

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
June 20, 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 June 20, 2022, as Follow the Leader Day in the City of Kennesaw.

The City's inaugural Leadership Academy would like to recognize Allison Giddens, Ann Pratt and Pastor Rod Green for exemplifying outstanding leadership in the Kennesaw community.

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 to amend the Kennesaw Code of Ordinances by incorporating amendments to Chapter 38, "Courts."

This ordinance will amend Section 38-46 of the Kennesaw Code of Ordinances by replacing the schedule of cash/property bonds and fine amounts with the schedule attached as Exhibit A and delete Sections 38-48 and 38-49 in its entirety. This public hearing will be advertised in the June 10, 2022, and June 17, 2022, editions of the Marietta Daily Journal. The City Attorney recommends approval.

- B. Approval of ORDINANCE granting a rezoning request submitted by Topnor LLC for the property located at 2114 Old 41 Hwy. Case #RZ2021-07.

Property identified as 2114 Old 41 Hwy (Tax Parcel - 20017500210). Applicant is seeking to rezone parcel from Planned Village Community (PVC) to Community Retail Commercial (CRC). Property consist of 2.271 +/- acres lying in land lot 175 tax parcel 21, 20th District, 2nd Section, Cobb County, Georgia. Said request is to build a climate controlled self-service storage facility in lieu of the approved hotel component as part of the mixed use development. This public hearing was duly advertised in the Marietta Daily Journal on May 13th and May 20th, and a public notice sign has been posted on-site. On May 31, 2022, staff received an attorney letter requesting to postpone this case. At their June 1, 2022, meeting, the Planning Commission recommended to honor the postponement letter. STAFF RECOMMENDATION: The Zoning Administrator recommends to postpone this case to the August 3, 2022 Planning Commission meeting and the August 15, 2022 Mayor and Council meeting.

- C. Approval of RESOLUTION to adopt the City of Kennesaw's 2022 Comprehensive Plan Update for 2022-2026. Case #MISC2022-05.

The City of Kennesaw submitted their Comprehensive Plan under the Minimum Planning Elements required by the State of Georgia and following the "Minimum Planning Standards and Procedure" as set forth by the Georgia General Assembly. This is pursuant to said Minimum Standards set by the Atlanta Regional Commission and the Department of Community Affairs, which received approval with recommendations by the Department of Community Affairs. The comprehensive plan contains all supporting data analysis and data maps pertaining to Population, Housing, Natural Resources, Facilities and Service Issues, Land Use and Transportation. This public hearing was duly advertised in the Marietta Daily Journal on May 13th and May 20th. At their June 1, 2022, meeting, the Planning Commission recommended Mayor and Council adopt the City's 5-year Comprehensive Plan update. Vote 6-0. STAFF RECOMMENDATION: Planning and Zoning Administrator recommends adoption of the City of Kennesaw's 2022 Comprehensive Plan for 2022-2026.

- D. SECOND PUBLIC HEARING: Approval of RESOLUTION adopting the updates to the Capital Improvement Element and Short Term Work Program (CIE/STWP) report covering the five year period of 2022-2026. Case #MISC2022-06.

The City of Kennesaw is required to adopt an annual report for Capital Improvement Element and the Short Term Work Projects. The Atlanta Regional Commission and the Georgia Department of Community Affairs completed the regional review of the 2022 CIE Update for the City of Kennesaw. The Georgia Department of Community Affairs has determined that the updates conform to the Development Impact Fee Compliance Requirements. Renewal of Qualified Local Government (QLG) status is contingent on local adoption of the update. This annual report review and adoption is required for all jurisdictions that collect development impact fees. This is the second of two (2) required public hearings with the adoption of a resolution to be considered at the June 20, 2022, Mayor and Council meeting at 6:30 PM. This item was advertised in the Marietta Daily Journal on May 13 and 20, 2022. The Zoning Administrator recommends approval to adopt this resolution and report to maintain QLG status.

- E. Consideration to approve a special land use permit request submitted by Victor Fernandez Rodriguez. Said request is to allow for the use of a cigar shop at 3600 Cherokee Street, Suite 102/103. Case# SLUP2022-01.

Consideration to approve a special land use permit request submitted by Victor Fernandez Rodriguez. Said request is to allow for the use of a cigar shop at 3600 Cherokee Street, Suite 102/103. The property is zoned Planned Shopping Center (PSC), consists of 2.59 +/- acres and lies in Land Lot 32, Tax Parcel 46, 20th District, 2nd Section, Cobb County, Georgia. This public hearing was duly advertised in the Marietta Daily Journal on May 13th and May 20th, and a public notice sign has been posted on-site. The Planning Commission, at their regularly scheduled meeting held on June 1, 2022, motioned to approve the special land use permit with the following condition: 1. The special land use permit is limited to, exclusively for, and only valid for the current applicant and the life of this particular business, and is not transferable. Any changes would require additional review and approval. Motion passed 6-0. STAFF RECOMMENDATION: Planning and Zoning Administrator recommends approval of the special land use permit with the following conditions: (1) The special land use permit is limited to, exclusive for and only valid for the current applicant and the life of this particular business, and is not transferrable and (2) This permit is for the retail of cigars only and shall not include the sale of cigarettes, vapes and/or hookahs. Any changes would require additional review and approval by the Planning Commission and Mayor and Council.

XI. CONSENT AGENDA

- A. Approval of RESOLUTION for an Intergovernmental Agreement with Cobb County government for housing of City of Kennesaw inmates at the Cobb County Adult Detention Center.

The agreement with the City of Acworth to house inmates for the City of Kennesaw is ending due to the Acworth Police Department closing their jail

facility. The City of Kennesaw and Cobb County governments have drafted an Intergovernmental Agreement, as the primary location, to house Kennesaw inmates beginning July 1, 2022 with the Cobb Sherriff's Office at the Cobb County Adult Detention Center. The Chief of Police recommends approval of this agreement. Legal has reviewed and approves this agreement.

- B. Approval of RESOLUTION for Intergovernmental Agreement with the City of Smyrna for the housing of the City of Kennesaw inmates at the Smyrna Detention Facility.

The agreement with the City of Acworth to house inmates for the City of Kennesaw is ending due to the Acworth Police Department closing their jail facility. The City of Kennesaw and City of Smyrna governments have drafted an Intergovernmental Agreement as the secondary location to house Kennesaw inmates beginning July 1, 2022, with the City of Smyrna Police Department at the Smyrna Detention Facility. The City of Smyrna Mayor and Council have approved and authorized the attached Intergovernmental Agreement. The Chief of Police recommends approval of this agreement. Legal has reviewed and approves this agreement.

- C. Approval of the May 31, 2022 Mayor and Council work session minutes.
- D. Approval of the May 31, 2022 Mayor and Council Executive Session Minutes.
- E. Approval of the June 6, 2022 Mayor and Council meeting minutes.

DEPARTMENT REPORTS

XII. GENERAL AND ADMINISTRATIVE

GINA AULD, Finance Director

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief
NIKKI MCGRAW, 911 Communications Director

- A. Receipt of the May 2022 Crime Statistics.

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

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.

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