

CITY OF NEWNAN, GEORGIA
REGULAR COUNCIL MEETING

MARCH 23, 2021

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, March 23, 2021 at 6:30 p.m. in the Richard A. Bolin Council Chambers of City Hall with Mayor Keith Brady presiding.

CALL TO ORDER

Mayor Brady called the meeting to order and delivered the invocation.

PRESENT

Mayor Keith Brady: Council members present: Rhodes Shell, George Alexander; Cynthia E. Jenkins, Ray DuBose, Paul Guillaume and Dustin Koritko. Also present: City Manager, Cleatus Phillips; Assistant City Manager, Hasco Craver; City Clerk, Megan Shea; Planning Director, Tracy Dunnavant; Public Works Director, Michael Klahr; and City Attorney, Brad Sears and Police Chief, Douglas "Buster" Meadows.

MINUTES – REGULAR COUNCIL MEETING – MARCH 9, 2021

Motion by Councilman Koritko, seconded by Councilman Alexander to dispense with the reading of the minutes of the Regular Council meeting on March 9, 2021 and adopt them as presented.

MOTION CARRIED. (7-0)

APPOINTMENT – NEWNAN YOUTH ACTIVITIES COMMISSION – 3 YEAR TERM

Motion by Councilman Koritko, seconded by Councilman Alexander to appoint Matt Markham to the Youth Activities Commission for a three-year term.

MOTION CARRIED (7-0)

APPOINTMENTS- CHRISTMAS COMMISSION- 3 YEAR TERM

Motion by Councilwoman Jenkins, seconded by Councilman Alexander to appoint Kenya Brantley to the Christmas Commission for a three-year term.

MOTION CARRIED (7-0)

CONSIDERATION OF AN ORDINANCE TO AMEND SECTION 4-17, PROHIBITED ANIMALS, OF ARTICLE I, GENERAL, OF CHAPTER 4, ANIMALS, OF THE CODE OF ORDINANCES

City Manager explained that Mayor Pro Tem Shell asked about this ordinance back in 2019. City Staff researched it, studied the language of other ordinances then shut down due to COVID. It was already drafted so it's being brought back now. It allows for the keeping of hens, not roosters and it limits the maximum number to 5. It also regulates the cage size and does not allow for commercial sale.

Mr. Tim Ross from the Stonebridge Community spoke. He inquired how this came to be amended and Mayor Pro Tem Shell explained that he had several constituents who asked about this previously, mostly for the purpose of wanting fresh eggs for food supply.

Mr. Ross then asked if this ordinance would supersede HOA guidelines. The HOA guidelines of Stonebridge specifically states no farm animals. City Attorney clarified that the HOA would rule. Mr. Ross then asked who would monitor this? If someone had a 6ft high fence how you would you know what they have? City Manager responded that this would be similar to other regulatory ordinances the City has such as junk, growth of grass etc. and a privacy fence does pose an obstacle. If there is substantial evidence or complaints the City can inspect the premises. Code Enforcement and Animal Control would have authority and joint responsibility for this.

City Attorney further explained that Code Enforcement and Animal Control would not enforce HOA restrictions. If this ordinance were to pass, even though it would permissible in the City that does not mean it would be permissible in certain neighborhoods.

Motion by Mayor Pro Tem Shell, no seconded.

MOTION DIED LACK OF 2nd

CONSIDERATION OF RESOLUTIONS TO RATIFY THE APPOINTMENT OF ASSISTANT PROSECUTORS IN MUNICIPAL COURT

Motion by Councilman Alexander, seconded by Councilman Koritko to adopt the resolution as presented.

MOTION CARRIED. (7-0)

CONSIDERATION OF A TEXT AMENDMENT TO THE ZONING ORDINANCE TO ALLOW DUPLEXES IN RU-7 ZONING DISTRICTS

Dean Smith, Planner, explained that this was brought to the City by Ms. Levitch. It was shortly after the moratorium was placed and her application was for outright use of duplexes in RU-7 zoning. It is being suggested that it be allowed as a special exception or conditional use and allow the Board of Zoning Appeals to decide as it would be site/case

specific. This would also give the neighborhood the opportunity to voice their opinion. If Council wants to consider this it will go to the Planning Commission next month.

Motion by Councilwoman Jenkins to refer to Planning Commission, no second.

MOTION DIED LACK OF 2nd

CONSIDERATION OF A DONATION AGREEMENT BETWEEN THE CITY OF NEWNAN AND FRIENDS OF LINC, INC.

Motion by Councilman Alexander, seconded by Councilman Koritko to approve the donation agreement as presented.

MOTION CARRIED. (7-0)

PUBLIC HEARING- REZONING REQUEST RZ2021-01, JACK HUGHSTON, EDGAR HUGHSTON BUILDER, INC. FOR 16.58 + ACRES AT 255 MARY FREEMAN ROAD (#111 1017 003) FROM RS-15 TO RU-7 FOR 46 SINGLE FAMILY HOMES

Mayor Brady opened the Public Hearing.

The Planning Director stated that this tract is located at 255 Mary Freeman Road, between the entrances at Fox Ridge subdivision and Ashton Place. There is a cabin style home currently on the property and the builder is requesting to build an additional 45 homes. Proposed homes will feature brick and stone with living spaces between 2,700-4,200 square feet and price points will begin in the low 300's. All homes will feature smart technology and game day patios with fireplaces. This development would become part of Ashton Place and the residents would have access to all of their amenities. Should be noted that Fox Ridge and Ashton Place were granted open space incentives when they were originally platted and that allowed them to develop with reduced setbacks and lot sizes. Although they are zoned RS-15 they are more in line with RU-7 designation. RS-15 allows up to 41 units and the builder is only requesting an additional 5 homes in the RU-7.

The Planning Director stated that staff had completed an assessment of the 8 required standards and gave a summary of each.

The property is bordered on three sides by existing subdivisions and Welch Elementary school. The existing zoning allows up to 41 units and the builder is asking for 46. Staff felt the use was suitable in view of zoning and development of adjacent and nearby properties.

As far as adverse impact on adjacent or nearby property, the greatest impact would be traffic but that would be minimal. The increase will not be enough to change the level of service for Mary Freeman Road.

Could it be used as currently zoned? Yes, it is already zoned for the use they are requesting.

Would the project cause an “excessive or burdensome” use of public facilities? Staff determined the project will have minimal impact on public services as they are only adding 5 homes to what is already allowed. Anticipated call volume for Fire and Police was considered. The school system did caution that capacity is an ongoing concern and asked that the developer provide pertinent information for planning purposes.

Comprehensive Plan- Future Land Use Map shows the property as future low density residential, which is “four units per acre or less” and RU-7 allows up to 4 units per acre so it is consistent with the Comprehensive Plan.

The applicant is proposing residential so it would be consistent with the purpose and intent of the purposed zoning.

Would the purposed use be supported by new or changing conditions not anticipated by the Comprehensive Plan? This property was given future low-density residential designation in 2016 and a rezoning for a residential subdivision with proposed net density of 2.7 units per acre would be consistent.

Staff does feel the project shows a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property. The subject property is already zoned to accommodate a 41-unit subdivision and the applicant is only proposing 5 more units. The requested setbacks, lot sizes and density will be similar to existing subdivisions nearby. In addition, this would become a phase of Ashton Place and the residents will have access to the amenities of that subdivisions. The applicant has also agreed to proffer a playground for the site.

Staff found that the development met 7 of 8 standards. The Planning Commission held a public hearing at their February 9th meeting and voted unanimously to recommend approval with the following conditions:

- The development of the property would be consistent with the concept plan, pictures, and supporting documentation that has been provided as part of the rezoning application.
- The project will be limited to 46 units.
- A written agreement with Ashton Place regarding the amenities and covenants/restrictions would be provided prior to the City Council meeting.
- The applicant has agreed to proffer a playground for the site.

Applicant:

Mr. Robert Hancock on behalf of current owner of the property, Parks Family and the applicant Hughston Homes reiterated that the project has the support of staff and the

unanimous support of the Planning Commission. The average lot in this development will be larger than the ones adjacent in Fox Ridge. During the Planning Commission meeting there were a few people with concerns, mainly around the size of the pool not being sufficient. Although many of those people stated that they had moved in after the Summer of 2019, the last time it was open, and therefore none of them had actually been to the pool yet. Then there was one person who thought the builder is just being greedy.

The cabin on the property is a private residence that will remain.

Mayor Brady closed the public hearing.

Motion by Mayor Pro Tem Shell, seconded by Councilman Alexander to accept the Planning Commission report for the rezoning request, location at 255 Mary Freeman Rd. consisting of 16.58 ± acres.

MOTION CARRIED (7-0)

Motion Councilman Guillaume, seconded by Mayor Pro Tem Shell to approve the rezoning request with the stated proffered conditions. Opposed: Koritko

MOTION CARRIED (6-1)

Motion by Mayor Pro Tem Shell, seconded by Councilman Alexander to adopt the Ordinance to amend the Zoning Map for property located at 255 Mary Freeman Road from RS-15 (Suburban Residential Single-Family Dwelling District-Medium Density) to RU-7 (Urban Residential Single-Family Dwelling District-High Density) with all conditions. Opposed: Koritko

MOTION CARRIED (6-1)

PUBLIC HEARING- ZONING ORDINANCE AND SUBDIVISION REGULATION TEXT AMENDMENTS

Dean Smith, Planner explained that there are several text amendments to the zoning ordinance and subdivision regulations being presented. One article in particular, Article 6, was discussed last year by Council relating to MXD (Mixed Use Development) District. It was tabled due to the Pandemic and now being brought forward again.

Councilman Alexander asked what 'other select zoning districts' means in Article 2 with regards to Microbreweries, Micro-Producers etc. Mr. Smith stated that on page 106 of the agenda packet it shows a definition of 'micro-producers' that is being added and that conditional or special exception uses are being added in a few districts. They are suggesting that they be allowed in Central Business District, Heavy Commercial and two Industrial districts. CCS and CGN are going to be located along major corridors such as Bullsboro Drive, the Bypass, and Ashley Park. Heavy Commercial is harder to show on a

map but some areas would be along Greenville Street and Temple Avenue. Revisions can be made so that neighbors in those areas can have input.

City Manager explained that Heavy Commercial opens up a lot of other uses. Micro-Producers actually might be less intense than some other types of Heavy Commercial such as auto body shops or used car lots. It can be made special exception so that when these applications come before the Board of Zoning Appeals we can make hours of operation a concern, ask them how they will handle noise etc. Neighbors will be given notice and will be able to voice their concerns.

Councilwoman Jenkins asked about Article 5 regarding the neon signs and if there will be a size limit? Mr. Smith explained that they will remain the size that is currently regulated. There is no proposal to change the existing restrictions on size. This is just a material change and it's only in the overlay districts.

A question was asked regarding the article to add a clause stating fences in front yards or in street side yards must be setback from the property line by 5 feet to avoid blocking line of sight for drivers. Mr. Smith explained that there have been a lot of questions and requests, mostly from HOA's that have small lots. If they have a corner lot, there can be issues pulling out and not being able to see what's coming. The suggestion is to offset 5 feet minimum on the street side and anything put in the front yard offset so it doesn't create traffic sight issues. Another option would be having to make anything on street side see through or wrought iron. Right now, there are no setbacks to fences, we do not require a survey. Councilman Alexander thinks it should be considered on an as needed basis.

Mayor Brady recommended that the two items discussed, locations of micro-producers and fence setbacks, be separated from the ordinance and brought back to Council with more information.

There was a question regarding Article 5, demolition of structures. Is this tied to designation of districts? Mr. Smith responded that this is tied to that due to the change in the ordinance passed previously regarding structures over 50 years old. This is ensuring the language doesn't conflict and makes it consistent. Any demolition of a structure has to go before the Planning Commission regardless of the age of the structure if it is in one of the designation districts. How this affects or takes into consideration the Historic Districts was also discussed.

Mr. Smith further explained that the Historical Overlay District applies to certain sections of the City but has nothing to do with demolition standards. The Downtown Design Overlay District is the only one that has to do with demolition standards that are different than the one recently adopted saying that everything 50 years and older has to come before Council.

This issue will also be separated out to follow up on.

A question was asked on Article 11, and how it is worded when it says delegation of authority. This is mostly regarding street acceptances. City Manager explained that when it comes to street acceptances that by the time it gets to City Council everything is in order and therefore there is no denial. So, it should be made administrative.

Motion by Councilman DuBose, seconded by Councilman Alexander to continue this entire ordinance to the next meeting.

MOTION PASSED (7-0)

CONSIDERATION OF RATIFICATION OF NOTICE TO TERMINATE LEASE
AGREEMENT BETWEEN THE CITY OF NEWNAN AND THE AFRICAN AMERICAN
ALLIANCE, INC.

Ayisat Idris-Hosch spoke on behalf of the African American Alliance. She was appointed in November and knows there are lots of internal issues. She explained that they have overcome those issues and they want to work with the City to put together events, workshops and activities for the African American Community. The alliance believes it's important for the community to see them working with the City and not against each other for one common goal. The history of African Americans in Coweta County is important. She asked Council to consider all of these things before terminating the lease.

Ms. Idris-Hosch stated that she thinks it's important to pay attention to what is going on and pay attention to how we can all come together with this organization, Farmer Street Cemetery Commission and the African American community to put the vision that Cynthia Roser and Bob Olmstead had when they first started this organization.

City Attorney stated that the letter sent regarding the lease termination had a 30-day term to it. Ms. Idris-Hosch said that she has not seen the letter and only just saw a copy of the lease. The current lease expires in July. City Attorney explained that this is a good opportunity to put together a new lease with the appropriate individuals. The bylaws need to be redone. There is nothing in the bylaws currently that meet the requirements for a 501(c)3. They need to get an attorney to help them put that together.

Mayor Brady stated that they all agree that the African American Alliance needs to be there and operating the museum, they want that all to continue. This is a triggering device to set in motion the things that the City Attorney is describing, to make sure we get to a lease that is advantageous for both the Alliance and the City in order to provide for the community. This is not punitive. The Mayor suggested an additional 60 days be given.

Councilwoman Jenkins suggested giving them the time and put a new lease in place for August 1st. City Attorney explained that to terminate the lease now allows for a blank slate. From a legal standpoint the concern is who is the lease with. We are not sure who has the keys. Staff has received complaints. The other concern is that there is important stuff in the building and we don't want that stuff to leave the building.

Assistant City Manager stated that they are aware of who has keys and the locks can be changed again if needed. Ms. Idris-Hosch also stated that she requested the locks be changed and she has keys. She said they are in talks to get an attorney and revise the bylaws. Since the current lease is up on July 30th that gives them time to get the lease in order as opposed to terminating and handing the keys over again with items that are in the building that belong to the community. If Council decides to terminate the lease then they will hand over the keys but they would have to remove the items first.

It was asked what would happen to the items. Ms. Idris-Hosch stated that she would need to get a curator to remove the items and store them safely. A suggestion was made by Councilwoman Jenkins to allow for the items to remain on site while negotiations are going on. This helps make the public aware that we are trying to work through this and preserve the museum and not trying to take anything away from the community. We can secure the building so nothing walks off, limit to staff only. This is an important asset for our community and it needs to stay where it is.

The question was asked, are there legal issues to be concerned about if they go with Councilwoman Jenkins suggestion instead of terminating the lease? City Attorney explained that the concern is who has access. He suggested there could be two motions made, one to ratify the termination and one to extend the time given for the group to vacate the premises.

Mayor Brady stated again that the Council wants the African American Alliance to exist, to provide services and does that in the correct manner in the building that the City owns.

Ms. Idris-Hosch asked the City Attorney for clarification. He stated the Council can ratify the termination of the lease and extend the time to vacate the premises to allow staff and attorneys to make sure the group is properly constituted.

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to ratify the termination of the current lease and give an additional 60 days to the group to vacate the premises.

MOTION PASSED (7-0)

ADJOURNMENT

Motion by Councilman Alexander, seconded by Councilman Koritko to adjourn the Council meeting at 7:32pm.

MOTION CARRIED. (7-0)

Megan Shea, City Clerk

Keith Brady, Mayor