



City of Powder Springs

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

Meeting Minutes - Final

City Council

Mayor

Albert Thurman

Council Members:

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

Monday, July 17, 2023

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

Pre-Meeting Discussion at 6:30PM

Join Zoom Meeting - <https://us06web.zoom.us/j/84834122308>

Meeting ID: 848 3412 2308 Dial: 1-929-205-6099

1. Call to Order

Mayor Pro Tem Lust called the meeting to order at 7:00 pm. Mayor Al Thurman was absent. All Council Members were present on site. Also present on site were City Attorney Julie Livingston, City Manager Pam Conner, and City Clerk Kelly Axt.

Staff in attendance: Lane Cadwell, Tina Garver (Zoom), Travis Landrum (Zoom), Shaun Myers (Zoom), Tamara Newkirt, and Bill Tanks.

Present 5 - Mayor Pro Tem - Ward 1 Henry Lust, Council Member - Ward 2 Doris Dawkins, Council Member - Ward 3 Dwayne Green, Council Member - At Large Post 1 Patrick Bordelon, and Council Member - At Large Post 2 Patricia Wisdom

Absent 1 - Mayor Al Thurman

2. Invocation and Pledge of Allegiance

Invocation was led by Council Member Green and the Pledge of Allegiance was led by Council Member Wisdom.

3. Approval of Minutes

[2023 -052](#) Council Agenda Minutes 06/20/2023

Attachments: [Council Agenda Minutes 20-Jun-2023](#)

A motion was made by Council Member - At Large Post 1 Bordelon, seconded by Council Member - Ward 2 Dawkins, that City Council Agenda Minutes 06/20/2023 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

[2023 -054](#) Special Called City Council Agenda Minutes 07/03/2023

Attachments: [Special Called Council Agenda Meeting Minutes 03-Jul-2023](#)

A motion was made by Council Member - At Large Post 1 Bordelon, seconded by Council Member - Ward 2 Dawkins, that Special Called City Council Agenda Minutes 07/03/2023 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

[2023 -055](#) City Council Work Session Minutes 07/12/2023

Attachments: [Council Work Session Minutes 12-Jul-2023](#)

A motion was made by Council Member - At Large Post 1 Bordelon, seconded by Council Member - Ward 2 Dawkins, that City Council Work Session Minutes 07/12/2023 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

4. Mayor's Comments

Mayor Al Thurman was absent.

5. Citizens Comments

Sandy Brooks, resident of 3717 Lockerbie Lane in Powder Springs GA, spoke in regards to a dilapidated home at 3746 Lockerbie Lane.

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 between 6:40 and 7:00 PM to register to speak.

6. Public Reports | Presentations

Bill Tanks, Equity and Inclusion Agency Executive Director, introduced Robin Roberts to speak regarding the recent Bringing the Sea to Springs Seafood

Festival.

Robin Roberts, of Robin Roberts Promotions, discussed the over 10,000 in attendance, use of local vendors, changes in date of festival for 2024, changes to the audio during the festival, and the total the City received back from the festival was over \$6,800.

[2023 -053](#) Proclamation - Parks Month

Attachments: [Proclamation Parks Month 2023](#)

Council Member Bordelon read the proclamation declaring July Parks and Recreation Month.

7. City Attorney

A. Consent Agenda

[RES0
23-136](#) A RESOLUTION ACCEPTING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH INNOVATIVE BUILDING MAINTENANCE FOR JANITORIAL SERVICES AT CITY FACILITIES FOR AN ANNUAL AMOUNT OF \$50,552; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 136 Janitorial Services Innovative Bldg Summary^J Janitorial Services](#)
[Executed RESO 2023-136](#)

approved

[RES0
23-137](#) A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CERTAIN MEMORANDUM OF UNDERSTANDING WITH THE SOUTH COBB ARTS ALLIANCE FOR THE IMPLEMENTATION OF THE GRANT FUNDS AWARDED TO THE CITY OF POWDER SPRINGS BY THE AMERICAN ASSOCIATION OF RETIRED PEOPLE RELATING TO AN ART PLACEMAKING PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Bicycle Art Powder Springs MOU with SCAA](#)
[DUAL-PLATE-BB-MLKJ-SAMPLE \(003\)](#)
[RESOLUTION 2023 - 137 SCAA MOU for art project](#)
[Executed RESO 2023-137](#)

approved

[RES0
23-138](#)

A RESOLUTION DECLARING AS SURPLUS AND AUTHORIZING DISPOSITION OF POLICE DEPARTMENT VEHICLES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 138 Surplus of PD Vehicles](#)

[20230714_100822](#)

[20230714_100807](#)

[20230714_100828](#)

[20230714_100841](#)

[20230714_100908](#)

[20230714_100915](#)

[Executed RESO 2023-138](#)

approved

[RES0
23-139](#)

A RESOLUTION ACCEPTING AND APPROVING THE PURCHASE OF A SCOUT VIDEO COLLECTION UNIT FROM MIOVISION TECHNOLOGIES INCORPORATED FOR AN AMOUNT OF \$4,116.00 FOR TRAFFIC DATA COLLECTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Miovision 06202023 Redacted](#)

[2023 Miovision RESO](#)

[Executed RESO 2023-139](#)

approved

[RES0
23-141](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND COUNCIL TO EXECUTE AN AGREEMENT WITH WATT COMMERCIAL SWEEPING, INC. TO CONDUCT SWEEPING ON VARIOUS STREETS IN THE CITY IN THE AMOUNT OF \$61,500.00

Attachments: [Estimate 1448 Redacted](#)

[RESOLUTION 2023 - 141 Watt Commercial Sweeping renewal](#)

[Executed RESO 2023-141](#)

approved

[RES0
23-142](#)

A RESOLUTION ACCEPTING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PESTMASTER FOR MONTHLY PEST CONTROL SERVICES AT CITY FACILITIES FOR AN ANNUAL COST OF \$5,946; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - Pestmaster Pest Control Services](#)

[Cost Tabulation^J Pest control](#)

[Executed RESO 2023-142](#)

approved

[RES0
23-143](#)

A RESOLUTION DECLARING AS SURPLUS AND AUTHORIZING THE DISPOSITION AND SALE OF CERTAIN MUNICIPAL PROPERTY LOCATED AT 3862 MISTY BLEAU DRIVE; AUTHORIZING THE MAYOR TO EXECUTE A SURPLUS OF QUIT CLAIM DEED AND OTHER CONVEYANCE OR PROPERTY DOCUMENTS REQUIRED TO EFFECTUATE SAME; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Attachments: [RESOLUTION 2023 - Surplus and Quitclaim 4862 Misty Bleau](#)
[3862 Misty Bleau](#)
[3862 Tax map](#)
[Executed RESO 2023-143](#)

approved

[RES0
23-144](#)

A RESOLUTION APPROVING UPDATES TO PAY RANGES BASED UPON THE FY23 MARKET REVIEW OF PAY FOR CITY POSITIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - PAY AND CLASSIFICATION table adjustments](#)
[Pay Grade Table](#)
[PD Salary Table updated July 2023](#)
[Executed RESO 2023-144](#)

approved

[RES0
23-145](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE GEORGIA MUNICIPAL ASSOCIATION TO CONDUCT THE MANAGER AND SUPERVISOR DEVELOPMENT TRAINING PROGRAM FOR AN AMOUNT NOT TO EXCEED \$30,000; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - GMA manager supervisor development training](#)
[Executed RESO 2023-145](#)

approved

Approval of the Consent Agenda

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

B. Regular Agenda | Public Hearing

[AL-23-001](#) Alcohol License
5780 CH James Pkwy Ste 110
1738 Restaurant and Bar LLC
Sulaiman Adewojo and Bolaji Lawal

Attachments: [AL 23-001. Motion for Approval. 07172023](#)
[2023 alcohol app S ADEWOJO Redacted](#)
[ANDEWOJO - RASS Certificate](#)
[2023 alcohol app B LAWAL Redacted](#)
[LAWAL- RASS Certificate](#)
[Survey Redacted](#)
[Executed AL 2023-001](#)

Tina Garver, Community Development Director, introduced the alcohol license application to allow the applicants to pour beer, liquor and wine onsite at their restaurant. Mrs. Garver added that the applicants have completed training, the survey and the requirements of the code.

Staff recommends approval of the application.

Sulaiman Adewojo, Co-Business Owner of 1738 Restaurant and Bar LLC, discussed their application to pour beer, wine and liquor. Mr. Adewojo added that they recently received their Certificate of Occupancy March 2023.

No speakers for or against this application.

The Council body asked will the business have a private room for events. Mr. Adewojo replied that there will not be a private room for events.

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that Alcohol License AL-23-001 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

[PZ 23--007](#) Special Use Request to allow storage of business inventory within a portion of a residential accessory structure and to conduct sports and academic lessons. The property is located at 3152 Brooks Lane, within land lot 725 of the 19th District, 2nd Section, Cobb County, Georgia.

Attachments: [Executed Motion PZ 23-007 to table to 05-01-2023](#)
[notarized application Redacted](#)
[Tabled PZ 23-007 to June 5, 2023](#)
[Signed PZ 23-007 Tabled to July 17th](#)
[Executed PZ 2023-007 to table to March 4, 2024](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that this Special Use PZ 23--007 be tabled to the City Council on 3/4/2024. 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

[PZ 23--011](#) Variance Request to UDC Article 1 sections related to lot splits and road frontage requirements, and Table 2-4 related to minimum lot dimensional requirements. The property is located at 4073 Fambrough Drive, within land lot 733 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19073300050.

Attachments: [PZ 23-011. Motion for Approval. 07172023](#)
[Bldg 300 Variance Request App Redacted](#)
[Survey. Proposed lot split Redacted](#)
[Executed PZ 2023-011](#)

Tina Garver, Community Development Director, introduced the variance application to subdivide a parcel to allow the property owner to sell a portion to his tenant. Mrs. Garver added that Staff recommends approval of the variance application with conditions.

Greg Richardson, business owner of SR & GR Holdings LLC, presented his application to sell a portion of his property to tenant thus relieving some financial stress.

No speakers for or against the application.

The Council body asked if Mr. Richardson has read and are agreeable to the conditions. Mr. Richardson confirmed that he was agreeable to the conditions.

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 2 Wisdom, that Variance PZ 23--011 be approved A motion to APPROVE, 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 Sec. 1-23: Lot Size, and Table 2-4: Dimensional**

Requirements, to allow a lot of approximately 37,000-SF are approved.

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. The lot split 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, stormwater 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-plate the property, to include the filing of a re-platting application with the Community Development Department for review and approval.

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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

[PZ 23--012](#)

Variance Request. To vary distance from certain locations, per code of ordinances Sec. 3-120, for Alcohol License distance separation requirements, for beer and wine package sales. The property is located at 3824 Powder Springs Road (Family Dollar), within land lot 871 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19087100090

Attachments: [PZ 23-012. Motion for Approval. 07172023](#)
[ABC30151VarianceApplicationPacket Redacted](#)
[Executed PZ 2023-012](#)

Tina Garver, Community Development Director, introduced the variance application to vary from the distance requirement to residential property. Mrs. Garver added that Staff recommends approval of the application with conditions.

Tommie Jackson, Family Dollar Representative, stated that they are asking for the same opportunities as other retailers to obtain a beer and wine license for their store.

No speakers for or against the application.

A motion was made by Council Member - At Large Post 2 Wisdom, seconded by Council Member - Ward 2 Dawkins, that Variance PZ 23--012 be approved A motion to APPROVE, with the following conditions:

1. The applicant must submit application for an Alcohol License to the Community Development Department.
2. Update Survey to show correct distance measurements based on code.

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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

[PZ 23--013](#)

Flood Protection Variance. Variance Request to UDC Section 10-11, related development in the floodplain. The property is located at 4815 Innovative Way, within land lot 1126 of the 19th District, 2nd Section, Cobb County, Georgia. PINs: 19109600010 and 19112600010.

Attachments: [PZ 23-013. Motion for Approval. 07172023](#)

[20 West Transport - Variance Application Redacted](#)

[220702 - 20 WEST - SUBMITTAL SET \(2023.02.09\) \(1\) Redacted](#)

[Stormwater Management Plan \(2023.02.06\) Redacted](#)

[Executed PZ 2023-013](#)

Tina Garver, Community Development Director, introduced the variance application to allow a development in the flood plain. Mrs. Garver added that Staff is supportive of the application with a condition.

Joseph McGorrey, of 20 West Transport Partners LLC, stated that the site is almost entirely in a flood plain as it was when they purchased all the parcels; and with the four ponds they plan to put in they will achieve the no rise.

No speakers for or against the application.

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that Variance PZ 23--013 be approved with the following condition:

1. The applicant shall demonstrate no net fill in the floodplain, no rise, and shall not encroach into the floodway.

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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

[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](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that this Variance PZ 23--014 be tabled to the City Council, on 8/21/2023. 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

[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](#)

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 1 Bordelon, that Special Use PZ 23--015 be tabled to the City Council on 8/21/2023. 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

[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](#)

A motion was made by Council Member - At Large Post Wisdom, seconded by Council Member - Ward 3 Green, that Variance PZ 23--017 be tabled to the City Council on 8/21/2023. 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

[PZ 23--018](#) Special Use Request to modify the conditions of approval of PZ 23-006 for a food truck park. The property is located at 3980 & 3982 Austell Powder Springs Road, within land lot 905 of the 19th District, 2nd Section, Cobb County, Georgia.

Attachments: [Draft motion](#)
[Special Use Application 06062023 Redacted](#)
[Site Plan](#)
[Conditions of Approval PZ23-006. April 3, 2023.](#)
[Applicants' proposed conditions, updated site plan, proposed storage container Redacted](#)
[Executed PZ 23-018](#)

Tina Garver, Community Development Director, discussed the applicants submitted revision of his special use conditions that were granted on April 3rd to allow a food truck park. Mrs. Garver added that Staff recommends approval of the revised conditions with a number of staff revisions.

Eugene Idlett, applicant, stated his desires to revise his previously approved conditions of the alcohol provisions, permitting of a shipping container, outdoor storage of food trucks, proposed signage and the special use approval process.

Julie Livingston, City Attorney, stated that the City's position is a food truck park does not meet the current requirements of a valid special event facility, because it requires an indoor facility. Mrs. Livingston added that the City does not have language in their alcoholic beverage license that would allow an outdoor consumption of alcohol in this manner except for in the entertainment district which is a defined area that does not include food trucks. The City Attorney noted conditions 12, 16, 19 and 23 are the conditions the applicant has contention with.

The Council body asked in reference to a condition of an advertisement of participants bringing their own grills to a cook off; and would outdoor grilling

fall under Cobb County. Mr. Idlett replied that he didn't make the flyer for the cook off; and Mrs. Livingston answered that City does not have discretion if a person is preparing and distributing food that person would have to meet all the Health Department requirements.

Angela Strong, resident of 2350 Cobb Parkway in Smyrna GA, spoke in support of the applicant in allowing alcohol in the food truck park.

Penny Mitchell, resident of 4504 Rushing Wind Ct in Powder Springs GA, spoke in support of the applicant and the food truck business.

Beth Calhoun, resident of 5269 Seamus Way in unincorporated Powder Springs GA, spoke in support of the food truck business.

Cedric Williams, food truck owner, spoke in support of having a networking team for pop-up shops.

A motion was made by Council Member - At Large Post 1 Bordelon, seconded by Council Member - Ward 2 Dawkins, that PZ Motion PZ 23--018 be approved with the following conditions:

- 1. The special use approval is valid for one year from the date of approval. The applicant must reapply for special use prior to expiration and is subject to all provisions of the Food Truck Park Specific Use Provisions, Sec 4-146 as may be adopted or amended.**
- 2. The special use approval is for the food truck park, outdoor storage of food trucks, the use of a shipping container for a point of sale, subject to the issuance of permits and licenses required by the city, county and state. The modified shipping container shall be subject to the requirements for commercial building permit, design review, construction and site plan approval and meet other applicable city, county and state requirements.**
- 3. The site plan, annotated with City of Powder Springs approval conditions (07/12/2023) and as approved by the Cobb County Fire Marshal on 7/12/2023 is the approved site plan. This site plan may be amended and approved administratively to allow updated City of Powder Springs approval notes reflecting conditions of approval on July 17, 2023, and to allow 1 intermodal container subject to meeting all requirements of the City of Powder Springs, Cobb County Fire Marshal, the Georgia Department of Community Affairs and other applicable agencies.**
- 4. Food service shall only come from food trucks (mobile food units). No food shall be served or prepared for service outside of the mobile food units, including but not limited to a prohibition on the use of grills. Providers must be licensed with the City of Powder Springs. All mobile food units must meet all Cobb Douglas Public Health requirements or Department of Agriculture, whichever is applicable. Food vendors without a mobile unit are prohibited, except by approved Temporary Event Permit.**
- 5. Hours of operation are limited to 8 am to 10 pm. No food or beverages shall be prepared or served on the premises outside of the hours of 8 am to 10 pm. No one shall be allowed to gather on the premises and consume food or beverages or for any other purpose, other than for maintenance purposes, outside of the hours of 8 am to 10 pm.**
- 6. A maximum of 10 food trucks are allowed on site at any time. All must be properly licensed with current tags and health department permits.**
- 7. Parking Ratio: The site must have a minimum of 3 customer parking spaces per operating food truck.**
- 8. The applicant shall install permanent indoor restrooms for public use within three**

months of issuance of an Occupational Tax License. Failure to have approved and operating permanent indoor restrooms within three months of the issuance of an Occupational Tax License may result in the revocation of the Occupational Tax License and/or any certificate of occupancy. Portable toilets will be reviewed as part of permitted special events. The number of stalls subject to the approval of Cobb Douglas Public Health, Cobb County Fire Marshal and the City of Powder Springs.

9. Dumpster and grease trap enclosure shall be compliant with the City's development standards (Section 5-5.9) within six months of the issuance of the Occupational Tax Certificate.

10. Overnight storage of food trucks on 3980 Austell Powder Springs Road shall be for trucks with a signed one year's lease and must serve the public from this location at least 3 days per week. Overnight storage location for the food trucks shall not be visible from the Austell Powder Springs Road.

11. Applicant to coordinate and permit necessary construction with the Cobb County Fire Marshal, Cobb County Water System, the City of Powder Springs, and Cobb and Douglas Public Health, and the Georgia Department of Community Affairs. This shall include all building, design review, construction and site plan review for all structures, including but not limited to any shipping container.

12. Applicant to permit any proposed signage with the City of Powder Springs. This initial sign may be a temporary sign, subject to the time limit provisions of the special event/temporary sign code, after which the applicant must install a permanent sign.

13. No perimeter or front yard fencing is allowed. Any proposed interior security fencing (including materials and height) shall be subject to approval from the Community Development Department, subject to Design Review and approval and shall only be permitted if required by any other section of the Unified Development Code or Code of Ordinances.

14. Applicant to utilize City of Powder Springs police officers to control traffic and ensure safety with pedestrian users of the proposed trail on a case by case, event by event basis.

15. Applicant to provide screening plan(s) for storage unit and dumpster area, subject to review and approval by the City of Powder Springs Community Development Department.

16. No alcohol is to be consumed or sold on the premises. If the City of Powder Springs amends its alcohol beverage ordinance to allow the beer garden or outdoor alcohol licenses, then the applicant may apply for said alcoholic beverage license if the applicant meets the requirements. If the applicant meets those requirements and obtains the required local and state permits and licenses for alcoholic beverage sales, then the alcoholic beverages may be consumed and sold on the premises upon the issuance of the said license, subject to all local and state requirements.

17. The applicant must maintain control of both parcels, by lease and/ or ownership, to continue the special use. The approval is nullified if 3982 Austell Powder Springs Road is not controlled by the applicant. Should said property change ownership to someone other than the applicant, the approval is nullified. If the approval is nullified due to changes in control, the applicant must reapply for special use approval to continue the use. Should the applicant purchase have said property, then the lots must re-platted via the Lot Combination Application process.

18. Events with amplified sound require a Temporary Event Permit issued by the City of Powder Springs, on a case-by-case basis. No temporary event shall be approved while open code enforcement violations exist. All code enforcement concerns / warnings / violations must be addressed expeditiously.

19. Free-standing chairs and other temporary furniture shall be secured overnight as required.

20. No grills outside of mobile unit are allowed, except if approved or authorized by Cobb Douglas Public Health and associated with an operating mobile food unit.

21. Adequate trash receptacles shall be provided on the premises to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. Such receptacles shall be located no more than ten feet from each food truck. The food truck park operator shall be responsible for removing all trash, litter and refuse from the site at

the end of each business day.

22. All mobile food units must be located on an improved surface and as shown on the approved site plan.

23. No outdoor non-food vendors shall be allowed, unless a temporary event permit has been obtained for specific day(s) and time(s), in which case the non-food vendors will be allowed during those approved temporary event hours and the number of non-food vendors shall be limited to 1 non-food vendor per 5 food truck vendors. The approved non-food vendors must obtain all necessary permits and licenses and be contained within a vehicle or specific tent or table dedicated to the non-food vendor.

The motion carried by the following vote:

Yes: 4 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - At Large Post 1 Bordelon, and Council Member - At Large Post 2 Wisdom

No: 1 - Council Member - Ward 3 Green

Absent: 1 - Mayor Thurman

[PZ 23--021](#) Design Review. 5592 Powder Springs Dallas Road. To reduce separation planted buffer, per stipulation #2 of PZ21-049.

Attachments: [PZ 23-021. Motion for Approval. 07172023](#)

[Pages from Silver Comet 7.12.23](#)

[Signed motion. PZ 21-049. See stipulation #2](#)

[Executed PZ 23-021](#)

Tina Garver, Community Development Director, discussed the site plan that was revised per TSW recommendations to create more green space and central open areas thus reducing the buffer from 85 feet to 50 feet. Mrs. Garver added that Staff recommends approval of the design review to reduce the buffer.

No speakers for or against PZ 23-021.

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that Design Reviews PZ 23--021 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

[ORD 23-006](#) AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF POWDER SPRINGS TO REAPPORTION ELECTION DISTRICTS FOR THE CITY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st reading June 20 2023 2nd reading July 17 2023

Attachments: [Draft Ward Map 05312023 Annexations](#)
[ORD 2023-006 EXH A Draft Ward Map 05312023 Annexations](#)
[ORD 2023-006 EXH B WARD POPULATION SUMMARY](#)
[Executed ORD 2023-006](#)

Pam Conner, City Manager, discussed that Reapportionment and Redistricting Office prepared a map to reflect a even consistency amongst the council wards.

No speakers for or against ORD 23-006.

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 2 Wisdom, that Ordinance ORD 23 -006 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

[ORD 23
-007](#)

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE RELATING TO PERMITTED USES IN RESIDENTIAL AREAS FOR THOSE IN NEED OF CERTAIN SUPPORTIVE, STRUCTURED LIVING CONDITIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st reading June 20 2023 2nd reading July 17 2023

Attachments: [ORDINANCE 2023 - 007 UDC Amendments](#)
[Exhibit A](#)
[Recovery residences UDC definitions permitted uses](#)
[Recovery residences UDC specific use provisions](#)
[Recovery residences Other Cobb Cities summary](#)
[Georgia Council for Recovery expects more legislation concerning sober living housing](#) [Georgia Public Broadcasting](#)
[Recovery Residences \(Halfway Houses\)](#) [Georgia Attorney General's Consumer Protection Division](#)
[Executed ORD 2023-007](#)

Tina Garver, Community Development Director, discussed the amendment to allow group homes in residential districts, adding definition to halfway homes, requiring special use in residential districts, limiting the number of vehicles based on the size of the house, and adding regulations for group homes and halfway houses.

No speakers for or against ORD 23-007.

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 Bordelon, that Ordinance ORD 23 -007 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

[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 2023 - 008 UDC Amendments](#)

[Summary of Revisions](#)

[Exhibits ORD 23-008](#)

Tina Garver, Community Development Director, discussed some of the revisions regarding open space, open space requirements within MDR and PUD-R, reduction in town house lot size, and guest parking.

Ordinance ORD 23 -008 was a first reading only and no action was taken.

[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](#)

Ordinance ORD 23 -009 first reading and tabled to the City Council on 8/21/2023.

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

Absent: 1 - Mayor Thurman

[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](#)

Tina Garver, Community Development Director, discussed that applicant's request to de-annex property that was annexed as a part of a larger subdivision.

Ordinance ORD 23 -010 was a first reading only and no action was taken.

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](#)

Tina Garver, Community Development Director, discussed the adoption of the zoning map to ratify any previous zoning actions at the Carrington subdivision.

Ordinance ORD 23 -011 was a first reading only and no action was taken.

8. City Manager and City Council Reports

Executive Session was called for the purpose of Litigation and Personnel Matters.

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 2 Wisdom, that this Executive Session called for the purpose of Litigation and Personnel Matters 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

9. Executive Session concluded for the purposes of Litigation and Personnel Matters.

A motion was made by Council Member - At Large Post 1 Bordelon, seconded by Council Member - Ward 2 Dawkins, that this conclusion of the Executive Session for the purpose of Litigation and Personnel Matters 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

10. Adjournment

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that this Adjournment 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman