

Mayor
Derek Easterling
City Manager
Jeff Drobney, ICMA-CM
City Clerk
Lea Alvarez, CMC



Council
Mayor Pro-Tem, James Eaton
Tracey Viars
Pat Ferris
Antonio Jones
Trey Sinclair

**City Council
Meeting Agenda
June 6, 2022 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 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. **Facebook Live is not monitored for public comment.**

V. PRESENTATIONS

- A. Introduction of the Chief's Citizen's Advisory Board.

In the aftermath of the tragic death of George Floyd, our community, like others throughout the country, experienced a great deal of pain and distrust towards law enforcement. Chief Westenberger was offered a chance to be part of a roundtable discussion with pastors and community leaders. From this meeting, the Chief continued to build stronger relations which have transformed into the Citizen's

Advisory Board with the purpose to strengthen ties throughout our diverse community. The Chief wishes to introduce the board members to the Mayor and Council.

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 RESOLUTION adopting the updates to the Capital Improvement Element and Short Term Work Program (CIE/STWP) report covering the five year period of 2022-2026. No action will take place until the regularly scheduled June 20, 2022, Mayor and Council meeting.

The City of Kennesaw is required to adopt an annual report for Capital Improvement Element and the Short Term Work Projects. The Atlanta Regional Commission and the Georgia Department of Community Affairs completed the regional review of the 2022 CIE Update for the City of Kennesaw. The Georgia Department of Community Affairs has determined that the updates conform to the Development Impact Fee Compliance Requirements. Renewal of Qualified Local Government (QLG) status is contingent on local adoption of the update. This annual report review and adoption is required for all jurisdictions that collect development impact fees. This is the first of two (2) required public hearings with adoption to be considered at the June 20, 2022, Mayor and Council meeting at 6:30 PM. City Staff recommends adoption of this resolution and report to maintain QLG status.

No action will be taken until the June 20, 2022 Mayor and Council regular meeting.

XI. CONSENT AGENDA

- A. Approval of the May 16, 2022 Mayor and Council regular meeting minutes.

- B. Consideration for approval of a Temporary Use Permit for TNT Fireworks. Applicant: Kathy Roos.

This Temporary Use Permit request is for TNT Fireworks to sell fireworks in the parking lot located at 2500 North Cobb Parkway, Kennesaw, Georgia 30152. Property owner Mr. Ben Kushner with The Crossings Partners, LLC, has given

written permission to conduct this on his property from June 14, 2022, through July 10, 2022. Attached is a plat of where the stand will be placed. A similar fireworks sale was conducted at the same location in June 2021. This approval is contingent upon passing the Cobb County Fire Marshal's inspection. Finance Director recommends approval.

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C. Authorization to Surplus and Dispose of Equipment.

The City currently owns a 2003 JLG scissor lift. It is a model ES2632 with serial number 110474. It is in non-functional condition and the expense of repair outweighs its value. If approved for surplus, staff will attempt to sell the lift in the open market; however, if no bids are received then it will be sold as scrap metal. The Public Works Director recommends declaring the lift as surplus.

D. Approval of RESOLUTION for Bid and Award of Contract for Community Development Block Grant (CDBG) Woodland Acres Sidewalk Improvements Phase VI.

Staff solicited bids from qualified contractors to install sidewalk in association with the Community Development Block Grant (CDBG) program. The project will consist of installing sidewalk on Woodland Drive NW from Butler Creek Road to White Oak Court and along Black Gum Drive NW from Woodland Drive to Pine Mountain Road. The bid announcement was advertised in the Marietta Journal pursuant to City procurement policy. Two bids were received: Curb Atlanta, Inc. - \$144,220.00; R&B Developer, Inc. - \$181,681.00. The Public Works Director recommends approval of bid and award of contract to Curb Atlanta, Inc. for the amount of \$144,220.00 and requests the Mayor to sign the attached resolution and contract.

100.1050.54.142000.00000 CDBG Projects

RESOLUTION NO. 2022-21, 2022

E. Approval of RESOLUTION to award contract with Gay Construction Company as the Construction Manager At Risk (CMAR) for Depot Park - Phase 8.

On April 18, 2022, Request for Qualification (RFQ) packages were received from Astra Group, Gay Construction Company, and Hogan Construction Group for the above referenced project. A six-person Selection Committee consisting of City staff, the civil engineer, and the architect reviewed the responses to the RFQ and provided a score for each firm based on firm qualifications, references, experience, and litigation record. The Selection Committee conducted interviews with Gay Construction Company and Hogan Construction Group on May 20, 2022. Based on the overall score earned during this process, the Selection Committee recommends that Gay Construction perform pre-construction services for a fee not to exceed \$20,000 and for the Mayor to sign the attached resolution and contract.

310.4228.54.150600.00000 SPLOST 2022 Depot Park

RESOLUTION NO. 2022-22, 2022

- F. Approval of RESOLUTION Supporting the Establishment of Georgia Main Street Program

The Georgia Main Street Program began in 1980 as one of the original pilot state coordinating programs of the National Main Street Initiative launched by the National Trust for Historic Preservation. The program launched with five local communities and has grown to serve 100+ communities statewide. Georgia Main Streets represent some of the strongest central business districts in the state and in the Southeast. Since it started, the designated community programs have been instrumental in leading the state in historic preservation, small business development, expansion of the state's employment base, leveraging private investment, increasing tourism and providing a positive road map for public-private partnerships. Housed in the Office of Downtown Development at the Georgia Department of Community Affairs (DCA), Main Street is a signature program for community development and revitalization in Georgia's historic downtowns. This resolution outlines support for Kennesaw's application to start-up program for the 2022-2023 program year. The Economic Development Director recommends approval.

RESOLUTION NO. 2022-23, 2022

- G. Authorize the Start of Right of Way Abandonment Process for unnamed right of way between 2020 Smith Drive and 2022 Smith Drive.

The City is in receipt of a request for right of way abandonment of an unnamed right of way that lies between 2020 Smith Drive and 2022 Smith Drive. In accordance with Georgia law O.C.G.A Title 32, Chapter 7, multiple steps must be followed to abandon public rights of way. The first step is approval from the governing body to start the abandonment process. The Public Works Director has notified the requestor that they would be responsible for obtaining all necessary surveys and appraisals required for the abandonment if approved by Council. With Council's approval, the Public Works Department will proceed with the abandonment process. The Public Works Director recommends approval to begin the abandonment process.

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

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

DEPARTMENT REPORTS

XII. GENERAL AND ADMINISTRATIVE

GINA AULD, Finance Director

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief
NIKKI MCGRAW, 911 Communications Director

XIV. INFORMATION TECHNOLOGY

RICK ARNOLD, Operations Specialist
JOSHUA GUERRERO, Systems Administration Specialist
KENNETH KING, Help Desk 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 Viars to accept the resignation of Britt Doss from the Kennesaw Downtown Development Authority, seconded by Mayor Pro Tem Eaton.

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

Motion by Councilmember Viars to ratify the appointment of Ian Coats to fill the vacancy on the Kennesaw Downtown Development Authority with a term ending in December 2023,

seconded by Mayor Pro Tem Eaton.

Vote taken, motion unanimously approved 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 6:47 P.M. The next regularly scheduled meeting will be held Monday, June 20, 2022 at 6:30 P.M. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.