



City of Powder Springs

Council Minutes - Final

City Council

City of Powder Springs
4484 Marietta Street
Powder Springs, GA
30127

Mayor
Patricia C. Vaughn

Council Members:
Rosalyn Neal, Thomas Bevirt
Ra Barr, Al Thurman, Bob Farmer

Monday, January 5, 2009

7:00 PM

Council Chambers

1. Call to Order

Mayor Vaughn called the meeting to order at 7:00 p.m. All Council Members were present. Also present were City Attorney Richard Calhoun, City Clerk Dawn Davis

2. Invocation and Pledge of Allegiance

3. Approval of Minutes

a. December 1, 2008 Regular City Council Meeting: Al Thurman made a motion to approve, Rosalyn Neal seconded, motion carried 5/0.

b. December 15, 2008 Special Called Meeting: Rosalyn Neal made a motion to approve, Tom Bevirt seconded, motion carried 5/0.

c. December 17, 2008 Special Called Meeting: Bob Farmer made a motion to approve, Rosalyn Neal seconded, motion carried 5/0.

4. Mayor's Comments

Mayor Vaughn made the following appointments:

a. 2009 Council Committee Chair Appointments:

Finance: Rosalyn Neal
Water & Sewer: Al Thurman
Streets & Sanitation: Ra Barr
Police: Bob Farmer
Parks & Recreation: Tom Bevirt

b. 2009 Council Member Liaison for City Board Appointments:

Planning & Zoning: Rosalyn Neal
Downtown Authority of Powder Springs: Ra Barr
Downtown Development Authority: Al Thurman
Ford Center: Tom Bevirt
Keep Powder Springs Beautiful: Bob Farmer

Events Coordinator: Patricia Vaughn
CMA Voting Delegates: Ra Barr
McEachern High School Partnership: Rosalyn Neal
Tapp Middle School Partnership: Al Thurman

- c. Mayor Vaughn made the following recommendations as official appointments:

City Clerk: Dawn Davis
City Attorney: Brock, Clay, Calhoun & Rogers
Fiscal Agent: Morgan, Keegan & Company, Inc.
City Auditor: Moore & Cubbedge
Building Inspections: SAFEbuilt, Inc.
City Engineer: Croy Engineering, LLC.

Ra Barr made a motion to approve these appointments, Bob Farmer seconded, motion carried 5/0.

- d. 2009 Mayor Pro Tem Election: By secret ballot, the Council elected Councilman Farmer as Mayor Pro Tem.

After Mayor Vaughn made her appointments she stated that she wished everyone a Happy New Year. She also welcomed Boy Scout Troop 1294 and thanked them for coming to observe the meeting.

5. Citizens Comments

No one signed up for Citizen's Comments.

6. City Attorney

Consent Agenda

Mr. Calhoun presented the consent agenda as follows and asked if there was anyone present who wished to comment on any of the items. No one spoke for or against any items.

- a. 2nd Rding, an Ordinance amending Chapter 7 "Elections" Section 7-1 "Authority for County to Conduct Municipal Elections" of the Code of Ordinances.
- b. 2nd Rding, Deannexation of 0.21 acres located in Land Lot 807 of the 19th District, Parcel 13, 2nd Section, (3564 Finch Road) Cobb County, Georgia from the City of Powder Springs into unincorporated Cobb County.
- c. 2nd Rding, "Enforcement: Notice of Violation", Subsection (e) of the Code of Ordinances.

- d. A resolution authorizing the Mayor to execute a Professional Services Agreement with PBS&J for the preparation of the IDSE Stage II Monitoring Plan Final Report.
- e. A resolution authorizing the Mayor to execute the attached Franchise Agreement between the City of Powder Springs, GA. and Comcast of Georgia/Michigan, LP.
- f. A resolution to authorize the participation by the City of Powder Springs in the United States Census Bureau's 2010 Census by partnering with Cobb County and other Cobb cities on a compete count committee to generate an awareness and education campaign about the census.
- g. A resolution establishing Qualifying Fees; authorizing the City Clerk and the City Election Superintendent to publish notices of Qualifying Fees and any other notices required or permitted to be published by the governing authority in connection therewith.
- h. A resolution to certify the completion of certain renovations with Economic Development Initiative (EDI) Funds granted by the Department of Housing and Urban Development and to authorize the Mayor to execute the EDI Grant Close Out Agreement.
- i. A resolution authorizing the Mayor to execute a contract with Lewallen Construction, Inc. for construction of certain SPLOST Sidewalk Project.
Al Thurman made a motion to approve the Consent Agenda as presented, Ra Barr seconded, motion carried 5/0.

Regular Agenda

- j. **Special Use - Mobile Food Service Vendor**
Tony Steele, 3305 New Macland Road, Land Lot 725

Ra Barr made a motion to approve with the following stipulations, Al Thurman seconded, motion carried 5/0.

1. That the approval shall expire in one year and the applicant shall reapply for Special Use Approval.
2. That the hours of operation shall be limited to 8:00 a.m. until 11:00 p.m., Monday through Sunday at the base of operations. In residential areas, the hours of operation should be limited to 11:00 a.m. until 8:00 p.m. Monday through Saturday and noon and 8:00 pm on Sundays. These hours of operation shall not include transit not involving food sales.
3. That the applicant obtain from the city clerk a permit to solicit before selling from his mobile unit in a residential neighborhood, and that applicant may only drive through rather than remain stationary when selling in a residential neighborhood.
4. That the trucks meet the dimensions by definition of a commercial vehicle excluding the A/C units.
5. That the trucks be stored in front of the business between the hours of 9 p.m. and 8 a.m. daily.
6. That all loading and unloading be conducted from the rear of the business.
7. That all trucks not in operation be parked to the rear of the business during regular business hours.
8. That no more than one vehicle be serving goods in front of the business for no more than three days a week.
9. That annual approval from the Cobb County Health Department be received indicating compliance with health code regulations prior to renewal of a business license.
10. That the vehicles observe and comply with the noise ordinance as established by the Code of Ordinances.
11. Violation of the conditions of approval will render the approval null and void and the business license revoked.

k.

Rezoning: Change in Site Plan and Conditions of Zoning

Lynn Wilson/Hinton Horizons; RDS Parkway Extension, Florence Road, and CH James Parkway; LL 805

The Mayor asked if there was any discussion before the vote was taken. Mr. Bevirt stated that he wished all the convenience stores resembled the proposed store but was concerned about approving this project. He stated that the City had spent \$14,000 on the 278 Corridor Study and that this area was identified as a key location. He further said that a number of promises had been made to the Council about how this area would be developed but no action has been taken on any of the plans. He said that he had hoped to have something other than a convenience store and gas station on this site.

Ra Barr made a motion to approve with the following stipulations, Al Thurman seconded, motion carried 4/1 (Tom Bevirt opposed).

1. That the plans be substantially in accordance with the site plan presented to staff entitled "Hinton Horizons" preparer unknown and dated received 11-7-08, except as herein specified that proper site development, landscape, and construction drawings be presented in full compliance with all UDC requirements.
2. The prior to issuance of a land disturbance permit and within 90 days of date of approval of this application by Mayor and Council, the excess right of way (now abandoned) shall be sold to and purchased by the property owner or a new site plan for the entire 11 acre site be submitted to and approved by mayor and Council.
3. That setbacks be reviewed by the Fire Marshall and Public Works Department to allow for safety and utility infrastructure.
4. That a streetscape improvement plan be submitted for staff review to include seating areas, pedestrian walkways and connections, street furniture, and landscape treatments before a land disturbance permit is issued.
5. That a cross access/cross parking agreement be submitted for staff review and approval prior to issuance of a land disturbance permit.
6. That the use of stucco and HVAC equipment on the roof is prohibited.
7. All exterior facades of all buildings shall be entirely brick on all four sides.
8. Exterior signage for the development shall be ground based, monument style and shall not exceed a height of ten feet from final grade of property or crown of road, whichever is less.
9. Installation of underground utilities and utilization of decorative lighting shall be mandatory. A comprehensive lighting plan shall be submitted to the Community Development Department for review and approval.
10. That the architectural renderings and elevations be presented for Mayor and City Council approval prior to issuance of a building permit, and shall include structures with pitched roofs, full brick on all facades and brick on canopy columns.
11. That all previous conditions granted by mayor and Council on August 21, 2006 be in full force and effect except as herein modified and except that no other gasoline station or convenience store shall be permitted on either the 7 acre site located immediately north of the subject property or within any other area within the 11 acre site on which the subject gasoline station and convenience store are proposed.
12. That a plat of the property be approved by the City of Powder Springs and recorded in the public records of Cobb County prior to

issuance of a land disturbance permit.

13. That a streetscape improvement plan be submitted to and approved by the Public Works and Community Development Departments.

14. The building is completed by December 31, 2009 as evidenced by the Certificate of Occupancy.

I.

Public Hearing, Alcohol License, Khan Petroleum, Inc.,
4150 Marietta Street

Rosalyn Neal asked Mr. Khan if he was aware of the city's rules and regulations regarding selling alcohol. He stated that he was aware. Ms. Neal also asked if all his employees would be attending the alcohol course given by Cobb County. He replied that was his plan. Mr. Bevirt stated that the City had zero tolerance for the sale of alcohol to minors and that his employees could be arrested if found to be selling to minors. He asked Mr. Khan to explain how he planned to monitor the sale to minors. Mr. Khan stated that he would check everyone's ID and that the cashier had to enter the date of birth before the sale could be completed. Ms. Neal asked if he would be monitoring his cash register tapes to insure that an employee was not entering the same date for each sale. Mr. Khan stated that he would monitor the receipts for such a problem. Mr. Thurman asked if there would be any single sales, and Mr. Khan replied no. Mr. Farmer recommended that Mr. Khan not sell to anyone who had "Under 21" on their driver's license. He said that method had been successful for other vendors.

Bob Farmer made a motion to approve, Rosalyn Neal seconded, motion carried 5/0.

7. City Council Reports

- a. Ra Barr: Mr. Barr wished everyone a safe and prosperous new year.
- b. Tom Bevirt: Mr. Bevirt thanked everyone for their nice gifts and cards.
- c. Rosalyn Neal: Ms. Neal dittoed everyone else's comments. She said that it was good to see the Boy Scouts attending the meeting. She also thanked Sheila Marshall and Stan Kaady (members of the Planning and Zoning Board) for also attending the meeting.
- d. Bob Farmer: Mr. Farmer wished everyone a happy and prosperous new year and was hopeful that 2009 would be a better year than 2008.
- e. Al Thurman: Mr. Thurman wished everyone a happy and prosperous new year.

Mayor Vaughn stated that the Council was back to the regular schedule of meeting on the 1st and 3rd Mondays (with one exception, the Council

would meet on January 20th instead of January 19th due to the Martin Luther King holiday.

Rosalyn Neal made a motion to adjourn, Al Thurman seconded, motion carried 5/0. Meeting adjourned at 8:00 p.m.



Dawn R. Davis
City Clerk