

CITY OF NEWNAN, GEORGIA
REGULAR COUNCIL MEETING

NOVEMBER 24, 2020

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, November 24, 2020 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; George Alexander; Paul Guillaume, Dustin Koritko, and Rhodes Shell. Council member absent: Cynthia E. Jenkins. Also present: City Manager, Cleatus Phillips; Present by Zoom: Assistant City Manager, Hasco Craver; City Clerk, Della Hill; Planning Director Tracy Dunnavant; Public Works Director, Michael Klahr; City Attorney, Brad Sears and Police Chief, Douglas "Buster" Meadows.

MINUTES – REGULAR COUNCIL MEETING – NOVEMBER 10, 2020

Motion by Councilman DuBose, seconded by Mayor Pro Tem Alexander to dispense with the reading of the minutes of the Regular Council meeting on November 10, 2020 and adopt them as presented.

MOTION CARRIED. (6 – 0)

ANNUAL REPORT – PLANNING COMMISSION

Information only

APPOINTMENT – NEWNAN YOUTH ACTIVITIES COMMISSION – 3 YEAR TERM

Mayor Brady asked the City Manager to place Councilman Koritko appointment to the Newnan Youth Activities Commission on the agenda for the next Council meeting.

APPOINTMENTS – FARMER STREET CEMETERY COMMISSION

Mayor Brady asked the City Manager to place his appointment and Councilman Koritko's appointment to the Farmer Street Cemetery Commission on the agenda for the next Council meeting.

APPOINTMENT – ETHICS COMMISSION - 2 YEAR TERM

Mayor Brady asked the City Manager to place Councilwoman Jenkins appointment to the Ethics Commission on the agenda for the next meeting.

AGREEMENT – STATEWIDE MUTUAL AID AND ASSISTANCE

Motion by Mayor Pro Tem Alexander, seconded by Councilman DuBose to approve the Statewide Mutual Aid and Assistance Agreement which provides guidance related to the provision of and reimbursement for mutual aid and assistance provided to any other participating political subdivision (city and county).

MOTION CARRIED. (6 – 0)

RESOLUTION – HOLIDAY PAY

Motion by Mayor Pro Tem Alexander, seconded by Councilman Koritko to adopt a Resolution for Holiday Pay for employees as funds are available.

MOTION CARRIED. (6 – 0)

RESOLUTION – AUTHORIZE DESIGNATION AS OPEN RECORDS OFFICER

Motion by Councilman DuBose, seconded by Councilman Koritko to adopt a Resolution authorize the designation of City Clerk as Open Records Officer and authorizing the Designation of Administrative Assistant to the Police Chief as Open Records Officer for the Newnan Police Department.

MOTION CARRIED. (6 – 0)

CONTRACT AWARD – LINC PHASE A & B BOX CULVERT

The City Manager indicated there is potential for some negotiations with the contract. He requested that staff be authorized to value some of the engineering for parts of the project and then bring those options back to Council to decide if they want to accept changes to the contract.

Councilman Koritko asked if given that Lewallen was the lowest bidder would there be any room for cost negotiations. The City Manager explained that in this situation it won't be negotiating unit prices as those are set, it will be looking at areas to change the scope of the project and that may save some money.

Motion by Mayor Pro Tem Alexander, seconded by Councilman Shell to award contract for construction of LINC Phase A & B Box Culvert to Lewallen Construction in the amount of \$3,129,533.73 and authorize Staff to use value engineering on the project if necessary.

MOTION CARRIED. (6 – 0)

MEGA POWER SALE OF EXCESS RESERVE CAPACITY TO THE CITY OF NEWNAN
ON BEHALF OF THE CITY OF LAFAYETTE

Motion by Councilman DuBose, seconded by Councilman Koritko to approve MEGA Power sale of excess reserve capacity to the City of Newnan on behalf of the City of LaFayette.

MOTION CARRIED. (6 – 0)

HEARING – ALCOHOL BEVERAGE, ACTION FOR SUSPENSION OR REVOCATION
OF BEVERAGE LICENSE – COWETA FOUNDRY LLC D/B/A BRICK HOUSE;
MICHELLE LYNN LARSEN, OWNER, LICENSEE, LICENSE REPRESENTATIVE

The City Attorney began the hearing and said that the Larsens had been asked for recommendations but nothing had been received from them.

Daniel Kalamaro with Clifton Law Firm representing the Larsens was present and said his clients have purchased an online training development program for all employees and they have all taken the training and can produce certificates of completion. This program helps identify and manage an individual who is under the influence. In addition, this is an ongoing training program and they believe this should help reduce the likelihood of future incidents of someone underage being served. Mr. Kalamaro also stated that it has always been the protocol to not allow individuals to remove open containers of alcohol from the premises and that his clients are continuing to ensure this does not happen. The Larsens have also eliminated the sale of well liquor in the hopes that this will reduce overconsumption and attract a different clientele.

Mayor Brady questioned whether the owners have a written training policy in place? Michelle Larsen came forward and answered yes, that they have had one since they've been open for 10 years.

The City Attorney swore in Sergeant Jim Beneke, who has been a Sergeant/Detective Sergeant with the CID division for 10 years and been with the Newnan Police Department a total of 17 years. Sergeant Beneke explained that in February 2019 a former employee of the Brick House came to NPD to complain about taxes being incorrect. Several employees were interviewed and all said they had problems with paychecks. Bank accounts were subpoenaed in the name of Michelle Larsen and a bar manager Blackstone. All accounts were found to have bad checks written, up to 80 every month. Warrants were issued both Ms. Larsen and Ms. Blackstone. At this time all information has been turned over to the District Attorney and indictments are pending. In conversation Ms. Larsen stated she was the business licensee but her husband Matt ran the business. She told Sergeant Beneke that her husband would bring the checks to her to sign and then would distribute them.

The City Attorney swore in investigator Aaron Howard, who has been an investigator with the City for 4 years, 10 years total. He stated that in January 2020 he received several

complaints of drug sales and selling alcohol to minors at the Brick House. Investigation slowed due to COVID-19 when the Brick House was closed but then picked back up again in July. Undercover officers were put inside and determined drugs were being sold, not employees but patrons of the bar. Surveillance was conducted and it was observed that patrons were leaving with alcoholic beverages and were highly intoxicated. Brick House was holding an event and undercover officers were sent in along with a confidential informant who was underage. At this event no ID's were checked and they were served at 5 different locations inside the restaurant. Citations were issued to Ms. Larsen and Ms. Blackstone for several violations. Guilty pleas were entered in Municipal Court for Ms. Blackstone, Ms. Smith and Ms. McCreary. Ms. Larsen's case was continued.

Kalamaro asked if anyone was charged relating to the drug sales and Investigator Howard said no. Kalamaro also asked if the Larsen's were compliant during the investigation and Howard confirmed that they were.

The City Attorney swore in Deputy Chief Mark Cooper, who has been with the NPD for 22 ½ years. CAD report from call system generated on July 6, 2020 which covers a 20-month period from January 3, 2019 – September 2, 2020 which shows 64 calls of service at Brick House. The calls are mostly arguments, fights in progress, intoxicated persons, and welfare checks. There were two recent batteries on November 7, 2020 and those are not included in the CAD report. Both batteries were in the parking lot and one individual was admitted to the ICU at Grady Hospital. Cooper noted that on the second incident the staff of Brick House did call NPD to notify them.

Kalamaro asked Cooper if any of his staff ever instructed the Larsens to call NPD with issues. He stated that he did at one point, about 4 years ago, have a conversation with Matt Larsen about Brick House calling and things did get better for a period. Kalamaro also asked Cooper if the Brick House was open at the time of the second incident on November 7th. It is not indicated in the report but information was provided by Kyle Green who is a Bartender at Brick House.

The City Attorney swore in Michelle Larsen for response. She says she has been thoroughly involved in making changes at Brick House. They have signed a contract with RelyCo for cameras and they will be in the parking lot and out on patio. They are retraining staff and one member who was involved with incidents is no longer working there. They have gotten rid of cheap liquor to help attract a different clientele. They have an incident log to report things they see to help police officers. Mayor Brady asked how many employees she has and she stated 35+ employees and most are full time and they are all over the age of 21. Mayor Brady then asked what is the percentage of sales of food vs. alcohol and she said 60% food and 40% alcohol.

Mayor Pro Tem Alexander asked if there was a training program prior and Ms. Larsen stated they do complete training when they begin working there.

Councilman Guillaume asked Chief Cooper to clarify how many calls within what time frame. Cooper stated 64 calls in a 20-month period. He then asked Ms. Larsen if she

was aware that there were ongoing issues and if so were there refresher courses in training. Ms. Larsen state yes, she was aware and efforts were made to try and keep patrons out who had caused problems previously.

Councilman Koritko asked about the training that her staff received and what percent of that is related to alcohol. She stated 70%.

City Attorney went over the options that City Council had as far as actions to be taken. Those options were do nothing, place license on probation, suspend license and enter probation or revoke license and there is a provision to fine up to \$1,000 per violation.

City Council discussed possible actions and decided on a one-week suspension of the alcohol license, then a year probation in which monthly reports will need to be submitted to the Newnan Police Department. After that year then Council will be briefed on the status of Brick House. In addition, Brick House will be fined \$1,000.

Motion by Councilman Koritko, seconded by Mayor Pro Tem Alexander to suspend the alcohol license for one week beginning December 1st through December 7th . Then a \$1,000 fine and one-year probation with monthly reports provided to the Newnan Police Department and a year-end report to Council.

MOTION CARRIED. (6– 0)

ORDINANCE – EXTEND TEMPORARY ORDINANCE WITHIN A PORTION OF THE CITY’S CENTRAL BUSINESS DISTRICT RELTATED TO COVID-19

Motion by Councilman DuBose, seconded by Councilman Guillaume to adopt an Ordinance to extend Temporary Ordinance to encourage Business within a portion of the City’s Business District and other Business related to COVID-19 effective immediately upon adoption and shall terminate at 11:59 pm (midnight) Saturday, August 1, 2021 unless extended or terminated by the Mayor and City Council prior to that date on first reading.

MOTION CARRIED. (6 - 0)

CONTINUATION - RESOLUTION APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS BY THOMASTON HOUSING AUTHORITY

Motion by Mayor Pro Tem Alexander, seconded by Councilman Shell to adopt a Resolution approving the issuance of Multifamily housing revenue bonds by the Thomaston Housing Authority to assist with the financing for the acquisition and substantial rehabilitation of Eastgate Apartments including security plan.

MOTION CARRIED. (6 – 0)

PUBLIC HEARING – ANNEXATION – 65.77 ACRES OFF PARKS ROAD –
REQUESTED ZONING OF RU-7 – 106 SINGLE-FAMILY HOMES – ORDINANCES

Mayor Brady opened a public hearing on the annexation of 65.77 acres off Parks Road.

The Planning Director informed Council this is a request by Melissa Griffis on behalf of Linchwood Coweta, LLC to annex and zone 65.77± acres located off Parks Road. The tract is located to the east of Parkside Village and is contiguous to the city limits across Parks Road. The property is zoned RC (Rural Conservation) in the County and would currently be allowed a maximum density of .625 units per acre which would permit 38 new residences. The applicant is proposing the construction of 106 single-family homes. The original application was for 118 but this changed as the concept was revised to address comments from city staff. The applicant has indicated that the homes will sell between \$300,000 and \$500,000 and are anticipated to be between 2,000 and 3,000 square feet. There will be an amenity center with a pool as well as walking trails on the property. In addition, the plan shows almost 43 acres of open space. It should be noted that the applicant will also be seeking variances for minimum street frontage and lot width asking to go from 75' to 60'.

Staff has completed an assessment of each of the 8 required standards:

Staff felt the use was suitable in view of zoning and development of adjacent and nearby properties since the site is pretty much surrounded by subdivisions and single-family homes. Lot size in the neighboring subdivisions vary from as low as 7,260 square feet in Parkside village to an average lot size of 1.8 acres in Turnberry Park. The density in comparison with the County would result in a difference of 68 additional homes. However, the lots are permitted to be smaller in the City. In addition, Parkside Village's density is 2.3 units per acre while the net density for the proposed development is 1.6 units per acre and three out of the four phases in Parkside Village is allowed a lot size smaller than the 7,500 square feet that is being requested.

Staff assessment of the proposed use affect the existing use or usability of adjacent or nearby property. The adverse effect in terms of additional traffic, but it will not affect the usability of the adjacent or nearby properties and the county's improvement project will significantly lessen the impact once completed. In terms of the project itself, the city will require the applicant to construct right turn lanes into the development at both entrances to help with traffic flow. Also, the applicant is proposing a 50-foot buffer between the subject properties and the two properties to the east and west. There will be an adverse impact in terms of additional traffic, it will not affect the usability of the adjacent or nearby properties and the county's improvement projects will significantly lessen the impact once they are completed.

Property could be used as currently zoned, however only 38 homes would be allowed.

Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection? County Staff has indicated in their annexation assessment that the

increase in traffic will accelerate the need for improvements to the intersections. In speaking with Tod Handley, Director of Transportation and Engineering the Poplar Road intersection improvements are currently being designed and he anticipates construction being completed in the fall of 2022. The Police Chief has indicated that his department can serve the development and is estimating an additional 286 calls annually based on call numbers for the Preserve, The Highlands and Harper's Farm subdivisions over the past year. The Fire Chief has indicated that they can serve this development and has also looked at the number of calls for the subdivisions listed above in the Police response. Newnan Utilities will be the water and sewer provider for the project. There are some environmental concerns with the engineering listed in your packet. Trips generation would be greater as a result from the traffic. Coweta County schools indicated this may present challenges when planning for school enrollment and meeting student needs.

The proposed development would be compatible as Future Low Density residential within the City and the Comprehensive Plan identifies a lack of available land for future development as an issue. The RU-7 zoning designation is for higher density residential development with more walkable neighborhood. They are to be located adjacent to RU-7 districts and serve as a transition between denser residential neighborhoods and less dense neighborhoods. In this case, the subdivision would be across from an existing subdivision with three phases zoned RU-7 and would serve as a transition between the denser residential development (Parkside Village) and the existing residential homes and subdivisions within the County. Staff feels the development would be consistent with the purpose and intent of the proposed zoning.

The proposed use is consistent with the proposed zoning district requested.

There are no new or changing conditions that would impact the subject property's future designation as "Low Density Residential"

The proposed project would reflect a reasonable balance.

Coweta County response to the annexation: Once the City Council decided to accept the application and move forward with the public hearing process the County reviewed the application and advised the City of their intent to file a Notice of Objection based on the difference in density and a 22% increase to the current traffic volume from the proposed subdivision on Parks Road. The applicant indicated that they receptive to making a \$60,000 contribution to transportation improvements. A copy of Coweta County objection has been included as an attachment to this assessment.

The Planning Commission at their October 13, 2020 meeting held a public hearing regarding the request and voted 3 – 3. No recommendation was made.

Should the Council elect to approve the request, Staff would suggest the following conditions be considered:

The project will be consistent with the revised concept plan, density, project data, amenities, proffered conditions and elevations provided as part of the application. The City will require right turn lanes at each entrance from Parks Road into the subdivision.

The subdivision will be limited to 106 units.

Applicant

Ms. Melissa Griffis, representing Linchwood Coweta LLC, indicated the property is most appropriate site for the zoning designation required insofar as it is located adjacent to property in City of Newnan in close proximity to other similar uses. The proposed annexation will facilitate the smart growth and development that is expected in the City of Newnan.

Mr. Marvin Bennett, Engineer, stated they take pride in their building projects. We are local and love what we do. He indicated the homes will be single family.

Mr. Vern Wilburn, traffic, indicated capacity analysis was used to identify road improvements that would mitigate the traffic impacts for the Parks Road approaches to Lower Fayetteville Road and to Poplar Road. It was concluded that by adding a separate right turn lane, the projected level of service for the side street approaches at both intersections would improve from existing conditions with the added traffic volume. The delay for the main street approaches would improve by less than 0.5 seconds per vehicle. With the addition of a SB and NB right turn lane, the Parks Road approach will improve from existing conditions during both peak periods. We treated both of these intersection as if they were round a bout and that is how we came up with the \$60,000 for contribution to transportation.

Opposed:

Mr. Rick Bevington, resident 471 Parks Road, is asking Council to deny the annexation. The lots are small with smaller homes. Also concern with wet lands. This is a large 100-year flood plan. Also concerned with the traffic problem. This annexation is not in the best interest for the City.

Michael Boone, 72 Turnberry Trace, HOA President speaking on behalf of HOA. Four problems for this annexation:

Problem #1: Wetlands – The stream that goes under Parks Road and onto the front corner of the parcel before it crosses the parcel property line and continues over the back of six to eight properties of homeowners who are part of the TPCA

Problem #2: The developer's second plan, which is the one currently under consideration by the City of Newnan shows one of the subdivision's two entrance/exit point on Parks Road that goes over a wetland pool.

Problem # 3: The developer's second plan, which is the one currently under consideration by the City of Newnan shows a retaining pond that would be too close to the stream and Federally designated wetland identified in problem #1

Problem #4 The developer's second plan which is the one currently under consideration by the City of Newnan shows that the developer intends to clear the forest on the parcel along the property line that the parcel shares with TPCA properties. I ask that you vote against the proposed annexation.

Neal Spradlin, engineer, stated this project will have to follow a well establish permit process with wet lands that will be reviewed. The wetlands and streams are under the U.S. Core of Engineering. Wetlands and stream credits will have to be purchased.

Ms. Griffis stated the traffic study that was presented was from November 2019 when everyone was working and at school not during COVID-19. They will be following all of the ordinance requirements. After working with staff, they reduced the number of homes from 118 to 106 based on commits from staff.

Mayor Brady closed the public hearing.

Motion by Councilman Guillaume, seconded by Councilman Koritko to accept the report and recommendation from the Planning Commission.

MOTION CARRIED. (6 – 0)

Motion by Councilman Guillaume, seconded by Councilman Shell to approve the rezoning Ordinance for 65.77 acres off Parks Road including \$60,000 contribution to transportation improvements with a 12% limit to rental.

MOTION CARRIED. (6 – 0)

Motion by Councilman Shell, seconded by Councilman Koritko to adopt an Ordinance to annex to the existing corporate Limits of the City of Newnan adjoining the 65.77 acres located off Parks Road including \$60,000 contribution to transportation improvements with a 12% limit to rental.

MOTION CARRIED. (6 - 0)

EXECUTIVE SESSION

MOTION EXECUTIVE SESSION

Motion by Mayor Pro Tem Alexander, seconded by Councilman Koritko that we now enter into closed session as allowed by O.C.G.A. Section 50-14-4 and pursuant to advice by the City Attorney, for the purpose of discussing legal issues and that we move, in open session to adopt a resolution authorizing and directing the Mayor or presiding officer to

execute an affidavit in compliance with O.C.G.A. Section 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 8:25 pm.

MOTION CARRIED. (6 – 0)

RESOLUTION/MAYOR'S AFFIDAVIT FOR EXECUTIVE SESSION

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

MOTION CARRIED. (6 – 0)

RENDER CLAIM

Motion by Mayor Pro Tem Alexander, seconded by Councilman Koritko to deny the Render claim.

MOTION CARRIED. (6 – 0)

ADJOURNMENT

Motion by Mayor Pro Tem Alexander, seconded by Councilman Guillaume to adjourn the Council meeting at 8:27 pm.

MOTION CARRIED. (6 – 0)

Della Hill, City Clerk

Keith Brady, Mayor