

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



Council
Mayor Pro-Tem, James Eaton
Tracey Viars
Pat Ferris
Antonio Jones
Trey Sinclair

**City Council
Meeting Agenda
April 18, 2022 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. **Facebook Live is not monitored for public comment.**

V. PRESENTATIONS

- A. A proclamation declaring the week of April 10 - April 16, 2022 as National Public Safety Telecommunicators Week in the City of Kennesaw.
- B. A proclamation declaring April 29, 2022, as Arbor Day in the City of Kennesaw.

The City will be celebrating Arbor Day on April 29 from 9:00 a.m. to 10:00 a.m. at Depot Park and planting a tree to memorialize the day.

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

VII. OLD BUSINESS

VIII. NEW BUSINESS

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. Approval of ORDINANCE granting a rezoning request submitted by Mehta Enterprises for the property located at 2857 North Cobb Parkway. Case #RZ2022-03.

Consideration to rezone property located at 2857 North Cobb Parkway (parcel identification number 20014001360) from Mobile Home Park (MHP) to Highway General Business (HGB) as submitted by Mehta Enterprises. Property lies in land lot 140, tax parcel 136. The intent of this project is to construct two structures for retail. One structure is for a convenience/grocery store with fuel sales totaling 8,325 +/- square-feet. The proposed fuel station will contain 5 +/- fuel islands with a canopy totaling 4,200 +/- square-feet. The other structure will be entirely retail with multiple units with an overall square-footage containing 11,620 +/- square-feet. The rezoning request was advertised in the Marietta Daily Journal on March 18 & 25, 2022 and a public notice sign has been posted on site. At their April 6, 2022 meeting, the Planning Commission recommended approval with the following conditions: #1) All staff conditions as outlined within the staff report, #2) Within the Safety Plan on page 9 of the Attorney Stipulation Letter dated March 18, 2022, reconsider the rule under Section VI, Prohibited Items, regarding fire arms, be amended, if needed, to be in compliance with State and Local ordinances and laws. #3) The following uses, being allowed under the HGB zoning district, should be prohibited due to not being adequate or appropriate for this particular location: automotive paint and body repair; recycling collection locations; fraternity and sorority houses/residence halls; helicopter landing areas; outdoor golf driving ranges; pawn shops; flea markets; businesses that primarily function as billiard and pool halls; although billiard and pool halls may be used as an accessory use; truck and trailer lease & rental facilities. STAFF RECOMMENDATION: The Zoning Administrator recommends approval with the conditions outlined within the staff analysis and with the additional recommendations as provided by the Planning Commission.

Motion by Viars to approve **ORDINANCE NO. 2022-03, 2022** granting a rezoning request submitted by Mehta Enterprises for the property located at 2857 North Cobb Parkway as presented

and conditioned, seconded by Mayor Pro Tem Eaton.

Vote taken, motion unanimously approved 5-0. Motion carried.

- B. Approval of ORDINANCE granting a rezoning request submitted by Devin Riley, LLC for the properties located at 1972, 1994 & 2004 Duncan Drive. Case #RZ2022-01.

The applicant is seeking to rezone property from Single-Family Residential (R-20) to Central Business District (CBD). The property consists of 3.789 +/- acres and lies in Land Lot 138 and Tax Parcels 47, 190 & 194. The intent of the project is to create a private townhome community consisting of 35 for-sale townhomes with a minimum of 2,000 square feet and a minimum of 3 bedrooms and 2 bathrooms. This rezoning request was advertised in the Marietta Daily Journal on February 18 & 25, 2022 and March 18 & 25, 2022, and a public notice sign has been posted on site. At their March 9, 2022 special called meeting, the Planning Commission recommended approval with the conditions as stated by staff and two additional conditions as outlined within the staff report (page 20). On March 14, 2022, staff received a new site plan showing a total of 37 units, an increase of 4 units from the previous site plan and a proposed underground stormwater detention facility. With this new site plan, Mayor and Council voted to postpone this case to the April 2022 public hearing meetings so that the new site plan can be reviewed by the Planning Commission. On April 1, 2022, Staff received a new revised site plan showing a new final total of 35-townhome units. During their April 6, 2022 meeting, the Planning Commission recommended to approve the rezoning request based on the site plan dated April 1, 2022 prepared by DGM Land Planning Consultants with the stipulations as stated within the staff report by Planning and Zoning Staff. STAFF RECOMMENDATION: The Zoning Administrator recommends approval with staff's conditions as stated within the staff analysis report.

Motion by Councilmember Sinclair to approve **ORDINANCE 2022-04, 2022** granting a rezoning request submitted by Devin Riley, LLC for the properties located at 1972, 1994 & 2004 Duncan Drive as presented and conditioned, seconded by Mayor Pro Tem Eaton.

Vote taken, motion approved 4-0-1 [*Councilmember Ferris abstained*]. Motion carried.

XI. CONSENT AGENDA

- A. Approval of the March 28, 2022 Mayor and Council work session minutes.
- B. Approval of the March 28, 2022 Mayor and Council executive session minutes.
- C. Approval of the April 4, 2022 Mayor and Council meeting minutes.

- D. Approval of the April 4, 2022 Mayor and Council executive session minutes.
- E. Approval of RESOLUTION to select the standard allowance as provided in the revenue replacement category of the U.S. Treasury Coronavirus State and Local Fiscal Recovery Funds Final Rule (SLFRP).
- The U.S. Treasury, under the ARPA Final Rule, has established an opportunity for selection of a standard allowance of up to Ten Million and 00/100 Dollars (\$10,000,000.00) that may be spent on government services during the period of performance as an alternative to revenue replacement calculation. As a subrecipient of Coronavirus State and Local Fiscal Recovery Funds, the City is required either to select the standard allowance of up to \$10,000,000.00 or the alternative revenue replacement calculation. The resolution serves as a decision by the City to select the standard allowance up to \$10,000,000.00 in accordance with Federal law and guidance. Finance Director recommends approval.

RESOLUTION NO. 2022-19, 2022

- F. Consideration for approval for a Massage Therapist license for Ziyun Long. Ms. Long is the owner of Diyuan Massage LLC d/b/a Diyuan Massage to be located at 2680 Cobb Pkwy, Suite C, Kennesaw, GA 30152.
- The applicant has submitted the complete application with the required documentation per Ordinance Sec 22-218 and 22-219: employment history, copy of certificate of schooling, current health certificate and three character references. Fingerprints and background check investigation results are on file. Finance Director recommends approval.
- G. Consideration of approval for a public arts exhibit application submitted by Michael Judvytis for property located at 2740 Summers Street. Case #PA2022-01.
- The applicant submitted a public arts exhibit application for the continuation of a painted wall mural on the side of Pisano's Pizzeria & Italian Kitchen located at 2740 Summers Street. The mural currently depicts an image of Kennesaw resident, Justin Fields, and commemorates him for being drafted into the National Football League in 2021. The continuation of this project will encompass the current mural with new art on each side. This new art contains a collage of pieces such as: The General, a Harrison High School "H", Kennesaw State University owl, a pizza slice, and more. The mural will be completed by Harrison High School art students. The required public notification process was followed including posting a sign on March 28, 2022 on the property and mailing notification letters to adjoining property owners. The public arts exhibit application was reviewed by the Kennesaw Art and Culture Commission (KACC) on March

17, 2022, where they recommended approval of a final design. Vote 5-0. During a special called HPC meeting held on April 8, 2022, the commission recommended to approve the application with the following stipulations:

- 1.) The mural be inspected annually by the owner, restaurant manager, and the KACC (Kennesaw Arts and Culture Commission).
- 2.) Touch-ups be done as needed to maintain the integrity of the mural.
- 3.) The student's that work on the mural be allowed to provide signatures at the bottom of the mural to demonstrate community involvement. Vote 4-0.

STAFF RECOMMENDATION: The Zoning Administrator recommends approval of the public art exhibit application, the KACC Final Design Mural PDF and with the stipulations as outlined by the HPC.

H. Authorization for road closures for 2022 Kennesaw Grand Prix Series.

The Kennesaw Grand Prix Series dates: Swift-Cantrell Classic, May 14; Law Enforcement Torch Run, June 11; Downtown Dash, July 9; Great Locomotive Chase, September 10; Garden Gallop, October 8; and Run for Wounded Heroes, November 12. Road closures will begin at 6:00 AM and end no later than 10:00 AM from the intersection of Watts Drive and Cherokee Street to the intersection of Main Street and J.O. Stephenson Avenue. Beginning at 7 AM and ending no later than 9:30 AM roads will be closed starting at the intersection of Main Street and J.O. Stephenson Avenue extending north to Swift-Cantrell Park entrance; J.O. Stephenson Ave. from Main Street to Little General Cloggers Lane; Lewis Street at Main Street; Moon Station Road at Main Street; Park Street at Main Street. Kennesaw Police will be on site to monitor traffic and allow cross traffic at Knightsbridge and Jiles Road while ensuring the safety of runners and walkers. Road closures and race dates will be promoted via social media, website, city marquees and e-newsletters. City Manager and Parks and Recreation Director recommend approval.

Motion by Councilmember Viars to approve the Consent Agenda engross, seconded by Councilmember Sinclair.

Vote taken, motion unanimously approved 5-0. Motion carried.

DEPARTMENT REPORTS

XII. GENERAL AND ADMINISTRATIVE

GINA AULD, Finance Director

- A. Accept the Audit Report for Fiscal Year Ended September 30, 2021, for the City of Kennesaw as presented by Mauldin and Jenkins, LLC CPA firm.

The audit report is presented to the Mayor and Council each year. This report is for the Fiscal Year Ended September 30, 2021, as presented by Mauldin and Jenkins, LLC. Finance Director recommends acceptance of the report.

Motion by Councilmember Viars to accept the Audit Report for Fiscal Year Ended September 30, 2021, for the City of Kennesaw as presented and submitted by Mauldin and Jenkins, LLC CPA firm, seconded by Councilmember Ferris.

Vote taken, motion unanimously approved 5-0. Motion carried.

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief
NIKKI MCGRAW, 911 Communications Director

A. Receipt of March 2022 Crime Statistics.

Motion by Mayor Pro Tem Eaton to receive the March 2022 crime statistics, seconded by Councilmember Sinclair.

Vote taken, motion unanimously approved 5-0. Motion carried.

XIV. INFORMATION TECHNOLOGY

RICK ARNOLD, Operations Specialist
JOSHUA GUERRERO, Systems Administration Specialist
KENNETH KING, Help Desk 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 Central Business District (CBD) project submitted by Devin Riley, LLC for the property located at 1972, 1994 & 2004 Duncan Drive. Case #CBD2022-01.

The applicant is seeking approval of a Central Business District (CBD) project located at 1972, 1994 & 2004 Duncan Drive. The property consists of 3.789 +/- acres and lies in Land Lot 138 and Tax Parcels 47, 190 & 194. The intent of the project is to create a private townhome community to be named Devin's Shire located on Duncan Drive replacing existing housing and landscape. The project

will consist of 35 new high-end townhomes across from the Post Office. The townhomes will be a minimum of 2,000 square feet and have a minimum of 3 bedrooms and 2 bathrooms. The CBD project approval process requires a business plan review, approval by the Kennesaw Downtown Development Authority (KDDA) and the conceptual design approval by the Kennesaw Historic Preservation Commission (HPC). At their regularly scheduled meeting held on March 8, 2022, the KDDA motioned to approve the CBD project application as presented. Vote 6-0. In a meeting held on February 18, 2022, the HPC recommended to approve the application with the stipulation that the applicant returns at fifty percent (50%) plans and finishes, again at one hundred percent (100%) final plans and, also, to present the landscape plan. Vote 3-0. STAFF RECOMMENDATION: The Zoning Administrator recommends approval with the stipulations as defined by the HPC.

Motion by Councilmember Viars to approve the Central Business District project submitted by Devin Riley, LLC for the property located at 1972, 1994 & 2004 Duncan Drive with the stipulations as defined by the Historic Preservation Commission, seconded by Mayor Pro Tem Eaton.

Vote taken, motion approved 4-0-1 [*Councilmember Ferris abstained*]. 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 Viars to accept the resignation of Brittany Haugen from the Historic Preservation Commission, seconded by Councilmember Sinclair.

Vote taken, motion unanimously approved 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 7:28 P.M. The next regularly scheduled meeting will be held Monday, May 2, 2022 at 6:30 P.M. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.