

CITY OF NEWNAN, GEORGIA
REGULAR COUNCIL MEETING

NOVEMBER 28, 2023

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, November 28, 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 November 14, 2023

Motion by Councilman Alexander, seconded by Councilman DuBose to dispense with the reading of the minutes of the Regular Council Meeting on November 14, 2023 and adopt them as presented.

MOTION CARRIED. (7-0)

B. Minutes from the Work Session on November 14, 2023

Motion by Councilman DuBose, seconded by Councilman Shell to dispense with the reading of the minutes of the Work Session on November 14, 2023 and adopt them as presented.

MOTION CARRIED. (7-0)

Newnan Youth Council Attendees

Councilwoman Jenkins stated that the Newnan Youth Council is a group of high school students from our City and County who are learning about government. They are required to attend one meeting. She then read off the names of the members attending. Keaton McNutt, Alex Allen, Emma Caylor, Jenna Mollner and Sarah Helen Zachry.

REPORTS OF BOARDS AND COMMISSIONS

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

Continue to next agenda.

D. 1 Appointment – Development Authority, 3-year term

Continue to next agenda.

NEW BUSINESS

E. Recognition of Fall 2023 Newnan Citizens Academy Graduates

Mayor Brady thanked Aimee Hadden, Communications Manager, who supported the academy and led the group. Hasco Craver, Assistant City Attorney, read the names of the graduates as Mayor Brady handed them their certificates. Hank Arnold, Joy Barnes, Margie Conway, Rae Duncan, Janet Hill, Jennifer Morrison, Katie Peppers, Micah Pitts, Amanda Tucker and Jessica Navas.

F. Consideration of Holiday Pay Resolution

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

MOTION CARRIED. (7-0)

G. Consideration of Agreement for Hotel-Motel Revenue Administration

Mayor Brady explained that there was a need at GMA to change the provider. Mr. Phillips stated that this has been in place for 18 years and they do a good job with it.

Motion by Councilman DuBose, seconded by Councilman Guillaume to approve the agreement as presented.

MOTION CARRIED. (7-0)

H. Consideration of Ordinance to place a ‘Soft Freeze’ on new entries into the City of Newnan Defined Benefit Pension Plan

Mr. Phillips explained that the soft freeze means freezing new entries into the plan as of January 1st. It does not affect the accrual of benefit for current participants in the plan. At the next Council meeting, the final step in the process will be submitted and that will be agreements with Corebridge to establish the 401 defined contribution plans.

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

MOTION CARRIED. (7-0)

I. Consideration of a Resolution Authorizing Alternative Valuations for Right of Way and Easements on Pinson St. and Savannah St. Culvert System Improvements Project

Michael Klahr, City Engineer, explained that as the City is moving forward with the culvert improvements there is a need for some right of way and easements. The value of these is low and this resolution allows staff to forgo appraisal and base off of negotiations and valuation from tax records.

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

MOTION CARRIED. (7-0)

J. Public Hearing – 18 Cavender St. (Lee-King Pharmacy) – to consider a variance request from O.C.G.A. 16-12-215(a) concerning State of Georgia Medical Cannabis Dispensary License Application

Dean Smith, Senior Planner, stated that back in October there was information provided regarding the State's decision to allow pharmacies to apply for the ability to become medical cannabis dispensaries with low THC oil and cream. It's a scheduled drug much like Vicodin or Oxycodone. The State law says that these licensees cannot be within 1,000 feet of covered entities which are schools (public and private), daycares and religious places of worship. Lee-King is seeking elimination of the distance requirement.

Mr. Smith showed a radius map and there are 3 entities that fall in the covered entities category. He then showed a map of all of the pharmacies in Newnan and which ones would need a variance and which would not. If all pharmacies want this license, 57% would need to go through the variance process. This is just a distance issue and the State will have final say if the applicant is granted the license.

Mayor Brady opened the public hearing.

City Attorney swore in Mindy Leech, owner of Lee-King Pharmacy. Mayor Brady explained that this process is a bit different than Council usually sees. Ms. Leech said that access to these new forms of treatment will be a great benefit to the citizens of the City of Newnan. This medication will be treated at the pharmacy as any other prescription medication and they will be subject to inspection by the Board of Pharmacy and the GA Drugs and Narcotics Agency. Many patients have expressed interest and have started the process in obtaining the necessary card needed for the medication.

Councilwoman Jenkins asked about the prescription process. Ms. Leech explained that they are seen by a physician and then assigned a card which they then must carry with them at all times. It is not an over the counter medication.

Councilwoman Jenkins then asked if a blanket ordinance was considered if there are going to be more pharmacies falling under this requirement? Mr. Smith said they did look

at that but in the interest of time they wanted to start the process and then see how much interest there would be.

Mayor Brady asked the City Attorney for clarification regarding wording in the law that says “within the jurisdiction” and if that means Ms. Leech would be providing the medication to just people in the City of Newnan? Mr. Sears explained that the law is very vague and city/county attorneys were split on how it reads. The Pharmacy Board said the local zoning authority would need to approve the variance. The City will not be tracking but the Pharmacy Board will be responsible so it lies with them.

Mayor Pro Tem Koritko asked about enforcement of use and those allowed to have the oil. Deputy Chief LaChance said that the Police Department has already had a class about this regarding the cards required and containers required for the oil to be in and other procedures already set in place. Ms. Leech also confirmed that they will only serve those with Georgia cards and no out of state.

Mayor Brady asked if anyone wanted to speak in favor or against and no one came forward. Mayor Brady closed the public hearing.

Motion by Councilman Shell, seconded by Councilwoman Jenkins, pursuant to O.C.G.A. 16-12-215(a), I move that Council adopt this order granting the variance request of Lee-King Pharmacy, modifying and eliminating the 1,000-foot radius distance requirement from a covered entity, as defined by O.C.G.A. 16-12-215(a) to operate a Low THC Pharmacy Dispensary at 18 Cavender St. Newnan, GA 30263 to allow Lee-King Pharmacy to dispense the low THC oil or products as the modification is needed to allow this established retail outlet to service registered patients residing within the jurisdiction. Further that the Planning Director and the City Clerk be authorized to issue evidence of such Order in whatever form the Georgia Board of Pharmacy may require.

MOTION CARRIED. (7-0)

K. Public Hearing – 40 Hospital Rd. (Lee-Goodrum Pharmacy) – to consider a variance request from O.C.G.A. 16-12-215(a) concerning State of Georgia Medical Cannabis Dispensary License Application

Mr. Smith stated that this is similar to the previous case but there is only 1 entity within the 1,000-foot radius, Evans Middle School which is about 90 feet from property boundary to property boundary.

Mayor Pro Tem Koritko asked if there has been direct communication with the school? Mr. Smith said that they complied with the variance procedures and sent out notices to all property owners within 250 ft. There was no response or questions from anyone.

Mayor Brady opened the public hearing.

City Attorney swore in Mr. Casey Tarpley, owner of Lee-Goodrum Pharmacy.

Mayor Brady asked if anyone wanted to speak in favor and no one came forward.

Ms. Beulah Farquharson spoke in opposition and was sworn in by City Attorney. She said that with since the pharmacy is within 90 feet of a school the parents should have been notified. She said that is why the law has the radius requirement, to protect students. The business owners have no control once the product is sold and walks out of their store. She said Council needs to think about the people that live here and the children that go to that school.

Mayor Brady closed the public hearing.

Motion by Councilman Shell, seconded by Councilman DuBose, pursuant to O.C.G.A. 16-12-215(a), I move that Council adopt this order granting the variance request of Lee-Goodrum Pharmacy, modifying and eliminating the 1,000-foot radius distance requirement from a covered entity, as defined by O.C.G.A. 16-12-215(a) to operate a Low THC Pharmacy Dispensary at 40 Hospital Rd. Newnan, GA 30263 to allow Lee-Goodrum Pharmacy to dispense the low THC oil or products as the modification is needed to allow this established retail outlet to service registered patients residing within the jurisdiction. Further that the Planning Director and the City Clerk be authorized to issue evidence of such Order in whatever form the Georgia Board of Pharmacy may require.

MOTION CARRIED. (7-0)

UNFINISHED BUSINESS

L. Consideration of Exercising Phase 2 of Contract with Pond & Company for Farmer Street Cemetery Improvements

Mr. Craver explained that the Farmer Street Cemetery Commission was reconstituted two years ago and they have been working on how to protect, preserve and promote the cemetery.

Ms. Jocelyn Palmer, Chairman of the Farmer Street Cemetery Commission, along with members Dr. Cynthia Finney and Loren Taylor were present to speak. Ms. Palmer thanked Mr. Craver for his guidance through this process. The commission has been working on a plan for the future of the cemetery. They engaged Pond & Company to help formulate that plan. She then introduced Sydney Thompson with Pond & Company to present the proposal for Phase 2.

Ms. Sydney Thompson introduced herself. She gave an overview of the project process including existing conditions analysis, public engagement meeting and developed a preferred concept plan. The public engagement results revealed preferences for identifying the graves/depressions, educational and wayfinding signage and formalized parking. Ms. Thompson showed examples of what the grave markers and signage could look like, as well as the parking lot.

Mayor Pro Tem Koritko asked if the graver markers would be numbered? Ms. Thompson said that was discussed but since they don't know the individual people buried there, the thought was that blank markers would be more respectful.

Ms. Thompson showed the preferred concept plan including parking lot, areas for reflection, outdoor classroom and pedestrian paths. There was discussion about removing trees and some would have to come out as they are not all in great health. Mayor Brady asked who will make the decision about the trees? Ms. Thompson said some of it will depend on the design and grading plan and the City's ordinance. Mayor Brady commented that the land should dictate over the design. Ms. Thompson said it is a struggle because the graves are so condensed but the development is low impact.

Councilwoman Jenkins asked about graves that she thought were closer to the sidewalk? Mr. Craver explained that Paleo West did the ground penetrating radar (GPR) and there were some but about 40 feet from the sidewalk. Councilwoman Jenkins then asked about the gate at Cole Street, that it was thought to be an entrance to the cemetery, so have they considered looking at that from a historic standpoint? Instead of a chain link fence, having something nicer that maybe stays closed? Ms. Palmer stated that there have been detailed conversations about accessing the site so that when people come there they are intentional and respectful. Ms. Loren Taylor commented that they have considered a formalized gate at that entrance as well and then chain link on either side of the gate. If that is a key concern, it can be addressed as they are still just in design.

Councilwoman Jenkins asked about disturbing the graves with the construction? Mr. Craver said that heavy equipment would not need to be utilized and treat it as a sensitive archeological site. Councilwoman Jenkins commented that this is a big step in the right direction and she thanked the commission for their work on this. She then asked about a depression that appeared to be under a parking space and how they will handle the outliers? Ms. Thompson explained that most likely those aren't graves but anomalies in the soil and that was noted in the Paleo West report. They would have archaeologists on site to consult to make sure.

Councilwoman Jenkins asked about some depressions that were found on GPR that are beyond the fence and possibly acquiring that land? Mr. Craver stated that there has been no direction from Council on that. Councilwoman Jenkins said she thinks it would be a mistake to not add that property to the cemetery.

Councilman Alexander asked about the seats at the outdoor classroom and there was a discussion about the seats facing the cemetery or facing out toward CJ Smith Park. Ms. Thompson said it was easier with the topography for the seating to face away from the cemetery but they could look into changing that. Ms. Palmer commented that this was another discussion but they were also looking at a balance and taking the budget into consideration.

Mayor Brady asked what Staff is looking for from Council? Mr. Craver said the recommendation is to allow Phase 2 to proceed, allow Pond & Company to take what they

have presented, comments from tonight and further develop it into construction documents.

Councilman Guillaume asked about the time frame on the project? Mr. Craver stated that it's hard to gauge at this point. Pond would complete construction documents, once approved then Staff could move to the next phase and put the project out to bid.

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

MOTION CARRIED. (7-0)

M. Public Hearing – Rezoning Request RZ2023-04; 12.56 acres located off of Bullsboro Drive (Portion of Tax Parcel N57-023)

Dean Smith, Senior Planner, gave an overview of the request and proposed project. The purpose is to rezone from CGN (General Commercial) to RMH (Residential Multiple Family- High Density) for developing a 95-unit condominium townhouse neighborhood. The applicant has proposed 8 units per acre which is the allowable density in the RMH zoning. Proposed price point is mid \$300,000 to low \$400,000.

Mr. Smith stated that after the Council Work Session for this rezoning, the applicant revised their proffered conditions and those were all listed out in the agenda packet for the meeting.

Mr. Smith then gave an overview of the 8 standards. The proposed use is suitable in view of the zoning and development of adjacent and nearby properties. The need for housing opportunities near this vicinity has been identified by the City. The City's Engineer determined that a full traffic study was not warranted and Staff believes that any adverse traffic impact will be minimal given the location.

The property is currently zoned for non-residential development and it could be developed as such. Police and Fire have stated that they can meet the demand for future service, however, this will strain their personnel and equipment resources but it would not be excessive or burdensome. The proposed use is not compatible with the purpose and intent of the Comprehensive Plan, as residential development was not contemplated in the future land use. The RMH zoning districts are intended to provide higher density townhouse developments and are located in areas of transition and this property would be appropriate for that. The proposed use is supported by new or changing conditions not anticipated by the Comprehensive Plan as recent studies have shown the need for more housing options in Newnan. The proposed use does reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

Overall the project meets 6 of the 8 standards.

The City's Landscape Architect commented previously about concerns with the tree management plan for this project. The applicant has proffered that if they are not able to fully comply with the City's Tree Conservation and Landscape Ordinance, they will contribute to a tree bank. This is allowable under the ordinance as an alternative.

The Planning Commission recommended denial of the rezoning by a 6-0 vote. Staff also added that in addition to the 9 proffered conditions from the applicant, that the development be capped at 95 units maximum.

Councilwoman Jenkins asked what the buffers would be if the property remained CGN? Mr. Smith said probably 20-30 feet was he was not sure. Councilwoman Jenkins also asked about buffer requirements between residential and commercial and Mr. Smith stated that there is no requirement.

Mayor Pro Tem Koritko asked about the berm and long-term maintenance. Mr. Smith stated that as condominiums an HOA will be formed and it will be there responsibility to maintain.

Councilman Guillaume commented how the property has sat vacant for a long time and from his perspective it meets all of the 8 standards. It makes sense to have something there and will fit the needs of the community.

Applicant:

George Rosenzweig representing the applicant, Templar Development, spoke. He showed an aerial view of the subject property and surrounding types of properties. He stated that there will be a covenant that no more than 5% of the properties will be rentals. Templar Development Group is family owned and operated and they have substantial experience with residential development.

He then showed a detailed concept map of the proposed project. He pointed out that one of the proffered conditions is to construct a trail built to LINC specifications with the goal of the LINC extending to Bullsboro Drive. The emergency entrance will be built to LINC specifications and the applicant has proffered to pay \$1,100 per approved lot to extend the LINC from Berry Avenue.

He also showed a tree specimen list and noted that some of the trees on the property have damage. They will work closely with the City's Landscape Architect to save the ones that they can. The townhomes will be 3 bedroom/2.5 bathrooms. He showed renderings of the entrance off Bullsboro and the townhomes.

The builder, Mr. Jay Knight, spoke. He said they heard the concerns from the work session. They wouldn't want to take down existing trees to plant a buffer and they know how specific the City's ordinance is in regards to berms. Both sides of the berm will be maintained by the HOA.

Mr. Smith answered Councilwoman Jenkins previous question about the buffer requirement in CGN and said it's 20ft.

Opposition:

Mr. David Bozone spoke in opposition. He is President of a local HOA. He referenced comments made during the Work Session for this rezoning that were published in the Newnan Times Herald. The comments pertained to the rental cap on this project and the HOA monitoring that. His concern was with HOAs' Articles of Incorporation that are not regulated. He wanted Council to consider forming a committee to evaluate HOA's in the City of Newnan. He asked Council to vote against the rezoning until there can be more scrutiny on HOA's.

Councilwoman Jenkins asked what the square footage is going to be? Mr. Knight said 1,500-1,900 sq ft. She also asked if they would have swells on the berm and Mr. Knight said yes. Councilwoman Jenkins asked about noise etc. from the commercial side. Mr. Knight said there is a building setback on that side and they will have a lot of trees that need to be planted.

City Manager asked for clarification on the proffered condition of the \$1,100 per unit, he wanted to know at what point in the process will that be paid? Mr. Knight said they can do whatever is preferred and Mr. Phillips suggested when they secure their LDP.

Councilwoman Jenkins commented that she has heard other complaints about HOA's and she thinks there should be a discussion about it at some point.

Mayor Brady closed the public hearing.

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

MOTION CARRIED. (7-0)

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to approve the rezoning request as presented with all proffered conditions, including the provision that the \$1,100 is paid at LDP. Opposed: Shell. 2nd and Final Reading 12/12/23

MOTION CARRIED. (6-1)

N. 2nd and Final Reading – Consideration of Adoption Agreement and a General Addendum from Georgia Municipal Association for the City of Newnan's Defined Benefit Retirement Plan

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to adopt the agreement on 2nd reading. Opposed: Guillaume

MOTION CARRIED. (6-1)

O. 2nd and Final Reading – Consideration of Ordinance for Adoption of Local Amendments to the Plumbing Code

Motion by Councilman Shell, seconded by Councilman DuBose to adopt the ordinance on 2nd reading. Opposed: Koritko

MOTION CARRIED. (6-1)

VISITORS, PETITIONS, COMMUNICATIONS & COMPLAINTS

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

Mr. Chris Doane stated that the festival is scheduled for April 20, 2024. Councilwoman Jenkins asked if this falls under the new race/road closures and associated fees? Mr. Craver said it may but a fee has not been assessed. Mr. Phillips said the organization did contribute \$10,000 to the City last year and that would be larger than the established race fees.

Mr. Doane said he is representing the Rotary Club, Coweta Foundation and Bike Coweta. There have been some adjustments but following the same plan as last year. It is a tourism event.

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

MOTION CARRIED. (7-0)

Q. Request from RPM to Close Madison St. between Jackson and Jefferson on December 17th for Fundraising Event

This item was withdrawn by the applicant.

EXECUTIVE SESSION

MOTION EXECUTIVE SESSION

Motion by Mayor Pro Tem Koritko, 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 8:41PM.

MOTION CARRIED. (7-0)

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. (7-0)

ADJOURNMENT

Motion by Councilman Alexander, seconded by Mayor Pro Tem Koritko to adjourn the Council meeting at 8:58pm.

MOTION CARRIED. (7-0)

Megan Shea, City Clerk

Keith Brady, Mayor