

Mayor
Derek Easterling
City Manager
Jeff Drobney
City Clerk
Lea Addington



Council
Mayor Pro-Tem, Pat Ferris
James Eaton
Tracey Viars
Chris Henderson
David Blinkhorn

City Council
Work Session Meeting Agenda
October 12, 2020 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/>

V. PRESENTATIONS

- A. Promotional Announcement:

Introduction of newly promoted Officers:

- James Crane was formally promoted to the rank of Sergeant on April 18, 2020
- Armando Sanchez was formally promoted to the rank of Sergeant on June 13, 2020
- Rick Shumpert was formally promoted to the rank of Captain August 22, 2020
- Mark Webster was formally promoted to the rank of Lieutenant September 5, 2020

Congratulations to these fine officers.

- B. We would like to recognize Detective Brian Moon and Officer Matt Smith for their nominations to the Cobb County Chamber Public Safety Award of Merit.

Special congratulations to Officer Matt Smith for receiving the Cobb County Chamber Public Safety Award of Merit. Officer Smith was presented his award on October 5, 2020 during the Chamber's Public Safety Appreciation Luncheon.

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. **FIRST PUBLIC HEARING:** Approval of ORDINANCE to amend Chapter 6 "Alcoholic Beverages," Sections 6-1, 6-3, and 6-52 of the Code of Ordinances.

This ordinance amends Chapter 6 to include retail establishments within the entertainment districts serving alcohol without maintaining a full-service kitchen and establishments licensed to serve alcohol within the entertainment districts using mobile food vendors to satisfy food service requirements within the city limits. Other updates include revisions to the fee schedule for alcohol licenses to give more clarity. Finance Director recommends approval

- B. Authorization for ORDINANCE approving rezoning request for property located at 1320 Lockhart Drive. Applicant York Acquisitions, LLC. requests to rezone 7.04 acres from Office Institutional (OI) and Light Industrial (LI) to Purpose Built Student Housing (PBSH).

Applicant filed application to rezone property from OI & LI to Purpose Built Student Housing district to construct a student housing development consisting of 424 beds. MDJ Legal ads ran September 18 & 25, 2020. City staff received request submitted by Kevin Moore, attorney for applicant, dated October 5, 2020 to table this item to the November 4, 2020 Planning Commission meeting and the November 16, 2020 Mayor and Council meeting. This will allow the applicant to address comments and recommendations received from the Cobb DOT as well as comments from a community outreach meeting held on October 1, 2020. The Planning Commission, at their regularly scheduled meeting on October 7, 2020, motioned to accept the request to table application. Vote taken 6-0. Staff recommendation: Zoning Administrator recommends accepting request to table application to the November public hearing dates of November 4 and 16, 2020.

- C. Variance application submitted by applicant York Acquisitions, LLC. The variances requested 1) an increase in allowable bedroom density and 2) the waiving of the requirement to access the project from a major collector or arterial

street. The variances are associated with proposed construction of purpose built student housing. Subject property contains 7.04 acres.

Applicant submitted variance application for the following variances: 1) an increase in allowable bedroom density and 2) the waiving of the requirement to access the project from a major collector or arterial street. Property was posted on September 22, 2020. Legal ads ran in the MDJ on September 18 & 25, 2020. City staff received request submitted by attorney Kevin Moore, attorney for the applicant, requesting the tabling of the application to the November 4, 2020 Planning Commission and November 16, 2020 Mayor and Council meeting. The Planning Commission, at their regularly scheduled meeting on October 7, 2020, motioned to accept the request to table the application to the November hearing dates. Vote 6-0 to table request. Staff recommendation: Zoning Administrator recommends accepting request to table application to the November public hearing dates of November 4 & 16, 2020.

- D. Authorization for ORDINANCE approving request for rezoning submitted by Xiue Sun for property located at 3461 Cherokee Street.

Property located in Land Lot 99, Tax Parcel 123. Said request to rezone .397+/- acre tract from **City R-15 to City NRC (Neighborhood Retail Commercial)**. Application was advertised in the Marietta Daily Journal on September 18, 2020 and September 25, 2020 with the property posted by city staff on September 22, 2020. The Planning Commission at a meeting held on October 7, 2020 made recommendation to approve the rezoning with a condition of a reversionary clause that requires the property owner to obtain building permits and initiate construction on property within twenty four months of approval . Failure to meet the condition will result in property reverting back to original R-15 zoning. Vote 6-0. Staff Recommendation: Zoning Administrator recommends approval of rezoning from R-15 to NRC zoning with the reversionary condition as recommended by the Planning Commission.

- E. Approval of variance request submitted by applicant Timothy Farmer for property located at 2810 Mack Dobbs Road. Variance request is to reduce the City stream buffer of 50 feet in order to construct a new home.

Variance requested by applicant to encroach into the City of Kennesaw's stream buffer in order to construct new residential home. Property posted on September 22, 2020. Legal ads run in Marietta Daily Journal on September 18 & 25, 2020. Planning Commission held their meeting on October 7, 2020 and recommended approval of reduction of stream buffer to facilitate home construction. Vote 5-1 with Don Bergwall voting no. Staff Recommendation: Zoning Administrator recommends approval to encroach into City stream buffer zone.

- F. Approval of variance request to reduce stream buffer due to encroachment was submitted by applicant, Tellus Partners. Subject property is located in District 20, land lot 99, parcels 60 and 427. Subject parcels are part of the East Park Mixed Use Development.

Applicant submitted variance request to encroach into the City of Kennesaw 50 feet stream buffer zone. The variance was requested due to the placement of proposed multifamily building and associated grading activity within the buffer zone. Property was posted on September 22, 2020. Legal ads run in Marietta Daily Journal on September 18 & 25, 2020. Planning Commission, at their regularly scheduled meeting on October 7, 2020, recommended approval of the encroachment into the stream buffer zone. Vote 6-0. Staff Recommendation: Zoning Administrator recommends approval to encroach into the 50 feet stream buffer zone due to placement of building and grading activity.

XI. CONSENT AGENDA

- A. Approval of the September 28, 2020 Mayor and Council work session minutes.
- B. Approval of the September 28, 2020 Mayor and Council executive session minutes.
- C. Approval of October 5, 2020 Mayor and Council meeting minutes.
- D. On October 1, 2020, Gerald Weinberg and Jovita Casas-Weinberg purchased two (2) cemetery lots in the Kennesaw City Cemetery. The lots are located in Section III, Plot 13, Lot C and D. Authorize the Mayor to sign the supporting deed for purchase of the lot. City Clerk recommends approval.

DEPARTMENT REPORTS

XII. GENERAL AND ADMINISTRATIVE

GINA AULD, Finance Director

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief
LINDA DAVIS, 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 for an offer and proceed with closing on tracts 4 and 8 for Keene Street and Burrell Court rights of way abandonment.
On May 18, 2020, Council approved a resolution to start the abandonment

process for the rights of way on Keene Street and Burrell Court. On August 3, 2020, Council approved a resolution to abandon the rights of way and approach the property owners with offers to sell. Core Property Capital has submitted an offer for tracts 4 and 8 to exchange the abandoned rights of way areas of 29,882 sf for the future dedication of new rights of way areas of 44,431 sf. CPC will also provide a performance bond equal to the value of the abandoned right of way (\$448,230.00), provide an executed quitclaim deed transferring the new right of way to the City and provide an executed Escrow Agreement to be recorded in the county records under which the City Attorney will hold the quitclaim deed in escrow until the new right of way is ready to be dedicated. The appraised value of the 29,882 sf of abandoned rights of way is \$15.00/sf and equates to a value of \$448,230.00 and the future 44,431 sf of new rights of way equates to \$666,465.00.

The Public Works Director recommends approval of the offer.

B. Approval of RESOLUTION to permanently close Keene Street and Burrell Court.

On May 18, 2020, Council approved a resolution to start the abandonment process for the rights of way on Keene Street and Burrell Court. On August 3, 2020, Council approved a resolution to abandon the rights of way and approach the property owners with offers to sell. On October 19, 2020, Council will vote on an offer that was submitted by Core Property Capital for tracts 4 and 8. Contingent on the approval of the offer by Council and to aid with CPC's ability to begin work on their project, a request has been submitted to permanently close Keene Street and Burrell Court to the extents of the rights of way abandonment.

The Public Works Director recommends approval of the request.

XVI. RECREATION AND CULTURE

RICHARD BANZ, Museum Director
STEVE ROBERTS, Parks and Recreation Director
ANN PARSONS, Smith-Gilbert Gardens Director

- A. DISCUSSION ONLY: Day with Santa and Tree Lighting.
Discussion about the set up and overall plans for Day with Santa and the Tree Lighting.

XVII. COMMUNITY DEVELOPMENT

ROBERT FOX, Economic Development Director
DARRYL SIMMONS, Zoning Administrator
SCOTT BANKS, Building Official

A. **DISCUSSION ONLY:** Update regarding Walton Ridenour project.

In November 2019, the Kennesaw Development Authority approved an inducement resolution related to the Walton Ridenour apartments, to facilitate the acquisition, rehabilitation and equipping of an approximately 260-unit multifamily rental apartment complex located in the City of Kennesaw currently known as "Walton Ridenour Apartments". In June 2020, M&C approved a resolution allowing the Housing Authority of Cobb County to operate within the city limits for the sole purpose of participating in ownership, renovation, and operation of the existing Walton Ridenour Project. The June 2020 resolution referenced a "yet to be negotiated revenue sharing agreement(s) with the City and any applicable City related entities executed within 90 days of the adoption of this resolution." Legal has made progress in negotiating the revenue sharing agreement and will provide an update to Mayor & Council regarding the project and said agreement.

B. **Approval of RESOLUTION** for an agreement for professional services between RKG Associates, Inc. and the City of Kennesaw for an Economic Development Strategy and Implementation Plan.

In March 2020 (prior to normal business interruptions related to COVID-19), the Economic Development department issued a request for proposals (RFP) for professional services to complete an Economic Development Strategy and Implementation Plan. Four proposals were received and scored. RKG Associates, Inc submitted the best scoring proposal. The attached resolution will approve the selection of RKG Associates, Inc. and authorize the Mayor to sign and execute the service agreement with RKG Associates, Inc. The Economic Development Director recommends approval.

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780.7880.52.1250

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

XIX. CITY MANAGER'S REPORT (Jeff Drobney)

A. City Manager reports, discussions and updates.

B. **Approval of Big Shanty Festival Street Closures.**

Starting Friday, November 6, 2020 at 6:00 PM until Sunday, November 8, 2020 at 8:00 PM:

J.O. Stephenson Ave from Main Street to Dallas Street; Cherokee Street from Main Street to Shirley Drive/ Big Shanty Drive and Watts Drive from Dallas Street to Main Street.

Saturday, November 7, 2020 at 6:00 AM until Sunday, November 8, 2020 at 8:00 PM:

Main Street from Summers Street to Lewis Street.

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