



# City of Powder Springs

City of Powder Springs  
4426 Marietta Street  
Powder Springs, GA 30127  
cityofpowdersprings.org

## Meeting Minutes - Final

### City Council

*Mayor*

*Albert Thurman*

*Council Members:*

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

Monday, February 5, 2024

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, Bldg. 2**

#### **Pre-Meeting Discussion at 6:30PM**

**Join Zoom Meeting - <https://us06web.zoom.us/j/81022546424>**

**Meeting ID: 810 2254 6424 Dial: 1-929-205-6099**

### **1. Call to Order**

Mayor Albert 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 present via Zoom.

Staff in attendance: Kerisha Black (Zoom), Lane Cadwell, Phyllis Calloway, Michelle Coursey, Tina Garver, Travis Landrum, Shaun Myers, Tamara Newkirt (Zoom), Tracey Provitt, Vangie Rodenbeck, Travis Sims (Zoom), Bill Tanks, and Wayne Wright (Zoom).

**Present** 6 - 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 2 Patricia Wisdom, and Council Member - At Large Post 1 Dwight McMutry

### **2. Invocation and Pledge of Allegiance**

Invocation and Pledge of the of Allegiance was led by Agency Director Bill Tanks.

### **3. Approval of Minutes**

[2024 -010](#)

City Council Agenda Minutes 01/16/2024

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 2 Wisdom, that City Council Agenda Minutes 01/16/2024 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 2 Wisdom, and Council Member - At Large Post 1 McMutry

[2024-011](#)

City Council Work Session Minutes 01/31/2024

**A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 2 Wisdom, that City Council Work Session Minutes 01/31/2024 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 2 Wisdom, and Council Member - At Large Post 1 McMutry

#### 4. Mayor's Comments

Mayor Thurman congratulated all the Staff for their certification achievements; and thanked the Council Members for their attendance at the Special Called meetings this past Friday and Saturday to discuss future planning with the Boards, Commissions and Department Heads.

#### 5. Citizens Comments

Tina Williams, resident of 4488 Lily Brooke Ct in Powder Springs GA, expressed her concerns with school safety at McEarchern High School.

LeRoy Haas, resident of 3935 Sharon Dr in Powder Springs GA, expressed his support for the front yard fence of 3886 Sharon Drive.

Ursula Haverback, 120 Crestwood Place, Powder Springs, GA 30127 addressed Mayor and Council providing their opinions on racial issues.

Randall Fine, 4122 McBride Drive, Powder Springs, GA 30127 addressed Mayor and Council providing their opinions on racial issues.

Fred Leuchter, 4701 Hill Road, Powder Springs, GA 30127 addressed Mayor and Council providing their opinions on racial issues.

**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](mailto:kaxt@cityofpowdersprings.org) between 6:40 and 7:00 PM to register to speak.**

## 6. Public Reports | Presentations

[2024 -014](#)

Black History Month 2024

Council Member McMutry read the Black History Proclamation declaring the contributions of local African American citizens.

Parks and Recreation Director Travis Landrum recognized Vangie Rodenbeck and Michelle Coursey achievements in receiving their Recreation and Parks Certification.

Community Development Director Tina Garver, recognized Shaun Myers for receiving his Geographic Information Systems Certification; and acknowledged Travis Schnapp and AJ Eakley for assisting Environmental Protection Division Inspectors with the completion and passing of inspections.

## 7. City Attorney

### A. Consent Agenda

[RES0  
24-006](#)

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH VC3 TO REDUCE SERVICE PRICING AND TO EXTEND THE CONTRACT FOR A THREE-YEAR TERM ENDING MARCH 1, 2027; APPROVING ALLOCATION OF CERTAIN SAVINGS TO P3 COST ANALYSTS FRANCHISE, LLC; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**approved**

[RES0  
24-010](#)

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF BROAD STREET FOR PURPOSES OF ACCOMMODATING A TEMPORARY RECYCLING AND SUSTAINABILITY EVENT ON EARTH DAY WEEKEND CONDUCTED BY DOWNTOWN BUSINESSES ON APRIL 20, 2024; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**approved**

[RES0  
24-011](#)

A RESOLUTION DECLARING AS SURPLUS AND AUTHORIZING THE DISPOSITION OF RECEPTION AREA FURNITURE LOCATED IN STORAGE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**approved**

[RES0](#)  
[24-012](#)

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 2, 2024; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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. 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 2 Wisdom, and Council Member - At Large Post 1 McMutry

### B. Regular Agenda | Public Hearing

**PZ 23--007** Special Use Request to allow storage of business inventory within a portion of a residential accessory structure and to conduct sports and academic lessons. The property is located at 3152 Brooks Lane, within land lot 725 of the 19th District, 2nd Section, Cobb County, Georgia.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 1 McMutry, that this Special Use PZ 23--007 be tabled to the City Council, on 3/4/2024. 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 2 Wisdom, and Council Member - At Large Post 1 McMutry

[PZ 23--028](#)

Special Use Request to allow front yard fences, per UDC Table 4-1. The property is located at 3886 Sharon Drive SW, within land lot 871 of the 19th District, 2nd Section, and Cobb County, Georgia. PIN: 19087100320.

Fernando Sandoval, special use applicant, is requesting to keep his fence and gate.

Roy Kellett, resident of 3895 Sharon Drive in Powder Springs GA, spoke in support of the applicant keeping his fence and gate as a beautification to the neighborhood.

LeRoy Hass, resident of 3935 Sharon Drive in Powder Springs GA, spoke in support of the applicant keeping his fence and gate.

Shaun Myers, Planning and Zoning Manager, stated that Staff recommends denial of the application; and Planning and Zoning recommended approval of the application by a split vote.

The Council body asked if Mr. Sandoval has read the conditions and in agreement with them. Mr. Sandoval answered back yes he was in agreement with the conditions.

**A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that Special Use PZ 23--028 be approved with the following conditions.**

- 1. The applicant shall comply with all Cobb County Fire Marshall's Office (FMO) regulations related to the front yard gates.**
- 2. Approval of the special use request to allow a fence in the front yard. Any fencing structures installed in the front yard shall comply with the approved material composition and types specified for residential zoning districts in Table 4-1 of the Unified Development Code. (max height stipulation removed via PZ approval motion 1/29/2024)**
- 3. The applicant shall submit a boundary survey of existing conditions to confirm that there is no encroachment into the right-of-way.**
- 4. Should any public infrastructure improvements along Sharon Drive necessitate the removal of the fence and/or gate, then the applicant agrees to relocate the fence and gate structures at their own expense.**
- 5. The applicant shall pay all required permit fees, and work done without a permit penalty fees for the installation of the front yard gate and fence, installation of electric motor for the gate, and installation of the accessory shed, as determined by the Community Development Director.**

**The motion carried by the following vote:**

**Yes:** 4 - Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**No:** 1 - Mayor Pro Tem - Ward 1 Lust

[PZ 23--031](#)

Variance Request to vary Sec. 4-135 (g) to allow a gate within 25-feet of the right-of-way. The property is located at 3886 Sharon Drive SW, within land lot 871 of the 19th District, 2nd Section, and Cobb County, Georgia. PIN: 19087100320.

Fernando Sandoval, variance applicant, stated that his gate is behind the property line and is requesting to keep the gate.

**A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 2 Wisdom, that Variance PZ 23--031 be approved with the following conditions.**

- 1. The applicant shall comply with all Cobb County Fire Marshall's Office (FMO) regulations related to the front yard gates.**
- 2. Approval of the variance request to allow the gate to be located closer than 25 feet from the right-of-way.**
- 3. The applicant shall submit a boundary survey of existing conditions to confirm that there is no encroachment into the right-of-way.**
- 4. Should any public infrastructure improvements along Sharon Drive necessitate the removal of the fence and/or gate, then the applicant agrees to relocate the fence and gate structures at their own expense.**
- 5. The applicant shall pay all required permit fees, and work done without a permit penalty fees for the installation of the front yard gate and fence, installation of electric motor for the gate, and installation of the accessory shed, as determined by the Community Development Director.**

**The motion carried by the following vote:**

**Yes:** 4 - Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**No:** 1 - Mayor Pro Tem - Ward 1 Lust

[ORD 24](#)  
[-001](#)

Annexation Petition to annex a 4.332 acre tract, and rezone from GC (county) to NRC (city). The property is located within land lot 866, 19th district, 2nd section, Cobb County Georgia. PIN: 19086600040.  
1st Reading: 01/16/2024. 2nd Reading: 02/05/2024

Tina Garver, Community Development Director, introduced the annexation application request to annex into the city limits of Powder Springs from Cobb County. Mrs. Garver added that Staff and Planning and Zoning Commission are recommending approval of the application. Tina read two emailed letters of objection.

Joel Larkin, of Sams, Larkin and Huff LLP, discussed on behalf of the annexation applicant Mr. Maulik Patel that the property is currently under contract with the intention to have a package store and future commercial stores. Mr. Larkin responded to the two emailed letters of objection.

**A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that Ordinance ORD 24 -001 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 2 Wisdom, and Council Member - At Large Post 1 McMutry

[PZ 24--002](#)

Rezoning Request. Annexation of a 4.332 ac tract, and rezone from GC (county) to NRC (city). The property is located within land lot 866, 19th district, 2nd section, Cobb County Georgia. PIN: 19086600040.

Tina Garver, Community Development Director, read the conditions should the rezoning application be approved. Mrs. Garver also read two emailed letters of objection.

Mr. Larkin responded to the two emailed letters of objection.

The City Attorney Julie Livingston asked the applicant if he was in agreement with the read conditions. Mr. Joel Larkin, on behalf of the rezoning applicant Maulik Patel stated that they are in agreement with the conditions.

**A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 1 McMutry, that Rezoning PZ 24--002 be approved with the following conditions.**

- 1. The approval of the rezoning request to rezone the property from General Commercial (GC) to Neighborhood Retail Commercial (NRC). The property shall be developed in substantial conformity to the site plan prepared by the Crusselle Company, dated 12/15/2023.**
- 2. Parking area lighting shall be maximally illuminated to the extent allowed under the City of Powder Springs code.**
- 3. The applicant shall install a commercial security camera system at the proposed Package Store.**
- 4. All buildings located on this site must consist of a minimum of 50% brick or stone. The remaining building material must be consistent with the standards outline in Article 5 of the Unified Development Code. Stucco will not be permitted. All other building material and color scheme must be consistent with Unified Development Code and Powder Springs approved color scheme. Architectural review will be conducted administratively by staff prior to the building permitting process.**
- 5. Sidewalk and landscaping buffer and frontage requirements will be provided along the frontage of Powder Springs Road for the entire parcel. All sidewalk and landscaping along Powder Springs Road must be installed during phase 1, unless otherwise determined by the city's engineer at the time of Land Disturbance Permitting.**
- 6. A traffic impact study shall be required, subject to staff review. The applicant agrees to complete improvements necessitated by the traffic impact study. A deceleration lane will be required for the new curb cut along Powder Springs Road, unless otherwise determined by the city's engineer at the time of Land Disturbance Permitting. The traffic study provided for review may include a phased development, with phased improvements for consideration.**
- 7. An updated survey shall be required to show existing storm drainage and utilities.**
- 8. The applicant agrees to design and install storm drainage that conveys the road**



drainage in the same manner as existing, necessitated by the addition of the curb and gutter and sidewalk along Powder Springs Road.

9. This property will be part of a Business Owner Association as required by Section 1-82 of the Unified Development Code. All buildings on this property shall have a cohesive architecturally rich appearance and have a uniform sign program.

10. The existing billboard sign will be allowed to remain as a legal non-conforming use.

11. Should it become feasible to annex the adjacent Service Station property owned by Mr. Patel, then the applicant shall agree to do so.

12. The applicant agrees to consider providing a sign easement for a City of Powder Springs gateway sign on Powder Springs Road and agrees to consider this request at the subject site or the neighboring Chevron property, if the Chevron property is annexed. To accommodate the sign, an area of approximately 30' x 30' is necessary. Water and electric services should be supplied and stubbed up to the easement from the developer. The city will establish its own meter at the sign for city electrical service. The sign easement consideration will be explored during the Land disturbance permitting process.

13. The hours of operation shall be within the following times: Monday through Thursday 9:00am to 10:00pm; and Friday and Saturday 9:00am to 11:00pm. Sunday sales allowed between 12:30pm and 10:00pm.

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

ORD 24  
-002

AN ORDINANCE TO AMEND THE BUDGET FOR FISCAL YEAR 2024 TO TRANSFER 10% OF THE JUNE 30, 2023 CHANGE IN FUND BALANCE THAT IS IN EXCESS OF SIX MONTHS OF THE FY24 BUDGETED EXPENDITURES; TRANSFER SAID FUNDS TO EMERGENCY PREPAREDNESS CONTINGENCY AND RESURFACING; TO REPEAL CONFLICTING ORDINANCES; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st Reading - 2/5/24 2nd reading - 2/19/24

Pam Conner, City Manager, stated that this matter is done every year that there are additional funds available at the end of each fiscal year for emergency preparedness, resurfacing and maintain a six month reserve.

**This Ordinance ORD 24 -002 had no action taken. This was a first reading only.**

ORD 24  
-003

AN ORDINANCE AMENDING THE CODE OF ORDINANCES REGARDING CODE ENFORCEMENT BOARD; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st Reading - 2/5/24 2nd Reading - 2/19/24

**This Ordinance ORD 24 -003 had no action taken. This was a first reading only.**

[MOT 24](#)  
[-002](#)

Motion requested by City Attorney Julie Livingston to amend the City Council agenda of 02/05/24 to add an oral resolution to allow citizen (Public) comments on site only.

**A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that this Motion by City Attorney Julie Livingston to amend the City Council agenda of 02/05/24 to add an oral resolution to allow citizen (Public) comments on site only was 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 2 Wisdom, and Council Member - At Large Post 1 McMutry

[RES0](#)  
[24-020](#)

Resolution - ORAL RESOLUTION BY CITY ATTORNEY JULIE LIVINGSTON - authorizing citizen (Public) comments on site only.

**A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that this ORAL RESOLUTION BY CITY ATTORNEY JULIE LIVINGSTON - authorizing citizen (Public) comments on site only was 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 2 Wisdom, and Council Member - At Large Post 1 McMutry

## 8. City Manager and City Council Reports

City Manager Pam Conner had no reports.

City Attorney Julie Livingston made a request of Mayor and the Council body to amend the agenda to add an oral resolution requiring that all public comments in the future be made in person and not allowed virtually; and a second motion to approve the amendment change in procedures for public comments.

Council Member Green asked that everyone spread love.

Council Member Dawkins thanked everyone for attending the meeting in person and on Zoom; and congratulated Staff on completing their certifications.

Council Member Lust congratulated Staff for their excellence in their certifications and serving the City; thanked everyone for joining the meeting online and those that attended the meeting in person; and announced that there will be a School Safety Town Hall Thursday February 8th sponsored by the McEarchern High School PTSA moderated by Tre' Hutchins of the Cobb County Board of Education.

Council Member McMutry thanked everyone for attending the meeting in person as well as on Zoom; and also congratulated Staff on receiving their certifications.

Council Member Wisdom welcomed everyone for joining the meeting on Zoom and in person; recognized the employees on their certifications; and asked that everyone reflect on the contributions that African Americans have made to the country.

## 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 - Ward 3 Green, 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 2 Wisdom, and Council Member - At Large Post 1 McMutry