

**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  
Nimesh Patel

**City Council  
Meeting Agenda  
August 16, 2021 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.

**V. PRESENTATIONS**

- A. Promotional Announcement: Introduction of newly promoted Police Sergeants Nicholas Bobo and Matthew Meade. Sergeant Bobo was formally promoted on May 15, 2021 and Sergeant Meade was formally promoted on August 9, 2021. Congratulations!

**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 on the proposed RESOLUTION to adopt the Maintenance and Operation (M&O) Millage Rate.

The City of Kennesaw is proposing a millage rate of 8.0 mills for M&O which is the same as last year. The dates of the public hearings and the Current 2021 Tax Digest and 5 Year History of Levy were properly advertised in the Marietta Daily Journal on July 31, 2021 and August 7, 2021 in accordance with O.C.G.A. Section 48-5-32. The first and second public hearings were held on August 9, 2021 at 6:00 pm and August 16, 2021 at 10:30 am, respectively. Finance Director recommends approval.

Motion by Councilmember Eaton to approve **RESOLUTION NO. 2021-33, 2021** to adopt the Maintenance and Operation (M&O) Millage Rate, as presented, seconded by Councilmember Henderson. Vote taken, approved unanimously 5-0. Motion carried.

- B. Final Public Hearing on the proposed RESOLUTION to adopt the Bond Millage Rate.

The City of Kennesaw is proposing a millage rate of 1.5 for the Bond which is the same as last year. The Bond millage rate is levied to fund the debt service on the \$15 million Recreation and Traffic Safety Bonds that were approved by the voters September 21, 2004. The dates of the public hearings and the Current 2021 Tax Digest and 5 Year History of Levy were properly advertised in the Marietta Daily Journal on July 31, 2021 and August 7, 2021 in accordance with O.C.G.A. Section 48-5-32. The first and second public hearings were held on August 9, 2021 at 6:00 pm and August 16, 2021 at 10:30 am, respectively. Finance Director recommends approval.

Motion by Mayor Pro Tem Viars to approve **RESOLUTION NO. 2021-34, 2021** to adopt the Bond Millage Rate, as presented, seconded by Councilmember Eaton. Vote taken, approved

unanimously 5-0. Motion carried.

- C. Consideration to approve a variance application for 3371 Cherokee Street submitted by Traton, LLC. Case #ZV2021-02.

Said request is to allow for the encroachment of six-townhome units into the 50-foot and additional 25-foot undisturbed natural stream buffer. The property is designated as T-4O (General Urban) form based code and is approximately 12.30 +/- acres and lying in Land Lot 99, Tax Parcel 115. The applicant is seeking relief from section 46-440 subsections (1) & (2) of the adopted Unified Development Code. Legal ads were run in the Marietta Daily Journal on July 16 and 23, 2021, and a public notice sign has been posted on-site. At their August 4, 2021 meeting, the Planning Commission recommended approval with conditions. STAFF RECOMMENDATION: In conjunction with the Planning Commission's recommendation, Zoning Administrator, Darryl Simmons, recommends approval with the following conditions: (1) The applicant shall remove the two townhomes (unit 103 and unit 102) from encroaching into the 50-to-75-foot impervious buffer and may relocate these two units elsewhere outside of the stream buffer. (2) The development shall follow all environmental and remediation guidelines and procedures as provided by the City of Kennesaw.

Amended motion by Mayor Pro Tem Viars to approve the revised variance application for 3371 Cherokee Street allowing the applicant to encroach into the 75-foot impervious setback but not the 50-foot City stream buffer as shown on the revised site plan attached to the attorney letter submitted by Attorney Kevin Moore of Moore Ingram Johnson and Steele, LLP, on August 13, 2021, seconded by Councilmember Ferris. Vote taken, approved unanimously 5-0. Motion carried.

- D. Consideration for variance application submitted by True North Companies for 0 North Main Street (Parcel Number 20013900240). Case #ZV2021-03.

The property is currently zoned Central Business District (CBD), which requires a combination of residential and commercial property development. Said request is to vary from Appendix A, Chapter 4, Section 4.02.03 (G)(A), which states that for-rent residential apartment units are to be allowed only in mixed use residential/commercial projects. The applicant is requesting to eliminate the commercial component for their development. Property is located at 0 N Main Street (parcel number 20013900240), totaling 0.68 +/- acres and lying in land lot 139, tax parcel 24. Legal ads were run in the Marietta Daily Journal on July 16 and 23, 2021, and a public notice sign has been posted on-site. At their August 4, 2021 meeting, the Planning Commission recommended approval with the following condition: The property owner will maintain the property in a suitable and safe condition both visually and from a safety and health standpoint.

Motion by Mayor Pro Tem Viars to approve a variance application submitted by True North Companies for 0 North Main Street

(Parcel Number 20013900240), as presented and conditioned, seconded by Councilmember Patel. Vote taken, disapproved 1-4 [Councilmembers Eaton, Ferris, Henderson, and Patel opposed]. Motion failed.

- E. Authorization for approval of an ORDINANCE granting a rezoning request submitted by City of Kennesaw for the property located at 1880 Old 41 Highway. Case #RZ2021-04.

Property identified as 1880 Old 41 Highway. Applicant is seeking to annex and rezone parcel from County General Commercial (GC) to City General Commercial (GC). Property consists of 1.072 +/- acres and lying in Land Lot 207 and Tax Parcel 4, 20th District, 2nd Section, Cobb County, Georgia. Said request is to annex property under the 60% method per O.C.G.A. 36-36-32 and to satisfy O.C.G.A. 36-36-4, which states that the creation of an unincorporated island is prohibited. Application was advertised in the Marietta Daily Journal on July 16 and 23, 2021 and a public notice sign has been posted on-site. At their August 4, 2021 meeting, the Planning Commission recommended to postpone this item to their regularly scheduled September 1, 2021 meeting. STAFF RECOMMENDATION: Zoning Administrator, Darryl Simmons, recommends to postpone the item to the September 1, 2021 Planning Commission regular meeting and the September 20, 2021 Mayor and Council regular meeting.

Motion by Councilmember Patel to postpone the approval of an ordinance granting a rezoning request submitted by City of Kennesaw for the property located at 1880 Old 41 Highway to the September 1, 2021 Planning Commission meeting and the September 20, 2021 Mayor and Council regular meeting, seconded by Councilmember Eaton. Vote taken, approved unanimously 5-0. Motion carried.

- F. Authorization for approval of an ORDINANCE granting an annexation request submitted by the City of Kennesaw for the property located at 1880 Old 41 Highway. Case #AX2021-04.

Property identified as 1880 Old 41 Highway. Applicant seeking to annex and rezone subject property from County General Commercial (GC) to City General Commercial (GC). Said request to annex/rezone is for the purpose to avoid creating an unincorporated island per the Official Code of Georgia Annotated (O.C.G.A.) 36-36-4 and using the 60% annexation method per O.C.G.A. 36-36-32 concurrently. Property consists of 1.072 +/- acres and lying in land lot 207 and tax parcel 4. Application was advertised in the Marietta Daily Journal on July 16 and 23, 2021, and a public notice sign has been posted on-site. At their August 4, 2021 meeting, the Planning Commission recommended to postpone this item to their regularly scheduled September 1, 2021 meeting. STAFF RECOMMENDATION: Zoning Administrator, Darryl Simmons, recommends to postpone the item to the September 1, 2021 Planning Commission regular meeting and the September 20, 2021 Mayor and Council regular meeting.

Motion by Councilmember Henderson to postpone the approval of an ordinance granting an annexation request submitted by the City of Kennesaw for the property located at 1880 Old 41 Highway to the September 1, 2021 Planning Commission meeting and the September 20, 2021 Mayor and Council regular meeting, seconded by Councilmember Ferris. Vote taken, approved unanimously 5-0. Motion carried.

- G. Authorization for approval of an ORDINANCE granting a rezoning request submitted by Related Development, LLC for the properties located at 1650 N Cobb Parkway, 1810 Old 41 Highway and 1810 Old 41 Highway. Case #RZ2021-03.

Properties identified as 1650 N Cobb Parkway, 1810 Old 41 Highway (parcel number 20020700050) and 1810 Old 41 Highway (parcel number 20020702270). Applicant is seeking to annex one parcel and rezone three parcels as follows: 1650 N Cobb Parkway from County Mobile Home Park (MHP) to City Planned Village Community (PVC), 1810 Old 41 Highway (parcel number 20020700050) from City General Commercial (GC) to City PVC and 1810 Old 41 Highway (parcel number 20020702270) from City Office/Institutional (OI) to City PVC. Properties consist of a total of 32.73 +/- acres lying in land lot 207 tax parcels 05, 222, and 227, 20th District, 2nd Section, Cobb County, Georgia. Said request is Phase II of the overall master plan of Kennesaw Marketplace and will incorporate 332 multi-family residential units and 63 single-family attached (townhome) units. Development will provide trails and pedestrian access to Kennesaw Marketplace, the Noonday Creek trail system as well as Kennesaw Mountain National Battlefield Park. Application was advertised in the Marietta Daily Journal on July 16 and 23, 2021, and a public notice sign has been posted on-site. At their August 4, 2021 meeting, the Planning Commission recommended to postpone this item to their regularly scheduled September 1, 2021 meeting. STAFF RECOMMENDATION: Zoning Administrator, Darryl Simmons, recommends to postpone the item to the September 1, 2021 Planning Commission regular meeting and the September 20, 2021 Mayor and Council regular meeting.

Motion by Mayor Pro Tem Viars to postpone the approval of an ordinance granting a rezoning request submitted by Related Development, LLC for the properties located at 1650 N Cobb Parkway, 1810 Old 41 Highway and 1810 Old 41 Highway to the September 1, 2021 Planning Commission meeting and the September 20, 2021 Mayor and Council regular meeting, seconded by Councilmember Eaton. Vote taken, approved unanimously 5-0. Motion carried.

- H. Authorization for approval of an ORDINANCE granting an annexation request submitted by Related Development, LLC for the property located at 1650 N Cobb Parkway. Case #AX2021-03.

Property identified as 1650 N Cobb Parkway. Applicant seeking to annex and rezone subject property from County Mobile Home Park (MHP) to City Planned

Village Community (PVC). Said request to annex/rezone is for the purpose of building 332 multi-family residential units and 63 single-family attached (townhomes). Property consists of 31.12 +/- acres and lying in land lot 207 tax parcel 222. Application was advertised in the Marietta Daily Journal on July 16 and 23, 2021, and a public notice sign has been posted on-site. At their August 4, 2021 meeting, the Planning Commission recommended to postpone this item to their regularly scheduled September 1, 2021 meeting. STAFF RECOMMENDATION: Zoning Administrator, Darryl Simmons, recommends to postpone the item to the September 20, 2021 Mayor and Council regular meeting.

Motion by Councilmember Patel to postpone the approval of an ordinance granting an annexation request submitted by Related Development, LLC for the property located at 1650 N Cobb Parkway to the September 1, 2021 Planning Commission meeting and the September 20, 2021 Mayor and Council regular meeting, seconded by Councilmember Henderson.

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

## **XI. CONSENT AGENDA**

- A. Approval of the July 26, 2021 Mayor and Council work session minutes.
  
- B. Approval of the July 26, 2021 Mayor and Council executive session minutes.
  
- C. Approval of the August 2, 2021 Mayor and Council meeting minutes.
  
- D. Approval of RESOLUTION adopting the Cobb County Hazard Mitigation Plan Prepared by the Cobb County Emergency Management Agency.  
Per FEMA guidelines, Cobb County's Hazard Mitigation Plan must be updated every five years. FEMA has conditionally approved the HMP, pending final adoption by Cobb County and the jurisdictions within it. This document aims to produce the following strategic outcomes:
  - Reduce loss of life and decrease property losses due to the occurrence of natural disasters within the planning area
  - Provide the framework and coordination to encourage government, and both public and private sector organizations at all levels, to undertake mitigation to minimize potential disasters and to employ mitigation strategies in the recovery following disasters.

The Hazard Mitigation Plan can be accessed at the following web address:

[https://ema.cobbcountyga.gov/hmp/2021-07-01\\_Cobb\\_County\\_Hazard\\_Mitigation\\_Plan\\_Draft\\_v4\\_GEMA\\_FEMA\\_Submission.pdf](https://ema.cobbcountyga.gov/hmp/2021-07-01_Cobb_County_Hazard_Mitigation_Plan_Draft_v4_GEMA_FEMA_Submission.pdf).

City Manager recommends approval.

### **RESOLUTION NO. 2021-35, 2021**

- E. Approval of RESOLUTION authorizing a polling location change for precinct KE1A from Influencers Church to Kennesaw United Methodist Church.

Due to ongoing electrical issues, the Cobb County Board of Elections and Registration recommends changing the polling location for precinct Kennesaw 1A from Influencers Church, 1455 Ben King Road, to Kennesaw United Methodist Church, 1801 Ben King Road. Kennesaw United Methodist Church is 0.9 miles from the existing polling place and will adequately serve the 2,723 active, registered voters. The City Clerk recommends approval in accordance with Kennesaw Charter §5.06 and O.C.G.A. §21-2-260.

### **RESOLUTION NO. 2021-36, 2021**

- F. Ratify actions by the License Review Board from their due cause hearing held July 28, 2021 pertaining to Damanis Food and Fuel, Inc. d/b/a Stop 2 Go Shell, located at 2515 North Cobb Parkway, and Moon Station Green, Inc. d/b/a Moon Station Texaco Food Mart, located at 3870 Moon Station Road; and receipt of the meeting minutes.

The ratification is to uphold the actions of the License Review Board due cause hearing and receipt of the meeting minutes in accordance with the Kennesaw Code of Ordinances, Section 2-115(e). On July 28, 2021 the License Review Board held a due cause hearing for selling alcohol to a minor in violation of Section 6-89 of the Code of Ordinances. After receiving testimony, the action by the License Review Board was as follows: Stop 2 Go Shell will have their license suspended for five days of the Licensee's choosing with an additional six months of probation in which the Licensee must provide proof of training for all current and new employees. Moon Station Texaco Food Mart will have their license suspended for three days with an additional six months of probation in which the Licensee must provide proof of training for all current and new employees. The City Clerk recommends ratifying the decisions of the License Review Board from their July 28, 2021 hearing and receive the minutes of said meeting.

- G. Approval of RESOLUTION authorizing the opening of a new bank account for the American Rescue Plan Act (ARPA) Grant Funding.

Finance Department desires to open a bank account for the ARPA Grant Funding and transmit documents to the bank for the new signature card. Finance Director recommends approval.

### **RESOLUTION NO. 2021-37, 2021**

- H. Approve RESOLUTION authorizing Finance Related Enterprise Resource Planning (ERP) Software Bid Award and Contract to Tyler Technologies, Inc.

The City issued a Request For Proposals (RFP) for Finance Related ERP Software. Six (6) bids were received: Harris Enterprise Resource Planning, Tyler Technologies, Inc, GovSense, BS&A Software, Central Square Technologies, LLC and Edmunds Gov Tech. After reviewing the bids and software demonstrations, the evaluation team recommends Tyler Technologies, Inc. The evaluation team request the Mayor and Council award the bid to Tyler Technologies, Inc. and authorize the Mayor to execute a contract with Tyler Technologies, Inc. The contract has been reviewed by the City Attorney. Finance Director recommends approval.

### **RESOLUTION NO. 2021-38, 2021**

- I. Approval of RESOLUTION and authorization for the Mayor to execute the Lease Supplement with Georgia Municipal Association (GMA) for the direct leasing program for one (1) Police 2021 Ford Interceptor and one (1) Police 2021 Ford F-150. The total amount of the loan is \$79,043.53.

Through GMA the City will finance the vehicles for a five year period with annual payments of \$17,200.42 at an annual interest rate of 2.88%. Funding will be through Magnolia Bank via GMA. Finance Director recommends approval.

100.8000.58.1200 Total principal \$79,043.53 over lease term

100.8000.58.2200 Total interest \$6,958.59 over lease term

### **RESOLUTION NO. 2021-39, 2021**

- J. Model Home Permit applications for consideration on property located at 3007 Cherokee Street submitted by applicant Riversbend Construction, Inc. The name of the development is Galt Commons (Phase I). Case #MISC2021-07.

Model home permit is for two single family detached model homes to be located on lot 2 & lot 28. Per section 10.02.01 (H), Mayor and Council may grant model home permits up to five-percent of the lots in the phase unit of the subdivision. The Galt Commons development will contain a total of forty one (41) single-family residential homes both detached and attached dwelling units. Lot 2 will contain the model type known as the "Veranda Farmhouse" and lot 28 will contain the model type "Delle." Planning and Zoning Department recommends approval of the model home permit applications.

- K. Approval of plat application submitted by Sanctuary Companies for parcel split of property located at 3008 Cherokee Street identified in District 20, Land Lot 138



and Tax Parcel 10. Case PS2021-10.

Plat submitted by applicant Sanctuary Companies to split parcel containing 1.142 acres. The parcel split will create two tracts. Tract I which will contain 0.805 acres and tract II will contain 0.337 acres. Both tracts are zoned as Central Business District and are located with the Cherokee Street Historic District. 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. Vote taken, 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

### **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 Mayor Pro Tem Viars to accept the resignation of Gary Hasty from the Kennesaw Downtown Development Authority, seconded by Councilmember Patel. Vote taken, 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 7:45 PM. The next regularly scheduled meeting will be held Tuesday, September 7, 2021 at 6:30 P.M. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.