

**MINUTES OF CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)
February 19, 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

Pastor Perry Fowler of Kennesaw First Baptist Church led the invocation.

2. Pledge of Allegiance

The City of Kennesaw's Communication and Engagement department led the Pledge of Allegiance.

3. Call to Order

Mayor Easterling called the meeting to order at 6:31 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.

Mayor Easterling presented the "Government Communicators Day" proclamation to the city's Communication and Engagement department, including Manager Becca Graham, Communication Specialist Rachel Mikell, and Marketing Specialist Morgan Huntington. Thank you for all you do for the City of Kennesaw!

6. Public Comment/Business from the Floor

6:35 p.m. Floor Open for Public Comments

MARTY HUGHES [Assistant City Manager]: Mr. Hughes read two emails sent to kennesawcouncil@kennesaw-ga.gov from Katherine Rinderle and Lily Nguyen in support of the Public Art Exhibit up for renewal at 2871 North Main Street (See **Exhibit A**).

6:36 p.m. Floor Closed for Public Comments

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 as submitted by applicant Marzia Minns for a home occupation to bake and package pastries to be sold at local markets in the area. The applicant plans to utilize the kitchen area within the home to prepare, package, and store the items. Staff has determined this use will be low in commercial intensity as the work will be contained within an enclosed building and should not cause a nuisance to any adjacent properties. Ms. Campbell also shared that staff received correspondence from the Whispering Lakes Homeowners Association approving the baking and packaging of the pastries at the subject property.

The Planning and Zoning Director recommends approval with the following conditions: the land use permit is valid for two years starting from the date of final approval; the permit is limited to the current application, this business and use, and is not transferable, any changes will require additional review and approval; there shall be no customers or employees at this location other than the applicant nor shall there be any evidence of a home based business from the right of way, including no signs and no more than one commercial vehicle dedicated to this business.

At the February 7, 2024, Planning Commission meeting, the board unanimously recommended approval with the conditions as read into the record. The application was published in the Marietta Daily Journal on February 19, 2024, and a public notice sign was placed on the property.

Motion by Mayor Pro Tem Jones to approve the Land Use Permit application for the property located at 2358 Whispering Drive as submitted by applicant Marzie Minns including conditions as presented. Seconded by Councilmember Orochena.

6:38 p.m. Floor Open for Public Comments

No comments.

6:39 p.m. Floor Closed for Public Comments

Councilmember Ferris asked Ms. Minns which markets she plans on selling her pastures. Ms. Minns responded local farmers markets including Woodstock, Marietta, and Kennesaw.

Vote taken, motion unanimously approved 4-0. Motion passed.

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 of said chapter regarding the regulation for the R-10 single-family residential district as submitted by the City of Kennesaw. Mr. Simmons provided some background on this amendment to address an issue that came up in the mid-1990s. The area of Woodland Acres consists of 289 lots. In 1996, there was an attempt to identify the area of Woodland Acres, which is currently zoned R-15, as having been developed under R-10 standards (instead of 15,000 square feet minimum, the lots were platted and built under 10,000 square feet). Of the 289 lots, there are 236 lots that are non-conforming, 53 lots that are conforming, and 12 lots that are vacant.

The intent of this ordinance is to add a layer of protection to current property owners. Mr. Simmons explained that under our ordinance, if a property is damaged more than 50% percent, and we have to issue a building permit, we would have to bring the application before the City Council for a variance under the R-15 standards. He noted we had a similar issue last year when an applicant wanted to build on a vacant lot which did not meet the R-15 standards, so staff required the applicant to come to the City Council with a variance. It was questioned why the City Council was looking at the variance when the issue was corrected in the 1990s. After researching, it was

determined that there was an attempt to correct the issue; however, it had been done incorrectly. The text amendment will permanently address the issue and will give protection to current and future property owners within this subject area.

Motion by Councilmember Viars to approve an [ORDINANCE NO. 2024-02](#) to amend the Unified Development Code, Appendix A, Chapter 2 "Zoning Districts," Section 2.01.03.06 of said chapter, as presented. Seconded by Councilmember Jones.

6:46 p.m. Floor Open for Public Comments

No comments.

6:47 p.m. Floor Closed for Public Comments

Vote taken, motion unanimously approved 4-0. Motion passed.

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. This map is approved annually and reflects all new annexations, rezoning, and code amendments from its last adoption in 2023. Changes to be reflected in this year's map will include nine rezonings, one annexation, and the identification of Woodland Acres subdivisions as presented. The Planning and Zoning Administrator recommends approval. At the February 7, 2024, Planning Commission meeting, the board unanimously recommended approval. The case was advertised in the Marietta Daily Journal on January 26, 2024, and February 2, 2024.

Motion by Councilmember Viars to approve an [ORDINANCE NO. 2024-03](#) to adopt the 2024 Official Zoning Map for the City of Kennesaw, as presented. Seconded by Councilmember Jones.

6:48 p.m. Floor Open for Public Comments

No comments.

6:49 p.m. Floor Closed for Public Comments

Councilmember Ferris wanted to confirm that the map will reflect the identification of Woodland Acres Subdivision. Ms. Campbell confirmed.

Vote taken, motion unanimously approved 4-0. Motion passed.

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.

C. Final Plat Application: 1994 Smith Drive

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

Motion by Mayor Pro Tem Jones to approve the Consent Agenda engross. Seconded by Councilmember Ferris.

Vote taken, motion unanimously approved 4-0. Motion passed.

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 presented budget adjustments for the fiscal year ended September 30, 2024, which are necessary to record end-year budget realignments for Annual Comprehensive Financial Reporting purposes. The requests include adjustments needed for staff that have moved from one department to another, equipment that was approved in a prior fiscal year, but due to timing, wasn't purchased until fiscal year 2023, park-site improvements, the Swift-Cantrell Park wheelchair swing that was grant-funded, ARPA-approved grant expenditures, a hotel-motel expenditure that staff is budgeting for due to collecting more revenue than was expected, the Kennesaw Development Authority bond that the city was able to pay off early due to proceeds from the sale of Budgetel.

Motion by Councilmember Viars to approve Budget Adjustments for Fiscal Year ended September 30, 2023, as presented. Seconded by Mayor Pro Tem Jones.

Vote taken, motion unanimously approved 4-0. Motion passed.

13. Public Safety

A. January 2024 Crime Statistics

Receipt of the January 2024 Crime Statistics.

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

Motion by Mayor Pro Tem Jones to receive the January 2024 crime statistics, as presented. Seconded by Councilmember Orochena.

Vote taken, motion unanimously approved 4-0. Motion passed.

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 previously approved public art exhibit application submitted by Sean Mills for property located at 2871 North Main Street. The art exhibit was temporarily approved for six months, which has recently expired. After giving notice to the property owner, the owner submitted a written request to extend the exhibit for an additional six months. The renewal application was reviewed by the Historic Preservation Commission, which unanimously recommended approval on February 16, 2024, and the Art and Culture Commission, which unanimously recommended approval on February 15, 2024. The City Council conducts the final review and provides ultimate approval. The Planning and Zoning Administrator recommended approval.

Motion by Councilmember Orochena to approve the renewal of a public arts exhibit application submitted by Sean Mills for property located at 2871 North Main Street. Seconded by Mayor Pro Tem Jones.

Vote taken, motion unanimously approved 4-0. Motion passed.

18. Public Comment/Business from the Floor

6:57 p.m. Floor Open for Public Comments

ANDREW BRAMLETT [City Resident]: Mr. Bramlett presented a local history story about Solomon Bostic, the earliest known African American property owner in Kennesaw (See **Exhibit C**).

ANTHONY GUTIERREZ [City Resident]: Mr. Gutierrez wanted to discuss increased transparency. He shared that the most recent meeting of the Kennesaw Development Authority was supposed to be held on January 17, 2024; however, the meeting was canceled. A week later, a special meeting was called on January 24, 2024. Mr. Gutierrez claims the only notice given of this change was a single flyer on the door of City Hall. At the meeting, a loan was given to a developer. Despite the fact that nothing illegal was done, he asked the Council if this process was truly transparent.

THOMAS HENNIGAN [County Resident]: Mr. Hennigan, a former United States Marine, advocated against the proposed tax increase by the Cobb County Board of Commissioners.

7:03 p.m. Floor Closed for Public Comments

19. City Manager's Report

City Manager Jeff Drobney mentioned to the residents an article written in the Marietta Daily Journal regarding new technology adopted by Kennesaw/Acworth 911 called, "What3Words."

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

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

Assistant City Manager Marty Hughes presented a resolution to award the contract for the Public Safety Facility CMAR to Gay Construction Company. Following Georgia's public works construction law, a request for qualifications (RFQ) was advertised in the Marietta Daily Journal for the Construction Manager At Risk, also known as CMAR, for the pre-construction and construction services involving the SPLOST-approved Public Safety Facility. Seven qualification packages were received on January 12, 2024, and were reviewed by a Selection Committee consisting of Mr. Hughes, Public Works Director Ricky Stewart, Building Maintenance Director Robbie Balenger, Police Chief Bill Westenberger, and Rod Green, a member of the Kennesaw Police Department's Citizens Advisory Committee. Mr. Hughes clarified that all packages are being kept per state law. The Selection Committee used a state-approved, qualitative process, and each member scored the packages based on the following point breakdown: Firm Qualifications for 35 points, References for 20 points, Experience for 35 points, and Litigation Record for 10 points. The four highest scoring firms were contacted for interviews/presentations. Each firm could then earn an additional 20 points based upon their presentations, which occurred on January 30, 2024. Based on the results of the Selection Committee, the City Manager's office recommends Gay Construction.

Motion by Councilmember Ferris to approve [RESOLUTION NO. 2024-07](#) to award a contract for the Public Safety Facility CMAR to Gay Construction Company, as presented. Seconded by Councilmember Viars.

Vote taken, motion unanimously approved 4-0. Motion passed.

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.

Motion by Councilmember Orochena to ratify the appointment of Jackson Searles to the Kennesaw Art and Culture Commission with a term ending December 2025. Seconded by Mayor Pro Tem Jones.

Vote taken, motion unanimously approved 4-0. Motion passed.

21. Council Reports & Discussions

Mayor Pro Tem Jones shared over the weekend, him and his wife welcomed two healthy boys into the world, Joseph Wilson and Isaac Allen.

Councilmember Orochena congratulated Mayor Pro Tem Jones and wished everyone a happy President's Day. She also mentioned it was the first day of the Presidential Primary early voting.

Councilmember Ferris congratulated Mayor Pro Tem Jones and is excited about spring!

Councilmember Viars congratulated Mayor Pro Tem Jones and shared she spent the last few days moving and plans on never doing it again!

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 7:11 p.m. The next regularly scheduled meeting will be held on Monday, February 26, 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

Lea Alvarez

From: Katherine Rinderle [REDACTED]
Sent: Tuesday, February 13, 2024 8:38 AM
To: kennesawcouncil
Subject: Everyday People Mural

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to express my strong support for the "Everyday People" located in downtown Kennesaw.

This vibrant art installation not only adds aesthetic value to our community but also symbolizes a step towards inclusivity and diversity. In light of the historical challenges Kennesaw has faced, particularly with the adjacent establishment promoting white supremacy, the "Everyday People" mural becomes a beacon of positive change and unity and provides a sense of safety and belonging that has long been missing from our downtown area.

Our city's vision, as stated, aims to cultivate a progressive, vibrant community fostering an environment of opportunity, inclusion, and security. I believe that embracing this mural aligns with that vision and sends a powerful message of unity, counteracting the negative reputation perpetuated by past incidents and bigoted decisions by elected officials.

It is essential for our elected leaders to champion the values of opportunity, inclusion, and security that our city aspires to embody. This mural represents a tangible commitment to these ideals, contributing to a more compassionate and diverse Kennesaw.

I urge you to stand firm in supporting the "Everyday People" mural and to resist efforts to remove or change it. Let us work together to build a city inspired by innovation, guided by ethics, and enhanced by diversity.

Thank you for your time and dedication to the betterment of our community.

Sincerely,

Katherine Rinderle
Kennesaw graduate and current resident

Katherine Rinderle
she/her/hers
[REDACTED]

Lea Alvarez

From: Lily Nguyen [REDACTED]
Sent: Tuesday, February 13, 2024 12:44 PM
To: kennesawcouncil
Subject: Everyday People Mural on Main Street

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Councilmembers,

I pass by Main Street every single day and noticed right away when the beautiful Everyday People mural went up. It felt exciting and inclusive to see new art where a boarded up building used to be.

I would like to see the city provide funding for that mural, if/when it needs to be updated. Art has value and artists deserve to get paid for their work.

Studies have shown that public art is good for attracting visitors (and they're dollar\$) while calming traffic.

Sincerely,
Lily



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

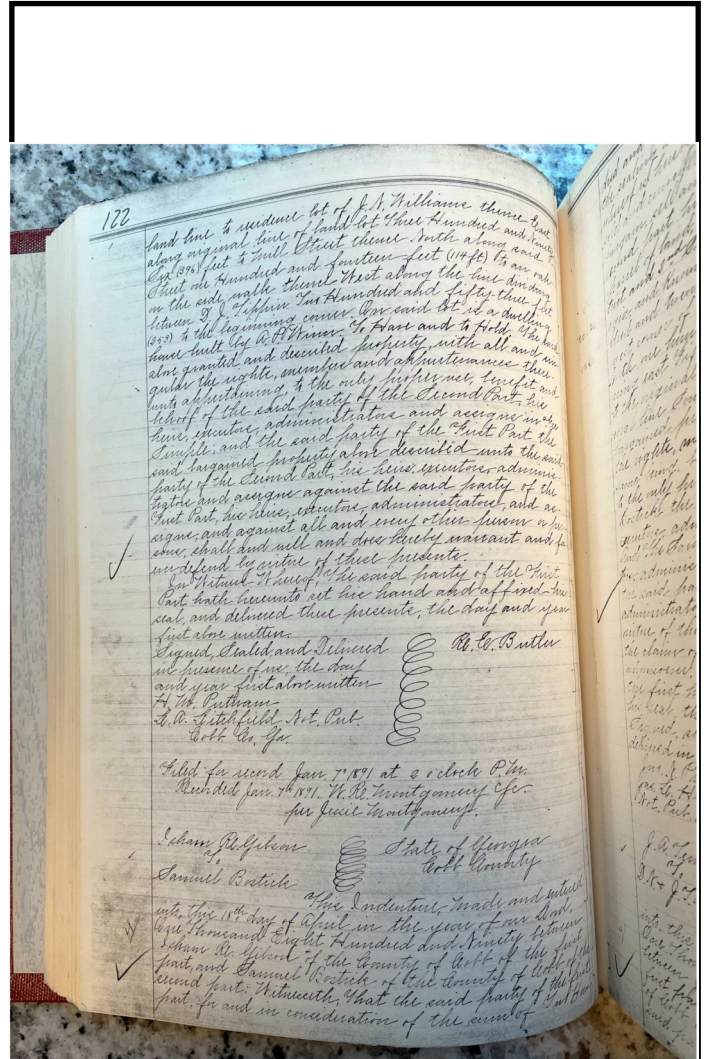
KENNESAW HISTORY

Solomon Bostic

Born enslaved here in Kennesaw, Solomon (or Sam) Bostic may be the earliest known African American property owner in Kennesaw. In 1888 he purchased land north of Kennesaw on Morgan Hill for his farm. He may have worked on the property before then, as the house he built was believed to date back to the 1870s.

He exchanged property with neighbors several times and mortgaged his land. All of these transactions are recorded at the Cobb County Deed Room. Into the 1930s, Bostic was still farming with his family. After his death, the land was passed to his daughter Nina Bostic. After she passed away, it became the site of the Kennesaw Charter School on Cobb Parkway. The school building is now home to the Northwest Classical Academy.

Looking at the deeds involved in Bostic's story shows not only the success he had as a farmer, but also the financial acumen he must have had to keep track of his various transactions.



Deed Book O, Page 122
Cobb County Deed Room

Names and Addresses will be disclosed in the Permanent Minutes of the
City of Kennesaw

PLEASE MAKE SURE YOUR NAME IS LEGIBLE AND CLEAR

Mayor & Council Regular Meeting

2/19/2024

Public Comment Sign-in

	Name	Address	Topic
1	Andrew J. Brantlett	2990 Summerfield Ct.	Local history
2	MARZIN MINNIS	2358 WHISPERING PR	BUSINESS LICENSE
3			
4	Thomas Hennigan	4150 Glenlake Trl	MSP1057
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