



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, July 10, 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/86463453610>

Meeting ID: 864 6345 3610 Dial: 1-929-205-6099

Call to Order

Mayor Albert Thurman called the meeting to order at 5:00 pm. All Council Members present on site. Council Member Wisdom arrived at 5:12pm. Also present on site were City Attorney Julie Livingston, City Manager Pam Conner and City Clerk Kelly Axt.

Staff in attendance: Lane Cadwell (Zoom), Phyllis Calloway, Dwayne Eberhart (Zoom), Jon Gargis, Tina Garver (Zoom), Sam Heaton, Tamara Newkirt, Travis Sims (Zoom), Henry Smith (Zoom), and Wayne Wright.

Mayor's Comments

Mayor Thurman thanked Council Member Green for providing food at his place of business; and discussed housing for aging seniors.

Work Session Matters

[RPT 24-047](#) Report - resurfacing update

Pam Conner, City Manager, discussed that the 2024 resurfacing program is completed and that there will be deductive change orders at the next Council Agenda meeting to allow for additional repairs due to root damage.

[RPT 24-048](#) Report - Detention Pond Maintenance Program - Fencing followed by resolution or ordinance

Tina Garver, Community Development Director, discussed the cost of replacing the existing fencing at the private detention pond in Spring Green subdivision. The cost of the fencing is \$16,000 at a shared cost to the homeowners as an assessment to their tax bill.

[RPT 24-049](#) Report - Detention Pond Maintenance Program - Opterra/goats Resolution or Ordinance

Tina Garver, Community Development Director, discussed the difference between Opterra Solutions quote and the potential use of goats for annual detention pond maintenance. Both quotes were similar in cost at \$31,500, the time frames of completion were different.

[RPT 24-050](#) Report - Detention Pond Maintenance Program - Specific Lost Mtn Lakes, Country Walk, Dogwood Drive Resolution/Ordinance

Tina Garver, Community Development Director, discussed three specific subdivision detention maintenance quotes. Subdivisions Lost Mountain Lakes has three ponds at a cost of \$1,800 each, Country Walk has two ponds at a total cost of \$4,500 and still under further review is Dogwood Drive at a total cost of \$21,634.

* [RPT 24-051](#) Report - Austell PS Road roundabout Resolution

Tina Garver, Community Development Director, discussed the completion of the Request for Proposal (RFP) process and recommends Croy Engineer for the contract. The final cost is not complete as they are still working on the scope of work and hours.

Greg Teague, of Croy Engineering, added that the City does have the approved federal funding if a service delivery strategy is not reached, it will impact the City's ability to get reimbursed by the State.

[RPT 24-052](#) Report - ARPA Reso

Wayne Wright, American Rescue Plan Act (ARPA) Program Manager, discussed bringing forward ARPA budget amendments for the Quiet Zone savings, homelessness response, GoodR continuation of the grocery store at Tapp Middle School, flash vote continuation and the remaining funds for storm water repairs.

[RPT 24-053](#) Report - Special Event. Calvary Christian Ministries Tent Revival at Hopkins Road Park.

Attachments: [Calvary Christian Special Event - Tent Revival. Redacted](#)

Tina Garver, Community Development Director, discussed the special event July 26th to July 28th for a praise, worship, music and backpack giveaway hosted by Calvary Christian Ministries.

[RPT 24-054](#) Report - Right of Way Acquisition

[RPT 24-055](#) Report - Code Enforcement update re fencing

Sam Heaton, Interim Agency Director, discussed reviewing the application for a fence in the Old Lost Mountain Estate subdivision. After review of the whole subdivision it was discovered that there are several homes with fences in drainage easements that require either removal or relocating of those fences. The Staff is working with the Homeowners Association and the builder Kerley Homes to inform the individual homeowners of each of these issues.

Phyllis Calloway, Governance Programs Compliance Manager, added there are about nine homes under review, and the two of the homeowners have taken the responsibility to remove their fences off the easements. The Staff is also researching the permission to allow those fences because they were not permitted by the City. The builder has a disclaimer on their application to the prospective home buyer to comply with the City codes and ordinances, putting the responsibility on the homeowner.

[RPT 24-056](#) Report- MSPLOST Update

Pam Conner, City Manager, discussed that the City is working on an Intergovernmental Governmental Agreement for upfront Mobility Special Purpose Local Option Sales Tax (MSPLOST) to demonstrate to the public how the funds benefits the citizens.

Julie Livingston, City Attorney, stated that the City would have to identify certain projects to do with the funds and what amounts the City anticipates receiving of the those upfront bonds.

Greg Teague, of Croy Engineering, discussed that the City does not get a set porportional of the Mobility SPLOST, and that whatever the County detemrinds with the City it will define for transit supportive projects in the City.

[ORD 24
-012](#)

AN ORDINANCE TO ANNEX CERTAIN PROPERTY FROM THE UNINCORPORATED AREAS OF COBB COUNTY TO THE CORPORATE LIMITS OF THE CITY OF POWDER SPRINGS; REPEALING CONFLICTING ORDINANCES; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

First Reading: 05/20/2024. Second Reading: 06/03/2024

Attachments: [ORDINANCE 2024 - 012 Annexation Ordinance Elliott Road](#)
[Annexation Application - 5500 Elliott Road - 04-23-2024 Redacted](#)
[Legal Description](#)
[Site Map Location](#)
[Site Plan - 04-22-2024 Redacted](#)
[Survey - 04-03-2024 Redacted](#)
[Cobb County Notice of Non-Objection 5500 Elliott Rd](#)

The Staff recommendation is to table the second reading of ORD 24-012 to the September Council Agenda meeting to allow time to complete a public hearing and the traffic study.

[ORD 24
-014](#)

ORDINANCE Text amendments. To add Metro Water District's Water Efficiency Code Requirements to Sec. 24-2. - Additional codes adopted; Relating to improving water efficiency; providing an effective date; and for other purposes.
1s Reading: July 15, 2024. | 2nd Reading: August 19, 2024.

Attachments: [Metro Water District's Water Efficiency Code Requirements to Sec. 24-2](#)
[EXHIBIT A for Water Efficiency](#)
[City of Powder Springs DCA Response Redacted](#)

Tina Garver, Community Development Director, discussed the text amendments to adopt a model ordinance regarding water conservation and plumbing provisions.

[PZ 24-012](#)

Special Use Request to operate a package store in CRC, per UDC table 2-3 which require package stores in CRC to have special use approval. 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: [PZ24-012. Motion to Approve. 07152024](#)
[Special Use Application Redacted](#)
[4481 Hiram Lithia Springs Road SW Property Survey \(August 1994\) Redacted](#)
[Alcohol Distance Survey - 4481 Hiram Lithia Springs Road SW \(Updated\) Redacted](#)
[Alcohol Distance Variance Approval. Executed motion. PZ23-022](#)

Tina Garver, Community Development Director, discussed the special use application to allow a package store at this location.

Balbir Sahdra, special use applicant, stated that the variance was approved last year that the special use application was added at a later date.

[AL-24-004](#) Alcohol License: Retail beer, wine, spirituous, and Sunday 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: [2024 alp application B J PACKAGE INC dba BROWNSVILLE PACKAGE Redacted](#)
[Alcohol Distance Survey - 4481 Hiram Lithia Springs Road SW \(Updated\) Redacted](#)

Tina Garver, Community Development Director, discussed the alcohol application to issue a alcohol license at this location.

[PZ 24-013](#) Presented by Shaun M. - Variance request to UDC 8-92(e) to allow a privacy fence to encroach into the drainage easement. The property is located at 4444 Quilter Street, within land lot 680 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19068000490.

Attachments: [Tabled Motion to July 5th PZ 24-013](#)
[Variance App. 4444 Quilter Redacted](#)

PZ 24-013 will be tabled.

[PZ 24-014](#) Rezoning Request for a 29.6-acre tract, to rezone from R-30 (county) to PUD-R (city). The property is located at 5500 Elliott Road within land lots 598, 599, 660, 661, of the 19th district, 2nd section, Cobb County Georgia. PIN: 19066000060.

Attachments: [Tabled Motion to July 15th PZ 24-014](#)
[Updated Site Plan. 05152024 Redacted](#)
[List of Requested Variances](#)
[Rezoning Application - 5500 Elliott Road - 04-23-2024 Redacted](#)
[Site Map Location](#)
[Site Plan - 04-22-2024 Redacted](#)
[Survey - 04-03-2024 Redacted](#)
[Cobb County Notice_of_Non-Objection_5500_Elliott Rd Redacted](#)

PZ 24-014 will be tabled.

[PZ 24-015](#) Renewal of Special Use for a food truck park (PZ23-018 expires 7/17/2024). The property is located at 3980 & 3982 Austell Powder Springs Road, within land lot

905 of the 19th District, 2nd Section, Cobb County, Georgia.

Attachments: [PZ24-015. Motion to Deny. 07152024](#)
[Renewal Food Truck Park Redacted](#)

Tina Garver, Community Development Director, presented the special use application for the annual review. The previously approved application stipulated that the business remain in compliance and free of code violations. Mrs. Garver reviewed the past year violations of which most have become in compliance. Staff recommends denial of the application and Planning and Zoning Commission recommend approval with stipulations.

Eugene Idlett, special use applicant, provided updates of obtaining additional food truck, the exterior of the building and proposed events.

[PZ 24-017](#) Rezoning Request of a 17.7-acre tract, and rezone from NRC (county) to LI (city). The property was previously annexed via GA General Assembly HB 1500. The property is located at 3969 & 3989 Flint Hill RD within land lot 911, of the 19th district, 2nd section, Cobb County Georgia. PINs: 19091100020, 19091100060

Attachments: [Tabled Motion to July 15th PZ 24-017](#)
[HB 1500. Annexation](#)
[Rezoning. 3969 + 3989 Flint Hill Rd Redacted](#)
[Site Plan. 3969 + 3989 Flint Hill Rd Redacted](#)

PZ 24-017 will be tabled to August 19, 2024.

[PZ 24-018](#) City Initiated Rezoning. To adopt the corresponding City of Powder Springs zoning districts for parcels annexed via the General Assembly into the incorporated limits of The City of Powder Springs, of the 19th District, 2nd Section, Cobb County, Georgia.

Attachments: [PZ24-018. Motion to APPROVE. 07152024](#)
[Property List and Zoning Districts](#)
[HB 1500. Annexation](#)

Tina Garver, Community Development Director, discussed the remaining City owned properties will have to be rezoned into incorporated limits.

[PZ 24-020](#) Rezoning Request for a 18.22-acre tract, to rezone from R-30 to PUD-R. The property is located at 5535 + 5551 Powder Springs Dallas Road within land lots 734, 735, 746 of the 19th district, 2nd section, Cobb County Georgia. PIN: 19073400030, 19074600050.

- Attachments: [PZ24-020. Motion to Table. 07152024](#)
[Site Plan Redacted](#)
[Elevations](#)
[Rezoning Application. 5535, 5551 Powder Springs Dallas Road Redacted](#)
[LEGAL DESCRIPTION](#)

PZ 24-020 will be tabled.

[PZ 24-021](#) Floodplain Variance for a 18.22-acre tract, to rezone from R-30 to PUD-R. The property is located at 5535 + 5551 Powder Springs Dallas Road within land lots 734, 735, 746 of the 19th district, 2nd section, Cobb County Georgia. PIN: 19073400030, 19074600050.

- Attachments: [PZ24-021. Motion to Table. 07152024](#)
[2024.06.01 - Floodplain Variance Request - Both Parcels Redacted](#)
[Barrom signed flood plain variance doc 5551 PS Dallas Redacted](#)
[BLOSSER BRADSHAWn Flood plain variance doc 5535 PS Dallas Redacted](#)

PZ 24-021 will be tabled.

[PZ 24-022](#) Variance Request. Intentional Church requests to vary the minimum acreage dedicated to the use required for a church. The property is located at 4110 Austell Powder Springs Road Suites 130 and 155, within land lots 946, 19th District, 2nd Section, Cobb County, Georgia. PIN: 19094600260

- Attachments: [PZ24-022. Motion to Approve. 07152024](#)
[PZ24-022. Motion to Deny. 07152024](#)
[Letter \(Pastor Guidry to Council\)](#)
[Variance Application Redacted](#)
[164202e2-3cfb-48a4-9de3-127ee559776a_Redacted](#)
[Intentional Church Draft 5-2-24 \(2\)](#)

Tina Garver, Community Development Director, discussed the variance application to vary acreage for a church. The applicant would occupy two suites, one for office space and the second space would be used for church service. The strip mall does not meet the Unified Development Code signage requirement. Mrs. Garver provided an expanded explanation of the shopping center code issues and sign permits. Staff recommends denial of the application and Planning and Zoning Commission recommend approval of the application.

Anthony Guidry, Pastor and variance applicant, stated that the church study shows the community could use a young vibrant church. Mr. Guidry shared that the sign issue is not the church's issue to enforce.

[PZ 24-023](#) Special Use Request for a privacy fence at the road frontage. The Property is located at 3401 Redwood Forest LN SW, within land lot 821, 19th District, 2nd Section, Cobb County, Georgia. PIN: 19082100470

Attachments: [Special Use App Redacted](#)
[94423399-f1fe-4c84-a177-7b9a50f3d140_Redacted](#)
[Site plan](#)
[2681738f-799d-4353-a56f-57242463ce3a_Redacted](#)
[PZ24-023. Motion to Approve. 07152024](#)

Tina Garver, Community Development Director, presented the special use application to allow a fence in the front yard.

Assatou Barry, special use applicant, requests to keep the fence placed last year July.

[PZ 24-025](#) Design Review application for fencing

Julia Davis, business owner of Book Work Bookstore, presented her proposed wood picket fence design for the deck area and the rear of the lot.

Tina Garver, Community Development Director, presented the Staff recommendation of aluminum fencing because the business is in the Central Business District and recommended by the design consultant for long term maintenance.

[RES0 24-095](#) Final Plat Approval - Lewis Road Towns

Attachments: [22PDR-LDP00016 - Wildwood Place SD - Final Plat Redacted](#)

Tina Garver, Community Development Director, discussed the Wildwood Place is requiring the final plat of 65 town homes to start building.

[RES0 24-096](#) Final Plat Approval - Concord Oaks

Attachments: [concord oaks plat & storm asb 5-17-24 Redacted](#)

Tina Garver, Community Development Director, discussed the Concord Oaks is requiring the final plat of 39 lots for town homes to start building.

[RES0 24-097](#) A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PARO STRATEGIES, LLC FOR CERTAIN PROFESSIONAL SERVICES RELATED TO GRANT WRITING AND IMPLEMENTATION FOR AN AMOUNT NOT TO EXCEED \$60,000; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2024 - 097 Paro.doc](#)

Pam Conner, City Manager, discussed allowing Paro via the capital budget to study for grants, primarily for the homeless response program.

[RES0 24-098](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH THE GEORGIA DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION DIVISION TO RECEIVE ADDITIONAL FUNDING ASSISTANCE FOR RECYCLING DROP-OFF FACILITY LOCATED AT THE PUBLIC WORKS DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2024 - 098 DNR GRANT.doc](#)

Pam Conner, City Manager, discussed the additional expenses for electrical during the recycling program. The amendment would authorize a change in the agreement.

[RES0 24-099](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GEORGIA POWER COMPANY FOR THE PROVISION OF PEDESTRIAN LED STREET LIGHTING ALONG JACKSON WAY EXTENSION, NEAR CEMETERY STREET FOR THE INSTALLATION AMOUNT OF \$15,500.00 AND A MONTHLY SERVICE FEE OF \$85.50; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2024 - 099 Georgia Power Lighting.doc](#)

Pam Conner, City Manager, discussed the additional lighting recommended along Jackson Way and Cemetery at an additional cost \$15,500.

Executive Session was called for the purpose of Litigation Matters at 5:36pm

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that this Executive Session called for the purpose of Litigation be approved at 5:36pm. 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 at 6:12pm

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 2 Wisdom, that this Executive Session was concluded from the purpose of Litigation Matters at 6:12pm be approved. The motion carried by the following vote:

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

Dinner Recessed at 6:48pm

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 2 Wisdom, that this Dinner Recess at 6:48pm 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 7:14pm

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that this Dinner conclude at 7:14pm 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 called for the purpose of Real Estate Matters at 8:24pm

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that this Executive Session called for the purpose of Real Estate Matters at 8:24pm 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 Real Estate Matters at 8:49pm

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 1 McMutry, that this Executive Session conclude from the purpose of Real Estate Matters at 8:49pm 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

City Manager Pam Conner asked for feedback on the ADA options for the new court room in the new municipal complex at additional costs; and introduced Phyllis Calloway as the new Interim Agency Director for the Community Development and Public Works.

Council Member McMutry shared that he enjoyed the Fourth of July celebrations; enjoyed the Georgia Municipal Association Conference; and that he will participate in the Powder Springs Library Read A Thon this coming Saturday.

Council Member Wisdom welcomed everyone for joining the meeting; shared that she enjoyed the Fourth of July celebrations; and shared her report on the Georgia Municipal Association Conference classes.

Council Member Lust made no reports.

Council Member Green shared his peace and blessings; and thanked everyone for their support during his hospital stay.

Council Member Dawkins made no reports.

Recess to Next Scheduled City Council Meeting

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 1 McMutry, that this Recess to Monday July 15, 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