to IT Dept during Fiscal Year	33,000	
General Fund	City Mgr Dept Salaries/Benefits – decreased for shift to IT Dept		33,000
General Fund - Capital	Software – due to timing of project funds carried over from prior year	47,000	
General Fund - Capital	Police Vehicles – vehicles on back order from prior year	143,000	
General Fund - Capital	Street Const & Imp – dollars for resurfacing carried over from prior year	824,000	
General Fund - Capital	P&R Site Improvements – Chalker Park	41,000	
General Fund - Capital	P&R Wheelchair Swing – funded by Grant	47,500	
General Fund	Revenue, PY Reserves, Grant		1,102,500
ARP Grant	ARP Grant Expenditures – PD radios, resurfacing, facility improvements, incentive pay	5,900,397	
ARP Grant	ARP Grant Revenue		5,900,397
Hotel/Motel	Hotel/Motel Expenditures – collected more revenue than expected so more paid out	3,600	
Hotel/Motel	Hotel/Motel Revenue - collected more revenue than expected		3,600
KDA	Principal/Interest 2019 Bonds – paid off during the Fiscal Year	3,007,093	
KDA	Other Professional Services – commission on property sale	126,907	
KDA	PY Reserves/Property Sale Proceeds		3,134,000

TOTALS

\$10,173,497 \$10,173,497

JUSTIFICATION AND BACKGROUND:

Fiscal Year End Realignment for Annual Financial Reporting Purposes.



January 2024 Crime Statistics

Summary

January 2024 Group A Offenses (74) increased by 30% compared to January 2023 (57). A vast majority of the crimes reported in January 2024 were Assault Offenses (35). This trend is also present in the data collected for crimes reported in January 2023. Assault Offenses account for approximately 47% (35) of the crimes that have occurred within our jurisdiction in January 2024.

Out of the 693 traffic stops in January 2024, (1,024) resulted in Citations and 45% (461) Warnings. There was a total of 124 Adult Arrests that took place during the month, which is a 28% increase from January 2023 (97).

There were 105 traffic accidents YTD, 16 of which were classified as Hit and Run. Of the 105 accidents 10 had injuries, and 2 involved a pedestrian. YTD 2023 total accidents (105) are down compared to YTD 2022 (112).

Crimes	January 2024	January 2023	YTD (01/01/2024) – (01/31/2024)	YTD (01/01/2023) – (01/31/2023)
Assault Offenses	35	31	35	31
Motor Vehicle Theft	2	0	2	0
Burglary	3	2	3	2
Homicide	0	0	0	0
Larceny	30	24	30	24
Sex Offenses	3	0	3	0
Robbery	1	0	1	0
Total	74	57	74	57

	January 2024	January 2023	YTD (01/01/2024) – (01/31/2024)	YTD (01/01/2023) – (01/31/2023)
Dispatched Calls for Service	380 (-418)	798	380 (-418)	798
Self-Initiated Activity	939 (-170)	1,109	939 (-170)	1,109
Traffic Citations	1,024 (-43)	1,067	1,024 (-43)	1,067
Traffic Warnings*	461 (+170)	291	461 (+170)	291
Arrests*	124 (+27)	97	124 (+27)	97

*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