

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
David Blinkhorn

**City Council
Meeting Agenda
March 15, 2021 6:30 PM
Council Chambers**

I. INVOCATION

II. PLEDGE OF ALLEGIANCE

III. CALL TO ORDER

IV. ANNOUNCEMENTS

- A. Pursuant to Governor Kemp's Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1 et seq., as may be amended or extended, 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. Update from Representative Ed Setzler regarding the current 2021 Legislative Session and proposed City of Lost Mountain.

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. Consideration to approve a rezoning amendment request submitted by Beazer Homes, LLC for properties located at 666,4003 and 4005 Pine Mountain Road and 0 Wellcrest Drive.

The applicant, Beazer Gain, LLC has submitted a rezoning application to amend the fourth zoning condition under Ordinance #2018-01, 2018 and vary from the style and elevations of the approved nine single-family home model types to allow for their proposed five single-family home model types. The Planning Commission, at their regularly scheduled meeting on March 3, 2021, motioned to direct applicant to resubmit application for the April 7, 2021 meeting and the Mayor and Council April 19, 2021 meetings due to improper public notification to property owners within 200 feet of the subject properties. Motion passed 5-0. Staff Recommendation: The Planning and Zoning Department recommends the application be re-advertised and that proper notification to property owners within 200 feet be done for the April 7, 2021 Planning Commission meeting and April 19, 2021 Mayor and Council meeting.

Motion by Councilmember Blinkhorn to postpone the rezoning amendment request submitted by Beazer Homes, LLC for properties located at 666, 4003 and 4005 Pine Mountain Road and 0 Wellcrest Drive to the April 19, 2021 Mayor and Council meeting, seconded by Mayor Pro Tem Viars.

Roll Call vote taken: Post 1, James Eaton - Yay
 Post 2, Tracey Viars - Yay
 Post 3, Pat Ferris - Yay
 Post 4, Chris Henderson - Yay
 Post 5, David Blinkhorn - Yay

Motion approved unanimously, 5-0. Motion carried.

- B. Consideration to approve a special land use permit request submitted by Bhavin Shah. Said request is to allow for the use of a smoke shop at 1600 Kennesaw Due West Road, Suite 405.

Consideration to approve a special land use permit request submitted by Bhavin Shah. Said request is to allow for the use of a smoke shop at 1600 Kennesaw Due West Road, Suite 405. The property is zoned

Neighborhood Retail Commercial (NRC) and consists of 7.38 +/- acres and lies in Land Lot 216, Tax Parcel 19. The Planning Commission, at their regularly scheduled meeting held on March 3, 2021, motioned to approve the special land use permit with the following conditions:

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.
2. The products supplied or offered that is associated with this business will be limited to the items listed on the documents submitted with the special land use application and any changes would require additional review and approval. Motion passed 4-1. Staff Recommendation: Planning and Zoning Department recommends approval of the special land use permit (SLUP) with all the conditions recommended by the Planning Commission.

Motion by Mayor Pro Tem Viars to approve a special land use permit request submitted by Bhavin Shah for the use of a smoke shop at 1600 Kennesaw Due West Road, Suite 405, as conditioned, seconded by Councilmember Henderson.

Roll Call vote taken: Post 1, James Eaton - Yay
 Post 2, Tracey Viars - Yay
 Post 3, Pat Ferris - Yay
 Post 4, Chris Henderson - Yay
 Post 5, David Blinkhorn - Yay

Motion approved unanimously, 5-0. Motion carried.

XI. CONSENT AGENDA

A. Approval of the February 22, 2021 Mayor and Council work session minutes.

B. Approval of the March 1, 2021 Mayor and Council minutes.

C. Authorization for road closures for 2021 Kennesaw Grand Prix Series.

Authorization for road closures for 2021 Kennesaw Grand Prix Series. Kennesaw Grand Prix race series: **Swift-Cantrell Classic**, May 8; **Hero Run**, June 5; **Sports Fanatic**, July 10; **Dream Dash**, August 14; **Great Locomotive Chase**, September 18; and **Garden Gallop**, October 30. All race times between 6:00 am - 10:00 am from Watts Drive to intersection of Main Street with Cherokee Street; from 6:00 AM - 9:30 AM starting at the intersection of Main Street 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; Dallas Street from Lewis Street to Main Street; Lewis Street at Main Street; Park Street at Main Street. Road closures and race dates will be promoted via social media,

website, city marquees and e-newsletter. City Manager and Parks and Recreation recommend approval of road closures for the 2021 Kennesaw Grand Prix Series.

- D. Approval of RESOLUTION to Adopt the Recreation Department Master Plan. The purpose of this master plan is to evaluate the public parks and recreation system for the City of Kennesaw and to submit recommendations to enhance and improve the level of services provided to citizens over the next decade. The lead consulting firm, Lose Design, is a multi-disciplinary firm specializing in park and recreation planning and is responsible for the development of this report. The process included public engagement activities, demographic research, facility, program, and staffing assessments. This document serves as both a master and strategic plan. It provides the City of Kennesaw with guidelines and strategies for future program planning efforts and capital improvement projects. The Kennesaw Parks and Recreation Department recognizes the value of strategic planning and is committed to being actively involved by working with internal staff, stakeholders, and the public, to ensure a successful plan. The Parks and Recreation Director recommends approval.

RESOLUTION NO. 2021-11, 2021

- E. Final Plat application submitted by applicant Prichard Park Development, LLC. This plat illustrates seventy-five (75) residential units that is a combination of twenty-five (25) single family detached homes and fifty (50) stacked townhome units. This development is a Central Business District project that was originally approved for eighty-six (86) residential units on December 5, 2016 by Mayor and Council. The applicant, Prichard Park Development, LLC, revised the concept plan to reduce the density down to seventy-five (75) residential units. This revised concept was approved by Mayor and Council on August 5, 2019. The housing types were revised to include single family detached homes and attached/stacked townhomes. The Plan Review committee reviewed the final plat for compliance. The Plan Review committee recommends approval.
- F. Approval of a RESOLUTION adopting the transmittal of updates to the Capital Improvement Element (CIE) and the Short Term Work Program (STWP) covering the five year period 2021-2025. The annual update of the Capital Improvements Element and Short-Term Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989. The transmittal of the annual update of the Capital Improvements Element and Short Term Work Program for the period 2021-2025 will be reviewed by the Department of Community Affairs and the Atlanta Regional Commission for regional review. Upon approval of the report, the City of Kennesaw will hold public hearings to adopt this report at a later date.

RESOLUTION NO. 2021-12, 2021

- G. Model Home Permit applications for consideration on property located at 2974 Moon Station Road. Applicant Prichard Park Development, LLC. The name of the development is Prichard Park.

Model Permit is for one single family model home to be located on lot 8 and two attached stacked townhome units to be located on lots 29A and 29B. The Development will contain a total of seventy-five (75) residential units that will have a combination of single family detached homes and stacked townhome units. The Building official verified that adequate water source is available. Planning and Zoning Department recommends approval of the model home permit applications

Motion by Mayor Pro Tem Viars to approve the Consent Agenda engross, seconded by Councilmember Henderson.

Roll Call vote taken: Post 1, James Eaton - Yay
 Post 2, Tracey Viars - Yay
 Post 3, Pat Ferris - Yay
 Post 4, Chris Henderson - Yay
 Post 5, David Blinkhorn - Yay

Motion approved unanimously, 5-0. Motion carried.

DEPARTMENT REPORTS

XII. GENERAL AND ADMINISTRATIVE

GINA AULD, Finance Director

- A. Consideration for approval of an Alcohol License for Beer, Wine, Liquor and Sunday Sales for First Watch Restaurants, Inc d/b/a First Watch located at 3815 Cherokee Street, Kennesaw, GA 30144. Applicant: Todd Smith

The applicant has completed the required alcohol workshop per Sec. 6-69. Signs have been posted and it has been properly advertised per Sec. 6-36. Current application, background check and fingerprint results are on file. Sec. 6-43 refers to all locations within 600 feet of a religious assembly. This location is within 600 feet of a religious assembly. Sec. 6-43 states the Mayor and Council may waive the distance requirement if satisfactory evidence shall be produced that no adverse effect to property values or the use of the facilities for the aforesaid purposes would occur if a license was granted. Finance Director recommends approval.

100.0000.32.1100 Application Fee \$350.00

Motion by Councilmember Blinkhorn to approve an alcohol license for beer, wine, liquor, and Sunday sales for First Watch located at

3815 Cherokee Street, Kennesaw, GA 30144, as presented, seconded by Mayor Pro Tem Viars.

Roll Call vote taken: Post 1, James Eaton - Yay
 Post 2, Tracey Viars - Yay
 Post 3, Pat Ferris - Yay
 Post 4, Chris Henderson - Yay
 Post 5, David Blinkhorn - Yay

Motion approved unanimously, 5-0. Motion carried.

- B. Consideration for approval of an Alcohol License for Liquor for Rudra Group 1 LLC d/b/a Lawa Cafe Bar & Grill located at 3055 N. Main Street, Suite 106, Kennesaw, GA 30144. Lawa Cafe Bar & Grill currently has a beer, wine and Sunday sales alcohol license and the applicant, Chiragkumar Patel, would like to add liquor.

The applicant has completed the required alcohol workshop per Sec. 6-69. Signs have been posted and it has been properly advertised per Sec. 6-36. Current application, background check and fingerprint results are on file. Sec. 6-42 refers to all locations within 300 feet of a private residence. This location is within 300 feet of a private residence. Sec. 6-42 states the Mayor and Council may waive the distance requirement if the quiet enjoyment of the premises by the residents thereof shall not be adversely affected and the granting of such license shall not have any adverse effect on the private residence. Finance Director recommends approval.

100.0000.32.1100 Application Fee \$350.00

Motion by Councilmember Blinkhorn to approve an alcohol license for liquor for Lawa Café Bar & Grill located at 3055 N. Main Street, Suite 106, Kennesaw, GA 30144, as presented, seconded by Mayor Pro Tem Viars.

Roll Call vote taken: Post 1, James Eaton - Yay
 Post 2, Tracey Viars - Yay
 Post 3, Pat Ferris - Yay
 Post 4, Chris Henderson - Yay
 Post 5, David Blinkhorn - Yay

Motion approved unanimously, 5-0. Motion carried.

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief
RYAN SOLIS, 911 Communications Director

- A. Receipt of January 2021 Crime Statistics.

Motion by Councilmember Eaton to receive the January 2021 crime statistics, seconded by Councilmember Henderson.

Roll Call vote taken: Post 1, James Eaton - Yay
 Post 2, Tracey Viars - Yay
 Post 3, Pat Ferris - Yay
 Post 4, Chris Henderson - Yay
 Post 5, David Blinkhorn - Yay

Motion 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

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 Blinkhorn to ratify the appointments of Kennesaw/Acworth 911 Director Ryan Solis and Cobb County Fire Chief Bill Johnson to the Kennesaw/Acworth 911 Advisory Board, seconded by Mayor Pro Tem Viars.

Roll Call vote taken: Post 1, James Eaton - Yay
 Post 2, Tracey Viars - Yay
 Post 3, Pat Ferris - Yay
 Post 4, Chris Henderson - Yay
 Post 5, David Blinkhorn - Yay

Motion 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