

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, July 21, 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; Robert Coggin; Dustin Koritko; Rhodes Shell and George Alexander. City Manager, Cleatus Phillips; City Clerk, Della Hill; Planning Director Tracy Dunnavant; Public Works Director, Michael Klahr; Business Development Director, Hasco Craver; City Planner, Chris Cole; City Attorney, Brad Sears and Police Chief, Douglas (Buster) Meadows.

**MINUTES – REGULAR COUNCIL MEETING – JUNE 23, 2015**

Motion by Councilman DuBose, seconded by Councilman Koritko to dispense with the reading of the minutes of the Regular Council meeting for June 23, 2015 and adopt them as presented.

**MOTION CARRIED. (8– 0)**

**APPOINTMENT – NEWNAN CHRISTMAS COMMISSION**

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

**APPOINTMENTS – NEWNAN YOUTH ACTIVITIES COMMISSION – 3 YEAR TERM**

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

**APPOINTMENT – URBAN REDEVELOPMENT AGENCY**

Mayor Brady asked the City Manager to place Councilman Shell's appointment to the Urban Redevelopment Agency on the agenda for the next meeting.

**APPOINTMENT – RETIREMENT BOARD**

The City Manager would like to re-appoint Rick Daugherty to the Retirement Board.

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Hick to approve the appointment of Rick Daugherty for another three year term on the Retirement Board.

**MOTION CARRIED. (8 – 0)**

**PUBLIC HEARING – REZONING REQUEST RZ2015-01 TO REZONE 5.816± ACRES – 110 JACKSON STREET FROM OI-1 (LOW DENSITY – OFFICE AND INSTITUTIONAL) TO CUN (URBAN NEIGHBORHOOD COMMERCIAL) TO CUN (URBAN NEIGHBORHOOD COMMERCIAL) TO ACCOMMODATE A MIXTURE OF RETAIL, COMMERCIAL, OFFICE AND RESIDENTIAL USES ON THE SITE**

Mayor Brady informed Council we received a letter from Kip Oldham requesting the rezoning of 110 Jackson Street Property be withdrawn from the agenda for this meeting and that the request be allowed to be brought back for consideration within the next twelve months.

Motion by Councilman Alexander, seconded by Mayor Pro Tem Jenkins to accept the letter to withdraw the rezoning request of 110 Jackson Street Property as requested.

**MOTION CARRIED. (8 – 0)**

**CHANGE COUNCIL MEETING IN OCTOBER**

Motion by Councilman Hicks, seconded by Councilman Alexander to approve the change of the Council meeting from Tuesday October 13, 2015 – 2:30 pm to Thursday October 15, 2015 at 2:30 pm. Opposed: Coggin.

**MOTION CARRIED. (7 – 1)**

**PUBLIC HEARING – ALCOHOL BEVERAGE LICENSE – RPM FULL SERVICE**

Mayor Brady opened a public hearing on the application for a Retail On Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine License for RPM Full Service restaurant located at 15 Jackson Street.

A representative of applicant was present.

No one 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 Alexander to approve the application for a Retail On Premise (Pouring) Sales Distilled Spirits, Malt Beverages and Wine License for RPM Full Service restaurant located at 15 Jackson Street.

**MOTION CARRIED. (8 – 0)**

**PUBLIC HEARING – ALCOHOL BEVERAGE LICENSE – LUCKY LOUNGE**  
**RESTAURANT EVENT CENTER**

Mayor Brady opened a public hearing on the application for a Retail On Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine License for Lucky Lounge Restaurant Event Center located at 11 Spence Avenue.

A representative of applicant was present.

No one 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 Coggin, seconded by Councilman Hicks to approve the application for a Retail On Premise (Pouring) Sales Distilled Spirits, Malt Beverages and Wine License for Lucky Lounge Restaurant Event Center located at 11 Spence Avenue.

**MOTION CARRIED. (8 – 0)**

**RESOLUTION – 2015 GENERAL ELECTION NOVEMBER 3, 2015 – SET QUALIFYING**  
**FEES AND OPENING AND CLOSING DATES FOR QUALIFYING**

Motion by Councilman Hicks, seconded by Councilman Alexander to adopt a resolution for the 2015 General Election to be held November 3, 2015 and set qualifying fees of \$165.00 and qualifying dates for August 31, 2015 and close September 2, 2015 from 8:30 am until 4:30 pm.

**MOTION CARRIED. (8 – 0)**

**RESOLUTION – APPOINTING ELECTION SUPERINTENDENT, ASSISTANT**  
**ELECTION SUPERINTENDENT AND ABSENTEE BALLOT CLERK FOR THE**  
**NOVEMBER 3, 2015 GENERAL ELECTION**

Motion by Councilman Hicks, seconded by Councilman Koritko to adopt a resolution appointing Election Superintendent, Assistant Election Superintendent and Absentee Ballot Clerk for the November 3, 2015 General Election.

**MOTION CARRIED. (8 – 0)**

**CONSIDERATION OF NPD FIREARM TRADE-IN PROGRAM**

The Police Chief is seeking approval to participate in the Firearm Trade In Program to exchange weapons that are in excess of 6 years of age for new weapons. Three quotes were received for the replacement of the firearms and Smyrna Police Distributors has given us the best price at \$11,238.

Motion by Councilman Hicks, seconded by Mayor Pro Tem Jenkins to approve the Firearm Trade In Program for the Police Department to exchange weapons that are in excess of 6 years of age and for new weapons from Smyrna Police Distributions at the cost of \$11,238.

**MOTION CARRIED. (8 – 0)**

**DIRECTION – REGARDING PROPERTY TAX BILLING AND COLLECTIONS**

The City Manager informed Council due to ever-changing laws and regulations governing property taxation in general is becoming more and more difficult for staff to continue to bill and collect property taxes for the City since we maintain no assessment data. We are utilizing a tax system that is antiquated and will require replacement very soon if we are to continue. The Coweta County Tax Commissioner will do the tax billing and collections for \$1.25 per parcel.

Motion by Councilman Coggin, seconded by Mayor Pro Tem Jenkins to approve the agreement between the City of Newnan and J.T. Ferrell, Tax Commissioner of Coweta County for the Property Tax Billing and Collections at \$1.25 parcel.

**MOTION CARRIED. (8 – 0)**

**RESOLUTION – REPAYMENT OF THE INTERFUND LOAN FROM SPLOST TO THE GENERAL FUND AND COMMITMENT OF SAID FUNDS FOR FUTURE BUILDING CONSTRUCTION COSTS**

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Hicks to adopt the resolution for repayments to the General Fund and the commitment of said funds for future building construction costs.

**MOTION CARRIED. (8 – 0)**

**AMENDMENT TO EXISTING CODE OF ORDINANCES SECTION 18-7, RACKS, STANDS FOR VENDING GOODS, ARTICLE I, IN GENERAL OF CHAPTER 18, STREETS, SIDEWALKS AND PUBLIC PLACES**

Motion by Councilman Hicks, seconded by Councilman Koritko to adopt an ordinance to amend the existing Ordinance Section 18-7, Racks, Stands for vending goods, Article I, in general of Chapter 18, Streets, Sidewalks and Public Places.

**MOTION CARRIED. (8 – 0)**

**ASSISTANCE AND ACTION RELATED TO THE DEVELOPMENT, MANAGEMENT AND ENFORCEMENT OF A COMPREHENSIVE DOWNTOWN PARKING PROGRAM**

The Business Development Director stated the Newnan Downtown Development Authority is requesting Council's direction to instruct staff to develop and present an action plan dedicated to the development, management and enforcement of a comprehensive downtown parking program.

Motion by Councilman Alexander, seconded by Councilman Hicks to instruct staff to review the development, management and enforcement of a comprehensive downtown parking program and present recommendation back to Council.

**MOTION CARRIED. (8 – 0)**

**ASSISTANCE AND ACTION RELATED TO THE REVISION OR RECONSTRUCTION OF THE CITY OF NEWNAN'S CODE OF ORDINANCES, CHAPTER 3 – ALCOHOLIC BEVERAGES**

Motion by Councilman Hicks, seconded by Councilman Alexander to direct staff and City Attorney to review the Code of Ordinances, Chapter 3 Alcoholic Beverages and State Law to modernizing ordinances and present recommendation back to Council.

**MOTION CARRIED. (8 – 0)**

**PUBLIC HEARING – 2015 UPDATE TO THE CAPITAL IMPROVEMENT ELEMENT (CIE) INCLUDING THE 2015 UPDATE TO THE SHORT TERM WORK PROGRAM (STWP)**

Mayor Brady opened a public hearing on the issue.

The City Planner stated this public hearing is to inform the public of the completion and intent to adopt its update to the Capital Improvements Element (CIE) of the 2006 -2026 Comprehensive Plan; this includes the Short Term Work Program to receive suggestions and comments on the proposed updates. All local governments must hold one public hearing prior to the transmittal of their updates. After review and approval of the CIE

update by the RC and DCA, the Council will be asked to officially adopt the CIE update for 2015.

Mayor Brady closed the public hearing.

**CONSIDERATION OF ADDING WORK UNDER EXISTING CONTRACTS TO COVER REPAIRS AND PAVING TO CERTAIN STREETS**

The City Manager is requesting this item be withdrawn.

**2<sup>nd</sup> AND FINAL READING – ORDINANCE TO AMEND THE ZONING ORDINANCE BY ADOPTING TEXT AMENDMENT TO AMEND CHAPTER 21, GENERAL PROVISIONS; CHAPTER 23, COMMERCIAL DISTRICTS; AND CHAPTER 34, ALTERNATIVE RESIDENTIAL ACCOMMODATIONS; AND FOR OTHER PURPOSES**

Mayor Brady turned the meeting over to Mayor Pro Tem Jenkins for the next two items. His firm has a business relationship with applicant, Tab L and M.

Motion by Councilman Hicks, seconded by Councilman Shell to adopt on 2<sup>nd</sup> and final reading an Ordinance to amend the Zoning Ordinance by adopting Text Amendment to Amend Chapter 21, General Provisions; Chapter 23, Commercial Districts; and Chapter 34, Alternative Residential Accommodations and for other purposes. Recuse: Brady

**MOTION CARRIED. (7 – 0 -1)**

**2<sup>ND</sup> AND FINAL READING – ORDINANCE TO AMEND THE ZONING ORDINANCE BY ADOPTING TEXT AMENDMENT TO AMEND CHAPTER 21, GENERAL PROVISIONS; SECTION 21.090, TABLE 21.04 OF THE ZONING ORDINANCE; AND FOR OTHER PURPOSES**

Motion by Councilman Hicks, seconded by Councilman Coggin to adopt on 2<sup>nd</sup> and final reading an Ordinance to amend the Zoning Ordinance by adopting Text Amendment to Amend Chapter 21, General Provisions; Section 21.090, Table 21.04 of the Zoning Ordinance and for other purposes. Recuse: Brady

**MOTION CARRIED. (7 – 0- 1)**

**REQUEST – RELOCATE WEDNESDAY DOWNTOWN FARMERS MARKET**

The Business Development Director is requesting the Wednesday Downtown Farmers Market be moved from the Historic Depot along East Broad Street to the interior of South Court Square for the remainder of the season.

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Koritko to approve the request to move the Downtown Farmers Market from the Historic Depot to the sidewalks of South Court Square for the remainder of the season.

**MOTION CARRIED. (8 – 0)**

**3 FISHER STREET – WATER RUNNING DOWN DRIVEWAY**

Gloria Reese, 3 Fisher Street, complained about water running down her driveway and washing away her yard.

The City Manager indicated she made a request several months ago on this issue. Staff has looked at the issue and found there is a curb on the street causing the water to run down the driveway.

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Hicks to instruct staff to look into the issue on 3 Fisher Street and present a recommendation back to Council.

**MOTION CARRIED. (8 – 0)**

Mayor Brady asked Mayor Pro Tem Jenkins to take over the meeting.

George Rosenzweig, representing the applicants of Greentop Road property, is asking Council to reconsider the vote taken at the last Council meeting denying the annexation of 169.2 acres on Greentop Road. He indicated he would like to have additional conservation about the conditions and items proffered. He would like for Council to reconsider this request at the August 12, 2015 meeting. He feels there are some conditions that need to be addressed with staff and the City Attorney.

Motion by Councilman Koritko, seconded by Councilman Shell to rescind the motion adopted at the June 23, 2015 Council meeting relating to the denial of the Barron Family application for annexation in order for the Council to reconsider the application at the September 21<sup>st</sup> meeting based upon a consideration of the proffers offered by the applicant and to allow time for City staff to review the proffers. Opposed: Coggin and Alexander.

**MOTION CARRIED. (5 – 2)**

**COUNCIL'S REMARKS**

Councilman Hicks wanted to follow up on an issue that was discussed at the retreat for the curb cut off of Newnan Crossing Boulevard leading to Lower Fayetteville Road. He understands we have applied for a Grant and we need to start looking at what our master plan would be.

The City Manager informed Council he would review the issue and present a recommendation back to Council.

Mayor Pro Tem Jenkins thanked staff, Newnan Utilities, and citizens that were involved in the Newnan Youth Council training this past week-end for their support.

Councilman Coggin stated when the citizens start complaining about the traffic situation on LaGrange Street; remind them about the condition the streets were in before.

**MOTION FOR EXECUTIVE SESSION**

Motion by Councilman DuBose, 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 legal issues 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 7:25 p.m.

**MOTION CARRIED. (7 - 0)**

**EXECUTIVE SESSION**

**RESOLUTION/MAYOR'S AFFIDAVIT FOR EXECUTIVE SESSION**

Motion by Mayor Pro Tem Jenkins, seconded by Councilman DuBose 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)**

**GARCIA CLAIM**

Motion by Councilman Alexander, seconded by Councilman Hicks to deny the Garcia Claim.

**MOTION CARRIED. (8 - 0)**



**ADJOURNMENT**

Motion by Councilman DuBose, seconded by Councilman Alexander to adjourn the Council meeting at 7:29 pm.

**MOTION CARRIED. (8 – 0)**

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Della Hill, City Clerk

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Keith Brady, Mayor