



City of Powder Springs

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

Meeting Minutes - Final

City Council

Mayor

Albert Thurman

Council Members:

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

Monday, April 1, 2024

7:00 PM

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

Onsite at Patricia Vaughn Cultural Arts Center - 4181 Atlanta Street, Bldg. 2

Pre-Meeting Discussion at 6:30PM

Join Zoom Meeting - <https://us06web.zoom.us/j/84301989674>

Meeting ID: 843 0198 9674 Dial: 1-929-205-6099

1. Call To Order

Mayor Albert Thurman called the meeting to order at 7:00 pm. 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: Kerisha Black (Zoom), Lane Cadwell, Jon Gargis, Tina Garver (Zoom), Sam Heaton (Zoom), Shaun Myers (Zoom), Tamara Newkirt, Travis Sims (Zoom), Derick Smith, and Wayne Wright (Zoom).

Present 6 - Al Thurman, Mayor Pro Tem - Ward 1 Henry Lust, Council Member - Ward 2 Doris Dawkins, Council Member - Ward 3 Dwayne Green, Council Member - At Large Post 2 Patricia Wisdom, and Council Member - At Large Post 1 Dwight McMutry

2. Invocation and Pledge of Allegiance

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

3. Approval of Minutes

[2024 -030](#) City Council Agenda Minutes 03/18/2024

Attachments: [City Council Agenda Minutes 18-Mar-2024](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 McMutry, that City Council Agenda Minutes 03/18/2024 be approved.
The motion carried by the following vote:

[2024 -031](#) City Council Work Session Minutes 03/27/2024

Attachments: [City Council Work Session Minutes 27-Mar-2024](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 McMutry, that City Council Work Session Minutes 03/27/2024 be approved. The motion carried by the following vote:

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

4. Mayor's Comments

The Mayor's comments were made during the transition to the Executive Session.

5. Citizens Comments

No citizen comments were made.

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

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

6. Public Reports | Presentations

[2024 -032](#) Proclamation - Safe Digging

Attachments: [Proclamation Safe Digging.doc](#)

Mayor Thurman read and presented the Proclamation to Mr. Greg Chumley of Austell Gas.

7. City Attorney

A. Consent Agenda

[RES0](#)
[24-036](#)

A RESOLUTION ACTING ON THE PROPOSAL REGARDING NAMING RIGHTS FOR THE AMPHITHEATER IN THURMAN SPRINGS PARK; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES..

Attachments: [Bid Tab - Naming Rights at Amphitheater](#)
[Hardy Family Automotive Bid - Amphitheater Naming Rights Redacted](#)
[Tabled RESO 2024-036](#)

A motion was made by Council Member - At Large Post 1 McMutry, seconded by Council Member - Ward 2 Dawkins, that Resolution RESO 24-036 be tabled to the City Council, on 4/15/2024. Council Member - Ward 3 Green abstained from vote. 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 2 Wisdom, and Council Member - At Large Post 1 McMutry

Abstain: 1 - Council Member - Ward 3 Green

[RESO](#)
[24-045](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS REQUIRED FOR ADDITIONAL WORK NEEDED TO COMPLETE THE NEW MUNICIPAL COMPLEX AT THE MUNICIPAL COURT PROPERTY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-045](#)

approved

[RESO](#)
[24-047](#)

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SPINNAKER INSURANCE COMPANY FOR CYBER COVERAGE WITH FOR AN ANNUAL PREMIUM OF \$2034; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESO 2024 - 047 Cyber Application](#)

[Executed RESO 2024-047](#)

approved

[RESO](#)
[24-048](#)

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF VARIOUS ROADS WITHIN DOWNTOWN POWDER SPRINGS TO ACCOMMODATE CITY EVENTS AND CITY PARTNERSHIP EVENTS SCHEDULED FOR CALENDAR YEAR 2024; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-048](#)

approved

[RESO](#)
[24-049](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL AGREEMENT WITH WAYNE WRIGHT TO CONTINUE TEMPORARY PROFESSIONAL SERVICES REQUIRED AS EXECUTIVE DIRECTOR FOR INFRASTRUCTURE AND DEVELOPMENT FOR A MONTHLY FEE OF \$6000; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Attachments: [Executed RESO 2024-049](#)

approved

[RESO
24-050](#)

A RESOLUTION APPROVING AND ADOPTING A DIVERSITY, EQUITY, AND INCLUSION PROGRAM APPLICABLE TO CITY OF POWDER SPRINGS OPERATIONS, INCLUDING HIRING AND PROCUREMENT PRACTICES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Attachments: [RESO 2024 - 050 EXHIBIT A DEI Program](#)

[RESO 2024 - 050 EXH B DEI PROCLAMATION](#)

[Executed RESO 2024-050](#)

approved

Approval of the Consent Agenda

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 McMutry, to approve the Consent Agenda as read by the City Attorney Julie Livingston excluding RESO 24-036 which was tabled to April 15, 2024. The motion carried by the following vote:

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

B. Regular Agenda | Public Hearing

[AL-24-003](#)

Alcohol Pouring License: Beer, Wine, Spirituous, and Sunday Sales. Havana Haven Restaurant. 4093 Marietta Street SW, Suite C.

Attachments: [2024 alcohol app cassandra dallas HAVANA HAVEN LLC Redacted](#)

[2024 alcohol app edward dallas HAVANA HAVEN LLC Redacted](#)

[Survey 4093 Marietta Street 204859 Redacted](#)

[Approved AL 2024-003](#)

A motion was made by Council Member - At Large Post 1 McMutry, seconded by Council Member - Ward 3 Green, that Alcohol License AL-24-003 be approved. The motion carried by the following vote:

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

[ORD 24
-004](#)

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

First reading: 2/19/2024; Second Reading: 3/4/2024

Attachments: [Brown. Annexation Application Redacted](#)

[Brown. Attachments Redacted](#)

[Exhibit A. Legal Discription](#)

[ORDINANCE 2024 - 004 Annexation Barrett William Brown](#)

[FINAL SIGNED Non-Objection ANN-3-2024 Barrett Pky and Laura](#)

[Brown Rd Redacted](#)

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 1 McMutry, that Ordinance ORD 24 -004 be tabled to the City Council, on 4/15/2024. The motion carried by the following vote:

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

PZ 24-005

Rezoning Request for an approximate 13.64-Acre Tract from R-20 and CRC (County) to CRC (City). The property is located at 6652 Ernest Barrett Pkwy with land lots 765 and 790, 19th District, 2nd Section, Cobb County, Georgia. PIN: 19079000010. Applicant: William D. Brown.

Attachments: [Brown. Rezoning Application Redacted](#)

[Brown. Attachments Redacted](#)

[FINAL SIGNED Non-Objection ANN-3-2024 Barrett Pky and Laura](#)

[Brown Rd Redacted](#)

[Executed Tabled to 04-01-2024 Motion PZ 24-005](#)

[Signed Tabled Motion to 04-15-24](#)

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 1 McMutry, that Rezoning PZ 24-005 be tabled to the City Council, on 4/15/2024. The motion carried by the following vote:

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

ORD 24-006

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

First reading: 2/19/2024; Second Reading: 3/4/2024

Attachments: [Vida. Annexation Application Redacted](#)

[Vida. Attachments](#)

[Exhibit A. Legal Discription](#)

[ORDINANCE 2024 - 006 Annexation Barrett Vida](#)

[FINAL SIGNED ANN-4 Notice of Non-Objection Barrett Pky N of](#)

[Powder Springs_02Redacted](#)

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that Ordinance ORD 24 -006 be tabled to the City Council, on 4/15/2024. The motion carried by the following vote:

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

[PZ 24-007](#) Rezoning Request for an approximate 16.57-Acre Tract from R-20 to MXU (City). The property is located at east side of Ernest Barrett Pkwy within Land Lots 765, 19th District, 2nd Section, Cobb County, Georgia. PIN: 1907900010 (portion). Applicant: Vida Companies, LLC.

Attachments: [Powder Springs - Project Examples](#)
[Vida. Rezoning Application Redacted](#)
[Vida. Attachments](#)
[FINAL SIGNED ANN-4 Notice of Non-Objection Barrett Pky N of Powder Springs_02 Redacted](#)
[Executed Tabled to 04-01-2024 Motion PZ 24-007](#)
[Gallery Residential 03.13.2024](#)
[Signed PZ 24-007 Tabled Motion to 04-15-24](#)

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that Rezoning PZ 24-007 be tabled to the City Council, on 4/15/2024. The motion carried by the following vote:

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

[ORD 24 -007](#) AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE RELATING TO SPECIFIC USE PROVISIONS FOR HOME OCCUPATIONS AND TO QUALIFIED TENANT PROVISIONS FOR WORKFORCE HOUSING; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st reading April 1, 2024; 2nd reading April 15, 2024.

Attachments: [ORDINANCE 2024 - 007 UDC Amendments Home Occ and Workforce Housing](#)
[Exhibit B. Home occupations](#)
[Ord Amendment Exhibit A Sec. 4 325. Work force housing. \(1\)](#)

This Ordinance ORD 24 -007 was a first reading only. No action until the City Council on 4/15/2024.

[ORD 24 -008](#) AN ORDINANCE AMENDING THE CODE OF ORDINANCES WRECKER SERVICES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st Reading and Introduction: April 1, 2024 2nd Reading and Public Hearing:

April 15, 2024

Attachments: [ORDINANCE 2024 - Wrecker Service](#)

This Ordinance ORD 24 -008 was a first reading only. No action until the City Council on 4/15/2024.

[PZ 24-008](#)

Special Use Request to allow a car wash in a CRC zoned district. The property is located at 3915 Austell Powder Springs Road (Stars Car Wash), within land lot 905 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19090500060.

Attachments: [Special Use Application Redacted](#)

[Site Plan](#)

[Executed Tabled to 04-01-2024 Motion PZ 24-008](#)

[Signed PZ 24-008](#)

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 2 Wisdom, that Special Use PZ 24-008 be approved with the following conditions:

1. This Special Use is approval for a hand car wash and auto detailing service located at 3915 Austell Powder Springs Road (Stars Car Wash) to be operated within the designated auto detailing bays. This special use approval is valid for 2 (two) years.
2. The hours of operation will be from 7:00 AM to 9:00 PM during Daylight Savings; and 7:00 AM to 6:00 PM when Daylight Savings is not active (winter). The applicant shall abide by the daylight savings actual dates and modify hours of operating hours accordingly.
3. Any additional signage must be properly permitted and be consistent with the provisions of Powder Springs Unified Development Code (UDC).
4. A maximum of two (2) additional vehicles are allowed to be queued for service, along with the two (2) in the auto detailing bay, for a total of four (4) vehicles on site at any one time for hand wash and auto detailing. No overnight storage of vehicles is permitted.
5. There shall be no loud noise being emitted from vehicles or this operation.
6. Operations shall be conducted within the bays designated for auto detailing, consistent with the site plan attached to this application.

The motion carried by the following vote:

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

[PZ 24-010](#)

Special Use Request for Kathy's Overstock to operate used merchandise sales within a portion of the principal building. The property is located at 3982 Austell Powder Springs Road, within land lot 905 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19090500190.

Attachments: [SU Application Package Redacted](#)
[Signed PZ 24-010](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Mayor Pro Tem - Ward 1 Lust, that this Special Use PZ 24-010 be approved with the following conditions:

1. All conditions of special use approval PZ 23-018 (July 17, 2023) and PZ 23-027 (January 16, 2024) for the food truck park and VR gaming experience remain in full effect.
2. This approval is unrelated to those approvals referenced in item #1 but will be subject for review when the others are renewed in July 2024.
3. The special use request to allow for the operation of a used merchandise retail business in the CRC zoning district is approved.
4. The applicant shall submit plans for review and approval to the Cobb County Fire Marshal's Office for the Tenant Occupancy process.
5. The applicant shall establish a shared use agreement for the bathroom facilities at the commissary side of the building.
6. The applicant shall stripe for a minimum of 14 additional parking spots, to include at least 1 ADA parking spot, in the vicinity of the retail center area where there is available room. This will be subject to review and approval by the Community Development Department, and Cobb County's Fire Marshall's Office.
7. This approval will be subject to review and renewal when the Special Use Approvals for the food truck park, and VR game Room are up for renewal in July 2024.
8. The owner shall agree to maintain the property free from code violations, including conditions of all special use approvals and painting of the structure front of the structure.

The motion carried by the following vote:

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

[PZ 24-011](#)

Appeal of Administrative Decision. Administrative Design Review for GA Grooming Academy. 3911 Dillard Street.
Motion to suspend action on design review under PZ-24-011 at 3911 Dillard Street for the dog sculpture on display at said location and to suspend the enforcement action currently on file as it pertains to said structure until standards are developed for the placement of this and other accessory structures as yard displays. The effect is that the existing dog structure will be allowed to remain as placed and formal action on the request or appeal will occur when those standards are adopted.

Attachments: [Appeal Application Redacted](#)
[Dog Location](#)
[Artistic Dog Installation.](#)
[Plan Comment Letter 24PDR-ADR00006 \(24-02-19\)](#)
[Signed PZ 24-011](#)

There was no voting action for PZ 24-011.

MOT 24
-007

Motion to amend the agenda to include Resolution 2024-051 Joint Service Delivery Strategy.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 1 McMutry, that Motion MOT 24 -007 to amend the agenda to include RESO 2024-051 be approved. The motion carried by the following vote:

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

RESO
24-051

A RESOLUTION OF THE CITY OF POWDER SPRINGS (“CITY”) GRANTING AUTHORITY TO ENTER INTO A JOINT SERVICE DELIVERY STRATEGY (“SDS”) NEGOTIATIONS, ALTERNATIVE DISPUTE RESOLUTION AND LITIGATION AS NECESSARY; TO AUTHORIZE ENTERING INTO A JOINT SDS PROCEEDINGS AGREEMENT WITH THE CITIES OF ACWORTH, AUSTELL, KENNESAW, MARIETTA AND SMYRNA; TO FILE LEGAL ACTIONS ON BEHALF OF THE CITY AS NECESSARY TO ACCOMPLISH THE PURPOSE OF SECURING A SERVICE DELIVERY STRATEGY AGREEMENT WITH COBB COUNTY; AND FOR OTHER PURPOSES.

Attachments: [Resolution granting authority to enter into a Joint SDS Proceedings Agreement with Cities of Cobb County regarding SDS.docx](#)
[REV4.1.24.Joint SDS Proceedings Agreement.docx](#)
[Executed RESO 2024-051](#)

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 1 McMutry, that RESO 24-051 be approved. The motion carried by the following vote:

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

2 8. City Manager and City Council Reports

City Council reports were provided during the transition to the Executive Session.

9. Executive Session was called for the purpose of Litigation Matters.

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

Executive Session was concluded from the purpose of Litigation Matters.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that this conclusion of this Executive Session called for the purpose of Litigation 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 2 Wisdom, and Council Member - At Large Post 1 McMutry

10. Adjournment

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