

CITY OF NEWNAN, GEORGIA
REGULAR COUNCIL MEETING

JANUARY 27, 2015

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday January 27, 2015 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; Clayton Hicks; Cynthia E. Jenkins; Dustin Koritko; Robert Coggin; George Alexander and Rhodes Shell. Also present were: City Manager, Cleatus Phillips; City Clerk, Della Hill; Planning Director, Tracy Dunnavant; Code Enforcement Officer, Shane Pridgen; City Attorney, Brad Sears and Police Chief "Buster" Douglas Meadows.

MINUTES – REGULAR COUNCIL MEETING – JANUARY 13, 2015

Motion by Councilman DuBose, seconded by Councilman Koritko to dispense with the reading of the minutes of the Regular Council meeting for January 13, 2015 and adopt them as presented.

MOTION CARRIED. (8 – 0)

MINUTES – SPECIAL CALLED MEETING – 2nd AND FINAL READING FOR THE FY 2015 BUDGET – JANUARY 14, 2015

Motion by Councilman Coggin, seconded by Councilman Hicks to dispense with the reading of the minutes of the Special Called meeting for 2nd and final reading for the FY 2015 Budget for January 14, 2015 and adopt them as presented.

MOTION CARRIED. (8 - 0)

NEWNAN YOUTH COUNCIL - PRESENT

Abby Coe	11 Grade	Northgate
Alex Branch	12 Grade	East Coweta
Hallie Hunt	11 Grade	Heritage
Nicole Duncan	11 Grade	Northgate
Madison Crymes	11 Grade	Heritage
Jasmine Guy	11 Grade	East Coweta

APPOINTMENTS – NEWNAN CHRISTMAS COMMISSION

Motion by Councilman DuBose, seconded by Councilman Alexander to appoint Sally Hensley to the Newnan Christmas Commission term to expire February 1, 2018.

MOTION CARRIED. (8 - 0)

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

APPOINTMENT – TREE COMMISSION

Mayor Brady asked the City Manager to place Councilman Shell's appointment to the Tree Commission on the agenda for the next Council meeting.

CITY MANAGER

The City Manager noted on Saturday, January 31, 2015 the new Public Safety Building will be open to the public for tours starting at 10:30 am.

CONSIDER RFP'S – ENGINEERING/ARCHITECTURAL SERVICES RELATED TO THE HOWARD WARNER PROJECT

The Planning Director advised Council three consulting firms submitted RFP's. The selection committee reviewed the proposals and decided to interview all three firms. Based on their reviews in addition to being the lowest bidder, the committee felt Carter Watkins' experience, knowledge of the Howard Warner facility, and emphasis on historic preservation made them the best choice.

Motion by Councilman Shell, seconded by Councilman DuBose to award the contract to Carter Watkins for the engineering/architectural services for the Howard Warner project in the amount of 6% of the construction cost which is estimated at \$180,000 and funding from the 2007 SPLOST.

MOTION CARRIED. (8 – 0)

REQUEST – CHANGES IN CONSTRUCTION 57, INC.'S SIDEWALK CONSTRUCTION CONTRACT

The City Manager informed Council there were unforeseen conditions that had to be addressed in the field resulting in additional quantities. The total quantity changes resulted in an additional \$58,559.27 bringing the Construction 57 Inc.'s current contract total to \$376,783.77.

The City Engineer informed Council the bid was for a unit price project. Some of the things that were added were curb and gutter, sidewalks and ramps.

Motion by Councilman Coggin, seconded by Councilman Shell to approve the contract changes for the construction of sidewalks on First Avenue, St. Clair, Roscoe Road and East Washington Street in the amount of \$58,559.27 bringing the Construction 57 Inc.'s current contract total to \$376,783.77.

MOTION CARRIED. (8 – 0)

**PUBLIC HEARING – TEXT AMENDMENT TO ZONING ORDINANCE - ALLOW
GROUND LEVEL SINGLE-FAMILY RESIDENTIAL UNITS IN THE CBD (CENTRAL
BUSINESS DISTRICT) AS A SPECIAL EXCEPTION**

Mayor Brady recuses himself because family members (wife and two sisters) own the property located at Perry Street.

Mayor Brady turned the meeting over to Mayor Pro Tem Jenkins.

Mayor Pro Tem Jenkins opened a public hearing on the Text Amendment to the Zoning Ordinance to allow ground level single-family residential units in the CBD (Central Business District) as a special exception.

The Planning Director stated the Planning Commission considers this a first that would allow the City to introduce ground floor residential into the CBD without subjecting the entire district to the concept. Initially, they had considered requiring a certain percentage of the building to be used for a non-commercial use; due to the vast differences in building size and depth throughout the CBD, Staff was concerned that this would create a situation whereby building owners would constantly be seeking variances from the zoning ordinances. The Planning Commission agreed that developing an overlay which protected the streets where the City wanted to maintain its commercial storefronts might be a better alternative. Additional areas of the CBD could always be removed from the overlay as the City undertakes the comprehensive zoning ordinance rewrite. In addition to the overlay, both the Planning Commission and Staff felt additional criteria was needed to ensure a quality product. They recommended including the following requirements:

1. The Special Exception will be heard by the Planning Commission since the property will lie within the Downtown Design Overlay District (DDO).
2. If exterior improvements are being proposed, the structure must receive a Certificate of Appropriateness as outlined in Chapter 28, §28.150 – Downtown Design Overlay District. The ordinance currently exempts residential uses.
3. At least one off street parking space will be required for the residence.
4. For buildings which have both non-residential and residential ground floor uses, separate entrances shall be required.
5. Ground floor facades must be screened in such a manner to prevent visibility into the residence from the public right-of-way. For windows and glass doors, privacy can be achieved by using a full pane of non-reflective fixed translucent glass or non-reflective translucent window film of sufficient thickness to prevent views from the outside into the residence.

6. The minimum residential unit size shall be 500 square feet.
7. No outside mailboxes shall be permitted on City right-of-way.
8. Outside building identification numbers shall be provided and shall not exceed six (6) inches in height.
9. No drying of clothes shall be permitted on the outside of any building.
10. All window air-conditioning units shall not be visible from any public street.
11. No maintenance, washing, or detailing of vehicles is permitted on City right-of-way.
12. No recreation, entertainment, public gathering, or placement of furniture shall be allowed on the sidewalks adjacent to the building containing the residence unless permitted by Council.

The Planning Commission held a public hearing and recommended approval of the text amendment with the proposed overlay and corresponding conditions.

Mr. Gary Bernstein, applicant, stated he was very pleased with the compromise that the Planning and Zoning Commission have provided to protect the historic nature of the CBD and the impact to surrounding businesses or other proposed developments.

Mayor Pro Tem Jenkins closed the public hearing on the Text Amendment to Zoning Ordinance to allow ground level single-family residential units in the CBD as a special exception.

Motion by Councilman Hicks, seconded by Councilman Alexander to accept the report by the Planning Commission on the Text Amendment to the Zoning Ordinance to allow ground level single-family residential units in the CBD (Central Business District) as a special exception. Recuse: Mayor Brady.

MOTION CARRIED. (7 – 0 - 1)

ORDINANCE – AMEND THE ZONING ORDINANCE BY ADOPTING TEXT AMENDMENTS TO AMEND CHAPTER 21, SECTION 1.00 OF TABLE 21.04- ALLOWABLE USES PAGE 21-15 TO ADD GROUND FLOOR RESIDENTIAL AS A SPECIAL EXCEPTION USE IN THE CBD CENTRAL BUSINESS ZONING DISTRICT ADOPTING A NEW SECTION 34.070 CHAPTER 34 – ON FIRST READING

Motion by Councilman Alexander, seconded by Councilman Hicks to adopt an ordinance to amend the Zoning Ordinance by adopting Text Amendments to amend Chapter 21, Section 1.00 of Table 21.04 allowable uses Page 21-15 to add ground floor residential as a Special Exception use in the CBD (Central Business District) adopting a new section 34.070 Chapter 34 on first reading. Recuse: Mayor Brady.

MOTION CARRIED. (7 – 0- 1)

PUBLIC HEARING – FREEDOM POWER SPORTS, LLC REQUEST TO REZONE 3.981± ACRES – 81 MILLARD FARMER FROM IHV (HEAVY INDUSTRIAL) TO ILT (LIGHT INDUSTRIAL) TO ACCOMMODATE MOTORCYCLES AND OFF-ROAD ATV SALES AND SERVICES

Mayor Brady recuses himself because his firm has a listing on the property and turned the meeting over to Mayor Pro Tem Jenkins.

The Planning Director informed Council she received a letter requesting the proposed rezoning of the parcel at 81 Millard Farmer Industrial Boulevard be postponed until the February 24, 2015 Council meeting so they can obtain final manufacturing approval for this location.

Mayor Pro Tem Jenkins stated the public hearing has been advertised so at this time a public hearing was opened on the request by Freedom Power Sports, LLC to rezone 3.981± acres located at 81 Millard Farmer Industrial Boulevard from IHV (Heavy Industrial) to (Light Industrial).

Motion by Councilman Coggin, seconded by Councilman Alexander to continue the public hearing on the request by Freedom Power Sports, LLC to rezone the 3.981± acres located at 81 Millard Farmer Industrial Boulevard from IHV (Heavy Industrial) to ILT (Light Industrial). Recuse: Mayor Brady.

MOTION CARRIED. (7 – 0 -1)

Mayor Pro Tem Jenkins turned the meeting back over to Mayor Brady.

SUBSTANDARD HOUSING – PUBLIC HEARING – RESOLUTION – 6 CRIT ALLEY

Mayor Brady opened a public hearing on 6 Crit Alley.

The Code Enforcement Officer informed Council he meet with the owner, Scott Horne, and the structure has been secured.

Mr. Horne, owner, advised Council the property located at 6 Crit Alley has been sold and the new owner is here tonight. She is aware of the unsafe conditions of the structure and will meet with the Code Enforcement Officer to provide a schedule on the repairs.

The new property owner, Miriam Garcia, advised Council she understands the issues of the resolution.

The Code Enforcement Officer indicated he will meet with the new owner and have a schedule for repairs at the February 24, 2015 Council meeting.

Mayor Brady closed the public hearing.

Motion by Councilman Hicks, seconded by Mayor Pro Tem Jenkins to continue the resolution on the substandard structure located at 6 Crit Alley until the February 24, 2015 meeting.

MOTION CARRIED. (8 – 0)

SUBSTANDARD HOUSING – PUBLIC HEARING – RESOLUTION – 136 EXT. SPRING STREET

Mayor Brady opened a public hearing on the structure located 136 Ext Spring Street.

The Code Enforcement Officer informed Council he met with owners on site and provided them with a list of the code violations and repairs that are needed to bring the structure up to code. There is a representative of the family here tonight to give a report.

Ms. Emma Clay Davis, representative of estate, is requesting an extension on the structure located at 136 Ext Spring Street. She met with the Code Enforcement Officer earlier this month and was given a list of the code violations and repairs that are needed to bring the structure up to code. She is trying to get the family members together to discuss a plan, however that is very difficult. She is asking for an extension of one hundred eighty (180) days to do the repairs.

Mayor Brady closed the public hearing.

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Alexander to adopt a resolution directing the property owner to either repair or demolish the structure located at 136 Ext Spring Street within one hundred eight (180) days with 30 days reports.

MOTION CARRIED. (8 – 0)

SUBSTANDARD HOUSING – REQUEST FOR EXTENSION – 7 UPPER MANN STREET

The Code Enforcement Officer informed Council the owner, Donald Smith, is present to answer any questions Council might have.

Mayor Brady asked Mr. Smith what is going to change during the fourth extension, if approve, that did not happen during previous extensions.

Mr. Donald Smith, representing the estate of Jessie Mae Turner, informed Council he has learned a lot. He stated he knows what to do whereas he did not in the past. He talked with Newnan Utilities to have the services continued, however was unable to do so without an affidavit of heir-ship. He will be using the property as a residence.

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Alexander to continue the request until the February 24, 2015 Council meeting on the structure located at 7 Upper Mann Street.

MOTION CARRIED. (8 – 0)

SUBSTANDARD HOUSING – REQUEST FOR AN EXTENSION – 79 SPENCE AVENUE

Mr. Andre Sparks informed Council he foreclosed on the property for right of redemption and now has to file for a quiet title action order to have a clear title on property. He is requesting an extension.

Motion by Councilman Shell, seconded by Mayor Pro Tem Jenkins to continue the request for the extension on 79 Spence Avenue until March 24, 2015 meeting.

MOTION CARRIED. (8 – 0)

REQUEST – MAIN STREET – CLOSE STREETS AND SIDEWALKS – 2015 EVENTS

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Hicks to approve the request to use the streets for the following Main Street 2015 Events:

1. Spring Taste of Newnan – 4/16/15
2. Fourth of July Parade – 7/4/15
3. Sunrise on the Square 5K/10K Road Race – 9/5/15
4. Fall Taste of Newnan - 10/1/15
5. Santa on the Square – 11/27/2015

Sidewalks:

1. Market Days – 1st Saturdays/April through December
2. Spring Art Walk – 3/20/2015
3. Summer Wined Up – 6/12/2015
4. Fall Art Walk – 9/18/2015
5. Oktoberfest Boutique Beer Tasting – 10/23/2015
6. Munchkin Masquerade (Downtown Trick or Treat) – 10/30/2015
7. Holiday Open House – 11/15/2015

Parking Spaces for the Spring and Fall Taste of Newnan 4/16 and 10/01/2015 events.

MOTION CARRIED. (8 – 0)

MOTION FOR EXECUTIVE SESSION

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Hicks that we now enter into closed session as allowed by O.C.G.A. §50-14-4 and pursuant to advice by the City Attorney, for the purpose of discussing personnel and real estate matters and that we, in open session adopt a resolution authorizing and directing the Mayor or presiding officer to execute an affidavit in compliance with O.C.G.A. §50-14-4, and that this body ratify the

actions of the Council taken in closed session and confirm that the subject matters of the closed session were within exceptions permitted by the open meetings law at 7:05 p.m.

MOTION CARRIED. (8 - 0)

EXECUTIVE SESSION

Motion by Councilman Alexander, seconded by Councilman Hicks to adjourn the executive session back into regular session at 7:59 p.m.

MOTION CARRIED. (8 - 0)

RESOLUTION/MAYOR'S AFFIDAVIT FOR EXECUTIVE SESSION

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Hicks to adopt the resolution authorizing the Mayor to execute the affidavit stating that the subject matter of the closed portion of the Council meeting was within the exceptions provided by O.C.G.A. §50-14-4(b).

MOTION CARRIED. (8 - 0)

ADJOURNMENT

Motion by Councilman Alexander, seconded by Councilman DuBose to adjourn the Council meeting at 8:00 p.m.

MOTION CARRIED. (8 - 0)

Della Hill, City Clerk

Keith Brady, Mayor