



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, March 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. 2

Pre-Meeting Discussion at 6:30PM

Join Zoom Meeting - <https://us06web.zoom.us/j/88358307302>

Meeting ID: 883 5830 7302 Dial: 1-929-205-6099

1. Call to Order

Mayor Albert Thurman called the meeting to order at 7:00 pm. Council Members Green, Lust, McMutry and Wisdom were present on site. Council Member Dawkins 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, Jon Gargis, Tina Garver (Zoom), Travis Landrum (Zoom), Tamara Newkirt, Travis Sims (Zoom), and Bill Tanks.

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

Absent 1 - Council Member - Ward 2 Doris Dawkins

2. Invocation and Pledge of Allegiance

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

3. Approval of Minutes

[2024 -018](#) City Council Agenda Minutes 02/19/2024

Attachments: [City Council Agenda Minutes 19-Feb-2024](#)

A motion was made by Council Member - At Large Post 2 Wisdom, seconded by Council

Member - At Large Post 1 McMurtry, that City Council Agenda Minutes 02/19/2024 be approved. The motion carried by the following vote:

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

Absent: 1 - Council Member - Ward 2 Dawkins

[2024 -021](#) Special Called City Council Agenda Minutes 02/28/2024 at 7PM

Attachments: [Special Called City Council Agenda Minutes 28-Feb-2024 at 7PM](#)

A motion was made by Council Member - At Large Post 2 Wisdom, seconded by Council Member - At Large Post 1 McMurtry, that Special Called City Council Agenda Minutes 02/28/2024 be approved. The motion carried by the following vote:

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

Absent: 1 - Council Member - Ward 2 Dawkins

4. Mayor's Comments

Mayor Albert Thurman shared that he visited with Council Member Dawkins and continues to pray for her recovery.

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 -016](#) Proclamation for "Black History Business Pioneer: Mr. James Thomas "Mr. T's Restaurant

Mayor Thurman read the proclamation recognizing Mr. James Thomas' contribution as the first African American brick and mortar restaurant in Powder Springs and declaring March 4th as Mr. T Day. Mr. Thomas was on hand to receive his Proclamation.

[2024 -019](#) Proclamation

The proclamation was tabled to a later date.

7. City Attorney

A. Consent Agenda

[RES0 24-021](#) A RESOLUTION APPROVING THE PROPOSAL SUBMITTED BY PYRO SHOWS EAST COAST, INC. IN THE AMOUNT OF \$22,000 TO DISPLAY FIREWORKS AT THE INDEPENDENCE DAY CELEBRATION ON JULY 4, 2024; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PYRO SHOWS EAST COAST, INC.; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH COBB COUNTY FOR THE USE OF THE POWDER SPRINGS PARK IF NEEDED TO STAGE THE FIREWORKS DISPLAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [22 K PROPOSAL -Powder Springs City of 7-4-2024](#)
[CONTRACT - Powder Springs City of 7-4-2024](#)
[SITE -Powder Springs City of 7-4-2024](#)
[Executed RESO 2024-021](#)
[Pyro Shows East Contract Agreement](#)

approved

[RES0 24-022](#) A RESOLUTION AUTHORIZING AND APPROVING THE MAYOR TO EXECUTE AN AGREEMENT WITH COMCAST BUSINESS TO PROVIDE INTERNET FIBER SERVICES AT THE NEW MUNICIPAL COMPLEX AND POLICE DEPARTMENT WITH REDUNDANCY FOR ALL CITY FACILITIES; TO EXECUTE WORK ORDERS WITH VC3 TO COMPLETE WORK REQUIRED TO ACHIEVE INSTALLATION AND REDUNDANCY; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [City of Powder Springs 36 Month SOA EDI-ENS Network New City Hall and Redundant Circuit 2.09.2024.pdf Redacted](#)
[Executed RESO 2024-022](#)

approved

[RES0 24-023](#) A RESOLUTION ACCEPTING AND AUTHORIZING THE MAYOR TO EXECUTE AN ESCROW AGREEMENT WITH SDH ATLANTA, LLC RELATING TO A MAINTENANCE AGREEMENT FOR CERTAIN PUBLIC INFRASTRUCTURE IN THE FAIRHAVEN AT PRESTON AND VILLAGES OF PRESTON SUBDIVISIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Fairhaven + Villages at Preston. Cash Maintenance Agreement](#)
[Fairhaven + Villages at Preston. Cash Performance Agreement](#)
[Executed RESO 2024-023](#)

approved

[RES0 24-024](#) A RESOLUTION ACCEPTING AND AUTHORIZING THE MAYOR TO EXECUTE AN ESCROW AGREEMENT WITH PULTE HOME COMPANY, LLC AND BAKER AND HOSTETLER, LLP RELATING TO A MAINTENANCE AGREEMENT FOR CERTAIN PUBLIC INFRASTRUCTURE IN THE ADLER SPRINGS SUBDIVISION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Alder Springs. Cash Maintenance Agreement Redacted](#)
[Alder Springs Performance Agreement](#)
[Executed RESO 2024-024](#)

approved

[RES0 24-025](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GEORGIA POWER COMPANY TO RELOCATE A METER AND UTILITIES IN THE DOWNTOWN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Attachments: [Executed RESO 2024-025](#)

approved

[RES0 24-026](#) A RESOLUTION OF SUPPORT AND COMMITMENT TO PURSUE CATALYTIC ASSISTANCE FROM THE ATLANTA REGIONAL COMMISSION LIVABLE CENTERS INITIATIVE PROGRAM THAT WILL REVITALIZE THE CITY'S EXISTING AND PLANNED DOWNTOWN; ACKNOWLEDGING THE NEED FOR LOCAL MATCHING FUNDS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-026](#)
[Signed Formal Commitment](#)

approved

[RES0 24-027](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE ANNUAL SUBRECIPIENT AGREEMENT WITH THE COBB COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM OFFICE FOR THE USE OF CDBG FUNDS FOR PUBLIC FACILITIES AND INFRASTRUCTURE IMPROVEMENTS FOR PROGRAM YEAR 2024; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-027](#)

approved

[RES0 24-028](#) A RESOLUTION APPOINTING JAMES WILSON TO THE ARTS AND CULTURAL AFFAIRS COMMISSION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-028](#)

[James Wilson](#)

approved

[RES0 24-029](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE DEDUCTIVE CHANGE ORDER TO THE AGREEMENT WITH SUMMIT CONSTRUCTION AND DEVELOPMENT, LLC FOR THE BROWNSVILLE ROAD TRANSPORTATION IMPROVEMENTS; AUTHORIZING THE MAYOR AND STAFF TO EXECUTE DOCUMENTS NEEDED TO CLOSE AND ACCEPT THE PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Letter 1 - Change Order 1 - Summit](#)

[Executed RESO 2024-029](#)

[Summitt Const Change Order](#)

approved

[RES0 24-030](#) A RESOLUTION APPROVING AMENDMENTS TO THE PERSONNEL MANUAL TO INCLUDE A POLICY RELATING TO THE CONTINUITY OF OPERATIONS PLAN AND TO SPECIFY HOURS ASSOCIATED WITH SWORN OFFICER POSITIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESO 2024-030 EHX A COOP Policy](#)

[RESO 2024-30 Exh B](#)

[Executed RESO 2024-030](#)

approved

[RES0 24-031](#) A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH TANKO LIGHTING TO CONDUCT A STREETLIGHT DEFICIENCY ANALYSIS AND RATE ASSESSMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Streetlighting Analysis. Areas of critical need](#)

[Executed RESO 2024-031](#)

approved

[RES0 24-032](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH EAST COAST GRADING TO RESURFACE CERTAIN ROADS THROUGHOUT THE CITY FOR AN

AMOUNT OF \$1,754,193.47 SUBJECT TO CERTAIN CONDITIONS;
PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2024 - 032 resurfacing East Coast for 2024](#)
[2024 Resurfacing Project Recommendation of Award Redacted](#)
[Revised Exhibit A](#)
[Street Map](#)

approved

[RES0 24-033](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE DOCUMENTS NEEDED TO COMPLY WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION REQUIREMENTS RELATING TO THE LOCAL ADMINISTERED PROJECT CERTIFICATION AND THE AMERICANS WITH DISABILITY TRANSITION PLAN; RATIFYING INSPECTIONS OF PUBLIC FACILITIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [ADA Transition Plan 2013](#)
[draft City of Powder Springs ADA Transition Plan 2024 Redacted](#)
[Executed RESO 2024-033](#)

approved

[RES0 24-034](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH ENVIROSPARK ENERGY FOR IMPLEMENTATION OF AN ELECTRICAL VEHICLE CHARGING PROGRAM IN THE MUNICIPAL PARKING DECK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Summary Info EnviroSpark Offerings Redacted](#)
[EV Charging Options Presentation](#)
[Contract Network \(Power Reimbursement Form\) \(1\)](#)
[Executed RESO 2024-034](#)
[Envirospark Network Service Agreement](#)

approved

Approval of the Consent Agenda

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

Absent: 1 - Council Member - Ward 2 Dawkins

B. Regular Agenda | Public Hearing

[RES0 24-037](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SAM HEATON TO PROVIDE ON A TEMPORARY BASIS PROFESSIONAL SERVICES REQUIRED AS EXECUTIVE DIRECTOR FOR PUBLIC SERVICES, DIVERSITY, EQUITY AND INCLUSION AGENCY FOR A MONTHLY FEE OF \$6000; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-037](#)

Pam Conner, City Manager, recommends appointing Sam Heaton as Interim Public Services Agency Director for a term up to 6 months and at a rate of \$6,000 per month.

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 1 McMutry, that Resolution RES0 24-037 be approved. The motion carried by the following vote:

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

Absent: 1 - Council Member - Ward 2 Dawkins

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

Attachments: [Withdrawal Request Form - redacted](#)

[PZ23-007. Withdraw WITHOUT Prejudice. 03042024](#)

[PZ23-007. Revised Survey \(1\) Redacted](#)

[Signed PZ 23-007 Tabled to July 17th](#)

[Executed Motion PZ 23-007 to table to 05-01-2023](#)

[notarized application Redacted](#)

[Tabled PZ 23-007 to June 5, 2023](#)

[Executed PZ 2023-007 to table to March 4, 2024](#)

[Signed](#)

[Withdrawn PZ 23-007](#)

City Attorney Julie Livingston informed the Mayor and Council body that the Special Use PZ 23-007 application did not require a Council vote because the application was withdrawn administratively within Community Development.

Special Use PZ 23--007 had no Council action taken.

[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 - Ward 3 Green, that Ordinance ORD 24 -004 be tabled to the City Council, on 4/1/2024. The motion carried by the following vote:

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

Absent: 1 - Council Member - Ward 2 Dawkins

[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: [PZ24-005. Motion to TABLE. 03042024](#)
[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](#)

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 1 McMutry, that Rezoning PZ 24-005 be tabled to the City Council, on 4/1/2024. The motion carried by the following vote:

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

Absent: 1 - Council Member - Ward 2 Dawkins

[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 - At Large Post 1 McMutry, that Ordinance ORD 24 -006 be tabled to the City Council, on 4/1/2024. The motion carried by the following vote:

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

Absent: 1 - Council Member - Ward 2 Dawkins

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: [PZ24-007. Motion to TABLE. 03042024](#)

[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](#)

A motion was made by Council Member - At Large Post 2 Wisdom, seconded by Council Member - Ward 3 Green, that Rezoning PZ 24-007 be tabled to the City Council, on 4/1/2024. The motion carried by the following vote:

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

Absent: 1 - Council Member - Ward 2 Dawkins

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: [PZ24-008. Motion to TABLE. 03042024](#)

[Special Use Application Redacted](#)

[Site Plan](#)

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

A motion was made by Council Member - At Large Post 1 McMutry, seconded by Council

Member - Ward 3 Green, that Special Use PZ 24-008 be tabled to the City Council, on 4/1/2024. The motion carried by the following vote:

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

Absent: 1 - Council Member - Ward 2 Dawkins

8. City Manager and City Council Reports

City Manager Pam Conner congratulated Mr. Thomas on his recognition; and welcomed Sam Heaton to his new position.

Council Member Wisdom welcomed everyone in person and online; congratulated Mr. Thomas on his proclamation; and shared her visit to Powder Springs Elementary School for their reading program.

Council Member McMutry congratulated Mr. Thomas; welcomed Interim Agency Director Sam Heaton; and shared that he attended the new elected training last week.

Council Member Lust welcomed the participants that attended the meeting in person as well as online; congratulated and thanked Mr. Thomas on his service to Powder Springs; welcomed Sam Heaton to Powder Springs; shared that he participated in the Powder Springs Youth Baseball ceremony last Saturday; and read to schools last week in Cobb and Paulding Counties.

Council Member Green shared that he read to the students in Powder Springs; congratulated both Mr. Thomas on his recognition and Mr. Heaton on his appointment.

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 - At Large Post 1 McMutry, that this Adjournment be approved. The motion carried by the following vote:

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

Absent: 1 - Council Member - Ward 2 Dawkins