

Mayor
Derek Easterling
City Manager
Jeff Drobney, ICMA-CM
City Clerk
Lea Alvarez, CMC



Council
Mayor Pro-Tem, Tracey Viars
James Eaton
Pat Ferris
Chris Henderson
Nimesh Patel

**City Council
Meeting Agenda
August 2, 2021 6:30 PM
Council Chambers**

I. INVOCATION

II. PLEDGE OF ALLEGIANCE

III. CALL TO ORDER

IV. 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.

V. PRESENTATIONS

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

VII. OLD BUSINESS

VIII. NEW BUSINESS

- A. Due cause hearing for RK Fortitude, LLC d/b/a RK Market located at 3338 Cherokee Street, Suite B, Kennesaw, GA 30144. Licensee: Chetan Panchal.

On June 26, 2019, the License Review Board held a due cause hearing to consider probation, suspension, or revocation of RK Market's Alcoholic Beverage License for violating Section 6-89 of the City of Kennesaw Code of Ordinances. The action by the License Review Board was to suspend the License for two weeks starting July 16, 2019 and ending July 29, 2019. Vote taken, unanimously approved, 3-0. During an alcohol compliance check on July 1, 2021, an employee at RK Market was cited for being in violation of Section 6-89. Because RK Market's Alcoholic Beverage License was suspended within the past 24 months, Mayor and Council shall consider revocation of the license in accordance with Section 6-63(e).

Motion by Councilmember Eaton to suspend the Alcoholic Beverage License for RK Fortitude, LLC d/b/a RK Market for thirty days with an additional six months' probation in which the Licensee is required to provide proof showing all current and new employees have received outside alcohol training from a reputable company, seconded by Councilmember Henderson. Vote taken, approved unanimously 5-0. Motion carried.

B. Approval of RESOLUTION establishing the Kennesaw Sister Cities Commission.

Mayor and Council were presented with information regarding a Sister Cities program being established in the City of Kennesaw at the April 12 and June 14, 2021 work session meetings. Bylaws and appointments for the Commission are forthcoming and will be presented to Mayor and Council in the next couple of months. City Manager recommends approval.

Motion by Mayor Pro Tem Viars to approve **RESOLUTION NO. 2021-31, 2021** establishing the Kennesaw Sister Cities Commission, seconded by Councilmember Ferris. Vote taken, approved unanimously 5-0. Motion carried.

IX. COMMITTEE AND BOARD REPORTS

X. PUBLIC HEARING(S)

Swearing-in of any witnesses or individuals offering comments on any of the following items.

A. FINAL PUBLIC HEARING: Approval of ORDINANCE amending Sections in Chapter 22 of the Official Code of the City of Kennesaw.

The City finds the ordinance amendments set forth below and attached hereto are a necessary and desired update to the City's Code of Ordinances. The proposed amendments pertain to Chapter 22 "Business," Article V "Solicitations," Sections 22-121 "Application for permit," 22-122 "Issuance of permit," and 22-123 "Requirements of solicitors." Notice of the public hearing was properly advertised in the Marietta Daily Journal in accordance with O.C.G.A. § 36-35-3. The first public hearing was held July 19, 2021. This is the final required public hearing with adoption to be considered at the August 2, 2021

Mayor and Council meeting at 6:30 P.M. City staff and Legal recommend approval of the proposed ordinance amendments.

Motion by Councilmember Patel to approve **ORDINANCE NO. 2021-08, 2021** amending Sections in Chapter 22 of the Official Code of the City of Kennesaw, as presented, seconded by Councilmember Henderson. Vote taken, approved unanimously 5-0. Motion carried.

XI. CONSENT AGENDA

- A. Approval of the July 12, 2021 Mayor and Council work session minutes.

- B. Approval of the July 12, 2021 Mayor and Council special call meeting minutes.

- C. Approval of the July 19, 2021 Mayor and Council meeting minutes.

- D. Approval of RESOLUTION for an escrow agreement by and between the City of Kennesaw and Arris Kennesaw, LLC (Core) and to authorize the Mayor to execute the agreement.
On February 17, 2020, the City of Kennesaw and Core entered into a Stormwater Agreement allowing Core's stormwater to utilize the City's regional stormwater facility. Pursuant to the agreement, Core has agreed to make a contribution that will be held in escrow. This escrow agreement spells out the terms of the administration of the escrow. Public Works Director recommends approval.

RESOLUTION NO. 2021-32, 2021

- E. Approval of a Central Business District (CBD) project submitted by Sanctuary Companies, LLC for Galt Commons Phase II located at 2971 Cherokee Street. Case # CBD2021-03.
The CBD project approval application is for Phase II of Galt Commons where the applicant is proposing to demolish one existing non-historic structure and construct 16 single-family detached dwelling units. The previously approved Galt Commons Phase I project included 41 single-family residential units as well as two commercial spaces. Phase II is a continuation of the Galt Commons "agri-community" theme with all proposed 16 residential units having access to common vegetable gardens, flower gardens and amenities. The 16 single family units proposed will use the approved architecture from Phase I. The CBD project approval process requires business plan review and approval by the Kennesaw Downtown Development Authority (KDDA) and the conceptual design approval

by the Kennesaw Historic Preservation Commission (HPC). The KDDA reviewed the project at a special call meeting scheduled on July 20, 2021. Motion to approve the project as presented was made. Motion passed, vote 4-0. The HPC at their regularly scheduled meeting held on July 16, 2021 reviewed the conceptual design plans. The HPC approved the project conceptually with the exception of lot fifty nine (59) where the floor plan, site plan, and landscape plan will be revised and provided to HPC for approval as well as any HOA revisions made in the future must also come before the HPC. Motion passed, vote 4-0. Planning and Zoning Administrator recommends approval with HPC conditions.

Motion by Mayor Pro Tem Viars to approve the Consent Agenda engross, seconded by Councilmember Eaton. Vote taken, approved unanimously 5-0. Motion carried.

DEPARTMENT REPORTS

XII. GENERAL AND ADMINISTRATIVE

GINA AULD, Finance Director

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief

RYAN SOLIS, 911 Communications Director

A. Receipt of the June 2021 crime statistics.

Motion by Councilmember Eaton to receive the June 2021 crime statistics, seconded by Councilmember Henderson. Vote taken, approved unanimously 5-0. Motion carried.

XIV. INFORMATION TECHNOLOGY

RICK ARNOLD, Operations Specialist

JOSHUA GUERRERO, Systems Administration Specialist

XV. PUBLIC WORKS

RICKY STEWART, Public Works Director

ROBBIE BALENGER, Facilities Manager

XVI. RECREATION AND CULTURE

RICHARD BANZ, Museum Director

STEVE ROBERTS, Parks and Recreation Director

ANN PARSONS, Smith-Gilbert Gardens Director

XVII. COMMUNITY DEVELOPMENT

LUKE HOWE, Economic Development Director
DARRYL SIMMONS, Zoning Administrator
SCOTT BANKS, Building Official

- A. Approval of a final plat application submitted by The Village at Fullers Chase Townhomes Association for 0 Boone Drive (Parcel Identification #20013803100). This is an amendment to a previously approved final plat. Case #FP2021-08.

Consideration to approve a final plat amendment for the Village at Fullers Chase subdivision. The intent of this amendment is to have a recorded plat that shows the current boundaries for all townhomes within the subdivision as well as show the boundaries for a new open space between lot 20 and lot 21 and the redrawing of lot lines for lot 8. The Plan Review Committee recommends approval.

Motion by Councilmember Henderson to approve a final plat application submitted by The Village at Fullers Chase Townhomes Association for 0 Boone Drive, seconded by Councilmember Patel. Vote taken, approved 4-0-1. Councilmember Ferris abstained. Motion carried.

- B. Approval of a plat application submitted by Arris Kennesaw, LLC for parcel split of property located 2611 Summers Street identified in District 20, Land Lot 167 and Tax Parcel 39. Case #PS2021-09.

Plat submitted by applicant Arris Kennesaw, LLC to split parcel containing 0.536 acres. The parcel split will create two tracts. Tract A which will contain 0.148 acres and tract B will contain 0.388 acres. Tract A will contain a church and tract B will be added back into the overall multi-family residential tract for the "Kennesaw Town Center" development. All parcels are currently zoned Central Business District (CBD) and both tracts conform to the approved master plan. The Plan Review Committee reviewed the final plat for compliance and recommends approval.

Motion by Councilmember Eaton to approve a plat application submitted by Arris Kennesaw, LLC for parcel split of property located 2611 Summers Street identified in District 20, Land Lot 167 and Tax Parcel 39, seconded by Mayor Pro Tem Viars. Vote taken, approved unanimously 5-0. Motion carried.

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

XIX. CITY MANAGER'S REPORT (Jeff Drobney)

- A. City Manager reports, discussions and updates.

XX. 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, Committees, Authority or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve committees, as deemed necessary.

Motion by Councilmember Patel to ratify the appointments of Bill King with a term expiring in 2023 and Justin Crocker with a term expiring in 2021 to the Kennesaw Development Authority, seconded by Councilmember Henderson. Vote taken, approved unanimously 5-0. Motion carried.

XXI. COUNCIL COMMENTS

XXII. EXECUTIVE SESSION - Land, Legal, Personnel

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

XXIII. ADJOURN

Mayor Easterling adjourned the meeting at 7:36 P.M. The next regularly scheduled meeting will be held Monday, August 16, 2021 at 6:30 P.M. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.