

CITY OF NEWNAN, GEORGIA
REGULAR COUNCIL MEETING

OCTOBER 24, 2023

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, October 24, 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, Cynthia Jenkins, Rhodes Shell, 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 October 10, 2023

Motion by Councilman Alexander, seconded by Councilman DuBose to dispense with the reading of the minutes of the Regular Council Meeting on October 10, 2023 and adopt them as presented.

MOTION CARRIED. (7-0)

B. Minutes from the Work Session on October 10, 2023

Motion by Councilman Guillaume, seconded by Councilman Shell to dispense with the reading of the minutes of the Work Session on October 10, 2023 and adopt them as presented.

MOTION CARRIED. (7-0)

Newnan Youth Council Attendees

Councilwoman Jenkins introduced the members of Youth Council who were in attendance. Brayden Williamson, Francesca Parker, Macy Horne and Sara Hays Grote.

Welcome Scout

Mayor Brady welcomed Jack Landry from Troop 57, who lives in Palmetto. He was in attendance for his Communication Merit badge.

REPORTS OF BOARDS AND COMMISSIONS

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

Motion by Councilwoman Jenkins, seconded by Councilman Alexander to reappoint Charles Stinson for another term.

MOTION CARRIED. (7-0)

D. 1 Appointment – Cultural Arts Commission, 3-year term

Continue to next agenda.

E. 1 Appointment – Development Authority, 4-year term

Continue to next agenda.

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

Continue to next agenda.

NEW BUSINESS

G. Public Hearing – Request by Owner to demolish structure at 169 W. Washington St.

Mayor Brady opened the public hearing.

Bill Stephenson, Chief Building Official, stated that this property is not in a historic district and the applicant complied with advertising per the City's ordinance.

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

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

MOTION CARRIED. (7-0)

H. Consideration to Adopt the Municipal Probation Services Ordinance

Jada Blankenship, Municipal Court Manager, explained that this is to establish the in-house probation service department for the Newnan Municipal Court.

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

MOTION CARRIED. (7-0)

UNFINISHED BUSINESS

I. Adoption of the Revised Annual Financial Report for the 2022 Capital Improvements Element (CIE) Update

Chris Cole, Senior Planner, explained that in 2022 Council adopted the update to the Capital Improvements Element. In preparing the update for 2023 an error was discovered, which caused the ending impact fee fund balance and the beginning impact fee fund balance to not match. The Georgia Department of Community Affairs is asking the City to adopt the revised annual financial report prior to adopting the 2023 CIE update.

Motion by Councilman Shell, seconded by Councilman Alexander to approve the revised annual financial report as presented.

MOTION CARRIED. (7-0)

J. Consideration of a Resolution to Adopt the 2023 Update to the Capital Improvements Element (CIE), including the Short-Term Work Program (STWP)

Mr. Cole stated that the public hearing had already been held.

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

MOTION CARRIED. (7-0)

K. Consideration of an Intergovernmental Agreement between City of Newnan and Newnan Urban Redevelopment Agency regarding the ARPA Murray St. Workforce Housing Project

Tracy Dunnavant, Planning Director, stated that in May 2022 City Council awarded \$1.75 million to NURA to build 7 houses on Murray Street. This agreement sets out the purposes, terms and obligations of the two parties.

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

MOTION CARRIED. (7-0)

L. Public Hearing – Annexation Request – Annex2022-06; 163.61 + acres off Green Top Road (Tax Parcel #s 085 5086 001, 085 5107 002, 085 5086 003 and southern portion of 085 5107 003); Requested zoning of PDR – Consideration of Ordinances

Mayor Brady recused himself due to a personal conflict and handed the meeting over to Mayor Pro Tem Koritko. Councilman DuBose also recused himself due to a personal conflict.

Ms. Dunnavant first explained that a copy of a constitutional challenge letter had been put at each Councilmembers seat. She said these are typical with rezoning's. She then gave

her staff report. This is a request from George Rosenzweig on behalf of Pulte Group Home Company, LLC and Green Top Road, LLC. The purpose is to develop 300 single-family lots at 2.05 units per acre. There are 3 home types proposed, Ranch Pod, Traditional Pod and Estate Pod. Amenities will include a pool, clubhouse, pickleball complex, playgrounds, dog park and walking trails. Sales prices will range from \$392,150 to \$527,190.

The County was notified of the annexation request in accordance with State law. The County did object and went to an arbitration panel. As a result of that, 26 conditions have been placed on this development and they are in effect for two years. The listing of the 26 conditions were included in the agenda packet. This property was proposed for annexation in 2015 but that was denied by City Council.

Ms. Dunnivant gave an overview of the 8 standards. The property is primarily surrounded by vacant residential zoned property and residential uses. All the tracts in the County are zoned RC (Rural Conservation) and this zoning allows 0.625 units per acre. Staff felt the proposed use is suitable in view of adjacent properties.

The greatest impact of the development will be traffic. The traffic study showed that the development at full build out will generate roughly 3,430 new trips per day but this was based on the original request for 366 homes instead of the 300 in the revised application. The study also showed that the roundabout at US29 and Hal Jones Rd. would see an increase delay of 8 seconds, changing the level of service from D to E. It was suggested that installing a southbound right-turn bypass lane would improve that from E to C. The applicant is required to contribute bonds toward intersection improvements but the County will also need to be involved in those improvements as they are not city streets.

The property is currently zoned RC (rural conservation) in the County and that would allow for 101 lots. Staff does feel there is room to increase density on the site given the amount of acreage.

In terms of services, Chief Blankenship did indicate that 2 additional officers would be needed and Chief Brown indicated they can serve the development but there may increase in call times in the future. Newnan Utilities does have ample capacity to serve the project. The school system commented that school capacity is an ongoing concern. Staff conducted an analysis of the impact to revenues and expenditures with expenditures being \$249,802 and revenues being \$255,696 and projected upfront revenues would be \$843,243.

In terms of the Comprehensive Plan the County's plan shows this area as Priority Development Character Area on the Future Land Use Map. When this was considered for rezoning by the County in 2021, they said it was consistent with their Comprehensive Plan and growth strategy.

The proposed zoning of PDR is meant to allow for innovation in design and layout. The applicant has provided a concept plan showing a mixture of residential uses, open spaces

and development requirements so it would be consistent with the purpose and intent of the zoning designation. Adjacent tracts that are in city limits are shown as future “planned development” and if brought into the city the property would most likely be shown as such. Therefore, there are no new or changing conditions not anticipated by the Comprehensive Plan as both City and County updated their plans and Future Land Use Maps.

Staff does feel that the project reflects a reasonable balance between the promotion of the public health, safety, morality or general welfare and the right to unrestricted use of property. So, in summary Staff found that the project meets 6 of the 8 standards.

At the Planning Commission meeting on September 12, 2023, the commission voted 6-0 to recommend denial. If City Council elects to approve the request, Staff suggests the following conditions:

- The project will be consistent with the concept plan, density, project data, amenities (including a pickleball complex) and elevations provided as part of the application.
- The average square footages for each Pod will be as follows – Ranch Pod – 1,860 sq. ft; Traditional Pod – 2,640 sq. ft; Estate Pod – 3,004 sq. ft
- The City of Newnan will not issue a permit for land disturbing activities until such time as Coweta County has reviewed and approved the plans for the development to the extent Coweta County has jurisdiction, primarily relating to street connections to Green Top Road.

In addition to those 3 conditions, there are the 26 conditions from Arbitration and conditions proffered by the applicant.

Mayor Pro Tem Koritko opened the public hearing. He stated that the decorum of the meeting is to be based on civility and respect. No emotional show of support or opposition will be allowed. The applicant will get 15 minutes and opposition 15 minutes as well.

Applicant:

George Rosenzweig attorney for the applicants started by explaining how the application has been through an extensive arbitration trial process. The result of that was an extensive list of 26 conditions placed on the property until February 9, 2025. Those conditions include limiting the development to 300 units and that the developer pay their fair share for infrastructure improvements. In addition, the developer has proffered that the 26 conditions from arbitration will be applied even after the expiration except for the condition on water and sewer service. They also accept the 3 conditions proposed by Staff.

He showed a map of the area and where the subject property lies. He commented that the County recently adopted in their land use plans up to 4.0 units per acre allowable and this proposed development will only be 2.05 units per acre. The County has also approved 1,700 lots which will be age restricted and they approved 2.75 units per acre for the Poplar Rd development.

This development will be heavily buffered and have lots of open space. It will be family centric and offer 3 types of homes. Mr. Rosenzweig asked to save time for rebuttal.

Mayor Pro Tem Koritko asked if anyone wished to speak for the development. No one came forward.

Opposition:

Avery Jackson with the Coweta County Water Authority spoke. He stated that the Water Authority objects to the condition that Newnan Utilities will provide water to this property after 2 years. The arbitration panel and Superior Court said that water would have to be provided by the Coweta County Water Authority. Council cannot introduce new conditions not approved by the arbitration panel and Superior Court. The arbitration process is binding.

He explained that the Water Authority has a written contract with the developer for an easement, to provide a sewer line across the property. The Water Authority also has agreements with the City where any customers in annexed areas can remain customers of the Water Authority. The County is also bound by the arbitration conditions and argued for them in Superior Court.

Mr. Jackson further argued that on October 10th the City held a Work Session where the applicant was allowed to make a presentation and that was unfair and not due process. Zoning procedures law states that both sides are to be given equal time. He asked again that Council either remove the condition that Newnan Utilities service the property or deny the annexation request.

Mayor Pro Tem Koritko checked time remaining, 11:23.

Bob Ziifle, resident at 11 Heritage Trace spoke. He said that since the property owner and developer had almost an hour to present at the Work Session, he requested that more time be given for the opposition. He asked for 20-25 minutes to present the oppositions case.

Councilwoman Jenkins asked for City Attorney's opinion. Mr. Sears said it is up to Council to allow more time but per the Zoning procedures law and City ordinances, Council was already in compliance with both.

Mr. Ziifle said that he was asked to speak on behalf of some of the residents in attendance, to take their time to speak and give a presentation of their objections.

Councilman Shell said if opposition is given 22 minutes then the applicant should also be given that time. Councilman Guillaume commented that the work session was open to the public and no one attended. It was a fact-finding session for Council. He agreed that the other side should be given the same additional time.

Council tried to clarify that Mr. Ziifle would speak on behalf of everyone and take the entire time given? Several people in the crowd shook their heads and made it evident that others wanted to speak as well. Council decided to grant 20 minutes total for each side, including the time already taken by Mr. Jackson. There was a question as to whether Mr. Jackson spoke in opposition or in favor? Mr. Jackson stated that he was there in opposition.

Mr. Ziifle began by discussing an article in the Newnan Times Herald that he felt had errors. First was that the development proposed will be a 55+ community, that would have different statutory requirements that have to be incorporated and it's never been presented that way. Second is saying there is a single-family housing shortage. If this is approved then the adjacent property would be requested for annexation and even more homes would be built there as well. He said there has been tremendous development in the past 9 years since a development was first proposed on Green Top Road and there are 2,000 homes currently in various stages of build.

Mr. Ziifle said there should not be more concern for all the people that want to come live here verse the people that already live here. He asked if the community has a moral obligation to subsidize for the people who want to come live here? He stated that land use plans and zoning designations are in place to control and regulate growth. He said the elected officials are supposed to protect the community from over-development and urban sprawl and blight. No one benefits from this development. He said that if this development were going to have the same density as surrounding neighborhoods Lake Hills, Newnan Pines and Heritage Hills then there would be no opposition.

John Moody said that the elected officials' duties are to protect, defend and preserve the safety and culture and the quality of life of the current residents of this community. For 9 years the only people in favor of this development has been the developer and the representing attorney. No one is against development on Green Top Road, as long as it stays in the County and abides by the ordinance of 1 home per acre. Pulte Homes, an out of town developer, stated at arbitration that this development would not be profitable if less than 300 homes. Pulte has inadequately addressed the traffic issue. Other resources will be strained as well. The County Commissioners and the City's own Planning Commission voted against this. What is the point of having those boards? Will this development benefit the community, the answer is no.

Richard Yancey said that if Council votes for this development it will affect everyone like death by a thousand pokes. They will all be stuck in traffic and have to look at a development that is not Newnan. Council needs to do what is right and this is the wrong place for this development.

Pat Burns wished to speak but the 20 minutes allotted had expired.

Rebuttal:

Mayor Pro Tem Koritko confirmed the applicant had 13:41 for rebuttal.

George Rosenzweig started by addressing the water and sewer concern. There is no contract with the Water Authority, there was an easement agreement in return for sewer taps. They have never provided service to the property and are not allowed to provide service to annexed properties.

With regard to the property to the West. It is not part of this development. Pulte does not have that property under agreement or option. The development is not 55+ age restricted, it is age targeted. Enrollment in schools is dropping and the new Newnan High School is being built for 3,000 students.

The traffic that is already on those roads is County traffic and is a result of County approvals. A rezoning can't be denied based on existing traffic. The traffic study showed that at the worst intersection at the worst time of day there would be an 8 second delay. In terms of actual cars, there's 7 cars going right and 33 cars going straight. Traffic comes from other developments and improvements. Lake Redwine will be fully built out at 900 units. A right-turn lane is proposed to help mitigate traffic.

The City is a business and just like all businesses, if you aren't moving forward you are moving backward. One of the things that makes Newnan a great place to live are the strategic growth decisions made by City Council. There is a single-family home shortage. This is an opportunity to fulfill a need for that with a quality known developer.

Mayor Pro Tem Koritko closed the public hearing.

Councilman Guillaume wanted to clarify the number of units and the adjacent land. Mr. Rosenzweig said there will be a development agreement with the City and it will be a maximum of 300 units. The property to the West is not under agreement, not part of this deal. Councilman Guillaume stated that the City had no input in the County's Comprehensive Plan. He said he has looked at what is proposed and what's in the hopper and there is range from 1.85 to 2.75 units per acre. This development is on the lower side of that range.

Mayor Pro Tem Koritko asked about the letter received from Pulte. Mr. Rosenzweig explained that property owners in the State of Georgia have rights and the letter asserts Pulte's rights and the property owners' rights. Mayor Pro Tem Koritko then commented that if the applicant chose to rezone into the County's or the City's high-density zoning, it could potentially be 2,000 apartments which would be vastly higher than 300 homes.

Councilman Guillaume commented that there has been study after study that show there is a housing shortage and this is a nationwide issue. This has to be taken into consideration. Newnan is a great place and people want to come here. We can choose to grow together or go status quo.

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

MOTION CARRIED. (5-0)

City Attorney commented that the letters from August 8th, October 23rd and October 24th need to be part of the record and part of the report.

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to include the 3 letters in the record.

MOTION CARRIED. (5-0)

Motion by Councilman Guillaume, seconded by Councilman Shell to adopt the ordinance to annex the Green Top Road, LLC property subject to the general conditions, conditions from the arbitration process and proffered conditions from the applicant as presented.

Opposed: Jenkins. 2nd and Final Reading 11/10/23.

MOTION CARRIED. (4-1)

Councilman Alexander asked if the motion also includes the 3 staff conditions? City Attorney stated that those would be included in general conditions.

Motion by Councilman Guillaume, seconded by Councilman Alexander to adopt the ordinance rezoning the Green Top Road, LLC property subject to the general conditions, conditions from the arbitration process and proffered conditions from the applicant as presented. Opposed: Jenkins. 2nd and Final Reading 11/10/23.

MOTION CARRIED. (4-1)

M. Request to Close Streets for 2024 Rock & Road Festival

City Manager stated that this item was withdrawn and will be brought back at the November 28th meeting.

Motion by Councilman Shell, seconded by Councilman Alexander to move this item to the next meeting.

MOTION CARRIED. (5-0)

EXECUTIVE SESSION

MOTION EXECUTIVE SESSION

Motion by Councilman Alexander, seconded by Councilman Shell 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 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 7:54PM.

MOTION CARRIED. (5-0)

RESOLUTION/MAYOR'S AFFIDAVIT FOR EXECUTIVE SESSION

Motion by Councilman Alexander, seconded by Councilman Guillaume 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)

PATREECE CLAIM

Motion by Councilman Alexander, seconded by Councilman Shell to deny the Patreece claim as presented.

MOTION CARRIED. (5-0)

ADJOURNMENT

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to adjourn the Council meeting at 8:01pm.

MOTION CARRIED. (5-0)

Megan Shea, City Clerk

Keith Brady, Mayor