



# City of Powder Springs

## Agenda - Draft

### 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*

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Monday, September 21, 2009

7:00 PM

Council Chambers

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**1. Call to Order**

**2. Invocation and Pledge of Allegiance**

**3. Approval of Minutes**

- A. August 17, 2009 Regular City Council Meeting
- B. August 31, 2009, Special Called Meeting

**4. Mayor's Comments**

- A. Appointment of Downtown Development Board Members
- B. Proclamation for Cobb Diaper Day

**5. Citizens Comments**

**6. City Attorney**

**Consent Agenda**

- A. **RES0 09-56** Utility Management Services Contract
- B. **RES0 09-70** A resolution approving and authorizing the Mayor to execute that certain 6th Amendment to Program Management Services Agreement, dated March 8, 2008, as entered into by and between the City and Croy Engineering, LLC., as Program Manager.
- C. **RES0 09-71** A resolution approving and authorizing the Mayor to execute that certain 7th Amendment to Program Management Services Agreement, dated March 8, 2007, as entered into by and between the City and Croy Engineering, LLC., as Program Manager.
- D. **RES0 09-74** Resolution regarding use of CDBG Supplemental Funds

- E.     **RES0 09-75**     A resolution approving and authorizing the Mayor to execute a Change Order to amend the contract with Triscapes for certain additional SPLOST Program improvements.
- F.     **RES0 09-76**     Resolution Authorizing Mayor to Issue Letter of Intent
- G.     **RES0 09-77**     Community Events
- H.     **RES0 09-79**     A resolution approving the attached bid documents awarding the 2008 LARP Resurfacing Project to Atlanta Paving and Construction Inc. and to authorize the Mayor to execute a contract.
- I.     **RES0 09-80**     A resolution authorizing the Mayor to sign the Equitable Sharing Affidavit that certifies the City Council and the Police Department have read and understand their obligations under the Equitable Sharing Agreement.
- J.     **ORD 09-38**     2nd Rding, an ordinance to amend the "Powder Springs Municipal Court-Cash bond Listing with Fund Breakdown"
- K.     **ORD 09-40**     2nd Rding, an ordinance to create Chapter 20 of the Code of Ordinances to be known as "Streets, Sidewalks and Other Places" in order to administer and regulate the Public Right of Way in the public interest, and to the issuance and regulation of Public Right of Way Permits.
- L.     **ORD 09-41**     2nd Rding, an ordinance adopting a new Equal Employment Opportunity Policy Statement for the City.
- M.     **ORD 09-45**     2nd Rding, an ordinance to amend the Retirement Plan for the Employees of the City in accordance with and subject to the terms and conditions set forth in the attached adoption agreement, the Georgia Municipal Employees Benefit System (GMEBS) Master Plan Document, and the GMEBS Joint Trust Agreement.
- N.     **PZ-089118**     Special Use Approval: Warehousing and storage; SBC Recycling 3003 Springs Industrial Drive; LL 674 per stipulations listed on Exhibit A-Consent Agenda Attachment
- O.     **PZ-089119**     Special Use Approval: In home alterations: John Pontello, 3664 Ponderosa Lane; LL 832 per stipulations listed on Exhibit A-Consent Agenda Attachment
- P.     **PZ-089120**     Special Use Approval: In-home skin treatments and sales of skincare products; Wanda McDaniel, 3315 Forest Hill Road; LL 758 per stipulations listed on Exhibit A-Consent Agenda Attachment
- Q.     **PZ-089124**     Variance, Special Exception-reduce side and rear setback, Land Lot 726 and 765; Samuel and Kelly Arnold per stipulations listed on Exhibit A-Consent Agenda Attachment.

**Regular Agenda**

- R.     **PZ-089117**     Variance, Sidewalk, driveway and parking requirements Clare Specht/Paul Moore; 3294 Old Austell Road; LL 904 per stipulations listed on Exhibit A-Consent Agenda Attachment
- S.     **PZ-089116**     Zoning, Change in Conditions, Land Lots 375, 976, 1024, 1023 and 1022; United Community Bank/D.R. Horton Homes - Springbrooke Estates.
- T.     **PZ-089125**     Zoning, Change in Conditions, Land Lot 651; Community Bank of the South-Vineyards at New Macland.
- U.     **PZ-089122**     Variance, Setbacks and Development Standards; Land Lot 651; Community Bank of the South-Vineyards at New Macland.
- V.     **PZ-089121**     Zoning, Change in Conditions, Land Lot 873; Powder River LLC/New Macland & Marietta
- W.     **PZ-089123**     Variances, Hardship for design standards, open space and commercial development; Land Lot 873; Powder River LLC/Dan Burge-The Enclave
- X.     **PZ-089126**     Design Review - Enclave at Silver Comet- detached single family homes; Dan Burge; New Macland Road and Marietta Street; LL 873
- Y.     **ORD 09-47**     Public Hearing & 1st Rding, to amend the Unified Development Code, Article 2

**7.     City Council Reports**

- a. Tom Bevirt
- b. Bob Farmer
- c. Rosalyn Neal
- d. Al Thurman
- e. Ra Barr

**8.     Executive Session**

**9.     Adjournment**

Exhibit A

City of Powder Springs  
City Council Meeting  
September 21, 2009  
Consent Agenda Attachment  
Stipulations

**AGENDA ITEM : PZ-089118**

Special Use Approval: Warehousing and storage; SBC Recycling 3003 Springs Industrial Drive; LL 674

Stipulations:

1. That the approval shall expire when the current user vacates the property and any subsequent applicant shall reapply for Special Use Approval.
2. That the hours of operation are limited to 8 a.m. to 5 p.m. Monday through Friday and 8 a.m. to 12 noon on Saturdays.
3. Site access and screening be subject to review by the City.
4. Outdoor storage is prohibited.
5. Violation of the conditions of approval will render the approval null and void and the business license automatically revoked.

**AGENDA ITEM : PZ-089119**

Special Use Approval: In home alterations: John Pontello, 3664 Ponderosa Lane; LL 832.

Stipulations:

1. That the approval shall expire in 4 years and the applicant shall reapply for Special Use Approval.
2. That the hours of operation be from 8 a.m. to 9 p.m. Monday thorough Saturday.
3. That no more than 1 client receive alterations at any given time.
4. Violation of the conditions of approval will render the approval null and void and th business license automatically revoked.

**AGENDA ITEM : PZ-089120**

Special Use Approval: In-home skin treatments and sales of skincare products; Wanda McDaniel, 3315 Forest Hill Road; LL 758

Stipulations:

1. That the approval shall expire in 4 years and the applicant shall reapply for Special Use Approval.
2. That the hours of operation be from 9:00 a.m. to 9:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday
3. That no more than one client receive treatment at any given time.
4. Violations of the conditions of approval will render the approval null and void and the business license automatically revoked.

**AGENDA ITEM : PZ08-124:**

Variance, Special Exception-reduce side and rear setback, Land Lot 726 and 765; Samuel and Kelly Arnold.

Stipulations:

1. That the two-car garage be located a minimum of 5 feet from the rear (east) and interior side (south) property lines.
2. That the structure be painted in a muted earth tone color to compliment the home.
3. That the shingles used on the structure be gray or dark earth tone consistent with the shingles on the principal building.
4. That the applicant and property owner apply for and secure a building permit within 30 days of approval of the variance by the Mayor and Council.
5. That the applicant/property owner extend the privacy fence along the back of the property behind the proposed two-car garage.