

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



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

**City Council  
Meeting Agenda  
September 19, 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](mailto: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**

**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. FINAL PUBLIC HEARING: Consideration of RESOLUTION to adopt the Fiscal Year 2022-2023 Operating Budget for the City of Kennesaw and adopt the organizational chart.

In accordance with Section 4.02 and 4.03 of the City Charter and Section 2-144 of the City Code of Ordinances, this budget is hereby submitted for approval. The budget meets all of the filing requirements as well as public hearing requirements as required by the Charter and Code. The updated organization charts are attached. The advertisements in the Marietta Daily Journal were on August 26, 2022, September 2, 2022 and September 9, 2022, respectively. The budget meets the balanced budget requirements as set forth by the City, State and other regulatory agencies. Finance Director recommends approval.

- B. FINAL PUBLIC HEARING: Consideration of RESOLUTION to adopt the FY 2022-2023 Capital Improvement (SPLOST) Budget for the City of Kennesaw.

In accordance with Section 4.06 of the City Charter and Section 2-144 of the City Code of Ordinances, this budget is hereby submitted for approval. This budget meets all of the filing requirements as well as public hearing requirements as required by the Charter and Code. The advertisements in the Marietta Daily Journal were on August 26, 2022, September 2, 2022, and September 9, 2022, respectively. The budget meets the balanced budget requirements as set forth by the City, State and other regulatory agencies. Finance Director recommends approval.

- C. Approval of ORDINANCE granting a rezoning request submitted by Oakmont Pacolet Acquisitions, LLC for the properties located at 2360 Kennesaw Due West Rd (20017600450), 2404 Kennesaw Due West (20017600050), 0 Kennesaw Due West Rd (20017600460), and 0 Kennesaw Due West Rd (20016701070). Case #RZ2022-04.

Properties identified as 2360 Kennesaw Due West Rd (20017600450), 2404 Kennesaw Due West (20017600050), 0 Kennesaw Due West Rd (20017600460), and 0 Kennesaw Due West Rd (20016701070). Applicant is seeking to rezone parcels from Community Retail Commercial (CRC) to Light Industrial (LI) as submitted by Oakmont Pacolet Acquisitions, LLC. Properties lie in land lots 167 & 176 and tax parcels 107, 5, 45 & 46 and consists of 27.221 +/- acres. Said request is to build a warehouse and distribution facility. The developer held a Neighborhood Meeting to discuss their proposal on July 27, 2022 at the Ben Robertson Community Center. This public hearing was duly advertised in the Marietta Daily Journal on July 15th and July 22nd, and August 19th and August 26th and three (3) public notice signs have been posted on-site. On August 01, 2022, staff received an attorney letter requesting to postpone this case. At their August 03, 2022 meeting, the Planning Commission recommended to honor the postponement letter. On August 15, 2022, Mayor and Council also voted to honor the postponement request. On September 6, 2022, staff received an attorney letter requesting to postpone this case again for an additional 30-days. At their meeting on September 7, 2022, the Planning Commission recommended to honor the postponement. STAFF RECOMMENDATION: The Zoning Administrator recommends to postpone this

case to the October 5, 2022 Planning Commission and October 17, 2022 Mayor and Council meeting for the purpose of City staff, Cobb Department of Transportation and Georgia Department of Transportation reviewing, analyzing and providing recommendations into the traffic impact study as well as the CROY engineering traffic generation study.

- D. Consideration of a variance request submitted by Oakmont Pacolet Acquisitions, LLC for the properties located at 2360 Kennesaw Due West Rd (20017600450), 2404 Kennesaw Due West (20017600050), 0 Kennesaw Due West Rd (20017600460), and 0 Kennesaw Due West Rd (20016701070). Case #ZV2022-01.

Properties identified as 2360 Kennesaw Due West Rd (20017600450), 2404 Kennesaw Due West (20017600050), 0 Kennesaw Due West Rd (20017600460), and 0 Kennesaw Due West Rd (20016701070). Applicant is seeking a variance for relief from the minimum parking standards found in section 6.06.09 of the City's Unified Development Code. Properties lie in land lots 167 & 176 and tax parcels 107, 5, 45 & 46 and consists of 27.221 +/- acres. Said variance request has been filed concurrently with a rezoning application (#RZ2022-04). This public hearing was duly advertised in the Marietta Daily Journal on July 15th and July 22nd, and August 19th and August 26th, and three (3) public notice signs have been posted on-site. The developer held a Neighborhood Meeting to discuss their proposal on July 27, 2022 at the Ben Robertson Community Center. On August 01, 2022, staff received an attorney letter requesting to postpone this case. At their August 03, 2022, meeting, the Planning Commission recommended to honor the postponement letter. On September 6, 2022, staff received an attorney letter requesting to postpone this case again. At their meeting on September 7, 2022, the Planning Commission recommended to honor the postponement. STAFF RECOMMENDATION: The Zoning Administrator recommends to postpone this case to the October 5, 2022 Planning Commission and October 17, 2022 Mayor and Council meetings.

- E. Consideration of Land Use application for property located at 2016 Chesterfield Drive submitted by applicant Joseph Snyder. Case #LU2022-03.

Consideration to approve a land use permit request for 2016 Chesterfield Drive. Said request is for the purpose of obtaining a home occupational business license that would allow for the growing and packaging of microgreens. Property is zoned R-10 (Single-Family Residential) and consists of 0.261 +/- acres, lies in Land Lot 101 and Tax Parcel 147. This public hearing has been advertised in the Marietta Daily Journal on August 19th & 26th, 2022 and a public notice sign has been posted on-site. At their September 9, 2022 meeting, the Planning Commission voted to approve the Land Use Application with the conditions as outlined by staff. STAFF RECOMMENDATION: The Zoning Administrator recommends to approve the Land Use Application with the following conditions:

- 1.) This land use permit is valid for 2-years starting from the date of final approval.
- 2.) The land use permit is limited to, exclusive for and only valid for the current applicant and the life of this particular business and use, and it is not transferrable. Any changes would require additional review and approval.

3.) There shall be no clients, customers or employees at this location. Nor shall there be any evidence of a home based business visible from the right-of-way including no signs and no more than one commercial vehicle (with a manufacturer's towing and/or carry capacity rating of less than one and one-half tons) dedicated to this business.

## **XI. CONSENT AGENDA**

- A. Approval of the August 29, 2022 Mayor and Council Work Session Minutes.
- B. Approval of the September 6, 2022 Mayor and Council Regular Meeting Minutes.

- C. Approval of RESOLUTION to update various portions of the Master Fee Schedule.

Updates to the Master Fee Schedule include: 1) Parks and Recreation added a Recreation Center membership fee. Further, the department added an administrative fee for classes to cover the cost of transaction fees and departmental costs of cleaning materials and staffing. Parks and Recreation also increased numerous room and facility rental rates, amended cancellation fees, and removed tennis court rental fees for the public court and team practice. 2) Public Works amended the residential and commercial sanitation service fees as well as fees associated with extra and replacement cans. The City Clerk recommends approval.

- D. Consideration for approval for a Massage Therapist license for Qiong Liang. Ms. Liang is the owner of Lavender Relax SPA Inc d/b/a Sunshine Massage located at 2839 Cherokee Street, Suite D, Kennesaw, GA 30144.

The applicant has submitted the completed application with the required documentation per Ordinance Sec. 22-218 and 22-219: employment history, copy of certificate of schooling, and three character references. Background check and fingerprint results are on file. Finance Director recommends approval.

## **DEPARTMENT REPORTS**

### **XII. GENERAL AND ADMINISTRATIVE**

GINA AULD, Finance Director

### **XIII. PUBLIC SAFETY**

BILL WESTENBERGER, Police Chief  
NIKKI MCGRAW, 911 Communications Director

### **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

- A. Approval of RESOLUTION authorizing the reallocation of \$278,304.00 from the 2016 SPLOST Storm Water Infrastructure Project line to the 2016 SPLOST Mack Dobbs Road Improvements Project line.

The City Council approved an amended framework agreement to provide additional funding for the 2016 SPLOST joint City/County Mack Dobbs Road Improvements project. This amended agreement, finalized in November 2021, stated that each party would increase its contribution to fund the road project and all related improvements, including improvements to the storm water system in the project area. Cobb County has now submitted an invoice in the amount of \$278,304.00 for the City's increased portion. Under state law the City is allowed to move revenues between voter approved SPLOST projects that are within the same SPLOST referendum. The City is seeking approval to transfer monies from the 2016 SPLOST Storm water Infrastructure project line to the 2016 SPLOST Mack Dobbs Road Improvements project line to pay for the additional improvements.

The Public Works Director recommends approving this use of funds.

310.4228.54.149000.00000 – Stormwater Infrastructure – 2016 SPLOST

## **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**