

CITY OF NEWNAN, GEORGIA
REGULAR COUNCIL MEETING

JANUARY 28, 2020

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, January 28, 2020 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 E. Jenkins; Paul Guillaume; Rhodes Shell and Dustin Koritko. Also present: City Manager, Cleatus Phillips; City Clerk, Della Hill; Planning Director, Tracy Dunnivant; Assistant City Manager, Hasco Craver; City Attorney, Brad Sears and Police Chief, Douglas (Buster) Meadows.

MINUTES – REGULAR MEETING – JANUARY 14, 2020

Motion by Councilman Guillaume, seconded by Councilwoman Jenkins to dispense with the reading of the minutes of the Regular Council meeting for January 14, 2020 and adopt them as presented.

MOTION CARRIED. (7 – 0)

AMEND AGENDA

Motion by Councilwoman Jenkins, seconded by Councilman Koritko to amend the agenda adding under old business the Public Hearing that was advertised for January 28, 2020 to inform the Public that the City is intending to apply for a CDBG Grant and a Revitalization Area Strategy Designation and to obtain citizen input into the Development of the Applications.

MOTION CARRIED. (7 – 0)

NEWNAN YOUTH COUNCIL

Caleb Griffis	Sophomore	Central High
Ashley Williams	Senior	Newnan High
Bo Palmer	Senior	Newnan High
Lauren Vanden Heuval	Sophomore	Northgate
Jack Palmer	Sophomore	Newnan High

APPOINTMENT –CULTURAL ARTS COMMISSION (REPLACEMENT JOANNA HARVEY)

Mayor Brady asked the City Manager to place Councilman Koritko appointment to the Cultural Arts Commission on the agenda for the next Council meeting.

APPOINTMENTS – TREE COMMISSION

Mayor Brady asked the City Manager to place his appointment and Councilman Koritko 5, 7, appointment to the Tree Commission on the agenda for the next meeting.

APPOINTMENT – PLANNING COMMISSION

Motion by Councilwoman Jenkins, seconded by Councilman Alexander to appoint Alton West replacing Greg Gause to the Planning Commission for a three-year term.

MOTION CARRIED. (7 – 0)

APPOINTMENT – PARKS COMMISSION

Motion by Councilman Koritko, seconded by Councilman Alexander to appoint Jesse Tanner for a three- year term replacing Greg Heller on the Parks Commission.

MOTION CARRIED. (7 – 0)

SCOUT TROOP

Members from Boy Scout Troop 47 Central Baptist Church were in attendance working on their Communication Badge on road to Eagle.

JUDGE SUPERIOR COURT – COWETA CIRCUIT

Melissa Griffith introduced Markette Baker, Judge Superior Court, Coweta Circuit, based in LaGrange, Georgia. She thanked Council for having her.

LOCAL MAINTENANCE IMPROVEMENT GRANT (LMIG) LIST OF STREETS – PROPOSED FOR MAINTENANCE

Motion by Councilman Shell, seconded by Councilman Koritko to approve the request for the Local Maintenance Improvement Grant (LMIG) list of Streets proposed for maintenance.

MOTION CARRIED. (7 – 0)

ORDINANCE – AMENDED ADOPTION AGREEMENT AND AMENDED GENERAL ADDENDUM FOR THE CITY OF NEWNAN’S GEORGIA MUNICIPAL EMPLOYEES BENEFIT SYSTEM DEFINED BENEFIT RETIREMENT PLAN.

Motion by Councilman Guillaume, seconded by Councilman Shell to adopt an Ordinance to provide for the Amended Adoption Agreement and Amended General Addendum for the City of Newnan’s Georgia Municipal Employees Benefit System Defined Benefit Retirement Plan.

MOTION CARRIED. (7 - 0)

PUBLIC HEARING – INFORM PUBLIC THAT THE CITY IS INTENDING TO APPLY FOR A CDBG GRANT AND A REVITALIZATION AREA STRATEGY DESIGNATION AND TO OBTAIN CITIZEN INPUT INTO THE DEVELOPMENT OF THE APPLICATIONS

Mayor Brady opened a public hearing on the City intending to apply for a CDBG Grant and a Revitalization Area Strategy Designation and to obtain citizen input into the Development of the Applications.

The Planning Director stated the City is considering applying for a Community Development Block Grant (CDBG). The CDBG program is federally funded and administered by the states. It focuses on benefiting low to moderate income persons by providing resources for livable neighborhoods, economic empowerment and decent housing. The CDBG program has 3 main national objectives and any project must meet at least one of the 3: Project must benefit at least 70% low-and moderate-income persons – It must aid in the prevention of elimination of slums and blight – It must meet other community needs that pose a serious threat to the health and welfare of the community where other financial resources are not available to meet such needs. (Must certify that those conditions exist) In addition to the CDBG grant, the City is also applying for a Revitalization Area Strategy designation and will consider projects that meet a national objective within those boundaries. To be in a designated revitalization area, the poverty rate for the census tract must be over 20%. The RAS will allow you to get up 20 additional points toward your application rating. (Max 485 with RAS 505) The City is applying for up to \$1 million so the project activities will include housing rehabilitation/ reconstruction and infrastructure improvements or public building. The project will not displace any persons and the budget will be determined once the scope of the project is finalized. In terms of beneficiaries, a CDBG door-to-door income survey of the target area will determine the number and demographics of the project beneficiaries. The last CDBG grant that the City received was for the Boys and Girls Club on Wesley Street. It has been a while since we have applied for this grant. Please note that if any councilmembers reside in the selected target area, the City will follow all conflict of interest procedures. Also, the City of Newnan abides by the following laws as they pertain to HUD assisted projects: Title VI of the Civil Rights Act of 1964; Section 109 of the HCD Act of 1974, Title 1; Title VII of the Civil Rights Act of 1968 (Fair Housing Act); Section 104(b)(2) of the Housing and Community Development Act of 1974; section 504 of the Rehabilitation Act of 1973 as amended; Title II of the Americans with Disabilities Act of 1960 (ADA) and the Architectural Barriers Act

of 1968. Please note that the project will be covered under the requirements of Section 3 of the HUD Act of 1968 as amended and Section 3 Residents and Business Concerns are encouraged to apply.

Public Comments

Ms. Rebecca Gibson indicated a few years ago a Task Force completed a study for the inter city on how to improve the conditions. Some of the more pressing issues were improved. There are still some blight areas in Chalk Level. She thanked Council for the renovation of the Howard Warner Building that offers a place for the Boys and Girls Club along with other groups to offer programs. There are neighborhood organizations that are working also and we appreciate them. We appreciate what could be done with the Grant you are applying for to help those individuals (citizens) who are unable to keep them up. She stated there are members of the community who would like to work with the City in order to improve the area.

Mayor Brady closed the public hearing.

PUBLIC HEARING – REZONING REQUEST RZ2019-09, DOMINIUM ACQUISITION, LLC – 16.86± ACRES – NEWNAN CROSSING BYPASS – PORTION OF TAX PARCEL (087 5011 003)/ORDINANCE

Mayor Brady opened a public hearing on the rezoning request.

The Planning Director stated this is a request by George Rosenzweig on behalf of Dominion Acquisition, LLC to rezone 16.85 acres located off Newnan Bypass from CCS (Community Shopping Center District) to RMH (Residential Multiple-Family Dwelling – Higher Density District). The site is currently vacant and is located between Newnan Crossing Bypass and Interstate 85 and is just north of the Springs Apartments that received rezoning approval in 2018. The applicant would like to build 202 affordable senior independent over 55 age restricted apartment units. This means that 80% of the units will be occupied by at least 1 person over the age of 55. All units would be located in a single four-story building. The targeted unit mix is 110 one bedroom, 76 two bedroom and 16 three-bedroom units. The average rents would be between \$464 and \$1237 per month for a one bedroom and \$557 and \$1,485 per month for a two bedroom including utilities. The development would include full kitchens, appliances, and an exterior balconies/patio. Amenities will be designed to meet the physical or social needs of older persons such as a community garden, benches, grilling area, fitness center, business center, game, card and craft room, theater, laundry facilities and a beauty salon. Staff has completed an assessment of each of the 8 required standards and I will give a quick summary of each:

Staff felt the use was suitable in view of zoning and development of adjacent and nearby properties since it is just north of an existing 320-unit apartment complex. In addition, there will be commerce/office units in front of the Spring apartments which could serve the

residents of both complexes. In addition, with the existing creeks, the bypass and the interstate, the existing land uses either be buffered or not significantly impacted by the change in use.

Adverse impact on adjacent or nearby property- greatest would be traffic; however, the complex would be located on a major street. The apartments are expected to generate 787 additional trips; however, the traffic study they submitted found the proposed development would minimal traffic related impact on the study area. It is anticipated that the delay at the study intersections would increase by no more than .6 seconds per vehicle for any approach.

Could it be used as currently zoned – Yes, it is zoned CCS and it is surrounded by commercial uses.

Would the project cause an “excessive or burdensome” use of public facilities – All multi-family developments in excess of 150 units must submit a Community Impact Assessment as part of their application. This assessment evaluates impact on streets, fire, police, water/sewer utilities, and the school system. Each service provider is contracted and that information has been included in your packet. In addition to the responses, Staff also asked the Police and Fire Chiefs to provide call numbers for the last year for the Forest of York, which is a smaller, but 55 plus development. Police answered 35 total calls and Fire responded to 55 (mostly EMS) in 2019. After reviewing all responses, staff determined that the project will have an impact on public services, but it would not be excessive or burdensome. Also, as part of the assessment, each project must provide tax revenue information. Per the report, this project would generate \$27,200 annually in property taxes and over \$530,000 in impact fees.

In terms of the Comprehensive Plan, the FLU map shows the property as future clean industrial. The project would not be compatible with the comprehensive plan’s vision for this area. As previously specified, the applicant is seeking an RMH zoning. An apartment complex would be consistent with the purpose and intent of the proposed zoning. Would the proposed use be supported by new or changing conditions not anticipated by the Comprehensive Plan? The City completed its full update on the Comp Plan in 2016 and adopted a new Zoning Ordinance and corresponding map in September of 2017 and a multi-family development would not be consistent with either.

Staff does feel the project shows a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property. Since 2013, the City has approved roughly 1,550 new multi-family units. Of those, 1,390 are market rate to higher end apartments. The remaining 160 are affordable with rates based on income. The project that is being proposed would fall into the affordable category, but unlike the 160-unit project, at least 80% of these residents must have a family member 55 or older. Currently in the City of Newnan, the Forest at York is a 72 unit 55 and over apartment complex that provides income-based housing. In addition, there is a new dependent retirement community being built off of Newnan Lakes Boulevard that will include 75 independent living units for seniors as a component within

their development; however, those units would not be considered affordable. While we have several assisted living developments within the City, there are really very few independent apartment complexes specifically designed for seniors with limited income. This development would help meet a need that the Comprehensive Plan has identified by providing additional affordable senior housing. In summary, Staff found that the development met 5 of the 8 standards.

The Planning Commission held a public hearing on December 17, 2019 and recommended approval with the following 5 conditions:

1. The project will be consistent with the plan, density, project data, amenities, proffered conditions and architectural details as provided as part of the application. Variances reflected in these documents for height, front building setback and parking will only be granted upon consideration and final approval by the Board of Zoning Appeals.
2. The applicant's proffered conditions (Attachment A-Proffered Condition in Application), provided that if any conditions contradicted City of Newnan zoning ordinance, that the City's zoning ordinance would rule.
3. During the site review process, applicant would demonstrate to staff the potential location on their site where the adjoining property owner could connect for inter-parcel connectivity.
4. Applicant agrees to pay their share for street light installation at the appropriate time.
5. Applicant would conduct a feasibility study regarding constructing a walking trail/pedestrian path on its property up to Lower Fayetteville Road.

Applicant

George Rosenzweig on behalf of Dominion Acquisition, LLC indicated the applicant is requesting approval of the rezoning application in order to allow construction of a 12 unit per acre over 55 age-restricted affordable senior housing development which will be regulated by the Georgia Department of Community Affairs. At least 80% of the units will be occupied by at least one person who is 55 years of age and older. The development will provide significant facilities and services designed to meet the physical or social needs of older persons including, a community garden, courtyard, walkways, benches, and grilling areas, as well as amenities including a fitness center, business center, game, card and craft room, laundry facilities, and beauty salon. The typical resident is retired, living on Social Security, retirement funds, proceeds from a home sale, or other source. Expanding housing options for seniors allows current residents to remain in their communities as they progress through stages of life and also provides housing options for senior citizens who retire from out of the area and choose to relocate closer to their grandchildren.

Opposition

No one spoke in opposition.

Mayor Brady closed the public hearing.

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to approve the report from the Planning Commission on the rezoning request.

MOTION CARRIED. (7 – 0)

ORDINANCE – AMEND ZONING MAP PROPERTY LOCATED OFF NEWNAN CROSSING BYPASS - 16.85± ACRES

Motion by Councilwoman Jenkins, seconded by Councilman Alexander to adopt an Ordinance to amend the zoning map for 16.85± acres located off Newnan Crossing Bypass with proffered conditions.

MOTION CARRIED. (7 – 0)

REVIEW – FACILITY USE DATA AND PROVIDE DIRECTION TO POTENTIAL MODIFICATION OF THE CURRENT FACILITY USE POLICY

The Assistant City Manager stated at the November 26, 2019 City Council Meeting a request from Staff outlining current facility usage at Howard Warner Community Center, Howard Warner Gymnasium and Wesley Street Gymnasium. After the creation of the Leisure Services Department a facility usage policy was established in order for the city facilities to be best managed and utilized on a continuous basis by a variety of citizens and organizations. Over time the City has received multiple requests for regular use from different groups. There are seven existing regular standing agreement users that have requested an extension of their agreement and we have recently received two additional requests for regular use. If all requests and extensions are approved the schedule will no longer allow for individual one-time rental requests, which could decrease the number and variety of users. The current users are all providing great programs and services to those participating program recipients. We enjoy the long-term agreements. Staff has no recommendation.

After discussion Council directed Staff to develop a ceiling on long term agreement rentals on total number of hours used per week – Number of people served with programs - Impact on services and how many groups or individuals that have been turned away.

REQUEST – NEWNAN CARNEGIE LIBRARY FOUNDATION – CLOSE PART OF WEST BROAD STREET BETWEEN JACKSON AND BROWN STREETS ON JUNE 5TH, 2020

Motion by Councilwoman Jenkins, seconded by Councilman Shell to approve the request for Newnan Carnegie Library Foundation to close part of West Broad Street between Jackson and Brown Streets on June 5, 2020.

MOTION CARRIED. (7 – 0)

REQUEST - VALERIE RENDER- BLOCK TWO PARKING SPACES – WADSWORTH AUDITORIUM PARKING LOT FOR FOOD TRUCKS

Motion by Councilman Shell, seconded by Councilman Koritko to approve the request by Valerie Render to block two parking spaces in the Wadsworth Auditorium parking lot for food trucks on Saturday, June 20, 2020 from 3:00 pm – 10:00 pm.

MOTION CARRIED. (7 – 0)

MOTION EXECUTIVE SESSION

Motion by Mayor Pro Tem Alexander, 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 issues and that we move, in open session to adopt a resolution authorizing and directing the Mayor or presiding officer to execute and 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 7:17 pm.

MOTION CARRIED. (7 – 0)

RESOLUTION/MAYOR'S AFFIDAVIT FOR EXECUTIVE SESSION

Motion by Mayor Pro Tem Alexander, 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 meeting was within the exceptions provided by O. C. G. A. Section 50-14-4(b).

MOTION CARRIED. (7 – 0)

SMALLWOOD CLAIM

Motion by Mayor Pro Tem Alexander, seconded by Councilman Koritko to deny the Smallwood Claim.

MOTION CARRIED. (7 – 0)

CULBREATH CLAIM

Motion by Mayor Pro Tem Alexander, seconded by Councilman Koritko to deny the Culbreath Claim.

MOTION CARRIED. (7 – 0)

ADJOURNMENT

Motion by Councilman DuBose, seconded by Councilman Koritko to adjourn the Council meeting at 7:22 pm.

MOTION CARRIED. (7 – 0)

Della Hill, City Clerk

Keith Brady, Mayor