



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 McMurtry, Patricia Wisdom

Tuesday, January 16, 2024

7:00 PM

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

Due to Martin Luther King Holiday

Onsite at Patricia Vaughn Cultural Arts Center - 4181 Atlanta Street

Join Zoom Meeting - <https://us06web.zoom.us/j/88912999495>

Meeting ID: 889 1299 9495 Dial: 1-929-205-6099

1. Call to Order

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

Staff in attendance: Lane Cadwell, Dwayne Eberhart (Zoom), Tina Garver (Zoom), Travis Landrum (Zoom), Tamara Newkirt (Zoom), Travis Sims (Zoom), Bill Tanks (Zoom), and Wayne Wright (Zoom).

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

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

2. Invocation and Pledge of Allegiance

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

3. Approval of Minutes

[2024 -007](#) City Council Work Session Minutes 01/02/2024 at 5PM

Attachments: [City Council Work Session Minutes 02-Jan-2024 at 5PM](#)

A motion was made by Council Member - At Large Post 2 Wisdom, seconded by Council Member - Ward 3 Green, that City Council Work Session Minutes 01/02/2024 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 McMurtry

[2024 -008](#) City Council Agenda Minutes 01/02/2024 at 7PM

Attachments: [City Council Agenda Minutes 02-Jan-2024 at 7PM](#)

A motion was made by Council Member - At Large Post 2 Wisdom, seconded by Council Member - Ward 3 Green, that City Council Agenda Minutes 01/02/2024 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 McMurtry

[2024 -009](#) City Council Work Session Minutes 01/10/2024

Attachments: [Cit Council Work Session Minutes 10-Jan-2024](#)

A motion was made by Council Member - At Large Post 2 Wisdom, seconded by Council Member - Ward 3 Green, that City Council Work Session Minutes 01/10/2024 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 McMurtry

4. Mayor's Comments

Mayor Thurman thanked everyone for coming out during the cold weather and wished them safe travels back home.

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. 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. Oath of Office

Police Chief Lane Cadwell introduced Conrad Wells as the new Police Officer. Mayor Thurman swore in Officer Wells the Oath of Office.

Mayor Thurman swore in Raja Antone and Loretta Smith the Oath of

Office and Loyalty Oath.**7. Public Reports | Presentations**

Meredith Lipson, of Mauldin and Jenkins, provided a presentation of the City's annual audit results as of fiscal year June 30, 2023.

8. City Attorney**A. Consent Agenda**[RES0
24-002](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND CITY STAFF TO EXECUTE CERTAIN DOCUMENTS CONFIRMING COMPLIANCE WITH STATE REQUIREMENTS NEEDED TO TRANSFER THE CURRENT CONDITIONAL LOCAL ADMINISTERED PROJECT (LAP) CERTIFICATION TO FULL LAP CERTIFICATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Conditional to full approval confirmation - MR Final 11-27-23](#)

[Executed RESO 2024-002](#)

[RESO 2024-002 GDOT Letter](#)

[SKM_C650i24011814560](#)

approved

[RES0
24-003](#)

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE AND USE OF CERTAIN PUBLIC SPACES IN THE DOWNTOWN TO ACCOMMODATE THE HOP, SWEAT AND SPRINT 5K ON MAY 27, 2024 FROM 5AM TO 11AM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Fitness LLC Temporary Event - 5K Redacted](#)

[Hop Sweat and Sprint The Powder Springs Beer 5K Route \(002\)](#)

[Executed RESO 2024-003](#)

[RESO 2024 -003 EXH A](#)

approved

[RES0
24-004](#)

A RESOLUTION APPROVING AND AUTHORIZING THE PAYMENT OF BEAUTIFICATION ENHANCEMENT GRANTS TOTALING \$20,925 TO BUSINESS-BASED ORGANIZATIONS MEETING PROGRAM REQUIREMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-004](#)

approved

[RES0
24-005](#)

A RESOLUTION DECLARING AS SURPLUS AND AUTHORIZING THE DISPOSITION OF MUNICIPAL COURT GALLERY CHAIRS LOCATED IN STORAGE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-005](#)

approved

[RES0
24-007](#)

A RESOLUTION AUTHORIZING THE ACQUISITION OF RIGHT OF WAY NEEDED TO COMPLETE THE SIGNAL UPGRADE PROJECT AT NEW MACLAND AND MARIETTA STREET FOR AN AMOUNT OF \$1,900.00; AUTHORIZING THE USE OF CONDEMNATION TO ACQUIRE THE RIGHT OF WAY, IF NEEDED; AUTHORIZING THE MAYOR TO EXECUTE DEEDS OR OTHER DOCUMENTS NEEDED TO COMPLETE ACQUISITION, CLOSING AND CONVEYANCE TRANSACTIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-007](#)

[Marietta St](#)

approved

[RES0
24-008](#)

A RESOLUTION RE-APPOINTING LORETTA SMITH, RA BARR, RAJA ANTONE AND MARCEL KENNEDY TO THE DEVELOPMENT AUTHORITY OF POWDER SPRINGS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-008](#)

[DAPS Board Members 2024 Redacted](#)

[Oath for DAPS Ra Barr 081727.doc](#)

[Oath for DAPS Marcel Kennedy 081727.doc](#)

[Raja A. and Loretta S. Signed Oath](#)

[Ra Barr Signed Oath](#)

approved

[RES0
24-009](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH 44 BLUE PRODUCTIONS, LLC TO FILM AN INTERVIEW OF THE POLICE CHIEF INSIDE POLICE HEADQUARTERS; AUTHORIZING THE POLICE CHIEF TO EXECUTE A CERTAIN RELEASE; AUTHORIZING THE ISSUANCE OF A FILM PERMIT RELATING TO THE INTERVIEW; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-009](#)

[Executed Location Agreement](#)

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

B. Regular Agenda | Public Hearing

[AL-24-001](#) Alcohol License. Morounfolu Awotona for Cellar Bold & Distillery at 3180 Florence Rd Suites 105 & 106, Powder Springs, GA 30127 for distillery and farm winery license.

Attachments: [Executed AL 24-001 Approved Motion](#)
[Alcohol License Application CELLAR BOLD AND DISTILLERY Redacted](#)
[Zoning Analysis. AL 24-001](#)

Tona Awotona, alcohol license applicant, discussed his request to operate a distillery and a farm winery.

No other speakers for or against AL 24-001 application.

The Mayor asked if the applicant will be selling onsite. Mr. Awotona answered that they will be selling retail onsite.

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that this Alcohol License AL-24-001 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 2 Wisdom, and Council Member - At Large Post 1 McMutry

[PZ 23--026](#) Variance Request. To vary section 4-235 to allow accessory use of parking lot, and Table 2-4 to allow an accessory building to be located within the required minimum side and rear setbacks. 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: [Executed PZ 2023-026 Motion to Approve](#)
[Variance Request Redacted](#)
[Site plan, floor plan, shed exterior.](#)

Dion Holmes, variance applicant, is requesting to allow an accessory use of a parking lot and to vary the minimum setback requirement.

Tina Garver, Community Development Director, discussed the variance request to vary the minimum setback requirement of the parking lot. Mrs. Garver added that the Staff and Planning and Zoning Commission recommend approval of the application with conditions.

No speakers for or against PZ 23-026 application. Related to PZ 23-027.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that Variance PZ 23--026 be approved with the following conditions:

- 1. Approval of the variance requests to section 4-235 to allow accessory use of parking lot, and Table 2-4 to allow an accessory building to be located within the required minimum side and rear setbacks.**
- 2. The applicant shall submit plans to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.**
- 3. The applicant shall submit an Occupational Tax Certificate application to the Community Development.**
- 4. Should the special use PZ 23-027 no longer be valid or renewed the shed is required to be removed within 30 days of the discontinuance of the special use.**
- 5. Should the shed be determined as vacant, as evidenced by no activity and/or non-renewal of occupational tax certificate, the shed shall be removed within 30 days of said determination.**

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 23--027](#)

Special Use Request. To allow a VR Gaming room within an accessory structure at the Food Truck Park; To add the use to the conditions of approval of PZ23-018, July 17, 2023. 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: [Executed PZ 2023-027 Approved Motion](#)

[Special Use Request Redacted](#)

[Site plan, floor plan, shed exterior.](#)

Dion Holmes, special use applicant is requesting to operate an indoor recreational activities.

Tina Garver, Community Development Director, discussed the recommendation by the Staff, and Planning and Zoning Commission to approve the application.

No speakers for or against PZ 23-027 application. Related to PZ 23-026.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member -

Ward 2 Dawkins, that Special Use PZ 23--027 be approved with the following conditions:

1. All conditions of special use approval PZ 23-018 dated July 17, 2023, remain in full effect, and this approval represents an addition to the uses allowed under the special use for the property.
2. The special use request to allow a VR game room within the accessory building at the food truck park is approved.
3. The provision of outdoor recreational activities, in addition to the indoor VR Gaming experience, shall be limited to lawn games, and all equipment shall be stored indoors overnight.
4. The applicant shall submit plans to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.
5. The applicant shall submit an Occupational Tax Certificate application to the Community Development.
6. The special use approval is specific to TotalRageATL, LLC. controlled by Mr. Dylon Holmes. The special use approval for the VR game room is not transferable to a different proprietor. Should the applicant cease operations then the approval becomes null and void.
7. Should the special use approval for the food truck park (PZ23-018) be nullified or the food truck use discontinues for a period of 3 months or more, then the special use approval for the VR game room will also be nullified.
8. The renewal of Special Use PZ23-018 will include the review of the VR Game room special use as well.
9. Adequate parking for all uses on the site must be provided as required by the Unified Development Code.
10. No outdoor recreation equipment may be stored outdoors.

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 23--028](#)

Special Use Request to allow front yard fences, per UDC Table 4-1. The property is located at 3886 Sharon Drive SW, within land lot 871 of the 19th District, 2nd Section, and Cobb County, Georgia. PIN: 19087100320.

Attachments: [PZ23-028. Motion to DENY. 02052024](#)

[PZ23-028. Motion to APPROVE. 02052024](#)

[Executed PZ 2023-028 Tabled Motion to 02-05-24](#)

[Special use and Variance Apps Redacted](#)

[Survey and Existing Conditions](#)

[Code Violation Redacted](#)

[Exhibits. Sharon Drive](#)

[Written Support - redacted](#)

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that Special Use PZ 23--028 be tabled to the City Council, on 2/5/2024. 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 23--031](#) Variance Request to vary Sec. 4-135 (g) to allow a gate within 25-feet of the right-of-way. The property is located at 3886 Sharon Drive SW, within land lot 871 of the 19th District, 2nd Section, and Cobb County, Georgia. PIN: 19087100320.

Attachments: [PZ23-031. Motion to DENY. 02052024](#)
[PZ23-031. Motion to APPROVE. 02052024](#)
[Executed PZ 2023-031 Tabled Motion to 02-05-24](#)
[Variance request. 3886 Sharon Drive Redacted](#)
[Exhibits. Sharon Drive](#)
[Written Support - redacted](#)

A motion was made by Council Member - Ward 3 Green, seconded by Mayor Pro Tem - Ward 1 Lust, that Variance PZ 23--031 be tabled to the City Council, on 2/5/2024. 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--001](#) Appeal of an Administrative Decision. Related to the Community Development Department's building permit number 22PDR-00065. The property is located at 3292 Creek Trace E, within land lot 746 of the 19th District, 2nd Section, and Cobb County, Georgia. PIN: 19074600150.

Attachments: [Executed PZ 24-001 Motion to Deny with Prejudice](#)
[Application for Appeal Redacted](#)
[Community Development Final Inspection Report](#)
[Estimate provided by owner Redacted](#)
[Original Permit Application Redacted](#)

Tina Garver, Community Development Director, discussed the timeline of the application highlighting that the home did not match the approved plans; the homeowners association confirmed they did not approve the architectural features only the change in color and the addition of the railing all done after the changes were made in the field and not prior to the changes being made; and a conditional certificate of occupancy was issued in the required amount of \$7995 to cover the missing architectural features and the deadline to complete the additional work.

Joseph Herren, President of CFL Housing Corp, discussed his appeal of the administration decision citing the that the permit application was incorrect; the front elevations exhibits stone; the contractor was not licensed and the bond was not enforced; and the affidavit of ownership is not valid.

Raja Antone, resident of 3257 Creek Trace East, stated that as the former

homeowner association president he had made valid attempts to convey to the contractor the stipulations and house aesthetic parameters of the newly constructed home.

Terri Whitehead, resident of 3232 Warren Creek Drive, stated that the homeowner association did approve the house with the stipulations that the house would be built similar to the rest of the homes in the neighborhood and not as it currently is.

Donna Gates, resident of 3204 Warren Creek Drive, stated that the submitted plans to the homeowners association is not the final outcome in terms of the elevations.

The Council body asked if the bond is required of the homeowner or the developer; and what is the \$7995 used for. Mrs. Garver replied that the code provision for contractor and/or homeowners posting a \$25,000 code compliance bond is no longer a requirement as of many ago. City Manager Pam Conner answered that the \$7995 mentioned is not a bond, the developer placed the money in escrow for a temporary certificate of occupancy so the developer can sell the property and make those changes per Community Development.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that this Administrative Appeal PZ 24--001 be Denied with Prejudice. 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--004](#) Final Plat - Adler Springs.

Attachments: [Executed PZ 2024-004 Approved Motion](#)
[ADLER SPRINGS - FINAL PLAT Redacted](#)

Tina Garver, Community Development Director, discussed the completion of the development process of the town homes and single family homes on Powder Springs Dallas Road.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that Design Reviews PZ 24--004 be approved with the following conditions:

1. Receipt of subdivision improvement guarantees, including proof of installation of streetlights.
2. Any outstanding staff and city attorney comments are addressed to meet the requirements of the Unified Development 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 2 Wisdom, and Council Member - At Large Post 1 McMutry

[ORD 24-001](#)

Annexation Petition to annex a 4.332 acre tract, and rezone from GC (county) to NRC (city). The property is located within land lot 866, 19th district, 2nd section, Cobb County Georgia. PIN: 19086600040.
1st Reading: 01/16/2024. 2nd Reading: 02/05/2024

Attachments: [Annexation Application Redacted](#)
[Alcohol Distance Separation Survey Redacted](#)
[Site Plan 2023 Redacted](#)
[Vicinity Map Redacted](#)
[Exhibit A. LEGAL DESCRIPTION. Redacted](#)
[ORD 24-001](#)
[SIGNED Non-Objection ANN-1-2024 Powder Springs Rd and Sanders Rd Redacted](#)

Tina Garver, Community Development Director, discussed submitting the annexation application to Cobb County for review and receiving a non-objection letter from the County.

No speakers for or against ORD 24-001.

Ordinance ORD 24 -001 was no action taken. This was a first reading only.

9. City Manager and City Council Reports

City Manager Pam Conner made no comments.

Council Member Lust welcomed new Officer Conrad Wells; congratulated the re-appointees Raja Antone and Loretta Smith to the Development Authority of Powder Springs; and thanked everyone for coming to the meeting and those that attended online.

Council Member McMutry welcomed the new police officer; and wished everyone safety and warmth throughout the evening.

Council Member Dawkins welcomed everyone and to stay warm; and congratulated everyone.

Council Member Green share his peace and blessings to everyone.

Council Member Wisdom made no comments.

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

No executive session was held.

11. 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 2 Wisdom, and Council Member - At Large Post 1 McMutry