



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, November 4, 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. 1

Pre-Meeting Discussion at 6:30PM

Join Zoom Meeting - <https://us06web.zoom.us/j/82500269375>

Meeting ID: 825 0026 9375 Dial: 1-929-205-6099

1. Call to Order

The Albert Thurman called the meeting to order at 7:00 pm. Council members Dawkins, Green, Lust and McMutry were present in person. Council Member Wisdom was absent. Also present onsite were City Attorney Julie Livingston, City Manager Pam Conner and City Clerk Kelly Axt.

Staff in Attendance: Lane Cadwell, Phyliss Calloway, Tina Garver (Zoom), Shaun Myers (Zoom), Tamara Newkirt, Nicholas Poole (Zoom), Travis Sims (Zoom), and Henry Smith (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 McMutry

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

2. Invocation and Pledge of Allegiance

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

3. Approval of Minutes

[2024 -079](#) City Council Agenda Minutes 10/21/2024

Attachments: [City Council Agenda Minutes 21-Oct-2024](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that City Council Agenda Minutes 10/21/2024 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 1 McMutry

Absent: 1 - Council Member - At Large Post 2 Wisdom

[2024 -080](#) City Council Work Session Minutes 10/30/2024

Attachments: [City Council Work Session Minutes 30-Oct-2024](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that City Council Work Session Minutes 10/30/2024 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 1 McMutry

Absent: 1 - Council Member - At Large Post 2 Wisdom

4. Mayor's Comments

Mayor Thurman mentioned that he attended the Atlanta Regional Commission breakfast the previous week.

5. Citizens Comments

Cindy Webb, resident of 3824 Sanders Road in Marietta GA, asked that all the citizens be heard and that all the evidence be taken into consideration.

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

No public reports or presentations were made.

7. City Attorney

A. Consent Agenda

[MOT 24](#)
[-009](#)

Julie Livingston, City Attorney, stated that the City Manager requested a motion to amend the Consent Agenda to authorize the Mayor to execute an amendment to the purchase and sale agreement with the Downtown Development Authority to allow an

extension to the deadline for the issuance of a Certificate of Occupancy to a business to March 1, 2025.

Adds RESO 24-167 to the Consent Agenda

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post McMutry, that this Motion 24-009 to amend the Consent Agenda to add RESO 24-167 (CO Deadline extension to 3/1/2025) was 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 1 McMutry

Absent: 1 - Council Member - At Large Post 2 Wisdom

[RESO 24-167](#) Resolution authorizing the Mayor to execute an amendment to the purchase and sale agreement with the Downtown Development Authority to allow an extension to the deadline for the issuance of a Certificate of Occupancy to a business to March 1, 2025.

Added by Motion 24-009 to the Agenda on 11/4/24

Attachments: [RESOLUTION 2024 - 167 CO Extension 4469 Marietta St](#)

approved

[RESO 24-149](#) A RESOLUTION UPDATING THE CITY OF POWDER SPRINGS FEE SCHEDULE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-149](#)
[RESO 24-149 Construction Fees Exhibit A](#)
[RESO 24-149 OVERALL Fee Schedule Exhibit B](#)

approved

[RESO 24-159](#) A RESOLUTION APPROVING THE MEETING DATE SCHEDULE FOR THE PLANNING AND ZONING COMMISSION OF THE CITY OF POWDER SPRINGS FOR CALENDAR YEAR 2025; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-159](#)
[2025 Planning and Zoning Calendar. DRAFT](#)

approved

[RESO 24-160](#) A RESOLUTION APPROVING THE MEETING DATE SCHEDULE FOR THE MAYOR AND COUNCIL OF THE CITY OF POWDER SPRINGS FOR CALENDAR YEAR 2025; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-160](#)
[2025 City Council Meeting Calendar](#)

approved

[RESO 24-161](#) A RESOLUTION APPROVING AMENDMENTS TO THE PERSONNEL MANUAL RELATING TO SOCIAL MEDIA, ACCRUED LEAVE, REQUIRED TRAINING AND DISCIPLINARY ACTION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-161](#)
[Personnel Manual updates 110424.pdf](#)

approved

[RESO 24-162](#) A RESOLUTION APPROVING AND AUTHORIZING THE PAYMENT OF BEAUTIFICATION GRANTS TOTALING \$8,180 TO RESIDENTIAL NEIGHBORHOODS MEETING PROGRAM REQUIREMENTS FOR FY25; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-162](#)
[Neighborhood Grant Master Fall 2024](#)
[Fall 2024 Neighborhood Grant Review Summary](#)

approved

[RESO 24-163](#) A RESOLUTION ACCEPTING THE PROPOSAL OF DAF CONCRETE FOR THE REPAIR OF CERTAIN SIDEWALKS AND CATCH BASINS AT VARIOUS LOCATIONS THROUGHOUT THE CITY FOR THE SUM OF \$41,000; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR SUCH SERVICES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-163](#)
[Infrastructure Repairs Redacted](#)
[Executed Contract](#)

approved

[RESO 24-164](#) 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 2024-164](#)

approved

[RES0 24-165](#) A RESOLUTION APPROVING CERTAIN PROFESSIONAL SERVICES IN ADVISING MANAGEMENT ABOUT STAFFING EFFICIENCIES AND DEPARTMENTAL OPERATIONS FOR PURPOSES OF SUCCESSION PLANNING; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Attachments: [Executed RESO 2024-165](#)

approved

[RES0 24-166](#) A RESOLUTION AUTHORIZING REPAIRS TO CERTAIN SIDEWALKS IN THE PUBLIC RIGHT OF WAY; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT OR DOCUMENTS REQUIRED TO EFFECTUATE SAME; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-166](#)

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 with the inclusion of RESO 24-167 added to the Consent Agenda by Motion 24-009 on 11/4/24. 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 1 McMutry

Absent: 1 - Council Member - At Large Post 2 Wisdom

B. Regular Agenda | Public Hearing

[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: [Approved PZ 24-017](#)
[Serious Tree - Constitutional Challenge](#)
[PZ 24-147 Tabled to Oct 7](#)
[Signed PZ 24-017 Motion to Table to 08-19-24](#)
[Tabled Motion to July 15th PZ 24-017](#)
[Letter to the Council. 08.20.2024](#)
[Prepared Statement. Serious Tree Service Redacted](#)
[Revised Site Plan. 7-9-24](#)
[Phase I ESA Report - Serious Tree Services - 07.25.2024](#)
[Sound Check + Dust Suppression System schematic](#)
[HB 1500. Annexation](#)
[Rezoning. 3969 + 3989 Flint Hill Rd Redacted](#)
[Site Plan. 3969 + 3989 Flint Hill Rd Redacted](#)

Joel Larkin, of Sams Larkin and Huff on behalf of the rezoning applicant, provided a presentation of the site plan of the tree chipping business and discussed the agreed upon staff conditions.

Sabrina Gretzmacher, provided a presentation detailing their opposition to the rezoning application.

Alan Webb, resident of 3824 Sanders Road in Marietta GA, shared that the roads near his home are narrow and the community already deals with over 300 school buses.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 1 McMutry, that Rezoning PZ 24-017 be approved with the following conditions:

1. The request to rezone from NRC (county) to LI (city) is approved.
2. Applicant's wood recycling operations shall be confined to the western parcel (3969 Flint Hill Road, PIN: 19091100020) and all tree chipping, grinding and similar processing equipment may only be located and operated on such portion of that parcel as is located on the northwest side of the existing tributary running through the property. The approximately location for locating said equipment is designated on Applicant's Site Plan. Within that limited area, Applicant shall be permitted to process and recycle wood materials, including stumps, trees, limbs and other vegetative debris. No recycling or processing of concrete or asphalt shall be permitted.
3. The hours of operation of the recycling facility shall be limited to between the hours from 7:00 am to 7:00 pm; provided, however, the wood chipping, grinding and other wood processing equipment may only be operated between the hours of 10:00am and 5:00 pm.
4. Applicant agrees to install and maintain silt fencing between any tree processing areas and protected stream bank buffer areas and conservation easement areas on the Property as depicted on Applicant's Site Plan to prevent intrusion into or damage to the buffer areas.
5. Applicant shall maintain a 100-foot undisturbed buffer along the frontage of the property

on Flint Hill Road directly across from the residentially zoned property located at 4002 Flint Hill Road. This 100-foot buffer shall remain in place until such time as said R-20 property is rezoned to a classification other than a single-family residential classification.

6. Applicant shall maintain a 100-foot undisturbed buffer along the frontage of the property on Sanders Road directly across from each of the commercially zoned but residentially used properties located at 3921, 3951 and 3981 Sanders Road. This 100-foot buffer shall remain in place as to each of said properties until residential use of said property is curtailed.

7. Applicant shall install and maintain a misting device or similar equipment on the wood processing equipment to curtail dust.

8. Applicant shall take reasonable steps to discourage tractor trailer trucks from traveling on Sanders Road. In addition to the posted prohibitions already in place prohibiting such truck traffic on Sanders Road, Applicant shall post signs at the egress points from its recycling center prohibiting large trucks from making left turns out of the facility and heading east toward Sanders Road. Said exit points shall further be designed with a pork chop or other physical obstruction to discourage such turning movements.

9. Applicant shall comply with all Department of Transportation posted Roadway Weight Limits.

10. Applicant shall comply with all Cobb County FMO comments.

11. Applicant shall comply with all Department of Transportation posted Roadway Weight Limits.

The motion carried by the following vote:

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

No: 1 - Council Member - Ward 3 Green

Absent: 1 - Council Member - At Large Post 2 Wisdom

[PZ 24-029](#)

Rezoning Request to rezone an approximate 4.9-Acre Tract from R-20 to PUD-R. The property is located at 3720 and 3716 Powder Springs Rd, within land lots 833 and 870, 19th District, 2nd Section, Cobb County, Georgia. PINs: 19087000010, 19087000150.

Attachments: [Site Plan. 2024-10-30 NELSON - POWDER SPRINGS](#)

[Renderings. 28' wide th- streetscape 4-8-21 fin](#)

[Traffic Impact Study](#)

[Fiscal Impact Analysis. Powder Springs Road FIA_10_16_24](#)

[Public Opposition. CREEKWOOD SUBDIVISION PETITION](#)

[Rezoning Application. 3716 & 3720 Powder Springs Road Redacted](#)

[Signed PZ 24-029 Tabled Motion to 11-04](#)

[Signed table to Dec 2nd](#)

[Signed Table to Motion 02-03-25](#)

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 2 Dawkins, that Rezoning PZ 24-029 be tabled to the City Council, on 12/2/2024. 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 1 McMutry

Absent: 1 - Council Member - At Large Post 2 Wisdom

[PZ 24-031](#) Rezoning Request. To modify the conditions of Rezoning Approval PZ21-014, for Selig Enterprises (Heartwood Apartments). The property is located at 4493 Brownsville Road within Land Lots 1025,1026, 1027, 1047, 19th District, 2nd Section, and Cobb County, Georgia.

Attachments: [Signed PZ24-031 table to Dec 2nd](#)
[Signed PZ 24-031 Tabled Motion to 11-04](#)
[PZ 24-031 Tabled to Oct 7](#)
[4391 Brownsville Rd - Proposed Outparcels Site Plan 08-20-24](#)
[4391 Brownsville Rd - Proposed Restaurants Site Plan 08-20-24](#)
[PZ 24-031. Motion to Table. 10072024](#)

A motion was made by Council Member - At Large Post McMutry, seconded by Council Member - Ward 3 Green, that Rezoning PZ 24-031 be tabled to the City Council, on 12/2/2024. 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 1 McMutry

Absent: 1 - Council Member - At Large Post 2 Wisdom

[PZ 24-034](#) Variance Request. Ark Ministries requests to vary the minimum lot requirements for a church, as an accessory to a school. The property is located at 4110 Austell Powder Springs Road Suite 160, within land lots 946, 2nd section, Cobb County Georgia. PIN: 19094600260.

Attachments: [Approved PZ 24-034](#)
[ARK BLUE PRINTS](#)
[ARK VARIANCE APPLICATION Redacted](#)
[ARK. Mission Statement and Educational Program](#)

Timothy Parker, rezoning applicant, discussed request to have a spiritual component, and educational outreach programs.

Shaun Myers, Planning and Zoning Manager, discussed the agreed upon staff conditions.

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that Variance PZ 24-034 be approved with the following conditions.

1. The variance to allow the operation of a church as an accessory to educational use on less

than 2-acres dedicated to the use is approved, within suite 160. The approval of this variance is not transferable to any other suite, business or subsequent owner.

2. The applicant shall seek the necessary approvals to establish a new business at the subject location.

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 1 McMurtry

Absent: 1 - Council Member - At Large Post 2 Wisdom

[PZ 24-035](#)

City Initiated variance request to the UDC table 2-2 dimensional requirements for residential lots. The property is located at Buck, within land lots 831, 2nd section, Cobb County Georgia. PIN: 19083101440.

Attachments: [Approved PZ 24-035](#)

[Lot 3. Recorded Plat Redacted](#)

[Site Plan Redacted](#)

[House Plans Redacted](#)

Sammy Thomas, property owner, discussed the request to build one home on his lot.

Shaun Myers, Planning and Zoning Manager, explained the City initiated rezoning request to the original lot plat with Staff recommendations.

A motion was made by Council Member - At Large Post McMurtry, seconded by Council Member - Ward 3 Green, that this Variance PZ 24-035 be approved with the following conditions.

1. The variance to the minimum width at lot frontage requirement in the R-15 district is approved. The 40' lot frontage as shown on the recorded plat, dated September 22, 2005, is approved.

2. The applicant shall seek the necessary land development and building permit approvals for new residential development at the subject location; and shall respond to comments from staff, engineers, and external agencies.

3. The applicant shall comply with the provisions of the UDC related to single family lots, except the lot frontage dimensional requirement varied herein.

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 1 McMurtry

Absent: 1 - Council Member - At Large Post 2 Wisdom

[PZ 24-036](#)

Variance request from New Era Learning Academy to vary the minimum parking requirements for a school. The property is located at 4640 Hiram Lithia Springs Road SW, within land lots 1046, 2nd section, Cobb County Georgia. PIN: 19104600170.

Attachments: [Approved PZ 24-036](#)

[2024-017, New Era Variance Plan, RVSD 10-25-24, HPSCANNER1223](#)

[Redacted](#)

[Variance Application Redacted](#)

[Variance Application Redacted](#)

[Notice of Intent, Addendum to Variance Application Redacted](#)

[Site Plan to add Modular Classroom Redacted](#)

Chika Onwukaeme, variance applicant, discussed her request to reduce the parking spaces for a school from 25 to 17.

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that Variance PZ 24-036 be approved with the following conditions.

1. The variance request to reduce the total required parking spaces from 25 to 17 and to adjust the minimum parking space dimensions from 9-feet by 20-feet to 8.5-feet by 19-feet is approved.
2. Parking improvements shall comply with the parking plan submitted on October 25, 2025, prepared by Paul Lee Engineering Associates for New Era Learning Academy.
3. There shall be no parking on grass, or other unimproved surfaces as provided by the Unified Development Code.
4. The applicant agrees that should the facility begins to experience over-parking that obstructs traffic flow and impedes emergency access, they may face code enforcement actions and revocation of the variance, necessitating future improvements to parking.

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 1 McMurtry

Absent: 1 - Council Member - At Large Post 2 Wisdom

[PZ 24-037](#)

Rezoning Request. Rezoning Application to consider a change in zoning conditions of PZ22-001, approved 3/21/2022. The property is the Westmont Preserve Subdivision, at Austell Powder Springs Road, Dugger Drive, Smith Drive, and Frank Aikin Road in the 19th District, 2nd Section, Land Lots 1019 and 1020, Cobb County, Georgia.

Attachments: [Approved PZ 24-037](#)

[Changes in Conditions-Meritage Redacted](#)

[Site Plan](#)

Joel Larkin, of Sams Larkin and Huff on behalf of the rezoning applicant, presented the request to create a new access point for the development.

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

Post 1 McMutry, that Rezoning PZ 24-037 be approved with the following conditions.

- 1) All previous stipulations for PZ22-001 remain in effect.**
- 2) Allow an alternative site plan dated last revised 10/30/2024 modifying the entrance to be located on Austell Powder Springs Road subject to Cobb DOT and City of Powder Springs engineering approval.**

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 1 McMutry

Absent: 1 - Council Member - At Large Post 2 Wisdom

8. City Manager and City Council Reports

City Manager Pam Conner reminded everyone of the Chili Cook Off November 9th, Veteran's Day Ceremony November 11th, Market Place events November 13th, and congratulated Elliott Hennington as the Citizen of the Year of Powder Springs.

Council Member McMutry shared that he enjoyed attending the Topping Off Ceremony for the new Municipal Complex, mentioned the Military Appreciation Luncheon November 7th, and that he will be attending the open house at the American Legion Post 294 November 9th.

Council Member Lust thanked everyone for joining the meeting in person as well as online.

Council Member Dawkins thanked everyone for attending in person as well as online, and shared that she attended the ceremony November 1st.

Council Member Green encouraged everyone to vote.

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 3 Green, seconded by Council Member - Ward 2 Dawkins, 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 1 McMutry

Absent: 1 - Council Member - At Large Post 2 Wisdom