

CITY OF NEWNAN, GEORGIA
REGULAR COUNCIL MEETING

AUGUST 13, 2024

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, August 13, 2024 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, Jim Thomasson, Rhodes Shell, Cynthia Jenkins, Paul Guillaume and Dustin Koritko. Also present: City Manager, Cleatus Phillips; Assistant City Manager, Hasco Craver; Assistant City Manager, Meg Kelsey; City Clerk, Megan Shea and City Attorney, Brad Sears.

READING OF MINUTES

A. Minutes from the Regular Meeting on July 16, 2024

Motion by Councilman Koritko, seconded by Councilman Thomasson to dispense with the reading of the minutes of the Regular Council Meeting on July 16, 2024 and adopt them as presented.

MOTION CARRIED. (7-0)

B. Minutes from the Work Session on July 16, 2024

Motion by Councilman DuBose, seconded by Councilman Koritko to dispense with the reading of the minutes of the Work Session on July 16, 2024 and adopt them as presented.

MOTION CARRIED. (7-0)

REPORTS OF BOARDS AND COMMISSIONS

C. 1 Appointment – Bicentennial Committee

Continue to next agenda.

D. 2 Appointments – Board of Zoning Appeals, 3-year terms

Motion by Mayor Pro Tem Guillaume, seconded by Councilman Koritko to reappoint Kris Lovell for another term.

MOTION CARRIED. (7-0)

Motion by Councilman Shell, seconded by Councilman Thomasson to reappoint Sally Hensley for another term.

MOTION CARRIED. (7-0)

E. 1 Appointment – Christmas Commission, 3-year term

Continue to next agenda.

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

Continue to next agenda.

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

Motion by Councilman DuBose, seconded by Councilman Koritko to appoint Jason Lucas.

MOTION CARRIED. (7-0)

H. 1 Appointment – Youth Activities Commission, 3-year term

Continue to next agenda.

CITY MANAGER

Mr. Phillips updated Council that while the Bicentennial Committee does still need one more appointment, Staff is working on scheduling an initial kick off meeting for the committee. Councilman Koritko said he has identified a possible appointment and they are discussing it.

NEW BUSINESS

I. Public Hearing – Application for Alcohol Beverage License – Art and Jake’s of Georgia, LLC– Retail On Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine – 510 Newnan Crossing Bypass– Reason: New Owner

Mayor Brady opened a public hearing on the application for a Retail On Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine for Art and Jake’s at 510 Newnan Crossing Bypass.

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 Koritko to approve the application for a Retail On Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine License.

MOTION CARRIED. (7-0)

J. Public Hearing – Application for Alcohol Beverage License – Newells Grocery– Retail Off Premise (Package) Sales of Malt Beverages and Wine – 45 Robinson St. Ste A– Reason: New Owner

Mayor Brady opened a public hearing on the application for a Retail Off Premise (Package) Sales of Malt Beverages and Wine for Newells Grocery at 45 Robinson St. Ste A.

A representative of applicant was present for the hearing.

Opposed:

Tina Melson spoke against the alcohol license. She lives near Newells Grocery and she asked if this is new or they are going to keep it the same? Mayor Brady confirmed it is staying the same, selling beer and wine, not liquor. Ms. Melson said the neighborhood is an older neighborhood and she said people walk up and down the street with beer and wine that they've purchased. The neighbors want a quiet, peaceful neighborhood and Ms. Melson asked Council to reconsider this license.

Sylvia Hayes spoke against the alcohol license. Her parents live on the street and said it was a quiet street until the grocery store came. She expressed concern over the license being a "package" license and said they are currently selling and how can they do that without a license. Mayor Brady explained that they do have a current license to sell, this just changes the owner. He then explained that "package" just allows the owner to sell in a can or bottle and put it in a bag and someone can walk out with it, as opposed to a "pouring" license.

Chief Blankenship said that there have not been any issues in that neighborhood or with the grocery store. Councilwoman Jenkins asked how can the neighbors properly report issues if they see any? Chief Blankenship said they can call PD with any concerns and they will investigate.

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 Mayor Pro Tem Guillaume to approve the application for a Retail Off Premise (Package) Sales of Malt Beverages and Wine License.

MOTION CARRIED. (7-0)

K. Public Hearing (First of 3 to be held) – 2024 Millage Rate

Mayor Brady began by stating that if anyone was present to speak about the Board of Education Millage Rate, Coweta County Millage Rate or assessed value of property, then this is not the meeting to do that. He explained that the City of Newnan does not assess property values, that is done by the County Tax Assessor and then that information is provided to the City. This public hearing is for residents of the City of Newnan and the number of people will not be limited so everyone who is a City resident can speak. There is a 2-minute limit per person, the clock will stop if a question is asked and needs to be answered.

City Manager explained that there were technical issues going on with the recording and unfortunately for anyone at home watching the live stream there is no audio. It was decided to move on with the other items on the agenda and come back to this when the audio was hopefully back.

L. Establishing a Retirement Plan Committee for the 401a and 457b plans

Meg Kelsey, Assistant City Manager, explained that there is a Pension committee for the defined benefit plan, this would be an additional committee. The focus of the group is to provide oversight for the 401a and 457b plans. The bylaws for the committee are in the resolution and the 5 members of the committee are proposed as Meg Kelsey, Megan Shea, Ray Norton, Damon Rosser and Brent Blankenship.

Councilman Koritko asked why there are 2 committees for retirement? Ms. Kelsey said 3 of the members from the Pension committee are also on this committee and they will both work as a team.

Motion by Mayor Pro Tem Guillaume, seconded by Councilman Shell to adopt the resolution with the bylaws of the Retirement Plan Committee as presented.

MOTION CARRIED. (7-0)

Motion by Councilman Shell, seconded by Mayor Pro Tem Guillaume to appoint the committee members as recommended.

MOTION CARRIED. (7-0)

M. Request to Close West Broad St. on September 7th, 2024 for NURA Fall Housing Fair

Andrew Moody, Projects Manager, explained that this is for a housing resource fair, where vendors have been invited to come and share what services and programs are available to citizens and if they qualify.

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

MOTION CARRIED. (7-0)

N. Consideration of Design/Build Contract Award for Additional Pickleball Courts

Ms. Kelsey said the City put out an RFQ for 6 additional Pickleball Courts using SPLOST funding. CPS and Staff recommend a contract with Headley Construction. The design costs submitted were little over \$100,000 with a \$10,000 pre-construction fee. Design will come back to Council with full costs for approval.

Mayor Brady asked if the design specifications are the same as current courts? Ms. Kelsey said yes and Headley was the contractor on the first set of courts so they are very familiar with that.

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

MOTION CARRIED. (7-0)

O. Council Direction on Charter Amendment and Code of Ordinances Amendment Pertaining to Adoption of Ordinances

Mr. Phillips said this is not for adoption today but for direction. If a Charter amendment is approved that will require a series of advertisements and meetings before adoption. The proposal is to change the second reading requirement on adoption of ordinances. Currently if there is a not a 7-0 vote for an ordinance initially then a second reading is required, even if a member is absent and it's a 6-0 vote then a second reading is still needed. The amendment would state that if an ordinance is duly published on an agenda, so no off-agenda ordinances, then it can pass with 4 affirmative votes.

Councilman Shell commented that it might be easier when someone is absent to just have a unanimous vote whether that's 4 or 6 etc. Councilwoman Jenkins asked what precipitated this discussion? She thinks the process helps ensure that Council is taking the action that is necessary but she recognizes that this can hinder business at times. Some ordinances are codified and some are not so could the codified ones look different?

Mr. Phillips said there are times when this process effects business but Staff is just looking for direction from Council. Councilman Shell said he doesn't know how they would separate the different types of business. Mayor Brady said when it's a rezoning or annexation there is a public hearing but then on second reading there is no public hearing and this has caused some confusion with the citizens in the past. He said Staff can bring back different scenarios for Council to consider.

Councilman Thomasson clarified that the number of votes are not being reduced, as a second reading still needs 4 votes. City Attorney said this goes back to pre- 1960 when there was a strong Mayor form of government and this was put in place so an ordinance couldn't be introduced and passed last minute, as they didn't publish agendas back then. Generally, most other cities have just one vote with the exception of some smaller ones. The Charter was changed to account for a vacancy on Council so an ordinance can pass without a second reading. He did caution them from a business standpoint on creating too many pigeon holes with certain ordinances requiring different votes. They can look at what other cities are doing and bring different ideas back to Council.

No motion was made. Staff will bring this back for further consideration.

P. Consideration of Ordinance to Amend the Code of Ordinances, Chapter 3, Alcoholic Beverages, Sec 3-49, Persons Who Are Not Entitled to a License

Mr. Phillips explained that this would remove some people who cannot hold licenses. For many years the State of Georgia had a prohibition on any sitting city official or city employee holding an alcohol license. There is an employee that came and asked about this as he owns a restaurant. City Attorney said there was a case that ruled that a city official could not be prohibited from holding a

license and it was deemed that city employees should be treated the same and since then many cities have struck that prohibition from their ordinance.

Motion by Councilman Shell, seconded by Mayor Pro Tem Guillaume to approve the ordinance amendment as presented.

MOTION CARRIED. (7-0)

UNFINISHED BUSINESS

Q. Consideration of Resolution for Transmittal of the 2024 Update to the Capital Improvements Element (CIE) including the Short-Term Work Program (STWP)

Chris Cole, Senior Planner, said this will come back to Council for adoption.

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

MOTION CARRIED. (7-0)

R. 5 Hamilton Bohannon Dr. – Request for Extension

Patrick Ramirez, Code Enforcement Officer, said that the owner is asking for a 30-45-day extension. The current extension granted expires at the end of August. Councilwoman Jenkins asked if a contractor is secured?

The owner said she has called many contractors and they were busy and it will be 3-4 weeks before they can do the work. Councilwoman Jenkins suggested giving 60 days so they have more time. Councilman Koritko asked if the property is secure? The owner said they keep the yard up.

Motion by Councilwoman Jenkins, seconded by Councilman Thomasson to grant a 60-day extension.

MOTION CARRIED. (7-0)

S. 2nd and Final Reading – Ordinance to Amend the 2023 Fiscal Year Budgets

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

MOTION CARRIED. (7-0)

T. 2nd and Final Reading – Adoption Agreement and General Addendum from Georgia Municipal Association for City of Newnan's Defined Benefit Retirement Plan

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

MOTION CARRIED. (7-0)

VISITORS, PETITIONS, COMMUNICATIONS & COMPLAINTS

U. Clay Neely to Discuss July 4th Fireworks

Clay Neely, on behalf of the Newnan Rotary Club, wanted to thank Council for the partnership on the fireworks this year. They have been held at the fairgrounds the past few years with construction going on but this year they were able to bring them back to Newnan High School and there was a great turn out. They appreciated Councilwoman Jenkins being there and appreciate all the support.

Return to Public Hearing – 2024 Millage Rate

Mr. Phillips said that the AV techs were not able to figure out the audio issues but there is a recording on site so the video can be uploaded to social media after it is over. Mayor Brady said to proceed and he opened the public hearing.

Mr. Phillips thanked everyone for attending and said that the presentation he prepared is also on the City's website. This is the first of 3 public hearings to be held, a process that is determined by the Georgia Taxpayers Bill of Rights, which has been in place since 2000. He explained that the millage rate means one mil is equal to one dollar for every \$1,000 of assessed value and the assessed value is determined by the Tax Assessors office. Then that is applied to only 40%. For example, if a house is valued at \$400,000 then the millage is only applied to 40% or 160,000 of that.

After the 3 required public hearings are held, Council will vote on an ordinance to set the millage rate. The deadline to get the required forms to the County is Wednesday, August 21st.

Mr. Phillips started with why the increase? First is to balance the budget, not for next year but for the 2024 budget year that we are currently in. State law requires a balanced budget. Second, there is a long history of rolling back the millage rate and the City had a major loss from a large tax payer, the cancer center, that went from for profit to nonprofit. The loss from that was about \$800,000 annually in property tax and occupational taxes. City Council has made an investment in the past couple years in recruiting and retaining employees and it is working. Last year when pay package changes were requested there were 15 vacancies with the Police Department and this year there are currently no vacancies.

Over the years there has been an increasing dependence on local option sales tax, as that is the number one source of revenue, not property taxes but local option sales tax has been stabilizing and declining. Obviously, there are also inflationary expenses.

To balance the budget, the line item for property taxes was \$7.4 million, with the rollback rate of 2.595 there would be a shortfall of about \$1.2 million in that line item. The 3.12 that is proposed will get us to the \$7.4-million-line item in the budget.

Mr. Phillips pointed out that in December when he presented the 2024 budget, under the 3-year budget highlights he mentioned that the rollback millage rate would become harder to take each year and Council may want to consider a homestead exemption for homeowners. He also commented that a budget challenge would be estimating the necessary millage rate typically drawn on assessed values.

He showed a history of Council taking the roll back rate and the last time they did not was in 2018. 11 of the past 13 years Council has adopted the roll back rate and it has gone from 4.39 to 2.75.

Can the budget be cut? Staff has already been asked to look at travel and training and non-purchased capital to see what can be cut. We are 7 ½ months into the budget this year, we are fully staffed and have already entered into annual contracts for the year. Staffing represents 78% of the general fund budget.

Mr. Phillips explained when the tax assessor reassesses property and that goes up, the cumulative total of all properties in the City of Newnan is put into the reassessment column. This year there was \$143 million in growth in that line item, the higher that number, the higher the roll back rate. Normally in the other changes to taxable digest column there is not red, this year due to the cancer center there is a negative number in that column. Usually that column shows \$30-60 million positive.

Mr. Phillips pointed out that the rollback is a negative tax levy for the City this year. In the past 5 years, the City's average net levy increase has been \$192,000 a year. With a budget of over \$30 million, that ends up being less than 1% of the City's budget. If Council adopts the 3.12 it will mean a tax levy increase of \$1.14 million or 17%. On a \$350,000 home with the 3.12 rate, that would be a \$73.50 increase, basically \$21 for every \$100,000 of assessed value.

He showed a chart with every city in the county and their advertised millage rates, showing the City of Newnan with a competitive millage rate. Again, with a house that is \$350,000, tax bill would be \$3,461, with no exemptions and 62% would go to the school system, 25% to Coweta County and 12.6% to the City of Newnan. He also showed benchmark cities outside of Coweta County and City of Newnan is 42% less than the average and 24% less than the combined millage rate. City of Newnan is also 43% less than average per capita budget of other cities.

Mayor Pro Tem Guillaume asked if Council does not take the rollback then money would have to come out of the reserve general fund? Mr. Phillips said yes. Council can set the rate anywhere from 0- 3.12.

Public Comment:

1. Barry Serleaf, 17 Bryce Creek Dr.

He mentioned the 78% staffing and asked what the comparison is with the other cities in terms of labor? Mr. Phillips said that 75-80% is very typical with government.

2. Shay Patel, 11 Camden Way

Speaking on behalf of her mother, who is a senior citizen. When people have a set budget there cannot be extra expenses. People get restrained, they can't eat, what do they do? What is the City of Newnan doing if they are restrained? What is being cut back?

Mr. Phillips reiterated what has already been asked of staff to look at for cuts.

Ms. Patel noticed that the new committee was approved but there are two committees, can that be reduced? Councilman Shell said they don't get paid extra, it is just part of their job.

Ms. Patel said to look at things that can be put off until next year.

3. Mr. Serleaf came back up and asked if the millage is reduced that is relative to the assessment of the homes? Mr. Phillips said the millage rate is technically reduced, what you owe is based on the assessment you received. The roll back rate is recommended based on the totality of assessed properties, not individual. Mr. Serleaf asked what about when assessments go down? Mr. Phillips said that has happened before and there was an increase in the roll back rate.

4. Sheryl Massenberg, 17 Ontario Ct.

She asked about the loss from the cancer center and what about additional companies coming in to make up some of that loss? There's also a lot of homes going up, could those assist with the deficit?

Mr. Phillips explained that unfortunately, the cancer center value was approximately \$100 million that came off the books and there was not enough to overcome that even with new businesses and homes.

5. Yolanda Simmons, 74 Fox Ridge Dr.

She expressed concern about the amount of increase, how do people live? She is retired and works another job. She knows its hard to take a roll back but there should be an emergency fund, this is an emergency.

Mayor Brady thanked her and said they do understand and that is why there are 3 meetings so they can hear all the feedback and really consider what to do.

6. James Shepherd, 126 Greenville St.

He wanted to know if Council is aware of how much the population has increased over the past decade? Also, how much City expenditures and revenue have gone up in that period?

Mr. Shepherd asked if they are aware of how much housing costs have gone up and per capita expenditures? Council acknowledged they all own homes and are aware. Mr.

Shepherd stated that growth is out pacing the population and income growth.

7. Ms. Simmons came back and asked if they can look at offsetting tax increase with reserves or does the reserve have to be at a certain rate? Mr. Phillips said Council has adopted a policy to maintain 50% of general fund budget.

8. Ms. Massenberg came back and asked if taxes are going up by 20.23% does that include the 3% cap? Mr. Phillips explained that how everything is calculated is dictated by state law and that if House Bill 581 passes statewide referendum in November then the cap is not a percentage, it will be based on an inflation number determined by the Georgia Department of Revenue.
9. Tina Melson asked how the tax assessor assesses property? Mayor Brady said that the tax assessor uses real closings to value property. Councilman Shell commented that the assessed value is usually below what you would sell for. Ms. Melson commented that a % is put in the papers and that can be confusing and scare people.

10. Stella Hobby, 38 Pope St.

She asked about how a non-homestead property is valued? Mr. Phillips explained that it is the full assessed value.

No one else spoke. Mayor Brady closed the public hearing. Next public hearing is August 19th at 11:30am.

EXECUTIVE SESSION

MOTION EXECUTIVE SESSION

Motion by Mayor Pro Tem Guillaume, seconded by Councilman Koritko 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 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 4:00 PM.

MOTION CARRIED. (7-0)

RESOLUTION/MAYOR'S AFFIDAVIT FOR EXECUTIVE SESSION

Motion by Mayor Pro Tem Guillaume, seconded by Councilman Koritko 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)

85 BELK ROAD

Motion by Councilman Shell, seconded by Councilman Koritko to authorize the City Attorney to file a consent order regarding the quiet title action on 85 Belk Road.

MOTION CARRIED. (7-0)

KELLY AND WARREN CLAIMS

Motion by Councilman Shell, seconded by Councilman DuBose to deny the Kelly and Warren claims as presented.

MOTION CARRIED. (7-0)

ADJOURNMENT

Motion by Councilman DuBose, seconded by Councilman Koritko to adjourn the Council meeting at 4:29pm.

MOTION CARRIED. (7-0)

Megan Shea, City Clerk

Keith Brady, Mayor