

**MINUTES OF CITY COUNCIL WORK SESSION MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)**

**Livestream: www.kennesaw-ga.gov/publicmeetings/
May 27, 2025
6:30 PM**

Present	Mayor Derek Easterling Mayor Pro Tem Pat Ferris Councilmember Madelyn Orochena Councilmember Tracey Viars Councilmember Antonio Jones Councilmember Anthony Gutierrez City Clerk Lea Alvarez City Manager Jeff Drobney Assistant City Attorney Fred Bentley, Jr.
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1. Invocation

2. Pledge of Allegiance

3. Call to Order

Mayor Easterling called the meeting to order at 6:30 p.m.

4. Announcements

5. Presentations

6. Old Business

7. New Business

8. Committee and Board Reports

9. Public Hearing(s)

A. FIRST PUBLIC HEARING: Updates to the Capital Improvement Element and Short Term Work Program (CIE/STWP) 2025-2029

Consideration for approval of a Resolution adopting the updates to the Capital Improvement Element and Short Term Work Program (CIE/STWP) report covering the five-year period of 2025-2029. No action will take place until the regularly scheduled June 16, 2025, Mayor and Council meeting. Case# MISC2025-04.

Zoning Administrator Darryl Simmons presented a resolution to adopt the updated Capital Improvement Element (CIE) and Short-Term Work Program (STWP) for the five-year planning period of 2025–2029. He noted that the update is a statutory

requirement, as the City collects impact fees, and must be adopted annually by June 30. The report has been reviewed by both the Atlanta Regional Commission and the Georgia Department of Community Affairs, both of which recommended adoption. Public hearings are scheduled for June 2, 2025, and June 16, 2025, with final adoption slated for June 16, 2025.

10. Consent Agenda

A. Minutes: May 10, 2025 Council Discussion Session

Approval of the May 10, 2025, Council Discussion Session minutes.

B. Minutes: May 12, 2025 Work Session

Approval of the May 12, 2025, City Council work session minutes.

C. Minutes: May 12, 2025 Executive Session

Approval of the May 12, 2025, City Council executive session minutes.

D. Minutes: May 19, 2025 Regular Meeting

Approval of the May 19, 2025, City Council regular meeting minutes.

11. General and Administrative

A. Alcohol License: RK Gas and Food Inc

Consideration for approval of a Retail Package Alcohol License for Beer, Wine, and Sunday Sales for RK Gas and Food Inc d/b/a Food Mart located at 1880 Old 41 HWY NW STE 100 Kennesaw, GA 30152. Applicant: Raheen Dadani

Business License Manager Mariyah Nall presented a retail package alcohol license for beer, wine, and Sunday sales for RK Gas and Food Inc. d/b/a Food Mart located at 1880 Old 41 Highway NW Suite 100. The applicant has completed the required alcohol workshop per Kennesaw Code of Ordinances section 6-36. The current application and background check results are on file. Ms. Nall stated that a distance survey completed by a certified surveyor indicated the business was not within the designated distance of a property line or structure listed in section 6-42 and 6-43.

B. Alcohol License: SPC Kennesaw, Inc.

Consideration for approval of a Retail Pouring Alcohol License for Liquor, Beer, Wine, and Sunday Sales for SPC Kennesaw, Inc. d/b/a SuBourbon Bar located at 2718 Summers St, Kennesaw, GA 30144. Applicants: Mindaugas Judvytis, Randy Welte, Joseph Hsiao, and Matthew Hsiao

Ms. Nall presented a retail pouring alcohol license for liquor, beer, wine, and Sunday sales for SPC Kennesaw, Inc. d/b/a SuBourbon Bar located at 2718 Summers Street. The applicant has completed the required alcohol workshop per section 6-69. Signs have been posted, and it has been property advertised per Section 6-36. The current application and background check results are on file. A distance survey completed by a certified surveyor indicates the business is not within the designated distance of a property line or structure listed in section 6-42 or 6-43.

C. Alcohol License: Antojoland, LLC

Consideration for approval of a Retail Pouring Alcohol License for Beer and Sunday Sales for Antojoland, LLC d/b/a Antolandandia located at 2851 Cobb Pkwy NW STE 210 Kennesaw, GA 30152. Applicants: Natalia Rendon and Abraham De Niz.

Ms. Nall presented a retail pouring alcohol license for beer and Sunday sales for Antojoland, LLC d/b/a Antolandandia located at 2851 Cobb Parkway NW, Suite 210. The applicant has completed the required alcohol workshop per section 6-69. Signs have been posted, and it has been properly advertised per section 6-36. The current application and background results are on file. A distance survey completed by a certified surveyor indicated the distances of the business and a list of designated property lines or structures listed in section 6-42 and 6-43. Section 6-42 refers to all locations within 300 feet of a private residence. This location is within 300 feet of a private residence. Section 6-42 states the Mayor and Council may waive the distance requirement if the quiet enjoyment of the premises by the residents thereof shall not be adversely affected and the granting of such a license shall not have any adverse effect on the private residence.

12. Public Safety

13. Information Technology

14. Public Works and Building Maintenance

15. Recreation and Culture

A. Resolution: Fireworks Display Services

Consideration for approval of a Resolution authorizing the Mayor to execute an agreement with PYRO Shows East Coast Inc. for July 3rd fireworks.

Parks and Recreation Director Bill McNair presented a resolution authorizing the Mayor to execute an agreement with PYRO Shows East Coast Inc. for a 25-minute firework show on July 3.

Mayor Pro Tem Ferris joked that he wants a 30-minute fireworks show next year.

After receiving confirmation from the Council, Mayor Easterling suggested moving the item to the Consent Agenda for the regular meeting.

16. Community Development

17. Public Comments

6:35 p.m. Floor Open for Public Comments

No comments.

6:36 p.m. Floor Closed for Public Comments

18. City Manager's Report

A. Reports, Discussions, and Updates

Dr. Drobney said the City is keeping its eye on the weather for the concert this Friday. CSX gave the City a couple of hours' notice that they would be closing the railroad crossing at Cherokee Street tomorrow, Wednesday, May 28 at 8:00 a.m. until Thursday, May 29 at 8:00 p.m.

19. 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, Committee, Authority, or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve boards and commissions, as deemed necessary.

20. Council Reports & Discussions

A. Discussion: Cannabis Decriminalization

Discussion item requested by Councilmember Gutierrez regarding reducing the misdemeanor punishment (less than one ounce), from up to a \$1000 fine and one-year sentence, to a more reasonable \$35 fine and/or community service.

Councilmember Gutierrez advocated for a harm-reduction ordinance aimed at decriminalizing cannabis possession of less than one ounce at the local level. He distinguished decriminalization from legalization and argued that cities have the authority to reduce penalties for misdemeanor cannabis possession. He emphasized that the current laws disproportionately burden individuals for minor infractions, noting the high costs of incarceration versus revenue from fines. He proposed reducing penalties to a \$35 fine or community service for possession of under one ounce, without jail time. For the complete transcript of his introduction, please see **Exhibit A**.

Councilmember Orochena thanked Councilmember Gutierrez for raising the issue and reviewed comparative fine amounts for other offenses, noting that the current fine for minor marijuana possession (\$615 with fees) is significantly higher than for more severe violations, such as reckless driving or fleeing police. She expressed concern that the penalties were disproportionate and supported the need for review.

Mayor Pro Tem Ferris questioned the timing and intent behind the discussion item. He acknowledged that while private use is not actively pursued by law enforcement, lowering the fine does not equate to true decriminalization, as the offense would still appear on an individual's record. He also raised concerns about impaired driving and mental health impacts, referencing Cannabis Use Disorder.

Assistant City Attorney Fred Bentley, Jr. noted that to his knowledge, the City has not prosecuted a case for misdemeanor possession in the last two years. Since the state's crime lab will not test for less than one ounce, most are not going to write a citation for it.

Mayor Easterling questioned the claim that marijuana use results in no deaths, noting the difficulty in measuring impairment. He reiterated concerns about public safety and stated his preference for maintaining alignment with state law.

Councilmember Gutierrez responded that his focus was solely on possession, not impaired driving, which remains illegal. He argued that a prison sentence for minor possession is not appropriate and reiterated the need for a written policy to reflect current enforcement practices.

Chief of Police Bill Westenberger stated that the department's primary concern is public safety. He noted that citations for minor possession are rare, and enforcement priorities focus more on impaired driving. He stated that any arrest results in a record and discussed the broader implications of cannabis use, including substance lacing and potential economic impacts.

Councilmember Viars inquired whether reducing the fine and removing jail time constituted decriminalization. It was clarified by staff and the City Attorney that decriminalization would require state-level action, and any local changes would not alter the criminal status of the offense.

Councilmember Jones proposed postponing the item, citing the absence of active enforcement and a desire to avoid divisiveness ahead of the election. He also suggested gathering additional research before proceeding.

Following further discussion, Councilmember Gutierrez agreed to withdraw the item and revisit the conversation at a later date to allow for more research and possible consensus.

21. Executive Session

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.

Motion by Councilmember Gutierrez to enter into Executive Session as allowed by O.C.G.A. Sec. 50-14-3 for the purpose of discussing legal, motion seconded by Councilmember Jones.

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

7:28 p.m. Recess to Executive Session

Mayor, City Council, City Manager, City Clerk, and Assistant City Attorney attended Executive Session.

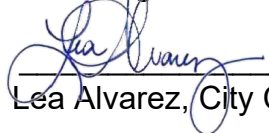
7:45 p.m. Reconvene to Open Session

Councilmember Gutierrez read the Board back into Open Session and directed the Mayor and City Council to execute an affidavit in compliance with O.C.G.A. Sec. 50-14-4, motion seconded by Councilmember Jones.

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

22. Adjourn

Mayor Easterling adjourned the meeting at 7:46 p.m. The regular meeting will be held on Monday, June 2, 2025, at 6:30 p.m. in the Council Chambers. The public is encouraged to attend.



Lea Alvarez, City Clerk

Today I wanted to discuss the idea of cannabis decriminalization and the importance of passing a harm reduction ordinance. So were all on the same page a harm reduction ordinance is a law passed by a city or county that aims to reduce negative consequences associated with drug use in an effort to create a safer and equal environment. Again, I'm talking about decriminalization, not legalization. As a city, yes, we are limited on what we can do in the scope of this topic, but we do have power at the misdemeanor level. A misdemeanor, or minor wrongdoing, is a less severe crime that gets handled by the local jurisdiction, so as to not flood state courts with minor cases. In Georgia, cannabis possession of less than 1 ounce with no intent to distribute is a misdemeanor, and with current guidelines can be punished by up to a \$1000 fine and/or up to a year in prison. As of right now cannabis is legal for medical and/or recreational use in 38 states, the district of Columbia, and 3 US territories, but Georgia is a bit behind on the issue being one of only 9 states where cannabis is not at minimum decriminalized and has no comprehensive medical program. That being said, we are seeing municipalities passing their own guidelines. There are currently 17 representing over 1.5 million Georgians. Some noticeable ones are; Savannah, South Fulton, Atlanta, Augusta, Athens, and Macon-Bibb county. These municipalities have their punishments as a simple fine ranging from \$35, the state minimum, to up to \$500, with no prison requirements.

Let's be frank and honest with ourselves, the war on cannabis was one designed to misinform the public using anti-immigrant propaganda funded by anti-hemp lobbies that would benefit from the criminalization of the resource. And by a government that could use the hysteria to suppress the voting power of bases that don't support them. You may have noticed I've been using the scientific name of cannabis, instead of the more common term "marijuana". I do this because just the name itself is proof of the racist propaganda that's been used on the public for over 100 years because marijuana is how many Latin American countries refer to it. This is used to create a bogeyman that stokes from anti-brown mentality.

If you wanted more proof of this, here's a direct quote from then U.S. Narcotics Commissioner Harry Anslinger as he testified before Congress in the hearings that would result in federal restrictions on marijuana in 1937. "I wish I could show you what a small marihuana cigaret can do to one of our degenerate Spanish-speaking residents. That's why our problem is so great; the greatest percentage of our population is composed of Spanish-speaking persons, most of who [*sic!*] are low mentally, because of social and racial conditions."

Another damning quote I would like to mention was one done by John Ehlichman, assistant to the president for domestic affairs, who worked directly with then president Nixon, who would start the "war on drugs".

“You want to know what this [war on drugs] was really all about? The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I’m saying?

We knew we couldn’t make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.”

While we're on the subject let's debunk some popular myths mainly that Cannabis is deadly and has no benefits. In reality, Numbers directly from the CDC show a rate of absolutely zero deaths from a cannabis overdose, which has remained steady for decades. As for medical use we've seen cannabis be used to Reduce anxiety, Relieve pain and inflammation, Control chemotherapy-related nausea, Inhibit cancer cell growth, Ease muscle tightness in MS, and Enhance appetite in cancer and AIDS patients

And one final issue I would like to bring up is the costs of housing an inmate. Let's say an individual is caught with a gram of cannabis, an amount with a street value of less than \$10 and barely enough for one session of use. With our current laws this person could be put in prison for a whole year, which according to usafacts.org would cost almost 30k in Georgia. When given the option between making money from a fine for a nonviolent minor drug offense and wasting \$30,000 of taxpayer funds, I think the choice should be obvious.

We as society need to admit the wrongs of our past and educate ourselves with new found information and begin to fix the disasters of the decisions made by those before us. This is why I believe Kennesaw needs to take a stand and follow in the steps of those who have already decriminalized cannabis. I believe all misdemeanor possessions with no intent to distribute should be the minimum \$35 fine with the option of community service to not have it placed on the individual's records. Instead of imprisoning someone for something that should have never been illegal in the first place we can instead use those resources to fight the actual substances damaging our communities and educate our citizens with harm reduction programs.

Names and Addresses will be disclosed in the Permanent Minutes of the
City of Kennesaw

PLEASE MAKE SURE YOUR NAME IS LEGIBLE AND CLEAR

**City Council Work Session
5/27/2025
Public Comment Sign-in**

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