



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, August 21, 2023

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

Pre-Meeting Discussion at 5:30PM

Join Zoom Meeting - <https://us06web.zoom.us/j/89526191397>

Meeting ID: 895 2619 1397 Dial: 1-929-205-6099

1. Call to Order

The Pre-Discussion meeting started at 5:30pm.

Mayor Thurman called the meeting to order at 7:00 pm. Mayor Al Thurman left the meeting at 7:30pm to attend a Cobb County Meeting. 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: Lane Cadwell, Tina Garver (Zoom), Travis Landrum (Zoom), Eric Meyer (Zoom), Shaun Myers (Zoom), Rosalyn Nealy (Zoom), Tamara Newkirt, Travis Sims (Zoom), Henry Smith (Zoom) and Bill Tanks.

Mayor Pro-Tem Lust presided over the remainder of the meeting at 7:30 in Mayor Thurman's absence.

Present 6 - Mayor 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 1 Patrick Bordelon, and Council Member - At Large Post 2 Patricia Wisdom

2. Invocation and Pledge of Allegiance

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

3. Approval of Minutes

[2023 -056](#) Special Called City Council-Tax Millage 1st Public Hearing and Introduction Minutes 07/17/2023 at 12:00PM

Attachments: [Special Called Council Agenda - Millage 1st Public Hearing Minutes 17-Jul-2023 at 12PM](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 Bordelon, that Special Called City Council-Tax Millage 1st Public Hearing Minutes 07/17/2023 at 12:00PM 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

[2023 -057](#) Special Called City Council-Tax Millage 2nd Public Hearing and Introduction Minutes 07/17/2023 at 6:00PM

Attachments: [Special Called Council Agenda - Millage 2nd Public Hearing Minutes 17-Jul-2023 at 6PM](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 Bordelon, that Special Called City Council-Tax Millage 2nd Public Hearing 7/17/2023 at 6:00PM 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

[2023 -061](#) City Council Agenda Minutes 07/17/2023

Attachments: [Council Agenda Minutes 17-Jul-2023](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 Bordelon, that City Council Agenda Minutes 07/17/2023 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

[2023 -062](#) Special Called City Council-Tax Millage 3rd Public Hearing Minutes 07/24/2023

Attachments: [Special Called Council Agenda - Millage 3rd Public Hearing Minutes 24-Jul-2023 at 630PM](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 Bordelon, that Special Called City Council-Tax Millage 3rd Public Hearing Minutes 07/24/2023 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

[2023 -063](#) City Council Work Session Minutes 08/16/2023

Attachments: [Council Work Session Minutes 16-Aug-2023](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 Bordelon, that City Council Work Session Minutes 08/16/2023 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

4. Mayor's Comments

Mayor Thurman greeted everyone and reminded to be careful during the extreme heat.

5. Citizens Comments

No citizen comments were made.

Registration to speak at any City Council meeting, per City Charter, is the day of the meeting only beginning 20 minutes prior to the start of the meeting (6:40 - 7:00 PM). The first twelve registering to speak will be given five (5) minutes to address Mayor and Council with their comments. 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.

6. Public Reports | Presentations

[2023 -059](#) Proclamation-Fentanyl Prevention & Awareness

Attachments: [Proclamation Fentanyl Prevention Awareness](#)

Lisa Crossman, of the Cobb and Douglas Public Health Department, discussed the effects of Fentanyl addictions and provided options that citizens can help dispose of unused medications. Council Member Lust read and presented the proclamation for National Prevention and Awareness of Fentanyl.

[2023 -060](#) Proclamation-National Emergency Preparedness

Attachments: [National Preparedness](#)

Bernard King, of the Cobb County Emergency Management Agency, discussed community preparedness during emergencies. Council Member Bordelon read and presented the proclamation for National Emergency Preparedness Month for September.

7. City Attorney

A. Consent Agenda

Resolutions 23-154 and 23-156 were tabled and no action was taken on them.

[RES0 23-146](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL AGREEMENT WITH ROBIN ROBERTS PROMOTIONS LLC TO PRODUCE THE 4th ANNUAL BRINGING THE SEA TO THE SPRINGS SEAFOOD FESTIVAL FROM MAY 17 TO MAY 19, 2024; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 146 Robin Roberts Seafood Festival](#)
[Executed RESO 2023-146](#)

approved

[RES0 23-147](#) A RESOLUTION APPROVING AND AUTHORIZING THE PURCHASE OF 34 HANDGUNS TO EQUIP PUBLIC SAFETY PERSONNEL; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT OR DOCUMENTATION REQUIRED TO EFFECTUATE SAID PURCHASE; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [New Handguns quote Redacted](#)
[RESOLUTION 2023 - 147 Handguns](#)
[Executed RESO 2023-147](#)

approved

[RES0 23-148](#) A RESOLUTION DECLARING AS SURPLUS AND AUTHORIZING THE DISPOSITION OF PUBLIC WORKS VEHICLES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Surplus Vehicles 2023](#)
[RESOLUTION 2023 - 148 Surplus PW Vehicle](#)
[Executed RESO 2023-148](#)

approved

[RES0 23-149](#) A RESOLUTION APPROVING AND RATIFYING EXECUTION OF A MERCHANT PROCESSING AGREEMENT TO PURCHASE AND DELIVER A REPLACEMENT CREDIT CARD MACHINE FOR USE BY THE CITY OF POWDER SPRINGS IN PROCESSING PAYMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [UCB Merchant Agreement 7-27-23 Redacted](#)
[RESOLUTION 2023 - 149 Ratify agreement to purchase replacement credit card machine](#)
[Executed RESO 2023-149](#)

approved

[RESO 23-150](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO THE AGREEMENT WITH COMMUNITIES IN SCHOOLS OF GEORGIA IN MARIETTA/COBB COUNTY TO PERFORM TUTORING SERVICES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [CIS contract renewal memo](#)
[RESOLUTION 2023 - 150 Community in Schools renewal](#)
[Executed RESO 2023-150](#)

approved

[RESO 23-151](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GALLAGHER BASSETT TO REVIEW THE CITY OF POWDER SPRINGS 401(A) AND 457 PLANS ADMINISTERED BY MISSIONSQUARE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 151 Review of 401a 457 plans](#)
[43917 GBS 2023 FRS Secure 2.0 Act_FLY FINAL Fillable_R1](#)
[Executed RESO 2023-151](#)

approved

[RESO 23-152](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GOLDEN RULE PLUMBING, INC. IN THE AMOUNT OF \$17,600 TO CLEAN STORM WATER STRUCTURES LOCATED ON RICHARD D. SAILORS PARKWAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RDS SW structure cleaning - Golden Rule memo](#)
[RESOLUTION 2023 - 152 RDS cleanout Golden Rule Plumbing](#)
[Executed RESO 2023-152](#)

approved

[RESO 23-153](#) A RESOLUTION RENEWING A CONTRACT WITH SEASONAL DESIGN FOR THE INSTALLATION, REMOVAL AND STORAGE OF THE CHRISTMAS TREE AND DECORATIONS FOR USE IN THURMAN SPRINGS PARK AND STORE AND INSTALL HOLIDAY STREET LIGHTS FOR AN AMOUNT UP TO \$20,000; AUTHORIZING THE MAYOR TO SIGN A RENEWAL AGREEMENT FOR SAID SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 153 Seasonal design decorations](#)
[Executed RESO 2023-153](#)

approved

[RES0 23-154](#) A RESOLUTION APPROVING AND AUTHORIZING THE REPLACEMENT OF THE PHASE 1 CONSTRUCTION CONTRACT WITH THE MACALLAN GROUP FOR CERTAIN MUNICIPAL COMPLEX IMPROVEMENTS WITH A COMPLETE GUARANTEED MAXIMUM PRICE CONSTRUCTION CONTRACT; AUTHORIZING THE MAYOR TO EXECUTE SAID CONTRACT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The Mayor asked if the Resolution is tabled will this effect the start of the project. City Manager Pam Conner answered that there is an existing contract to begin phase one and the builder has their Land Disturbance Permits (LDP).

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post Wisdom, that Resolution RES0 23-154 be tabled to the City Council, on 9/18/2023. 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

[RES0 23-155](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN COBB COUNTY, GEORGIA AND THE COBB COUNTY COMMUNITY SERVICES BOARD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Cobb County PATH MOU memo](#)
[CCCSB - CRT MOU 6.28.23](#)
[RESOLUTION 2023 - 155 MOU WITH COBB PATH](#)
[Executed RESO 2023-155](#)

approved

[RES0 23-156](#) A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL AGREEMENT WITH WHAT'S POPPIN' GOURMET POPCORN AND SWEET TREATS TO PROVIDE CERTAIN CONCESSION SERVICES AT THE SILVER COMET TRAIL LINEAR PARK PAVILION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Resolution 2023-156 Concession Agreement Renewal](#)
[Whats Poppin 2023 Contract Proposal - Revised](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 2 Wisdom, that Resolution RES0 23-156 be tabled to the City Council, on 9/18/2023. 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

[RES0 23-157](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GEORGIA POWER AND ALL UTILITIES ON ITS POWER POLE LOCATED ON PINEVIEW DRIVE TO RELOCATE THE POWER POLE AND UTILITY LINES FOR A COMBINED AMOUNT UP TO \$50,000; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Pineview Dr pole relocation](#)

[RESOLUTION 2023 - 157 utility relocation Pineview](#)

[Executed RESO 2023-157](#)

approved

[RES0 23-158](#) A RESOLUTION APPROVING AND AUTHORIZING THE USE OF THURMAN SPRINGS PARK ON SEPTEMBER 9, 2023 FROM 1PM TO 8PM FOR A TEMPORARY EVENT HOSTED BY TEMPLO DE ADORACION MANANAIM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 158 Tempo de Adoracion Man temp event](#)

[Executed RESO 2023-158](#)

approved

[RES0 23-159](#) A RESOLUTION AND PUBLIC HEARING TO ADOPT AN AMENDMENT TO THE CITY OF POWDER SPRINGS CAPITAL IMPROVEMENT ELEMENT OF THE COMPREHENSIVE PLAN AS APPROVED BY THE ATLANTA REGIONAL COMMISSION AND THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [FW_City of Powder Springs CIE_ Approved Redacted](#)

[CIE Amendment](#)

[RESOLUTION 2023 - 159 Adoption of Amendment to Comp Plan CIE](#)

[Executed RESO 2023-159](#)

approved

[RES0 23-160](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GEORGIA DEPARTMENT OF TRANSPORTATION TO ADVANCE TRANSPORTATION IMPROVEMENTS AT THE INTERSECTION OF AUSTELL POWDER SPRINGS ROAD AND MARIETTA STREET FOR AN AMOUNT OF \$700,000.00, SUBJECT TO

CERTAIN CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [0019781 Cobb 2023.07.27 PFA Redacted](#)
[RESOLUTION 2023 - 160 Roundabout](#)
[Executed RESO 2023-160](#)

approved

[RESO 23-161](#) 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: [New Macland - Layout \(2023.07.21\) Redacted](#)
[LDP - New Macland \(2023.05.30\) Landscaping Redacted](#)
[RESOLUTION 2023 - 161 Enroachment Permit New Macland](#)
[Executed RESO 2023-161](#)

approved

[RESO 23-162](#) 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 \$6405 FOLLOWING COLLECTION OF FUNDS FROM OWNERS OF PROPERTIES WITHIN SUBDIVISION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 162 Fence repairs at detention ponds](#)
[Powder Springs Pond Repairs Redacted](#)
[Executed RESO 2023-162](#)

approved

[RESO 23-163](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH RCS PRODUCTIONS FOR AN AMOUNT OF \$11,250 FOR PROFESSIONAL SERVICES TO BE PERFORMED FOR AND AT THE HISPANIC HERITAGE FIESTA AND CONCERT ON OCTOBER 7, 2023; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [PSPRINGSHHERITAG2023 Redacted](#)
[RESOLUTION 2023 - 163 Hispanic Heritage](#)
[Executed RESO 2023-163](#)

approved

[RESO 23-164](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH S.H. CREEL CONTRACTING, LLC TO EXTEND THE COMPLETION DATE UNDER THE AGREEMENT AND CLOSE THE PROJECT; APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH CROY ENGINEERING FOR ADDITIONAL OVERSIGHT AND MANAGEMENT OF THE STORMWATER PROJECT COMPLETED BY S.H. CREEL CONTRACTING, LLC IN THE AMOUNT OF \$5512; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2023 - 164 Stormwater repair ARPA project amendment Creel and Croy ARPA CO1 081423](#)
[ARPA Contingency 081423](#)
[1546.003 - Stormwater Manager Scvs Agreement Amendment 8 ARPA CEI 081423](#)
[Executed RESO 2023-164](#)

approved

[RESO 23-165](#) A RESOLUTION APPROVING AND AUTHORIZING THE ISSUANCE OF AN EVENT PERMIT FOR AN EXOTIC CAR SHOW IN THURMAN SPRINGS PARK ON SEPTEMBER 23, 2023 FROM 4PM TO 7PM PRIOR TO THE FINAL 2023 CONCERT SERIES STARTING AT 7:30 PM PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Exotic Car Show Proposal-072823 v1](#)
[RESOLUTION 2023 - 165 Car Show Sept 23](#)
[Executed RESO 2023-165](#)

approved

Approval of the Consent Agenda

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 2 Wisdom, to approve the Consent Agenda as read by the City Attorney Julie Livingston. Resolutions 23-154 and 23-156 were tabled to the September 18, 2023 meeting. 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

B. Regular Agenda | Public Hearing

[PZ 23--014](#) Variance Request to UDC Table 2-2 related to minimum setback requirements for accessory structures. The property is located at 3220 Caley Mill Drive, within land lot

720 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19072000710.

Attachments: [Variance Application. 3220 Caley Mill Dr Redacted](#)

[Existing conditions](#)

[Executed PZ 2023-014 to table to August 21, 2023](#)

[Approved PZ 23-014](#)

Shaun Myers, Planning and Zoning Manager, stated that an added stipulation included a 30 day time period to relocate the structure to an approved area. Mr. Myers added that both Staff and Planning and Zoning Commission recommend approval.

Chelisa Ortiz, daughter of the applicant Susana Ortiz, explained that they had built a structure without knowing they needed a permit from the City. Both Chelisa and Susana confirmed their agreeance to the Staff conditions.

No speakers for or against PZ 23-014.

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 1 Bordelon, that Variance PZ 23--014 be approved, with the following conditions:

- 1. The applicant shall submit a Design Review Application to the Community Development Department. Penalty fees for work done without a permit will be assessed at that time.**
- 2. The applicant shall have 30 days to relocate the shed. The allowed time to comply will start at the time of Design Review approval from the Community Development Department.**
- 3. The shed shall be used for personal storage only; no business or commercial storage permitted.**
- 4. No plumbing shall be provided to the proposed structure; no habitable space shall be included.**
- 5. The front door/entrance of the proposed accessory structure may have one low intensity light fixture. No lighting of any type on sides or rear of proposed accessory structure.**
- 6. The exterior of the accessory structure shall match the exterior of the principal dwelling, subject to Design Review approval from the Community Development Department.**

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

Absent: 1 - Mayor Thurman

[PZ 23--015](#)

Special Use Request, per article 2, to construct an Accessory Dwelling Unit and detached garage. The property is located at 3665 Forest Hill Rd, within land lot 832 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19083200100.

Attachments: [Special Use Application. 3665 Forest Hill Rd Redacted Plans. 3665 Forest Hill Rd](#)
[Survey](#)
[Site Plan](#)
[Elevations](#)
[Executed PZ 23-015 to table to August 21, 2023](#)
[Approved PZ 23-015](#)

Carlton Stephens, Special Use Applicant, is requesting to build a garage with living space above for his daughter and grandkids. Mr. Stephens confirmed that he is agreeable to the conditions.

Shaun Myers, Planning and Zoning Manager, stated that Staff recommends approval of the application with conditions.

No speakers for or against PZ 23-015 application. Related to Item PZ 23-017.

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that Special Use PZ 23--015 be approved with the following conditions.

1. Applicant shall provide Community Development Staff with affidavit verifying that owner's family (as stated in application) will be occupant.
2. Applicant shall properly permit the proposed detached accessory garage/dwelling unit with the City of Powder Springs, to include a site plan demonstrating compliance with setback, parking and building entrance provisions of Section 4-10 of the UDC.
3. Applicant shall coordinate architectural finish (to demonstrate that appearance is substantially similar) with Community Development Staff.
4. Approval to include concurrent variance (PZ 23-017) to allow for 1200-sf heated floor area, which exceeds maximum square footage of 1,000 square feet.

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

Absent: 1 - Mayor Thurman

[PZ 23--017](#) Variance Request, to section 4-10, to construct an Accessory Dwelling Unit and detached garage. The property is located at 3665 Forest Hill Rd, within land lot 832 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19083200100.

Attachments: [PZ23-017. Variance Application. Redacted](#)
[Executed PZ 23-017 to table to August 21, 2023](#)
[Approved PZ 23-017](#)

Carlton Stephens, Special Use Applicant, is requesting to build a garage with living space above for his daughter and grandkids. Mr. Stephens confirmed that he is agreeable to the conditions.

Shaun Myers, Planning and Zoning Manager, stated that Staff recommends approval of the application with conditions.

No speakers for or against PZ 23-017 application. Related to Item PZ 23-015.

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that Variance PZ 23--017 be approved with the following conditions:

1. Applicant shall provide Community Development Staff with affidavit verifying that owner's family (as stated in application) will be occupant.
2. Applicant shall properly permit the proposed detached accessory garage/dwelling unit with the City of Powder Springs, to include a site plan demonstrating compliance with setback, parking and building entrance provisions of Section 4-10 of the UDC.
3. Applicant shall coordinate architectural finish (to demonstrate that appearance is substantially similar) with Community Development Staff.
4. Approval to include concurrent Special Use (PZ23-015) to allow for Detached Accessory Dwelling Unit.

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

Absent: 1 - Mayor Thurman

[PZ 23--022](#)

Variance Request. BJ Package Inc., Balbir Sahdra

To vary minimum distance from certain locations, per code of ordinances Sec. 3-120 - Alcohol License distance separation requirements for alcohol package sales. The property is located at 4481 Hiram Lithia Springs Road SW, within land lot 1046 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19104600250.

Attachments: [PZ 23-022. Motion to Approve. 08212023](#)

[Variance Application Packet Redacted](#)

[Alcohol Distance Survey - 4481 Hiram Lithia Springs Road SW \(Updated\)](#)

[Redacted](#)

[Property Survey Redacted](#)

[Approved PZ 23-022](#)

Balbir Sahdra, variance applicant, confirmed that he is agreeable to the Staff conditions.

Shaun Myers, Planning and Zoning Manager, discussed the five conditions.

No speakers for or against PZ 23-022 application.

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that Variance PZ 23--022 be approved with the following conditions:

1. The applicant shall submit application for an Alcohol License to the Community Development Department.
2. The applicant is required to install / supplement the Front Landscaping Strip at both road frontages, compliant with the standards of the Unified Development Code, subject to review and approval from the Community Development Department.
3. The applicant is required to re-stripe the parking lot, compliant with the standards of the Unified Development Code, subject to review and approval from the Community Development Department. This shall include resurfacing or sealing the parking lot at the time of renovation.
4. The applicant is required to submit a Design Review Application for any external color changes, subject to review and approval from the Community Development Department. The building's exterior shall include only colors found in the Sherwin Williams Fundamental Color wheel.
5. All signage shall be permitted, in accordance with the standards of the Unified Development Code.

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

Absent: 1 - Mayor Thurman

[ORD 23](#)
[-008](#)

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE RELATING TO PERMITTED USES, ZONING PROCEDURES, AND STANDARDS RELATING TO DESIGN AND DEVELOPMENT; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st reading July 17, 2023; 2nd reading August 21, 2023

Attachments: [Ordinance](#)

[ORD 23-008 Exhibit.pdf](#)

[ORD 23-008 Summary.pdf](#)

[Executed ORD 2023-008](#)

Tina Garver, Community Development Director, discussed various Unified Development Code requirements, definitions and uses by right in certain zoning district.

No speakers for or against ORD 23-008.

A motion was made by Council Member - At Large Post Bordelon, seconded by Council Member - At Large Post 2 Wisdom, that Ordinance ORD 23 -008 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

[ORD 23](#)
[-009](#)

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES RELATING TO THE ALCOHOL BEVERAGE ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st reading July 17, 2023 (Motion to Table on 07/17/2023); 2nd reading August 21, 2023

Tabled 1st reading to August 21, 2023; 2nd reading September 18, 2023 (Motion to Table on 09/18/2023)

Attachments: [ORDINANCE 2023 - 009 Code of Ordinance Amendments](#)

[Exhibit A](#)

[Draft Entertainment District Map](#)

Tina Garver, Community Development Director, discussed the definition and permitting of a beer garden, catering permit provisions, and expanding the Entertainment District boundaries in the downtown area.

Ordinance ORD 23 -009 was a first reading only and no action was taken.

[ORD 23](#)
[-010](#)

AN ORDINANCE BY THE CITY OF POWDER SPRINGS, GEORGIA, RELATING TO A REQUEST TO DE ANNEX PROPERTY FROM THE CITY OF POWDER SPRINGS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st reading July 17 2023. 2nd reading and Public Hearing August 21 2023.

Attachments: [ORDINANCE 2023 - 010 DEANNEX STORY ROAD](#)

[Appendix A Legal Description. Northern Tract - 2.50 acres](#)

[Appendix B Legal Description. Southern Tract - 1.25 acres](#)

[De-annex. application. Story Rd Redacted](#)

[Vicinity Map](#)

[SIGNED Notice of Non-Objection 5550 Story Rd 2022 01 \(1\) Redacted](#)

[Signed Resolution of County Consent](#)

[Executed ORD 2023-010](#)

Tina Garver, Community Development Director, discussed the annexation of a subdivision on Story Road that took place 2022. Mrs. Garver added that two parcels were not included in the development plan but were included in the annexation plan; and Cobb County has approved the de-annexation request by the applicant.

Mrs. Naomi Story, resident of 5550 Story Road, Powder Springs GA 30127, stated that someone had fraudulently signed her husband's name to documents to the City and is requesting to be de-annexed from the City.

No speakers for or against ORD 23-010.

A motion was made by Council Member - At Large Post 1 Bordelon, seconded by Council Member - At Large Post 2 Wisdom, that Ordinance ORD 23 -010 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

[ORD 23
-011](#)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF POWDER SPRINGS, GEORGIA, UPDATING AND ADOPTING THE OFFICIAL ZONING MAP OF THE CITY OF POWDER SPRINGS; INDICATING, RATIFYING AND AFFIRMING ALL ZONING CHANGES THAT HAVE BEEN APPROVED SINCE THE LAST UPDATE TO THE OFFICIAL ZONING MAP THROUGH THE EFFECTIVE DATE; REPEALING CONFLICTING ORDINANCES, RESOLUTIONS, AND MAPS; AND FOR OTHER PURPOSES.

1st reading 7/17/23 2nd Reading 8/21/23

Attachments: [ORDINANCE 2023 - 011 ZONING MAP](#)
[Zoning Map 07122023](#)
[Executed ORD 2023-011](#)

Tina Garver, Community Development Director, discussed the proposed adoption to capture all the rezoning actions that had taken place and place them on the map.

No speakers for or against ORD 23-011.

A motion was made by Council Member - At Large Post 2 Wisdom, seconded by Council Member - Ward 2 Dawkins, that Ordinance ORD 23 -011 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

[ORD 23
-013](#)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES REGARDING HEALTH SPAS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st reading August 21, 2023; 2nd reading September 18, 2023

Attachments: [ORDINANCE 2023 - 013 Code of Ordinances Health Spas](#)
[Chapter 12 HEALTH SPA](#)

Tina Garver, Community Development Director, discussed adding requirements to health spas. Mrs. Garver added that this ordinance is modeled after Cobb County's ordinance.

Ordinance ORD 23 -013 was a first reading only and no action was taken.

[ORD 23
-014](#)

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE RELATING TO LAND DEVELOPMENT REQUIREMENTS FOR ROADS, STREETLIGHTS, AND GENERAL PROVISIONS FOR RESIDENTIAL DEVELOPMENTS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st reading August 21, 2023; 2nd reading September 18, 2023

Attachments:

[Exhibits](#)

[ORDINANCE 2023 - 014 UDC Amendments land use](#)

Tina Garver, Community Development Director, discussed the proposed amendments that includes road bonding requirements, street light requirements, and rental caps.

Ordinance ORD 23 -014 was a first reading only and no action was taken.

8. Oath of Office

Police Chief Lane Cadwell introduced and Mayor Thurman swore in newly hired Officer Andre Morrison, who is a certified police officer.

City Clerk Kelly Axt read the Oath of Office and Loyalty Oath to Johnnie Purify as a Planning and Zoning Commissioner Board Member.

9. City Manager and City Council Reports

Council Member Green made no comments.

Council Member Dawkins reminded everyone of the Town Hall on August 29th.

Council Member Bordelon thanked everyone for coming out to the meeting; welcomed Officer Morrison to the Police Department; thanked Johnnie Purify for his continuous service on the Planning and Zoning Commission. Mr. Bordelon allowed Lisa Crossman time to share an update on the rise of the Covid virus.

Council Member Wisdom welcomed everyone who has joined the meeting; thanked the recipients of the proclamations for providing updates on Fentanyl and Emergency Preparedness; and congratulated Johnnie Purify and Officer Morrison.

City Manager Pam Conner echoed the announcement of the upcoming Town Hall

Tuesday August 29th; and addressed social media comments.

Mayor Pro Tem Lust thanked everyone for joining the meeting online and in person; congratulated Officer Andre// Morrison and Johnnie Purify to the Planning and Zoning Commission; and reminded everyone of the second Sounds of the Springs Concert Series this coming Saturday.

City Clerk Kelly Axt reminded Council of the Mayoral, At Large Post 1 and Post 2 Elections Qualifying dates.

10. Executive Session was called for purposes of Litigation.

A motion was made by Council Member - At Large Post Bordelon, seconded by Council Member - At Large Post 2 Wisdom, that this Executive Session be called for the purpose of Litigation 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Executive Session was concluded for purpose Litigation.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 2 Dawkins, that this Executive Session conclude from the purpose of Litigation 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman

11. Adjournment

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 2 Wisdom, that this Adjournment 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 1 Bordelon, and Council Member - At Large Post 2 Wisdom

Absent: 1 - Mayor Thurman