



City of Powder Springs

City of Powder Springs
4426 Marietta Street
Powder Springs, GA 30127

Meeting Minutes - Final Council Work Session

Wednesday, June 14, 2023

5:00 PM

Ford Center Reception Hall
4181 Atlanta Street, Building 2
Powder Springs, GA 30127

Location Information:

Onsite: Ford Center Reception Hall, 4181 Atlanta St., Powder Springs, GA 30127

Join Zoom Meeting - <https://us06web.zoom.us/j/85161774825>

Meeting ID: 851 6177 4825 Dial: 1-929-205-6099

Call to Order

Mayor Thurman called the meeting to order at 5:00 pm. All Council Members were present on site. Also present on site were City Attorney Julie Livingston, City Manager Pam Conner, and City Clerk Kelly Axt.

Staff in attendance: Velda Babiak, Lane Cadwell, Dwayne Eberhart, Tina Garver, Tracie Jackson, Travis Landrum, Shaun Myers (Zoom), Erick Meyer (Zoom), Tamara Newkirt, Marsellas Williams and Rosalyn Nealy.

Mayor's Comments

The Mayor discussed that he along with Council Member Wisdom had a good meeting with the Silver Springs HOA. Mayor Thurman also met with the residents in the Country Walk subdivision along with Council Member Lust this past Thursday.

Work Session Matters

[RPT 23-059](#)

Report - Departmental Updates

Jim Moore, of VC3, discussed the technology services provided by VC3.

The Mayor and Council body asked for any recommendations; and how often is the data backed up. Mr. Moore stated that the City is well positioned and is currently working on implementing the multi-factor identifications; data is backed up nightly, maintained for 30 days and is cloud based.

Travis Landrum, Parks and Recreation Director, provided an update on being fully staffed, beautification grants awarded to participated subdivisions, special and temporary events, recreational programs in the parks, specific department services,

and new pavilion implementations.

The Mayor and Council body asked what is your scheduling process for the parks; and what is the parks department doing to mitigate the issues that the splash pad has had. Mr. Landrum replied that their department receives requests for review, shares those interests with leadership, check the calendar for conflicting schedules and/or nature of the event; and the current vendor for the splash pad recommended creating a new system using larger filters to prevent frequent clogging.

Marsellas Williams, Economic Development Director, discussed the communications of potential businesses coming to Powder Springs, updates on business retention, place making, and Downtown Development Authority acquisitions.

The Mayor and Council body asked where are the three acres that DDA is attempting to acquire; and is there any information on the property for sale that houses the Linked Up Church. Mr. Williams replied that the City already owns the property of the now demolished Lewis Cox Accounting office, the old farm house property in the back and is working on ownership of the Rainey Ceiling and Installation building as well as the Cheryl Lawson property; the Church has outgrown its current location and that he has made attempts to the real estate broker to get some information on the sale price of the building.

Rosalyn Nealy, Human Resources Director, provided an update on the City's values implementation with City Staff, certification of Human Resources, and financial wellness approaches.

The Mayor and Council body asked how does the City keep and attract employees; and is the finance position still open. Ms. Nealy replied that recruitment and retention are areas that they focus on by surveying employees on what their interests are, and review market trends; yes the position is still open, however there are upcoming interviews. City Manager Pam Conner added that JAT Consulting is currently assisting the finance department.

Dwayne Eberhart, Public Works Director, discussed the sanitation collection, recycle center drop off, street projects, traffic and safety, and employee training.

The Mayor and Council body asked what the reason behind the street sign replacements; what kind of street lights will be replaced; what is the process for re-stripping; and does sanitation pick up additional trash not in receptacles. Mr. Eberhart replied that some signs were vandalized, others were just old and worn out; the light bulbs are the only things replaced, not the entire poles; the crews periodically does an assessment of street stripping throughout the city; and only if the customer calls ahead of time to put in a work order to pick up extra garbage for a fee.

Tracie Jackson, Chief Court Clerk, provided updates on citations processed, completion of courts, and the conversion from server to cloud based court ware.

No discussion was held.

Tina Garver, Community Development Director, discussed the Unified Development Codes (UDC) reviews, municode updates, plan review software purchase, storm water inspections and reporting, and provided development statuses.

The Mayor and Council body asked has the Powder Springs Dallas Road at 278 development moved forward; has the Trilogy two developments moved forward; and are there updates on the Austell Powder Springs Trail. Mrs. Garver replied that yes the developer for the Powder Springs Dallas Rd development has submitted their land disturbance permit (ldp); Trilogy has not submitted any land disturbance permits for either of those projects; and City Manager Pam Conner answered that they have moved on to the next phase of the trail.

Lane Cadwell, Chief of Police, discussed the increased staff, the state certification progress, completed training, the increase in community engagement, the return of the cadet program, and updates on high profile crimes.

The Mayor and Council body asked how do you measure where the officers are writing citations; are these suspects acquiring weapons during car break ins; are the owners of these cars filing reports of stolen weapons; will the owners incur any liability; has the department started using the mental health person during certain calls; and what's the requirement for youth to be in the cadet program. Chief Cadwell replied when the department was short staffed the ticket numbers had dropped to just over 100 a month, but in the last few months and with the staff increases the citations are over 300. City Manager Pam Conner added that there have been some staffing changes recently with one officer moving to part-time, another officer resigning due to career change, and a couple of academy trainees not completing the police training; Chief Cadwell answered that these suspects are acquiring weapons during these car break ins; about half the time reports are filed; leaving weapons in cars isn't a reckless act and the police cannot make a case in these situations; we have started using the CARES in Path Units for over a year for mental health calls; cadets have to be at least 13 years of age, school age and clean record to apply for the program.

Kelly Axt, City Clerk and Administrative Services Director, provided updates on the IT training for cyber security, standard operations procedure documentation, planned technology for the new municipal complex, certification training of staff, records retention and destruction schedules, and elections process updates.

The Council body asked how is the city application process going. Mrs. Axt replied that the city application has a slow growth each month.

[RPT 23-060](#) Report - Service Delivery needs

Pam Conner, City Manager, discussed the requirement by the Department of Community Affairs (DCA) to submit a service delivery plan that specifies the County services, City services, service areas, funding and verify if there's any duplication of services. Mrs. Conner recommends engaging Michael Brown of Brown Pelican Consulting.

No discussion was held.

[RES0 23-118](#) A RESOLUTION DECLARING AS SURPLUS AND AUTHORIZING RETIREMENT OF CANINE OFFICER CASH TO HIS HANDLER; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 118 Surplus Canine Officer Cash](#)

Chief of Police Lane Cadwell discussed that Officer Rook is stepping down from a full-time officer to part-time, and is retiring his canine Cash. The Chief added that due to the age and years of service of the canine the recommendation is to retire Cash to his handler Officer Rook.

The Council body asked will there be a replacement canine. The Chief replied that Officer Rook will start his own police canine training business and agreed to donate a dog in training to the police department.

[RES0 23-120](#) A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CERTAIN AGREEMENTS FOR PROFESSIONAL SERVICES SUBJECT TO THE FISCAL YEAR 24 BUDGET AMOUNTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 120 Professional Services FY24](#)
[Signed Services Agreement](#)

Pam Conner, City Manager, discussed the continuation of certain professional services into the following fiscal year 2024.

No discussion was held.

[RES0 23-121](#) A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SMYRNA RELATING TO THE HOUSING OF INMATES IN THE SMYRNA JAIL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 121 Smyrna Jail Powder Springs MOU 2023 final](#)

Chief Lane Cadwell discussed the new agreement with Smyrna to continue to use their jail for inmates with the understanding of the \$70 per inmate a day increase that was already approved in the budget should the Powder Springs Police Department utilize the services of another municipality.

No discussion was held

[RES0 23-122](#) A RESOLUTION PROVIDING THE GEORGIA DEPARTMENT OF NATURAL RESOURCES CERTAIN ASSURANCES RELATED TO AN APPLICATION FOR LAND WATER CONSERVATION FUNDING ASSISTANCE FOR THE CITY OF POWDER SPRINGS PARK PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 122 LWCF Application 23Resolution-application_phase](#)

Pam Conner, City Manager, discussed the accepted funding application for Powder Springs Park and the City's resolution that demonstrates their understanding and commitment of the local match.

No discussion was held.

[RES0 23-123](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH DAF CONCRETE, INC. TO REPLACE 51 LINEAR FEET OF CORRODED STORM DRAIN PIPES SIZES 24"AND 36". LOCATED AT 3004 SPRINGS INDUSTRIAL DR. IN THE AMOUNT OF \$51232.50.

Attachments: [RESOLUTION 2023 - 123 DAF CONCRETE SW REPAIRS SPRING INDUSTRIAL DAF Redacted](#)

City Manager Pam Conner discussed DAF Concrete not moving as scheduled on the Pineview Trail project and based on the seriousness of the storm water repair and the recommendation to allow DAF Concrete to complete this project as the low bidder and past business relationships.

Public Works Director Dwayne Eberhart stated that eroded pipes will be replaced with reinforced concrete pipe (rcp).

No discussion was held.

[RES0 23-124](#) A RESOLUTION APPROVING CERTAIN ENCROACHMENT IN THE

RIGHT OF WAY; AUTHORIZING THE MAYOR TO EXECUTE AN ENCROACHMENT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 124 Encroachment Agreement](#)

[Revised Fence Redacted](#)

Tina Garver, Community Development Director, discussed the request by Selig Enterprises to place a fence in the City's right of way due to a steep slope at the sidewalk.

The recommendation is to allow the fencing with the requirement that the developer would maintain the fence and landscape.

No discussion was held.

[RES0 23-125](#) A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CERTAIN MEMORANDUM OF UNDERSTANDING WITH THE AMERICAN ASSOCIATION OF RETIRED PEOPLE SPECIFYING THE TERMS AND CONDITIONS RELATED TO THE ACCEPTANCE AND USE OF GRANT FUNDS PROVIDED BY AARP COMMUNITY CHALLENGE PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 125 AARP Grant](#)

[DUAL-PLATE-BB-SAMPLE](#)

[DUAL-PLATE-BB-MLKJ-SAMPLE](#)

[RESO 2023-125 EXH A](#)

[Signed AARP MOU](#)

Economic Development Director Marsellas Williams, discussed the memorandum of understanding with the American Association of Retired People (AARP) for a \$6,370 grant for a bike art installation project in the downtown area to continue the City's place making efforts.

City Manager Pam Conner added that the City still has to purchase the bikes and pay the artists.

No discussion was held.

[RES0 23-126](#) A RESOLUTION REAPPOINTING WANDA MCDANIEL, RANDALL MADISON AND JOHNNIE PURIFY TO THE PLANNING AND ZONING COMMISSION FOR POWDER SPRINGS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 126 PZ Appt 2023](#)

[Oath of Office for Planning and Zoning Commission Wanda McDaniel 062023](#)

[Oath of Office for Planning and Zoning Commission Randall Madison 062023](#)

Council Member Bordelon stated that along with Staff interviewed and recommended the reappointments of Wada McDaniel, Randall Madison, and Johnnie Purify to the Planning and Zoning Commission.

No discussion was held

[ORD 23
-006](#)

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF POWDER SPRINGS TO REAPPORTION ELECTION DISTRICTS FOR THE CITY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st reading June 20 2023 2nd reading July 17 2023

Attachments: [Draft Ward Map 05312023 Annexations](#)

[ORD 2023-006 EXH A Draft Ward Map 05312023 Annexations](#)

[ORD 2023-006 EXH B WARD POPULATION SUMMARY](#)

City Manager Pam Conner discussed the annexed areas that have to be added and reapportioned to the ward maps.

No discussion was held.

[ORD 23
-007](#)

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE RELATING TO PERMITTED USES IN RESIDENTIAL AREAS FOR THOSE IN NEED OF CERTAIN SUPPORTIVE, STRUCTURED LIVING CONDITIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st reading June 20 2023 2nd reading July 17 2023

Attachments: [ORDINANCE 2023 - 007 UDC Amendments](#)

[Recovery residences UDC definitions permitted uses](#)

[Recovery residences UDC specific use provisions](#)

[Recovery residences Other Cobb Cities summary](#)

[Georgia Council for Recovery expects more legislation concerning sober living housing Georgia Public Broadcasting](#)

[Recovery Residences \(Halfway Houses\) Georgia Attorney General's Consumer Protection Division](#)

Pam Conner, City Manager, discussed the amendment to allow a recovery house with provided guidelines and restrictions.

Rob Hosack, of BH3 LLC, added that under the Fair Housing Act the City could not treat recovery homes any different than a normal single family residence. Mr. Hosack went on to state that they are allowed by right in certain residential districts provided there are a number of conditions and documents responsive to the City's concerns.

The Mayor asked if the group homes and halfway house have to be licensed by the State. Mrs. Conner answered that neither one are not required to be licensed. City Attorney Julie Livingston added that to the extent that these homes are not providing medical services onsite they are not required to be licensed.

[PZ 23--016](#)

Variance Request for waiver of stormwater detention requirements. The property is located at Lewis Road and Oglesby Road and C.H. James parkway, within the 19th District, 2nd Section, Land Lots 1049 and 1050, Cobb County, Georgia.

Attachments: [Draft motion](#)

[Application for Variance \(Lewis Road\) Portion 1](#)

[Application for Variance \(Lewis Road\).PDF Redacted](#)

[Memo from City Consultant Redacted](#)

[Letter from Applicant Engineer Redacted](#)

[Vicinity Map](#)

[Site Plan - 21052 C200 Redacted](#)

Community Development Director Tina Garver discussed the application for a variance from the detention requirements of the code.

Staff does not have a recommendation.

John Morgan, of Ridge Planning and Engineering, on behalf of the applicant stated that they are looking to vary with the down stream analysis provided the detention as explained would increase the rise down stream more if provided versus no detention.

The Mayor and Council body asked without a detention pond how does water run off the property; where does the water go; and how do we resolve an issue with the water runoff should environmental changes occur. Mr. Morgan replied that they are collecting water into a central location and emptying it into a water quality pond; the water goes into a tributary in the Powder Springs Creek; based on core engineering programs and how floodplains are established there maybe a small rounding error but nothing anyone would ever see. City Attorney Julie Livingston added that if the City is within the guidelines you would have limited liability on storm water issues.

[PZ 22--022](#)

For June 14 Agenda / June 20 Hearing. 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: [Draft Motion 06202023](#)
[CH James Pkwy Zoning 6.19.23](#)
[Parkland 22X50 RL Series](#)
[Site Plan 5.15.23](#)
[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](#)
[Executed Motion to Table to 12-05-2022](#)
[Executed Motion to Deny w o Prejudice ORD PZ 2022-022](#)
[Details](#)
[Details](#)
[Details](#)
[Details](#)
[Details](#)

Community Development Director Tina Garver discussed the rezoning application for Carrington town homes.

Michelle Battle, of Battle Law, discussed the application to construct 29 town homes, some with rear entry and shared access at the Carrington Park Drive, with a playground and kiosk. Ms. Battle added that at the recommendation of Mayor and the Council body they have submitted proposals to the existing Carrington Park residents for a mutual agreement with regards to the site with no resolve with the community.

Jim Jacoby, of Parkland Communities, stated that the site had previously been graded from property line to property line.

The Mayor and Council body asked will the tree lines remain in place; will your development record their own covenant; do you anticipate your residents using the amenities of the existing community; and what are your amenities. Mr. Jacoby replied that those tree lines are within the right of way and their property line would stop just before those tree lines; yes, per the Staffs recommendation there will be a separate covenant. Ms. Battle answered that their residents will be notified that the existing

Carrington amenities are not available to this community; and our amenities are the playground, open space that can be converted into a dog park, and lineal park in the front entrance.

[PR 23-009](#) Commendations

Attachments: [Commendation DeShawn Booker](#)

[Commendation Ky Rayford](#)

[Commendation Manny Gomez](#)

[Commendation Micah Reed](#)

City Manager Pam Conner stated that there will be a few students at the Tuesday's Council agenda to receive their commendations.

No discussion was held.

Dinner Recess was called at 6:32pm

A motion was made by Council Member - Ward 2 Dawkins, seconded by Mayor Pro Tem - Ward 1 Lust, that this Dinner Recess at 6:32PM be approved. The motion carried by the following vote:

Yes: 5 - Henry Lust, Doris Dawkins, Dwayne Green, Patrick Bordelon, and Patricia Wisdom

Dinner Recess was concluded at 7:02pm

A motion was made by Council Member - Ward 3 Green, seconded by Mayor Pro Tem - Ward 1 Lust, that this Dinner Recess conclude at 7:02PM be approved. The motion carried by the following vote:

Yes: 5 - Henry Lust, Doris Dawkins, Dwayne Green, Patrick Bordelon, and Patricia Wisdom

Executive Session was called for the purpose of Litigation.

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 Bordelon, that this Executive Session be called for the purpose of Litigation be approved. The motion carried by the following vote:

Yes: 5 - Henry Lust, Doris Dawkins, Dwayne Green, Patrick Bordelon, and Patricia Wisdom

Executive Session was concluded for the purpose of Litigation.

A motion was made by Council Member - Ward 2 Dawkins, seconded by Mayor Pro Tem - Ward 1 Lust, that this Executive Session for the purpose of Litigation conclude be approved. The motion carried by the following vote:

Yes: 5 - Henry Lust, Doris Dawkins, Dwayne Green, Patrick Bordelon, and Patricia Wisdom

City Manager and Council Reports

City Manager Pam Conner discussed while reviewing a number of the moratorium studies there is a demand for retail but these reports doesn't explain why isn't it happening. Recommends consulting Bleakley at a cost of \$7,500.

Council Member Bordelon made no comments.

Council Member Wisdom made no comments.

Council Member Lust discussed the meeting with Cobb Municipal Association that was held in Acworth.

Council Member Green made no comments.

Council Member Dawkins made no comments.

Recess to Next Scheduled City Council Meeting

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 Bordelon, that this Recess to Tuesday June 20, 2023 at 6:30PM be approved. The motion carried by the following vote:

Yes: 5 - Henry Lust, Doris Dawkins, Dwayne Green, Patrick Bordelon, and Patricia Wisdom