

CITY OF NEWNAN, GEORGIA
REGULAR COUNCIL MEETING

JULY 18, 2017

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, July 18, 2017 at 6:30 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; Cynthia E. Jenkins; Rhodes Shell; Clayton Hicks, George Alexander and Dustin Koritko. Also present: City Manager, Cleatus Phillips; City Clerk, Della Hill; Public Works Director, Michael Klahr; Planning Director, Tracy Dunnavant; City Planner, Chris Cole; Code Enforcement Officer, Adam Cash; Assistant City Manager, Hasco Craver; City Attorney, Brad Sears and Police Chief, Douglas (Buster) Meadows.

MINUTES – REGULAR MEETING – JUNE 20, 2017

Motion by Councilman Koritko, seconded by Councilman Alexander to dispense with the reading of the minutes of the Regular Council meeting for June 20, 2017 and adopt them as presented.

MOTION CARRIED. (7 – 0)

SCOUT TROOP

Boy Scout Troop 41 First United Methodist Church was in attendance working on Citizenship and Community Service Badge on their road to Eagle Scout.

APPOINTMENTS – CONVENTION CENTER AUTHORITY

Motion by Councilman Alexander, seconded by Mayor Pro Tem Jenkins to re-appoint Teresa Lovett for another three year term on the Convention Center Authority.

MOTION CARRIED. (7 – 0)

Motion by Mayor Pro Tem Jenkins, seconded by Councilman DuBose to re-appoint Carles Stinson for another three year term on the Convention Center Authority.

MOTION CARRIED. (7 – 0)

APPOINTMENTS – CULTURAL ARTS COMMISSION

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Alexander to re-appoint Evette M. Jones to the Cultural Arts Commission for another three year term.

MOTION CARRIED. (7 - 0)

Mayor Brady asked the City Manager to place Councilman Alexander and Councilman Koritko appointments on the agenda for the next meeting.

APPOINTMENTS – KEEP NEWNAN BEAUTIFUL COMMISSION

Motion by Councilman Hicks, seconded by Councilman Alexander to appoint Cristina Bowerman to the Keep Newnan Beautiful Commission term to expire June 2018.

MOTION CARRIED. (7 – 0)

Mayor Brady asked the City Manager to place Councilman Koritko's appointment to the Keep Newnan Beautiful Commission on the agenda for the next meeting.

APPOINTMENT – PARKS COMMISSION – UNEXPIRED TERM

Mayor Brady asked the City Manager to place Mayor Pro Tem Jenkins's appointment to the Parks Commission on the agenda for the next meeting.

APPOINTMENT – RETIREMENT BOARD

Motion by Councilman Alexander, seconded by Councilman Hicks to approve the appointment of Della Hill by the City Manager to the Retirement Board for a three year term.

MOTION CARRIED. (7 – 0)

TAX DIGEST - 2017

The City Manager informed Council the tax digest for 2017 was received today. There is growth in the digest this year and I plan to present the digest to Council at the August 8, 2017 meeting and will be asking them to accept the roll back.

2016 CAFR PRESENTED BY AUDITORS – CLIFTON, LIPFORD, HARDISON AND PARKER

Mr. Ken Neil, Audit Manager, indicated they performed an independent audit of the City's financial transactions and data for calendar year 2016. During the course of the audit they gathered evidence to express an opinion. They were able to issue an unmodified opinion

which is the highest level you can reach. He thanked Staff and management for all the help provided during the annual audit.

Motion by Councilman Alexander, seconded by Mayor Pro Tem Jenkins to accept the CAFR report as presented.

MOTION CARRIED. (7 – 0)

ORDINANCE – AMEND CODE BY DELETING SEC 5-36 (A) PRESCRIBED FEES OF CHAPTER 5, BUILDINGS AND ADOPTING NEW SEC 5-36 (A) PRESCRIBED FEES

Motion by Councilman Alexander, seconded by Councilman DuBose to adopt an Ordinance to amend the Code by deleting Sec 5-36 (a) prescribed fees of Chapter 5, Buildings, and adopting a New Sec 5-36 (a) prescribed fees of Chapter 5, Buildings.

MOTION CARRIED. (7 – 0)

RESOLUTION – INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF NEWNAN, COWETA COUNTY AND OTHER MUNICIPALITIES CONCERNING COUNTY ONE PERCENT SPECIAL PURPOSE LOCAL OPTIONS SALES TAX

Motion by Councilman Shell, seconded by Councilman Alexander to adopt a Resolution for Intergovernmental Agreement between the City of Newnan, Coweta County, and other certain municipalities concerning a One percent Special Purpose Local Option Sales Tax.

MOTION CARRIED. (7 – 0)

CONTRACT AWARD - PHASE II OF THE CITY'S GATEWAY SIGNAGE PROGRAM

Motion by Councilman Alexander, seconded by Councilman Hicks to award contract for construction and installation of six (6) gateway signs located at various locations in the City to Creative Sign Designs at \$26,240.

MOTION CARRIED. (7 – 0)

CONTRACT AWARD – MILL AND RESURFACING VARIOUS STREETS – 2017

Motion by Councilman DuBose, seconded by Councilman Hicks to award bid submitted by Baldwin Paving Company, Inc. for a base bid amount of \$1,072,643.93 for variable depth milling and resurfacing of approximately 4.21 centerline miles on 14 streets and application of thermoplastic traffic stripe and pavement markings.

MOTION CARRIED. (7 – 0)

CONTRACT AWARD – CONCRETE LIFTING SERVICES – ON CALL

Motion by Councilman Alexander, seconded by Councilman Koritko to award a contract to AquaGuard Foundation Solutions unit prices of \$8.00/ ft of area; \$6.00 /lb of material to allow for, on-call concrete lifting services as needed.

MOTION CARRIED. (7 – 0)

PRIORITIZED LIST OF STREETS PROPOSED FOR MAINTENANCE IN 2018 – UNDER LOCAL MAINTENANCE IMPROVEMENT GRANT (LMIG) PROGRAM

Motion by Councilman Shell, seconded by Mayor Pro Tem Jenkins to authorize submittal of the proposed list of streets in the City for maintenance under the Local Maintenance Improvement Grant (LMIG) program for 2018.

MOTION CARRIED. (7 – 0)

The City Manager informed Council the school board asked that Armory Road be paved before school starts. With the delays of Georgia Department of Transportation Armory Road will not be paved on time. This Road will be added to the list for 2018 and another street will be picked to replace Armory Road for 2017.

PUBLIC HEARING – 2017 UPDATE CAPITAL IMPROVEMENTS ELEMENT (CIE) INCLUDES THE 2017 UPDATE SHORT-TERM WORK PROGRAM (STWP)

Mayor Brady opened a public hearing for the 2017 update to the Capital Improvement Element, which includes the 2017 update for the Short-Term Work Program.

The City Planner indicated this public hearing is to inform the public of the City of Newnan's completion and intent to adopt its update to the Capital Improvements Element (CIE) 2016 - 2036 Comprehensive Plan which includes the Short-Term Work Program. All local governments must hold one public hearing prior to the transmittal of their updates. Official transmittal to Three Rivers Regional Commission (RC) and the Georgia Department of Community Affairs (DCA) is planned to be requested at the August 8 Council meeting. After review and approval the Council will be asked to officially adopt the CIE update for 2017 at the August 8, 2017 meeting.

Mayor Brady closed the public hearing.

2ND QUARTER SURPLUS PROPERTY DECLARATION AND DISPOSITION

Motion by Councilman Alexander, seconded by Councilman Hicks to declare as surplus the equipment listed for the 2nd Quarter Surplus property and grant authorization for the disposal of such.

MOTION CARRIED. (7 - 0)

2ND AND FINAL READING – ORDINANCE TO ADOPT AMENDMENT TO ARTICLE VI, CHAPTER 2 OF THE CODE OF ORDINANCES PURCHASING POLICY

Motion by Councilman Shell, seconded by Councilman Hicks to adopt on 2nd and final reading an Ordinance to adopt an amendment to Article VI, Chapter 2 of the Code of Ordinance for the purchasing policy for using the Formal Quote method.

MOTION CARRIED. (7 – 0)

2ND AND FINAL READING – ORDINANCE TO ANNEX EXISTING CORPORATE LIMITS

Motion by Councilman Shell, seconded by Councilman Hicks to adopt on 2nd and final reading an Ordinance to annex 7.019± acres located at corner of Lora Smith Road and Lower Fayetteville Road into the existing corporate limits of City of Newnan.

MOTION CARRIED. (7 – 0)

2ND AND FINAL READING - ORDINANCE – AMEND ZONING MAP PROPERTY LOCATED AT THE CORNER OF LORA SMITH AND LOWER FAYETTEVILLE ROAD

Motion by Councilman DuBose, seconded by Councilman Shell to adopt an Ordinance to amend the Zoning Map for property located in Land Lot 31 of the 6th Land District at the Corner of Lora Smith Road and Lower Fayetteville Road in the City of Newnan, Georgia.

MOTION CARRIED. (7 – 0)

PUBLIC HEARING – MORATORIUM ON NEW APPLICATIONS FOR REZONINGS, ANNEXATIONS AND SUBDIVISION OF PROPERTY

Mayor Brady opened a public hearing on moratorium for new applications for rezoning, annexations and subdivision of property.

The Planning Director indicated this moratorium is for major subdivision not for minor property splits. The public hearing is being held in order to move forward with the update of the zoning ordinance.

Mayor Brady closed the public hearing.

RESOLUTION – MORATORIUM ON ALL NEW APPLICATIONS AND COMMENCEMENT OF ALL NEW PROCEEDINGS FOR REZONING AND SUBDIVIDING OF PROPERTY WITHIN THE CITY OF NEWNAN

Motion by Councilman Alexander, seconded by Councilman Shell to adopt a resolution to issue a Moratorium on the acceptance of all new applications and the commencement of

all new proceedings for the rezoning and subdividing of property within the City of Newnan.

MOTION CARRIED. (7 – 0)

PUBLIC HEARING – ZONING CONDITIONS ON 20.53± ACRES - 414 OLD JEFFERSON STREET TO ALLOW DEVELOPMENT OF APARTMENTS

Mayor Brady opened a public hearing on the zoning conditions located at 414 Old Jefferson Street to allow for development of 160 affordable apartments.

The Planning Director informed Council, Christopher Byrd, on behalf of LDG Development, LLC is seeking to change the zoning conditions on a 20.53± acre tract located at 414 Old Jefferson Street. The request is to allow the development of 160 affordable apartments currently zoned RML (Residential Multi-Family Dwelling – Lower Density District). In 2006 SWE Development requested and received a zoning change for the aforementioned parcel from IHV (Heavy Industrial) to RML (Residential Multi-Family Dwelling-Lower Density District) with conditions. The subject property is primarily boarded by a mixture of industrial, commercial and residential uses. The proposed use of 160 unit apartment development would add 1094 trips per day on a typical weekday. There will be an increase of calls for service for the Police Department and Fire Department. The apartment complex would be compatible with the use specified in the comprehensive plan for the Future Land Use Map. Staff feels the proposed use and zoning designation for the property does reflect a reasonable balance. Any approval should be conditioned upon the applicant being responsible for any road improvements related to the project. On June 13, 2017, the Planning Commission held a public hearing on the request to change the conditions and unanimously recommended approval of the request with the following conditions:

1. The development will be limited to 160 units.
2. The project will be consistent with the concept plan (as amended with a second fire access point) and elevations provided as part of the application.
3. The amenities package will include a club house, pool, business center, fitness center, gate and fence for secure access and a fully equipped walking path.
4. The developer will be responsible for installing one (1) new eastbound left-turn lane with 160 feet of storage and 50 feet of taper, one (1) new westbound right-turn deceleration lane with 100 feet of storage and 50 feet of taper, and one (1) side street stop-controlled, full-movement driveway with one (1) ingress and one (1) egress lane.

Applicant

Melissa Griffis, Attorney, on behalf of LDG Development, indicated after the Planning Commission meeting we are presenting a new plan addressing the second fire access point as part of the application. There is a large amount of floodplain and a creek that will serve as additional buffer between the apartments and the existing homes. She thanked the Planning Department for all of their support.

Mr. Chris Byrd indicated this is a long term investment. The buildings will be constructed using a minimum of 40% stone masonry and Hardi-plank. Amenities will include club house and pool, business center, fitness center, gate and fence for secure access and fully equipped walking path. We are a long term development and want to be a part of the community. This will be a gated community with security.

Mayor Brady asked if any engineering had been done on the property. He has a concern if Engineering comes back and you are not able to build everything proposed, where will you be.

Mr. Byrd stated if we lose to or three buildings we will not be competitive in the market.

Mayor Brady indicated if any changes are made they will have to come before Council to change the conditions.

Opposition

No one spoke in opposition.

Mayor Brady closed the public hearing on 414 Old Jefferson Street.

Motion by Councilman Alexander, seconded by Councilman Shell to accept the report by the Planning Commission on the application to amend the zoning map for 414 Old Jefferson Street.

MOTION CARRIED. (7 – 0)

ORDINANCE - AMEND THE ZONING MAP

Motion by Councilman Shell, seconded by Councilman Hicks to adopt an Ordinance to amend the Zoning Map for property located at Old Jefferson Street 20.53± acres to allow development of 160 affordable apartments.

MOTION CARRIED. (7 – 0)

**PUBLIC HEARING – REQUEST BY WHITLOCK AND JONES – ANNEX 74.596±
ACRES – 120 WHITLOCK ROAD INTO CITY LIMITS WITH ZONING RU-7 (URBAN
RESIDENTIAL SINGLE FAMILY DWELLING DISTRICT**

Mayor Brady recused himself. His firm has agent that has a contract on the property.

Mayor Pro Tem Jenkins opened a public hearing on the request to annex 74.596± acres into the City limits with zoning RU-7 (Urban Residential Single Family Dwelling District – High Density) located at 120 Whitlock Road.

The Planning Director informed Council this is a 199 lot residential subdivision request indicating that 109 lots will be marketed to seniors and 90 lots will be marked as a traditional subdivision. The senior portion will have a maintenance association. The subject tract is surrounded by large residential properties, vacant land and Coweta County/Newnan Utilities properties in the County. The applicant is seeking to annex the property into the City with the intention of developing it for residential purposes. The majority of the surrounding properties are zoned RC (Rural Conservation) in the County with individual large lot residential homes or vacant land. There will be additional traffic, but since the development is located on a four lane state highway with a traffic signal, the impact will be minimal. The fiscal impact analysis shows that the development will result in \$24,006.85 more in expenditures vs. revenues annually. The estimate does not include the upfront revenues from impact fees and construction permits. The Fire Department indicated they would be able to serve this property. The Police Chief stated this will result in an increase on calls for service. In terms of traffic, the development will add roughly 1,894 additional weekday trips so traffic impact will be limited. The City Engineer cited issues (environmental and design concerns) that would need to be addressed during the development phase. The developer needs to provide notice of a schedule for construction and planning purposes to the school system. The Comprehensive Plan in general does identify the lack of available land for future development as a potential issue. The applicant is proposing a future residential development; therefore RU-7 would be an appropriate zoning designation. Coweta County Staff is recommending “not to object” but asking the City to consider the following if the property is annexed:

1. Access to the subject property via the streets to the north of the subject property or through the adjoining existing development to the north of the subject property shall be prohibited.

The Planning Commission held a public hearing on June 13, 2017 and voted to recommend approval of the annexation and rezoning request with conditions. The suggested conditions are as follows:

1. The development will be consistent with the information and elevations that were provided as part of the annexation application and the traditional home product will be consistent with the photographs provided to the Planning Commission at their June 13th Public Hearing.

2. All streams, wetlands and other environmentally sensitive areas such as floodplain, Floodway, and cemeteries shall be identified by field survey methods.
3. State waters buffers shall be 50 feet as measured from the point of wrested vegetation and shall be delineated in the field, with an additional 25 foot impervious surface setback and any impacts to state waters shall be properly permitted.
4. Any existing wells or septic tanks that may be on the site will need to be identified and properly closed or removed.
5. All stormwater management shall meet the requirements of the Metropolitan North Georgia Water Planning District.
6. The development will have at a minimum one main entrance and one emergency entrance to fully comply with the International Fire Code. The emergency access via Whitlock Road as depicted on the proposed concept plan will be eliminated.
7. The proposed round-a-bout at the entrance shall be sized accordingly to accommodate larger vehicles such as moving trucks, buses and construction equipment and shall comply with the MUTCD, latest edition, as it pertains to raised splitter islands and signage and marking.
8. The proposed road layout includes two long straight sections of road that will likely encourage speeding. Design consideration should be given to this layout and include items that will provide calming such as: chicanes, traffic circles, bike lanes, curb extensions, on street parking etc. If traffic calming devices are to be located on utility easements, they will be subject to utility encroachment procedures as specified by the utility provider.
9. Access to the subject property via the streets to the north of the subject property or through the adjoining existing development to the north of the subject property shall be limited to emergency access only.
10. Any new or improvements to existing access along State Routes shall require approval by the Georgia D.O.T.
11. The developer will incorporate a 25' undisturbed buffer to separate the proposed project from adjoining properties in the County to the north and east. The 25' undisturbed buffer shall be achieved with natural vegetation and must be replanted subject to the approval of the City's Landscape Architect when sparsely vegetated. Clearing of undergrowth shall be prohibited except when accomplished under the supervision of the City's Landscape Architect. Buffer plantings are in addition to the minimum landscaping requirements for the site.

Applicant

Mr. Ted Meeker, Attorney with Sumner/Meeker, indicated the property is currently zoned RC under the Coweta County Zoning Ordinance and Map. The applicants are requesting to be rezoned to RU-7 Zoning Classification under the City of Newnan Zoning Ordinance and Map. The location of the property is on the North side of Hospital Road. They are proposing 2.6 units per acre. This is a 4.6 million dollar project with homes starting at \$200,000.

Councilman Alexander asked what the amenities would look like.

Mr. David Spearman presented the different amenities designs that will be included in this project.

Mr. David Reynolds informed Council the senior living section will be set up with professional lawn care service.

Mr. Bob Collins spoke in favor of the annexation. He noted the Whitlock's have been their neighbors for over 50 years.

Councilman DuBose reminded the developers that Newnan is a special place and known for their City of Homes. He would like to encourage some type of calming devices for safety conditions.

Mayor Pro Tem Jenkins asked if the area designated for seniors is restricted to seniors only.

Mr. Spearman informed Council this area is not restricted.

Opposed

Mr. Jeff Morgan stated he was not opposed to the annexation, but has a concern with the number of homes per acre, also with the amount of parking that could occur with street parking. He would like for the builder to reconsider the number of homes per acre.

Mayor Pro Tem Jenkins closed the public hearing.

Motion by Councilman Alexander, seconded by Councilman Hicks to approve the report by the Planning Commission for the annexation and zoning request.

MOTION CARRIED. (6 – 0 - 1)

ORDINANCE – ANNEX 74.596± ACRES LOCATED AT 120 WHITLOCK ROAD INTO THE CITY LIMITS

Motion by Councilman Shell, seconded by Councilman Hicks to adopt an Ordinance to annex 74.596± Acres located at 120 Whitlock Road into the City Limits.

MOTION CARRIED. (6 – 0 - 1)

ORDINANCE – ZONE ANNEXED PROPERTY TO RU-7 (URBAN RESIDENTIAL SINGLE-FAMILY DWELLING DISTRICT-HIGH DENSITY)

Motion by Councilman Shell, seconded by Councilman Hicks to adopt an Ordinance to zone newly annexed property to RU-7 (Urban Residential Single-Family Dwelling District-high Density) with conditions.

MOTION CARRIED. (6 – 0- 1)

HOUSING REPORT – EXTENSION – 136 SPRING STREET

The Code Enforcement Officer indicated the owners are requesting an extension of one hundred eighty (180) days for completion of the structure located at 136 Spring Street.

Motion by Councilman Alexander, seconded by Councilman Hicks to approve the extension for the substandard structure located at 136 Spring Street for one hundred eighty (180) days.

MOTION CARRIED. (7 – 0)

HOUSING REPORT – STATUS – 7 UPPER MANN, 121 PINSON, 79 SPENCE AVENUE, 286 W. WASHINGTON AND 10 BURCH AVENUE

The Code Enforcement Officer informed Council these properties have been before Council in Public Hearings.

| <u>Property</u> | <u>Owner</u> | <u>Status</u> | <u>Resolution Deadline</u> |
|----------------------|--------------------|---------------|--------------------------------|
| 7 Upper Mann | Donald Smith | No progress | 08/08/2017 |
| 121 Pinson Street | Marcus Beasley | Progress made | 09/18/2017 |
| 79 Spence Avenue | Andre Spanks | No progress | 10/22/2017 |
| 286 W. Washington St | Irvin Jones Estate | No progress | 08/20/2017 |
| 10 Burch Ave | Abdul Kader | Progress made | 12/17/2017 |

No action needed.

REQUEST – EMPOWERED 4 LIVES – HOLD IWE CHAMPIONSHIP WRESTLING
EVENT AUGUST 26, 2017 – WESLEY STREET GYM

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Alexander to approve the request by Derrick Teagle Empowered 4 Life to hold IWE Championship Wrestling Event on August 26, 2017 as a fundraiser for Youth activities from 6pm to 9pm at Wesley Street Gym.

MOTION CARRIED. (7 – 0)

OFF AGENDA

Lori Duncan and Kenya Brantley are requesting approval to hold a charity event sponsored by Real Talk on the Square (fund raiser) for “Soles for Cole” at the Greenville Street Park, August 5, 2017 from 5pm to 10pm. Also to have food trucks, bands and activities for kids.

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Alexander to approve the request to hold a fund raiser “Soles for Cole” event on August 5, 2017 at Greenville Street Park from 5pm until 10pm with food trucks, bands and activities for children with condition that all details and paper work has been completed and satisfied by staff.

MOTION CARRIED. (7 – 0)

New Noise and Zoning Ordinances

Mr. Carlton McKoy, citizen, addressed some concerns he has with the proposed Noise and Zoning Ordinances.

He was advised to meet with staff to address his issue before these ordinances are presented to Council for approval.

COUNCIL REMARKS:

Mayor Pro Tem Jenkins informed Council the new members of the Newnan Youth Council would be downtown on Saturday learning about the community.

Councilman Alexander congratulated Mayor Brady on election to Board of Directors for MEAG for a three year term.

ADJOURNMENT

Motion by Councilman Alexander, seconded by Councilman Hicks to adjourn the Council meeting at 7:55 pm.

MOTION CARRIED. (7 – 0)

Della Hill, City Clerk

Keith Brady, Mayor