

**MINUTES OF CITY COUNCIL WORK SESSION MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)
April 29, 2024
6:30 PM**

Present Mayor Derek Easterling
 Mayor Pro Tem Antonio Jones
 Councilmember Madelyn Orochena
 Councilmember Tracey Viars
 Councilmember Pat Ferris
 Deputy City Clerk Christie Burgner
 City Manager Jeff Drobney
 City Attorney Randall Bentley, Sr.

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

6. Public Comment/Business from the Floor

7. Old Business

8. New Business

A. URA Bond: Consent to Dual Representation and Waiver of Conflict of Interest

Consideration to authorize the Mayor to sign the Consent to Dual Representation and Waiver of Conflict of Interest regarding proposed representation of the Urban Redevelopment Agency (URA) and the City of Kennesaw, GA by Nelson Mullins Riley & Scarborough LLP for the URA bond refinancing.

Finance Director Gina Auld presented information on the consent to dual representation and the waiver of conflict. Questions from Council included: more about the waiver and why it was being presented, if Nelson Mullins markets the bond, why the city would refinance now, and what are the negative effects if the city severs ties with Nelson Mullins. Ms. Auld and City Attorney Fred Bentley answered the respective questions. Nelson Mullins represents the URA and Raymond James which they are required to disclose, and they require the waiver signed for all parties to understand representation. Nelson Mullins does not market the bond, they issue the tax opinion and have done so for the city for years. The city is not currently refinancing as this is not the best time. The city currently is improving its bond rating, if we severed ties with Nelson Mullins it could negatively affect that bond rating during bond evaluation. Agenda Item was approved to be moved to the Consent Agenda for May 6, 2024.

9. Committee and Board Reports

10. Public Hearing(s)

11. Consent Agenda

A. Minutes: April 08, 2024, City Council Work Session

Approval of the April 08, 2024, City Council work session minutes.

B. Minutes: April 15, 2024, City Council Meeting

Approval of the April 15, 2024, City Council regular meeting minutes.

12. General and Administrative

13. Public Safety

14. Information Technology

15. Public Works and Building Maintenance

A. Surplus: City Vehicles

Consideration to approve surplus and disposal of seven (7) City vehicles.

Public Works Director Ricky Stewart presented information on seven city surplus vehicles that have been replaced or need more mechanical work than their worth. Mayor Pro Tem Jones appreciated that one of the trucks was a 2001 Ford and asked that future surplus vehicles include mileage. Mr. Stewart advised future agendas would

have the mileage. Agenda Item was approved to be moved to the Consent Agenda for May 6, 2024.

B. Resolution: Award Bid and Contract for Replacement of the Southern Museum's HVAC Roof Top Unit (RTU)

Consideration of approval for a Resolution to award the bid and contract to T&T Commercial Equipment for the replacement of the Southern Museum's 17.5 ton HVAC RTU.

Building & Facilities Director Robbie Balenger advised for the bid award of Southern Museum's HVAC unit to T&T Commercial Equipment. Questions from Council included: most recent replacement, assurances of performance due to low price of bid, reference checks for business, and inspections of the units after they are placed. Mr. Balenger provided follow up information. Different units were replaced recently as there are fifteen units on the roof of the Southern Museum. Staff has on-site visits with prospective bidders to review equipment needed for removal and replacement of units; if the company has the needed equipment (crane) it is frequently the difference in pricing. The city has history of working with T&T Commercial Equipment and Croy Engineering does background checks. The city does inspections of the units and installation. Agenda Item was approved to be moved to the Consent Agenda for May 6, 2024.

C. DISCUSSION ONLY: Budget Adjustment

Consideration for approval of a budget adjustment of \$117,607.03 to replace the Audio/Visual system in the Court/Council Chambers.

Building & Facilities Director Robbie Balenger presented information regarding a budget adjustment and equipment to be used to replace the audio/visual system in the court/council chambers. Council questions included: automatic zoom features, how court services would be affected, and if live presentations could be viewed by online viewers. Mr. Balenger along with Brent of CCS provided answers to council questions. The system has a preset zoom feature or can use mics to zoom in on a speaker. The system has different uses and can be set for court or council. Presentations can be viewed online with this equipment. Agenda Item was approved to be moved to the Consent Agenda for May 6, 2024.

16. Recreation and Culture

A. Kennesaw Concert Series: Entertainment Schedule and Fees

Consideration for approval of the 2024 Kennesaw Concert Series entertainment schedule and fees and to authorize the Mayor to sign the attached contract.

Parks & Recreation Director Bill McNair provided information for the upcoming 2024 Kennesaw Concert Series along with the ribbon-cutting ceremony to be held on June 14th at 6 p.m. There were no council questions. Agenda Item was approved to be moved to the Consent Agenda on May 6, 2024.

17. Community Development

A. Final Plat Application: 2550 Cobb Parkway

Final plat application submitted by Arris Kennesaw, LLC for 2550 Cobb Parkway; this plat will combine 17 parcels into 5 tracts for the development of a mixed-use project. Case# FP2022-12.

Assistant Zoning Administrator Chanelle Campbell provided information on the final plat application for 2550 Cobb Parkway, The Landing on Summers Street. There were no questions from council. Agenda Item was approved to be moved to the Consent Agenda for May 6, 2024.

18. Public Comment/Business from the Floor

19. City Manager's Report

A. Reports, Discussions, and Updates

City Manager Dr. Jeff Drobney spoke about the incredible Parks & Recreation events from the previous weekend, including the basketball tournament and skate park wheelchair event, and the many upcoming events on tap in Kennesaw.

20. Mayor's Report

Mayor Easterling thanked Guy Williams and family at Rolux. The city did a ribbon cutting at Rolux on April 26th at what point Rolux donated a new mower to the city.

- 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

Councilmember Ferris remarked that people will nitpick one little thing and determine the city is horrible. There is hope that those people open their eyes to the good things the city is doing.

Councilmember Orochena wished Mr. Ferris a happy birthday. Ms. Viars asked if he had taken the opportunity to play with his train set. Mr. Ferris stated he had ordered, repaired and tinkered with the train set.

Councilmember Viars stated the amphitheater looks amazing and verified the pedestrian tunnel will open June 4. She remarked that elections bring out the worst in us, and hopes that everyone will be good to each other.

A. DISCUSSION ONLY: Resolution to Pause the Demolition of Accessory Dwelling Units

As requested by Mayor Pro Tem Antonio Jones.

Mayor Pro Tem Jones opened discussion on his proposed resolution about a pause of demolition of accessory dwelling units (ADUs) advising he did take into account the police department and attorney statements, would add to the document to remove eyesores, but would pause any demolitions. Mr. Jones stated he spoke with Cobb

County Elections Director Tate Fall about putting the ADU issue on the ballot, who advised him to check the city charter for the correct process. Mr. Jones reiterated that he does not want to tear things down. Further discussion held regarding allowance of ADU's versus the proposed resolution of demolition, research into ADU's, demolition of a treehouse structure which has been labeled unsafe by staff, and placing the ADU issue on a ballot.

Mayor Pro Tem Jones advised he believes the treehouse looks sound, that any electrical issues can be resolved, and that it should not be demolished.

Councilmember Ferris stated that the treehouse has been operating illegally for years; it has been inspected by staff and listed as unsafe. More than one issue is being intermingled with the proposed resolution, and while he is in favor of research of ADU's by staff, we should not intermingle ADU's and demolitions. Staff is continually working on issues like this, not just the treehouse. Further, council should make determinations of these types of issues not escaping their responsibilities by placing them on the ballot.

Councilmember Viars advised she is not opposed to ADU research but it is a different topic than the proposed demolition ban, and the city should not pause demolitions on structures which staff have listed as unsafe.

Mayor Easterling advised that the council has been advised by staff that the treehouse unit is unsafe. Therefore if the city does not require a demolition, we could be held responsible if something were to happen to someone at that location.

Councilmember Orochena understands the demolition of the treehouse is due to the safety of the structure not its use, and asked if the owner had been given the opportunity to resolve the safety issues.

Dr. Drobney invited council to go into executive session to discuss the legality of the issue presented as the conversation has steered away from the resolution and to a specific issue.

Mayor Easterling invited Building Services Director Scott Banks to comment. Mr. Banks advised that accessory dwelling units fall under Zoning and not Building Code, the mentioned treehouse would be called a commercial sleeping unit as the owner has stated he rents the unit out. Cobb County Fire Marshall begins the process of approving structure plans, and they will not review the tree house because it is in a residential area not meant for a business. Building Code reviews egress, plumbing, and electrical with Cobb Fire reviewing street design and fire hydrants; none of those items were designed for commercial use in the residential neighborhood where the treehouse is located. Mr. Banks advised there is nothing in the building code to allow this type of structure which has been found illegal and unsafe. He reiterated that the demolition of this structure is not because it is an ADU, but because it is unsafe and was never submitted for permits or inspections.

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 Mayor Pro Tem Jones.

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

7:15 p.m. Recess to Executive Session

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

7:51 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 Ferris.

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

Mayor Easterling shared that, based on discussion held in executive session, there is one item to add to the Monday, May 6 Regular Council Meeting agenda regarding retaining counsel specifically for HB 489 negotiations with Cobb County.

23. Adjourn

Mayor Easterling adjourned the meeting at 7:54 p.m. The next regularly scheduled

meeting will be held on Monday, May 6, 2024, at 6:30 p.m. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.

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