

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, April 22, 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; City Planner, Dean Smith; City Attorney, Brad Sears and Police Chief Douglas "Buster" Meadows.

MINUTES – REGULAR COUNCIL MEETING – APRIL 3, 2014

Motion by Councilman DuBose, seconded by Councilman Alexander to dispense with the reading of the minutes of the Regular Council meeting for April 3, 2014 and adopt them as presented.

MOTION CARRIED. (8 - 0)

SPECIAL PRESENTATION – NEWNAN YOUTH COUNCIL

Mayor Brady and Mayor Pro Tem Jenkins recognized the 2013-2014 Newnan Youth Council Graduating Seniors. This year a tree will be planted in honor of the Graduating Seniors in one of our City's Parks.

NEWNAN YOUTH COUNCIL PRESENT

Annie Hass	12 th Grade	Newnan
Abby Aaron	12 th Grade	Newnan
Anna Burnett	12 th Grade	East Coweta
Stephen Duncan	11 th Grade	Northgate
Nicole Duncan	10 th Grade	Northgate
Natalie Bunch	12 th Grade	Heritage

APPOINTMENTS –NEWNAN YOUTH ACTIVITIES COMMITTEE – 3 YEAR TERM

Motion by Councilman Coggin, seconded by Councilman Alexander to re-appoint Isaac Aycock to the Newnan Youth Activities Committee for another three year term.

MOTION CARRIED. (8 – 0)

Motion by Councilman Shell, seconded by Councilman Hicks to re-appoint William Brett Johnston to the Newnan Youth Activities Committee for another three year term.

MOTION CARRIED. (8 – 0)

Motion by Councilman Coggin, seconded by Councilman Alexander to re-appoint Smith Pass to the Newnan Youth Activities Committee for another three year term.

MOTION CARRIED. (8 – 0)

Motion by Councilman Shell, seconded by Councilman Alexander to re-appoint Kirk Stallings to the Newnan Youth Activities Committee for another three year term.

MOTION CARRIED. (8 – 0)

Mayor Brady asked the City Manager to place Councilman Alexander's appointment to the Newnan Youth Activities Committee on the agenda for the next meeting.

APPOINTMENTS –URBAN REDEVELOPMENT AGENCY

Motion by Councilman DuBose, seconded by Councilman Alexander to re-appoint Brant Frost, V to the Urban Redevelopment Agency for another three year term.

MOTION CARRIED. (8 – 0)

Motion by Councilman Hicks, seconded by Councilman Alexander to re-appoint Tim Higgins to the Urban Redevelopment Agency for another three year term.

MOTION CARRIED. (8 – 0)

Mayor Brady asked the City Manager to place his appointment to the Urban Redevelopment Agency on the agenda for the next meeting.

REQUEST – ROTARY CLUB – SUPPORT OF \$10,000 - FOURTH OF JULY
FIREWORKS CELEBRATION

Motion by Mayor Pro Tem Jenkins , seconded by Councilman Hicks to approve the request from the Rotary Club for City's support of \$10,000 for the Fourth of July Fireworks Celebration as allocated in the 2014 FY Budget.

MOTION CARRIED. (8 – 0)

POTTS CONTRACTS ASSIGNMENTS

The City Manager informed Council recently The Potts Company, Inc. a Georgia Corporation changed to The Potts Company, LLC, a Georgia Liability Company. This is for both the Newnan Hospital Redevelopment Project and the Public Safety Complex Project. Council needs to approve the assignment of contracts and sureties from INC to LLC by signing the Consent to Assignment forms.

Motion by Councilman Hicks, seconded by Councilman Alexander to approve the request by signing the Consent Assignments for the contracts and sureties from INC to LLC for Potts Company.

MOTION CARRIED. (8 – 0)

PUBLIC HEARING – ALCOHOL BEVERAGE LICENSE TRANSFER – FROM MONGKOLTEP THAI RESTAURANT TO GARLIC NEWNAN LLC D/B/A GARLIC THAI CUISINE

Mayor Brady opened a public hearing on the application for Retail On Premise (Pouring) Sales of Malt Beverages and Wine License for transfer of License from Mongkoltep Thai Restaurant to Garlic Newnan LLC d/b/a Garlic Thai Cuisine located at 16 North Court Square.

A representative of applicant was present for the hearing.

No one present 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 to transfer the Retail On Premise (Pouring) Sales of Malt Beverages and Wine License from Mongkoltep Thai Restaurant to Garlic Newnan LLC d/b/a Garlic Thai Cuisine located at 16 North Court Square.

MOTION CARRIED. (8 – 0)

SURPLUS PROPERTY DECLARATION AND DISPOSITION

Staff recommends Council declare as surplus 2003 Chev Impala and 2009 Ford Crown Victoria and grant authorization for the disposal of such.

Motion by Councilman Alexander, seconded by Councilman Shell to approve the request to declare as surplus a 2003 Chev Impala and 2009 Ford Crown Victoria and grant authorization for disposal.

MOTION CARRIED. (8 – 0)

BID – CONSTRUCTION OF PUBLIC WORKS YARD PHASE II – 55 BOONE DRIVE

The Public Works Director stated three (3) sealed bids were received for the construction of the Public Works Yard Phase II. The lowest bid, submitted by Georgia Development Partners, LLC at \$547,034.95 has been found to be responsive to the request for bids.

Motion by Councilman Shell, seconded by Councilman Coggin to award the bid to Georgia Development Partners, LLC at \$547,034.95 for the construction of Phase II improvements for the Public Works Yard at 55 Boone Drive. Funding from SPLOST 2007.

MOTION CARRIED. (8 – 0)

BID – PURCHASE POTHOLE REPAIR TRUCK – SNOW PLOW ATTACHMENT FOR STREET DEPARTMENT

The Public Works Director indicated bids were received from two vendors for the pothole repair truck with a snow plow attachment for the Street Department. Staff recommends Council authorize the purchase from Environmental Products of Georgia for \$173,255.00 which includes a snow plow attachment and additional torque in the engine. The addition of a snow plow attachment resulted in an over-budget amount of \$8,255.00.

Motion by Councilman Coggin, seconded by Councilman Shell to award the bid to Environmental Products of Georgia for \$173,255.00 which includes a snow plow attachment and additional torque in the engine.

MOTION CARRIED. (8 – 0)

Mayor Brady asked the City Manager to prepare an amendment to the budget for the additional \$8,255 for the snow plow attachment.

BID – DESIGN ENGINEERING SERVICES – DRAINAGE IMPROVEMENTS – DOMINECK STREET AND TUXEDO AVENUE

The Public Works Director/City Engineer informed Council four (4) bids were received for design services and bid documents for the drainage improvements for Domineck Street and Tuxedo Avenue. The lowest bid was submitted by Columbia Engineering for \$9,850.00 with \$125.00 per hour for added services under a separate contract.

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Alexander to award the bid to Columbia Engineering for \$9,850.00 for design services and bid documents with

\$125.00 per hour added services under a separate contract for Domineck Street and Tuxedo Avenue drainage improvements.

MOTION CARRIED. (8 – 0)

REJECTION OF BID(S) -2ND ENTRANCE FOR NEWNAN CENTRE AND AUTHORIZATION TO REBID THE PROJECT

The Public Works Director/City Engineer informed Council the sole bid submitted by Southeastern Site Development Inc. was found to be non-responsive. Staff is requesting to re-bid this project with changes to the type of contract, adding more days to complete the project and material changes.

Motion by Councilman Alexander, seconded by Councilman Shell to approve the rejection of sole bid submitted by Southeastern Site Development, Inc. for the 2nd entrance for Newnan Centre and to authorize staff to re-bid this project.

MOTION CARRIED. (8 – 0)

PUBLIC HEARING – ZONING ORDINANCE AMENDMENT FOR INDOOR ARCHERY RANGE

Mayor Brady opened a public hearing on the Zoning Ordinance amendment for Indoor Archery Range.

The City Planner indicated the Planning Commission voted to approve the proposed revision to the Zoning Ordinance that would allow Indoor Archery Ranges to operate as an Accessory Use within the following zoning districts: Planned Developed-Commercial (PDC); Community Shopping Center (CCS); General Commercial (CGN); and Heavy Commercial (CHV). Staff recommends approval of the zoning amendment.

Mayor Brady closed the public hearing.

Motion by Councilman Alexander, seconded by Councilman Shell to approve the changes to the Zoning Ordinance for the establishment of the use within appropriate zoning districts for Indoor Archery Ranges in the City of Newnan.

MOTION CARRIED. (8 – 0)

PUBLIC HEARING – ZONING ORDINANCE AMENDMENT TO ALLOW BREWERY ESTABLISHMENTS

Mayor Brady opened a public hearing on the Zoning Ordinance amendment to allow Brewery establishments.

The City Planner stated the Planning Commission voted to approve the proposed revision to the Zoning Ordinance that would allow Brewers Malt Manufacturing (Breweries) to be able to operate in both Heavy Industrial (IHV) and Light Industrial (ILT) zoning districts as a permitted use. The proposed change would also enable Brewers Malt Manufacturing to operate in Heavy Commercial (CHV) districts if granted Special Exception approval via a Board of Zoning Appeals Public Hearing process.

Mayor Brady closed the public hearing.

Motion by Councilman Coggin, seconded by Councilman Alexander to approve the zoning amendments to the Zoning Ordinance for the establishments of appropriate zoning districts that will allow Brewery operations in the City.

MOTION CARRIED. (8 – 0)

AMENDING THE CODE OF ORDINANCES AT CHAPTER 3, ALCOHOLIC BEVERAGES, FOR THE PURPOSE OF LICENSING MICROBREWERIES FOR MALT BEVERAGES MANUFACTURING AS A PERMITTED USE IN CITY'S ILT AND IHV ZONING DISTRICTS AND AS A SPECIAL EXCEPTION USE IN THE CHV ZONING DISTRICT, ESTABLISHING LICENSE FEES, AND PROVIDING REGULATIONS

The City Attorney stated after some research in the local areas staff is recommending the Microbrewery License fee of \$1,000.00 rather than the \$5,000.00.

Motion by Councilman Hicks, seconded by Councilman Coggin to adopt an Ordinance amending the Code of Ordinances at Chapter 3, Alcoholic Beverages, for the purpose of Licensing Microbreweries for Malt Beverages Manufacturing as a permitted use in the City's ILT and IHV Zoning Districts and as a special exception use in the CHV Zoning District, establishing license fees of \$1,000.00 and providing regulations.

MOTION CARRIED. (8 – 0)

REQUEST – FROM POTENTIAL BUYER TO REQUEST AN EXTENSION OF DEMOLITION OF 4 AND 6 ST CLAIR STREET

Mr. Keith Davidson, representing Mortgage Company, is requesting an extension of sixty (60) days to take care of legal issues for substandard structures located at 4 and 6 St Clair Street.

Motion by Councilman Hicks, seconded by Mayor Pro Tem Jenkins to approve a sixty (60) day extension on the structures located at 4 and 6 St Clair Street.

MOTION CARRIED. (8 – 0)

RESOLUTION CONTINUED - 36 DEWEY STREET

Mr. Arthur Hussie has been working on his legal problem at 36 Dewey Street. He has been trying to find the information he needs for the lien holder. He was instructed to write a letter including the information they requested. He is requesting an extension of sixty (60) days.

Motion by Councilman Hicks, seconded by Councilman Shell to approve the request for a sixty (60) days extension on the structure located at 36 Dewey Street.

MOTION CARRIED. (8 – 0)

PUBLIC HEARING – RESOLUTION - 67 FAIRMOUNT STREET

Mayor Brady opened a public hearing on the structure located at 67 Fairmount Street.

The Code Enforcement Officer informed Council an inspection of the structure located at 67 Fairmount Street was conducted and found to be unsafe, uninhabitable, open and vacant. The cost to bring this structure into compliance by means of repair does not exceed 50% of the structure's assessed tax value. Staff has met with the owner and he is requesting an extension of one hundred eighty (180) days to bring the structure into compliance of Code.

Mayor Brady closed the public hearing.

Motion by Councilman Alexander, seconded by Mayor Pro Tem Jenkins to adopt a resolution directing the property owner to either repair or demolish the structure located at 67 Fairmount Street within one hundred eighty (180) days.

MOTION CARRIED. (8 – 0)

PUBLIC HEARING – RESOLUTION – 79 WEST WASHINGTON STREET

Mayor Brady opened a public hearing on the structure located at 79 West Washington Street.

The Code Enforcement Officer informed Council an inspection was conducted and found the structure to be unsafe, uninhabitable, open and vacant. The cost to bring this structure into compliance by means of repair does exceed 50% of the structure's assessed tax value. Staff indicated he has spoken with the owner and they are planning to demolish the structure themselves.

The owner Josephine Bailey is requesting one hundred eighty (180) days to obtain funds for the demolition.

Mayor Brady closed the public hearing.

Motion by Councilman Alexander, seconded by Councilman Coggin to adopt a resolution directing the property owner to either repair or demolish the structure located at 79 West Washington Street within one hundred eighty (180) days.

MOTION CARRIED. (8 – 0)

CONTINUE DISCUSSION – RESOLUTION – 125 LAGRANGE STREET

The Code Enforcement Officer informed Council he has not received any additional information on the structure located at 125 LaGrange Street. He has been unable to inspect the inside of the structure, without the inspection he has no way of knowing if the structure exceeds 50% of the assessed tax value.

Mayor Brady would like to continue this issue until the next Council meeting.

The City Attorney suggested we obtain verbal permission from the owner (Ms. Laura Rivers) for the Code Enforcement Officer to enter the structure for an inspection.

Motion by Councilman Alexander, seconded by Mayor Pro Tem Jenkins to instruct staff to contact the owner for permission to enter the structure at 125 LaGrange Street for an inspection and continue this until the next Council meeting.

MOTION CARRIED. (8 – 0)

RECONSIDER – REQUEST FROM ANTHONY JOHNSON – REGARDING THE TREE LIMB FALLING ON THE HOUSE ON COLE STREET

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Coggin to approve the request from Anthony Johnson to pay for the repairs to his roof caused by a tree in the City of Newnan's right-of-way.

MOTION CARRIED. (8 – 0)

Motion by Councilman Coggin, seconded by Mayor Pro Tem Jenkins to remove the tree in the City of Newnan's right-of-way on Cole Street.

MOTION CARRIED. (8 – 0)

REQUEST – MAINSTREET – HOST THE “SCREEN ON THE GREEN” – FRIDAY MAY 2, 2014 – FIRST AVENUE PARK

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Hicks to approve the request by Mainstreet to host “Screen on the Green” on Friday May 2, 2014 between 7 and 10 pm at First Avenue Park.

MOTION CARRIED. (8 – 0)

REQUEST – NORMA HAYES – MAYOR TO PROCLAIM THE WEEK OF APRIL 27TH AS PUBLIC SAFETY APPRECIATION WEEK

Ms. Norma Hayes invited Mayor and Council to the Public Safety Luncheon to honor Public Safety men and women at the Coweta County Fairgrounds, Friday May 2 between 11:30 am and 1:00 pm.

Motion by Councilman Alexander, seconded by Councilman Shell to declare the week of April 27th as Public Safety Appreciation Week and to donate \$1,000.00 for the Public Safety Appreciation Luncheon on May 2, 2014.

MOTION CARRIED. (8 – 0)

REQUEST – JACKSON GILES – FILM ON MONDAY MAY 19, 2014 SCENES FOR A FEATURE FILM “SICK PEOPLE” AT TWO NEWNAN LOCATIONS –WORKING WITH THE NPD ON ANY TRAFFIC ISSUES

Motion by Councilman Hicks, seconded by Councilman Coggin to approve the request by Jackson Giles to film on Monday, May 19, 2014 scenes for a feature film “Sick People” at two Newnan locations and work with NPD on any traffic issues.

MOTION CARRIED. (8 – 0)

REQUEST – CANCER TREATMENT CENTERS OF AMERICA REGARDING IMPACT FEES

The City Manager informed Council this is a request from the Cancer Treatment Centers regarding impact fees previously paid and future transportation impact fees for construction of a section of McIntosh Parkway. He recommends approving the request.

Motion by Councilman Alexander, seconded by Councilman Shell to approve the request from the Cancer Treatment Centers of America regarding the impact fees previously paid and future transportation impact fees for construction.

MOTION CARRIED. (8 - 0)

REQUEST – BY TAMIKA HUDSON – PRAYER WALK

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Alexander to approve the Prayer Walk for either May 24, 2014 or June 7, 2014 starting at Martin Luther King Jr. Drive and ending at Wesley Street Gym at 10:00 am.

MOTION CARRIED. (8 – 0)

BUSINESS LICENSE ENFORCEMENT

Mr. Carl Wiggers, U Dirty Dog, complained to Council regarding Business License Enforcement in the City and the amount of income they are losing.

Council instructed Staff to research this issue and present a report to Council.

MOTION FOR EXECUTIVE SESSION

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Alexander 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 7:15 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 7:29 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)

DENY CLAIM

Motion by Council Alexander, seconded by Councilman DuBose to deny Rowe, Phillips and Freeman claim.

MOTION CARRIED. (8 - 0)

