

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
April 5, 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

IX. COMMITTEE AND BOARD REPORTS

X. PUBLIC HEARING(S)

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

XI. CONSENT AGENDA

- A. Approval of the March 8, 2021 Mayor and Council work session minutes.

- B. Approval of the March 15, 2021 Mayor and Council meeting minutes.

- C. Approval of RESOLUTION to authorize the 2021 General Election qualifying dates and authorize the Mayor to execute the contract with Cobb County Board of Elections and Registration to conduct the City's General Election to be held November 2, 2021.

The City shall have a General Election on November 2, 2021 for Council Posts 3, 4, and 5, elected at large. In accordance with O.C.G.A § 21-2-132 and Kennesaw Charter 5.02 the qualifying period will be for a minimum of three days, Monday through Wednesday, and hereby establish the qualifying dates of August 16, 17, and 18, 2021 from 8:30 AM to 4:30 PM (closed for lunch from 12:00 PM to 1:00 PM). Qualifying fees were set by Resolution No. 2021-01. In accordance with City Code § 42-2, the Council shall appoint the Cobb County Board of Elections and Registration to perform all duties as superintendent of elections. Legal has reviewed. The City Clerk recommends approval of the Resolution and to direct the Mayor to sign the contract with Cobb Elections and Registration.

RESOLUTION NO. 2021-13, 2021

- D. Approval of RESOLUTION for Viper Phone and Power 911 upgrade with Power Metrics and authorization for Mayor to execute the contract.
Viper Phone and Power 911 upgrade is currently the phone software system in use. This is a required upgrade due to the age of the current system and is a budgeted expense. Contract has been reviewed and approved by legal. City Manager and 911 Director recommends approval.

\$144,000 - 215.3800.54.2416

RESOLUTION NO. 2021-14, 2021

- E. Approval of RESOLUTION for the Reciprocal Parking License Agreement with 2871 Cherokee Street LLC (Common Grounds Coffeehouse/Apotheos Roastery).
The reciprocal parking license agreement will facilitate shared parking between

the City of Kennesaw and Common Grounds Coffeehouse, LLC located at 2871 Cherokee Street. A master calendar of events maintained and shared by both the Economic Development Department and Common Grounds Coffeehouse, LLC will outline events where each will have permission to use available parking as shown on the map in Exhibit A of the agreement. The Economic Development Director recommends approval.

100.7500.52.5400 \$1800

RESOLUTION NO. 2021-15, 2021

F. On March 15, 2021, Erin Collins purchased two (2) cemetery lots in the Kennesaw City Cemetery. These lots are located in Section III, Plot 74, Lots B and C. Authorize the Mayor to sign the supporting deeds for purchase of the lots. City Clerk recommends approval.

G. On March 19, 2021, Sherman Brooks Jr. purchased two (2) cemetery lots in the Kennesaw City Cemetery. These lots are located in Section III, Plot 56, Lots A and B. Authorize the Mayor to sign the supporting deeds for purchase of the lots. City Clerk recommends approval.

H. Approval of a budget amendment to the FY 2020-2021 Cemetery Trust Fund in the amount of \$9,560.00 for costs associated with a field boundary survey of the Kennesaw City Cemetery property.

This budget amendment is to cover the not to exceed cost of \$9,560.00 associated with a field boundary survey for the Kennesaw City Cemetery property. The project is to be performed by Croy Engineering. Additionally, this project was not in the original budget for FY 2020-2021; however, it was requested by the Cemetery Preservation Commission and the Cemetery Foundation to assist in their submission of the cemetery to the National Register of Historic Places. The City did not have a boundary survey of the cemetery property in its records. The funds for this survey will be transferred from the Use of Prior Year Reserves revenue account to the Other Professional Services expenditure account if the adjustment is approved. The Cemetery Preservation Commission approved this expenditure during a special called meeting on March 25, 2021, vote 5-0. The City Clerk recommends approval.

285.4950.52.1250 - \$9,560.00

I. Authorization of road closures for the 2021 Big Shanty Festival and Taste of Kennesaw.

Road Closings for Big Shanty Festival:

- Beginning Friday April 16, 2021 at 6:00 p.m. until Sunday, April 18, 2021 at 8:00 p.m.: J.O. Stephenson Avenue from Main Street to Dallas Street and Cherokee Street from Main Street to Shirley Drive/Big Shanty Drive; Watts

Drive from Dallas Street to Main Street; Lewis Street from Dallas Street to Main Street.

- Beginning Saturday, April 17, 2021 at 6:00 a.m. until Sunday, April 18, 2021 at 8:00 p.m.: Main Street from Summer Street to Moon Station Road.

Road Closings for Taste of Kennesaw:

- Beginning Friday, November 5, 2021 at 11:00 p.m. until November 6, 2021 at 12:00 a.m./Midnight; Cherokee Street from Main Street to Shirley Drive/Big Shanty Drive. Main Street from Summer Street to Lewis Street; J.O. Stephenson Avenue from entrance to Eaton Chiropractic to Main Street; Lewis Street from Little General Cloggers Lane to Main Street.

Events Committee recommends approval of road closures for the 2021 Big Shanty Festival and Taste of Kennesaw.

- J. Final plat application submitted by Beazer Gain, LLC for 666, 4003 and 4005 Pine Mountain Road and 0 Wellcrest Drive. This plat depicts phase 1A of the proposed Pine Mountain Park residential subdivision. Phase 1A contains a total of thirty (30) single-family detached homes.

This development was annexed (Ordinance No. 2018-02, 2018) and rezoned (Ordinance No. 2018-01, 2018) to Planned Unit Development - Residential (PUD-R) with conditions in 2018. The project will be platted in separate phases and will contain a total of eighty-three (83) single-family homes. Phase 1A only includes lots: one (1) through six (6), twenty-two (22) through thirty-six (36) and seventy-five (75) through eighty-three (83). The Plan Review Committee reviewed the final plat for compliance and recommends approval.

- K. Final plat application submitted by KFH Hickory, LLC for 4502 Grenadine Circle. This is an amendment to a previously approved final plat for phase two (2) of the Villas at Hickory Grove.

This subdivision was annexed (Ordinance No. 2006-30, 2006) and rezoned (Ordinance No. 2006-29, 2006) in 2006. Phase two (2) of this development contains a total of sixty-two (62) single family attached homes. The final plat amendment is to revise the following: lots thirty-seven (37) through forty-three (43), seventy-one (71) through seventy-four (74) as well as the drainage easement behind lots seventy-three (73) through seventy-six (76). This revision was necessary due to a change in proposed home sizes from the new builder. This amendment will not conflict with the Fee-Simple Townhome (FST) zoning district's building standards and setbacks. The Plan Review Committee reviewed the final plat for compliance and recommends approval.

Motion by Councilmember Henderson to approve the Consent Agenda engross, seconded by Councilmember Eaton.

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

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief
RYAN SOLIS, 911 Communications Director

XIV. INFORMATION TECHNOLOGY

RICK ARNOLD, Operations Specialist
JOSHUA GUERRERO, Systems Administration Specialist

XV. PUBLIC WORKS

RICKY STEWART, Public Works Director
ROBBIE BALENGER, Facilities Manager

- A. Approval of RESOLUTION to authorize the condemnation of property located at 1895 Ben King Road, also known as Parcel 2. This is required for the Special Purpose Local Option Sales Tax (SPLOST) Ben King Road project.

The City has been working diligently to acquire rights of way and easements needed for the SPLOST Ben King Road project. However, right-of-way Agents have been unable to acquire the property required for the project from the property owner of Parcel 2, which is located at 1895 Ben King Road. In order to avoid costly delays, the City is in a situation where it must use the condemnation process to get the necessary temporary easement. The Public Works Director recommends the Mayor and City Council determine circumstances are such that it is necessary to proceed with condemnation proceedings by Declaration of Taking under O.C.G.A. §32-3-4, et seq.; authorize the commencement of condemnation proceedings on the property for the Ben King Road project; adopt the Resolution approving said condemnation; and authorize the Mayor to execute the necessary documents.

Motion by Councilmember Eaton to approve **RESOLUTION NO. 2021-16, 2021** authorizing the condemnation of property located at 1895 Ben King Road, also known as Parcel 2, 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. Approval of RESOLUTION to authorize the condemnation of property located at 2150 Towne Manor Drive, also known as Parcel 20. This is required for the Special Purpose Local Option Sales Tax (SPLOST) Ben King Road project.

The City has been working diligently to acquire rights of way and easements needed for the SPLOST Ben King Road project. However, right-of-way Agents have been unable to acquire the property required for the project from the property owner of Parcel 20, which is located at 2150 Towne Manor Drive. In order to avoid costly delays, the City is in a situation where it must use the condemnation process to get the necessary temporary and permanent easements. The Public Works Director recommends the Mayor and City Council determine circumstances are such that it is necessary to proceed with condemnation proceedings by Declaration of Taking under O.C.G.A. §32-3-4, et seq.; authorize the commencement of condemnation proceedings on the property for the Ben King Road project; adopt the Resolution approving said condemnation; and authorize the Mayor to execute the necessary documents.

Motion by Mayor Pro Tem Tracey Viars to approve **RESOLUTION NO. 2021-17, 2021** authorizing the condemnation of property located at 2150 Towne Manor Drive, also known as Parcel 20, 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.

- C. Approval of RESOLUTION to authorize the condemnation of property located at 3196 Paradise Lane, also known as Parcel 33. This is required for the Special Purpose Local Option Sales Tax (SPLOST) Ben King Road project.

The City has been working diligently to acquire rights of way and easements needed for the SPLOST Ben King Road project. However, right-of-way Agents have been unable to acquire the property required for the project from the property owner of Parcel 33, which is located at 3196 Paradise Lane. In order to

avoid costly delays, the City is in a situation where it must use the condemnation process to get the necessary temporary easement. The Public Works Director recommends the Mayor and City Council determine circumstances are such that it is necessary to proceed with condemnation proceedings by Declaration of Taking under O.C.G.A. §32-3-4, et seq.; authorize the commencement of condemnation proceedings on the property for the Ben King Road project; adopt the Resolution approving said condemnation; and authorize the Mayor to execute the necessary documents.

Motion by Councilmember Henderson to approve the **RESOLUTION NO. 2021-18, 2021** authorizing the condemnation of property located at 3196 Paradise Lane, also known as Parcel 33, 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.

- D. Approval of RESOLUTION to authorize the condemnation of property located at 1532 Ben King Road, also known as Parcel 36. This is required for the Special Purpose Local Option Sales Tax (SPLOST) Ben King Road project.

The City has been working diligently to acquire rights of way and easements needed for the SPLOST Ben King Road project. However, right-of-way Agents have been unable to acquire the property required for the project from the property owner of Parcel 36, which is located at 1532 Ben King Road. In order to avoid costly delays, the City is in a situation where it must use the condemnation process to get the necessary temporary and permanent easements. The Public Works Director recommends the Mayor and City Council determine circumstances are such that it is necessary to proceed with condemnation proceedings by Declaration of Taking under O.C.G.A. §32-3-4, et seq.; authorize the commencement of condemnation proceedings on the property for the Ben King Road project; adopt the Resolution approving said condemnation; and authorize the Mayor to execute the necessary documents.

Motion by Councilmember Eaton to approve **RESOLUTION NO. 2021-19, 2021** authorizing the condemnation of property located at 1532 Ben King Road, also known as Parcel 36, seconded by Mayor Pro Tem Tracey 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.

- E. Approval of RESOLUTION to abandon rights of way for Poplar Drive, Russell Drive, Grant Drive and Rockspring Drive in Land Lot 99, 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia.

The City has received a request from Sanctuary Companies (Sanctuary Development, LLC, Salt Kennesaw Properties, LLC and East Park JV, LLC) for right of way abandonment for sections of Poplar Drive, Russell Drive, Grant Drive and Rockspring Drive. In accordance with Georgia law, O.C.G.A § 32-7-2 (c), the City may abandon a public right of way when it determines that a section of the municipal street system has, for any reason, ceased to be used by the public to the extent that no substantial public purpose is served by it or that its removal from the municipal street system is otherwise in the best public interest. The Public Works Director has determined that sections of Poplar Drive, Russell Drive, Grant Drive, and Rockspring Drive, meet both standards as shown in color and described in Backup 1. The Public Works Director recommends approval of the resolution to abandon the municipal rights of way described in Exhibits 1 and 2.

Motion by Councilmember Henderson to approve **RESOLUTION NO. 2021-20, 2021** abandoning the rights of way for Poplar Drive, Russell Drive, Grant Drive and Rockspring Drive in Land Lot 99, 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, as presented, seconded by Councilmember Blinkhorn.

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.

- F. Approval of RESOLUTION to acquire and ratify the acquisition of right of way and property interests needed for the Cherokee Street Improvement Project on Cherokee Street. This will be a property exchange for abandoned rights of way on Poplar Drive, Russell Drive, Grant Drive and Rockspring Drive.

The City has determined that certain sections of the municipal rights of way of Poplar Drive, Russell Drive, Grant Drive and Rockspring Drive no longer serve a substantial public purpose and has abandoned the same pursuant to Georgia law, O.C.G.A. § 32-7-2 (c). The City has received and will receive the required right of way and property interests needed for the Cherokee Street Improvement Project

from the Sanctuary Companies and related entities (Sanctuary Development, LLC, Salt Kennesaw Properties, LLC, and East Park JV, LLC). In exchange for the Cherokee Street rights of way, the Sanctuary Companies, on behalf of themselves and VCP Kennesaw, LLC, VCP Kennesaw II, LLC, VCP Kennesaw ASR, LLC, VCP Kennesaw CAR, LLC and VCP Kennesaw 133, LLC seek the abandoned sections of Poplar Drive, Russell Drive, Grant Drive and Rockspring Drive. The City's abandoned rights of way to exchange are shown on Exhibit 1 and in color on Exhibit 2. The rights of way and property interests needed from Sanctuary for the Cherokee Street Project are shown in blue on Exhibit 3. The values of the properties involved in the exchange are based on an appraisal prepared by Singleton Real Estate dated May 25, 2018 and are shown in Exhibit 4.

In accordance with Georgia law, O.C.G.A. § 32-3-3, the City is authorized to exchange abandoned municipal right of way for privately owned property needed for transportation improvement projects if the City receives equal or greater value in the exchange. Based on the appraisal, the City will receive a greater value for the Cherokee Street right of way and property interests than the Sanctuary Companies and VCP entities will for the abandoned municipal rights of way. The Public Works Director recommends approval of the property exchange.

Motion by Mayor Pro Tem Tracey Viars to approve **RESOLUTION NO. 2021-21, 2021** ratifying the acquisition of right of way and property interests needed for the Cherokee Street Improvement Project on Cherokee Street, as presented, 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.

[Vote taken to add item XV-G to the Agenda].

Motion by Councilmember Blinkhorn to add item XV-G to the Agenda, seconded by Councilmember Ferris.

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.

- G. Approval of RESOLUTION allowing the United States Army Corps of Engineers right of entry onto City owned property.

The United States Army Corps of Engineers (USACOE) have proposed multiple projects along Butler Creek. Two of the projects require rights of entry from the City to allow access through City owned property. The USACOE have requested a right of entry for 2066 Shillings Chase Court NW and 4020 Wellcrest Drive NW. The Public Works Director recommends approval for Mayor to sign the attached right of entry agreement.

Motion by Mayor Pro Tem Viars to approve **RESOLUTION NO. 2021-22, 2021** allowing the United States Army Corps of Engineers right of entry onto City owned property, as presented, 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.

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 accept the resignations of Jay Brimberry from the Kennesaw Development Authority and Mary Baldwin from the Historic Preservation Commission, 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.

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 7:05 P.M. The next regularly scheduled meeting will be held Monday, April 19, 2021 at 6:30 P.M. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.