



## Newnan City Council Meeting

August 22, 2023

Newnan City Hall

Richard A. Bolin Council Chambers

25 LaGrange Street

6:30 PM

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### **CALL TO ORDER**

### **INVOCATION**

### **READING OF MINUTES**

- A. Minutes from Regular Meeting on August 8, 2023
- B. Minutes from Work Session on August 8, 2023

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

- C. Swearing In of Newnan Youth Council Students
- D. 1 Appointment - Board of Zoning Appeals, 3-year term
- E. 2 Appointments - Cultural Arts Commission, 3-year terms
- F. 1 Appointment - Downtown Development Authority, 3-year term
- G. 2 Appointments - Keep Newnan Beautiful, 3-year terms
- H. 1 Appointment - Parks Commission, 3-year term
- I. 1 Appointment - Tree Commission, 3-year term

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

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

### **NEW BUSINESS**

- J. Consideration for the Establishment of In-House Probation
- K. Consideration of Recommendation from Downtown Development Authority for Engineering Services
- L. Consideration of Ordinance to Establish Millage Rate and Impose Taxes for Budget Year 2023

### **UNFINISHED BUSINESS**

- M. Proposal to select routes and fees for public requested road races, runs, walks and similar events with consideration of a maximum cap.

- N. Consideration of Subdivision Plan for Real Property Located at 66 First Avenue and 10 Buchanan Street
- O. Consideration to Place the City-Owned Lot at 28 Westgate Park Lane Under Surplus and to Open the Lot Up for Auction
- P. Public Hearing - Rezoning request for RZ2023-02 by LDO Coweta, LLC; 35.49 +/- acres located at 2037 Newnan Crossing Bypass (Tax Parcel # 087-5011-003) ; Requested zoning from RS-15 (Suburban Residential Single Family Dwelling District-Medium Density) to RMH (Residential Multiple-Family Dwelling-Higher Density District) for the purpose of constructing 163 townhouse development

**VISITORS, PETITIONS, COMMUNICATIONS & COMPLAINTS**

- Q. Request from RPM to Close Madison St. on September 17th for a Fundraising Event

**MOTION TO ENTER INTO EXECUTIVE SESSION**

- R. Motion to Enter into Executive Session

**ADJOURNMENT**



The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, August 8, 2023 at 2:30 p.m. in the Richard A. Bolin Council Chambers of City Hall with Mayor Keith Brady presiding.

**CALL TO ORDER**

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

**PRESENT**

Mayor Keith Brady: Council members present: Ray DuBose, George Alexander, Rhodes Shell, 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 July 18, 2023**

Motion by Councilman DuBose, seconded by Councilman Alexander to dispense with the reading of the minutes of the Regular Council Meeting on July 18, 2023 and adopt them as presented.

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

**Amend Agenda**

Mayor Brady asked for a motion to amend the agenda. There was an oversight with the Boards and Commission list and the name of Jim Thomasson was added.

Motion by Councilman Alexander, seconded by Mayor Pro Tem Koritko to amend the agenda to include the addition of Jim Thomasson's appointment.

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

**REPORTS OF BOARDS AND COMMISSIONS**

**B. 3 Appointments – Board of Zoning Appeals, 3-year terms**

Motion by Councilman Alexander, seconded by Mayor Pro Tem Koritko to re-appoint Ken Parker for another 3-year term.

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

Motion by Councilman DuBose, seconded by Councilman Alexander to re-appoint Skin Edge V for another 3-year term.

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

Continue other appointment to next agenda.

**C. 3 Appointments – Cultural Arts Commission, 3-year terms**

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

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

**D. 2 Appointments – Downtown Development Authority, 3-year terms**

Motion by Mayor Brady, seconded by Councilman DuBose to re-appoint Jim Thomasson for another 3-year term.

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

Continue other appointments to next agenda.

**E. 2 Appointments – Keep Newnan Beautiful, 3-year terms**

Continue to next agenda.

**F. 1 Appointment – Parks Commission, 3-year term**

Continue to next agenda.

**G. 1 Appointment – Tree Commission, 3-year term**

Continue to next agenda.

**CITY MANAGER**

Mr. Phillips asked Assistant City Manager, Hasco Craver, to introduce a special guest in attendance. Mr. Craver stated that the City Council has been long standing supporters of the Boys and Girls Club of Metropolitan Atlanta through funding facilities in Newnan. Mr. King Banks was just appointed as the new Executive Director for the Boys and Girls Club and Mr. Craver wanted to introduce him.

Mr. King Banks introduced himself as the new Executive Director for all the Boys and Girls Clubs in Coweta County. He has over 10 years' experience working with youth in Georgia. He is from Elberton, Georgia and has been in Atlanta for about 10 years. He has been working as a program director and then was appointed Executive Director. He has already

seen changes he would like to make to take the Boys and Girls Club to another level and he said he looks forward to working with City Council, engaging community involvement and partnering with local businesses.

Council welcomed him and thanked him for coming.

**NEW BUSINESS**

**H. Public Hearing – Application for Alcohol Beverage License – Supermercado Juquilita, Inc.**

Mayor Brady opened a public hearing on the application for a Retail Off Premise (Package) Sales of Malt Beverages for Supermercado Juquilita, Inc. at 272 Greenville St.

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 DuBose, seconded by Councilman Guillaume to approve the application for a Retail Off Premise (Package) Sales Malt Beverages.

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

**I. Public Hearing – Application for Alcohol Beverage License – Coweta Gas, LLC**

Mayor Brady opened a public hearing on the application for a Retail Off Premise (Package) Sales of Malt Beverages and Wine for Coweta Gas, LLC at 50 Millard Farmer Industrial Blvd.

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

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

**J. Consideration of Extension for Distilled Spirits Package Store License – 109 Bullsboro Dr.**

City Manager explained that this was one of the 3 awarded licenses in April 2022. In October 2022 they were given an extension for 9 months and that period expires on August 22<sup>nd</sup>. The applicant would like to request an extension.

Mr. Danny Kelly spoke and asked for an extension to March 1<sup>st</sup>. He stated there have been some constraints but they have made great progress.

Mayor Brady asked for a breakdown of a time table on what will be accomplished. Mr. Kelly said he does have a time table including the metal building and coolers scheduled for October. The goal was always to be done by the end of the year but with weather and other factors they decided to ask for a longer extension to be safe.

Mayor Brady asked for a representative with Lichty to speak and Mr. Kelly clarified that he is the Site Superintendent with Lichty. Councilman Guillaume asked that knowing how staff operates, why do they feel progress has not been made? Councilman Guillaume said he drove by the site and only saw one person there and some sheeting had gone up, he expressed reluctance to give an extension.

Mr. Kelly said they did not have building permits until July 19<sup>th</sup> and so in less than a month they have made significant progress. He said he has an electrician and rough plumbing is starting this week. By end of the month there should be brick on the existing building. There was also a hold up with GDOT. He promised to give a timeline with deadlines.

Councilman Shell stated that he doesn't question Lichty, he thinks it was the owner's responsibility as to why permits were not secured sooner. He further said that no more extensions will be given after this, even one day.

Councilman Guillaume agreed with Councilman Shell and said there needs to be documentation or a gauge on progress with hard dates. Mayor Brady said that the project timeline and milestones on the project should be reported to the Building department.

Motion by Councilwoman Jenkins, seconded by Councilman Alexander to approve an extension until March 1, 2024 with 30-day progress reports

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

**K. Consideration of Ordinance Amendment to Chapter 3, Alcoholic Beverages, of the Code of Ordinances to Provide for License Transfers, Change Licensee or Relocation of Business Approved by City Manager**

Mayor Brady stated that this is just a personnel change and would take a lot of public hearings off of City Council. City Manager said staff feels this is something that can be handled administratively. This is not for changing the initial public hearing, the initial license approval or appeals, it simply is for administrative changes. So instead of taking 6-8 weeks and having to get it on the Council agenda, the process will move more quickly.

Mayor Pro Tem Koritko asked long term how will delegation happen as the ordinance states "or designee"? City Manager said several staff members have been dealing with this for years and have the expertise. The application will be brought to the City Manager

and he will sign the final document. Specific employees used to be named in the ordinances but that presented many challenges.

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

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

**L. Request for Reclassification of Employee Position**

Chief Building Official, Bill Stephenson, explained that there is a part-time permit tech position that he is requesting to make into a full-time code enforcement position. Currently there are two Code Enforcement Officers. One, Matt Murray who handles open/vacants/dilapidated structures that he brings to Council through the sub-standard housing program. Two, Chi Anderson who handles illegal dumping and refuse service. The both do business license enforcement as well. The third position would handle other issues such as deferred maintenance, nuisance issues etc.

Mayor Pro Tem Koritko asked if down the road there might be a need for part-time permit tech in addition to the code enforcement officer? Mr. Stephenson said that is a possibility and right now they are going to try this out and try to have this position also help with permit paperwork as well.

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

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

**M. Consideration of Annual Re-Paving Contract Award**

City Engineer, Michael Klahr, explained that this is from a 3-year rolling plan and this is for year one. This is the largest paving contract that has been brought to Council. There are 3 different approaches and 3 different lists of streets. The request is to approve a contract with C.W Matthews.

Motion by Councilman Alexander, seconded by Councilman Shell to approve the contract award as presented.

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

**N. Rezoning Request for RZ2023-03 by Ken Parker (VP Ventures, LLC) for 0.92 + acres at 50 Farmer St.- Information Only**

Item withdrawn by applicant.

**O. Rezoning Request RZ2023-04 by George Rosenzweig and Templar Development Group, LLC for 12.56 + acres on Bullsboro Drive; Requested zoning from CGN to RML – Information Only**

No action needed.

**UNFINISHED BUSINESS**

**P. 31 Jones St. – Owner Update and Request Extension**

Code Enforcement Officer, Matt Murray, stated that this property was before Council back in March and was given 120-days. There hasn't been any progress but the lot has been maintained and secured. Mr. Murray met with the family and there was some confusion as they thought they just had to maintain the lot to satisfy the previous resolution.

Mr. Dennis Montgomery and Mr. Tyrone Davis explained that they have kept up the lot and the family has been trying to figure out what they want to do. They got a couple quotes for demolition and remodel. The property is in a late father's name and there is a legal process to get the name changed with probate. They are trying to find a real estate attorney.

Councilwoman Jenkins said she would make a motion for a 120-day extension and Councilman Alexander seconded. Mayor Brady said they would also like 30-day reports to be given to staff on progress. Councilwoman Jenkins amended her motion to include that condition.

Motion by Councilwoman Jenkins, seconded by Councilman Alexander to approve a 120-day extension with 30-day progress reports to staff.

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

**Q. Consideration of Resolution for Transmittal of the 2023 Capital Improvements Element (CIE), including the Short-Term Work Program (STWP)**

Senior Planner, Chris Cole, stated they are requesting transmittal of the 2023 update to the Three Rivers Regional Commission and Department of Community Affairs.

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

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

**R. 2<sup>nd</sup> and Final Reading – Ordinance to Amend Chapter 3, Alcoholic Beverages to Provide for the Regulation of Sales and Consumption of Alcoholic Beverages at the Wadsworth Auditorium**

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

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

**ADJOURNMENT**

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to adjourn the Council meeting at 2:59pm.

**MOTION CARRIED. (       )**

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Megan Shea, City Clerk

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Keith Brady, Mayor

The special called work session of the City Council of the City of Newnan, Georgia was held on Tuesday, August 8, 2023 at 3:00PM in the Richard A. Bolin Council Chambers of City Hall with Mayor Keith Brady presiding.

**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.

**Call to Order**

Mayor Brady called the meeting to order at 3:05pm and delivered the invocation.

**Rezoning Request - RZ2023-02; 35.49 + acres located at 2037 Newnan Crossing Bypass (Portion of Tax Parcel (#087-5011-003))**

Mayor Brady explained that earlier this year, Council adopted a policy to allow for work sessions on rezoning and annexation applications. He then stated protocol for these meetings.

- These meetings are not public hearings. No comments will be taken from attending public.
- The applicant may be present but will not give a presentation. Questions may be asked of the applicant and answered.
- City Staff will provide their report and the applicant's proposal. Councilmembers can question staff.

Senior Planner, Dean Smith, stated that this rezoning is for a little over 35 acres located at 2037 Newnan Crossing Bypass. This is the third rezoning attempt that has been before Council for this property. The difference with this project is that it is for fee-simple, ownership driven townhome development with public streets. Previously there had been multi-family/rentals proposed. It is currently zoned RS-15 and they are requesting an RMH zoning for developing 163 units. Some of the applicant's proffered conditions include limiting rentals, if any, to no more than 10% or 16 units total. This did go before Planning Commission at a public hearing. There was no public opposition at that meeting.

There is an ongoing issue or concern regarding the traffic study submitted by the applicant verses the analysis conducted by the City Engineer, Michael Klahr. Mayor Brady asked Mr. Klahr to speak to that issue.

Mr. Klahr explained that he was brought in at the last minute and that was partly due to a previously adopted policy regarding peer reviews of traffic studies. He said he does not have an issue with the traffic study. The trips generated from this development don't meet the threshold from ITE for a traffic study. They studied the intersection of Lower Fayetteville Road and the Bypass, and their results did not match the results that the City



obtained pertaining to the Lower Fayetteville improvement project that is planned. Mr. Klahr said he has not spoken to their traffic engineer.

Councilman Guillaume commented that although this project doesn't meet the threshold, it should still be taken into consideration given other projects that are planned for that area. Councilwoman Jenkins asked if there is anything from surrounding developments that could affect this or be applied to this project? Mr. Smith said that everything around this property is fully built with the exception of one 5-acre tract in front of The Springs of Newnan that is zoned commercial and is not developed. That is the only unknown that could potentially impact traffic.

Councilman Alexander asked with the RS-15 zoning, how many units could go in there? Mr. Smith was unsure but thought 2.5 units per acre. Mayor Brady commented that this property is geographically challenging and that's been an issue in the past. Mr. Smith said this project is steering clear of the wetland and stream areas that are on the property. They are asking for a reduction in lot width and size on the rear loaded. Of the 35 acres a small percentage is buildable due to the wetlands and streams. Councilman Guillaume asked what the actual buildable acreage is? Mr. Smith was not sure, rough estimate might be 20 acres.

Councilwoman Jenkins asked about the smaller lot sizes and if there is a smaller number the applicant would want? Mr. Joe Mosca with NVR/Ryan Homes said that they would love smaller if possible. Councilwoman Jenkins asked if the footprint was smaller would the house price be lower? Mr. Mosca said yes it could be more affordable, right now they are looking at high \$300s to low \$400s. Price will be contingent on other factors.

Mayor Brady asked who the builder will be? Mr. Mosca said NVR will be the builder. Mr. Richard Ferry with LDO Coweta explained they are working the contract out with NVR on specifics.

Mayor Pro Tem Koritko asked what their ideal footprint would be? Mr. Mosca said it depends based on the rules with front entry and rear entry. If there were no constraints he would build 165 units at about 1,400 sq ft and those would probably be in the low \$300s. Mr. Ferry said the biggest constraint right now is time with site plan review and civil plan review and costs as times go on. The largest portions of the project will be concrete and asphalt and there has not been a big drop in those prices, costs are still very expensive.

Mr. Ferry said that what has been proposed by NVR is a higher end unit, more attractive with four side brick. The rear entry also adds expense. Mayor Brady stated that developing work-force housing is a difficulty not just here in Newnan but everywhere because of development costs.

Councilwoman Jenkins commented that this was discussed at a class she recently attended and it was said that 60% of AMI (area median income) could pay \$180k and at 100% of AMI could pay \$305k. So, the smaller product could be work force housing.

Councilman Guillaume said the reality is that no one can define affordable housing but the best he's heard is that it's different from community to community. He then expressed concern that the area in question is going to become just car dealerships, townhouses and apartments. There's also 586 units going in on the other side of 85, which will be part of this. Conceptually it fits but the concern is long term.

Mayor Pro Tem Koritko stated it's a lot of houses on 35 acres with a large portion not usable. Mr. Smith commented that it is less dense than some of the other proposed projects. There is also a small right-in right-out secondary entrance to help with traffic flow. The amenity package contains more than some other developments going in, so they are trying to bring higher quality into the project.

Councilman Guillaume asked about the HOA and if that's at 100% buildout and how will they monitor the rentals? Mr. Ferry said usually it's 100% buildout and they would hand over the rental monitoring to a management company.

Mayor Pro Tem Koritko asked about issues that might arise for the houses at the back with watershed? Mr. Ferry said they are out of the floodplain and buffers. They still don't know the size of the ponds so things may have to change. Councilman Guillaume asked about landscaping and Mr. Ferry said he had his landscape architect meet with the City Landscape Architect to discuss.

Mayor Brady asked that the Cates Family knows if this is rezoned and things change and can't happen then they still own that rezoned property? Mr. Ferry stated yes, they are fully aware.

Councilwoman Jenkins commented that she appreciates the benchmark for looking at smaller lots and affordable housing.

## **ADJOURNMENT**

Motion by Councilman Alexander, seconded by Councilman DuBose to adjourn the meeting at 3:45PM.

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

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Megan Shea, City Clerk

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Keith Brady, Mayor



**To:** Mayor and Council  
**Date:** August 22, 2023  
**Agenda Item:** Consideration for the Establishment of In-House Probation  
**Prepared By:** Jada Blankenship, Municipal Court Manager

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**Purpose:**

Establishing an in-house Newnan Probation entity will allow the City to better serve our citizens. It will give us the advantage of a more focused approach, solely on Newnan Municipal Court and its defendants.

**Background:**

The Newnan Municipal Court has historically contracted with private probation entities to provide all monitoring services for our defendants. Since 2018, the state has changed many laws concerning fee collection, and private companies have been directly impacted. Our current provider is the only company that actively services our area.

**Funding:**

The court ordered supervision fees collected from adjudicated defendants.

**Recommendation:**

The Municipal Court Clerk and Chief Judge agree that, at this time, it is in the best interest of the City to establish an in-house, Newnan Probation entity. This entity would be under direct supervision of the Municipal Court Clerk and housed within the Public Safety Complex. The court will be able to oversee and control the probation operations on a much closer scale, ensuring successful communications between both entities and allowing probation to be more stable and efficient.

**Attachments:**

None

**Previous Discussion with Council:**

No previous discussions have been held.



**To:** Mayor and Council

**Date:** August 22, 2023

**Agenda Item:** Consideration of Recommendation from Downtown Development Authority for Engineering Services

**Prepared By:** Hasco Craver, Assistant City Manager

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**Purpose:**

Newnan City Council may consider a request from the Downtown Development Authority to fund an Engineering Services Agreement between the City of Newnan and KREBS Engineering, Inc. for the revitalization of Wadsworth Alley.

**Background:**

The Downtown Development Authority (DDA), beginning in 2019, made improvements to Wadsworth Alley as part of a wider placemaking initiative derived from an adopted placemaking plan authored by Team Better Block (Newnan Placemaking Strategy 2018 - <https://teambetterblock.com/Newnan-Placemaking-Strategy>). The improvements included, but were not limited to, a raised deck used for seating and performing arts, artwork, signage and softscape improvements.

Over time, Wadsworth Alley has experienced moderate disrepair of the aforementioned improvements due to a need for enhanced stormwater infrastructure. Therefore, City staff engaged KREBS Engineering, Inc. in hopes of developing a more permanent infrastructure strategy to manage the stormwater needs of the target area.

KREBS, Engineering, Inc. visited the site in Spring 2023 to better understand the current and future desired condition.

The DDA, at its August 9, 2023 meeting, received a presentation and proposed Engineering Services Agreement from KREBS Engineering, Inc. The DDA voted unanimously in favor of recommending to the Newnan City Council, that the City consider approving and funding the Agreement. The design fee, as presented, is \$25,500 (survey and design).

City staff is supportive of the Agreement, as written.

Please note that it is the opinion of City staff that the construction of the designed improvements can be self-performed. The stormwater improvements will include, but are not limited to, grading, tying several roof drains into a drainage structure, construction of a river rock swale and the construction of a dedicated pathway. Additional softscape improvements such as the installation of sod will occur at a time in the future.

Rights of Entry forms will be gained from current property owners.

Please understand that adjacent property owners are supportive of the improvement project.

**Funding:**

SPLOST 2019

**Recommendation:**

It is the recommendation of the Downtown Development Authority and City staff that the Newnan City Council approved the Agreement, as presented.

**Attachments:**

1. KREBS Agreement\_Wadsworth Alley\_2023

**Previous Discussion with Council:**

None

**AGREEMENT BETWEEN  
KREBS ENGINEERING, INC. AND CITY OF NEWNAN  
FOR REVITALIZATION OF WADSWORTH ALLEY**

This Agreement dated the 7th day of July 2023, between Krebs Engineering, Inc. ("Krebs") and the City of Newnan ("Client").

**RECITALS**

The Client and Krebs desire to enter into a general agreement to provide professional engineering and related services and establish a framework for Krebs to provide those services.

**AGREEMENT**

The Client and Krebs hereby agree this Agreement establishes the terms, conditions, and arrangements for Krebs to provide professional engineering services associated with a civil/site design improvements to Wadsworth Alley in Newnan, Georgia.

**ARTICLE 1 - PROJECT DESCRIPTION**

The project generally consists of storm water improvements consisting of a rock lined channel for conveying storm water from roof leaders to an existing sidewalk that discharges to Madison Street for collection in existing storm inlets. Project further includes construction of a new sidewalk to provide access to alley facing business entrances. It is anticipated that the Owner will self-perform construction of the improvements. A conceptual layout of the proposed improvements is shown in the attached Figure 1.

**ARTICLE 2 - SCOPE OF SERVICES**

The scope of professional engineering services will include survey services, design services and construction administration services if requested by the city.

**Section 2.1 – Survey Services**

1. Generation of a topographic survey.
2. Marked underground utilities (SUE Level "B")
3. Survey services exclude boundary information and easement preparation

**Section 2.2 – Design Services**

1. Visit the site and review the existing conditions.
2. Storm Model development.
3. Storm Report development.
4. Design of new rock lined channel.
5. Sidewalk and Grading design.

**Section 2.3 – Construction Period Services**

Construction Period Services begin upon submission of the deliverables to the Client and governing agencies. Construction period services to be provided if requested by the Client.

1. Construction Period Services to include submittal review, responding to contractor RFIs, and site visits for a 30 day project construction period.

### **2.3.1 - Bid Period Services**

Bid period services are not included in this proposal. It is anticipated that the Owner will self-perform the construction of the project.

### **2.3.2 - Construction Review Services**

1. Provide the location of horizontal and vertical control (reference points and benchmarks) for use by the Contractor in his layout of the work.
2. General review of the work through a licensed professional, who will make periodic reviews at the site of the work as construction of the project progresses.
3. Review and forward to the Client a copy of each reviewed shop drawing, equipment drawing, material specification, working, laboratory test report, and shop and mill test report submitted by the Contractor.
4. Note and report to the Client any observed deviations from the intent of the Plans and Specifications, and recommend to the Client any appropriate action to be taken by the Client.
5. Review and present to the Client for payment the Contractor's periodic and final estimates of work performed on the project.
6. Upon completion of the work, prepare a "punch list" of items of work, if any, to be corrected by the Contractor.
7. Coordinate with the Contractor the correction of any items of work required to complete the project in substantial accordance with the intent of the Plans and Specifications.
8. Preparation of Record Drawings, if requested.

### **Section 2.4 - Deliverables**

Krebs will provide the following deliverables to the Client:

1. One (1) complete electronic set of plans and specifications in PDF format
2. One (1) complete electronic copy of hydrology/stormwater report in PDF format
3. One (1) recommendation letter regarding the award of the construction contract
4. Four (4) sets of construction contract documents for execution
5. One (1) "punch list" of items of work, if any, to be corrected by the contractor

### **Section 2.5 – Services Not Provided**

Krebs will not provide the services listed below unless described in the Scope of Services.

#### **2.5.1 – Materials Testing**

Materials Testing services include, but are not limited to: Mill, shop, and laboratory testing for metallurgical, chemical, and physical characteristics of materials, coatings, welds, and manufactured/fabricated articles or equipment.

#### **2.5.2 – Miscellaneous Surveys/Assessments/Studies**

Miscellaneous Surveys/Assessments/Studies services include, but are not limited to: Surveys/assessments/studies related to cultural or historical artifacts or remains, endangered animal or vegetative species, wetland delineation or identification, population or economic status, traffic volumes, environmental conditions, or preparation of environmental impact statements.

### **2.5.3 – Geotechnical Investigations**

Geotechnical investigations include, but are not limited to: Soils or rock sampling and borings, geological or geotechnical studies, laboratory tests or analyses concerning soils or geotechnical conditions, and establishing acceptable soil bearing pressures.

### **2.5.4 – Property Surveying**

Property surveying services include, but are not limited to: Property records research, easement records research, title records research, field surveys of property/boundary lines, field surveys of existing or proposed easements, preparation of property or easement plats, and preparation of property or easement descriptions. Property surveying services do not include topographic surveys necessary for engineering studies, engineering designs, and preparation of plans and specifications of improvements which are part of the scope of services.

### **2.5.5 – Litigation Services**

Litigation services include but are not limited to: Preparation for or appearances before courts or boards on litigation related to the work, except when related to negligent errors and/or omissions by Krebs.

## **ARTICLE 3 - BASIS OF COMPENSATION**

Compensation paid to Krebs for completing the scope of services included in this Agreement will be as follows:

### **Section 3.1 – Lump Sum Fee**

Lump sum based compensation will be a fixed fee that includes labor costs, overhead costs, direct job expenses, subconsultant expenses, and profit.

A lump sum fee of Twenty Five Thousand Five Hundred dollars (\$25,500.00) will be paid to Krebs as compensation for:

1. Survey Services (\$6,500)
2. Design Services (\$19,000)

### **Section 3.2 - Time Charge Fee**

Time charge based compensation will be computed using the attached Krebs Standard Hourly Billing Rates/Charges (Hourly Rate) in effect at the time services are rendered plus direct job expenses and subconsultant expenses.

Fees determined on the basis of time charges plus direct job expenses and subconsultant expenses will be paid to Krebs as compensation for:

1. Construction Administration Services (\$4,000 – estimated value)
2. Additional services as requested by the owner.

### **Section 3.3 – Direct Job Expenses**



Direct job expenses are expenses accrued by Krebs during the performance of the services, other than expenses related to wages. Direct job expenses may include, but not be limited to, travel and subsistence allowances paid to Krebs employees, costs for document reproduction, municipal and county recording fees, municipal and county plan review fees, municipal and county permitting fees, and mailing and shipping costs. Direct job expense items will be billed at cost plus 15 percent (1.15 multiplier).

#### **Section 3.4 – Subconsultant Expenses**

Subconsultant expenses are fees paid to professionals and specialized firms that provide the assistance required by Krebs for the completion of the services. Subconsultant expenses will be billed at cost plus 15 percent (1.15 multiplier).

#### **Section 3.5 - Payment for Services**

Krebs will periodically furnish the Client invoices, which will include an itemized statement of costs and charges for completed portions of the scope of services. The Client will remit payment to Krebs within thirty (30) days of receipt of invoice.

### **ARTICLE 4 – GENERAL TERMS AND CONDITIONS**

#### **Section 4.1 - DESIGNATED REPRESENTATIVES**

The Client and Krebs will respectively designate a person to act as the designated representative of the Client and Krebs in matters relating to the performance of professional services.

##### **Section 4.1.1 - Client Representative**

Abigail Strickland  
Main Street Manager  
6 First Avenue  
Newnan, GA 30263  
Office: 678-673-5438  
Email: astrickland@newnanga.gov

##### **Section 4.1.2 - Krebs Representative**

Jarred Jackson  
15 LaGrange Street  
Newnan, GA 30263  
Office: 470-724-5050  
Cell: 404-431-9525  
Email: Jarred.Jackson@KrebsEng.com

#### **Section 4.2 –Client Responsibilities**

##### **4.2.1 – Access**

The Client will arrange for and make all provisions necessary for Krebs' access to and entrance upon all public and private property as may be required to enable Krebs to perform the scope of services.

##### **4.2.2 – Permit/Review Fees**

City of Newnan  
Project Number 23502/Contract  
Page 4 of 8

The Client will pay all permit and review fees required by agencies that have jurisdiction concerning the work related to Krebs' scope of services.

#### **4.2.3 – Advertisement Costs**

The Client will pay all costs associated with placing "Advertisements for Bids" or other required notices in newspapers, construction journals, or other media outlets.

#### **4.2.4 – Materials/Product Tests**

The Client will pay all costs associated with tests of the components of its facilities as may be reasonably required for Krebs to perform the scope of services.

#### **4.2.5 – Provide Information**

The Client will provide to Krebs all information in its possession that Krebs informs the Client is needed and related to the scope of services.

### **Section 4.3 – Insurance**

Krebs will maintain insurance coverage for Workman's Compensation, General Comprehensive Liability, Automobile Liability, and Errors and Omissions. When requested, Krebs will furnish a copy of the certification of coverage.

### **Section 4.4 – Indemnification**

Krebs shall indemnify and hold the Client harmless from any claims or damages resulting from negligent acts, errors, omissions, or breach of duty by Krebs in the performance of the scope of services.

### **Section 4.5 - Subconsultants/Assistants**

Krebs has the right to contract subconsultants or assistants deemed proper in the performance of the scope of services, and the services of said subconsultants or assistants are to be paid for by Krebs.

### **Section 4.6 – Applicable Laws**

Krebs will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of Krebs. Krebs hereby agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

### **Section 4.7 – Legal Services**

The Client agrees to furnish legal services required in connection with the work, which is the subject of this Agreement as it represents the interest of the Client. Krebs will provide legal services in connection with the work, which is the subject of this Agreement as it represents the interest of Krebs.

### **Section 4.8 – Safety**

Krebs will not act as safety engineers for the Client, nor will they be responsible for establishing safety practices or prescribing safety measures for the Client's contractors. The presence of

Krebs' personnel at the site of the work does not imply approval or acceptance of the Contractor's means or methods of construction or the Contractor's safety practices.

#### **Section 4.9 - Record Drawings**

Record Drawings of constructed work will consist of revisions to design drawings and will have been prepared based upon information compiled from Krebs' records of the work, the Client's records of the work, and information provided by the Contractor. Record Drawings are intended to be reference material for the Client's own purposes. Record Drawings are not represented as exact documentation of every detail of the constructed work, but rather they will be the result of Krebs' concerted efforts to compile and incorporate information about the completed work which Krebs had in its possession at the time the Record Drawings were prepared. Krebs will prepare Record Drawings when included in the scope of services.

#### **Section 4.10 – Changes in Completed Work**

Should the Client direct Krebs to make changes to work product which both the Client and Krebs agree had been previously completed, or if the Client orders redesign or modification of plans, specifications, or permits which have been approved by jurisdictional agencies, the effort expended and costs incurred by Krebs to comply with the Client's directives will be considered to have resulted from changes in completed work. If such changes in completed work occur, the Client and Krebs will negotiate an equitable adjustment in (1) the project schedule, (2) the fees paid to Krebs, and (3) the reimbursement of direct costs incurred by Krebs, attributable to said changes.

#### **Section 4.11 – Changes in Scope of Services**

The Client may direct Krebs to increase or decrease the scope of services included in this Agreement. When such change in the scope of services is directed, the Client and Krebs will negotiate an equitable adjustment in (1) the project schedule, (2) the fees paid to Krebs, and (3) the reimbursement of direct costs incurred by Krebs, attributable to the said change in the scope of services.

#### **Section 4.12 – Ownership/Use of Documents**

All reports, plans, specifications or other deliverables prepared by Krebs and provided to the Client in connection with providing the scope of services will be produced specifically for use in fulfilling the terms of the scope of services. Reports or other memoranda will be for reporting information to the Client as described in the scope of services, and/or plans and specifications will be for the construction of improvements by the Client as described in the scope of services. Payment of fees by the Client to Krebs entitles the Client to use said documents as its property for the documentation of information and/or construction of facilities that are the subject of the scope of services. The Client hereby agrees that the documents will be used for no purpose other than as stated hereinabove, and Krebs will not be held responsible for claims or damages resulting from any unauthorized use of the documents.

#### **Section 4.13 - Termination**

The Client or Krebs shall have the right to terminate this Agreement regardless of cause provided: (1) written notice of the decision to terminate is delivered to the other party by certified mail, and

(2) not less than ten (10) days is allowed for consultation between the Client and Krebs before the termination becomes effective.

If termination is effected for convenience by either party, Krebs will provide to the Client all data, drawings, specifications, reports, estimates, summaries, and such other information and materials accumulated by Krebs in the performance of services, and the Client will pay Krebs for all services completed and expenses incurred or accrued through the date the notice of intent to terminate is delivered. Such payment to Krebs shall be an equitable adjustment of the fee described in this Agreement based upon the services completed, but no amount will be allowed for anticipated profit on unperformed services.

If termination is effected by the Client due to substantial failure by Krebs to fulfill its obligations under this Agreement through no fault of the Client, the adjustment in fee may be further adjusted to the extent of any additional costs occasioned to the Client by reason of Krebs' default. If after termination it is determined Krebs had not so failed, the Client will pay to Krebs the additional costs previously withheld as being attributable to Krebs' alleged default.

The Client may take over the work and prosecute the same to completion by Agreement with another party or otherwise. Any work taken over by the Client will be completed at the Client's risk, and the Client will hold Krebs harmless from all claims and damages arising out of improper use of Krebs' work.

#### **Section 4.14 – Severability**

If any judicial proceeding declares a provision of this Agreement to be invalid, illegal, or unenforceable, the remainder of the Agreement will continue to be binding upon the Client and Krebs.

#### **Section 4.15 – Agreement and Amendments**

This Agreement constitutes the entire Agreement between the Client and Krebs and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by written instrument mutually agreed upon and executed between the Client and Krebs.

**EXECUTION**

The Client and Krebs have caused their respective duly authorized representatives to execute and attest this Agreement effective on the date first written above.

CLIENT  
City of Newnan  
BY:

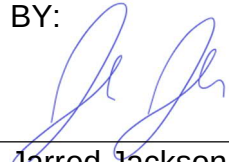
ATTESTED  
BY:

---

Hasco Craver IV, Assistant City Manager

KREBS ENGINEERING, INC.  
BY:

ATTESTED  
BY:



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Jarred Jackson, Senior Associate



---

Ray Womack, Senior Associate



| <b>Standard Hourly Billing Rates</b><br>Effective January 2023 |                    |
|----------------------------------------------------------------|--------------------|
| <b>Classification</b>                                          | <b>Hourly Rate</b> |
| Senior Associate                                               | \$200              |
| Associate                                                      | \$190              |
| Senior Project Engineer                                        | \$160              |
| Project Engineer                                               | \$145              |
| Engineer                                                       | \$125              |
| Engineering Intern                                             | \$75               |
| Field Representative I                                         | \$105              |
| Field Representative II                                        | \$115              |
| Senior CAD Designer                                            | \$120              |
| CAD Designer                                                   | \$110              |
| Administrative                                                 | \$85               |
| Mileage                                                        | \$0.655/mile       |

**Notes:**

1. Hourly rates do not include reimbursable items.
2. Reimbursable items will be billed at cost x 1.15. Examples of reimbursable items include, but are not limited to, sub-consultant expenses, copying/printing, state/city/county fees, shipping/mailling costs, travel expenses, etc.
3. Hourly rates apply to work time, travel time, and time spent at public meetings and hearings.
4. Rates for expert testimony and other miscellaneous legal work will be the above listed hourly rates x 2.0.



|             |             |                                   |            |
|-------------|-------------|-----------------------------------|------------|
| SHEET TITLE |             | FIGURE 1: WADSWORTH ALLEY CONCEPT |            |
| SHEET NO.   | PROJECT NO. |                                   | ..         |
|             | SCALE       |                                   | NTS        |
|             | DATE        |                                   | JULY, 2023 |
| F1          |             |                                   |            |

|                                |  |
|--------------------------------|--|
| CITY OF NEWNAN                 |  |
| WADSWORTH ALLEY REVITALIZATION |  |
| NEWNAN, GEORGIA                |  |





**To:** Mayor and Council

**Date:** August 22, 2023

**Agenda Item:** Consideration of Ordinance to Establish Millage Rate and Impose Taxes for Budget Year 2023

**Prepared By:** Cleatus Phillips, City Manager

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**Purpose:**

Ordinance to Establish Millage Rate and Impose Taxes for Budget Year 2023

**Background:**

Each year, Mayor and Council consider an ordinance to establish the millage rate at which ad valorem taxes will be due and payable. This ordinance is to set the millage rate for the current 2023 Budget.

Staff has run several financial projections and have determined that the rollback rate of 2.752 Mills will produce revenues necessary to end 2023 in good financial standing. Mayor and Council have adopted the rollback millage rate each of the past 5 years, resulting in a decrease of millage rate from 4.00 mills to the recommended 2.752 mills.

**Funding:**

Adoption of the rollback millage rate will result in an approximate tax billing of \$6,669,516.

**Recommendation:**

Adopt the ordinance as presented.

**Attachments:**

1. ORDINANCE IMPOSING TAXES FOR 2023

**Previous Discussion with Council:**

N/A



## **ORDINANCE ESTABLISHING MILLAGE RATE AND IMPOSING TAXES FOR BUDGET YEAR 2023**

**BE IT ORDAINED**, by the City council of the City of Newnan, Georgia:

**SECTION I.** That for the purpose of paying its expenses of operation and maintenance from the 1<sup>st</sup> day of January, 2023 to the 31<sup>st</sup> day of December, 2023, the City of Newnan, Georgia, a body politic, does hereby impose and levy the following taxes:

On each one thousand (\$1,000.00) dollars of the asessed value of all real estate and all personal property in the City of Newnan, Georgia and in like proportion on less than one thousand (\$1,000) dollars in assessed value of tax, in the following amount:

For the general operations of the City of Newnan, the tax rate of seven and two hundred and ninety-one (7.291) mills is hereby levied upon the real and personal property located within the corporate limits of the City of Newnan. This rate will produce approximately \$17,669,516 in ad valorem taxes. In compliance with the original laws regulating local option sales tax, the sum of \$11,000,000, or a reduction in the ad valorem tax levy of four and five hundred and thirty-nine (4.539) mill. The effective rate of taxation is two and seven hundred and fifty-two (2.752) mills which is for general operations of the City of Newnan.

**SECTION II.** That all taxes imposed or levied by this ordinance shall be due and payable at the office of Coweta County Tax Commissioner approximately forty-five days after billing.

If any tax is not paid on or before the last business day of the month following the billing, interest in the amount of 0.542% per month shall be added and collected by the Tax Commissioner. Additionally, a penalty of 5% shall be added after 120 days, with an additional 5% assessed after each successive 120 days, up to a maximum of 20% of the principle amount due. If the taxes are not paid by the 31<sup>st</sup> day of March 2024, the Tax Commissioner may issue a tax execution for the tax, penalty, interest, and execution fee of twelve dollars (\$12.00) against the property of the defaulting taxpayer, directed to the police chief or any other officer or person designated by the City Council for that purpose, who shall proceed to collect the same according to law.

**SECTION III.** Any taxpayer whose property is under appeal with the Coweta County Tax Assessor may make a partial payment reflecting the tax on the undisputed portion of the appraisal. Taxpayers with pending appeals who make full payment will receive a refund for any reduction in the property valuation resulting from the appeals process. Taxpayers who make partial payments will be liable for penalties on any additional tax due following resolution of the appeals process.

**SECTION IV.** Any ordinance or parts of ordinances in conflict with or inconsistent with this are hereby repealed.

**ORDINANCE ESTABLISHING MILLAGE RATE AND  
IMPOSING TAXES FOR BUDGET YEAR 2023**

**DONE RATIFIED AND PASSED** in regular session, by the City Council of the City of Newnan,  
on this the \_\_\_\_ day of \_\_\_\_\_ 2023.

**ATTEST:**

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

\_\_\_\_\_  
L. Keith Brady, Mayor

\_\_\_\_\_  
Dustin Koritko, Mayor Pro-Tem

**REVIEWED AS TO FORM:**

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

\_\_\_\_\_  
George M. Alexander, Councilmember

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

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

\_\_\_\_\_  
Rhodes H. Shell, Councilmember

\_\_\_\_\_  
Raymond F. DuBose, Councilmember

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



**To:** Mayor and Council

**Date:** August 22, 2023

**Agenda Item:** Proposal to select routes and fees for public requested road races, runs, walks and similar events with consideration of a maximum cap.

**Prepared By:** Brent Blankenship, Police Chief

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**Purpose:**

Proposal for selecting specific routes and fees for public requested road races, runs, walks, and similar events along with a request to consider placing a cap on such events affecting city streets and personnel.

**Background:**

The City of Newnan has provided approval for numerous public events throughout the years in support of our community to include road races and walks. With these events numerous routes have been requested which has a direct impact on our city streets and state highways. To properly secure these routes Newnan Police Officers are required to block intersections, direct traffic, and escort the events. Many of these events and routes require in excess of (20) or more officers. Five routes are currently being presented for consideration with fees:

Route 1: Newnan Linc, Free

Route 2: E. Washington St. to McIntosh Parkway and return  
16 officers required for 3 hours (5K)

Route 3: Square, Buchanan, Fifth, Conner, circle NHS and return on LaGrange St.  
21 officers required for 3 hours, (5K)

Route 4: Veteran's Park, cross Clark St. to Sherwood Dr., return on Jackson St.  
22 officers required for 3 hours (5K)

Route 5: Greenville St., Nimmons, LaGrange, circle NHS, return LaGrange, Salbide, Greenville  
21 officers required for 4 hours(10K/5K), or 3 hours(5K only)

| Fee options:                                                                                                                       |               | Option 1<br>(Original Fees Proposed) | Option 2<br>(40/hr) | Option 3<br>(45/hr) |
|------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------------------|---------------------|---------------------|
| Route 1: Newnan Linc<br>2 to 3 Officers                                                                                            | (5K)          | Free                                 | \$360               | \$405               |
| Route 2: E. Wash, McIntosh Parkway, Return<br>16 Officers/3hrs                                                                     | (5K)          | \$1,000                              | \$1,920             | \$2,160             |
| Route 3: Square, Buchanan, fifth, Conner, circle NHS,<br>return LaGrange<br>21 Officers/3hrs                                       | (5K)          | \$2,000                              | \$2,520             | \$2,835             |
| Route 4: Veteran's Park, Clark, Sherwood Dr.,<br>return Jackson St<br>22 Officers/3hrs                                             | (5K)          | \$2,500                              | \$2,640             | \$2,970             |
| Route 5: Greenville St., Nimmons, LaGrange, circle NHS,<br>return LaGrange, Salbide, Greenville<br>21 Officers/4hrs(10K), 3hrs(5K) | (10K)<br>(5K) | \$3,000<br>\$2,500                   | \$3,360<br>\$2,520  | \$3,780<br>\$2,835  |

**(\$45/hr is the current part-time/extra duty job rate for NPD)**

#### **Funding:**

Currently funded in City paid overtime.

#### **Recommendation:**

It is recommended to select approved routes, each with a specific fee, which would be reflective to the impact on city streets and employees. It is also recommended that a maximum cap of two events per year for routes 2,3,4,and 5 be put in place, with a higher cap allowed for the Linc.

#### **Attachments:**

1. Routes 1-5

#### **Previous Discussion with Council:**

This topic was presented at the July 18, 2023 council meeting and now presented for discussion with additional information provided that was requested.

# The Linc

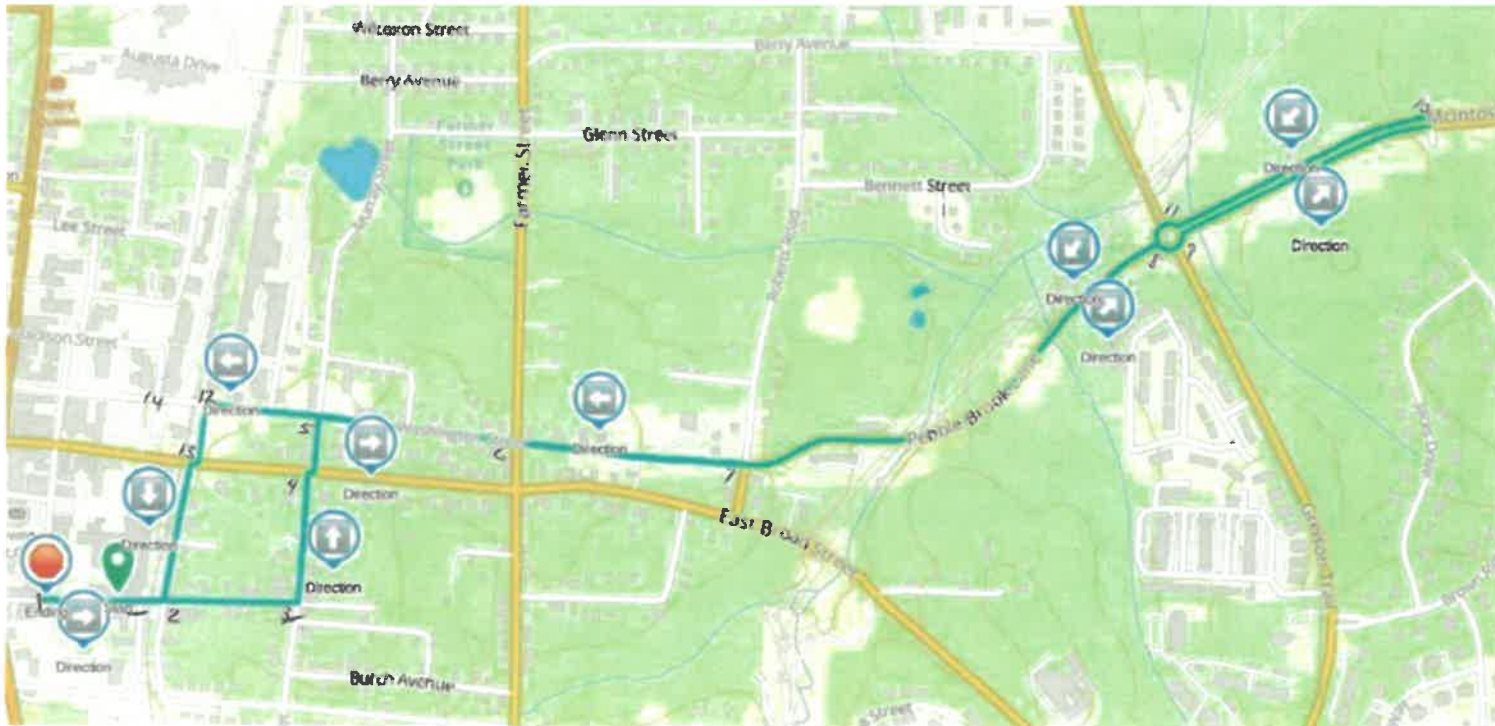


**Route #1**  
**2 to 3 Officers needed, 3 hours**



## E. Washington Street to McIntosh Parkway and return

Current I Sweat Red 5k Route

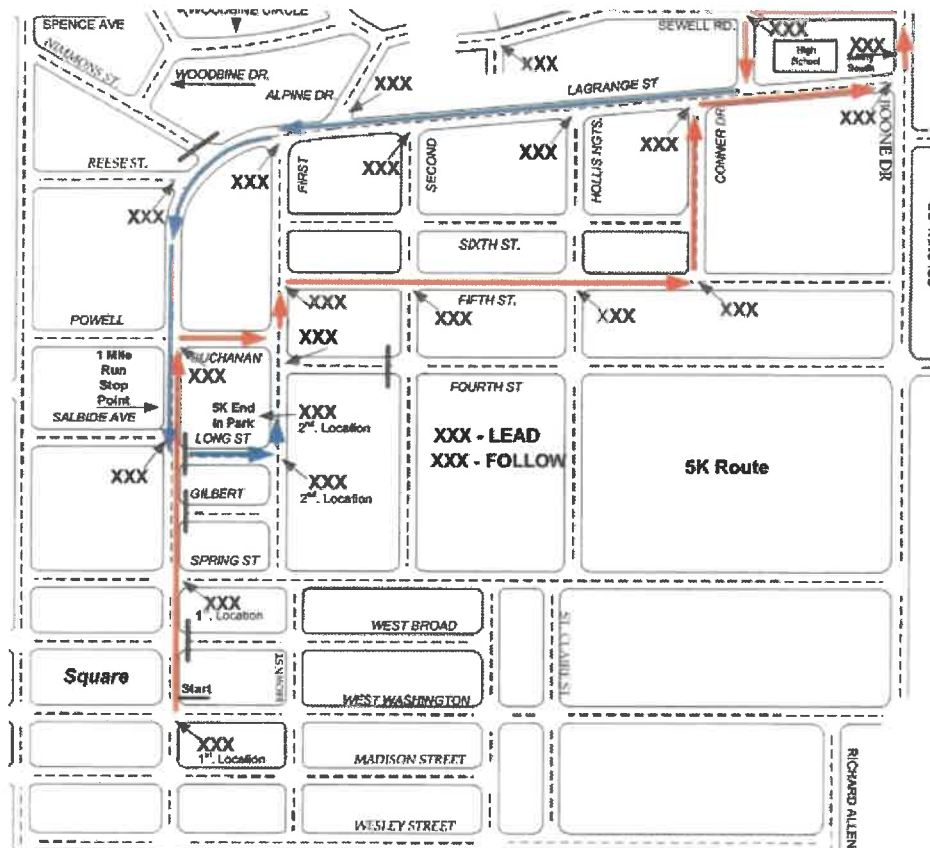


**Route #2**

**16 Officers needed, 3 hours**



## Square, Buchanan, Fifth, Conner, Circle NHS and return on LaGrange

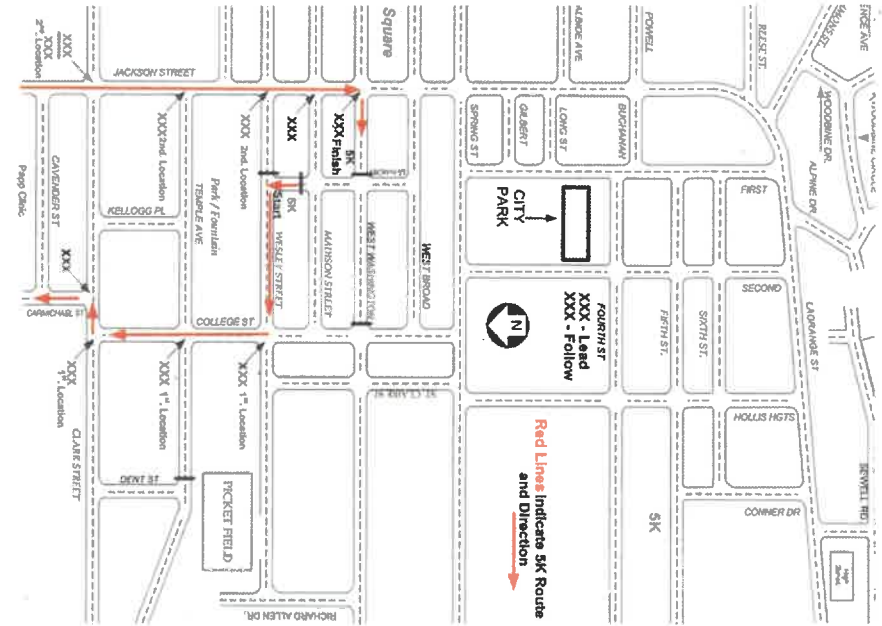
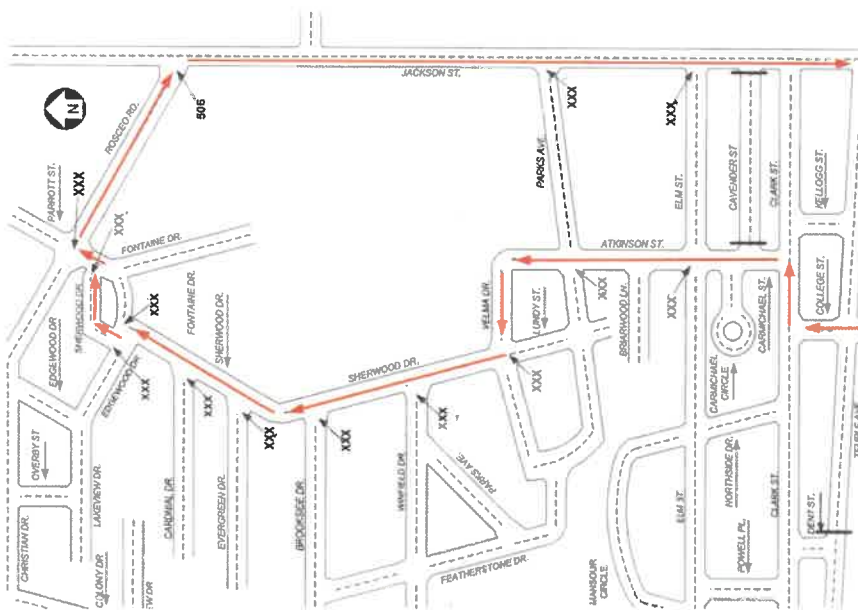


Current Keris Kares 5K Route

**Route #3**  
**21 officers needed, 3 hours**

# Veteran's Park, cross Temple and Clark to Sherwood Dr., return on Jackson St.

Current Sunrise on the Square 5k  
and Run for the Orphans 5k

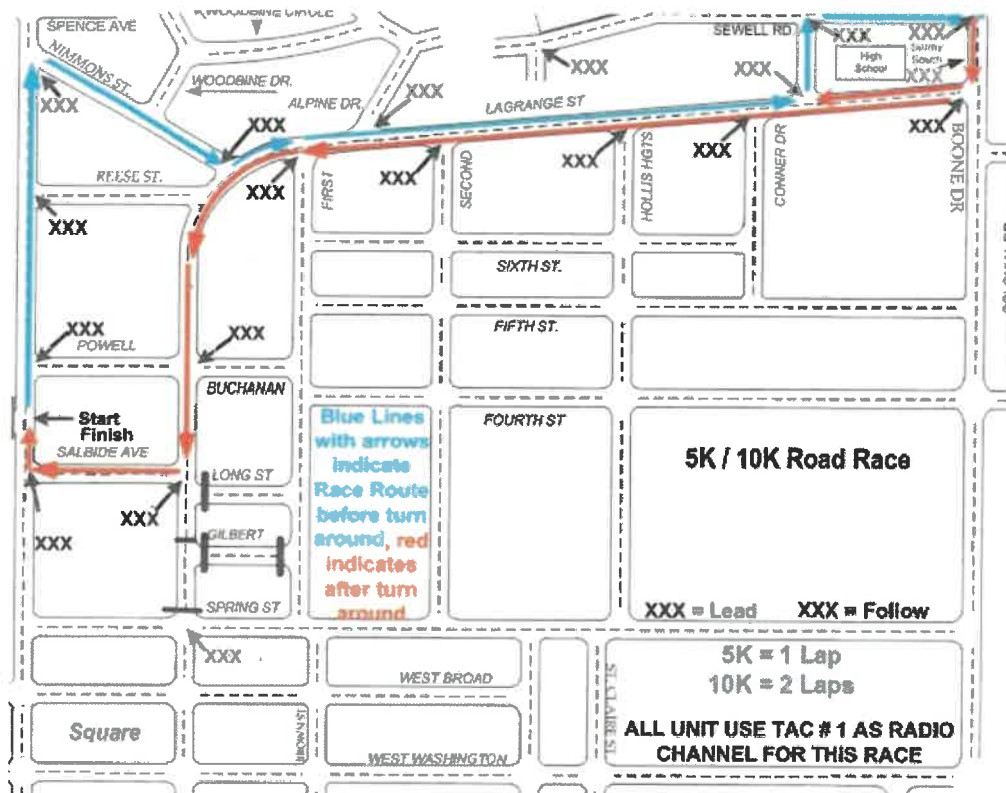


Route #4

22 Officers needed, 3 hours



**Greenville St., Nimmons, LaGrange, circle NHS,  
return LaGrange, Salbide, Greenville St.**



Current J.S.L  
and Run for Angels 5/10k Route

**Route #5**  
**21 Officers needed, 4 hours(10K)**  
**3 hours(5K)**



**To:** Mayor and Council  
**Date:** August 22, 2023  
**Agenda Item:** Consideration of Subdivision Plan for Real Property Located at 66 First Avenue and 10 Buchanan Street  
**Prepared By:** Hasco Craver, Assistant City Manager

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**Purpose:**

Newnan City Council may consider a recommendation from City staff of a proposed subdivision plan of real property located at 66 First Avenue and 10 Buchanan Street.

**Background:**

Newnan City Council, at its July 18, 2023 meeting, considered a City staff recommendation related to the sale and/or auction of real property at 66 First Avenue and 10 Buchanan Street. City staff recommended that the real property located at 66 First Avenue be made available via public sale due to its "buildability". City staff recommended that 10 Buchanan Street be made available to adjoining party owners because of its lack of "buildability".

During public comment, adjoining property owners as well as numerous nearby neighbors and interested citizens expressed a desire to find a remedy that would allow for the existing and adjacent owners to amicably name and agree to a satisfactory subdivision plan.

At the direction of Newnan City Council, City staff held a meeting with adjacent property owners to consider remedies. During the subsequent meeting, which took place on August 3, 2023, City staff facilitated a discussion related to finding an amicable solution for all adjacent and interested property owners.

Numerous alternatives were considered. The subdivision of 66 First Avenue was considered first and an amicable solution was presented (see attachment), so long as certain access rights to the lot at 10 Buchanan were held. During the conversation, it was mentioned that the City of Newnan could remove the existing concrete pad at 10 Buchanan to alleviate certain concerns related to sight distances and privacy. Adjacent attendees were supportive of the City removing the concrete pad. City staff mentioned that the group should allow the owners of 81 LaGrange Street an opportunity to express a renewed interest in the 10 Buchanan Street property, now understanding that the concrete pad may be removed. All attendees agreed. City staff contacted the owners of 81 LaGrange Street and they confirmed an interest in the lot if the concrete pad were to be removed.

As a result of the conversations that took place on August 3, 2023, and in consideration of previous conversations, City staff has prepared a proposed subdivision plan that achieves several goals: logical lot lines and the preservation of existing access are of paramount importance (see attachment).

**Funding:**

General Fund (removal of existing concrete pad)

It is anticipated that a value will be assigned to each portion of real property shown herein (minimum \$10,000 for 66 First Avenue; minimum \$2,500 for 10 Buchanan). Thereafter, a proportional cost will be derived based upon the division of property. In addition, a proportional cost of ancillary services (survey, etc.) will be included as part of the final transaction.

**Recommendation:**

It is the recommendation of City staff that the Newnan City Council consider and accept the proposed subdivision plan, as presented, and allow City staff to proceed with the formal subdivision and assignment of related costs.

**Attachments:**

1. FIRST AVE and BUCHANAN ST Existing with Proposed Parcels\_
2. FIRST AVE and BUCHANAN ST Future Parcels\_

**Previous Discussion with Council:**

March 14, 2023

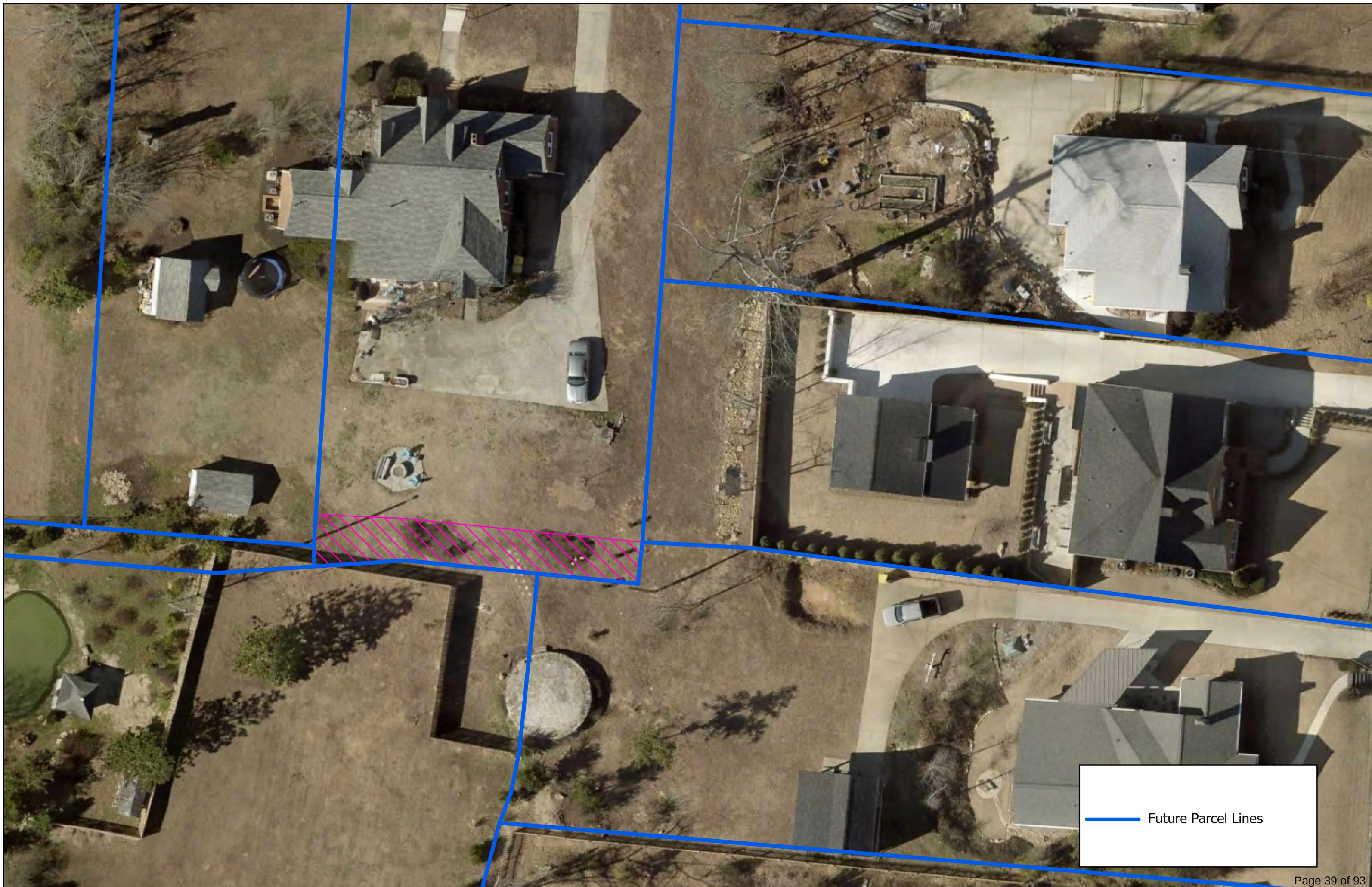
March 28, 2023

July 18, 2023









— Future Parcel Lines





**To:** Mayor and Council

**Date:** August 22, 2023

**Agenda Item:** Consideration to Place the City-Owned Lot at 28 Westgate Park Lane Under Surplus and to Open the Lot Up for Auction

**Prepared By:** Andrew Moody, Special Projects Manager

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**Purpose:**

To consider placing a City-owned lot at 28 Westgate Park Lane under surplus and to open the lot up for bid with proceeds of the sale to be granted to the Newnan Urban Redevelopment Agency for the purpose of using funds for housing projects.

**Background:**

In 2020 the City of Newnan acquired the property at 28 Westgate Park Lane. The lot previously had a structure onsite, built in 1971. Driveway access is in place, and the lot appears buildable with utilities already installed.

Parcel Number: N43A 035  
Location Address: 28 Westgate Park Lane  
Legal Description: H/L 229 SEC 2 WEST GATE  
Acreage: 0.13  
Zoning: RU-7

In early June 2023, the City was approached by the neighboring property owner of 2 Midland Park Court. This property adjoins the lot at 28 Westgate Park Lane to the south. The property owner of 2 Midland Park Court recently made a call to the City of Newnan indicating an interest in purchasing 28 Westgate Park Lane. The resident indicated they would like to purchase this property in an attempt to improve the look of the neighborhood and to improve their home by expanding it. The resident also stated they would like to fence the property, remove fallen trees, and maintain the property.

**Funding:**

N/A

**Recommendation:**

The Council may consider placing the lot into surplus; putting the lot up for auction, and awarding the proceeds to NURA.

**Attachments:**

1. 28 Westgate Park Ln - Informational Memo
2. 28 Westgate Park Ln - Image 1
3. 28 Westgate Park Ln - Image 2
4. 28 Westgate Park Ln - Image 3
5. 28 Westgate Park Ln - Image 4

**Previous Discussion with Council:**

On July 18<sup>th</sup>, the Council continued this item to the next evening meeting in August to allow staff time to collect more information.



August 22nd, 2023

Re: Consideration to Place the City-Owned Lot at 28 Westgate Park Lane Under Surplus and to Open the Lot Up for Auction

Mayor Brady and Councilmembers,

On July 18th, the lot at 28 Westgate Park Lane was presented to you for the consideration of placing the lot into surplus to place the lot up for auction and in turn provide the proceeds to the Newnan Urban Redevelopment Agency to use funds on in-progress affordable housing programs. The Council requested that staff collect more information on the lot and the viability of constructing an affordable unit in a timely fashion, and subsequently report back at the evening meeting in August. This memo serves to present the findings.

**Estimated Lot Sale Price:** The land value with no structure, is estimated to be approximately \$30,000. This figure is an estimation; lot value is subject to fluctuate with the market.

**Westgate Neighborhood Sale Prices:** According to the Coweta County qPublic sales by neighborhood results, Sales in the Westgate neighborhood over the last three years have ranged from a low of around \$42,000 to a high of \$247,000. The average sale price in the neighborhood has been approximately \$151,692 over the last three years.

**Viability of Constructing an Affordable Unit:** The Council also requested information on the viability of constructing a new affordable housing unit by the City or one of its partners (Habitat for Humanity, Housing Authority of Newnan).

- *City of Newnan* – The City is currently operating or about to begin four (4) affordable housing construction programs and two (2) housing rehabilitation programs. Under these programs, City of Newnan staff estimates the planned construction of twenty-one (21) new units and the rehabilitation of thirty (30) homes over the next five to seven (5-7) years. In addition, the City and NURA have had to place the planned construction of a new unit at 100 East Washington Street on hold until the programs with strict time constraints have been constructed and closed out; and due to a higher than anticipated construction cost. The City and NURA could develop an affordable housing unit on the lot, but not for at least 5-7 years or longer. Currently, the City estimates the high-end cost for construction of a new unit (2BR/2BA) could potentially be



around \$275,000; though the aim would be to keep the costs much lower. Furthermore, the Georgia Department of Community Affairs (DCA) has issued a notice that it will be closing out the grant program for the NSP1 and NSP3 programs and will not allow for the accumulation of new projects; therefore, upon the sale of existing projects, project income must be remitted to DCA once all existing projects are completed and sold.

- *Housing Authority of Newnan* – As a partner on most affordable housing programs within City limits, the Housing Authority of Newnan was asked about their interest in developing the lot. In summary, Sandra Strozier, President/CEO of HAN, shared that time constraints to complete existing projects would place the development of this lot on a backburner, and the Housing Authority was not interested in the lot at this time.
- *Habitat for Humanity* - Spoke with CEO of the Newnan-Coweta Habitat for Humanity (NCHF), Eric Miller. At this time, Mr. Miller is unsure of the interest level of the NCHF board in acquiring the lot. Mr. Miller shared that the NCHF would not be able to complete a new construction for more than a year.

Sincerely,  
Andrew Moody  
Special Project Manager





















## City of Newnan, Georgia – Mayor and City Council

Date: August 22, 2023

Agenda Item: Rezoning Request – RZ2023-02  
35.49± acres located at 2037 Newnan Crossing Bypass  
(Portion of Tax Parcel #087-5011-003)

Prepared and Presented by: Dean Smith, Senior Planner

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### **REZONING ASSESSMENT**

#### **APPLICANT INFORMATION:**

LDO Coweta, LLC, on behalf of the property owner Cate's Family Partnership  
270 North Jeff Davis Drive  
Fayetteville, GA 30214

The applicant (LDO Coweta, LLC) seeks to develop the subject property as a 163-unit townhome development. In order to accomplish this, the applicant is seeking an RMH (Residential Multiple Family Dwelling-Higher Density) zoning for 35.49 ± acres located on Newnan Crossing Bypass.

#### **SITE INFORMATION:**

The site consists of 35.49± acres located on Newnan Crossing Bypass. It is a portion of tax parcel id number 087-5011-003. The subject tract is located between Newnan Crossing Bypass and Interstate 85.

The site is currently undeveloped and zoned RS-15 (Suburban Residential Single-Family Dwelling District-Medium Density).

#### **OVERVIEW OF REQUEST:**

The applicant is requesting the rezoning of 35.49 ± acres located at 2037 Newnan Crossing Bypass. The property is currently zoned RS-15 (Suburban Residential Single-Family Dwelling District-Medium Density) and the applicant is requesting RMH (Residential Multiple Family Dwelling-Higher Density) for the construction of 163 fee simple townhomes.



# **CITY OF NEWNAN | Project Location**



CITY OF NEWNAN  
PLANNING DEPT.  
25 LAGRANGE STREET  
NEWNAN, GEORGIA 30263  
www.cityofnewnan.com

1 inch = 300 feet  
Date: 6/3/2022

## **LEGEND**

- Project Location
- PARCELS
- CITY LIMITS

Parcel # 087 5011 003

## **ADDRESS**

2037 NEWNAN CROSSING BYP  
Newnan, GA 30263





The proposed development consists of 163 fee simple townhomes. Proposed amenities include: swimming pool; pavilion, dog park and several open space/passive park areas.



Page 49 of 93

1. **Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?** The subject tract is bordered predominantly by residential zoning designations. The residential portion of the MXD zoned site abuts on the northern property line; a residential multifamily zoning across Interstate 85 to the East; residential single-family neighborhood to the west and to the south, a combination of RC and C-8c zoning in Coweta County. There are existing multifamily developments to the north and east of the subject tract. The property to the south, was recently rezoned from RC to C-8c in Coweta County for the purpose of constructing a self-storage facility.

With the existing residential developments that are on the north, east and west side of the subject property, higher density residential development would be a suitable use. This site is classified on the City's future land use map as Emerging Missing Middle Residential, which is defined as areas of medium-density (between 4 and 7 units per acre) and allow for a variety of housing products, including single-family homes, duplexes, triplexes, quadplexes, cottage homes and small apartment buildings.

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

2. **Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?** The most significant impact resulting from this rezoning would be an increase in traffic. The applicant has submitted a traffic impact study that estimates that the proposed development is expected to generate an additional 1,192 trips per day. The traffic study does not suggest adding traffic mitigation measures. The applicant's concept plan illustrates two points of ingress/egress from Newnan Crossing Bypass into the development. There is one full ingress/egress access point and the second access point is right in/right out only.

**Staff Assessment – ADVERSE AFFECT WILL BE MINIMAL** ✓

3. **Are their substantial reasons why the property cannot or should not be used as currently zoned?** The property is currently zoned for single-family residential development. However, the future land use map shows it has Emerging Missing Middle Residential and it has sat vacant with the current RS-15 zoning designation for over twenty years. There are environmental constraints on the property that limit the available area that can be developed, as illustrated on the survey and concept plans provided as an attachment to this report.

To date, the City has not been asked to review any proposed development for single-family houses, as allowed by the current zoning.

**Staff Assessment – PROPERTY CAN BE DEVELOPED AS CURRENTLY ZONED, HOWEVER, NO DEVELOPMENTS UNDER CURRENT ZONING HAVE BEEN PRESENTED TO THE CITY** ✗

4. **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?** As a requirement for multifamily developments

exceeding 150 units, the applicant must submit a Community Impact Assessment (CIA) which looks at the services listed above and provides a financial analysis of the project. A copy of the full assessment has been provided with the accompanying documentation for this report. A summary of the assessment's findings and additional information that has been provided since the study was completed is as follows:

- Police: Police Chief Blankenship has indicated that his department can service the development, citing that a strain would be put on calls for service and would cause additional maintenance on equipment, but states that it can be managed at current staff level.
- Fire: Chief Stephen Brown has indicated that NFD anticipates an additional 62 calls in a 12-month period and further states that the anticipated demand would potentially decrease response times in other service areas, stating that NFD does currently have the resources to service the project. Chief Brown further added that the increase in call volume will impact the Fire Department with additional wear and tear on equipment and will influence the effectiveness and strength of manpower, citing that the impact of the proposed property may require additional equipment and manpower in the future.
- Newnan Utilities: Newnan Utilities will be the water, and sewer provider for the project. Scott Tolar reviewed the project and indicated that there is ample capacity to serve the proposed facility. Needs from the developer in terms of each service has been included in the applicant's packet.
- Engineering:





## The City of Newnan, Georgia

Office of the City Engineer

May 22, 2023

City Engineer Review

### REZONING REQUEST

Portion of Tax Parcel 087 5011 003  
35.4892 Acres  
Newnan Crossing Bypass

#### Environmental:

1. The development plan shall follow the design standards and guidance per the Georgia Storm Water Management Manual, in compliance with the **Post-Development Stormwater Management Ordinance** for the City of Newnan.  
Note a new requirement for on-site, runoff reduction, effective December 6, 2020.
2. The development plan shall include a three-phased erosion control plan in compliance with the **Soil Erosion, Sedimentation and Pollution Control Ordinance** for the City of Newnan.
3. All streams, wetlands and other environmentally sensitive areas such as floodplain and floodway shall be delineated and located within open space to the extent practically possible. The development plan shall be in compliance with the **Floodplain Management and Flood Damage Prevention Ordinance** for the City of Newnan. Any development within a floodplain or waters of the US shall be properly permitted with the Federal Emergency Management Agency (FEMA), or the United States Army Corp of Engineers (USACE), as applicable.
4. This site is located within a water supply watershed and thus increased stream buffers apply as follows: perennial streams shall carry an undisturbed stream buffer on 100 feet with an additional impervious surface setback of 50 feet; intermittent streams shall carry an undisturbed stream buffer of 50 feet with an additional 25 foot impervious surface setback. Buffers shall be measured from the point of wrested vegetation and shall be delineated in the field.
5. This site is located within the Stillwood Creek watershed drainage basin and stormwater management shall comply with the conditions set forth in the **Stillwood Creek Watershed Drainage Policy** as Section 10-169 of the **Post-Development Stormwater Management Ordinance** for the City of Newnan.

#### Transportation:

1. ADA compliant sidewalks, 6 feet in width, shall be provided along the public Right of Way for Newnan Crossing Bypass, the entire length of the parcel, to connect to existing sidewalk to the north. 5 foot sidewalks shall be provided throughout the proposed development, on both sides of all streets, and shall connect to the sidewalks in the Right of Way for Newnan Crossing Bypass.

25 La Grange Street

• Newnan, Georgia 30263 •

(678) 673-5560

2. Traffic impact study required. A traffic impact study shall include the intersections of Newnan Crossing Bypass with Lower Fayetteville Road, Lakeshore Parkway, and Poplar Road. Justification for trip distribution shall be included in the study. Mitigation shall be proposed for any negative impact to the level of service (LOS) at the intersections. The criteria for trip generation shall be derived from the latest edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE).
3. The primary driveway for the development shall line up with existing road, Lakeshore Parkway, at an existing median break. Dedicated left and right turn lanes shall be provided and designed in accordance with design standards for the Georgia Department of Transportation (GDOT). Pavement markings shall be designed in accordance with the GDOT and the Manual on Uniform Traffic Control Devices (MUTCD).
4. A secondary driveway shall be Right In/ Right Out, designed in accordance with standards for the GDOT, and shall include a dedicated right turn lane.
5. A warrant study shall be provided to determine the need for a traffic signal at the location of the primary driveway serving the development. The study shall include the projected traffic generated for any under-construction projects in proximity along Newnan Crossing Bypass. The developer shall bear, at a minimum, the proportional share for the cost for a traffic signal, if warranted, and the signal shall incorporate video detection (Gridsmart). The signal installation shall comply with the MUTCD, GDOT standards and details, GDOT standard specifications, and the National Electric Code (NEC).
6. The developer shall provide and install street lighting along Newnan Crossing Bypass, adjacent to the parcel, in accordance with the lighting standards for a multi-lane urban corridor for the electric provider for the development.
7. The developer shall consider an ADA compliant parking space adjacent to the proposed Dog Park, with access aisle.
8. Driveway length from sidewalk in the public Right of Way to face of garage door, and from the edge of pavement at private alley to face of garage door shall be 19'-0", minimum.

Respectfully,

***Michael Klahr***

William M. Klahr, P.E., CFM  
Director of Engineering

- Traffic: A traffic impact study was performed for the proposed development. Pertinent excerpts from the traffic analysis are as follows:

### Conclusions and Recommendations

This study assesses the traffic impact of a proposed residential townhome development in the City of Newnan. The site is located along the east side of Newnan Crossing Bypass near Lakeshore Parkway. The development will consist of 163 attached residential townhomes. The project will be served by two vehicular accesses on Newnan Crossing Bypass, with the main access aligning with the median break at Lakeshore Parkway and the second access being limited to right-in/right-out (RIRO). The following are the findings and recommendations of this study:

1. Existing traffic operations and delays are acceptable at the three study intersections. Therefore, no mitigation is identified for the existing condition.
2. Traffic volume growth in this area has been positive and modest and this is expected to continue into the future. Additional volume increases will result as the nearby Cresswinds DRI is developed.
3. With the growth in background traffic volumes, delays will increase moderately in the no-build condition. All delays will continue to be acceptable and no mitigation is identified for the no-build condition.
4. The proposed townhomes will generate 79 trips in the morning peak hour, 94 trips in the evening peak hour, and 1,192 daily trips.
5. The future analysis with the addition of the proposed townhomes' trips reveals modest increases in delays at the study intersections, but generally continued acceptable operations.
6. One approach – the eastbound approach of Lakeshore Parkway at Newnan Crossing Bypass – will just begin to fail at LOS E in the future p.m. peak hour. A change in control is not recommended based on the delay calculations. A signal warrant study performed for this intersection concludes that signalization is not justified.
7. A northbound right turn lane and a southbound left turn lane should be constructed on Newnan Crossing Bypass at the main project access.
8. The south access should be restricted to right-in / right-out (RIRO) movements and a northbound right turn lane should be added on Newnan Crossing Bypass at this access.
9. One entering lane and one exiting lane should be provided at each project access. Each exiting approach should be controlled by side street stop sign and accompanying stop bar.
10. There is a curve in Newnan Crossing Bypass that could potentially limit sight distance at the project accesses to and from the south. The project civil/site engineer should comply with all applicable design standards at the project accesses and internal roadways, including sight distances, turn lane storage and taper lengths, turn radii, driveway spacing, driveway widths, islands, angles with the adjacent roadways, and grades.

In response to the traffic study submitted, Michael Klahr, the City's Director of Engineering, provided the following statement, "...We are in receipt of the traffic study and signal warrant study as a part of the submittals for the subject project.... These are in review...It has become the desire of the City Council to initiate a peer review for traffic studies associated with proposed developments...I will be able to accept or propose mitigation once we have a peer review...."



- Coweta County Schools: Coweta County School System Director of Facilities, Ronnie Cheek responded to the request for the proposed development's impact on the school system. Mr. Cheek stated that the proposed development presents challenges when planning for school enrollment and meeting students' needs. Due the higher density housing in the area of the proposal, school capacity is an ongoing concern. Many schools serving the area in question are at or near capacity. Mr. Cheeks requested that if approved, the school system be provided with advance notice of the project's construction schedule, build-out timeline and the target market for the housing. The link embedded herein refers to a Coweta County School System Enrollment Analysis and Projection, dated January 2023, for your information and reference:

<https://www.dropbox.com/s/v4m45555zbpma7n/Enrollment%20Update%20-%202023%20%281%29-15019003c3pcg2ferbu0gem33f5zxbi.pdf?dl=0>

The following is the applicant's response to the school system's concerns:

❖ What is the construction schedule for the project?

- *Zoning – Approved Land Disturbance Permit – 12 months*
- *Phase 1 horizontal construction Final Plat – 15 months (includes main amenities)*
- *Phase 1 vertical construction (approximately 80 units) 18 months to build out following final plat.*
- *Phase 2 horizontal construction final plat (remaining 83 units) 18 months beginning 9 months after phase 1 final plat*
- *Phase 2 vertical construction (approximately 83 units) 18 months to build out following final plat.*

❖ Will the project be built in phases?

*Yes- at least 2 phases.*

❖ If phased construction is planned, what is the proposed build-out timeline?

*See above.*

❖ Will there be a targeted market, e.g., senior citizens?

*Project is a fee simple market project.*

- Tax Revenue: Per the CIA, it is estimated that the fair market value of the property identified as a portion of Tax Parcel 087-5011-003 would increase by 40% with the proposed improvements. The following table shows the estimated change in tax revenues for the County, City and School System:

|                                                                                                                                                                                                                                                                                              |                |   |     |   |                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---|-----|---|-----------------------------|
| Assessed Value * 40% * Millage Rate = Property Tax                                                                                                                                                                                                                                           |                |   |     |   |                             |
| The subject property is assessed property taxes from Coweta County, Coweta Schools, and the City of Newnan. The 2002 Assessment provides for the following:                                                                                                                                  |                |   |     |   |                             |
|                                                                                                                                                                                                                                                                                              | Assessed Value | * | 40% | * | Millage Rate = Property Tax |
| Coweta County                                                                                                                                                                                                                                                                                | \$4,639,967    | * | 40% | * | 0.006162 = \$9,923.47       |
| Coweta Schools                                                                                                                                                                                                                                                                               | \$4,639,967    | * | 40% | * | 0.017140 = \$27,602.77      |
| City of Newnan                                                                                                                                                                                                                                                                               | \$4,639,967    | * | 40% | * | 0.003051 = \$4,913.42       |
| Assuming each unit has a market value of \$400,000, and further assuming the assessed value is equal to the market value, the total project will have an assessed value of \$65,200,000. Applying the 2022 millage rates to this amount the project will yield the following property taxes: |                |   |     |   |                             |
|                                                                                                                                                                                                                                                                                              | Assessed Value | * | 40% | * | Millage Rate = Property Tax |
| Coweta County                                                                                                                                                                                                                                                                                | \$65,200,000   | * | 40% | * | 0.006162 = \$160,704        |
| Coweta Schools                                                                                                                                                                                                                                                                               | \$65,200,000   | * | 40% | * | 0.017140 = \$447,011        |
| City of Newnan                                                                                                                                                                                                                                                                               | \$65,200,000   | * | 40% | * | 0.003051 = \$79,570         |

In addition to the estimated tax revenue, the project will also have a projected impact fee generation of \$181,062.03 to the City of Newnan and approximately \$500,000 to Newnan Utilities.

As with all development, the project will impact service provision. The question is whether or not it is excessive or burdensome. In this case, most of the service providers that have responded have indicated that they can service the development, but it will create a strain on their departments in terms of equipment wear and tear and manpower. School system has expressed concern about their ability to meet the proposal's projected population.

**Staff Assessment – PROJECT WILL HAVE AN IMPACT, ESPECIALLY FOR TRAFFIC AND SCHOOLS X**

- Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?** The Future Land Use Map shows this property as Emerging Missing Middle Residential. Newnan defines Emerging Missing Middle Residential as an area of medium-density residential, between 4-7 units per acre, which allows for a variety of housing products, including single-family homes, duplexes, triplexes, quadplexes, cottage homes and small apartment buildings.

**Staff Assessment – THE FUTURE LAND USE MAP SHOWS THIS PROPERTY AS EMERGING MISSING MIDDLE RESIDENTIAL ✓**

- Is the proposed use consistent with the purpose and intent of the proposed zoning district?** The RMH (Residential Multiple-Family Dwelling-Higher Density District) is intended to provide higher density multiple-family dwellings which may have a relatively intense concentration of dwelling units served by large open spaces consisting

of common areas and recreation facilities. There are a variety of housing products that are allowed in RMH zoned districts: manufactured housing; low-rise multiple family dwellings; two-family dwellings; garden apartments; apartment buildings; condominiums; townhouses and single-family detached homes. New RMH districts are most appropriately located adjacent to existing RMH districts in areas in transition between denser residential neighborhoods and commercial development, or in areas where the future land use map indicates would be appropriate for higher density residential uses. The mixed use zoned site to the north contains an apartment component (Springs at Newnan Apartments) with an effective unit count of 13 units per acre, representing a denser residential neighborhood than the proposed development.

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

7. **Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan?** The Future Land Use map also shows the property as Emerging Missing Middle Residential, which was a new category created by the City during the most recent comprehensive plan update adopted by City Council in the Fall of 2021.

**Staff Assessment – RECENTLY COMPLETED UPDATES TO BOTH THE FUTURE LAND USE MAP AND COMPREHENSIVE PLAN SHOW THE PROPOSED DEVELOPMENT AS A USE CONSISTENT WITH EMERGING MISSING MIDDLE RESIDENTIAL ✓**

8. **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?**

Within the past five years, the City has approved several new townhome developments the majority of which are market rate rentals. The proposed development would fall into the market rate category. The City routinely discusses high density multifamily developments, in various forms, on a regular basis with prospective developers.

This site is limited by natural features, topography and floodplain that restrict development. As the need for more housing opportunities continues to be an ongoing issue and concern for the City of Newnan, this is an area that the City identified, through the Comprehensive Plan and Future Land Use Map, as an area suitable for residential development of a denser nature.

**Staff Assessment – THE PROPOSED PROJECT DOES REFLECT A REASONABLE BALANCE, BUT THE QUESTION IS WHETHER THIS IS THE APPROPRIATE LOCATION FOR A MULTIFAMILY TOWNHOME COMMUNITY ✓**



### **SUMMARY OF STANDARD ASSEMENT:**

After assessing the project based on the standards to be considered for rezoning requests, Staff found that the development meets **6 of the 8 standards**.

### **REGULATORY CRITERIA TO CONSIDER:**

In February 2022, Newnan City Council adopted a revised Tree Conservation and Landscape Ordinance. Section 10-84 of that ordinance requires that any application for annexation, rezoning or preliminary subdivision plats, must include a Preliminary Tree Management Plan. This plan shall show the existing location and general tree canopy and shall also specify which areas are proposed to be conserved and/or replanted. The City Landscape Architect conducts a preliminary review and recommends conditions to consider during the approval of any of the aforementioned processes. The applicant has submitted a Preliminary Tree Management Plan, which is contained in the attachments. On June 15, 2023, Mike Furbush, City of Newnan's Landscape Architect and Beautification Director, provided the following comments pertaining to the applicant's preliminary tree management plan.

### **FERRY – NEWNAN CROSSING BY-PASS PROJECT** **TREE MANAGEMENT PLAN COMMENTS (First Submittal & Review):**

May this serve as my plan review comments on the recently submitted Tree Management Plan for the proposed Ferry - Newnan Crossing By-Pass project. The Tree Management Plan provides a written description of the existing tree canopy along with the proposed tree save areas. However, the plan does not show the actual location of the trees on the overall site. The Tree Management Plan should show the entire site with the proposed site layout overlaid on an aerial photograph of the site. The proposed development is quite dense with 163 units shown with little room remaining for required tree plantings. We would love to see a typical building layout to show how much room is provided in the front and back of these units for required tree plantings. Projects, such as these, generally struggle to provide enough room for adequate tree plantings due to other site elements such as parking, water lines, and electrical transformers. As shown in the Site Data chart, there is almost one third of the site that is unbuildable due to floodplain, stream buffers, and a Georgia Power Easement. It is difficult to determine, from the conceptual layout, how much of the overall site will be disturbed, but typically high-density developments such as this one and the proposed site layout seem to indicate that almost all the property that can be disturbed will be graded to make the proposed layout work.

One favorable aspect of the proposed layout relates to the existing Interstate 85 tree lined corridor which the City of Newnan has successfully managed to maintain throughout various developments up and down the City's Interstate Corridor. The proposed project does not cross over a significant stream buffer with road crossing to access a portion of the site next to the Interstate. A road crossing would certainly adversely affect the existing stream buffer and also the existing tree line and buffer along the Interstate. Under the proposed conceptual layout there is a significant wooded area that will be used as tree save to produce additional and probably needed tree density units and also provide the desired and current tree buffer along the Interstate.

## **Planning Commission Meeting Summary – July 11, 2023**

Planning Commission recommended approval of the rezoning request by a 3-1 vote.

### **Previous Discussions with City Council**

June 13, 2023 – For Information

August 8 2023 – Work Session

### **PROFFERED CONDITIONS SPECIFIC TO THIS ZONING PETITION:**

Should the Mayor and City Council affirmatively vote to approve the rezoning request, Staff would recommend the following conditions be included in the zoning change ordinance:

- The project will be consistent with the density, project data, amenities, proffered conditions and architectural details as provided as part of the application.
- The project will be capped at 163 townhouse units maximum.
- Developer will maintain 40 foot undisturbed landscape buffer on east side between any residential unit and Interstate 85 right-of-way.
- Developer will provide and install any required street lighting along Newnan Crossing Bypass, adjacent to the parcel and will install sidewalk along Newnan Crossing Bypass and internally throughout the proposed development in accordance with the City's standards.
- 50% of the townhouse units will have vehicular access from a rear access garage from an alley. These units will be 20 feet wide with 1,750 square feet minimum heated living space. Rear access garages will be a minimum of 19 feet from the edge of payment to the alley.
- A minimum 10- foot front setback for all townhouse buildings with rear driveway access
- 50% of the townhouses will have vehicular access from a front garage. These units will be 28 feet wide. Garages will be set a minimum of 19 feet from the sidewalk.
- A minimum 10-foot setback of all units with front driveway access. All driveways must be a minimum of 19 feet from the sidewalk to the garage.
- All garages must be a minimum of 19 feet from the sidewalk for front access garages and for rear access garages, 19 feet from the edge of pavement of the rear alley.
- A minimum 10-foot street side for each block or row of townhouse units as shown on the concept plan.
- No more than 10% of the townhouse units in the total development may be rental units or no more than 16 townhouse units can be rental units
- End wall and rear wall elevations of all townhouse units in that portion of the development in proximity to the entrances from Newnan Crossing Bypass will received the same treatment as the front elevations on those units with high visibility as shown and depicted on the concept plan

**OPTIONS:**

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

**ATTACHMENTS:**      Application for Rezoning  
                                 Location Map  
                                 Community Impact Assessment  
                                 Traffic Study



CATES FAMILY PARTNERSHIP, LLLP and  
LDO COWETA, LLC  
35.49 ±, acres, located on Newnan Crossing  
Bypass, Land Lot 11 and 12, 5<sup>th</sup> Land  
District, Coweta County, Georgia  
A portion of Tax Parcel # 0875011003

**ORDINANCE TO AMEND THE ZONING MAP FOR PROPERTY  
LOCATED IN LAND LOTS 11 AND 12 OF THE 5<sup>th</sup> LAND DISTRICT  
IDENTIFIED AS 35.49± ACRES ON NEWNAN CROSSING BYPASS, IN THE  
CITY OF NEWNAN, GEORGIA**

WHEREAS, the owner of the property described herein has filed an application to amend the zoning conditions on the property described on Exhibit "A" attached hereto identified as 35.49± acres located on Newnan Crossing Bypass in Land Lots 11 and 12, 5<sup>th</sup> Land District, Coweta County, Georgia, and shown on Plat of Survey dated April 25, 2023, prepared by Atwell for Brent Holdings, LLC, attached hereto as Exhibit "B", said property being zoned RS-15 (Suburban Residential Single-Family Dwelling District-Medium Density) City of Newnan Zoning Classification to RMH (Residential Multiple Family Dwelling District -Higher Density) ; 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 22<sup>nd</sup> day of August, 2023; 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 I. That the property described on Exhibit "A" attached hereto and shown on Plat of Survey attached hereto as Exhibit "B", containing 35.49± acres attached hereto and by reference made a part hereof be zoned to City of Newnan Zoning Classification RMH (Residential Multiple Family Dwelling District Higher-Density) subject to the following amended conditions:

1. The project will be consistent with the density, project data, amenities, proffered conditions as modified herein and architectural details as provided as part of the application

including but not limited to the concept plan attached hereto as Exhibit "C" and by referenced made a part hereof.

2. The project will be capped at 163 townhouse units maximum.
3. Developer will maintain a 40-foot undisturbed landscape buffer on the east side between any townhouse units and the Interstate 85 right-of-way.
4. Developer will provide and install any required street lighting along Newnan Crossing Bypass, adjacent to the parcel and will install sidewalk along Newnan Crossing Bypass and internally throughout the proposed development in accordance with the City's standards.
5. 50% of the townhouse units will have vehicular access from a rear access garage from an alley. These townhouse units will be 20 feet wide with 1,750 sq. feet minimum heated living space. Rear access garages will be a minimum of 19 feet from the edge of pavement of the alley.
6. A minimum 10 foot front setback for each block or row of townhouse units with rear driveway access.
7. 50% of the townhouse units will have vehicular access from a front garage. These units will be 28 feet wide. Garages will be set a minimum of 19 feet from the sidewalk.
8. A minimum 10 foot front setback for each block or row of townhouse units with front driveway access. All driveways must be a minimum of 19 feet from the sidewalk to the garage.
9. All garages must be a minimum of 19 feet from the sidewalk for front access garages and for rear access garages 19 feet from the edge of pavement of the rear alley.
10. A minimum 10 foot street side setback for each block or row of townhouse units as shown on the concept plan.
11. No more than 10% of the townhouse units in the total development may be rental units or no more than 16 townhouse units can be rental units.
12. End wall and rear wall elevations of all townhouse units in that portion of the development in proximity to the entrances from Newnan Crossing Bypass will receive the same treatment as the front elevations on those units with high visibility as shown and depicted on the concept plan.

Section II. All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance hereby are repealed.

Section III. This ordinance shall be effective upon adoption.



DONE, RATIFIED, and PASSED, by the City Council of the City of Newnan, Georgia, this the \_\_\_\_ day of \_\_\_\_\_, 2023 in regular session assembled.

ATTEST:

\_\_\_\_\_  
L. Keith Brady, Mayor

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

\_\_\_\_\_  
Dustin Koritko, Mayor Pro-Tem

REVIEWED AS TO FORM:

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

\_\_\_\_\_  
George M. Alexander, Councilmember

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

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

\_\_\_\_\_  
Rhodes H. Shell, Councilmember

\_\_\_\_\_  
Raymond F. DuBose, Councilmember

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

## EXHIBIT "A"

### PROPERTY DESCRIPTION

Being all that tract or parcel of land lying and being in Land Lots 11 & 12, 5<sup>th</sup> District, City of Newnan, Coweta County, Georgia and being more particularly described as follows:

Beginning for the same at a concrete right of way monument found at the intersection of the South Line of aforesaid Land Lot 11 and the Easterly Right-of-Way Line of Newnan Crossing Bypass, (a variable width right of way), as described in a deed recorded among the Land Records of Coweta County in Deed Book 1267, Page 158; thence, leaving the said Point of Beginning and running with the said line of Newnan Crossing Bypass

1. North 00° 02' 01" East, 18.88 feet; thence,
2. 296.78 feet along the arc of a curve deflecting to the right, having a radius of 1,809.86 feet and a chord bearing and distance of North 04° 15' 48" East, 296.45 feet; thence,
3. South 81° 02' 20" East, 25.00 feet; thence,
4. 37.38 feet along the arc of a curve deflecting to the right, having a radius of 1,784.86 feet and a chord bearing and distance of North 09° 33' 40" East, 37.38 feet; thence,
5. North 79° 50' 20" West, 25.00 feet; thence,
6. 579.02 feet along the arc of a curve deflecting to the right, having a radius of 1,809.86 feet and a chord bearing and distance of North 19° 19' 35" East, 576.56 feet; thence,
7. North 28° 29' 29" East, 459.07 feet; thence, leaving the aforesaid line of Newnan Crossing Bypass and running
8. South 61° 32' 28" East, 19.45 feet; thence, running adjacent to the property now or formerly owned by Continental, 449 Fund LLC, as described in a deed recorded among the aforesaid Land Records in Deed Book 4818, Page 179
9. South 54° 47' 38" East, 49.60 feet; thence,
10. South 47° 40' 50" East, 55.07 feet; thence,
11. South 56° 53' 40" East, 89.01 feet; thence,
12. South 68° 18' 39" East, 60.40 feet; thence,
13. North 66° 34' 33" East, 27.86 feet to a point in the centerline of a creek; thence, running with the centerline of said creek and continuing to run adjacent to the aforesaid Continental, 449 Fund LLC property
14. South 57° 04' 51" East, 40.44 feet; thence,
15. South 54° 52' 18" East, 86.87 feet; thence,
16. South 56° 44' 45" East, 95.07 feet; thence,
17. North 87° 51' 48" East, 47.03 feet; thence,
18. South 01° 25' 26" West, 22.18 feet; thence,
19. South 67° 48' 20" East, 108.92 feet; thence,
20. South 47° 54' 30" East, 50.58 feet; thence,
21. South 64° 35' 48" East, 62.13 feet; thence,
22. South 74° 31' 32" East, 70.29 feet; thence,
23. North 89° 21' 50" East, 38.61 feet; thence,
24. North 61° 50' 05" East, 56.69 feet; thence,
25. North 26° 02' 33" East, 17.77 feet; thence,
26. North 48° 10' 17" East, 69.00 feet; thence,
27. North 42° 28' 18" East, 62.16 feet; thence,

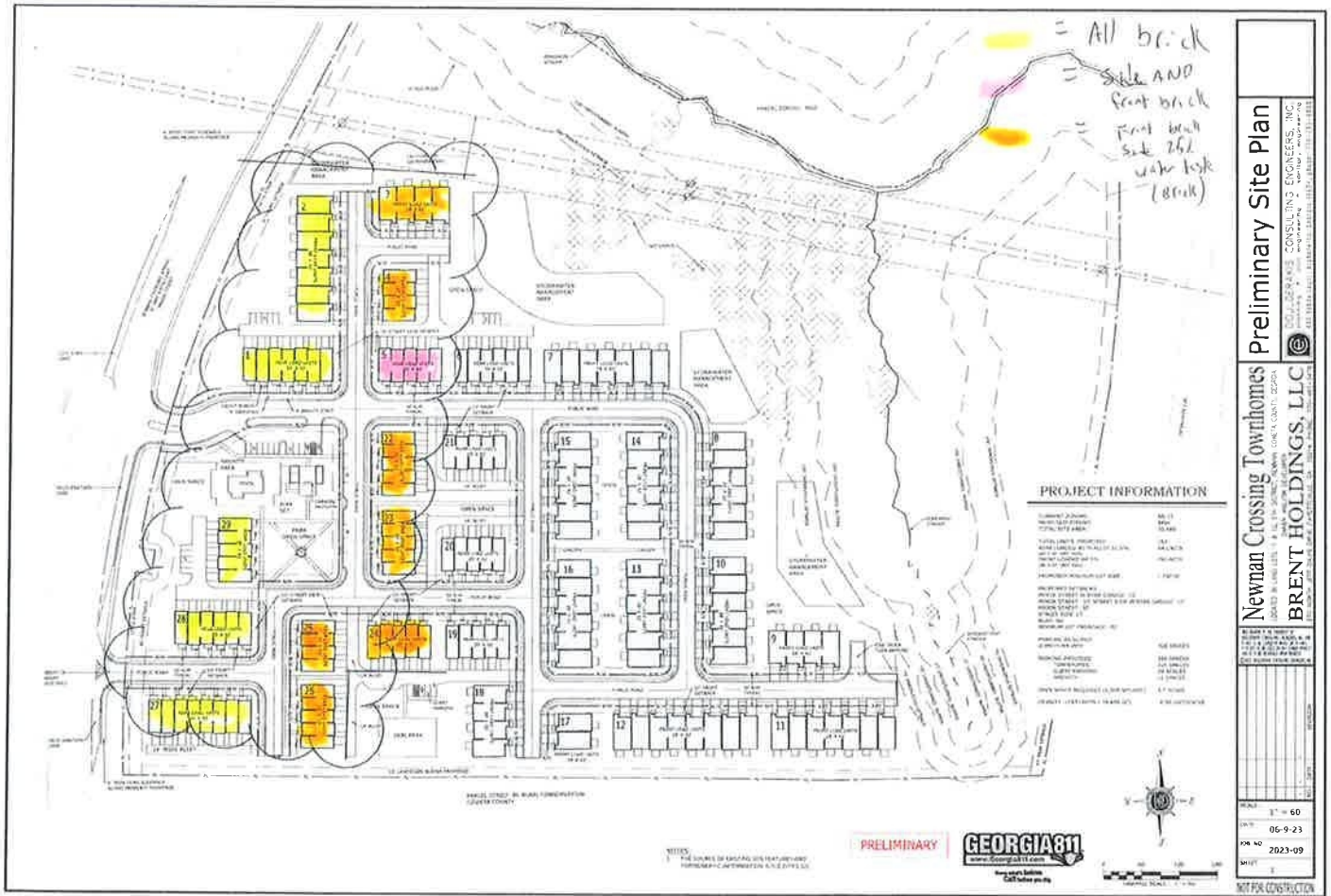
28. North 43° 22' 34" East, 82.62 feet; thence,
29. North 74° 13' 26" East, 64.34 feet; thence,
30. South 40° 33' 53" East, 36.18 feet; thence,
31. South 77° 49' 00" East, 56.05 feet to a point on the Westerly Right-of-Way Line of Interstate 85, (a variable width right of way); thence, running with the said line of Interstate 85
32. South 16° 05' 54" West, 13.59 feet to a concrete right of way monument found; thence,
33. South 00° 35' 22" West, 309.10 feet to a concrete right of way monument found; thence,
34. South 06° 16' 03" West, 167.45 feet to a concrete right of way monument found; thence,
35. South 10° 46' 58" West, 615.08 feet to a point of intersection with the South Line of aforesaid Land Lot 12; thence, leaving the aforesaid line of Interstate 85 and running with the said line of Land Lot 12
36. South 89° 34' 53" West, 177.58 feet to a 1 ¼ inch open top pipe found at the common corner of Land Lots 5 & 6, 2<sup>nd</sup> District of Coweta County; thence, continuing with the common line of aforesaid Land Lots 6, 11 & 12
37. South 89° 26' 39" West, 148.81 feet to a ¾ inch open top pipe found; thence,
38. North 87° 54' 51" West, 149.59 feet to a 1 ¼ inch open top pipe found; thence,
39. North 89° 00' 01" West, 298.97 feet to an axle found; thence,
40. North 88° 19' 10" West, 101.28 feet to an angle iron found; thence,
41. North 89° 52' 25" West, 98.96 feet to a 1 ¼ inch open top pipe found; thence,
42. North 88° 48' 32" West, 100.58 feet; thence,
43. North 88° 59' 55" West, 197.00 feet; thence,
44. North 88° 29' 32" West, 99.59 feet to a 3/8 inch rebar found at the intersection with the aforesaid line of Newnan Crossing Bypass; thence, running with the said line of Newnan Crossing Bypass
45. North 89° 24' 05" West, 60.31 feet to the Point of Beginning, containing 1,545,908 square feet or 35.4892 acres of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.



[illegible]

# EXHIBIT "C" CONCEPT PLAN















## PROJECT INFORMATION

[illegible]

GRAPHIC SCALE: 1" = 50'

**GEORGIA811**  
www.Georgia811.com

PRELIMINARY

NOT FOR CONSTRUCTION





**NEWNAN**  
GEORGIA

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

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

**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 LDO Coweta, LLC

Mailing Address 270 North Jeff Davis Drive, Fayetteville, GA 30214

Telephone 678.251.5046 Email: rferry@bretholdings.net

Property Owner (Use back if multiple names) Cate's Family Partnership

Mailing Address 815 Sheilia Lane, Great Falls, VA 22066 Attn: Eve Loudenback & CC: George Rosenzweig

Telephone eveloudenback@gmail.com or George Rosenzweig - 470-347-3651

Address/Location of Property 2037 Newnan Crossing Bypass

Tax Parcel No.: 087 5011 003 Land Lot 11&12

District/Section 5th district Size of Property (Square Feet or Acres) 35.486

Present Zoning Classification: RS-15 Proposed Zoning Classification: RMH

Present Land Use: Vacant

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 The subject property is adjacent to a property zoned MXD for the purpose of a multi-family age targeted development, due to the intensity of this site, the proposed rezoning is appropriate and more compatible to the MXD development than RS-15.

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 NA

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? The tract to the north of the subject tract is a large multi-family development

zoned MXD. To the south are tracts in unincorporated Coweta County zoned C-8. The proposed zoning and use is a transition from the MXD development

to the north to the tracts in unincorporated Coweta County to the south.

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Please attach all the following items to the completed application:

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 (1) 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

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.....1,387.15 \$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.

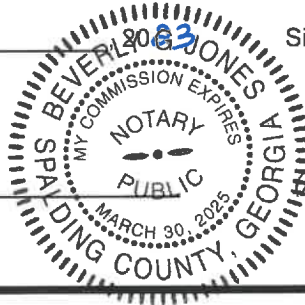
Sworn to and subscribed before me this

30th day of May

Signature of Applicant

*[Signature]*

*[Signature]*  
Notary Public



(Affix Raised Seal Here)

**FOR OFFICIAL USE ONLY**

DATE OF PRE-APPLICATION CONFERENCE: April 18, 2023

RECEIVED BY: Tracy Dunnivant

DATE OF FILING: 05/31/23

FILING FEE RECEIVED: \$1,387.15

DATE OF NOTICE TO NEWSPAPER: \_\_\_\_\_

DATE OF PUBLIC HEARING: \_\_\_\_\_

PLANNING COMMISSION RECOMMENDATION (DATE): \_\_\_\_\_

DATE OF TRANSMITTAL TO CITY COUNCIL: \_\_\_\_\_

CITY COUNCIL DECISION (DATE): \_\_\_\_\_





**NEWNAN**  
GEORGIA

City of Newnan, Georgia  
Attachment A  
**Proffered Conditions**

As part of an application for a 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:

50% of town homes will have vehicular access from a rear access garage, these units will be 20' wide. Rear access garages will be minimum 19' from alleyway.  
50% of the town homes will have vehicular access from a front garage, these units will be 28' wide. Garages will be set a minimum of 19' from the sidewalk.

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

See provided elevations and layout.

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

  
Signature of Applicant

Richard Ferry   
Type or Print Name and Title

Signature of Applicant's Representative

Type or Print Name and Title

 5/30/23  
Signature of Notary Public Date





**NEWNAN**  
GEORGIA

City of Newnan, Georgia  
Attachment B

# Disclosure of Campaign Contributions & Gifts

Application filed on \_\_\_\_\_, 20\_\_ for action by the Planning Commission on rezoning requiring a public hearing on property described as follows:

Approximately 35.486 acres bounded on the west by Newnan Crossing Bypass, north by the Springs of Newnan

Apartments, east by Interstate 85, and south by transitional lots in unincorporated Coweta County. The property is proposed to be rezoned from RS-15 to RMH.

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:

Cates Family Partnership

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.

**CATES FAMILY PARTNERSHIP:**

Eve A Loudenback  
Signature of Applicant

By: Eve Loudenback, Managing Partner  
Type or Print Name and Title

Signature of Applicant's Representative

Type or Print Name and Title

Richard A Perales 5-30-2020  
Signature of Notary Public Date

 **Richard Alexander Perales**  
Notary Public, State of Ohio  
My Commission Expires  
(Affix Seal Here) July 21, 2025  
Commission Number  
2020-RE-817394

<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.



**NEWMAN**  
GEORGIA

City of Newnan, Georgia  
Attachment B

## Disclosure of Campaign Contributions & Gifts

Application filed on May 31, 2023 for action by the Planning Commission on rezoning requiring a public hearing on property described as follows:

Town Home development on Newnan Crossing bypass

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:

Cole's Family Partnership

Brent Holdings, LLC LPO County, 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.

[Signature]  
Signature of Applicant

Richard Furry Manager Brent Holdings LPO County LLC  
Type or Print Name and Title

Signature of Applicant's Representative

Type or Print Name and Title

[Signature] 5/30/23  
Signature of Notary Public Date



(Affix Raised Seal Here)

<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 Eve Loudenback on behalf of Cates Family Partnership

Telephone Number 703-309-0909

Address of Subject Property The real property comprising approximately 35.486 acres located between Newnan  
Crossing Bypass and Interstate 85 in the City of Newnan, Coweta, County, Georgia.

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.

**CATES FAMILY PARTNERSHIP :**

By: Eva A Loudenback  
Signature of Property Owner

Personally appeared before me

Eva A Loudenback

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

Richard Alexander Perales  
Notary Public

5-30-2023  
Date

(Affix Raised Seal Here)



**Richard Alexander Perales**  
Notary Public, State of Ohio  
My Commission Expires  
July 21, 2025  
Commission Number  
2020-RE-817394



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

The following is a checklist of information required for the submittal of a 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
- ☒ to be provided Preliminary Tree Management Plan
- ☒ Completed Attachment A – Proffered Conditions (if applicable)
- ☒ Completed Attachment B – Disclosure of Campaign Contributions & Gifts (if applicable)
- ☒ to be provided Completed Attachment C – Property Owner's Authorization (if applicable)
- ☒ NA Completed Attachment D – Attorney's Authorization (if applicable)
- ☒ Community Impact Study (if applicable)
- ☒ Filing Fee in the form of a check payable to the **City of Newnan**

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

# LDO Coweta, LLC

270 North Jeff Davis Drive  
Fayetteville, GA 30214

May 26, 2023

City of Newnan, Georgia  
Planning and Zoning Department  
25 LaGrange Street  
Newnan, Georgia 30263

Re: **LETTER OF INTENT FOR REZONING**  
**35.486 Acre Tract located on Newnan Crossing Bypass**  
**From RS 15 to RMH for the 163 Town Homes**

LDO Coweta, LLC respectfully submits this rezoning application in order to develop a 35.486-acre tract located on Newnan Crossing Bypass in the City of Newnan for the purpose of a 163-unit town home development. The property, currently zoned RS 15, is adjoined by a 30-acre MXD zoned tract recently developed into 320 apartment units.

The proposed development includes two attractive types of town homes. Upon entering the community, the units are 20-feet wide and three stories high. These units have vehicular access from a garage accessed by a rear alley way. The fronts only have pedestrian access only. The units that are further into the neighborhood are 28 feet wide and two stories high. These units have both pedestrian and vehicular access in the front of the unit.

The project will provide its residents with several recreational activities. These include a pool with pavilion and restrooms, landscaped parks, a dog park, and sidewalks throughout the neighborhood. The landscaped parks and open space will be owned and maintained by the community property owner's association.

LDO Coweta, LLC requests approval of the rezoning application in order to allow the construction of 163 market-priced, fee simple town homes. The proposed density is approximately 4.6 units/acre. Upon build-out, the development will be managed by a property owners association with recorded covenants that include, among other things, property and building maintenance, management of amenities, and restrictions limiting rental units to less than 10 percent.

Please feel free to contact me if you have any questions or comments.

Yours Truly,



Richard Ferry  
Manager, LDO Coweta, LLC



## **Newnan Crossing Townhomes Community Impact Assessment**

In accordance with Section 10-10 part (b)(2)(g), any multi-family proposal in excess of 150 units is required to provide a study of the proposed development's impact on:

### **1. Schools**

See attached letter from Ronnie Cheek with Coweta County Schools. He requested the following information, our answers are in italics:

❖ What is the construction schedule for the project?

- *Zoning – Approved Land Disturbance Permit – 12 months*
- *Phase 1 horizontal construction Final Plat – 15 months (includes main amenities)*
- *Phase 1 vertical construction (approximately 80 units) 18 months to build out following final plat.*
- *Phase 2 horizontal construction final plat (remaining 83 units) 18 months beginning 9 months after phase 1 final plat*
- *Phase 2 vertical construction (approximately 83 units) 18 months to build out following final plat.*

❖ Will the project be built in phases?

*Yes- at least 2 phases.*

❖ If phased construction is planned, what is the proposed build-out timeline?

*See above.*

❖ Will there be a targeted market, e.g., senior citizens?

*Project is a fee simple market project.*

### **2. Roads and Streets**

See attached letter from Michael Klahr

### **3. Police**

No response was provided by the Newnan Police Department.

### **4. Fire**

Fire Marshal Tim Cox was contacted and sent the following via email on May 22, 2023:

*"The Fire Dept. have no record of hazardous material, fire violations nor environmental issues."*

### **5. Sanitation**

AmWaste provides solid waste removal for the City of Newnan. Staff of AmWaste were not able to provide an amount of waste that is typical in the City.

The City charges each residence \$97.20 per quarter. If built as proposed there will be 163 units. Annually, each unit will pay \$388.80 for solid waste removal services. In all, the development will generate \$63,374.40 annually.

6. Taxes

Property taxes are figured by multiplying the assessed value of the property by 40% and applying the effective millage rates to that amount less any exemptions.

$$\text{Assessed Value} \times 40\% \times \text{Millage Rate} = \text{Property Tax}$$

The subject property is assessed property taxes from Coweta County, Coweta Schools, and the City of Newnan. The 2002 Assessment provides for the following:

|                | Assessed Value | * | 40% | * | Millage Rate | = | Property Tax |
|----------------|----------------|---|-----|---|--------------|---|--------------|
| Coweta County  | \$4,639,967    | * | 40% | * | 0.006162     | = | \$9,923.47   |
| Coweta Schools | \$4,639,967    | * | 40% | * | 0.017140     | = | \$27,602.77  |
| City of Newnan | \$4,639,967    | * | 40% | * | 0.003051     | = | \$4,913.42   |

Assuming each unit has a market value of \$400,000, and further assuming the assessed value is equal to the market value, the total project will have an assessed value of \$65,200,000. Applying the 2022 millage rates to this amount the project will yield the following property taxes:

|                | Assessed Value | * | 40% | * | Millage Rate | = | Property Tax |
|----------------|----------------|---|-----|---|--------------|---|--------------|
| Coweta County  | \$65,200,000   | * | 40% | * | 0.006162     | = | \$160,704    |
| Coweta Schools | \$65,200,000   | * | 40% | * | 0.017140     | = | \$447,011    |
| City of Newnan | \$65,200,000   | * | 40% | * | 0.003051     | = | \$79,570     |



# The City of Newnan, Georgia

Office of the City Engineer

May 22, 2023

City Engineer Review

## REZONING REQUEST

Portion of Tax Parcel 087 5011 003  
35.4892 Acres  
Newnan Crossing Bypass

### Environmental:

1. The development plan shall follow the design standards and guidance per the Georgia Storm Water Management Manual, in compliance with the **Post-Development Stormwater Management Ordinance** for the City of Newnan.  
Note a new requirement for on-site, runoff reduction, effective December 6, 2020.
2. The development plan shall include a three-phased erosion control plan in compliance with the **Soil Erosion, Sedimentation and Pollution Control Ordinance** for the City of Newnan.
3. All streams, wetlands and other environmentally sensitive areas such as floodplain and floodway shall be delineated and located within open space to the extent practically possible. The development plan shall be in compliance with the **Floodplain Management and Flood Damage Prevention Ordinance** for the City of Newnan. Any development within a floodplain or waters of the US shall be properly permitted with the Federal Emergency Management Agency (FEMA), or the United States Army Corp of Engineers (USACE), as applicable.
4. This site is located within a water supply watershed and thus increased stream buffers apply as follows: perennial streams shall carry an undisturbed stream buffer on 100 feet with an additional impervious surface setback of 50 feet; intermittent streams shall carry an undisturbed stream buffer of 50 feet with an additional 25 foot impervious surface setback. Buffers shall be measured from the point of wrested vegetation and shall be delineated in the field.
5. This site is located within the Stillwood Creek watershed drainage basin and stormwater management shall comply with the conditions set forth in the **Stillwood Creek Watershed Drainage Policy** as Section 10-169 of the **Post-Development Stormwater Management Ordinance** for the City of Newnan.

### Transportation:

1. ADA compliant sidewalks, 6 feet in width, shall be provided along the public Right of Way for Newnan Crossing Bypass, the entire length of the parcel, to connect to existing sidewalk to the north. 5 foot sidewalks shall be provided throughout the proposed development, on both sides of all streets, and shall connect to the sidewalks in the Right of Way for Newnan Crossing Bypass.



2. Traffic impact study required. A traffic impact study shall include the intersections of Newnan Crossing Bypass with Lower Fayetteville Road, Lakeshore Parkway, and Poplar Road. Justification for trip distribution shall be included in the study. Mitigation shall be proposed for any negative impact to the level of service (LOS) at the intersections. The criteria for trip generation shall be derived from the latest edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE).
3. The primary driveway for the development shall line up with existing road, Lakeshore Parkway, at an existing median break. Dedicated left and right turn lanes shall be provided and designed in accordance with design standards for the Georgia Department of Transportation (GDOT). Pavement markings shall be designed in accordance with the GDOT and the Manual on Uniform Traffic Control Devices (MUTCD).
4. A secondary driveway shall be Right In/ Right Out, designed in accordance with standards for the GDOT, and shall include a dedicated right turn lane.
5. A warrant study shall be provided to determine the need for a traffic signal at the location of the primary driveway serving the development. The study shall include the projected traffic generated for any under-construction projects in proximity along Newnan Crossing Bypass. The developer shall bear, at a minimum, the proportional share for the cost for a traffic signal, if warranted, and the signal shall incorporate video detection (Gridsmart). The signal installation shall comply with the MUTCD, GDOT standards and details, GDOT standard specifications, and the National Electric Code (NEC).
6. The developer shall provide and install street lighting along Newnan Crossing Bypass, adjacent to the parcel, in accordance with the lighting standards for a multi-lane urban corridor for the electric provider for the development.
7. The developer shall consider an ADA compliant parking space adjacent to the proposed Dog Park, with access isle.
8. Driveway length from sidewalk in the public Right of Way to face of garage door, and from the edge of pavement at private alley to face of garage door shall be 19'-0", minimum.

Respectfully,

*Michael Klahr*

William M. Klahr, P.E., CFM  
Director of Engineering

# Coweta County School System

170 Werz Industrial Blvd.  
Newnan, GA 30263  
Phone: 770-254-2750

May 30, 2023

Mr. Richard Ferry  
Brent Holdings, LLC  
270 North Jeff Davis Drive  
Fayetteville, GA 30214

Re: Rezoning - Newnan Crossing Townhomes

Richard,

In response to your request for impact on the school system for the referenced project, we offer the following comments based on the information provided:

The proposed request for rezoning from a lower density (76 single family homes) to the higher density (163 townhomes) may present challenges when planning for school enrollment and meeting student needs. Due to the high density housing in the area of the proposal, school capacity is an ongoing concern. Current enrollment figures show the building utilization of the schools serving this area as follows:

- Newnan Crossing Elementary School - 100%
- Arnall Middle School - 81%
- East Coweta High School - 119%

If the request is approved, we would request that the developer provide us advanced notice of the following information for our planning purposes:

- ❖ What is the construction schedule for the project?
- ❖ Will the project be built in phases?
- ❖ If phased construction is planned, what is the proposed build-out timeline?
- ❖ Will there be a targeted market, e.g., senior citizens?

Thank you for the opportunity to provide feedback.

Sincerely,

*Ronnie Cheek*

Ronald C. Cheek  
Director of Facilities  
Coweta County Schools  
(770)254-2750 x203  
[ronnie.cheek@cowetaschools.net](mailto:ronnie.cheek@cowetaschools.net)

Cc: Tracy Dunnavant

*Coweta Committed to Student Success*

# Coweta County School System

170 Werz Industrial Blvd.  
Newnan, GA 30263  
Phone: 770-254-2750

May 30, 2023

Mr. Richard Ferry  
Brent Holdings, LLC  
270 North Jeff Davis Drive  
Fayetteville, GA 30214

Re: Rezoning - Newnan Crossing Townhomes

Richard,

In response to your request for impact on the school system for the referenced project, we offer the following comments based on the information provided:

The proposed request for rezoning from a lower density (76 single family homes) to the higher density (163 townhomes) may present challenges when planning for school enrollment and meeting student needs. Due to the high density housing in the area of the proposal, school capacity is an ongoing concern. Current enrollment figures show the building utilization of the schools serving this area as follows:

- Newnan Crossing Elementary School - 100%
- Arnall Middle School - 81%
- East Coweta High School - 119%

If the request is approved, we would request that the developer provide us advanced notice of the following information for our planning purposes:

- ❖ What is the construction schedule for the project?
- ❖ Will the project be built in phases?
- ❖ If phased construction is planned, what is the proposed build-out timeline?
- ❖ Will there be a targeted market, e.g., senior citizens?

Thank you for the opportunity to provide feedback.

Sincerely,

*Ronnie Cheek*

Ronald C. Cheek  
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Cc: Tracy Dunnavant

*Coweta Committed to Student Success*



Property owners within 250'

1. CK Poplar LLC  
Suite 200  
300 Galleria Parkway SE  
Atlanta, GA 30339
2. JBE Realty Holdings, LLC  
5901 Peachtree Industrial BLVD  
Atlanta, GA 30341
3. Ruby McMichael Estate  
C/O Sheila Ann McMichael  
19 Hickory Drive  
Newnan, GA 30264
4. GTB Southside Realty LLC  
2799 Piedmont Road NE  
Atlanta, GA 30305
5. Poplar Road II, LLC  
PO Box 71909  
Newnan, GA 30271
6. Patrick Nugent II  
135 Carlisle Street  
Newnan, GA 30263
7. Jacob and Melanie Owens  
141 Carlisle Street  
Newnan, GA 30263
8. Elmorio and Deborah Brown  
147 Carlisle Street  
Newnan, GA 30263
9. Maricela Diaz  
153 Carlisle Street  
Newnan, GA 30263
10. Corey and Tonya Walton  
159 Carlisle Street  
Newnan, GA 30263
11. Alanna and Justin McCook and Troy O'Hearn Jr  
167 Carlisle Street  
Newnan, GA 30263
12. Lakeshore Homeowners Association  
Suite 200B  
500 Sugar Mill Road  
Atlanta, GA 30350
13. Continental 636 Fund LLC  
W 134 N 8675 Executive Parkway  
Menomonee Falls, WI 53051

## EXHIBIT "A"

### PROPERTY DESCRIPTION

Being all that tract or parcel of land lying and being in Land Lots 11 & 12, 5<sup>th</sup> District, City of Newnan, Coweta County, Georgia and being more particularly described as follows:

Beginning for the same at a concrete right of way monument found at the intersection of the South Line of aforesaid Land Lot 11 and the Easterly Right-of-Way Line of Newnan Crossing Bypass, (a variable width right of way), as described in a deed recorded among the Land Records of Coweta County in Deed Book 1267, Page 158; thence, leaving the said Point of Beginning and running with the said line of Newnan Crossing Bypass

1. North 00° 02' 01" East, 18.88 feet; thence,
2. 296.78 feet along the arc of a curve deflecting to the right, having a radius of 1,809.86 feet and a chord bearing and distance of North 04° 15' 48" East, 296.45 feet; thence,
3. South 81° 02' 20" East, 25.00 feet; thence,
4. 37.38 feet along the arc of a curve deflecting to the right, having a radius of 1,784.86 feet and a chord bearing and distance of North 09° 33' 40" East, 37.38 feet; thence,
5. North 79° 50' 20" West, 25.00 feet; thence,
6. 579.02 feet along the arc of a curve deflecting to the right, having a radius of 1,809.86 feet and a chord bearing and distance of North 19° 19' 35" East, 576.56 feet; thence,
7. North 28° 29' 29" East, 459.07 feet; thence, leaving the aforesaid line of Newnan Crossing Bypass and running
8. South 61° 32' 28" East, 19.45 feet; thence, running adjacent to the property now or formerly owned by Continental, 449 Fund LLC, as described in a deed recorded among the aforesaid Land Records in Deed Book 4818, Page 179
9. South 54° 47' 38" East, 49.60 feet; thence,
10. South 47° 40' 50" East, 55.07 feet; thence,
11. South 56° 53' 40" East, 89.01 feet; thence,
12. South 68° 18' 39" East, 60.40 feet; thence,
13. North 66° 34' 33" East, 27.86 feet to a point in the centerline of a creek; thence, running with the centerline of said creek and continuing to run adjacent to the aforesaid Continental, 449 Fund LLC property
14. South 57° 04' 51" East, 40.44 feet; thence,
15. South 54° 52' 18" East, 86.87 feet; thence,
16. South 56° 44' 45" East, 95.07 feet; thence,
17. North 87° 51' 48" East, 47.03 feet; thence,
18. South 01° 25' 26" West, 22.18 feet; thence,
19. South 67° 48' 20" East, 108.92 feet; thence,
20. South 47° 54' 30" East, 50.58 feet; thence,
21. South 64° 35' 48" East, 62.13 feet; thence,
22. South 74° 31' 32" East, 70.29 feet; thence,
23. North 89° 21' 50" East, 38.61 feet; thence,
24. North 61° 50' 05" East, 56.69 feet; thence,
25. North 26° 02' 33" East, 17.77 feet; thence,
26. North 48° 10' 17" East, 69.00 feet; thence,
27. North 42° 28' 18" East, 62.16 feet; thence,

28. North 43° 22' 34" East, 82.62 feet; thence,
29. North 74° 13' 26" East, 64.34 feet; thence,
30. South 40° 33' 53" East, 36.18 feet; thence,
31. South 77° 49' 00" East, 56.05 feet to a point on the Westerly Right-of-Way Line of Interstate 85, (a variable width right of way); thence, running with the said line of Interstate 85
32. South 16° 05' 54" West, 13.59 feet to a concrete right of way monument found; thence,
33. South 00° 35' 22" West, 309.10 feet to a concrete right of way monument found; thence,
34. South 06° 16' 03" West, 167.45 feet to a concrete right of way monument found; thence,
35. South 10° 46' 58" West, 615.08 feet to a point of intersection with the South Line of aforesaid Land Lot 12; thence, leaving the aforesaid line of Interstate 85 and running with the said line of Land Lot 12
36. South 89° 34' 53" West, 177.58 feet to a 1 ¼ inch open top pipe found at the common corner of Land Lots 5 & 6, 2<sup>nd</sup> District of Coweta County; thence, continuing with the common line of aforesaid Land Lots 6, 11 & 12
37. South 89° 26' 39" West, 148.81 feet to a ¾ inch open top pipe found; thence,
38. North 87° 54' 51" West, 149.59 feet to a 1 ¼ inch open top pipe found; thence,
39. North 89° 00' 01" West, 298.97 feet to an axle found; thence,
40. North 88° 19' 10" West, 101.28 feet to an angle iron found; thence,
41. North 89° 52' 25" West, 98.96 feet to a 1 ¼ inch open top pipe found; thence,
42. North 88° 48' 32" West, 100.58 feet; thence,
43. North 88° 59' 55" West, 197.00 feet; thence,
44. North 88° 29' 32" West, 99.59 feet to a 3/8 inch rebar found at the intersection with the aforesaid line of Newnan Crossing Bypass; thence, running with the said line of Newnan Crossing Bypass
45. North 89° 24' 05" West, 60.31 feet to the Point of Beginning, containing 1,545,908 square feet or 35.4892 acres of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.

Dear Megan,

Thank you so much for your help!

RPM Full Service is hosting a fundraising event for [Tails of Hope Services Dogs](#). Our goal is to raise \$5,000 to sponsor a service dog for a local veteran or first responder.

We would like to request closer one block of Madison St adjacent to the south entrance/exit of the RPM Full Service parking lot between Jackson St and Jefferson St, shown in the map below. We are focusing on the safety of pedestrians, riders, and dogs who will be attending the event and feel that closing this block of Madison St would help us ensure everyone arrives and departs safely.

Our event details are below, and I would love to attend to the council meeting to discuss our fundraising goals and propose of the street closure request.

Event: Tails and Tailpipes Bike Show and Dice Run

Purpose: Fundraising to sponsor service dogs for our veterans and first responders

Date: Sunday September 17, 2023

Time: 1-6pm, Dice Run from 2-5pm

Location: RPM Full Service, 15 Jackson St, Newnan, GA

### **Tails of Hope Information:**

Tails of Hope, a 501(c)3, is 100% volunteer run and operated. Our experience coaches work with [Coco's Cupboard Animal Rescue](#) to identify rescue dogs who show an aptitude for task work. The dogs are trained in everything from basic obedience to seizure prediction, balance and mobility support, heart and blood pressure alerts, medication retrieval, and some can even call 911 for help.

While each service dog costs \$5,000 from veterinary care and boarding, our veterans and first responders do not pay any fee. Our leadership team, Suzanne Aaron and Todd Johnston, personally match each handler with a dog that best suits their needs. We then provide the crucial initial training to the new team and then lifelong training throughout their partnership. In addition, our handlers receive the intangible benefit of the extraordinary fellowship and support being a member of the Tails of Hope family brings.

Please let me know what else I can provide or if you think a quick meeting at RPM Full Service would be helpful to see the space and hear our event details with visuals. We are happy to provide anything you need to help with the process!

Many thanks in advance!

Best,

Anna-Elizabeth Nix  
678.517.5589





15

JACOBSON ST

MADISON ST

JEFFERSON ST

### **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).