

## **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

Monday, December 2, 2024

1:00 PM

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

### Meeting Date Change from November 27, 2024 Location Information:

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

Join Zoom Meeting - https://us06web.zoom.us/j/87132717102 Meeting ID: 871 3271 7102 Dial: 1-929-205-6099

#### Call to Order

Mayor Albert Thurman called the meeting to order at 1:00 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: Brian Allen (Zoom), Lane Cadwell (Zoom), Phyllis Calloway (Zoom), Cory Chester (Zoom), Michelle Coursey (Zoom), Dwayne Eberhart (Zoom), Tina Garver (Zoom), Travis Landrum (Zoom), Shaun Myers (Zoom), Tamara Newkirt, Travis Sims (Zoom), and LaTanya Whitaker (Zoom).

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 Dwight
McMutry, and Council Member - At Large Post 2 Patricia Wisdom

#### **Mayor's Comments**

Mayor Thurman shared that he will attending a meeting in Adairsville Thursday through Friday with the Georgia Municipal Association Trustee Board.

#### **Work Session Matters**

<u>RPT 24-093</u> 2025 Events

Attachments: 2025 Events List

Travis Landrum, Parks and Recreation Director, discussed the proposed 2025 calendar of events sponsored by or in partnership with the City.

Michelle Coursey, Parks and Recreation Event Coordinator, expounded on the proposed Seafood Festival changes.

RPT 24-095 Report - Pre

Report - Present contract from Jensen Industries, LLC d/b/a Twelve25 Lighting for installation of Christmas decorations at Thurman Springs Park for the 2024 holiday

season.

Attachments: Jensen Industries 2024 EXECUTED Redacted

Powder Springs Proposal 2024 Redacted

Travis Landrum, Parks and Recreation Director, discussed the contract for installation, decoration and storage of Christmas decorations at a cost of \$19,060.

Report - Affordable Housing draft plan

Wayne Wright, Professional Service Consultant, discussed the proposed draft housing plans.

Report - Senior Center and ADA repairs - CDBG project

Attachments: 4181 Atlanta Street Concrete and Parking Lot Striping Work-

-BID 24-012 Concrete and Restriping -Ad doc

-Addendum 1 - RFQ Bid #24-012

Brian Allen, Director - Capital Projects and Facilities, discussed the Americans with Disability Act (ADA) parking spaces and curb ramps modifications at the Senior Center, Ford Center, Public Works and the Old Museum .

RPT 24-098 Report - School Board Representative

Tre' Hutchins, Post 3 Cobb County Board Member, discussed school safety and provided some recent upgrades to school facilities.

Report - Amicus Brief to Ga Supreme Court - City of Milton request for city

assistance

Attachments: RESOLUTION 2024 - Amicus Brief

Julie Livingston, City Attorney, discussed the request of the City of Milton for support of Georgia cities to be included in a brief to Georgia Supreme Court regarding a case that the Georgia Appeals Court affirmed.

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: RESOLUTION 2024 - 173 GIRMA

GIRMA Fund C Enrollment Package- Existing Members PTSD Quote Proposal - GMA GIRMA Fund C Redacted

Executed RESO 2024-173

Pam Conner, City Manager, discussed adding a membership plan that would address post traumatic benefits to the City's plan.

RES0 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: RESOLUTION 2024 - 175 Norfolk Southern

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

Option Agreement - City of Powder Springs

Executed RESO 2024-175

Pam Conner, City Manager, discussed the sale of the Murray Avenue parcel back to Norfolk Southern.

RES0 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: RESOLUTION 2024 - 176 Resale of 3200 Pallomino

Copy of Parcel 19076100540 Lien amt with interest

RESO 2024-176 EXH A3200 Palomino Dr - AGREEMENT

Executed RESO 2024-176

Pam Conner, City Manager, discussed the request to reverse the purchase of the parcel the City redeemed at a tax sale.

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:** RESOLUTION 2024- 177 ARPA Wright PMA amendment

RESO 2024-177 EXH A 2nd Amendment to Agreement for SLFRF Program

Management - draft
Executed RESO 2024-177

Pam Conner, City Manager, discussed the amendment to the American Rescue Plan Act (ARPA) management agreement with Wayne Wright at a fixed fee until the final

report is presented.

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: RESOLUTION 2024 - 178 Pacer.ai

Executed RESO 2024-178

Pam Conner, City Manager, discussed the customer data provided in a artificial intelligence software.

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:** RESOLUTION 2024 - 179 Wrecker Services

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

Executed RESO 2024-179

Lane Cadwell, Chief of Police, discussed the RFP (request for proposal) for wrecker service, receiving two responses and recommended the current vendors All In One

Towing and Howard's Wrecking.

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: Truck Route Signage Redacted

Executed RESO 2024-180

Dwayne Eberhart, Public Works Director, discussed the proposed purchase of truck

route signs in the downtown area at a cost of \$8147.50.

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: RESOLUTION 2024 - 181 LMIG FOR 2025

2503.063-25Resurfacing Est Executed RESO 2024-181

Dwayne Eberhart, Public Works Director, discussed the proposed streets for resurfacing for 2025 and to submit to the Local Maintenance and Improvement Grant

program.

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: RESOLUTION 2024 - 182 Stormwater Work Orders

3380 Forest Hill Road

Proposal Site Eng MS-202408-008 Forest Hills 11-19-24

Executed RESO 2024-182

Wayne Wright, Professional Service Consultant, discussed the proposed repairs on

Forest Hill Road to include the replacement of several pipes and structures.

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: RESOLUTION 2024 - 183 Landscape Work at climbing structure

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

Executed RESO 2024-183

Brian Allen, Director - Capital Projects and Facilities, discussed the proposed landscape around the climbing structure at the Dillard Street trail head.

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: RESOLUTION 2024 - 184 Nature Walk Final Plat

NATURES WALK PH1 FINAL PLAT SET

Executed RESO 2024-184

Tina Garver, Community Development Director, discussed the phase one nature walk

to allow the City to issue permits.

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: RESOLUTION 2024 - 185 Amphitheater and Decking

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

Executed RESO 2024-185

Brian Allen, Director - Capital Projects and Facilities, discussed the request for a maintenance plan and staining of the boardwalk around the Thurman Springs Park.

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: RESOLUTION 2024 - 186 Stormwater Mgmt Plan

Cert Page To Sign

PW SWMP CL To Sign

Powder Springs SWMP 11.27.24 DRAFT

Executed RESO 2024-186

Tina Garver, Community Development Director, discussed the requirements for updating the storm water management plan every five years to the State and for the separate municipal storm water permits.

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: RESOLUTION 2024- 187 RATIFY SIGNAGE ENCROACHMENT

Executed RESO 2024-187

Pam Conner, City Manager, discussed the previously approved right of way signage on the Brownsville project; and the closing and the purchase price present until the property is sold.

ORD 24 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: ORDINANCE 2024 - 018 UDC Amendments

Exhibits. ORD 24 -018
Executed ORD 2024-018

-018

Tina Garver, Community Development Director, discussed adding regulation to the cottage industry amendment; and the removal of commercial fiber requirement from residential driveway.

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: ORDINANCE 2024 - 019 Budget Amendment

Proposed Budget Amendments 11-18-24 and 12-2-24

Executed ORD 2024-019

Travis Sims, Finance Director, discussed the amendments to the fiscal year 2024 opioid settlement; and the overage of funds for the elections.

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: 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

Signed table to Dec 2nd

Signed Table to Motion 02-03-25

Pam Conner, City Manager, stated that PZ 24-029 will be tabled to the February 3, 2025 meeting.

**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: Exhibit. Legal Description Tracts 1 and 2

Site Plan (South) - 08-21-2024

Annexation Application - 5525 Elliott Road (Blunschi) - 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 (Blunschi)

Tax Plat - 5535 Elliott Road (Sigman)

Executed ORD 2024-020

Tina Garver, Community Development Director, discussed the east side of Elliott Road new development that would consists of 44 detached units with amenities and developed in conjunction of the new development across the street.

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: PZ24-038. Motion to Approve. 12022024

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 (Blunschi) 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

Executed PZ 24-038

Tina Garver, Community Development Director, discussed the east side of Elliott Road new development that would consists of 44 detached units with amenities and developed in conjunction of the new development across the street.

### 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: Exhibit. Legal Description

SCANNED Annexation & Rezoning Pkg-Meritage Homes of Georgia, Inc.

Westmont-2 Z100 10.30.24 Redacted

SIGNED ANN-13 Notice of Non-Objection Austell PS Rd north of Smith

Dr 11

Executed ORD 2024-021

Tina Garver, Community Development Director, discussed the small parcel of land that was not included in the original zoning application.

Parks Huff, of Sams Larkin and Huff LLP, stated that the previously approved zoning amendment was created to provide a new access off the Austell Powder Springs Rd and in doing so created a small piece of property surround by City parcels.

#### 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: PZ24-039. Motion to Approve. 12022024

SCANNED Annexation & Rezoning Pkg-Meritage Homes of Georgia, Inc.

Redacted

Updated Site Plan. Westmont-2 Z100 10.30.24 Redacted

Executed PZ 24-039

Tina Garver, Community Development Director, discussed the small parcel of land that was not included in the original zoning application and the current rezoning application to include this parcel.

Parks Huff, of Sams Larkin and Huff LLP, stated that the previously approved zoning amendment was created to provide a new access off the Austell Powder Springs Rd and in doing so created a small piece of property surround by City parcels.

2024 - 085

**Proclamation** 

The proclamation was not discussed.

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

No executive session was held.

#### **City Manager and Council Reports**

Council Member McMutry shared that he hoped everyone had a nice Thanksgiving with their families and is looking forward to the Powder Springs Christmas parade this coming Friday.

Council Member Wisdom welcomed everyone that participated in the meeting.

Council Member Lust made no comments nor reports.

Council Member Green made no comments nor reports.

Council Member Dawkins shared that she hoped everyone had a good Thanksgiving and hoped to see everyone at the 7pm Council meeting later in the day.

#### **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 McMutry, that this Recess to Monday December 2nd 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