



# City of Powder Springs

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

## Meeting Minutes - Final Council Work Session

*Mayor  
Albert Thurman*

*Council Members:  
Henry Lust, Doris Dawkins, Dwayne Green, Dwight McMutry, Patricia  
Wisdom*

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Wednesday, August 14, 2024

4:30 PM

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

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### SPECIAL TIME - 4:30 PM

#### Location Information:

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

**Join Zoom Meeting - <https://us06web.zoom.us/j/81376050692>**

**Meeting ID: 813 7605 0692 Dial: 1-929-205-6099**

#### Call to Order

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

Staff in attendance: Lane Cadwell, Phyllis Calloway, Dwayne Eberhart (Zoom), Jon Gargis, Tina Garver (Zoom), Sam Heaton (Zoom), Travis Landrum (Zoom), Shaun Myers (Zoom), Tamara Newkirt, Travis Sims (Zoom), Henry Smith (Zoom), and Wayne Wright.

#### Mayor's Comments

Mayor Thurman made no comments.

#### Work Session Matters

[RPT 24-060](#) Report - Youth Council Oaths of Office

*Attachments:* [Youth-Council-Oath-of-Office](#)

Pam Conner, City Manager, discussed that the Youth Council will receive their oath of office at the Monday's meeting for the upcoming year.

[RPT 24-058](#) Report - Volunteer parental consent form

*Attachments:* [Volunteer Parental Consent Release Form \(003\)](#)

[RPT 24-059](#) Report -Draft MSPLOST

Julie Livingston, City Attorney, discussed the Intergovernmental Governmental Agreement between Cobb County and the cities of a 10 billion dollar project over 30 years for identified transit related projects.

[RPT 24-061](#) Report - Flash Vote Survey Summary

*Attachments:* [Flash Vote Survey Results](#)

Wayne Wright, American Rescue Plan Act Manager, shared data of a recent survey involving community priorities.

[RPT 24-062](#) Report - Affordable Housing Plan Outline Summary

Wayne Wright, American Rescue Plan Act Manager, did a presentation on affordable housing approaches and the current housing market.

[RPT 24-063](#) Report - Cobb County Rezoning from R30 toRM-8  
CH James Pkwy  
Parcel 19067100050

*Attachments:* [Objection from City Staff](#)  
[Zoning Notification Powder Springs Z-49 2024 09 Redacted](#)

Pam Conner, City Manager, discussed that a developer has interest in annexing into the City for town home development.

[RPT 24-064](#) Report - Noise Ordinance - Late Night Foundation Pours  
SCP Macedonia  
2830 Macedonia Rd

*Attachments:* [Aerial Site Plan](#)  
[Macedonia Site Plan - Pour Dates Redacted](#)

Tina Garver, Community Development Director, discussed the contractors request to have multiple pour schedules times and dates at their location.

[RPT 24-065](#) Report - Vida  
Site Plan - Macedonia Road

*Attachments:* [Approved Zoning Site Plan Redacted](#)  
[Proposed Site Plan Redacted](#)

Tina Garver, Community Development Director, provided a presentation of the

revised site plans for the mixed use development.

Joel Larkin, of Sams, Larking and Huff LLP, added that they are reviewing the TSW recommendations of the site plans.

[RPT 24-066](#) Report - Economic Development Update

**Attachments:** [Technical Memorandum -Deliverable 1-as submitted 8-1-24](#)

Rob Hosack, of BH3, discussed his approach to working with the City in regards to economic development. Mr. Hosack added their focus would be on deliverables and environmental strengths.

Jason Gaines, Chair of the Mableton Development Authority, discussed economic challenges in Powder Springs, transportation access restrictions, lack of access to business support services and external and internal community challenges.

Michael Hughes, discussed the limited economic diversification and economic uncertainty.

[RPT 24-067](#) Report - Cell Tower Lease

**Attachments:** [22035\\_OLLAMD03\\_08.12.2024](#)  
[ATC\\_Electronic\\_Payment\\_Enrollment\\_Form\\_Property\\_Owners\\_2024](#)

Seth Aiken, discussed the proposal to amend the tower lease to expand the ground space to attract additional carriers and add a right of first refusal.

[RES0 24-089](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROGRAM MANAGEMENT AGREEMENT WITH CROY ENGINEERING, LLC FOR DESIGN AND ENGINEERING SERVICES RELATING TO THE SECOND PHASE OF THE POWDER SPRINGS PARK PROJECT UNDER THE 2022 SPECIAL PURPOSE LOCAL OPTION SALES TAX PROGRAM FOR AN AMOUNT OF \$73,998.50; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Attachments:** [RESOLUTION 2024 - 089 Phase II PS Park improvements](#)  
[2503 PS 2022 SPLOST Agr Amend 3 Powder Springs Park Ph 2](#)

Pam Conner, City Manager, discussed the phase 2 design and engineering agreement of the Powder Springs Park with Croy Engineering at a cost of \$76,000.

[RES0 24-104](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CROY ENGINEERING FOR AN AMOUNT OF \$290,670.40 TO DEVELOP A SCOPING PLAN FOR THE ROUNDABOUT TRANSPORTATION IMPROVEMENT PROJECT AT THE

INTERSECTION OF MARIETTA STREET AND AUSTELL POWDER SPRINGS ROAD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2024 - 104 Roundabout.doc](#)  
[Croy Certified PR PI 0019781 07.19.24 Redacted](#)  
[PI 0019781 Brockington Certified Rates Redacted](#)  
[Powder Springs Roundabout Fee Estimate Redacted](#)  
[PS Roundabout Scope](#)

Tina Garver, Community Development Director, discussed the recommendation for Croy Engineering to complete the scoping of the round a bout project at Austell Powder Springs Rd and Marietta Street at a cost of \$313,549.22. Mrs. Garver added that this is a federally funded project with a match from the City.

[RES0 24-105](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT OR MEMORANDUM OF UNDERSTANDING WITH HABITAT FOR HUMANITY FOR THE CONSTRUCTION OF A RESIDENTIAL UNIT ON MISTY BLEU DRIVE FOR THE BENEFIT OF CERTAIN PUBLIC EMPLOYEES; AUTHORIZING THE USE OF FUNDS UNDER THE AMERICAN RESCUE PLAN ACT FOR INFRASTRUCTURE AND SITE DEVELOPMENT COSTS ASSOCIATED WITH SAID DEVELOPMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2024 - 105 Habitat](#)  
[Habitat agreement draft](#)

Wayne Wright, American Rescue Plan Act Manager, discussed the agreement with Habitat for Humanity for the purchase of a City owned parcel to build and sell the home to someone that meets certain requirements.

[RES0 24-106](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CLOVERLEAF CORPORATION TO SUPPLY LANE DELINEATORS FOR THE AMOUNT OF \$27,975.48 AND AN AGREEMENT WITH ARDITO CONSTRUCTION COMPANY TO INSTALL SAID DELINEATORS FOR AN AMOUNT \$13,872; AUTHORIZING THE PUBLIC WORKS DIRECTOR TO NOTIFY THE GEORGIA DEPARTMENT OF TRANSPORTATION, THE COBB COUNTY DEPARTMENT OF TRANSPORTATION AND NORFOLK SOUTHERN RAILROAD THE RAIL CROSSINGS AT FINCH ROAD, ANGHAM ROAD AND HUDDLESTON DRIVE ARE DESIGNATED QUIET ZONES PER THE GOVERNING STANDARDS AND REGULATIONS RELATING TO THE ESTABLISHMENT OF QUIET ZONES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- Attachments: [RESOLUTION 2024 - 106 Quiet Zone](#)  
[Cloverleaf Corp bid RFP 24-006 Redacted](#)  
[Quiet Zone recommendation letter](#)  
[QZ installation quotes Redacted](#)  
[DOC032724-03272024094458](#)  
[Powderspringsrevised](#)  
[OK Railroad Quiet Zone Brochure](#)  
[5482 PSGA SO\\_SalesOrder2](#)

Dwayne Eberhart, Public Works Director, discussed the purchase of delineators for the quiet zone at a purchase cost of \$27,975.48 and the installation at \$14,000. Mr. Eberhart added that Staff recommends Ardito as the contractor.

[RES0 24-107](#) Resolution - Stormwater repairs Work Order approval

Wayne Wright, American Rescue Plan Act Manager, discussed utilizing American Rescue Plan Act funds for eleven trenchless work orders and five open repairs to storm water drainages.

[RES0 24-108](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CROY ENGINEERING, LLC IN THE AMOUNT OF \$4,000 TO PREPARE CIVIL PLANS FOR THE REPLACEMENT OF CERTAIN STORM DRAINAGE INFRASTRUCTURE UNDER HOPKINS ROAD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- Attachments: [RESOLUTION 2024 - 108 plans for Hopkins SW repairs](#)  
[2024-07-25 Proposal-Hopkins Rd Xing Redacted](#)

Wayne Wright, American Rescue Plan Act Manager, discussed the agreement with Croy Engineering for drawings for the storm water repairs on Hopkins Road.

[RES0 24-112](#) A RESOLUTION APPROVING AN UPDATED LIST OF PROJECTS APPROVED FOR FUNDING ASSISTANCE UNDER THE AMERICAN RESCUE PLAN ACT; APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS TO IMPLEMENT RECOMMENDED FUNDING IDENTIFIED IN THE AMENDED BUDGET; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- Attachments: [RESOLUTION 2024 - 112 ARPA budget amendment](#)  
[RESO 2024-112 EXH A Proposed ARPA Projects Budget 8-17-24](#)

Wayne Wright, American Rescue Plan Act Manager, provided a presentation of the American Rescue Plan Act projects budget.

[RES0 24-109](#) Resolution - Defined Contribution Plan Amendment

**Attachments:** [108518- Signature-Ready Adoption Agreement Redacted](#)  
[307317 Signature-Ready 457 OPEF Redacted](#)

Gerry Desmond, of Gallagher Bassett, discussed that the employee eligibility plan in the 457 needs to be updated, adoption agreement, and the reviewing of the existing investments available.

[RES0 24-110](#) Resolution - GDOT Template Agreement - Old Lost Mountain Trail Connector

Tina Garver, Community Development Director, discussed using the Georgia Department of Transportation contract template as the City's contract for the trail connector project.

[RES0 24-111](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CROY ENGINEERING IN THE AMOUNT OF \$7,210 TO PREPARE AND SUBMIT A LOAN AND GRANT APPLICATION TO THE GEORGIA TRANSPORTATION INFRASTRUCTURE BANK TO FUND THE DESIGN, ENGINEERING, RIGHT-OF-WAY ACQUISITION AND CONSTRUCTION OF TRAFFIC IMPROVEMENTS AT INNOVATIVE WAY, AND OGLESBY AND LEWIS ROADS; AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO ITS SPLOST PROGRAM MANAGEMENT AGREEMENT TO DESIGN AND ENGINEER SAID IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$350,000; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Attachments:** [RESOLUTION 2024 - 111 Croy Assist Lewis Oglesby Innovative PE and loan app](#)  
[2503 PS 2022 SPLOST Agr Amend 4 GTIB App](#)  
[Lewis @ Oglesby Concept 50 Scale](#)

Pam Conner, City Manager, discussed the authorization to allow Croy Engineering to prepare the loan application with the Georgia Transportation Infrastructure Bank.

[RES0 24-113](#) A RESOLUTION APPROVING AND AUTHORIZING THE CHIEF OF POLICE TO EXECUTE A MEMORANDUM OF UNDERSTANDING DESIGNATING THE MAGISTRATE COURT AS THE POLICE DEPARTMENT'S DESIGNEE AUTHORIZED TO RECEIVE CERTAIN DOCUMENTATION UNDER THE GEORGIA SQUATTER REFORM ACT PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Attachments:** [RESOLUTION 2024 - 113 Squatter Magistrate Court Designee](#)  
[MOU Squatter Powder Springs](#)

Lane Cadwell, Chief of Police, discussed the Memorandum of Understanding with the Cobb Magistrate Courts that requires law enforcement to receive documents and set meetings for persons under the new squatter law.

Julie Livingston, City Attorney, added that there is a new State law that deals with people that move into a home without a lease nor permission and provides an avenue for law enforcement to remove people.

[RES0 24-114](#) A RESOLUTION AMENDING AND UPDATING THE CLASSIFICATION ASSIGNMENT TABLE TO INCLUDE ADDITIONAL POSITION CLASSIFICATIONS AND TO ADJUST THE SALARY RANGES FOLLOWING THE COST-OF-LIVING ADJUSTMENT PREVIOUSLY APPROVED; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*Attachments:* [RESOLUTION 2024 - 114 Pay Classification Table](#)  
[RESO 2024-114 Pay Grade Table FY25.pdf](#)

Pam Conner, City Manager, discussed the adjustments with employee salaries and the requirement to make those changes within the classification table

[RES0 24-115](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND STAFF TO SIGN A FINAL PLAT FOR THE SPRINGSIDE DEVELOPMENT AT PINEVIEW ROAD, JACKSON WAY EXTENSION AND MARIETTA STREET SUBMITTED BY NGI POWDER SPRINGS LLC; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*Attachments:* [RESOLUTION 2024 - 115 final plat NGI](#)  
[7015-09-delv-07312024 Redacted](#)

Tina Garver, Community Development Director, discussed the combination of plats into one at the beginning of the Novare project. Mrs. Garver added that the developer did an as built on the final plat that shows the location of the buildings and retaining walls.

[RES0 24-116](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH OPTERRA SOLUTIONS AND MAULDIN FENCE COMPANY RELATING TO THE MAINTENANCE OF CERTAIN DETENTION PONDS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*Attachments:* [RESOLUTION 2024 - 116 Opterra Solutions amendment.docx](#)  
[COPS 1111 Paddocks way Tree removal.pdf Redacted](#)

Tina Garver, Community Development Director, discussed the inclusion of a tree removal at Paddocks West in the agreement at a cost of \$4,455 and the removal of fencing at Spring Green at a lesser cost than replacing the fence.

[ORD 24](#)  
[-009](#) AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE RELATING EXTERIOR ART EXHIBITS; TO PROVIDE FOR AN EFFECTIVE

DATE; AND FOR OTHER PURPOSES.

First Reading: April 15, 2024 Second Reading: August 19, 2024

Attachments: [ORDINANCE 2024 - 009 UDC Amendment relating to Art Exhibits](#)  
[ORD 24-009. Public Art. Exhibits](#)

Tina Garver, Community Development Director, discussed the code amendment to allow the public to apply for placement of public art with feedback from various City Departments, public comments and review from the Arts Commissions.

[ORD 24](#)  
[-014](#)

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE RELATING TO WATER EFFICIENCY BY ADOPTING THE METRO WATER DISTRICT AMENDMENTS TO THE PLUMBING CODE; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1s Reading: July 15, 2024. | 2nd Reading: August 19, 2024.

Attachments: [ORD 2024-014 REDLINE OF METRO CHANGES](#)  
[Metro Water District's Water Efficiency Code Requirements to Sec. 24-2](#)  
[City of Powder Springs DCA Response Redacted](#)  
[ORD 2024-114 EXHIBIT A](#)  
[ORDINANCE 2024 - 014 UDC Amendment relating to Water Efficiency Plumbing Code](#)

Tina Garver, Community Development Director, discussed the plumbing code and the acceptance of the amendment by Department of Community Affairs.

[PZ 24-015](#)

Renewal of Special Use for a food truck park (PZ23-018 expires 7/17/2024). The property is located at 3980 & 3982 Austell Powder Springs Road, within land lot 905 of the 19th District, 2nd Section, Cobb County, Georgia.

Attachments: [PZ24-015. Motion to Deny. 08192024](#)  
[Signed PZ 24-015 Mition to Table to 08-19-24](#)  
[Renewal Food Truck Park Redacted](#)

Tina Garver, Community Development Director, discussed the renewal of the special use for the continuation of the food truck park. Mrs. Garver indicated that Staff recommends denial of the application and Planning and Zoning Commission recommend approval with conditions. Tina also presented areas of concerns related to the multiple code violations during their special use approval.

Eugene Idlett, Special Use Application, discussed the issues with daily storage of food trucks.

Octavia, Property Manager of the Food Truck Park, discussed the request to have a third party vendor to serve beer and wine at their events; and addressed some of the areas of concerns Tina Garver presented.



Dyon, of Total Rage, discussed his customer usage of the facility and planned events.

[PZ 24-017](#) Rezoning Request of a 17.7-acre tract, and rezone from NRC (county) to LI (city). The property was previously annexed via GA General Assembly HB 1500. The property is located at 3969 & 3989 Flint Hill RD within land lot 911, of the 19th district, 2nd section, Cobb County Georgia. PINs: 19091100020, 19091100060

**Attachments:** [PZ24-017. Motion to Approve. 08192024](#)  
[Prepared Statement. Serious Tree Service](#)  
[Revised Site Plan. 7-9-24](#)  
[Phase I ESA Report - Serious Tree Services - 07.25.2024](#)  
[Sound Check + Dust Suppression System schematic](#)  
[Tabled Motion to July 15th PZ 24-017](#)  
[HB 1500. Annexation](#)  
[Rezoning. 3969 + 3989 Flint Hill Rd Redacted](#)  
[Site Plan. 3969 + 3989 Flint Hill Rd Redacted](#)  
[Signed PZ 24-017 Motion to Table to 08-19-24](#)

Tina Garver, Community Development Director, discussed the annexation of property earlier in the year and the next step is to assign City zoning.

The applicant discussed the business operations, machinery and noise studies.

Ms. Conner shared she would provide Mayor and Council an email of concerns from impacted residents.

[PZ 24-024](#) Variance Request, to vary Sec. 2-15, to reduce certain perimeter building setback from 35' to 28'. The property is located at 3149 and 3189 and New Macland Road, within land lots 725 and 682 of the 19th District, 2nd Section, and Cobb County, Georgia. PINs: 19072500020, 19072500090, 19068200030.

**Attachments:** [PZ24-024. Motion to Approve. 08192024](#)  
[Variance Request - Concord Oaks Redacted](#)

Tina Garver, Community Development Director, presented the special use application to reduce the size of a building and indicated that the applicant is working with Cobb County Water for planting to screen the view to a couple of the units.

Kendal King, of Paran Homes, added that the current lot is dilled into a slop leaving the home owner with limited yard space. Mr. King stated that they are willing to install a fence in addition to the buffer.

[PZ 24-026](#) Floodplain Variance. To allow development activity related to grading and earth works in the floodplain. The Property is located 2820 Macedonia Rd, within Land

Lots 716, 764 and 765, 19th District, 2nd Section, Cobb County, Georgia. PINs: 19071700130 (portion), 19079000010, 19076500020, 19071800040, 19071700140

Attachments: [PZ24-026. Motion to Approve. 08192024](#)  
[Flood Protection Variance - Macedonia Phase II SMH notarized Redacted](#)  
[Macedonia Phase II - Flood Variance - Grading Exhibit Redacted](#)

Tina Garver, Community Development Director, presented the floodplain variance to allow the development an allowance relating to grading and earth works in the flood plains.

David Stewart, of Gaskins & LeCrew Engineering, presented their proposed plans.

**Recessed to conduct City Council Agenda at 6:00PM**

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post McMutry, that this Recess at 6:00pm to conduct City Council Agenda at 6:00pm be approved. The motion carried by the following vote:

Yes: 5 - Henry Lust, Doris Dawkins, Dwayne Green, Dwight McMutry, and Patricia Wisdom

**Dinner Recessed at 7:10pm**

A motion was made by Council Member - At Large Post 1 McMutry, seconded by Council Member - Ward 2 Dawkins, that this Dinner Recess conclude be approved. The motion carried by the following vote:

Yes: 5 - Henry Lust, Doris Dawkins, Dwayne Green, Dwight McMutry, and Patricia Wisdom

**Executive Session, if called for the purpose of Real Estate, Litigation or Personnel Matters**

No executive session was held.

**City Manager and Council Reports**

City Manager Pam Conner shared that there will be a proclamation for Emergency Preparedness Month.

Council Member Dawkins made no reports.

Council Member Green made no reports.

Council Member Lust made no reports.

Council Member McMutry made no reports.

Council Member Wisdom reported on the recent Keep Powder Springs Beautiful Board meeting; her visit to Senator Jon Ossoff's office; and attended an estate planning event.

### **Recess to Next Scheduled City Council Meeting**

**A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that this Recess to Monday August 19, 2024 at 6:30pm be approved. The motion carried by the following vote:**

**Yes:** 5 - Henry Lust, Doris Dawkins, Dwayne Green, Dwight McMutry, and Patricia Wisdom