

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, March 25, 2014 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; Rhodes Shell; Cynthia E. Jenkins; George Alexander; Dustin Koritko and Robert Coggin. Also present were: City Manager, Cleatus Phillips; City Clerk, Della Hill; Public Works Director, Michael Klahr; Planning Director, Tracy Dunnavant; Code Enforcement Officer, Shane Pridgen; City Planner, Dean Smith; City Attorney, Brad Sears and Police Chief Douglas "Buster" Meadows.

MINUTES – REGULAR COUNCIL MEETING – MARCH 13, 2014

Motion by Councilman Coggin, seconded by Councilman Alexander to dispense with the reading of the minutes of the Regular Council meeting for March 13, 2014 and adopt them as presented.

MOTION CARRIED. (8 - 0)

MINUTES – RETREAT – MARCH 13, 2014

Motion by Councilman Alexander, seconded by Councilman Coggin to dispense with the reading of the minutes of the Council's Retreat for March 13, 2014 and adopt them as presented.

MOTION CARRIED. (8-- 0)

APPOINTMENT – PARKS AND RECREATION COMMISSION – 3 YEAR TERM

Mayor Brady asked the City Manager to place Councilman Koritko's appointment to the Parks and Recreation Commission for a three (3) year term on the agenda for the next meeting.

APPOINTMENT – TREE COMMISSION – 3 YEAR TERM

Mayor Brady asked the City Manager to place Councilman Koritko's appointment to the Tree Commission for a three (3) year term on the agenda for the next meeting.

GEORGIA CITIES WEEK

Georgia Cities Week will be April 10 – 16, 2014 with several events going on that week. The winners of the high school Art contest will be on display at City Hall during that week.

SURPLUS PROPERTY DECLARATION AND DISPOSITION

Staff recommends Council declare as surplus the equipment and/or vehicles listed on the attached Surplus Property Schedule.

Motion by Councilman DuBose, seconded by Councilman Hicks to approve the request as submitted and declare as surplus the equipment and/or vehicles listed on the attached Surplus Property Schedule.

MOTION CARRIED. (8 – 0)

NEWNAN YOUTH COUNCIL

Cameron Cullen	12 th Grade	East Coweta
Hannah Bennett	11 th Grade	East Coweta
Stephanie Parks	12 th Grade	Newnan

**REQUEST – SURPLUS PROPERTY DECLARATION AND DISPOSITION – 121
SPRING STREET**

The City Manager informed Council we have had an inquiry on 121 Spring Street surplus properties that was previous a right-of-way that was never sold back to the adjoining property owners. The adjoining property owner made a request to buy this property to construct a drive way. If approved by Council staff would like to do dispose of this property with seal bids starting at \$1,500.

Motion by Councilman Alexander, seconded by Councilman Hicks to approve the request to declare 121 Spring Street as surplus property and to accept seal bids starting at \$1,500.

MOTION CARRIED. (8 – 0)

**REFER TEXT AMENDMENT TO ZONING ORDINANCE – ALLOW RESTAURANTS AS
A SPECIAL EXCEPTION IN THE 01-1 (OFFICE AND INSTITUTIONAL-LOW DENSITY)
AND 01-2 (OFFICE AND INSTITUTIONAL-HIGH DENSITY) DISTRICTS TO PLANNING
COMMISSION**

Motion by Councilman Alexander, seconded by Councilman Hicks to refer the Text Amendment to the Zoning Ordinance to allow restaurants as a special exception

in the 01-1 (Office and Institutional-Low Density) and 01-2 (Office and Institutional-High Density) Districts to Planning Commission.

MOTION CARRIED. (8 – 0)

**RESOLUTION – ADOPT UPDATE OF THE COWETA COUNTY JOINT
COMPREHENSIVE TRANSPORTATION PLAN (CTP)**

Motion by Councilman Alexander, seconded by Councilman Coggin to adopt a Resolution for an update of the Coweta County Joint Comprehensive Transportation Plan as presented.

MOTION CARRIED. (8 – 0)

**REQUEST – DIVERSIFIED ENERGY SERVICES, INC (CONTRACTOR FOR ATLANTA
GAS LIGHT COMPANY) – PERMISSION TO ENTER UPON AND CROSS PROPERTY
OWNED BY THE CITY OF NEWNAN FOR THE PURPOSE OF CONDUCTING A
SURVEY**

Motion by Councilman Alexander, seconded by Councilman Hicks to approve the request by Diversified Energy Services (Contractor for Atlanta Gas Light Company) to enter upon and cross property owned by the City of Newnan for the purpose of conducting a survey for a pipeline right-of-way.

MOTION CARRIED. (8 – 0)

**PUBLIC HEARING – REQUEST BY CANCER TREATMENT CENTERS OF AMERICA –
CHANGE THE STREET NAME OF PARKWAY NORTH TO CELEBRATE LIFE
PARKWAY**

Mayor Brady opened a public hearing on the request by the Cancer Treatment Centers of America to change the street name of Parkway North to Celebrate Life Parkway.

Staff has contacted the U.S. Postal Services, Police Dept., Fire Dept., E-911 and other affected agencies. To date, the City has received no objections from any public agencies to the proposed street renaming. The Post Office has requested to keep the address of Newnan Crossing Apartments 151 Parkway North and allow the entrance road to become a private street of Parkway North.

Mayor Brady closed the public hearing.

Motion by Councilman Coggin, seconded by Councilman Alexander to approve the request by Cancer Treatment Centers of America to change the street name of Parkway North to Celebrate Life Parkway, effective July 1, 2014. Abstained: Hicks (Employee CTCA)

MOTION CARRIED. (7 - 0 - 1)

RESOLUTION - PUBLIC HEARING - 4 WELCH STREET

Mayor Brady opened a public hearing on the substandard structure located at 4 Welch Street.

The Code Enforcement Officer conducted an inspection of the premises and found the structure to be unsafe, uninhabitable and vacant. He stated he has meet with the owner's father and he understands what is needed to bring this structure up to code. He presented Council a schedule given to him last Friday by Tynisiha Adufo. He indicated they understand building permits will be needed and is prepared to make the repairs. His recommendation would be to adopt a resolution directing the owner to either repair or demolish the structure within one hundred eighty (180) days.

Mayor Brady closed the public hearing.

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Hicks to adopt a resolution instructing the property owner to either repair or demolish the structure located at 4 Welch Street within one hundred eighty (180) days with thirty (30) day reports.

MOTION CARRIED. (8 - 0)

RESOLUTION - PUBLIC HEARING - 36 DEWEY STREET

Mayor Brady opened a public hearing on the substandard structure located at 36 Dewey Street.

The Code Enforcement Officer conducted an inspection of the premises and found the structure to be unsafe, uninhabitable, open and vacant. He informed Council he spoke with the owner in February and has indicated he plans to repair the structure. As of this date no permits have been pulled.

Mr. Arthur Hussie stated he does not know who to pay for his mortgage and noted this has been going on for two years. He is requesting time to get this issue solved.

Mayor Brady closed the public hearing and asked Council to consider a thirty (30) extension for 36 Dewey Street.

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Hicks to continue the resolution for 36 Dewey Street until the April 22, 2014 meeting giving the owner time to resolve the issue.

MOTION CARRIED. (8 - 0)

RESOLUTION – PUBLIC HEARING – 78 TEMPLE AVENUE

Mayor Brady opened a public hearing on the substandard structure located at 78 Temple Avenue.

The Code Enforcement Officer conducted an inspection of the premises and found the structure to be unsafe, uninhabitable and vacant. The property owner has been notified, but no permits have been obtained to begin repairs. The owner has indicated to the Code Enforcement Officer he plans to demolish this structure. His recommendation would be to adopt a resolution directing the owner to either repair or demolish the structure within forty five (45) days.

Mayor Brady closed the public hearing.

Motion by Councilman Coggin, seconded by Councilman Alexander to adopt a resolution instructing the property owner to either repair or demolish the structure located at 78 Temple Avenue within forty five (45) days.

MOTION CARRIED. (8 – 0)

RESOLUTION – PUBLIC HEARING – 80 TEMPLE AVENUE

Mayor Brady opened a public hearing on the substandard structure located at 80 Temple Avenue.

The Code Enforcement Officer conducted an inspection of the premises and found the structure to be unsafe, uninhabitable and vacant. The owner has been notified, but no permits have been obtained to begin repairs. He indicated the owner plans to repair this structure. The cost to bring this structure into compliance by means of repair does exceed 50% of the structure's assessed tax value. His recommendation would be to adopt a resolution directing the property owner to either repair or demolish the structure within forty five (45) days.

Mayor Brady closed the public hearing.

Motion by Councilman Alexander, seconded by Councilman Shell to adopt a resolution instructing the property owner to either repair or demolish the structure located at 80 Temple Avenue within forty five (45) days.

MOTION CARRIED. (8 – 0)

RESOLUTION – PUBLIC HEARING – 80 WEST WASHINGTON STREET

Mayor Brady opened a public hearing on the substandard structure located at 80 West Washington Street.

The Code Enforcement Officer conducted an inspection of the premises and found the structure to be unsafe, uninhabitable, open and vacant. No permits have been pulled for the repairs. The cost to bring the structure into compliance by means of repair does exceed 50% of the structure's assessed tax value. His recommendation would be to adopt a resolution directing the property owner to either repair or demolish the structure within forty five (45) days.

Mr. Andrew Fleming, one of the five owners, informed Council he is trying to get in touch with all of the owners. He has been trying to sell this property, but has not been able to. He is planning to have the structure demolished.

Mayor Brady closed the public hearing.

Motion by Councilman Alexander, seconded by Councilman Coggin to adopt a resolution instructing the property owner to either repair or demolish the structure located at 80 West Washington Street within forty five (45) days.

MOTION CARRIED. (8 – 0)

RESOLUTION – PUBLIC HEARING – 96 MARTIN LUTHER KING JR. DRIVE

Mayor Brady opened a public hearing on the substandard structure located at 96 Martin Luther King Jr. Drive.

The Code Enforcement Officer informed Council a final inspection was conducted and this structure has been repaired and is in compliance with code.

Mayor Brady closed the public hearing.

REQUEST- WILLIS ROAD ELEMENTARY – HOLD 5K AT ASHLEY PARK – MARCH 29, 2014

Motion by Councilman Alexander, seconded by Councilman Hicks to approve the request by Willis Road Elementary to hold a 5K at Ashley Park on March 29, 2014, from 6:00 am until 10:00 am.

MOTION CARRIED. (8 - 0)

**REQUEST – ANTHONY JOHNSON – REGARDING DENIAL OF REPAIRS TO ROOF
CAUSED BY CITY TREE IN FRONT OF HOUSE AT COLE STREET**

Mr. Anthony Johnson, 58 Cole Street, informed Council a limb from a tree in the City's right-of-way fell on his house on February 12, damaging his roof. On February 24 he filed a claim with the City Manager for the repairs in the amount of \$968.86. On the 18th of March he received a letter from the City Manager denying his request. The City Manager's letter included the following reason for denying the claim: The limb that fell on February 12, 2014 occurred during a significant ice storm in which several limbs and trees fell around the city. Based upon these findings, the city must deny your request for repairs.

The City Manager stated he did receive the request by Mr. Johnson and did send necessary personnel to remove the limbs. He was investigating whether the city was negligent by not previously removing the tree. He had the landscape architect for the city look at the tree as well as a third party arborist. Both found the tree to be in excellent shape. Through the investigation we found out that two to three years ago a similar request was made about the same tree. At that time several small limbs on the tree were removed by a tree service.

The City Attorney stated if the tree was the problem the city would be liable for more damage. He indicated the problem is the location of the tree and the ice storm the city's sovereign immunity kicks in and the city is not liable. This situation has happened many times before and has never come to council.

Mayor Pro Tem Jenkins and Councilman Coggin was concerned with the city acknowledging the risk of the tree during the meeting, we need to do something.

Councilman Alexander and Councilman Koritko were concerned about the precedent they would be setting and the legality of it.

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Coggin to approve the request by Mr. Johnson authorizing the City to pay for the damage to his roof located at 85 Cole Street and remove the tree. Opposed: Alexander, Shell, Hicks and Koritko.

MOTION DIES. (4 – 4)

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 legal 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 7:00 p.m.

MOTION CARRIED. (8 - 0)

EXECUTIVE SESSION

Motion by Councilman Alexander, seconded by Councilman Shell to adjourn the executive session back into regular session at 7:54 p.m.

MOTION CARRIED. (6 - 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. (6 - 0)

ADJOURNMENT

Motion by Councilman Shell, seconded by Councilman DuBose to adjourn the Council meeting at 7:55 p.m.

MOTION CARRIED. (6 - 0)

Della Hill, City Clerk

Keith Brady, Mayor