



City of Powder Springs

City of Powder Springs
4426 Marietta Street
Powder Springs, GA 30127
cityofpowdersprings.org

Meeting Minutes - Final

City Council

Mayor

Albert Thurman

Council Members:

Henry Lust, Doris Dawkins, Dwayne Green, Dwight McMutry, Patricia

Wisdom

Monday, September 16, 2024

7:00 PM

Patricia C. Vaughn Cultural Arts Center
4181 Atlanta Street | Building 1
Powder Springs, GA 30127

Onsite at Patricia Vaughn Cultural Arts Center - 4181 Atlanta Street, Bldg. 1

Pre-Meeting Discussion at 6:30PM

Join Zoom Meeting - <https://us06web.zoom.us/j/81599109137>

Meeting ID: 815 9910 9137 Dial: 1-929-205-6099

1. Call to Order

Mayor Albert Thurman called the meeting to order at 7:00 pm. Council Members Dawkins, Green, Lust and McMutry were present on site. Council Member Wisdom was present via Zoom. Also present on site were City Attorney Julie Livingston, City Manager Pam Conner and City Clerk Kelly Axt.

Staff in attendance: Lane Cadwell, Phyllis Calloway, Cory Chester (Zoom), Jon Gargis, Tina Garver (Zoom), Travis Landrum (Zoom), Rosalyn Nealy (Zoom), Tamara Newkirt, Travis Sims (Zoom), and Wayne Wright (Zoom).

Present 5 - Al Thurman, Mayor Pro Tem - Ward 1 Henry Lust, Council Member - Ward 2 Doris Dawkins, Council Member - Ward 3 Dwayne Green, and Council Member - At Large Post 1 Dwight McMutry

Remote 1 - Council Member - At Large Post 2 Patricia Wisdom

2. Invocation and Pledge of Allegiance

The Invocation was led by Council Member Dwayne Green and the Pledge of Allegiance was led by Council Member Doris Dawkins.

3. Approval of Minutes

[2024 -070](#)

City Council Agenda Minutes 08/19/2024

Attachments: [City Council Agenda Minutes 19-Aug-2024](#)

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 1 McMutry, that City Council Agenda Minutes 08/19/2024 be approved. The motion carried by the following vote:

Yes: 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

[2024 -071](#) City Council Work Session Minutes 09/11/2024

Attachments: [City Council Work Session Minutes 11-Sept-2024](#)

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 1 McMutry, that City Council Work Session Minutes 09/11/2024 be approved. The motion carried by the following vote:

Yes: 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

4. Mayor's Comments

Mayor Thurman thanked Kiwanis for including him in their event Saturday morning; thanked FASKIA organization for inviting him to their event; and will be out of town with the Georgia Municipal Trustee Board in St. Simons Island Tuesday September 17 thru Friday September 20th.

5. Citizens Comments

No citizen comments were made.

Registration to speak at any City Council meeting, per City Charter, is the day of the meeting only beginning 20 minutes prior to the start of the meeting (6:40 - 7:00 PM). The first twelve registering to speak will be given five (5) minutes to address Mayor and Council with their comments. Comments only - this is not a question and answer dialogue.

You can register by signing up in person at the Cultural Arts Center located at 4181 Atlanta Street - location of the on site meeting. Only on-site Citizen Comments are available. There are no virtual opportunities to provide Citizen Comments.

6. Public Reports | Presentations

[2024 -067](#) Finance and Accounting Appreciation Week

Attachments: [Financial & Accounting Week 2024](#)

Council Member Henry Lust read the proclamation for Finance and Accounting Appreciation Week September 23rd to September 27th 2024.

[2024 -068](#) National IT Professionals Day

Attachments: [IT Professionals Day 2024](#)

Council Member Dwayne Green read and presented the proclamation for National IT Professional Day September 17th to Velda Balbiak and Kelly Axt.

[2024 -069](#) Human Resources Professional Day

Attachments: [Human Resource Professional Day 2024](#)

Council Member Dwight McMutry read and presented the proclamation for Human Resources Professional September 26th to Henry Smith.

7. City Attorney

A. Consent Agenda

[RES0 24-122](#) A RESOLUTION AUTHORIZING THE TEMPORARY USE AND CLOSURE OF THURMAN SPRINGS PARK AND SURROUNDING ROADS ON OCTOBER 26, 2024 FROM 9AM TO 4PM TO ACCOMMODATE A TEMPORARY EVENT HOSTED BY LINKEDUP CHURCH; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-122](#)
[Blocktober Fest App Redacted](#)
[Blocktober Fest Permit Request Redacted](#)

approved

[RES0 24-123](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GOODWIN MILLS & CAWOOD TO COMPLETE THE 5-YEAR UPDATE TO THE STORMWATER MANAGEMENT PLAN FOR A SUM OF \$24,570; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-123](#)
[SWMP Approval Memo 09162024](#)

approved

[RES0 24-124](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH AMERICAN TOWERS, INC. PERTAINING TO REAL PROPERTY AND CELL TOWER LOCATED ON POWDER SPRINGS DALLAS ROAD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESO 2024-124 EXH A](#)

approved

[RES0 24-125](#) A RESOLUTION AUTHORIZING THE CLOSURE OF NEW MACLAND ROAD, AND AFFECTED SIDE STREETS, FROM MACEDONIA ROAD TO THE CITY'S NORTHERN BOUNDARY LIMITS TO ACCOMMODATE THE MCEACHERN HIGH SCHOOL HOMECOMING PARADE ON OCTOBER 2, 2024; AUTHORIZING NECESSARY TRAFFIC CONTROL BY THE POLICE AND PUBLIC WORKS DEPARTMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-125](#)
[Parade Permit.pdfMcEachernOctober 2, 2024 Redacted](#)
[map of parade routeOctober2-2024](#)

approved

[RES0 24-126](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE ATLANTA REGIONAL COMMISSION TO PARTICIPATE IN AND ACCEPT FUNDS THROUGH THE LIVABLE CENTERS INITIATIVE PROGRAM TO PREPARE A NEW AND UPDATED LCI PLAN; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-126](#)
[Contract Forms](#)
[Subgrantee Boilerplate](#)
[Powder Springs Attachment A and B_DRAFT](#)

approved

[RES0 24-127](#) A RESOLUTION DIRECTING AND CONFIRMING CERTAIN EQUAL ACCESS BY UNINCORPORATED AREA RESIDENTS TO CITY OWNED PARKS FACILITIES, RECREATION PROGRAMS, LIBRARIES AND SENIOR SERVICE FACILITIES; APPROVING AN EXTENSION OF THE CITY'S AGREEMENT WITH THE COMMUNICATIONS TEAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-127](#)

approved

[RES0 24-128](#) A RESOLUTION DECLARING AS SURPLUS AND AUTHORIZING THE DISPOSITION OF FURNITURE, FIXTURES AND EQUIPMENT REMOVED FROM THE OLD CITY HALL, COMMUNITY DEVELOPMENT AND MUNICIPAL COURT FACILITIES AND CURRENTLY LOCATED IN STORAGE, INCLUDING THROUGH AUCTION, YARD SALE, SAME-DAY-REMOVAL OR SIMILAR MEANS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Attachments: [Executed RESO 2024-128](#)

approved

[RES0 24-129](#) A RESOLUTION OF SUPPORT FOR AND COMMITMENT TO SUBMIT AN APPLICATION FOR FEDERAL FUNDING ASSISTANCE FOR PROJECT PLANNING UNDER THE RAILROAD ELIMINATION CROSSING PROGRAM IN PARTNERSHIP WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION, NORFOLK SOUTHERN RAILROAD, AND COBB COUNTY; ACKNOWLEDGING THE LOCAL MATCH REQUIREMENT AND COMMITTING \$25,000 AS THE CITY'S SHARE OF THE LOCAL MATCH; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-129](#)

approved

[RES0 24-130](#) A RESOLUTION APPROVING A CONFLICT-OF-INTEREST WAIVER PERTAINING TO THE ACQUISITION OF REAL ESTATE AT THE FLORENCE ROAD ROUNDABOUT AND REPRESENTATION OF THE PROPERTY OWNER AND THE CITY BY THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-130](#)

approved

[RES0 24-131](#) A RESOLUTION CORRECTING AND UPDATING RESOLUTION 2024-104 BY ADDING THE FIXED FEE OF \$22,878.82 TO THE PROJECT COST FEE OF \$290,670.40 FOR THE AUSTELL POWDER SPRINGS ROAD ROUNDABOUT PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-131](#)

approved

Approval of the Consent Agenda

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 McMutry, to approve the Consent Agenda as read by the City Attorney Julie Livingston. The motion carried by the following vote:

Yes: 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

B. Regular Agenda | Public Hearing

[PZ 24-013](#) Variance request to UDC 8-92(e) to allow a privacy fence to encroach into the drainage easement. The property is located at 4444 Quilter Street, within land lot 680 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19068000490.

- Attachments:** [Signed Motion to Table to 09-16-24](#)
[Tabled Motion to July 5th PZ 24-013](#)
[Variance App. 4444 Quilter Redacted](#)
[PZ 24-013 Tabled to 10-21](#)

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that Variance PZ 24-013 be tabled to the City Council, on 10/21/2024. The motion carried by the following vote:

- Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMurtry

[ORD 24](#)
[-012](#)

AN ORDINANCE TO ANNEX CERTAIN PROPERTY FROM THE UNINCORPORATED AREAS OF COBB COUNTY TO THE CORPORATE LIMITS OF THE CITY OF POWDER SPRINGS; REPEALING CONFLICTING ORDINANCES; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

First Reading: 05/20/2024. Second Reading: 06/03/2024

- Attachments:** [ORDINANCE 2024 - 012 Annexation Ordinance Elliott Road](#)
[Annexation Application - 5500 Elliott Road - 04-23-2024 Redacted](#)
[Legal Description](#)
[Site Map Location](#)
[Site Plan - 04-22-2024 Redacted](#)
[Survey - 04-03-2024 Redacted](#)
[Cobb County Notice of Non-Objection 5500 Elliott Rd](#)

A motion was made by Council Member - At Large Post 1 McMurtry, seconded by Council Member - Ward 3 Green, that Ordinance ORD 24 -012 be tabled to the City Council, on 10/21/2024. The motion carried by the following vote:

- Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMurtry

[PZ 24-014](#)

Rezoning Request for a 29.6-acre tract, to rezone from R-30 (county) to PUD-R (city). The property is located at 5500 Elliott Road within land lots 598, 599, 660, 661, of the 19th district, 2nd section, Cobb County Georgia. PIN: 19066000060.

Attachments: [Updated Site Plan. 05152024 Redacted](#)
[24-117 - Trip Generation Memo - Elliot Road Res Dev, City of Powder Springs, GA](#)
[PZ24-014. site plan, TSW mark-up, floodplain impact, renderings.](#)
[Signed PZ 24-014 Motion to Table to 09-16-24](#)
[Tabled Motion to July 15th PZ 24-014](#)
[List of Requested Variances](#)
[Rezoning Application - 5500 Elliott Road - 04-23-2024 Redacted](#)
[Site Map Location](#)
[Site Plan - 04-22-2024 Redacted](#)
[Survey - 04-03-2024 Redacted](#)
[Cobb County Notice of Non-Objection 5500 Elliott Rd Redacted](#)
[PZ 24-014 Tabled to Oct 21](#)

A motion was made by Council Member - At Large Post 1 McMurry, seconded by Council Member - Ward 3 Green, that Rezoning PZ 24-014 be tabled to the City Council, on 10/21/2024. The motion carried by the following vote:

Yes: 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMurry

PZ 24-017 Rezoning Request of a 17.7-acre tract, and rezone from NRC (county) to LI (city). The property was previously annexed via GA General Assembly HB 1500. The property is located at 3969 & 3989 Flint Hill RD within land lot 911, of the 19th district, 2nd section, Cobb County Georgia. PINs: 19091100020, 19091100060

Attachments: [PZ24-017. Motion to TABLE. 10072024](#)
[PZ 24-147 Tabled to Oct 7](#)
[Signed PZ 24-017 Motion to Table to 08-19-24](#)
[Letter to the Council. 08.20.2024](#)
[Prepared Statement. Serious Tree Service Redacted](#)
[Revised Site Plan. 7-9-24](#)
[Phase I ESA Report - Serious Tree Services - 07.25.2024](#)
[Sound Check + Dust Supression System schematic](#)
[Tabled Motion to July 15th PZ 24-017](#)
[HB 1500. Annexation](#)
[Rezoning. 3969 + 3989 Flint Hill Rd Redacted](#)
[Site Plan. 3969 + 3989 Flint Hill Rd Redacted](#)

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that Rezoning PZ 24-017 be tabled to the City Council, on 10/7/2024. The motion carried by the following vote:

Yes: 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

[PZ 24-020](#) Rezoning Request for a 18.22-acre tract, to rezone from R-30 to PUD-R. The property is located at 5535 + 5551 Powder Springs Dallas Road within land lots 734, 735, 746 of the 19th district, 2nd section, Cobb County Georgia. PIN: 19073400030, 19074600050.

Attachments: [Revised Site Plan. 09.09.2024](#)
[Traffic Assessment. 5535 Powder Springs Dallas Residential](#)
[Signed PZ 24-020 Motion to Table to 09-16-24](#)
[2024.08.22 - Zoning Plan w highlighted variances](#)
[State Waters Findings Report](#)
[Elevations](#)
[Rezoning Application. 5535, 5551 Powder Springs Dallas Road Redacted](#)
[LEGAL DESCRIPTION](#)
[PZ 24-020 Tabled to Oct 21](#)

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 1 McMutry, that Rezoning PZ 24-020 be tabled to the City Council, on 10/21/2024. The motion carried by the following vote:

Yes: 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

[PZ 24-021](#) Floodplain Variance for a 18.22-acre tract, to rezone from R-30 to PUD-R. The property is located at 5535 + 5551 Powder Springs Dallas Road within land lots 734, 735, 746 of the 19th district, 2nd section, Cobb County Georgia. PIN: 19073400030, 19074600050.

Attachments: [2024.09.09 - Zoning Plan with Fence](#)
[2024.08.07 - SF and TH mix w Decel](#)
[2024.08.22 - Zoning Plan w highlighted variances](#)
[State Waters Findings Report](#)
[2024.06.01 - Floodplain Variance Request - Both Parcels Redacted](#)
[Barrom signed flood plain variance doc 5551 PS Dallas Redacted](#)
[BLOSSER_BRADSHAWn Flood plain variance doc 5535 PS Dallas Redacted](#)
[Signed PZ 24-021 Motion to Table to 09-16-24](#)
[PZ 24-021 Tabled to Oct 21](#)

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 1 McMutry, that Variance PZ 24-021 be tabled to the City Council, on 10/21/2024. The motion carried by the following vote:

Yes: 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

[PZ 24-027](#) Variance Request. To vary UDC Table 2-2 minimum dimensional requirements for accessory structures greater than 144-sf. The property is located at 3654 Hopkins Court, within land lots of the 19th district, 2nd section, Cobb County Georgia. PIN: 19079400710

Attachments: [PZ 24-027. Motion to DENY. 10072024](#)
[PZ 24-027 Tabled to Oct 7](#)
[3654 HOPKINS CT SW Redacted](#)

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 1 Wisdom, that Variance PZ 24-027 be tabled to the City Council, on 10/7/2024. The motion carried by the following vote:

Yes: 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

[PZ 24-028](#) Variance Request. To vary table 2-4 minimum dimensional requirements for a lot split. The property is located at 3180 Florence Road, within land lot 675 of the 19th district, 2nd section, Cobb County Georgia. PIN: 19067500020

Attachments: [PZ 24-028 Approved Motion](#)
[Royre Variance Request 7-18-24 Redacted](#)
[Site plan](#)
[PZ24-028. Presentation](#)

Roy Sparks, variance applicant, discussed his request to divide the current parcel into three separate parts to entertain possible future sales.

Tina Garver, Community Development Director, discussed the acreages of the proposed three parcels; Staff and the Planning and Zoning Commission both recommend approval of the application; and discussed the recommended conditions.

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 1 McMutry, that Variance PZ 24-028 be approved with the following conditions:

1. The variance requests to allow a lot split with no road frontage, as required by Sec. 1-21: Lot Frontage, and Sec. 1-22: Lot Width, are approved.
2. The variance requests to Table 2-4: Dimensional Requirements, for tracts 2 and tract 3, are approved.

DENSITY AND LOT REQUIREMENTS	Required LI	Approved Variance Tract 2	Approved Variance Tract 3
Minimum lot street frontage (feet)	100	0	0
Maximum impervious surface coverage, lot (%)	75	Unchanged	Unchanged
PRINCIPAL BUILDINGS Setback	LI		
Side, minimum (feet)	20	12.9	12.9

Front landscape strip 20 0 0

3. The variance requests to Table 2-4: Dimensional Requirements, to allow a 20' front setback, and 40' setback at C.H. James Pkwy, when 50' is required; to allow no front landscape strip when 20' is required, are approved.

4. A lot split plat compliant with the approved variance be in conformity to the approved variances to dimensional requirements. be submitted and inter-parcel access easement shall substantially conform to the plat prepared by The Crusselle Company, dated 05/13/2023.

5. Prior to recording, the applicant must submit the Inter-parcel access easement, storm water management agreement, sewer maintenance agreement and business association documentation for shared maintenance meeting requirements of the Unified Development Code and subject to City review. Easements must discuss maintenance responsibilities.

6. The applicant shall re-plot the property, to include the filing of a re-platting application with the Community Development Department for review and approval. The lot split plat shall be in conformity to the approved variances.

The motion carried by the following vote:

Yes: 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

[PZ 24-030](#)

Change in variance conditions of PZ24-022 to allow congregation in office/broadcasting suite 155; to vary 20% maximum allowed window sign coverage; to allow additional suite 180. The property is located at 4110 Austell Powder Springs Road Suites 130 and 155, within land lots 946, 19th District, 2nd Section, Cobb County, Georgia. PIN: 19094600260

Attachments: [PZ24-030. Motion to Approve. 10072024](#)

[Modified Door Sign. Submitted 10.02.2024](#)

[PZ 24-030 Tabled to Oct 7](#)

[4110 AUSTELL POWDER SPRINGS RD STE 155 REV](#)

[Modification of variance conditions Redacted](#)

[Window Sign Redacted](#)

[Owner's Authorization](#)

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that Variance PZ 24-030 be tabled to the City Council, on 10/7/2024. The motion carried by the following vote:

Yes: 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

[PZ 24-031](#)

Rezoning Request. To modify the conditions of Rezoning Approval PZ21-014, for Selig Enterprises (Heartwood Apartments). The property is located at 4493 Brownsville Road within Land Lots 1025,1026, 1027, 1047, 19th District, 2nd Section, and Cobb County, Georgia.

Attachments: [PZ 24-031. Motion to Table. 10072024](#)

[PZ 24-031 Tabled to Oct 7](#)

[4391 Brownsville Rd - Proposed Outparcels Site Plan 08-20-24](#)

[4391 Brownsville Rd - Proposed Restaurants Site Plan 08-20-24](#)

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 1 McMutry, that Rezoning PZ 24-031 be tabled to the City Council, on 10/7/2024. The motion carried by the following vote:

Yes: 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

[PZ 24-033](#) PZ 24-033. Private Streets. Nature Walk controlled access gated subdivision at Story Road. Request for Private Streets and Entry Gate David Pearson Communities, Inc. 19088300010, 19088200380

Attachments: [PZ 24-033 Approved Motion](#)

[Sec. 15 75. Additional specifications for final plats involving private streets.](#)

[Sec. 8 68. Private streets.](#)

[Naturewalk Response Letter](#)

[Entrance Wall Plan - NATUREWALK - 8-28-24](#)

Kevin Moore, Attorney on behalf of David Pearson Communities, discussed the request to allow private streets and a gated entrance for the Nature Walk subdivision. Mr. Moore stated the developer has successfully used a gated entry model in other communities with consideration to public safety and on going upkeep of the private roads. As part of the transition to an HOA, David Pearson Communities will contribute \$25k of designated seed money for future road maintenance.

Tina Garver, Community Development Director, discussed the recommendation and Unified Development Code.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that Design Reviews PZ 24-033 be approved with the compliance of the following code sections:

Sec. 8 68. Private streets.

Sec. 15-75. Additional specifications for final plats involving private streets.

Sec. 15 76. Purchasers' acknowledgement for lot served by private street.

The motion carried by the following vote:

Yes: 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

[MOT 24](#)
[-008](#)

The recommendation to employ Nicholas Poole as the Chief Information Officer.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that Motion MOT 24 -008 be approved. The motion carried by the following vote:

Yes: 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

8. City Manager and City Council Reports

City Manager Pam Conner reminded everyone of the Health and Wellness Day; Mrs. Conner discussed the recommendation for employment of Nicholas Poole as the City's new Chief Information Officer pending background checks.

Council Member Wisdom welcomed everyone that joined the meeting in person as well as online; and congratulated all the Staff on receiving the evening's proclamations.

Council Member Green welcomed everyone that joined the meeting in person as well as online; and congratulated all the Staff on receiving the evening's proclamations.

Council Member Dawkins welcomed everyone that joined the meeting in person as well as online; and congratulated all the Staff on receiving the evening's proclamations.

Council Member Lust congratulated everyone on their proclamations; thanked everyone that was in person and online; thanked everyone for their support at the Kiwanis breakfast this past Saturday morning.

Council Member McMutry thanked everyone for attending the meeting; and congratulated everyone on receiving their proclamations.

9. Executive Session, if called for purposes of Real Estate, Litigation or Personnel Matters

No Executive Session was held.

10. Adjournment

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 2 Dawkins, that this [FILE_NR] be approved. The motion carried by the following vote:

Yes: 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry