CITY OF NEWNAN, GEORGIA
REGULAR COUNCIL MEETING MAY 23, 2023

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, May 23, 2023 at 6:30 p.m. in the Richard A. Bolin Council Chambers of City Hall with Mayor Keith Brady presiding.

CALL TO ORDER

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

PRESENT

Mayor Keith Brady: Council members present: Ray DuBose, Rhodes Shell, George Alexander, Cynthia Jenkins, Dustin Koritko and Paul Guillaume. Also present: City Manager, Cleatus Phillips; Assistant City Manager, Hasco Craver; City Clerk, Megan Shea and City Attorney, Brad Sears.

READING OF MINUTES

A. Minutes from the Regular Meeting on April 25, 2023

Motion by Councilman DuBose, seconded by Councilman Alexander to dispense with the reading of the minutes of the Regular Council Meeting on April 25, 2023 and adopt them as presented.

MOTION CARRIED. (7-0)

REPORTS OF BOARDS AND COMMISSIONS

B. Appointment – Keep Newnan Beautiful, interim term

Motion by Councilman DuBose, seconded by Councilman Alexander to accept the resignation of Matt Bryan from Keep Newnan Beautiful.

MOTION CARRIED. (7-0)

C. Appointment – Parks Commission, 3-year term

Continue to next agenda.

D. Appointment – Tree Commission, 3-year term

Continue to next agenda.

E. Appointment – Urban Redevelopment Agency, 3-year term

Motion by Mayor Brady, seconded by Mayor Pro Tem Koritko to appoint Jess Barron to the Newnan Urban Redevelopment Agency for a 3-year term.

MOTION CARRIED. (7-0)

F. Appointments – Youth Activities Commission, 3-year term

Motion by Councilman Shell, seconded by Councilman Alexander to re-appoint Peyton Shelnutt for another 3-year term.

MOTION CARRIED. (7-0)

G. Newnan Youth Council – Graduating Seniors

Mayor Brady, Councilwoman Jenkins and Roy Garner, Chairman of the Newnan Youth Activities Commission announced the graduating seniors and their future plans. They were presented with certificates and honor cords. Graduating Seniors: Danny Blanco, Lacey Daniell, Jabrea Fowler, Lauren Johnson, Rylie Johnson, Will Koritko, Lilliana Maxfield, Rees Poulakos, Isabella Rodriguez, Dabria Wells and Zach Zachary.

NEW BUSINESS

H. Public Hearing – Application for Alcohol Beverage License – Madhu 2023 LLC dba JD Food Mart

Mayor Brady opened a public hearing on the application for a Retail Off Premise (Package) Sales of Malt Beverages and Wine for JD Food Mart, 100 Temple Ave.

A representative of applicant was present for the hearing. No one spoke for or against the application. Mayor Brady closed the public hearing. The City Clerk advised that all the documentation had been received and everything was in order.

Motion by Councilman Guillaume, seconded by Mayor Pro Tem Koritko to approve the application for a Retail Off Premise (Package) Sales Malt Beverages and Wine License.

MOTION CARRIED. (7-0)

I. Public Hearing – Demolition Request of 2 Westgate Park Way

Mayor Brady opened the public hearing.

Bill Stephenson, Chief Building Official, explained that this property is owned by the Newnan Housing Authority. Tracy Dunnavant, Planning Director and Sandra Strozier, Executive Director of the Newnan Housing Authority were in attendance for this item. The estimated cost to repair exceeds the value of the house. A visibility study was conducted. This property is under the NSP 3 Program.

No one spoke for or against. Mayor Brady closed the public hearing.

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to grant the request for demolition at 2 Westgate Park Way.

MOTION CARRIED. (7-0)

J. Election of GMA's District 4 Officers for 2023-2024

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to approve the slate of nominees as presented.

MOTION CARRIED. (7-0)

K. Appointment of Voting Delegate for Annual GMA Business Meeting

Mayor Brady stated that he usually attends this meeting and acts as delegate but he is not attending this year. Councilman Guillaume volunteered to be delegate.

Motion by Councilman Alexander, seconded by Councilman Shell to appoint Councilman Guillaume as delegate.

MOTION CARRIED. (7-0)

L. Request to Abandon Right of Way – Portion of Newnan South Industrial Drive

Dean Smith, Senior Planner, explained that this is the first step in the process. If directed then staff will do the research and bring this back to Council at a public hearing. Mayor Brady stated that the property owner owns both sides of the street and his concern is losing a cul de sac at the end of a street. The area is an industrial park and sometimes an 18-wheeler or public safety vehicle may need a cul de sac to turn around. Mayor Brady asked that the process include asking the owners to build a cul de sac where the abandoned property ends.

Councilman Shell asked what the owners plans are? Mr. Smith explained that they needed 200ft of road frontage on a public road and they plan to gate it and secure their premises.

Mayor Pro Tem Koritko asked if the access road is private? Mr. Smith stated he is not sure but believes that it is for access for another business. There are other users and businesses in that industrial park area.

Mr. Smith explained that there are many moving parts with this request and staff may do their research and then recommend to not abandon the right of way.

Motion by Councilman Alexander, seconded by Councilman DuBose to instruct staff to begin the process and to include the possibility of another cul de sac being constructed.

MOTION CARRIED. (7-0)

M. Consideration of Bid Award for a 19,500lb GVW Service Truck

Ray Norton, Public Works Director, explained that this is to replace a truck that is 11 years old and was not budgeted to be replaced this year.

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to approve the bid award as presented.

MOTION CARRIED. (7-0)

N. Consideration of Ordinance Amendment to Chapter 17, Solid Waste, of the Code of Ordinances

Mr. Norton explained that there are two changes being made to the ordinance. One is to clarify that each residential property would be charged, for example a duplex would be two accounts. Mr. Sears explained that the second change is due to some things that have happened at the State level regarding non-payment. The change is to state that no jail time will be required for non-payment.

Mayor Pro Tem Koritko asked Mr. Sears about two points of grammar in the ordinance, one change was noted by Mr. Sears and made.

Motion by Councilman Alexander, seconded by Councilman Shell to adopt the ordinance amendment as presented.

MOTION CARRIED. (7-0)

O. Consideration to Assign the HUD EDI Grant to the Newnan Urban Redevelopment Agency (NURA)

Andrew Moody, Special Projects Manager, stated that this grant was authorized by Council in April and the request is to assign it to the Newnan Urban Redevelopment Agency for the purpose of decisions such as contractors and design while the City retains stewardship of the funds.

Councilwoman Jenkins asked what assigning the funds to NURA does for the City? Mr. Moody answered that it simply selects a body that will assist in moving designs through in a faster, more efficient way. It will centralize things. She then asked if this comes back to

Council in any way? Mr. Moody stated that if Council requests they can be updated but it is not required. They intend to partner with the Housing Authority for the new build portion, for the lease to purchase program and City Staff will handle reporting in house. Councilwoman Jenkins then asked if they have considered working with Habitat for Humanity? Mr. Moody said they are going to consider all available partners. They do need to know sub-recipients ahead of time if they are going to receive direct funding.

Councilwoman Jenkins expressed concern regarding pricing on the homes given her experience working with Habitat, although not in Coweta County. In her experience they are able to come in lower because the houses are built by Habitat affiliates and that leaves more money to go back into the community. Mr. Moody said the stated price of $275,000 in the request is also taking into consideration relocation costs, wages and other costs. They do intend to take the income from the sales of the homes to build more homes. They do have the lots right now for the initial 10 homes.

Mayor Pro Tem Koritko asked about ownership of the property. Mr. Moody explained that the City will maintain ownership of the properties. If Habitat were brought in the City would need to ensure that they received the income from the sale of the homes to continue to build new houses.

Mayor Brady asked about reporting. Mr. Moody said that HUD will require quarterly reports and those can be provided to Council as well. Councilman Guillaume asked if working with other entities creates additional hurdles for NURA? Councilwoman Jenkins explained that other cities don't have NURA, they just have a HUD division. So essentially NURA is doing what HUD would do in other cities. Councilwoman Jenkins expressed concern about missing people who really need this with the process that is setup and that is why she is an advocate for Habitat.

Mr. Moody stated that the importance of getting the project assigned and the budget submitted to HUD is to expedite the project. This is just designed to give HUD a broad overview and does not give the income specifics, so there is still time to figure that out. Mayor Brady asked if things seem to not be working down the road can things be changed? Mr. Moody stated yes, NURA is a sub-recipient and the City will still have oversight of the funding.

Motion by Councilman Alexander, seconded by Councilman Shell to assign the funds to the Newnan Urban Redevelopment Agency as requested.

MOTION CARRIED. (7-0)

P. Consideration of Surplus Property Declaration and Disposition of Capital Assets and Controlled Assets

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

MOTION CARRIED. (7-0)

Q. Consideration of Resolution and Agreement for Use of Funds the City Received from National Opioid Settlements

Mayor Brady stated that there was a change to the agreement that was in the agenda originally and copy of that has been provided to Council.

Hasco Craver, Assistant City Manager, explained that Council voted last year to join two national settlements against distributors and manufacturers of opioid medications. As a result, the City has been awarded funds and those funds have to be used in a particular manner. Mr. Craver and Mr. Phillips met with different groups and recommend that the City enter into an agreement with Coweta Force for a program called Peer. The program places a practitioner in the ER of Piedmont Newnan to assist individuals struggling with addiction.

City Attorney stated that because of the change in the agreement, a caveat needed to be added to the resolution as well.

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to adopt the amended resolution and agreement as presented.

MOTION CARRIED. (7-0)

R. Consideration of Ratification of Purchase and Budget Renovations of Real Property at 24 and 26 Jefferson Street

Motion by Councilman Shell, seconded by Councilman Alexander to approve the ratification of the purchase of 24 and 26 Jefferson Street.

MOTION CARRIED. (7-0)

Motion by Councilman Shell, seconded by Councilman Alexander to adopt the budget for renovations as presented.

MOTION CARRIED. (7-0)

City Manager thanked Mark Johnston for taking the lead and doing the due diligence for this project. This is the old BB&T/Truist building in downtown and the City will be relocating the Sanitation Customer Service and Billing into this building. The parking lot is going to be preserved for public parking and additional spaces should be able to be added, so that will probably come back to Council for budget amendments.

Councilman Shell asked what the time frame is on this? Mr. Johnston said there are a few things that need to be done but hopefully 60 days, maybe sooner.

UNFINISHED BUSINESS

S. Public Hearing – Rezoning Request RZ2023-01 by Freedom Land Holdings, LLC for 5.82 + acres at Old Atlanta Highway (Tax Parcel #073C 044 and #073C 045); Requested zoning from PDC/PDO to PDR for 36 townhouse-style condominiums

Mayor Brady recused himself due to a business relationship. Mayor Pro Tem Koritko took over the meeting and stated that each side would have 15 minutes to speak.

Chris Cole, Senior Planner, gave an overview of the request. The request is to rezone the property from PDC (Planned Commercial Development District) and PDO (Planned Office and Institutional District) to PDR (Planned Residential Development). The proposed site density would be 6.19 units per acre with price points in the $400’s and 1,300 sq ft per unit. A maximum of 15% of the units will be allowed as rentals. The applicant was required to submit a Tree Management Plan which was reviewed by the City’s Landscape Architect. Staff received two emails in opposition to the request.

Mr. Cole gave a summary of the 8 required standards. Staff believes the proposed use is suitable with surrounding properties being residential, office and commercial. The proposed residential units would be a less intense use that what could potentially be developed there and will not adversely affect existing uses. The property can be used as currently zoned. The proposed use will not cause an excessive use of public facilities. The applicant was not required to submit a Community Impact Assessment or traffic study given the number of units proposed. The proposed use is compatible with the Comprehensive Plan and is consistent with the purpose and intent of the proposed zoning district. The project supports new or changing conditions and a reasonable balance. Overall, the proposed project meets 7 of the 8 standards.

The Planning Commission voted unanimously to recommend approval at their April 11, 2023 meeting, with the following conditions:

1. The project will be consistent with the Project Plan, density, data, amenities, proffered conditions, tree management plan and architectural detail as provided in the application packet.
2. The project shall comprise a maximum of 36 units and minimum of 1,300 square feet.
3. The HOA will include in it’s Covenants and Restrictions a prohibition against the residents or their guests using the existing amenities in the Avery Park Subdivision with financial penalties if this is violated; unless an agreement for use is worked out between the Avery Park HOA and the HOA/developer of the project.
4. The Covenants and Restrictions of the Project shall provide for no more than 15% of the total Residential Units may be used as rental units at any given time.
5. All of the items specified in the City Engineer’s review memo of March 14, 2023 will be addressed by the developer as part of the project.
6. The stormwater management systems will be underground.

7. The applicant shall construct a playground and pavilion area for its residents to enjoy.
8. All plans, profiles, elevations and other demonstrative materials included in the application packet dated February 9, 2023 which by reference shall be made part of this ordinance.

Mayor Pro Tem Koritko opened the public hearing.

Applicant:

Melissa Griffis on behalf of Freedom Land Holdings with James Nicholson spoke about the project. She asked that all of their materials provided be made part of the record for the meeting. She explained that they did edit their originally submitted conceptual plan which had 39 units but then that application was withdrawn.

They are offering amenities of a playground and dog park although those are not required. They have been working with the HOA at Avery Park to work some things out. All units will be front facing to the entrance. They offered to change from 15% rental to stating only 5 units will be rentals. The detention pond was moved underground which was based on recommendations from City staff. Ms. Griffis asked to save time for rebuttal.

James Nicholson with Freedom Land Holdings introduced himself. He explained they are a local builder/developer in Coweta County. He said they are excited about the project.

Opposition:

1. Michael Scharko, a resident in Avery Park spoke first and asked all of his neighbors who were there in opposition to stand to show their support. Mr. Scharko spoke about all of the ongoing residential developments in Newnan including 100 new units approved for construction already on Old Atlanta Highway. This will stress the intersections with Old Atlanta Highway and US 29. He had a petition he circulated and got 65 signatures in opposition to this project.

   Mr. Scharko spoke about the displeasure of this new development getting to capitalize on the Avery Park amenities. The commercial property was intended to have small businesses to benefit Avery Park and surrounding residents, similar to Summergrove. Many residents of Avery Park would still like to see this. He has heard talk of the missing middle residential need and cannot see how a $400,000 townhome would quantify.

2. Suzanne Capannelli, a resident of Avery Park spoke about the traffic issues that already exist at The Blvd and The Crescent. There is also a parking issue as the development only has so many spaces for each lot. People will be parking on The Blvd and The Crescent and taking up all extra spaces on the street. Ms. Capannelli also expressed concern if the development is allowed to buy into the Avery Park

HOA, the pool is already small and packed on busy weekends. She referenced past developments that were high density and citizens came to Council to get them voted down.

3. Kristine Henning, a resident of Avery Park spoke about how the townhomes would be right at her front door step. She expressed concern about traffic as there is already trouble with the two exits they have and trying to get to I85. The infrastructure of Newnan is an issue and needs to expand to accommodate the expanding residential. She expressed concern about the density of the proposed development as well. She asked if lights exiting the neighborhood can be considered if this development is approved.

4. William Plenty, a resident of Avery Park spoke about the traffic issue from a safety perspective. The condos right at the front of the neighborhood will look unsightly and that will affect property values. He asked that City Council deny this request.

City Attorney advised that there may be someone who wants to speak in favor of the development and that was not asked. Mayor Pro Tem Koritko asked if anyone wanted to speak for the project.

In Favor:

1. Victoria Kraus stated that she is an employee of the City of Newnan and she was representing Pokey's Place, the humane society adjacent to the proposed development. She explained that while she appreciates the open space that is there now, as it is zoned commercial currently you never know what could end up there and the type of people that might bring. The residential can allow a community to continue to grow. She did caution that dogs are housed at Pokey's Place and that sellers may want to mention that to prospective buyers so they are aware. She thinks the proposed development facades go nicely with what is already there.

Rebuttal:

Ms. Griffis addressed a few of the points made in opposition. Regarding the traffic study not being done, it was not because of the number of units, it was the professional opinion of the City Engineer that it was not needed. Traffic lights being installed would not be controlled by the developer or by the City but by GDOT. There is a gated entrance at the pool and someone sitting there. So, someone who is not a resident with access would not be able to get in. The plan does meet the parking requirements set by the City and there are existing bump outs for excess parking.

The developer already chose to put facilities underground because of concerns with run off and more parking would mean more run off. They have 50% landscaping where the requirement is only 10%. In regards to the density they do meet the PDR requirements and this will be a down zoning.

Mayor Pro Tem Koritko closed the public hearing.

Motion by Councilman Alexander, seconded by Councilman Shell to accept the report from the Planning Commission.

MOTION CARRIED. (7-0)

Councilman Guillaume asked about the HOA for the development and being part of the Avery Park HOA. Ms. Griffis stated that they are not sure at this point. They spoke to the attorney for the Avery Park HOA but they would need 2/3 vote from the neighborhood. If they don’t work something out with Avery Park they will have their own HOA anyway to address landscaping and other things that will be taken care of for residents.

Mayor Pro Tem Koritko asked sidewalk width and unit details. Ms. Griffis said the sidewalks will be city standard and units will be 3-4 bedrooms. They also discussed the 5-unit max rental and a time frame on that. The concern with a time frame is the wording since all 36 units will not be moved in on the same day. The development will be walkable and the playground area will be away from traffic.

Councilwoman Jenkins said she had several people reach out to her in opposition, not just the residents in attendance at the meeting. People who purchased homes in the area and this changes the area and what they expected.

Motion by Councilman Guillaume, seconded by Councilman Alexander to adopt the ordinance for rezoning. Opposed: Jenkins. 2nd and Final Reading next agenda.

MOTION CARRIED. (5-1)

T. Consideration of a Resolution – Grant an Emergency Access Road Easement and Maintenance Agreement for a portion of Pope Street

Dean Smith, Senior Planning, explained that the request to abandon Pope Street is still being worked on. This allows Jeff Lindsey to move forward with his project while the abandonment is still being figured out. The construction of the emergency area is almost done, it’s drivable and it has a locked gate. They have full maintenance responsibility for it.

Mayor Brady asked if the maintenance is with the developer now until it’s transferred to the HOA? Mr. Smith stated yes.

Motion by Councilman Alexander, seconded by Councilman Shell to adopt the resolution and maintenance agreement as presented.

MOTION CARRIED. (7-0)

U. 25 Pinson – Owner Update and Request Extension

Matt Murray, Code Enforcement Officer, first wanted to update Council on 31 Jones St. as a 45-day update had been requested. There has been no response from the family and the property is still in the same condition.

Mr. Murray then explained that for 25 Pinson St. that the 90 days granted has expired. The owner has not been able to focus completely on this as he was called out of the country and has had issues with contractor availability. The exterior is mostly complete and the interior rough needs to be done with just electrical left. He is asking for 120 days and feels confident he can finish in that time. Mr. Murray was fine with the extension and confirmed the house is secure.

Motion by Councilman Alexander, seconded by Councilman Shell to grant the request for a 120-day extension.

MOTION CARRIED. (7-0)

V. 2nd and Final Reading – Zoning and Subdivision Regulation Text Amendments to Articles 2, 3, 4 and 13 of the Zoning Ordinance and Section 11 of the Subdivision Regulations

Motion by Councilman Alexander, seconded by Councilman DuBose to approve the text amendments and subdivision regulations as presented.

MOTION CARRIED. (7-0)

W. Request from First Baptist Church to Close Brown St. for Vacation Bible School, June 12-16

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to approve the request as presented.

MOTION CARRIED. (7-0)

OFF AGENDA:

1. Loretta Stinson requested to close part of Wesley Street on July 29th for Rocky Hill Day. Chief Blankenship was asked his opinion and he said they should be able to accommodate the closure. The closure would be from 12-6pm.

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to close a portion of Wesley St. on July 29th for Rocky Hill Day.

MOTION CARRIED. (7-0)

Ms. Stinson invited Council, Police Department and everyone to attend the event.

2. Gail Lustig said she was there on behalf of two local animal rescues, Hearts and Homes and the Coweta Humane Society. They wanted to bring a concern to Council regarding the City of Newnan Animal Services. When a sick or injured animal is picked up in the County, the County has money to use for the animal to see a veterinarian, it is an amount per animal and if the cost exceeds that set amount then the local rescues are asked to cover the difference.

   The City of Newnan does not have money allocated for this. If an animal is picked up by the City they call one of the rescues and ask if they will pay the total costs. If the rescue is not able to then the animal is euthanized. Ms. Lustig requested that money be allocated in the City's budget for sick or injured animals that are picked up.

   City Manager said he has never had a request come to him for this and he is not familiar with how this works. He will need more information. Chief Blankenship said he would also need to get more information and talk to animal control.

   Mayor Brady said they did not have an answer for Ms. Lustig but they appreciate her bringing this to them and they will get more information and find an answer.

COUNCIL:

Councilwoman Jenkins mentioned a complaint she received about a house on Robinson Street that needs to be looked at by code enforcement. She then asked about adding Rocky Hill and Chalk Level to the local historic district so that when there is new construction they are in the certificate of appropriateness process. Council instructed staff to take the necessary steps to make that addition.

ADJOURNMENT

Motion by Councilman Alexander, seconded by Councilman DuBose to adjourn the Council meeting at 8:20pm.

MOTION CARRIED. (7-0)

____________________ __________________
Megan Shea, City Clerk Keith Brady, Mayor