

**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/
July 14, 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

A. Resolution: Chang V. City of Milton Amicus Brief

Consideration for approval of a Resolution authorizing participation in an amicus brief in the Chang V. City of Milton appeal pending before the Georgia Supreme Court.

City Attorney Sam Hensley, Jr. presented a resolution authorizing the City's participation in an amicus brief for the *Chang v. City of Milton* appeal currently before the Georgia Supreme Court. He explained that the case involves a \$38 million wrongful death judgment against the City of Milton. Milton is asking municipalities across Georgia to join the brief through a resolution, seeking to limit cities' liability for obstructions placed in roadways by private individuals.

Councilmember Jones asked whether Milton was seeking blanket immunity, expressing concern that such immunity could prevent cities from addressing situations where

individuals are harmed. Mr. Hensley clarified that municipalities are generally liable only up to their insurance coverage and said he did not expect the Supreme Court to grant total immunity. He emphasized that a ruling upholding the full judgment could have devastating financial consequences for cities statewide.

The Council discussed the broader implications of the case.

With Council consensus, Mayor Easterling recommended placing the item on the Consent Agenda for the regular meeting.

8. Committee and Board Reports

9. Public Hearing(s)

A. Ordinance: Charter Amendment to Section 5.02, "Qualification of Candidates"

FINAL 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.

The first public hearing was held on July 14, 2025, and the final public hearing and adoption will be held on July 21, 2025.

B. Ordinance: Short-Term Rentals

Consideration for approval of an Ordinance to adopt Chapter 22, Article XIII of the Kennesaw Code of Ordinances relating to the regulation Short-Term Rentals.

Business License Manager Mariyah Nall presented an overview of a proposed ordinance to adopt Chapter 22, Article XIII of the Kennesaw Code of Ordinances, establishing regulations for short-term rentals [see **Exhibit A**]. If adopted, the Business License Department will begin accepting applications and issuing licenses on October 1, 2025.

Councilmember Jones voiced opposition to the proposed 150-license cap and the 500-foot buffer requirement.

Zoning Administrator Darryl Simmons explained that staff modeled various scenarios

and found that without a buffer, short-term rentals could cluster in areas without protective covenants. A distance requirement would help evenly distribute units across the city. He urged a cautious approach, noting the City does not yet know the demand for licenses. While the Council could choose to remove the buffer, Mr. Simmons emphasized his professional recommendation to start conservatively.

Councilmember Jones argued that if clustering were going to be a problem, it would have already surfaced. He believes the proposal is overly restrictive and questioned why some zoning districts were excluded. Mr. Simmons responded that the ordinance initially allows short-term rentals in six zoning districts to monitor impacts, with the goal of establishing a framework the City can manage effectively.

Mayor Easterling supported starting with the 500-foot buffer and revisiting the issue later if no problems arise.

Councilmember Jones countered that once passed, the ordinance is unlikely to be amended and preferred adopting it without the cap and buffer from the outset.

Councilmember Gutierrez asked about a trial period. Mr. Simmons estimated 12 months would be needed to evaluate impacts, after which staff could propose expanding eligible districts. Councilmember Jones reiterated that regulation should come only after an issue arises, but Mr. Simmons disagreed, stating he could not professionally recommend that reactive approach.

Dr. Drobney noted that staff need time to build internal systems and prepare for implementation. He requested a six-month review period and committed to placing the ordinance on an agenda in April 2026.

Councilmember Orochena proposed starting with a 250-foot buffer. Councilmember Gutierrez supported the cap but opposed the buffer, but if necessary, he favored the minimum. Councilmember Viars said she could accept a reduced buffer but wanted the cap retained. Mayor Pro Tem Ferris agreed with the cautious approach, and was fine with a 250-foot buffer and maintaining the cap.

The Council directed staff to revise the ordinance to include a 150-license cap and a 250-foot buffer, and to return in April 2026 for review.

C. Land Use Permit: 3980 Weeks Drive

Consideration for approval of a Land Use Permit application for the property located at 3980 Weeks Drive as submitted by applicant Basha Williams. Case #LU2025-02.

Assistant Zoning Administrator and Planner Channelle Campbell presented a land use application for the property located at 3980 Weeks Drive, submitted by applicant Basha Williams. Ms. Williams is seeking a home occupation business license to operate a home childcare business serving a maximum of six children. As part of the process, she

will be required to obtain and maintain licensure through the Georgia Department of Early Care and Learning (DECAL).

At the July 2, 2025, Planning Commission meeting, the applicant inquired about the ability to have an additional employee. Given the nature of the business, staff supports the inclusion of one additional employee, which is consistent with state recommendations. Staff recommends approval of the application with conditions, including the allowance for one additional employee and a maximum of six children, as these are generally consistent with the character of the land use.

The application was advertised in the Marietta Daily Journal on June 13, 2025, and a public notice was posted on the property. Due to the site's proximity to Cobb County, a notice was sent to Cobb County for review. As of this time, staff has not received any comments or concerns from Cobb County regarding the proposed use.

Ms. Campbell also noted that, based on feedback received, staff will review the City's processes to ensure alignment with state requirements, particularly regarding allowances for additional employees in home childcare operations.

D. Land Use Permit: 1205 Mountain Springs Drive

Consideration for approval of a Land Use Permit application for the property located at 1205 Mountain Springs Drive as submitted by applicant Ann Moormann. Case #LU2025-03.

Ms. Campbell presented a land use permit application for the property located at 1205 Mountain Springs Drive, submitted by applicant Ann Moormann. The applicant is seeking to renew her land use permit for an occupational business license to continue creating and selling soaps and bath products from her home. The original permit was approved by the Council on May 15, 2023, and the business has operated without any complaints from neighbors.

In accordance with City ordinance, a renewal requires reapplication, public notice, and a public hearing. The application was advertised in the Marietta Daily Journal on June 13, 2025, and a public notice was posted on the property.

Staff recommends approval with conditions as outlined in the staff analysis.

10. Consent Agenda

A. Minutes: June 30, 2025 Work Session

Approval of the June 30, 2025, City Council work session minutes.

B. Minutes: June 30, 2025 Executive Session

Approval of the June 30, 2025, City Council executive session minutes.

C. Minutes: June 30, 2025 FY 26 Special Budget Work Session

Approval of the June 30, 2025, City Council Fiscal Year 2026 special budget work session minutes.

D. Minutes: July 7, 2025 Regular Meeting

Approval of the July 7, 2025, City Council regular meeting minutes.

11. General and Administrative

A. Alcohol License: Bonfire Brazil Steakhouse LLC

Consideration for approval of an Alcohol License for Beer, Wine, Liquor and Sunday Sales for Bonfire Brazil Steakhouse LLC located at 3940 Cherokee Street NW #601, Kennesaw, GA 30144. Applicant: Taciano dos Santos Sampaio

Ms. Nall presented an alcohol license for beer, wine, liquor, and Sunday Sales for Bonfire Brazil Steakhouse, LLC, located at 3940 Cherokee Street NW, Suite #601. The applicants have completed the required alcohol workshop per Sec. 6-69. Signs have been posted, and the application has been properly advertised per Sec. 6-36. The current application and background check results are on file. A distance survey completed by a certified surveyor indicated the business is not within the designated distance of a property line or structure listed in Ordinance Sec. 6-42 and 6-43.

Ms. Nall noted that the applicant will be present at the regular meeting on Monday.

12. Public Safety

A. Crime Stats: June 2025

Consideration to accept the June 2025 crime statistics.

Chief Westenberger presented the June 2025 crime statistics [See **Exhibit B**].

13. Information Technology

14. Public Works and Building Maintenance

15. Recreation and Culture

16. Community Development

17. Public Comments

7:32 p.m. Floor Open for Public Comments

ED SETZLER [GA Senator for District 37]: Mr. Setzler shared several points with the Council in light of recent discussions on reducing the misdemeanor penalty for marijuana less than one ounce. He wanted to provide additional perspective on the issue of marijuana use, which has been debated at the state level for many years. He emphasized the significant difference between cannabis as it exists today and what was regulated in the 1970s. At the time, cannabis typically contained about 0.3% THC by weight, which is the psychoactive component. Today, THC levels range between

12% and 20%, meaning the potency has increased approximately 50-fold.

He explained that an ounce of marijuana is roughly equivalent to 35 joints. Given the higher THC content today, that same ounce would equate to the psychoactive strength of 40 to 50 joints as they would have been in the 1970s. Senator Setzler shared this information to provide context as the Council considers policy changes that may reduce penalties or weaken the deterrent effect of existing ordinances.

7:40 p.m. Floor Closed for Public Comments

18. City Manager's Report

A. Reports, Discussions, and Updates

Dr. Drobney reflected on the extensive efforts of staff over the past year, noting that it has been an extraordinarily busy winter, spring, and summer with even more work ahead!

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

Mayor Pro Tem Ferris said he is ready for cooler temperatures and upcoming fall events, expressing that he's had enough of the 90-degree days.

Councilmember Jones shared that he is looking forward to traveling to Ghana next week to attend his brother's wedding.

Councilmember Gutierrez announced that he had recently completed EMT school and was proud to share that he has passed the final test. Congratulations!

Councilmember Orochena thanked everyone for the discussions during the meeting and reminded the public that a primary runoff election for the Public Service Commission will take place on Tuesday. She encouraged all eligible voters to participate.

Councilmember Viars reminded residents to visit the Downtown Kennesaw Farmers Market before it wraps up at the end of August.

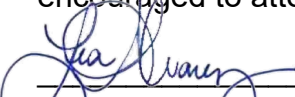
21. Executive Session

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.

22. Adjourn

Mayor Easterling adjourned the meeting at 7:46 p.m. The regular meeting will be held on Monday, July 21, 2025, at 6:30 p.m. in the Council Chambers. The public is encouraged to attend.



Lea Alvarez, City Clerk



Short-Term Rental Ordinance

CITY OF KENNESAW – MAYOR & COUNCIL
PUBLIC HEARING: JULY 21, 2025

Purpose & Background

Authorized Use & Zoning Compliance

Licensing Framework

Operational Standards

Parking, Occupancy & Safety Compliance

Licensing Process

Enforcement & Compliance Strategy

Nonconforming Use & Transition Provisions

Summary & Next Steps

Overview

Purpose & Background



Establish a clear and enforceable licensing framework



Increased short-term rental activity via Airbnb, VRBO, etc.



Minimize adverse effects on residential neighborhoods



Complaints related to noise, parking, and property use



Provide oversight for health, safety, and zoning compliance



Lack of existing regulations created enforcement challenges



Ensure fair treatment of responsible hosts and property owners



Council directive (Sept 2024) to formalize and limit use



Preserve the character of Kennesaw's single-family communities



Collaboration across departments to draft a comprehensive solution

Authorized Use & Zoning Compliance

Intent

This zoning framework ensures:

- STRs remain compatible with surrounding residential character
- Density and location are appropriately limited
- Enforcement can be consistently applied



PERMITTED USE

- Short-term rentals are allowed in residential zoning districts: **R-40, R-30, R-20, R-15, R-12, and R-10**
- Property must have a valid Certificate of Occupancy
- Use is limited to the main dwelling unit only



PROHIBITED USE

- Zoning districts not listed (including **FST-townhomes, RM** and **RA** districts)
- Accessory structures (guest houses, detached garages, sheds)
- Temporary structures including recreational vehicles or campers

Licensing Framework

This framework establishes predictable, enforceable limits while accommodating responsible operators and managing long-term citywide impact.

Key Requirements

- License required for each STR prior to operation or advertisement
- One license per property (non-transferable, non-assignable)
- License must be renewed annually through the Business License Division
- Property must be in full compliance with all city ordinances and codes

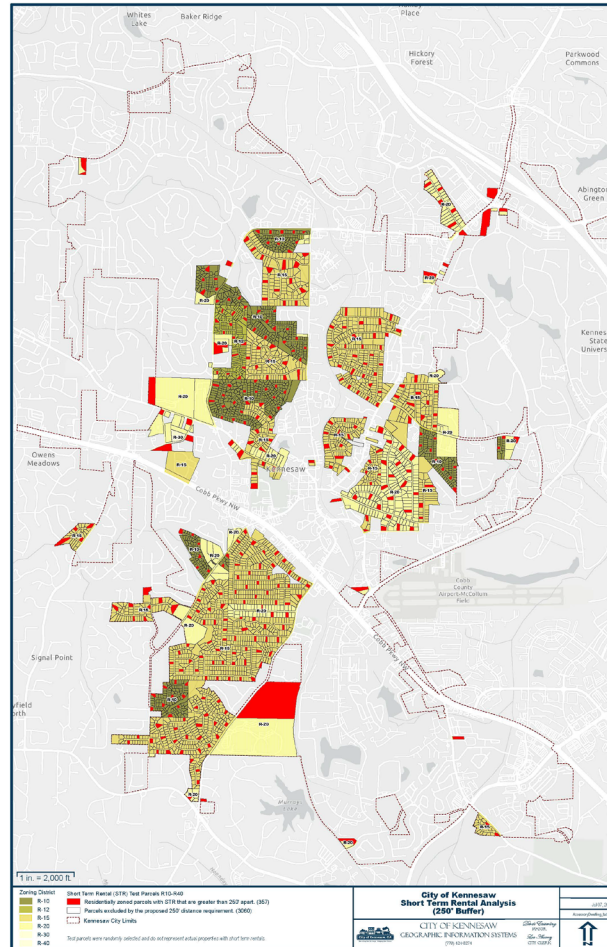
Citywide Licensing Limits

- Maximum of 150 STR license permitted citywide
- Licenses are issued on a first-come, first-served basis
- Once the cap is reached, applications will be waitlisted
- 500-foot separation required between licensed STR properties

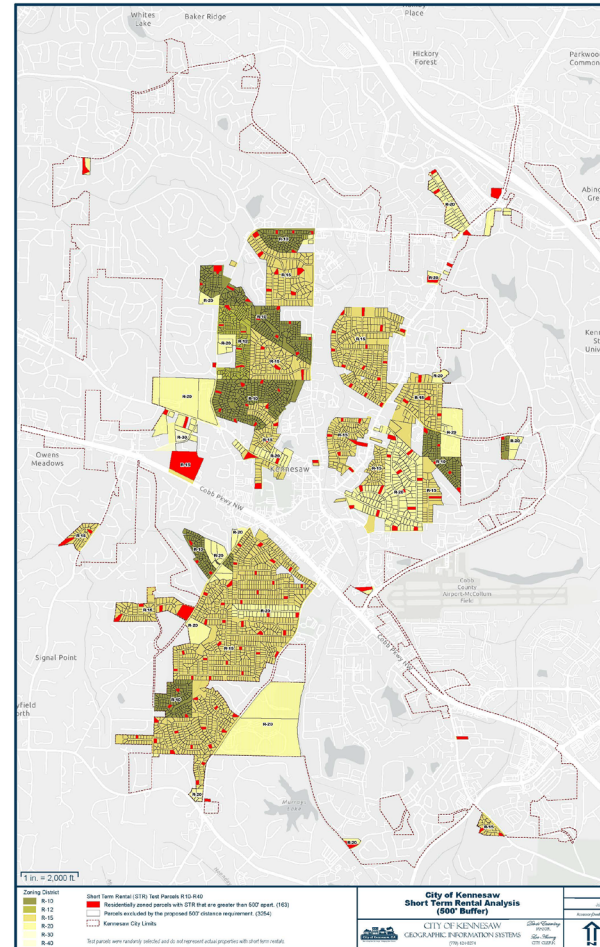
Ownership Restrictions

- An individual or entity may hold no more than two active licenses
- Ownership includes any direct ownership interest or named member of an LLC or business entity
- Properties with legal nonconforming status are exempt from the two-license cap, but must meet all other requirements
- License is non-transferable and tied to the specific property and owner

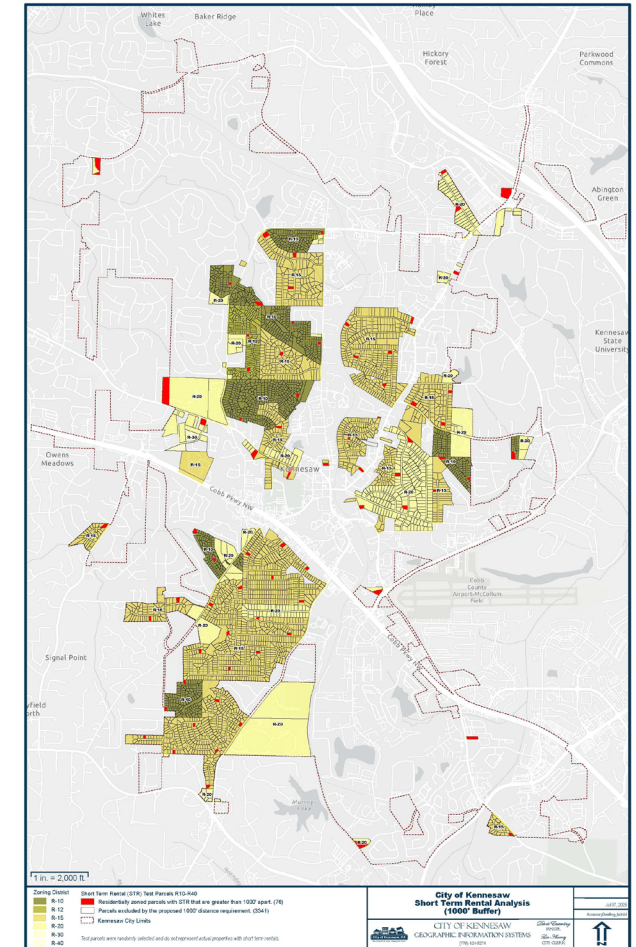
Buffer Scenarios:



250 ft buffer
 357 potential parcels



500 ft buffer
 163 potential parcels



1000 ft buffer
 76 potential parcels

Operational Standards

These standards ensure that STRs remain compatible with residential neighborhoods while offering clear accountability for owners and agents.

STR Agent Duties

- Must reside in Cobb County
- Serves as a 24-hour contact for complaints and emergencies
- Responsible for ongoing compliance with city codes
- Contact info must be posted inside the unit and on all listings

Advertising Requirements

- Valid STR license number
- Maximum occupancy
- Maximum number of vehicles allowed
- Notice of noise regulations
- No external signage allowed

Use Restrictions

- STRs may not host events such as weddings, receptions, parties, or corporate events
- STRs must comply with noise standards (Sec. 18-78)
- STRs must comply with parking, sanitation, and code regulations

Parking, Occupancy & Safety Compliance

Intent

This section of the ordinance ensures:

- Preservation of neighborhood aesthetics and access
- Safe and legal occupancy limits
- Consistent enforcement of core safety standards



PARKING

- Guest and visitor parking must occur on the STR property (driveway, garage, carport)
- Must be on a hardened surface
- Street parking or overflow onto neighboring properties is prohibited
- No parking on lawns, easements, or shared access areas



OCCUPANCY

- Maximum occupancy is based on number of bedrooms
- Common areas do not count toward occupancy
- Occupancy information must be posted on-site and in all advertisements
- Occupancy limits are verified using Cobb County tax records and city building files



LIFE & SAFETY

- STR properties must comply with Building codes, Fire safety regulations, and Health and sanitation standards
- Proof of liability insurance is required as part of the application
- The city may inspect properties and review supporting documentation at any time

Licensing Process

Application Requirements

- Completed application
- Proof of property ownership
- Valid photo ID of property owner and rental agent
- Proof of liability insurance
- Notarized agent acknowledgement
- Parking plan & occupancy declaration
- Proof of notice to surrounding properties
- HOA consent, if applicable

Review & Approval Process

- Application reviewed for completeness, accuracy, and zoning compliance
- Inspections required before issuance to verify zoning, safety and building code compliance
- Licenses issued within 30 days if requirements are met
- False or misleading information may result in denial/revocation
- Property must be compliant with city codes and be up to date on all city payments

Renewal & Changes

- Licenses must be renewed annually
- Changes in ownership must be reported in 30 days and a new license applied for
- Change of agent must be reported in 5 business days, with updated ID, acknowledgement form, and proof information posted inside of unit
- Failure to report changes may result in noncompliance or suspension

Enforcement & Compliance Strategy

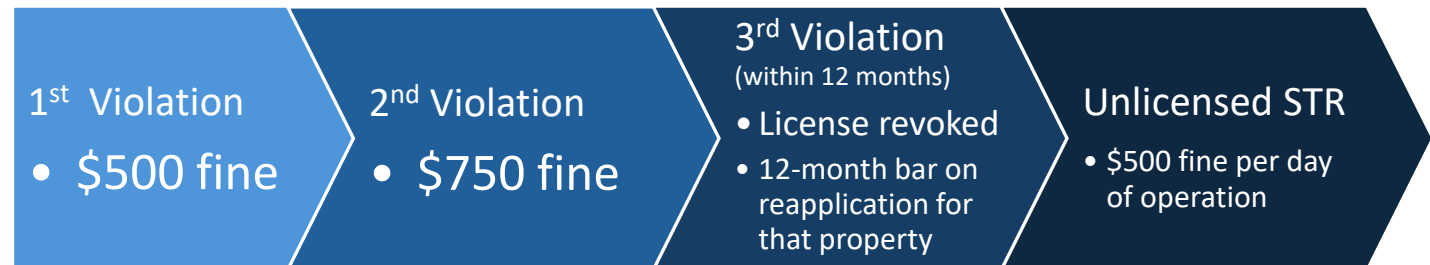
Intent

This section of the ordinance ensures:

- Early intervention
- Progressive discipline
- Protection of residential quality of life

Complaint Response & Investigation

- Complaints must be submitted in writing through the City's online code enforcement portal
- Both owner and agent will receive written notice of any complaint
- Property owners/agents have 7 business days to address issues before a citation is issued
- Investigations may include:
 - On-site inspection with 24-hour notice
 - Police or code reports
 - Neighbor-provided documentation (photo, sound, video)



Nonconforming Use & Transition Provisions

These provisions allow legitimate, previously operating STRs to transition into the new regulatory framework without penalty, while ensuring future use aligns with current standards.



QUALIFIERS

- Operating prior to Jan. 1, 2025
- Proof of state and federal tax payments
- Register with the City within 90 days of the ordinance's effective date
- Achieve full compliance by December 31, 2025



EXEMPTIONS

- 500-foot buffer requirement
- Two-license ownership requirement



LOSS OF STATUS

- Change in property ownership
- Property is damaged/destroyed by 50% or more of market value
- STR ceases for 12 consecutive months
- Failure to meet annual renewal or full compliance deadlines

Summary & Next Steps

THIS ORDINANCE ACHIEVES:

- Establishes a clear, enforceable framework for STRs
- Balances property rights with neighborhood protection
- Provides tools for proactive oversight and responsive enforcement
- Supports responsible hosts through consistent processes
- Ensures alignment with Zoning, safety, and building standards

IMPLEMENTATION-READY:

- Licensing, inspection, and enforcement procedures are in place
- Nonconforming properties have a structured pathway to comply
- Interdepartmental collaboration ensures consistent application
- Public communication and support resources will follow adoption

June 2025 Crime Statistics



Group A Crimes	Jun 2025	Jun 2024	YTD 2025	YTD 2024
AGGRAVATED ASSAULT	4 (+0)	4	22 (-1)	23
ANIMAL CRUELTY	0 (+0)	0	0 (+0)	0
ARSON	0 (+0)	0	1 (+1)	0
BRIBERY	0 (+0)	0	0 (+0)	0
BURGLARY	1 (-2)	3	15 (-3)	18
DRUG/ NARCOTICS OFFENSES	33 (-1)	34	166 (-20)	186
EMBEZZLEMENT	0 (+0)	0	2 (+0)	2
EXTORTION	0 (-1)	1	8 (-1)	9
FORGERY	4 (+3)	1	9 (+1)	8
FRAUD OFFENSES	8 (-3)	11	91 (+16)	75
HOMICIDE OFFENSES	0 (+0)	0	0 (-1)	1
INTIMIDATION	12 (+7)	5	67 (+28)	39
KIDNAPPING	2 (-1)	3	6 (-3)	9
LARCENY/ THEFT OFFENSES	21 (+8)	13	90 (+19)	71
MOTOR VEHICLE THEFT	3 (-2)	5	17 (+6)	11
PORNOGRAPHY OBSCENE MATERIAL	0 (-1)	1	1 (-5)	6
ROBBERY	0 (-1)	1	3 (+1)	2
SEX OFFENSES	4 (+1)	3	17 (-2)	19
SIMPLE ASSAULT	13 (-13)	26	78 (-44)	122
STOLEN PROPERTY OFFENSES	0 (+0)	0	7 (-1)	8
VANDALISM	8 (+2)	6	28 (-8)	36
WEAPONS LAW VIOLATIONS	4 (+1)	3	23 (+2)	21
Totals	117	120	651	666

	Jun 2025	Jun 2024	YTD 2025	YTD 2024
Dispatched Calls for Service	787 (+3)	784	4,484 (-78)	4,562
Self-Initiated Activity	1,306 (-46)	1,352	7,822 (+1,001)	6,821
Traffic Citations	565 (-28)	593	3,365 (+48)	3,317
Traffic Warnings*	716 (+54)	662	4,264 (+889)	3,375
Arrests**	85 (-9)	94	480 (-1)	481

	Jun 2025	Jun 2024	YTD 2025	YTD 2024
Auto Accidents	101 (+16)	85	607 (-27)	634
Accident w/ Injury	10 (+0)	10	59 (+5)	54
Hit and Run	14 (+0)	14	76 (+3)	73
Hit and Run w/ Injury	0 (+0)	0	2 (-4)	6
Person Hit by Auto w/ Injury	0 (-1)	1	3 (+1)	2

* Warnings do not include verbal warnings

**

Arrests do not include juvenile arrests

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
7/14/2025
Public Comment Sign-in**

	Name	Address	Topic
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