

**MINUTES OF CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)
April 1, 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

City Attorney Randall Bentley, Sr. led the Invocation.

2. Pledge of Allegiance

Joshua from Boy Scout Troop 540 led the Pledge of Allegiance.

3. Call to Order

Mayor Easterling called the meeting to order at 6:33 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

6. Public Comment/Business from the Floor

6:34 p.m. Floor Open for Public Comments

No comments.

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

7. Old Business

8. New Business

9. Committee and Board Reports

A. Resolution: Amended Kennesaw Sister Cities Commission Bylaws

Consideration for approval of a Resolution to amend the Kennesaw Sister Cities Commission bylaws Sections .01, .04, and .06.

Assistant to City Manager James Friedrich presented a resolution to amend the Kennesaw Sister Cities Commission bylaws, specifically Sections .01, .04, and .06. Mr. Friedrich mentioned that Legal provided an official opinion on whether the Council could remove a board or commission member without cause. Legal determined the Council can only remove members with cause.

Motion by Councilmember Viars to approve [RESOLUTION NO. 2024-14, 2024](#) to amend the Kennesaw Sister Cities Commission bylaws Sections .01, .04, and .06, as presented. Seconded by Councilmember Orochena.

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

10. Public Hearing(s)

A. Resolution: 2024-2028 Capital Improvement Element and Short Term Work Program

Consideration for approval of a Resolution to adopt the transmittal of updates to the Capital Improvement Element and the Short Term Work Program (CIE/STWP) covering the five-year period of 2024-2028.

Planning and Zoning Administrator Darryl Simmons presented a resolution to adopt the transmittal of updates to the Capital Improvement Element and the Short Term Work Program (CIE/STWP) covering the five-year period of 2024-2028. This report is required for review by the Atlanta Regional Commisison and the Department of Community Affairs since we receive impact fees. He noted that members of the Council, including Councilmember Ferris, Councilmember Orochena, and Mayor Pro Tem Jones, met with staff last week to go over the report, the projects, and the process of transmitting the report. Amendments that were recommended during this meeting are reflected in the report.

Motion by Councilmember Jones to approve [RESOLUTION 2024-15, 2024](#) to adopt the transmittal of updates to the Capital Improvement Element and the Short Term Work Program (CIE/STWP) covering the five-year period of 2024-2028. Seconded by

Councilmember Ferris

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

No comments.

6:40 p.m. Floor Closed for Public Comments

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

11. Consent Agenda

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

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

- A. **Minutes: March 11, 2024, Work Session**
Approval of the March 11, 2024, City Council work session minutes.
- B. **Minutes: March 11, 2024, Executive Session**
Approval of the March 11, 2024, City Council executive session minutes.
- C. **Minutes: March 18, 2024, Regular Meeting**
Approval of the March 18, 2024, City Council regular meeting minutes.

12. General and Administrative

13. Public Safety

14. Information Technology

15. Public Works

16. Recreation and Culture

17. Community Development

18. Public Comment/Business from the Floor

6:41 p.m. Floor Open for Public Comments

MARY MILLER [City Resident]: Ms. Miller stated she was concerned about a conversation that was held during the work session about the 30-year MSPLOST. She urged the City Council to attend the meeting about the MSPLOST with the Cobb County Board of Commissioners with a critical eye, an open mind, and with our youngest constituents at the forefront (See **Exhibit A** for full transcript).

RYAN MCGOVERN [City Resident]: Mr. McGovern spoke about a Treehouse Airbnb his family has operated for five years in his backyard. He asked the Council to continue

allowing him to operate the treehouse Airbnb and shared his neighborhood signed a petition in support. Mr. McGovern provided a copy of the petition to Chief Westenberger (See **Exhibit B** for full transcript and petition).

ANDREW BRAMLETT [City Resident]: Mr. Bramlett presented a local history story about a 1946 crime spree that occurred in the City of Kennesaw (See **Exhibit C**).

MITCH MILLER [City Resident]: Mr. Miller spoke about a study that was completed by the Massachusetts Institute of Technology known as the Limits of Growth in 1972. The bottom line of the study is that if we continue on the same path we are going, civilization will be collapsing by 2035. Mr. Miller shared that the study was reevaluated in 2000, and though the update gives us the same bleak outlook, it also provided us with some options to change. He wanted to mention it to everyone because it is a sobering read. Mr. Miller wants to see his generations have a place to live.

SARA TORRES [City Resident and Candidate for City Council, Post 5]: Ms. Torres shared progress toward our long-term goals takes times, but it doesn't mean there are not great things we can do along the way. Ms. Torres looks forward to discussing her initiatives on enhancing public services and improving infrastructure, as well as answering any questions, at the candidate forum next Tuesday, April 9th from 6:30 p.m. to 8:00 p.m. at Lazy Guy Distillery.

JONATHON BOTHERS [City Resident]: Mr. Bothers is the Vice President of Fundraising for Kennesaw Mountain High School Band and next week, they are having Kennesaw Mountain Fest, which will include 104 vendors, bands, and food. Mr. Bothers wanted to take the opportunity to invite everyone to come out to the public event next Saturday, April 6th from 11:00 a.m. to 5:00 p.m.

6:55 p.m. Floor Closed for Public Comments

19. City Manager's Report

- A. Reports, Discussions, and Updates

20. Mayor's Report

- A. **Appointments: Voting Delegates for Cobb Municipal Association**
Appointment of two voting delegates for Cobb Municipal Association business meetings.

Motion by Councilmember Viars to approve Councilmember Orochena and Mayor Pro Tem Jones as the voting delegates for the Cobb Municipal Association business meetings. Seconded by Councilmember Ferris.

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

21. Council Reports & Discussions

Mayor Pro Tem Jones asked the public to keep his twin sons in their prayers.

Councilmember Ferris welcomed all the visitors to the Council Chambers tonight.

Councilmember Orochena exclaimed it was nice to see a full house tonight and wished everyone a happy spring break.

Councilmember Viars thanked Dr. Sabine Smith, Kennesaw State University, for the work she does and for bringing the German exchange students to the Council meeting. She wished the students all the best.

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. § 50-14-3 for the purpose of discussing land and legal. Motion seconded by Councilmember Viars.

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

6:58 p.m. Recess to Executive Session

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

7:33 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 § 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.

Mayor Easterling shared that, based on discussions held in executive session, he has two time-sensitive items to add to the agenda regarding H.B. 489 negotiations with Cobb County, including a joint Service Delivery Strategy resolution and a common interest privilege agreement.

Motion by Councilmember Ferris to add a resolution granting authority to enter into a joint Service Delivery Strategy proceedings agreement with the Cities of Acworth, Austell, Powder Springs, Marietta, and Smyrna; and to file legal actions on behalf of the

City as necessary to accomplish the purpose of securing a service delivery strategy agreement with Cobb County to the agenda. Seconded by Councilmember Viars.

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

Motion by Councilmember Jones to approve [RESOLUTION NO. 2024-16, 2024](#), as presented. Seconded by Councilmember Viars.

Assistant City Attorney Fred Bentley asked the Council to look at two separate documents. The first document is a resolution in connection with service delivery strategy, which will authorize the City's attorneys to proceed with necessary steps to ask for mediation and/or move forward with the process. The agreement is set to expire on October 31st. If the agreement expires, all municipalities, as well as Cobb County, will lose certified local government status. This resolution is being considered by all the municipalities in Cobb County. The second document is an agreement to protect common interest privilege. This agreement will authorize legal counsel to protect communications between the cities on this common interest moving forward.

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

Motion by Mayor Pro Tem Jones to add the common interest privilege agreement to the agenda. Seconded by Councilmember Viars.

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

Motion by Councilmember Viars to approve the agreement, as presented. Seconded by Councilmember Ferris.

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

23. Adjourn

Mayor Easterling adjourned the meeting at 7:39 p.m. The next regularly scheduled meeting will be held on Monday, April 8, 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

There was a conversation at the last Work session on 3-25-2024 that caused me some concern and I feel compelled to say something about it. Before the 30-year MSPLOST plan is completed, the Mayor and Councilman Ferris stated they were against it at this point, as there is not much in the current plan to benefit Kennesaw and Acworth. Now, that's fair, but then Mayor Easterling stated that he believed that what we need is road surface infrastructure to support the amount of traffic that we have going through our city or alternative routes like the east/west connector – something similar for the north. He said, It's not about mass transit. It's got to be local. It's got to be convenient and effective for the people here and now, not down the road.

I'm just going to put this out there – most people believe in climate change and that our world is being affected. But, for most, it's in some sort of vague – out there in the future way. Most climate scientists say that we are going to need to transition the entire food system, the entire manufacturing sector, and the entire transport sector – and we need to be doing it 10 times faster than we are today.

The amount of traffic we have today is annoying and I think most people think that in the future, it's going to be worse. But, sort of like it is – just more so. Gas is expensive and most people think it will get worse, but again, sort of like it is – just more so. I believe the problems we are heading for in 10-15 years will be a whole order of magnitude worse than they are today. They will also be different problems than we're seeing now. Now, some of us will be here to see that; some of us probably won't.

I'm urging the City Council to go to the MSPLOST meeting, with a critical eye, yes – looking for benefits for our part of the county, sure – but, with an open mind. And I'm urging you to do it with your youngest constituents in mind. The kids that you know, will bear the brunt of our lack of foresight and planning.

MSPLOST update on April 8th from the County

Mayor and Council to attend.

County 30-year MSPLOST and putting that on the referendum for November

Email sent Requesting them to attend on April 8th for an update what the county is looking to do.

Before, they were Looking at a 5-year surface transportation SPLOST

They decided to go with a 30-year under state legislation they can on a mobility SPLOST

What that means for Cobb county as a whole

But also, what potential impacts on the northern part of the county – Kennesaw, Acworth area.

The opportunity to go to hear and hear more info than Jeff has at this point.

Pat - What point do we as a group need to strategize

Personally Pat Ferris is against it. I keep going back through, while there's going to be some improvements – particularly from KSU and down into Marietta,

There is not much else meat on the bone for North Cobb

Derek – no there is not.

Pat – honestly, I think them doing all bus routes. I have no idea why

Derek - What we need is infrastructure – we need the road surface. We need the infrastructure to support the amount of traffic that we have going through our city

OR alternative Routes. Similar to what they did like

East/west connectors, they need to consider something for the north

It's not about mass transit. It's got to be local. It's got to be convenient.

Needs to be effective for the people here and now, not down the road.

Bus routes – the problem is the first and last mile. I worked at DeKalb County, there was a

MARTA line 1 ½ miles from the office and every time we had an opening people would call up and ask how close they are to the nearest MARTa and when we told them, they said:

Never mind and just hang up.

As far as strategizing – at this meeting – are we going to be able to give any input or views any feedback.

Derek – it's one way – they're communicating their ideas, their thoughts on it.

It's a sales pitch

Pat Ferris – If it's just a sales pitch, just one way. why waste our time

Derek. The board meeting that is scheduled after is the time to be heard.

Pat – and we're not invited to that, I don't think.

Derek is going to find out if they are going to be presented with any more

There was supposed to be an earlier meeting that was cancelled.

Pat – at some point, I'd like to see our group take a position. Yes, I'm in favor. No, I'm against.

We may not be there yet

Derek – I don't want SPLOST to be ruined. SPLOST as we know it. It helps us building our facilities

Our Recreation centers, our greenspace. – I don't want that to be interfered with throwing a 30-year MSPLOST in.

People still don't understand what SPLOST does for us. And then you throw MSPLOST and

30 years and the amount of money and revenue that it will raise for transit that won't help us. No,

I'm in agreement that we need to take a stance. And we have been pushing back on different fronts to be pushing back, but as a group collectively, yes, we can do that.

Derek – they have to put their plan out. Because every time we've been to a meeting. It's always what they want to do.

Any time there's any push-back, they change it and change the wording. Once we hear on April 8th, that's the time to take a stance.

Antonio – plans to attend. He wants to hear what they are presenting before they take a stand as a collective body.

Pat – who here wants to go to that meeting

Let's get Lea involved so they can carpool. Meeting starts at 1:00 pm

Dear Mayor Derek Easterling

For the past 5 years, I have done everything within my power to help my family survive this economy and stay in our home. I work two jobs. But the majority of my income comes from an Airbnb in my backyard.

For the past 5 years my family has owned and operated a treehouse Airbnb in my backyard. The structure is built with rock solid construction using builders and has not budged an inch in 5 years. The structure is hidden from view, but it's not an eyesore in any way. It has over 500 5-star reviews for hospitality and its unique and beautiful construction which includes a babbling Brook underneath, a treasure hunt, and peaceful serene escape for couples.

There have been zero incidents in our entire 5-year history. Zero parties. The guests park in my driveway. The structure has withstood many storms without incident because it is not actually supported by trees, but built much like a house is.

When we first started building planning 6years ago, I called the City of Kennesaw and ask what permits I needed to obtain in order to build a treehouse. They told me over the phone that no permits were required if the treehouse structure was under a certain square footage.

Fast forward to today and now my home, my livelihood, in the future of my children, are being threatened by being forced to shutdown largest source of income that pays my mortgage. I cannot pay my mortgage with my other two jobs alone. This unique and beautiful structure was built out of love and desperation to survive and put food on the table for my wife and kids. My background of prior marine corps and prior Atlanta police department has not lended itself to make a competitive wage in today's economy. I am more than willing to make any and all modifications or applications for permits in order to keep this small family business running. I believe that this structure benefits the community through many visits to local restaurants and attractions, as well as local taxes are paid from every guest that stays.

In light of our long standing history of total compliance, with no incidents, and in light of the petition signed by all the neighbors in my neighborhood and the extraordinary personal financial burden that this would place upon my family, I am humbly asking that the mayor of Kennesaw would grant a special permit that would allow me to continue without being forced to shut down my only shield against foreclosure. Thank you for your time and consideration.

Respectfully,

Ryan McGovern

A solid black rectangular box used to redact the signature of Ryan McGovern.

Title: Petition to Allow Treehouse Airbnb in Kennesaw Neighborhood

To Mayor Derek Easterling, City Council, and Zoning Board of Kennesaw:

We, the undersigned residents of Cherokee ridge, hereby petition the City of Kennesaw to allow the continuation of the operation of the treehouse Airbnb located at 2924 Galt place NW Kennesaw GA 30144

The treehouse Airbnb has been a positive addition to our neighborhood, bringing joy, community engagement, and economic benefits to our local area. It has provided tourists and visitors with a unique and memorable experience while showcasing the beauty of our neighborhood.

We believe that the treehouse Airbnb:

1. Enhances the character and charm of our neighborhood by offering a distinctive accommodation option.
2. Boosts local businesses by attracting tourists who frequent nearby restaurants, shops, and attractions.
3. Generates additional revenue for the city through tourism taxes and fees.

Furthermore, the operation of the treehouse Airbnb has not caused disturbances or infringements upon the peace and privacy of our neighborhood in the 5 years of it's operation. The hosts have been responsible and responsive, ensuring that guests adhere to community guidelines and regulations.

We, the residents of Cherokee Ridge, respectfully request that the City of Kennesaw consider the positive impact of the treehouse Airbnb, as well as the extreme negative financial effect personally on the McGovern family and grant the necessary exemption to allow its continued

operation.

Thank you for your attention to this matter. We look forward to a favorable resolution that benefits our neighborhood and the city as a whole.

Sincerely,

Ryan McGovern, 2924 Galt place NW Kennesaw Georgia 30144

Kennesaw Petition continued:

Angel Brown Kennesaw, GA

[REDACTED]

Luzon Kovic

[REDACTED]

Samuel Wright

[REDACTED]

Sam M

[REDACTED]

T. J.

[REDACTED]

Alex

[REDACTED]

Alex Cabrada

[REDACTED]

Magdalena Cabrada

[REDACTED]

Ben

[REDACTED]

Ben Nissen

[REDACTED]

Ryan McGovern

[REDACTED]

M. F.

[REDACTED]

KENNESAW HISTORY

1946 Crime Spree

With today being April Fools' Day, I would like to take this opportunity to share about an unusual Kennesaw crime spree from 1946.

Richard Furkner and Odell Watkins, the former eighteen and the later fourteen, were arrested in 1946 for robbing several fruit stands across the Kennesaw area and north of Marietta. The two youth stole cigarettes, candy, and stole the radio from Marvin Pendley's service station, that sat in Downtown Kennesaw. From the Kennesaw State Bank, they stole "a small amount of change."

Their greatest crime, however, also caused the most damage. According to the November 29, 1946 *Marietta Daily Journal*, Furkner and Watkins "admitted [to] entering Kennesaw school and turning on the freezing unit, which caused about 200 bottles of milk to burst."

Youths Confess Six Robberies In Two Months

Richard Furkner, 18, and Odell Watkins Jr., 14, of Pine Mountain road, near Kennesaw, are lodged in the county jail today charged with burglarizing six Cobb county establishments in the past two months.

The pair were taken into custody around 2 a.m. Thursday and confessed to the robberies after loot from several of the places was found in a barn behind the home of Odell Watkins Sr., father of one of the boys. A tip from an unidentified person led to their arrest.

The boys confessed to entering three establishments Tuesday night in Kennesaw, and to recent thefts at Elizabeth fruit stand and Elizabeth school. The fruit stand was entered twice.

Recovered was a radio taken from Pendley's service station and cigarettes and candy stolen in the recent fruit stand robberies. Also recovered was a small amount of change taken from the Bank of Kennesaw.

The pair also admitted entering Kennesaw school and turning on the freezing unit, which caused about 200 bottles of milk to burst.

November 29, 1946 *Marietta Daily Journal*

Presented by Andrew J. Bramlett at the April 1, 2024,
City of Kennesaw Mayor & Council Meeting

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

4/1/2024

Public Comment Sign-in

	Name	Address	Topic
1	Andrew J. Brankitt	2440 Summerfield Ct, Kennesaw	Local history
2	Mary Miller	3905 Collier Trce	M SPL 250
3	Mike Miller	" "	Crimele
4	Sam Torres	2008 Chesterfield Dr	canal form
5	Fred Bohner	2707 Kennesaw	-
6			
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