

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
Work Session Meeting Minutes
March 29, 2021 6:30 PM
Council Chambers**

I. INVOCATION

II. PLEDGE OF ALLEGIANCE

III. CALL TO ORDER

Mayor Easterling called the regularly scheduled Work Session to order at 6:30 PM from the Council Chambers and via Facebook Live. Mayor Pro Tem Viars, Councilmember Henderson, and Councilmember Blinkhorn were present in the Chambers with Councilmember Eaton and Councilmember Ferris participating via Zoom Meeting. Staff present: City Attorney Randall Bentley Sr., City Manager Jeff Drobney, Assistant City Manager Marty Hughes, City Clerk Lea Alvarez, Deputy City Clerk James Friedrich, 911 Communications Director Ryan Solis, Public Works Director Ricky Stewart, Zoning Administrator Darryl Simmons, Assistant Zoning Administrator Albert Trevino and Economic Development Director Luke Howe.

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

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

VII. OLD BUSINESS

VIII. NEW BUSINESS

- A. 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

911 Communications Director Ryan Solis presented a resolution to upgrade the Viper Phone and Power 911 phone software system. City Attorney Randall Bentley advised Mayor and Council the contract is still pending legal review. After receiving visual and verbal confirmation from Council, and pending legal review, Mayor Easterling suggested moving the item to Consent Agenda.

- B. 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

City Clerk Lea Alvarez presented a budget amendment to the Fiscal Year 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. After receiving visual and verbal confirmation from Council, Mayor Easterling suggested moving the item to Consent Agenda.

IX. COMMITTEE AND BOARD REPORTS

- A. 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.

Assistant City Manager Marty Hughes presented the road closures for the 2021 Big Shanty Festival and Taste of Kennesaw. Councilmember Ferris suggested extending the Big Shanty road closure on Sunday, April 18, 2021 from 8:00 p.m. to 9:00 or 10:00 p.m. Mayor Easterling felt extending the road closures past 8:00 p.m. would encourage merchants and vendors to stay later. As a result, that could slow the process of re-opening the roads. Mr. Hughes and Mayor Easterling suggested leaving it up to Kennesaw Police to keep the roads closed, but to keep Councilmember Ferris' suggestion in mind. After receiving visual and verbal confirmation from Council, Mayor Easterling suggested moving the item to Consent Agenda.

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 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.

- D. 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.
- E. 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.

Mayor Easterling asked Council to review the Consent Agenda to make sure there were no questions or concerns related to any of the items. Because the State Legislature recently passed new election laws, Councilmember Ferris asked City Attorney Randall Bentley if he had a chance to review item XI-C as it relates to the City's General Election. Mr. Bentley informed Councilmember Ferris the language in the contract includes the phrase "as amended." The language in the contract makes it Cobb County's responsibility to ensure the General Election is conducted in accordance with the most current State laws.

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. **DISCUSSION ONLY:** Presentation from Bill Higgins, PE, Cobb County Water System, Stormwater Management Division. Bill Higgins will provide a presentation to explain three projects that the U.S. Army Corps of Engineers is proposing to aid with flood control along Butler Creek within the Kennesaw city limits.

Bill Higgins, a retired employee from the Cobb County Stormwater Management Division, provided Mayor and Council with a PowerPoint presentation regarding three projects to help prevent flooding along Butler Creek within City limits. The presentation focused on acquiring

Rights of Entry through City-owned properties, the cost of repairs to existing structures, and the cost of on-going maintenance. Councilmember Blinkhorn asked Mr. Higgins if these projects were related to maintenance or if the projects were actually going to resolve the flooding issues. Additionally, Councilmember Blinkhorn asked if flooding would be reduced by two or three feet. Mr. Higgins stated these projects will help reduce the effects of flooding in the Butler Creek area, but not by two or three feet. City Manager Jeff Drobney said, to his understanding, the original purpose of this discussion was to request access to the park at Butler Ridge so the U.S. Army Corps of Engineers could perform geotechnical tests. Dr. Drobney was unaware of the potential cost involved and cautioned against moving further until the Corps can provide testing results. Mr. Higgins agreed and affirmed acquiring access to the park at Butler Ridge was the original intent of this discussion. In fact, some projects may fall through based on the results of those tests. Mayor and Council agreed to give the Corps access through City owned property.

- B. Approval of **RESOLUTION** to authorize the condemnation of property located at 1895 Ben King Road, 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.

Public Works Director Ricky Stewart presented a resolution to authorize the condemnation of property located at 1895 Ben King Road, also known as Parcel 2. This parcel requires a temporary easement only.

- C. Approval of **RESOLUTION** to authorize the condemnation of property located at 2150 Towne Manor Drive, 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.

Public Works Director Ricky Stewart presented a resolution to authorize the condemnation of property located at 2150 Towne Manor Drive, also known as Parcel 20. This parcel requires both a temporary and permanent easement.

- D. Approval of **RESOLUTION** to authorize the condemnation of property located at 3196 Paradise Lane, 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.

Public Works Director Ricky Stewart presented a resolution to authorize the condemnation of property located at 3196 Paradise Lane, also known as Parcel 33. This parcel requires a temporary easement only. Because this particular parcel belongs to Cobb County, Mr. Stewart noted the intergovernmental agreement attached to item XV-D, which allows the City to condemn County property along the corridor of the project.

- E. Approval of **RESOLUTION** to authorize the condemnation of property located at 1532 Ben King Road, 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.

Public Works Director Ricky Stewart presented a resolution to authorize the condemnation of property located at 1532 Ben King Road, also known as Parcel 36. This parcel requires both a temporary and permanent easement. Because this particular parcel belongs to Cobb County, Mr. Stewart noted the intergovernmental agreement attached to item XV-E, which allows the City to condemn County property along the corridor of the project. Mayor Easterling introduced attorney Linda Brunt to answer any questions Council may have. Ms. Brunt re-iterated the fact that there is an intergovernmental agreement related to the piece of property outside City limits. The intergovernmental agreement will allow Mayor and Council to condemn that property. Councilmember Ferris asked who approved the intergovernmental agreement previously mentioned by Ms. Brunt? Ms. Brunt informed Mayor and Council the intergovernmental agreement was attached to Resolution No. 2020-20, 2020 and executed by both the City of Kennesaw and Cobb County on June 15, 2020.

- F. 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.

Public Works Director Ricky Stewart presented a 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. Councilmember Ferris noticed there are still a few trailers on Russell Drive and asked how the abandonment process will affect those properties. Mr. Stewart assured Councilmember Ferris those properties are not included in the abandonment of Russell Drive and they will have access to public routes.

- G. 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.

Public Works Director Ricky Stewart presented a resolution to acquire and ratify the acquisitions of right of way and property interests needed for the Cherokee Street Improvement Project on Cherokee Street. Mr. Stewart stated this item is contingent on the approval of item XV-F.

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

- A. 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.

Assistant Zoning Administrator Albert Trevino presented a final plat submitted by applicant Beazer Gain, LLC. Mr. Trevino stated this is the first of three phases to be platted. Additionally, the purpose of this final plat is to establish the boundary and lot lines. The rezoning request related to these properties is set to go before Mayor and Council at the regularly scheduled meeting on April 19, 2021. After receiving visual and verbal confirmation from Council, Mayor Easterling suggested moving the item to Consent Agenda.

- B. 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.

Zoning Administrator Darryl Simmons presented a final plat submitted by Kerley Family Homes Hickory, LLC. Mr. Simmons informed Mayor and Council this amendment will only change the property lines. After receiving visual and verbal confirmation from Council, Mayor Easterling suggested moving the item to Consent Agenda.

- C. 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

Economic Development Director Luke Howe presented a resolution to approve the Reciprocal Parking License Agreement with 2871 Cherokee Street LLC (Common Grounds Coffeehouse/Apotheos Roastery). Mr. Howe informed Mayor and Council this agreement is for one year and will cost one-hundred fifty dollars per month. Parking will be coordinated through a shared calendar. After receiving visual and verbal confirmation from

Council, Mayor Easterling suggested moving the item to Consent Agenda.

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

Mayor Easterling adjourned at 7:29 P.M. The next regularly scheduled meeting will be held on Monday, April 5, 2021 at 6:30 PM in the Council Chambers.