CITY OF NEWNAN, GEORGIA
REGULAR COUNCIL MEETING AUGUST 22, 2023

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, August 22, 2023 at 6:30 p.m. in the Richard A. Bolin Council Chambers of City Hall with Mayor Keith Brady presiding.

CALL TO ORDER

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

PRESENT

Mayor Keith Brady: Council members present: Ray DuBose, 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 August 8, 2023

Motion by Councilman DuBose, seconded by Councilman Alexander to dispense with the reading of the minutes of the Regular Council Meeting on August 8, 2023 and adopt them as presented.

MOTION CARRIED. (7-0)

B. Minutes from the Work Session on August 8, 2023

Motion by Councilman Alexander, seconded by Councilman Guillaume to dispense with the reading of the minutes of the Work Session on August 8, 2023 and adopt them as presented.

MOTION CARRIED. (7-0)

REPORTS OF BOARDS AND COMMISSIONS

C. Swearing In of Newnan Youth Council Students

Councilwoman Jenkins called out the names of the new sophomore students joining the Newnan Youth Council, Mayor Brady presented them with certificates and they were sworn in by the City Attorney.

Margaret Gail Barron (Newnan), Macie Bohannon (Newnan), Liam Bulford (Newnan), Naomi Craft (East Coweta), Jordin Guy (East Coweta), Davis Markham (Newnan), Lila McDowell (Newnan), Francesca Parker (Newnan), Rhea Patel (Newnan), Olivia Rodriguez (East Coweta), Corinne Terrell (Newnan), Brayden Williamson (Newnan) and Sarah Helen Zachry (Northgate).

Councilwoman Jenkins called out the names of the Youth Council students who were attending the meeting, as they are required to attend one meeting per year. Sam Knight, Sonny Durham, Miles Fabre, Stella Weaver, Adele Buford and Rico Lane.

D. 1 Appointment – Board of Zoning Appeals, 3-year terms

Continue to next agenda.

E. 2 Appointments – Cultural Arts Commission, 3-year terms

Continue to next agenda.

F. 1 Appointment – Downtown Development Authority, 3-year terms

Continue to next agenda.

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

Motion by Councilman Shell, seconded by Councilman Alexander to appoint Cary Dial to Keep Newnan Beautiful for a 3-year term.

MOTION CARRIED. (7-0)

Continue other appointment to next agenda.

H. 1 Appointment – Parks Commission, 3-year term

Continue to next agenda.

I. 1 Appointment – Tree Commission, 3-year term

Continue to next agenda.

NEW BUSINESS

J. Consideration for the Establishment of In-House Probation

Jada Blankenship, Municipal Court Clerk Manager explained that this is just to start the application process. This would then come back to Council at a later date.

Motion by Councilman Shell, seconded by Councilman Alexander to approve the request to proceed with the application process.

MOTION CARRIED. (7-0)

K. Consideration of Recommendation from Downtown Development Authority for Engineering Services

Jesse Branch, Special Events Coordinator, explained that a project was started a few years ago between the DDA and Main Street, to activate the Wadsworth Alley. It was developed into a greenspace parklet area for people to enjoy. Over the past 6-8 months stormwater and drainage issues have been observed in the alley.

After discussing with City Staff, they turned to Krebs Engineering to formulate a plan for the water issue. The request is for City funding to help with this.

Mayor Brady reiterated that the DDA has discussed this at several meetings and it was determined that engineering was the place to start to solve the problem.

Mayor Pro Tem Koritko asked if this could be funded for by Newnan Coweta tourist funds? City Manager answered that there is a limited fund balance in hotel/motel tax, as most of that was transferred to the Newnan Centre and Explore Newnan-Coweta. There are some funds for tourism product development but this may not qualify under that category.

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

MOTION CARRIED. (7-0)

L. Consideration of Ordinance to Establish Mileage Rate and Impose Taxes for Budget Year 2023

City Manager explained that this is to set the tax rate for 2023 and the recommendation is to accept the full roll back rate. This means no need for public hearing. This would establish the rate at 2.752 mils. The City has been able to take the rollback rate for the past 5 years.

Motion by Councilman Guillaume, seconded by Councilman DuBose to adopt the ordinance as presented.

MOTION CARRIED. (7-0)

UNFINISHED BUSINESS

M. Proposal to Select Routes and Fees for Public Requested Road Races, Runs, Walks and Similar Events

Chief Brent Blankenship stated that last month this was brought to Council, to consider routes for runs, walks and similar events. There are 5 routes, The Linc, E. Washington St/McIntosh Parkway, Square/Buchanan/around NHS, north around Temple Ave/Sherwood Dr and Greenville/Nimmons/LaGrange. Currently 4 of those 5 are being used. There are also options for fees, determined by the impact of the streets and how many officers are needed. There are 3 options, one was presented at the last meeting, the second is for officers at $40/hr and the third is for officers at $45/hr which is the current rate for off-duty officers. Chief Blankenship also requested a max cap per event on each route.

Council briefly discussed taking this item into two parts and approving the routes and then discussing fees further.

Motion by Councilman Alexander, seconded by Councilman Shell to approve the five routes with the two-event cap.

MOTION CARRIED. (7-0)

Councilman Guillaume asked to clarify that the request is for council to choose between the 3 fee options? He then made a motion for option 3 and Councilman Shell seconded it.

Councilwoman Jenkins expressed concern going with the highest option. Some of these events have been held in the city for a long time and are part of the community. The city is not trying to make money off these events and there is a lot of community benefit from these events. She stated that Chief Blankenship presented a compelling reason why the charges are needed, however, option 1 seems better especially with having a free option on the Linc.

Mayor Pro Tem Koritko commented that these are just options and Council could come up with their own options or even keep as it is. It is important to balance with taking the PD officers into account and make sure they are taken care of too.

Mayor Brady suggested that the Linc could be free across the board since it takes the least number of officers. Councilman Shell agreed that a free option is a good idea.

Councilman Alexander said that the police officers are out there at the events and this is a safety issue, to protect everyone. Councilman Guillaume then said that option 3 gives PD the ability to absorb future costs as costs will only go up in the years ahead. He also agreed that the free option was a good idea.

Mayor Pro Tem Koritko asked about the cap on events and that affecting the Linc. Councilman Shell said there was no cap and that having events on the Linc every weekend shouldn't be a problem.

Chief Blankenship asked for an effective date. Councilman Shell suggested the first of the year. Mayor Brady agreed but said that anything already scheduled would be grandfathered in.

Councilman Guillaume then amended his motion to option 3 with the Linc free.

Motion by Councilman Guillaume, seconded by Councilman Shell to impose fees from option 3 proposed with the Linc being offered for free.

MOTION CARRIED. (7-0)

N. Consideration of Subdivision Plan for Real Property Located at 66 First Avenue and 10 Buchanan Street

Mayor Brady stated that he and Mr. Phillips met with the homeowners and there was a robust discussion about the division of the properties. He explained that Mr. Phillips will explain what the decision was and what will be presented back to the property owners for their approval.

Mr. Phillips first discussed the larger lot at 66 First Ave. They came up with a logical division and if this is approved then a survey would be conducted to give the exact dimensions and the costs can then be prorated. Half of the lot would be offered to Ms. Vines, this would allow her driveway, which has been on 66 via an easement, to be on her property. Then the other 3 lots that front Buchanan would have their rear lot lines extended.

The water tank lot was a little more difficult. The city, if authorized, would demo the concrete pad on the lot. Removing the concrete pad makes it divisible. Then the same logic was used with the continuation of lot lines. There were some other agreements as well. There is a small piece of property that Ms. Vines is obtaining via quiet title. Then it was agreed that Mr. Cole would not object to Ms. Vines also obtaining a smaller piece of property via quiet title as well.

Mr. Phillips stated that this is the most logical way to divide the properties. If approved they would proceed with the survey, Mr. Sears would prepare closing documents and coordinate with the homeowners and the City would remove the concrete pad. As far as costs, once the survey is completed it would be prorated and then some closing costs would be added.

Councilman Shell asked about the pipes underneath the concrete pad? Mr. Phillips said that since the pipe hasn’t been utilized then more damage would be done trying to remove them.

Mayor Pro Tem Koritko asked about a small dip in the line shown in the picture that looks over the fence line.

Ben Minter, representing Ms. Vines, said that the quiet title action takes that into account, it’s not a straight line. He also wanted to express that Ms. Vines accepts the proposal provided that the eastern section of the alleyway would be quick claimed to her by the only owners who have a claim, the Cole’s and the Paul’s. He asked for Council to consider tabling this until the next meeting, to allow the survey to take place and consider the smaller portion.

Mr. Phillips explained that Mr. Minter is asking the Cole's and Paul's to not object. Mayor Brady said that they will put everything in writing, put it out to all parties and then it will come back to Council if changes are needed.

Luke Paul, lives at 81 LaGrange St. spoke and said this is the first they heard of this situation and they didn't attend the meeting with the other homeowners. He and his wife want to move forward from this. He asked if his fence is on city property?

Mr. Phillips said the pictures shown are from aerial photography and there is a margin of error with the imagery. He does not believe the quiet title will include the fence. Mr. Paul asked to be included in any further meetings and information.

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

MOTION CARRIED. (7-0)

O. Consideration to Place the City-Owned Lot at 28 Westgate Park Lane Under Surplus and to Open for Auction

Andrew Moody, Special Projects Manager, explained that this was before Council in July and Council asked for this to be reconsidered. Mr. Moody spoke with Habitat for Humanity and the Housing Authority and both cannot build an affordable housing unit in a year due to ongoing projects.

Councilwoman Jenkins wanted to reiterate that the lot was purchased with the intent to curb some issues and to provide affordable housing. The intent was to work with city organizations and then the house was torn down. Selling the lot is counter-productive to the end goal of creating affordable housing opportunities. As a vacant lot there is only the lawn to maintain and even putting up fencing would not be too much. This neighborhood was initially built for affordable homeownership opportunities. The property should be saved for the intent that it was purchased for and to think more about workforce housing in the community.

Mayor Brady asked Mr. Phillips about surplus lots that were kept by the City in the past. Mr. Phillips said several were kept for future NURA projects. Dean Smith, Senior Planner, said there were about 25-30 lots that were set aside.

Mayor Brady asked about the current rate that NURA is building projects? Mr. Moody stated at least 5-7 years for output given the number of homes they are intending to build. Mr. Moody also reminded Council that the proceeds of the sale of this lot are intended to go to NURA for the purpose of housing. Also, the 100 E. Washington project has been put on hold due to a budget shortfall.

Mr. Phillips stated that the reason this item was on the agenda to begin with was because the adjoining property owner asked the City to consider placing it for surplus so they could try to purchase it.

City Attorney asked if Council wants to put restrictions in place? He explained that with the auction process, a minimum bid is set and any restrictions. Council discussed restrictions such as no living structure or housing size restriction.

Motion by Councilman Alexander, seconded by Councilman Guillaume to approve and place the lot under surplus and to open for auction. Opposed: Jenkins

MOTION CARRIED. (6-1)

Mayor Brady commented that Item P could take a while to discuss so he skipped to Item Q first and then went back to Item P.

VISITORS, PETITIONS, COMMUNICATIONS & COMPLAINTS

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

Anne Elizabeth Nix with Tails for Hope spoke about the event. Mayor Brady asked Chief Blankenship if there were any concerns with the street closure and he said no.

Motion by Councilman Guillaume, seconded by Mayor Pro Tem Koritko to approve the request as presented.

MOTION CARRIED. (7-0)

P. Public Hearing – Rezoning Request RZ2023-02 by LDO Coweta, LLC for 35.49 + acres at 2037 Newnan Crossing Bypass (Tax Parcel #087-5011-003); Requested zoning from RS-15 to RMH for the purpose of construction 163 townhouse development

Mayor Brady opened the public hearing.

Dean Smith, Senior Planner, gave an overview of the request. The total site is 35.49 acres but when you remove some natural features there is about 20 acres that can be developed. He noted that the full text of the report is available online and then he gave a summary of the 8 standards. It was determined that the project meets 6 of the 8 standards.

The proposed use is suitable in comparison to adjacent and nearby properties. This area is marked as an emerging missing middle on the future land use map. The adverse effect from this project that was looked as is traffic. The number of anticipated trips is 1,192 which is less than the previous rezoning requests for this property. The City Engineer does not think this will have a dire impact. The property can be developed as currently zoned but no projects have been proposed under the current zoning.

This will have an impact on public facilities and services. The school system has concerns about their ability to meet the projected population and police and fire indicate they can meet the demand but there will be strain on resources. The proposed use is compatible with the comprehensive plan and is consistent with the proposed zoning district.

Recent updates to both the future land use map and comprehensive plan show the proposed development as consistent with the emerging missing middle residential. The proposed project does reflect a reasonable balance between the promotion of public health, safety and the right to unrestricted use of the property.

Mr. Smith said there was a preliminary tree management plan and that was reviewed by the City's landscape architect. He did applaud the applicant for staying out of the wetlands and maintain a healthy buffer between the development and I85. The Planning Commission recommended approval of the rezoning by a 3-1 vote. There were 12 conditions proposed to the applicant and the applicant agreed to those proffered conditions as follows:

1. Project will be consistent with the density, project data, amenities, proffered conditions and architectural details as provided as part of the application.
2. The project will be capped at 163 townhouse units maximum.
3. Developer will maintain 40-foot undisturbed landscape buffer on east side between any residential unit and I85 right-of-way.
4. Developer will provide and install any required street lighting along Newnan Crossing Bypass, adjacent to the parcel and install sidewalk along Newnan Crossing Bypass and internally throughout the development per City standards.
5. 50% of the townhouse units will have vehicular access from a rear access garage from an alley. These units will be 20 ft wide with 1,750 sq ft minimum heated living space. Rear access garages will be a minimum of 19 ft from the edge of pavement to alley.
6. A minimum 10-foot front setback for all townhouse buildings with rear driveway access.
7. 50% of the townhouses will have vehicular access from a front garage. These units will be 28 ft wide. Garages will be set a minimum of 19 feet from the sidewalk.
8. 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.
9. All garages must be a minimum of 19 ft from the sidewalk for front access garages and for rear access garages, 19 ft from the edge of pavement of the rear alley.
10. A minimum 10-foot street side 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 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 entrance 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.

Councilman Shell asked how many units could be built as it is now? Mr. Smith said 2.5 units per acre, so about 50 houses. Mayor Pro Tem Koritko asked about the lots on the west side that look close to the Bypass? Mr. Smith stated that there will be a building setback and a landscape strip in front. Mayor Brady asked if the streets inside the development would be City streets and the alleyways would be private? Mr. Smith confirmed that is correct.

Mayor Brady asked the applicant to come forward. He reminded everyone that they are given 15 minutes and then 15 minutes for anyone opposed.

Richard Ferry with LDO Coweta, LLC introduced himself. He thanked Council for the work session that was held. He explained that the property is owned by the Cates Family partnership and they signed and agreed to terms if the rezoning is successful. Across from the property is the Lakeshore neighborhood and adjacent to the North is the Springs of Newnan. They are incumbered by a large power line and a significant creek that flows north/south on the property.

He showed a layout for the project. There would be 79 front-loaded and 84 rear-loaded products. The project will be fee simple with a small portion left for rental, which would be 10% or 16 units. NVR would be the builder. None of the garages will be visible from Newnan Crossing Bypass. There will be an extensive landscape plan for noise reduction. He then discussed the materials and showed examples of the front and rear products. He also showed renderings of what the entrance would look like and the landscaping. Mayor Pro Tem Koritko asked about the maintenance of the trees and Mr. Ferry confirmed that the property owner's association would be required to maintain them.

Councilman Alexander asked if they cannot complete phase 2 then the 10% rentals would be based off of what exists after phase 1? Mr. Ferry confirmed yes it would be whatever is already built.

Mayor Pro Tem Koritko asked about parking and people parking on the roads, would they be willing to put up no parking signs? Mr. Ferry said in the past they have put no parking signs on the side of the fire hydrants.

No one spoke in opposition. Mayor Brady closed the public hearing.

Motion by Councilman Guillaume, seconded by Mayor Pro Tem Koritko to adopt the Planning Commission's report and recommendation.

MOTION CARRIED. (7-0)

Motion by Councilman Guillaume, seconded by Councilman Alexander to adopt the ordinance for rezoning with the 12 conditions. Opposed: Jenkins, Shell. 2nd and Final Reading next agenda.

MOTION CARRIED. (5-2)

EXECUTIVE SESSION

MOTION EXECUTIVE SESSION

Motion by Mayor Pro Tem Koritko, seconded by Councilman Alexander that we now enter into closed session as allowed by O.C.G.A. Section 50-14-4 and pursuant to advice by the City Attorney, for the purpose of discussing legal issues and personnel and that we move, in open session to adopt a resolution authorizing and directing the Mayor or presiding officer to execute an affidavit in compliance with O.C.G.A. Section 50-14-4, and that this body ratify the actions of the Council taken in closed session and confirm that the subject matters of the closed session were within exceptions permitted by the open meetings law at 7:48PM.

MOTION CARRIED. (7-0)

Mayor Brady and Councilman DuBose recused after personnel discussion due to conflict with real estate relationships.

RESOLUTION/MAYOR'S AFFIDAVIT FOR EXECUTIVE SESSION

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

MOTION CARRIED. (5-0)

ADJOURNMENT

Motion by Councilman Alexander, seconded by Councilman Guillaume to adjourn the Council meeting at 8:23pm.

MOTION CARRIED. (5-0)

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Megan Shea, City Clerk Keith Brady, Mayor