

CITY OF NEWNAN, GEORGIA
REGULAR COUNCIL MEETING

FEBRUARY 13, 2018

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, February 13, 2018 at 2:30 p.m. in the Richard A. Bolin Council Chambers of City Hall with Mayor Keith Brady presiding.

CALL TO ORDER

Mayor Brady called the meeting to order and delivered the invocation.

PRESENT

Mayor Keith Brady: Council members present: Ray DuBose; George Alexander; Cynthia E. Jenkins; Clayton Hicks, Rhodes Shell and Dustin Koritko. Also present: City Manager, Cleatus Phillips; City Clerk, Della Hill; Planning Director, Tracy Dunnavant; Assistant City Manager, Hasco Craver; City Attorney, Brad Sears and Police Chief, Douglas (Buster) Meadows.

MINUTES – REGULAR MEETING – JANUARY 23, 2018

Motion by Councilman DuBose, seconded by Councilman Koritko to dispense with the reading of the minutes of the Regular Council meeting for January 23, 2018 and adopt them as presented.

MOTION CARRIED. (7 – 0)

APPOINTMENT – NEWNAN CULTURAL ARTS COMMISSION – UNEXPIRED TERM

Mayor Brady asked the City Manager to place Councilman Hicks' appointment to the Newnan Cultural Arts Commission on the agenda for the next meeting.

APPOINTMENT – PARKS COMMISSION – THREE YEAR TERM

Mayor Brady asked the City manager to place Councilman Hicks' appointment to the Parks Commission on the agenda for the next meeting.

APPOINTMENT – PLANNING COMMISSION – THREE YEAR TERM

Motion by Councilman Koritko, seconded by Councilman DuBose to re-appoint Proctor Smith to the Planning Commission for another three (3) year term.

MOTION CARRIED. (7 – 0)

APPOINTMENTS – TREE COMMISSION – THREE YEAR TERMS

Mayor Brady asked the City Manager to place Councilman Hicks and Councilman Alexander's appointments to the Tree Commission on the agenda for the next meeting.

APPOINTMENT – ETHICS COMMISSION

Mayor Brady asked the City Manager to place Councilman Alexander's appointment to the Ethics Commission on the agenda for the next meeting.

APPOINTMENTS – CHRISTMAS COMMISSION

Motion by Councilman Shell, seconded by Councilman Alexander to re-appoint Linda Arnall to the Christmas Commission for another two (2) year term.

MOTION CARRIED. (7 – 0)

Motion by Councilman Koritko, seconded by Mayor Pro Tem Jenkins to re-appoint Jane Clifford to the Christmas Commission for another year.

MOTION CARRIED. (7 – 0)

Motion by Mayor Brady, seconded by Mayor Pro Tem Jenkins to re-appoint Val Cranford to the Christmas Commission for another two (2) year term.

MOTION CARRIED. (7 – 0)

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Shell to re-appoint Norma Haynes to the Christmas Commission for another two (2) year term.

MOTION CARRIED. (7 – 0)

Motion by Councilman Hicks, seconded by Councilman Shell to re-appoint Allison (Allie) Holloman to the Christmas Commission for another two (2) year term.

MOTION CARRIED. (7 – 0)

Motion by Councilman DuBose, seconded by Councilman Hicks to re-appoint Shushura Smith to the Christmas Commission for another two (2) year term.

MOTION CARRIED. (7 – 0)

Motion by Councilman Alexander, seconded by Councilman Shell to re-appoint Allison Zeigler to the Christmas Commission for another two (2) year term.

MOTION CARRIED. (7 – 0)

PUBLIC HEARING – ALCOHOL BEVERAGE – RUBY TUESDAY

Mayor Brady opened a public hearing on the application for Retail on Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine license to transfer License Representative for Ruby Tuesday located at 1120 Bullsboro Drive.

A representative of applicant was present for the hearing.

No one present spoke for or against the application. Mayor Brady closed the public hearing. The City Clerk advised that all the documentation had been received and everything was in order.

Motion by Councilman Hicks, seconded by Councilman Koritko to approve the application for Retail On Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine license to transfer License Representative for Ruby Tuesday located at 1120 Bullsboro Drive.

MOTION CARRIED. (7- 0)

PUBLIC HEARING – ALCOHOL BEVERAGE – H J WINGS & THINGS

Mayor Brady opened a public hearing on the application for Retail on Premise (Pouring) Sales of Malt Beverages and Wine License to transfer to OOMPA, LLC dba H J Wings & Things located at 31 Market Square Ste. 101.

A representative of applicant was present for the hearing.

No one present spoke for or against the application. Mayor Brady closed the public hearing. The City Clerk advised that all the documentation had been received and everything was in order.

Motion by Councilman Hicks, seconded by Councilman Shell to approve the application to transfer to OOMPA, LLC dba H J Wings & Things for Retail on Premise (Pouring) Sales of Malt Beverages & Wine license located at 31 Market Square, Ste. 101.

MOTION CARRIED. (7 – 0)

BID – HVAC UNIT WADSWORTH AUDITORIUM REMOVE AND REPLACE UNIT

Motion by Councilman Alexander, seconded by Councilman Hicks to award contract to Georgia Central Mechanical to remove the existing HVAC unit from the Wadsworth Auditorium and replace it with a new Carrier RTU in the amount of \$40,312.00.

MOTION CARRIED. (7 – 0)

SURPLUS PROPERTY DECLARATION AND DISPOSITION

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Koritko to declare as surplus the equipment list as presented for the Surplus Property Schedule and grant authorization for the disposal of such.

MOTION CARRIED. (7 – 0)

AGREEMENT – GEORGIA DEPARTMENT OF DRIVERS SERVICES – PERFORM ONLINE MOTOR VEHICLE HISTORY CHECKS

Motion by Councilman DuBose, seconded by Councilman Alexander to approve the renewal agreement with Georgia Department of Drivers Services to perform online Motor Vehicle History checks on prospective employees.

MOTION CARRIED. (7 – 0)

2ND AND FINAL READING – ORDINANCE – ANNEX 1.12± ACRES – 856 POPLAR ROAD INTO CITY LIMITS

Mayor Brady turned the meeting over to Mayor Pro Tem Jenkin for these two items because he has a business relationship with Standing Boy Properties.

Motion by Councilman Shell, seconded by Councilman Hicks to adopt on 2nd reading an Ordinance to annex 1.12± acres located at 856 Poplar Road into the existing corporate limits of the City of Newnan. Abstained: Brady.

MOTION CARRIED. (6 – 0 - 1)

2ND FINAL READING - ORDINANCE – AMEND ZONING MAP – 1.12 ± ACRES – 856 POPLAR ROAD – CGN GENERAL COMMERCIAL

Motion by Councilman Shell, seconded by Councilman Koritko to adopt on 2nd reading an Ordinance to amend the Zoning map for 856 Poplar Road containing 1.12± acres as CGN General Commercial. Abstained: Brady.

MOTION CARRIED. (6 – 0 -1)

REQUEST – CENTRAL BAPTIST CHURCH – PERMANENT CLOSURE OF BROWN STREET BETWEEN WEST BROAD AND SPRING STREETS

The City Manager informed Council on January 9, 2018, Council considered an initial request from Central Baptist Church to permanently close a section of Brown Street in order to expand the church facility, including a new fellowship hall. The request was forwarded to staff for further review and report. Staff gathered information in several subject areas.

Stated Benefits – The project does include some obvious benefits to the community. The provision of public parking is the most obvious, but the investment of over \$6 million into our community is significant.

Traffic – Central Baptist hired Wilburn and Associates to conduct a traffic study to determine the potential impact of the closure. The engineers have estimated the AADT (Annual Average Daily Traffic) for College Street will increase from 1500 vehicles to 1980 vehicles.

Preservation – The National Register staff reviewed the information supplied. The proposed demolition, street closure, and new construction would certainly diminish the Newnan Commercial Historic District's integrity, and in doing so would render the district's existing boundaries inaccurate, this proposal as presented in and of itself would not be sufficient cause for the district to potentially require delisting.

Utilities – The City's Engineering Department coordinated a utility review and it was determined that Newnan Utilities, Atlanta Gas and Light, AT&T, and NuLink/Wow each have facilities that will need to be relocated. All cost should be the responsibility of CBC.

Public Safety - The Police and Fire Department reported no impact to their services other than Brown Street is the common detour during events.

Hardscape and Design – As reported, any potential impacts such as terminating streetscapes, tying into existing curb lines, can be mitigated with proper design and review.

Landuse and Zoning – The Planning Department reported that the proposed use is compliant with the underlying zoning classification and compliance with development standards will be reviewed during permitting. The new construction will require a Certificate of Appropriateness from the Planning Commission.

Main Street Events – It was determined that one event will be directly impacted. The route for the Labor Day Road Race will need to be changed and re-certified.

LINC – The Friends of the LINC contacted the city stating that the LINC master plan showed a potential connection in the area of Brown Street. CBC is working with the Friends group on a potential easement through the property for this connection.

Legal Procedures – Staff has spent time working with the City Attorney to make sure we are in compliance with charter and state statute. The right-of-way will be appraised and then sealed bids will be sought. Council will have the right to set the minimum bid, create bid standards and to reject any or all bids. A resolution has been prepared to include language that would fulfill the requirements of the statute and public interest. It would also include language that would require completion of the following items:

- 1) As consideration for the abandonment of the right-of-way and subject to the approval set out herein below, an agreement or easement acceptable to the City is entered into between the City and the Church permitting the parking area to be constructed as public parking during such times when church services or church affiliated programs are not in session at the Church; and
- 2) The Church has finalized its budget and plans and has applied for a building permit to commence construction of the Project.
- 3) Evidence of an agreement and required easements between the Church and all utility providers for improvements, removal and/or relocation of all utilities located in the current right-of-way of Brown Street running between Spring Street and West Broad Street, wherein the Church has committed to the utility providers all costs associated with such improvements, removal or relocation of said utilities, including the acquisition of any necessary easements on property not owned by the Church and released of the City from any obligations to the utility providers under all franchise agreements with such utility providers.
- 4) Reimburse the City for the cost of an appraisal of the Brown Street right-of-way prior to the City advertising for sealed bids for the right-of-way described herein above.
- 5) Upon receipt of the right-of-way appraisal, then sealed bids will be sought by the City Manager pursuant to O.C. G.A §32-7-4. The minimum bid shall be advertised as appraised subject to the conditions set out hereinabove and the City Manager shall create such other bid standards as may be appropriate based upon the conditions outlined hereinabove.

If approved today Quit claim deed will be held in escrow and not delivered for the transfer of right-of-way to the Church until all five conditions are met. There is no time limit on this.

Petitioner – Central Baptist

Taylor Drake Chairman of Board of Deacons, is a lifelong resident of Newnan whose law practice is adjacent to Brown Street. He compared the situation to a custody case. A judge determines what is in the best interest of a child before awarding custody. Council's job is the same for the City and if you decide the abandonment of Brown Street is in the best interest of the City, you should approve the church's request. In regards to the parking problem you will be gaining 30 or more spaces at no cost to the City. This is a \$6.5 million project funding 100 percent by Central Church. He is seeking approval of the project.

Otis Jones – Member of Central Baptist, downtown business, due to the growth in recent years we need to expand. One of the immediate needs is a new fellowship hall and kitchen. He feels this will benefit the community.

Anita Headley - Member of Central Baptist, indicated they prepare over 125 meals for people needing a good meal (not just church members). The kitchen is in basement and not very convenient for the senior adults. Please consider approval of the request.

Parks Avery – Commuter – There are several ways to go around if the request is approved for closing Brown Street. He was on the parking committee for the downtown area; however the committee could not come up with an answer to solve the problem. The parking lot that is being proposed will help at no cost to the City if approved.

Jimmy Thomasson – Stated by expanding and closing Brown Street it would generate more parking spaces and also be a safer environment for the youth. He indicated the City will benefit greatly from the investment if approved.

Norma Haynes – Stated she has been a member of Central Baptist for 60 year. This project will help us to move forward and also aid with the downtown parking.

Opposition

Jenny Moore – Member of Central - Stated she is opposed to closing of Brown Street. She is not opposed to the new fellowship hall. A bridge could be built over the street to the old building. She has a concern, losing the handicap parking next to the door that goes to the elevator of the old building.

Susan Green – Member Central – Stated they use Brown Street and are against closing the street. She has a petition of 124 names that could not be present against closing Brown Street. Their concern is they were not notified of the closing. She is in favor of building a cross walk over the street.

Charles Storey – He has a concern that his neighborhood was not notified of the closing of Brown Street. If this is approved traffic will increase.

Barbara Koolloguy – Stated she is not opposed to the new building but is opposed to closing Brown Street. There will be an increase of cars per day on other streets. This is a huge concern. She is asking Council to vote against the closing of Brown Street today.

John Anderson – Closing of Brown Street will cause more traffic on the other streets which will impact the neighborhoods. He is asking Council members that serve on Council that are members of Central Baptist to recuse themselves from voting because he thinks it is a conflict of interest.

Brian Flynn – Is asking Council not to vote on this today because there has not been any publication on closing a public street. He suggested the move on behalf of Central Baptist and the City Council was underhanded and Mayor Brady and Councilman DuBose recuse themselves from voting. He does not think members can vote fairly without personal benefit.

Diane Brosche – West Washington Street – Ms. Brosche is asking the vote be delayed until the neighborhood is notified. She is asking Council to delay the vote.

Remarks

Jimmy Thomasson - member of Central Baptist indicated this will enhance safety for the youth with expanding the campus and will be a financial benefit. The city receiving new parking options at no cost. Brown Street is an original street but nothing is cast in stone. He is in favor of closing Brown Street.

Councilman Alexander wanted to know how long it will take to complete the project.

Mr. Drake advised him a credit time line capital campaign has been established and he is hopeful this will begin this evening for completion in February 2019.

Mayor Pro Tem Jenkins suggested moving any action on the closing of Brown Street until the second meeting of the month at 6:30 p.m.

Mayor Brady opposed the idea and believes no new information on either side of the issue would arise from a two-week delay. The issue has been raised that he and Councilman DuBose recuse from voting on the closing of Brown Street.

Mayor Brady responded to the remarks stating he has no financial or personal gain in the venture. The opposite could be true since I plan to contribute. As far as personal interest you could say that about anything that comes before this Council. When it is an issue that comes before the City involving the quality of life in our community, such as the LINC, I will always vote in favor of those things.

Councilman DuBose stated he is a member of Central Baptist and I have been elected to serve as a Deacon on the board, which I serve with pleasure, and there is no conflict of interest in my voting for this. In my oath as councilman, I promised to serve the community as a whole and certainly the church is a part of that whole as much as the other neighborhoods. I do my very best every time I sit up here and find it an insult that people would call me unfair.

Motion by Councilman Shell, seconded by Councilman Hicks to adopt a Resolution for Central Baptist Church to close and abandon that portion of Brown Street in the City of Newnan running from Spring Street to West Broad Street. Opposed: Jenkins and Koritko.

MOTION CARRIED. (5 – 2)

SUBSTANDARD STRUCTURE – REQUESTING EXTENSION – 286 WEST WASHINGTON STREET

The owner is requesting an extension of one hundred eighty (180) days for structure located at 286 West Washington.

Motion by Councilman Shell, seconded by Mayor Pro Tem Jenkins to approve the request for an extension of one hundred eighty (180) days for structure located at 286 West Washington Street.

MOTION CARRIED. (7 – 0)

SUBSTANDARD STRUCTURES – STATUS REPORTS – 10 BURCH, 136 SPRING, 121 PINSON AND 180 WEST WASHINGTON STREETS

These properties have been before Council with public hearings.

<u>Property</u>	<u>Owner</u>	<u>Progress</u>	<u>Resolution Deadline</u>
10 Burch Ave	Abdul S Kader	Progress made	06/10/2018
136 Spring	Willie Clay Estate	No progress	07/08/2018
121 Pinson St	Marcus Beasley	Progress made	03/11/2018
180 W. Washington	Render Godfrey	Progress made	03/08/2018

No action required at this time.

REQUEST – NATHAN THOMPSON – HOLD ANNUAL VETERAN’S DAY PARADE

Motion by Councilman DuBose, seconded by Councilman Shell to approve the request by Nathan Thompson to hold the Annual Veteran’s Day Parade on November 10, 2018 on the same route and utilize the City’s parking lot at City hall.

MOTION CARRIED. (7 – 0)

REQUEST – SUMMERGROVE POA – POST SIGNS/BANNERS

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Shell to approve the request from Summergrove POA to post signs/banners at the Lower Fayetteville, Shenandoah and East Lake entrances and the entrance to East Lake on Mary Freeman for two Neighborhood Yard Sales, Graduation, and Military Hero recognition.

MOTION CARRIED. (7 – 0)

REQUEST – SUICIDE PREVENTION ACTION NETWORK GEORGIA – HOLD 5K ON CITY STREETS NEAR CARL MILLER PARK

Motion by Councilman Hicks, seconded by Councilman Shell to approve the request from Suicide Prevention Action Network Georgia to hold a 5K on City Streets on September 15, 2018 near Carl Miller Park.

MOTION CARRIED. (7 – 0)

REQUEST – DERRICK TEAGLE/EMPOWERED 4 LIVES (E4L) – HOLD WRESTLING FUNDRAISER AT WESLEY STREET GYM

Motion by Councilman DuBose, seconded by Mayor Pro Tem Jenkins to approve the request from Derrick Teagle/ Empowered 4 Life (E4L) to hold Wrestling fundraiser at the Wesley Street Gym on March 31, 2018 7:00 pm – 10:00 pm.

MOTION CARRIED. (7 – 0)

REQUEST – NHS – HOLD 4TH ANNUAL STUDENT-VET CONNECT VETERANS RELIEF FUND 5K AND ONE MILE FUN RUN AND DOG WALK

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Hicks to approve the request from NHS to hold the 4th annual Student-Vet Connect Veterans Relief fund 5K and one mile fun run and dog walk on May 12, 2018 on the same route as in previous years.

MOTION CARRIED. (7 – 0)

ADJOURNMENT

Motion by Councilman Alexander, seconded by Councilman Hicks to adjourn the Council meeting at 3:59 pm.

MOTION CARRIED. (7 – 0)

Della Hill, City Clerk

Keith Brady, Mayor