



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 McMurtry, Patricia

Wisdom

Monday, June 17, 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/86565679163>

Meeting ID: 865 6567 9163 Dial: 1-929-205-6099

1. Call To Order

Mayor Albert Thurman called the meeting to order at 7:00 pm. Council Members Dawkins, Green, Lust and McMurtry were present on site. Council Member Wisdom arrived via Zoom at 7:14pm. Also present on site were City Attorney Julie Livingston, City Manager Pam Conner and City Clerk Kelly Axt.

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

Present 5 - Al Thurman, Mayor Pro Tem - Ward 1 Henry Lust, Council Member - Ward 2 Doris Dawkins, Council Member - Ward 3 Dwayne Green, and Council Member - At Large Post 1 Dwight McMurtry

Remote 1 - Council Member - At Large Post 2 Patricia Wisdom

2. Invocation and Pledge of Allegiance

The Invocation was led by Mayor Thurman and the Pledge of Allegiance was led by Council Member Dwight McMurtry.

3. Approval of Minutes

[2024 -051](#)

City Council Work Session Minutes 05/29/2024

Attachments: [City Council Work Session Minutes 29-May-2024](#)

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 1 McMutry, that City Council Work Session Minutes 05/29/2024 be approved. 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 McMutry

Remote: 1 - Council Member - At Large Post 2 Wisdom

[2024 -052](#) City Council Agenda Minutes 06/03/2024

Attachments: [City Council Agenda Minutes 03-Jun-2024](#)

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 1 McMutry, that City Council Agenda Minutes 06/03/2024 be approved. 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 McMutry

Remote: 1 - Council Member - At Large Post 2 Wisdom

[2024 -053](#) City Council Work Session Minutes 06/12/2024

Attachments: [City Council Work Session Minutes 12-Jun-2024](#)

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 1 McMutry, that City Council Work Session Minutes 06/12/2024 be approved. 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 McMutry

Remote: 1 - Council Member - At Large Post 2 Wisdom

4. Mayor's Comments

Mayor Thurman shared that he attended the ribbon cutting for the newest coffee shop last Saturday; attended the State of the County Address last week; will be traveling to Savannah for the Georgia Municipal Association Convention Thursday June 20th; and will attend the South Cobb Business Association Tuesday June 18th to represent the City.

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. Comments only - this is not a question and answer dialogue.

You can register by signing up in person at the Cultural Arts Center located at 4181 Atlanta Street - location of the on site meeting. Only on-site Citizen Comments are available. There are no virtual opportunities to provide Citizen Comments.

6. Public Reports | Presentations

No reports nor presentations were made.

7. City Attorney

A. Consent Agenda

[RES0 24-054](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH HEATH-LINEBACK TO DEVELOP A CONCEPT PLAN AND PERFORM SPECIAL STUDIES FOR AN AMOUNT UP TO \$331,147.50; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

approved

[RES0 24-083](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION AGREEMENT WITH UTILITIES PROTECTION CENTER, LLC D/B/A GEORGIA 811 APPLYING FOR MEMBERSHIP WITH GEORGIA 811 FOR AN INITIAL APPLICATION FEE OF \$200 AND \$1.42 PER TICKET AND THEREAFTER AN ANNUAL LIMITED MEMBERSHIP FEE OF \$25; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2024 - 083 Georgia 811 Membership](#)
[Executed RESO 2024-083](#)
[2024 Billing Explanation](#)
[RESO 24-083 811 Membership Application Executed.pdf](#)

approved

[RES0 24-084](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH S.H. CREEL CONTRACTING TO INSTALL CONNECTIONS TO PARK FEATURES ON THE SILVER COMET TRAIL FOR AN AMOUNT OF \$14,850; PROVIDING

FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2024 - 084 Creel contract amendment Dillard climbing structure](#)
[Executed RESO 2024-084](#)
[RESO 24-084 SH CREEL AMEND 2 Linear Park Executed.pdf](#)

approved

[RESO 24-086](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH R&B DEVELOPER, INC. FOR AN AMOUNT OF \$645,580.80 TO COMPLETE INTERSECTION IMPROVEMENTS AT MACEDONIA ROAD AND NEW MACLAND ROAD UNDER THE SPECIAL PURPOSE LOCAL OPTION SALES TAX PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2024 - 086 New Macland Macedonia intersection improvements](#)
[Executed RESO 2024-086](#)
[New Macland at Macedonia Project Recommendation of Award](#)

approved

[RESO 24-087](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A DEDUCTIVE CHANGE ORDER WITH DAF CONCRETE, INC. TO CLOSE OUT THE DILLARD STREET TRAILHEAD AND PINEVIEW TRAIL AND ROAD IMPROVEMENT PROJECT FOR AN AMOUNT OF \$290,154.70; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Attachments: [RESOLUTION 2024 - 087 Dillard Pineview DAF deductive change order](#)
[Executed RESO 2024-087](#)
[Change Order 1 Final - DAF Concrete Redacted](#)

approved

[RESO 24-088](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR USE BY PUBLIC SAFETY TWELVE FLOCK CAMERAS AND CAMERA SYSTEM FOR FIVE ONE-YEAR TERMS FOR AN ANNUAL AMOUNT OF \$30,000 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2024 - 088 Flock Camera contract consolidation](#)
[Executed RESO 2024-088](#)
[GA - Powder Springs PD - Law Enforcement Agreement - Redacted](#)

approved

[RESO 24-090](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH INLINER SOLUTIONS, LLC; FEDERAL EC LLC; VORTEX SERVICES, LLC; SITE ENGINEERING, INC.; S.H. CREEL CONTRACTING, LLC; AND WITH HD EXCAVATIONS & UTILITIES LLC FOR ON CALL SERVICES TO PERFORM REPAIRS AND MAINTENANCE TO THE CITY'S STORMWATER SYSTEM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Attachments: [RESOLUTION 2024 - 090 On Call Contracts for Stormwater Repairs](#)
[Executed RESO 2024-090](#)
[Staff memo - RFPs 24-003 & -004 On Call SW Repairs](#)
[Powder Springs RFP 24-003 Trenchless repair standby unit price contract](#)
[Powder Springs RFP 24-004 Stormwater repair standby unit price contract](#)
[RESO 24-090 Stormwater On-Call Federal EC.pdf](#)
[RESO 24-090 Stormwater On-Call HD Excavations.pdf](#)
[RESO 24-090 Stormwater On-Call Inliner Solutions.pdf](#)
[RESO 24-090 Stormwater On-Call SH Creel.pdf](#)
[RESO 24-090 Stormwater On-Call Site Engineering.pdf](#)
[RESO 24-090 Stormwater On-Call Vortex Services.pdf](#)

approved

[RESO 24-091](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CIVIC PLUS TO IMPLEMENT ACCESSIBILITY IMPROVEMENTS TO THE CITY OF POWDER SPRINGS WEBSITE CONSISTENT WITH THE AMERICANS WITH DISABILITY ACT FOR A SUM OF \$6300; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Attachments: [RESOLUTION 2024 - 091 Website ADA](#)
[Executed RESO 2024-091](#)
[Civic Plus ADA SOW 060624.pdf](#)

approved

[RESO 24-092](#) A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTIES RELATING TO THE POWDER SPRINGS SAFETY IMPROVEMENTS / FOREST HILL PROJECT KNOWN AS PROJECT NO. 1476.013; FOR AN AMOUNT OF \$737,040; 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 - 092 property acquisition.doc](#)
[Executed RESO 2024-092](#)

approved

[RES0 24-093](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND THE COMMUNITY DEVELOPMENT DIRECTOR TO EXECUTE A RENEWAL AGREEMENT WITH THE GEORGIA CRIME INFORMATION CENTER (GCIC) TO ACCESS BACKGROUND INFORMATION RELATING TO APPLICANTS FOR ALCOHOL LICENSES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [RESOLUTION 2024 - 093 GCIC renewal for alcohol licenses](#)

[Executed RESO 2024-093](#)

[Agency Head and POC NCJ User Agreement \(REVISED\) 7-signed.pdf](#)

[Redacted](#)

approved

Approval of the Consent Agenda

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 McMutry, to approve the Consent Agenda as read by the City Attorney Julie Livingston. 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 McMutry

Remote: 1 - Council Member - At Large Post 2 Wisdom

B. Regular Agenda | Public Hearing

[ORD 24-004](#) 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: 2/19/2024; Second Reading: 3/4/2024

Attachments: [ORDINANCE 2024 - 004 Annexation Barrett William Brown](#)

[Brown. Annexation Application Redacted](#)

[Brown. Attachments Redacted](#)

[Exhibit A. Legal Discription](#)

[FINAL SIGNED Non-Objection ANN-3-2024 Barrett Pky and Laura Brown](#)

[Rd Redacted](#)

[Adopted ORD 2024-004](#)

Joel Larkin, attorney for the applicant William D. Brown, discussed the application to annex into the City limits as part of the City's outreach program.

Tina Garver, Community Development Director, provided a plat of the requested

parcel for annexation.

No speakers for or against ORD 24-004. Related to agenda item PZ 24-005.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that Ordinance ORD 24 -004 be adopted. 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 McMutry

Remote: 1 - Council Member - At Large Post 2 Wisdom

[PZ 24-005](#) Rezoning Request for an approximate 13.64-Acre Tract from R-20 and CRC (County) to CRC (City). The property is located at 6652 Ernest Barrett Pkwy with land lots 765 and 790, 19th District, 2nd Section, Cobb County, Georgia. PIN: 19079000010. Applicant: William D. Brown.

Attachments: [Approved PZ 2024-005](#)
[PZ24-005. Motion to Approve. 06172024](#)
[Brown. Rezoning Application Redacted](#)
[Brown. Attachments Redacted](#)
[FINAL SIGNED Non-Objection ANN-3-2024 Barrett Pky and Laura Brown Rd Redacted](#)
[Executed Tabled to 04-01-2024 Motion PZ 24-005](#)
[Signed Tabled Motion to 04-15-24](#)
[Tabled PZ 24-005 to May 20th](#)
[Signed Tabled Motion PZ 2024-005 to June 17, 2024](#)

Joel Larkin, attorney for the applicant William D. Brown, discussed that the applicant doesn't have current development proposal; and that the applicant is agreeable to the conditions that the Staff has presented.

Tina Garver, Community Development Director, presented the prohibited uses for the parcel; and added that the Planning and Zoning Commission is agreeable to the prohibited uses for the parcel.

No speaker for or against PZ 24-005. Related to agenda item ORD 24-004.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 1 McMutry, that Rezoning PZ 24-005 be approved with the following conditions:

- 1. The request to rezone the subject property to CRC is approved. The following uses are excluded from the uses allowed by right in the CRC zoning district, for the subject property:**
 - I. Dollar Stores**
 - II. Gas Station and Convenience Stores**
 - III. Automobile parts and services**

IV. Carwash

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 McMutry

Remote: 1 - Council Member - At Large Post 2 Wisdom

[ORD 24
-006](#)

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: 2/19/2024; Second Reading: 3/4/2024

Attachments: [ORDINANCE 2024 - 006 Annexation Barrett Vida](#)

[Adopted ORD 2024-006](#)

[Vida. Annexation Application Redacted](#)

[Vida. Attachments](#)

[Exhibit A. Legal Discription](#)

[FINAL SIGNED ANN-4 Notice of Non-Objection Barrett Pky N of Powder Springs 02Redacted](#)

Joel Larkin, attorney for applicant for Vida Companies LLC, discussed the pending contract that the applicant has to purchase the land contingent on the rezoning application PZ 24-007.

Related to agenda item PZ 24-007.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that this ORD 24 -006 be adopted. 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 McMutry

Remote: 1 - Council Member - At Large Post 2 Wisdom

[PZ 24-007](#)

Rezoning Request for an approximate 16.57-Acre Tract from R-20 to MXU (City). The property is located at east side of Ernest Barrett Pkwy within Land Lots 765, 19th District, 2nd Section, Cobb County, Georgia. PIN: 1907900010 (portion). Applicant: Vida Companies, LLC.

Attachments: [PZ24-007. Motion to Approve. 06172024](#)
[Townhome Concepts 6.10.24 Redacted](#)
[Revised Colored Site Plan 1 3.26.24 Redacted](#)
[Revised Technical Site Plan. 2024-06-11](#)
[Property Dedication to city. 2024-06-10 - Exhibit to COPS Redacted](#)
[Powder Springs - Project Examples](#)
[Vida. Rezoning Application Redacted](#)
[Vida. Attachments](#)
[FINAL SIGNED ANN-4 Notice of Non-Objection Barrett Pky N of Powder Springs_02 Redacted](#)
[Executed Tabled to 04-01-2024 Motion PZ 24-007](#)
[Gallery Residential 03.13.2024](#)
[Signed PZ 24-007 Tabled Motion to 04-15-24](#)
[Tabled PZ 24-007 to May 20th](#)
[Signed Tabled Motion PZ 2024-007 to June 17, 2024](#)
[PZ24-007. Motion to Approve. 06172024](#)

Joel Larkin, attorney for applicant for Vida Companies LLC, discussed the pending contract that the applicant has to purchase the land contingent on the rezoning application PZ 24-007.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that PZ 24-007 be approved motion to APPROVE, with the following conditions:

- 1.The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
- 2.The Subject Property shall be developed in substantial conformity to that certain conceptual site plan, dated June 11, 2024, prepared by Geheber Lewis Associates, and inclusive of City Staff and TSW recommendations.
- 3.Final site plan approval shall be subject to final determination of state waters by CityStaff as modified by any future variances or waivers to be obtained by Applicant. No stream buffer variances have been granted as part of this rezoning action.
- 4.Residential Component: The construction of a maximum number of 70 town homes, 290multi-family units (shall include elevators, and internal corridor access). Commercial Component: The construction of a minimum of 5,000-sf of retail space.
- 5.The construction of a club house of a minimum of 6000-sf, to include but not limited to a pool and premium fitness center, and work and assembly spaces.
- 6.The town homes units shall be staggered to the extent required by code or as administratively approved by staff in the final site plan.
- 7.The subject property shall be submitted for subdivision within 18 months of CityCouncil's approval, and prior to the issuance of the Land Disturbance Permit. The Land Disturbance Permit for the multi-family and commercial tracts shall be filed and completed as a single LDP. The community development director is authorized to administratively approve one extension to deadline.
- 8.The architectural style and composition of the town homes shall be thematically and stylistically aligned and consist of traditional architecture on all sides in substantial

conformity to the revised architectural renderings/elevations being submitted concurrently herewith. The side elevations of town home unit rows shall have a minimum of 50% brick net of glazing where visible from the right-of-way, and a minimum of brick or stone water table otherwise. The architecture of the multifamily buildings shall be thematically consistent with the "Luna Apartments" exhibits and elevations submitted with the application.

9.Elevations for the town home component shall be subject to review and approval by Administrative Design Review by staff, in consultation with the Mayor Pro Tempore.

10.Fencing shall be provided along the rear of the property.

11.Electric Vehicle (EV) Charging. Residential garages within the town home components shall be pre-wired with the minimum standards or better for level 2 EV charging capability with a NEMA 14-50 receptacle. The multifamily and commercial components shall have electric vehicle charging stations installed., The minimum number parking spaces equipped for electric vehicle charging shall be at least 10% of the total number of multifamily apartment parking spaces, with a minimum of 4 parking spaces located on the commercial parcel.

12.Stormwater management facilities, must be installed underground. This may be administratively varied to add bio retention with landscaping meeting engineering requirements.

13.The applicant agrees to dedicate to the southern tip of the parcel below the proposed commercial building to the Development Authority of Powder Springs, within thirty (30) days of acquisition of the property from the current owner, as shown on the exhibit attached to this application. The deed of conveyance shall include restrictions that preclude use or development of the conveyed property for (i) dollar stores, or the like; (ii) gas stations and convenience stores; (iii) automobile parts and/or services; and (iv) car washes.

14.The applicant agrees to provide a Reciprocal Easement Agreement for shared road should the property be sold to a third party.

15.The building setbacks and heights shall be as indicated below. Any building locations changes deviating from the attached site plan, dated June 11, 2024, prepared by Geheber Lewis Associates, but consistent with the approved setbacks shall be considered administratively and not require Council approval.

1.Perimeter.

20' minimum rear setback.

25' minimum front setback.

10- minimum side back.

2.Multi-family.

20' minimum side setback from right of way.

50' minimum between multifamily buildings.

75' maximum height from average grade

3.Townhome.

20' minimum side setback from right of way.

20' minimum between town home buildings.

48' maximum height from average grade

4.Commercial Building.

40' minimum front setback from Barrett Pkwy property line.

42' maximum height from average grade

16.A professional and certified third-party management company is required to manage the town homes and multi-family components.

17.The Community Development Director shall be notified in advance of any changes to the management company of the multi-family and town home components.

18.The submission of a landscape plan is required during the Plan Review process which shall be subject to review and approval by the Community Development Director and/or designee. The landscape plan shall include, but is not limited to, the following requirements:

a.A landscape screening, vegetative buffer around the perimeter of the SubjectProperty which has contiguity to existing residential developments.

b.The landscape plan shall be prepared, stamped and signed by a GeorgiaRegistered Landscape

Architect or a degreed Horticulturist and shall identify open space areas; landscaped common areas; and other components of the proposed Residential Community which will be further identified during the Plan Review process.

c. The installation of underground utilities and the utilization of decorative lighting themed to the architectural style and composition as above mentioned.

d. All HVAC, mechanical systems and home utilities within the community shall be located in the rear to the greatest extent possible, or screened by way of fencing and/or landscaping, subject to staff approval.

e. Entry signage for the proposed Residential Community shall be ground-based, monument-style, landscaped, lighted and irrigated.

f. The installation of landscaped front, side and rear yards and attendant irrigation components where indicated by the Arborist.

Compliance with the City's current Tree Preservation & Replacement Ordinance and substantial conformity to all tree protection measures and the adherence to same during the construction and build out. Clearing shall be conducted in phases in compliance with the provisions of the UDC.

19. Signage for the Subject Property shall consist of ground-based, monument-style signage and building signage consistent with the City of Powder Springs Sign Ordinance. Additionally, within the interior of the site, there shall be appropriately positioned, ground-based directional signage in order to ensure ease of maneuverability and accessibility.

20. All outdoor lighting shall be 3000K color temperature or lower.

21. Parking shall be consistent with the referenced site plan, which depicts that the minimum number of parking space requirement is provided for the Residential and Commercial components.

Additionally:

a. Driveways for the town home residential units shall be a minimum of 20-feet in length from the garage to the back of the sidewalk. Covenants for management company must include language that states that vehicles shall not be parked in a manner that will encroach in the sidewalk.

b. Multi-family and commercial surface parking spaces shall be 9'x18'.

c. Bicycle parking racks shall be located at the amenity areas and distributed throughout the development. At minimum of 6 bicycle parking U racks are to be provided.

22. Approval is subject to recommendations from the City of Powder Springs Engineer and/or the City's consultants concerning hydrology, storm water management, detention, water quality and downstream considerations, including recommendations regarding the ultimate positioning and configuration of on-site detention and water quality. Also, compliance with the following engineering considerations:

a. Providing the City Engineer and/or the City's consultants with a Hydrology Plan For the Subject Property during the Plan Review process.

b. Compliance with City Engineer's requirements for low impact design and bio retention, to include runoff capture or infiltration practices into the site either upstream of storage facilities or integral with grading and drainage and/or pavement and/or landscaping. At the time of design and plan production the applicant will be within the 1-mile of an impaired stream, therefore the applicant shall provide 4 additional BMPs in Appendix 1 checklist.

c. Verifying all points of discharge with respect to detention/water quality.

d. Compliance with the protections required under State and Local Law Concerning adjacent stream bank buffers and an agreement that there has been no "buffer averaging".

e. Impervious surface calculations shall not exceed 60% of the total site area pursuant to and in accordance with UDC requirements and as shown on the revised site plan.

23. Compliance with the recommendations from the City's Engineer and/or Consultants with respect to Public Works and traffic/transportation issues, as follows:

a. Streets shall be built to the City of Powder Springs' Design and Detail Standards, including the construction of sidewalks on both sides of the interior streets.

b. The interior streets shall be designed to provide appropriate access and maneuverability for

public safety services and vehicles. Notwithstanding the preceding, any alley shall accommodate police and sanitation vehicles.

c. Compliance with the Fire Marshall's recommendations with respect to LifeSafety & Fire Prevention Issues during the Plan Review process.

24. Common Open Space areas, amenities, mail kiosks, and all of the various components for common and public use as described above shall be constructed in compliance with ADA regulations with respect to accessibility and related factors.

25. The Community Development Director shall have the authority to approve minor modifications to these stipulations, the architectural renderings/elevations, the site plan and the overall proposal as it proceeds through the Plan Review process and thereafter except for those that:

a. Increase the density of the Residential Community.

b. Relocate a structure closer to the property line of adjacent property which is zoned the same or in a more restrictive zoning district.

c. Increase the height of a building which is adjacent to property which is zoned in the same or more restrictive zoning district.

d. Change access locations to different rights-of-way.

26. Traffic impacts will be reviewed as part of the Land Disturbance Permit process. Applicant agrees to off site improvements necessitated by this development, on land controlled by the applicant, within existing rights of way and in an aggregate amount not to exceed \$250,000.

27. No less than 5,000 square feet of the commercial component shall be permitted concurrently with the proposed residential component. No more than 50% of the total number of dwelling units authorized in the MXU development shall receive Certificates of Occupancy from the city until the completion of the Commercial building, evidenced by completion of commercial building in cold dark shell condition.

28. No more than 50% of certificates of occupancy for the Multi-family and town home buildings will be issued prior to the completion of amenity building and pool, as evidenced by certificates of occupancy.

29. If any phase of the site has been cleared and graded, and subsequent development on the site stalls for a period of 6 months or more after issuance of land development permits, as evidenced by a lack of issuance of building permits and inspections requests as would be normal for building construction to proceed to certificate of completion, the cleared area of the site shall be stabilized and seeded, and revegetated buffer and perimeter requirements per a plan approved by the Community Development Director.

30. Pedestrian access shall be provided throughout the development. A sidewalk plan shall be included with the land disturbance plan clearly showing connectivity throughout the development.

31. The central green areas of the town homes; and open spaces near multifamily developments, shall be graded to allow usable green spaces, subject to approval in the final site plan.

32. The Declaration of Covenants, Conditions and Restrictions ("CCRs") shall contain a provision that, Workforce Housing Credit ("WHC") shall be provided in accordance with the following provisions, for the multifamily development, in compliance with UDC Sec. 4-325, as modified by the provisions below:

i. Workforce credit shall apply to 3% of the total units, which shall be spread approximately pro rata across all unit types, by number of bedrooms ("WorkforceUnits"). Owner shall float Workforce Units around the property as needed to manage lease expirations and availability of Qualified Tenants.

ii. "Qualified Tenants" must be employed by the City of Powder Springs, Cobb County or another municipality located within Cobb County, or must be employed by a medical facility located within the City of Powder Springs or Cobb County. Additionally, such Qualified Tenants shall have household incomes that do not exceed 100% of the Area Median income (AMI) (as published annually by HUD for Atlanta-Sandy Springs-Roswell HUD Metro FMR Area).

iii. Qualified Tenants must meet all credit and background screening requirements that are

imposed on market rate tenants. In the event of Owner cannot locate Qualified Tenants Within 60 days of a Workforce Unit notice to vacate, Owner shall market and lease unit to a market rate tenant, and the next identified Qualified Tenant will be placed on await list for the next available floating Workforce Unit.

iv. The Workforce Housing program shall end the earlier of (1) twenty years after the first certificate of occupancy is issued or (2) upon recordation of condominium plat and units being offered for-sale to individual buyers.

v. Workforce Unit rents are to be calculated based on HUDUSER 80% income limits for the Atlanta – Sandy Springs – Roswell HUD Metro FMR Area, and shall be set to 30% of the income limits specified in the HUDUSER data. Regardless of actual household size, the rents will be established with 1.5 persons per bedroom for all one bedroom or larger units. Studios will be one person per bedroom.

As a mathematical example, the 1-person 80% AMI rents are \$57,200 in FY 2023. 30% of this is \$17,160, divided by 12 months is \$1,430. Thus, a studio would rent for \$1,430.

For a one bedroom, the average of the 1-person and 2-person 80% income limit would be taken: $(\$57,200 + \$65,360) / 2 = \$61,280 * 30\% / 12 = \$1,532$

For a two bedroom, the 3-person 80% income limit is taken.

For a three bedroom, the average of the 4-person and 5-person 80% income limit is taken.

For a four bedroom, the 6-person 80% income limit is taken.

vi. Should the property be sold or transferred, the workforce credit program shall carry with the property to the subsequent owner.

vii. The Workforce Units will be made available on a continuous basis to all Households that meet the foregoing Tenant Qualifications on a first come, first served basis. The Workforce Units shall be the same construction and appearance (e.g., type and brand of appliances, materials used for countertops, flooring, etc.) to the “Market Rate Units,” shall not be in isolated areas in the Project and shall be interspersed among the Market Rate Units to the extent possible.

viii. The property owner (or its property management company) shall deliver semi-annual monitoring and compliance reports to the Issuer during the period. Such reports shall include a Compliance Certificate, Rent Roll and Resident Income Certification (collectively, the “Compliance Forms”). The Compliance Forms shall be delivered to the City of Powder Springs no later than twenty (20) days from the end of each calendar period.

ix. Qualified Tenants occupying the workforce credit units must reapply to meet the Tenant Qualifications on an annual basis, due sixty days prior to lease renewal. Should a Tenant Who previously qualified and is inhabiting a workforce credit unit not qualify upon renewal, such Tenant shall have the right to either 1) Execute a market rent lease at lease renewal for the inhabited unit or an alternate market rate vacant unit within the development or 2) Vacate the inhabited workforce credit unit within sixty days, while still paying the monthly discounted rent over the sixty day period.

33. The development site shall be maintained to manage unsightly overgrowth of vegetation, and steps taken to prevent and respond to incidence of illegal dumping.

34. All areas located in the floodplain and undisturbed stream buffer shall be placed in a conservation easement.

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 McMurtry

Remote: 1 - Council Member - At Large Post 2 Wisdom

[ORD 24](#)
[-013](#)

AN ORDINANCE TO ADOPT THE BUDGET FOR FISCAL YEARS 2025-26;
TO ESTABLISH AN EFFECTIVE DATE; TO REPEAL CONFLICTING
ORDINANCES; AND FOR OTHER PURPOSES.

1st Reading - 6/3/24 2nd Reading and Public Hearing - 6/17/24

Attachments: [ORDINANCE 2024 - 013 Budget Adoption for FY 2025-26](#)
[FY25-26 draft budget ORD 24-013.pdf](#)
[FY25-26 draft budget presentation](#)

Pam Conner, City Manager, provided a presentation of the proposed uses for the Fiscal Year 2025 budget.

Travis Sims, Finance Director, discussed the Fiscal Year 2025 budget.

Mary Berlinger, resident of Powder Springs, asked how much of a tax break did the multi family development receive.

Mrs. Conner, replied that the downtown multi family were eligible for a graduated increase in taxes due to the development is within the enterprise zone; the Brownsville/Oglesby Roads apartments did not qualify for the similar graduated taxes because the development is outside of the enterprise zone and will pay the commercial tax rate.

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that Ordinance ORD 24 -013 be adopted. 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 made no reports.

Council Member Green made no reports.

Council Member Dawkins wished everyone a good evening and thanked them for joining the meeting.

Council Member Lust thanked everyone that joined the meeting in person as well as online; hoped that all the fathers had an enjoyable Father's Day; and looks forward to spending time at the Georgia Municipal Association Convention.

Council Member McMutry shared that he attended the Cobb Family Advocacy Center last week; and attended the State of the County Address last week.

Council Member Wisdom greeted everyone.

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 1 McMutry, that this Adjournment be approved. 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 McMutry

Remote: 1 - Council Member - At Large Post 2 Wisdom