



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, June 3, 2024

7:00 PM

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

Onsite and Via ZOOM

Join Zoom Meeting

<https://us06web.zoom.us/j/83226350687>

Meeting ID: 832 2635 0687

Phone: 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: Lane Cadwell, Jon Gargis, Sam Heaton, Tracie Jackson, Travis Landrum (Zoom), Shaun Myers (Zoom), Tamara Newkirt, Nikki Proctor, Travis Sims, Henry Smith (Zoom), and Wayne Wright.

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 Dwayne Green and the Pledge of Allegiance was led by Council Member Dwight McMutry.

3. Approval of Minutes

[2024 -047](#)

City Council Work Session Minutes 05/15/2024

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that City Council Work Session Minutes 05/15/2024 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 -050](#) City Council Agenda Minutes - 05/20/2024

Attachments: [City Council Agenda Minutes 20-May-2024](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that City Council Agenda Minutes 05/20/2024 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 shared that he met with two of Georgia Power representatives on where the City stands and shared some of the programs that Georgia Power offers.

5. Citizens Comments

Lee Miller, resident of 259 Wexford Court in Mableton GA, discussed the Art of the Springs 5K Run and Walk to be held in Powder Springs and in conjunction with the Art and Springs Festival.

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 -048](#) Proclamation - National Safety Month

Attachments: [Proclamation National Safety Month 2024](#)

Council Member Henry Lust read the proclamation declaring June National Safety Month.

[2024 -049](#) Proclamation - Municipal Court Clerk Week

Attachments: [Proclamation Municipal Court Clerks Week 2024](#)

Mayor Thurman read and presented the proclamation to Court Clerk Tracie Jackson and Deputy Court Clerk Nikki Proctor in recognition of Municipal Court Clerk Week June 10th through June 14th 2024.

7. City Attorney

A. Consent Agenda

[RES0
24-075](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GEORGIA POWER COMPANY FOR THE PROVISION OF PEDESTRIAN LED STREET LIGHTING ALONG JACKSON WAY EXTENSION, PINEVIEW AND MARIETTA STREET FOR THE INSTALLATION AMOUNT OF \$56,500.00 AND A MONTHLY SERVICE FEE OF \$240.24; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-075](#)
[Lighting proposal - City of Powder Springs - 4439 Marietta St - Public Lights Redacted](#)
[S17323A6 - 4490 Marietta St - Powder Springs](#)

approved

[RES0
24-076](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CROY ENGINEERING IN THE AMOUNT OF \$86,310 TO PREPARE A TRAFFIC IMPACT STUDY AND FEE ASSESSMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-076](#)
[Transportation Impact Study & Fee Assessment Proposal Redacted](#)

approved

[RES0
24-077](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A REVISION TO THE 15TH AMENDMENT TO THE PROGRAM MANAGEMENT AGREEMENT WITH CROY ENGINEERING, LLC RELATING TO THE DESIGN AND ENGINEERING SERVICES FOR THE TRANSPORTATION IMPROVEMENTS ON POWDER SPRINGS ROAD AND ITS INTERSECTION WITH FOREST HILL ROAD AND RICHARD D. SAILORS PARKWAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-077](#)
[1476.00 PS 2016 SPLOST Agr Amendment 15 Sailors Parkway at Powder Springs Road and Forest Hill Road REV2](#)

approved

[RESO
24-078](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH FIFTH ASSET, INC. D/B/A DEBTBOOK FOR THE RENEWAL OF DEBT MANAGEMENT SOFTWARE UTILIZED BY THE FINANCE DEPARTMENT FOR AN AMOUNT OF \$39,785; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-078](#)
[DebtBook Renewal Agreement - Powder Springs, GA Redacted](#)

approved

[RESO
24-079](#)

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS FOR CERTAIN PROFESSIONAL SERVICES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-079](#)

approved

[RESO
24-080](#)

A RESOLUTION DECLARING AS SURPLUS AND AUTHORIZING THE DISPOSITION OF KITCHEN, OFFICE AND CONFERENCE ROOM FURNITURE LOCATED IN STORAGE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES,

Attachments: [Executed RESO 2024-080](#)

approved

[RESO
24-081](#)

A RESOLUTION ACCEPTING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH INNOVATIVE BUILDING MAINTENANCE FOR JANITORIAL SERVICES ES FOR AN ADDITIONAL AMOUNT OF \$7,500; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-081](#)
[CONTRACT AMENDMENT Janitorial](#)

approved

[RESO
24-082](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH MISSIONSQUARE AS PROPOSED IN RESPONSE TO THE REQUEST BY GALLAGHER FIDUCIARY ADVISORS FOR ENHANCEMENTS IN THE 401(A) AND 457 RETIREMENT PLANS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-082](#)
[Please DocuSign MissionSquare - City of Powd Redacted](#)

approved

Approval of the Consent Agenda

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, 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

[PZ 24-013](#) Presented by Shaun M. - Variance request to UDC 8-92(e) to allow a privacy fence to encroach into the drainage easement. The property is located at 4444 Quilter Street, within land lot 680 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19068000490.

Attachments: [Tabled Motion to July 5th PZ 24-013](#)
[Variance App. 4444 Quilter Redacted](#)

A motion was made by Council Member - At Large Post 1 McMutry, seconded by Council Member - Ward 3 Green, that Variance PZ 24-013 be tabled to the City Council, on 7/15/2024. 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 24-012](#) 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: 05/20/2024. Second Reading: 06/03/2024

Attachments: [ORDINANCE 2024 - 012 Annexation Ordinance Elliott Road](#)
[Annexation Application - 5500 Elliott Road - 04-23-2024 Redacted](#)
[Legal Description](#)
[Site Map Location](#)
[Site Plan - 04-22-2024 Redacted](#)
[Survey - 04-03-2024 Redacted](#)
[Cobb County Notice_of_Non-Objection_5500_Elliott Rd](#)

Related to agenda item PZ 24-014.

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

**Ward 3 Green, that Ordinance ORD 24 -012 be tabled to the City Council, on 7/15/2024.
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 24-014](#) Rezoning Request for a 29.6-acre tract, to rezone from R-30 (county) to PUD-R (city). The property is located at 5500 Elliott Road within land lots 598, 599, 660, 661, of the 19th district, 2nd section, Cobb County Georgia. PIN: 19066000060.

Attachments: [Tabled Motion to July 15th PZ 24-014](#)
[Updated Site Plan. 05152024 Redacted](#)
[List of Requested Variances](#)
[Rezoning Application - 5500 Elliott Road - 04-23-2024 Redacted](#)
[Site Map Location](#)
[Site Plan - 04-22-2024 Redacted](#)
[Survey - 04-03-2024 Redacted](#)
[Cobb County Notice of Non-Objection 5500 Elliott Rd Redacted](#)

Related to agenda item ORD 24-012.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that Rezoning PZ 24-014 be tabled to the City Council, on 7/15/2024. 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 24-016](#) Special Use Request to allow Metal Fabrication in the Light Industrial zoning district, per UDC requirement. The property is located at 3194 Florence RD SW, within land lot 675 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19067500180.

Attachments: [Approved PZ 24-016](#)
[Special Use App. 3194 FLorenceRedacted](#)
[3194 Florence Rd. Powder Springs, GA 30127 _LoopNet](#)

Virginia Murphy, Special Use Applicant, discussed her business operations and stated that she was unaware that the leased warehouse was in a light industrial district.

The Council body asked for confirmation that there would not be extraneous noise coming from the building. Ms. Murphy confirmed that there would not be any noise coming from the building.

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 1 McMutry, that this Special Use PZ 24-016 be approved with the following conditions:

1. The Special Use Request for Manufacturing, primary and fabricated metal, is approved and shall not be transferable to a different business operation or subsequent tenant at the subject facility.
2. The applicant shall complete the required occupancy change and occupational tax processes to establish a new business operation at the subject location.

. 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

[PZ 24-017](#) Rezoning Request of a 17.7-acre tract, and rezone from NRC (county) to LI (city). The property was previously annexed via GA General Assembly HB 1500. The property is located at 3969 & 3989 Flint Hill RD within land lot 911, of the 19th district, 2nd section, Cobb County Georgia. PINs: 19091100020, 19091100060

Attachments: [Tabled Motion to July 15th PZ 24-017](#)

[HB 1500. Annexation](#)

[Rezoning. 3969 + 3989 Flint Hill Rd Redacted](#)

[Site Plan. 3969 + 3989 Flint Hill Rd Redacted](#)

A motion was made by Council Member - At Large Post 1 McMurtry, seconded by Council Member - Ward 2 Dawkins, that Rezoning PZ 24-017 be tabled to the City Council, on 7/15/2024. 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 McMurtry

[PZ 24-018](#) City Initiated Rezoning. To adopt the corresponding City of Powder Springs zoning districts for parcels annexed via the General Assembly into the incorporated limits of The City of Powder Springs, of the 19th District, 2nd Section, Cobb County, Georgia.

Attachments: [PZ24-018. Motion to APPROVE. 06032024](#)

[Property List and Zoning Districts](#)

[HB 1500. Annexation](#)

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that Rezoning PZ 24-018 be tabled to the City Council, on 7/15/2024. 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 McMurtry

[ORD 24-009](#)

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE RELATING EXTERIOR ART EXHIBITS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

First Reading: April 15, 2024 Second Reading: August 19, 2024

Request to Table to August 19, 2024

Attachments: [ORDINANCE 2024 - 009 UDC Amendment relating to Art Exhibits](#)
[ORD 24-009. Public Art. Exhibits](#)

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 1 McMutry, that the second reading of Ordinance ORD 24 -009 be tabled to the City Council, on 8/19/2024. 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](#)
[-011](#)

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE RELATING TO GENERAL PROVISIONS; USE DEFINITIONS; EROSION & SEDIMENT CONTROL; TREE PROTECTION, BUFFERS AND LANDSCAPING; SITE AND ARCHITECTURAL DESIGN REVIEW; LAND DEVELOPMENT; PARKING, ACCESS AND LOADING; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

First reading: 5/20/2024. Second Reading: 6/3/2024

Attachments: [Adopted ORD 2024-011](#)
[ORD 24-011. Exhibits](#)

A motion was made by Council Member - Ward 3 Green, seconded by Mayor Pro Tem - Ward 1 Lust, that Ordinance ORD 24 -011 be adopted. 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](#)
[-013](#)

AN ORDINANCE TO ADOPT THE BUDGET FOR FISCAL YEARS 2025-26; TO ESTABLISH AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

1st Reading - 6/3/24 2nd Reading and Public Hearing - 6/17/24

Attachments: [ORDINANCE 2024 - 013 Budget Adoption for FY 2025-26](#)
[FY25-26 draft budget ORD 24-013.pdf](#)
[FY25-26 draft budget presentation](#)

Pam Conner, City Manager, provided a presentation of the elected officials priorities for the City and the processes to achieve those goals.

Travis Sims, Finance Director, discussed the proposed budget for the fiscal year 2025.

The Council body asked if the City has one outstanding bond or multiple outstanding bonds; how much longer does the City have to payoff those bonds;

and will the City be responsible for trimming trees that are on private property but impedes the public right of way. Mr. Sims answered that there are multiple bonds consolidated into one bond for repayment; the 2005 bond is expected to be paid off in 2025 and the remaining bonds sometime at later dates. Mrs. Conner replied that the property owner is responsible for trimming trees on their property unless it compromises public safety then the City will take necessary action.

Ordinance ORD 24 -013 was a first reading only. No action was taken..

8. City Manager and City Council Reports

Council Member Wisdom greeted everyone that joined online and in person; and shared that she visited a new mental health facility in Powder Springs.

Council Member McMurry welcomed everyone that joined online and in person; and encouraged a safe City.

Council Member Lust thanked everyone that were online and in person.

Council Member Dawkins thanked everyone for coming in person and online; and congratulated Tracie and Nikki on receiving the proclamation for Municipal Court Clerk Week.

Council Member Green congratulated the recipients of the read proclamation; shared his peace and blessings to everyone.

9. Executive Session was called for the purpose of Real Estate.

A motion was made by Council Member - Ward 3 Green, seconded by Mayor Pro Tem - Ward 1 Lust, that this Executive Session be called for the purpose of Real Estate 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 McMurry

Executive Session was concluded from the purpose of Real Estate.

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that this conclusion of the Executive Session called for the purpose of Real Estate 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 McMurry

10. Adjournment

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 1 McMurry, 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