



City of Powder Springs

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

Meeting Minutes - Final

City Council

Mayor

Albert Thurman

Council Members:

*Henry Lust, Doris Dawkins, Dwayne Green, Patrick Bordelon, Patricia
Wisdom*

Monday, September 19, 2022

7:00 PM

Patricia C. Vaughn Cultural Arts Center & VIA
ZOOM

Onsite at Patricia Vaughn Cultural Arts Center - 4181 Atlanta Street

Pre-Meeting Discussion at 6:30PM

Join Zoom Meeting - <https://us06web.zoom.us/j/87945766961>

Meeting ID: 879 4576 6961 Dial: 1-929-205-6099

1. Call to Order

Mayor Thurman called the meeting to order at 7:00 pm. Council Members Bordelon, Green, Lust and Wisdom were present in person. Council Member Dawkins was absent. Also present on site were City Attorney Julie Livingston and City Clerk Kelly Axt. City Manager Pam Conner attended virtually.

Staff in attendance: Lane Cadwell, Tina Garver, Eric Meyer, Shaun Myers, Tamara Newkirt, Travis Sims and Bill Tanks.

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

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 Allegiance was conducted by Council Member Bordelon.

3. Approval of Minutes

[2022 -016](#) Council Meeting Minutes 08/15/2022

Attachments: [08-15-2022 Council Meeting Minutes](#)

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

**Member - Ward 3 Green, that Minutes 2022-016 for Council Meeting 08/15/2022 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Council Member - Ward 2 Dawkins

[2022 -017](#) Special Called Council Minutes 08/31/2022

Attachments: [08-31-2022 Special Called Council Minutes](#)

A motion was made by Council Member - At Large Post 1 Bordelon, seconded by Council Member - Ward 3 Green, that Minutes 2022-017 for Special Called Meeting 08/31/2022 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Council Member - Ward 2 Dawkins

[2022 -018](#) Council Work Session Minutes 09/14/2022

Attachments: [09-14-22 Work Session Meeting Minutes](#)

A motion was made by Council Member - At Large Post 1 Bordelon, seconded by Council Member - Ward 3 Green, that Minutes 2022-018 for Council Work Session for 09/14/2022 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Council Member - Ward 2 Dawkins

4. Mayor's Comments

Mayor Thurman stated a special Above and Beyond recognition of the City Manager Pam Conner as well as the other staff recognized.

5. Public Reports | Presentations

City Clerk Kelly Axt and Mayor Thurman swore in Captain Kerry Stallings formally of the Dunwoody Police Department.

Chief Lane Cadwell acknowledged the new Command Staff; Captain Stallings as the new Administrative Captain over the hiring, certification and training of the officers; newly promoted Captain Jason Holcomb who has been with the department for 4 years will head the Special Operations Unit; and newly promoted Captain Derick Smith who as been with the department for 7years will head the Patrol Division.

Chief Cadwell also recognized Officer Matthew Rook who responded to a call of an infant not breathing and cleared the airway obstruction until the EMS units arrived on the scene; and Officer Andrew Siegel was dispatched to an unresponsive male in a

yard provided CPR until Fire and EMS arrived and took over care.

Kelly Axt, City Clerk, announced on behalf of the City Manager Pam Conner, Georgia State Fair tickets will be distributed as an appreciation to Staff members for their hard work and dedication.

6. Citizens Comments

Ms. Longford, of the Powder Springs Center for Nursing and Healing, provided Mayor and Council an overview of their facilities and services. Ms. Longford extended an invitation to Mayor and Council to attend a ribbon cutting ceremony on November 7th.

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.

7. City Attorney

A. Consent Agenda

[RES0 22-131](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CROFT AND ASSOCIATES AS THE ARCHITECT AND ENGINEER FOR THE NEW MUNICIPAL BUILDING; DIRECTING THE CITY MANAGER TO INITIATE THE PROCESS TO SOLICIT PROPOSALS TO QUALIFY CONTRACTORS FOR THE CONSTRUCTION OF THE NEW MUNICIPAL BUILDING; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2022-131](#)

approved

[RES0 22-133](#) A RESOLUTION APPROVING A TEMPORARY RECREATION EVENT PERMIT FOR THE LINKEDUP CHURCH CONNECT TO HEALTH 5K RUN/WALK IN THE DOWNTOWN ON OCTOBER 1, 2022; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [LinkedUp5kRequest - 2021](#)

[Connect 2 Health - LinkedUp Church](#)

[Connect to Health 5K Course Map](#)

[Application Temp Event Rally.pdf](#)

[Executed RESO 2022-133](#)

approved

[RES0 22-134](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SPARROW'S NEST TO PLAY TO USE THE PASSIVE PARK SPACE FOR A NATURE PLAY AFTER SCHOOL PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [New Program Flyer](#)
[Powder Springs Passive Area Proposal Renewal](#)
[Executed RESO 2022-134](#)

approved

[RES0 22-135](#) A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SAMSARA FOR THE INSTALLATION AND MAINTENANCE OF A FLEET MANAGEMENT SYSTEM FOR AN AMOUNT NOT TO EXCEED \$50,000; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Request for Proposals^J Fleet Management System](#)
[Executed RESO 2022-135](#)

approved

[RES0 22-136](#) A RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF MARIETTA STREET FROM OAKVIEW DRIVE TO PINEVIEW DRIVE FROM 8AM-5PM ON NOVEMBER 26 AND 5PM-10PM ON DECEMBER 9, 16 AND 23 TO ACCOMMODATE DOWNTOWN BUSINESS EVENTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2022-136](#)

approved

[RES0 22-137](#) A RESOLUTION APPROVING AN UPDATED LIST OF PROJECTS APPROVED FOR FUDNING ASSISTANCE UNDER THE AMERICAN RESCUE PLAN ACT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Recommendation memo - updated ARPA project list.pdf](#)
[Updated ARPA project list 9-12-22.pdf](#)
[Executed RESO 2022-137](#)

approved

[RES0 22-138](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH S.H. CREEL CONTRACTING FOR A

SUM OF \$102,500 TO COMPLETE CERTAIN REPAIRS TO A FAILED DETENTION POND IN THE PINEBLUFF SUBDIVISION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Copy of Pine Bluff Bid Tabulation](#)

[Pine bluff Plat](#)

[Executed RESO 2022-138](#)

approved

[RES0 22-139](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH MAULDIN AND COOK FENCE COMPANY TO REPAIR AND REPLACE FENCING AT CERTAIN DETENTION PONDS FOR AN AMOUNT OF \$23,690 FOLLOWING COLLECTION OF FUNDS FROM OWNERS OF PROPERTIES WITHIN SUBDIVISION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Powder Springs Pond Repair](#)

[Executed RESO 2022-139](#)

approved

[RES0 22-140](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SOUTHERN GREEN, INC. TO PUMP THE GREASE TRAP AND WASTE LINES ON BROAD STREET FOR A FEE OF \$540 EACH PUMP OR \$6480 ANNUALLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Grease Trap quote Southern green inc](#)

[Executed RESO 2022-140](#)

approved

[RES0 22-141](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH S.H. CREEL CONTRACTING FOR STORMWATER REPAIRS ON MUSTANG DRIVE IN THE AMOUNT OF \$40,702.20; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Attachments: [DOC090622-09062022094138](#)

[Executed RESO 2022-141](#)

approved

[RES0 22-142](#) A RESOLUTION APPROVING AND AUTHORIZING THE FINANCE DIRECTOR TO MERGE THE GENERAL LEDGER ACTIVITY OF UNCOLLECTED WATER AND SEWER DEBT INTO THE GENERAL FUND

TO CLOSE OUT APPROXIMATELY \$158,952 IN DELINQUENT ACCOUNTS; MERGING THE PROCEEDS FROM THE SALE OF THE SYSTEM INTO THE GENERAL FUND BUT RETAINED AND ACCOUNTED FOR IN A SEPARATE ACCOUNT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Water & Sewer Aging Summary](#)

[Executed RESO 2022-142](#)

approved

[RESO 22-143](#) A RESOLUTION APPROVING AND AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH SAFE BUILT, INC. TO PROVIDE ADDITIONAL CODE ENFORCEMENT SERVICES FOR AN ADDITIONAL SUM OF \$48,000; AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH SAFE BUILT, INC.; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2022-143](#)

approved

[RESO 22-144](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CIVICPLUS TO PUBLISH AND REGULARLY UPDATE THE UNIFIED DEVELOPMENT CODE AS PART OF THE CITY CODE OF ORDINANCES FOR A SUM NOT TO EXCEED \$20,000; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2022-144](#)

approved

[RESO 22-145](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BOLD PLANNING, INC. TO PROVIDE CONSULTING SERVICES TO ASSIST IN THE UPDATE OF ITS CONTINUITY OF OPERATIONS PLAN AND PROVIDE IMPLEMENTATION TRAINING FOR THE SUM OF \$23,363.00; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [2022-07-29 City of Powder Springs COOP Services Quote](#)

[Executed RESO 2022-145](#)

approved

[RESO 22-146](#) A RESOLUTION AUTHORIZING THE SURPLUSING AND DISPOSAL OF 60 TASER CARTRIDGES AND 18 BATTERIES HELD BY THE POLICE DEPARTMENT WHICH ARE NO LONGER NEEDED AND TRANSFER

SAME TO THE CITY OF HIRAM POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [20 Batteries.jpg](#)
[50 x 26 cartridge.jpg](#)
[cartridge 1.jpg](#)
[Executed RESO 2022-146](#)

approved

[RES0 22-147](#) A RESOLUTION AUTHORIZING THE ACQUISITION OF RIGHT OF WAY NEEDED TO COMPLETE THE ACCESS ROAD PARALLEL TO POWDER SPRINGS ROAD FROM FOREST HILL TO THE RESIDENTIAL DEVELOPMENT AT CREEKWOOD FOR AN AMOUNT OF \$42,500; AUTHORIZING THE MAYOR TO EXECUTE DEEDS OR OTHER DOCUMENTS NEEDED TO COMPLETE CLOSING AND CONVEYANCE TRANSACTIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESO 2022-147 Parcel 009 Exhibit](#)
[Executed RESO 2022-147](#)

approved

[RES0 22-148](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A DEDUCTIVE CHANGE ORDER WITH CMC, INC. FOR AN AMOUNT OF \$11,625.72; AUTHORIZING THE PUBLIC WORKS DIRECTOR AND DEVELOPMENT AND INFRASTRUCTURE EXECUTIVE DIRECTOR TO EXECUTE ALL DOCUMENTS TO CLOSE OUT THE FLORENCE ROAD INTERSECTION IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [CO 1 Final - Letter to CMC](#)
[Executed RESO 2022-148](#)

approved

[RES0 22-149](#) A RESOLUTION APPROVING CERTAIN PROGRAM AND PROJECT GOALS AND TASKS FOR THE REMAINING PERIOD OF FISCAL YEAR 2023; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [City Council MIT 2022-23](#)
[City Council most important tasks fall 2020](#)
[Copy of PRIORITIES WORKSHEET](#)
[Executed RESO 2022-149](#)

approved

[RES0 22-150](#) APPROVING AN AUTHORIZING A FIRST AMENDMENT TO THE INTERGOVERNMENTAL REDEVELOPMENT COOPERATION AND ASSISTANCE AGREEMENT BETWEEN THE CITY AND THE POWDER SPRINGS DOWNTOWN DEVELOPMENT AUTHORITY; AUTHORIZING THE MAYOR TO EXEUCTE SAME; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [First Amendment to Intergovernmental Redevelopment Cooperation and Assistance Agreement - 2022 - Powder Springs DDA \(Tax Advice\) - 4891-1815-1214 1](#)
[Supplemental Certificate as to Arbitrage Matters \(2005 Bond\) - 2022 - Powder Springs DDA \(Tax Advice Re Sale of Downtown Properties\) - 4881-7757-8030~](#)
[Supplemental Tax Certificate \(2005 Bond\) - 2022 - Powder Springs DDA \(Tax Advice re Sale Downtown Properties\) - 4862-7899-0637 1](#)
[Executed RESO 2022-150](#)

approved

[RES0 22-151](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BROTHERS CONSTRUCTION GROUP, LLC TO INSTALL SPEED TABLES ON WARREN FARM ROAD FOR AN AMOUNT OF \$48,680 USING THE SPECIAL PURPOSE LOCAL OPTION SALES TAX PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Powder Springs-Warren Farm Road Speed Tables Award Letter - 9-14-2022](#)
[Executed RESO 2022-151](#)

approved

[RES0 22-152](#) A RESOLUTION DESIGNATING ANNUAL CITY HOLIDAYS; AUTHORIZING AND APPROVING PAID TIME OFF FROM WORK; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2022-152](#)

approved

[RES0 22-153](#) A RESOLUTION AUTHORIZING AND APPROVING A LICENSE FOR USE OF THE CITY OF POWDER SPRINGS LOGO IN CERTAIN CIRCUMSTANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2022-153 Exhibit License to Use Powder Springs Logo](#)
[Executed RESO 2022-153](#)

approved

Approval of the Consent Agenda

A motion was made by Council Member - At Large Post 1 Bordelon, 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Council Member - Ward 2 Dawkins

B. Regular Agenda | Public Hearing

[PZ 22--003](#) Rezoning Request: Lewis / Oglesby Road. To consider rezoning from CRC to PUD-R, the property located at 4596 Lewis Road and 4401 Oglesby Road (portion) and C.H. James parkway, within the 19th District, 2nd Section, Land Lots 1049 and 1050, Cobb County, Georgia.

Attachments: [Product Images.](#)

[Product Images. Rear entry. Pool and cabana](#)

[Vicinity Map. Lewis / Oglesby](#)

[Signed Motion to table to 06-06-2022](#)

[Site Plan with rear loaded units 7.14.22 Redacted](#)

[Renderings. Perimeter Screening.pdf Redacted](#)

[Site Plan 122321 Redacted](#)

[Application for Rezoning \(w-attachments\) - 12-23-2021.pdf Redacted](#)

[Signed Motion to table to 09-19-2022](#)

[Signed Motion to table to 08-15-2022](#)

[Signed Motion to table to 07-18-2022](#)

[Signed Motion to table to 05-16-2022](#)

[Signed Motion to table to 04-18-2022](#)

[Signed Motion to table to 03-21-2022](#)

[Current Site plan dated. 08162022](#)

[Renderings. Perimeter Screening.pdf](#)

[Site Plan with rear loaded units 7.14.22](#)

[Site Plan 122321](#)

[Application for Rezoning \(w-attachments\) - 12-23-2021.pdf](#)

[Executed Motion PZ 22-003](#)

Kevin Moore, Attorney on behalf of applicant Traton Homes, discussed the rezoning proposal of 12.7 acres of commercial to a 65 town home community. Also included in the proposal is an active recreation amenity.

No speakers for or against the rezoning application.

Mayor and Council asked for confirmation that Springbrooke Estates subdivision agreed with conditions of the development; are there concerns with the entrance way impact at C.H.James Parkway; assurance there will be amenities; and what's the price point of the units. Mr. Moore replied that yes, during the public meeting questions were contained and addressed in the agreed upon staff conditions; the entrance way does align with Oglesby Road which proves for the safest access, in addition to a large deceleration lane to enter Lewis Road and there maybe a left turning lane as well; the site plan shows the identified amenities; and the prices points are the high \$300k and \$400k.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that Rezoning PZ 22-003 be approved with the following conditions:

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning. The rezoning is from CRC to PUD-R with total site acreage of approximately 12.7 acres.
2. The Subject Property shall be developed in substantial conformity to that certain revised site plan the went through the external review process with TSW, prepared by Ridge Planning and Engineering dated 11/22/2021, last revised 08/16/2022. The Site Plan must be consistent with PUD-R regulations and all other applicable regulations identified in the Unified Development Code. The site plan shall be revised to include rear entry units for those units in the central green area, identified by unit numbers 53-58, and submitted for Administrative Review and Approval.
3. The recreation areas shall feature premium amenities. Such area shall be developed with at least one recreational feature such as a pavilion, cabana, gazebo, picnic area, swimming pool, playground, or tennis courts; in addition to the walking trails. Recreational areas must be outside of any floodplain area. Any recreation area must be located in an area with a slope of less than 15%; however, all recreation areas or applicable green space must meet ADA requirements for accessibility.
4. All areas located in the floodplain and undisturbed stream buffer shall be placed in a conservation easement.
5. Maximum height of homes shall be 35'; and for three-story, rear-loaded homes, the maximum height of 35' shall be measured from the front grade to the average height between the eaves and ridge of a gable.
6. The approval of following variance requests is included with the approval of the rezoning request to PUD-R:
 1. Variance to Sec 12 -13 to waive requirement to maintain 75% of existing tree canopy.
 2. Variance to allow minimum horizontal road centerline radius of 37 feet.
7. All residential units shall have two-car garages, and the parking pads/driveway in front of the garage shall be greater than or = 22-feet in length.

8. Front porches shall be a minimum of 6-feet deep, with a minimum total area of 40-square feet.

9. To ensure uniformity and quality, fencing within the proposed community shall be controlled and maintained by the Homeowners' Association; except where individual residents have obtained prior approval by the Homeowners' Association and any individual fencing is of the same quality and style for purposes of uniformity. This limitation and provision shall be included in the Declaration of Covenants and Restrictions for the proposed community. Closed picket styled privacy fences shall be prohibited.

10. The setback are as follows:

Front: 15 feet from right-of-way

Perimeter: 35 feet setback

Between buildings: Minimum of 15 feet

Design Review shall be conducted via Administrative Review.

11. Units must be staggered to the extent required by code, they must provide some staggering or variation as approved by an Administrative Design Review.

12. The architectural style and composition of the homes will be subject TSW review, and shall consist of traditional architecture on all sides, consistent with the product images submitted. Variety in the neighborhood will be provided using stone and different shades of brick, and by mixing front facades of 50% brick and 100% brick as shown in submitted product images. All side elevation will contain brick or stone no less than 50%, and fenestration shall be required on all end units. All rear elevation will contain brick or stone no less than 50% where exposed to the right-of-way. All elevation will contain no less than 50% the front façade. An administrative design review will be required.

13. The creation of a mandatory Homeowners' Association ("HOA") and the submission of Declaration of Covenants, Conditions and Restrictions ("CCRs") during the Plan Review process, which shall include, among other components, strict architectural controls. The mandatory HOA shall be responsible for the maintenance and upkeep of fencing, landscaping, open space areas, sidewalks, community areas, stormwater detention and/or water quality ponds, lighting, the entrance to the Residential Community and any amenities.

14. The submission of a landscape plan during the Plan Review process which shall be subject to review and approval by the Community Development Director. Additionally, the landscape plan shall include, but not necessarily be limited to, the following:

- a. Detention pond landscaping and screening plan for around the proposed detention and water quality areas with Cryptomeria, Arborvitae and/or other evergreen trees.
- b. Planting plan for a twenty-five-foot (25') landscape buffer around the perimeter of the Subject Property.
- c. Compliance with landscape section renderings/elevations which will be submitted under separate cover during the Plan Review process.
- d. The landscape plan, which shall be prepared, stamped and signed by a Georgia Registered Landscape Architect or a degreed Horticulturist and shall identify open space areas; landscaped common areas; and other components of the proposed Residential Community which will be further identified during the Plan Review process.
- e. The installation of underground utilities and the utilization of decorative lighting themed to the architectural style and composition as above mentioned.
- f. All HVAC, mechanical systems and home utilities within the community shall be screened

by way of fencing and/or landscaping.

- g. Entry signage for the proposed Residential Community shall be ground-based, monument-style, landscaped, lighted and irrigated.
- h. The installation of landscaped front, side and rear yards.
- i. Compliance with the City's current Tree Preservation & Replacement Ordinance and substantial conformity to all tree protection measures and the adherence to same during the construction and build out of the Residential Community.

15. A third-party management company shall be hired to manage the day-to-day operations of the HOA and shall also be responsible for the management of all Association monies as well as insuring that the Association is properly insured until such time as the HOA makes a determination that it can undertake such responsibilities.

16. The Community Development Director shall have the authority to approve minor modifications to these stipulations, the architectural renderings/elevations, the site plan and the overall proposal as it proceeds through the Plan Review process and thereafter except for those that:

- a) Increase the density of the Residential Community.
- b) Relocate a structure closer to the property line of adjacent property which is zoned the same or in a more restrictive zoning district.
- c) Increase the height of a building which is adjacent to property which is zoned in the same or more restrictive zoning district.
- d) Change access locations to different rights-of-way.

17. Road frontages will be heavily and professionally landscaped which may include the use of berms, fencing, and substantial plant material to provide for visual screening. All perimeter and roadway buffer areas will either be owned by the HOA or deed restricted with maintenance easements in favor of the HOA.

18. Perimeter fencing shall be required to buffer the detention pond area, at minimum. Fencing should not be of a wooden privacy fence type, unless approved by Administrative Design Review; and regardless, all fencing shall be subject to administrative design review and approval.

19. Declarant or any builder construction homes within the proposed community must sell any such home for owner occupancy only. Thereafter, leasing of any units within the entire development, with a minimum lease term of one (1) year. The mandatory homeowners association must maintain records dealing with any lease withing the Development, and such records shall be subject to review by the City of Powder Springs personnel with regard to enforcement of this provision limiting the total number of leases within the Development to no more than 5%. The homeowner association shall agree to provide, upon request to the City of Powder Springs, and all information relating to existing leases at the time of anu such request by the City. The City shall be named a third-party beneficiary entitles to enforce this provision of the covenants.

20. Traffic impacts will be reviewed as part of the LDP process. Applicant agrees to offsite improvements necessitated by this development. All streets shall be public streets.

21. If the development on the site stalls for a period of 6 months or more, the site be replanted per a plan approved by the Community Development Director showing compliance with minimum tree canopy, street trees and buffer requirements.

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

Absent: 1 - Council Member - Ward 2 Dawkins

[PZ 22--022](#) Rezoning Request: C.H. James Parkway. To consider a request to rezone from MXU to PUD-R. The property located at C.H. James Parkway, Florence Road and Carrington Drive within Land Lot 732 of the 19th District, 2nd Section, Cobb County, Georgia.

Attachments: [PZ 22 - 022. DRAFT MOTION 09192022](#)

[Carrington Park - Elevations](#)

[Carrington Park - Floor Plans](#)

[Letter from the property owner to PZ Commission and Council. PZ 22 002. 8.10.2022 Redacted](#)

[Rezoning Request Application and Statement of Intent Redacted](#)

[Deferral Request for C.H. James Redacted](#)

[Second Deferral Request for C.H. James Redacted](#)

[Signed Motion to table to 08-15-2022](#)

[Signed Motion to table to 09-19-2022](#)

[Carrington Park - Site Plan 8.12.2022](#)

Michelle Battle, Attorney on behalf of property owner OTH 12 LLC, discussed the owner's lack of viability of commercial development and presented renderings of the proposed rezoning from commercial to 48 detached single-family homes and 94 single-family attached town homes.

Jonathon Banader, 1510 Ellsworth Industrial Boulevard in Atlanta, spoke in opposition on behalf of the current Carrington Association property owners. Mr. Banader outlined that the property should remain a commercial component, if a separate HOA is allowed it would create conflicts between the two communities, and the applicant has not exhausted the possibility of getting a curb cut along C.H. James Parkway so the development does not need to utilize the main road into the Carrington subdivision.

Chandra Harris, 3309 Thornbridge Drive, spoke in opposition citing parking concerns, traffic, dense areas and a decrease in quality of life.

Twillikki Davis-Young, 5188 Carrington Park Drive, discussed her opposition about preserving privacy, character and livability in the community.

Yvonne Leon, 3340 Thornbridge Drive, expressed her opposition stating the current community is already established, densely populated and has narrow streets.

Mayor and Council commented on incorporating the applicants community with

existing community; asked to address the entrance sign for the new development; and suggested buying into the current HOA. Jim Jacoby, owner of Parkland Community, shared that they have made attempts to work with the Carrington community during online meeting, offering to blend the HOA with their current HOA; they are willing to use their own separate entrance monument; there was an offer to collect an initiation fee on every unit and the fees will go back to the HOA

A motion was made by Council Member - At Large Post Wisdom, seconded by Council Member - Ward 3 Green, that Rezoning PZ 22--022 be tabled to the City Council, on 11/21/2022. 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Council Member - Ward 2 Dawkins

[PZ 22--025](#)

Variance: 3000 Spring Industrial Drive. To consider a request vary Table 2-4 of the UDC to reduce the minimum required side setback. The property is zoned Light Industrial and located at 3000 Spring Industrial Drive, within land lot 674 of the 19th District, 2nd Section, and Cobb County, Georgia.

Attachments: [Vicinity map and proposed building addition](#)

[Site Survey](#)

[Variance Application](#)

[Executed Motion PZ 22-025](#)

Mike Galinac, applicant, is requesting to reduce the required setback to build upon the existing building for office space.

No speakers for or against the application.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that Variance PZ 22-025 be approved with the following stipulations:

- 1. The development of the building expansion shall comply with the provisions of the Unified Development Code.**
- 2. An Elevation Certification shall be required for this development, per the provisions of the Unified Development Code.**
- 3. The proposed addition shall not encroach into the 25-foot impervious stream buffer that exists at the rear of the property.**
- 4. The applicant shall submit a landscaping plan, subject to staff review and approval, with the purpose and intent of planting additional native vegetation existing in the riparian area at the rear of the property, to improve filtration of surface storm water runoff.**

5. The side setback reduction from 20-feet to 10-feet is approved for the property's northern side boundary only.

6. The existing curb and gutter on Fambrough Drive shall be extended to fill the gap that exist between the lot's secondary entrance and the existing curb and gutter.

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

Absent: 1 - Council Member - Ward 2 Dawkins

[PZ 22--026](#)

City Initiated Variance, Special Use, and Change in Zoning Conditions: To address non-conforming privacy fences at 4184 and 4185 Lilycrest Way, within the Vineyards Subdivision, privacy fences that front sections of New Macland Road, within land lot 651 of the 19th District, 2nd Section, and Cobb County, Georgia. PINs: 19065100810 and 19065100800.

Attachments: [Vicinity Map](#)

[Plat. Reference Lot 46 and Lot 47.](#)

[Executed Motion PZ 22-026](#)

Tina Garver, Community Development Director, provided an overview of the variance to allow two privacy fences to remain that were installed by the property owners in violation of the City's code.

Staff recommends approval with stipulations.

Ellawease Earls, 4183 Groveland Park Drive and HOA President of Vineyards at New Macland, stated that she informed the homeowner to get a permit from the City. She emailed the homeowner after the gate was installed to inform them that they could not have a gate facing public right-of-way and that the gate was not part of the permit request. Ms. Earls went on to say that the homeowner didn't follow the specifications of the permit and was in violation of the HOA policy.

A motion was made by Council Member - Ward 3 Green, seconded by Mayor Pro Tem - Ward 1 Lust, that Variance PZ 22-026 be approved with the following stipulations.

1. Approval of change in conditions of zoning to allow encroachment of a fence within the 20-foot undisturbed buffer for 4184 and 4185 Lilycrest Way. The homeowner is required to install landscaping 7 feet outside the fence, and 13 feet inside the fence, at the New Macland Road frontage.
2. Approval of the variance to increase the maximum allowed height of a front yard fence from 3-feet to 6-feet.
3. Approval of the special use request to allow a fence in the front yard.
4. The fence at 4184 Lilycrest Way was installed between the existing buffer landscaping and

is set back at various distances. The minimum distance to the property line is 7-feet. This fence is approved as is.

5. The fence at 4185 Lilycrest Way is outside the property line at the New Macland Road frontage, and shall be relocated to a minimum distance of 7-feet inside the property line. To be in compliance, the homeowner shall:

- a. Provide a drawing from a fencing contractor showing location of fence at least 7 feet from the property line at the New Macland Road frontage, and visually consistent with the neighboring fence for design review and approval.
- b. Provide a landscaping plan matching the subdivision landscaping in the 20-foot undisturbed buffer. Landscaping for the purpose of screening the fence shall be required at the side fence line as well as the road frontage. Said landscape plan to include a mix of evergreen trees and shrubs of approved species, as specified in Appendix 12A of the Unified Development Code.
- c. Remove gravel driveway, and stabilize area with grass seed/straw or sod.
- d. Professionally install fencing and landscaping per the approved design review and landscaping plans.
- e. The side fence line shall be supplemented with landscaping to provide screening.
- f. If not completed within 6 months, this approval is null and void and the fence is subject to code enforcement action for removal.

6. If measurements and property lines cannot be confirmed on site, a survey may be required by the community development director. Both homeowners shall be in compliance with the zoning stipulations within 6 months of this approval. If not provided, the fences shall be removed and subject to code enforcement action. The fences shall be maintained and not fall into disrepair. Once the fences are removed or not maintained, this approval is no longer valid, and new application is required.

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

Absent: 1 - Council Member - Ward 2 Dawkins

[PZ 22--029](#) Rezoning: New Macland Road. To consider a change in zoning conditions. The property is located at 3189, 3215, and 3149 New Macland Road. PINs: 19072500020, 19072500090, 19068200030.

Attachments: [Applicant's Current Site Plan Version 08122022](#)
[TSW and Staff Recommended Revision](#)
[TSW recommended site plan.05.26.2022. New Macland](#)
[Typical Street Section. 50-27 section](#)
[Notification Letter. New Macland Rd. Rezoning](#)
[Staff Report PZ 22-029. Change in zoning conditions. New Macland Rd](#)
[TSW Memo. New Macland Rd Tract Memo 5.26.22](#)
[Executed Motion PZ 22-029](#)

Adam Baker, of SA Land Group, stated that there was a verbal agreement on the amended TSW plan along with Community Development Director Tina Garver to

start LDP (Land Disturbance Permit) of the development.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that Rezoning PZ 22-029 be approved with the following stipulations.

1. **To revise Stipulation 2, case number PZ 21-045 on January 18th, 2022 to read as follows: The applicant has worked with TSW (Comprehensive Plan Consultant) to revise the site plan. TSW has made recommendation for rear-entry lots within this development, and the applicant has determined that rear entry lots here are not feasible. As an alternative to this stipulation, the applicant has agreed to revise the site plan to show a central greenspace. This may result in the elimination of the five lots currently labeled as 26-30, or the relocation or reconfiguration of these lots to create this greenspace. Architectural features of the structures are subject to review and revision with TSW. The applicant shall pay a fee up to \$2500 for this review. The site plan may include the use of "dead-end" roads as shown on the concept plans requested as part of the PUD-R application if this is included in the final recommended design.**
2. **All current conditions in place for the subject site, approved under the case number PZ 21-045 on January 18th, 2022, remain in full effect except for the stipulation numbered 2 which required the applicant to submit and pay for external site plan review.**

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 1 Bordelon, and Council Member - At Large Post 2 Wisdom
- Absent:** 1 - Council Member - Ward 2 Dawkins

[ORD 22-015](#)

An Ordinance to amend the Unified Development Code Article 15 relating to drainage easements.

1st Reading August 15, 2022 2nd Reading September 19, 2022

Attachments: [Exhibit A Drainage Easements](#)
[Executed ORD 2022-015](#)

Tina Garver, Community Development Director, stated that the ordinance is to clarify dedication language for storm water ponds and drainage easements are dedicated to allow water to flow and not dedication to the City for maintenance.

A motion was made by Council Member - At Large Post Bordelon, seconded by Council Member - Ward 3 Green, that Ordinance 22-015 be adopted. 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom
- Absent:** 1 - Council Member - Ward 2 Dawkins

[ORD 22-016](#)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES RELATING TO THE POWDER SPRINGS ALCOHOLIC BEVERAGE ORDINANCES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st Reading - July 18,2022 2nd Reading - August 15, 2022 - Tabled to 09/19/22

Attachments: [Exhibit A](#)
[Executed ORD 2022-016](#)

A motion was made by Council Member - At Large Post 1 Bordelon, seconded by Council Member - Ward 3 Green, that 22-016 be amended. 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Council Member - Ward 2 Dawkins

[ORD 22](#)
[-017](#)

AN ORDINANCE TO AMEND THE CAPITAL PROJECT BUDGETS; TO REPEAL CONFLICTING ORDINANCES; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st Reading 8/15/22 - Tabled to 9/19/22
2nd Reading 10/3/22

Attachments: [Capital Projects All Funds](#)
[ORDINANCE 2022 - 017 Capital Project Budgets Amendment](#)
[ORD 2022-017 EXH Z Capital Projects All Funds](#)

This Ordinance ORD 22 -017 was a first reading only. No action was taken..

8. City Manager and City Council Reports

Pam Conner, City Manager, recognized employees Chief Lane Cadwell and Equity and Inclusion Agency Director Bill Tanks for selfless service beyond their normal job expectations.

Council Member Green thanked Chief Cadwell and Director Tanks and the work that they do.

Council Member Lust congratulated the three new captains and the two officers recognized for a job well done. He also thanked those online and in person for joining this evening.

Council Member Bordelon thanked everyone online and in person for participating in the meeting this evening. He mentioned Council Member Dawkins and wished her a speedy recovery. Mr. Bordelon also congratulated Captain Stallings, Captain Holcomb and Captain Smith. Council Member Bordelon expressed his sentiments to the two fallen Cobb County Deputies and shared the Counties funding information to help the families of those fallen deputies.

Council Member Wisdom welcomed those that attend virtually and in person. She

thanked the Staff in recognition of the three captains and the exemplary work of the police officers. Ms. Wisdom reminded everyone of voting in the General Elections and provided job availabilities with Cobb Elections office in Marietta.

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 - At Large Post 1 Bordelon, seconded by Council Member - Ward 3 Green, 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Council Member - Ward 2 Dawkins