



# City of Powder Springs

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

## Meeting Agenda

### City Council

*Mayor*

*Albert Thurman*

*Council Members:*

*Henry Lust, Doris Dawkins, Dwayne Green, Patrick Bordelon,  
Patricia Wisdom*

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Monday, August 21, 2023

7:00 PM

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

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**Onsite at Patricia Vaughn Cultural Arts Center - 4181 Atlanta Street**

**Pre-Meeting Discussion at 5:30PM**

**Join Zoom Meeting - <https://us06web.zoom.us/j/89526191397>**

**Meeting ID: 895 2619 1397 Dial: 1-929-205-6099**

#### 1. Call to Order

#### 2. Invocation and Pledge of Allegiance

#### 3. Approval of Minutes

[2023 -056](#) Special Called City Council-Tax Millage 1st Public Hearing and Introduction Minutes  
07/17/2023 at 12:00PM

*Attachments:* [Special Called Council Agenda - Millage 1st Public Hearing Minutes 17-Jul-2023 at 12](#)

[2023 -057](#) Special Called City Council-Tax Millage 2nd Public Hearing and Introduction  
Minutes 07/17/2023 at 6:00PM

*Attachments:* [Special Called Council Agenda - Millage 2nd Public Hearing Minutes 17-Jul-2023 at 6F](#)

[2023 -061](#) City Council Agenda Minutes 07/17/2023

*Attachments:* [Council Agenda Minutes 17-Jul-2023](#)

[2023 -062](#) Special Called City Council-Tax Millage 3rd Public Hearing Minutes 07/24/2023

*Attachments:* [Special Called Council Agenda - Millage 3rd Public Hearing Minutes 24-Jul-2023 at 63](#)

[2023 -063](#) City Council Work Session Minutes 08/16/2023

Attachments: [Council Work Session Minutes 16-Aug-2023](#)

#### 4. Mayor's Comments

#### 5. Citizens Comments

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. You can register by signing up in person at the Cultural Arts Center located at 4181 Atlanta Street - location of the on site meeting or by emailing [kaxt@cityofpowdersprings.org](mailto:kaxt@cityofpowdersprings.org) between 6:40 and 7:00 PM to register to speak.

#### 6. Public Reports | Presentations

[2023 -059](#) Proclamation-Fentanyl Prevention & Awareness

Attachments: [Proclamation Fentanyl Prevention Awareness](#)

[2023 -060](#) Proclamation-National Emergency Preparedness

Attachments: [National Preparedness](#)

#### 7. City Attorney

##### A. Consent Agenda

[RES0 23-146](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL AGREEMENT WITH ROBIN ROBERTS PROMOTIONS LLC TO PRODUCE THE 4th ANNUAL BRINGING THE SEA TO THE SPRINGS SEAFOOD FESTIVAL FROM MAY 17 TO MAY 19, 2024; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 146 Robin Roberts Seafood Festival](#)

[RES0 23-147](#) A RESOLUTION APPROVING AND AUTHORIZING THE PURCHASE OF 34 HANDGUNS TO EQUIP PUBLIC SAFETY PERSONNEL; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT OR DOCUMENTATION REQUIRED TO EFFECTUATE SAID PURCHASE; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [New Handguns quote Redacted](#)  
[RESOLUTION 2023 - 147 Handguns](#)

[RES0 23-148](#) A RESOLUTION DECLARING AS SURPLUS AND AUTHORIZING THE DISPOSITION OF PUBLIC WORKS VEHICLES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*Attachments:* [Surplus Vehicles 2023](#)  
[RESOLUTION 2023 - 148 Surplus PW Vehicle](#)

[RES0 23-149](#) A RESOLUTION APPROVING AND RATIFYING EXECUTION OF A MERCHANT PROCESSING AGREEMENT TO PURCHASE AND DELIVER A REPLACEMENT CREDIT CARD MACHINE FOR USE BY THE CITY OF POWDER SPRINGS IN PROCESSING PAYMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*Attachments:* [UCB Merchant Agreement 7-27-23 Redacted](#)  
[RESOLUTION 2023 - 149 Ratify agreement to purchase replacement credit card machi](#)

[RES0 23-150](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO THE AGREEMENT WITH COMMUNITIES IN SCHOOLS OF GEORGIA IN MARIETTA/COBB COUNTY TO PERFORM TUTORING SERVICES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*Attachments:* [CIS contract renewal memo](#)  
[RESOLUTION 2023 - 150 Community in Schools renewal](#)

[RES0 23-151](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GALLAGHER BASSETT TO REVIEW THE CITY OF POWDER SPRINGS 401(A) AND 457 PLANS ADMINISTERED BY MISSIONSQUARE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*Attachments:* [RESOLUTION 2023 - 151 Review of 401a 457 plans](#)  
[43917 GBS 2023 FRS Secure 2.0 Act FLY FINAL Fillable R1](#)

[RES0 23-152](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GOLDEN RULE PLUMBING, INC. IN THE AMOUNT OF \$17,600 TO CLEAN STORM WATER STRUCTURES LOCATED ON RICHARD D. SAILORS PARKWAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*Attachments:* [RDS SW structure cleaning - Golden Rule memo](#)  
[RESOLUTION 2023 - 152 RDS cleanout Golden Rule Plumbing](#)

[RES0 23-153](#) A RESOLUTION RENEWING A CONTRACT WITH SEASONAL DESIGN FOR THE INSTALLATION, REMOVAL AND STORAGE OF THE CHRISTMAS TREE AND DECORATIONS FOR USE IN THURMAN SPRINGS PARK AND STORE AND INSTALL HOLIDAY STREET LIGHTS FOR AN AMOUNT UP TO \$20,000; AUTHORIZING THE MAYOR TO SIGN A RENEWAL AGREEMENT FOR SAID SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*Attachments:* [RESOLUTION 2023 - 153 Seasonal design decorations](#)

[RES0 23-154](#) A RESOLUTION APPROVING AND AUTHORIZING THE REPLACEMENT OF THE PHASE 1 CONSTRUCTION CONTRACT WITH THE MACALLAN GROUP FOR CERTAIN MUNICIPAL COMPLEX IMPROVEMENTS WITH A COMPLETE GUARANTEED MAXIMUM PRICE CONSTRUCTION CONTRACT; AUTHORIZING THE MAYOR TO EXECUTE SAID CONTRACT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[RES0 23-155](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN COBB COUNTY, GEORGIA AND THE COBB COUNTY COMMUNITY SERVICES BOARD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*Attachments:* [Cobb County PATH MOU memo](#)  
[CCCSB - CRT MOU 6.28.23](#)  
[RESOLUTION 2023 - 155 MOU WITH COBB PATH](#)

[RES0 23-156](#) A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL AGREEMENT WITH WHAT'S POPPIN' GOURMET POPCORN AND SWEET TREATS TO PROVIDE CERTAIN CONCESSION SERVICES AT THE SILVER COMET TRAIL LINEAR PARK PAVILION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*Attachments:* [Whats Poppin 2023 Contract Proposal](#)  
[RESOLUTION 2023 - 156 Concession Agreement renewal](#)

[RES0 23-157](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GEORGIA POWER AND ALL UTILITIES ON ITS POWER POLE LOCATED ON PINEVIEW DRIVE TO RELOCATE THE POWER POLE AND UTILITY LINES FOR A COMBINED AMOUNT UP TO \$50,000; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*Attachments:* [Pineview Dr pole relocation](#)  
[RESOLUTION 2023 - 157 utility relocation Pineview](#)

[RES0 23-158](#) A RESOLUTION APPROVING AND AUTHORIZING THE USE OF THURMAN SPRINGS PARK ON SEPTEMBER 9, 2023 FROM 1PM TO 8PM FOR A TEMPORARY EVENT HOSTED BY TEMPLO DE ADORACION MANANAIM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*Attachments:* [RESOLUTION 2023 - 158 Tempo de Adoracion Man temp event](#)

[RES0 23-159](#) A RESOLUTION AND PUBLIC HEARING TO ADOPT AN AMENDMENT TO THE CITY OF POWDER SPRINGS CAPITAL IMPROVEMENT ELEMENT OF THE COMPREHENSIVE PLAN AS APPROVED BY THE ATLANTA REGIONAL COMMISSION AND THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*Attachments:* [FW City of Powder Springs CIE Approved Redacted CIE Amendment](#)  
[RESOLUTION 2023 - 159 Adoption of Amendment to Comp Plan CIE](#)

[RES0 23-160](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GEORGIA DEPARTMENT OF TRANSPORTATION TO ADVANCE TRANSPORTATION IMPROVEMENTS AT THE INTERSECTION OF AUSTELL POWDER SPRINGS ROAD AND MARIETTA STREET FOR AN AMOUNT OF \$700,000.00, SUBJECT TO CERTAIN CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*Attachments:* [0019781 Cobb 2023.07.27 PFA Redacted](#)  
[RESOLUTION 2023 - 160 Roundabout](#)

[RES0 23-161](#) A RESOLUTION APPROVING CERTAIN ENCROACHMENT IN THE RIGHT OF WAY; AUTHORIZING THE MAYOR TO EXECUTE AN ENCROACHMENT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*Attachments:* [New Macland - Layout \(2023.07.21\) Redacted](#)  
[LDP - New Macland \(2023.05.30\) Landscaping Redacted](#)  
[RESOLUTION 2023 - 161 Enroachment Permit New Macland](#)

[RES0 23-162](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH MAULDIN AND COOK FENCE COMPANY TO REPAIR AND REPLACE FENCING AT CERTAIN DETENTION PONDS FOR AN AMOUNT OF \$6405 FOLLOWING COLLECTION OF FUNDS FROM OWNERS OF PROPERTIES WITHIN SUBDIVISION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Attachments:** [RESOLUTION 2023 - 162 Fence repairs at detention ponds](#)  
[Powder Springs Pond Repairs Redacted](#)

[RES0 23-163](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH RCS PRODUCTIONS FOR AN AMOUNT OF \$11,250 FOR PROFESSIONAL SERVICES TO BE PERFORMED FOR AND AT THE HISPANIC HERITAGE FIESTA AND CONCERT ON OCTOBER 7, 2023; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Attachments:** [PSPRINGSHHERITAG2023 Redacted](#)  
[RESOLUTION 2023 - 163 Hispanic Heritage](#)

[RES0 23-164](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH S.H. CREEL CONTRACTING, LLC TO EXTEND THE COMPLETION DATE UNDER THE AGREEMENT AND CLOSE THE PROJECT; APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH CROY ENGINEERING FOR ADDITIONAL OVERSIGHT AND MANAGEMENT OF THE STORMWATER PROJECT COMPLETED BY S.H. CREEL CONTRACTING, LLC IN THE AMOUNT OF \$5512; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Attachments:** [RESOLUTION 2023 - 164 Stormwater repair ARPA project amendment Creel and Cro](#)  
[ARPA CO1 081423](#)  
[ARPA Contingency 081423](#)  
[1546.003 - Stormwater Manager Scvs Agreement Amendment 8 ARPA CEI 081423](#)

[RES0 23-165](#) A RESOLUTION APPROVING AND AUTHORIZING THE ISSUANCE OF AN EVENT PERMIT FOR AN EXOTIC CAR SHOW IN THURMAN SPRINGS PARK ON SEPTEMBER 23, 2023 FROM 4PM TO 7PM PRIOR TO THE FINAL 2023 CONCERT SERIES STARTING AT 7:30 PM PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Attachments:** [Exotic Car Show\\_Proposal-072823\\_v1](#)  
[RESOLUTION 2023 - 165 Car Show Sept 23](#)

**B. Regular Agenda | Public Hearing**

[PZ 23--014](#) Variance Request to UDC Table 2-2 related to minimum setback requirements for accessory structures. The property is located at 3220 Caley Mill Drive, within land lot 720 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19072000710.

Attachments: [PZ 23-014. Motion to Approve. 08212023](#)  
[PZ 23-014. Motion to Table. 07172023](#)  
[Variance Application. 3220 Caley Mill Dr Redacted](#)  
[Existing conditions](#)  
[Executed PZ 2023-014 to table to August 21, 2023](#)

[PZ 23--015](#) Special Use Request, per article 2, to construct an Accessory Dwelling Unit and detached garage. The property is located at 3665 Forest Hill Rd, within land lot 832 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19083200100.

Attachments: [PZ 23-015. Motion to Approve. 08212023](#)  
[PZ 23-015. Motion to Table. 07172023](#)  
[Special Use Application. 3665 Forest Hill Rd Redacted](#)  
[Plans. 3665 Forest Hill Rd](#)  
[Survey](#)  
[Site Plan](#)  
[Elevations](#)  
[Executed PZ 23-015 to table to August 21, 2023](#)

[PZ 23--017](#) Variance Request, to section 4-10, to construct an Accessory Dwelling Unit and detached garage. The property is located at 3665 Forest Hill Rd, within land lot 832 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19083200100.

Attachments: [PZ 23-017. Motion to Approve. 08212023](#)  
[PZ 23-017. Motion to Table. 07172023](#)  
[PZ23-017. Variance Application. Redacted](#)  
[Executed PZ 23-017 to table to August 21, 2023](#)

[PZ 23--022](#)

Variance Request. BJ Package Inc., Balbir Sahdra

To vary minimum distance from certain locations, per code of ordinances Sec. 3-120 - Alcohol License distance separation requirements for alcohol package sales. The property is located at 4481 Hiram Lithia Springs Road SW, within land lot 1046 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19104600250.

Attachments:

[PZ 23-022. Motion to Approve. 08212023](#)

[Variance Application Packet Redacted](#)

[Alcohol Distance Survey - 4481 Hiram Lithia Springs Road SW \(Updated\) Redacted](#)

[Property Survey Redacted](#)

[ORD 23 -008](#)

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE RELATING TO PERMITTED USES, ZONING PROCEDURES, AND STANDARDS RELATING TO DESIGN AND DEVELOPMENT; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st reading July 17, 2023; 2nd reading August 21, 2023

Attachments:

[Ordinance](#)

[ORD 23-008 Exhibit.pdf](#)

[ORD 23-008 Summary.pdf](#)

[ORD 23 -009](#)

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES RELATING TO THE ALCOHOL BEVERAGE ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st reading July 17, 2023 (Motion to Table on 07/17/2023); 2nd reading August 21, 2023

Tabled 1st reading to August 21, 2023; 2nd reading September 18, 2023

Attachments:

[ORDINANCE 2023 - 009 Code of Ordinance Amendments](#)

[Exhibit A](#)

[Draft Entertainment District Map](#)



[ORD 23 -010](#) AN ORDINANCE BY THE CITY OF POWDER SPRINGS, GEORGIA, RELATING TO A REQUEST TO DE ANNEX PROPERTY FROM THE CITY OF POWDER SPRINGS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. 1st reading July 17 2023. 2nd reading and Public Hearing August 21 2023.

*Attachments:* [ORDINANCE 2023 - 010 DEANNEX STORY ROAD](#)  
[Appendix A Legal Description. Northern Tract - 2.50 acres](#)  
[Appendix B Legal Description. Southern Tract - 1.25 acres](#)  
[De-annex. application. Story Rd Redacted](#)  
[Vicinity Map](#)  
[SIGNED Notice of Non-Objection 5550 Story Rd 2022 01 \(1\) Redacted](#)  
[Signed Resolution of County Consent](#)

[ORD 23 -011](#) AN ORDINANCE OF THE COUNCIL OF THE CITY OF POWDER SPRINGS, GEORGIA, UPDATING AND ADOPTING THE OFFICIAL ZONING MAP OF THE CITY OF POWDER SPRINGS; INDICATING, RATIFYING AND AFFIRMING ALL ZONING CHANGES THAT HAVE BEEN APPROVED SINCE THE LAST UPDATE TO THE OFFICIAL ZONING MAP THROUGH THE EFFECTIVE DATE; REPEALING CONFLICTING ORDINANCES, RESOLUTIONS, AND MAPS; AND FOR OTHER PURPOSES.

1st reading 7/17/23 2nd Reading 8/21/23

*Attachments:* [ORDINANCE 2023 - 011 ZONING MAP](#)  
[Zoning Map 07122023](#)

[ORD 23 -013](#) AN ORDINANCE AMENDING THE CODE OF ORDINANCES REGARDING HEALTH SPAS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st reading August 21, 2023; 2nd reading September 18, 2023

*Attachments:* [ORDINANCE 2023 - 013 Code of Ordinances Health Spas](#)  
[Chapter 12 HEALTH SPA](#)

[ORD 23 -014](#) AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE RELATING TO LAND DEVELOPMENT REQUIREMENTS FOR ROADS, STREETLIGHTS, AND GENERAL PROVISIONS FOR RESIDENTIAL DEVELOPMENTS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st reading August 21, 2023; 2nd reading September 18, 2023

Attachments:

[ORDINANCE 2023 - 014 UDC Amendments land use](#)

[Exhibits](#)

## 8. Oath of Office

Police Officer Andre Morrison and Planning and Zoning Commissioner Johnnie Purify

## 9. City Manager and City Council Reports

## 10. Executive Session was called for purposes of Real Estate and Litigation Matters

## 11. Adjournment

Following adjournment of Council Meetings, the Mayor and various Council Members often remain at the City Council meeting location podium to sign ordinances, resolutions and contracts, greet and speak with citizens, and discuss current events. To the extent this activity may be considered a meeting under the Georgia Open Meetings Law, the public is hereby notified thereof, and invited to attend.

For more information regarding any of actions included on this agenda, please visit [www.cityofpowdersprings.org](http://www.cityofpowdersprings.org) | Agendas & Minutes and select applicable meeting date. Clicking on the blue link will open all detail related to the action. Please note additional supporting information for the City Council Agenda may still be added up through the day of the City Council Meeting.