

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, June 23, 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; Code Enforcement Officer, Shane Pridgen; Public Works Director, Michael Klahr; City Attorney, Brad Sears and Police Chief, Douglas (Buster) Meadows.

MINUTES – REGULAR COUNCIL MEETING – JUNE 9, 2015

Motion by Councilman Alexander, seconded by Councilman Hicks to dispense with the reading of the minutes of the Regular Council meeting for June 9, 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 – CONVENTION CENTER AUTHORITY

Motion by Councilman Coggin, seconded by Councilman Alexander to re-appoint Tom Lukens for another three year term on the Convention Center Authority.

MOTION CARRIED. (8 – 0)

APPOINTMENT – CULTURAL ARTS COMMISSION

Motion by Councilman Coggin, seconded by Councilman Alexander to re-appoint Dave Dorrell for another three year term to the Cultural Arts Commission.

MOTION CARRIED. (8 – 0)

APPOINTMENT – KEEP NEWNAN BEAUTIFUL

Motion by Councilman Hicks, seconded by Mayor Pro Tem Jenkins to appoint Linda Davis to the Keep Newnan Beautiful Commission for a three year term.

MOTION CARRIED. (8 – 0)

SURPLUS PROPERTY

Staff is requesting Council to declare as surplus the 2001 Dodge Dakota, 1986 Chev Shop Truck and 2002 Mobark Tub Grinder as Surplus Property and grant authorization for the disposal of such.

Motion by Councilman Alexander, seconded by Councilman Coggin to approve the items listed above as surplus property and grant authorization for the disposal of such.

MOTION CARRIED. (8 – 0)

SUBSTANDARD STRUCTURE – PUBLIC HEARING - RESOLUTION – 29 WILCOXEN STREET

Mayor Brady opened a public hearing on the substandard structure located at 29 Wilcoxen Street.

The Code Enforcement Officer informed Council an inspection was conducted on April 20, 2015 and found the structure to be unsafe, uninhabitable, open and vacant. The owners are planning to repair the structure located at 29 Wilcoxen Street, however have not submitted a schedule for repairs. The cost to bring this structure into compliance by means of repairs does exceed 50% of the structure's assessed tax value.

The owners informed Council they are planning to repair the structure located at 29 Wilcoxen Street and are requesting one hundred eighty (180) days.

Mayor Brady informed the owners they need to work with staff within the next two week to provide a work schedule and time frame for the repairs.

Mayor Brady closed the public hearing.

Motion by Councilman Hicks, seconded by Councilman Alexander to adopt a Resolution for structure located at 29 Wilcoxon Street instructing the owner to either repair or demolish the structure within one hundred eighty (180) days.

MOTION CARRIED. (8 – 0)

FARMER STREET REPORT

Mayor Brady indicated the study is in your agenda articulating several complaints or conditions on Farmer Street. Some of the items on the report are speed limit, truck traffic, street lights, and alignment trenches in pavement.

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Hicks to approve lowering the speed limit to 25 MPH on Farmer Street from Bullsboro Drive to Jefferson Street.

MOTION CARRIED. (8 – 0)

Motion by Councilman Alexander, seconded by Councilman Hicks to instruct staff to install signs on Farmer Street to restrict truck traffic from Bullsboro Drive to Jefferson Street.

MOTION CARRIED. (8 – 0)

Mayor Brady asked Dennis McEntire, Newnan Utilities, to have his staff check to see if additional street lights are needed on Farmer Street between Bullsboro Drive and Jefferson Street.

The City Manager informed Council staff has inspected the condition of pavement on Farmer Street from Jefferson Street to Bullsboro Drive and found a rating of “good”. In regards to adjusting the alignment of Farmer Street to do this would introduce a sharp curve at this end.

At this time Mayor Brady recused himself on the next four items. On items 3 and 4 his real estate company has a business relationship with the applicants. On item 5 a family member is one of the property owners. On item 6 the applicant’s property is contiguous with the property in item 5.

PUBLIC HEARING – TEXT AMENDMENT TO ZONING ORDINANCE FOR TOWNHOMES, FEE SIMPLE AND CONDOMINIUM OWNERSHIP TO EXIST IN THE CENTRAL BUSINESS DISTRICT (CBD) AS SPECIAL EXCEPTION USE

Mayor Pro Tem Jenkins opened a public hearing on the text amendment to the Zoning Ordinance for Townhomes, Fee Simple and Condominium Ownership to exist in the Central Business District (CBD) as a special exception use.

Seeing no one spoke for or against the Text Amendment request Mayor Pro Tem Jenkins closed the public hearing.

The Planning Director informed Council this Text Amendment request is to amend the following Zoning Ordinance sections: Chapter 21 §21.090, table 21.04; Chapter 23 §23.100; and §34.070, (4) to allow Townhomes in the CBD. Staff recommends that townhomes, fee simple and condominium ownership, be allowed in the CBD as a special exception use. In addition since the CBD is also a part of the Downtown Design Overlay District (DDO) it is further recommended that the Planning Commission would hear the special exception use request. Any new construction or exterior work would further require a Certificate of Appropriateness that would also come before the Planning Commission. The Planning Commission heard the request on May 12, 2015 and recommended approval with additional provision that Section 34.0070, (4) which has a map of the Ground Floor Single Family Overlay District, be amended to include the specific tract of land being contemplated for the future townhome project by the applicant.

The owner of the property, John Young, stated the address is 34 Perry Street not 34 Madison Street.

Motion by Councilman Alexander, seconded by Councilman Shell to approve the report by the Planning Commission. Recuse : Brady

MOTION CARRIED. (7 – 0- 1)

ORDINANCE – AMEND THE ZONING ORDINANCE BY ADOPTING TEXT AMENDMENTS TO AMEND CHAPTER 21, GENERAL PROVISIONS; CHAPTER 23, COMMERCIAL DISTRICTS, AND CHAPTER 34, ALTERNATIVE RESIDENTIAL ACCOMMODATIONS; AND FOR OTHER PURPOSES

Motion by Councilman Shell, seconded by Councilman Hicks to adopt an ordinance to amend the Zoning Ordinance by adopting Text Amendments 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)

PUBLIC HEARING – TEXT AMENDMENT TO ZONING ORDINANCE TO ALLOW FARM MACHINERY SALES AND ANCILLARY SERVICE AS A PERMITTED USE IN THE ILT (LIGHT INDUSTRIAL) AND IHV (HEAVY INDUSTRIAL) DISTRICTS

Mayor Pro Tem Jenkins opened a public hearing on the Text Amendment to Zoning Ordinance to allow Farm Machinery Sales and Ancillary services as a permitted use in the ILT (Light Industrial) and IHV (Heavy Industrial) Districts.

Seeing no one spoke for or against the issue Mayor Pro Tem Jenkins closed the public hearing.

The Planning Director stated the applicant is asking for Farm machinery sales and ancillary service as a permitted use in the ILT and IHV zoning district. At their May 12,

2015 meeting the Planning Commission recommended approval of the text amendment as proposed. Staff's recommendation was for approval of the text amendment.

Motion by Councilman Hicks, seconded by Councilman Alexander to accept the report from the Planning Commission.

MOTION CARRIED. (7 – 0 -1)

ORDINANCE – 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 Alexander to adopt 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)

PUBLIC HEARING – ROSENZWEIG ON BEHALF OF ELLIS ESTATE, LEE FAMILY
AND BARRON FAMILY – ANNEX PARCELS TOTALING 169.2± ACRES – GREENTOP
ROAD INTO THE CITY LIMITS –RS-15 (SUBURAN RESIDENTIAL SINGLE FAMILY
DWELLING DISTRICT MEDIUM DENSITY) AND RS-20 (SUBURAN RESIDENTIAL
SINGLE FAMILY DWELLING DISTRICT- LOW DENSITY)

Mayor Pro Tem Jenkins opened a public hearing on the Greentop Road property.

FAVOR

George Rosenzweig, on behalf of the Ida Lee Ellis Estate, the Lee Family and the Barron Family is requesting the annexation of 169.2± acres located on Greentop Road into the city limits. The requested zonings for the RS-15 (Suburban Residential Single Family Dwelling District – Medium Density) are about one third of the lots and RS-20 (Suburban Residential Family Dwelling District-Low Density) is about two thirds of the lots. They are proposing to develop a small town neighborhood like the ones on Nimmons Street and LaGrange Street. One of the things that makes the annexation appealing is the ability to obtain centralized sewer services through Newnan Utilities. This is an opportunity for Smart Growth. RS-20 is low density lots under the current zoning ordinance. Right now there are zero RS-20 lots in the City of Newnan. The City has done a good job by attracting high paying jobs; this is the type of people they hope this project would attract. He knows there are issues. It is estimated the annexation will basically result in a break even scenario annually and actually provide more revenue than expenditures adding the impact fees and permits. The citizens of Newnan pay taxes just like everyone else.

A resident of Highway 16 indicated he thinks this is a good project and it would do a lot of good for the city.

OPPOSITION

Ron Covey, resident Lake Hills, noted we are facing the possible rezoning from the RC medium density. This will allow the lot sizes to be 1/5 of the lot sizes at Lake Hill that are one acre lots. This type of rezoning allows saturation of traffic and the increase of imperious surface from road and driveways which increases storm water runoff. Honesty, good judgment, and leadership are what we expect from our government.

Pat Burns, resident Lake Hills, stated in her opinion there is no reason why this Greentop property should be annexed into the City limits of Newnan. She stated if the city needs more homes there should be more property adjoining the City that could be annexed. She thinks people in the city living off Greentop Road would not want to live next to the railroad tracts. She and her neighbors are asking this annexation not be approved.

Bob Ziifle, 11 Heritage Trace, stated the property in question is currently zoned Rural Conservation. He indicated it is very clear the citizens want a rural character and small town feel of Newnan, Coweta County. He has heard nothing but negative response over the last two months on this annexation.

Patrick Gilbert, resident for about 42 years, indicated he does not want to live here if the traffic becomes like Gwinnett County. He likes the small town feel.

Douglas Stark, Heritage Hills, wanted to remind everyone of the moral responsibility in building something like this. Some of his concerns are the traffic and the access to the development for the fire, ambulance, and police departments that has not been presented in any way. Please take into consideration the moral welfare of those wanting the country feel.

Mayor Pro Tem Jenkins closed the public hearing.

The Planning Director stated the tracts to be annexed are adjacent to the following: The tracts to be annexed located north of Greentop Road on the North is County Rural Conservation (residence and vacant land), West, County Rural Conservation (residence), South, Greentop Road: County Rural Conservation (vacant Land – part of annexation request) and to the East, County Rural Conservation (Georgia Power Sub Station). On the location south of Greentop Road: North, Greentop Road; County Rural Conservation (residences, Georgia Power Sub Station and vacant land) West, County Rural Conservation (proposed residential subdivision) South, Railroad R/W, Planned Development Residential (Calumet); Shenandoah Industrial Park, East, County Rural Conservation (vacant land). The properties are primarily surrounded by a few houses, Greentop Road/railroad right-of-way, and undeveloped land to the east and west. The tract to the west is also seeking annexation and plans on developing a 184 unit residential subdivision with a proposed zoning of RS-15. She noted the Heritage Hills lot sizes are around one half acres and the Lake Hill lot sizes are one acre lots. The majority of the surrounding properties are zoned RC (Rural Conservation) in the County and are either vacant or developed with individual residential homes. The exception to the RC zoning is

Calumet which is PDR and has been developed in the City. The RS-15 zoning allows 2.5 units per acre while RS-20 allows 1.5 units. The County's RC zoning allows 1 unit per 1.6 acres of land. Staff views the proposed use of the property as a residential subdivision to be an acceptable designation given the surrounding zonings and uses of the neighboring properties. The developer is proposing a 15,300 square foot average for the 67 lots on the northern portion of the property zoned RS-15 and for the 94 lots zoned RS-20 on the southern portion of the property a lot size of 26,400 square feet. The RS-15 lots will be smaller than those within the neighboring subdivision, but the RS-20 zoned lots will be comparable to the lots in Heritage Hills which averages 27,000 square feet. Lake Hills/Lake Ridge lots average around 1.3 acres with the majority being around 1 acre in size. The greatest impact to adjacent and nearby properties will be increased traffic. In an effort to minimize this impact, both the County and the City have suggested conditions including the possibility of a new signal at Highway 29 and Greentop Road when warranted and the construction of a dedicated turn lane into the development as a means of addressing this issue. The property could be used as currently zoned; however with the 1.6 acre lot requirement only 83 lots would be allowed. Staff conducted a fiscal impact analysis report. The annual expenditures based on the 2015 budget are projected at \$136,634.58, annual revenues projected for the subdivision at \$121,786.26 and the upfront revenues projected for subdivision at \$398,585.04. The fiscal impact analysis shows the development will result in \$14,848.32 more in expenditures vs. revenues annually. This figure does not include the upfront revenues from impact fees and construction permits. Staff feels the revenue side is low in that it doesn't take into consideration other funding sources such as home occupation licenses, an increase in LMIG (Local Maintenance and Improvement Grant) funding which is based on population and road miles, and impact on the City's portion of the local option sales tax which is based upon the City's overall percentage of population within the County. Over all staff feels it is very much a wash. The Fire Department indicated they would be able to service this property. They are looking to construct a new Fire Station on the By Pass which would decrease response time. The Police Department has indicated their individual response is on the road. According to Newnan Utilities they will be able to provide water and sewer to the property with conditions be applied to the development. The City Engineer has addressed issues that would need to be looked at during the development phase. The school system indicated if approved they would request the developer provide advance notice of a schedule for construction and planning process. The CSX Railroad has concerns moving storm water runoff and would like to see a study conducted by the developer on storm water runoff. The gas company indicated that the petitioner would need to get with their Land Department and Engineers to look at the proposed areas and get agreements in place. The Comprehensive Plan in general does identify in its Community Assessment the lack of available land for future development as a potential issue. It states that the City should emphasize diversity in its housing product to meet the needs of all population sectors and ensure development to provide for a variety of residential types and densities. The average home value for Newnan for 2014 based on ESRI forecasts was projected at \$189,903. The County does not object to this annexation. Also the County's report specified the following in terms of their Comprehensive Plan; The Future Development Map Infill Neighborhood character area is recommended for this location. The Infill Neighborhood character area is where single-

family detached neighborhood development along with parks and open space, and small-scale neighborhood development more than 20,000 square feet are supported. Where public sewer is not available, low density single-family development is recommended (up to 1 unit per acre). Where public sewer is available within the Infill Neighborhood character area, medium density single family development is supported (more than 1 unit per acre up to 8 units). The development will have a density of 1.5 units per acre. The applicant is proposing a future residential development RS-15 and RS-20 would be appropriate zoning designations. This property is in the County, it is not addressed by the City of Newnan Comprehensive Plan; however the County Comprehensive Plan shows this area as appropriate for low density infill development. Staff feels the proposed use reflects a reasonable balance between the promotion of the public health, safety, morality, general welfare and the right to unrestricted use of the property. The Coweta County Board of Commissioners voted at their May 5, 2015 meeting not to object to the annexation. They did ask the City to consider with conditions if the property is annexed. The Planning Commission held their meeting on May 12, 2015 and voted 4 – 1 to recommend approval of the annexation and rezoning with the following conditions:

The development of the property will be consistent with the concept plan that has been provided as part of the annexation application including amenities and greenspace/open space as depicted on said plan and will be limited to 168 units.

The houses shall be a minimum of 2,000 square feet of heated living space and will be consistent with the elevations that were provided as part of the annexation application.

The developer shall be required to install a left turn lane as well as acceleration/deceleration lane for the west entry on Greentop Road.

The developer shall install an eastbound right-turn lane along Greentop Road at the east entry which will be permitted under the County's jurisdiction.

The developer will pay a pro rata share of the cost to install a traffic signal at the intersection of US 29 and Greentop Road when warranted attributable to trips generated by the development.

All storm water management shall meet the requirements of the Metropolitan North Georgia Water Planning District.

All property owners shall provide a 50 foot utility easement along the entire frontage of the railroad.

All property owners shall be responsible for any and all costs associated with providing utility service to their property.

The property owner/developer shall provide up to 1 acre of property, at the location chosen by Newnan Utilities, to construct a pump station.

The Commission's recommendation was consistent with that of the Planning Department's Staff.

Motion by Councilman Alexander, seconded by Councilman DuBose to accept the report from the Planning Commission and staff.

MOTION CARRIED. (7 – 0- 1)

Councilman Alexander indicated there are no guarantees there will be \$350,000 homes in this development. He indicated everyone he has talked with is not in favor of the annexation. He also expressed concerns about the residential development costing the City more in the long run.

Councilman Coggin feels the annexation will increase cost for the Police Department. He indicated he has not heard enough about the planning for the infrastructure or the infrastructure expansion to accommodate this annexation project. We have issues today, so what are we going to do.

Mayor Pro Tem Jenkins said her first inclination was for annexation and the city has to grow in proportion to the population size. The Council has to look at how we are to grow. At this time her biggest concern is that we do go ahead with annexation and be a good neighbor. The half-acre lot size is being a good neighbor anything less than that would not be. She would recommend only allowing the RS-20 with a cap.

Councilman Koritko thanked everyone in attendance for coming to the meeting; indicating that their time is valuable.

ORDINANCE – ANNEX THE EXISTING CORPORATE LIMITS OF THE CITY OF NEWNAN, GEORGIA CERTAIN UNINCORPORATED LAND ADJOINING THE EXISTING CORPORATE LIMITS OF SAID CITY IN ACCORDANCE WITH SECTION 36-36-21 OF THE OFFICIAL CODE OF GEORGIA AND FOR OTHER PURPOSES

Motion by Councilman Alexander, seconded by Councilman Coggin to deny the annexation request to annex parcels totaling 169.2 ± acres located on Greentop Road into the existing corporate limits of the City of Newnan Georgia. Opposed: Jenkins, Shell and DuBose. Recuse: Brady.

MOTION CARRIED. (4 – 3- 1)

PUBLIC HEARING – DREWER ON BEHALF OF NCTI, LLC – ANNEX PARCELS
TOTALING 122.68± ACRES – GREENTOP ROAD INTO THE CITY LIMITS WITH RS-15
(SUBURBAN RESIDENTIAL SINGLE FAMILY DWELLING DISTRICT – MEDIUM
DENSITY)

Mayor Pro Tem Jenkins opened a public hearing on the annexation of 122.67± acres located on Greentop Road with RS-15 (Suburban Residential Single Family Dwelling District – Medium Density).

The Planning Director informed Council the applicant is requesting the withdrawal of this annexation request at this time.

Motion by Councilman Hicks, seconded by Councilman Shell to permit the withdrawal of the request for the annexation of 122.68± acres located on Greentop Road.

MOTION CARRIED. (7 – 0 -1)

DRAINAGE – FISHER STREET

Gloria Reese, 3 Fisher Street, is seeking help with the water runoff from the rain that drains down the driveway and runs under her home.

Council instructed staff to look into the water runoff on 3 Fisher Street.

ADJOURNMENT

Motion by Councilman Alexander, seconded by Councilman Coggin to adjourn the Council meeting at 8:10 p.m.

MOTION CARRIED. (7 – 0)

Della Hill, City Clerk

Keith Brady, Mayor