



## Newnan City Council Meeting

April 28, 2026

Newnan City Hall

Richard A. Bolin Council Chambers

25 LaGrange Street

6:30 PM

*City of Newnan Mission Statement: To provide cost-effective programs and services while continuously focusing on preserving and enhancing the quality of life that is enjoyed by all Newnan citizens*

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### **CALL TO ORDER**

### **INVOCATION**

### **READING OF MINUTES**

- A. Minutes from Regular Meeting on April 14, 2026
- B. Minutes from Work Session on April 14, 2026

### **REPORTS OF BOARDS AND COMMISSIONS**

- C. Recognition of Newnan Youth Council Graduates
- D. 1 Appointment - Christmas Commission, 3-year term
- E. 1 Appointment - Development Authority, 4-year term
- F. 1 Appointment - Urban Redevelopment Agency, 3-year term

### **REPORTS ON OPERATIONS BY CITY MANAGER**

### **REPORTS AND COMMUNICATIONS FROM MAYOR**

### **NEW BUSINESS**

- G. Public Hearing - Consideration of Demolition Application for structure at 153 Temple Ave
- H. Consideration of Contract Award for Full Depth Reclamation and Paving — LRA2025
- I. Consideration of Resolution to grant a waiver to the City of Newnan Leisure Services department, on behalf of the Newnan Cultural Arts Commission, to allow for possession and consumption of alcoholic beverages at the Newnan Centre Amphitheatre during 2026 Jazz in the Park concert series
- J. NURA Request to Expand Project Boundaries and Eligible Activities for the Murray Street Workforce Housing Project and Contingency Use of ARPA Funds

### **UNFINISHED BUSINESS**

- K. Public Hearing - Annexation Request for Annex2025-02 - Request to Annex and Rezone 122.64± acres located off Green Top Road from County RC to PDR - Applicant: NCTI, LLC, as represented by Chuck Conerly, Attorney at Law, for the purpose of developing 235 single-family homes.

1. Public Hearing
  2. Accept Planning Commission Report
  3. Ordinance to annex the subject properties
  4. Ordinance to amend the zoning map for the subject properties
- L. Consideration of an Ordinance to amend Chapter 3, Alcoholic Beverages, Article II Licensing Procedures
- M. Consideration of an Ordinance to amend the Code of Ordinances, Chapter 2 Administration, Article VI Purchasing

**VISITORS, PETITIONS, COMMUNICATIONS & COMPLAINTS**

- N. Request from Tony Caro with Red Letter Merchant to block two parking spaces on W. Washington St. on May 9, 2026 from 2pm-8pm for anniversary celebration
- O. Request from Porchfest organizers to extend street closures to accommodate a family-friendly area with First Baptist Church

**MOTION TO ENTER INTO EXECUTIVE SESSION**

- P. Motion to Enter into Executive Session

**ADJOURNMENT**

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, April 14, 2026 at 2:30p.m. in the Richard A. Bolin Council Chambers of City Hall with Mayor James Shepherd presiding.

**PRESENT**

Mayor James Shepherd: Council members present: Scott Berta, Jim Thomasson, Jennifer Morrison, Cynthia Jenkins, Paul Guillaume and Dustin Koritko. Also present: City Manager, Cleatus Phillips; Assistant City Manager, Hasco Craver; Assistant City Manager, Meg Kelsey, City Clerk, Megan Shea and City Attorney, Brad Sears.

**CALL TO ORDER**

Mayor Shepherd called the meeting to order. Pastor Debra Harris from Kingdom Connected Ministries International, in Newnan, delivered the invocation.

**READING OF MINUTES**

**A. Minutes from the Regular Meeting on March 24, 2026**

Motion by Councilman Thomasson, seconded by Councilwoman Jenkins to dispense with the reading of the minutes of the Regular Meeting on March 24, 2026, and adopt them as presented.

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

**REPORTS OF BOARDS AND COMMISSIONS**

**B. 1 Appointment – Christmas Commission, 3-year term**

Continue to next agenda.

**C. 1 Appointment – Convention Center Authority, 3-year term**

Motion by Mayor Shepherd, seconded by Councilwoman Jenkins to appoint Jordan Reed for a 3-year term.

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

**D. 1 Appointment – Development Authority, 4-year term**

Continue to next agenda.

**E. 2 Appointments – Newnan Urban Redevelopment Agency, 3-year terms**

Motion by Councilman Guillaume, seconded by Councilman Koritko to re-appoint Chris Hunt for another 3-year term.

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

Continue other appointment to next agenda.

**F. 3 Appointments - Youth Activities Commission, 3-year terms**

Motion by Councilman Thomasson, seconded by Councilwoman Jenkins to re-appoint Smith Pass for another 3-year term.

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

Motion by Councilwoman Morrison, seconded by Councilwoman Jenkins to re-appoint Peyton Shelnett for another 3-year term.

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

Motion by Councilwoman Morrison, seconded by to appoint Kaitrell Hall for a 3-year term.

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

**G. Consideration of Appointment to the Comprehensive Plan Steering Committee representing the African American Alliance**

Motion by Councilwoman Jenkins, seconded by Councilwoman Morrison to appoint Shannon Pearson to the Steering Committee.

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

**REPORTS ON OPERATIONS BY CITY MANAGER**

City Manager did not have anything.

**REPORTS AND COMMUNICATIONS FROM MAYOR**

Mayor Shepherd did not have anything.

**NEW BUSINESS**

**H. Recognize Georgia Cities Week April 19-25, 2026**

Mayor Shepherd read the list of planned events for the week.

Motion by Councilman Guillaume, seconded by Councilwoman Morrison to recognize Georgia Cities Week.

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

**Items I - M**

Mayor Shepherd made a motion to consolidate Items I – M on the agenda, as they are all public hearings for alcohol licenses. All the applications were in order and a representative was present. Councilman Thomasson asked if one public hearing was allowable and the City Attorney said yes as long as the public hearing is opened. There were no objections from Council to consolidate the items.

Mayor Shepherd opened the public hearing and read the list of license applications; Newnan Chevron, Jackson Food Mart, Let’s Talk Brunch, Par Fore Golf and Sip Happens Boutique and Wine Bar. No one spoke for or against. Mayor Shepherd closed the public hearing.

Motion by Councilman Guillaume, seconded by Councilman Thomasson to approve all 5 applications for alcohol beverage licenses.

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

**N. Consideration of an Ordinance to Amend the 2026 Budget to create a Special Revenue Fund for FLOST collections**

Ms. Kelsey stated that after some direction from the Georgia Department of Community Affairs, a fund has been created for the Floating Local Option Sales Tax (FLOST) and this requires a budget amendment.

Motion by Councilwoman Morrison, seconded by Councilman Guillaume to approve the budget amendment as presented.

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

**O. Consideration of Bid Acceptance and Contract Award for Engineering and Design for Remodel and Expansion of Fire Station 3**

Stephen Brown, Fire Chief, stated that an RFP was put out and 11 proposals were received. The proposals were evaluated on stability, experience and price. Jericho Design is the recommended firm for the project based on their experience and proposed timeline.

Since Jericho’s proposal exceeds budget, Council asked the City Manager where the excess funds would come from? Mr. Phillips said funds were reserved in the General Fund and a tight budget is anticipated.

Motion by Councilwoman Morrison, seconded by Councilwoman Jenkins to approve the contract award as presented.

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

P. Consideration of a Memorandum of Understanding (MOU) between the City of Newnan and Southern Conservation Trust

Mr. Phillips explained that a few years ago the City entered into an agreement with Plant Newnan, to build an arboretum on city property. WLA was hired for concept planning. A grant application will be made to the state for an outdoor stewardship program. That application highly values community partners and the idea of an MOU with Southern Conservation Trust was discussed with the state. There is no cost commitment with the MOU to either party.

Councilwoman Jenkins asked for clarification and Mr. Phillips said this is just for Southern Conservation to show support with the grant application. There is potential for further partnership down the road but that has not been determined.

Mr. Chris Doane, President and CEO of Southern Conservation Trust, said that they often partner with other municipalities on projects like this and they hope to be a long-term partner.

Motion by Councilwoman Jenkins, seconded by Councilman Thomasson to approve the Memorandum of Understanding as presented.

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

Q. Consideration of a Proposal from Columbia Engineering to design a traffic signal at the intersection of Newnan Crossing Blvd E and Diplomat Pkwy/Stonebridge Crossing

Michael Klahr, City Engineer, said that Columbia Engineering is the city's on-call engineering firm. This signal has been on the radar for several years and there has been a lot of community feedback on it. The most recent traffic study showed the intersection meeting 3 warrants.

Councilman Guillaume asked what the project timeline would be? Mr. Klahr said the consultant is ready to move forward and design will be done in 4 weeks. After that it would go out to bid and then brought to Council for consideration with costs. Mr. Klahr said the poles would be the Newnan power black and match the other ones throughout the city.

Councilman Guillaume discussed sight line issues. He said the Stonebridge HOA has stayed on top of trimming hedges at the entrance of the neighborhood but expressed concern about the development to the left of Stonebridge and trees that are in the median. Mr. Klahr said they can look at both of those and they can coordinate with the future LINC trail coming through.

Motion by Councilman Guillaume, seconded by Councilman Koritko to approve the proposal as presented.

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

R. Consideration of a Resolution Ratifying the Appointment of Zachary Taylor, Assistant Prosecuting Attorney

Jada Blankenship, Municipal Court Clerk, stated this was a request from Danielle Sewell, Prosecuting Attorney.

Motion by Councilman Thomasson, seconded by Councilwoman Morrison to adopt the resolution as presented.

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

Off Agenda Item

Councilman Thomasson made a motion to direct staff to research and present to City Council for consideration a possible ordinance and any other change necessary that identifies how to draft/approve the agenda and how to conduct/preside over the meetings, seconded by Councilman Koritko.

Mayor Shepherd asked that the City Attorney be added to that motion. Council discussed and Mayor Shepherd explained there have been conversations as to what is required in terms of setting the agenda and conducting the meetings.

Motion by Councilman Thomasson to direct staff and the City Attorney to research and present to City Council for consideration a possible ordinance and any other change necessary that identifies how to draft/approve the agenda and how to conduct/preside over the meetings, amended second by Councilman Koritko.

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

UNFINISHED BUSINESS

S. Consideration of Contract Award for LINC Section 13

Mr. Craver stated that Council previously approved staff to contract with Path Foundation and Kaizen to design and draft construction documents for Section 13 of the LINC. This was put out to bid, and the low bidder was Hasbun Construction at \$3,179,399.97. Hasbun has built other sections of the LINC. Staff recommended awarding the contract to them and adding an alternate \$40,000 for Hasbun to bury utility lines around Newnan High School and add decorative lighting.

Motion by Councilman Thomasson, seconded by Councilman Koritko to approve the contract award as presented.

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

**T. Consideration of a Resolution for Creation and Implementation of a Residential Master File Program**

Bryan Partin, Chief Building Official, explained that this is timesaving for staff and not giving anyone advantage over anyone else. Currently, a single-family house plan is about 30 pages and takes about 45-55 minutes to review and a 300-unit development could take 200-270 hours to review. With the master file program, this could be reduced by up to 150-200 hours.

Motion by Councilman Guillaume, seconded by Councilwoman Morrison to adopt the resolution as presented.

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

**VISITORS, PETITIONS, COMMUNICATIONS & COMPLAINTS**

**U. Request from Deb Campbell to place a sign at Veterans Park regarding the upcoming National Day of Prayer event on May 7<sup>th</sup>, sign will be 8ft x 5ft**

Request withdrawn by petitioner.

**V. Request from First Baptist Church to close Brown St. between W. Washington St. and Madison St. on Monday, May 11<sup>th</sup> for a youth group event, request is to close the street from 7am-9pm or 3pm-9pm**

Chief Blankenship did not have any concerns. Council discussed the time options for the street closure and felt that 3pm-9pm was sufficient.

Motion by Councilman Guillaume, seconded by Councilman Koritko to approve the street closure from 3pm-9pm on May 11, 2026.

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

**W. Request from First Baptist Church to close Brown St. between W. Washington St. and Madison St. on May 30<sup>th</sup> during Porchfest event, for a family-friendly area**

Chief Blankenship asked about clarification on a time frame for this closure. He also said he might want to work with the church and consider an extra officer for this. Council discussed the 'stacking' of events that have been happening frequently downtown and the strain on police to accommodate these street closures.

Councilwoman Jenkins was not clear if this was a separate event or an add on to Porchfest. Mayor Shepherd explained that this came from some concerns with recent events and the church wanting a family-friendly area since alcohol is being sold that day. Councilman Thomasson suggested that the event just be Porchfest and any other groups that want to be a part of that would go under the Porchfest umbrella and work with them.

Mr. Phillips said that the church has been working with the Porchfest organizers, and they have already made changes to where some of the alcohol tents will be. The church has also agreed to open their warehouse for bathroom facilities during Porchfest.

Councilwoman Jenkins agreed with Councilman Thomasson, that Porchfest should be the applicant and amend their request to include this and any others that might come up.

Motion by Councilman Koritko, seconded by Councilman Thomasson to continue this item until the church and Porchfest can get back to Council with more specifics.

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

**X. Request from Bridging the Gap to host Summer Lunch at CJ Smith Park, Monday-Friday starting May 26<sup>th</sup>- July 31<sup>st</sup>, from 11:30am - 1:30pm each day**

Motion by Councilwoman Morrison, seconded by Councilman Thomasson to approve the request as presented.

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

**Y. Request from Tony Caro for use of the sidewalk and two parking spaces outside Red Letter Merchant on W. Washington St. to host 7<sup>th</sup> Anniversary event on May 9<sup>th</sup> from 2pm-8pm**

Mr. Tony Caro was not present, and Council was not supportive of the request.

Motion by Councilman Guillaume, seconded by Councilman Koritko to deny the request as presented.

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

**ADJOURNMENT**

There was no objection to adjourn. Mayor Shepherd adjourned the Council meeting at 3:22PM.

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Megan Shea, City Clerk

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James Shepherd, Mayor

The special called work session of the City Council of the City of Newnan, Georgia was held on Tuesday, April 14, 2026 at 3:30PM in the Richard A. Bolin Council Chambers of City Hall with Mayor James Shepherd presiding.

**Present**

Mayor James Shepherd: Council members present: Scott Berta, Jennifer Morrison, Cynthia Jenkins, Jim Thomasson, Dustin Koritko, Paul Guillaume. Also present: City Manager, Cleatus Phillips; Assistant City Manager, Hasco Craver; Assistant City Manager, Meg Kelsey; City Clerk, Megan Shea and City Attorney, Brad Sears.

**Call to Order**

Mayor Shepherd called the meeting to order at 3:30pm.

**A.Annex2025-02 – Request to Annex and Rezone 122.64 + acres located off Green Top Road from County RC to PDR – Applicant: NCTI, LLC, as presented by Chuck Conerly**

Tracy Dunnivant, Planning Director, said that this is for Phase 2 and the existing Everhour subdivision, which is currently under construction. The property is currently zoned RC (Rural Conservation) in the County, and the applicant is requesting zoning of PDR (Planned Residential Development). The proposal is for 235 fee-simple homes, with 3 pods including a Ranch pod (28 homes), Traditional pod (160 homes) and Estate pod (47 homes). Sales prices would range from \$450,000 to \$600,000 and there would be a 10% rental cap. Amenities include a pool and cabana that is part of Phase 1, pocket park, trails and gathering space.

Ms. Dunnivant gave some background information on the property. The DRI was completed and included in the agenda packet. In November 2025, the city, county and developer executed an agreement which dismissed the arbitration. The agreement includes conditions on design, density (235 units) and a fee of \$6,950/unit to be paid to the county for road improvements. The Planning Commission held a public hearing and voted unanimously 6-0 to deny.

Ms. Dunnivant stated that the agreement does not mean Council has to annex the property. If they do annex, the conditions in the agreement are the least that they must do if the property is annexed. Mr. Sears said the statute is vague and Council can annex with more conditions if they choose. He also said Council cannot place conditions on infrastructure that is outside their jurisdiction.

**Applicant:**

Mr. Chuck Conerly, on behalf of The Pulte Group and NCTI, LLC, addressed Council. He said that Phase 1 is underway and is in the city from a previous annexation. Phase 2 would be adjacent to Phase 1. The density with 235 units is about 2 units per acre, and that is almost the same as Phase 1. The lot sizes range from 8,200 sq ft to 9,600 sq ft and home sizes range from 1,800 sq ft to 3,000 sq ft. Mr. Conerly discussed the planned amenities and showed renderings.

Mr. Conerly said in addition to the conditions in the agreement, there are 20 other conditions they have agreed to, as well as staff recommended conditions. The traffic concerns have been studied and the remedy proposed by the DRI and the developer will contribute money towards the intersection improvements that were recommended. Drone footage of the property currently in Phase 1 was shown.

Mr. Jim Mottola, property owner, explained that the \$6,950 to be paid per lot is in conjunction with the final plat, prior to home construction.

Mayor Shepherd asked why they want to annex and how this would connect to the rest of the city? Mr. Conerly said that Phase 1 is in the city, so it makes sense for Phase 2 to be as well. One of the intersections subject to improvements is Green Top Rd. and Hwy 29 so that would give access to the city.

Mr. Ross Ripple with Pulte Homes, answered questions regarding the garage sizes. He also clarified that the renderings in the agenda packet are the newer ones, more farmhouse style. Mr. Ripple spoke to the amenities and said they anticipate different types of buyers from families to active adults.

Councilwoman Jenkins asked about the setbacks, where the property abuts an existing development. Mr. Ripple said there is a 25ft natural vegetation buffer. Ms. Dunnivant said the agreement states a 25ft vegetative buffer along the western property line and then the applicant has proffered 20ft buffer around the rest of the site.

Councilman Koritko asked what the objections were from the Planning Commission? Ms. Dunnivant said traffic, density and rural character.

### **ADJOURNMENT**

There was no objection to adjourn. Mayor Shepherd adjourned the meeting at 4:16pm.

\_\_\_\_\_  
Megan Shea, City Clerk

\_\_\_\_\_  
James Shepherd, Mayor



**To:** Mayor and Council  
**Date:** April 28, 2026  
**Agenda Item:** Public Hearing - Consideration of Demolition Application for structure at 153 Temple Ave  
**Prepared By:** Bryan Partin, Chief Building Official

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**Purpose:**

Public Hearing - Request from applicant to demolish the structure located at 153 Temple Ave. Newnan, GA. The structure was built more than 50 years ago, 1952, according to tax records, and is not within a City of Newnan historic district.

**Background:**

This property is part of a town home development; the structure located on this parcel is not included as part of the development project and was not included in discussions during the project approval process. This structure holds no value for the development project. The 2025 assessed value of the structure was \$26,086.00.

**Funding:**

N/A

**Recommendation:**

**Attachments:**

1. tax map
2. tax info
3. IMG\_2149

**Previous Discussion with Council:**

N/A



**Overview**



**Legend**

- Parcels
- Roads

<b>Parcel ID</b>	N21 0001 004A	<b>Owner</b>	JOHNSTON ROBERT EDWIN JR & ALLISON	<b>Last 2 Sales</b>				
<b>Class Code</b>	Commercial			<b>Date</b>	12/6/2024	0	04	U
<b>Taxing District</b>	NEWNAN 02		JOHNSTON DAVIS & ROBERT HIGDON	<b>Date</b>	12/6/2024	0	04	U
<b>Acres</b>	0.23		JOHNSTON SR					
		<b>Physical Address</b>	100 GOLFVIEW CLUB DR NEWNAN, GA 30263					
		<b>Assessed Value</b>	153 TEMPLE AVE					
			Value \$63886					

(Note: Not to be used on legal documents)

Date created: 3/27/2026  
Last Data Uploaded: 3/27/2026 12:34:55 AM

Developed by  **SCHNEIDER**  
GEO SPATIAL

**Summary**

Parcel Number N21 0001 004A  
 Location Address 153 TEMPLE AVE  
 Legal Description OFFICE BLDG  
 (Note: Not to be used on legal documents)  
 Tax District NEWNAN 02 (District 02)  
 Millage Rate 24.019  
 Acres 0.23  
 Homestead Exemption No (S0)  
 Landlot/District N/A

[View Map](#)

**Owner**

[JOHNSTON ROBERT EDWIN JR & ALLISON](#)  
 JOHNSTON DAVIS & ROBERT HIGDON  
 JOHNSTON SR  
 153 TEMPLE AVE / CLUB DR  
 NEWNAN, GA 30263

**Land**  
**Coweta County, GA**

Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Commercial Comm-Temple Front Feet	10,125	75	135	0.23	1

**Commercial Improvement Information**

Description Barber/Beauty Shops-Avg  
 Value \$26,086  
 Actual Year Built 1952  
 Effective Year Built  
 Square Feet 744  
 Wall Height 8  
 Wall Frames  
 Exterior Wall  
 Roof Cover  
 Interior Walls  
 Floor Construction  
 Floor Finish  
 Ceiling Finish  
 Lighting  
 Heating  
 Number of Buildings 1

**Sales**

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
12/6/2024	5702 19		\$0	UNQUALIFIED IMPROVED	JOHNSTON ROBERT EDWIN SR ESTATE	JOHNSTON ROBERT EDWIN JR & ALLISON
12/6/2024	5702 17		\$0	UNQUALIFIED IMPROVED	JOHNSTON BETTY JEAN ESTATE	DAVIS ALLISON GLENN JOHNSTON
5/31/1982	338 749		\$0	UNKNOWN STATUS		JOHNSTON EDWIN & BETTY JEAN JOHNSTON

**Valuation**

	2025	2024	2023	2022	2021	2020
Previous Value	\$53,841	\$53,841	\$53,841	\$53,841	\$53,841	\$53,841
Land Value	\$37,800	\$37,800	\$37,800	\$37,800	\$37,800	\$37,800
+ Improvement Value	\$26,086	\$16,041	\$16,041	\$16,041	\$16,041	\$16,041
+ Accessory Value	\$0	\$0	\$0	\$0	\$0	\$0
= Current Value	\$63,886	\$53,841	\$53,841	\$53,841	\$53,841	\$53,841

### Assessment Notices 2019

33866 (PDF)

### Assessment Notices

2021 Assessment Notice (PDF)

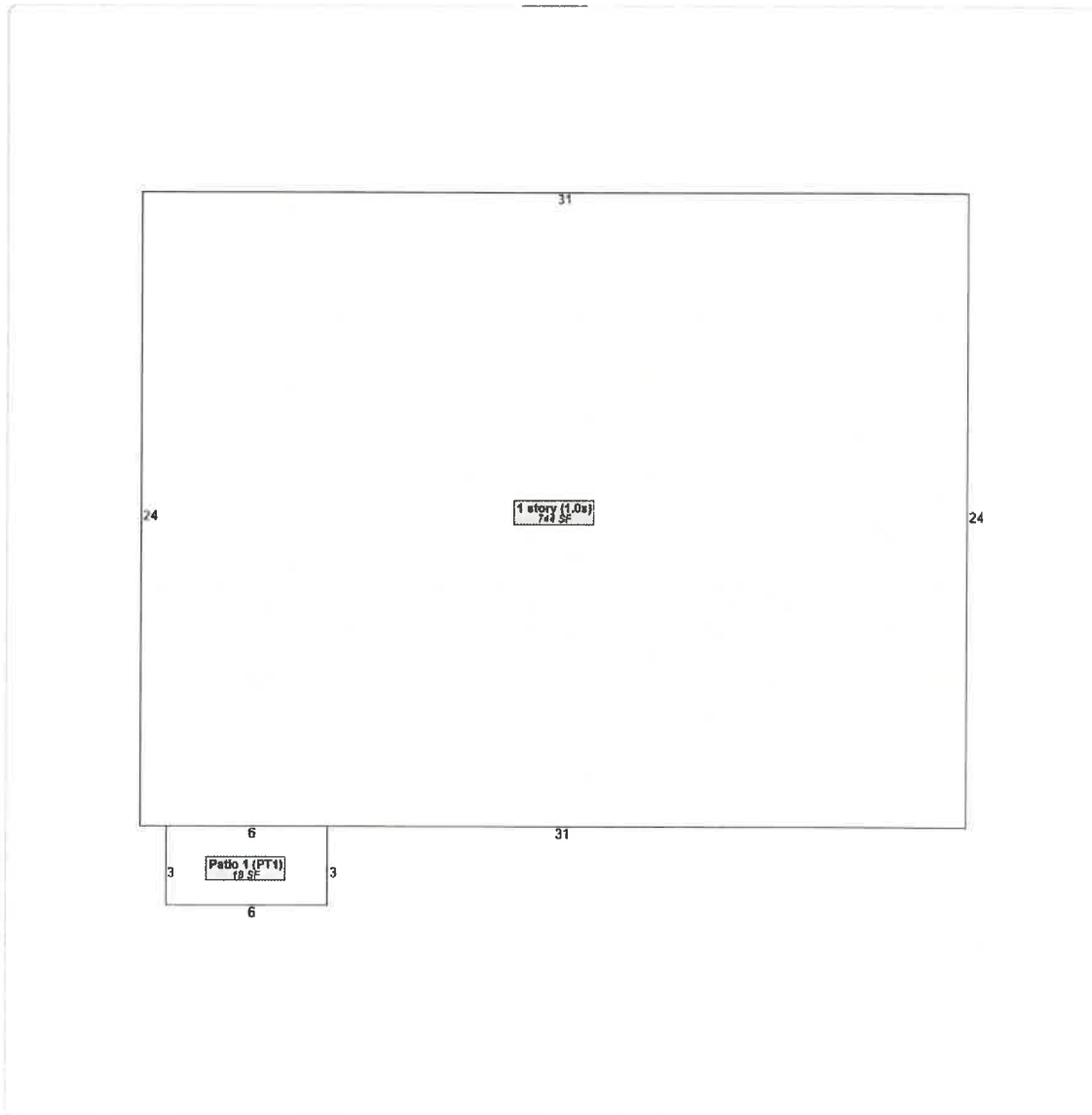
2022 Assessment Notice (PDF)

2023 Assessment Notice (PDF)

2024 Assessment Notice (PDF)

2025 Assessment Notice (PDF)

### Sketches



No data available for the following modules: Online Appeal, Rural Land, Conservation Use Rural Land, Residential Improvement Information, Mobile Homes, Accessory



**ELAINE'S**  
HAIR STYLES  
FOUNDED BY M. DUBOIS  
770-252-5500  
HAIR RELOCATED

Apartment Complex  
Owner: The 2011 Mikala Kappas Family Trust  
Address: 222 Temple Ave. Roswell, GA 30085  
No permission is granted for any other use and  
no other person or entity shall be allowed.  
To be signed by: Roswell, GA Planning Dept.  
Application on April 28, 2016 at 10:14 AM



**To:** Mayor and Council  
**Date:** April 28, 2026  
**Agenda Item:** Consideration of Contract Award for Full Depth Reclamation and Paving — LRA2025  
**Prepared By:** Michael Klahr, City Engineer

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**Purpose:**

Council may consider a contract award for the above referenced project

**Background:**

Eight separate sealed bids were received at the office of City Manager, April 14, 2026. The low bid, submitted by **MHB Paving, Inc.**, has been found to be responsive to the request for bids. All criteria outlined in the bid documents have been met.

This work includes the variable depth milling, full width; full depth reclamation in the travel lanes; deep patching; and overlay, approximating 1.921 centerline miles on 3 streets:

Cougar Way, from LaGrange St to Sewell Rd  
Sewell Rd, from Cougar Way to Greenville St  
Armory Rd, from LaGrange St to Sewell Rd

The application of thermoplastic traffic stripe and pavement markings is included.

This project will be coordinated with the LINC, Phase 13 project, under contract.

The work is scheduled for substantial completion by the start of the 2026 school year for Newnan High School.

The City of Newnan has received funding assistance (LRA FY 2025) from the Georgia Department of Transportation in the amount of **\$607,912.90**

The contract will be quantity/ unit price based.

**Funding:**

SPLOST (2019)  
LRA Grant

**Recommendation:**

Award a contract to **MHB Paving, Inc.**, for a base bid amount of **\$1,269,425.58**  
Internal cost estimate: \$1,341,124.21

**Attachments:**

1. Bid Tabs LRA2025

**Previous Discussion with Council:**



# City of Newnan, Georgia

**BID OPENING: Full Depth Reclamation and Paving**  
**Tuesday, April 14<sup>th</sup> 2026 – 2pm**

BIDDER	BID AMOUNT	COMMENTS
Blount	\$1,356,222.91	
C.W. Matthews	\$1,308,839.50	
Shepco Paving	\$1,440,911.36	
East Coast Grading, Inc.	\$1,439,924.37	
Two Oaks Construction, LLC	\$2,071,015.30	
MHB Paving, Inc.	\$1,269,425.58	
Atlanta Paving & Concrete Construction, Inc.	\$1,361,032.34	
Piedmont Paving & Grading	\$1,283,497.51	

BIDS OPENED BY



**To:** Mayor and Council  
**Date:** April 28, 2026  
**Agenda Item:** NURA Request to Expand Project Boundaries and Eligible Activities for the Murray Street Workforce Housing Project and Contingency Use of ARPA Funds

**Prepared By:**

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**Purpose:**

To Request to Expand Project Boundaries and Eligible Activities for the Murray Street Workforce Housing Project and Contingency Use of ARPA Funds.

**Background:**

In May 2022, the City Council awarded the NURA with an ARPA obligation of \$1,750,000 for the Murray Street Workforce Housing Program. To date, the NURA has constructed six of the originally projected seven homes. Rising construction costs hampered primary award funding availability and the lack of a clear title also posed timing delays. Upon the sale of the homes in phases 1 and 2, and deliverance of a clear title, the seventh home will be constructed.

ARPA requires that funding be fully expensed by December 31, 2026. Given the limited timing, the NURA has explored additional eligible activities to accelerate housing production at the time additional funding is received. The NURA currently holds \$115,199.49 in remaining ARPA dollars. As such, the NURA respectfully requests authorization to expand the project boundaries beyond the current Murray Street footprint to include all designated Urban Redevelopment Areas within the City as well as a contingent use of funds if all options have been exhausted.

**Funding:**

N/A

**Recommendation:**

The NURA requests the City Council consideration on the following:

1. Approve the expansion of the Murray Street Workforce Housing Project boundaries to include all Urban Redevelopment Areas;
2. Approve the inclusion of pre-development and site readiness activities as eligible project costs on city-owned lots; and
3. Approve the contingency use of remaining ARPA funds for a limited Homebuyer Assistance Program restricted to the six Murray Street homes if no alternative eligible expenditures are identified prior to the federal deadline.

**Attachments:**

1. Memo for Expansion

**Previous Discussion with Council:**

None



To: Mayor and City Council

From: Gerald Walton, NURA Chairman

April 20<sup>th</sup>, 2026

**RE: Authorization Request to Expand Project Boundaries and Eligible Activities for the Murray Street Workforce Housing Project and Contingency Use of ARPA Funds**

Dear Mayor and Council,

The Newnan Urban Redevelopment Agency has been actively advancing the Murray Street Workforce Housing Project as part of its broader efforts to increase the availability of quality, affordable housing. Under the initial program design, seven units would be constructed. Due to increasing cost and a site that currently lacks a clear title, the NURA is currently unable to construct the seventh home. After the first phase of homes are sold funding will once again be available to construct the seventh Murray Street home. Additionally, as implementation has progressed, it has become clear that expanding both the geographic scope and eligible activities under the project would significantly enhance the City's ability to deliver meaningful housing outcomes and fully utilize available federal funding.

The NURA currently holds \$115,199.49 in remaining ARPA dollars. As such, the NURA respectfully requests authorization to expand the project boundaries beyond the current Murray Street footprint to include all designated Urban Redevelopment Areas within the City. This expansion will:

- Provide flexibility to address housing needs across multiple priority areas;
- Allow for more strategic site selection based on readiness, impact, and feasibility; and
- Ensure alignment with the City's long-term redevelopment and housing goals.

In addition to geographic expansion, staff requests approval to include a broader range of pre-development and development activities as eligible uses of project funds, including but not limited to:

1. Land acquisition;
2. Title clearance and heir property resolution on city-owned lots in the redevelopment areas;
3. Site development and infrastructure improvements on city-owned lots in preparation for housing activities;
4. Environmental assessments and due diligence; and
5. Other necessary pre-construction activities.

These activities are critical to overcoming common barriers to housing development, particularly in areas impacted by fragmented ownership or insufficient site readiness.

As the Council is aware, all funds allocated under the American Rescue Plan Act (ARPA) must be fully expended by December 31, 2026. Given this deadline, it is essential that the City maintain flexibility to ensure that all remaining funds are utilized in a compliant and impactful manner.



Accordingly, the NURA requests authorization for a contingency use of any unexpended ARPA funds. If an alternative eligible expense cannot be identified and implemented within the required timeframe, the NURA proposes utilizing remaining funds to a limited Homebuyer Assistance Program, specifically:

- Down payment and closing cost assistance for income-eligible homebuyers;
- Targeting households at or below 120% of Area Median Income (AMI);
- Eligibility restricted exclusively to purchasers of the six homes developed under the Murray Street Workforce Housing Project.

This targeted approach ensures that funds are deployed efficiently while directly supporting the successful sale and occupancy of the Murray Street homes.

### **Recommendation**

The NURA recommends that the Mayor and City Council:

1. Approve the expansion of the Murray Street Workforce Housing Project boundaries to include all Urban Redevelopment Areas;
2. Approve the inclusion of pre-development and site readiness activities as eligible project costs on city-owned lots; and
3. Approve the contingency use of remaining ARPA funds for a limited Homebuyer Assistance Program restricted to the six Murray Street homes if no alternative eligible expenditures are identified prior to the federal deadline.

These actions will provide the City with the necessary flexibility to maximize the impact of available funding, accelerate housing production, and ensure compliance with federal requirements. Staff and the NURA stand ready to implement these changes upon Council authorization.

Best Regards,

*Gerald Walton*

Gerald Walton, Chairman



**To:** Mayor and Council

**Date:** April 28, 2026

**Agenda Item:** Consideration of Resolution to grant a waiver to the City of Newnan Leisure Services department, on behalf of the Newnan Cultural Arts Commission, to allow for possession and consumption of alcoholic beverages at the Newnan Centre Amphitheatre during 2026 Jazz in the Park concert series

**Prepared By:** Brent Snodgrass, Leisure Services Director

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**Purpose:**

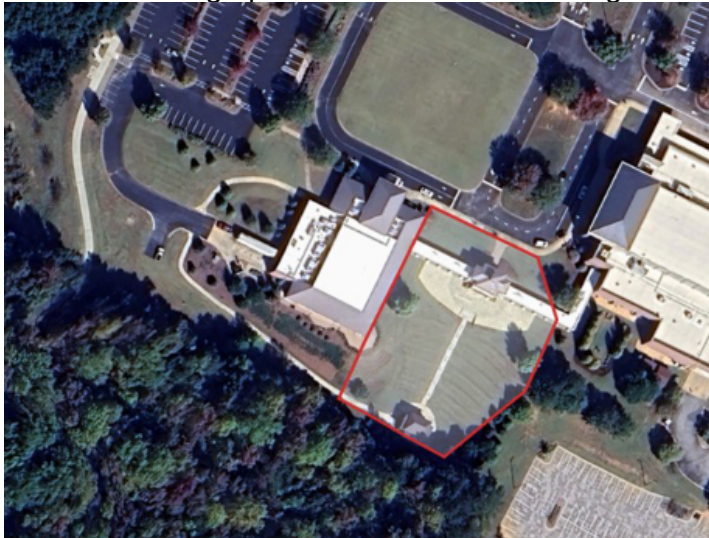
Newnan City Council may consider allowing for the possession and consumption of alcoholic beverages within a defined location at the Newnan Centre property during the following events and in accordance with the Code of Ordinances of the City of Newnan, Chapter 3, Alcoholic Beverages:

- **Jazz in the Park: The Happy Hour - Friday, June 26, 2026 - Newnan Centre Amphitheatre**
- **Jazz in the Park: Billie Holiday - The Jazz Legacy Project - Friday, July 31, 2026 - Newnan Centre Amphitheatre**
- **Jazz in the Park: Melodie Fort - Friday, August, 28, 2026 - Newnan Centre Amphitheatre**

**Background:**

In 2025, the Newnan Centre Ampitheatre hosted the free Jazz in the Park concert series, with on average 1000 in attendance. With Greenville Street Park construction still in progress and due to the success of last year's event, the Newnan Cultural Arts Commission plans to continue it's relationship with the Newnan Centre to use the Ampitheatre for the 2026 Jazz in the Park concert series.

Please see the graphic below for an aerial image of the event location:



In reviewing Chapter 3 Alcoholic Beverages of the Code of Ordinances of the City of Newnan, City staff concludes that a one-time waiver must be granted in order to permit the possession and consumption of alcoholic beverages, beginning 30 minutes prior to the beginning of the event, during the event, and up to 30 minutes after the end of the event, at the Amphitheatre area adjacent to the Newnan Centre building.

It is anticipated that 1000 persons will attend each day of the Jazz in the Park series.

The Newnan Cultural Arts Commission has hosted the Jazz in the Park series for several years, free to the community. The Wadsworth Auditorium will remain the rain location for 2026.

Newnan Centre licensed caterer will provide sales of alcoholic beverages to include beer and wine in accordance with their policy.

Food trucks will provide food for purchase at the event.

Portable restrooms and handwash stations will be on-site for use.

Parking will be at the Newnan Centre, and the trolley will be made available for shuttles from the downtown Newnan area.

Police presence will be provided by Newnan Police Department.

On-call EMS/Paramedic/Fire Services will be managed by the Newnan Fire Department.

**Funding:**

N/A

**Recommendation:**

City staff recommends approval of the resolution to grant a waiver allowing for possession and consumption of alcoholic beverages.

**Attachments:**

1. RESOLUTION TO AUTHORIZE THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR CITY SPONSORED EVENTS
2. 2026 Jazz in the Park - Event Flyer

**Previous Discussion with Council:**

A Resolution for allowing possession and consumption of alcoholic beverages for the 2025 Jazz in the Park concert series was presented and approved at the March 11, 2025 City Council meeting.

**RESOLUTION TO AUTHORIZE THE POSSESSION AND CONSUMPTION OF  
ALCOHOLIC BEVERAGES FOR CITY SPONSORED EVENTS**

**WHEREAS**, Newnan Cultural Arts Commission, in coordination with Newnan Leisure Services, will host the Jazz in the Park series at Newnan Centre Amphitheatre at 1515 Lower Fayetteville Rd, Newnan, Georgia 30265 on June 26, 2026, July 31, 2026 and August 28, 2026; and

**WHEREAS**, City of Newnan, is the owner of Newnan Centre, and is operated by Newnan Convention Center Authority, and is working with Newnan Leisure Services to host the 2026 Jazz in the Park series; and

**WHEREAS**, Greenville Street Park is unavailable for the 2026 Jazz in the Park series due to current renovation; and

**WHEREAS**, the City Council of the City of Newnan, Georgia acknowledges that allowing for possession and consumption of alcoholic beverages at the Jazz in the Park series has been an expectation of event attendees; and

**WHEREAS**, the City Council of the City of Newnan acknowledges that the Newnan Convention Center Authority is the holder of an on-premises alcohol beverage license issued by the City of Newnan which includes the Amphitheatre;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Newnan, Georgia, for the sole purposes of the 2026 Jazz in the Park series, that:

1. The possession and consumption of alcoholic beverage to include beer and wine on premises of Newnan Centre Amphitheatre at 1515 Lower Fayetteville Rd, Newnan, Georgia, 30265, shall be allowed.
2. Sealed Alcohol containers may be brought into the venue and open containers may not leave the designated venue boundaries, in accordance with Chapter 3 Alcoholic Beverage, Article 1, Section 3-6 of the Code of Ordinance of the City of Newnan.
3. The time for possession and consumption of alcoholic beverages to include beer and wine on the premises of Newnan Centre Amphitheatre at 1515 Lower Fayetteville Rd, Newnan, Georgia 30265 shall occur as early as 30 minutes prior to beginning of the event, and no longer than 30 minutes after the end of the event.
4. The City Manager or designee shall be authorized to revoke the allowance of possession and consumption if it is determined that the continued use may endanger the public's health, welfare or life safety.
5. The City Council of the City of Newnan hereby releases the Newnan Convention Center Authority from any liability for violation of the Authority's license requirements or policies on outside alcohol in the Amphitheatre during a Jazz in the Park event.

**DONE, RATIFIED AND PASSED** by the City Council of the City of Newnan, Georgia, this 28th day of April 2026 in regular session assembled.

ATTEST:

\_\_\_\_\_  
Megan Shea, City Clerk

\_\_\_\_\_  
James Shepherd, Mayor

\_\_\_\_\_  
Scott Berta, Mayor Pro Tem

REVIEWED:

\_\_\_\_\_  
Cynthia E. Jenkins, Councilmember

\_\_\_\_\_  
C. Bradford Sears, Jr., City Attorney

\_\_\_\_\_  
Dustin Koritko, Councilmember

\_\_\_\_\_  
Cleatus Phillips, City Manager

\_\_\_\_\_  
Paul Guillaume, Councilmember

\_\_\_\_\_  
James J. Thomasson III, Councilmember

\_\_\_\_\_  
Jennifer Morrison, Councilmember



2026  
*jazz*  
IN THE PARK  
NEWNAN CENTRE AMPITHEATRE

JUNE 26  
THE HAPPY HOUR



JULY 31  
BILLIE HOLIDAY  
BY THE  
THE JAZZ LEGACY PROJECT

AUGUST 28  
MELODIE FORT





# City of Newnan, Georgia – City Council

Date: April 28, 2026

Agenda Item: Annexation Request – Annex2025-02  
122.64± acres located off Green Top Road (Tax Parcel #s 085 5107 001, 085 5107 001A, 085 5086 002)



Prepared and Presented by: Tracy Dunnivant, Planning Director

## ANNEXATION ASSESSMENT

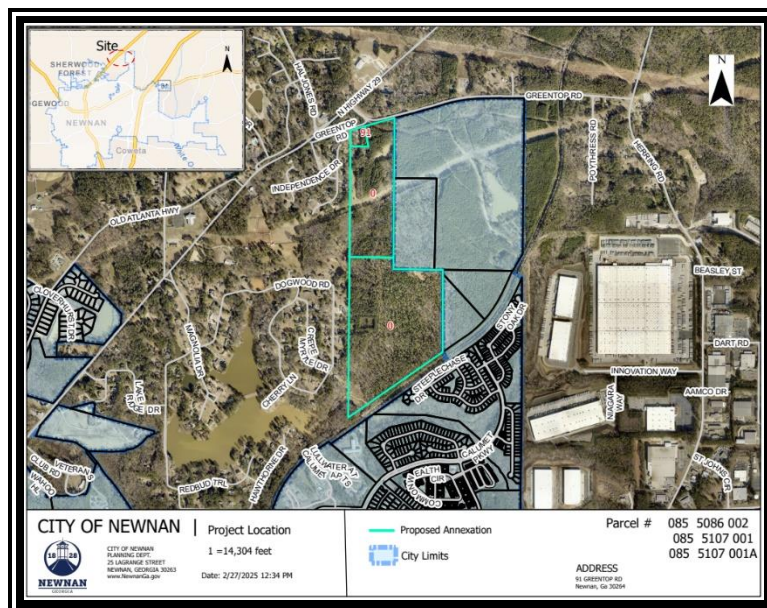
### APPLICANT INFORMATION:

Chuck Conerly on behalf of NCTI, LLC; 402 Newnan Street, Carrollton, GA 30117

### SITE INFORMATION:

The applicant is requesting the annexation of three tracts totaling 122.64± acres located on Green Top Road. The property is contiguous to the city limits via phase I of the subdivision that was approved in 2023. The applicant is seeking a PDR (Planned Residential Development) zoning designation for the development of 235 single-family lots. Anticipated build out for Phase I is 2028 and 2030 for Phase II.

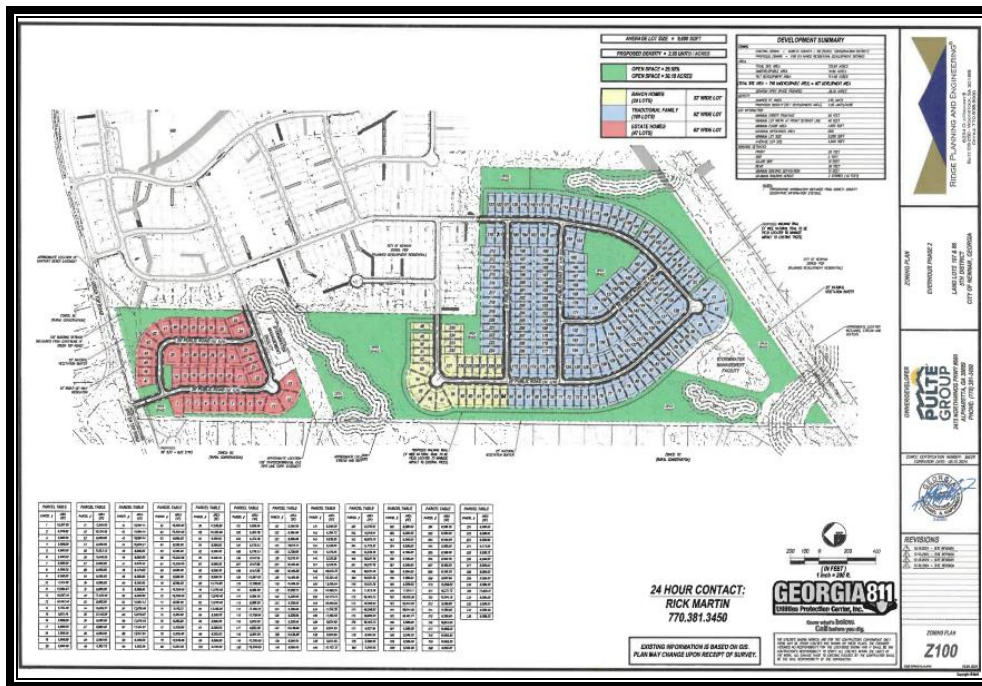
The tracts are primarily wooded and undeveloped with the exception of a home and shed building located at 91 Green Top Road. The tax parcel ID numbers are 085 5107 001, 085 5107 001A, 085 5086 002. The tracts are currently under Coweta County’s jurisdiction and are zoned RC (Rural Conservation).



**OVERVIEW OF REQUEST:**

The Council considered the annexation of this property back in 2015. At that time, the petitioner was requesting a 184-unit subdivision with a zoning designation of RS-15. That request was ultimately withdrawn before being heard by the City Council.

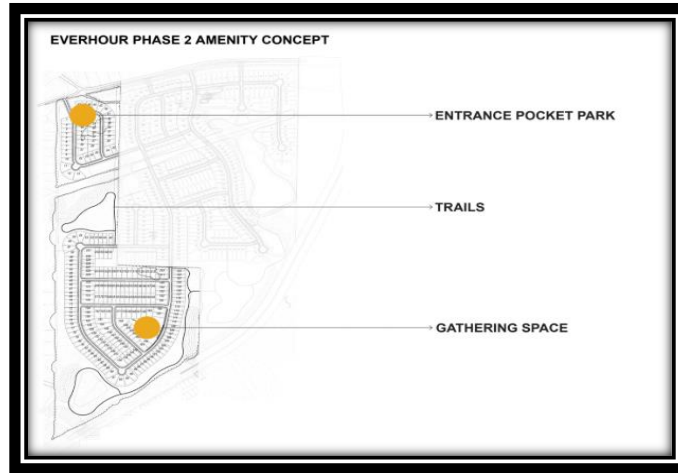
The current annexation/rezoning application was submitted back in February of 2025. The City Council voted on March 11, 2025, to consider the application and forward it to Coweta County in accordance with the annexation procedures laws. The County voted to object to the annexation and an arbitration panel was appointed by the Department of Community Affairs to conduct a hearing on the matter. On May 20, 2025, the City and County agreed to pause the hearing for 180 days to allow a Development of Regional Impact (DRI) to be completed and to conduct negotiations regarding the objections. At the end of the process, an agreement was reached and the arbitration panel was dismissed. A list of the conditions are included in this assessment.



*Ranch pods are shown in yellow, traditional pods in purple, and estate pods are in pink.*

The applicant is seeking to develop phase II of Everhour subdivision. This phase will consist of 235 lots designed to accommodate a variety of single-family, detached, fee-simple owned homes. The minimum lot size will be 8,200 square feet. Home sizes will range from 1,662 sf (ranch) to 4,125 sf (estate) with 15 different floor plans with over 30 variations in style. The minimum floor area is being proposed at 1,662 square feet with average square footages per Pod as follows: Ranch Pod (28 homes) – 1,800 square feet; Traditional Pod (160 homes) – 2,500 square feet; Estate Pod (47 homes) – 3,000 square feet. Sales price will range from \$460,000 to \$690,000. Rental percentage will be capped at 10 percent.

Amenities will include a pool and cabana; however, if the development is annexed as a second phase of Everhour subdivision, those amenities will be provided in Everhour phase 1. In addition, they plan on providing a pocket park at the entrance to the community, a trail system throughout and a gathering space on the southern end of the development.



Amenity Locations for Phase II



Entrance Pocket Park



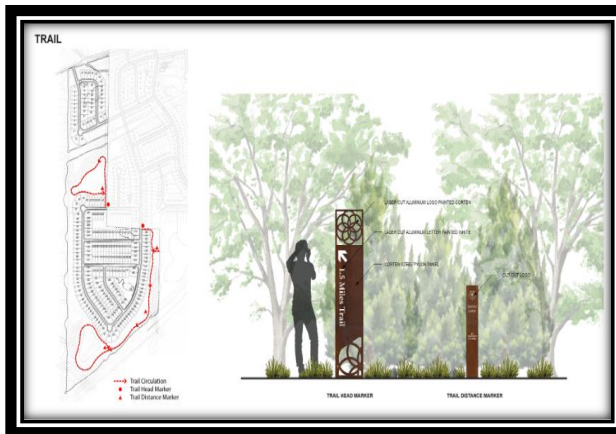
Entrance Pocket Park Design



Gathering Space



Gathering Space Inspiration



Walking Trail Markers and Signage

**House Elevation Examples:**

The applicant has proffered that “a variety of techniques will be used to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, setbacks and other similar techniques to provide a more pleasing appearance to the subdivision. No vinyl or wood siding shall be allowed.”



**House Elevation Examples (Continued):**



**ANNEXATION AGREEMENT CONDITIONS:**

As previously mentioned, an agreement was reached between the County, the applicant and the City in order to avoid an arbitration hearing. If the City decides to annex the property into the city limits, the following would apply:

- 1) The maximum number of lots is restricted to two hundred and thirty-five (235) single-family, detached, fee-simple owned homes.
- 2) A 25-foot vegetative buffer along the western property line; and
- 3) The lot information and setbacks shall be as follows:
  - Minimum street frontage 30-feet
  - Minimum lot width at front setback 40 feet
  - Minimum floor area 1,600 square feet
  - Maximum impervious area 60%
  - Minimum lot size 8,200 square feet
  - Front setback 30-feet
  - Side setback 5-feet
  - Major side (double frontage) 10-feet
  - Rear setback 20-feet
  - Building separation 10-feet
  - Maximum building height 2 stories/40-feet
- 4) Transportation Improvements. Concurrent with the recording of each Phase 2 final plat, the Developer shall pay to the County the monetary sum of SIX THOUSAND NINE HUNDRED FIFTY AND NO/100THS DOLLARS (\$6,950.00) per lot, delivered pursuant to Section 10 below. Said funding is to be utilized by the County to assist with design, permitting, and construction of intersection improvements: 1) Hal Jones Road/Green Top Road at US 29; 2) Green Top Road and Herring Road; and 3) Herring Road and Bledsoe Road.

**PROFFERED CONDITIONS:**

In addition, the applicant has proffered the following as conditions of annexation/rezoning:

- 1) The project will be consistent with the concept plan, density, project data, and elevations provided as part of the application.
- 2) The average square footages for each Pod will be as follows: Ranch Pod – 1,800 square feet; Traditional Pod – 2,500 square feet; Estate Pod – 3,000 square feet.
- 3) The maximum number of lots is restricted to two hundred thirty-five (235) single-family, detached, fee-simple owned homes.
- 4) A landscape plan shall be submitted to the appropriate department for review and approval prior to any plantings.
- 5) The applicant shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, setbacks, and other similar techniques to provide a more pleasing appearance to the subdivision. No vinyl or wood siding shall be allowed.

- 6) Right-of-way shall be reserved for a paved and publicly dedicated roadway to connect this development with a possible adjoining future development to the west and the portion of the connection within this development shall be constructed in conjunction with construction of the streets in this development.
- 7) The applicant shall comply with all requirements of City of Newnan's Stormwater Management, Soil Erosion and Sedimentation Control, and Wetlands Protection Ordinances. Stormwater management shall also meet the requirements of the Metropolitan North Georgia Water Planning District.
- 8) All applicable requirements of the Fire, Environmental Management, and Building Department shall be met.
- 9) Natural vegetation shall remain on the property prior to issuance of a Land Development Permit.
- 10) The property shall be served by public water and sewerage facilities provided by Newnan Utilities.
- 11) All drainage features shall be in accordance with standards and specifications of the City of Newnan and no extension shall be made (leading to or) from the street drainage through abutting property without approval of the City. Should it become necessary to pipe or otherwise convey roof, groundwater and/or yard drainage to the city stormwater system, prior to doing so, a plan shall be submitted to the appropriate City department for consideration.
- 12) All front, side and rear yard of all disturbed grass areas on lots shall be sodded.
- 13) All utilities the provide service to the proposed subdivision shall be placed underground.
- 14) The subject property shall be limited to single-family, detached buildings; customary accessory buildings and uses; and home occupations.
- 15) There shall be a 135-foot building setback (Green Top centerline) and a 50-foot planted buffer along the entire frontage on Green Top Road, except entrances.
- 16) All garage doors shall be architecturally treated similarly to the renderings submitted.
- 17) The lot information shall be as follows:
  - a. Minimum street frontage 30-feet
  - b. Minimum lot width at front setback 40 feet
  - c. Minimum floor area 1,600 square feet
  - d. Maximum impervious area 60%
  - e. Minimum lot size 8,200 square feet
  - f. Front setback 30 feet
  - g. Side setback 5 feet
  - h. Major side (double frontage) 10 feet
  - i. Rear setback 20 feet
  - j. Building separation 10 feet
  - k. Maximum building height 2 stories/40 feet
- 18) There shall be a 20 feet natural, vegetated buffer around the perimeter of the site.
- 19) Developer will construct a pool and cabana amenity. If the property is annexed as part of the Everhour subdivision, however, the amenity will not be required, and residents of Everhour Phase II will have access to amenities in Everhour Phase I. Developer will otherwise comply with Section 3-7 of the Zoning Ordinance.

The Applicant is requesting Item #6 be removed as it refers to a connection between the two Everhour phases. They are also proffering one additional condition:

20) Developer will not submit a land disturbance permit application for Phase II until November 1, 2027.

**STANDARDS:**

In making a decision, the Zoning Ordinance requires the Planning Commission and the City Council to give reasonable consideration to the following standards. Staff has assessed each standard and identified those with a green check mark ✓ as standards being met by the proposed annexation/rezoning and those with a red "X" ✗ as standards not being met.

**Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?** The subject tract is located off Green Top Road. It is primarily surrounded by residential zoned property and residential uses. The parcels to the north and west contain County zoned residential homes. To the south is the railroad and Stony Oak Subdivision which is a residential neighborhood that is part of the Calumet planned development. Everhour Phase I, a 300-unit subdivision that is currently in the process of being developed, abuts the subject tracts to the east.

In terms of zoning designations, all the adjacent tracts in the County are zoned RC (Rural Conservation). Stony Oak Subdivision is within the city limits and is zoned PDR (Planned Residential Development). The County's RC zoning allows .625 units per acre. PDR, which is a City designation, calculates density for projects as a whole, allowing the units to be clustered on smaller lots in each phase as long as the total number of residential units does not exceed the approved overall project count. Stony Oak, which backs up to this development, is permitted to have a density of 4.18 units per acre. The proposed project would have an overall density of 1.92 units per acre.

If the development were to be built as currently zoned, County staff has indicated that the applicant could build a maximum of 76 units. However, unlike the County, the City permits smaller lots since they will be served by sanitary sewer. Stony Oak has a density of 4.18 units per acre and has lots as small as 4,500 square feet. The subject development is proposing a density of 1.92 units per acre and a minimum lot size of 8,200 square feet. The closest subdivision, aside from Stony Oak and Everhour Phase I, appears to be Heritage Hills which has a density of roughly 1.4 units per acre (49 lots on 35 acres) and an average lot size of 27,000 square feet.

The use of the land for a residential subdivision would be in keeping with existing and proposed future uses of the adjacent and nearby properties. Although the RC zoning designation only allows .625 units per acre, Heritage Hills which lies to the west of the property, doesn't meet that requirement and the lots in Everhour Phase I will be consistent with the request. The proposed density is roughly half of what is approved for Stony Oak and the proposed minimum lot size is almost twice as large as that development as well. Also, annexing the property will allow the entire subdivision to be located within a single entity, which prevents confusion with jurisdictional service provision.

**Staff Assessment – PROPOSED USE IS SUITABLE ✓**

**Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?** The greatest impact from this development, as with Phase I, will be traffic. The applicant completed a traffic study as part of the DRI requirements in August of 2025. A DRI

was required because Phase I and II of Everhour exceeded the 400-unit threshold for residential units in a development. The Georgia Regional Transit Authority reviewed the study and issued a Notice of Decision (NOD) which will require the applicant to make specific improvements to the transportation system if the annexation is approved. In addition, as previously mentioned, the applicant has agreed to contribute \$6,950 per lot to assist with the implementation of the intersection improvement projects on 1) Hal Jones Road/Green Top Road at US 29; 2) Green Top Road and Herring Road; and 3) Herring Road and Bledsoe Road. It should be noted that these streets are not under the City's jurisdiction, so it will be up to the County to make these improvements.

**Staff Assessment – ADVERSE AFFECT IN TERMS OF TRAFFIC, BUT APPLICANT WILL HAVE TO ADDRESS GRTA NOD REQUIREMENTS AND PROVIDE FUNDING TO THE COUNTY FOR INTERSECTIONAL IMPROVEMENTS ✖**

**Are their substantial reasons why the property cannot or should not be used as currently zoned?** The property is currently zoned RC, Rural Conservation, in the County. That particular zoning district permits agriculture, forestry, and low density single-family residential land uses. The RC zoning designation would allow a residential subdivision, just not at the density that the applicant is requesting.

**Staff Assessment –THE PROPERTY COULD BE DEVELOPED AS CURRENTLY ZONED. ✖**

**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?**

*Traffic:* As previously mentioned, outside of the proposed internal streets, all roads impacted by the development will either be under the State or County's jurisdiction. The applicant will have to meet GRTA's NOD conditions and pay \$6,950 per lot to the County for intersectional improvements.

*Police:* Chief Blankenship has estimated "an increase of approximately 576 calls, 6 motor vehicle accidents and 34 traffic stops in a two-year period for the development." He added that he believes "that a strain would be placed on calls for service to that area while also effecting call service and response time to other parts of the city." Chief Blankenship further stated that there would be a need for additional maintenance and equipment and gave a monetary value of \$22,500 towards additional personnel.

*Fire:* Chief Stephen Brown has indicated that "the concern in impact would be added properties, growth in population, traffic increased call volume and response times to the proposed property and the current established areas served." He adds, "the increase in call volume will impact our department with additional wear and tear on equipment and will influence the effectiveness and strength of our manpower." Chief Brown further stated that the impact may require additional equipment and manpower in the future.

*Newnan Utilities:* Scott Tolar, Newnan Utilities, did review the project and indicated that Newnan Utilities does have ample capacity to serve the proposed subdivision with both water and sewer. He also provided a list of needs from the developer in terms of each service that has been provided as an attachment to the assessment.

Engineering: Michael Klahr, City Engineer, reviewed the project and provided the following comments:

Environmental:

1. For disturbance of 1- acre or more, a 3- Phase Erosion Sedimentation and Pollution Control (ES & PC) plan shall be submitted to the City of Newnan, as the local issuing authority, for review and approval prior to issuance of any permit for land disturbing activities (LDP), in accordance with the **City of Newnan Soil Erosion, Sedimentation, and Pollution Control Ordinance**.
2. For disturbance of 50- acres or more at one time, documentation of written approval from the Georgia Environmental Protection Division (EPD) shall be provided to the City of Newnan.
3. Phased implementation of the development shall include in the ES & PC plan, details for temporary and permanent measures, limiting exposed soil by completing activities by phase, and incorporating a schedule to stabilize disturbed areas promptly, by phase.
4. The plan for the development shall be in compliance with the set of floodplain management and flood hazard reduction policies in accordance with the **Floodplain Management and Flood Prevention** ordinance. All streams, wetlands and other environmentally sensitive areas such as floodplain, floodway, and cemeteries shall be identified by field survey methods and located within open space upon final development plan approval.
5. State waters buffers shall be 50 feet as measured from the point of wretched vegetation and shall be delineated in the field, with an additional 25 foot impervious surface setback in accordance with the **City of Newnan, Georgia Stream Buffer Protection Ordinance**.
6. Any existing wells or septic tanks that may be on the site shall be identified and properly closed or removed.
7. The developer shall present his approach for stormwater management in a concept plan, in accordance with the **Post- Construction Stormwater Management for New Development and Redevelopment** ordinance. The concept and final plan shall comply with all relevant design standards, calculations, formulas, methods, and other guidance from the **Georgia Stormwater Management Manual** (Blue Book). The concept and final plan shall also be designed in consideration of the **Extent of Service Policy, Infrastructure, Operation, Maintenance and Repairs**, Article VII, Sec. 10-179 of Chapter 10 – Environment, of the Code of Ordinances.

Development:

1. The plan for development shall follow and comply with the City of Newnan standards for design, including typical pavement sections for new construction, ROW to accommodate utilities, and ADA compliant sidewalks and curb ramps.

2. All traffic control devices shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). Traffic signs shall be mounted on Georgia Department of Transportation (GDOT) standard Type 7, breakaway, posts. Crosswalks shall be standard GDOT ladder type crosswalks. The design of the street name blades shall conform to City standards, with seals for public streets. All pavement markings shall be in thermoplastic meeting GDOT standards.
3. The City of Newnan will not issue any permits for Land Disturbing Activities (LDP) for Phase 2 until assurance is provided that the permits required from Coweta County have been issued. This may be done concurrently with Coweta County following a joint Pre-Construction meeting.

Transportation:

1. The development shall conform to the general conditions, required elements, and required improvements as shown in Attachments A, B, and C (Section 1), as referenced in the Notice of Decision for Request for Non- Expedited Review of DRI 4427 Everhour Phase 2, dated October 27, 2025.
2. For internal streets, where practicable, the development shall incorporate engineered traffic calming measures, such as the use of landscaped medians or islands, traffic circles, chicanes to serve as speed deterrence. Vertical deflection for speed deterrence is not permitted under the International Fire Code.
3. Green Top Road will remain under the jurisdiction of Coweta County.

*Coweta County Schools:* Genie Ingram, Director of Facilities, Construction & Capital Projects for the Coweta County School System, indicated “developments of this size can present challenges when planning for school enrollment and meeting student needs. Due to the higher density of housing in the area of the application, school capacity is an ongoing concern. Some of the schools serving this area are now at or near capacity.” She specified that the current enrollment figures show building utilization of the schools serving the area as follows:

- Northside Elementary School – 77%
- Madras Middle School – 88%
- Newnan High School – 85%

### **Fiscal Impact Analysis**

In an effort to ascertain fiscal impact, staff conducted an analysis of the impact to revenues and expenditures, which have been included in this report.

Methodology:

- Total # of proposed households – 235
- Average # of people per household based on US Census average for Newnan – 2.54
- Total new people added for the subdivision: 235 x 2.54 = 597 new persons
- Total 2024 Population based on census projections for Newnan – 44,940
- Total 2024 Daytime Population (*Total resident population (+) Total workers working in area (-) Total workers living in area*) – 67,442

Annual General Fund Expenditures per Operating Category based on 2026 Budget:

- General Government: \$12,283,959 / 67,442 = \$182.14 per person; \$182.14 x 597 = **\$108,737.58**
- Public Safety: \$20,742,701.00 / 67,442 = \$307.56 per person; \$307.56 x 597 = **\$183,613.32**
- Public Works: \$4,987,308 / 67,422 = \$73.95 per person; \$73.95 x 597 = **\$44,148.15**
- Community Development: \$4,242,629 / 67,422 = \$62.93; \$62.93 x 597 = **\$37,569.21**
- Other Services (Main Street, Business Development, Carnegie Building): \$1,180,870 / 67,422 = \$ per person; \$17.51 x 597 = **\$10,453.47**

Projected Annual Expenditures: **\$384,521.73**

Annual Revenues based on 2026 Budget:

- Floating Local Option Sales Taxes: \$12,000,000 budgeted / 67,442 = \$177.93 per person; \$177.93 x 597 = **\$106,224.21**
- Sales Tax Generated: \$12,321,000 budgeted / 67,442 = \$182.74 per person; \$182.74 x 597 = **\$109,095.78**
- Inspections and Permits: \$578,900 / 67,442 = \$8.59 per person; \$8.59 x 597 = **\$5,128.23**

Projected Annual Revenues for the Subdivision: **\$220,448.22**

Up Front Revenues during Construction:

- Impact Fees: 235 x \$1,110.81 (residential fee not including Newnan Utilities) = **\$261,040.35**
- Permits and Inspections: (2,400 square foot house at \$575,000) \$1,850 x 235 = **\$434,750.00**

Projected up front revenues for the subdivision: **\$695,790.35**

**Note** – Staff used \$575,000 as a median amount based on the applicant’s sale prices and 2,400 based on average square footage for the three products.

**Staff Assessment – PROJECT WILL HAVE AN IMPACT ON SERVICE PROVISION BASED ON ANTICIPATED TRAFFIC, SCHOOLS, AND POLICE/FIRE RESPONSE TIMES ❌**

**Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?**

The properties are outside of the city limits and therefore were not considered in the City's Comprehensive Plan. However, the County's Comprehensive Plan shows these areas as Priority Development Character Area on its current Future Land Use Map. In November of 2021, Phase I of this project was considered for rezoning by the Coweta County Commission. In their rezoning assessment, the County staff wrote that the rezoning would be consistent with both the Comprehensive Plan and with their Comprehensive Plan's growth strategy.

**Staff Assessment – THE PROPOSED DEVELOPMENT WOULD BE COMPATIBLE ✓**

**Is the proposed use consistent with the purpose and intent of the proposed zoning district?**

The overall purpose of the Planned Residential Development district is to allow residential development in a manner open to and advocating innovation in design and layout. This is done through a specific plan for development which is adopted as a condition of the zoning. In this case, the applicant has provided a concept plan showing a mixture of residential uses, open space, and development requirements as well as proposed house elevations and specific amenities. As such, it would be consistent with the purpose and intent of the proposed zoning designation.

**Staff Assessment – PROPOSED USE IS CONSISTENT WITH THE PROPOSED ZONING DISTRICT REQUESTED ✓**

**Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan?**

The subject tract was not included in the City's Comprehensive Plan; however, with the addition of Everhour Phase I into the city limits, there are now two subdivisions abutting the property that are shown as future "planned development". With the applicant seeking a PDR zoning designation, this development would be consistent with those two developments based on the City's future land use definition.

**Staff Assessment – THE TRACT WAS NOT ADDRESSED IN THE CITY'S COMPREHENSIVE PLAN; HOWEVER, IT WOULD BE CONSISTENT WITH THE "PLANNED DEVELOPMENT" DESIGNATIONS FOR ABUTTING SUBDIVISIONS IN THE CITY ✓**

**Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?**

As stated above, the surrounding land uses are primarily single-family homes. Although the density will be greater than Heritage Hills, it will be consistent with Everhour Phase I and less than Stony Oak's density. In addition, the applicant is proffering a 20-foot buffer around the perimeter of the property and a 25-foot buffer on the western boundary, which will provide additional screening. They have also proffered a 50-foot planted buffer along the entire frontage on Green Top Road except at the entrances and a 135-foot building setback from centerline.

The greatest impact will be traffic; however, the applicant is required by the arbitration conditions to help cover the cost for transportation improvements. Police and fire will see impact in terms of response times and additional costs for personnel and equipment as the subdivision builds out. However, the County has agreed to the development of 235 units on this site and having the subdivision within one jurisdiction will eliminate service provision confusion. The school system will also see an increase in the number of students, so the developer will need to work with them to ensure those students are accounted for in their future planning.

**Staff Assessment – THE PROPOSED PROJECT WOULD REFLECT A REASONABLE BALANCE - ✓**

**SUMMARY OF STAFF FINDINGS:**

After assessing the project based on the standards to be considered for rezoning requests, Staff found that the development meets **5 of the 8 standards**.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission at their February 10, 2026, meeting, held a public hearing and voted 6-0 to recommend denial of the annexation and rezoning request.

**STAFF SUGGESTED CONDITIONS TO CONSIDER:**

Should the Commission elect to recommend approval of the request, Staff would suggest the following conditions be considered:

- The project will be consistent with the concept plan, density, project data, amenities, and elevations provided as part of the application.
- The City of Newnan will not issue a permit for land disturbing activities until such time as Coweta County has reviewed and approved the plans for transportation purposes.
- The developer will be required to meet all conditions specified in the DRI Notice of Decision dated October 27, 2025 and all conditions recommended by the Director of Engineering as listed in his letter of December 15, 2025 or as otherwise agreed to by the parties including the Georgia Regional Transportation Authority (GRTA), except for the “Roadway Improvement Conditions to GRTA Notice of Decisions” set forth in Attachment C, Section 2 of the Notice of Decision, which are beyond the jurisdiction of the City.
- The project will be developed in accordance with the conditions specified in the arbitration agreement between the City of Newnan, Coweta County and NCTI, LLC and in accordance with all proffered conditions as outlined in this report.

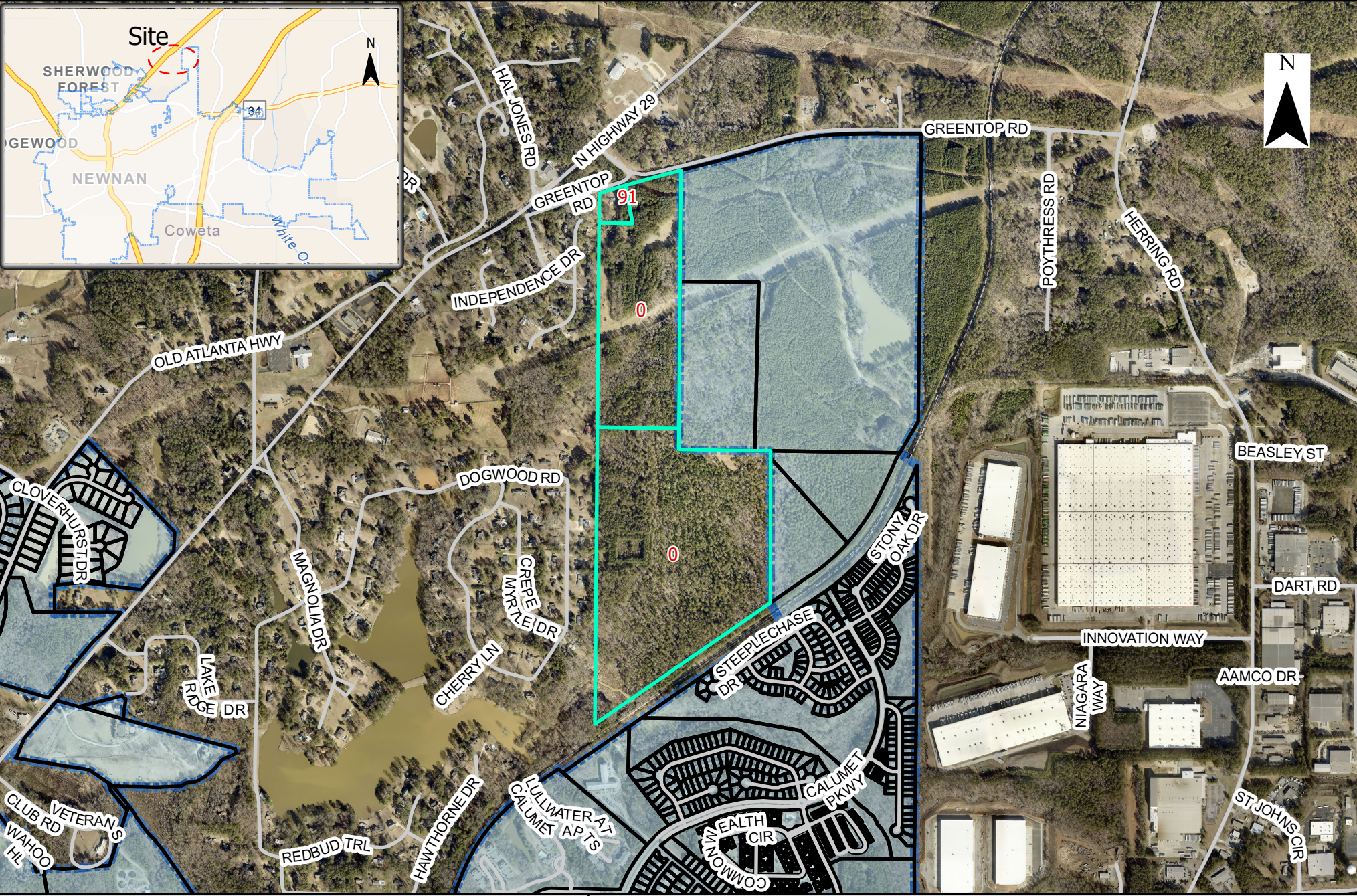
**OPTIONS:**

- A. Approve the annexation and rezoning request as submitted
- B. Approve the annexation and rezoning request with conditions
- C. Deny the annexation and rezoning request

**ATTACHMENTS:**

Location Map  
Application for Annexation & Product Book  
Condition Letter  
Traffic Study Executive Summary  
DRI Notice of Decision  
TRRC Summary  
Arbitration Agreement

Planning Commission Minutes  
Letter of Support



**CITY OF NEWNAN** | Project Location



CITY OF NEWNAN  
 PLANNING DEPT.  
 25 LAGRANGE STREET  
 NEWNAN, GEORGIA 30263  
 www.NewnanGa.gov

1 = 14,304 feet  
 Date: 2/27/2025 12:34 PM

- Proposed Annexation
- City Limits

Parcel # 085 5086 002  
 085 5107 001  
 085 5107 001A

ADDRESS  
 91 GREENTOP RD  
 Newnan, Ga 30264

CHARLES S. CONERLY  
cconerly@smithconerly.com

February 24, 2025

Tracy Dunnavant  
Planning and Zoning Director  
City of Newnan  
25 LaGrange Street  
Newnan, Georgia 30263

**RE: Application for Annexation and to Amend Zoning Map**  
**Property Owner/Petitioner:** NCTI LLC  
**Property Location:** Green Top Road, Coweta County, Georgia  
**Tax Parcels:** 085 5107 001, 085 5107 001A, and 085 5086 002  
**Requested Rezoning:** RC (Rural Conservation) to PDR (Planned Development Residential)

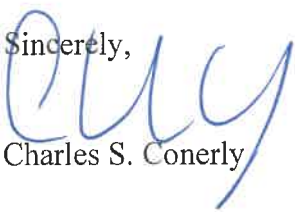
Dear Tracy:

I represent NCTI LLC, which owns approximately 122.64 acres along Green Top Road in Coweta County, Georgia and immediately adjacent to the City of Newnan's corporate limits (hereinafter the "Subject Property"). The Subject Property is more specifically identified as Tax Parcels 085 5107 001, 085 5107 001A, and 085 5086 002. Enclosed please find a completed Application for Annexation to annex the Subject Property into the City of Newnan and a related Application to Amend Zoning Map.

As indicated on the applications and in the attachments, the current zoning in Coweta County is "RC" (Rural Conservation), and assuming the Subject Property is annexed into the City of Newnan, NCTI LLC requests a rezoning to "PDR" (Planned Development Residential). The Subject Property is currently undeveloped, and NCTI LLC intends to develop the Subject Property for single-family housing, with three different lot and dwelling sizes. The total number of units is expected to be 235 with a density of 2.05 units per acre.

We acknowledge that, pursuant to O.C.G.A. § 36-36-111, if the City Council decides to accept the application for annexation, the City can take "no final action" until the statutory annexation procedures have been concluded.

Feel free to contact NCTI LLC through me (at the above address and phone number), and as always, thank you for your assistance.

Sincerely,  
  
Charles S. Conerly



**CITY OF NEWNAN, GEORGIA**  
**Planning and Zoning Department**  
 25 LaGrange Street  
 Newnan, Georgia 30263  
 Office (770) 254-2354  
 Fax (770) 254-2361

**APPLICATION FOR ANNEXATION**

*The purpose of the Annexation Zoning Policy is to provide a mechanism whereby land, which is subject to annexation by the City of Newnan, shall be evaluated and a zoning district be decided upon to apply to said land upon the annexation becoming final.*

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Name of Applicant Charles S. Conerly, representing NCTI LLC

Mailing Address 402 Newnan Street, Carrollton, Georgia 30117

Telephone 770-834-1160 Email: cconerly@smithconerly.com

Property Owner (Use back if multiple names) NCTI LLC

Mailing Address 402 Newnan Street, Carrollton, Georgia 30117

Telephone 770-834-1160 Fax 770-834-1190

Address/Location of Property Green Top Road, Coweta County, Georgia - 122.64 acres in land lots 86 and 107 of the 5th Land District, Coweta County, Georgia and being tax reference numbers 085 5107 001, 085 5107 001A, and 085 5086 002

County Zoning Classification RC Requested Zoning Classification PDR

Present Land Use Undeveloped Land

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Upon receipt of this application for annexation of property to the City, such application shall be placed on an agenda of the City Council meeting within 60 days of the filing of such application. The City Council shall evaluate the application, and if it is decided that the City will pursue annexation, the zoning request for the property is forwarded to the Planning Commission for a zoning recommendation.

Petitioners for annexation must present to the Planning & Zoning Department the following information:

X A petition for annexation into the City of Newnan, Georgia, which shall be in the form of a letter and include:

- ✓ Petitioner 's Name
- ✓ Mailing Address
- ✓ Contact Telephone Number
- ✓ Address or Tax Map Number of the property(s) proposed for annexation
- ✓ County Zoning Classification(s)
- ✓ Requested Zoning Classification(s)
- ✓ Present Land Use of the property(s)
- ✓ Proposed Land Use of the property(s)

X A completed property owners authorization form (attachment A). If multiple properties are being requested a separate application shall be submitted.

X A legal description of the property(s) and a legal description for each zoning classification being requested.

X A survey by a licensed and registered land surveyor (which shall show, at a minimum, the extents of the property, size in acres, adjacent property owners, and the existing city limits line). One paper plat 18" x 24" minimum size and a digital copy in pdf format.

X A preliminary concept plan illustrating the proposed use and/or development for this site which will also include a Preliminary Tree Management Plan illustrating existing location and general tree canopy along with areas proposed for tree conservation and/or replanting.

X A check in the amount of \$600.00/Plus fees per acre as determined by the requested zoning classification payable to the City of Newnan.

- Single-Family Zoning Classification.....\$15.00 Per Acre
- Multi-Family Zoning Classification.....\$25.00 Per Acre
- Office/Institutional Zoning Classification.....\$15.00 Per Acre
- Commercial Zoning Classification.....\$25.00 Per Acre
- Industrial Zoning Classification.....\$15.00 Per Acre

X A list of all property owners with addresses within 250 feet of the property(s) being annexed.

The City Council may reject the application or refer it to the Planning Commission to consider zoning and other relevant planning issues including whether the proposed annexation meets the intent of the Comprehensive Plan and whether the property should be annexed. If the annexation is to be passed to the Planning Commission, the City shall notify Coweta County of intent to annex within 5 business days of receipt of the request for annexation. This notification shall include all relevant data pertaining to the proposed land use of the area to be annexed. Upon receiving a recommendation from the Planning Commission, the City Council may choose to proceed with annexation of the property. The annexation shall be effective on the last day of the calendar quarter during which the annexation occurred.


The procedure for rezoning of the property is identical to that of a conventional rezoning except the hearing before the Council shall be conducted prior to the annexation of the subject property into the City.

The zoning classification approved by the City following the hearing shall become effective on the later of:

- The date the zoning is approved by the Council, and
- The date the annexation becomes effective pursuant to O.C.G.A. §30-30-4

All annexation into the City of Newnan shall meet all of the requirements for resolution of land use conflicts as required by State House Bill 489 (refer to Article 10, §10-4 of the Newnan Zoning Ordinance).

I do hereby certify that the information provided herein is both complete and accurate to the best of my knowledge, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application.



Applicant's Signature

02/24/2025

Date

FOR OFFICIAL USE ONLY

DATE RECEIVED: 02/24/2025

RECEIVED BY: 



**CITY OF NEWNAN, GEORGIA  
Planning & Zoning Department**

25 LaGrange Street  
Newnan, Georgia 30263  
Office (770) 254-2354  
Fax (770) 254-2361

**NEWNAN**  
GEORGIA

**APPLICATION TO AMEND ZONING MAP**

**Note to Applicant:** Please be sure to complete all entries on the application form. If you are uncertain to the applicability of an item, contact The Planning & Zoning Department at 770-254-2354. Incomplete applications or applications submitted after the deadline *will not be accepted*.

Name of Applicant Charles S. Conerly, representing NCTI LLC

Mailing Address 402 Newnan Street, Carrollton, Georgia 30117

Telephone 770-834-1160 Email: cconerly@smithconerly.com

Property Owner (Use back if multiple names) NCTI LLC

Mailing Address 402 Newnan Street, Carrollton, Georgia 30117

Telephone 770-834-1160

Address/Location of Property Green Top Road, Coweta County, Georgia

Tax Parcel No.: 085 5107 001, 085 5107 001A and 85 5086 002 Land Lot 86 and 107

District/Section 5 Size of Property (Square Feet or Acres) 122.64

Present Zoning Classification: RC Proposed Zoning Classification: PDR

Present Land Use: Undeveloped Land

To the best of your ability, please answer the following questions regarding the application:

Explain how conditions have changed that renders the zoning map designation invalid and no longer applicable \_\_\_\_\_  
Applicant is seeking to annex the subject property and have it rezoned consistent with adjacent property as Phase II of the Everhour Development.

If the proposed zoning map change is an extension of an existing adjacent zoning district, provide an explanation why the proposed extension should be made \_\_\_\_\_

Applicant is seeking to annex the subject property and have it rezoned consistent with adjacent property as Phase II of the Everhour Development.

If the requested change is not designed to extend an adjacent zoning district, explain why this property should be placed in a different zoning district than all adjoining property. In other words, how does this property differ from adjoining property and why should it be subject to different restrictions? \_\_\_\_\_

N/A

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Please attach all the following items to the completed application and must also be furnished in digital, pdf format:

1. A letter of intent giving the details of the proposed use of the property which should include, at a minimum, the following information:
  - What the property is to be used for, if known.
  - The size of the parcel or tract.
  - The zoning classification requested and the existing classification at the filing of this application.
  - The number of units proposed.
  - For non-residential projects, provide the density of development in terms of floor area ratio (FAR).
  - Any proposed buffers and modification to existing buffers.
  - Availability of water and sewer facilities including existing distance to property.
2. Name and mailing addresses of all owners of all property within 250 feet of the subject property (available from the County Tax Assessor records). This is encouraged to be submitted in a mail merge Microsoft Word data file format.
3. Legal description of property. This description must establish a point of beginning; and from the point of beginning, give each dimension bounding the property that the boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If the properties are not contiguous, a separate application and legal description must be submitted for each property. For requests for multiple zoning districts, a separate application and legal description must be submitted for each district requested. A copy of the deed may substitute for a separate description.
4. A certified plat (stamped and dated) drawn to scale by a registered engineer, architect, land planner, land surveyor, or landscape architect that shall include the following information:
  - ✓ Boundary survey showing property lines with lengths and bearings
  - ✓ Adjoining streets, existing and proposed, showing right-of-way
  - ✓ Locations of existing buildings dimensioned and to scale, paved areas, dedicated parking spaces, and other property improvements
  - ✓ North arrow and scale
  - ✓ Adjacent land ownership, zoning and current land use
  - ✓ Total and net acreage of property
  - ✓ Proposed building locations
  - ✓ Existing and proposed driveway(s)
  - ✓ Lakes, ponds, streams, and other watercourses
  - ✓ Floodplain, wetlands, and slopes equal to or greater than 20 percent
  - ✓ Cemeteries, burial grounds, and other historic or culturally significant features
  - ✓ Required and/or proposed setbacks and buffers
5. Submit one survey (1) hard copy in an 18" x 24" format and one copy in a pdf digital file format.
6. Completed Proffered Conditions form.
7. Completed Disclosure of Campaign Contributions and Gifts form.
8. If the applicant and the property owner are not the same, complete the Property Owner's Authorization form and/or the Authorization of Attorney form.
9. For multiple owners, a Property Owner's Authorization form shall be submitted for each owner.
10. A community impact study\* must be submitted if the development meets any of the following criteria:
  - Office proposals in excess of 200,000 gross square feet
  - Commercial proposals in excess of 250,000 gross square feet
  - Industrial proposals which would employ over 500 persons
  - Multi-Family proposals in excess of 150 units

**\*Regarding Community Impact Studies (when required), the applicant needs to contact the Planning department to request that staff initiate the will serve letters to service providers at least 15 business days prior to filing the rezoning application. Additionally, the applicant must also provide a concept plan with the request.**

11. A Development of Regional Impact form shall be completed and submitted to the City if the request meets any of the criteria in §10-10 (b)(2)(h) on page 10-7 of the Newnan Zoning Ordinance.

12. Fees for Amending the Zoning Map shall be made payable to the **City of Newnan** and are listed below:

- Single-Family Application.....\$500.00/Plus \$15.00 Per Acre
- Multi-Family Application.....\$500.00/Plus \$25.00 Per Acre
- Office/Institutional Application.....\$500.00/Plus \$15.00 Per Acre
- Commercial Application.....\$500.00/Plus \$25.00 Per Acre
- Industrial Application.....\$500.00/Plus \$15.00 Per Acre
- Mixed Use Application.....\$500.00/Plus Per Acre fee based upon proposed land use.
- Planned Development Application.....\$500.00/Plus per Acre fee based upon proposed land use.
- Overlay Zoning Application.....\$350.00

**PLEASE NOTE: THIS APPLICATION MUST BE FILED BY THE 1st OF THE MONTH TO BE CONSIDERED FOR THE PLANNING COMMISSION MEETING OF THE FOLLOWING MONTH.**

I (We) hereby authorize the staff of the City of Newnan to inspect the premises of the above-described property. I (We) do hereby certify the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application.

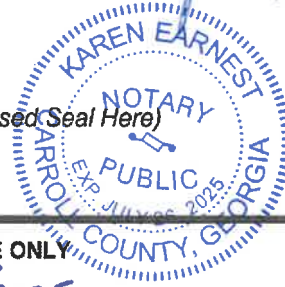
Sworn to and subscribed before me this

23rd day of February, 2025

Signature of Applicant

Karen Earnest 2/23/25  
Notary Public

(Affix Raised Seal Here)



**FOR OFFICIAL USE ONLY**

DATE OF PRE-APPLICATION CONFERENCE: 01/23/2025  
 RECEIVED BY: Tracy S. Dunham DATE OF FILING: 02/24/25 FILING FEE RECEIVED: \$2,445.00  
 DATE OF NOTICE TO NEWSPAPER: 01/21/26  
 DATE OF PUBLIC HEARING: 02/10/26  
 PLANNING COMMISSION RECOMMENDATION (DATE): \_\_\_\_\_  
 DATE OF TRANSMITTAL TO CITY COUNCIL: \_\_\_\_\_  
 CITY COUNCIL DECISION (DATE): \_\_\_\_\_



City of Newnan, Georgia  
Attachment A

**NEWMAN**  
GEORGIA

# Proffered Conditions

As part of an application for an annexation/rezoning, a property owner **MAY** proffer, in writing, proposed conditions to apply and be part of the rezoning being requested by the applicant. Proffered conditions may include written statements, development plans, profiles, elevations, or other demonstrative materials. *(Please refer to Article 10 of the Zoning Ordinance for complete details.)*

Please list any written proffered conditions below:  
**See Attached**

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Any development plans, profiles, elevations, or other demonstrative materials presented as proffered conditions shall be referenced below and attached to this application:

**See Attached**

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I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.

Signature of Applicant

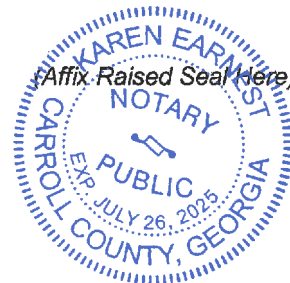
RICK EDWARD MARTIN / DIRECTOR  
Type or Print Name and Title  
LAND ACQ

Signature of Applicant's Representative

**Smith Conerly LLP**

Charles S. Conerly, Attorney  
Type or Print Name and Title

Karen Earnest 2/24/25  
Signature of Notary Public Date





City of Newnan, Georgia  
Attachment B

# Disclosure of Campaign Contributions & Gifts

Application filed on February 25, 2025 for action by the Planning Commission on annexation /rezoning requiring a public hearing on property described as follows:  
Green Top Road, Coweta County, Georgia - 122.64 acres in land lots 86 and 107 of the 5th Land District, Coweta County, Georgia and being tax reference numbers 085 5107 001, 085 5107 001A, and 085 5086 002

The undersigned below, making application for Planning Commission action, has complied with the Official Code of Georgia Section 36-67A-1, et.seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on this form as provided. All individuals, business entities, or other organizations<sup>1</sup> having a property or other interest in said property subject of this application are as follows:

NCTI LLC

Have you as applicant or anyone associated with this application or property, within the two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Newnan City Council or a member of the Newnan Planning Commission?

Yes       No

If YES, please complete the following section (attach additional sheets if necessary):

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250 or more)	Date of Contribution (Within Last 2 Years)

I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.

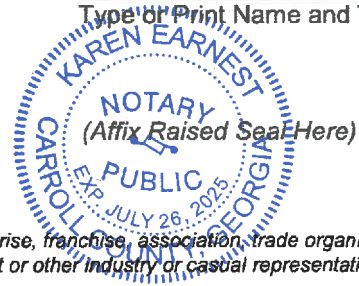
James Van S Mottola  
Signature of Applicant

James Van S Mottola  
Type or Print Name and Title

Charles S. Conerly  
Signature of Applicant's Representative  
Smith Conerly LLP

Charles S. Conerly  
Type or Print Name and Title

Karen Earnest 2/24/25  
Signature of Notary Public      Date



<sup>1</sup>Business entity may be a corporation, partnership, limited partnership, firm, enterprise, franchise, association, trade organization, or trust while other organization means non-profit organization, labor union, lobbyist or other industry or casual representative, church, foundation, club, charitable organization, or educational organization.



City of Newnan, Georgia  
Attachment C

# Property Owner's Authorization

The undersigned below, or as attached, is the owner of the property which is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a rezoning of the property.

Name of Property Owner NCTI LLC

Telephone Number 770-834-1160

Address of Subject Property Green Top Road, Coweta County, Georgia - 122.64 acres in land lots 86 and 107 of the 5th Land District  
Coweta County, Georgia and being tax reference numbers 085 5107 001, 085 5107 001A, and 085 5086 00;

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Coweta County, Georgia.

*NCTI, LLC*

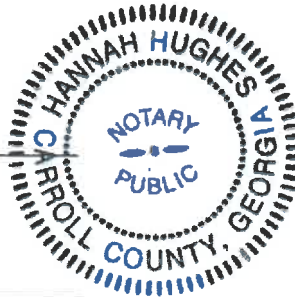
By: *James Van A. Motto*  
Signature of Property Owner

Personally appeared before me

*James Van J. Motto*

who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

*[Signature]*  
Notary Public



(Affix Raised Seal Here)

2/24/2025  
Date



City of Newnan, Georgia  
Attachment D  
**Attorney's Authorization**

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**NOTE:** *If an attorney-at-law has prepared this application, please fill out the information below:*

I swear as an attorney-at-law, I have been authorized by the owner(s) to file the attached application for a rezoning of property.

  
\_\_\_\_\_  
(Signature of Attorney)

Name of Attorney Charles S. Conerly of Smith Conerly LLP

Address 402 Newnan Street  
Carrollton, Georgia 30117

Telephone 770-834-1160

Date February 24, 2025



**NCTI LLC**  
**Application for Annexation and to Amend Zoning Map**  
**Proffered Conditions**

Applicant proffers, as conditions:

A. GENERAL CONDITIONS:

1) The project will be consistent with the concept plan, density, project data, and elevations provided as part of the application.

2) The average square footages for each Pod will be as follows:  
Ranch Pod – 1,800 square feet; Traditional Pod – 2,500 square feet; Estate Pod – 3,000 square feet.

B. SPECIFIC CONDITIONS:

1) The maximum number of lots is restricted to two hundred thirty-five (235) single-family, detached, fee-simple owned homes.

2) A landscape plan shall be submitted to the appropriate department for review and approval prior to any plantings.

3) The applicant shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, setbacks, and other similar techniques to provide a more pleasing appearance to the subdivision. No vinyl or wood siding shall be allowed.

4) Right-of-way shall be reserved for a paved and publicly dedicated roadway to connect this development with a possible adjoining future development to the west and the portion of the connection within this development shall be constructed in conjunction with construction of the streets in this development.

5) The applicant shall comply with all requirements of City of Newnan's Stormwater Management, Soil Erosion and Sedimentation Control, and Wetlands Protection Ordinances. Stormwater management shall also meet the requirements of the Metropolitan North Georgia Water Planning District.

6) All applicable requirements of the Fire, Environmental Management, and Building Department shall be met.

7) Natural vegetation shall remain on the property prior to issuance of a Land Development Permit.

8) The property shall be served by public water and sewerage facilities provided by Newnan Utilities.

9) All drainage features shall be in accordance with standards and specifications of the City of Newnan and no extension shall be made (leading to or) from the street drainage through abutting property without approval of the City. Should it become necessary to pipe or otherwise convey roof, groundwater and/or yard drainage to the City stormwater system, prior to doing so, a plan shall be submitted to the appropriate City department for consideration.

10) All front, side and rear yards of all disturbed grass areas on lots shall be sodded.

11) All utilities that provide service to the proposed subdivision shall be placed underground.

12) The subject property shall be limited to single-family, detached buildings; customary accessory buildings and uses; and home occupations.

13) There shall be a 135-foot building setback (Green Top centerline) and a 50-foot planted buffer along the entire frontage on Green Top Road, except entrances.

14) All garage doors shall be architecturally treated similarly to the renderings submitted.

15) The lot information and setbacks shall be as follows:

- Minimum street frontage 30-feet
- Minimum lot width at front setback 40 feet
- Minimum floor area 1,600 square feet
- Maximum impervious area 60%
- Minimum lot size 8,200 square feet
- Front setback 30-feet
- Side setback 5-feet
- Major side (double frontage) 10-feet
- Rear setback 20-feet
- Building separation 10-feet
- Maximum building height 2 stories/40-feet

16) There shall be a 25-foot natural, vegetated buffer around the perimeter of the site.

17) Developer will construct a pool and cabana amenity. If the property is annexed as part of the Everhour subdivision, however, the amenity will not be required, and residents of Everhour Phase II will have access to the amenities in Everhour Phase I. Developer will otherwise comply with Section 3-7 of the Zoning Ordinance.

## LEGAL DESCRIPTION

### TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 107, 5TH DISTRICT, COWETA COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH REBAR ON THE SOUTHERLY RIGHT-OF-WAY LINE OF GREENTOP ROAD (80 FOOT RIGHT-OF-WAY WIDTH) AND THE WEST LINE OF LAND LOT 107;

THENCE, ALONG SAID RIGHT-OF-WAY LINE, NORTH 70 DEGREES 17 MINUTES 35 SECONDS EAST, 82.70 FEET TO A POINT;

THENCE, NORTH 71 DEGREES 37 MINUTES 48 SECONDS EAST, 54.61 FEET TO A POINT;

THENCE, NORTH 72 DEGREES 09 MINUTES 08 SECONDS EAST, 47.46 FEET TO A POINT;

THENCE, NORTH 74 DEGREES 00 MINUTES 35 SECONDS EAST, 50.46 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 11 DEGREES 19 MINUTES 14 SECONDS EAST, 383.05

FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, NORTH 99 DEGREES 38 MINUTES 25 SECONDS WEST, 300.00 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 300.00 FEET TO THE

POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINING 2.07 ACRES (90,073 SQUARE FEET).

### TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 107, 5TH DISTRICT, COWETA COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT 1/2 INCH REBAR WITH CAP LOCATED NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 200.00 FEET FROM A 1/2 INCH OPEN TOP PIPE AT THE COMMON CORNER OF LAND LOTS 86, 87, 106 AND 107;

THENCE, NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 1,738.47 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 00 DEGREES 18 MINUTES 25 SECONDS EAST, 132.83 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, SOUTH 89 DEGREES 36 MINUTES 25 SECONDS EAST, 300.00 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, NORTH 11 DEGREES 19 MINUTES 14 SECONDS WEST, 383.05 FEET TO A 1/2 INCH REBAR WITH CAP IN THE SOUTHERLY RIGHT-OF-WAY LINE OF GREENTOP ROAD (80 FOOT RIGHT-OF-WAY WIDTH);

THENCE, WITH SAID RIGHT-OF-WAY LINE, NORTH 74 DEGREES 00 MINUTES 35 SECONDS EAST, 22.14 FEET TO A POINT;

THENCE, NORTH 74 DEGREES 38 MINUTES 01 SECONDS EAST, 266.30 FEET TO A POINT;

THENCE, NORTH 75 DEGREES 09 MINUTES 59 SECONDS EAST, 155.81 FEET TO A POINT;

THENCE, NORTH 76 DEGREES 02 MINUTES 41 SECONDS EAST, 140.62 FEET TO A 2 INCH OPEN TOP PIPE;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 01 DEGREES 07 MINUTES 37 SECONDS WEST, 1,089.87

FEET TO A 1/2 INCH REBAR;

THENCE, SOUTH 00 DEGREES 53 MINUTES 28 SECONDS WEST, 1,311.20 FEET TO A 1 INCH SQUARE IRON ROD;

THENCE, NORTH 89 DEGREES 36 MINUTES 40 SECONDS WEST, 758.53 FEET TO THE

POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINING 38.51 ACRES (1,677,546 SQUARE FEET).

### TRACT 3

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 86 AND 107, 5TH DISTRICT, COWETA COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH OPEN TOP PIPE AT THE COMMON CORNER OF LAND LOTS 86, 87, 106 AND 107;

THENCE, NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 200.00 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, SOUTH 89 DEGREES 36 MINUTES 40 SECONDS EAST, 758.53 FEET TO A 1 INCH SQUARE IRON ROD;

THENCE, SOUTH 01 DEGREES 08 MINUTES 35 SECONDS WEST, 200.00 FEET TO A 1 INCH OPEN TOP PIPE;

THENCE, SOUTH 87 DEGREES 57 MINUTES 50 SECONDS EAST, 1,039.27 FEET TO A 3/4 INCH OPEN TOP PIPE;

THENCE, SOUTH 00 DEGREES 57 MINUTES 15 SECONDS WEST, 47.48 FEET TO A 3/4 INCH OPEN TOP PIPE;

THENCE, SOUTH 01 DEGREES 00 MINUTES 19 SECONDS WEST, 150.87 FEET TO A 3/4 INCH OPEN TOP PIPE;

THENCE, SOUTH 01 DEGREES 06 MINUTES 35 SECONDS WEST, 1,066.18 FEET TO A NAIL IN THE NORTHERLY RIGHT-OF-WAY LINE OF CSX RAILROAD (200 FOOT RIGHT-OF-WAY WIDTH);

THENCE, WITH SAID RIGHT-OF-WAY LINE, SOUTH 55 DEGREES 13 MINUTES 16 SECONDS WEST, 2,169.91 FEET

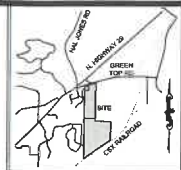
TO A 1/2 INCH OPEN TOP PIPE;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE, NORTH 00 DEGREES 35 MINUTES 00 SECONDS EAST, 2,553.88

FEET TO THE

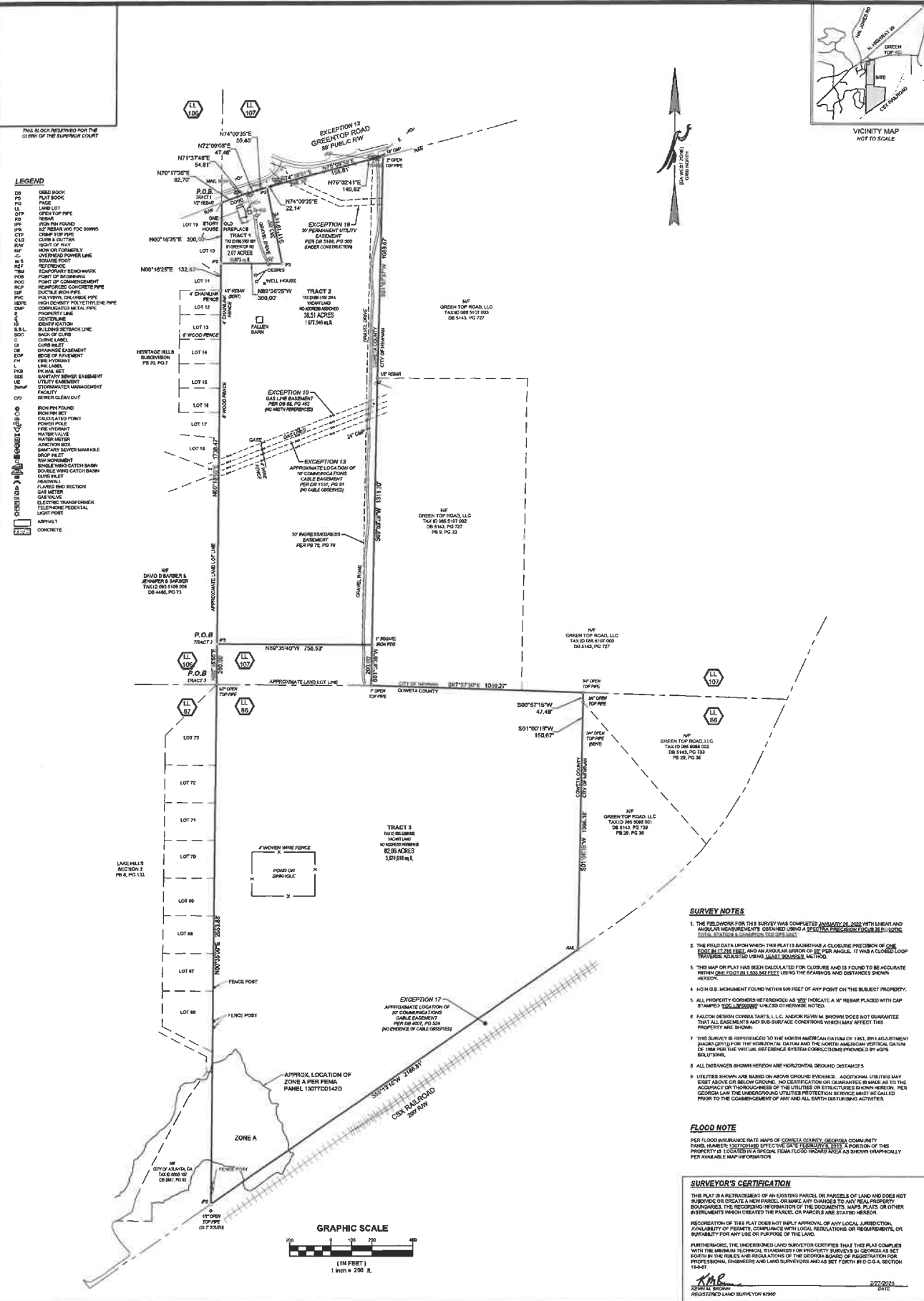
POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINING 82.06 ACRES (3,574,618 SQUARE FEET).



THIS BLOCK REFERRED FOR THE CLERK OF THE SUPERIOR COURT

- LEGEND**
- DB DEED BOOK
  - PS PLAT BOOK
  - PG PAGE
  - LL LABEL LOT
  - OTP OPEN TOP PIPE
  - REB REBAR
  - IFP IRON PIPE FOUND
  - ISZ IRON SIZED WOOD JOIST DIMENSIONS
  - CRP CURB TOP PIPE
  - CUW CURB & UTILITY
  - WBT WBT TOP HALF
  - HWB HOW OR FORMERLY
  - UPL UNDEVELOPED POWER LINE
  - MSI SQUARE FOOT
  - RES RESURFACING
  - TRM TEMPORARY BENCHMARK
  - POB POINT OF BEGINNING
  - POC POINT OF COMMENCEMENT
  - PCP REINFORCED CONCRETE PIPE
  - ICP CAST-IN-PLACE CONCRETE
  - PVC POLYVINYL CHLORIDE PIPE
  - HPC HIGH DENSITY POLYETHYLENE PIPE
  - CMF CORRUGATED METAL PIPE
  - PROF PROFILE
  - CE CENTERLINE
  - BBL BILLING BACKTRACK LINE
  - BCB BACK OF CURB
  - CL CURB LABEL
  - DE DRIVEWAY EASEMENT
  - EDP EDGE OF PAVEMENT
  - EBL EBL POINT
  - LI LINE LABEL
  - PSB PAVEMENT SURFACE
  - SEB SAFETY BEYOND EASEMENT
  - LEB LITERY EASEMENT
  - SWM STORMWATER MANAGEMENT FACILITY
  - SEW SEWER CLEAN OUT
  - IRP IRON PIPE FOUND
  - IRP-LEC IRON PIPE FOUND
  - CP CALLED POINT
  - PP POWDER POLE
  - WV WATER VALVE
  - WTR WATER
  - ASB AIR SERVICE BOX
  - SSB SAFETY SERVICE MANHOLE
  - DRP DROP PILE
  - IRV IRON VALVE
  - BSB BENCH MARK
  - DBS DOUBLE WIRE CATCH BUSH
  - CSB CURB BUSH
  - REB REBAR
  - FLB FLAGGED SECTION
  - GM GAS METER
  - GV GAS VALVE
  - ETB ELECTRIC TRANSFORMER
  - TEB TELEPHONE EASEMENT
  - LPB LIGHT POST
  - APB AIRPORT
  - CON CONCRETE



- SURVEY NOTES**
1. THE FIELDWORK FOR THIS SURVEY WAS COMPLETED JANUARY 26, 2022 WITH LINEAR AND ANGULAR MEASUREMENTS OBTAINED FROM A SELECTED CLASS OF TOTAL STATION.
  2. THE FIELD DATA OBTAINED FROM THIS SURVEY HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET, AND AN ANGULAR ERROR OF 20 PER ANGLE. IT WAS A CLOSED LOOP TRIPLE-SIDE ADJUSTED SURVEY. (SEE PARAGRAPHS 14-17)
  3. THIS MAP OR PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000 FEET, USING THE BEARINGS AND DISTANCES SHOWN HEREON.
  4. NO I.O.S. MONUMENT FOUND WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY.
  5. ALL PROPERTY CORNERS REFERENCED AS "2" INDICATE A "N" REBAR PLACED WITH CAP STAMPED "20220000" UNLESS OTHERWISE NOTED.
  6. FALCON DESIGN CONSULTANTS, L.L.C. AND/OR KEVIN M. BROWN DOES NOT GUARANTEE THAT ALL EASEMENTS AND SUB-SURFACE CONDITIONS WOULD HAVE AFFECTED THE PROPERTY ARE SHOWN.
  7. THIS SURVEY IS REFERENCED TO THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD 83) OR THE HORIZONTAL DATUM AND THE NORTH AMERICAN VERTICAL DATUM OF 1988 FOR THE VERTICAL REFERENCE SYSTEM CORRECTIONS PROVIDED BY GPS REALTIME.
  8. ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES.
  9. UTILITIES SHOWN ARE BASED ON ABOVE GROUND EVIDENCE. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. NO IDENTIFICATION OR GUARANTEE IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE UTILITIES OR STRUCTURES SHOWN HEREON. PER GEORGIA LAW THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.

**FLOOD NOTE**

PER FLOOD INSURANCE RATE MAPS OF COWETA COUNTY, GEORGIA, COMMUNITY PANEL NUMBER: 13070400, EFFECTIVE DATE: 10/20/12, 2015, A PORTION OF THIS PROPERTY IS LOCATED WITHIN SPECIAL FLOOD HAZARD AREA AS SHOWN OTHERWISE PER AVAILABLE MAP INFORMATION.

**SURVEYOR'S CERTIFICATION**

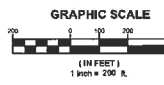
THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SURVEY OR CREATE A NEW PARCEL, OR MAKE ANY CHANGES TO ANY REAL PROPERTY. UNLESS THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON.

RESTORATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, ACCURACY OF BENCHMARKS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND.

FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 13-6-2.

*Kevin M. Brown*  
REGISTERED LAND SURVEYOR #2960

2/22/2022  
DATE



1 of 2  
SHEET NUMBER



DATE	REVISION
1-27-2022	1. 1-27-2022
1-27-2022	2. 1-27-2022
1-27-2022	3. 1-27-2022
1-27-2022	4. 1-27-2022
1-27-2022	5. 1-27-2022
1-27-2022	6. 1-27-2022
1-27-2022	7. 1-27-2022
1-27-2022	8. 1-27-2022
1-27-2022	9. 1-27-2022
1-27-2022	10. 1-27-2022

**REVISIONS**

1. ADDRESS COUNTY AND CITY DESIGNATIONS 2-21-2022

2. 2-21-2022

3. 2-21-2022

4. 2-21-2022

5. 2-21-2022

6. 2-21-2022

7. 2-21-2022

8. 2-21-2022

9. 2-21-2022

10. 2-21-2022

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREOF. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECIPROCALITY BY THE SURVEYOR NAMED SAID PERSON.

ALTANSPS LAND TITLE SURVEY  
**GREENTOP ROAD**  
LAND LOTS 86 AND 107, 5TH DISTRICT  
COWETA COUNTY, GEORGIA









City of Newnan, Georgia  
Attachment E  
**Checklist**

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The following is a checklist of information required for the submittal of an annexation/rezoning application. The Planning & Zoning Department will not accept an incomplete application.

- Completed application form
- Letter of intent
- Names and addresses of all owners of all property within 250 feet of the subject property
- Legal description of property
- Certified plat
- Concept Plan
- Preliminary Tree Management Plan
- Completed Attachment A – Proffered Conditions (if applicable)
- Completed Attachment B – Disclosure of Campaign Contributions & Gifts (if applicable)
- Completed Attachment C – Property Owner’s Authorization (if applicable)
- Completed Attachment D – Attorney’s Authorization (if applicable)
- N/A Community Impact Study (if applicable)
- Filing Fee in the form of a check payable to the **City of Newnan**  
*credit card payment*

**Note:** Please attach this form to the filing application.



SMITH CONERLY LLP

402 Newnan Street  
Carrollton, Georgia 30117  
phone: 770-834-1160  
fax: 770-834-1190  
smithconerly.com

CHARLES S. CONERLY  
cconerly@smithconerly.com

April 20, 2026

VIA: First Class Mail &  
Electronic Mail to [tdunnavant@newnanga.gov](mailto:tdunnavant@newnanga.gov)

Tracy S. Dunnavant, AICP  
Planning and Zoning Director  
City of Newnan  
25 LaGrange Street  
Newnan, Georgia 30263

RE: NCTI LLC's Application for Annexation and to Amend Zoning Map  
Green Top Road, Coweta County, Georgia

Dear Tracy:

Per our e-mail correspondence today, we would like to proffer one additional condition, to wit:

*20) Developer will not submit a land disturbance permit application for Phase II until November 1, 2027.*

This should allow some additional time for the City to absorb a number of the homes being constructed in Phase I and, hopefully, address any concerns about bringing both phases on line at the same time.

Also, please note that I have numbered this proffered condition as #20, so that the numbering remains the same, but that we had previously withdrawn proffered condition #6, which read as follows:

*6) Right-of-way shall be reserved for a paved and publicly dedicated roadway to connect this development with a possible adjoining future development to the west and the portion of the connection within this development shall be constructed in conjunction with construction of the streets in this development.*

As always, thank you for your assistance.

Best regards,

SMITH CONERLY LLP

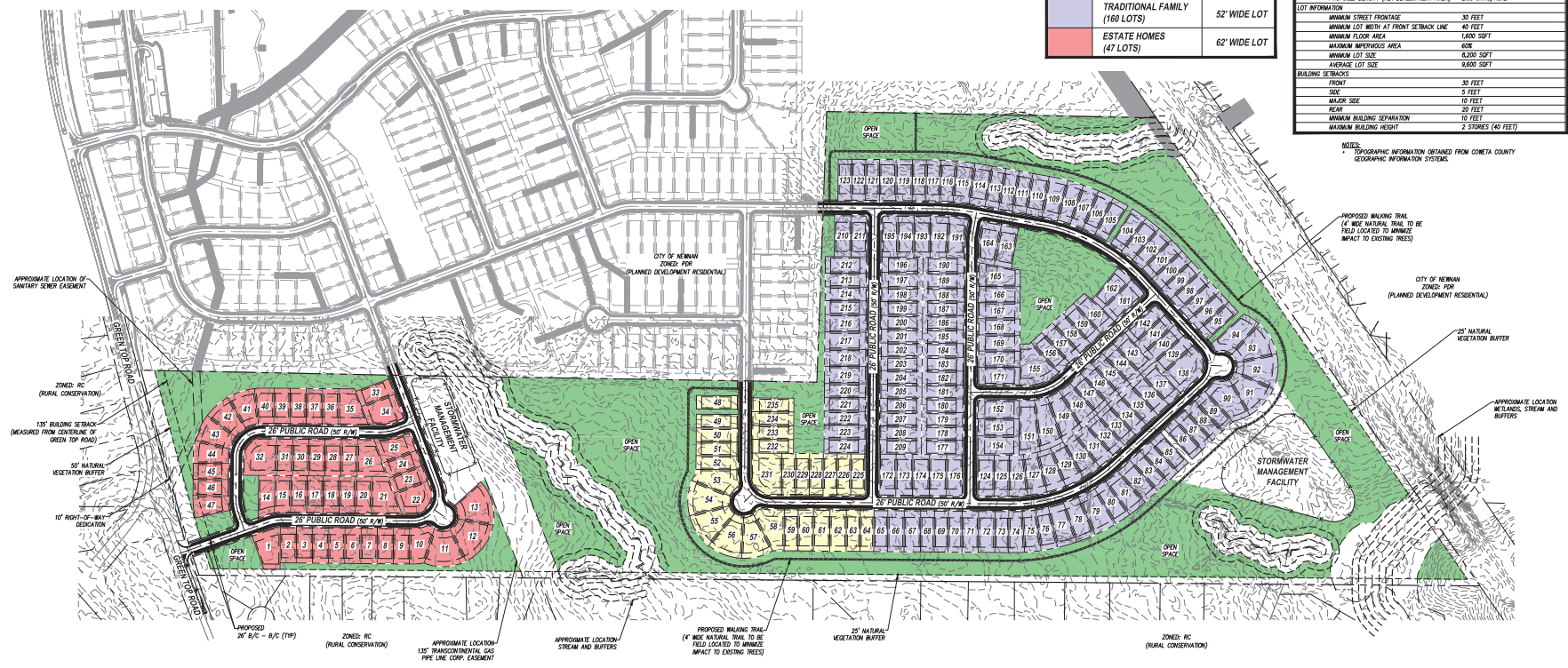
  
Charles S. Conerly

cc: Rick Martin (via e-mail to [rick.martin@pulte.com](mailto:rick.martin@pulte.com))

AVERAGE LOT SIZE = 9,600 SQFT	
PROPOSED DENSITY = 2.05 UNITS / ACRES	
OPEN SPACE = 29.50%	
OPEN SPACE = 36.16 ACRES	
RANCH HOMES (28 LOTS)	52' WIDE LOT
TRADITIONAL FAMILY (160 LOTS)	52' WIDE LOT
ESTATE HOMES (47 LOTS)	62' WIDE LOT

DEVELOPMENT SUMMARY	
ZONING	EXISTING ZONING - COMETA COUNTY - RC (RURAL CONSERVATION DISTRICT)
	PROPOSED ZONING - FOR (PLANNED RESIDENTIAL DEVELOPMENT DISTRICT)
AREA	TOTAL SITE AREA 122.64 ACRES
	UNDEVELOPABLE AREA 10.88 ACRES
	NET DEVELOPMENT AREA 111.76 ACRES
	TOTAL SITE AREA - 70% UNDEVELOPABLE AREA = NET DEVELOPMENT AREA
	COMMON OPEN SPACE PROVIDED 36.16 ACRES
DENSITY	NUMBER OF UNITS 255 UNITS
	PROPOSED DENSITY (NET DEVELOPMENT AREA) 2.26 UNITS/ACRE
LOT INFORMATION	MINIMUM STREET FRONTAGE 30 FEET
	MINIMUM LOT WIDTH AT FRONT SETBACK LINE 40 FEET
	MINIMUM FLOOR AREA 1,600 SQFT
	MAXIMUM BERTHOOD AREA 400
	MINIMUM LOT SIZE 8,200 SQFT
	AVERAGE LOT SIZE 9,600 SQFT
BUILDING SETBACKS	FRONT 30 FEET
	SIDE 5 FEET
	REAR 30 FEET
	MINIMUM BUILDING SEPARATION 10 FEET
	MAXIMUM BUILDING FOOTPRINT 2 STORIES (40 FEET)

NOTES:  
 1. TOPOGRAPHIC INFORMATION OBTAINED FROM COMETA COUNTY GEOGRAPHIC INFORMATION SYSTEMS.



PARCEL #	AREA (SQ)	PARCEL #	AREA (SQ)	PARCEL #	AREA (SQ)	PARCEL #	AREA (SQ)	PARCEL #	AREA (SQ)	PARCEL #	AREA (SQ)	PARCEL #	AREA (SQ)	PARCEL #	AREA (SQ)	PARCEL #	AREA (SQ)	PARCEL #	AREA (SQ)	PARCEL #	AREA (SQ)	PARCEL #	AREA (SQ)		
1	13,257.65	21	13,248.05	41	10,984.14	61	10,206.00	81	10,322.68	101	8,363.78	121	8,966.00	141	8,363.78	161	8,363.78	181	8,363.78	201	8,363.78	221	8,363.78		
2	8,678.82	22	13,514.96	42	10,984.14	62	10,206.00	82	10,322.68	102	8,363.78	122	8,966.00	142	8,363.78	162	8,363.78	182	8,363.78	202	8,363.78	222	8,363.78	242	8,363.78
3	8,680.00	23	8,680.00	43	10,984.14	63	8,596.00	83	8,596.00	103	8,596.00	123	8,596.00	143	8,596.00	163	8,596.00	183	8,596.00	203	8,596.00	223	8,596.00	243	8,596.00
4	8,680.00	24	8,680.00	44	10,206.27	64	8,596.00	84	8,596.00	104	8,596.00	124	8,596.00	144	8,596.00	164	8,596.00	184	8,596.00	204	8,596.00	224	8,596.00	244	8,596.00
5	8,680.00	25	13,513.43	45	8,680.00	65	8,596.00	85	8,596.00	105	8,596.00	125	8,596.00	145	8,596.00	165	8,596.00	185	8,596.00	205	8,596.00	225	8,596.00	245	8,596.00
6	8,680.00	26	13,514.96	46	8,680.00	66	10,206.00	86	8,596.00	106	8,596.00	126	8,596.00	146	8,596.00	166	8,596.00	186	8,596.00	206	8,596.00	226	8,596.00	246	8,596.00
7	8,680.00	27	8,680.00	47	8,679.83	67	10,206.00	87	8,596.00	107	8,596.00	127	8,596.00	147	8,596.00	167	8,596.00	187	8,596.00	207	8,596.00	227	8,596.00	247	8,596.00
8	8,680.00	28	8,680.00	48	8,624.00	68	8,596.00	88	8,596.00	108	8,596.00	128	8,596.00	148	8,596.00	168	8,596.00	188	8,596.00	208	8,596.00	228	8,596.00	248	8,596.00
9	8,680.00	29	8,680.00	49	8,596.00	69	8,596.00	89	8,596.00	109	8,596.00	129	8,596.00	149	8,596.00	169	8,596.00	189	8,596.00	209	8,596.00	229	8,596.00	249	8,596.00
10	11,074.19	30	8,680.00	50	8,596.00	70	8,596.00	90	14,714.85	110	10,206.00	130	10,496.86	150	13,856.04	170	10,206.00	190	8,596.00	210	10,368.07	230	8,596.00	250	8,596.00
11	13,847.87	31	8,680.00	51	8,596.00	71	10,206.00	91	13,976.48	111	8,596.00	131	10,206.00	151	14,862.24	171	10,206.00	191	10,206.00	211	10,206.00	231	10,206.00	251	10,206.00
12	16,052.40	32	17,558.85	52	8,596.00	72	10,206.00	92	13,976.48	112	8,596.00	132	8,596.00	152	13,275.73	172	10,463.73	192	10,463.73	212	10,463.73	232	8,596.00	252	8,596.00
13	16,052.40	33	8,680.00	53	12,864.13	73	8,596.00	93	13,976.48	113	8,596.00	133	8,596.00	153	8,596.00	173	10,463.73	193	10,463.73	213	8,596.00	233	8,596.00	253	8,596.00
14	8,704.20	34	13,648.07	54	13,976.48	74	8,414.13	94	13,976.48	114	10,456.33	134	8,596.00	154	11,818.33	174	10,368.00	194	10,463.73	214	8,596.00	234	8,596.00	254	8,596.00
15	8,680.00	35	12,461.00	55	13,976.07	75	8,414.13	95	8,596.00	115	10,700.96	135	8,596.00	155	12,445.52	175	10,682.00	195	10,463.73	215	8,596.00	235	8,596.00	255	8,596.00
16	8,680.00	36	8,680.00	56	13,976.48	76	8,414.13	96	8,596.00	116	8,596.00	136	8,596.00	156	8,596.00	176	10,463.73	196	8,596.00	216	8,596.00	236	8,596.00	256	8,596.00
17	8,680.00	37	8,680.00	57	13,976.48	77	10,206.00	97	8,596.00	117	8,596.00	137	10,463.73	157	8,596.00	177	8,596.00	197	8,596.00	217	10,682.00	237	10,682.00	257	10,682.00
18	8,680.00	38	8,680.00	58	13,976.48	78	10,206.00	98	8,596.00	118	8,596.00	138	10,463.73	158	8,596.00	178	8,596.00	198	8,596.00	218	10,682.00	238	10,682.00	258	10,682.00
19	8,680.00	39	8,680.00	59	8,596.00	79	10,206.00	99	8,596.00	119	10,206.00	139	8,596.00	159	8,596.00	179	8,596.00	199	8,596.00	219	10,682.00	239	10,682.00	259	10,682.00
20	8,680.00	40	8,363.73	60	8,552.59	80	8,363.73	100	8,596.00	120	10,206.00	140	8,596.00	160	10,707.03	180	8,596.00	200	8,596.00	220	8,596.00	240	8,596.00	260	8,596.00

**24 HOUR CONTACT:**  
**RICK MARTIN**  
**770.381.3450**



EXISTING INFORMATION IS BASED ON GIS.  
 PLAN MAY CHANGE UPON RECEIPT OF SURVEY.

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

ZONING PLAN  
 EVERHOUR PHASE 2  
 LAND LOTS 107 & 86  
 5TH DISTRICT  
 CITY OF NEWNAM, GEORGIA



GSWC CERTIFICATION NUMBER: 36629  
 EXPIRATION DATE: 08.01.2024



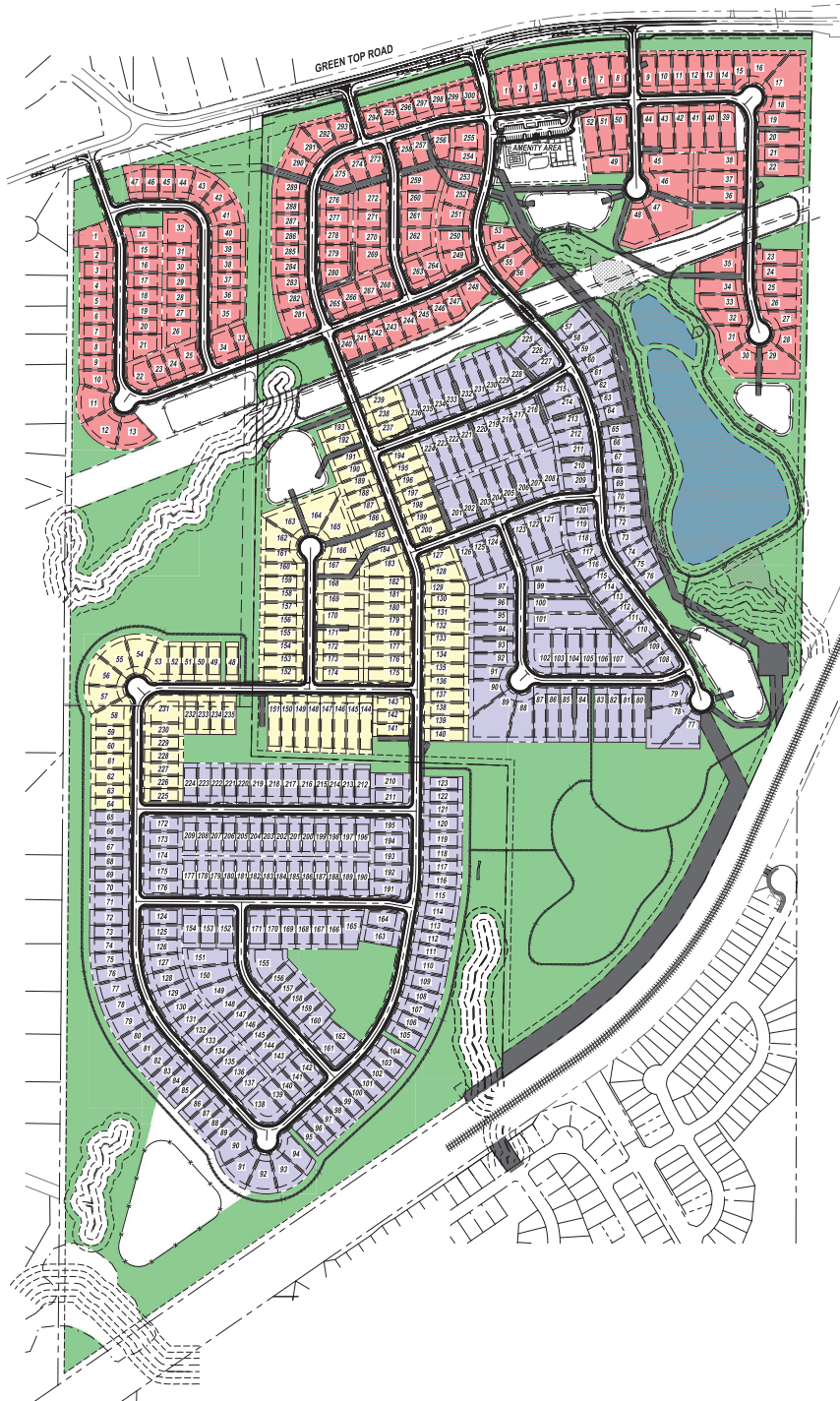
REVISIONS	
10.10.2024	SITE REVISION
12.03.2024	SITE REVISION
12.10.2024	SITE REVISION
12.20.2024	SITE REVISION

ZONING PLAN  
**Z100**

**EVERHOUR PHASE 2**

DEVELOPMENT SUMMARY	
EXISTING ZONING	CONETA COUNTY - RC (RURAL CONSERVATION DISTRICT)
PROPOSED ZONING	PER PLANNED RESIDENTIAL DEVELOPMENT DISTRICT
AREA	16.66 ACRES
TOTAL SITE AREA	16.66 ACRES
UNDEVELOPABLE AREA	16.66 ACRES
NET DEVELOPMENT AREA	16.66 ACRES
TOTAL SITE AREA - THE UNDEVELOPABLE AREA = NET DEVELOPMENT AREA	
COMMON OPEN SPACE PROVIDED	36.18 ACRES
DENSITY	
NUMBER OF UNITS	235 UNITS
PROPOSED DENSITY (NET DEVELOPMENT AREA)	2.05 UNITS/ACRE
LOT INFORMATION	
MINIMUM STREET FRONTAGE	30 FEET
MINIMUM LOT WIDTH AT FRONT SETBACK LINE	40 FEET
MINIMUM FLOOR AREA	1,600 SQFT
MINIMUM IMPROVEMENT AREA	600 SQFT
MINIMUM LOT SIZE	6,000 SQFT
AVERAGE LOT SIZE	8,600 SQFT
BUILDING SETBACKS	
FRONT	30 FEET
SIDE	5 FEET
REAR	10 FEET
MINIMUM BUILDING SEPARATION	10 FEET
MINIMUM BUILDING HEIGHT	2 STORIES (40 FEET)

AVERAGE LOT SIZE = 8,600 SQFT	
PROPOSED DENSITY = 2.05 UNITS / ACRES	
OPEN SPACE = 29.50% OPEN SPACE = 36.18 ACRES	
RANCH HOMES (28 LOTS)	52' WIDE LOT
TRADITIONAL FAMILY (160 LOTS)	52' WIDE LOT
ESTATE HOMES (47 LOTS)	62' WIDE LOT



**EVERHOUR PHASE 1**

DEVELOPMENT SUMMARY	
EXISTING ZONING	CONETA COUNTY - RC (RURAL CONSERVATION DISTRICT)
PROPOSED ZONING	PER PLANNED RESIDENTIAL DEVELOPMENT DISTRICT
AREA	16.66 ACRES
TOTAL SITE AREA	16.66 ACRES
UNDEVELOPABLE AREA	16.66 ACRES
NET DEVELOPMENT AREA	16.66 ACRES
TOTAL SITE AREA - THE UNDEVELOPABLE AREA = NET DEVELOPMENT AREA	
COMMON OPEN SPACE PROVIDED (LAND LOT 107)	37.14 ACRES
COMMON OPEN SPACE PROVIDED (LAND LOT 80)	11.96 ACRES
DENSITY	
NUMBER OF UNITS	300 UNITS
PROPOSED DENSITY (NET DEVELOPMENT AREA)	2.05 UNITS/ACRE
LOT INFORMATION	
MINIMUM STREET FRONTAGE	30 FEET
MINIMUM LOT WIDTH AT FRONT SETBACK LINE	40 FEET
MINIMUM FLOOR AREA	1,600 SQFT
MINIMUM IMPROVEMENT AREA	600 SQFT
MINIMUM LOT SIZE	6,000 SQFT
AVERAGE LOT SIZE	11,222 SQFT
BUILDING SETBACKS	
FRONT	30 FEET
SIDE	5 FEET
REAR	10 FEET
MINIMUM BUILDING SEPARATION	10 FEET
MINIMUM BUILDING HEIGHT	2 STORIES (40 FEET)

AVERAGE LOT SIZE = 11,222 SQFT	
PROPOSED DENSITY = 2.05 UNITS / ACRES	
OPEN SPACE = 33.67% OPEN SPACE = 55.19 ACRES	
RANCH HOMES (76 LOTS)	52' WIDE LOT
TRADITIONAL FAMILY (167 LOTS)	52' WIDE LOT
ESTATE HOMES (117 LOTS)	62' WIDE LOT



16554 W. Old Highway 16  
Suite 08-2500, Alpharetta, GA 30018  
Office: 770.898.9000

EXHIBIT  
EVERHOUR PHASE 2

LAND LOTS 107 & 86  
SITE DISTRICT MAP  
CITY OF ALPHARETTA, GEORGIA

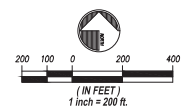
OWNER/DEVELOPER



2475 NORTHWINDS PKWY #600  
ALPHARETTA, GA 30009  
PHONE: (770) 391-3450

ISWC# CERTIFICATION NUMBER: 36629  
EXPIRATION DATE: 08-05-2024

REVISIONS



Know what's below.  
Call before you dig.

**24 HOUR CONTACT:**  
**RICK MARTIN**  
**770.381.3450**

EXISTING INFORMATION IS BASED ON GIS.  
PLAN MAY CHANGE UPON RECEIPT OF SURVEY.

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONFORMANCE ONLY.  
THEY MAY BE CHANGED WITHOUT NOTICE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL CHANGES MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

OVERALL PLAN EXHIBIT

**EX-01**

# Everhour

## Newnan, GA | Pulte House Plans

The following elevations are typical of what Pulte intends to build and may or may not be the exact houses. From time to time these plans are updated and redesigned to keep up with changing consumer habits. Therefore, we respectfully request approval of these types of plans or similar plans to be built in Everhour.



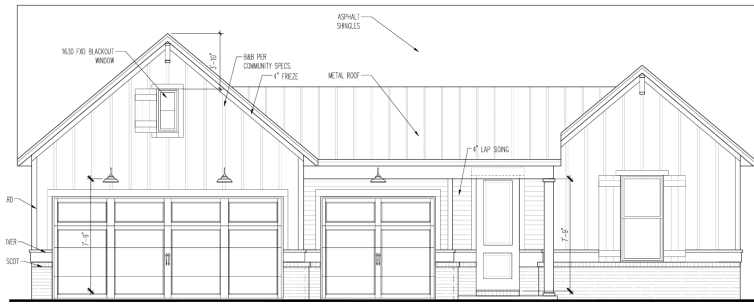
# Ashby

3 Bed / 2.5 Bath / 2,206+ sqft

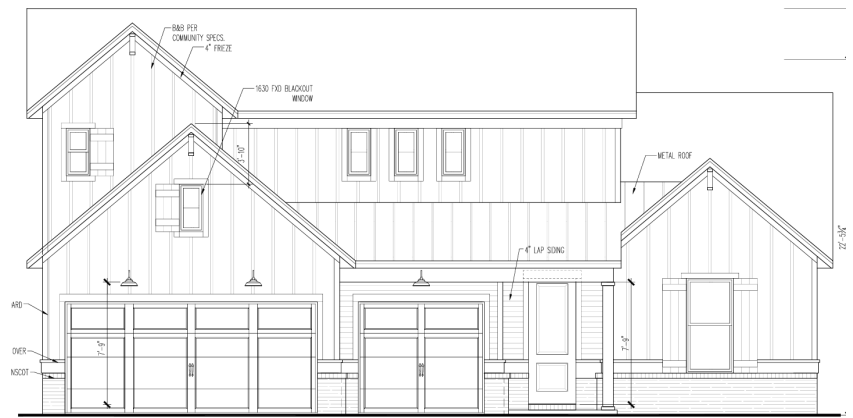


# Ashby

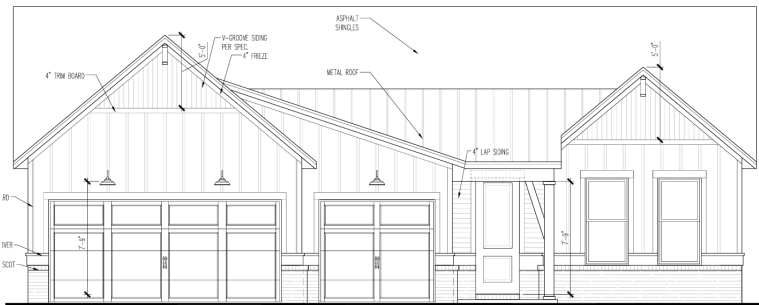
## Black and White Elevations



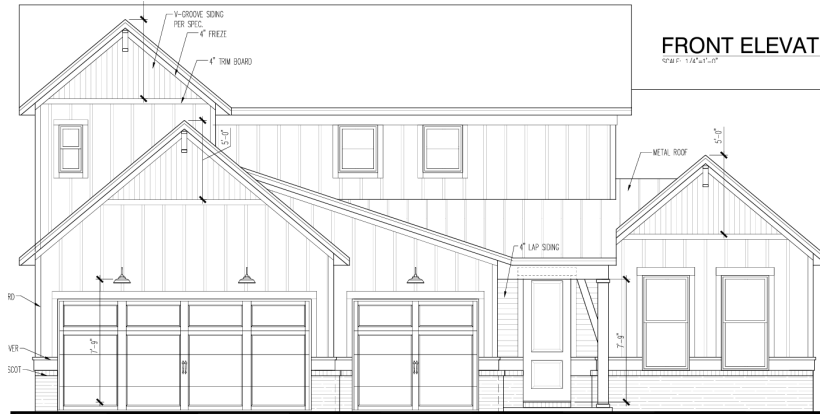
FRONT ELEVATION "RF201" RUSTIC FARMHOUSE



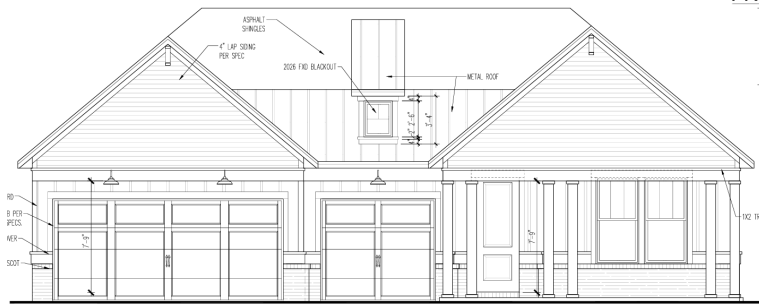
FRONT ELEVATION "RF201-L" RUSTIC FARMHOUSE



FRONT ELEVATION "RF202" RUSTIC FARMHOUSE



FRONT ELEVATION "RF202-L" RUSTIC FARMHOUSE



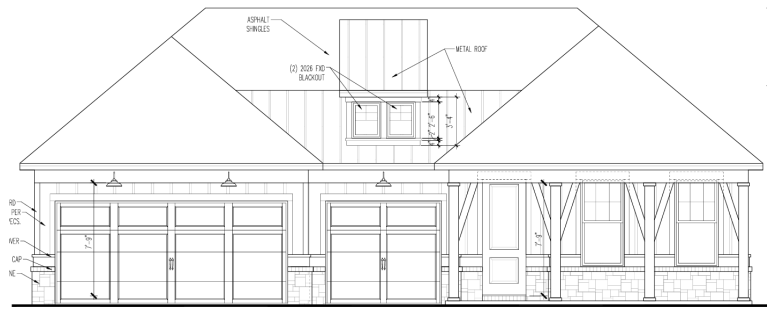
FRONT ELEVATION "RF203" RUSTIC FARMHOUSE



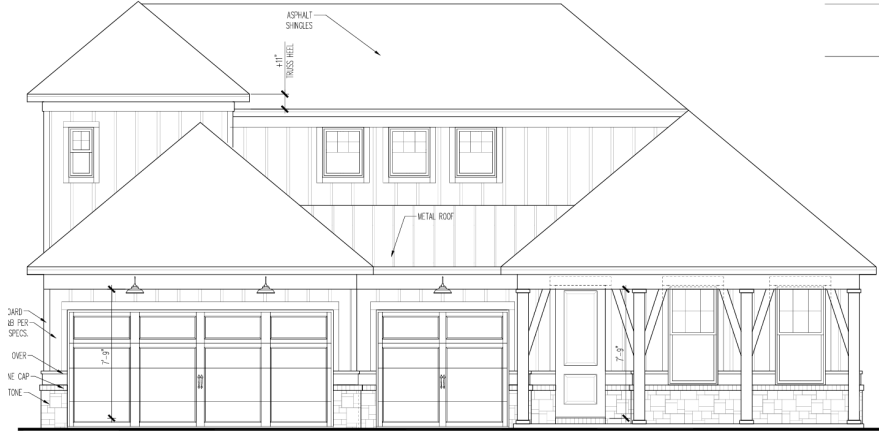
FRONT ELEVATION "RF203-L" RUSTIC FARMHOUSE

# Ashby

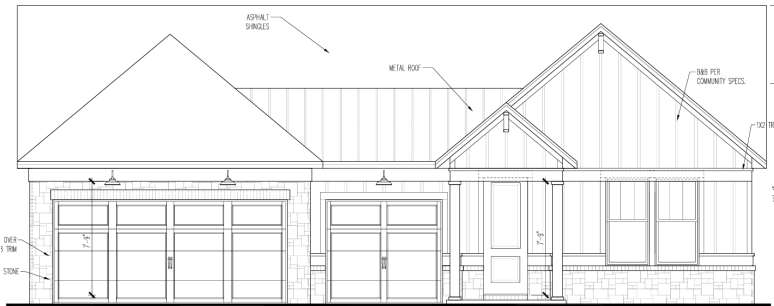
## Black and White Elevations



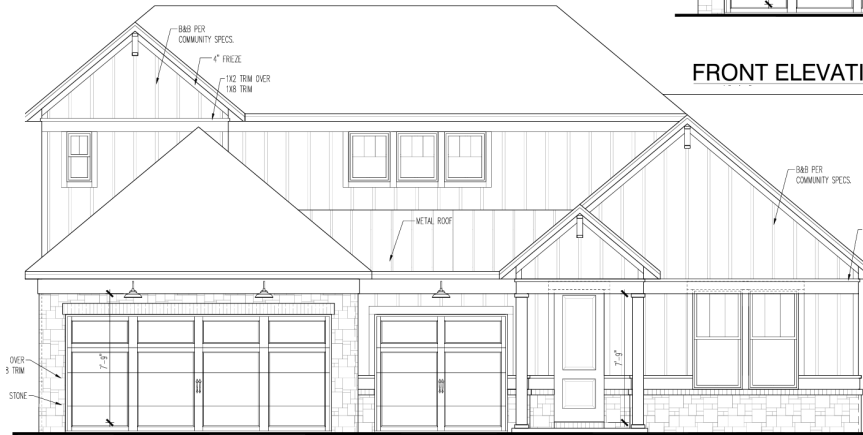
FRONT ELEVATION "RF204" RUSTIC FARMHOUSE  
SCALE: 1/4"=1'-0"



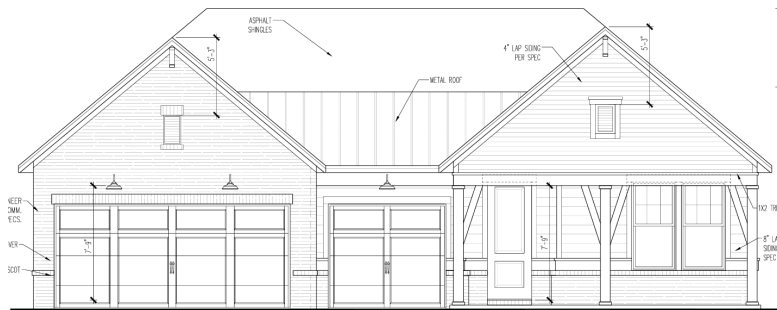
FRONT ELEVATION "RF204-L" RUSTIC FARMHOUSE



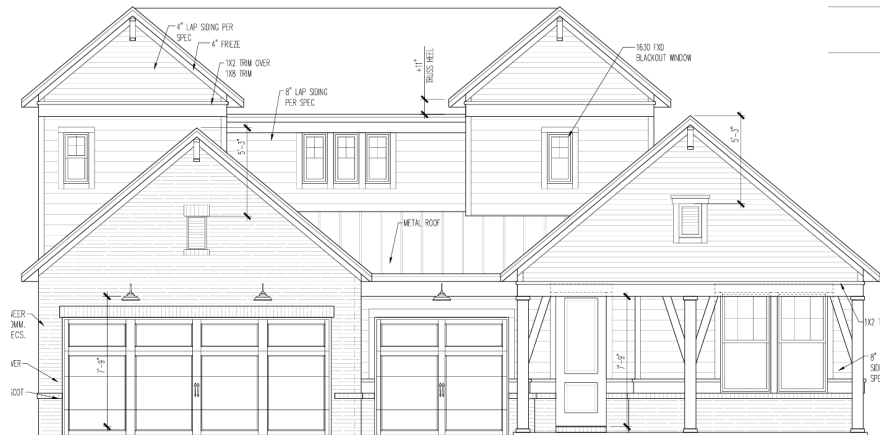
FRONT ELEVATION "RF205" RUSTIC FARMHOUSE  
SCALE: 1/4"=1'-0"



FRONT ELEVATION "RF205-L" RUSTIC FARMHOUSE  
SCALE: 1/4"=1'-0"



FRONT ELEVATION "RF206" RUSTIC FARMHOUSE  
SCALE: 1/4"=1'-0"



FRONT ELEVATION "RF206-L" RUSTIC FARMHOUSE

# Foxwood

4 Bed / 2.5 Bath / 2,928+ sqft



# Foxwood

## Black and White Elevations



FRONT ELEVATION "RF203" RUSTIC FARMHOUSE



FRONT ELEVATION "RF206" RUSTIC FARMHOUSE



FRONT ELEVATION "RF201" RUSTIC FARMHOUSE



FRONT ELEVATION "RF204" RUSTIC FARMHOUSE



FRONT ELEVATION "RF202" RUSTIC FARMHOUSE



FRONT ELEVATION "RF205" RUSTIC FARMHOUSE

# Monroe

4 Bed / 2.5 Bath / 2,959+ sqft



# Monroe

## Black and White Elevations



FRONT ELEVATION "RH201" RUSTIC FARMHOUSE



FRONT ELEVATION "RH206" RUSTIC FARMHOUSE



FRONT ELEVATION "RF202" RUSTIC FARMHOUSE



FRONT ELEVATION "RH204" RUSTIC FARMHOUSE



FRONT ELEVATION "RH203" RUSTIC FARMHOUSE



FRONT ELEVATION "RF205" RUSTIC FARMHOUSE

# Newlyn

4 Bed / 2.5 Bath / 3,115+ sqft



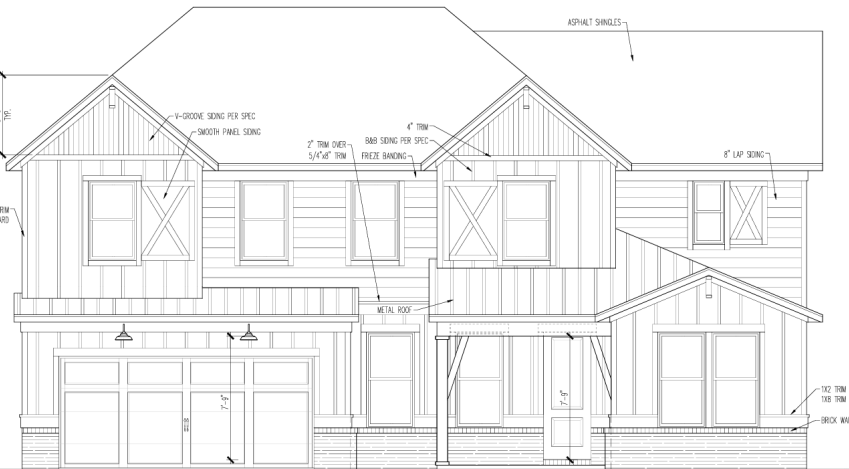
# Newlyn

## Black and White Elevations



FRONT ELEVATION "RF201" RUSTIC FARMHOUSE

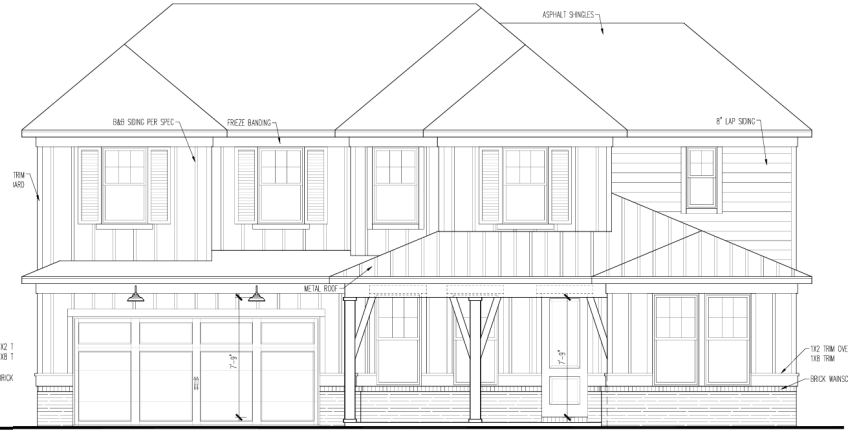
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FRONT ELEVATION "RF202" RUSTIC FARMHOUSE



FRONT ELEVATION "RF203" RUSTIC FARMHOUSE



FRONT ELEVATION "RF204" RUSTIC FARMHOUSE



FRONT ELEVATION "RF205" RUSTIC FARMHOUSE



FRONT ELEVATION "RF206" RUSTIC FARMHOUSE

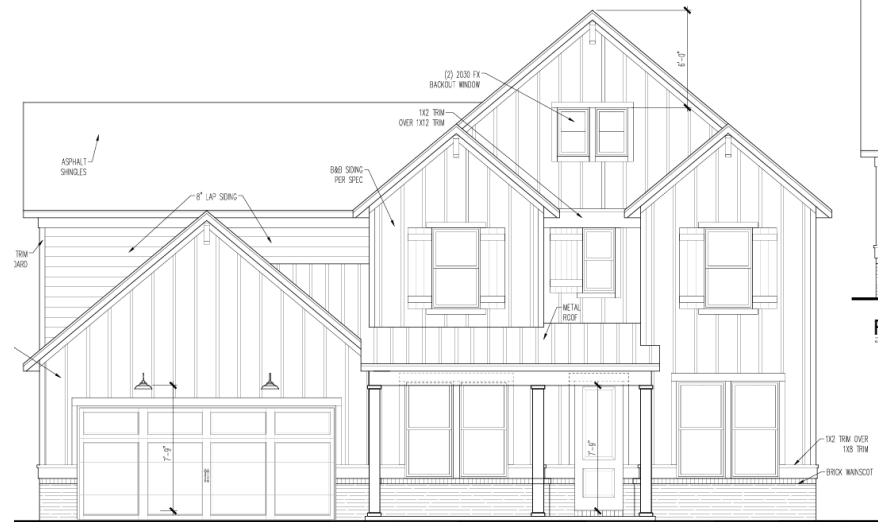
# Norwood

4 Bed / 2.5 Bath / 3,331+ sqft

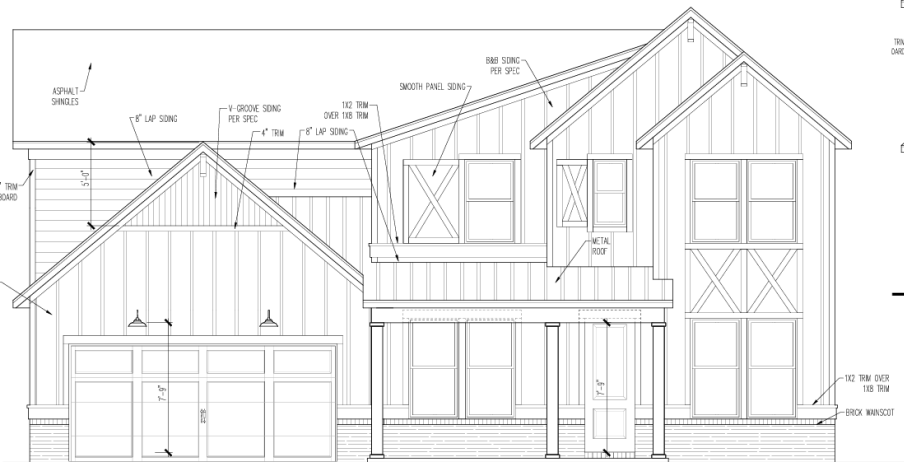


# Norwood

## Black and White Elevations



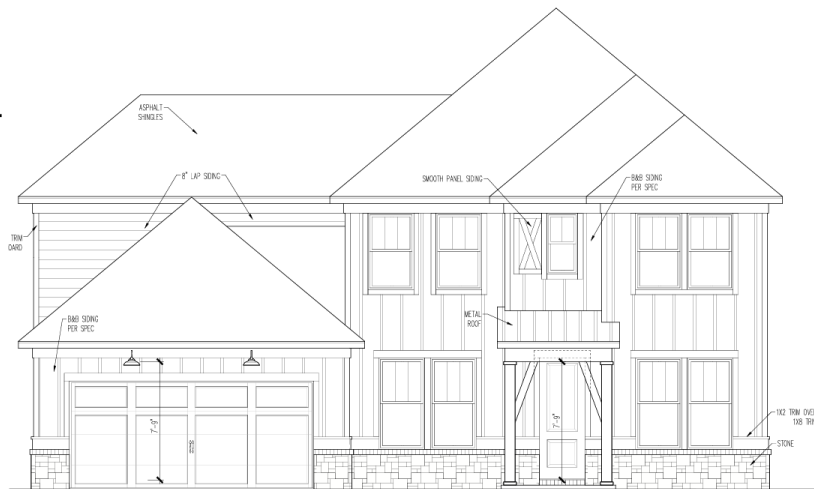
FRONT ELEVATION "RF201" RUSTIC FARMHOUSE



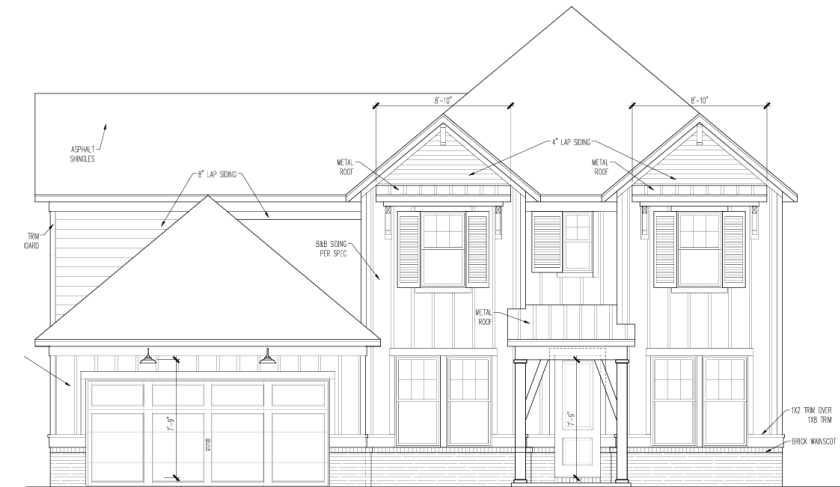
FRONT ELEVATION "RF202" RUSTIC FARMHOUSE



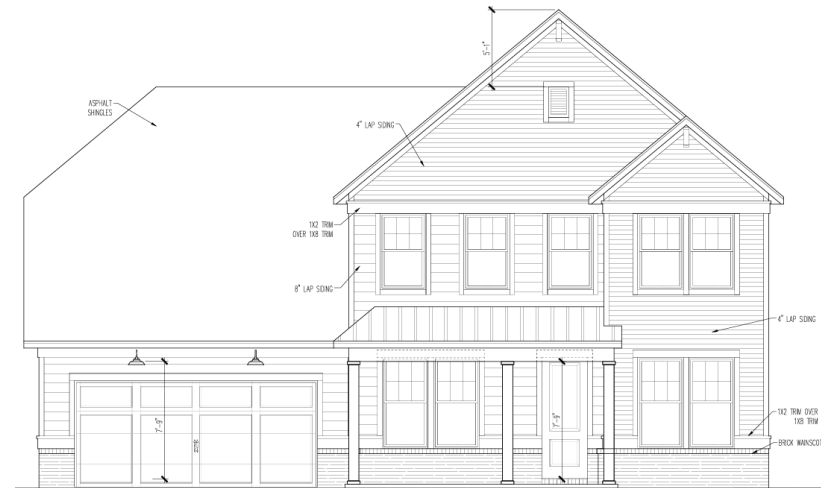
FRONT ELEVATION "RF203" RUSTIC FARMHOUSE



FRONT ELEVATION "RF205" RUSTIC FARMHOUSE



FRONT ELEVATION "RF204" RUSTIC FARMHOUSE



FRONT ELEVATION "RF206" RUSTIC FARMHOUSE

# Oakhurst

4 Bed / 2.5 Bath / 3,692+ sqft

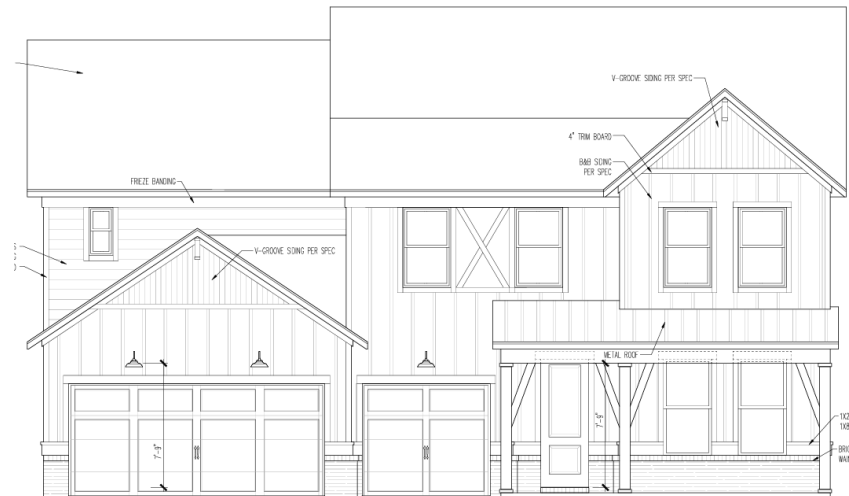


# Oakhurst

## Black and White Elevations



FRONT ELEVATION "RF201" RUSTIC FARMHOUSE



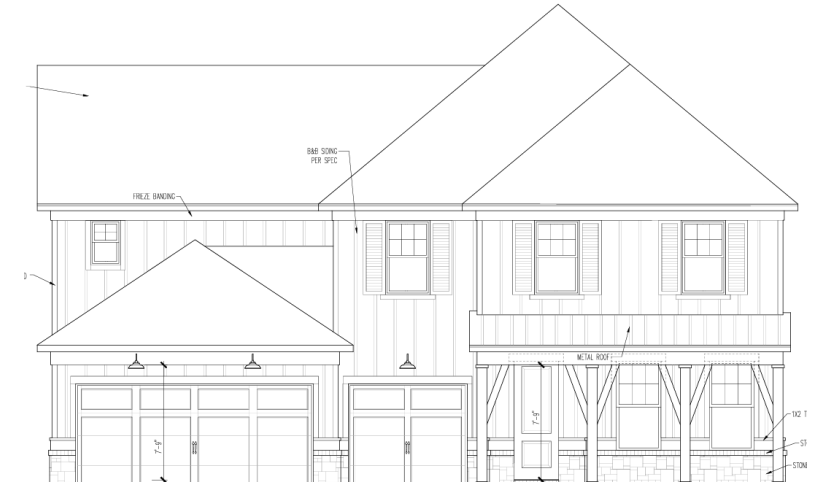
FRONT ELEVATION "RF202" RUSTIC FARMHOUSE



FRONT ELEVATION "RF203" RUSTIC FARMHOUSE



FRONT ELEVATION "RF205" RUSTIC FARMHOUSE



FRONT ELEVATION "RF204" RUSTIC FARMHOUSE



FRONT ELEVATION "RF206" RUSTIC FARMHOUSE

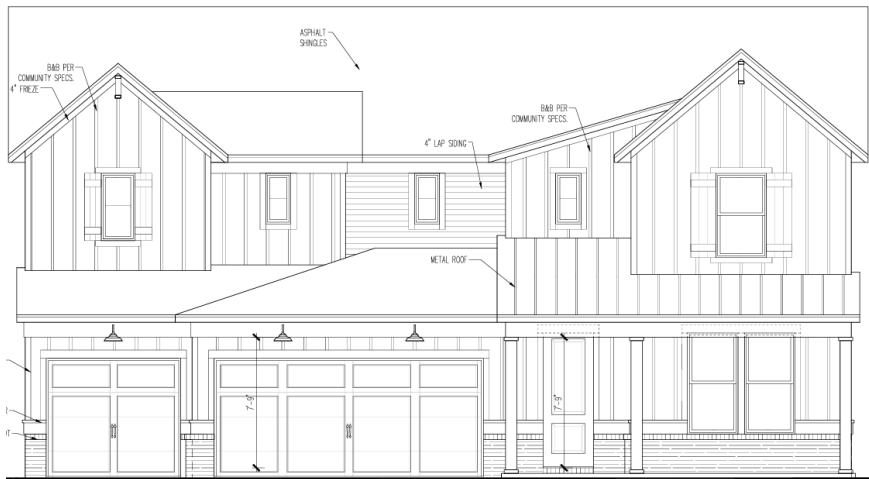
# Roseland

4 Bed / 3.5 Bath / 4,125+ sqft

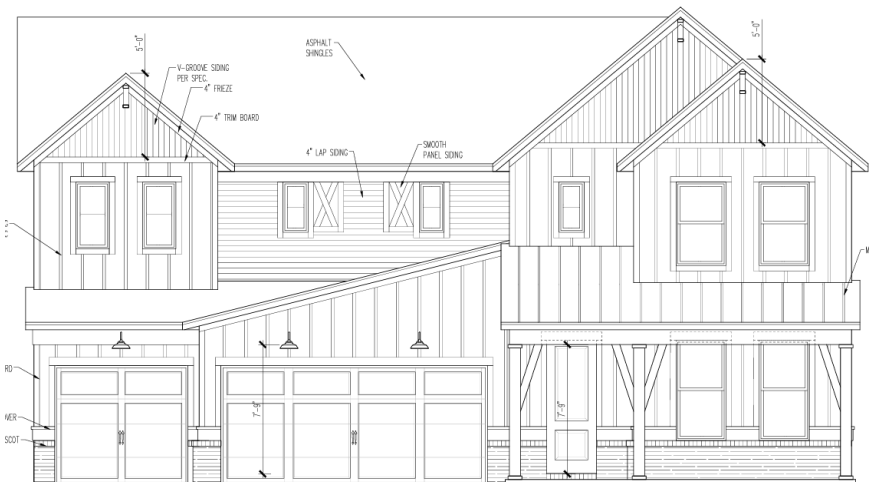


# Roseland

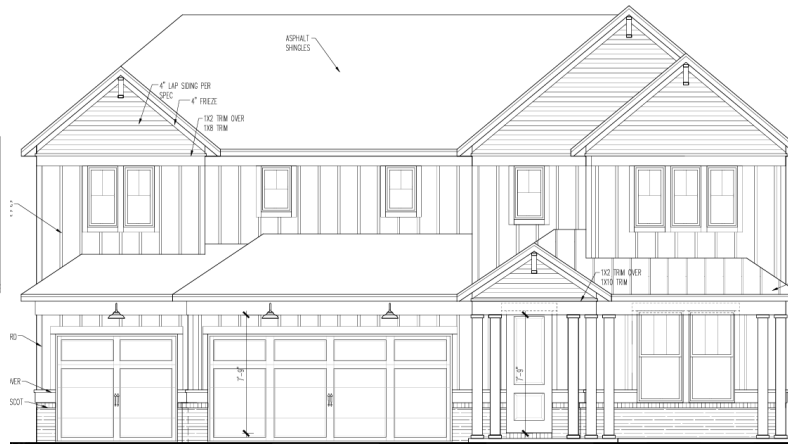
## Black and White Elevations



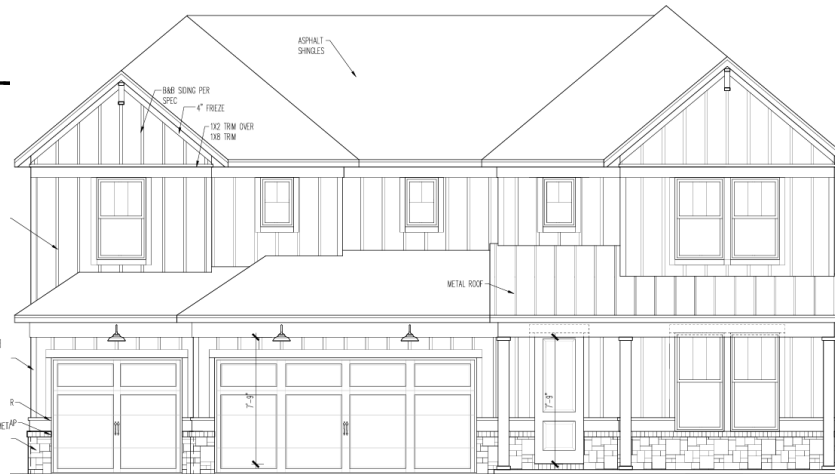
FRONT ELEVATION "RF201" RUSTIC FARMHOUSE



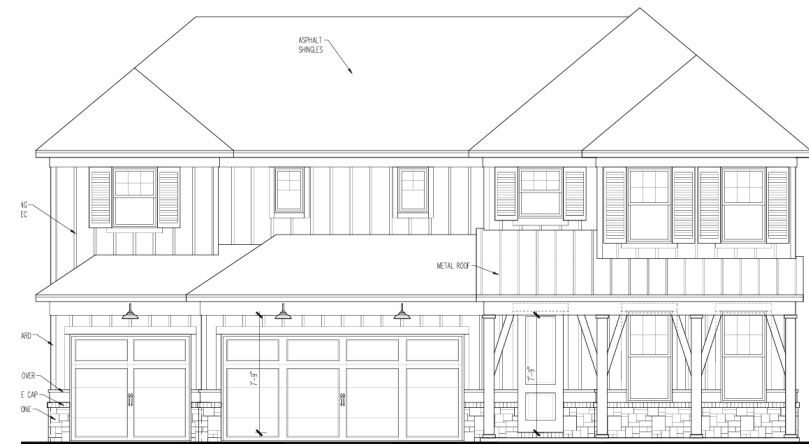
FRONT ELEVATION "RF202" RUSTIC FARMHOUSE



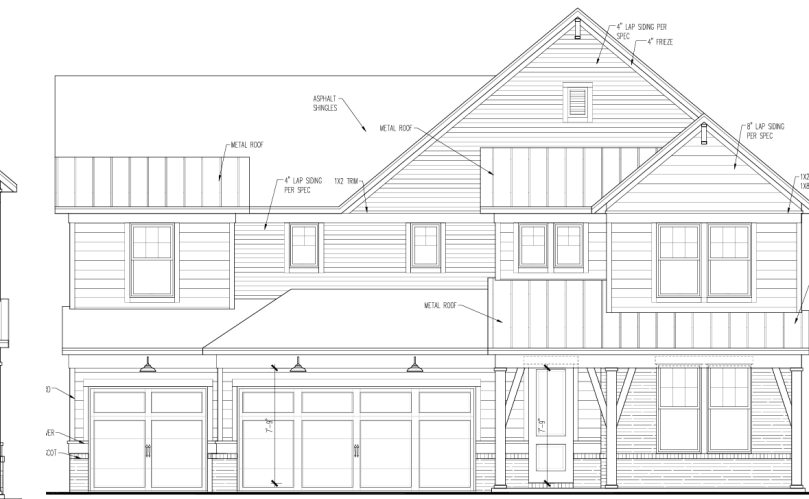
FRONT ELEVATION "RF203" RUSTIC FARMHOUSE



FRONT ELEVATION "RF205" RUSTIC FARMHOUSE



FRONT ELEVATION "RF204" RUSTIC FARMHOUSE



FRONT ELEVATION "RF206" RUSTIC FARMHOUSE

# Wynfield

4-5 Bed / 2.5-4 Bath / 2,913+ sqft



# Wynfield

## Black & White Elevations



**FRONT ELEVATION RF201 "RUSTIC FARMHOUSE"**  
SCALE: 1/4"=1'-0"



**FRONT ELEVATION RF203 "RUSTIC FARMHOUSE"**  
SCALE: 1/4"=1'-0"



**FRONT ELEVATION RF202 "RUSTIC FARMHOUSE"**  
SCALE: 1/4"=1'-0"



**FRONT ELEVATION RF204 "RUSTIC FARMHOUSE"**  
SCALE: 1/4"=1'-0"

# Whitestone

4 Bed / 2.5-3.5 Bath / 2,894+ sqft



# Whitestone

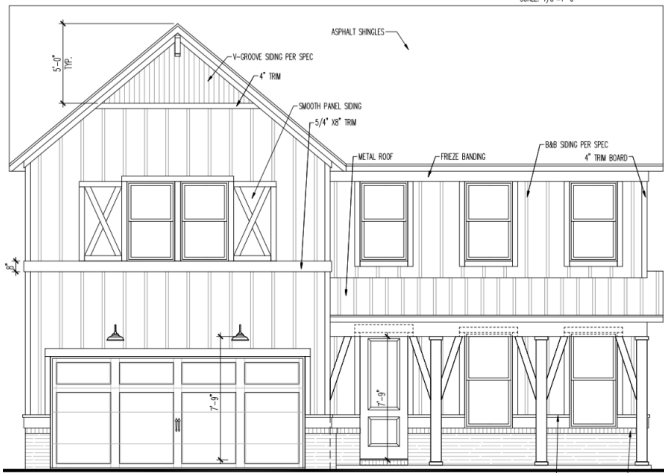
## Black & White Elevations



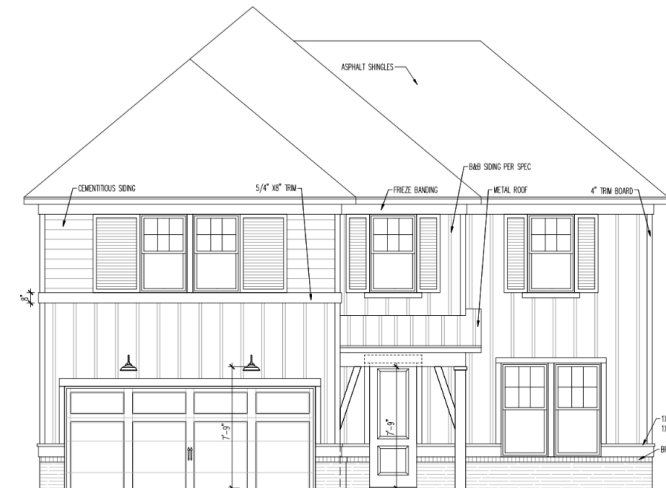
FRONT ELEVATION RF201 "RUSTIC FARMHOUSE"  
SCALE: 1/4"=1'-0"



FRONT ELEVATION RF203 "RUSTIC FARMHOUSE"  
SCALE: 1/4"=1'-0"



FRONT ELEVATION RF202 "RUSTIC FARMHOUSE"  
SCALE: 1/4"=1'-0"



FRONT ELEVATION RF204 "RUSTIC FARMHOUSE"  
SCALE: 1/4"=1'-0"

# Vanderbilt

4-5 Bed / 2.5-3 Bath / 2,659+ sqft



# Vanderbilt

## Black & White Elevations



FRONT ELEVATION RF201 "RUSTIC FARMHOUSE"  
SCALE: 1/4"=1'-0"



FRONT ELEVATION RF203 "RUSTIC FARMHOUSE"



FRONT ELEVATION RF202 "RUSTIC FARMHOUSE"  
SCALE: 1/4"=1'-0"



FRONT ELEVATION RF204 "RUSTIC FARMHOUSE"  
SCALE: 1/4"=1'-0"

# Tower

4 Bed / 2.5 Bath / 2,386+ sqft



# Tower

## Black & White Elevations



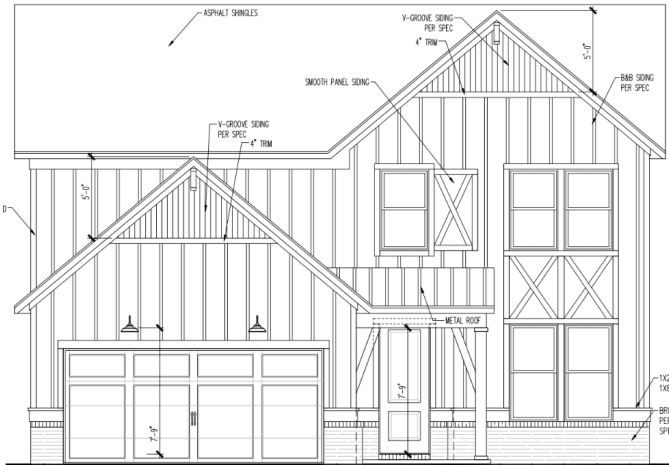
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SCALE: 1/4"=1'-0"



FRONT ELEVATION RF203 "RUSTIC FARMHOUSE"

SCALE: 1/4"=1'-0"



FRONT ELEVATION RF202 "RUSTIC FARMHOUSE"

SCALE: 1/4"=1'-0"



FRONT ELEVATION RF204 "RUSTIC FARMHOUSE"

SCALE: 1/4"=1'-0"

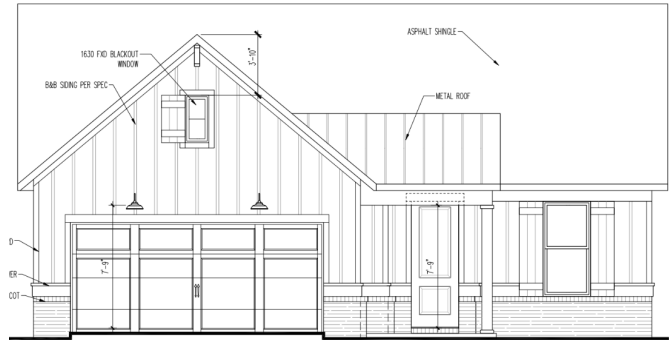
# Mainstay

2 Bed / 2 Bath / 1,948+ sqft

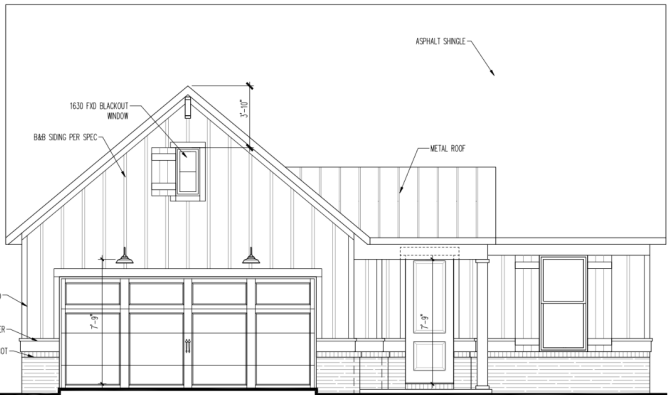


# Mainstay

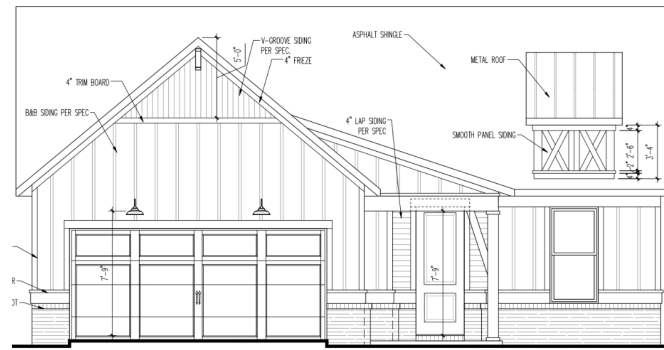
## Black & White Elevations



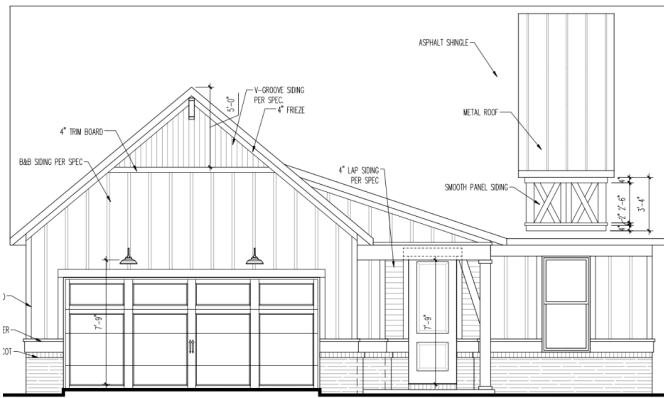
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SCALE: 1/4"=1'-0"



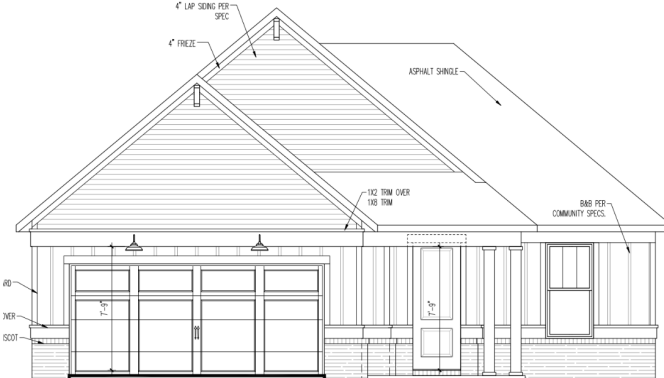
**FRONT ELEVATION RF201-L "RUSTIC FARMHOUSE"**  
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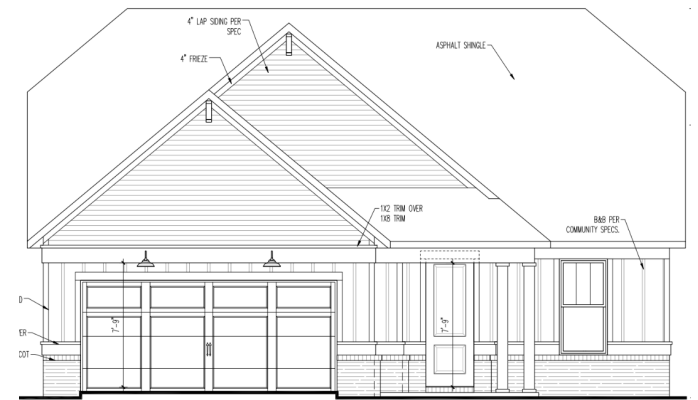
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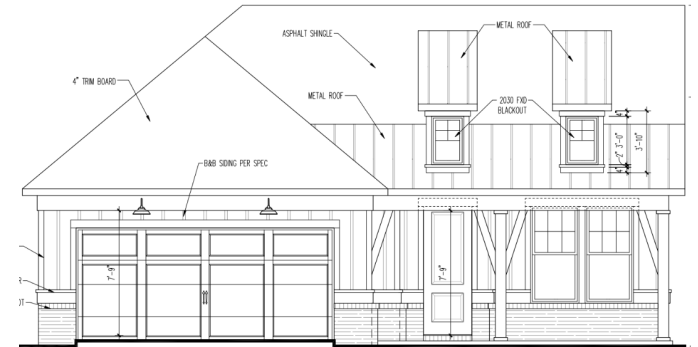
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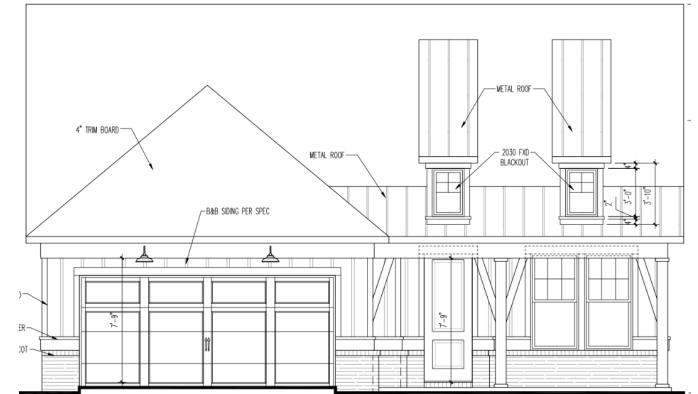
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SCALE: 1/4"=1'-0"



**FRONT ELEVATION RF203-L "RUSTIC FARMHOUSE"**  
SCALE: 1/4"=1'-0"



**FRONT ELEVATION RF204 "RUSTIC FARMHOUSE"**  
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SCALE: 1/4"=1'-0"

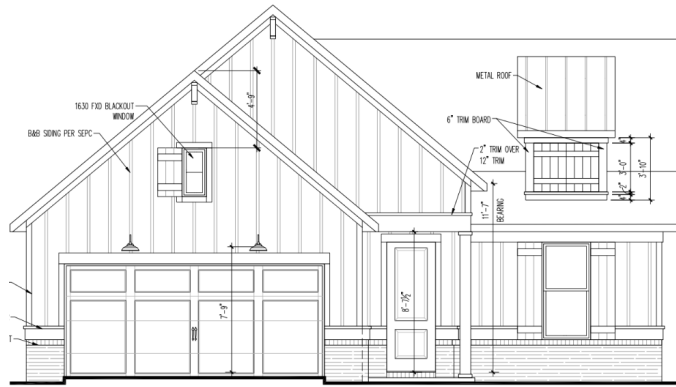
# Mystique

2 Bed / 2 Bath / 1,889+ sqft



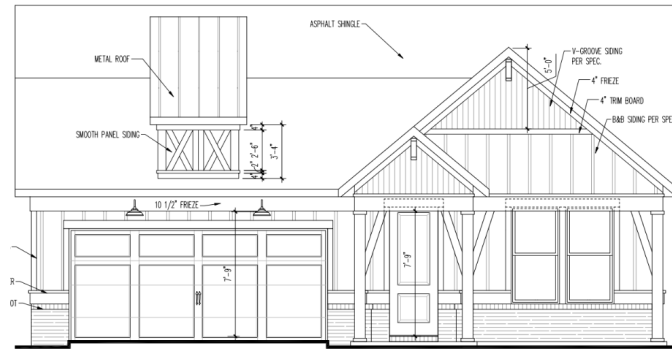
# Mystique

Black & White Elevations



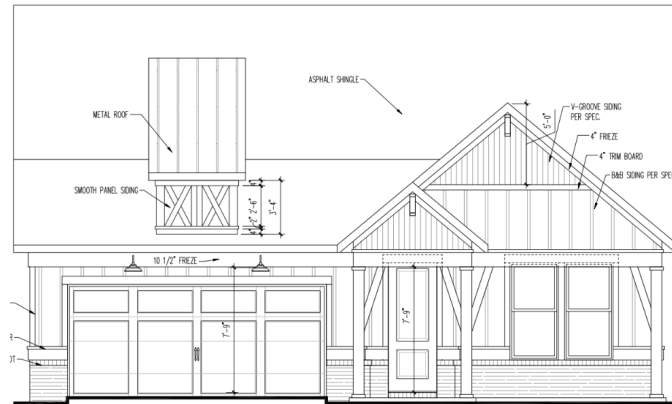
**FRONT ELEVATION "RF201 RUSTIC FARMHOUSE"**

SCALE: 1/4"=1'-0"



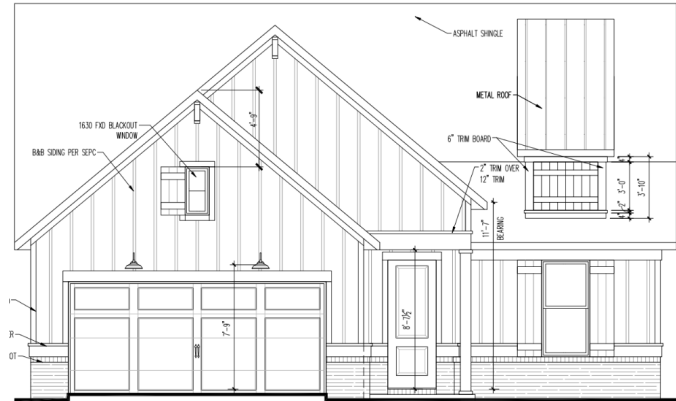
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SCALE: 1/4"=1'-0"



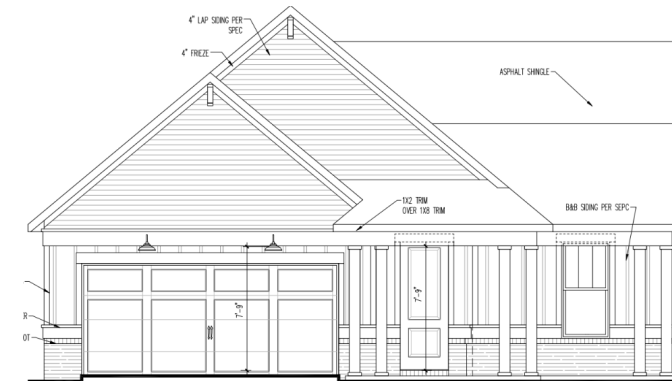
**FRONT ELEVATION "RF202-L RUSTIC FARMHOUSE"**

SCALE: 1/4"=1'-0"



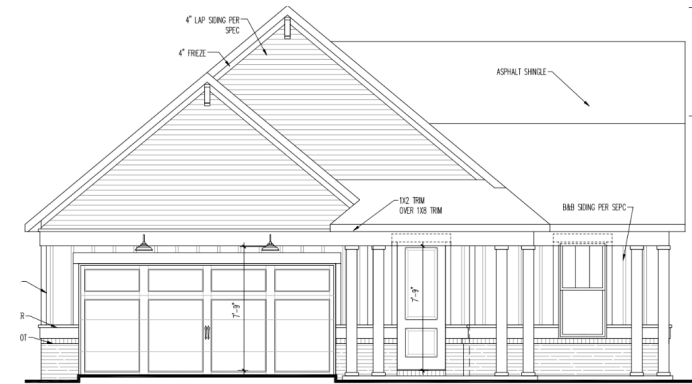
**FRONT ELEVATION "RF201-L RUSTIC FARMHOUSE"**

SCALE: 1/4"=1'-0"



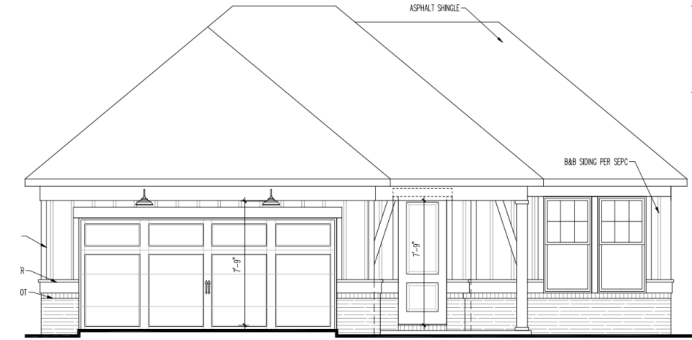
**FRONT ELEVATION "RF203 RUSTIC FARMHOUSE"**

SCALE: 1/4"=1'-0"



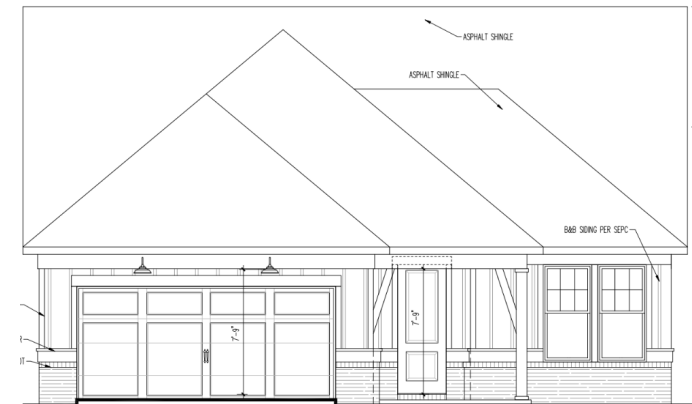
**FRONT ELEVATION "RF203 RUSTIC FARMHOUSE"**

SCALE: 1/4"=1'-0"



**FRONT ELEVATION "RF204 RUSTIC FARMHOUSE"**

SCALE: 1/4"=1'-0"



**FRONT ELEVATION "RF204-L RUSTIC FARMHOUSE"**

SCALE: 1/4"=1'-0"

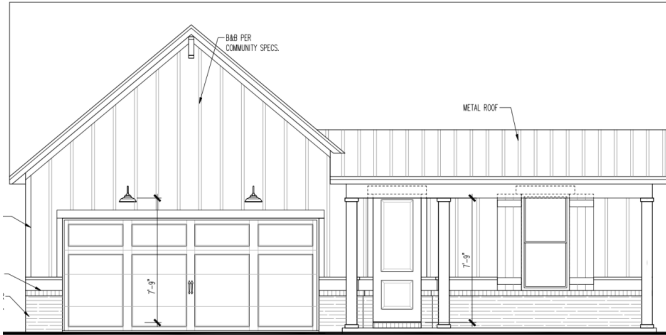
# Highgate

4 Bed / 2 Bath / 1,850+ sqft



# Highgate

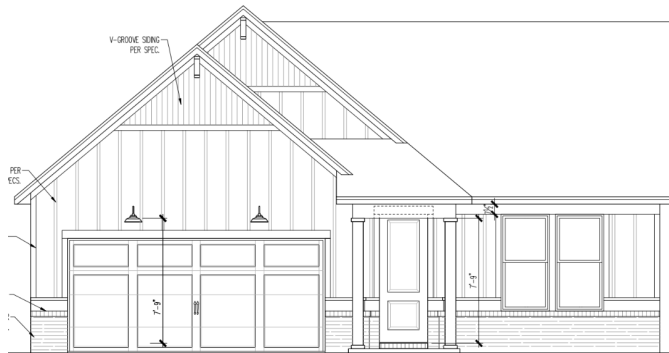
Black & White Elevations



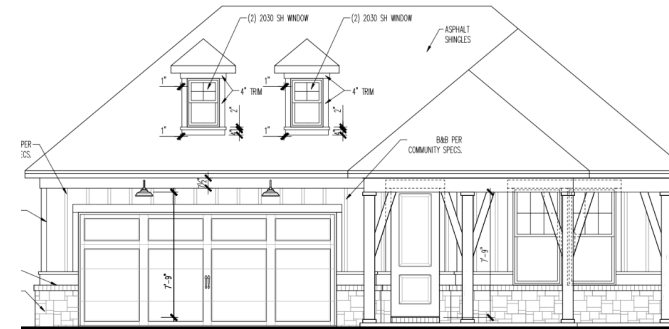
FRONT ELEVATION RF201 "RUSTIC FARMHOUSE"  
SCALE: 1/4"=1'-0"



FRONT ELEVATION RF203 "RUSTIC FARMHOUSE"  
SCALE: 1/4"=1'-0"



FRONT ELEVATION RF202 "RUSTIC FARMHOUSE"  
SCALE: 1/4"=1'-0"



FRONT ELEVATION RF204 "RUSTIC FARMHOUSE"  
SCALE: 1/4"=1'-0"

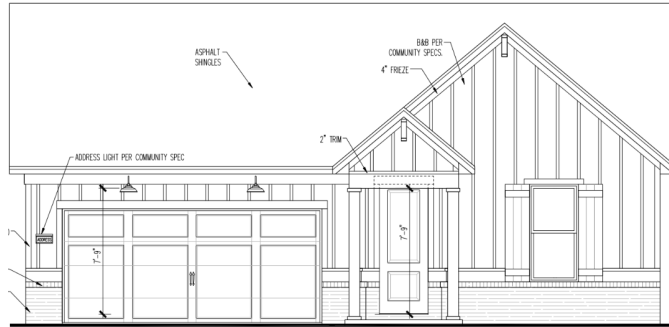
# Cedar

3 Bed / 2 Bath / 1,662+ sqft

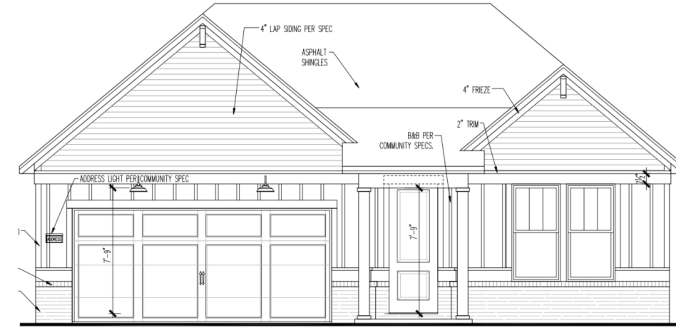


# Cedar

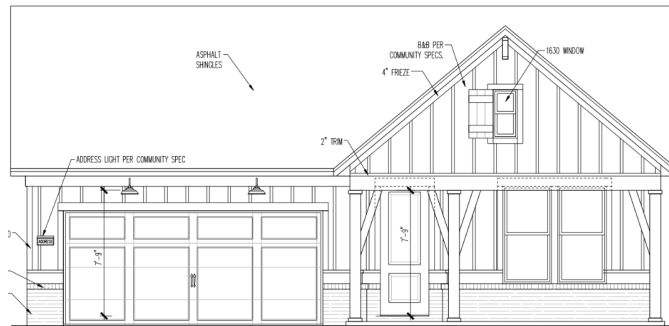
## Black & White Elevations



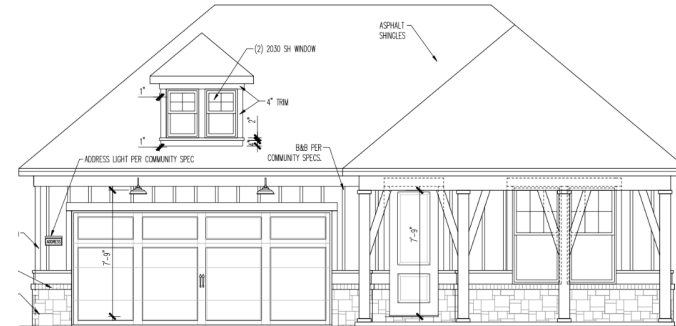
**FRONT ELEVATION RF201 "RUSTIC FARMHOUSE"**  
SCALE: 1/4"=1'-0"



**FRONT ELEVATION RF203 "RUSTIC FARMHOUSE"**  
SCALE: 1/4"=1'-0"



**FRONT ELEVATION RF202 "RUSTIC FARMHOUSE"**  
SCALE: 1/4"=1'-0"



**FRONT ELEVATION RF204 "RUSTIC FARMHOUSE"**  
SCALE: 1/4"=1'-0"

# 48' Product Information

Plan Name	Bed/Bath/Garage	Square Foot Min
Ashby	3 / 2.5 / 3	2,206+
Foxwood	4 / 2.5 / 2	2,928+
Monroe	4 / 2.5 / 2	2,959+
Newlyn	4 / 2.5 / 2	3,115+
Norwood	4 / 2.5 / 2	3,331+
Oakhurst	4 / 2.5 / 3	3,692+
Roseland	4 / 3.5 / 3	4,125+

# 40' Product Information

Plan Name	Bed/Bath/Garage	Square Foot Min
Wynfield	4-5 / 2.5-4 / 2	2,913+
Whitestone	4 / 2.5-3.5 / 2	2,894+
Vanderbilt	4-5 / 2.5-3 / 2	2,659+
Tower	4 / 2.5 / 2	2,386+
Mainstay	2 / 2 / 2	1,948+
Mystique	2 / 2 / 2	1,889+
Highgate	4 / 2 / 2	1,850+
Cedar	3 / 2 / 2	1,662+

PulteGroup, Inc. is an American residential home-construction company based in Atlanta, Georgia, United States. As of 2025, the company is the 3<sup>rd</sup> largest homebuilding company in the United States with operations in 26 states and over 45 major markets. In total, the company has built over 875,000 homes.



In gratitude for their patriotism and sacrifice, PulteGroup's Built to Honor<sup>®</sup> program has given more than 100 military families a new, mortgage-free home.



THANK YOU

Rick Martin

770-883-0402

[Rick.Martin@Pulte.com](mailto:Rick.Martin@Pulte.com)

[www.Pulte.com](http://www.Pulte.com)





**NOTICE OF DECISION**

---

**To:** Anna Roach, ARC  
**(via electronic mail)** Bob Voyles, GRTA  
Dick Anderson, GRTA  
Sharon Mason, GRTA  
Sonny Deriso, GRTA  
Christian Schoen, GRTA  
Kirk Fjelstul, GRTA

**To:** City of Newnan  
**(via electronic mail and certified mail)** Andrew Moroz  
Pulte Home Company, LLC  
2475 Northwinds Parkway  
Alpharetta, GA 30009

**From:** Jannine Miller, GRTA Executive Director

**Copy:** Zane Grennell, DCA  
**(via electronic mail)** Brittany Williams, SRTA/GRTA  
Graham Foster, SRTA/GRTA  
Rachel Bowdler, SRTA/GRTA  
Stephanie Wagner, TRRC  
Tracy Dunnavant, City of Newnan  
Chris Cole, City of Newnan  
Sam Henriquez, City of Newnan  
William Klahr, City of Newnan  
Michael Kessler, City of Newnan  
Randy Hill, City of Newnan  
Andrew Moody, City of Newnan  
Dean Smith, City of Newnan  
Bob Palmer, Coweta County  
Ben Sewell, Coweta County  
Tody Handley, Coweta County  
Lisa Eschman, Coweta County  
Jon Amason, Coweta County, GA

David Clark, Fulton County, GA  
Daniel Trevorrow, GDOT District 3  
Standford Taylor, GDOT District 3  
Mike Morton, Chattahoochee Hills  
Deborah Bell, City of Fayetteville  
A. Starr, Town of Turin  
R. Screws, Town of Turin  
E. Good, City of Sharpsburg  
A. Grieshaber, City of Grantville  
D. Pearman, City of Senoia  
H. Simmons, City of Senoia  
Josh Pruitt, NV5  
Erika Becker, NV5  
Andrew Moroz, Pulte Home Company  
Rick Martin, Ridge Planning & Engineering

**Date:** October 27<sup>th</sup>, 2025

**RE:** Notice of Decision for DRI #4427- Everhour Phase 2

## Notice of Decision for Request for Non-Expedited Review of DRI 4427 Everhour Phase 2

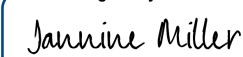
The purpose of this notice is to inform Pulte Home Company LLC (the Applicant) and the City of Newnan (the Local Government), the Georgia Regional Transportation Authority (GRTA) Land Development Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and The Three Rivers Regional Commission (TRRC) of GRTA's decision regarding Development of Regional Impact (DRI) 4427 Everhour Phase 2 (the DRI Plan of Development). GRTA has completed a non-expedited Review for the DRI Plan of Development pursuant to Section 4.2.3 of the *GRTA DRI Review Procedures* and has determined that the DRI Plan of Development meets the GRTA review criteria set forth in Section 4.3. The DRI Plan of Development as proposed is **approved subject to conditions**, as provided in Attachment A and subject to the limitations placed on allowable modifications to the DRI Plan of Development, as described in Attachment B.

Subject to the conditions set forth in Attachment A and Attachment B, GRTA will approve the expenditure of state and/or federal funds for providing the Land Transportation Services and Access improvements listed in Section 2 of Attachment C. The need for said approval shall terminate and be of no further force and effect after ten (10) years from the date of this Notice of Decision, unless substantial construction of the proposed DRI has been commenced during this ten (year) period.

The notice of decision is based on a review of the applicant's DRI Review Package received by GRTA on 8/28/2025. The review package includes: the site development plan (Site Plan) dated 5/12/2025 titled "DRI Site Plan DRI #4427 Everhour" prepared by Ridge Planning and Engineers, the Transportation Study dated August 1, 2025 prepared by NV5 Engineer and Consultants received by GRTA on August 28, 2025, and the DCA Initial and Additional forms filed on March 25, 2025 and August 25, 2025.

Pursuant to Section 5 of the *GRTA DRI Review Procedures* the Applicant, the GRTA Land Development Committee and the local government have a right to appeal this decision within five (5) Business Days of the date on this letter by filing a Notice of Appeal with the GRTA Land Development Committee. A Notice of Appeal must specify the grounds for the appeal and present any argument or analysis in support of the appeal. For further information regarding the right to appeal, consult Section 5 of the *GRTA DRI Review Procedures*. If GRTA staff receives an appeal, you will receive another notice from GRTA and the Land Development Committee will schedule the appeal hearing according to the timeline established in Section 5.1.2 of the *GRTA DRI Review Procedures*.

DocuSigned by:



Jannine Miller

Executive Director

Georgia Regional Transportation Authority

## Attachment A – General Conditions

### General Conditions of Approval to GRTA Notice of Decision:

#### General Georgia Department of Transportation (GDOT) Conditions

- GDOT reserves the right to set driveway/access points based on compliance with GDOT standards, safety analysis, neighboring conflicts, and any other circumstance needing consideration on all state routes.
- Any access to GDOT right of way will be determined at the time of permitting when submitted with a design.
- GDOT will determine what access is allowable based on the design in accordance with the most current copy of the GDOT Driveway/Encroachment Manual. This includes construction of right turn deceleration lane(s), left turn lane(s), all sight distance requirements, etc.

#### Bicycle, Pedestrian & Transit Facilities

- Provide pedestrian connectivity between all buildings, uses, and existing and future pedestrian access points.
- Construct sidewalk meeting the City of New Standards on the north side of the development along the southern frontage of Greentop Road and along any frontage required by the City of Newnan Standards.

### Roadway & Site Access Improvement Conditions to GRTA Notice of Decision:

#### Greentop Road (west) and Site Drive W

- Install a full-access stop sign controlled driveway configuration.
- Install an eastbound right-turn deceleration lane per City of Newnan standards.

#### Greentop Road and Site Drive X

- Install a right-in/right-out (RIRO) yield-controlled driveway configuration.
- Install an eastbound right-turn deceleration lane per City of Newnan standards.

#### Greentop Road and Site Drive Y

- Install a full-access stop sign controlled driveway configuration.
- Install an eastbound right-turn deceleration lane per City of Newnan standards.
- Install a westbound left-turn lane per City of Newnan standards.

#### Greentop Road and Site Drive Z

- Install a right-in/right-out (RIRO) yield-controlled driveway configuration.
- Install an eastbound right-turn deceleration lane per City of Newnan standards.

#### Greentop Road and Site Drive Z

- Install a right-in/right-out (RIRO) yield-controlled driveway configuration.
- Install an eastbound right-turn deceleration lane per City of Newnan standards

## **Attachment B – Required Elements of the DRI Plan of Development**

### **Conditions Related to Altering Site Plan after GRTA Notice of Decision:**

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not be considered material or substantial so long as the following conditions are included as part of any changes:

- All “Proposed Conditions of Approval to GRTA Notice of Decision” set forth in Attachment A are provided.

## **Attachment C – Required Improvements to Serve the DRI**

As defined by the *GRTA DRI Review Procedures*, a “Required Improvement means a land transportation service or access improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI.”

The Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. These requirements are identified in Sections 1 and 2 of this Attachment. Section 1 contains improvements that do not require GRTA approval at this time because they are to be constructed prior to the completion of the DRI Plan of Development. However, GRTA approval shall be required in the event state and/or federal funds are proposed at a later date to be used for any portion of the improvements described in Section 1. Section 2 contains improvements that require GRTA approval prior to the expenditure of state and/or federal funding. Subject to the conditions set forth in Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

### **Section 1:**

#### **General Conditions of Approval to GRTA Notice of Decision:**

##### General Georgia Department of Transportation (GDOT) Conditions

- GDOT reserves the right to set driveway/access points based on compliance with GDOT standards, safety analysis, neighboring conflicts, and any other circumstance needing consideration on all state routes.
- Any access to GDOT right of way will be determined at the time of permitting when submitted with a design.
- GDOT will determine what access is allowable based on the design in accordance with the most current copy of the GDOT Driveway/Encroachment Manual. This includes construction of right turn deceleration lane(s), left turn lane(s), all sight distance requirements, etc.

##### Bicycle, Pedestrian & Transit Facilities

- Provide pedestrian connectivity between all buildings, uses, and existing and future pedestrian access points.
- Construct sidewalk meeting the City of New Standards on the north side of the development along the southern frontage of Greentop Road and along any frontage required by the City of Newnan Standards.

#### **Roadway & Site Access Improvement Conditions to GRTA Notice of Decision:**

##### Greentop Road (west) and Site Drive W

- Install a full-access stop sign controlled driveway configuration.
- Install an eastbound right-turn deceleration lane per City of Newnan standards.

##### Greentop Road and Site Drive X

- Install a right-in/right-out (RIRO) yield-controlled driveway configuration.
- Install an eastbound right-turn deceleration lane per City of Newnan standards.

##### Greentop Road and Site Drive Y

- Install a full-access stop sign controlled driveway configuration.
- Install an eastbound right-turn deceleration lane per City of Newnan standards.
- Install a westbound left-turn lane per City of Newnan standards.

Greentop Road and Site Drive Z

- Install a right-in/right-out (RIRO) yield-controlled driveway configuration.
- Install an eastbound right-turn deceleration lane per City of Newnan standards.

Greentop Road and Site Drive Z

- Install a right-in/right-out (RIRO) yield-controlled driveway configuration.
- Install an eastbound right-turn deceleration lane per City of Newnan standards.

**Section 2:**

**Roadway Improvement Conditions to GRTA Notice of Decision:**

SR 14/US 29 and Arbor Springs Parkway/SR 154

- Install a permissive+overlap phase for the northbound right-turn movement

SR 34/Bullsboro Drive and Amlajack Boulevard/Celebrate Life Parkway

- Install a northbound left-, a northbound shared left+through lane, and two northbound right lanes.
- configuration on Celebrate Life Parkway.
- Install two southbound left-turn lanes, a southbound left+through lane, and southbound right lane configuration on Amlajack Boulevard.
- Install four eastbound through lanes with a shared through+right lane on SR 34/Bullsboro Drive.
- Install split signal phasing on the side streets and adjust signal timing accordingly.

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## DEVELOPMENTS OF REGIONAL IMPACT (DRI) *REPORT OF FINDINGS*

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**Project ID:** DRI #4427  
**Project Name:** Everhour Phase II  
**Name of Host Jurisdiction:** City of Newnan  
**Date:** September 29, 2025

---

The Three Rivers Regional Commission (TRRC) has completed its review of the Development of Regional Impact (DRI) for DRI #4427 – Everhour Phase II. The trigger for this DRI review is an annexation and rezoning request, and the threshold exceeded for this DRI is the size of the development. TRRC conducted a careful review of the information submitted by the local government. Potentially affected parties were requested to submit comments on the proposed project during the fifteen-day period of September 10, 2025 through September 24, 2025.

### **Project Overview**

The developer, Pulte Home Company, LLC, is proposing a residential development consisting of 535 residential units; 300 units have been previously approved as part of an annexation with conditions. The developer has decided to build a phase 2 with 235 units, thus exceeding the DRI review threshold for the total units in a residential development. The proposed site is presently located in unincorporated Coweta County; the applicant proposes to annex the site into the City of Newnan and requests a rezoning. The total size of the site (both phases) is approximately 286.24 acres. The site is located south of SR 29 and is adjacent to Green Top Road (approximate location at this [Google link](#)). Four (4) driveways onto Green Top Road are proposed. The proposed build out completion timeframe for the project is 2030, pending approval from necessary parties.

### **Context in Regional Plan and Regional Resource Plan**

TRRC reviewed the proposed project with regards to regional and interjurisdictional impact and consistency with the Department of Community Affairs (DCA) Quality Community Objectives (attached), [the 2024 Three Rivers Regional Plan](#), the [Three Rivers Regionally Important Resource Plan](#), and other local and regional plans.

- According to the Regional Plan, the proposed development site lies within the Developing Areas of the Regional Land Use and Conservation and Development maps (attached). Per the Areas Requiring Special Attention map, the site is designated as an Area of Rapid Development. The desired development patterns, land uses, and implementation measures listed in the regional plan for these areas should be considered for this project. These measures (listed page 23) include:
  - Increased accessibility and safety for all users including vehicles, pedestrians, and cyclists
  - Encourage development to locate closer to the center of the community and to connect to older developments and residential neighborhoods via the street network and trails
  - Mixed use centers that increase the inclusion of commercial, residential, and institutional which create more livable spaces

- Residential development that offers a mix of quality housing including various types, density, and costs
- Site and building designs should be sensitive to the site's natural features and environmental characteristics
- Minimize site clearance, grading, and disturbance to the construction footprint as a way of preserving natural features such as trees
- Encourage higher density and mixed-use development to minimize impact of development and that offers increased connectivity and decreased car dependence
- Encourage alternative stormwater infrastructure such as raingardens and swales
- Promote beautification measures along roadway corridors

### **Housing and Land Use Impacts in Region**

This project proposes to add several hundred people and housing units to the region and will directly impact the City of Newnan as well as Coweta County. This housing should be planned as a positive investment for the quality of life for the city/county, in addition to the developers and immediate residents. Careful consideration should be given to the design, as careful design can support higher density, environmental and transportation impacts, and directly impacts how developments fit into the existing and desired character of an area.

- **Development Directed Toward Existing Communities and Infrastructure.** This project is located proximate to parcels within the City of Newnan. Extending residential development from existing residential development in cities and with existing infrastructure helps direct growth to a more compact service area and can help retain more rural land further from the city core. This project's proposal for residential development potentially within the city provides opportunities for more residents to access daily needs within one more area (e.g. live and work, or live and shop). This growth pattern can reduce the city and county's long-term infrastructure liabilities and help protect rural places from sprawling growth.
- **Design Requirements to Positively Impact the Region.** All stakeholders are highly encouraged to prioritize the form, design, and exteriors of the buildings and streets for this project to optimize the sense of place for these new neighborhoods. Guidance from landscape architecture and town building professionals is highly encouraged to redevelop this area into a vibrant residential area.
- **Impacts on Housing Choice and Commutes.** The region continues to need quality housing options for the population, which is changing in terms of size, demographics (e.g. age), and socioeconomics (e.g. variety of incomes and family structures).
  - **Senior Housing Options.** A significant portion of our region's population is the baby boomer population, many of whom are retiring and would like to age in place. Per AARP's resource [Making Room: Housing for a Changing America](#), only 20 percent of today's households are nuclear families while the housing market largely continues to build to that need (e.g. large single-family home). Some retired citizens may prefer to downsize to smaller residential units within the area.
  - **Commute Options.** Many residents in our region commute outside of the jurisdiction in which they live, which can impact local traffic patterns and road conditions. In terms of Newnan: 17,542 of Newnan's working residents commute to jobs outside of the city, while 15,015 people commute into the city to work. Only 2,661 Newnan residents both live and work in the city (Census data attached).

- **Wages and Affordability.** Per the US Census (On the Map Tool, 2022 data): 24.1% of the jobs in Newnan have wages of \$1,250 per month or less, 31.2% have wages of \$1,251 to \$3,333 per month, and 44.6% have wages of more than \$3,333 per month. As a framework, a job that pays \$3,333 per month equates to approximately \$19.23 per hour (for a fulltime job), or approximately \$40,000 per year. The current minimum wage in Georgia for 2025 is \$7.25 per hour, totaling approximately \$1,250 per month or \$15,000 per year for a fulltime schedule. Over 55% of the jobs in Newnan pay an average of less than \$3,333 per month, with almost a quarter of these jobs paying minimum wage.
- This project includes a mix of housing unit configurations (ranch homes, traditional family, and estate homes), which can provide more housing options for people of all ages and income levels and enables more people to participate in the city's economy. Having housing options close to employment areas can increase the number of residents who can afford to both live and work in the city, including students, young adults entering the workforce, professionals with or without children, and lower-wage workers.

### Context within Comprehensive Planning

As this project area includes an annexation request and includes/borders both unincorporated and incorporated areas, decision-makers should consult the city's and county's comprehensive plans to ensure land use decisions align with the envisioned character and growth strategies for the site area and surrounding areas.

According to the **City of Newnan Comprehensive Plan 2021-2041**, which [can be found at this DCA link](#):

- For Land Use Needs and Opportunities (p. 22): There is an overall lack of available land for development purposes; There is an ongoing need to preserve the small-town atmosphere as Newnan continues to grow; Mixed-use developments should be encouraged increasingly as a way to improve overall quality of life (increased housing opportunities, traffic improvement, etc.).
- For Transportation Needs and Opportunities (p. 22): Connectivity between the various land uses needs to be taken into consideration; There is a lack of alternative transportation options.
- For Capital Improvements Needs and Opportunities (p. 23): Efforts need to be made to improve stormwater management; Additional parks need to be identified in order to provide more recreational opportunities; The city will continue to work with Newnan Utilities to ensure that adequate water and wastewater facilities are developed and maintained to meet the needs of current and future users.
- For Housing Needs and Opportunities (p. 24): Encourage a mixture of housing; Investments should be made in diversifying affordable housing solutions, while maintaining community standards; Affordable housing opportunities should be identified and promoted (infill within downtown and existing neighborhoods); The city can encourage a focus on quality building materials to help ensure excellent residential products; The city will work to encourage safe, walkable neighborhoods through Public Safety efforts and quality infrastructure design.
- For Capital Improvements Goals and Policies (p. 27): Continue to make stormwater management improvements; Create an integrated transportation system by incorporating alternative transportation modes into existing transportation routes and adding new routes and pathways that connect to the existing sidewalks, trails; Encourage and develop alternative transportation modes.
- For Housing Goals and Policies (p. 28): Encourage a variety of housing choices; Use amenities, materials, sizes, etc. as key factors in ensuring quality housing development; Encourage mixed-use development with greenspaces, residential, and commercial/office – live, work, play; Prepare for high-end housing needs
- For Land Use Goals and Policies (p. 29): Encourage growth and development that supports a high quality of life for the citizens (sustainability); Balance more intense uses with usable greenspace and amenities in appropriate locations.

- For Transportation Goals and Policies (p. 29): Consider wide pathways that include pedestrian and bikeways and connecting to existing pedestrian/bike paths; Allow and encourage integrated sidewalks/paths citywide.
- Per the Future Land Use Map (p. 88), the site's parcels are currently classified as Built Community, Business/Office, and Parks, Recreation, and Conservation.

According to the **2021 Coweta County Comprehensive Plan**, [which can be found at this DCA link](#):

- Per the **Coweta County Growth Strategy** (begins page 167), the site is designated within the Growth Priority area. The Growth Priority Area includes the following development patterns (starting p. 178):
  - Land use planning for areas contiguous with urban municipalities should be comparable and compatible in its approach and intensity.
  - Sewer and water infrastructure investments should be focused on the Growth Priority Area. Priority should be given to economic development sites, complete communities, commercial districts, dense residential areas, R-PDP zoning districts, and major employers. In addition, existing locations susceptible to septic failure within the Growth Priority Area should also be prioritized for sewer expansion.
  - New development should incorporate pedestrian and bicycle access into its transportation system to provide alternative travel methods as density increases in the Growth Priority Area.
  - Various ranges of residential densities should exist. Therefore, land use regulations and policies should direct higher density development to this area. This approach is consistent with the availability of urban services.
  - In addition, existing communities should be protected from adverse impacts of new development with greater density or intensity of land use. Appropriate buffers and land use transition should be employed when necessary.
  - The Growth Priority Area can accommodate dense residential and commercial development with various intensities where infrastructure is in place.
  - The scope and boundary of the Growth Priority Areas should be periodically reviewed in light of any changes in sewer and water, transportation level of service, or other factors.
- Per the **Coweta County Character Areas Section**, the site is designated within the Priority Development Character Area (map p. 65, discussion of area starts p. 82), which notes:
  - Significant growth pressure is seen in this character area due to the ready availability of water and sewer services. Consequentially, this character area intends to channel growth pressure to suitable areas in terms of compact land-use patterns and infrastructure investment (p. 83).
  - Priority Development residential areas are relatively compact, walkable places. Homes are oriented to the street, sited on smaller lots with shallow setbacks. As infill occurs, density should be encouraged through both horizontal and vertical design (p. 85).
  - Strengthen the review process for analyzing the impact of stormwater design on potential lots configurations for dense infill development (p. 87).

### Natural Resources Planning and Resiliency Considerations

- Per the site plan, QPublic, and the Georgia Flood Risk Viewer tool, this site has some areas designated within a floodplain, as well as a historic pond on the site. These areas have been designed as greenspace, including with some walking trails. However, as noted on the future flooding map (attached), the flood maps are from 2013, while some of the nearby industrial development was built after that date. Per maps, neighborhoods south of the development are appearing to be close to the floodplain, which could have longterm liabilities for the residents and city/county in terms of flood loss and insurance if the floodplain increases or has become outdated. The developer and decision-makers are encouraged to prioritize longterm stormwater management to ensure that this site and neighboring sites are not affected by the impermeable space added to this area, and that the site retains or exceeds its original “sponginess” through proactive measures. Additionally, the onsite water should be treated as an asset, in terms of its impact on aesthetics as well as downstream water quality.
  - The developer and decision-makers are encouraged to work with a landscape architecture professional to incorporate innovative green infrastructure, such as swales, to maximize the absorbency of the site through nature-based solutions.
  - The [Georgia Stormwater Manual](#) should be used in the site design of this project. Per the manual: Addressing stormwater management begins with the site planning and design process. Development projects can be designed to reduce their impact on watersheds when efforts are made to conserve natural areas, reduce impervious cover, and better integrate stormwater treatment. By implementing a combination of these nonstructural approaches, collectively known as Better Site Design (BSD), it is possible to reduce the amount of runoff and pollutants generated by a site and provide for some nonstructural on-site treatment and control of runoff. (p. 41)
  - The proposed walking trail around the onsite pond will be an opportunity for recreation and connection to greenspace. This pond should be maintained in as natural of a state as possible, for appearance and water quality purposes.
- The proposed development is within the Metropolitan North Georgia Water Planning District, which works to protect water quality and supply in the District as well as downstream communities. Newnan and the developer are encouraged to follow the planning principles in the [2022 Water Resources Management Plan](#), such as utilizing green infrastructure approaches found on page 2-3.

### Road Safety, Connectivity, and Active Transportation

- **Sidewalk Connectivity.** Per the traffic impact study and site plan, the project proposes a sidewalk along Green Top Road and a 5-foot sidewalk within the development, which promotes walkability. Stakeholders are encouraged to provide as connected and as wide of a robust sidewalk system as possible to encourage people on foot and in wheelchairs to navigate the neighborhoods in order to access the walking trail, amenity area, potential school bus stops, etc.
- **Trips.** Per the traffic impact study, project is expected to generate 4,720 daily trips.
- **Crash Data.** The 5-year crash data is attached for: 1) all Fatal and Serious (K&A) crashes in Coweta County, 2) all crashes in Newnan, and 3) all crashes on the local transportation network near the project area. Per the data:
  - **Coweta County Crashes.** The county has had 111 fatal crashes over the last five (5) years (2020-2024 data), and 366 serious injury crashes. Over 33% of these fatal and serious crashes were at intersections, and almost 7% were pedestrian-related. The highest number of crashes were in unincorporated Coweta County (81.76%) followed by the City of Newnan (12.16%).

- **City of Newnan Crashes:** The city has had 6,053 crashes of all levels of severity over the last five (5) years, with nine (9) fatal crashes and 49 serious injury crashes. Over 67% of these crashes were related to intersections, and over 45% were related to distracted driving. Per the crash data heat maps (attached), SR 34, to which the project area network will have trip inputs, has high crash intersections.
- **Project Area Crashes.** A polygon drawn around the project area to include nearby intersections has had 2,696 of all crash types over the past five (5) years (map of crash data in selected area w/ nearest intersections attached), with six (6) fatal crashes and twenty serious crashes. This data results in an average of slightly over one (1) fatal crash in the area per year, and four (4) life altering crashes. Over 64% of crashes are intersection-related, and almost 70% are distracted-driver related.
- All project stakeholders are encouraged to prioritize roadway improvements that will decrease intersection and distracted-driver crashes in this project area network.
- **Coweta County Comprehensive Transportation Plan.** Per the [Coweta County Comprehensive Transportation Plan](#) (CTP) and the city's comprehensive plans, these jurisdictions are committed to developing a multi-modal transportation network. Per the CTP, a goal is to leverage the development process to strategically enrich the transportation network (p. 5).
- Decision-makers are encouraged to maximize the multimodal, connectivity, and safety improvement opportunities for this development and supporting roadways as a longterm strategy for the transportation network and livability for citizens.

### Comments

Comments for this project were received from Coweta County Schools and are attached.

### Transmittal

The transmittal of this Report of Findings officially completes the DRI process. The City of Newnan may proceed with the final official action it deems appropriate regarding the proposed project, but it is encouraged to take the materials presented in the DRI report into consideration when rendering its decision. The enclosed information is advisory in nature and under no circumstances should be considered as binding or infringing upon the host jurisdiction's right to determine for itself the appropriateness of development within its boundaries. This DRI Review was performed in coordination with the GRTA review of DRI #4427.

### Attachments

- Three Rivers Regional Plan Maps
- Comments from Coweta County Schools
- DCA Quality Community Objectives
- Job Inflow/Outflow for Newnan
- Locations and Wages of Newnan Jobs
- QPublic flood map
- Crash Data (Fatal and Severe Crashes in Coweta County, All Crashes in Newnan, and All Crashes in Project Area)

## EXECUTIVE SUMMARY

Everhour Phase 2 Residential Development (DRI #4427) is proposed for construction along Greentop Road in Newnan, Coweta County, Georgia. The proposed development will consist of 535 single-family detached units. The development will have four (4) access points consisting of two (2) full-access driveways and two (2) right-in/right-out (RIRO) driveways.

Traffic operations at the study intersections are satisfactory at ten of the twelve study intersections in the Existing conditions. However, inadequate LOS are present at the remaining two study intersections, and the conditions are expected to worsen as evidenced in the 2030 No-Build scenario due to the anticipated growth in the study area. The programmed GDOT P.I. No. 0013195 is expected to provide satisfactory LOS at the affected intersections in future 2030 No-Build conditions.

The addition of project traffic is expected to have an impact on the traffic operations at the study intersections. For 2030 Build conditions, study intersections are expected to continue to operate at the same overall LOS when compared to 2030 No-Build conditions, with the overall intersection of SR 14/US 29 becoming inadequate during the PM peak hour.

A right-turn deceleration lane is not warranted at Site Drive W along Greentop Road (west); however, a right-turn deceleration lane is still recommended at this location. A right-turn deceleration lane is warranted at Site Drive X, Site Drive Y, and Site Drive Z along Greentop Road.

A left-turn lane is not warranted at Site Drive W along Greentop Road (west). A left-turn lane is warranted at Site Drive Y along Greentop Road.

Each of the site driveways are proposed to have single-lane approach and departure lanes. This proposed lane configuration is expected to operate with adequate LOS in Build conditions

To receive the Notice of Decision Request for Non-Expedited DRI #4427 – Everhour Phase 2 Residential Development, the following Roadway Improvement Conditions of Approval and Advisory Conditions are recommended:

### Recommended Roadway Improvement Conditions of Approval

#### Greentop Road (west) and Site Drive W

- Install a full-access stop sign controlled driveway configuration
- Install an eastbound right-turn deceleration lane per City of Newnan standards

#### Greentop Road and Site Drive X

- Install a right-in/right-out (RIRO) yield-controlled driveway configuration
- Install an eastbound right-turn deceleration lane per City of Newnan standards

Greentop Road and Site Drive Y

- Install a full-access stop sign controlled driveway configuration
- Install an eastbound right-turn deceleration lane per City of Newnan standards
- Install a westbound left-turn lane per City of Newnan standards

Greentop Road and Site Drive Z

- Install a right-in/right-out (RIRO) yield-controlled driveway configuration
- Install an eastbound right-turn deceleration lane per City of Newnan standards

**Recommended Roadway Improvement Advisory Conditions:**SR 14/US 29 and Arbor Springs Parkway/SR 154

- Install a permissive+overlap phase for the northbound right-turn movement

SR 34/Bullsboro Drive and Amlajack Boulevard/Celebrate Life Parkway

- Install a northbound left-, a northbound shared left+through lane, and two northbound right lanes configuration on Celebrate Life Parkway
- Install two southbound left-turn lanes, a southbound left+through lane, and southbound right lane configuration on Amlajack Boulevard
- Install four eastbound through lanes with a shared through+right lane on SR 34/Bullsboro Drive,
- Install split signal phasing on the side streets and adjust signal timing accordingly

STATE OF GEORGIA  
COUNTY OF COWETA

**AN AGREEMENT BETWEEN  
THE CITY OF NEWNAN,  
COWETA COUNTY, GEORGIA  
AND NCTI, LLC  
REGARDING ANNEXATION PROCEDURES AND  
TRANSPORTATION IMPROVEMENTS**

**THIS AGREEMENT** (hereinafter this “**Agreement**”), made and entered into as of the date the last of the Parties to do so signs this Agreement (hereinafter the “**Effective Date**”), by and between the CITY OF NEWNAN, a political subdivision of the State of Georgia (hereinafter the “**City**”), COWETA COUNTY, GEORGIA, a political subdivision of the State of Georgia (hereinafter the “**County**”), and NCTI, LLC, a Georgia limited liability company (hereinafter the “**Developer**”). The City, the County, and the Developer are referred to collectively as “**Parties**” and may be individually referred to as a “**Party**”.

**PREAMBLE:**

**WHEREAS**, Developer is the fee simple owner of that certain real property consisting of 122.64 ± acres lying and being in the 5th District of Coweta, County, Georgia, and being more particularly described on Exhibit “A” and being identified as Coweta County Tax Parcel Numbers 085 5107 001, ~~001 5107 001A~~, and 085 5086 002 (hereinafter the “**Property**”); and

JVSM  
11/24/2025

(BS)  
KQ 25  
12/25  
BHW

085 5107 001A

**WHEREAS**, Developer has requested that the City annex the Property into the City; and

**WHEREAS**, the City has accepted the Developer’s annexation application to annex the Property into the City and provided the proper notice to the County as required by O.C.G.A. § 36-36-110, *et seq.*; and

**WHEREAS**, the County has made objection to the proposed annexation pursuant to O.C.G.A. § 36-36-110, *et seq.*; and

**WHEREAS**, O.C.G.A. § 36-36-119 provides that cities and counties shall negotiate in good faith throughout the process of annexation dispute resolution and may agree to a written agreement governing the annexation at any time; and

**WHEREAS**, the City, the County, and the Developer have had meetings and

communications to discuss the County's objections regarding annexation of the Property and the potential resolution thereof; and

**WHEREAS**, O.C.G.A. § 36-36-119 authorizes this Agreement for the changing of zoning, land use, and density; and

**WHEREAS**, the County agrees not to object to the annexation of the Property upon the execution and performance of this Agreement by the Parties; and

**WHEREAS**, the City and the County find it in the best interests of the health, safety, and welfare of the public to set forth obligations of the Developer regarding certain zoning conditions and transportation improvements associated with the proposed annexation of the Property and the proposed development; and

**WHEREAS**, in consideration of the mutual benefits and consideration accruing to each of the parties hereto and for the use of and benefit of the citizens of the entire county, which benefits are hereby expressly acknowledged, the City, the County, and the Developer, as authorized by Art. IX, Sec. III, Para. I, of the Constitution of the State of Georgia, enter into this Agreement for the following purposes.

**NOW, THEREFORE**, for and in consideration of the covenants and agreements hereinafter stated and other good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby acknowledged by the Parties, the Parties agree as follows:

#### Recitals Incorporated

The recitals set forth above are expressly incorporated to this Agreement herein by reference and made a part hereof.

#### Section 1 – Representations of Authority

Each Party hereto makes the following representations and warranties, which are specifically relied upon by all of the other Parties as a basis for entering this Agreement:

1.1 The City and the County have validly adopted this Agreement at a public meeting pursuant to the Open Meetings Act, O.C.G.A. § 50-14-1, *et seq.*

1.2 The Developer hereby represents and warrants that the undersigned officer or agent has the necessary power and authority to enter into this Agreement, to perform its obligations hereunder, and that such actions have been duly authorized in accordance with applicable law.

Section 2 – Procedure and Zoning Conditions

2.1 The County will vote to approve this Agreement.

2.2 Following the County's approval of the Agreement, the City will vote to approve the Agreement on its next following meeting of the City Council.

2.3 Following final execution of the Agreement by all Parties, the City shall proceed with its annexation and rezoning procedures pursuant to its ordinances with regard to the Property and if the Property is annexed into the corporate limits of the City, the City shall file its annexation notice with the Department of Community Affairs and the County.

2.4 Provided the Property is annexed into the corporate limits of the City, the development shall be developed substantially identical to the site plan attached hereto as Exhibit "B," including, without limitation:

- a) the maximum number of lots is restricted to two hundred thirty-five (235) single-family detached, fee-simple owned homes;
- b) a 25-foot vegetative buffer along the western property line; and
- c) The lot information and setbacks shall be as follows:
  - Minimum street frontage 30-feet
  - Minimum lot width at front setback 40-feet
  - Minimum floor area 1,600 square feet
  - Maximum impervious area 60%
  - Minimum lot size 8,200 square feet
  - Front setback 30-feet
  - Side setback 5-feet
  - Major side (double frontage) 10-feet
  - Rear setback 20-feet
  - Building separation 10-feet
  - Maximum building height 2 stories/40-feet

2.5 Transportation Improvements. Concurrent with the recording of each Phase 2 final plat, the Developer shall pay to the County the monetary sum of SIX THOUSAND NINE HUNDRED FIFTY AND NO/100THS DOLLARS (\$6,950.00) per lot, delivered pursuant to Section 10 below. Said funding is to be utilized by the County to assist with design, permitting, and construction of intersection improvements: 1) Hal Jones Road/Green Top Road at US 29; 2) Green Top Road and Herring Road; and 3) Herring

Road and Bledsoe Road. The County agrees that the Developer may not submit an application for the LDP prior to November 5, 2026.

### Section 3 – Settlement of Disputes

3.1 Within five (5) business days after the City approves this Agreement, the County shall dismiss its objection to the annexation by notifying the Department of Community Affairs regarding the settlement pursuant to Section 12 herein.

3.2 This Agreement is in settlement of any and all claims that could be raised by the City, the County, and/or the Developer regarding the City's annexation of the Property pursuant to and/or under O.C.G.A. § 36-36-20 to -23 and/or O.C.G.A. 36-36-110 to -119.

3.3 This Agreement was jointly drafted by the Parties and is the result of settlement discussions. Accordingly, no rule, decision, or doctrine of law, construction, or interpretation against the drafter of this Agreement shall apply hereto and the Parties expressly waive any application of the same.

### Section 4 – Term of Agreement

This Agreement shall be effective between the Parties, their successors, and assigns, immediately upon execution by all Parties hereto and for a period of two (2) years except as to Section 2.5 herein which shall be effective for a period of ten (10) years.

### Section 5 – Modification

The Parties may modify this Agreement only in writing by having a modification signed by all Parties and adopted pursuant to the Open Meetings Act, O.C.G.A. § 50-14-1 *et seq.*

### Section 6 – Entire Agreement

This Agreement is a full and complete statement of the terms of the Parties as to the subject matter hereof and has been authorized by proper action of the respective Parties.

### Section 7 – Counterparts

This Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which together shall constitute the same instrument.

Section 8 – Governing Law and Forum

This Agreement, and the rights and obligations of the Parties hereunder, shall be governed by and construed in accordance with the substantive laws of the State of Georgia. Any and all disputes arising out of or in any way related to this Agreement shall be submitted to the Superior Court of Coweta County, Georgia, and the Parties expressly consent to venue and jurisdiction therein.

Section 9 – Severability; Miscellaneous

Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement, or the application of such provision, to any person or circumstance other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law. Other than as set forth in this Agreement, this Agreement shall not confer any rights or remedies upon any person other than the Parties hereto and their respective successors or permitted assigns.

Section 10 – Notices

All notices, demands, or requests required or permitted to be given pursuant to this Agreement shall be in writing and shall be deemed to have been properly given or served and shall be effective on being deposited in the United States mail, postage prepaid and registered, or certified with return receipt requested to the addresses appearing on the executed page hereof, or when delivered by hand to the addresses shown below:

The City:

City of Newnan  
Attn: City Manager  
25 LaGrange Street  
Newnan, Georgia 30263

The County:

Coweta County Board of Commissioners  
Attn: County Administrator  
22 East Broad Street  
Newnan, Georgia 30263

The Developer:

Pulte Home Company, LLC – Georgia Division  
Attention: Rick Martin  
2475 Northwinds Parkway, Suite 600  
Alpharetta, GA 30009

Section 11 – Enforcement

The Parties agree that in the event of a breach or threatened breach of this Agreement, there will exist a substantial threat of irreparable injury to one or more of the non-breaching parties with no adequate remedy available to them at law. Accordingly, the Parties agree that in such event any Party may seek to have this Agreement enforced through injunctive relief and the Parties agree that the Court is authorized to grant injunctive relief. The Parties further agree that in the event the enforceability of any of the terms of this Agreement shall be challenged in a court of law and a court of competent jurisdiction finds that the Agreement is enforceable, then the time periods herein shall be deemed tolled upon the filing of the lawsuit challenging the enforceability of this Agreement until the dispute is finally resolved and all periods of appeal have expired.

Section 12 – Compliance with O.C.G.A. § 36-36-119

After execution of this Agreement by all the Parties, the Parties shall cause this Agreement to be conveyed to the Georgia Department of Community Affairs by hand delivery, electronic mail, certified mail, or statutory overnight delivery, provided that the means of delivery allows for verification of the delivery of such notice.

**IN WITNESS WHEREOF**, the Parties hereto, acting through the duly authorized Chairman or equivalent of the governing authorities of the County and the City, or duly authorized officers or agents of the Developer, as witnessed, have executed this Agreement, in duplicate originals, under their respective seals, as of the day and year as first above written.

**CITY OF NEWNAN,**  
a political subdivision of the State of Georgia

By: 

Mayor 

Clerk  
Date: 11/25/25

*Signatures continue on the following page*

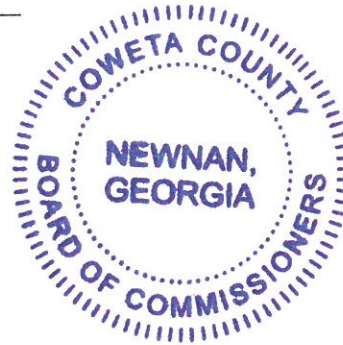
SIGNATURE PAGE FOR THE COUNTY TO  
AN AGREEMENT REGARDING ANNEXATION PROCEDURES AND  
TRANSPORTATION IMPROVEMENTS

**COWETA COUNTY, GEORGIA,**  
a political subdivision of the State of Georgia

By: Bill McKenjie  
Chairman

Attest: Frances J. Collins  
Clerk

Date: 11/18/2025



*Signatures continue on the following page*

SIGNATURE PAGE FOR THE DEVELOPER TO  
AN AGREEMENT REGARDING ANNEXATION PROCEDURES AND  
TRANSPORTATION IMPROVEMENTS

NCTI, LLC,  
a Georgia limited liability company

By: James Van S. Motto

Name: James Van S. Motto

Title: Member-Manager

Witness: Quintines

Date: 11-24-25

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

## **SURVEY DESCRIPTION**

### **TRACT 1**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 107, 5TH DISTRICT, COWETA COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 1/2 INCH REBAR ON THE SOUTHERLY RIGHT-OF-WAY LINE OF GREENTOP ROAD (80 FOOT RIGHT-OF-WAY WIDTH) AND THE WEST LINE OF LAND LOT 107;

THENCE, ALONG SAID RIGHT-OF-WAY LINE, NORTH 70 DEGREES 17 MINUTES 35 SECONDS EAST, 82.70 FEET TO A POINT;

THENCE, NORTH 71 DEGREES 37 MINUTES 46 SECONDS EAST, 54.61 FEET TO A POINT;

THENCE, NORTH 72 DEGREES 09 MINUTES 08 SECONDS EAST, 47.46 FEET TO A POINT;

THENCE, NORTH 74 DEGREES 00 MINUTES 35 SECONDS EAST, 50.46 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 11 DEGREES 19 MINUTES 14 SECONDS EAST, 383.05 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, NORTH 89 DEGREES 36 MINUTES 25 SECONDS WEST, 300.00 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, 300.00 FEET TO THE

**POINT OF BEGINNING.**

SAID TRACT OR PARCEL CONTAINING **2.07 ACRES (90,073 SQUARE FEET).**

### **TRACT 2**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 107, 5TH DISTRICT, COWETA COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT 1/2 INCH REBAR WITH CAP LOCATED NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 200.00 FEET FROM A 1/2 INCH OPEN TOP PIPE AT THE COMMON CORNER OF LAND LOTS 86, 87, 106 AND 107;

THENCE, NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 1,738.47 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, 132.83 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, SOUTH 89 DEGREES 36 MINUTES 25 SECONDS EAST, 300.00 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, NORTH 11 DEGREES 19 MINUTES 14 SECONDS WEST, 383.05 FEET TO A 1/2 INCH REBAR WITH CAP IN THE SOUTHERLY RIGHT-OF-WAY LINE OF GREENTOP ROAD (80 FOOT RIGHT-OF-WAY WIDTH) ;

THENCE, WITH SAID RIGHT-OF-WAY LINE, NORTH 74 DEGREES 00 MINUTES 35 SECONDS EAST, 22.14 FEET TO A POINT;

THENCE, NORTH 74 DEGREES 38 MINUTES 01 SECONDS EAST, 266.30 FEET TO A POINT;

THENCE, NORTH 75 DEGREES 09 MINUTES 59 SECONDS EAST, 155.81 FEET TO A POINT;

THENCE, NORTH 76 DEGREES 02 MINUTES 41 SECONDS EAST, 140.82 FEET TO A 2 INCH OPEN TOP PIPE;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 01 DEGREES 07 MINUTES 37 SECONDS WEST, 1,089.87 FEET TO A 1/2 INCH REBAR;

THENCE, SOUTH 00 DEGREES 53 MINUTES 28 SECONDS WEST, 1,311.20 FEET TO A 1 INCH SQUARE IRON ROD;

THENCE, NORTH 89 DEGREES 35 MINUTES 40 SECONDS WEST, 758.53 FEET TO THE

**POINT OF BEGINNING.**

SAID TRACT OR PARCEL CONTAINING **38.51 ACRES (1,677,546 SQUARE FEET).**

**TRACT 3**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 86 AND 107, 5TH DISTRICT, COWETA COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 1/2 INCH OPEN TOP PIPE AT THE COMMON CORNER OF LAND LOTS 86, 87, 106 AND 107;

THENCE, NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 200.00 FEET TO A 1/2 INCH REBAR WITH CAP;  
THENCE, SOUTH 89 DEGREES 35 MINUTES 40 SECONDS EAST, 758.53 FEET TO A 1 INCH SQUARE IRON ROD;  
THENCE, SOUTH 01 DEGREES 08 MINUTES 35 SECONDS WEST, 200.00 FEET TO A 1 INCH OPEN TOP PIPE;  
THENCE, SOUTH 87 DEGREES 57 MINUTES 50 SECONDS EAST, 1,039.27 FEET TO A 3/4 INCH OPEN TOP PIPE;  
THENCE, SOUTH 00 DEGREES 57 MINUTES 15 SECONDS WEST, 47.48 FEET TO A 3/4 INCH OPEN TOP PIPE;  
THENCE, SOUTH 01 DEGREES 00 MINUTES 19 SECONDS WEST, 150.67 FEET TO A 3/4 INCH OPEN TOP PIPE;  
THENCE, SOUTH 01 DEGREES 06 MINUTES 35 SECONDS WEST, 1,066.18 FEET TO A NAIL IN THE NORTHERLY RIGHT-OF-WAY LINE OF CSX RAILROAD (200 FOOT RIGHT-OF-WAY WIDTH);  
THENCE, WITH SAID RIGHT-OF-WAY LINE, SOUTH 55 DEGREES 13 MINUTES 16 SECONDS WEST, 2,186.81 FEET TO A 1/2 INCH OPEN TOP PIPE;  
THENCE, LEAVING SAID RIGHT-OF-WAY LINE, NORTH 00 DEGREES 35 MINUTES 00 SECONDS EAST, 2,553.88 FEET TO THE  
**POINT OF BEGINNING.**

SAID TRACT OR PARCEL CONTAINING **82.06 ACRES (3,574,618 SQUARE FEET).**

**EXHIBIT "B"**

**SITE PLAN**





**CITY OF NEWNAN**  
**Planning Commission**  
**Meeting Minutes**  
 February 10, 2026  
 7:00 p.m.

Commissioners Present: Alton West, Jordan Marchman, John Pulicare, Janet Marie Gunnels, Anne Yancey, Clay McEntire, Joe Crain Jr.

Commissioners Absent: None

Others in Attendance: Tracy Dunnavant, Planning & Zoning Director  
 Chris Cole, Senior Planner  
 Brad Sears, City Attorney  
 Debbie Snider, Administrative Assistant Planning and Zoning

**CALL TO ORDER**

Chairman West called the meeting to order at 7:00 p.m. in the Richard A. Bolin Council Chambers, City Hall, 25 LaGrange Street.

**READING OF MINUTES**

Chairman West asked if everyone reviewed the January 13, 2026, meeting minutes. Janet Marie Gunnels requested the misspelling of her name be amended. Commissioner Crain made a motion to approve the minutes with the correction. Commissioner McEntire seconded the motion.

**MOTION CARRIED (7-0)**

**PUBLIC HEARINGS**

**ANNEX2025-02 Annexation and Rezoning Request – 122.64± acres located off Green Top Road**

Commissioner Yancey recused herself from this hearing due to a family conflict of interest.

Planning Director, Tracy Dunnavant, stated that Mr. Conerly asked for this meeting to be continued as he will not be able to attend tonight’s meeting and he would also like an

opportunity to meet with the community in an effort to ameliorate complaints. Based on that information, the options are:

1. Open the public hearing and vote to continue to the March meeting
2. Open the public hearing, take public comment, and then continue to the March meeting
3. Open the public hearing, take public comment and vote on a recommendation without continuing the hearing

Chairman West asked the commissioners to consider the options. Commissioner Pulicare made a motion to move forward with option #3. The motion was seconded by Commissioner Marchman.

### **MOTION CARRIED (3-1)**

#### **Yancey recused, Crain abstained, McEntire opposed**

Chairman West opened a public hearing and explained the procedures that would be followed. Planning Director, Tracy Dunnivant, presented the staff report. Ms. Dunnivant explained that this is the second phase of the Green Top subdivision now known as Everhour. The first and second phases were displayed on the screen to provide context. The presentation included the number and type of homes, lot sizes, and square footages. She also discussed the three pods and their differences. Ms. Dunnivant presented elevation examples, discussed price points, the proposed rental cap, and amenities. She reviewed the history of both phases of the property and gave an overview of the arbitration process. Ms. Dunnivant described the Development of Regional Impact (DRI) process and explained its purpose, a related 180-day pause, and the completion/findings of the study. She added that the city, county, and developer executed an agreement which led to the arbitration panel being dismissed. Ms. Dunnivant went on to discuss the current zoning, the requested zoning, consistency with the comprehensive plan, related traffic study and suggested improvements, impacts on public services, economic impact, and up-front revenues. Staff found this project to meet 5 of the 8 standards for consideration. Ms. Dunnivant outlined staff suggested conditions if the Commission were to recommend approval.

Chairman West explained that the public would be given an opportunity to comment at the appropriate time. He then asked if the applicant or applicant's representative would come forward to speak. Rick Martin, representing the applicant, came forward. He thanked the commission for hearing him tonight. He reminded the commission that the applicant's representative could not be in attendance for this meeting. Mr. Martin introduced himself as the director of land acquisition for Pulte. He explained this would be the second phase of Everhour with Phase I currently under construction. He briefly highlighted a few aspects of Phase I. He discussed the current zoning of Rural Conservation in the county and the request for annexation and a rezoning to PDR. Mr. Martin stated the total number of units would not exceed 235 with three different dwelling sizes. He further discussed lot sizes, amenities, elevations, and home sizes. Mr. Martin explained the intent of this community to be lifelong through different phases of life. He detailed the development agreement with the county and city that established the maximum number of lots and landscape buffers. He further discussed open space and connecting

amenities with the walking trail. He concluded by stating how proud he is of this project and the efforts and contributions of everyone involved.

Ms. Dunnivant additionally spoke about a letter received from Mr. Conerly addressing condition six that they had proffered. She explained that they were required to add a connection in Phase I to the property to the west, but that condition should go away for this phase since that connection was already being addressed in phase I.

Chairman West asked if anyone would like to come forward in support or opposition of this project. Don Phillips came forward representing the Newnan Pines Homeowner's Association. He discussed the impact of this project on Newnan Pines. He spoke regarding the preexisting traffic, the areas affected, difficulties of ingress and egress, concerns regarding how neighborhood entrances/exits could be altered, and traffic flows being rerouted. He concluded that these issues could cost someone their life and implored the city or county to address them.

Bob Zilfle came forward to speak. He stated that this battle has been ongoing for nine years, and now we are looking at phase II. Mr. Zilfle spoke of the quantity of homes added to this area within a .9<sup>th</sup> of a mile stretch of road. He listed the affected roads and explained that traffic is already horrendous. Mr. Zilfle voiced his disbelief that these issues are being addressed in the plans. He further explained that it is not just affecting the traffic of the neighborhoods but also impacts congestion for the entire corridor.

Pat Burns came forward to speak. Ms. Burns stated turnout for meetings has diminished as the community doesn't feel heard. Ms. Burns mentioned the traffic. She suggested that this property could be used in another way such as a horse-riding camp, a wildlife preserve, or a dog park. She added that if you observe the area, you can see what has happened to the magic of Newnan, Georgia, this country, and this county. She concluded by imploring the commission to use their heads. Chairman West asked if her question from earlier was answered, and she inquired if there would be a school. Ms. Dunnivant explained that a school would not be built, and the earlier reference to taxes in her presentation was regarding FLOST. Brad Sears, city attorney, further explained FLOST.

Ruth Stark came forward to speak. She stated that the traffic study from phase I is now outdated. She expressed concern regarding new developments in the outlying areas that have caused further impact. Ms. Stark discussed the project map and asked for clarification. She concluded by asking the commission to serve the community and not be blinded by the dollars.

Chairman West asked if anyone else would like to come forward. Seeing none, he closed the public hearing. He asked the applicant's representative to again come forward. Mr. Martin addressed the project map question, stating there would be one ingress and one egress point. He explained where this was shown on the map. He further explained the gas easement and walking trail on the map. Chairman West asked if there were any additional comments. Mr. Martin concluded that he knows Newnan battles traffic, but the city and county have outlined target areas for improvement. With no further comments, Chairman West closed the public hearing.

Chairman West asked the commissioners to open discussion and questions for this annexation and rezoning. Chairman West began by commenting on the process of a public hearing, the conditions for consideration, and due consideration to public comments. He concluded that this is a recommendation, not the end of the road. With no further comments or questions, Chairman West asked if anyone would like to make a motion. Commissioner Pulicare briefly spoke regarding the growth in Newnan and the responsibility of the Planning Commission to help plan this growth. He then made a motion to recommend denial. Commissioner Marchman seconded the motion.

**MOTION CARRIED (6-0) Yancey recused**

**OTHER BUSINESS**

**Certificate of Appropriateness Request – 34 South Court Square**

Senior Planner, Chris Cole, presented the staff report. Mr. Cole discussed zoning and why this requires a COA. He presented current and historic photos, the planned façade restoration, and examples of similar buildings on the square. Mr. Cole stated that Staff forwarded this information to Abigail Strickland at Main Street, and her letter of support has been included in the report. Mr. Cole concluded that staff recommends approval of the COA request.

Chairman West asked the applicant to come forward. Katelyn Revoir came forward and discussed the storefront restoration and the objective of reviving activity on that corner of the square. She concluded that she would be happy to answer any questions. Commissioner McEntire asked if the current front columns are structural. The applicant replied that they are not.

With no further questions, Chairman West asked if anyone would like to make a motion. Commissioner McEntire made a motion to approve. Commissioner Yancey seconded the motion.

**MOTION CARRIED (7-0)**

**ADDITIONAL COMMENTS**

None

**ADJOURN**

With no further business, the meeting adjourned at 8:08 p.m. on a motion from Commissioner Crain and seconded by Commissioner Yancey.

**MOTION CARRIED (7-0)**

  
 \_\_\_\_\_  
 Chairman West



**Challenging today.  
Reinventing tomorrow.**

10 Tenth Street, NW, Suite 1400  
Atlanta, GA 30309  
T +1.404.978.7600  
F +61 8 8113 5440  
www.jacobs.com

April 15, 2026

Attention:  
Jim Mottola  
NCTI, LLC  
10 Jackson St.  
Newnan, GA 30263

**Subject: Letter of support for the proposed Everhour Phase 2 annexation and rezoning along Green Top Road in Coweta County into the City of Newnan**

To Whom It May Concern:

I would like to express my support for the development proposal by NCTI, LLC for the property along Green Top Road, just northeast of the US Hwy 29/Greentop Road intersection in Coweta County, Tax ID# 085 5086 002, 085 5107 001, 085 5107 001A, and its annexation into the City of Newnan as Phase 2 of the Everhour Development. As a planning consultant for Jacobs, I have worked on over 23 comprehensive plans in the State of Georgia, and I was the project manager for the Coweta Comprehensive Land Use Plan, 2006-2026. At the time the Comprehensive Plan was prepared I was working for Jordan, Jones & Goulding (JJG), a smaller Atlanta based consulting firm that in 2009 was acquired by Jacobs. I worked closely with the County staff, elected officials, and interested citizens in crafting a plan that reflected the community's vision for the future, and in my opinion the proposed Green Top Road Development is in line with that vision. In the words of the plan itself, "The County's Vision Statement has at its core the preservation of rural areas and rural character while at the same time allowing the partially developed portions of the County to fill out in ways that discourage urban sprawl and foster a sense of place." The proposed Green Top Road development exemplifies several key planning elements that support this vision.

### **Future Land Use Policies and Vision of the Subject Property**

The Coweta County Comprehensive Plan that I worked on established the land use policies and vision for the future growth of the community based on sound planning principles and the feedback of an extensive public engagement effort. In that plan, the subject property was designated as part of the Priority Development character area as shown on the County's Character Area Map, and as part of the Growth Priority Area as shown on the County's Growth Strategy Map. Both designations support the proposed rezoning, and are intended to encourage future growth in and around the City where utilities and infrastructure are in place to support them, and discourage suburban sprawl further out in the more rural areas of the County.

The Georgia Department of Community Affairs requires that local comprehensive plans be updated every 5 years, and in accordance with this requirement the 2006-2026 Comprehensive Plan that I worked on was updated in 2011 and is currently under revision for a 2026-2046 update. Even though this has offered ample opportunity for policy makers to alter the growth policies and vision for the subject property, they have not changed, and so far, have not been proposed to be change.

April 15, 2026

Subject: Letter of support for the proposed Everhour Phase 2 annexation and rezoning along Green Top Road in Coweta County into the City of Newnan

The Green Top Road Development, also known as Everhour Phase 2, is a proposed residential subdivision, of approximately 235 residential units on a 122-acre site, or 2.05 housing units per acre. The City of Newnan abuts the property to the south directly across from the CSX rail line, and to the east where Everhour Phase 1 is currently being constructed. Phase 1 includes approximately the same density and mix of housing as is being proposed in Phase 2. The policies of the County Comprehensive Plan support up to 4 residential units per acre, so the proposed 2.5 units per acre and use are consistent.

### **History of the Subject Property**

The proposed residential development has a long history dating back to a rezoning request to the Coweta County Board of Commissioners in 2014. This history is well documented in the City Planning staff's Rezoning Assessment for the current annexation, Annex2025-002, and what it points to is:

1. Favorable findings by both Coweta County and City of Newnan Planning staff concerning the compliance of the development with local land use policies,
2. Favorable findings by the Atlanta Regional Commission, the Georgia Department of Community Affairs, and GRTA concerning the potential regional impacts of the development if certain planning, design and construction conditions are met, and
3. A willingness on the part of the property owner and developer to work with the community in addressing those concerns by agreeing to implement those conditions.

The most significant constraint to the Everhour Development has been public perception of potential negative impacts. Based on the minutes of public hearings, the objections of neighbors and nearby citizens include such claims as increased noise and storm water runoff, increased traffic congestion, and lower property values. Considering the proposed design of the subdivision that includes a surrounding buffer, 30% greenspace, adequate drainage provisions to meet state guidelines, and a selling housing price point that is higher than those existing developments surrounding it, none of these claims really hold up under close analysis. In addition, the property owner and developer as part of a proposed annexation agreement is willing to contribute \$6,950 per lot to help fund transportation improvements to mitigate the impacts at three key intersections: (1) Hal Jones Road/Green Top Road at US 29, (2) Green Top Road and Herring Road, and (3) Herring Road and Bledsoe Road. In addition, the developer has agreed to numerous conditions concerning the design and layout of the lots, amenities, utilities, and housing to help mitigate potential impacts and insure compatibility with nearby neighbors and consistency between the two phases of the Everhour development. Copies of the agreements and conditions were included in the Staff's Rezoning Assessment.

### **Development Elements that support the Community's Vision**

As stated earlier, the proposed Everhour development exemplifies several key planning elements that support the community's future vision. One such planning element is its location and proximity to other developed areas. Located adjacent to the city limits of Newnan, the CSX railroad, and close to the US 29 and I-85, the Everhour Development as proposed would be a logical transition between the city's built environment and outlying rural areas. In crafting the Comprehensive Plan, the community realized that future had to be accommodated, and that in order to preserve the rural character, that such growth should be allowed to infill in areas where adequate infrastructure, in

April 15, 2026

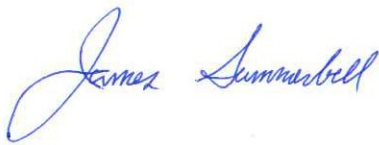
Subject: Letter of support for the proposed Everhour Phase 2 annexation and rezoning along Green Top Road in Coweta County into the City of Newnan

particular water, sewer and transportation, were in place to accommodate such growth. The northeastern quadrant of the county, in particular was designated as the most appropriate for such infill development. Over the years, leap-frog development patterns had left almost 20,000 acres of undeveloped land out of a potential 50,000-acre more compact low density residential development pattern. This inefficient use of land commonly known as sprawl creates an undue burden on local tax payers, by raising the per capita costs of providing public services.

The availability of supportive infrastructure, such as water, sewer and road capacity is another planning element that supports approval of the Green Top Road development. Throughout the zoning history of the subject property, local planning staff have requested and received impact analysis from local service providers. By encouraging new development, such as Everhour to locate close to the City, rather than further away from existing centers of population, local public service providers would be lowering the average tax burden on citizens, and the need for costly expansion of such services, including the Tax Assessors office, Environmental Health, the Building Department, Water and Sewerage Authority, Fire Department, Transportation, and the Board of Education. The overall impacts of the development anticipated by these services are negligible due to the presence of existing capacity or mitigating measures agreed to be undertaken by NCTI, such as the proposed rezoning conditions and financial contributions for transportation improvements.

In summary, I find that the proposed annexation is consistent with the vision, policies and intent of the County's Comprehensive Plan. It can be adequately supported by local public services, and if built would support a development pattern that should reduce per capita costs associated with providing those services. But most importantly, it's well-thought-out design should mitigate any perceived nuisances it might cause to surrounding properties, and in the long run would be an asset to both the Newnan and greater Coweta County community.

Yours sincerely



Jim Summerbell, AICP  
Planning Consultant

NCTI, LLC, Tax Parcel #085 5107 001; Tax Parcel #085 5107 001A; Tax Parcel #085 5086 002; Land Lots 86 and 107, 5<sup>th</sup> Land District, Coweta County, Georgia on Green Top Road

**ORDINANCE TO ANNEX TO 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**

BE IT ORDAINED, by the Mayor and City Council of the City of Newnan, and it is hereby ordained by authority of the same and by the authority granted to the governing authority of the City of Newnan by Section 36-36-21, Official Code of Georgia, annotated, that the following described property is hereby annexed and shall hereinafter be treated and considered as a part of the corporate limits of the City of Newnan, Georgia, to-wit:

All that tract or parcel of land lying and being in Land Lots 86 and 107 of the 5<sup>th</sup> Land District of Coweta County, Georgia, containing 122.64+/- acres with location shown as Annex No. 1, and being more particularly described on Exhibit "A" attached hereto and by reference made a part hereof.

BE IT FURTHER ORDAINED, that said property is annexed into the corporate limits of the City of Newnan subject to the following conditions:

See Exhibit "B" attached hereto and by reference made a part hereof for conditions imposed in An Agreement Between The City of Newnan, Coweta County, Georgia And NCTI, LLC, dated November 25, 2025.

BE IT FURTHER ORDAINED that said property annexed be subject to the conditions set out herein above and as provided in the separate rezoning ordinance adopted in connection herewith.

BE IT FURTHER ORDAINED that said property is hereby incorporated into the City of Newnan's Election District 2.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

BE IT FURTHER ORDAINED that should any phrase, clause, sentence, or section of this Ordinance be deemed unconstitutional by a Court of competent jurisdiction, such determination shall not effect the remaining provisions of this Ordinance, which provisions shall remain in full force and effect.

BE IT FURTHER ORDAINED that this ordinance shall be effective upon adoption and as provided in O.C.G.A. §36-36-2.

DONE, RATIFIED AND PASSED by the City Council of the City of Newnan, Georgia, this \_\_\_\_ day of \_\_\_\_\_, 2025 in regular session assembled.

ATTEST:

\_\_\_\_\_  
James Shepherd, Mayor

\_\_\_\_\_  
Megan Shea, City Clerk

\_\_\_\_\_  
Scott Berta, Mayor Pro-Tem

REVIEWED AS TO FORM:

\_\_\_\_\_  
Cynthia E. Jenkins, Councilmember

\_\_\_\_\_  
C. Bradford Sears, Jr., City Attorney

\_\_\_\_\_  
Dustin Koritko, Councilmember

\_\_\_\_\_  
Cleatus Phillips, City Manager

\_\_\_\_\_  
Paul Guillaume, Councilmember

\_\_\_\_\_  
James J. Thomasson, III, Councilmember

\_\_\_\_\_  
Jennifer Morrisson, Councilmember

## LEGAL DESCRIPTION

### **TRACT 1**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 107, 5TH DISTRICT, COWETA COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH REBAR ON THE SOUTHERLY RIGHT-OF-WAY LINE OF GREENTOP ROAD (80 FOOT RIGHT-OF-WAY WIDTH) AND THE WEST LINE OF LAND LOT 107;

THENCE, ALONG SAID RIGHT-OF-WAY LINE, NORTH 70 DEGREES 17 MINUTES 35 SECONDS EAST, 82.70 FEET TO A POINT;  
THENCE, NORTH 71 DEGREES 37 MINUTES 46 SECONDS EAST, 54.61 FEET TO A POINT;  
THENCE, NORTH 72 DEGREES 09 MINUTES 08 SECONDS EAST, 47.48 FEET TO A POINT;  
THENCE, NORTH 74 DEGREES 00 MINUTES 35 SECONDS EAST, 50.46 FEET TO A 1/2 INCH REBAR WITH CAP;  
THENCE, LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 11 DEGREES 19 MINUTES 14 SECONDS EAST, 393.05 FEET TO A 1/2 INCH REBAR WITH CAP;  
THENCE, NORTH 89 DEGREES 38 MINUTES 25 SECONDS WEST, 300.00 FEET TO A 1/2 INCH REBAR WITH CAP;  
THENCE, NORTH 00 DEGREES 18 MINUTES 25 SECONDS EAST, 300.00 FEET TO THE POINT OF BEGINNING.  
SAID TRACT OR PARCEL CONTAINING 2.07 ACRES (90,073 SQUARE FEET).

### **TRACT 2**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 107, 5TH DISTRICT, COWETA COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT 1/2 INCH REBAR WITH CAP LOCATED NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 200.00 FEET FROM A 1/2 INCH OPEN TOP PIPE AT THE COMMON CORNER OF LAND LOTS 86, 87, 106 AND 107;

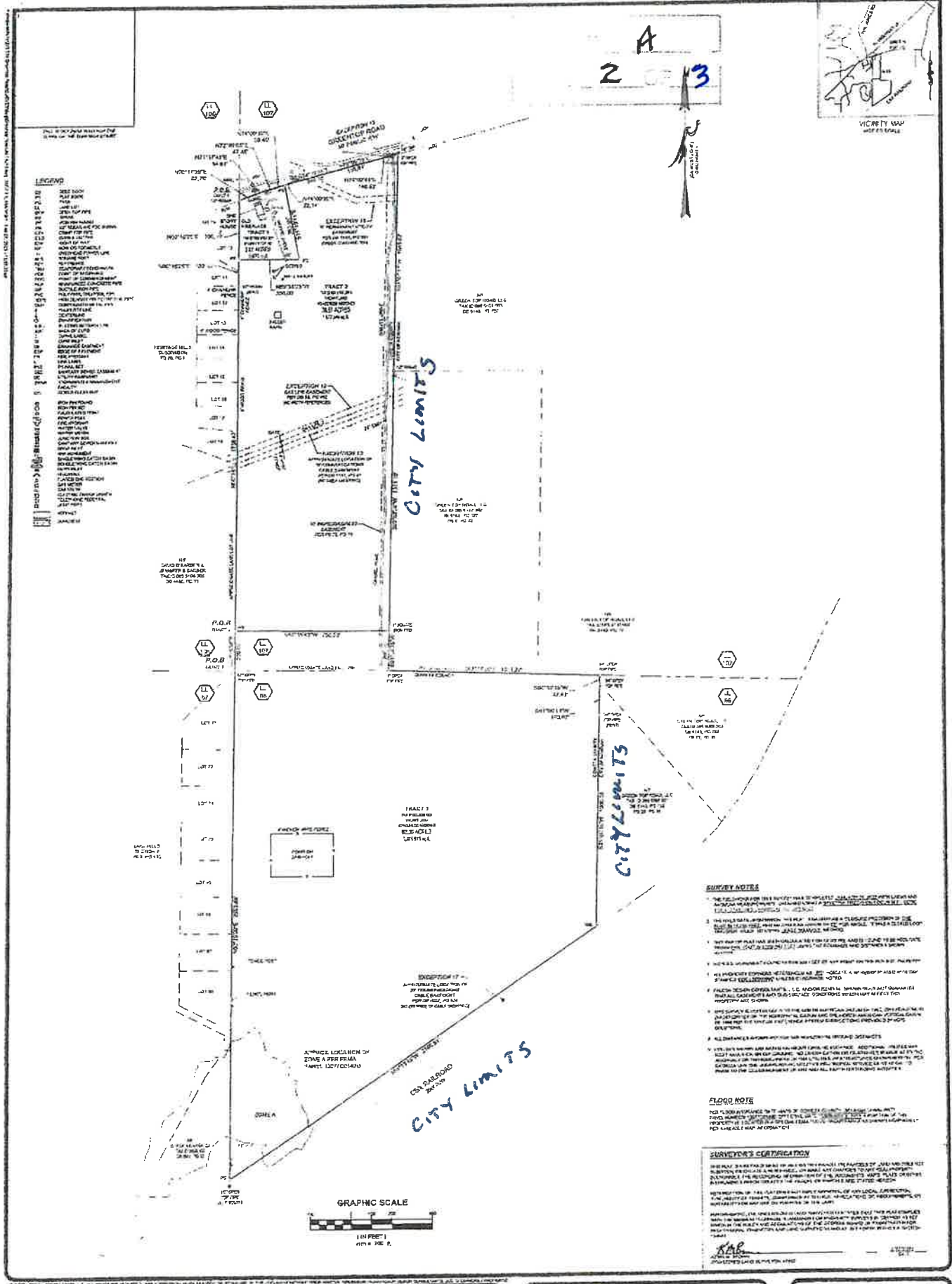
THENCE, NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 1,735.47 FEET TO A 1/2 INCH REBAR;  
THENCE, NORTH 00 DEGREES 18 MINUTES 25 SECONDS EAST, 132.83 FEET TO A 1/2 INCH REBAR WITH CAP;  
THENCE, SOUTH 89 DEGREES 38 MINUTES 25 SECONDS EAST, 300.00 FEET TO A 1/2 INCH REBAR WITH CAP;  
THENCE, NORTH 11 DEGREES 19 MINUTES 14 SECONDS WEST, 393.05 FEET TO A 1/2 INCH REBAR WITH CAP IN THE SOUTHERLY RIGHT-OF-WAY LINE OF GREENTOP ROAD (80 FOOT RIGHT-OF-WAY WIDTH);  
THENCE, WITH SAID RIGHT-OF-WAY LINE, NORTH 74 DEGREES 00 MINUTES 35 SECONDS EAST, 22.14 FEET TO A POINT;  
THENCE, NORTH 74 DEGREES 38 MINUTES 01 SECONDS EAST, 268.30 FEET TO A POINT;  
THENCE, NORTH 75 DEGREES 09 MINUTES 59 SECONDS EAST, 155.81 FEET TO A POINT;  
THENCE, NORTH 78 DEGREES 02 MINUTES 41 SECONDS EAST, 140.82 FEET TO A 2 INCH OPEN TOP PIPE;  
THENCE, LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 01 DEGREES 07 MINUTES 37 SECONDS WEST, 1,099.97 FEET TO A 1/2 INCH REBAR;  
THENCE, SOUTH 00 DEGREES 53 MINUTES 29 SECONDS WEST, 1,311.20 FEET TO A 1 INCH SQUARE IRON ROD;  
THENCE, NORTH 89 DEGREES 35 MINUTES 40 SECONDS WEST, 758.53 FEET TO THE POINT OF BEGINNING.  
SAID TRACT OR PARCEL CONTAINING 38.51 ACRES (1,677,546 SQUARE FEET).

### **TRACT 3**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 86 AND 107, 5TH DISTRICT, COWETA COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH OPEN TOP PIPE AT THE COMMON CORNER OF LAND LOTS 86, 87, 106 AND 107;

THENCE, NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 200.00 FEET TO A 1/2 INCH REBAR WITH CAP;  
THENCE, SOUTH 89 DEGREES 35 MINUTES 40 SECONDS EAST, 758.53 FEET TO A 1 INCH SQUARE IRON ROD;  
THENCE, SOUTH 01 DEGREES 08 MINUTES 35 SECONDS WEST, 200.00 FEET TO A 1 INCH OPEN TOP PIPE;  
THENCE, SOUTH 87 DEGREES 57 MINUTES 50 SECONDS EAST, 1,039.27 FEET TO A 3/4 INCH OPEN TOP PIPE;  
THENCE, SOUTH 00 DEGREES 57 MINUTES 15 SECONDS WEST, 47.49 FEET TO A 3/4 INCH OPEN TOP PIPE;  
THENCE, SOUTH 01 DEGREES 00 MINUTES 19 SECONDS WEST, 150.57 FEET TO A 3/4 INCH OPEN TOP PIPE;  
THENCE, SOUTH 01 DEGREES 08 MINUTES 35 SECONDS WEST, 1,065.18 FEET TO A NAIL IN THE NORTHERLY RIGHT-OF-WAY LINE OF CSX RAILROAD (200 FOOT RIGHT-OF-WAY WIDTH);  
THENCE, WITH SAID RIGHT-OF-WAY LINE, SOUTH 55 DEGREES 13 MINUTES 18 SECONDS WEST, 2,156.91 FEET TO A 1/2 INCH OPEN TOP PIPE;  
THENCE, LEAVING SAID RIGHT-OF-WAY LINE, NORTH 00 DEGREES 35 MINUTES 00 SECONDS EAST, 2,653.88 FEET TO THE POINT OF BEGINNING.  
SAID TRACT OR PARCEL CONTAINING 82.06 ACRES (3,574,618 SQUARE FEET).



1 of 2



STATE OF GEORGIA  
SURVEYOR  
[Name]  
[Address]  
[City, State, Zip]

REVISIONS

NO.	DATE	DESCRIPTION

THIS PLAN WAS PREPARED FOR THE  
EXCLUSIVE USE OF THE PARTIES  
WHOSE INTERESTS ARE SHOWN  
HEREON. NO OTHER PARTY HAS  
EXTENDED TO ANY UNDESIGNED PROPERTY  
WHICH MAY BE ADJACENT TO THE PROPERTY  
BY THE SURVEYOR'S NEGLIGENCE.

ALTA/NSPS LAND TITLE SURVEY  
**GREENTOP ROAD**  
LAND LOTS 86 AND 107, 5TH DISTRICT  
COWETA COUNTY, GEORGIA





STATE OF GEORGIA  
COUNTY OF COWETA

**AN AGREEMENT BETWEEN  
THE CITY OF NEWNAN,  
COWETA COUNTY, GEORGIA  
AND NCTI, LLC  
REGARDING ANNEXATION PROCEDURES AND  
TRANSPORTATION IMPROVEMENTS**

**THIS AGREEMENT** (hereinafter this "**Agreement**"), made and entered into as of the date the last of the Parties to do so signs this Agreement (hereinafter the "**Effective Date**"), by and between the CITY OF NEWNAN, a political subdivision of the State of Georgia (hereinafter the "**City**"), COWETA COUNTY, GEORGIA, a political subdivision of the State of Georgia (hereinafter the "**County**"), and NCTI, LLC, a Georgia limited liability company (hereinafter the "**Developer**"). The City, the County, and the Developer are referred to collectively as "**Parties**" and may be individually referred to as a "**Party**".

**PREAMBLE:**

**WHEREAS**, Developer is the fee simple owner of that certain real property consisting of 122.64 ± acres lying and being in the 5th District of Coweta, County, Georgia, and being more particularly described on Exhibit "A" and being identified as Coweta County Tax Parcel Numbers 085 5107 001, ~~001 5107 001A~~, and 085 5086 002 (hereinafter the "**Property**"); and

JVSM  
11/24/2025

(BS)  
11/25  
12/2/25

085 5107 001A

**WHEREAS**, Developer has requested that the City annex the Property into the City; and

**WHEREAS**, the City has accepted the Developer's annexation application to annex the Property into the City and provided the proper notice to the County as required by O.C.G.A. § 36-36-110, *et seq.*; and

**WHEREAS**, the County has made objection to the proposed annexation pursuant to O.C.G.A. § 36-36-110, *et seq.*; and

**WHEREAS**, O.C.G.A. § 36-36-119 provides that cities and counties shall negotiate in good faith throughout the process of annexation dispute resolution and may agree to a written agreement governing the annexation at any time; and

**WHEREAS**, the City, the County, and the Developer have had meetings and

communications to discuss the County's objections regarding annexation of the Property and the potential resolution thereof; and

**WHEREAS**, O.C.G.A. § 36-36-119 authorizes this Agreement for the changing of zoning, land use, and density; and

**WHEREAS**, the County agrees not to object to the annexation of the Property upon the execution and performance of this Agreement by the Parties; and

**WHEREAS**, the City and the County find it in the best interests of the health, safety, and welfare of the public to set forth obligations of the Developer regarding certain zoning conditions and transportation improvements associated with the proposed annexation of the Property and the proposed development; and

**WHEREAS**, in consideration of the mutual benefits and consideration accruing to each of the parties hereto and for the use of and benefit of the citizens of the entire county, which benefits are hereby expressly acknowledged, the City, the County, and the Developer, as authorized by Art. IX, Sec. III, Para. I, of the Constitution of the State of Georgia, enter into this Agreement for the following purposes.

**NOW, THEREFORE**, for and in consideration of the covenants and agreements hereinafter stated and other good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby acknowledged by the Parties, the Parties agree as follows:

Recitals Incorporated

The recitals set forth above are expressly incorporated to this Agreement herein by reference and made a part hereof.

Section I - Representations of Authority

Each Party hereto makes the following representations and warranties, which are specifically relied upon by all of the other Parties as a basis for entering this Agreement:

1.1 The City and the County have validly adopted this Agreement at a public meeting pursuant to the Open Meetings Act, O.C.G.A. § 50-14-1, *et seq.*

1.2 The Developer hereby represents and warrants that the undersigned officer or agent has the necessary power and authority to enter into this Agreement, to perform its obligations hereunder, and that such actions have been duly authorized in accordance with applicable law.

Section 2 – Procedure and Zoning Conditions

2.1 The County will vote to approve this Agreement.

2.2 Following the County's approval of the Agreement, the City will vote to approve the Agreement on its next following meeting of the City Council.

2.3 Following final execution of the Agreement by all Parties, the City shall proceed with its annexation and rezoning procedures pursuant to its ordinances with regard to the Property and if the Property is annexed into the corporate limits of the City, the City shall file its annexation notice with the Department of Community Affairs and the County.

2.4 Provided the Property is annexed into the corporate limits of the City, the development shall be developed substantially identical to the site plan attached hereto as Exhibit "B," including, without limitation:

a) the maximum number of lots is restricted to two hundred thirty-five (235) single-family detached, fee-simple owned homes;

b) a 25-foot vegetative buffer along the western property line; and

c) The lot information and setbacks shall be as follows:

- Minimum street frontage 30-feet
- Minimum lot width at front setback 40-feet
- Minimum floor area 1,600 square feet
- Maximum impervious area 60%
- Minimum lot size 8,200 square feet
- Front setback 30-feet
- Side setback 5-feet
- Major side (double frontage) 10-feet
- Rear setback 20-feet
- Building separation 10-feet
- Maximum building height 2 stories/40-feet

2.5 Transportation Improvements. Concurrent with the recording of each Phase 2 final plat, the Developer shall pay to the County the monetary sum of SIX THOUSAND NINE HUNDRED FIFTY AND NO/100THS DOLLARS (\$6,950.00) per lot, delivered pursuant to Section 10 below. Said funding is to be utilized by the County to assist with design, permitting, and construction of intersection improvements: 1) Hal Jones Road/Green Top Road at US 29; 2) Green Top Road and Herring Road; and 3) Herring

Road and Bledsoe Road. The County agrees that the Developer may not submit an application for the LDP prior to November 5, 2026.

Section 3 – Settlement of Disputes

3.1 Within five (5) business days after the City approves this Agreement, the County shall dismiss its objection to the annexation by notifying the Department of Community Affairs regarding the settlement pursuant to Section 12 herein.

3.2 This Agreement is in settlement of any and all claims that could be raised by the City, the County, and/or the Developer regarding the City's annexation of the Property pursuant to and/or under O.C.G.A. § 36-36-20 to -23 and/or O.C.G.A. 36-36-110 to -119.

3.3 This Agreement was jointly drafted by the Parties and is the result of settlement discussions. Accordingly, no rule, decision, or doctrine of law, construction, or interpretation against the drafter of this Agreement shall apply hereto and the Parties expressly waive any application of the same.

Section 4 – Term of Agreement

This Agreement shall be effective between the Parties, their successors, and assigns, immediately upon execution by all Parties hereto and for a period of two (2) years except as to Section 2.5 herein which shall be effective for a period of ten (10) years.

Section 5 – Modification

The Parties may modify this Agreement only in writing by having a modification signed by all Parties and adopted pursuant to the Open Meetings Act, O.C.G.A. § 50-14-1 *et seq.*

Section 6 – Entire Agreement

This Agreement is a full and complete statement of the terms of the Parties as to the subject matter hereof and has been authorized by proper action of the respective Parties.

Section 7 – Counterparts

This Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which together shall constitute the same instrument.

Section 8 – Governing Law and Forum

This Agreement, and the rights and obligations of the Parties hereunder, shall be governed by and construed in accordance with the substantive laws of the State of Georgia. Any and all disputes arising out of or in any way related to this Agreement shall be submitted to the Superior Court of Coweta County, Georgia, and the Parties expressly consent to venue and jurisdiction therein.

Section 9 – Severability; Miscellaneous

Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement, or the application of such provision, to any person or circumstance other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law. Other than as set forth in this Agreement, this Agreement shall not confer any rights or remedies upon any person other than the Parties hereto and their respective successors or permitted assigns.

Section 10 – Notices

All notices, demands, or requests required or permitted to be given pursuant to this Agreement shall be in writing and shall be deemed to have been properly given or served and shall be effective on being deposited in the United States mail, postage prepaid and registered, or certified with return receipt requested to the addresses appearing on the executed page hereof, or when delivered by hand to the addresses shown below:

The City:

City of Newnan  
Attn: City Manager  
25 LaGrange Street  
Newnan, Georgia 30263

The County:

Coweta County Board of Commissioners  
Attn: County Administrator  
22 East Broad Street  
Newnan, Georgia 30263

The Developer:

Pulte Home Company, LLC – Georgia Division  
Attention: Rick Martin  
2475 Northwinds Parkway, Suite 600  
Alpharetta, GA 30009

Section 11 – Enforcement

The Parties agree that in the event of a breach or threatened breach of this Agreement, there will exist a substantial threat of irreparable injury to one or more of the non-breaching parties with no adequate remedy available to them at law. Accordingly, the Parties agree that in such event any Party may seek to have this Agreement enforced through injunctive relief and the Parties agree that the Court is authorized to grant injunctive relief. The Parties further agree that in the event the enforceability of any of the terms of this Agreement shall be challenged in a court of law and a court of competent jurisdiction finds that the Agreement is enforceable, then the time periods herein shall be deemed tolled upon the filing of the lawsuit challenging the enforceability of this Agreement until the dispute is finally resolved and all periods of appeal have expired.

Section 12 – Compliance with O.C.G.A. § 36-36-119

After execution of this Agreement by all the Parties, the Parties shall cause this Agreement to be conveyed to the Georgia Department of Community Affairs by hand delivery, electronic mail, certified mail, or statutory overnight delivery, provided that the means of delivery allows for verification of the delivery of such notice.

**IN WITNESS WHEREOF**, the Parties hereto, acting through the duly authorized Chairman or equivalent of the governing authorities of the County and the City, or duly authorized officers or agents of the Developer, as witnessed, have executed this Agreement, in duplicate originals, under their respective seals, as of the day and year as first above written.

**CITY OF NEWNAN,**  
a political subdivision of the State of Georgia

By: [Signature]

Mayor

Attest: [Signature]

Clerk

Date: 11/25/25

*Signatures continue on the following page*

SIGNATURE PAGE FOR THE COUNTY TO  
AN AGREEMENT REGARDING ANNEXATION PROCEDURES AND  
TRANSPORTATION IMPROVEMENTS

**COWETA COUNTY, GEORGIA,**  
a political subdivision of the State of Georgia

By: Bice McKeen  
Chairman

Attest: Frances J. Collins  
Clerk

Date: 11/18/2025



*Signatures continue on the following page*

SIGNATURE PAGE FOR THE DEVELOPER TO  
AN AGREEMENT REGARDING ANNEXATION PROCEDURES AND  
TRANSPORTATION IMPROVEMENTS

**NCTI, LLC,**  
a Georgia limited liability company

By: James Van S. Mottola

Name: James Van S. Mottola

Title: Member-Manager

Witness: Quintines

Date: 11-24-25

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**SURVEY DESCRIPTION**

**TRACT 1**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 107, 5TH DISTRICT, COWETA COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 1/2 INCH REBAR ON THE SOUTHERLY RIGHT-OF-WAY LINE OF GREENTOP ROAD (80 FOOT RIGHT-OF-WAY WIDTH) AND THE WEST LINE OF LAND LOT 107;

THENCE, ALONG SAID RIGHT-OF-WAY LINE, NORTH 70 DEGREES 17 MINUTES 35 SECONDS EAST, 82.70 FEET TO A POINT;

THENCE, NORTH 71 DEGREES 37 MINUTES 46 SECONDS EAST, 54.61 FEET TO A POINT;

THENCE, NORTH 72 DEGREES 09 MINUTES 08 SECONDS EAST, 47.46 FEET TO A POINT;

THENCE, NORTH 74 DEGREES 00 MINUTES 35 SECONDS EAST, 50.46 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 11 DEGREES 19 MINUTES 14 SECONDS EAST, 383.05 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, NORTH 89 DEGREES 36 MINUTES 25 SECONDS WEST, 300.00 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, 300.00 FEET TO THE

**POINT OF BEGINNING.**

SAID TRACT OR PARCEL CONTAINING **2.07 ACRES (90,073 SQUARE FEET).**

**TRACT 2**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 107, 5TH DISTRICT, COWETA COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT 1/2 INCH REBAR WITH CAP LOCATED NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 200.00 FEET FROM A 1/2 INCH OPEN TOP PIPE AT THE COMMON CORNER OF LAND LOTS 86, 87, 106 AND 107;

THENCE, NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 1,738.47 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, 132.83 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, SOUTH 89 DEGREES 36 MINUTES 25 SECONDS EAST, 300.00 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, NORTH 11 DEGREES 19 MINUTES 14 SECONDS WEST, 383.05 FEET TO A 1/2 INCH REBAR WITH CAP IN THE SOUTHERLY RIGHT-OF-WAY LINE OF GREENTOP ROAD (80 FOOT RIGHT-OF-WAY WIDTH) ;

THENCE, WITH SAID RIGHT-OF-WAY LINE, NORTH 74 DEGREES 00 MINUTES 35 SECONDS EAST, 22.14 FEET TO A POINT;

THENCE, NORTH 74 DEGREES 38 MINUTES 01 SECONDS EAST, 266.30 FEET TO A POINT;

THENCE, NORTH 75 DEGREES 09 MINUTES 59 SECONDS EAST, 155.81 FEET TO A POINT;

THENCE, NORTH 76 DEGREES 02 MINUTES 41 SECONDS EAST, 140.82 FEET TO A 2 INCH OPEN TOP PIPE;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 01 DEGREES 07 MINUTES 37 SECONDS WEST, 1,089.87 FEET TO A 1/2 INCH REBAR;

THENCE, SOUTH 00 DEGREES 53 MINUTES 28 SECONDS WEST, 1,311.20 FEET TO A 1 INCH SQUARE IRON ROD;

THENCE, NORTH 89 DEGREES 35 MINUTES 40 SECONDS WEST, 758.53 FEET TO THE

**POINT OF BEGINNING.**

SAID TRACT OR PARCEL CONTAINING 38.51 ACRES (1,677,546 SQUARE FEET).

**TRACT 3**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 86 AND 107, 5TH DISTRICT, COWETA COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 1/2 INCH OPEN TOP PIPE AT THE COMMON CORNER OF LAND LOTS 86, 87, 106 AND 107;

THENCE, NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 200.00 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, SOUTH 89 DEGREES 35 MINUTES 40 SECONDS EAST, 758.53 FEET TO A 1 INCH SQUARE IRON ROD;

THENCE, SOUTH 01 DEGREES 08 MINUTES 35 SECONDS WEST, 200.00 FEET TO A 1 INCH OPEN TOP PIPE;

THENCE, SOUTH 87 DEGREES 57 MINUTES 50 SECONDS EAST, 1,039.27 FEET TO A 3/4 INCH OPEN TOP PIPE;

THENCE, SOUTH 00 DEGREES 57 MINUTES 15 SECONDS WEST, 47.48 FEET TO A 3/4 INCH OPEN TOP PIPE;

THENCE, SOUTH 01 DEGREES 00 MINUTES 19 SECONDS WEST, 150.67 FEET TO A 3/4 INCH OPEN TOP PIPE;

THENCE, SOUTH 01 DEGREES 06 MINUTES 35 SECONDS WEST, 1,066.18 FEET TO A NAIL IN THE NORTHERLY RIGHT-OF-WAY LINE OF CSX RAILROAD (200 FOOT RIGHT-OF-WAY WIDTH);

THENCE, WITH SAID RIGHT-OF-WAY LINE, SOUTH 55 DEGREES 13 MINUTES 16 SECONDS WEST, 2,186.81 FEET TO A 1/2 INCH OPEN TOP PIPE;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE, NORTH 00 DEGREES 35 MINUTES 00 SECONDS EAST, 2,553.88 FEET TO THE

**POINT OF BEGINNING.**

SAID TRACT OR PARCEL CONTAINING 82.06 ACRES (3,574,618 SQUARE FEET).

NCTI, LLC, Tax Parcel #085 5107 001; Tax Parcel #085 5107 001A; Tax Parcel #085 5086 002; Land Lots 86 and 107, 5<sup>th</sup> Land District, Coweta County, Georgia on Green Top Road

**ORDINANCE TO AMEND THE ZONING MAP FOR PROPERTY LOCATED ON GREEN TOP ROAD CONTAINING 122.64+/- ACRES IN LAND LOTS 86 AND 107 OF THE FIFTH LAND DISTRICT, IN THE CITY OF NEWNAN, GEORGIA**

WHEREAS, the owner has filed an application for rezoning of the property described on Exhibit "A" attached hereto and by reference made a part hereof from the Coweta County Zoning Classification RC (Rural Conservation District) to the City of Newnan Classification PDR (Planned Residential Development District), following annexation in the corporate limits of the City of Newnan; and

WHEREAS, in accordance with the requirements of the City Zoning Ordinance, the Planning Commission of the City of Newnan has forwarded its recommendation to the City Council; and

WHEREAS, pursuant to said requirements of the City Zoning Ordinance, the City Council has conducted a properly advertised public hearing on the rezoning application not less than 15 nor more than 45 days from the date of publication of notice, which public hearing was held on the 28<sup>th</sup> day of April 2026; and

WHEREAS, after the above-referenced public hearing, the City Council has annexed the property and has determined the re-zoning of the property would be in the best interest of the residents, property owners and citizens of the City of Newnan, Georgia; and

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Newnan, Georgia, that the Zoning Map of the City of Newnan be revised as follows:

Section 1. That the property described on Exhibit "A" attached hereto and by reference made a part hereof containing 122.64± acres be rezoned PDR (Planned Residential District) subject to the conditions which follow.

- (1) Conditions imposed in An Agreement Between The City of Newnan, Coweta County, Georgia And NCTI LLC dated November 25, 2025, attached to the separate ordinance annexing the property into the corporate limits of the City of Newnan
- (2) See Exhibit "B" attached hereto and made a part hereof for additional conditions.

Section II. All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance hereby are repealed.

Section III. That should any phrase, clause, sentence, or section of this ordinance be deemed unconstitutional by a Court of competent jurisdiction, such

determination shall not effect the remaining provisions of this Ordinance, which provisions shall remain in full force and effect.

Section IV. This ordinance shall be effective upon adoption and as provided in O.C.G.A. §36-36-2.

DONE, RATIFIED and PASSED, by the City Council of the City of Newnan, Georgia, this the \_\_\_\_\_ day of \_\_\_\_\_, 2026, in regular session assembled.

ATTEST:

\_\_\_\_\_  
James Shepherd, Mayor

\_\_\_\_\_  
Megan Shea, City Clerk

\_\_\_\_\_  
Scott Berta, Mayor Pro-Tem

REVIEWED AS TO FORM:

\_\_\_\_\_  
C. Bradford Sears, Jr., City Attorney

\_\_\_\_\_  
Cynthia E. Jenkins, Councilmember

\_\_\_\_\_  
Cleatus Phillips, City Manager

\_\_\_\_\_  
Dustin Koritko, Councilmember

\_\_\_\_\_  
Paul Guillaume, Councilmember

\_\_\_\_\_  
James J. Thomasson III, Councilmember

\_\_\_\_\_  
Jennifer Morrisson, Councilmember

**LEGAL DESCRIPTION**

**TRACT 1**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 107, 5TH DISTRICT, COWETA COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 1/2 INCH REBAR ON THE SOUTHERLY RIGHT-OF-WAY LINE OF GREENTOP ROAD (80 FOOT RIGHT-OF-WAY WIDTH) AND THE WEST LINE OF LAND LOT 107;

THENCE, ALONG SAID RIGHT-OF-WAY LINE, NORTH 70 DEGREES 17 MINUTES 35 SECONDS EAST, 82.70 FEET TO A POINT;

THENCE, NORTH 71 DEGREES 37 MINUTES 48 SECONDS EAST, 54.61 FEET TO A POINT;

THENCE, NORTH 72 DEGREES 09 MINUTES 08 SECONDS EAST, 47.48 FEET TO A POINT;

THENCE, NORTH 74 DEGREES 00 MINUTES 36 SECONDS EAST, 50.46 FEET TO A 1-2 INCH REBAR WITH CAP;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 11 DEGREES 19 MINUTES 14 SECONDS EAST, 383.05 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, NORTH 89 DEGREES 36 MINUTES 25 SECONDS WEST, 300.00 FEET TO A 1/2 INCH REBAR WITH CAP;

THENCE, NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 300.00 FEET TO THE

**POINT OF BEGINNING.**

SAID TRACT OR PARCEL CONTAINING **2.07 ACRES (90,073 SQUARE FEET).**

**TRACT 2**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 107, 5TH DISTRICT, COWETA COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT 1/2 INCH REBAR WITH CAP LOCATED NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 200.00 FEET FROM A 1/2 INCH OPEN TOP PIPE AT THE COMMON CORNER OF LAND LOTS 86, 87, 108 AND 107;

THENCE, NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 1728.47 FEET TO A 1-2 INCH REBAR;

THENCE, NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 132.83 FEET TO A 1-2 INCH REBAR WITH CAP;

THENCE, SOUTH 89 DEGREES 36 MINUTES 25 SECONDS EAST, 300.00 FEET TO A 1-2 INCH REBAR WITH CAP;

THENCE, NORTH 11 DEGREES 19 MINUTES 14 SECONDS WEST, 382.05 FEET TO A 1-2 INCH REBAR WITH CAP

IN THE SOUTHERLY RIGHT-OF-WAY LINE OF GREENTOP ROAD (80 FOOT RIGHT-OF-WAY WIDTH);

THENCE, WITH SAID RIGHT-OF-WAY LINE, NORTH 74 DEGREES 00 MINUTES 36 SECONDS EAST, 22.14 FEET TO A POINT;

THENCE, NORTH 74 DEGREES 38 MINUTES 31 SECONDS EAST, 265.30 FEET TO A POINT;

THENCE, NORTH 75 DEGREES 09 MINUTES 08 SECONDS EAST, 185.81 FEET TO A POINT;

THENCE, NORTH 78 DEGREES 02 MINUTES 41 SECONDS EAST, 140.22 FEET TO A 1-2 INCH OPEN TOP PIPE;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 01 DEGREES 07 MINUTES 37 SECONDS WEST, 1089.87 FEET TO A 1-2 INCH REBAR;

THENCE, SOUTH 00 DEGREES 53 MINUTES 13 SECONDS WEST, 1211.20 FEET TO A 1 INCH SQUARE IRON ROD;

THENCE, NORTH 89 DEGREES 36 MINUTES 40 SECONDS WEST, 759.53 FEET TO THE

**POINT OF BEGINNING.**

SAID TRACT OR PARCEL CONTAINING **38.51 ACRES (1,677,546 SQUARE FEET).**

**TRACT 3**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 86 AND 107, 5TH DISTRICT, COWETA COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 1/2 INCH OPEN TOP PIPE AT THE COMMON CORNER OF LAND LOTS 86, 87, 108 AND 107;

THENCE, NORTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, 200.00 FEET TO A 1-2 INCH REBAR WITH CAP;

THENCE, SOUTH 89 DEGREES 36 MINUTES 40 SECONDS EAST, 759.53 FEET TO A 1 INCH SQUARE IRON ROD;

THENCE, SOUTH 01 DEGREES 09 MINUTES 35 SECONDS WEST, 200.00 FEET TO A 1 INCH OPEN TOP PIPE;

THENCE, SOUTH 87 DEGREES 57 MINUTES 50 SECONDS EAST, 1036.27 FEET TO A 3-4 INCH OPEN TOP PIPE;

THENCE, SOUTH 00 DEGREES 57 MINUTES 15 SECONDS WEST, 47.48 FEET TO A 3-4 INCH OPEN TOP PIPE;

THENCE, SOUTH 01 DEGREES 00 MINUTES 13 SECONDS WEST, 159.57 FEET TO A 3-4 INCH OPEN TOP PIPE;

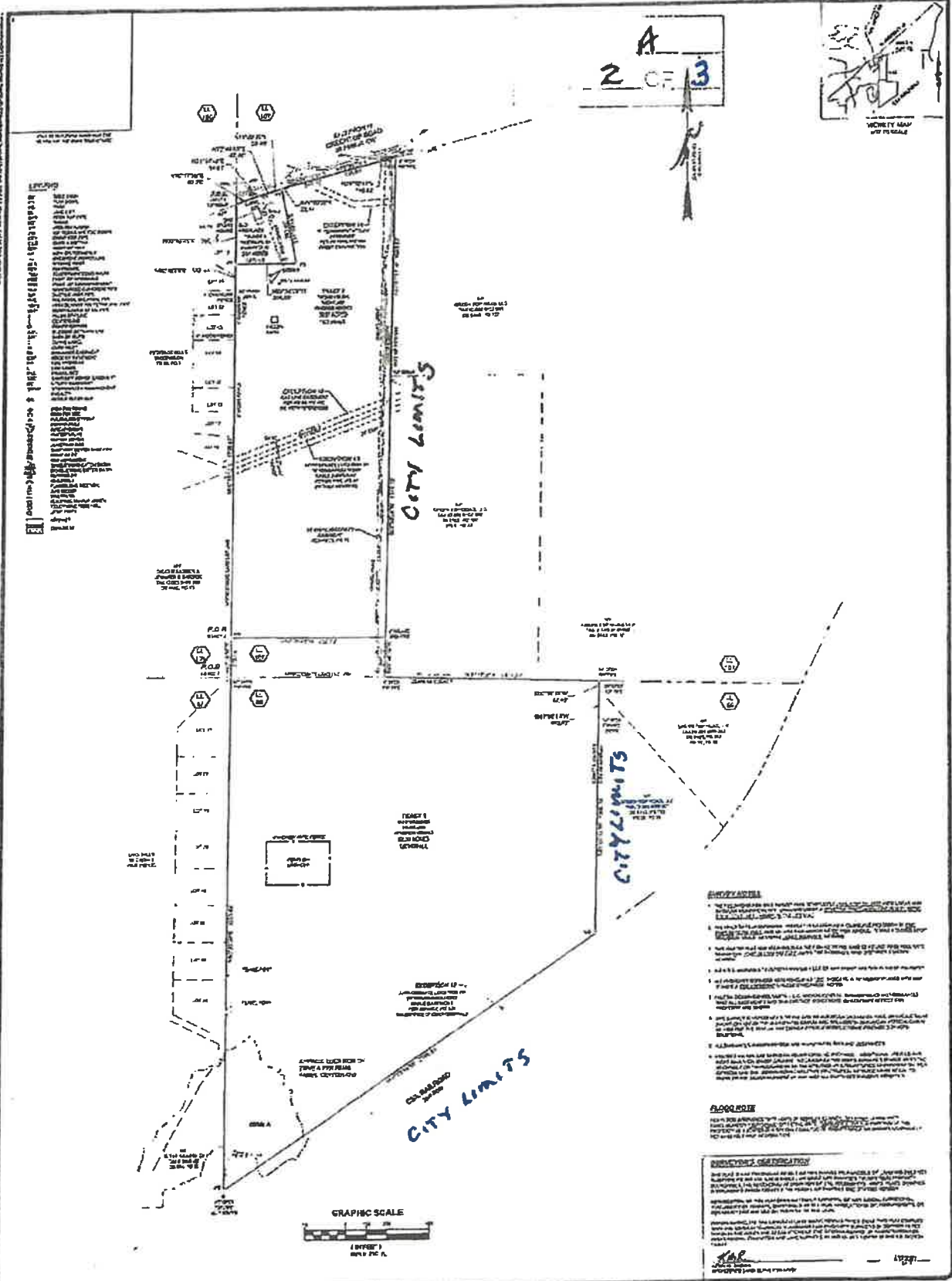
THENCE, SOUTH 01 DEGREES 08 MINUTES 35 SECONDS WEST, 1089.18 FEET TO A NAIL IN THE NORTHERLY RIGHT-OF-WAY LINE OF CSX RAILROAD (200 FOOT RIGHT-OF-WAY WIDTH);

THENCE, WITH SAID RIGHT-OF-WAY LINE, SOUTH 55 DEGREES 13 MINUTES 13 SECONDS WEST, 2183.91 FEET TO A 1/2 INCH OPEN TOP PIPE;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE, NORTH 00 DEGREES 35 MINUTES 00 SECONDS EAST, 2259.89 FEET TO THE

**POINT OF BEGINNING.**

SAID TRACT OR PARCEL CONTAINING **82.06 ACRES (3,574,618 SQUARE FEET).**



1 OF 2



ALTA/NSPS LAND TITLE SURVEY  
 GREENTOP ROAD  
 LAND LOTS 86 AND 107, 5TH DISTRICT  
 COWETA COUNTY, GEORGIA

ALTA/NSPS LAND TITLE SURVEY  
 GREENTOP ROAD  
 LAND LOTS 86 AND 107, 5TH DISTRICT  
 COWETA COUNTY, GEORGIA

ALTA/NSPS LAND TITLE SURVEY  
 GREENTOP ROAD  
 LAND LOTS 86 AND 107, 5TH DISTRICT  
 COWETA COUNTY, GEORGIA



ALTA SURVEY

3 A 3

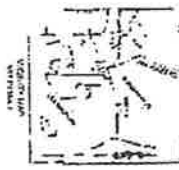
ALTA SURVEY  
GREEN TOP ROAD  
LAND LOTS 86 AND 107, 5TH DISTRICT  
COWETA COUNTY, GEORGIA

**SURVEYOR'S CERTIFICATE**  
I, the undersigned, being duly qualified and sworn as a Surveyor in the State of Georgia, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land surveyed, and that the same is in accordance with the laws of the State of Georgia, and that the same is in accordance with the laws of the State of Georgia, and that the same is in accordance with the laws of the State of Georgia.

**PERSONAL DESCRIPTION**  
The land described in the foregoing plat is situated in the 5th District of Coweta County, Georgia, and is bounded on the north by the line of the Green Top Road, on the east by the line of the Green Top Road, on the south by the line of the Green Top Road, and on the west by the line of the Green Top Road.

**SURVEY DESCRIPTION**  
TRACT 1  
The land described in the foregoing plat is situated in the 5th District of Coweta County, Georgia, and is bounded on the north by the line of the Green Top Road, on the east by the line of the Green Top Road, on the south by the line of the Green Top Road, and on the west by the line of the Green Top Road.

**TRACT 2**  
The land described in the foregoing plat is situated in the 5th District of Coweta County, Georgia, and is bounded on the north by the line of the Green Top Road, on the east by the line of the Green Top Road, on the south by the line of the Green Top Road, and on the west by the line of the Green Top Road.



CHIRICO TITLE INSURANCE COMPANY  
COMMISSIONER JOHN E. HANCOCK  
AGENTS - ASTORIA - GEORGIA

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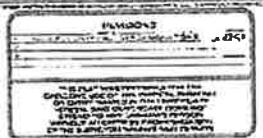
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ALTA SURVEY  
GREEN TOP ROAD  
LAND LOTS 86 AND 107, 5TH DISTRICT  
COWETA COUNTY, GEORGIA



2 OF 2

**NCTI LLC**  
**Application for Annexation and to Amend Zoning Map**  
**Proffered Conditions**

Applicant proffers, as conditions:

A. GENERAL CONDITIONS:

- 1) The project will be consistent with the concept plan, density, project data, and elevations provided as part of the application.
- 2) The average square footages for each Pod will be as follows:  
Ranch Pod – 1,800 square feet; Traditional Pod – 2,500 square feet; Estate Pod – 3,000 square feet.

B. SPECIFIC CONDITIONS:

- 1) The maximum number of lots is restricted to two hundred thirty-five (235) single-family, detached, fee-simple owned homes.
- 2) A landscape plan shall be submitted to the appropriate department for review and approval prior to any plantings.
- 3) The applicant shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, setbacks, and other similar techniques to provide a more pleasing appearance to the subdivision. No vinyl or wood siding shall be allowed.

NOT APPLICABLE  
COMPLETED IN  
PHASE I →

~~4) Right-of-way shall be reserved for a paved and publicly dedicated roadway to connect this development with a possible adjoining future development to the west and the portion of the connection within this development shall be constructed in conjunction with construction of the streets in this development.~~

5) The applicant shall comply with all requirements of City of Newnan's Stormwater Management, Soil Erosion and Sedimentation Control, and Wetlands Protection Ordinances. Stormwater management shall also meet the requirements of the Metropolitan North Georgia Water Planning District.

6) All applicable requirements of the Fire, Environmental Management, and Building Department shall be met.

7) Natural vegetation shall remain on the property prior to issuance of a Land Development Permit.

8) The property shall be served by public water and sewerage facilities provided by Newnan Utilities.

9) All drainage features shall be in accordance with standards and specifications of the City of Newnan and no extension shall be made (leading to or) from the street drainage through abutting property without approval of the City. Should it become necessary to pipe or otherwise convey roof, groundwater and/or yard drainage to the City stormwater system, prior to doing so, a plan shall be submitted to the appropriate City department for consideration.

10) All front, side and rear yards of all disturbed grass areas on lots shall be sodded.

11) All utilities that provide service to the proposed subdivision shall be placed underground.

12) The subject property shall be limited to single-family, detached buildings; customary accessory buildings and uses; and home occupations.

13) There shall be a 135-foot building setback (Green Top centerline) and a 50-foot planted buffer along the entire frontage on Green Top Road, except entrances.

14) All garage doors shall be architecturally treated similarly to the renderings submitted.

15) The lot information and setbacks shall be as follows:

- Minimum street frontage 30-feet
- Minimum lot width at front setback 40 feet
- Minimum floor area 1,600 square feet
- Maximum impervious area 60%
- Minimum lot size 8,200 square feet
- Front setback 30-feet
- Side setback 5-feet
- Major side (double frontage) 10-feet
- Rear setback 20-feet
- Building separation 10-feet
- Maximum building height 2 stories/40-feet

16) There shall be a 25-foot natural, vegetated buffer around the perimeter of the site.

17) Developer will construct a pool and cabana amenity. If the property is annexed as part of the Everhour subdivision, however, the amenity will not be required, and residents of Everhour Phase II will have access to the amenities in Everhour Phase I. Developer will otherwise comply with Section 3-7 of the Zoning Ordinance.

- (18) Developer will not submit a land disturbance permit application for Phase II until November 1, 2027
- (19) The City of Newnan will not issue a permit for land disturbing activities until such times as Coweta County has reviewed and approved the plans for transportation purposes.
- (20) The developer will be required to meet all conditions specified in the DRI Notice of Decision dated October 27, 2025 and all conditions recommended by the director of Engineering as listed in his letter of December 15, 2025 or as otherwise agreed to by the parties including the Georgia Regional Transportation Authority (GRTA), except for the “Roadway Improvement Conditions to GRTA Notice of Decision” set forth in Attachment C, Section 2 of the Notice of Decision, which are beyond the jurisdiction of the City.
- (21) The project will be developed in accordance with the conditions specified in the arbitration agreement between the City of Newnan, Coweta County and NCTI, LLC dated November 25, 2025 and in accordance with all proffered conditions as outlined hereinafter.





**To:** Mayor and Council  
**Date:** April 28, 2026  
**Agenda Item:** Consideration of an Ordinance to amend Chapter 3, Alcoholic Beverages, Article II Licensing Procedures  
**Prepared By:** Cleatus Phillips, City Manager

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**Purpose:**

To amend Article II of the Alcohol Ordinance to allow administrative approval of alcohol license applications.

**Background:**

In the current ordinance, all applications for a new alcohol license, both package sales and onsite consumption, require approval by City Council after advertising a public hearing. The new ordinance will expedite the process, thus saving time and money for the applicant while still adhering to the same standards of approval. The current ordinance requires advertising for 2 consecutive weeks in the legal organ and placing a 24" x 36" sign on site for 2 consecutive weeks. With the removal of the 2-week advertising period and the waiting period to be placed on a Council agenda, an average of 4–6 weeks is being saved in the application process.

You will note that several sections of the ordinance were amended with this change and an appeal process was established in the event of an application denial. That appeal process will be considered by Council. In addition, please note that City Council retains responsibility for approving package store license applications.

**Funding:**

N/A

**Recommendation:**

Staff recommends that Article II, Licensing be deleted in its entirety and replaced with the attached ordinance.

**Attachments:**

1. ARTICLE\_II\_\_\_LICENSING 4.8.26 Draft
2. AN ORDINANCE TO AMEND CHAPTER 3 (1)

**Previous Discussion with Council:**

January 27, 2026 - Authorization to draft ordinance.

## **ARTICLE II. LICENSING**

### **Sec. 3-31. License required to sell alcoholic beverages.**

- (a) Licenses for the sale of alcoholic beverages shall be issued by the city clerk at an annual license fee as established herein:
- (1) Retail consumption dealer (distilled spirits, malt beverage and wine) \$2,500.00
  - (2) Retail consumption dealer (malt beverage only) 250.00
  - (3) Retail package dealer (malt beverage only) 250.00
  - (4) Retail consumption dealer (wine only) 250.00
  - (5) Retail package dealer (wine only) 250.00
  - (6) Wholesale dealer (distilled spirits) 100.00
  - (7) Wholesale dealer (malt beverage) 100.00
  - (8) Wholesale dealer (wine) 100.00
  - (9) Brewpub license, for beer only, shall only issue in conjunction with on-premises consumption license for a restaurant and shall be governed by the provisions of this chapter pertaining to on-premises consumption license and the provisions of O.C.G.A. § 3-5-36 et seq. 1,000.00
  - (10) Growler license 1,500.00
  - (11) Microbrewery license (in addition to any other license fees referenced herein above for wholesale malt beverage sales and the city's occupational tax ordinance) 1,000.00
  - (12) Ancillary Alcohol Beverage Caterer (in addition to any other license fee referenced herein above, if required) \$100.00
- (b) All licenses issued herein shall constitute a mere grant of a privilege to carry on such business during the term of the license subject to all the terms and conditions imposed by this chapter, the charter, related ordinances, of the Code of the City of Newnan, and the Constitution, laws and regulations of the state and the United States of America applicable to such business.
- (c) All licenses issued under this article shall have printed on the face the following words:
- "THIS LICENSE IS A PRIVILEGE AND IS SUBJECT TO BEING REVOKED AND ANNULLED BY THE CITY COUNCIL OF THE CITY OF NEWNAN AND IS SUBJECT TO LAWS, ORDINANCES AND REGULATIONS HEREAFTER ADOPTED."
- (d) Both the licensee or license representative shall be the authorized and duly constituted agent for service of all notices and processes required to be served on or given hereunder for any action or proceeding or uses of any nature whatsoever permitted under the provisions of the chapter or under any other provisions of this Code.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 03-39, § VII, 10-28-03; Ord. No. 08-19, § I, 12-16-08; Ord. No. 11-8, § II, 5-24-11; Ord. No. 13-15, § II, 7-23-13; Ord. No. 13-18, § 3, 8-13-13; Ord. No. 14-5, § 2, 4-22-14; Ord. No. 2019-3, § I, 3-11-19; Ord. No. 2019-24, § I, 12-10-19; Ord. No. 2020-14, § I, 10-27-20)

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### Sec. 3-32. Contents of application for license.

- (a) All persons desiring to obtain a license under this chapter for the sale of alcoholic beverages shall apply ~~to the city council~~ upon forms to be prepared and provided by the city ~~clerk, and shall be considered only at the first regular monthly meeting of the city council.~~ Such application shall state:
- (1) The location of the proposed business;
  - (2) The nature and character of the proposed business;
  - (3) If the business is to be operated by an individual, the name and address of that individual;
  - (4) If the business is to be operated by a partnership, the names and addresses of all general partners, the licensee and the license representative;
  - (5) If the business is to be operated by a close corporation, the names and addresses of all officers, directors, stockholders, licensee and license representative;
  - (6) If the business is to be operated by a corporation other than a close corporation, the name of the corporation, the address of the corporate office, the name and address of the registered agent for service of process for the corporation, and the name and address of the licensee and license representative;
  - (7) If the business is to be operated by a limited liability corporation (LLC), the name of the managing partner or partners, the address of the principal place of business of the LLC, the name and address of the registered agent for service of process for the LLC, and the name and address of the licensee or license representative; and
  - (8) Such other appropriate information as may be required by the governing body.
- (b) The truth of the contents of an application for a license shall be sworn to by the licensee and the license representative.
- (c) The licensee shall also file with the ~~city clerk~~ a completed State of Georgia Department of Revenue Alcohol Tax and Control Unit Form ATT-17, which has been filed with the state.
- (d) The application, when filed with the city ~~clerk~~, shall be accompanied by a processing fee of \$100.00. This processing fee is separate from and shall not be credited to the license fee. Said processing fee will not be refunded if the requested license is not granted.
- (e) When the license is approved, the license fee must be paid by certified check or cash within 30 days and prior to the issuance of the license.
- (f) If the person applying fails to receive a license from the State of Georgia, any license fees paid to the city shall be refunded.
- (g) Only one application form and accompanying documents must be filed for each business premises.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 98-19, § 3, 6-9-98)

### Sec. 3-33. Supporting documents to be filed with application.

Those applying for a license shall submit in support of the application for license the following documents;

- (1) A certificate from a Georgia registered land surveyor showing a scale drawing of the location of the proposed premises and the shortest straight line distance from the closest point of the licensed premises to the nearest property line of any residence, church building, alcoholic treatment center

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building, school building, educational building, school, college building or college campus located within a radius of 100 feet, 200 feet, and 300 feet of the premises.

- (2) The affidavit of each person whose name appears on an application for a license, pursuant to section 3-32 of this chapter, swearing that said person has not, within five years prior to the date of the application, been convicted of nor entered a plea of guilty or nolo contendere to any felony, misdemeanor, or other charge relating to the sale, manufacture, distribution, taxability, possession or use of alcoholic beverages or illegal drugs including the offense of driving a motor vehicle under the influence of alcohol or drugs; has not entered a plea of guilty or nolo contendere or been convicted of a felony or a misdemeanor of a crime opposed to decency and morality. Provided, however, that a person designated as a registered agent of a close corporation or a limited liability corporation on an application shall not be required to submit the affidavit required by this subsection unless such person is also designated as the licensee or license representative on such application.
- (3) A copy of a deed showing the applicant to be the owner of the premises for which the license is sought or a copy of a lease showing any interest the owner of the premises has in the business for which the license is sought.
- (4) A certificate from the chief of police of the city certifying that each person named in an application pursuant to section 3-32 of this chapter has been investigated and found not to have been convicted of not have entered a plea of guilty or nolo contendere to any felony, misdemeanor, or other charge relating to the sale, manufacture, distribution, taxability, possession or use of alcoholic beverages or illegal drugs within five years prior to the date of the application for the license; has not entered a plea of guilty or nolo contendere or been convicted of a felony or a misdemeanor of a crime opposed to decency and morality. For those applicants who, within the last five year period, have resided or do reside in a state other than Georgia, the applicant must furnish a certified copy of a driver history and criminal background history from the state or states in which he or she has resided or resides to the chief of police of the city. A person designated as a registered agent of a close corporation or a limited liability corporation on an application, however, shall not be required to submit a certificate from the chief of police of the city unless such person is also designated as the licensee or license representative on such application.
- (5) An affidavit that he/she is at least 21 years of age.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 98-19, §§ 4, 5, 6-9-98; Ord. No. 2022-2, § 3, 1-11-22)

### **Sec. 3-34. Required citizenship.**

No license under this article shall be granted to any applicant who is not a citizen of the United States or a permanent resident alien. If the applicant is a partnership, the requirements of this section shall apply to all partners.

(Ord. No. 96-8, § I, 4-9-96)

### **Sec. 3-35. Reserved.**

Ord. No. 2022-2, § 4, adopted Jan. 11, 2022, repealed § 3-35, which pertained to required residency, license representative, and derived from Ord. No. 96-8, § I, adopted April 9, 1996.

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### **Sec. 3-36. Misleading or omitted information.**

Any untrue or misleading information contained in or material omission left out of an original application for a license under this article shall be cause for the denial thereof. If any license has been granted under these circumstances, there shall be cause for revocation of same.

(Ord. No. 96-8, § I, 4-9-96)

### **Sec. 3-37. Compliance with zoning regulations.**

- (a) No license under this chapter shall be issued unless the location meets currently applicable provisions of the zoning ordinances of the city as amended; further, except as provided in subsection (b), no license shall be issued unless the location is within the OI-1, OI-2, CBD, CGN, CCS, CHV, CUN, PDO, or PDC commercial districts.
- (b) A license under this chapter may be issued to golf clubs located within the PD district provided the planned development:
  - (1) Has not less than 500 acres of contiguous land area;
  - (2) Has at least 200 residential sites, platted and recorded in the office of the Clerk of the Superior Court of Coweta County;
  - (3) Has a social club with:
    - a. An 18 hole golf course of regulation size;
    - b. A restaurant or eatery used exclusively for the purpose of preparing and serving meals, with a seating capacity of at least 60 patrons;
    - c. A golf or social club membership that has at least 100 paid-up members who have paid a membership fee for family or individual membership
    - d. A membership policy whereby membership is not denied or limited by an applicant's race, color, creed, sex, religion, or national origin; and
    - e. A full-time management staff for the social activities of the club, including the management of the premises where food and drink are sold.
- (c) The provisions of this section shall not apply to those business establishments holding a valid retail package license for the sale of malt beverages and/or wine on the date of adoption of this chapter provided that such license remains current and does not become and remain inactive for a period exceeding 12 months from the date last issued.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 98-19, § 6, 6-9-98; Ord. No. 01-25, §§ I, II, 7-24-01; Ord. No. 02-02, § I, 1-22-02; Ord. No. 03-39, § V, 10-28-03)

### **Sec. 3-38. Payment of taxes and other debts to city.**

The city ~~clerk~~ shall cause an inquiry to be made into the tax records to determine if any applicant or other parties interested in an application have any outstanding taxes, special assessments, unpaid utilities or any other monies owed to the city. No license shall be issued, renewed or considered for issuance to an applicant which has any outstanding payments to the city.

(Ord. No. 96-8, § I, 4-9-96)

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### Sec. 3-39. No licenses issued within prohibited distances.

- (a) No license shall be issued pursuant to this chapter for the sale of any alcoholic beverages on premises located:
- (1) *Distilled spirits, malt beverages, or win by the drink.* Only the location restriction with regard to an alcoholic treatment center building shall apply to a location for the issuance of a license to a person to sell distilled spirits, malt beverages or wine by the drink for consumption on the premises.
  - (2) *Wine.* No license shall be issued to any package wine retailer hereunder where the place of business is located within 300 feet of any school building, educational building or school grounds or college campus grounds.
  - (3) *Malt beverages.* No license shall be issued to any package malt beverage retailer where the place of business of the licensee is located within 300 feet of any school building, educational building or school grounds or college campus grounds.
  - (4) *Alcoholic treatment center.* No license shall be issued for the sale of alcoholic beverages within 300 feet of any alcoholic treatment center building owned and operated by the state, Coweta County, or the City of Newnan.
  - (5) *Schools applicable.* As used in this subsection (a) the term "school building" or "educational building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools as defined in subsection (b) of O.C.G.A. § 20-2-690 and shall not include private schools or colleges wherein only specialized subjects, such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.
  - (6) *[Housing authority property.]* No person knowingly and intentionally may sell any alcoholic beverages for consumption on the premises within 300 feet of any housing authority property. As used in this subsection (6), the term "*housing authority property*" means any property containing 300 housing units or fewer owned or operated by a housing authority created by Article 1 of Chapter 3 of Title 8, the "Housing Authorities Law."
  - (7) *Method of measuring.* The distances set out in subsections (1), (2), (3), and (4), shall be measured from the closest point of the licensed premises to the closest point of the school building, educational building or school grounds or college campus grounds or treatment center building by the shortest straight line.
- (b) The provisions of this section shall not apply to those business establishments holding a valid retail package license for the sale of malt beverages and/or wine on the date of adoption of this chapter provided that such license remains current and does not become and remain inactive for a period exceeding 12 months from the date last issued.
- (c) The provisions of this section shall not apply to those business establishments holding a valid pouring or on-premises consumption license for the sale of malt beverages and/or wine on the date of adoption of this chapter provided that such license remains current and does not become and remain inactive for a period exceeding 12 months from the date last issued. The provisions of this section shall apply to such business establishments seeking a license to sell distilled spirits by the drink for consumption on the premises, only.

The provisions of this section shall not apply to those golf clubs holding a valid pouring or on-premises consumption license, provided that sales of alcoholic beverages will not occur within 100 feet of any school building, educational building or school grounds or college campus grounds or alcoholic treatment center building,

said distance to be measured from an area designated as a golf cart path to the school building, educational building or school grounds or college campus grounds, or alcoholic treatment center building.

(d) Nothing in subparagraphs (a)(2) and (3) hereinabove shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within 300 feet of any college campus. As used in this subparagraph, the term "grocery store" means a retail establishment which has at least 85 percent of its total retail floor space reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space, and meets with other criteria or packaged sales of malt beverages or wine as set forth in this chapter.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 98-19, § 7, 6-9-98; Ord. No. 03-39, § VI, 10-28-03; Ord. No. 13-18, § 4, 8-13-13)

### **Sec. 3-40. Notice of application advertisement.**

(a) ~~All persons applying for a license under the terms of this chapter shall give notice of that application by placing a notice in the city legal organ for two consecutive weeks prior to the week when the application shall be heard by the city council. An affidavit from the publisher of said legal organ shall be filed with the city clerk prior to the hearing.~~

~~Said notice shall contain the location of the proposed business, names of all persons as they appear on the application as required by section 3-32 of this chapter, and the date and time the city council will hear the application. The advertisement shall be the type used for legal ads in the legal organ of the city, and the notice referred to shall be in the following form:~~

~~"NOTICE OF APPLICATION FOR RETAIL LICENSE TO SELL ALCOHOLIC BEVERAGES~~

~~\_\_\_\_\_ has/have made application to the council of the City of Newnan for a retail license to sell alcoholic beverages at the following location: \_\_\_\_\_. The application will be heard by city council at a public hearing to be held at \_\_\_ o'clock \_\_\_ m. on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.~~

~~Signed \_\_\_\_\_~~

~~Licensee"~~

~~Note: Names of the individual, general partners, corporation, licensee and license representative must be shown.~~

(b) ~~Those applying for a license shall place signs upon the location of the proposed business. Said signs shall read as follows:~~

~~"Alcohol beverage license applied for. Hearing before city council of the City of Newnan, Georgia on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_."~~

~~The signs described above shall be posted on the location of the proposed business for two weeks prior to the week of the hearing by the city council. Each sign shall be not less than 24 inches high and 36 inches wide, and shall face toward all public or private property adjoining the proposed location. Such signs shall be placed where they can be easily seen from all public or private property adjoining the proposed location. An affidavit from the applicant certifying posting shall be filed with the city clerk prior to the hearing.~~

~~This subsection shall not apply when application is made for a license transfer pursuant to section 3-46 of this chapter at the same location.~~

~~(Ord. No. 96-8, § I, 4-9-96; Ord. No. 01-50, § I, 12-18-01)~~

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**Sec. 3-401. Issuance of license ~~by city clerk.~~**

Upon ~~determination that the application meets the ascertainable standards of this chapter and approval of the application for license by the city council,~~ the timely payment of the license fee, the city manager or his/her designee~~city clerk~~ shall issue the appropriate license for the year in which said approval was granted. As an exception to this section, the City Council retains the responsibility of approving licenses for distilled spirits package stores as stated in Sec 3-69(e) of this chapter.

If issued to a corporation, said license shall be issued in the name of said corporation, the licensee and the license representative.

If issued to a partnership, said license shall be issued in the name of all the general partners, the licensee and the license representative.

If issued to an individual, said license shall be issued to that individual as licensee and the license representative.

(Ord. No. 96-8, § I, 4-9-96)

**Sec 3-41. Denial of license and right to appeal.**

(a) If the city manager or his/her designee determines that the application does not comply with the requirements of this ordinance, written notice of the reason or reasons for denial shall be mailed or delivered to the applicant.

(b) The applicant has the right to appeal the denial to the City Council. Requests for appeal must be submitted within 10 days of the denial and must include a statement detailing the grounds on which the applicant asserts that the denial was issued in error.

(c) The city council shall schedule the appeal at a meeting of the city council held no less than 20 days nor more than 60 days following receipt of the notice of appeal by the city manager. The standards for review set forth in section 3-47 herein shall apply.

**Sec. 3-42. Payment of license fee, pro-rated.**

(a) For any new license granted hereunder for pouring distilled spirits for consumption on the premises only between the effective date of this ordinance and July 1, 1996, the licensee fee shall be pro-rated. After July 1, 1996, the license fee shall be reduced by one-half for the remainder of the year 1996.

(b) For any new license granted hereunder prior to June 30 of each year, the licensee shall pay the full annual license fee.

(c) For any new license granted hereunder subsequent to July 1 of each year, the license fee shall be reduced by one-half.

(Ord. No. 96-8, § I, 4-9-96)

**Sec. 3-43. Renewal of licenses ~~by city clerk.~~**

All licenses shall be issued on a calendar year basis and shall be renewable as herein set forth:

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- (1) The city ~~clerk~~ shall send a letter to all license holders on or before the first day of October of each year to remind said license holders of renewal deadline for the subsequent year.
  - (2) The licensee shall file a renewal application form with the city ~~clerk~~ on or before November 1, of each year.
  - (3) The application shall be referred to the chief of police, who shall report on the licensee's activity, if any, and upon activity at the location of the licensed business, if any, during the year.
  - (4) If the chief reports any activity which constitutes probable cause for not renewing a license, the renewal shall not be made by the city ~~manager or his/her designee~~ ~~clerk~~. "Due cause" shall consist of any violation as set forth in section 3-110 of this chapter.
  - (5) Written notice of the reason or reasons for such non-renewal shall be mailed or delivered to the licensee at the licensed premises or mailed to the address shown on the renewal application. Licensee shall have 10 ~~ten~~ days from the date of the written notice to request a public hearing before the city council, as provided for in section 3-110 of this chapter.
  - (6) Provided that "due cause" does not exist for not renewing the license, the city ~~manager or his/her designee~~ ~~clerk~~ shall issue the renewal license upon payment of the annual license fee by the licensee on or before the last business day in November preceding the year for which the license is sought.
  - (7) Any change in the name of the licensee shall require the filing of the application and payment of the fee set forth in section 3-46(b) herein.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 2022-2, § 5, 1-11-22)

### **Sec. 3-44. Completion of proposed licensed premises; additions to licensed premises.**

- (a) Prior to the construction, renovation or completion of a licensed premises, the city council may allow a license to be issued only if plans for the proposed premises comply with applicable provisions of this chapter; however, no sales of alcoholic beverages shall be allowed upon said premises until they are completed according to the plans submitted and unless all other provisions of this chapter are complied with.
- (b) Prior to the beginning of construction of any addition to a licensed premises, the licensee shall submit to the city ~~clerk~~, a new survey and plans showing the location and dimensions of the addition to the licensed premises. Following completion of the addition, the licensee shall furnish a certificate from the surveyor stating that the completed addition to the licensed premises is as shown on the plat previously submitted. If any addition to the licensed premises violates any provisions of this chapter, the license granted hereunder shall be automatically canceled and all fees forfeited.

(Ord. No. 96-8, § I, 4-9-96)

### **Sec. 3-45. Time limit for commencement of business in licensed establishment; forfeiture for nonuse.**

- (a) All holders of licenses hereunder must within six months after the issuance of said license open the establishment referred to in said license. If said license holder fails to open the licensed establishment or receive a time extension from the city council within said six-month period the license shall be canceled and all fees forfeited.
- (b) Any holder of a license who, after beginning operation, ceases to operate the business for a three-month period automatically forfeits his license, and said license shall be automatically canceled and all fees forfeited.

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(Ord. No. 96-8, § I, 4-9-96)

### **Sec. 3-46. License transfers, change licensee, or relocation of business.**

- (a) Retail alcoholic beverage licenses may be transferred from one owner to another with the approval of the city ~~council~~ manager or his/her designee provided;
- (1) The business has existed at the same location and licenses have not been transferred for more than one year.
  - (2) All existing alcoholic beverage licenses issued to the existing owner for that location shall be transferred;
  - (3) All provisions of section 3-33 of this chapter shall be completed by the new owner except for subparagraph (1) provided such information was previously supplied by the previous owner or previous owners and has not changed.
  - (4) A transfer fee in the amount of \$100.00 is paid to the city ~~clerk~~ upon filing of the request.
- (b) (1) Requests for a change in licensee must be approved by the city manager or his/her designee and shall provide all appropriate information or supporting documents required under section 3-32 and 3-33 of this chapter as outlined in an approved form to be supplied by the city ~~clerk~~ for that purpose.
- (2) A fee in the amount of \$100.00 is to be paid to the city ~~clerk~~ upon the filing of the request.
  - (3) In the event there is a denial of the request for a change in the licensee by the city manager or his/her designee, the applicant may file a written notice of appeal to the city council within ~~15-10~~ days of the date of issuance of the written denial notice to the applicant from the city manager or his/her designee, which notice shall include the reason for the denial of the request. The city council shall schedule the appeal ~~for a public hearing before city council to hear the appeal~~ at a meeting of the city council held no less than 20 days nor more than 60 days following receipt of the notice of appeal by the city manager. The standards for review set forth in section 3-47 herein shall apply.
- (c) Reserved.
- (d) All business relocations must be approved by city council and the licensee shall provide all appropriate information and supporting documents as required under sections 3-32 and 3-33 of this chapter. Requirements of section 3-40 relating to advertising and posting must be met. Additional license fees shall not be required provided there is no change in the named licensee.
- (e) Any violation of this section shall constitute due cause for probation, suspension or revocation of the license or licenses granted by the council.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 01-50, §§ II, IV, 12-18-01; Ord. No. 2022-2, §§ 6, 7, 1-11-22; Ord. No. 2023-17, § I, 8-8-23)

### **Sec. 3-47. Standards to be applied by city council in granting hearing appeals to license denials; failure of applicant to attend public hearing appeal meeting.**

(a) ~~(a)~~—The standards to be applied by the city council, acting in its judicial capacity to grant or deny a license upon appeal, shall include, in the best judgment of the council, whether:

- (1) the applicant has presented the necessary documentation to illustrate compliance with the initial basis of denial as presented in the written denial from the city manager or his/her designee. ~~, based on all information obtained in the application process, possesses the~~

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~~qualities of sound judgment and discretion necessary for one who dispenses alcoholic beverages to the public generally.~~

~~(2) the City Manager or his or her designee erred in issuing the decision to deny the application.~~

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- (b) In addition to the foregoing standards, should any applicant, an official or representative of the applicant fail to attend ~~a public hearing~~ the appeal meeting before the mayor and council ~~regarding a new license, a request to transfer a license, a request to change a license or a license representative, or a request to relocate the business of a licensee,~~ the mayor and council may consider such ~~application or request~~ appeal to have been withdrawn by the applicant.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 98-19, § 8, 6-9-98; Ord. No. 01-50, § III, 12-18-01)

**Sec. 3-48. ~~Reserved. Applicants meeting standards will be granted license; reason for denial to be given in writing.~~**

~~All applicants for a license meeting the ascertainable standards of this chapter will be granted the license or licenses requested, upon the hearing; and the council in applying the facts to the licensing criteria will act in a judicial capacity. Whenever an application for license is denied by the council the reasons for such denial shall be stated in writing and entered upon the minutes.~~

~~(Ord. No. 96-8, § I, 4-9-96)~~

**Sec. 3-49. Persons who are not entitled to a license.**

It shall be unlawful to grant a license for the sale of alcoholic beverages to:

- (1) A person who is not of good character and reputation in the community in which he resides.
- (2) A person who has entered a plea of nolo contendere within a five-year period prior to the date of application for a license, entered a guilty plea or been convicted of a felony, for a crime of moral turpitude, or of a crime opposed to decency and morality; or who has entered a plea of nolo contendere within a five-year period prior to the date of application for a license, entered a guilty plea or been convicted of a crime involving violation of the ordinances of the city relating to the use, sale, manufacture, distribution, taxability or possession of beer, wine or liquor or violations of the laws of the state and federal government pertaining to the manufacture, possession, transportation, use, or sale of beer, wine or intoxicating liquors, or taxability thereof.
- (3) A person whose license under this chapter has been revoked for cause or who has had a license under this chapter revoked for cause.
- (4) A person whose place or business is conducted by a manager or agent unless such manager or agent qualifies as the license representative.
- (5) Any person who is under the age of 21 years or a person who is not of sound mind and memory.
- (6) Any person who is not eligible for a state alcoholic beverage license.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 2024-11, § I, 8-13-24)

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**Secs. 3-50—3-59. Reserved.**

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**AN ORDINANCE TO AMEND CHAPTER 3, ALCOHOLIC BEVERAGES, OF THE CODE OF ORDINANCES OF THE CITY OF NEWNAN, GEORGIA TO PROVIDE FOR THE LICENSING OF THE SALE AND POSSESSION OF ALCOHOLIC BEVERAGES IN THE CITY OF NEWNAN BY AMENDING ARTICLE II. LICENSING; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES**

WHEREAS, it has been determined that certain changes are necessary in the text of Chapter 3, Alcoholic Beverages, of the Code of Ordinances of the City of Newnan to provide for the licensing of sale and possession of alcoholic beverages in the City of Newnan by amending Article II. Licensing to provide for administrative licensing and process of appeals, except as to the package sales of distilled spirits.

NOW, THEREFORE, BE IT ORDAINED AND IT IS HEREBY ORDAINED by the City Council of the City of Newnan, Georgia, and it is hereby ordained by the authority of same:

Section I: Article II. Licensing of Chapter 3, Alcoholic Beverages be and is hereby deleted in its entirety and a new Article II. Licensing of Chapter 3, Alcoholic Beverage be and and is hereby adopted to read as follows:

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## **Article II. Licensing**

### **Sec. 3-31. License required to sell alcoholic beverages.**

- (a) Licenses for the sale of alcoholic beverages shall be issued by the city at an annual license fee as established herein:
- (1) Retail consumption dealer (distilled spirits, malt beverage and wine)\$2,500.00
  - (2) Retail consumption dealer (malt beverage only)250.00
  - (3) Retail package dealer (malt beverage only)250.00
  - (4) Retail consumption dealer (wine only)250.00
  - (5) Retail package dealer (wine only)250.00
  - (6) Wholesale dealer (distilled spirits)100.00
  - (7) Wholesale dealer (malt beverage)100.00
  - (8) Wholesale dealer (wine)100.00
  - (9) Brewpub license, for beer only, shall only issue in conjunction with on-premises consumption license for a restaurant and shall be governed by the provisions of this chapter pertaining to on-premises consumption license and the provisions of O.C.G.A. § 3-5-36 et seq.1,000.00
  - (10) Growler license1,500.00
  - (11) Microbrewery license (in addition to any other license fees referenced herein above for wholesale malt beverage sales and the city's occupational tax ordinance)1,000.00
  - (12) Ancillary Alcohol Beverage Caterer (in addition to any other license fee referenced herein above, if required)\$100.00
- (b) All licenses issued herein shall constitute a mere grant of a privilege to carry on such business during the term of the license subject to all the terms and conditions imposed by this chapter, the charter, related ordinances, of the Code of the City of Newnan, and the Constitution, laws and regulations of the state and the United States of America applicable to such business.
- (c) All licenses issued under this article shall have printed on the face the following words:
- "THIS LICENSE IS A PRIVILEGE AND IS SUBJECT TO BEING REVOKED AND ANNULLED BY THE CITY COUNCIL OF THE CITY OF NEWNAN AND IS SUBJECT TO LAWS, ORDINANCES AND REGULATIONS HEREAFTER ADOPTED."
- (d) Both the licensee or license representative shall be the authorized and duly constituted agent for service of all notices and processes required to be served on or given hereunder for any action or proceeding or uses of any nature whatsoever permitted under the provisions of the chapter or under any other provisions of this Code.

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(Ord. No. 96-8, § I, 4-9-96; Ord. No. 03-39, § VII, 10-28-03; Ord. No. 08-19, § I, 12-16-08; Ord. No. 11-8, § II, 5-24-11; Ord. No. 13-15, § II, 7-23-13; Ord. No. 13-18, § 3, 8-13-13; Ord. No. 14-5, § 2, 4-22-14; Ord. No. 2019-3, § I, 3-11-19; Ord. No. 2019-24, § I, 12-10-19; Ord. No. 2020-14, § I, 10-27-20)

**Sec. 3-32. Contents of application for license.**

- (a) All persons desiring to obtain a license under this chapter for the sale of alcoholic beverages shall apply upon forms to be prepared and provided by the city. Such application shall state:
  - (1) The location of the proposed business;
  - (2) The nature and character of the proposed business;
  - (3) If the business is to be operated by an individual, the name and address of that individual;
  - (4) If the business is to be operated by a partnership, the names and addresses of all general partners, the licensee and the license representative;
  - (5) If the business is to be operated by a close corporation, the names and addresses of all officers, directors, stockholders, licensee and license representative;
  - (6) If the business is to be operated by a corporation other than a close corporation, the name of the corporation, the address of the corporate office, the name and address of the registered agent for service of process for the corporation, and the name and address of the licensee and license representative;
  - (7) If the business is to be operated by a limited liability corporation (LLC), the name of the managing partner or partners, the address of the principal place of business of the LLC, the name and address of the registered agent for service of process for the LLC, and the name and address of the licensee or license representative; and
  - (8) Such other appropriate information as may be required by the governing body.
- (b) The truth of the contents of an application for a license shall be sworn to by the licensee and the license representative.
- (c) The licensee shall also file with the city a completed State of Georgia Department of Revenue Alcohol Tax and Control Unit Form ATT-17, which has been filed with the state.
- (d) The application, when filed with the city, shall be accompanied by a processing fee of \$100.00. This processing fee is separate from and shall not be credited to the license fee. Said processing fee will not be refunded if the requested license is not granted.
- (e) When the license is approved, the license fee must be paid by certified check or cash within 30 days and prior to the issuance of the license.

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- (f) If the person applying fails to receive a license from the State of Georgia, any license fees paid to the city shall be refunded.
  - (g) Only one application form and accompanying documents must be filed for each business premises.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 98-19, § 3, 6-9-98)

**Sec. 3-33. Supporting documents to be filed with application.**

Those applying for a license shall submit in support of the application for license the following documents;

- (1) A certificate from a Georgia registered land surveyor showing a scale drawing of the location of the proposed premises and the shortest straight line distance from the closest point of the licensed premises to the nearest property line of any residence, church building, alcoholic treatment center building, school building, educational building, school, college building or college campus located within a radius of 100 feet, 200 feet, and 300 feet of the premises.
- (2) The affidavit of each person whose name appears on an application for a license, pursuant to section 3-32 of this chapter, swearing that said person has not, within five years prior to the date of the application, been convicted of nor entered a plea of guilty or nolo contendere to any felony, misdemeanor, or other charge relating to the sale, manufacture, distribution, taxability, possession or use of alcoholic beverages or illegal drugs including the offense of driving a motor vehicle under the influence of alcohol or drugs; has not entered a plea of guilty or nolo contendere or been convicted of a felony or a misdemeanor of a crime opposed to decency and morality. Provided, however, that a person designated as a registered agent of a close corporation or a limited liability corporation on an application shall not be required to submit the affidavit required by this subsection unless such person is also designated as the licensee or license representative on such application.
- (3) A copy of a deed showing the applicant to be the owner of the premises for which the license is sought or a copy of a lease showing any interest the owner of the premises has in the business for which the license is sought.
- (4) A certificate from the chief of police of the city certifying that each person named in an application pursuant to section 3-32 of this chapter has been investigated and found not to have been convicted of not have entered a plea of guilty or nolo contendere to any felony, misdemeanor, or other charge relating to the sale, manufacture, distribution, taxability, possession or use of alcoholic beverages or illegal drugs within five years prior to the date of the application for the license; has not entered a plea of guilty or nolo contendere or been convicted of a felony or a misdemeanor of a crime opposed to decency and morality. For those applicants who, within the last five year period, have resided or do reside in a state other than Georgia, the applicant must furnish a certified copy of a driver history and criminal background history from the state or states in which he or she has resided or resides to the chief of police of the city. A person designated as a registered agent of a close corporation or a limited liability corporation on an application, however, shall not be

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required to submit a certificate from the chief of police of the city unless such person is also designated as the licensee or license representative on such application.

(5) An affidavit that he/she is at least 21 years of age.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 98-19, §§ 4, 5, 6-9-98; Ord. No. 2022-2, § 3, 1-11-22)

**Sec. 3-34. Required citizenship.**

No license under this article shall be granted to any applicant who is not a citizen of the United States or a permanent resident alien. If the applicant is a partnership, the requirements of this section shall apply to all partners.

(Ord. No. 96-8, § I, 4-9-96)

**Sec. 3-35. Reserved.**

Ord. No. 2022-2, § 4, adopted Jan. 11, 2022, repealed § 3-35, which pertained to required residency, license representative, and derived from Ord. No. 96-8, § I, adopted April 9, 1996.

**Sec. 3-36. Misleading or omitted information.**

Any untrue or misleading information contained in or material omission left out of an original application for a license under this article shall be cause for the denial thereof. If any license has been granted under these circumstances, there shall be cause for revocation of same.

(Ord. No. 96-8, § I, 4-9-96)

**Sec. 3-37. Compliance with zoning regulations.**

- (a) No license under this chapter shall be issued unless the location meets currently applicable provisions of the zoning ordinances of the city as amended; further, except as provided in subsection (b), no license shall be issued unless the location is within the OI-1, OI-2, CBD, CGN, CCS, CHV, CUN, PDO, or PDC commercial districts.
- (b) A license under this chapter may be issued to golf clubs located within the PD district provided the planned development:
  - (1) Has not less than 500 acres of contiguous land area;
  - (2) Has at least 200 residential sites, platted and recorded in the office of the Clerk of the Superior Court of Coweta County;
  - (3) Has a social club with:
    - a. An 18 hole golf course of regulation size;
    - b. A restaurant or eatery used exclusively for the purpose of preparing and serving meals, with a seating capacity of at least 60 patrons;

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- c. A golf or social club membership that has at least 100 paid-up members who have paid a membership fee for family or individual membership
  - d. A membership policy whereby membership is not denied or limited by an applicant's race, color, creed, sex, religion, or national origin; and
  - e. A full-time management staff for the social activities of the club, including the management of the premises where food and drink are sold.
- (c) The provisions of this section shall not apply to those business establishments holding a valid retail package license for the sale of malt beverages and/or wine on the date of adoption of this chapter provided that such license remains current and does not become and remain inactive for a period exceeding 12 months from the date last issued.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 98-19, § 6, 6-9-98; Ord. No. 01-25, §§ I, II, 7-24-01; Ord. No. 02-02, § I, 1-22-02; Ord. No. 03-39, § V, 10-28-03)

**Sec. 3-38. Payment of taxes and other debts to city.**

The city shall cause an inquiry to be made into the tax records to determine if any applicant or other parties interested in an application have any outstanding taxes, special assessments, unpaid utilities or any other monies owed to the city. No license shall be issued, renewed or considered for issuance to an applicant which has any outstanding payments to the city.

(Ord. No. 96-8, § I, 4-9-96)

**Sec. 3-39. No licenses issued within prohibited distances.**

- (a) No license shall be issued pursuant to this chapter for the sale of any alcoholic beverages on premises located:
- (1) *Distilled spirits, malt beverages, or win by the drink.* Only the location restriction with regard to an alcoholic treatment center building shall apply to a location for the issuance of a license to a person to sell distilled spirits, malt beverages or wine by the drink for consumption on the premises.
  - (2) *Wine.* No license shall be issued to any package wine retailer hereunder where the place of business is located within 300 feet of any school building, educational building or school grounds or college campus grounds.
  - (3) *Malt beverages.* No license shall be issued to any package malt beverage retailer where the place of business of the licensee is located within 300 feet of any school building, educational building or school grounds or college campus grounds.
  - (4) *Alcoholic treatment center.* No license shall be issued for the sale of alcoholic beverages within 300 feet of any alcoholic treatment center building owned and operated by the state, Coweta County, or the City of Newnan.
  - (5) *Schools applicable.* As used in this subsection (a) the term "school building" or "educational building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools as defined in subsection (b) of

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O.C.G.A. § 20-2-690 and shall not include private schools or colleges wherein only specialized subjects, such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

- (6) *[Housing authority property.]* No person knowingly and intentionally may sell any alcoholic beverages for consumption on the premises within 300 feet of any housing authority property. As used in this subsection (6), the term "*housing authority property*" means any property containing 300 housing units or fewer owned or operated by a housing authority created by Article 1 of Chapter 3 of Title 8, the "Housing Authorities Law."
- (7) *Method of measuring.* The distances set out in subsections (1), (2), (3), and (4), shall be measured from the closest point of the licensed premises to the closest point of the school building, educational building or school grounds or college campus grounds or treatment center building by the shortest straight line.
- (b) The provisions of this section shall not apply to those business establishments holding a valid retail package license for the sale of malt beverages and/or wine on the date of adoption of this chapter provided that such license remains current and does not become and remain inactive for a period exceeding 12 months from the date last issued.
- (c) The provisions of this section shall not apply to those business establishments holding a valid pouring or on-premises consumption license for the sale of malt beverages and/or wine on the date of adoption of this chapter provided that such license remains current and does not become and remain inactive for a period exceeding 12 months from the date last issued. The provisions of this section shall apply to such business establishments seeking a license to sell distilled spirits by the drink for consumption on the premises, only.

The provisions of this section shall not apply to those golf clubs holding a valid pouring or on-premises consumption license, provided that sales of alcoholic beverages will not occur within 100 feet of any school building, educational building or school grounds or college campus grounds or alcoholic treatment center building, said distance to be measured from an area designated as a golf cart path to the school building, educational building or school grounds or college campus grounds, or alcoholic treatment center building.

- (d) Nothing in subparagraphs (a)(2) and (3) hereinabove shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within 300 feet of any college campus. As used in this subparagraph, the term "grocery store" means a retail establishment which has at least 85 percent of its total retail floor space reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space, and meets with other criteria or packaged sales of malt beverages or wine as set forth in this chapter.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 98-19, § 7, 6-9-98; Ord. No. 03-39, § VI, 10-28-03; Ord. No. 13-18, § 4, 8-13-13)

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**Sec. 3-40. Issuance of license.**

Upon determination that the application meets the ascertainable standards of this chapter and the timely payment of the license fee, the city manager or his/her designee shall issue the appropriate license for the year in which said approval was granted. As an exception to this section, the City Council retains the responsibility of approving licenses for distilled spirits package stores as stated in Sec 3-69(e) of this chapter.

If issued to a corporation, said license shall be issued in the name of said corporation, the licensee and the license representative.

If issued to a partnership, said license shall be issued in the name of all the general partners, the licensee and the license representative.

If issued to an individual, said license shall be issued to that individual as licensee and the license representative.

(Ord. No. 96-8, § I, 4-9-96)

**Sec 3-41. Denial of license and right to appeal.**

- (a) If the city manager or his/her designee determines that the application does not comply with the requirements of this ordinance, written notice of the reason or reasons for denial shall be mailed or delivered to the applicant.
- (b) The applicant has the right to appeal the denial to the City Council. Requests for appeal must be submitted within 10 days of the denial and must include a statement detailing the grounds on which the applicant asserts that the denial was issued in error.
- (c) The city council shall schedule the appeal at a meeting of the city council held no less than 20 days nor more than 60 days following receipt of the notice of appeal by the city manager. The standards for review set forth in section 3-47 herein shall apply.

**Sec. 3-42. Payment of license fee, pro-rated.**

- (a) For any new license granted hereunder for pouring distilled spirits for consumption on the premises only between the effective date of this ordinance and July 1, 1996, the licensee fee shall be pro-rated. After July 1, 1996, the license fee shall be reduced by one-half for the remainder of the year 1996.
- (b) For any new license granted hereunder prior to June 30 of each year, the licensee shall pay the full annual license fee.
- (c) For any new license granted hereunder subsequent to July 1 of each year, the license fee shall be reduced by one-half.

(Ord. No. 96-8, § I, 4-9-96)

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**Sec. 3-43. Renewal of licenses.**

All licenses shall be issued on a calendar year basis and shall be renewable as herein set forth:

- (1) The city shall send a letter to all license holders on or before the first day of October of each year to remind said license holders of renewal deadline for the subsequent year.
- (2) The licensee shall file a renewal application form with the city on or before November 1, of each year.
- (3) The application shall be referred to the chief of police, who shall report on the licensee's activity, if any, and upon activity at the location of the licensed business, if any, during the year.
- (4) If the chief reports any activity which constitutes probable cause for not renewing a license, the renewal shall not be made by the city manager or his/her designee. "Due cause" shall consist of any violation as set forth in section 3-110 of this chapter.
- (5) Written notice of the reason or reasons for such non-renewal shall be mailed or delivered to the licensee at the licensed premises or mailed to the address shown on the renewal application. Licensee shall have 10 days from the date of the written notice to request a public hearing before the city council, as provided for in section 3-110 of this chapter.
- (6) Provided that "due cause" does not exist for not renewing the license, the city manager or his/her designee shall issue the renewal license upon payment of the annual license fee by the licensee on or before the last business day in November preceding the year for which the license is sought.
- (7) Any change in the name of the licensee shall require the filing of the application and payment of the fee set forth in section 3-46(b) herein.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 2022-2, § 5, 1-11-22)

**Sec. 3-44. Completion of proposed licensed premises; additions to licensed premises.**

- (a) Prior to the construction, renovation or completion of a licensed premises, the city council may allow a license to be issued only if plans for the proposed premises comply with applicable provisions of this chapter; however, no sales of alcoholic beverages shall be allowed upon said premises until they are completed according to the plans submitted and unless all other provisions of this chapter are complied with.
- (b) Prior to the beginning of construction of any addition to a licensed premises, the licensee shall submit to the city, a new survey and plans showing the location and dimensions of the addition to the licensed premises. Following completion of the addition, the licensee shall furnish a certificate from the surveyor stating that the completed addition to the licensed premises is as shown on the plat previously submitted. If any addition to the licensed premises violates any provisions of this

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chapter, the license granted hereunder shall be automatically canceled and all fees forfeited.

(Ord. No. 96-8, § I, 4-9-96)

**Sec. 3-45. Time limit for commencement of business in licensed establishment; forfeiture for nonuse.**

- (a) All holders of licenses hereunder must within six months after the issuance of said license open the establishment referred to in said license. If said license holder fails to open the licensed establishment or receive a time extension from the city council within said six-month period the license shall be canceled and all fees forfeited.
- (b) Any holder of a license who, after beginning operation, ceases to operate the business for a three-month period automatically forfeits his license, and said license shall be automatically canceled and all fees forfeited.

(Ord. No. 96-8, § I, 4-9-96)

**Sec. 3-46. License transfers, change licensee, or relocation of business.**

- (a) Retail alcoholic beverage licenses may be transferred from one owner to another with the approval of the city manager or his/her designee provided;
  - (1) The business has existed at the same location and licenses have not been transferred for more than one year.
  - (2) All existing alcoholic beverage licenses issued to the existing owner for that location shall be transferred;
  - (3) All provisions of section 3-33 of this chapter shall be completed by the new owner except for subparagraph (1) provided such information was previously supplied by the previous owner or previous owners and has not changed.
  - (4) A transfer fee in the amount of \$100.00 is paid to the city upon filing of the request.
- (b)
  - (1) Requests for a change in licensee must be approved by the city manager or his/her designee and shall provide all appropriate information or supporting documents required under section 3-32 and 3-33 of this chapter as outlined in an approved form to be supplied by the city for that purpose.
  - (2) A fee in the amount of \$100.00 is to be paid to the city upon the filing of the request.
  - (3) In the event there is a denial of the request for a change in the licensee by the city manager or his/her designee, the applicant may file a written notice of appeal to the city council within 10 days of the date of issuance of the written denial notice to the applicant from the city manager or his/her designee, which notice shall include the reason for the denial of the request. The city council shall schedule the appeal at a meeting of the city council held no less than 20 days nor more than 60 days following receipt of the notice of appeal

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by the city manager. The standards for review set forth in section 3-47 herein shall apply.

- (c) Reserved.
- (d) All business relocations must be approved by city council and the licensee shall provide all appropriate information and supporting documents as required under sections 3-32 and 3-33 of this chapter. Requirements of section 3-40 relating to advertising and posting must be met. Additional license fees shall not be required provided there is no change in the named licensee.
- (e) Any violation of this section shall constitute due cause for probation, suspension or revocation of the license or licenses granted by the council.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 01-50, §§ II, IV, 12-18-01; Ord. No. 2022-2, §§ 6, 7, 1-11-22; Ord. No. 2023-17, § I, 8-8-23)

**Sec. 3-47. Standards to be applied by city council in hearing appeals to license denial; failure of applicant to attend appeal meeting.**

- (a) The standards to be applied by the city council, acting in its judicial capacity to grant or deny a license upon appeal, shall include, in the best judgment of the council, whether:
  - (1) the applicant has presented the necessary documentation to illustrate compliance with the initial basis of denial as presented in the written denial from the city manager or his/her designee.
  - (2) the City Manager or his or her designee erred in issuing the decision to deny the application.
- (b) In addition to the foregoing standards, should any applicant, an official or representative of the applicant fail to attend the appeal meeting before the mayor and council the mayor and council may consider such appeal to have been withdrawn by the applicant.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 98-19, § 8, 6-9-98; Ord. No. 01-50, § III, 12-18-01)

**Sec. 3-48. Reserved**

**Sec. 3-49. Persons who are not entitled to a license.**

It shall be unlawful to grant a license for the sale of alcoholic beverages to:

- (1) A person who is not of good character and reputation in the community in which he resides.
- (2) A person who has entered a plea of nolo contendere within a five-year period prior to the date of application for a license, entered a guilty plea or been convicted of a felony, for a crime of moral turpitude, or of a crime opposed to decency and morality; or who has entered a plea of nolo contendere within a five-year period prior to the date of application for a license, entered a guilty plea or been convicted of a crime involving violation of the ordinances of the

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city relating to the use, sale, manufacture, distribution, taxability or possession of beer, wine or liquor or violations of the laws of the state and federal government pertaining to the manufacture, possession, transportation, use, or sale of beer, wine or intoxicating liquors, or taxability thereof.

- (3) A person whose license under this chapter has been revoked for cause or who has had a license under this chapter revoked for cause.
- (4) A person whose place or business is conducted by a manager or agent unless such manager or agent qualifies as the license representative.
- (5) Any person who is under the age of 21 years or a person who is not of sound mind and memory.
- (6) Any person who is not eligible for a state alcoholic beverage license.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 2024-11, § I, 8-13-24)

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**Secs. 3-50—3-59. Reserved.**

Section II. Article V. Suspension Revocation and probation of licenses; due process; hearing, section 110. Grounds for suspension or revocation; notice; hearing; bond for reinstatement, paragraph (a) (1) is hereby amended to read as follows:

Sec. 3-110 (a) (1) Arrest or conviction (to include a plea of nolo contendere) by local, state or federal authorities of the licensee, license representative or any employees of the licensee for any felony, for a crime of moral turpitude, or any misdemeanor of a crime opposed to decency and morality, or any law, regulation or ordinance involving beverage alcohol, gambling, or tax law violations.

Section III. Should any phrase, clause, sentence, or section of this Ordinance be deemed unconstitutional by a Court of competent jurisdiction, such determination shall not effect the remaining provisions of this Ordinance, which provisions shall remain in full force and effect.

Section IV. The effective date of this Ordinance shall be upon adoption.

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DONE, RATIFIED and PASSED, by the City Council of the City of Newnan, Georgia, this the \_\_\_\_\_ day of \_\_\_\_\_, 2026, in regular session.

ATTEST:

\_\_\_\_\_  
Megan Shea, City Clerk

\_\_\_\_\_  
James Shepherd, Mayor

REVIEWED AS TO FORM:

\_\_\_\_\_  
Scott Berta, Mayor Pro-Tem

\_\_\_\_\_  
C. Bradford Sears, Jr., City Attorney

\_\_\_\_\_  
Cynthia E. Jenkins, Councilmember

\_\_\_\_\_  
Cleatus Phillips, City Manager

\_\_\_\_\_  
Dustin Koritko, Councilmember

\_\_\_\_\_  
Paul Guillaume, Councilmember

\_\_\_\_\_  
Dustin Koritko, Councilmember

\_\_\_\_\_  
James J. Thomasson, III, Councilmember

\_\_\_\_\_  
Jennifer Morrison, Councilmember



**To:** Mayor and Council  
**Date:** April 28, 2026  
**Agenda Item:** Consideration of an Ordinance to amend the Code of Ordinances, Chapter 2 Administration, Article VI Purchasing  
**Prepared By:** Meg Kelsey, Assistant City Manager

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**Purpose:**

To obtain Mayor and Council approval to amend the Purchasing Chapter of the Code of Ordinances

**Background:**

After reviewing the Purchasing Chapter of the City Code, City staff recommends the following changes outlined in the attached comparison table. Changes focus on addressing administration realignment, increasing threshold levels for purchasing, and creating operational efficiencies.

**Administration realignment-** title shift from Finance Director to Finance Manager.

**Threshold Increases** - related to inflationary pressures

**Routine Purchases** increase from \$2,000 to \$5,000.

**Quotes** increase from \$5,000 to \$100,000 for department heads (3 quotes)

**Quotes** increase from \$5,000 to \$250,000 for City Manager (3 quotes) Over \$100,000- Council approval

**Bidding** increases from \$50,000 to \$250,000 for Request for Proposals and Invitation to Bids. After a historical review of purchases from 2019 to present (attached to materials), most items purchased between \$50,000 and \$250,000 are purchased off of state contract (ie vehicles, heavy duty equipment, hardware). Proposed changes would be to small construction jobs and professional service contracts.

**Bond requirements** increase from \$50,000 to \$250,000

**Public Works Law** - increased from \$100,000 to \$250,000 pursuant to state law in 2025

**Local Vendor Preference** - increased from \$25,000 to \$50,000 of lowest bid

**Emergency Purchases** - increase from \$50,000 to \$100,000

**Professional Services** - increases contract award from \$50,000 to \$100,000 without quotes and increases \$100,000 to \$250,000 with 3 quotes. Contracts over \$100,000 will need Council approval

**Improving Operational Efficiency**

Opening of Bids - removes requirement of two council members and inserts City Manager or his/her designee

**Funding:**

Not Applicable

**Recommendation:**

Staff recommends approval of amendments to purchasing procedures.

**Attachments:**

1. Comparison Chart for Purchasing
2. Purchase Ordinance --- 2026

3. ARTICLE\_VI.\_\_\_\_PURCHASING\_redline version
4. purchases from \$50 to \$100k
5. purchases from \$100 to \$250k
6. Survey of Comparable Georgia Cities

**Previous Discussion with Council:**

On March 24, 2026, Council instructed staff to review the purchasing chapter of the city code and recommend appropriate changes.

Section	Existing Ordinance	Proposed Change	Justification
2-255 - Administration	finance director	finance manager	position modifications in 2024
2-257 - Definitions	finance director	finance manager	position modifications in 2024
2-259 Tax-exempt status	finance director	finance manager	position modifications in 2024
2-261 Purchase Order Request	Requisition Required Over \$2,000	Requisition Required Over \$5,000	survey - typical across pooled cities
2-261 Purchase Order Request	finance director	finance manager	position modifications in 2024
2-268 Ineligible source list	finance director	finance manager	position modifications in 2024
2-269 Public Works law Compliance	PW Projects Over \$100,000 following state law - Bidding Required	PW Projects Over \$250,000 following state law - Bidding Required	state law change 2025
2-305 Local Vendor Preference	preference to local vendor when total amount of lowest bid doesn't exceed \$25,000	preference to local vendor when total amount of lowest bid doesn't exceed \$50,000	inflationary pressures
2-323- Emergency Purchases	purchase over \$50,000 require ratification from Council	purchase over \$100,000 require ratification from Council	inflationary pressures
2-324 - Routine Purchases	authorized to make purchases without requisition up to \$2,000	authorized to make purchases without requisition up to \$5,000	survey - typical across pooled cities
2-325 - Quotes	Purchases from \$2,000 to \$50,000- require requisition and 3 quotes require CM approval	Purchases from \$5,000 to \$100,000- require requisition and 3 quotes require Dept head approval	survey - typical across pooled cities
2-325 - Quotes	Purchases from \$2,000 to \$50,000- require requisition and 3 quotes require CM approval	Purchases from \$100,000 to \$250,000 - require requisition and 3 quotes - CM approval; All purchases over \$100,000 require Council approval	survey - typical across pooled cities
2-327 - Invitation to Bid	Excess of \$50,000 - BID	Excess of \$250,000 - BID	public works law change to \$250,000
2-327 - Invitation to Bid	Opening of Bid - 2 Council Members present	Opening of Bid - CM or designee	administration change
2-328 - Request for Proposals	Excess of \$50,000 - BID	Excess of \$250,000 - BID	public works law change to \$250,000
2-328 - Request for Proposals	Opening of Bid - 2 Council Members present	Opening of Bid - CM or designee	administration change
2-330- Professional Services	CM directly contracts with professional firm no greater than \$50,000 -without quotes	CM directly contracts with professional firm no greater than \$100,000 - without quotes	inflationary pressures
2-330- Professional Services	CM Directly contracts with professional firm from \$50,000 to \$100,000-with 2 quotes minimum	CM Directly contract with professional firm from \$100,000 to \$250,000- with 3 quotes minimum - Contract must be approved by Council	inflationary pressures
2-330- Professional Services	All contracts over \$100,000 - purchasing methods (ITB, RFP, RFQ)	All contracts of \$250,000 - purchasing methods (ITB, RFP,RFQ)	inflationary pressures
2-336 - Written contracts required	contracts required when total costs exceeds \$50,000	contracts required when total costs exceeds \$100,000	inflationary pressures
2-327 Bid Bonds	bid bonds required for pw/construction projects over \$100,000	bid bonds required for pw/construction projects over \$250,000	public works law change to \$250,000
2-328 - Performance and Payment Bonds	performance/payment bonds for pw/construction projects required over \$100,000	performance/payment bonds for pw/construction projects required over \$250,000	public works law change to \$250,000

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**AN ORDINANCE TO AMEND CHAPTER 2 ADMINISTRATION, ARTICLE VI PURCHASING, OF THE CODE OF ORDINANCES OF THE CITY OF NEWNAN BY DELETING ARTICLE VI, PURCHASING IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE VI PURCHASING; AND FOR OTHER PURPOSES**

WHEREAS, The City Council of the City of Newnan adopted ordinance No. 2019-5 on April 19, 2019, amending Chapter 2, Administration, Article VI, Purchasing, of the code of Ordinances, further amended by ordinance No. 2020-9 on February 21, 2020; and

WHEREAS, the City Manager of the City of Newnan has determined that additional amendments to Chapter 2, Administration, Article VI, Purchasing, of the Code of Ordinances is desirable to provide for the orderly management of the City's purchasing procedures; and

WHEREAS, the City Council of the City of Newnan, upon recommendation of the City Manager, has determined that said amendments to the City's purchasing ordinance is in the best interest of the health and welfare of the City's residents and the orderly management of the City's purchasing procedures.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Newnan and it is hereby ordained by authority of the same that Article VI, Purchasing, of Chapter 2, Administration, of the Code of Ordinances be and is hereby deleted in its entirety and a new Article VI, Purchasing, of Chapter 2, Administration, of the Code of Ordinances be and is hereby adopted read as follows:

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**SECTION I:**

**ARTICLE VI. PURCHASING<sup>1</sup>**

***DIVISION 1. GENERALLY***

**Sec. 2-251. Scope.**

This article shall govern acquisitions by the City of Newnan for supplies, services, construction, and related contracts and agreements. This article supersedes and repeals existing ordinances to the extent they are inconsistent with the provisions thereof.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-252. Purpose.**

The purpose of this article is to provide guidance for the purchase of supplies, services, and construction for the city while adhering to all laws of the City of Newnan, State of Georgia, and United States. The intent of this article is to establish, foster, and maintain the following principals:

- (1) To consistently consider the best interests of the city in all purchasing transactions.
- (2) To purchase without prejudice, seeking to obtain the maximum value for each dollar expended while maintaining quality standards and high efficiencies.
- (3) To strive for the highest degree of ethical conduct concerning the city purchasing policy.
- (4) To structure a purchasing policy in such a way as to foster efficiency, consistency and proper use by the entire city.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-253. Application.**

This article shall apply to all expenditures of public funds unless otherwise listed in section 2-254 of this article. It shall also apply to contracts for the purchase of

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<sup>1</sup>Editor's note(s)—Ord. No. 2019-5, § I, adopted April 9, 2019, repealed the former Art. VI, §§ 2-251—2-253, 2-271—2-273, 2-291—2-301, 2-321—2-328, 2-346—2-348, 2-366—2-371, 2-391—2-394, 2-411—2-413, 2-431—2-439, and enacted a new Art. VI as set out herein. The former Art. VI pertained to similar subject matter and derived from Code 1972, §§ 25-101, 25-103—25-121, 25-123—25-128, 25-130—25-143, 25-145—25-154. See the Code Comparative Table for complete derivation.

Charter reference(s)—Powers and duties of city manager, § 2.20; contracting procedures, § 6.21; centralized purchasing, § 6.22.

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supplies, services and construction entered into by the city. When the purchase involves the expenditure of federal assistance or contract funds, the purchase shall be conducted in accordance with mandatory applicable federal and state laws and regulations. Nothing in this article shall prevent the city from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with the law.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-254. Exemptions.**

The following expenditures are exempted from the competitive purchase requirements of this article; however, the city manager may develop procedures to oversee all transactions made by the entire city:

- (1) Real estate acquisitions;
- (2) Costs contained within intergovernmental agreements;
- (3) Dues, memberships, and professional subscriptions;
- (4) Utility services including, but not limited to, water, sewer, electricity, and gas;
- (5) Legal services;
- (6) Legal advertisements;
- (7) Payments to arbitrators;
- (8) Conferences, seminars and classes;
- (9) Reimbursements for valid, approved travel expenses as submitted on a travel expense report;
- (10) Instructors or speakers for internal training events;
- (11) Surplus property acquisitions from other governments or governmental agencies;
- (12) Medical services;
- (13) Employee benefits payments;
- (14) Fuel purchases;
- (15) U.S. Postal Service, United Parcel Service, Federal Express, Airborne, or other delivery services; and
- (16) Professional Services.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-255. Administration of purchase procedures.**

Under the direct supervision of the city manager, the finance manager shall be responsible for the administration of purchasing policies and procedures to each department within the city. Consistent with this article, and with the approval of the

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city council, the finance manager may adopt operating procedures related to the execution of this article.

Employees involved in the purchasing process shall take full responsibility for understanding the city's policies and procedures regarding purchasing and vendor relations. Purchasing decisions are business decisions made on behalf of the City of Newnan and therefore should be made with the utmost consideration for what is in the best interests of the city.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-256. Public access to purchasing information.**

Purchasing information shall become public record to the extent provided by law, once an award is made by the city, and shall be available to the public upon written request as provided by law.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-257. Definitions.**

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

*Best value* means the best value to the city based on all factors, including: cost, contractors ability, capacity, or skill; ability to perform within the time required; character, integrity, reputation, judgment, experience and efficiency; quality of contractor's performance on previous purchases or contracts, if applicable; and, the ability of the contractor to provide future maintenance, repair, parts and services, if necessary.

*Bid* means a written offer, more formal than a quote, to furnish supplies, equipment, vehicles, or services in conformity with the specifications, delivery terms, and conditions required at a guaranteed maximum cost. The user will sometimes prepare an invitation to bid, which is formal notification, through posting and advertisement, that the city is soliciting goods or services.

*Bid bond* means a financial security provided to guarantee that a bidder will enter into a contract with the city if a bid is awarded.

*Brand name or equal specification* means a specification limited to one or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance and other salient characteristics needed to meet city requirements, and which provides for the submission of equivalent products.

*Brand name specification* means a specification limited to one or more items by manufacturers' names or catalogue numbers.

*Business* means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.

*Change order* means any written alteration to specifications, delivery point, time of delivery, period of performance, price, quantity or other provisions of any contract accomplished by mutual action of the parties to the contract.

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*City* includes all departments, divisions, employees, and city council of the City of Newnan, Georgia.

*City council* means the mayor and city council of the City of Newnan, Georgia.

*City manager* means the city manager of the City of Newnan, Georgia.

*Confidential information* means any information which is available to an employee only because of the employee's status as an employee of the city and which is not a matter of public knowledge or available to the public on request.

*Construction* means the process of building, altering, repairing, improving or demolishing any public structure or building, or other public improvements of any kind to any public real property. It does not include the routine operation, repair or maintenance of existing structures, buildings or real property.

*Contract* means all types of city agreements, regardless of what they may be called, for the purchase of supplies, services or construction.

*Contractor* means any person, persons, or business having a contract with the city or a using agency thereof.

*Disadvantaged business* means a small business which is owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages.

*Employee* means any individual drawing a salary or wages from the city, whether elected or not; any non-compensated individual performing personal services for the city or any department, agency, commission, council, board or any other entity established by the executive or legislative branch of the city; and any non-compensated individual serving as an elected official of the city.

*Emergency* means any situation resulting in imminent danger to public health or safety or the loss of a substantial governmental service.

*Finance manager* means the finance manager for the City of Newnan, Georgia.

*Financial interest* means:

- (1) Ownership of any interest or involvement in any relationship from which, or as a result of which, a person within the past year has received, or is presently or in the future entitled to receive, more than \$100.00 per year, or its equivalent;
- (2) Ownership of 51 percent of any property or business; or
- (3) Holding a position in a business such as officer, director, trustee, partner, employee, or the like, or holding any position of management.

*Gratuity* means a payment, loan, subscription, advance, deposit of money, service or anything of more than nominal value (defined as \$25.00), present or promised, unless consideration of substantially equal or greater value is received.

*Invitation to bid (ITB)* means all documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.

*Payment bond* means a bond with a good and sufficient surety or sureties payable to the city for which the work is to be done and intended for the use and protection of

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all subcontractors and all persons supplying labor, materials, machinery, and equipment in the prosecution of the work provided for in the contract.

*Performance bond* means a bond with a good and sufficient surety for sureties for the faithful performance of the contract and to indemnify the city for any damages occasioned by a failure to perform the same within the prescribed time. Such bond shall be payable to, in favor of, and for the protection of the city.

*Purchase* means the buying, procurement, renting, leasing or otherwise acquiring of any supplies, services or construction. It also includes all functions that pertain to the obtaining of supplies, services or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

*Professional services* means the services of an attorney, architecture, certified public accountant, actuarial services, landscape architecture, interior design, licensed or accredited appraisers, licensed or accredited financial analysts, professional surveying, construction managers, engineering or planning firm, financial consultant, investment advisor, or other professional.

*Public works project* means the building, altering, repairing, improving, or demolishing of a public structure or building or other public improvement of any kind to any public real property. Such term does not include the routine operation, repair, or maintenance of existing structures, buildings, or real property.

*Purchase order* means a document generated by the user, via a purchasing requisition, and submitted to the finance department to formalize a purchase transaction with a vendor or to assure the proper set-aside of funds for a purchase. The vendor's acceptance of a purchase order shall constitute a legal, binding contract with the city.

*Qualified products list* means an approved list of supplies, services or construction items described by model or catalogue numbers, which, prior to competitive solicitation, the city has determined will meet the applicable specification requirements.

*Quote* means a verbal or written promise from the vendor or contractor guaranteeing that the cost of specific goods, supplies, or services will not be exceeded.

*Request for proposal (RFP)* means all documents used for soliciting competitive proposals. The RFP defines, in detail, the terms, conditions, and specifications of goods or services required by the city.

*Request for qualification (RFQ)* means a request seeking a written presentation of the professional qualifications and experience of a proposed contractor.

*Responsible bidder* means a person who has the capability in all respects to fully perform the contract requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment and credit which will assure good faith performance.

*Responsive bidder* means a person who has submitted a bid which conforms in all material respects to the requirements set forth in the invitation for bids.

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*Services* means the furnishing of labor, time, materials, or effort by a person, persons, or business for the delivery of items including, but not limited to, data, findings, plans, studies, recommendations, reports, and representation.

*Sole source* means those purchases made pursuant to a written determination that there is only one source for the requested goods, services or construction items.

*Specification* means any description of the physical or functional characteristics or the nature of a supply, service or construction item. It may include a description of any requirement for inspecting, testing, or preparing supplies, services or construction items for delivery.

*Supplies* means all items including, but not limited to, commodities, equipment, materials, printing, insurance and real property, excluding land or a permanent interest in land.

*Using department/division (user)* means the department which has the authority and responsibility for determining the need for an item or service, its related specifications, and date needed.

*Vendor* means any person, persons, or business which provides, or offers to provide, goods or services to the city.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-258. Appropriate expenditures.**

The purchase of supplies, services and construction shall comply with the provisions of this article and with all procedures as implemented by the city manager. To ensure that all purchases are appropriate and necessary, each user shall ensure that purchases conform to the aforementioned requirements.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-259. Tax-exempt status.**

The City of Newnan is a government agency and therefore exempt from sales and use taxes. Forms to ensure that all purchases are tax-exempt are available from the finance manager.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-260. Budgeted expenditures.**

It is the responsibility of each user to ensure all purchases made for or by their agency or department is consistent with, and conforms to, the current approved fiscal year budget prior to committing such funds.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-261. Purchase order request.**

With the exception of sections 2-254, 2-323 and 2-324 of this article, the user shall generate a requisition prior to the purchase of all supplies and services which

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exceed \$5,000. All such requests shall be submitted to the finance department for processing (with quotes, bids, or other required documentation attached) and approval by the city manager. A purchase order shall be issued by Finance for all approved purchases and returned to the user, typically via email, for order processing.

- (1) *Receiving of goods.* It shall be the responsibility of the user to ensure that all purchased goods and services are received, inspected and verified prior to approval for payment.
- (2) *Disputes with vendor.* Any disputes with the vendor regarding purchases of goods and services are to be handled by the user prior to approval of payment. If payment has already been made when the dispute arises, the finance manager shall assist when needed to ensure resolution in a timely and efficient manner. Depending on the dollar amount involved in the dispute, acceptable resolution may also involve the city manager and council.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-262. Payment processing.**

All receipts and/or invoices shall be properly coded with the correct account number, signed by the user, and submitted to the finance department within five working days of the receipt of goods or services. The project name shall also be listed on all project-related invoices. Payment terms (due date), unless specified on the vendor invoice, shall default to net 30 days.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-263. Reimbursements.**

A check request or travel expense form is used to request reimbursement, depending on the type of purchase made. Proof of payment and signature of the user are required on the documentation accompanying all requests for reimbursement of purchases made by employees of the city. Additionally, all reimbursement requests must include the purpose of the purchase or trip and appropriate receipts. If a receipt is lost, a copy of the purchaser's cancelled check or credit card statement confirming the purchase may be submitted.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-264. Split purchases.**

Purchases shall not be artificially divided in order to circumvent the dollar limitations and associated procedures established by this article.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-265. Reserved.**

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**Sec. 2-266. Record keeping.**

At the conclusion of a contract, the original contract and any bids, specifications, and other pertinent documents shall be retained by the city for a period consistent with the record retention laws of the State of Georgia.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-267. Sales tax.**

The city shall be exempt from paying sales and use tax on all purchases. In accordance with state law, all vendors shall pay sales and use tax on the supplies and equipment purchased for use on city projects or jobs. No vendor shall attempt to avoid payment of the sales and use tax by having the city purchase supplies for use by the vendor on city projects or jobs.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-268. Ineligible source list.**

The following vendors shall be placed on an Ineligible Source List pursuant to the provisions of this section for a reasonable period not to exceed three years, based upon the recommendation of the finance manager:

- (1) Any vendor who submits a bid or proposal in bad faith;
- (2) Any vendor who willfully or repeatedly breaches a contract with the city;
- (3) Any vendor who repeatedly refuses to accept a bid or proposal award;
- (4) Any vendor who has established a pattern or practice of unethical or immoral business practices;
- (5) Any vendor who has been convicted of a crime involving moral turpitude; or,
- (6) Any vendor who is owned, controlled, or managed, in whole or in part, by any other vendors described in (1) through (5) above.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-269. Public works law compliance.**

Public works projects, as defined by O.C.G.A. § 36-91-2(10), exceeding \$250,000.00 shall comply with the provisions of the Georgia Local Government Public Works Construction Law, O.C.G.A. § 36-91-1 et seq. The purchase of road construction contracts are subject to the requirements of O.C.G.A. § 32-4-1 et seq., O.C.G.A. § 36-91-2(12) and this ordinance, where applicable. Those projects which qualify for and utilize federal aid highway program (FAHP) funding are further subject to the City of Newnan policy for competitive negotiation qualifications-based selection

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for projects using federal aid highway program (FAHP) funding as set out in section 2-271 herein below.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-270. Project delivery methods.**

In compliance with local and state law, the city manager shall have the authority to establish procedures and authorize the use of construction delivery methods for public works, road construction, or other construction projects. The delivery methods may include but are not limited to design-bid-build, design-build, and construction management at risk.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-271. City of Newnan policy for competitive negotiation qualifications-based selection for projects using federal Aid Highway Program (FAHP) funding.**

Transportation projects and other public works projects using federal and highway program (FAHP) funding shall utilize the competitive negotiation qualifications-based selection process in accordance with the provisions of the State of Georgia, Department of Transportation, Procurement Manual For The Procurement, Management and Administration of Engineering and Design Related Consultant Services dated June 20, 2016, and any future amendments or revisions thereto.

(Ord. No. 2019-5, § I, 4-9-19; Ord. No. 2020-9, § I, 2-21-20)

**Secs. 2-272—2-280. Reserved.**

*DIVISION 2. ETHICAL STANDARDS*

**Sec. 2-281. Vendor relations.**

All employees shall conduct all purchase functions in a professional manner and shall promote equal opportunity and fairness in all vendor relations. All purchase functions shall be conducted impartially to assure fair competitive access by responsible vendors.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-282. Gratuity.**

It shall be unethical for any person to offer, give or agree to give any city employee or official or for any city employee or official to solicit, demand, accept or agree to accept from another person a gratuity or an offer of employment in connection with any decision, approval, disapproval, or recommendation as part of any on-going or previous process to procure goods or services.

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(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-283. Kickbacks.**

It shall be unethical for any payment, gratuity or offer of employment to be made by, or on behalf of, a contractor, vendor, subcontractor, or any person associated therewith, as an inducement for the award of a contract or order.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-284. Financial interest.**

It shall be unethical for any city employee or official who is participating directly or indirectly in the purchase process to hold a financial interest in the company conducting business with the city.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-285. Use of confidential information.**

It shall be unethical for any city employee or official to knowingly use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

(Ord. No. 2019-5, § I, 4-9-19)

**Secs. 2-286—2-300. Reserved.**

*DIVISION 3. SOLICITATION, BIDDING AND NOTICE REQUIREMENTS*

**Sec. 2-301. Maximum practicable competition.**

All specifications shall be drafted so as to promote overall economy for the purposes intended and encourage competition in satisfying the city's needs, and shall not be unduly restrictive. The policy enunciated in this section applies to all specifications including, but not limited to, those prepared for the city by architects, engineers, designers and draftsmen. When required by federal or state law, the city will comply with all disadvantaged business provisions.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-302. Brand name specification.**

Since use of a brand name specification is restrictive of product competition, it may be used only when the user, upon approval from the city manager, makes a written determination that only the identified brand name item or items will satisfy the city's needs. The user shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever

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degree of price competition is practicable. If only one source can satisfy the city's requirements, the purchase may be made as a sole source purchase.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-303. Brand name or equal specification.**

Brand name or equal specifications shall seek to designate three, or as many different brands as are practicable, as "or equal" preferences and shall further state that substantially equivalent products to those designated will be considered for award. Brand name or equal specifications may be used when the user determines that:

- (1) No other design or performance specification or qualified products list is available;
- (2) Time does not permit the preparation of another form of purchase description, not including a brand name specification;
- (3) The nature of the product or the nature of the city's requirements makes use of a brand name or equal specification suitable for the purchase; or
- (4) Use of a brand name or equal specification is in the city's best interests.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-304. Public notice requirements.**

In order to provide adequate notice to potential vendors, whenever the city issues an invitation to bid, request for proposals, or request for qualifications, the public notice requirements shall be as follows:

- (1) *Supplies, equipment and services.* Notices to purchase supplies, equipment or services shall be given not less than 15 calendar days prior to the date set forth for the opening of bids. Such notice may include publication in the legal organ of the city or by electronic means on an internet website of the city or an internet website recognized by the city. The public notice shall state the place, date, and time of bid opening, along with such details and specifications as will enable the public to know the extent and character of the offering.
- (2) *Public works projects.* Notices for public works projects, with the exception of road construction, shall be posted conspicuously in the Newnan City Hall and shall be advertised in the legal organ of the county; or by electronic means on the city's official internet website or an Internet website identified by the city. Bid opportunities that are advertised in the legal organ shall be advertised a minimum of two times, with the first advertisement occurring at least four weeks prior to the opening of the proposals. The second advertisement shall follow no earlier than two weeks from the first advertisement. Bid opportunities that are advertised solely on the Internet shall be posted continuously for at least four weeks prior to the opening of the proposals. The public notice shall state the place, date, and time of

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proposal opening along with other details and specifications which will enable the public to know the extent and character of the offering and in accordance with state law.

- (3) *Road construction projects.* Notices for road construction projects shall be posted conspicuously in the Newnan City Hall and shall be advertised in the legal organ of the city. The advertisement must run at least two times during the two weeks prior to the bid opening. The first advertisement must run two weeks prior to the bid opening. The second advertisement must run one week after the first advertisement. The public notice shall state the place, date, and time of proposal opening along with other details and specifications which will enable the public to know the extent and character of the offering and in accordance with state law.
- (4) All "Request for Proposals" or "Invitations to Bid" released by the city for goods, services and public works projects subject to O.C.G.A. Chapter 91 of Title 36 must be posted on the Georgia Procurement Registry (GPR).

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-305. Local vendor preference.**

If factors such as quality, previous performance, and availability are equal and acceptable for all vendors, the bid may be awarded to a local vendor if the local vendor's quote, or bid, is within three percent of the lowest bidder. Local vendor preference may only be given when the total amount of the lowest bid does not exceed \$50,000.00. A local vendor is defined as one who holds a current, valid occupational tax certificate issued by City of Newnan.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-306. Responsibility of bidders.**

The failure of a bidder to supply prompt information in connection with an inquiry with respect to the bidder's qualifications or responsibility may be grounds for a determination of non-responsibility with respect to such bidder. A copy of the determination shall be sent promptly to the bidder in this case. The final determination shall be made part of the contract file and be made a public record once an award is made.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-307. Modification of bids.**

Any clerical mistake, which is patently obvious on the face of the bid, may be corrected upon receipt of a written request and verification submitted by the bidder. A non-material omission in a bid may be corrected if the city determines the correction to be in the best interests of the city. Omissions effecting or relating to the bid price shall be deemed material and shall not be corrected after bid opening.

(Ord. No. 2019-5, § I, 4-9-19)

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**Sec. 2-308. Withdrawal of bids.**

Bids may be withdrawn at any time prior to bid opening. After bids have been publicly opened, the bidder shall give notice in writing of this claim of right to withdraw his bid due to an error within two business days after the public bid opening. Such requests for withdrawal may be considered if the price was substantially lower than other bids due solely to a mistake therein, provided the bid was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgment mistake. If a bidder or offeror withdraws a bid or proposal without penalty because of a mistake, he or she may not later submit a bid or proposal for the work if the project is re-bid. Additionally, he or she may not subcontract with the contractor who is awarded the project or supply material or labor to the project or benefit, directly or indirectly, from the performance of the project.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-309. Reserved rights.**

The city reserves the right to cancel any advertised bid and to reject any or all bids if it determines that such action is in the best interests of the city. The reasons for such bid rejection or cancellation shall be made part of the bid file.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-310. Discussions with responsible bidders.**

Discussions may be conducted with responsible bidders who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-311. Disqualification of bids.**

Any bid which is incomplete in any material aspect or submitted without required, or requested, bonds or insurance certificates shall be immediately disqualified from consideration.

(Ord. No. 2019-5, § I, 4-9-19)

**Secs. 2-312—2-320. Reserved.**

*DIVISION 4. PURCHASE METHODS*

**Sec. 2-321. Sole source purchase.**

A contract may be awarded without competition when the city manager determines, after the user conducts a good faith review of available sources, that there is only one source for the required supply or service. The user shall conduct negotiations, as appropriate, as to price, delivery, and terms.

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(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-322. Government contracts.**

Where the State of Georgia or Federal Government (GSA) takes bids and develops purchase contracts on certain items and it is determined that the purchase of these items is in the best interests of the city, the city manager shall have the authority to allow the use of such contracts. Bids received by local government units within the State of Georgia are also eligible provided such bids were solicited within the previous six months.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-323. Emergency purchases.**

Notwithstanding any other provisions of this article, the city manager may make, or authorize others to make, emergency purchases of supplies, services or construction items if immediate action is required to prevent disruption of operations or services, or if there is a threat to public health, safety or welfare, and where the adverse effect of such emergency may worsen materially with the passage of time; provided that such emergency purchases shall be made with such competition as is practicable under the circumstances. All emergency purchases that exceed \$100,000 will require ratification of the city council.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-324. Routine purchases.**

Users, or their designee(s), shall be authorized to make purchases up to \$5,000 without competitive solicitation or issuance of a purchasing requisition, provided such purchase complies with all applicable provisions of this article and is within the legal limits of the adopted budget.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-325. Quotes.**

Purchases in excess of \$5,000 but not greater than \$50,000 shall comply with all applicable provisions of this article in addition to the following:

- (1) *Solicitation.* The user, shall develop minimum specifications for such purchase and solicit a minimum of three quotes from qualified vendors. User shall document all quotes received including no response from vendor.
- (2) *Public notice.* Public advertisement for such solicitation shall not be required.
- (3) *Review of quotes.* The user shall review the quotes and select the quote which provides the city with its best value and meets all other purchasing

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guidelines as set forth by this article. The user may also elect to deny all quotes and re-solicit quotes.

Purchases in excess of \$50,000, but not greater than \$250,000 shall comply with all applicable provisions of this article in addition to the following:

- (1) *Solicitation.* The city manager shall develop minimum specifications for such purchase and solicit a minimum of three quotes from qualified vendors. The City Manager shall document all quotes received including no response from vendor.
- (2) *Public notice.* Public advertisement for such solicitation shall not be required.
- (3) *Review of quotes.* The City Manager shall review the quotes and select the quote which provides the city with its best value and meets all other purchasing guidelines as set forth by this article. The City Manager may also elect to deny all quotes and re-solicit quotes.
- (4) *Approval of quotes.* Quotes exceeding \$100,000 shall be presented for consideration at the next available city council meeting. The city manager, or his/her designee, shall make a recommendation for award of the quote to the most qualified, responsive vendor.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-326. Reserved.**

**Sec. 2-327. Invitation to bid (ITB).**

Under this method of procurement the city shall issue an "invitation to bid" establishing the requirements necessary to award a contract. Bidders shall submit bids to perform the project for a specified price. The final award shall be made to the most qualified bidder with the lowest price who meets all of the requirements set forth in the invitation to bid. Under this bid method, price is typically the deciding factor in choosing a contractor, once it has been determined which bidders are "responsive" and "responsible". Purchases utilizing this method shall comply with all applicable provisions of this article in addition to the following:

- (1) *Threshold.* The requirements of this purchase method shall apply to all purchases in excess of \$250,000.00.
- (2) *Solicitation.* The user, after obtaining authorization from the city manager, shall develop minimum specifications for such purchase and prepare an invitation to bid soliciting bids from qualified vendors. The ITB shall include specifications and all contractual terms and conditions necessary for the purchase and shall be in compliance with state law.
- (3) *Public notice.* Adequate public notice of the invitation to bid shall be given in accordance with section 2-304 of this article.
- (4) *Receipt of bids.* No bid shall be eligible for consideration by the city unless it is placed in a sealed envelope or package and received by the city by the

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date and time specified in the invitation to bid. All received bids shall be stamped with the date and time of receipt and secured until the designated opening time. Any bid delivered or received late shall not, under any circumstances, be eligible for consideration and shall be returned unopened to the bidder.

- (5) *Opening of bids.* Bids shall be opened publicly in the presence of the user, the city manager, or his/her designee, at the time and place designated in the invitation to bid. The amount of each bid, together with the name of each bidder, shall be recorded. This record and each bid shall be open to public inspection once an award is made by the city.
- (6) *Evaluation of bids.* Bids shall be evaluated based on the requirements set forth in the ITB, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. No criteria may be used in bid evaluation that is not specifically set forth in the invitation.
- (7) *Recommendation.* At the next available city council meeting, the city manager, or his/her designee, shall make a recommendation for award of the bid to the most qualified, responsive vendor whose bid meets the requirements and criteria set forth in the ITB. The contract file shall contain the basis on which the award is made.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-328. Request for proposals (RFP).**

Under this method of procurement the city shall issue a "request for proposal" describing the project and establishing the factors, as well as their relative importance, which will be used to evaluate the proposals. Vendors shall submit proposals to perform such services as described within the RFP. While price shall be a factor in the city's award decision, it may not be the sole determining factor. In many instances, there may not be specific and/or final specifications for the project; therefore, the city is soliciting firms to provide proposals which require creativity, expertise and experience. Purchases of this type shall comply with all applicable provisions of this article in addition to the following procedures:

- (1) *Threshold.* The requirements of this purchase method shall apply to purchases in excess of \$250,000.00
- (2) *Solicitation.* The user, after obtaining authorization from the city manager, shall develop a request for proposal for such service and solicit proposals from qualified service providers. All requests for proposals shall include detailed information regarding the scope of service, minimum professional qualifications, contractual terms and conditions necessary for the purchase, and any other information as required by law.
- (3) *Public notice.* Adequate public notice of the request for proposals shall be given in accordance with section 2-304 of this article.
- (4) *Receipt of proposals.* No proposal shall be eligible for consideration by the city unless it is placed in a sealed envelope or package and received by the date and time as specified in the request for proposals. All received

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proposals shall be stamped with the date and time of receipt and secured until the designated opening time. A proposal delivered or received late shall not, under any circumstances, be eligible for consideration and shall be returned unopened to the bidder.

- (5) *Opening of proposal.* Proposals shall be opened publicly in the presence of the user, the city manager, or his/her designee, at the time and place designated in the request for proposals. The dollar amount of each proposal, together with the name of each vendor, shall be recorded; the record and each proposal shall be open to public inspection once an award is made by the city.
- (6) *Evaluation of proposals.* Proposals shall be evaluated based on the requirements set forth in the request for proposals, which may include criteria to determine acceptability such as project related experience, vendor qualifications, prior business experience in municipal contracting, bonding and insurance capacity, proposed project schedule, and suitability for a particular purpose. No criteria may be used in proposal evaluation that is not specifically set forth in the request for proposal.
- (7) *Recommendation.* At the next available city council meeting, the city manager, or his/her designee, shall make a recommendation as to which proposal should be selected based on the requirements and criteria set forth in the RFP. The contract file shall contain the basis on which the award is made.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-329. Request for qualifications (RFQ).**

This purchase method is typically utilized to obtain the services of a professional firm, where the scope of work is very complex and it is determined that the qualifications of potential service providers is of the highest priority and in the best interests of the city to ensure proper execution of the project deliverables. Purchases of this form shall comply with all applicable provisions of this article in addition to the following procedures:

- (1) *Solicitation.* The user, after obtaining authorization from the city manager, shall develop a "request for qualifications" for such service and solicit proposals from qualified vendors. All requests for qualifications shall include detailed information regarding the scope of service, desired professional qualifications, preferred delivery method, contractual terms and conditions necessary for the purchase, and any other information required by law.
- (2) *Public notice.* Adequate public notice of the request for qualifications shall be given in accordance with section 2-304 of this article.
- (3) *Receipt of qualifications.* No proposal shall be eligible for consideration by the city unless it is placed in a sealed envelope or package and received by the date and time as specified in the request for qualifications. All received qualifications shall be stamped with the date and time of receipt and secured until the designated opening time. A proposal delivered or received

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late shall not, under any circumstances, be eligible for consideration. Such proposal shall be returned unopened to the bidder.

- (4) *Opening of qualifications.* Qualifications shall be opened publicly in the presence of the user and city manager at the time and place designated in the RFQ. Only the name of each vendor shall be recorded; the qualification statement shall be open to public inspection once an award is made by the city.
- (5) *Evaluation of qualifications.* Qualifications shall be evaluated based on the requirements set forth in the RFQ, which may include criteria to determine acceptability such as project related experience, vendor qualifications, prior business experience in municipal contracting, bonding and insurance capacity, project scheduling, delivery methods, and suitability for a particular purpose. No criteria may be used in proposal evaluation that is not specifically set forth in the request for proposal.
- (6) *Selection method.* The initial request for qualifications shall establish the selection method. Selection methods may include the following:
  - a. *Pre-qualification method.* This method shall allow the city to select only those vendors who are qualified per the specifications listed in the RFQ to submit sealed bids, which shall be opened in accordance with the provisions of this article and applicable state law.
  - b. *Negotiated price method.* This method shall allow the city to negotiate a price with the vendor who is deemed to have the qualifications which best comply with the needs of the city and the specifications as established in the request for qualifications. If an agreement cannot be reached with the initial vendor, the city may select to negotiate with next highest qualified vendor; or the city may elect to re-advertise the request for qualifications. Subsequent ratification of the selected vendor must be obtained at the earliest possible city council meeting for those agreements exceeding \$100,000.00.

(Ord. No. 2019-5, § I, 4-9-19)

### **Sec. 2-330. Professional services.**

The City Manager has the authority to directly negotiate and enter into contract with a professional firm in an amount not greater than \$100,000. For contracts in excess of \$100,000, but not greater than \$250,000 the City Manager has the authority to seek qualifications from a minimum of three professional firms and negotiate a contract with the firm deemed the most qualified. All contracts over \$100,000 will be presented for consideration at the next available city council meeting. Contracts in excess of \$250,000 shall be procured using purchase methods as stated in section 2-327, 2-328 or 2-329. In certain circumstances the city council may waive these provisions if deemed to be in the best interest of the city.

(Ord. No. 2019-5, § I, 4-9-19)

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**Sec. 2-331. Grants and donations.**

Periodically, the city may be awarded or provided private or public grants and donations from sources such as state and federal government and private corporations which are typically designated for specific purposes. These types of funds may be more restrictive and may dictate the procurement process the city is to follow. If there are no such restrictions on the funds, the user shall follow the purchasing guidelines set forth in this article when purchasing goods and services utilizing grants or donated funds.

(Ord. No. 2019-5, § I, 4-9-19)

**Secs. 2-332—2-335. Reserved.**

*DIVISION 5. CONTRACTING REQUIREMENTS*

**Sec. 2-336. Written contracts required.**

All service and construction projects, in which the total cost will exceed \$100,000, shall require the selected vendor to enter into a written contract with the city. The form of the contract shall be approved by the city attorney. The mayor is required to execute all such written contracts. For all other supplies and services, a city issued purchase order shall constitute a legal, binding agreement between the city and the vendor. Nothing in this section shall prohibit the city from requiring written contracts for any acquisition of supplies or services when it is deemed to be in the best interests of the city.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-337. Bid bonds.**

Bids submitted to the city shall include a bid bond, or bid security, as set forth below:

- (1) *Requirement for bid bonds.* Bid bonds shall be required for all bids for public works or construction contracts when the price is estimated to exceed \$250,000.00 and for any other bid, or bid amount, in which a bid bond is deemed to be necessary in order to protect the best interests of the city. Bid bonds shall be of the forfeiture type. All sureties must be licensed to do business in the State of Georgia and listed in the Department of the Treasury's publication of companies holding certificates of authority as acceptable reinsuring companies. In lieu of the bid bond described above, vendors may submit a cashier's check payable to the city. To the extent permitted by Georgia law, a guaranteed letter of credit will act as a bid bond, provided that the form of such letter of credit and the lending institution has been approved by the city.
- (2) *Amount of bid bond.* Bid bonds shall be in an amount equal to at least five percent of the amount of the bid.

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- (3) *Withdrawal of bids.* If a vendor is permitted to withdraw its bid before award, as provided in this article, no action shall be had against the bidder or the bid security.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-338. Performance and payment bonds.**

Prior to execution of a contract for public works or construction projects, performance and payment bonds shall be delivered to the city as set forth below:

- (1) *When required.* Performance and payment bonds shall be required for all public works and construction projects when the contract award exceeds \$250,000.00. Performance bonds shall be conditioned upon the bidder's faithful performance of the terms of the bid or proposal and the contract executed in connection therewith. Payment bonds shall be executed for the benefit of all persons supplying labor, materials, machinery and equipment in the prosecution of the work provided for in the contract. All sureties must be licensed to do business in the State of Georgia and listed in the Department of the Treasury's publication of companies holding certificates of authority as acceptable reinsuring companies, Circular 570.
- (2) *Amount of performance and payment bonds.* Both performance and payment bonds shall be in an amount equal to at least 100 percent of the total contract price.
- (3) *Authority to require additional bonds.* Nothing in this section shall be construed to limit the authority of the city to require a performance bond or other security in addition to those bonds, or in circumstances other than specified in subsection (a) of this section.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-339. Insurance requirements.**

The city manager, upon review by the city attorney, shall have the authority to determine what types and amounts of insurance coverage are reasonably necessary for the protection of the city's interest for all acquisitions covered by this article. All sureties must be licensed to do business in the State of Georgia. Whenever possible, specific insurance requirements shall be stated within the invitation to bid or request for proposal; however, failure to do so shall not eliminate the authority of the city to require insurance coverage from the successful bidder prior to the commencement of work.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-340. Immigration compliance.**

Pursuant to O.C.G.A § 13-10-91, any vendor entering into a written contract with the city shall complete an affidavit affirming their compliance with the Georgia

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Security and Immigration Compliance Act of 2006. Such Act requires that all contractors and subcontractors comply with Rule 300-10-01-.02 as a condition of awarding the contract.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-341. Multi-year contracts.**

To the extent authorized by law, a contract for supplies or services may be entered into for any period of time deemed to be in the best interests of the city, provided that the term of the contract and renewal provisions are included in the original solicitation process. Adequate funds must be available to fulfill the first fiscal year's obligation at the time of contract execution. Subsequent year appropriations are subject to authorization by the city council.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-342. Change orders.**

Except as herein provided, any change order or other contract modification shall be governed by the following provisions:

- (1) *Amounts specified.* The city manager shall have the authority to approve all change orders to up to 20 percent of original contract price, provided the total change order does not exceed \$50,000.00. All other change orders shall be approved by the city council.
- (2) *Field required change orders.* Where time is of the essence or emergency circumstances exist which do not allow delay of a project, the user shall request approval from the city manager before proceeding to authorize such work. Subsequent ratification by the city council must be obtained by the user at the earliest possible meeting if the change order exceeds 20 percent of the original contract price, or more than \$50,000.00.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-343. Intergovernmental contracts.**

Notwithstanding any other provision of this article, the city may participate in a cooperative agreement for the acquisition of real property, personal property, commodities, supplies, equipment or services with any other governmental entity or agency, whether federal, state or local or purchasing cooperative. Where cost of such commodities or service has been approved in the current year budget, the city manager shall have the authority to enter into such intergovernmental contracts when deemed in the best interests of the city. Documentation to substantiate this decision shall be maintained in the contract file.

(Ord. No. 2019-5, § I, 4-9-19)

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**Secs. 2-344. On-call services contracts.**

Under this method of procurement the city shall issue a "request for proposal" or "request for qualifications" depending on the type of on-call service requested; describing the services and establishing the factors, as well as their relative importance, which will be used to evaluate the firms. Vendors shall submit proposals/qualifications to perform such on-call services as described within the RFP/RFQ. While price shall be a factor in the city's award decision, it may not be the sole determining factor. Purchases of this type shall comply with the following procedures:

- (1) All on-call services contracts will be budgeted on an annual basis through the annual budget process.
- (2) The city will have the authority to determine duration of all on-call services contracts as well as having the right to terminate a contract if deemed to be in the best interest of the city.

(Ord. No. 2019-5, § I, 4-9-19)

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**Secs. 2-345—2-460. Reserved.**

**SECTION II:** All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

**SECTION III.** Should any phrase, clause, sentence, or section of this Ordinance be deemed unconstitutional by a Court of competent jurisdiction, such determination shall not affect the remaining provisions of this Ordinance, which provisions shall remain in full force and effect.

**SECTION IV:** The effective date of this ordinance shall be upon adoption.

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DONE, RATIFIED AND PASSED by the Mayor and City Council of the City of Newnan, Georgia, this \_\_\_\_ day of \_\_\_\_\_, 2026, in regular session assembled.

ATTEST:

\_\_\_\_\_  
James Shepherd, Mayor

\_\_\_\_\_  
Megan Shea, City Clerk

\_\_\_\_\_  
Scott Berta, Mayor Pro-Tem

REVIEWED AS TO FORM:

\_\_\_\_\_  
C. Bradford Sears, Jr., City Attorney

\_\_\_\_\_  
Cynthia E. Jenkins, Councilmember

\_\_\_\_\_  
Cleatus Phillips, City Manager

\_\_\_\_\_  
Dustin Koritko, Councilmember

\_\_\_\_\_  
Paul Guillaume, Councilmember

\_\_\_\_\_  
James J. Thomasson, III, Councilmember

\_\_\_\_\_  
Jennifer Morrison, Councilmember

## **ARTICLE VI. PURCHASING<sup>1</sup>**

### **DIVISION 1. GENERALLY**

#### **Sec. 2-251. Scope.**

This article shall govern acquisitions by the City of Newnan for supplies, services, construction, and related contracts and agreements. This article supersedes and repeals existing ordinances to the extent they are inconsistent with the provisions thereof.

(Ord. No. 2019-5, § I, 4-9-19)

#### **Sec. 2-252. Purpose.**

The purpose of this article is to provide guidance for the purchase of supplies, services, and construction for the city while adhering to all laws of the City of Newnan, State of Georgia, and United States. The intent of this article is to establish, foster, and maintain the following principals:

- (1) To consistently consider the best interests of the city in all purchasing transactions.
- (2) To purchase without prejudice, seeking to obtain the maximum value for each dollar expended while maintaining quality standards and high efficiencies.
- (3) To strive for the highest degree of ethical conduct concerning the city purchasing policy.
- (4) To structure a purchasing policy in such a way as to foster efficiency, consistency and proper use by the entire city.

(Ord. No. 2019-5, § I, 4-9-19)

#### **Sec. 2-253. Application.**

This article shall apply to all expenditures of public funds unless otherwise listed in section 2-254 of this article. It shall also apply to contracts for the purchase of supplies, services and construction entered into by the city. When the purchase involves the expenditure of federal assistance or contract funds, the purchase shall be conducted in accordance with mandatory applicable federal and state laws and regulations. Nothing in this article

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<sup>1</sup>Editor's note(s)—Ord. No. 2019-5, § I, adopted April 9, 2019, repealed the former Art. VI, §§ 2-251—2-253, 2-271—2-273, 2-291—2-301, 2-321—2-328, 2-346—2-348, 2-366—2-371, 2-391—2-394, 2-411—2-413, 2-431—2-439, and enacted a new Art. VI as set out herein. The former Art. VI pertained to similar subject matter and derived from Code 1972, §§ 25-101, 25-103—25-121, 25-123—25-128, 25-130—25-143, 25-145—25-154. See the Code Comparative Table for complete derivation.

Charter reference(s)—Powers and duties of city manager, § 2.20; contracting procedures, § 6.21; centralized purchasing, § 6.22.

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shall prevent the city from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with the law.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-254. Exemptions.**

The following expenditures are exempted from the competitive purchase requirements of this article; however, the city manager may develop procedures to oversee all transactions made by the entire city:

- (1) Real estate acquisitions;
- (2) Costs contained within intergovernmental agreements;
- (3) Dues, memberships, and professional subscriptions;
- (4) Utility services including, but not limited to, water, sewer, electricity, and gas;
- (5) Legal services;
- (6) Legal advertisements;
- (7) Payments to arbitrators;
- (8) Conferences, seminars and classes;
- (9) Reimbursements for valid, approved travel expenses as submitted on a travel expense report;
- (10) Instructors or speakers for internal training events;
- (11) Surplus property acquisitions from other governments or governmental agencies;
- (12) Medical services;
- (13) Employee benefits payments;
- (14) Fuel purchases;
- (15) U.S. Postal Service, United Parcel Service, Federal Express, Airborne, or other delivery services; and
- (16) Professional Services.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-255. Administration of purchase procedures.**

Under the direct supervision of the city manager, the finance ~~manager~~ ~~director~~ shall be responsible for the administration of purchasing policies and procedures to each department within the city. Consistent with this article, and with the approval of the city council, the finance ~~manager~~ ~~director~~ may adopt operating procedures related to the execution of this article.

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Employees involved in the purchasing process shall take full responsibility for understanding the city's policies and procedures regarding purchasing and vendor relations. Purchasing decisions are business decisions made on behalf of the City of Newnan and therefore should be made with the utmost consideration for what is in the best interests of the city.

(Ord. No. 2019-5, § I, 4-9-19)

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**Sec. 2-256. Public access to purchasing information.**

Purchasing information shall become public record to the extent provided by law, once an award is made by the city, and shall be available to the public upon written request as provided by law.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-257. Definitions.**

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

*Best value* means the best value to the city based on all factors, including: cost, contractors ability, capacity, or skill; ability to perform within the time required; character, integrity, reputation, judgment, experience and efficiency; quality of contractor's performance on previous purchases or contracts, if applicable; and, the ability of the contractor to provide future maintenance, repair, parts and services, if necessary.

*Bid* means a written offer, more formal than a quote, to furnish supplies, equipment, vehicles, or services in conformity with the specifications, delivery terms, and conditions required at a guaranteed maximum cost. The user will sometimes prepare an invitation to bid, which is formal notification, through posting and advertisement, that the city is soliciting goods or services.

*Bid bond* means a financial security provided to guarantee that a bidder will enter into a contract with the city if a bid is awarded.

*Brand name or equal specification* means a specification limited to one or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance and other salient characteristics needed to meet city requirements, and which provides for the submission of equivalent products.

*Brand name specification* means a specification limited to one or more items by manufacturers' names or catalogue numbers.

*Business* means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.

*Change order* means any written alteration to specifications, delivery point, time of delivery, period of performance, price, quantity or other provisions of any contract accomplished by mutual action of the parties to the contract.

*City* includes all departments, divisions, employees, and city council of the City of Newnan, Georgia.

*City council* means the mayor and city council of the City of Newnan, Georgia.

*City manager* means the city manager of the City of Newnan, Georgia.

*Confidential information* means any information which is available to an employee only because of the employee's status as an employee of the city and which is not a matter of public knowledge or available to the public on request.

*Construction* means the process of building, altering, repairing, improving or demolishing any public structure or building, or other public improvements of any kind to any public real property. It does not include the routine operation, repair or maintenance of existing structures, buildings or real property.

*Contract* means all types of city agreements, regardless of what they may be called, for the purchase of supplies, services or construction.

*Contractor* means any person, persons, or business having a contract with the city or a using agency thereof.

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*Disadvantaged business* means a small business which is owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages.

*Employee* means any individual drawing a salary or wages from the city, whether elected or not; any non-compensated individual performing personal services for the city or any department, agency, commission, council, board or any other entity established by the executive or legislative branch of the city; and any non-compensated individual serving as an elected official of the city.

*Emergency* means any situation resulting in imminent danger to public health or safety or the loss of a substantial governmental service.

Finance ~~manager director~~ means the finance ~~manager director~~ for the City of Newnan, Georgia.

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*Financial interest* means:

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- (1) Ownership of any interest or involvement in any relationship from which, or as a result of which, a person within the past year has received, or is presently or in the future entitled to receive, more than \$100.00 per year, or its equivalent;
- (2) Ownership of 51 percent of any property or business; or
- (3) Holding a position in a business such as officer, director, trustee, partner, employee, or the like, or holding any position of management.

*Gratuity* means a payment, loan, subscription, advance, deposit of money, service or anything of more than nominal value (defined as \$25.00), present or promised, unless consideration of substantially equal or greater value is received.

*Invitation to bid (ITB)* means all documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.

*Payment bond* means a bond with a good and sufficient surety or sureties payable to the city for which the work is to be done and intended for the use and protection of all subcontractors and all persons supplying labor, materials, machinery, and equipment in the prosecution of the work provided for in the contract.

*Performance bond* means a bond with a good and sufficient surety for sureties for the faithful performance of the contract and to indemnify the city for any damages occasioned by a failure to perform the same within the prescribed time. Such bond shall be payable to, in favor of, and for the protection of the city.

*Purchase* means the buying, procurement, renting, leasing or otherwise acquiring of any supplies, services or construction. It also includes all functions that pertain to the obtaining of supplies, services or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

*Professional services* means the services of an attorney, architecture, certified public accountant, actuarial services, landscape architecture, interior design, licensed or accredited appraisers, licensed or accredited financial analysts, professional surveying, construction managers, engineering or planning firm, financial consultant, investment advisor, or other professional.

*Public works project* means the building, altering, repairing, improving, or demolishing of a public structure or building or other public improvement of any kind to any public real property. Such term does not include the routine operation, repair, or maintenance of existing structures, buildings, or real property.

*Purchase order* means a document generated by the user, via a purchasing requisition, and submitted to the finance department to formalize a purchase transaction with a vendor or to assure the proper set-aside of funds for a purchase. The vendor's acceptance of a purchase order shall constitute a legal, binding contract with the city.

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*Qualified products list* means an approved list of supplies, services or construction items described by model or catalogue numbers, which, prior to competitive solicitation, the city has determined will meet the applicable specification requirements.

*Quote* means a verbal or written promise from the vendor or contractor guaranteeing that the cost of specific goods, supplies, or services will not be exceeded.

*Request for proposal (RFP)* means all documents used for soliciting competitive proposals. The RFP defines, in detail, the terms, conditions, and specifications of goods or services required by the city.

*Request for qualification (RFQ)* means a request seeking a written presentation of the professional qualifications and experience of a proposed contractor.

*Responsible bidder* means a person who has the capability in all respects to fully perform the contract requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment and credit which will assure good faith performance.

*Responsive bidder* means a person who has submitted a bid which conforms in all material respects to the requirements set forth in the invitation for bids.

*Services* means the furnishing of labor, time, materials, or effort by a person, persons, or business for the delivery of items including, but not limited to, data, findings, plans, studies, recommendations, reports, and representation.

*Sole source* means those purchases made pursuant to a written determination that there is only one source for the requested goods, services or construction items.

*Specification* means any description of the physical or functional characteristics or the nature of a supply, service or construction item. It may include a description of any requirement for inspecting, testing, or preparing supplies, services or construction items for delivery.

*Supplies* means all items including, but not limited to, commodities, equipment, materials, printing, insurance and real property, excluding land or a permanent interest in land.

*Using department/division (user)* means the department which has the authority and responsibility for determining the need for an item or service, its related specifications, and date needed.

*Vendor* means any person, persons, or business which provides, or offers to provide, goods or services to the city.

(Ord. No. 2019-5, § I, 4-9-19)

### **Sec. 2-258. Appropriate expenditures.**

The purchase of supplies, services and construction shall comply with the provisions of this article and with all procedures as implemented by the city manager. To ensure that all purchases are appropriate and necessary, each user shall ensure that purchases conform to the aforementioned requirements.

(Ord. No. 2019-5, § I, 4-9-19)

### **Sec. 2-259. Tax-exempt status.**

The City of Newnan is a government agency and therefore exempt from sales and use taxes. Forms to ensure that all purchases are tax-exempt are available from the finance ~~director~~ **manager**.

(Ord. No. 2019-5, § I, 4-9-19)

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**Sec. 2-260. Budgeted expenditures.**

It is the responsibility of each user to ensure all purchases made for or by their agency or department is consistent with, and conforms to, the current approved fiscal year budget prior to committing such funds.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-261. Purchase order request.**

With the exception of sections 2-254, 2-323 and 2-324 of this article, the user shall generate a requisition prior to the purchase of all supplies and services which exceed ~~\$5,000~~ ~~\$2,000.00~~. All such requests shall be submitted to the finance department for processing (with quotes, bids, or other required documentation attached) and approval by the city manager. A purchase order shall be issued by Finance for all approved purchases and returned to the user, typically via email, for order processing.

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- (1) *Receiving of goods.* It shall be the responsibility of the user to ensure that all purchased goods and services are received, inspected and verified prior to approval for payment.
- (2) *Disputes with vendor.* Any disputes with the vendor regarding purchases of goods and services are to be handled by the user prior to approval of payment. If payment has already been made when the dispute arises, the finance ~~manager~~ ~~director~~ shall assist when needed to ensure resolution in a timely and efficient manner. Depending on the dollar amount involved in the dispute, acceptable resolution may also involve the city manager and council.

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(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-262. Payment processing.**

All receipts and/or invoices shall be properly coded with the correct account number, signed by the user, and submitted to the finance department within five working days of the receipt of goods or services. The project name shall also be listed on all project-related invoices. Payment terms (due date), unless specified on the vendor invoice, shall default to net 30 days.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-263. Reimbursements.**

A check request or travel expense form is used to request reimbursement, depending on the type of purchase made. Proof of payment and signature of the user are required on the documentation accompanying all requests for reimbursement of purchases made by employees of the city. Additionally, all reimbursement requests must include the purpose of the purchase or trip and appropriate receipts. If a receipt is lost, a copy of the purchaser's cancelled check or credit card statement confirming the purchase may be submitted.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-264. Split purchases.**

Purchases shall not be artificially divided in order to circumvent the dollar limitations and associated procedures established by this article.

(Ord. No. 2019-5, § I, 4-9-19)

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**Sec. 2-265. Reserved.**

**Sec. 2-266. Record keeping.**

At the conclusion of a contract, the original contract and any bids, specifications, and other pertinent documents shall be retained by the city for a period consistent with the record retention laws of the State of Georgia.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-267. Sales tax.**

The city shall be exempt from paying sales and use tax on all purchases. In accordance with state law, all vendors shall pay sales and use tax on the supplies and equipment purchased for use on city projects or jobs. No vendor shall attempt to avoid payment of the sales and use tax by having the city purchase supplies for use by the vendor on city projects or jobs.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-268. Ineligible source list.**

The following vendors shall be placed on an Ineligible Source List pursuant to the provisions of this section for a reasonable period not to exceed three years, based upon the recommendation of the finance ~~director~~ manager:

- (1) Any vendor who submits a bid or proposal in bad faith;
- (2) Any vendor who willfully or repeatedly breaches a contract with the city;
- (3) Any vendor who repeatedly refuses to accept a bid or proposal award;
- (4) Any vendor who has established a pattern or practice of unethical or immoral business practices;
- (5) Any vendor who has been convicted of a crime involving moral turpitude; or,
- (6) Any vendor who is owned, controlled, or managed, in whole or in part, by any other vendors described in (1) through (5) above.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-269. Public works law compliance.**

Public works projects, as defined by O.C.G.A. § 36-91-2(10), exceeding ~~\$100~~\$250,000.00 shall comply with the provisions of the Georgia Local Government Public Works Construction Law, O.C.G.A. § 36-91-1 et seq. The purchase of road construction contracts are subject to the requirements of O.C.G.A. § 32-4-1 et seq., O.C.G.A. § 36-91-2(12) and this ordinance, where applicable. Those projects which qualify for and utilize federal aid highway program (FAHP) funding are further subject to the City of Newnan policy for competitive negotiation qualifications-based selection for projects using federal aid highway program (FAHP) funding as set out in section 2-271 herein below.

(Ord. No. 2019-5, § I, 4-9-19)

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**Sec. 2-270. Project delivery methods.**

In compliance with local and state law, the city manager shall have the authority to establish procedures and authorize the use of construction delivery methods for public works, road construction, or other construction projects. The delivery methods may include but are not limited to design-bid-build, design-build, and construction management at risk.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-271. City of Newnan policy for competitive negotiation qualifications-based selection for projects using federal Aid Highway Program (FAHP) funding.**

Transportation projects and other public works projects using federal and highway program (FAHP) funding shall utilize the competitive negotiation qualifications-based selection process in accordance with the provisions of the State of Georgia, Department of Transportation, Procurement Manual For The Procurement, Management and Administration of Engineering and Design Related Consultant Services dated June 20, 2016, and any future amendments or revisions thereto.

(Ord. No. 2019-5, § I, 4-9-19; Ord. No. 2020-9, § I, 2-21-20)

**Secs. 2-272—2-280. Reserved.**

*DIVISION 2. ETHICAL STANDARDS*

**Sec. 2-281. Vendor relations.**

All employees shall conduct all purchase functions in a professional manner and shall promote equal opportunity and fairness in all vendor relations. All purchase functions shall be conducted impartially to assure fair competitive access by responsible vendors.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-282. Gratuity.**

It shall be unethical for any person to offer, give or agree to give any city employee or official or for any city employee or official to solicit, demand, accept or agree to accept from another person a gratuity or an offer of employment in connection with any decision, approval, disapproval, or recommendation as part of any on-going or previous process to procure goods or services.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-283. Kickbacks.**

It shall be unethical for any payment, gratuity or offer of employment to be made by, or on behalf of, a contractor, vendor, subcontractor, or any person associated therewith, as an inducement for the award of a contract or order.

(Ord. No. 2019-5, § I, 4-9-19)

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**Sec. 2-284. Financial interest.**

It shall be unethical for any city employee or official who is participating directly or indirectly in the purchase process to hold a financial interest in the company conducting business with the city.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-285. Use of confidential information.**

It shall be unethical for any city employee or official to knowingly use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

(Ord. No. 2019-5, § I, 4-9-19)

**Secs. 2-286—2-300. Reserved.**

*DIVISION 3. SOLICITATION, BIDDING AND NOTICE REQUIREMENTS*

**Sec. 2-301. Maximum practicable competition.**

All specifications shall be drafted so as to promote overall economy for the purposes intended and encourage competition in satisfying the city's needs, and shall not be unduly restrictive. The policy enunciated in this section applies to all specifications including, but not limited to, those prepared for the city by architects, engineers, designers and draftsmen. When required by federal or state law, the city will comply with all disadvantaged business provisions.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-302. Brand name specification.**

Since use of a brand name specification is restrictive of product competition, it may be used only when the user, upon approval from the city manager, makes a written determination that only the identified brand name item or items will satisfy the city's needs. The user shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can satisfy the city's requirements, the purchase may be made as a sole source purchase.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-303. Brand name or equal specification.**

Brand name or equal specifications shall seek to designate three, or as many different brands as are practicable, as "or equal" preferences and shall further state that substantially equivalent products to those designated will be considered for award. Brand name or equal specifications may be used when the user determines that:

- (1) No other design or performance specification or qualified products list is available;

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- (2) Time does not permit the preparation of another form of purchase description, not including a brand name specification;
  - (3) The nature of the product or the nature of the city's requirements makes use of a brand name or equal specification suitable for the purchase; or
  - (4) Use of a brand name or equal specification is in the city's best interests.

(Ord. No. 2019-5, § I, 4-9-19)

### **Sec. 2-304. Public notice requirements.**

In order to provide adequate notice to potential vendors, whenever the city issues an invitation to bid, request for proposals, or request for qualifications, the public notice requirements shall be as follows:

- (1) *Supplies, equipment and services.* Notices to purchase supplies, equipment or services shall be given not less than 15 calendar days prior to the date set forth for the opening of bids. Such notice may include publication in the legal organ of the city or by electronic means on an internet website of the city or an internet website recognized by the city. The public notice shall state the place, date, and time of bid opening, along with such details and specifications as will enable the public to know the extent and character of the offering.
- (2) *Public works projects.* Notices for public works projects, with the exception of road construction, shall be posted conspicuously in the Newnan City Hall and shall be advertised in the legal organ of the county; or by electronic means on the city's official internet website or an Internet website identified by the city. Bid opportunities that are advertised in the legal organ shall be advertised a minimum of two times, with the first advertisement occurring at least four weeks prior to the opening of the proposals. The second advertisement shall follow no earlier than two weeks from the first advertisement. Bid opportunities that are advertised solely on the Internet shall be posted continuously for at least four weeks prior to the opening of the proposals. The public notice shall state the place, date, and time of proposal opening along with other details and specifications which will enable the public to know the extent and character of the offering and in accordance with state law.
- (3) *Road construction projects.* Notices for road construction projects shall be posted conspicuously in the Newnan City Hall and shall be advertised in the legal organ of the city. The advertisement must run at least two times during the two weeks prior to the bid opening. The first advertisement must run two weeks prior to the bid opening. The second advertisement must run one week after the first advertisement. The public notice shall state the place, date, and time of proposal opening along with other details and specifications which will enable the public to know the extent and character of the offering and in accordance with state law.
- (4) All "Request for Proposals" or "Invitations to Bid" released by the city for goods, services and public works projects subject to O.C.G.A. Chapter 91 of Title 36 must be posted on the Georgia Procurement Registry (GPR).

(Ord. No. 2019-5, § I, 4-9-19)

### **Sec. 2-305. Local vendor preference.**

If factors such as quality, previous performance, and availability are equal and acceptable for all vendors, the bid may be awarded to a local vendor if the local vendor's quote, or bid, is within three percent of the lowest bidder. Local vendor preference may only be given when the total amount of the lowest bid does not exceed

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**\$250,000.00.** A local vendor is defined as one who holds a current, valid occupational tax certificate issued by City of Newnan.

(Ord. No. 2019-5, § I, 4-9-19)

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### **Sec. 2-306. Responsibility of bidders.**

The failure of a bidder to supply prompt information in connection with an inquiry with respect to the bidder's qualifications or responsibility may be grounds for a determination of non-responsibility with respect to such bidder. A copy of the determination shall be sent promptly to the bidder in this case. The final determination shall be made part of the contract file and be made a public record once an award is made.

(Ord. No. 2019-5, § I, 4-9-19)

### **Sec. 2-307. Modification of bids.**

Any clerical mistake, which is patently obvious on the face of the bid, may be corrected upon receipt of a written request and verification submitted by the bidder. A non-material omission in a bid may be corrected if the city determines the correction to be in the best interests of the city. Omissions effecting or relating to the bid price shall be deemed material and shall not be corrected after bid opening.

(Ord. No. 2019-5, § I, 4-9-19)

### **Sec. 2-308. Withdrawal of bids.**

Bids may be withdrawn at any time prior to bid opening. After bids have been publicly opened, the bidder shall give notice in writing of this claim of right to withdraw his bid due to an error within two business days after the public bid opening. Such requests for withdrawal may be considered if the price was substantially lower than other bids due solely to a mistake therein, provided the bid was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgment mistake. If a bidder or offeror withdraws a bid or proposal without penalty because of a mistake, he or she may not later submit a bid or proposal for the work if the project is re-bid. Additionally, he or she may not subcontract with the contractor who is awarded the project or supply material or labor to the project or benefit, directly or indirectly, from the performance of the project.

(Ord. No. 2019-5, § I, 4-9-19)

### **Sec. 2-309. Reserved rights.**

The city reserves the right to cancel any advertised bid and to reject any or all bids if it determines that such action is in the best interests of the city. The reasons for such bid rejection or cancellation shall be made part of the bid file.

(Ord. No. 2019-5, § I, 4-9-19)

### **Sec. 2-310. Discussions with responsible bidders.**

Discussions may be conducted with responsible bidders who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements.

(Ord. No. 2019-5, § I, 4-9-19)

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**Sec. 2-311. Disqualification of bids.**

Any bid which is incomplete in any material aspect or submitted without required, or requested, bonds or insurance certificates shall be immediately disqualified from consideration.

(Ord. No. 2019-5, § I, 4-9-19)

**Secs. 2-312—2-320. Reserved.**

*DIVISION 4. PURCHASE METHODS*

**Sec. 2-321. Sole source purchase.**

A contract may be awarded without competition when the city manager determines, after the user conducts a good faith review of available sources, that there is only one source for the required supply or service. The user shall conduct negotiations, as appropriate, as to price, delivery, and terms.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-322. Government contracts.**

Where the State of Georgia or Federal Government (GSA) takes bids and develops purchase contracts on certain items and it is determined that the purchase of these items is in the best interests of the city, the city manager shall have the authority to allow the use of such contracts. Bids received by local government units within the State of Georgia are also eligible provided such bids were solicited within the previous six months.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-323. Emergency purchases.**

Notwithstanding any other provisions of this article, the city manager may make, or authorize others to make, emergency purchases of supplies, services or construction items if immediate action is required to prevent disruption of operations or services, or if there is a threat to public health, safety or welfare, and where the adverse effect of such emergency may worsen materially with the passage of time; provided that such emergency purchases shall be made with such competition as is practicable under the circumstances. All emergency purchases that exceed ~~\$100,000~~ ~~\$50,000.00~~ will require ratification of the city council.

(Ord. No. 2019-5, § I, 4-9-19)

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**Sec. 2-324. Routine purchases.**

Users, or their designee(s), shall be authorized to make purchases up to ~~\$5,000~~ ~~\$2,000.00~~ without competitive solicitation or issuance of a purchasing requisition, provided such purchase complies with all applicable provisions of this article and is within the legal limits of the adopted budget.

(Ord. No. 2019-5, § I, 4-9-19)

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**Sec. 2-325. Quotes.**

Purchases in excess of ~~\$5,000~~ ~~\$2,000.00~~, but not greater than \$50,000.00 shall comply with all applicable provisions of this article in addition to the following:

- (1) *Solicitation.* The user, ~~after obtaining authorization from the city manager,~~ shall develop minimum specifications for such purchase and solicit a minimum of three quotes from qualified vendors. User shall document all quotes received including no response from vendor.
- (2) *Public notice.* Public advertisement for such solicitation shall not be required.
- (3) *Review of quotes.* The user shall review the quotes and select the quote which provides the city with its best value and meets all other purchasing guidelines as set forth by this article. The user may also elect to deny all quotes and re-solicit quotes.

~~Purchases in excess of \$50,000, but not greater than \$250,000 shall comply with all applicable provisions of this article in addition to the following:~~

- ~~(1) *Solicitation.* The city manager shall develop minimum specifications for such purchase and solicit a minimum of three quotes from qualified vendors. The City Manager shall document all quotes received including no response from vendor.~~
- ~~(2) *Public notice.* Public advertisement for such solicitation shall not be required.~~
- ~~(3) *Review of quotes.* The City Manager shall review the quotes and select the quote which provides the city with its best value and meets all other purchasing guidelines as set forth by this article. The City Manager may also elect to deny all quotes and re-solicit quotes.~~
- 4) *Approval of quotes.* Quotes exceeding \$100,000 shall be presented for consideration at the next available city council meeting. The city manager, or his/her designee, shall make a recommendation for award of the quote to the most qualified, responsive vendor.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-326. Reserved.**

**Sec. 2-327. Invitation to bid (ITB).**

Under this method of procurement the city shall issue an "invitation to bid" establishing the requirements necessary to award a contract. Bidders shall submit bids to perform the project for a specified price. The final award shall be made to the most qualified bidder with the lowest price who meets all of the requirements set forth in the invitation to bid. Under this bid method, price is typically the deciding factor in choosing a contractor, once it has been determined which bidders are "responsive" and "responsible". Purchases utilizing this method shall comply with all applicable provisions of this article in addition to the following:

- (1) *Threshold.* The requirements of this purchase method shall apply to all purchases in excess of ~~\$50~~ ~~\$250,000.00~~.
- (2) *Solicitation.* The user, after obtaining authorization from the city manager, shall develop minimum specifications for such purchase and prepare an invitation to bid soliciting bids from qualified vendors. The ITB shall include specifications and all contractual terms and conditions necessary for the purchase and shall be in compliance with state law.

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- (3) *Public notice.* Adequate public notice of the invitation to bid shall be given in accordance with section 2-304 of this article.
- (4) *Receipt of bids.* No bid shall be eligible for consideration by the city unless it is placed in a sealed envelope or package and received by the city by the date and time specified in the invitation to bid. All received bids shall be stamped with the date and time of receipt and secured until the designated opening time. Any bid delivered or received late shall not, under any circumstances, be eligible for consideration and shall be returned unopened to the bidder.
- (5) *Opening of bids.* Bids shall be opened publicly in the presence of ~~the user, the city manager, or his/her designee, two council members~~ at the time and place designated in the invitation to bid. The amount of each bid, together with the name of each bidder, shall be recorded. This record and each bid shall be open to public inspection once an award is made by the city.
- (6) *Evaluation of bids.* Bids shall be evaluated based on the requirements set forth in the ITB, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. No criteria may be used in bid evaluation that is not specifically set forth in the invitation.
- (7) *Recommendation.* At the next available city council meeting, the city manager, or his/her designee, shall make a recommendation for award of the bid to the most qualified, responsive vendor whose bid meets the requirements and criteria set forth in the ITB. The contract file shall contain the basis on which the award is made.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-328. Request for proposals (RFP).**

Under this method of procurement the city shall issue a "request for proposal" describing the project and establishing the factors, as well as their relative importance, which will be used to evaluate the proposals. Vendors shall submit proposals to perform such services as described within the RFP. While price shall be a factor in the city's award decision, it may not be the sole determining factor. In many instances, there may not be specific and/or final specifications for the project; therefore, the city is soliciting firms to provide proposals which require creativity, expertise and experience. Purchases of this type shall comply with all applicable provisions of this article in addition to the following procedures:

- (1) *Threshold.* The requirements of this purchase method shall apply to purchases in excess of ~~\$250,000.00~~.
- (2) *Solicitation.* The user, after obtaining authorization from the city manager, shall develop a request for proposal for such service and solicit proposals from qualified service providers. All requests for proposals shall include detailed information regarding the scope of service, minimum professional qualifications, contractual terms and conditions necessary for the purchase, and any other information as required by law.
- (3) *Public notice.* Adequate public notice of the request for proposals shall be given in accordance with section 2-304 of this article.
- (4) *Receipt of proposals.* No proposal shall be eligible for consideration by the city unless it is placed in a sealed envelope or package and received by the date and time as specified in the request for proposals. All received proposals shall be stamped with the date and time of receipt and secured until the designated opening time. A proposal delivered or received late shall not, under any circumstances, be eligible for consideration and shall be returned unopened to the bidder.
- (5) *Opening of proposal.* Proposals shall be opened publicly in the presence of ~~the user, the city manager, or his/her designee, two council members~~ at the time and place designated in the request for

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proposals. The dollar amount of each proposal, together with the name of each vendor, shall be recorded; the record and each proposal shall be open to public inspection once an award is made by the city.

- (6) *Evaluation of proposals.* Proposals shall be evaluated based on the requirements set forth in the request for proposals, which may include criteria to determine acceptability such as project related experience, vendor qualifications, prior business experience in municipal contracting, bonding and insurance capacity, proposed project schedule, and suitability for a particular purpose. No criteria may be used in proposal evaluation that is not specifically set forth in the request for proposal.
- (7) *Recommendation.* At the next available city council meeting, the city manager, or his/her designee, shall make a recommendation as to which proposal should be selected based on the requirements and criteria set forth in the RFP. The contract file shall contain the basis on which the award is made.

(Ord. No. 2019-5, § I, 4-9-19)

### **Sec. 2-329. Request for qualifications (RFQ).**

This purchase method is typically utilized to obtain the services of a professional firm, where the scope of work is very complex and it is determined that the qualifications of potential service providers is of the highest priority and in the best interests of the city to ensure proper execution of the project deliverables. Purchases of this form shall comply with all applicable provisions of this article in addition to the following procedures:

- (1) *Solicitation.* The user, after obtaining authorization from the city manager, shall develop a "request for qualifications" for such service and solicit proposals from qualified vendors. All requests for qualifications shall include detailed information regarding the scope of service, desired professional qualifications, preferred delivery method, contractual terms and conditions necessary for the purchase, and any other information required by law.
- (2) *Public notice.* Adequate public notice of the request for qualifications shall be given in accordance with section 2-304 of this article.
- (3) *Receipt of qualifications.* No proposal shall be eligible for consideration by the city unless it is placed in a sealed envelope or package and received by the date and time as specified in the request for qualifications. All received qualifications shall be stamped with the date and time of receipt and secured until the designated opening time. A proposal delivered or received late shall not, under any circumstances, be eligible for consideration. Such proposal shall be returned unopened to the bidder.
- (4) *Opening of qualifications.* Qualifications shall be opened publicly in the presence of the user and city manager at the time and place designated in the RFQ. Only the name of each vendor shall be recorded; the qualification statement shall be open to public inspection once an award is made by the city.
- (5) *Evaluation of qualifications.* Qualifications shall be evaluated based on the requirements set forth in the RFQ, which may include criteria to determine acceptability such as project related experience, vendor qualifications, prior business experience in municipal contracting, bonding and insurance capacity, project scheduling, delivery methods, and suitability for a particular purpose. No criteria may be used in proposal evaluation that is not specifically set forth in the request for proposal.
- (6) *Selection method.* The initial request for qualifications shall establish the selection method. Selection methods may include the following:
  - a. *Pre-qualification method.* This method shall allow the city to select only those vendors who are qualified per the specifications listed in the RFQ to submit sealed bids, which shall be opened in accordance with the provisions of this article and applicable state law.

- b. *Negotiated price method.* This method shall allow the city to negotiate a price with the vendor who is deemed to have the qualifications which best comply with the needs of the city and the specifications as established in the request for qualifications. If an agreement cannot be reached with the initial vendor, the city may select to negotiate with next highest qualified vendor; or the city may elect to re-advertise the request for qualifications. Subsequent ratification of the selected vendor must be obtained at the earliest possible city council meeting for those agreements exceeding \$100,000.00.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-330. Professional services.**

The City Manager has the authority to directly negotiate and enter into contract with a professional firm in an amount not greater than ~~\$100,000~~ ~~\$50,000.00~~. For contracts in excess of ~~\$100,000~~ ~~\$50,000.00~~ but not greater than ~~\$250,000~~ ~~\$100,000.00~~ the City Manager has the authority to seek qualifications from a minimum of three ~~two~~ professional firms and negotiate a contract with the firm deemed the most qualified. Contracts exceeding \$100,000 shall be presented for consideration at the next available city council meeting. All contracts in excess of ~~\$250,000~~ ~~\$100,000.00~~ shall be procured using purchase methods as stated in section ~~2-327~~ ~~2-326~~ 2-328 or 2-329. In certain circumstances the city council may waive these provisions if deemed to be in the best interest of the city.

(Ord. No. 2019-5, § I, 4-9-19)

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**Sec. 2-331. Grants and donations.**

Periodically, the city may be awarded or provided private or public grants and donations from sources such as state and federal government and private corporations which are typically designated for specific purposes. These types of funds may be more restrictive and may dictate the procurement process the city is to follow. If there are no such restrictions on the funds, the user shall follow the purchasing guidelines set forth in this article when purchasing goods and services utilizing grants or donated funds.

(Ord. No. 2019-5, § I, 4-9-19)

**Secs. 2-332—2-335. Reserved.**

*DIVISION 5. CONTRACTING REQUIREMENTS*

**Sec. 2-336. Written contracts required.**

All service and construction projects in which the total cost will exceed ~~\$100,000~~ ~~\$50,000.00~~ shall require the selected vendor to enter into a written contract with the city. The form of the contract shall be approved by the city attorney. The mayor is required to execute all such written contracts. For all other supplies and services, a city issued purchase order shall constitute a legal, binding agreement between the city and the vendor. Nothing in this section shall prohibit the city from requiring written contracts for any acquisition of supplies or services when it is deemed to be in the best interests of the city.

(Ord. No. 2019-5, § I, 4-9-19)

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**Sec. 2-337. Bid bonds.**

Bids submitted to the city shall include a bid bond, or bid security, as set forth below:

- (1) *Requirement for bid bonds.* Bid bonds shall be required for all bids for public works or construction contracts when the price is estimated to exceed \$~~100~~250,000.00 and for any other bid, or bid amount, in which a bid bond is deemed to be necessary in order to protect the best interests of the city. Bid bonds shall be of the forfeiture type. All sureties must be licensed to do business in the State of Georgia and listed in the Department of the Treasury's publication of companies holding certificates of authority as acceptable reinsuring companies. In lieu of the bid bond described above, vendors may submit a cashier's check payable to the city. To the extent permitted by Georgia law, a guaranteed letter of credit will act as a bid bond, provided that the form of such letter of credit and the lending institution has been approved by the city.
- (2) *Amount of bid bond.* Bid bonds shall be in an amount equal to at least five percent of the amount of the bid.
- (3) *Withdrawal of bids.* If a vendor is permitted to withdraw its bid before award, as provided in this article, no action shall be had against the bidder or the bid security.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-338. Performance and payment bonds.**

Prior to execution of a contract for public works or construction projects, performance and payment bonds shall be delivered to the city as set forth below:

- (1) *When required.* Performance and payment bonds shall be required for all public works and construction projects when the contract award exceeds \$~~100~~250,000.00. Performance bonds shall be conditioned upon the bidder's faithful performance of the terms of the bid or proposal and the contract executed in connection therewith. Payment bonds shall be executed for the benefit of all persons supplying labor, materials, machinery and equipment in the prosecution of the work provided for in the contract. All sureties must be licensed to do business in the State of Georgia and listed in the Department of the Treasury's publication of companies holding certificates of authority as acceptable reinsuring companies, Circular 570.
- (2) *Amount of performance and payment bonds.* Both performance and payment bonds shall be in an amount equal to at least 100 percent of the total contract price.
- (3) *Authority to require additional bonds.* Nothing in this section shall be construed to limit the authority of the city to require a performance bond or other security in addition to those bonds, or in circumstances other than specified in subsection (a) of this section.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-339. Insurance requirements.**

The city manager, upon review by the city attorney, shall have the authority to determine what types and amounts of insurance coverage are reasonably necessary for the protection of the city's interest for all acquisitions covered by this article. All sureties must be licensed to do business in the State of Georgia. Whenever possible, specific insurance requirements shall be stated within the invitation to bid or request for proposal; however, failure to do so shall not eliminate the authority of the city to require insurance coverage from the successful bidder prior to the commencement of work.

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(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-340. Immigration compliance.**

Pursuant to O.C.G.A § 13-10-91, any vendor entering into a written contract with the city shall complete an affidavit affirming their compliance with the Georgia Security and Immigration Compliance Act of 2006. Such Act requires that all contractors and subcontractors comply with Rule 300-10-01-.02 as a condition of awarding the contract.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-341. Multi-year contracts.**

To the extent authorized by law, a contract for supplies or services may be entered into for any period of time deemed to be in the best interests of the city, provided that the term of the contract and renewal provisions are included in the original solicitation process. Adequate funds must be available to fulfill the first fiscal year's obligation at the time of contract execution. Subsequent year appropriations are subject to authorization by the city council.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-342. Change orders.**

Except as herein provided, any change order or other contract modification shall be governed by the following provisions:

- (1) *Amounts specified.* The city manager shall have the authority to approve all change orders to up to 20 percent of original contract price, provided the total change order does not exceed \$50,000.00. All other change orders shall be approved by the city council.
- (2) *Field required change orders.* Where time is of the essence or emergency circumstances exist which do not allow delay of a project, the user shall request approval from the city manager before proceeding to authorize such work. Subsequent ratification by the city council must be obtained by the user at the earliest possible meeting if the change order exceeds 20 percent of the original contract price, or more than \$50,000.00.

(Ord. No. 2019-5, § I, 4-9-19)

**Sec. 2-343. Intergovernmental contracts.**

Notwithstanding any other provision of this article, the city may participate in a cooperative agreement for the acquisition of real property, personal property, commodities, supplies, equipment or services with any other governmental entity or agency, whether federal, state or local or purchasing cooperative. Where cost of such commodities or service has been approved in the current year budget, the city manager shall have the authority to enter into such intergovernmental contracts when deemed in the best interests of the city. Documentation to substantiate this decision shall be maintained in the contract file.

(Ord. No. 2019-5, § I, 4-9-19)

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**Secs. 2-344. On-call services contracts.**

Under this method of procurement the city shall issue a "request for proposal" or "request for qualifications" depending on the type of on-call service requested; describing the services and establishing the factors, as well as their relative importance, which will be used to evaluate the firms. Vendors shall submit proposals/qualifications to perform such on-call services as described within the RFP/RFQ. While price shall be a factor in the city's award decision, it may not be the sole determining factor. Purchases of this type shall comply with the following procedures:

- (1) All on-call services contracts will be budgeted on an annual basis through the annual budget process.
- (2) The city will have the authority to determine duration of all on-call services contracts as well as having the right to terminate a contract if deemed to be in the best interest of the city.

(Ord. No. 2019-5, § I, 4-9-19)

**Secs. 2-345—2-460. Reserved.**

Purchases from \$50,000 to \$10,000 (1/1/19 to present)

1645 - ML Masonry LLC	Construction	Temple Avenue Park	Completed Date	04/02/2020	Expensed	50,000.00
5383 - Tomco Construction, Inc	Construction	Communications Office Buildout	Completed Date	12/09/2022	Expensed	50,501.50
5148 - Lichty Commercial Construction, Inc.	Construction		Completed Date	12/23/2021	Expensed	53,980.04
3593 - Technology Integration Group (TIG) ACH	Construction	Wadsworth Lighting Upgrades	Completed Date	05/20/2020	Expensed	60,414.88
3582 - Aquaguard Foundation Solutions(Aquaguard Waterproof	Construction	Culvert Rehab - Arbor Way - Summergrove	Completed Date	01/26/2021	Expensed	60,693.00
5149 - Safety Signal Co, Inc - ACH	Construction	Curb Delineation Project- Lower Fayetteville Rd	Completed Date	01/21/2025	Expensed	63,415.00
5383 - Tomco Construction, Inc	Construction	Reception Area Addition	Completed Date	04/26/2022	Expensed	69,000.00
4823 - Prime Contractors, Inc. - ACH	Construction	roof at perry street	Completed Date	05/07/2025	Expensed	70,447.39
4910 - FireLine, Inc ACH	Equipment	Protective equipment - multiple pieces	Completed Date	07/29/2020	Expensed	52,250.00
3942 - DeNyse Companies, Inc.	Equipment	Digital Sign for Wadsworth	Completed Date	03/16/2020	Expensed	60,827.60
3466 - ProLogic ITS, LLC ACH	equipment	pd upfit	Completed Date	10/28/2020	Expensed	62,967.28
6384 - Yancey Brothers Co	equipment	caterpillar	Completed Date	12/09/2022	Expensed	66,585.00
4454 - Govred Technology, Inc.	equipment	firearms training simulator	Completed Date	08/17/2023	Expensed	67,500.00
6384 - Yancey Brothers Co	equipment	mini-excavator	Completed Date	02/26/2020	Expensed	71,685.00
3466 - ProLogic ITS, LLC ACH	equipment	pd cars	Completed Date	10/05/2022	Expensed	71,846.30
5998 - CDW Government, Inc	equipment	Hardware	Completed Date	06/16/2022	Expensed	73,199.99
4775 - Metropolitan Communications ACH	equipment	vehicles for pd upfit	Completed Date	05/05/2023	Expensed	74,222.80
4775 - Metropolitan Communications ACH	equipment	vehicles for pd upfit	Completed Date	06/10/2025	Expensed	74,425.00
1934 - Flint Equipment Co (Flint Equipment Holdings Inc)	equipment	john deer backhoe loader	Completed Date	04/06/2020	Expensed	75,500.00
4647 - Anchor Heating & Air Conditioning Co., Inc.	equipment	hvac for welsey street	Completed Date	01/14/2025	Expensed	77,771.00
3006 - Great Southern Recreation LLC (Abigail Vance dba)	equipment	Playground equipment and installation - Sprayberry Rd Park	Completed Date	09/18/2019	Expensed	84,004.00
4220 - Deere & Company	equipment	utility tractor and rotary lift	Completed Date	10/20/2021	Expensed	91,804.18
4534 - PDH Systems, Inc.	equipment	wadsworth - sound equipment	Completed Date	10/20/2023	Expensed	99,723.14
1720 - Jasper Group (Jasper Seating Co, Inc DBA) - ACH	furniture	Furniture for Planning /Engineering Buildout	Completed Date	10/05/2023	Expensed	77,020.91
5998 - CDW Government, Inc	hardware	Hardware	Completed Date	02/13/2026	Expensed	53,277.30
4398 - Innuvo, Inc.	hardware	Hardware	Completed Date	12/31/2022	Expensed	55,558.46
4368 - SureLock Technology (Kopesky Enterprises, Inc dba)	hardware	Hardware	Completed Date	07/29/2022	Expensed	68,445.00
4433 - Westnet, Inc.	hardware	dispatch system	Completed Date	02/15/2024	Expensed	80,999.36
2389 - Comprehensive Program Services, Inc ACH	Professional Services	Program Management Services	Completed Date	07/01/2020	Expensed	50,000.00
4583 - MCCI, LLC	Professional Services	Professional Services	Completed Date	09/16/2024	Expensed	53,437.50
1625 - Pond & Company - ACH	Professional Services	Final Design Farmer Street Cemetery	Completed Date	07/18/2025	Expensed	54,380.00
2936 - Columbia Engineering and Services, Inc ACH	Professional Services	Woodlane Drive Roadway Improvements	Completed Date	11/11/2025	Expensed	55,194.88
4820 - Before the Breach, LLC. (Gates E. Marshall DBA)	Professional Services	Professional Services	Completed Date	09/18/2025	Expensed	55,450.00
1322 - Integrated Science & Engineering, Inc - ACH	Professional Services		Completed Date	12/31/2021	Expensed	57,027.50
2936 - Columbia Engineering and Services, Inc ACH	Professional Services	Jefferson St Drainage Project	Completed Date	09/03/2025	Expensed	58,368.56
2246 - Newnan Centre ACH	Professional Services	Conference Center & Hotel Feasibility Study	Completed Date	03/14/2024	Expensed	58,800.00
2389 - Comprehensive Program Services, Inc ACH	Professional Services	Program Management Services for Pickleball Facility	Completed Date	09/03/2021	Expensed	59,500.00
2936 - Columbia Engineering and Services, Inc ACH	Professional Services	LINC Section Addition - Design/Engineering Services	Completed Date	07/15/2025	Expensed	69,900.00
2389 - Comprehensive Program Services, Inc ACH	Professional Services	PM Services for Caldwell Tank Demo and Remediation	Completed Date	08/03/2022	Expensed	71,391.47
2232 - Wilburn Engineering, LLC	Professional Services	Traffic signal upgrades for ITS	Completed Date	04/04/2022	Expensed	72,014.00
2936 - Columbia Engineering and Services, Inc ACH	Professional Services	Construction Management- 2023 Paving Project	Completed Date	11/25/2024	Expensed	77,726.91
4848 - WLA Studio (Williamson Landscape Architect LLC)ACH	Professional Services	Master Cemetery Plan 2025 - Consulting Services	Completed Date	02/18/2026	Expensed	78,140.00
3609 - Heath & Lineback Engineers, Inc.(DONOTUSE SEE 4596)	Professional Services	Traffic Improvements Newnan Crossing Bypass at Bullsboro Dr	Completed Date	12/31/2023	Expensed	86,820.05
3131 - Goodwyn, Mills & Cawood, LLC - ACH	Professional Services	Greenville Street Park Professional Design Services	Completed Date		Expensed	87,654.14

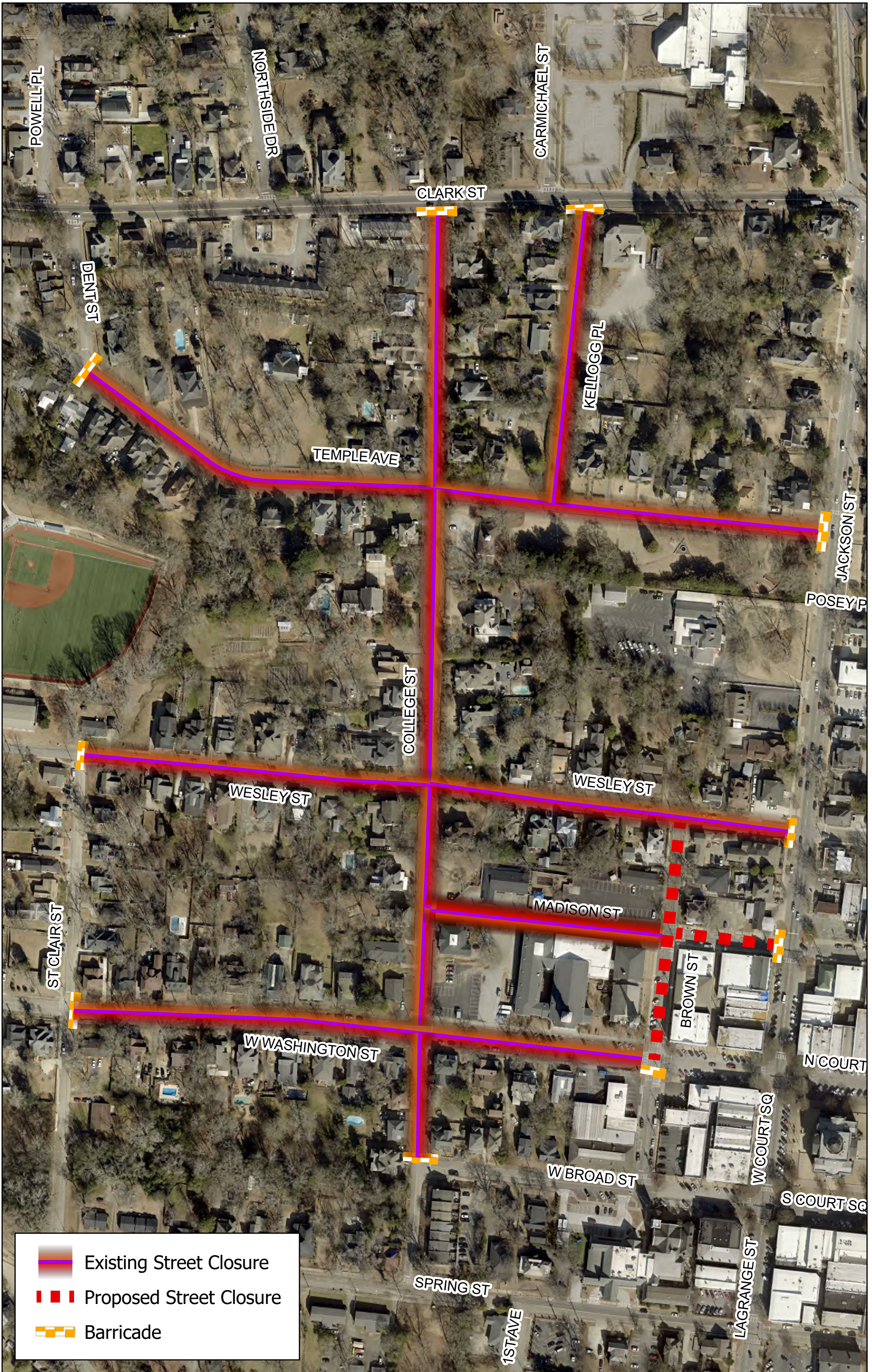
3963 - Lowe Engineers, LLC ACH	Professional Services	Construction Design Documents for JJC152	Completed Date	12/31/2023	Expensed	88,527.50
4583 - MCCI, LLC	Software	Software	Completed Date	03/07/2024	Expensed	65,234.13
3685 - Municipal Emergency Services Inc. ACH (USE 4827)	Tools	Rescue 2 - tools	Completed Date	09/25/2024	Expensed	50,904.49
2495 - Municipal Equipment Sales, Inc	tools	rescue tools	Completed Date	10/28/2025	Expensed	57,376.49
4793 - Hardy Family Ford (Family Ford DBA)	Vehicles		Completed Date	01/08/2025	Expensed	50,820.00
2466 - Wade Ford, Inc	Vehicles		Completed Date	04/30/2025	Expensed	57,000.00
4378 - SouthTowne Motors of Newnan, Inc	Vehicles		Completed Date	06/16/2023	Expensed	58,038.63
6739 - Georgia Department of Public Safety	Vehicles		Completed Date	11/20/2019	Expensed	59,668.78
6796 - Brannen Motor Company	Vehicles		Completed Date	01/10/2022	Expensed	67,800.00
4378 - SouthTowne Motors of Newnan, Inc	Vehicles		Completed Date	06/16/2023	Expensed	76,858.00
4378 - SouthTowne Motors of Newnan, Inc	Vehicles		Completed Date	09/19/2024	Expensed	92,145.60
6796 - Brannen Motor Company	Vehicles		Completed Date	08/24/2022	Expensed	93,100.00
2466 - Wade Ford, Inc	Vehicles		Completed Date	08/25/2025	Expensed	96,800.00
1292 - Hardy Chevrolet Buick GMC	Vehicles		Completed Date	04/02/2020	Expensed	98,987.00




Purchases from \$100,000 to \$250,000 (1/1/19 to present)

2133 - RDJE, Inc	Construction	CJ Smith Park Pipe Rehab	\$ 129,400.00	
5148 - Lichty Commercial Construction, Inc.	Construction	Station 2 Remodel	\$ 129,418.61	
3947 - NSC Construction Co. LLC dba New South Const.ACH	Construction	Greenville Street Park Construction Services	\$ 140,295.88	
4505 - S.H. Creel Contracting, LLC. ACH	Construction	Lynch Pool Repair Contract	\$ 149,270.84	
3582 - Aquaguard Foundation Solutions(Aquaguard Waterproo	Construction	sidewalk	\$ 149,664.00	
3582 - Aquaguard Foundation Solutions(Aquaguard Waterproo	Construction	sidewalk	\$ 150,000.00	
3582 - Aquaguard Foundation Solutions(Aquaguard Waterproo	Construction	sidewalk	\$ 150,000.00	
3582 - Aquaguard Foundation Solutions(Aquaguard Waterproo	Construction	sidewalk	\$ 150,000.00	
5383 - Tomco Construction, Inc	Construction	Planning & Zoning Renovations	\$ 154,348.02	
1643 - Lewallen Construction Co, Inc	Construction	Bridge Slope Repairs & At Grade Crossing Greison - LINI	\$ 160,540.06	
3653 - Lewis General Contractors Inc. - ACH	Construction	Facilities building construction	\$ 172,560.00	
1460 - Piedmont Paving, Inc - ACH	Construction	culvert	\$ 175,981.10	
3947 - NSC Construction Co. LLC dba New South Const.ACH	Construction	CM @Risk Contract & Preconstruction Services	\$ 233,443.54	
6384 - Yancey Brothers Co	Equipment	mini-cat	\$ 104,129.00	
4323 - Mobile Communications America Inc.	Equipment	Emergency Siren Upgrades/Replacement	\$ 110,462.09	
3172 - Perkins Generator Sales & Service, Inc.	Equipment	generator	\$ 129,376.72	
2930 - Trane (Trane U S Inc DBA)	Equipment	multiple parts for hvac	\$ 142,730.73	
2538 - Environmental Products Group Inc.- ACH	Equipment	Boom Truck	\$ 160,000.00	
1934 - Flint Equipment Co (Flint Equipment Holdings Inc)	Equipment	boom mower	\$ 163,532.48	
1360 - Cpak Technology Solutions ACH	Equipment	Hardware	\$ 164,734.00	
2538 - Environmental Products Group Inc.- ACH	Equipment	SN# TL3-4276 Petersen TL3 Grapple Lightning Loader w	\$ 165,603.00	
6384 - Yancey Brothers Co	Equipment	loader	\$ 169,621.00	
4642 - Peterbilt Of Atlanta, LLC (DO NOT USE SEE 4032)	Equipment	tractor	\$ 174,941.00	
4647 - Anchor Heating & Air Conditioning Co., Inc.	Equipment	cooling tower	\$ 176,458.00	
4165 - GTG Traffic Signals, LLC ACH	Equipment	traffic signal	\$ 190,000.00	
2538 - Environmental Products Group Inc.- ACH	Equipment	leaf vac truck	\$ 228,168.00	
2538 - Environmental Products Group Inc.- ACH	Equipment	loader	\$ 231,643.00	
2538 - Environmental Products Group Inc.- ACH	Equipment	loader	\$ 234,935.00	
3238 - Williams Fire Apparatus, Inc. - ACH	Equipment	Southeast Apparatus Extreme Duty 3/16"	\$ 249,500.00	
4601 - Headley Construction Corporation ACH	Professional Service	Pickleball Construction Design Build Contract	\$ 115,584.00	
4596 - Heath & Lineback (BCC Engineering, LLC DBA)	Professional Service	Lower Fayetteville Rd Improvements PI0019634	\$ 129,167.55	
4002 - Hughes, Good, O'Leary & Ryan Inc dba HGOR	Professional Service	Pickleball Facility Design Services	\$ 142,320.35	
2936 - Columbia Engineering and Services, Inc ACH	Professional Service	Lynch Park Renovations - Parking Improvements	\$ 142,330.76	\$ 143,076.77 avg for professional services
1322 - Integrated Science & Engineering, Inc - ACH	Professional Service		\$ 162,549.26	
2389 - Comprehensive Program Services, Inc ACH	Professional Service	Addendum to an existing contract for CJ and Lynch	\$ 173,750.00	
1322 - Integrated Science & Engineering, Inc - ACH	Professional Service	Design Sprayberry Rd Sidewalks	\$ 177,013.10	
4041 - 2WR of Georgia Inc. ACH	Professional Service	Fire Training Facility Design/Engineering Services	\$ 184,945.00	
3450 - PATH Foundation, Inc.	Professional Service	Newnan LINC Phase 13 - Design Services	\$ 203,107.69	
1693 - Akins Ford Dodge Jeep Chrysler(Akin Ford Corp DBA)	Vehicles	3 police vehicles	\$ 143,511.00	
2814 - Newnan Peachtree Chrysler Dodge Jeep Ram	Vehicles	5 police vehicles	\$ 157,665.00	
1292 - Hardy Chevrolet Buick GMC	Vehicles	police vehicles	\$ 165,401.00	
6796 - Brannen Motor Company	Vehicles		\$ 203,400.00	
6739 - Georgia Department of Public Safety	Vehicles	6 vehicles for pd	\$ 211,476.60	

**Survey of Comparable Georgia Cities**

Day to Day	Min	Max	Newnan
	\$ -	\$ 2,500.00	
	\$ -	\$ 10,000.00	
	\$ -	\$ 5,000.00	
	\$ -	\$ 5,000.00	<b>Current</b> \$ - \$ <b>2,000.00</b>
	\$ -	\$ 1,000.00	<b>Proposed</b> \$ - \$ <b>5,000.00</b>
	\$ -	\$ 5,000.00	
	\$ -	\$ 5,000.00	<b>any amount over \$5,000 requires a Purchase Order</b>
	\$ -	\$ 5,000.00	
2 quotes	\$ 5,000.00	\$ 10,000.00	
	\$ -	\$ 500.00	
3 quotes -department	\$ 2,500.00	\$ 7,500.00	
	\$ 10,000.00	\$ 99,999.00	<b>Current</b> \$ 2,000.00 \$ 50,000.00
	\$ 10,000.00	\$ 50,000.00	
	\$ 1,000.00	\$ 10,000.00	<b>Proposed</b> \$ 5,000.00 \$ 50,000.00
	\$ 5,000.00	\$ 50,000.00	
3 quotes - CM approved	\$ 7,500.00	\$ 49,999.00	<b>Proposed</b> \$ 50,000.00 \$ 250,000.00
	\$ 10,000.00	\$ 99,999.00	
CM Approval	\$ 5,001.00	\$ 50,000.00	
	\$ 50,000.00	\$ 100,000.00	
	\$ 5,001.00	\$ 99,999.00	
Formal Bid	\$ 100,000.00		<b>Current</b> \$ 50,000.00
	\$ 100,000.00		
	\$ 50,000.00		<b>Proposed</b> \$ 250,000.00
	\$ 250,000.00		
	\$ 100,000.00		
	\$ 250,000.00		
Quotes with Council approval	\$ 100,000.00	\$ 249,999.00	
	\$ 50,000.00		



-  Existing Street Closure
-  Proposed Street Closure
-  Barricade

**Motion to Enter into Executive Session**

I move 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

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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.

**Motion to Adopt Resolution after Adjourning Back into Regular Session**

I move that we 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).