



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, April 3, 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/82617669607>

Meeting ID: 826 1766 9607 Dial: 1-929-205-6099

1. Call to Order

Mayor Thurman called the meeting to order at 7:00 pm. Council Members Dawkins, Green, Lust and Wisdom were present on site. Council Member Bordelon was absent. 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, Travis Landrum, Eric Meyer, Shaun Myers, Tamara Newkirt, Travis Sims, and Bill Tanks.

Present 5 - Mayor 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 2 Patricia Wisdom

Absent 1 - Council Member - At Large Post 1 Patrick Bordelon

2. Invocation and Pledge of Allegiance

Invocation was led by Mayor Thurman and the Pledge of Allegiance was led by Council Member Lust.

3. Approval of Minutes

[2023 -022](#) Council Agenda Minutes 03/20/2023 at 7PM

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

A motion was made by Council Member - Ward 2 Dawkins, seconded by Mayor Pro Tem - Ward 1 Lust, that Council Agenda Minutes 03/20/2023 at 7PM be approved. The motion carried by the following vote:

Yes: 4 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Council Member - At Large Post 1 Bordelon

[2023 -023](#) Council Work Session Minutes 03/29/2023 at 5PM

Attachments: [Council Work Session Minutes 29-Mar-2023](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Mayor Pro Tem - Ward 1 Lust, that Council Work Session Minutes 03/29/2023 at 5PM be approved. The motion carried by the following vote:

Yes: 4 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Council Member - At Large Post 1 Bordelon

[2023 -024](#) Special Called Council Agenda Minutes 03/29/2023 at 6PM

Attachments: [Special Called Council Agenda 29-Mar-2023 at 6PM](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Mayor Pro Tem - Ward 1 Lust, that Special Called Council Agenda Minutes 03/29/2023 at 6PM be approved. The motion carried by the following vote:

Yes: 4 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Council Member - At Large Post 1 Bordelon

4. Mayor's Comments

Mayor Thurman praised the LSU players on their championship win with a special mention of McEachern High School graduate Jasmine Carson.

5. Citizens Comments

Andrea Gober, resident of 3245 Dogwood Drive in Powder Springs, presented photos of solicitations of a half way home that was denied by Council at a previous hearing. She stated it appears the property is operating a half way house on her street. City Manager Conner will follow up with Ms. Gober regarding her submitted documents.

Larry Thomas, resident of 4217 Marietta in Powder Springs, addressed the City Attorney regarding the genealogy search for the heirs of the Primitive Baptist Church.

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

No reports or presentations were made.

7. City Attorney

A. Consent Agenda

[RES0
23-082](#) A RESOLUTION AUTHORIZING THE PURCHASE OF 1500 SANITATION CARTS AT A COST OF \$86,744; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO EFFECTUATE THE PURCHASE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 082 purchase of 1500 sanitation carts](#)
[Powder Springs Updated \(1500\) 96g_VI Redacted](#)
[Executed RESO 23-082](#)

approved

[RES0
23-083](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH C&M TREE SERVICE FOR AN AMOUNT OF \$18,775 TO REMOVE AND TRIM CERTAIN TREES FROM PUBLIC PROPERTY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Tree Removal Redacted](#)
[RESOLUTION 2023 - 083 tree removal](#)
[Executed RESO 23-083](#)

approved

[RES0
23-084](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH HYDRO EXCAVATORS IN THE AMOUNT OF \$14,326 TO CLEAN STORM WATER STRUCTURES LOCATED ON RICHARD D. SAILORS PARKWAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Stormwater Structure Cleanout Redacted](#)
[RESOLUTION 2023 - 084 Stormwater cleaning ARPA projects](#)
[Executed RESO 23-084](#)

approved

[RES0
23-085](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH MAULDIN & JENKINS TO PROVIDE ANNUAL FINANCIAL AUDIT SERVICES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 085 Mauldin & Jenkins audit](#)
[M & J City of Powder Springs Cost Proposal Redacted](#)
[M & J City of Powder Springs Technical Proposal Redacted](#)
[Executed RESO 23-085](#)

approved

[RES0
23-086](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GEORGIA TECH FOR CERTAIN PROFESSIONAL SERVICES RELATING TO THE MORATORIUM PREVIOUSLY ESTABLISHED BY THE CITY OF POWDER SPRINGS FOR A SUM OF \$17,830; AUTHORIZING THE FINANCE DIRECTOR TO PREPARE NECESSARY BUDGET AMENDMENTS FOR THE TRANSFER AND ALLOCATION OF FUNDS TO PAY FOR SAID PROFESSIONAL SERVICES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 086 Moratorium studies 3rd phase](#)
[Executed RESO 23-086](#)

approved

[RES0
23-087](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CROY ENGINEERING IN THE AMOUNT OF \$57,467.50 TO DEVELOP A TRUCK TRAFFIC ROUTING PLAN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 087 Truck Route Plan](#)
[City of Powder Springs Truck Traffic Routing Plan RFP No. 23-005_Croy 2023](#)
[PS Truck Route M and A_rev_dbd_040323](#)
[Executed RESO 23-087](#)

approved

[RES0
23-088](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH S.H. CREEL CONTRACTING LLC IN THE AMOUNT OF \$158,875 TO COMPLETE CERTAIN IMPROVEMENTS WITHIN CITY FACILITIES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Award Letter - 03-24-23 Redacted](#)
[RESOLUTION 2023 - 088 CDBG ADA project](#)
[Executed RESO 23-088](#)

approved

RES0
23-089

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH WORKSOURCE COBB TO PARTICIPATE IN A SUMMER INTERN PROGRAM; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 089 Worksource Cobb Agreement Summer Intern](#)
[Company Assessment 1.20.22](#)
[EmployerRegistration-3.15.2023 Revised Redacted](#)
[WEXWorksiteDataJobDescription.2021 Redacted](#)
[Work Experience \(WEX\) Worksite Agreement Redacted](#)
[Executed RESO 23-089](#)

approved

RES0
23-090

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH S.H. CREEL CONTRACTING, LLC IN THE AMOUNT OF \$9,890 TO REPAIR THE WALL LOCATED IN THE SILVER COMET TRAIL LINEAR PARK AROUND THE TREE HOUSE SLIDE AND PLAYGROUND; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 090 Linear Park Wall Repair](#)
[S.H CREEL 3-28-23 Redacted](#)
[Executed RESO 23-090](#)

approved

RES0
23-091

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH DAF CONCRETE TO INSTALL A 6-INCH REINFORCED CONCRETE PAD ON WHICH TO PLACE THE BALER LOCATED AT THE CITY'S RECYCLING DROP OFF CENTER FOR AN AMOUNT OF \$8,400; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 091 Baler Concrete Pad DAF](#)
[DAF CONCRETE 3-28-23 Redacted](#)
[Executed RESO 23-091](#)

approved

[RESO
23-092](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH WILSON HEATING AND AIR FOR THE PURCHASE AND INSTALLATION OF A HEATING VENTILATION AND AIR CONDITIONING UNIT FOR THE CULTURAL ARTS CENTER AT A TOTAL COST OF \$12,465; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 092 HVAC at CAC](#)
[WILSON AIR 3-28-23 Redacted](#)
[Executed RESO 23-092](#)

approved

[RESO
23-093](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE DEDUCTIVE CHANGE ORDER TO THE AGREEMENT WITH EAST COAST GRADING RELATING TO THE RESURFACING OF CERTAIN ROADS THROUGHOUT THE CITY FOR THE AMOUNT OF \$135,321.26; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 093 Deductive Resurfacing East Coast](#)
[Change Order No. 1 FINAL Letter to ECG Redacted](#)
[Executed RESO 23-093](#)

approved

[RESO
23-095](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH JAT CONSULTING SERVICES IN AN AMOUNT OF UP TO \$4,000 PER MONTH TO PROVIDE PROFESSIONAL SERVICES REQUIRED BY THE FINANCE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 095 JAT Consulting](#)
[Executed RESO 23-095](#)

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

Absent: 1 - Council Member - At Large Post 1 Bordelon

B. Regular Agenda | Public Hearing

[RES0
23-096](#)

A RESOLUTION AUTHORIZING THE CHIEF TO PROVIDE A NOTICE TO PROCEED TO THE SUPPLIER OF MOBILE AND IN-CAR ENCRYPTED RADIOS FOR PURCHASE OF SAID RADIOS IN ADVANCE OF THE RECEIPT OF CERTAIN FEDERAL DOLLARS; AUTHORIZING THE FINANCE DIRECTOR TO PROCEED WITH AND PREPARE BUDGET AMENDMENTS NECESSARY TO COMPLETE THE TRANSACTIONS OF PURCHASE, FUNDING AND REPAYMENT OF FUNDS; AUTHORIZING THE MAYOR TO EXECUTE CERTAIN AGREEMENTS TO EFFECTUATE PURCHASE OF POLICE RADIOS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 096 police radios](#)
[Executed RESO 23-096](#)

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that Resolution RES0 23-096 be approved. The motion carried by the following vote:

Yes: 4 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Council Member - At Large Post 1 Bordelon

[PZ 22--034](#)

Rezoning Request. To rezone an approx 59.5 +/- acres tract from R-20, NRC, LRO in the County to Conditional MXU in the City – within Land Lots 717, 718, 764 and 765, 19th District, 2nd Section, Cobb County, Georgia.

Attachments: [Revised Site Plan. 03212023](#)
[Revised Stipulations Letter. 03012023. Redacted](#)
[Myers, Shaun 03-23-2023 Letter Redacted](#)
[Site plan comparison. Previous vs Current](#)
[Site Plan and Elevation Exhibits. Barrett Pkwy Annexation](#)
[Vicinity Map. Barrett Pkwy Annexation](#)
[Stipulations Letter 01-04-2023 Redacted](#)
[Trip Generation Memo - 01-12-2023 Redacted](#)
[Unit size and price ranges Redacted](#)
[Rezoning + Annexation Applications. Notice of Intent. Application attachments Redacted](#)
[Executed PZ 2022-034 Motion to Table to February 6, 2023.](#)
[PZ 22-034 Executed Motion to table to Feb 6, 2023](#)
[Executed PZ 22-034](#)

Garvis Sams, Attorney of Sams, Larkins, and Huff on behalf of South City Partners, discussed the rezoning application of for sale owner occupied mulit-family homes, town homes, with a commercial component.

John Long, of South City Partners, asked for clarification on the conditions. Mr. Long also asked for consideration in language that allows for a one year

extension if a building permit has been pulled and the building is under construction in order to complete the building.

Tina Garver, Community Development Director, stated that she would be more comfortable with the presented one year extension if they could demonstrate issuance of the building permit or require the issuance of the Certificate of Occupancy of the shell of the structure versus the entire building.

Julie Livingston, City Attorney, replied that the Mrs. Garver has provided Staffs recommendations for approval with 37 conditions. Mrs. Livingston added there was change to the language to condition number 36.

No speakers for or against the application.

Related Item ORD 22-032.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that Rezoning PZ 22--034 be approved with the following 37 stipulations - #36 changed to reflect one year extension with near completion and C.O The motion carried by the following vote:

- 1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.**
- 2. The Subject Property shall be developed in substantial conformity to that certain revised site plan, dated March 20, 2023, prepared by Joel G. Bowman, RLA, of b & c studio, and inclusive of City Staff and TSW recommendations.**
- 3. Residential Component: The construction of a maximum number of 51 detached single-family homes, 98 townhomes, 297 multi-family units at an overall maximum density of 9.4 units per acre. A minimum of 20 single family lots shall be 55' by 100' and have the larger detached units. The site plan may be varied administratively to allow for more 55' wide single-family lots.
Commercial Component: The construction of a minimum 6,000 square feet of retail space in a mixed-use building and a building pad developed to accommodate a 5,000 square foot commercial building.**
- 4. The subject property shall be submitted for subdivision into 4 parcels (multi-family, commercial, townhome, and single family) within 12-months of City Council's approval, and prior to the issuance of the Land Disturbance Permit. The Land Disturbance Permit for multi-family and commercial tracts shall be filed and completed as a single LDP.**
- 5. The architectural style and composition of the homes shall be thematically and stylistically aligned and consist of traditional architecture on all sides in substantial conformity to the revised architectural renderings/elevations being submitted concurrently herewith. The side elevations of all detached single-family units shall have at minimum a brick or stone water table.**
- 6. Electric Vehicle (EV) Charging. Residential garages within the detached single-family and townhome components shall be pre-wired with the minimum standards for level 2 EV charging capability with NEMA 14-50 receptacle. The multifamily and commercial**

components shall have industry leading electric vehicle charging stations installed, the minimum number of which to be at least 10% of the total number of multifamily apartment units, with a minimum of 4 located on the commercial parcel.

7. The nature trails are intended to be a usable outdoor amenity for all phases and shall be supplemented with the installation of park benches and dog litter stations along the entire network of nature trails.

8. Stormwater management facility must be designed by a registered landscape architect as formal or natural amenities, and may not be fenced or enclosed by walls over 30 inches in height.

9. The applicant agrees to dedicate to the city right-of-way along Nose's Creek for a potential future city trail.

10. The applicant agrees to provide a sign easement for a City of Powder Springs gateway sign on Barrett Parkway. In order to accommodate the sign, an area of 30' x 30' is required. Water and electrical service must be supplied and stubbed up to this easement from the developer. The city will establish its own meter at sign for city electrical services.

11. There shall be open space consisting of approximately 30% of total acreage. All areas located in the undisturbed stream buffer shall be placed in a conservation easement subject to all rules and regulations required of the conservation easement program which rules when in conflict shall supersede this condition. Where individual residential lots meet conservation areas, those lots shall be separated from conservation areas by a split real fence with signage denoting conservation area. Access to the conservation area is subject to ongoing city review and approval to support the preservation of the conservation area.

12. The building setbacks shall be as indicated below except in conditions where the approved zoning site plan differs, in which case setbacks may be considered administratively and not require Council approval. Any building locations changes deviating from the attached site plan, dated March 20, 2023, prepared by Joel Bowman of B+C, but consistent with the approved setbacks shall be considered administratively and not require Council approval.

1. Multifamily.

Front: 20' minimum setback from property lines (internal and external)

Between Buildings: 20'

2. Single Family.

Front: 20' minimum setback from right-of-way

Side: 7.5'

Internal Side Major: 10'

Rear: 20'

3. Townhome.

Front: 10' minimum setback from right-of-way

Side: 5' at corner lots

Alley: 5' apron

Between Buildings: 10'

4. Retail.

Front: 15' minimum setback from property line

5. Multifamily ancillary buildings.

Front: 15' minimum setback from property line

Between Buildings: 15'

13. A third-party certified and professional management company shall be hired to manage the day-to-day operations of the Residential HOAs and shall also be responsible for the management of all Association monies as well as insuring that the Association is properly insured until such time as the HOA makes a determination that it can undertake such responsibilities.

14. The creation of a mandatory Homeowners' Association ("HOA") which shall include, among other components, strict architectural controls shall be required and the submission of Declaration of Covenants, Conditions and Restrictions ("CCRs") shall be required during the Plan Review process. The mandatory HOA shall be responsible for the ongoing maintenance and upkeep of buffer areas, fencing, landscaping, interior private streets, open space areas, nature trails, sidewalks, community areas, stormwater detention and/or water quality ponds, lighting, the entrance to the Residential Community and any amenities.

15. All perimeter and roadway buffer areas will either be owned by the HOA or deed restricted with maintenance easements in favor of the HOA.

16. Declarant or any builder construction homes within the proposed residential single-family and townhome components of the community must sell any such homes for owner occupancy only. Thereafter, any leasing of units within the entire development, shall require a minimum lease term of one (1) year. The HOA documents shall be a deed restriction or other recorded document on each individual lot. The mandatory homeowner's association must maintain records of any lease within the single family and townhome Development, and such records shall be subject to review by the City of Powder Springs personnel with regard to enforcement of this provision limiting the total number of leases within the Development to no more than 5% ("Lease Restriction"). The homeowner association shall agree to provide, upon request to the City of Powder Springs, the existence of leases at the time of any such request by the City. The City shall have the ability to confirm the Lease Restriction is being enforced by the HOA and shall be able to enforce the leasing provision against the HOA and/or the individual property owner determined to be in violation.

17. The Community Development Director shall be notified in advance of any changes to the management company of the multi-family component or changes to the mandatory HOA requirements.

18. The submission of a landscape plan is required during the Plan Review process which shall be subject to review and approval by the Community Development Director and/or designee. The landscape plan shall include, but is not limited to, the following requirements:

a. Landscaping and screening around the proposed stormwater detention and water quality areas with *Cryptomeria*, *Arborvitae* and/or other evergreen trees, and/or bushes. Also where possible to do so and following Staff direction, the utilization of natural/existing vegetation where feasible.

b. A landscape screening, vegetative buffer around the perimeter of the Subject Property which has contiguity to existing residential developments.

c. The landscape plan shall be prepared, stamped and signed by a Georgia Registered Landscape Architect or a degreed Horticulturist and shall identify open space areas which

presently consists of 10.4 acres or 30% of the Subject Property; landscaped common areas; and other components of the proposed Residential Community which will be further identified during the Plan Review process.

- d. The installation of underground utilities and the utilization of decorative lighting themed to the architectural style and composition as above mentioned.
- e. All HVAC, mechanical systems and home utilities within the community shall be screened by way of fencing and/or landscaping, subject to staff approval.
- f. Entry signage for the proposed Residential Community shall be ground-based, monument-style, landscaped, lighted and irrigated.
- g. The installation of landscaped front, side and rear yards and attendant irrigation components where indicated by the Arborist.
- h. Compliance with the City's current Tree Preservation & Replacement Ordinance and substantial conformity to all tree protection measures and the adherence to same during the construction and build out of the three (3) Residential Communities.

Notwithstanding the preceding, when the construction documents are submitted for building permits of the respective developments (multi-family, single family or townhome) for purposes of this condition 18 will have been met.

19. Signage for the Subject Property shall consist of ground-based, monument-style signage and building signage consistent with the City of Powder Springs Sign Ordinance. Additionally, within the interior of the site, there shall be appropriately positioned, ground-based directional signage in order to ensure ease of maneuverability and accessibility.

20. Parking shall be consistent with the referenced site plan, which depicts that the minimum number of parking space requirement is provided for the Residential and Commercial components.

Additionally:

- a. Driveways for the single family and townhome residential units shall be a minimum of 18-feet in length from the garage to the back of the sidewalk. Covenants must include language that states that vehicles shall not be parked in a manner that will encroach in the sidewalk.
- b. So long as the drive isles are 26' wide, multi-family and commercial surface parking spaces shall be 9'x18'.
- c. Bicycle parking racks shall be located at the amenity areas and distributed throughout the commercial and multifamily area. At minimum of 6 bicycle parking U racks are to be provided.

21. Approval is subject to recommendations from the City of Powder Springs Engineer and/or the City's consultants concerning hydrology, stormwater management, detention, water quality and downstream considerations, including recommendations regarding the ultimate positioning and configuration of on-site detention and water quality. Also, compliance with the following engineering considerations:

- a. Providing the City Engineer and/or the City's consultants with a Hydrology Plan for the Subject Property during the Plan Review process.

b. Compliance with City Engineer's requirements for low impact design and bio retention, to include runoff capture or infiltration practices into the site either upstream of storage facilities or integral with grading and drainage and/or pavement and /or landscaping. These practices need to be integral with the site layout, for example: islands within the parking lot for bioretention etc. At the time of design and plan production the applicant will be within the 1-mile of an impaired stream, therefore the applicant shall provide 4 additional BMPs in Appendix 1 checklist.

c. Verifying all points of discharge with respect to detention/water quality.

d. Compliance with the protections required under State and Local Law concerning adjacent streambank buffers and an agreement that there has been no "buffer averaging".

e. Impervious surface calculations shall not exceed 50% of the total site area pursuant to and in accordance with UDC requirements and as shown on the revised site plan.

22. Compliance with the recommendations from the City's Engineer and/or Consultants with respect to Public Works and traffic/transportation issues, as follows:

a. Streets shall be built to the City of Powder Springs' Design and Detail Standards, including the construction of sidewalks on both sides of the interior streets (excluding alleys for rear-parked townhomes).

b. The interior streets shall be designed to provide appropriate access and maneuverability for public safety services and vehicles (excluding alleys for rear-parked townhomes). Notwithstanding the preceding, any alley shall accommodate police and sanitation vehicles.

c. Compliance with the Fire Marshall's recommendations with respect to Life Safety & Fire Prevention Issues during the Plan Review process.

d. The installation of a deceleration lane and taper as shown on the revised site plan.

e. The Single-family Residential, and Townhome Communities shall have public streets and the Multifamily Residential Community shall be gated and subject to UDC requirements for gated communities.

f. The applicant shall comply with plans showing typical street section details for streets and alleys in the following exhibits:

23. Common Open Space areas, nature trails, amenities, mail kiosks, and all of the various components for common and public use as described above shall be constructed in compliance with ADA regulations with respect to accessibility and related factors.

24. The Community Development Director shall have the authority to approve minor modifications to these stipulations, the architectural renderings/elevations, the site plan and the overall proposal as it proceeds through the Plan Review process and thereafter except for those that:

a. Increase the density of the Residential Community.

b. Relocate a structure closer to the property line of adjacent property which is zoned the same or in a more restrictive zoning district.

c. Increase the height of a building which is adjacent to property which is zoned in the same or more restrictive zoning district.

d. Change access locations to different rights-of-way.

25. Traffic impacts will be reviewed as part of the Land Disturbance Permit process. A trip generation memorandum (dated 1-12-2023) has been submitted for this development application. Based on the trip generation shown, this development requires a traffic study submittal based on Cobb County Code 50-76. Applicant agrees to offsite improvements necessitated by this development. This shall include dedication of right-of-way along Macedonia Road.

26. No less than 5,000 square feet of the commercial component shall be permitted concurrently with the proposed residential component. No more than 50% of the total number of dwelling units authorized in the MXU development shall receive Certificates of Occupancy from the city until the completion of the first-floor Commercial building, evidenced by a certificate of occupancy for shell condition. The MXU development shall not receive final certificate of occupancy until the standalone commercial building pad is graded, and utilities stubbed up and tied into all electrical, plumbing and stormwater infrastructure. No site plan designated commercial spaces are to be used by the multifamily development for offices, gym, maintenance, etc.

27. No more than 50% of certificates of occupancy for the Multi-family and mixed use buildings will be issued prior to the completion of amenity building and pool, as evidenced by certificates of completion.

28. No more than 50% of building permits for single family and townhome developments will be issued prior to the completion of their amenity building and pool, as evidenced by certificates of completion.

29. If the development on the site stalls after issuance of an LDP for a period of 6 months or more, as evidenced by a lack of issuance of building permits and inspections requests as would be normal for building construction to proceed to certificate of completion, the site shall be replanted per a plan approved by the Community Development Director showing compliance with minimum tree canopy, street trees and buffer requirements.

30. Pedestrian access shall be provided throughout the development. A pedestrian connectivity plan shall be included with the land disturbance plan clearly showing paths for the single-family and town house developments to amenities and retail area. This pedestrian connectivity plan shall include multiple trail access points and a pedestrian path around the multi-family development along both Macedonia and Barrett Parkway.

31. The central green areas of the townhouse and multifamily developments shall be graded to allow usable fields.

32. The Declaration of Covenants, Conditions and Restrictions (“CCRs”) shall contain a provision that, Workforce Housing Credit (“WHC”) shall be provided in accordance with the following provisions, for the multifamily development, in compliance with UDC Sec. 4-325:

i. Workforce credit shall apply to 3% of the total units, which shall be spread approximately pro rata across all unit types (# of bedrooms).

ii. Qualified Tenants must be employed by the City of Powder Springs, Cobb County or another municipality located within Cobb County, or must be employed by a medical facility located within the City of Powder Springs or Cobb County. Additionally, such Qualified Tenants shall have incomes that do not exceed 100% of the Area Median income (AMI) (as published annually by HUD).

- iii. The workforce credit shall be equal to an amount of 20% of market rent. The Qualified Tenants initially shall pay 80% of the applicable market rent.
- iv. Should the property be sold or transferred, the workforce credit program shall carry with the property to the subsequent owner.
- v. The Workforce Units will be made available on a continuous basis to all Households that meet the foregoing Tenant Qualifications on a first come, first served basis. The Workforce Units shall be the same construction and appearance (e.g., type and brand of appliances, materials used for countertops, flooring, etc.) to the "Market Rate Units," shall not be in isolated areas in the Project and shall be interspersed among the Market Rate Units to the extent possible.
- vi. The property owner (or its property management company) shall deliver calendar quarterly monitoring and compliance reports to the Issuer during the period. Such reports shall include a Compliance Certificate, Rent Roll and Resident Income Certification (collectively, the "Compliance Forms"). The Compliance Forms shall be delivered to the City of Powder Springs no later than twenty (20) days from the end of each calendar quarter.
- vii. Qualified Tenants occupying the workforce credit units must reapply to meet the Tenant Qualifications on an annual basis. Should a Tenant who previously qualified and is inhabiting a workforce credit unit not qualify upon renewal, such Tenant shall have the right to either 1) Execute a market rent lease at lease renewal for the inhabited unit or an alternate market rate vacant unit within the development or 2) Vacate the inhabited workforce credit unit within three (3) months, while still paying the monthly discounted rent over the three (3) month period.
33. No more than 50% of the certificates of occupancy will be issued for the entire multi-family development until the pad for the standalone commercial building is completed per condition 26 and all parking for the commercial pad has been completed per the site plan referenced in condition 2. The standalone commercial building pad shall be grassed as a park until and unless the commercial building pad is under construction. Prior to the construction of a standalone building, the HOA shall activate the park space by holding monthly events (which may include food trucks, movie nights and/or entertainment).
34. The development site shall be maintained to manage unsightly overgrowth of vegetation, and steps taken to prevent and respond to incidence of illegal dumping.
35. The applicant agrees that consideration for the residential component of the site plan was the inclusion and timely development of the commercial component. Any future rezoning application to rezone the commercial properties to residential would not be consistent with this rezoning and the assurances of the Owner that was consideration for this rezoning.
36. If the commercial lot has not been developed 5 years after final zoning approval, as evidenced by the issuance of a certificate of occupancy, then for \$1 the land will be deeded to the City of Powder Springs for use as a public park and multi-family component shall no longer be required to hold monthly events. The applicant may request a one-year extension if demonstrated that a building permit has been issued and is close to completion. The City of Powder Springs may deed this property to the Development Authority of Powder Springs to develop parcel commercially. Parcel will retain access to the parking shown on the site plan for the commercial use.
37. If monthly events do not occur as stipulated in stipulation 33, the applicant will be subject to code enforcement action and may be required to pay a fine per event.

Yes: 4 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Council Member - At Large Post 1 Bordelon

[ORD 22-032](#)

Ordinance - To annex into the City of Powder Springs and Rezone a 59.5 +/- acres tract from R-20, NRC, LRO in the County to Conditional MXU in the City – within Land Lots 717, 718, 764 and 765, 19th District, 2nd Section, Cobb County, Georgia.

First reading: November 21, 2022. Second Reading: December 5, 2022.

TABLED TO: First reading: December 5, 2022 Second Reading: January 3, 2023

MOTION TO TABLED ACTION 12/5/22:

First reading: January 17, 2023 Second Reading: February 6, 2023

Attachments: [ORD 22-032. 04032023](#)

[ORD 22-032. Exhibit A. Legal Description](#)

[Primary Exhibits. Barrett Pkwy Annexation Redacted](#)

[Vicinity Map. Barrett Pkwy Annexation](#)

[Appl Pkgs FINAL for Efilng-SCP Acquisitions, LLC Redacted](#)

[Executed Motion to Table to 12-05-2022](#)

[Executed Motion ORD 22-032 to Table to 01-17-2023](#)

[Executed ORD 22-032](#)

Garvis Sams, Attorney of Sams Larkins and Huff on behalf of South City Partners, discussed the annexation application of the unincorporated northwest corner of Macedonia Road and Barrett Parkway. Mr. Sams indicated that they have had discussions with Cobb County.

No speakers for or against the application.

Related Item PZ 22-034.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 2 Dawkins, that Ordinance 22 -032 be approved. The motion carried by the following vote:

Yes: 4 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Council Member - At Large Post 1 Bordelon

[ORD 23-003](#)

AN ORDINANCE TO AMEND THE BUDGET FOR FISCAL YEAR 2023 TO ALLOCATE RECEIPTS AND EXPENDITURES FOR VARIOUS DEPARTMENTAL AND CAPITAL BUDGETS; TO REPEAL CONFLICTING ORDINANCES; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

First Reading: March 20, 2023 Second Reading: April 3, 2023

Attachments: [ORDINANCE 2023 - 003 Budget Amendment](#)
[Proposed Budget Amendment 3-20-23 and 4-03-23](#)
[Executed ORD 23-003](#)

Travis Sims, Finance Director, highlighted the additional amendment of the truck route plan funding from general ledger to the capital project in case the truck route plan isn't completed before the end of the fiscal year.

The Council body asked where exactly in the general budget is the funding coming from.

City Manager Pam Conner replied that the funding is coming from Public Works.

A motion was made by Mayor Pro Tem - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that Ordinance ORD 23 -003 be approved. The motion carried by the following vote:

Yes: 4 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Council Member - At Large Post 1 Bordelon

[PZ 23--006](#) Special Use Request to allow the outdoor storage of food trucks for the purpose of a food truck park and commissary, and outdoor entertainment venue. 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: [Special Use Application. Revised. 3980 3982 APS Rd Redacted](#)
[Business Plan. 3980 & 3982 Austell Powder Springs Rd](#)
[Executed PZ 23-006](#)

Eugene Idlett, special use applicant, discussed his application to have a food truck park, use of building for restrooms and commissary. Mayor and Council with Mr. Idlett discussed the 22 staff stipulations.

Larry Thomas, resident of 4217 Marietta Street, spoke in support of the application.

Tina Garver, Community Development Director, stated that the Staff did recommend tabling the application to allow for additional time to review food truck park considerations, approving required variances, and conversations with health and fire departments. Mrs. Garver read 22 stipulations should Council approve the application.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 2 Dawkins, that Special Use PZ 23--006 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.

2. The special use approval is for the food truck park, and outdoor storage of food trucks.

The following will require permitting on a case-by-case basis:

a. Events with Amplified Sound. Such events require 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.

3. The submitted site plan is not approved. A revised site plan shall be submitted, subject to review and approval by the Community Development Department. The applicant will work with staff to determine the optimal location of site features.

4. Food service shall come from food trucks only, and providers must be licensed with the City of Powder Springs and authorized to operate.

5. The following items are prohibited:

a. There shall be no food service other than that provided by food trucks licensed by the City of Powder Springs.

b. There shall be no usage of repurposed containers for bars, nor other uses for the provision of services to the public. However, containers may be allowed for storage purposes only, subject to approval of the Community Development Department.

c. There shall be no alcohol service by the applicant.

d. There shall be no perimeter fencing associated with this use. Any security gates or fencing on the interior of the site is subject to review and approval by the Community Development Department.

6. The applicant must comply with the Food Truck regulations of UDC Sec. 4-145, except that:

a. On weekdays, hours of operation are limited to 8am to 10 pm, to allow for the operation of breakfast providers.

b. On weekends, hours of operation are limited to 8 am to 10 pm.

c. The applicant is allowed to exceed 6 hours of operation.

Maximum of 10 food trucks on site at any time.

7. Parking Ratio: The site must have a minimum of customer 4 available customer parking spaces per operating food truck. This ratio will determine the maximum number of allowed food trucks, and will be determined at site plan review.

8. The applicant shall install multi-stall indoor restrooms for public use, within three months of issuance an Occupational Tax License. Portalets will only be allowed for permitted special event usage thereafter.

9. Following a period of one year, i.e., after a second consecutive Special Use Approval, the applicant shall further develop and/or make the following items permanent:

a. Permanent signage, compliant with the City's development standards.

b. Dumpster and grease trap enclosure, compliant with the City's development standards.

c. Additional landscaping or ground cover improvements to outdoor dining areas or other areas deemed necessary by the Community Development Department, compliant with the City's development standards.

10. Overnight storage of food trucks to be confined to areas marked on approved site plan

at 3982 Austell Powder Springs Road. There shall be no overnight storage at 3980 Austell Powder Springs Road. The location of said overnight storage spaces subject to review and approval of the Community Development Department.

11. Applicant to provide restriping plan for both parking lots, subject to review and approval by the Community Development Department. The 4 designated overnight storage spots behind the building must be marked by signage.
12. 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.
13. Applicant to permit any proposed signage with the City of Powder Springs. The operation shall install a ground based, or wall sign prior to opening to the public. 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.
14. Applicant to permit all kitchen, food truck and restroom facilities with Cobb and Douglas Public Health.
15. Any proposed interior security fencing (including materials and height) shall to the Community Development Department, subject to Design Review and approval.
16. Any low intensity lighting has to be approved by the City of Powder Springs Community Development Department.
17. 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.
18. 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.
19. Applicant to provide elevations, and renderings and site location plans for the proposed stage, subject to review and approval by the City of Powder Springs Community Development Department.
20. The sale of alcohol shall be prohibited.
21. All structures subject to design review and permitting.
22. The applicant must maintain control of both parcels, by lease 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 said property, then the lots must re-platted via the Lot Combination Application process.

The motion carried by the following vote:

Yes: 4 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Council Member - At Large Post 1 Bordelon

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

Attachments: [PZ 23-007. Motion to TABLE. 04032023](#)
[notarized application Redacted](#)
[Executed Motion PZ 23-007 to table to 05-01-2023](#)

Staff recommends tabling PZ 23-007 to May 1st, 2023.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 2 Wisdom, that this Special Use PZ 23-007 be tabled to the City Council, due back on 5/1/2023. The motion carried by the following vote:

Yes: 4 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Council Member - At Large Post 1 Bordelon

[PZ 23--008](#) Variance Request to reduce the side setback for an existing concrete patio pavement extension and to allow an ADA access path to the front driveway to encroach into the side setback. The property is located at 4107 Maple Lane, within land lot 756 of the 19th District, 2nd Section, Cobb County, Georgia.

Attachments: [PZ 23-008. Motion to Approve. 04032023](#)
[Variance Application-4107 Maple Lane Redacted](#)
[Comments in opposition.](#)
[Executed PZ 23-008](#)

Shaun Myers, Planning and Zoning Manager, discussed the conditions to allow the applicant to maintain 5 feet of the concrete setback. Staff recommends approval with conditions. P&Z recommends denial.

Marisela Caballero, variance applicant, explained the concrete pad was extended unknowingly without a permit to provide access to the rear of the home for her wheelchair bound mother.

Tara Smith, resident of 4117 Maple Lane in Powder Springs, stated that she was initially opposed to the concrete pad being up to the existing property line, but has since agreed to the recommended conditions of the Staff.

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 2 Wisdom, that Variance PZ 23--008 be approved with the following conditions:

1. The variance request to reduce the side setback of existing rear patio is approved, on the west side property line only.
2. The minimum side setback for the ADA access path is 5-feet from the property line.
3. Concrete pad encroachment within 5-feet of the property line must be removed. The applicant is granted 60 days from the date of the approval to complete the removal.
4. All ground disturbance must be graded and sodded. Subject to Erosion and Sediment Control inspection and approval by the Community development Department. The applicant is granted 60-days from the date of the approval to receive approval of sediment and control inspection.
5. The applicant is allowed to install a 3-foot concrete access path connecting the front driveway to rear patio, on the west side of the property, to allow for ADA ingress and egress. The concrete access path must be setback a minimum distance of 5-feet from the property line.
6. The applicant to properly permit the installation of the 3-foot path and to provide Community Development with an Erosion Control Plan demonstrating compliance with local and state regulations so to protect adjacent property owner during installation of the path.
7. There is to be no vertical construction on the rear patio concrete pad extension, without prior design review and permit approval from the Community Development Department.

The motion carried by the following vote:

Yes: 4 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Council Member - At Large Post 1 Bordelon

8. City Manager and City Council Reports

City Manager Pam Conner mentioned the One Book One City on April 11th at 6pm in the Thurman Springs Park and the Town Hall Meeting will be held April 20th from 7pm-9pm.

Council Member Wisdom greeted and wished everyone a blessed day.

Council Member Lust thanked everyone for coming out in person and those that participated online. Mr. Lust also mentioned that he will be in Orlando next week.

Council Member Dawkins thanked everyone for attending in person and on Zoom. Ms. Dawkins also wished everyone a Happy Resurrection Sunday.

Council Member Green extended his peace and blessings to everyone. Mr. Green also thanked the staff for an outstanding job on the Retreat.

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

Absent: 1 - Council Member - At Large Post 1 Bordelon