



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*

Wednesday, May 1, 2024

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/85729060889>
Meeting ID: 857 2906 0889 Dial: 1-929-205-6099**

Call to Order

Mayor Albert Thurman called the meeting to order at 5:00 pm. All Council Members were present on site. Council Member Green arrived at 5:43pm. Also present on site were City Attorney Julie Livingston and City Clerk Kelly Axt. City Manager Pam Conner was absent. Sam Heaton, Interim Agency Director, acted in Mrs. Conner absence.

Staff in attendance: Lane Cadwell, Dwayne Eberhart (Zoom), Jon Gargis, Tina Garver (Zoom), Sam Heaton, Travis Landrum (Zoom), Shaun Myers (Zoom), Rosalyn Nealy (Zoom), Tamara Newkirt, Travis Sims (Zoom), Henry Smith (Zoom), Marsellas Williams (Zoom), Wayne Wright (Zoom) and Leroy Young (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 reminded everyone that the National Day of Prayer is Thursday May 2nd and that there will be a Prayer Breakfast at the Galleria tomorrow morning; attended the South Cobb Festival; and shared that he will be attending a Georgia Municipal Association Trustee Board Meeting in Salt Lake City Utah Wednesday May 8th through May 11th.

Work Session Matters

City Clerk/Administrative Services Director Kelly Axt facilitated the meeting.

[ORD 24-010](#)

AN ORDINANCE TO AMEND THE BUDGET FOR FISCAL YEAR 2024 TO ALLOCATE RECEIPTS AND EXPENDITURES RELATING TO POLICE DEPARTMENT CADET PROGRAM AND TO THE PUBLIC WORKS RECYCLING PROGRAM; TO REPEAL CONFLICTING ORDINANCES; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st Reading - 5/6/24 2nd Reading and Public Hearing - 5/20/24

Attachments: [Proposed Budget Amendment 5-6-24 and 5-20-24](#)

[ORD 2024 - 010 Budget Amendment](#)

Travis Sims, Finance Director, discussed the receipt and expenditure of funds that the police cadet program received from working fairs and grant funds the sanitation division received to purchase a baler and forklift for the recycling center.

The Council body asked if the grants applied for total \$68,076. Mr. Sims answered yes the grants are reimbursable for the amount the City expects to spend.

[RES0 24-067](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH TYLER TECHNOLOGIES, INC. FOR THE COMPREHENSIVE CLOUD BASED ACCOUNTING SYSTEM BY SUBSTITUTING THE ENTERPRISE VERSION OF CONTENT MANAGER FOR THE CORE VERSION FOR A ONE TIME FEE OF \$21,400 AND ANNUAL RECURRING FEES OF \$9,722; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Powder Springs GA Amend 040224](#)

[TCM Enterprise Quote](#)

[RESOLUTION 2024 - 067 Tyler content manager change](#)

Travis Sims, Finance Director, discussed the amendment to the agreement to include an enterprise version of the content manager that will allow Community Development to store development plans online.

The Council body asked if the new recurring fee of \$9,722 is for the enterprise version of the content manager. Mr. Sims replied yes it for the enterprise version annual maintenance.

[RES0 24-066](#)

A RESOLUTION DECLARING AS SURPLUS THREE HUNDRED FIFTY (350) SANITATION CARTS AND AUTHORIZING THEIR SALE OR DISPOSAL; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Sanitation Carts](#)

[RESOLUTION 2024 - 066 Disposal of Carts](#)

Leroy Young, Sanitation Supervisor, discussed the phase two cart replacement throughout the City and request to dispose of over 350 unusable garbage carts.

No discussion was held.

[RES0 24-071](#) A RESOLUTION ACCEPTING AND APPROVING THE PURCHASE OF A MINI EXCAVATOR FROM WESTPRO JCB FOR AN AMOUNT NOT TO EXCEED \$88,000 FOR PUBLIC WORKS OPERATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [PSPW 55Z Quote 1-2024 Updated Redacted](#)

[RESOLUTION 2024 - 071 Mini excavator purchase](#)

Dwayne Eberhart, Public Works Director, discussed the purchase of a backhoe to replace the current backhoe that has reached its usefulness. Mr. Eberhart added that the cost is \$84,250.

The Mayor and Council body asked if the purchase was budgeted. Mr. Eberhart answered that the funds will come from the Source Well Corporative contract.

[RPT 24-034](#) Report - Event parking

Sam Heaton, Interim Agency Director, stated that Staff is requesting to table the report to allow further research.

[RPT 24-035](#) Report - water line install proposal

Sam Heaton, Interim Agency Director, discussed the community garden and the church's offer to pay for the water line to be installed and if the City would pay the monthly water bills.

Julie Livingston, City Attorney, advised the Mayor and Council body that the City could enter into an agreement with the Church for a Community Garden as long as it is for a public service; and offer to lease the plots instead of paying for the water bill making the Church responsible for the water bills with the City paying a certain amount each month.

The Mayor and Council body asked will an agreement have an end to it; will there be an option for more than one source to control the water usage; and is there an option to use the lake on the property. Mrs. Livingston replied the City could have the agreement for a period of time at the Council's discretion; it would depend on if there's a water meter or not to control the usage; and currently doesn't know the status on using the lake as a water source.

[2024 -037](#) Proclamation - National Small Business Week and Business Recognition
Accepted by Economic Development Director, Marsellas Williams, who will issue
Certificates for Years of Service to Local Businesses

Attachments: [Proclamation Small Business Week](#)

Marsellas Williams, Economic Development Director, discussed the proclamation to honor the local small businesses in Powder Springs for the week of April 28th through May 4.

No discussion was held.

[RES0 24-062](#) A RESOLUTION APPROVING AN AMENDMENT TO THE PURCHASE
AND SALE AGREEMENT BETWEEN THE POWDER SPRINGS
DOWNTOWN DEVELOPMENT AUTHORITY AND BRIAN AND ANDREA
DAVIS RELATING TO AN EXTENSION OF TIME TO OBTAIN A
CERTIFICATE OF OCCUPANCY FOR 4469 MARIETTA STREET;
PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2024 - 062 Amendment to Davis PSA](#)

Marsellas Williams, Economic Development Director, discussed the purchase and sale amended agreement between the Downtown Development Authority and Brian and Aundrea Davis relating to the extension of time to obtain their Certificate of Occupancy from June 15, 2024 to August 15, 2024.

No discussion was held.

[RES0 24-053](#) A RESOLUTION UPDATING THE CITY OF POWDER SPRINGS FEE
SCHEDULE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER
PURPOSES.

Attachments: [RESOLUTION 2024 - 053 Fee Schedule](#)
[Exhibit A May 2024.pdf](#)

Tina Garver, Community Development Director, provided a presentation of recommended fee changes in alcohol, zoning, development, permitting, occupation tax, event vendor fees, sanitation charges, street light charges, storm water utility fees, and film permit fees.

The Mayor and Council body asked if there will be any notice to these recommended fee changes; and some of the recommended fees seem to be a bit exorbitant. Wayne Wright, Interim Agency Director answered that the sanitation charges will be announced in advance of the next billing cycle. Mrs. Garver replied that the package stores will have significant increase because the fees are at a much lower cost than any other jurisdiction.

[RPT 24-028](#) Report - Lowe Engineering System Wide Assessment Update.

David Elliott, of Lowe Engineers, provided a presentation of their assessment and recommendations of the City's storm water system.

The Mayor and Council body asked based on the dollars recommended for repairs what is that completion phase; and how does the new development affect the capacity of the current pipes. Mr. Elliott answered the recommendation is to complete the critical conditioned within 5 years and the poor conditioned within 10 years; and based off the Georgia Storm Water Management Manual there should be enough controls in place to where the new developments should not cause increases to the system.

[RES0 24-054](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH HEATH-LINEBACK FOR AN AMOUNT OF \$ TO DESIGN AND ENGINEER THE SILVER COMET TRAIL CONNECTOR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2024 - 054 Silver Comet Trail Connector](#)

Tina Garver, Community Development Director, discussed the Old Lost Mountain trail connection to the Thurman Springs Park. Mrs. Garver added that Staff is still in negotiations because the project is federally funded and would need to agree on the hours and the scope of work.

No discussion was held.

[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: May 20, 2024

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

Tina Garver, Community Development Director, discussed that TSW is still working on guidelines for the City on art exhibits.

The Mayor asked for principals that Staff is currently researching. Mrs. Garver replied that currently there no real details, but recommended Art Commission for their recommendations.

[RES0 24-063](#) A RESOLUTION APPROVING AND SUBMITTING THE CITY OF POWDER SPRINGS OFFICIAL BALLOT FOR THE ELECTION OF THE GEORGIA MUNICIPAL ASSOCIATION DISTRICT 3 WEST OFFICERS FOR 2024-2026

TERM; AUTHORIZING THE MAYOR TO SIGN AND SUBMIT THE BALLOT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2024 - 063 District 3 West Ballot](#)

Sam Heaton, Interim Agency Director, discussed submitting the nominations of Council Member Ward 3 Doris Dawkins for President and Douglasville Mayor Rochelle Robinson as Vice President for the District 3 West Officers from 2024-2026.

No discussion was held.

[RES0 24-064](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A 2ND CHANGE ORDER AS A DEDUCTIVE CHANGE ORDER TO THE AGREEMENT WITH EAST COAST GRADING RELATING TO THE RESURFACING OF CERTAIN ROADS THROUGHOUT THE CITY FOR THE AMOUNT OF \$110,574.28; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Change Order No. 1 Letter to Contractor ECG exe Redacted](#)
[Letter 1 - Change Order 2 -ECG Redacted](#)
[RESOLUTION 2024 - 064 Deductive Resurfacing 2023 program](#)

Sam Heaton, Interim Agency Director, discussed the correction to the original deductive change order from \$135,321.26 to the final deductive change order to \$110,574.28.

No discussion was held.

[RES0 24-065](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH S.H. CREEL CONTRACTING TO INSTALL HARDENED SURFACE CONNECTIONS TO THE SILVER COMET TRAIL AT THE LINEAR PARK TO MORE SAFELY ACCESS PARK FEATURES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2024 - 065 Creel contract amendment handrails](#)
[Creel contract amendment](#)

Sam Heaton, Interim Agency Director, discussed the amendment to the agreement to place handrails with steps up to the skate park from the church parking lot.

The Mayor asked if the City places an object on private parking who has the liability. Julie Livingston, City Attorney, replied that the City did an agreement to share space which means both the church property and City share liability and there were previous discussions of signage informing citizens to park at their own risk.

[2024 -038](#) Proclamation - Municipal Clerks Week
Accepted by City Clerk, Kelly Axt, and Deputy City Clerk, Tamara Newkirt

Attachments: [Proclamation Professional Municipal Clerk 2024](#)

Sam Heaton, Interim Agency Director, discussed the proclamation of honoring the Municipal Clerk Staff the week of May 5th through May 11.

No discussion was held.

[2024 -039](#) Proclamation - Mental Health Awareness Month
Accepted by Michael Mullet, Highland Rivers Community Relations Director

Attachments: [Proclamation Mental Health Awareness 2024](#)

Sam Heaton, Interim Agency Director, discussed the proclamation of honoring May as Mental Health Awareness month.

No discussion was held.

[2024 -040](#) Proclamation - Public Service Recognition Week
Accepted by Sam Heaton & Wayne Wright, Agency Executive Directors, on behalf of city employees

Attachments: [Proclamation Public Services 2024](#)

Sam Heaton, Interim Agency Director, discussed the proclamation of honoring Public Service Recognition Week May 5th through May 11th.

No discussion was held.

[RES0 24-069](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES RELATING TO THE DEVELOPMENT AND IMPLEMENTATION OF SERVICE DELIVERY COMMUNICATION PLAN; AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL COST SHARE AGREEMENT WITH CERTAIN CITIES RELATING TO COMPENSATION OF COMMUNICATION SPECIALISTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2024 - 069 cost share and communications plan](#)

[RPT 24-036](#) Report - Road closures near city hall for construction

Sam Heaton, Interim Agency Director, discussed the occasional blocking of one street lane for loading and unloading of construction equipment on the new Municipal Complex.

No discussion was held.

Dinner Recessed at 6:22pm

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 2 Wisdom, that this Dinner Recess at 6:22pm be approved. The motion carried by the following vote:

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

Dinner Concluded at 6:52pm

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 1 McMutry, that this Dinner conclude at 6:54pm be approved. Council Member Green had not returned from Dinner Recess in time for vote. The motion carried by the following vote:

Yes: 4 - Henry Lust, Doris Dawkins, Dwight McMutry, and Patricia Wisdom

Excused: 1 - Dwayne Green

Executive Session was called for the purpose of Litigation Matters

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

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

Executive Session was concluded from the purpose of Litigation Matters

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

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

City Manager and Council Reports

Council Member Wisdom shared that she attended the last Brown Bag Lunch Concert last Thursday.

Council Member McMutry shared that he attended the Atlanta Country Club for a fundraiser to help expectant mothers; attended a Military Banquet; and reminded everyone of the National Day of Prayer Thursday May 2nd.

Council Member Lust shared that he attended the Military Banquet; and reminded everyone that early voting was now open.

Council Member Green shared his peace and blessings.

Council Member Dawkins shared that she attended the South Cob Festival April 27th; and attended the Military Banquet.

Recess to Next Scheduled City Council Meeting

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 1 McMutry, that this Recess to Monday May 6, 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