

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

**Livestream: www.kennesaw-ga.gov/publicmeetings/
July 7, 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

City Resident Carlene Fregeolle led the Invocation.

2. Pledge of Allegiance

Mayor for a Day winner, Chloe Morrison, led the Pledge of Allegiance.

3. Call to Order

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

4. Announcements

5. Presentations

6. Public Comment

This section is for comment on any item on the agenda.

6:32 p.m. Floor Open for Public Comments

MARY MILLER [City Resident]: Mary Miller spoke as a concerned resident, urging the city to take a thoughtful and progressive approach to cannabis enforcement. While state law allows penalties of up to a year in jail for marijuana-related offenses, she emphasized that the city has the authority and obligation to adopt a more just and reasonable policy. She called for the city to amend its ordinances to impose only a modest fine for misdemeanor cannabis offenses, eliminating jail time altogether. Ms. Miller pointed to medical and scientific research showing that marijuana is less harmful than alcohol. She cited a study in the International Journal of Drug Policy and data from the National Institute on Alcohol Abuse and Alcoholism, which reported far higher societal costs from alcohol use compared to cannabis. She also highlighted racial disparities in enforcement, referencing ACLU and American Journal of Public Health

studies that show black individuals are significantly more likely to be arrested for marijuana possession than white individuals, despite similar usage rates. She urged the Council to make policy decisions based on evidence, fairness and public health and not outdated and incorrect beliefs.

JOHN LITTLE [City Resident]: John Little expressed opposition to changing local laws, agreeing with Mayor Easterling that the city should simply follow state law. He questioned the need for local involvement or publicity on the issue, suggesting it's not a pressing problem and that efforts to change the ordinance are unnecessary.

CARLENE FREGEOLLE [City Resident]: Carlene Fregeolle voiced strong opposition to changing the city's misdemeanor marijuana laws, aligning with the previous speaker. She shared personal experiences, noting that her husband and late son both struggled with drug addiction and began using marijuana. She referenced a Fox News segment that aired shortly after the last council meeting, which discussed potential links between marijuana use and health issues like heart attacks and strokes. Fregeolle expressed skepticism about claims that marijuana is harmless and urged the Council not to "stir up a hornets' nest" by pursuing this change. Drawing from her experience of living in California, she warned against adopting a lenient stance. She concluded by urging a vote against the proposal.

JOHN BOTHERS [City Resident]: Jon Bothers explained that he hadn't planned to speak on the topic until he heard others' comments. He stressed that unless someone has personally experienced a situation where a loved one was harshly punished for possessing less than an ounce of marijuana, it's difficult to understand why change is necessary. Although he's never used marijuana himself, he shared that friends and family members have faced excessive penalties. Mr. Bothers argued that jail time for such minor offenses is unreasonable and believes the city should take action to remove it as a penalty. He disagreed with the mayor's stance and emphasized that state law allows up to one year in jail, but it's ultimately up to cities to decide whether to enforce that. He concluded by urging the city to eliminate jail time for minor cannabis possession. Not to undermine law enforcement or judges, but to prevent unjust outcomes and modernize local policy.

6:43 p.m. Floor Closed for Public Comments

7. Old Business

8. New Business

A. Misdemeanor Cannabis Possession Penalty Reduction

Consideration to draft a proposed ordinance amending Kennesaw Code of Ordinances Section 38-46, specifically, a portion of the Kennesaw Bond Schedule to reduce the misdemeanor punishment for possession of Cannabis less than one ounce to a fine not to exceed \$500.00, or community service, or both, and the inclusion of a footnote indicating no jail time.

Mayor Easterling stated the agenda item title and reiterated that this is not a vote on the

proposed amendment, but a vote on whether to proceed.

Motion by Councilmember Gutierrez to draft a proposed ordinance amending Kennesaw Code of Ordinances Section 38-46, specifically, a portion of the Kennesaw Bond Schedule to reduce the misdemeanor punishment for possession of Cannabis less than one ounce to a fine not to exceed \$500.00, or community service, or both, and the inclusion of a footnote indicating no jail time. Seconded by Councilmember Orochena.

Councilmember Viars requested clarification from the City Attorney regarding how state and city laws interact in cannabis enforcement. She noted her understanding that, regardless of how the city adjusts its ordinance, a judge may still choose to apply state law in such cases.

City Attorney Sam Hensley, Jr. explained that he has not moved forward with researching this topic because he has not been directed by the Council to do so. If the Council does choose to proceed, Legal would need to closely examine several key issues, including those raised by Councilmember Viars. Specifically, whether such an ordinance would be enforceable under state law. Mr. Hensley, Jr. noted that for at least the past six years, Kennesaw's municipal court has not prosecuted misdemeanor marijuana possession cases. One major reason is that the Georgia Bureau of Investigation (GBI) no longer tests marijuana samples for under one ounce, making prosecution difficult. While this could change in the future, it's currently a practical barrier to enforcement.

He also emphasized the legal limitations under Georgia's Home Rule provision, which means cities can only exercise powers granted by the state constitution and legislature. Without specific authorization, the city may not legally have the authority to alter penalties established by state law, such as the up to one-year jail sentence and \$1,000 fine allowed for misdemeanor marijuana possession. Additionally, Mr. Hensley, Jr. pointed out that changing the ordinance could restrict judicial discretion. In the past, the city used a pre-trial diversion program for first-time offenders, offering community service and other corrective measures to help individuals, particularly young people, make better long-term decisions. He concluded by reiterating that any next steps, including legal review and drafting, depend entirely on whether the Council votes to direct him to move forward.

Councilmember Gutierrez provided an update in response to concerns raised at the previous meeting about cannabis use and its potential impact on the city's image, particularly in public spaces. He acknowledged those concerns but noted that the city already has ordinances in place to address such behavior, including:

Smoking in public places (16-12-2): up to a \$189 fine after surcharges
Public intoxication (6-107): up to \$527 fine
DUI (40-6-391): up to \$1,770 fine
Reckless driving (40-6-390(a)): up to \$557 fine

He argued that while some may see a \$500 cannabis fine as a “slap on the wrist,” combining it with fines for related offenses, such as public use or DUI, can total over \$2,300, which he considers a significant deterrent. Councilmember Gutierrez agreed that local ordinances should be updated, which is why he introduced this proposal. He clarified that he is not seeking to eliminate accountability but to better align policy with current practices. Specifically, he proposed replacing the current 6-month pre-trial diversion program, which is available only to first-time offenders, with a broader community service requirement. In his view, a few volunteer shifts at a park or food bank would not only resolve the offense more efficiently, but also offer more meaningful contributions to the community. He cited research showing that community service is a cost-effective and impactful alternative to traditional penalties, promoting positive behavior and stronger community ties. Councilmember Gutierrez concluded by comparing the criminalization of cannabis to alcohol prohibition in the early 20th century, which led to increased crime, unsafe product distribution, and unintended social consequences. He argued that cannabis prohibition, which is now 88 years in the running, has had similar effects and that it’s time for change. He quoted a temperance-era phrase, “saloon business is a class by itself because it’s destructive to the individual, the family, and Nation.” Councilmember Gutierrez suggested that the same argument is being used today to target cannabis.

Mayor Pro Tem Ferris expressed frustration with the ongoing debate over cannabis enforcement, describing it as both irritating and educational. While he’s learned a lot about cannabis over the past few months, he sees the discussion as circular and largely meaningless, especially considering the city hasn’t prosecuted misdemeanor marijuana cases in five to six years and that state law ultimately prevails.

Mayor Pro Tem Ferris raised concerns about the costs associated with pursuing a change, such as legal fees, staff time, and public hearing expenses, and questioned the need for it when there’s been no demonstrated harm to any community group in Kennesaw.

He emphasized his concern about cannabis use in public spaces, particularly at city parks and the amphitheater. He cited ongoing complaints at Swift-Cantrell Park and others, and stated that if people want to use cannabis, they should do so privately and not in public spaces.

Mayor Pro Tem Ferris sees the conversations as political theater to garner votes and urged the Council to vote against the proposal so they could focus on more pressing matters for the City.

Vote taken: approved 3-2 [Mayor Pro Tem Ferris and Councilmember Viars opposed]. Motion passed.

In accordance with the Kennesaw Charter, Article II, Section 2.06, the Mayor has veto power, which he exercised on July 9, 2025, regarding the approval to draft an

*ordinance amending the Kennesaw Code of Ordinances Section 38-46, specifically, a portion of the Kennesaw Bond Schedule to reduce the misdemeanor punishment for possession of marijuana less than one ounce to a fine not to exceed \$500.00, or community service, or both, and the inclusion of a footnote indicating no jail time. The Mayor sent the City Clerk a memorandum of notification dated July 9, 2025, to veto the forwarding of item 8. A to the City Attorney for researching and drafting a proposed ordinance amendment as stated. As a result, the item will not move forward to the City Attorney. See **Exhibit A**.*

9. Committee and Board Reports

10. 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 to amend Charter Section 5.02, "Qualification of Candidates," to align the City's qualifying period with the Georgia Municipal Election Code, which sets it as the third Monday in August.

Ms. Alvarez noted that this is the first public hearing on the item, with the final hearing and adoption scheduled for July 21, 2025, at 6:30 p.m.

6:57 p.m. Floor Open for Public Comments

No comments.

6:58 p.m. Floor Closed for Public Comments

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 Section 42-1 and Section 42-4 of the Kennesaw Code of Ordinances regarding the qualification of candidates. Similar to the previous agenda item, the amendments align the City's qualifying period with that set forth by the Georgia Municipal Election Code, which is the third Monday in August. Further, the responsibilities of Cobb Elections and Registration as Election Superintendent will be updated.

Motion by Councilmember Viars to approve [Ordinance No. 2025-04](#) to amend Section 42-1 and 42-4 of the Kennesaw Code of Ordinances regarding qualification of candidates. Seconded by Councilmember Orochena.

6:58 p.m. Floor Open for Public Comments

No comments.

6:59 p.m. Floor Closed for Public Comments

Vote taken: unanimously approved 5-0. Motion carried.

11. 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.

C. 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.

Resolution No. 2025-43

Motion by Councilmember Jones to approve the Consent Agenda engross. Seconded by Councilmember Viars.

Vote taken: unanimously approved 5-0. Motion carried.

12. General and Administrative

13. Public Safety

14. Information Technology

15. Public Works and Building Maintenance

16. Recreation and Culture

17. 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 recused herself from discussing and voting on agenda item 17. A].

Zoning Administrator Darryl Simmons introduced a proposed Central Business District (CBD) project for conceptual approval, submitted by Mark Allen of Lazy Guy Distillery. The project is located on a 0.6-acre vacant lot in downtown Kennesaw and aligns with

the City's 2018-approved master planned community designating the site for commercial use. The proposal involves relocating and expanding Lazy Guy Distillery into a 7,000 sq.ft. facility that consolidates production, storage, and hospitality operations, with added food service and outdoor seating. The project received favorable recommendations from both the Historic Preservation Commission (HPC) and the Downtown Development Authority (KDDA). Architecturally, the design draws from surrounding historic elements and aims to complement the district's character. Mr. Allen presented visuals and renderings and noted that construction plans are underway, with general contractor bidding expected within 4–6 weeks.

Motion by Councilmember Jones to approve a CDB Project application request for a mixed-use development on the parcel located at 2690 Keene Street (Parcel 20016700640) as presented. Seconded by Mayor Pro Tem Ferris.

Vote taken: approved 4-0-1 [Councilmember Viars recused].

- 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

Zoning Administrator Darryl Simmons presented a Central Business District (CBD) project years in the making, involving two adjacent properties at the corner of J.O. Stephenson Avenue and Main Street, both within Kennesaw's historic district. The proposal features a brewery and a food element. The building's orientation was adjusted to face Main Street for stronger alignment with the district's historic character. The Historic Preservation Commission (HPC) and Downtown Development Authority (KDDA) both recommended approval, with the HPC requiring the resubmittal of architectural design plans.

Dale Hughes, representing 2861 North Main Street, LLC and 2871 North Main Street, LLC, described the project's layout. A two-story brewery building (to be occupied by Reformation Brewery) will now front Main Street, adjacent to the existing Whistle Stop building which will house the food component. The site includes a shared courtyard with an outdoor bar, stage, and a 1,300 sq. ft. production facility, creating a community gathering space dubbed "Kennesaw's favorite backyard."

Spencer Nix, CEO and Co-Founder of Reformation Brewery, shared his excitement about joining the Kennesaw community. Reformation plans to offer a robust event calendar similar to their other locations, aiming to create a meaningful gathering space.

Councilmember Jones asked Mr. Hughes whether an additional floor could be added to the Whistle Stop. Mr. Hughes responded that he had explored that possibility, but that it would be incredibly difficult to do, so he opted to keep the building as a single floor.

Councilmember Viars motioned to approve the CBD project application request for a

commercial development on the parcels located at 2861 North Main Street (Parcel 20013801060) and 2871 North Main Street (20013801080) as presented. Seconded by Councilmember Orochena.

Vote taken: unanimously approved 5-0. Motion carried.

18. Public Comment

This section is for general comment.

7:22 P.M. Floor Open for Public Comments

ANDREW BRAMLETT [City Resident]: Mr. Bramlett shared a local history story about an Independence Day celebration held at the Kennesaw Methodist Church in 1918 (See **Exhibit B**).

JON BOTHERS [City Resident]: Mr. Bothers expressed how much he enjoyed Salute to America and shared his enthusiasm for the projects that were approved during the meeting.

7:25 p.m. Floor Closed for Public Comments

19. City Manager's Report

A. Reports, Discussions, and Updates

20. 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.

Motion by Councilmember Jones to appoint Thomas Neaves to the Historic Preservation Commission with a term ending December 2026 and Elizabeth Jamison to the Kennesaw Sister Cities Commission with a term ending December 2025. Seconded by Councilmember Orochena.

Vote taken: unanimously approved 5-0. Motion carried.

21. Council Reports & Discussions

Councilmember Jones praised the Salute to America event and recognized the hard work that went into making it a success.

Councilmember Gutierrez gave a shot out to the talented performers who made the celebration memorable.

Mayor Pro Tem Ferris shared that Parks and Recreation Director Bill McNair said the fireworks would last 25 minutes. Mr. Ferris timed the fireworks himself, and Mr. McNair was spot on. Mayor Pro Tem Ferris mentioned the many positive comments he saw on

social media.

Councilmember Orochena reflected on the happy memories made during Salute to America.

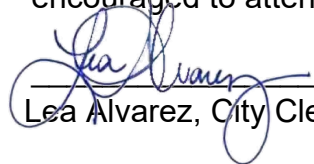
Councilmember Viars emphasized how much people love to come to Kennesaw and thanked the staff for their dedication, especially while finalizing the budget in the week leading up to the event.

22. 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.

23. Adjourn

Mayor Easterling adjourned the meeting at 7:30 p.m. The next work session will be held on Monday, July 14, 2025, at 6:30 p.m. in the Council Chambers. The public is encouraged to attend.



Lea Alvarez, City Clerk

MAYOR

Derek Easterling

City Manager

Jeff Drobney, ICMA-CM

City Clerk

Lea Alvarez, CMC



COUNCIL

Mayor Pro Tem Pat Ferris

Madelyn Orochena

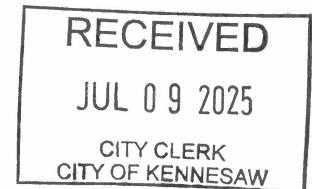
Tracey Viars

Antonio Jones

Anthony Gutierrez

July 09, 2025

Memorandum Notification



From: Derek Easterling, Mayor

To: Lea Alvarez, City Clerk

Subj: VETO of Agenda Item 8.A. Misdemeanor Cannabis Possession Penalty Reduction

With this memo, and in accordance with the Kennesaw City Charter, Article II, Section 2.06, I hereby exercise my authority to VETO the action taken at the regularly scheduled City Council meeting on July 07, 2025, regarding Agenda Item 8.A. Misdemeanor Cannabis Possession Penalty Reduction. More specifically, the Council voted three (3) to two (2) in favor of forwarding the item to the City Attorney for research and subsequent inclusion on the Council Agenda at a future meeting, as a draft ordinance amending the Kennesaw Code of Ordinances.

Derek Easterling

KENNESAW HISTORY

"Uncle Sam" Bozeman

In honor of Independence Day, I wanted to share this very patriotic photograph from 1918. It shows Joseph Bozeman Sr. dressed up as Uncle Sam when he was around seven years old. Joseph Bozeman Sr. is the father of well-known local resident Joe Bozeman.

This photo was likely made as part of a ceremony held in August 1918 at the Kennesaw Methodist Church. Held in the middle of World War I, the event honored the sixteen soldiers from Kennesaw who were then serving in the military. A flag was raised over the church with sixteen stars for each of these men, plus an additional gold star for David Hughes. Hughes had been in the army, but was killed by pneumonia while training in Ohio.

Two young children from the church were part of the event. Joseph Bozeman played the role of Uncle Sam, while his sister Mary Lou was Miss Columbia.



Image from Joe Bozeman Jr.

Presented by Andrew J. Bramlett at the July 7, 2025,
City of Kennesaw Mayor & Council Meeting

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 Meeting
7/7/2025
Public Comment Sign-in

	Name	Address	Topic
1	Andrew Brantlett	2990 Kennewick St.	Local Intro
2	John Little	3035 Windown Creek	MARIJUANA
3	Mead Hwa	2950 Main Street, N	Kenn St
4	Dale Hughes	2950 Cherokee St Bldg 400	2861/2871 N main
5	Mary Miller	3905 Collier Trace	Marijuana
6	Jon Bothers	2707 Denian Court	@
7	Spencer Nix	135 Parks Cir	2861/2871 N. main
8	Carlene Fugate	2537 Park Dr	
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