



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, December 2, 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/85398696388>

Meeting ID: 853 9869 6388 Dial: 1-929-205-6099

1. Call To Order

The Mayor called the meeting to order at 7:00 pm. All council members were present. Also present were City Attorney Julie Livingston, City Manager Pam Conner and City Clerk Kelly Axt.

Staff in Attendance: Brian Allen (Zoom), Lane Cadwell, Tina Garver (Zoom), Travis Landrum (Zoom), Shaun Myers (Zoom), Tamara Newkirt, and Travis Sims (Zoom).

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

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

3. Approval of Minutes

[2024 -086](#) City Council Agenda Minutes 11/18/2024

Attachments: [City Council Agenda Minutes 18-Nov-2024](#)

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 1 McMutry, that City Council Agenda Minutes 11/18/2024 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 McMutry

4. Mayor's Comments

Mayor Thurman made no comments.

5. Citizens Comments

Clithon Rice Jr, resident of 4901 Brown Leaf Drive in Powder Springs GA, shared his concerns with the Dollar General debris violations.

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 nor presentations were made.

7. City Attorney

A. Consent Agenda

[RESO
24-173](#)

A RESOLUTION ADDING MEMBERSHIP IN A FUND OF GEORGIA INTER LOCAL RISK MANAGEMENT AGENCY (GIRMA); AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS AND AGREEMENTS TO EFFECTUATE SAME; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-173](#)

[GIRMA Fund C Enrollment Package- Existing Members](#)

[PTSD Quote Proposal - GMA GIRMA Fund C Redacted](#)

approved

[RESO
24-175](#)

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AGREEMENTS TO SELL AND CONVEY TO NORFOLK SOUTHERN CERTAIN PROPERTY LOCATED ADJACENT TO THE NORFOLK SOUTHERN RAILBED ON MURRAY AVENUE NEAR ITS INTERSECTION WITH LEWIS ROAD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-175](#)
[Austell Intermodal Lead and Storage Track Extension Overview Plans Redacted](#)
[Austell Switching Lead - City of Powder Springs](#)
[Exhibit A - City of Powder Springs - Fee Acquisition - Entire Parcel - 0.15 acres](#)
[Option Agreement - City of Powder Springs](#)

approved

RESO
24-176

A RESOLUTION AUTHORIZING REVERSAL OF THE REDEMPTION AND ACQUISITION OF REAL PROPERTY IDENTIFIED AS COBB COUNTY TAX PARCEL #19076100540 LOCATED AT 3200 PALOMINO DRIVE ACCEPTING THE PAYMENT OF \$28,082.07 AND LEGAL FEES ASSOCIATED WITH THE PRIOR REDEMPTION AND PAYMENT OF A DEMOLITION LIEN IN THE AMOUNT OF \$18,000; AUTHORIZING THE MAYOR TO EXECUTE DEEDS OR OTHER DOCUMENTS NEEDED TO COMPLETE SAID THE REVERSAL OF THE REDEMPTION AND THE CONVEYANCE OF PROPERTY TO THE PURCHASER OF THE TAX DEED; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-176](#)
[Copy of Parcel 19076100540 Lien amt with interest](#)
[RESO 2024-176 EXH A3200 Palomino Dr - AGREEMENT](#)

approved

RESO
24-177

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT WITH WAYNE WRIGHT TO MANAGE THE AMERICAN RESCUE PLAN ACT PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-177](#)
[RESO 2024-177 EXH A 2nd Amendment to Agreement for SLFRF Program Management - draft](#)

approved

RESO
24-178

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT WITH PACER.AI FOR \$17,280 TO ACCESS LOCATION INTELLIGENCE SOFTWARE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-178](#)

approved

[RESO
24-179](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH HOWARD’S WRECKING SERVICE AND ALL IN ONE TOWING, INC. TO PROVIDE ON-CALL WRECKER SERVICES TO THE CITY OF POWDER SPRINGS; AUTHORIZING A CERTAIN FEE SCHEDULE; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- Attachments:** [Executed RESO 2024-179](#)
[2024 Howards submission Redacted](#)
[2024 All in Towing submission Redacted](#)
[Wrecker Contract Fee Schedule 2024](#)
[2022 City Contract approved by City Attorney revised 101023 Howards Redacted](#)
[2022 City Contract approved by City Attorney revised 101023 All In Towing Redacted](#)
[RESO 2024-179 EXH A](#)

approved

[RESO
24-180](#)

A RESOLUTION ACCEPTING THE QUOTE FROM ARAMSCO(DBA) TRAN SAFE TO PURCHASE TRUCK ROUTE SIGNS FOR \$8,147.50 TO HELP MINIMIZE TRUCK TRAFFIC IN DOWNTOWN POWDER SPRINGS AND RESIDENTIAL NEIGHBORHOODS.

- Attachments:** [Executed RESO 2024-180](#)
[Truck Route Signage Redacted](#)

approved

[RESO
24-181](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND CITY STAFF TO EXECUTE APPLICATION DOCUMENTS FOR FUNDING ASSISTANCE THROUGH THE STATE OF GEORGIA’S LOCAL MAINTENANCE AND IMPROVEMENT GRANT (LMIG) PROGRAM FOR THE RESURFACING OF CERTAIN ROADS; AUTHORIZING CITY STAFF TO EXECUTE CERTAIN PROJECT CLOSEOUT DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- Attachments:** [Executed RESO 2024-181](#)
[2503.063-25Resurfacing_Est](#)

approved

[RESO
24-182](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AND STAFF TO ISSUE WORK ORDERS TO PERFORM CERTAIN STORM WATER REPAIRS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-182](#)
[3380 Forest Hill Road](#)
[Proposal_Site Eng_MS-202408-008_Forest Hills_11-19-24](#)

approved

[RESO](#)
[24-183](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CHARLES LIGHT IN THE AMOUNT OF \$10,800 TO CLEAR VEGETATION SURROUNDING THE CLIMBING STRUCTURE AT THE DILLARD STREET TRAILHEAD TO MAKE IT MORE APPEALING FOR FAMILY USE AND TO INCREASE ITS VISIBILITY AS A PARK AMENITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-183](#)
[Charles Light Signed Contract for Climbing Structure Landscape Improvement Project. Redacted](#)
[Climbing Structure - SOW Improvements](#)
[Climbing Structure Estimate - Charles P Light Redacted](#)
[Climbing Structure Landscape Award Recommendation.docx Redacted](#)
[Climbing Structure Project Photos](#)
[Climbing Structure-WBS](#)
[Estimate_1573_Climbing Structure_Quality_Diversified_Services_Redacted](#)
[SHCreel Proposal PS Skatepark Climbing Structure Clearing 10.09.2024](#)

approved

[RESO](#)
[24-184](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND STAFF TO SIGN A FINAL PLAT FOR NATUREWALK PHASE 1 ON STORY ROAD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-184](#)
[NATURES_WALK_PH1_FINAL_PLAT_SET](#)

approved

[RESO](#)
[24-185](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH JR REMODELING IN THE AMOUNT OF \$19,127 TO REFINISH THE DECKING OF THE AMPHITHEATER AND BOARDWALK IN THURMAN SPRINGS PARK; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Attachments: [Executed RESO 2024-185](#)
[Charles P Light Thurman Ampitheatre Refinishing Proposal 11-12-24](#)
[JR Remodeling Amphitheater Wood Sealing Estimate 2-13-23](#)
[Staining Brazilian Wood Stage & Boardwalk Award Recommendation.docx](#)

approved

[RESO 24-186](#)

A RESOLUTION APPROVING AND TRANSMITTING THE 5-YEAR UPDATE TO THE CITY OF POWDER SPRINGS STORMWATER MANAGEMENT PLAN TO THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION; AUTHORIZING THE MAYOR TO EXECUTE PLAN UPDATE DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-186](#)
[Cert Page To Sign](#)
[PW SWMP CL To Sign](#)
[Powder Springs SWMP_11.27.24 DRAFT](#)

approved

[RESO 24-187](#)

A RESOLUTION APPROVING AND AUTHORIZING AN ENCROACHMENT AGREEMENT TO PLACE A SIGN IN RIGHT OF WAY NEEDED TO COMPLETE THE BROWNSVILLE ROAD IMPROVEMENTS KNOWN AS PROJECT NO. 1476.011; AUTHORIZING THE MAYOR TO EXECUTE DEEDS OR OTHER DOCUMENTS NEEDED TO COMPLETE ACQUISITION, CLOSING AND CONVEYANCE TRANSACTIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-187](#)

approved

[RESO 24-188](#)

A RESOLUTION AUTHORIZING PARTICIPATION IN AN AMICUS BRIEF IN THE CHANG V. CITY OF MILTON APPEAL; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-188](#)

approved

[RESO 24-189](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH JENSEN INDUSTRIES, LLC D/B/A TWLEVE 25 LIGHTING FOR STORAGE, INSTALLATION, SETUP AND REMOVAL OF CHRISTMAS LIGHTING SUPPLIES FOR AN AMOUNT OF 19,060; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-189](#)

approved

Approval of the Consent Agenda

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, to approve the Consent Agenda as read by the City Attorney Julie Livingston. The motion carried by the following vote:

Yes: 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

B. Regular Agenda | Public Hearing

[ORD 24-018](#)

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE RELATING TO PERMITTED USES FOR COTTAGE INDUSTRY, DRIVEWAY STANDARDS, AND DEVELOPMENT CLOSEOUT PROCEDURES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st reading, Introduction: Nov 18, 2024

2nd reading and Public Hearing: Dec 2, 2024

Attachments: [Executed ORD 2024-018](#)

[Exhibits. ORD 24 -018](#)

Tina Garver, Community Development Director, discussed the ordinance to modify the definition of the cottage industry; and the removal of fiber mesh from commercial parking lot driveway surfaces.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 1 McMutry, that Ordinance ORD 24 -018 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 24-019](#)

AN ORDINANCE TO AMEND THE BUDGET FOR FISCAL YEAR 2024 TO BUDGET AN INCREASE IN ELECTION EXPENSES AND TO BUDGET FOR REVENUES AND EXPENDITURES RELATING TO THE OPIOID SETTLEMENTS; TO REPEAL CONFLICTING ORDINANCES; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

First Reading: 11/18/2024 Second Reading: 12/02/2024

Attachments: [Executed ORD 2024-019](#)

[Proposed Budget Amendments 11-18-24 and 12-2-24](#)

Kelly Axt, City Clerk, discussed the amendments to allocate for opioid settlement fees that weren't directly budgeted; and account for the overages in

election fees for the most recent election.

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that Ordinance ORD 24 -019 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

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

[Signed table to Dec 2nd](#)

[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](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that Rezoning PZ 24-029 be tabled to the City Council, on 2/3/2025. 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
-020](#)

Annexation for a 30.4-acre tract, to rezone from R-20 (county) to PUD-R (city). The property is located at 5525 and 5535 Elliott Road within land lots 659 660 673 674, 2nd section, Cobb County Georgia. PIN: 19067400030 and 19066000050.

First Reading: 11/18/2024. Second Reading: 12/2/2024

Attachments: [Executed ORD 2024-020](#)
[Exhibit. Legal Description Tracts 1 and 2](#)
[Site Plan \(South\) - 08-21-2024](#)
[Annexation Application - 5525 Elliott Road \(Blunski\) - 09-24-2024](#)
[Redacted](#)
[Annexation Application - 5535 Elliott Road \(Sigman\) Redacted](#)
[Applicant-Owner-MIJS Contact Info - Exh A \(1\)](#)
[Applicant-Owner-MIJS Contact Info - Exh A \(1\) Redacted](#)
[Legal Description - TRACT 1](#)
[Legal Description - TRACT 2](#)
[SIGNED ANN-12 Notice of Non-Objection 5525 5535 Elliott Rd 10](#)
[Redacted](#)
[Survey - 08-14-2024 Redacted](#)
[Tax Plat - 5525 Elliott Road \(Blunski\)](#)
[Tax Plat - 5535 Elliott Road \(Sigman\)](#)

Kevin Moore, of Moore Ingram Johnson & Steele on behalf of the annexation applicant, discussed the request to have the parcels developed as a unified development with the property across Elliott Road.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 2 Dawkins, that Ordinance ORD 24 -020 be adopted. Council Member Green was not present during the vote. The motion carried by the following vote:

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

Excused: 1 - Council Member - Ward 3 Green

[PZ 24-038](#) Rezoning Request for a 30.4-acre tract, to rezone from R-20 (county) to PUD-R (city). The property is located at 5525 and 5535 Elliott Road within land lots 659 660 673 674, 2nd section, Cobb County Georgia. PIN: 19067400030 and 19066000050.

Attachments: [Executed PZ 24-038](#)
[Traffic Study - Res Dev on Elliot Road, Powder Springs, GA 10-16-2024](#)
[Rezoning Application - 5525 & 5535 Elliott Road - 09-24-2024 Redacted](#)
[Constitutional Challenge Redacted](#)
[Deed \(Sigman\)](#)
[Deeds \(Blunski\) Redacted](#)
[Legal Description - Overall](#)
[List of Requested Variances](#)
[Site Map - 5525 and 5535 Elliott Road](#)
[Site Map - 5525 Elliott Road](#)
[Site Map - 5535 Elliott Road](#)
[Site Plan \(South\) - 08-21-2024 Redacted](#)
[Survey - 08-14-2024 Redacted](#)
[Tax Receipts \(Cobb County\) \(2023\) Redacted](#)

Kevin Moore, of Moore Ingram Johnson & Steele on behalf of the rezoning applicant, discussed the development of 44 detached single family subdivision with amenities.

Applicant agreeable to the 26 stipulations provided 12/2/24.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 2 Dawkins, that Rezoning PZ 24-038 be approved with the following conditions. Council Member Green was not present during the vote.

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.
2. The Subject Property shall be developed in substantial conformity to that Elliot Road Overall revised site plan, prepared by Ridge Planning, received 9/9/2024, referenced in the staff report at Figure 3, and inclusive of City Staff and TSW recommendations.
3. Elevations for the residential units shall be in substantial conformity to those submitted 10/15/2024 and attached to the application. Elevations shall be subject to administrative design review by staff and inclusive of TSW's recommendations and shall comply with the City's design guidelines.
4. The applicant shall develop a maximum of 28 detached single-family units, and 16 attached single-family units, with elevations in substantial conformity to those included in the subsequent zoning application submittals.
5. PUD-R Variance Approvals. The following variances are approved as a part of the rezoning request:
 - I. Waiver to allow more than fifty (50) percent of flood plain to count towards required Open Space (see UDC § 1-35);
 - II. Waiver to allow a minimum horizontal road centerline radius of seventy-five (75) feet.

6. Pedestrian connectivity shall be established across Elliot Road, between both sides of the development.
7. The amenities shall include a pool and cabana. The existing pond shall be developed as a usable amenity.
8. The open space within the un-developable areas shall be made usable with the provision of a permanent trail system in the vicinity of the pond.
9. Areas within the flood plain and stream buffers shall be placed in a conservation easement.
10. The setbacks are as follows:
Front: 10 feet from right-of-way,
Side: 5 feet
Rear: 10 feet
Perimeter: 35 feet
11. All elevations visible from any right-of-way shall have a minimum of 50% brick. All side elevations NOT visible from the right-of-way shall have a minimum of brick or stone water table.
Side and rear elevations visible from the right-of-way shall include window shutter features.
12. The mail kiosk shall be covered and developed in substantial conformity to the architectural style of the homes.
13. Electric Vehicle (EV) Charging. Residential garages shall be pre-wired with the minimum standards or better for level 2 EV charging capability with NEMA 14-50 receptacle, or better.
14. The subject property shall be submitted for subdivision within 12 months of the City Council's approval, and prior to the issuance of the Land Disturbance Permit.
15. The submission of a landscape plan is required during the Plan Review process which shall be subject to review and approval by the Community Development Director and/or designee. The landscape plan shall include, but is not limited to, the following requirements:
 - a. A landscape screening, vegetative buffer around the perimeter of the Subject Property which has contiguity to existing residential developments.
 - b. The landscape plan 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.
 - c. The installation of underground utilities and the utilization of decorative lighting themed to the architectural style and composition as above mentioned.
 - d. All HVAC, mechanical systems and home utilities within the community shall be screened from view and shall not be located within the side building setback.
 - e. Entry signage for the proposed Residential Community shall be ground-based, monument-style, landscaped, lighted and irrigated.
 - f. The installation of landscaped front, side and rear yards and attendant irrigation

components where indicated by the Arborist.

g. 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 three. Clearing shall be conducted in phases in compliance with the provisions of the UDC.

16. Signage for the Subject Property shall consist of ground-based, monument-style signage and building signage consistent with the City of Powder Springs Sign Ordinance. Additionally, within the interior of the site, there shall be appropriately positioned, ground-based directional signage in order to ensure ease of maneuverability and accessibility.

17. Except where rear entry units are proposed, driveways shall be a minimum of 22-feet in length from the garage to the back of the sidewalk. Covenants for HOA / management company must include language that states that vehicles shall not be parked in a manner that will encroach in the sidewalk.

18. Approval is subject to recommendations from the City of Powder Springs Engineer and/or the City's consultants concerning hydrology, storm water management, detention, water quality and downstream considerations, including recommendations regarding the ultimate positioning and configuration of on-site detention and water quality. Also, compliance with the following engineering considerations:

a. Providing the City Engineer and/or the City's consultants with a Hydrology Plan for the Subject Property during the Plan Review process.

b. Compliance with City Engineer's requirements for low impact design and bio retention, to include runoff capture or infiltration practices into the site either upstream of storage facilities or integral with grading and drainage and/or pavement and /or landscaping. These practices need to be integral with the site layout, for example: islands within the parking lot for bio retention etc. At the time of design and plan production the applicant will be within the 1-mile of an impaired stream, therefore the applicant shall provide 4 additional BMPs in Appendix 1 checklist.

c. Verifying all points of discharge with respect to detention/water quality.

d. Compliance with the protections required under State and Local Law concerning adjacent stream bank buffers and an agreement that there has been no "buffer averaging."

19. Compliance with the recommendations from the City's Engineer and/or Consultants with respect to Public Works and traffic/transportation issues, as follows:

a. Streets shall be built to the City of Powder Springs' Design and Detail Standards, including the construction of sidewalks on both sides of the interior streets.

b. Compliance with the Fire Marshall's recommendations with respect to Life Safety & Fire Prevention Issues during the Plan Review process.

20. Common Open Space areas, amenities, mail kiosks, and all of the various components for common and public use as described above shall be constructed in compliance with ADA regulations with respect to accessibility and related factors.

21. 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:
- Increase the density of the Residential Community.
 - Relocate a structure closer to the property line of adjacent property which is zoned the same or in a more restrictive zoning district.
 - Increase the height of a building which is adjacent to property which is zoned in the same or more restrictive zoning district.
 - Change access locations to different rights-of-way.
22. Traffic impacts will be reviewed as part of the Land Disturbance Permit process. Applicants agree to off site improvements necessitated by this development, as recommended by the city's engineer.
23. No more than 50% of certificates of occupancy will be issued prior to the completion of amenity features, as evidenced by certificates of completion.
24. If the development on the site stalls for a period of 6 months or more, as evidenced by a lack of issuance of building permits and inspections requests as would be normal for building construction to proceed to certificate of completion, the site shall be replanted per a plan approved by the Community Development Director showing compliance with minimum tree canopy, street trees and buffer requirements.
25. Per Cobb County comments, applicant is required to dedicate additional right-of-way, curb and gutter and sidewalks along Elliott Road.
26. No variance has been considered regarding development in the floodplain or floodplain adjacent area as part of this application. Floodplain compliance will be reviewed as part of the land disturbance permit process.

The motion carried by the following vote:

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

Excused: 1 - Council Member - Ward 3 Green

[ORD 24](#)
[-021](#)

Annexation request by Meritage Homes of Georgia, Inc. to Annex and Rezone a parcel from R-20 in Unincorporated Cobb County to PUD-R in the City of Powder Springs to be combined with the Westmont Preserve Subdivision; Land Lot 1019, 19th District, 2nd Section, Powder Springs, Cobb County, Georgia. PIN: 19101900300.

First Reading: 11/18/2024. Second Reading: 12/2/2024

Attachments: [Executed ORD 2024-021](#)

[Exhibit. Legal Description](#)

[SCANNED Annexation & Rezoning Pkg-Meritage Homes of Georgia, Inc.](#)

[Redacted](#)

[Westmont-2 Z100 10.30.24 Redacted](#)

[SIGNED ANN-13 Notice of Non-Objection Austell PS Rd north of](#)

[Smith Dr 11](#)

Joel Larkin, of Sams Larkin & Huff LLP on behalf of the annexation applicant, discussed the request to combine the parcel with the existing Westmont Preserve subdivision.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 2 Dawkins, that Ordinance ORD 24 -021 be adopted. Council Member Green was not present during the vote. The motion carried by the following vote:

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

Excused: 1 - Council Member - Ward 3 Green

[PZ 24-039](#)

Rezoning Request. Meritage Homes of Georgia, Inc. requests to Annex and Rezone a parcel from R-20 in Unincorporated Cobb County to PUD-R in the City of Powder Springs to be combined with the Westmont Preserve Subdivision; Land Lot 1019, 19th District, 2nd Section, Powder Springs, Cobb County, Georgia. PIN: 19101900300

Attachments: [Executed PZ 24-039](#)

[SCANNED Annexation & Rezoning Pkg-Meritage Homes of Georgia, Inc.](#)

[Redacted](#)

[Updated Site Plan. Westmont-2 Z100 10.30.24 Redacted](#)

Joel Larkin, of Sams Larkin & Huff LLP on behalf of the annexation applicant, discussed the request to combine the parcel with the existing Westmont Preserve subdivision.

Applicant agreeable to the four stipulations provided 12/2/24.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 1 McMutry, that Annexation PZ 24-039 be approved with the following conditions. Council Member Green was not present during the vote.

1. All previous stipulations for PZ22-001 will remain in effect.
2. The site shall be developed in accordance with the last revision dated 10/30/2024, subject to Cobb DOT and City of Powder Springs engineering approval as reflected in the approval of PZ24-034 dated 11/04/2024.
3. The applicant will need to coordinate with Cobb County Department of Transportation relating to the future trail project, for additional right of way donation.
4. An entrance plan for Austell Powder Springs Road, including landscaping, signage, architectural details for lots 94 and 95, and the annexed corner at Smith Drive subject to staff review is required prior to the approval of the final plat for the phase of the

development along Austell Powder Springs Road. This may include dedication of an easement for City gateway signage.

The motion carried by the following vote:

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

Excused: 1 - Council Member - Ward 3 Green

8. City Manager and City Council Reports

City Manager Pam Conner made no comments nor reports.

Council Member Wisdom welcomed everyone that attended the meeting.

Council Member McMutry hoped that everyone had a nice Thanksgiving and shared that he is looking forward to the parade.

Council Member Lust welcomed everyone that joined the meeting in person as well as online; hoped that everyone had a wonderful Thanksgiving Holiday; and reminded the elected that there will be a gathering this coming Thursday for the Greystone Power electives; and reminded everyone of the parade this coming Friday.

Council Member Dawkins welcomed everyone that joined the meeting; and shared that she looks forward to seeing everyone at the Christmas Parade.

Council Member Green shared his peace and blessings for the holiday season.

9. Executive Session was called for purposes of Personnel Matters

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

Executive Session was concluded from the purposes of Personnel Matters

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that this recess of Executive Session for personnel matters was 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

Excused: 1 - Thurman

10. Adjournment

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

Excused: 1 - Thurman