

**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/
June 30, 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 City Attorney Sam Hensley, 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. Ordinance: Charter Amendment to Section 5.02, "Qualification of Candidates"

FIRST PUBLIC HEARING

Consideration of approval of an Ordinance to amend the City of Kennesaw Charter § 5.02, "Qualification of Candidates."

City Clerk Lea Alvarez presented an ordinance amending Section 5.02, "Qualification of Candidates," in the City Charter. She explained that the City has authorized Cobb Elections and Registration to conduct its municipal elections in accordance with the Georgia Municipal Election Code (O.C.G.A. § 21-2-1 et seq.). As the superintendent of

municipal elections, Cobb Elections designates the qualifying period as outlined in O.C.G.A. § 21-2-132(3)(A): for a minimum of three days, beginning no earlier than 8:30 a.m. on the third Monday in August preceding the general election. The proposed amendment would update the Charter to reflect this requirement, changing the current language that begins qualifying on the last Monday in August.

As a Charter amendment, the ordinance requires two public hearings. The first will be held on July 7, 2025, and the second, along with final adoption, on July 21, 2025.

Councilmember Jones asked whether the qualifying period could be held earlier than the third Monday in August. Ms. Alvarez clarified that, under state law, it cannot.

B. Ordinance: Chapter 42 "Elections" Amendment

Consideration for approval of an Ordinance to amend Section 42-1 and Section 42-4 of the Kennesaw Code of Ordinances regarding qualification of candidates.

Ms. Alvarez presented an ordinance to amend Sections 42-1 and 42-4 of the Kennesaw Code of Ordinances regarding candidate qualifications. She explained that, as with the previous item, the City has authorized Cobb Elections and Registration to conduct its municipal elections in accordance with the Georgia Municipal Election Code (O.C.G.A. § 21-2-1 et seq.). As the superintendent of elections, Cobb Elections sets the qualifying period per O.C.G.A. § 21-2-132(3)(A), requiring a minimum of three days starting no earlier than 8:30 a.m. on the third Monday in August preceding the general election. The proposed amendment would update the City's Code to align the qualifying period, which is currently set to begin on the last Monday in August, with state law and clarify the duties of Cobb County as superintendent of elections.

As a Code amendment, only one public hearing is required, which will be held on July 7, 2025.

10. Consent Agenda

A. Minutes: June 9, 2025 Work Session

Approval of the June 9, 2025, City Council work session minutes.

B. Minutes: June 16, 2025 Regular Meeting

Approval of the June 16, 2025, City Council regular meeting minutes.

11. General and Administrative

A. Discussion: 2028 SPLOST

City Manager will provide an update on the latest 2028 SPLOST discussions and timeline.

City Manager Jeff Drobney informed the Council of the upcoming SPLOST vote

scheduled for November 2026. The City's draft project list is due to the County by October 1, 2025. Cobb County will hold public input meetings in January and February 2026, and the City is expected to follow a similar timeline. The Board of Commissioners (BOC) will approve the County's final SPLOST project list on April 28, 2026, which is also the deadline for the City's final list. The County will publish its SPLOST book on May 8, 2026, followed by approval of intergovernmental agreements (IGAs) with cities in May. IGAs must be returned by mid-June, and the BOC will adopt a resolution to place the SPLOST on the ballot by the end of June. The County is proposing a six-year SPLOST estimated at \$950 million. Dr. Drobney stated that the City's projected share is not yet known and will depend on the results of the July 2025 population census.

Assistant City Manager Marty Hughes provided an update on the SPLOST Committee's progress. The committee includes Mr. Hughes (Chair), Facilities Director Robbie Balenger, Public Works Director Ricky Stewart, Finance Director Jennifer Gordy, Parks and Recreation Director Bill McNair, Councilmembers Madelyn Orochena and Tracey Viars, and City Engineer Zach Buffington.

The committee has held three meetings to date, including April 25, May 9, and June 27, 2025, and is focused on identifying the City's needs and estimating project costs. Areas under discussion include transportation and road infrastructure, park improvements, city buildings and municipal facilities, neighborhood resurfacing and sidewalks, property acquisition, public safety vehicles and equipment, and cybersecurity investments. While no final dollar amounts have been set, the committee is working under the assumption of available data. It will be a six-year SPLOST period running from January 2028 through December 2033.

Mr. Hughes emphasized that all proposals will ultimately require review by Dr. Drobney and approval by the Council before submission to the County for voter consideration.

Mayor Pro Tem Ferris asked about the source of population figures used for fund allocation, and Dr. Drobney confirmed they would come from the July 2025 U.S. Census. Mayor Pro Tem Ferris expressed past concerns about the accuracy of Kennesaw's reported population and highlighted the need for substantial funding for resurfacing in older neighborhoods. He also requested that the SPLOST Committee provide updates to the Council every two to three months to allow for ongoing input.

12. Public Safety

13. Information Technology

14. Public Works and Building Maintenance

A. Resolution: Recreation Center Interior Painting

Consideration for approval of a Resolution authorizing a contract with Gordian to patch and paint the interior of the Recreation Center.

Facilities Director Robbie Balenger presented a resolution authorizing a contract with Gordian to patch and repaint the interior of the Recreation Center. He noted that the

City would utilize a state contract in the amount of \$60,139 to repaint all interior walls, citing the high usage of the facility as the reason for the work.

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

15. Recreation and Culture

16. Community Development

A. Central Business District Project Application: 2690 Keene Street

Consideration to review a CBD Project application request for a mixed-used development on the parcel located at 2690 Keene Street (Parcel 20016700640). Case#CBD2025-02

[Councilmember Viars noted that she would be recusing herself from all discussions and votes related to this agenda item].

Zoning Administrator Darryl Simmons presented a Central Business District application for a mixed-use development at 2690 Keene Street. The project originated in 2018 as part of a larger mixed-use plan, with the 15-acre site later subdivided into multiple tracts. Tract 5 is designated as the commercial pad required in Phase I. Applicant Mark Allen proposes to relocate Lazy Guy Distillery to this location. The application was reviewed by the Kennesaw Downtown Development Authority on June 13 and the Historic Preservation Commission on June 20. Minutes from both meetings are included in the packet. Mr. Simmons noted that the applicant will provide a full presentation at the Council meeting on Monday.

B. Central Business District Project Application: 2861 & 2871 N Main Street

Consideration to review a CBD project application request for a commercial development on the parcels located at 2861 N Main Street (Parcel 2001380160) and 2871 N Main Street (Parcel 20013801080). Case#CBD2025-04

Mr. Simmons presented the final concept for a Central Business District project application request for a commercial development located at 2861 North Main Street and 2871 North Main Street. The project was reviewed by the Kennesaw Downtown Development Authority on June 13 and the Historic Preservation Commission on June 20. The project involves 2861 Main Street, or the old Whistle Stop building, and the vacant lot at 2871 Main Street, located at the corner of J.O. Stephenson Avenue and Main Street. A key change from previous concepts is the relocation of the two-story structure from the rear of the site to the front, aligning it with existing businesses along Main Street.

The applicant will provide a full presentation at the Council meeting on Monday. Minutes from the Historic Preservation Commission meeting, including conditions related to resubmittal of construction plans, will be included in the meeting packet.

17. Public Comments

6:45 p.m. Floor Open for Public Comments

No comments.

6:46 p.m. Floor Closed for Public Comments

18. City Manager's Report

A. Reports, Discussions, and Updates

Dr. Drobney mentioned the Salute to America event on July 3, 2025. The weather is looking good so far! Festivities start at 6:00 p.m., and the fireworks will go off at 9:30 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: Misdemeanor Cannabis Possession Penalty Reduction**
Discussion item requested by Councilmember Gutierrez regarding the reduction of the misdemeanor punishment for possession of Cannabis, from "imprisonment for a period not to exceed 12 months or a fine not to exceed \$1,000.00, or both" (O.C.G.A. §16-13-2(b), to "a fine not to exceed \$500.00, or community service, or both".

Councilmember Gutierrez revisited his proposal to amend the city's ordinance regarding misdemeanor marijuana possession (less than one ounce). He recommended reducing the maximum penalty from up to 12 months in jail and a \$1,000 fine to a fine not exceeding \$500, community service, or both—emphasizing that jail time should be clearly excluded in the ordinance language.

Mayor Easterling opposed altering the ordinance, stating that the city should continue to follow state law and not create a separate standard like other cities have done.

Mayor Pro Tem Ferris expressed concern over public cannabis use but stated that the city's current ordinances already do not include jail time for first-time possession offenses. He noted that the fine is \$615.67 and highlighted the city's long-standing diversion program, which offers first-time offenders the opportunity to avoid a conviction through community service and other requirements. He argued that 80% of what Gutierrez proposed is already in place and felt no change was necessary.

City Attorney Sam Hensley confirmed that misdemeanor marijuana charges are not currently being prosecuted due to the fact that the Georgia Bureau of Investigation will

not process those samples. He also affirmed that the diversion program allows for expungement if petitioned to the police department upon successful completion. He noted that the Council can go through the process of changing the ordinance, but it cannot change state law. The state law is still going to say up to a \$1000 fine and 12 months in jail. It is rarely, if ever, imposed, but there is a possibility that it can be imposed.

Councilmembers Orochena and Viars asked for clarification on whether jail time is legally possible under current ordinances. Mayor Pro Tem Ferris responded that while jail is technically possible, in practice it is not applied.

Councilmember Gutierrez remained concerned that without explicitly removing jail time from the ordinance, it could still be imposed in the future.

Mayor Easterling noted that changing the ordinance would require a public hearing and incur advertising costs.

Councilmember Gutierrez concluded by reiterating that the proposed change is a step toward addressing the historical abuse of misdemeanor marijuana laws.

Mayor Easterling stated that the Council will vote on whether to move forward with the ordinance amendment on Monday, July 7.

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.

7:16 p.m. Recess to Executive Session

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

7:41 p.m. Reconvene to Open Session

[Mayor Pro Tem Ferris and Councilmember Jones stepped out of the Council Chambers for a brief break].

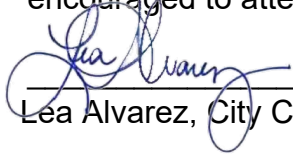
Councilmember Gutierrez read the Board back into Open Session and directed the Mayor and City Council to execute an affidavit in compliance with O.C.G.A. Sec. 50-14-4, motion seconded by Councilmember Orochena.

Vote taken: motion approved 3-0 [Mayor Pro Tem Ferris and Councilmember Jones

stepped out of the Council Chambers]. Motion passed.

22. Adjourn

Mayor Easterling adjourned the meeting at 7:41 p.m. The regular meeting will be held on Monday, July 7, 2025, at 6:30 p.m. in the Council Chambers. The public is encouraged to attend.



Lea Alvarez, City Clerk

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

6/30/2025

Public Comment Sign-in

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