

# **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, February 6, 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 6:30PM** 

Join Zoom Meeting - https://us06web.zoom.us/j/85096480871 Meeting ID: 850 9648 0871 Dial: 1-929-205-6099

#### 1. Call to Order

Mayor Thurman called the meeting to order at 7:00 pm. All Council Members were present on site. Also present on site were City Attorney Julie Livingston and City Manager Pam Conner, City Clerk Kelly Axt was via Zoom.

Staff in attendance: Lane Cadwell, Tina Garver, Travis Landrum, Eric Meyer, Tamara Newkirt, Travis Sims, Bill Tanks and Marsellas Williams.

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 Bordelon.

#### 3. Approval of Minutes

2023 -011 Council Agenda Minutes 01/17/2023

Attachments: Council Agenda Minutes 17-Jan-2023

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that Council Agenda Minutes 01/17/2023 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 -013 Council Work Session Minutes 02/01/2023

Attachments: Council Work Session Minutes 01-Feb-2023

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that Council Work Session Minutes 02/01/2023 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 congratulated and expressed his honor to present Tapp Middle with their Proclamation. The Mayor also shared that he attended the Museum's Open House and stated that they had a great turnout. Mayor Thurman thanked everyone for attending this evening.

#### 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 -007 Proclamation for Tapp MIddle School - STEM Certification

Mayor Thurman read the proclamation stating February 15th 2023 as Tapp Middle School Spirit Celebration Day and congratulated the administration and staff on their STEM Certification.

PR 23-004 Presentation on the Georgia Economic Placemaking Collaborative

Attachments: Powder Springs GEPC 1-23-2023

Marsellas Williams, Economic Development Director, presented the Placemaking Collaborative award to the City for completing the two year economic development program that provides education, facilitation, technical, networking and peer learning that helps identify the communities assets.

## 7. City Attorney

## A. Consent Agenda

RESO 23-017 A RESOLUTION APPROVING AND AUTHORIZING THE FINAL DESIGN

OF THE LINEAR PARK SKATEPARK UNDER THE SPECIAL PURPOSE LOCAL OPTION SALES TAX PROGRAM FOR A SUM OF \$2,200,625.65; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: RESOLUTION 2023 - 017 Skatepark Final Design

Powder Springs - SOV Skatepark 1-31-2023 Redacted

Fortiline Cartsville RESO 23-017 Redacted

approved

RESO 23-025 A RESOLUTION APPOINTING ROBERT DOTSON TO THE ARTS AND

CULTURAL AFFAIRS COMMISSION; PROVIDING AN EFFECTIVE DATE;

AND FOR OTHER PURPOSES.

<u>Attachments:</u> RESOLUTION 2023 - 025 Board and Commission Appts Robert Dotson

approved

RESO 23-026 A RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF ROADS

AND PUBLIC SPACES IN OR ADJACENT TO DOWNTOWN TO FACILITATE THE ANNUAL POWDER SPRINGS YOUTH BASEBALL PARADE ON MARCH 4, 2023; PROVIDING FOR AN EFFECTIVE DATE;

AND FOR OTHER PURPOSES.

**Attachments:** PS Youth Baseball Opening Day Parade Redacted

RESOLUTION 2023 - 026 baseball parade

approved

RESO 23-027 A RESOLUTION AUTHORIZING THE PURCHASE OF PARK FURNITURE

AND ACCESSORIES FOR PLACEMENT IN POWDER SPRINGS PARK PAVILIONS FOR A SUM OF \$44,443 UNDER THE SPECIAL PURPOSE LOCAL OPTION SALES TAX PROGRAM; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR SAID PURCHASE IF NEEDED; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

<u>Attachments:</u> Powder Springs Park Outdoor Furniture Estimate - S.H. Creel Contracting

Redacted

RESOLUTION 2023 - 027 PS park furniture

approved

RESO 23-028 A RESOLUTION APPROVING AND AUTHORIZING CERTAIN

ANNEXATIONS TO THE CITY OF POWDER SPRINGS BY LOCAL ACT OF THE GEORGIA GENERAL ASSEMBLY; PROVIDING FOR AN EFFECTIVE DATE: AND FOR OTHER PURPOSES.

Attachments: RESO 2023-028 EXH A Annexation Map

RESOLUTION 2023 - 028 Annexations by local act RESOLUTION 2023-028 Exh B Annexation Parcels

approved

RESO 23-029 A RESOLUTION ACCEPTING A HAZARD MITIGATION GRANT TO

ACQUIRE AND DEMOLISH A FLOOD PRONE RESIDENTIAL STRUCTURE AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTATION TO EFFECTUATE SAME; PROVIDING FOR AN

EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: RESOLUTION 2023 - 029 Hazard Mitigation Grant Program flood property

HMGP 4579-0007 City of Powder Springs RSA ACQUISITION (3) Redacted

4579-0007 City of Powder Spring MMcBride Redacted

approved

RESO 23-030 A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO

EXECUTE AN AGREEMENT WITH KINSEY ELECTRIC, INC FOR REPLACING CITY OWNED STREET LIGHTS WITH LEDS IN THE AMOUNT OF \$23,095.00; PROVIDING FOR AN EFFECTIVE DATE; AND

FOR OTHER PURPOSES.

Attachments: Kinsey PS Street Lights LED 2023 Redacted

RESOLUTION 2023 - 030 Kinsey LED

approved

RESO 23-031 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN

AGREEMENT WITH BRASSTOWN VALLEY FOR USE OF ITS FACILITIES AND SUPPLIES DURING THE 2023 ANNUAL RETREAT; PROVIDING FOR

AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: RESOLUTION 2023 - 031 Annual retreat

City of Powder Springs Brasstown 032223 Redacted

approved

RESO 23-032 A RESOLUTION PLEDING TO PRACTICE AND PROMOTE CIVILITY IN

THE CITY OF POWDER SPRINGS; PROVIDING AN EFFECTIVE DATE;

AND FOR OTHER PURPOSES.

Attachments: RESOLUTION 2023 - 032 Civility

RESO 23-032 Exhibit A CivilityPledge

approved

RESO 23-033 A RESOLUTION APPROVING AND AUTHORIZING THE RENEWAL OF

THE CITY'S EXISTING HEALTH AND MEDICAL BENEFITS PACKAGE RECOMMENDED THROUGH THE CITY'S HEALTH INSURANCE BROKER

AT AN INCREASE OF EIGHT PERCENT TO BE PAID BY THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: RESOLUTION 2023 - 033 health and medical isnurance renewal

City of Powder Springs 4-1-2023 Renewal Packet v2 - Rates Page Redacted

City of Powder Springs 4-1-2023 Renewal Packet v2 Redacted

approved

RESO 23-034 A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO

EXECUTE AN AGREEMENT WITH SUMMIT CONSTRUCTION AND DEVELOPMENT, LLC FOR TO COMPLETE CERTAIN TRANSPORTATION IMPROVEMENTS ON BROWNSVILLE ROAD BETWEEN HIRAM-LITHIA SPRINGS TO U.S. 278 UNDER THE SPECIAL PURPOSE LOCAL OPTION SALES TAX PROGRAM FOR AN AMOUNT OF \$1,643,725.96, SUBJECT TO CERTAIN CONDITIONS; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SELIG ENTERPRISES FOR PAYMENT OF ITS PORTION OF THE TRANSPORTATION IMPROVEMENTS; PROVIDING

AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: RESOLUTION 2023 - 034 Brownsville Road

Brownsville Award Letter -1-17-2023 Redacted

approved

RESO 23-035 A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO

EXECUTE AN AGREEMENT WITH RAK ROOFING AND CONSTRUCTION TO REPAIR THE RAMP AT 4426 MARIETTA STREET FOR AN AMOUNT UP TO \$9,500; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER

PURPOSES.

Attachments: RESOLUTION 2023 - 035 Ramp Repairs

4426MariettaStreet.RAMP-Model Redacted

approved

RESO 23-036 A RESOLUTION AUTHORIZING AND APPROVING AN AMENDMENT TO

THE CITY OF POWDER SPRINGS MISSIONSQUARE RETIREMENT

GOVERNMENTAL PROFIT-SHARING PLAN; AUTHORIZING THE MAYOR

TO EXECUTE AN AMENDMENT AGREEMENT OR OTHER DOCUMENT NECESSARY TO EFFECTUATE SAME; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: RESOLUTION 2023 - 036 retirement 401a plan

approved

# Approval of the Consent Agenda

A motion was made by Council Member - At Large Post 2 Wisdom, seconded by Council Member - At Large Post 1 Bordelon, to approve the Consent Agenda as read by the City Attorney Julie Livingston. 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--001 Special Use Request to allow RV parking on an a gravel secondary driveway. The

property is located at 3783 Bengal Drive, within land lots 723 and 758 of the 19th

District, 2nd Section, Cobb County, Georgia.

Attachments: PZ 23-001. Motion to Approve. 02062023

PZ 23 - 001. 3783 Bengal Dr. Special Use Redacted

Gary Aliff, special use applicant at 3783 Bengal Drive, stated the is he requesting to have a gravel parking space to park his RV.

No speakers for or against the application.

The Council body asked if the applicant has read the conditions and asked his thoughts on the conditions. Mr. Aliff replied that he has read the conditions and has an issue with condition number 8.

Community Development Director Tina Garver stated that both Staff and Planning and Zoning Commission recommend approval with conditions. Shaun Myers, Planning and Zoning Manager, added that condition number 8 has been modified.

A motion was made by Council Member - At Large Post 1 Bordelon, seconded by Council Member - Ward 3 Green, that this Special Use PZ 23-001 be approved with the following conditions:

- 1. Gravel parking area must extend from existing driveway (no additional access to Bengal Drive).
- 2. Gravel parking area to be located in approximate area as illustrated by the applicant, not to exceed 18 feet in width, nor located any closer than 20 feet from adjacent property to the west.

- 3. The recreational vehicle to be parked at the side yard on the gravel parking area.
- 4. If requested by adjacent property owner to the west, applicant to augment existing vegetation screen with evergreen vegetation, subject to staff review and approval.
- 5. Gravel parking area surface shall be maintained with rock or stone not more than one inch in diameter with an average depth of 2 inches and a minimum depth of one inch.
- 6. Gravel parking area's aggregate surface to be contained with a border of stone, brick or other suitable material, to prevent migration of the gravel onto other areas.
- 7. The taper to the gravel parking area to start further back from the sidewalk than shown in existing conditions. The minimum setback distance of the taper will be reviewed and approved by Administrative Design Review.
- 8. If the owner sells the property, the gravel parking area is to be removed and the lawn area reseeded or sodded. However, should the new owner prefer to keep the gravel parking area, then they must reapply for special use approval within six months of the change of ownership.

The motion carried by the following vote:

- Yes: 4 Mayor Pro Tem Ward 1 Lust, Council Member Ward 2 Dawkins, Council Member Ward 3 Green, and Council Member At Large Post 1 Bordelon
- No: 1 Council Member At Large Post 2 Wisdom

PZ 23--002 Special Use Request to allow a special event facility within the Light Industrial zoning district. The property is located at 3150 Florence Road Suite 4, within land lot 675 of the 19th District, 2nd Section, Cobb County, Georgia.

Attachments: PZ 23-002. Motion to Approve. 02062023

PZ 23-002. Motion to Deny. 02062023

Special Use Request Redacted

Comments in opposition Redacted

Floor plan reduced to 2,649 sf.

Jose Soriano, special use applicant, is requesting to use the facility for an event space. Mr. Soriano added that the landlord has agreed to lease less square footage to address the parking requirements and asked that some of the conditions be removed.

City Attorney Julie Livingston asked Mr. Soriano to specify which conditions he is requesting to be removed; and if he is saying that he doesn't want the prohibition on alcohol but for it to be left up to the renter of the event space. Mr. Soriano replied that fixing the front facade and parking improvements are up to the landlord, the hours should be extended and alcohol is up to the renters of the event space; and that he will not supply alcohol at all, but if alcohol is involved he can provide security.

Joan Jordan, 3710 Abbott Lane in Powder Springs, spoke in opposition to the application on behalf of Creations Ministries International at 3150B Florence Road

solely on the parking issue.

The Council body asked for clarity of on conditions Mr. Soriano is asking to be removed. Mr. Soriano is opposed to hours of operation of 6pm to 10pm weekdays and 12pm to 10pm on weekends and the front facade improvements should be left up to the landlord.

Shaun Myers, Planning and Zoning Manager, stated that both Staff and Planning and Zoning Commission recommend denial of the application. Tina Garver, Community Development Director, added that the use of the facility is inconsistent with an industrial park district and the rear parking of the building is not usable so there's still a parking issue.

A motion was made by Council Member - At Large Post 2 Wisdom, seconded by Council Member - Ward 3 Green, that this Special Use PZ 23-002 be Denied without Prejudice. The motion carried by the following vote:

Yes: 4 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 3 Green, Council Member - At Large Post 1 Bordelon, and Council Member - At Large Post 2 Wisdom

No: 1 - Council Member - Ward 2 Dawkins

PZ 23--003

Variance Request to vary sec. 4-05 of the UDC to allow a shed at a road frontage, setback less than the principal structure, and greater than 50% of the size of the home. The property is located at 3152 Brooks Lane, within land lot 725 of the 19th District, 2nd Section, Cobb County, Georgia.

Attachments: PZ 23-003. Motion to Approve. 02062023

PZ 23-003. Motion to Deny. 02062023

Variance Application Redacted

Site survey Redacted

Craig Hawkins, applicant at 3152 Brooks Lane, is requesting to build a barn storage to match his home to hold materials for his online business, recreation vehicles, trailers, tractor, pond boats and other miscellaneous items.

Nick Geoffrion, of 1415 Hendon Road in Woodstock GA, stated that he is helping Mr. Hawkins build the storage structure using the same materials as the home.

Dennis Sakacs, resident of 3153 Brooks Lane in Powder Springs, spoke of his approval and support of the storage structure.

The Council body shared that if the business is to maintain inventory would this application go beyond a UDC and into a zoning issue; and asked the applicant if he was agreeable to the conditions. Mr. Hawkins replied that he would leave his online inventory off or do a variance at a later date. City Manager Pam Conner stated that if storing items as it relates to a business would fall under business regulations and

special use applications would have to filed. Community Development Director Tina Garver added that a home occupation in a residential district is typically for office use only and that storage or structures for storage for a business use requires a separate zoning application; and Mr. Hawkins is agreeable to the conditions.

Mrs. Garver stated that Planning and Zoning recommended approval leaving the structure as is and Staff recommended denial of the application.

A motion was made by Council Member - At Large Post 1 Bordelon, seconded by Mayor Pro Tem - Ward 1 Lust, that this Variance PZ 23-003 be approved with the following conditions.

- 1. The Variance Request to vary sec. 4-05 (b), (d), and (f) of the UDC to allow an accessory building at a road frontage, setback less than the principal structure, and greater than 50% of the size of the principal structure, is approved.
- 2. Applicant to submit documents responsive to requirements for Design Review, Sections 5-4, 5-13 and 5-14 of the UDC. Attention should be given to an architectural style that more closely resembles a single-family residence.
- 3. Applicant to properly permit the demolition of the existing structure, as well as the construction of new accessory structure.
- 4. Applicant shall pay the associated Community Development fines for work done without a permit.
- 5. The accessory structure is approved for residential use. No commercial or public use allowed without the appropriate special use approval, and occupational tax licensing

The motion carried by the following vote:

- Yes: 4 Mayor Pro Tem Ward 1 Lust, Council Member Ward 2 Dawkins, Council Member At Large Post 1 Bordelon, and Council Member At Large Post 2 Wisdom
- No: 1 Council Member Ward 3 Green

ORD 22 -032 Ordinance - To annex into the City of Powder Springs and Rezone an approx. 56 acre tract from R-20, NRC, LRO in the County to Conditional MXU in the City – within Land Lots 717, 718, 764 and 765, 19th District, 2nd Section, Cobb County, Georgia.

First reading: November 21, 2022. Second Reading: December 5, 2022.

TABLED TO: First reading: December 5, 2022 Second Reading: January 3, 2023

MOTION TO TABLED ACTION 12/5/22:

First reading: January 17, 2023 Second Reading: February 6, 2023

Attachments: Ordinance 22 032 Draft

Exhibit A Ordinance 22 032

Primary Exhibits. Barett Pkwy Annexation

Primary Exhibits. Barett Pkwy Annexation Redacted

Exhibit A Ordinance 22 032

Vicinity Map. Barett Pkwy Annexation

Appl Pkgs FINAL for Efiling-SCP Acquisitions, LLC Redacted

Executed Motion to Table to 12-05-2022

Executed Motion ORD 22-032 to Table to 01-17-2023

The applicant and Staff are requesting to table the hearing to complete a fiscal impact analysis.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 2 Dawkins, that this Ordinance 22-032 be tabled to the City Council, due back on 3/6/2023. 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

PZ 22--034

Rezoning Request. To rezone an approx 56 Acre Tract from R-20, NRC, LRO in the County to Conditional MXU in the City – within Land Lots 717, 718, 764 and 765, 19th District, 2nd Section, Cobb County, Georgia.

Attachments:

Site Plan and Elevation Exhibits. Barrett Pkwy Annexation

Vicinity Map. Barett Pkwy Annexation

Stipulations Letter 01-04-2023 Redacted

Trip Generation Memo - 01-12-2023 Redacted

Unit size and price ranges Redacted

Rezoning + Annexation Applications. Notice of Intent. Application

attachments Redacted

Executed PZ 2022-034 Motion to Table to February 6, 2023.

PZ 22-034 Executed Motion to table to Feb 6, 2023

The applicant and Staff are requesting to table the hearing to complete a fiscal impact analysis.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that this Rezoning PZ 22--034 be tabled to the City Council, due back on 3/6/2023. 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

ORD 23 -001 AN ORDINANCE TO AMEND THE BUDGET FOR FISCAL YEAR 2023 TO ALLOCATE RECEIPTS AND EXPENDITURES FOR VARIOUS DEPARTMENTAL AND CAPITAL BUDGETS; TO REPEAL CONFLICTING

ORDINANCES; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: Proposed Budget Amendment 2-1-23 and 2-15-23

ORDINANCE 2023 - 001 Budget Amendment

ORD 23-001 was a first reading only.

This Ordinance ORD 23 -001 had no action taken.

## Oath of Office - Arts and Cultural Affairs Advisory Commission

The Oath of Office did not take place.

## 8. City Manager and City Council Reports

Council Member Wisdom welcomed the citizens that attended in person as well as online. Ms. Wisdom shared how the City could apply the to the 4P (Pastors, Parks, Police and Principals) program "Regional Approaches to Cooperation" initiatives she learned at GMA.

Council Member Bordelon congratulated Mr. Dotson on his appointment to the Arts Commission and looks forward to working with him. Mr. Bordelon also thanked the citizens that tuned in online and attended in person.

Council Member Lust thanked the citizens that attended online as well as in person. Mr. Lust read the Civility Pledge that the Council approved earlier in the evening.

Council Member Dawkins thanked everyone for attending the meeting online and in person. Ms. Dawkins congratulated both Mr. Dotson on his appointment to the Arts Commission and Tapp Middle School on their STEM Certification.

Council Member Green thanked everyone and encouraged engagement of the meetings.

# 9. Executive Session, if called for purposes of Real Estate, Litigation or Personnel Matters

No Executive Session was held.

# 10. 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