

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, January 25, 2022 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: Rhodes Shell, George Alexander; Ray DuBose, Cynthia Jenkins, Paul Guillaume and Dustin Koritko. Also present: City Manager, Cleatus Phillips; Assistant City Manager, Hasco Craver; City Clerk, Megan Shea and City Attorney, Brad Sears.

**MINUTES – REGULAR COUNCIL MEETING – JANUARY 11, 2022**

Motion by Mayor Pro Tem DuBose, seconded by Councilman Koritko to dispense with the reading of the minutes of the Regular Council meeting on January 11, 2022 and adopt them as presented.

**MOTION CARRIED. (7-0)**

**MINUTES- WORK SESSION ON SANITATION WASTE PROGRAM- JANUARY 11, 2022**

Motion by Councilman Guillaume, seconded by Councilman Koritko to dispense with the reading of the minutes of the Work Session regarding Sanitation Waste Program on January 11, 2022 and adopt them as presented.

**MOTION CARRIED. (7-0)**

**APPOINTMENT- KEEP NEWNAN BEAUTIFUL, 3 YEAR TERM**

Mayor Brady asked the City Manager to place Councilman Koritko's appointment on the next agenda.

**APPOINTMENTS- PARKS COMMISSION, 3 YEAR TERM**

Motion by Mayor Pro Tem DuBose, seconded by Councilman Alexander to reappoint Carol Tamplin to the Parks Commission.

**MOTION CARRIED. (7-0)**

Motion by Councilwoman Jenkins, seconded by Councilman Guillaume to reappoint Kristy Franklin to the Parks Commission.

**MOTION CARRIED. (7-0)**

**APPOINTMENTS- PLANNING COMMISSION, 3 YEAR TERM**

Mayor Brady asked the City Manager to place Councilman Alexander's appointment on the next agenda.

Motion by Mayor Pro Tem DuBose, seconded by Councilwoman Jenkins to reappoint Joe Crain Jr. to the Planning Commission.

**MOTION CARRIED. (7-0)**

Motion by Councilman Guillaume, seconded by Councilman Koritko to reappoint Chris Hunt to the Planning Commission.

**MOTION CARRIED. (7-0)**

**APPOINTMENT- TREE COMMISSION, 3 YEAR TERM**

Mayor asked the City Manager to place Councilwoman Jenkins appointment on the next agenda.

**APPOINTMENT- WATER & LIGHT COMMISSION, 3 YEAR TERM**

Motion by Mayor Brady, seconded by Councilman Alexander to reappoint Bobby Lee to the Water & Light Commission.

**MOTION CARRIED. (7-0)**

**CITY MANAGER**

City Manger asked the Assistant City Manager to introduce the new Communications Manager, Aimee Hadden.

**YOUTH COUNCIL ATTENDING**

Councilwoman Jenkins introduced the members of Newnan Youth Council in attendance; Maddie Butler, Sara Hays Grote, Keaton McNutt, Macy Horne and Sonny Durham.

**CONSIDERATION OF AGREEMENT WITH LOWE ENGINEERS, LLC FOR PROFESSIONAL ENGINEERING SERVICES AT JACKSON ST/JEFFERSON ST/CLARK ST**

Michael Klahr, City Engineer, stated that this is a continuation as concept development was already done with GDOT. Recommendation is to use the same firm that was selected by qualification base.

Councilman Koritko asked about the scale and size of the signs shown in the agenda packet. Mr. Klahr stated the pictures were just examples and the signs will be sized appropriately.

Motion by Councilman Alexander, seconded by Councilman Shell to authorize the agreement as presented.

**MOTION CARRIED. (7-0)**

**CONSIDERATION OF INDICATION OF SUPPORT FOR A CONCEPT, AS PRESENTED FOR SPRAYBERRY ROAD SIDEWALK IMPROVEMENT PROJECT**

Michael Klahr, City Engineer, explained that this is a sister project to the Jackson St. sidewalk project. This would carry the sidewalk from Jackson St. intersection to Casey Rd. and the dog park. This is to move forward with the concept and go to the design phase.

Councilman Koritko asked about the cost of the design and Mr. Klahr explained that that will come back to Council.

Motion by Councilman Shell, seconded by Councilman Guillaume to approve the indication of support for the project as presented.

**MOTION CARRIED. (7-0)**

**CONSIDERATION OF A LIST OF ROADWAYS FOR RADAR SPEED ENFORCEMENT**

Michael Klahr, City Engineer, explained that every 3 years the police department has to submit a list of roads to GDOT to be able to use detection devices. This is the updated list that GDOT has approved.

Motion by Councilman Alexander, seconded by Mayor Pro Tem DuBose to approve the list of roadways for radar speed enforcement as presented.

**MOTION CARRIED. (7-0)**

**REQUEST FOR PUBLIC HEARINGS**

Mayor Brady explained that Items K-Q on the agenda would all be considered together. All requests to schedule public hearings on March 22, 2022 for properties 170 Lagrange St, 176 Lagrange St, 178 Lagrange St, 8 Alpine Dr, 29 Pinson St and 70 Robinson St. The request for 6 Calhoun St was withdrawn as there are already plans to demolish that property.

Councilwoman Jenkins asked if all properties are rentals. Matt Murray, Code Enforcement stated that 6 of the 7 are investor owned and that the seventh one has not been in contact with the City. Mayor Brady further explained that 8 Alpine Dr had a contract to close on the property the week after the tornado and that went through and nothing has been done with it since then. The property owner did reach out to the Building department just today.

Motion by Councilman Alexander, seconded by Councilman Shell to schedule a public hearing for all properties listed on March 22, 2022.

**MOTION CARRIED. (7-0)**

**REQUEST FOR STREETS AND SIDEWALK CLOSURES FOR MAIN STREET EVENTS  
2022**

Motion by Mayor Pro Tem DuBose, seconded by Councilman Alexander to approve the request as presented.

**MOTION CARRIED. (7-0)**

**CONSIDERATION TO EXERCISE OPEN CONTAINER AMENDMENT TO CHAPTER 3,  
ALCOHOLIC BEVERAGES DURING MAIN STREET SUMMER NEWNANIGHTS  
CONCERN SERIES 2022**

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

**MOTION CARRIED. (7-0)**

**CONTRACT CHANGE ORDER CONSIDERATION- LINC SECTION C**

Assistant City Manager, Hasco Craver, stated that this will complete "the missing link". This section will be the terminus of the LINC connecting to the back of Ashley Park, at One Life Fitness. This was taken out of the original contract and the contractor has offered unit pricing from the original contract to extend this section.

Motion by Councilman Shell, seconded by Councilman Koritko to approve the contract change order as presented.

**MOTION CARRIED. (7-0)**

**OVERVIEW OF PROPOSED WHOLESALE CHANGES TO CURRENT CITY OF NEWNAN TREE PRESERVATION AND LANDSCAPE ORDINANCE**

Mike Furbush, Landscape Architect began with an overview of the current tree preservation and landscape ordinance that was adopted in 1998 and then overhauled in 2000. An updated and improved Tree Conservation and Landscape Ordinance is proposed.

Over the past 20 years there has been feedback from the design, development and construction communities. There have been reoccurring plan review comments, discussions and construction issues evaluated. This led to looking at other similar ordinances and consulting with state and regional conservation officials to make the proposed revisions.

Some of the proposed changes to the ordinance include streamlining the permit process, establishing an alternative compliance plan, establishing tree commission as an appeals and review board and reducing the number of trees required.

Councilman Koritko asked if this will affect the Tree City USA designation and Mr. Furbush stated no. Councilman Guillaume asked about certain types of trees used in some of the subdivisions that cannibalize the roads. Mr. Furbush explained that a lot of times those are chosen by the builders and while this will not prohibit specific types of trees it will limit the number of trees planted.

Mayor Brady stated that this will come back to Council in February for approval. No action on this item at this time.

**UPDATE ON NEW TREASURY GUIDANCE FOR OBLIGATIONS AND EXPENDITURES UNDER THE AMERICAN RESCUE PLAN ACT (ARPA)**

Andrew Moody, ARPA Special Projects Manager, explained that the Treasury released the Final Rule for ARPA funds on January 6, 2022. There were 3 primary changes that will affect our implementation of funds.

First there is an expanded definition of impacted groups. There are now 2 classes of those "impacted" or "disproportionately impacted" and there is a set of income standards. Second there is a written justification of capital projects. This ensures spending is proportional and is specific to the Public Health and Negative Economic Impact categories.

Third there is a change to the Revenue Replacement category. This is the greatest change and specifically impacts cities like Newnan. This gives two options to chose from, either a standard allowance of up to \$10 million or continue to calculate revenue loss every year. The full \$10 million does not have to be spent, this alleviates the recalculation every year.

The City has received 20 internal applications, 19 of which fall into the revenue replacement category totaling \$3,062,444.21. The City has also received 3 external applications and 1 internal with external funding totaling \$2,297.583.47.

Assistant City Manager explained that there is a time decision to make for the standard allowance option before April 2022. An amendment to the original resolution adopted will need to be prepared either way. He further explained that we have received the first \$7.5 million and another \$7.5 million will be coming. A total of up to \$10 million of the \$15 million total can be used for revenue replacement instead of following the standard formula. You can use up to 10 but do not have to use all 10.

Councilman Koritko stated this gives the City more flexibility with external and internal projects and Assistant City Manager stated that is correct. There have only been 2 external applications at this time.

Mayor Brady stated he would like to see staff bring the amendment to Council so they can see it and decide. City Manager clarified that once Council decides there is no reversing it.

Motion by Councilman Alexander, seconded by Councilman Shell to instruct staff to put an amendment together and bring back to Council.

**MOTION CARRIED. (7-0)**

**PRESENTATION OF AN EXTERNAL REQUEST FOR FUNDS UNDER THE AMERICAN RESCUE PLAN ACT (ARPA)**

Andrew Moody presented the request from the Coweta Community Foundation. They are a 501c3 non-profit and are eligible to receive funds under the ARPA final rule. Mr. Moody stated that the request is for \$167,756 to be delivered in the form of a grant. The application satisfied all requirements set by the Treasury, exhibiting revenue loss as a result of the pandemic. The request is to use the funds to recover lost revenues in order to provide a non-profit summit in February, as well as provide 4 grant cycles not related to the tornado and an additional 10% to cover administrative costs.

Mr. Moody explained that Council could decide to approve the application, amend the amount or deny the application. Councilman Koritko asked specifically how the funding will be used for city of Newnan residents as opposed to County residents?

Ms. Cynthia Bennett, Chair of the Coweta Community Foundation addressed Councilman Koritko's question and explained that all organizations listed in the request can look at where their clients live and can report back the number of Newnan residents that are served by the grant funds.

Councilman Koritko then asked Mr. Moody about projects that Newnan would be doing but are being done by the Community Foundation instead? Are the funds being used appropriately? Mr. Moody stated the ARPA final rule provides a definition of beneficiary

and sub-recipient and he sees the Community Foundation as a beneficiary which allows them to use the funds for services they provide.

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to approve the request to the Coweta Community Foundation for \$167,756.

**MOTION CARRIED. (7-0)**

**CONTINUATION OF PUBLIC HEARING- ANNEXATION REQUEST FOR ANNEX2021-01 BY POPLAR 20-20, LLC; 42.20 ACRES ON POPLAR RD, REQUESTED REZONING OF MXD; CONSIDERATION OF ORDINANCES**

Tracy Dunnavant, Planning Director, explained that this item is continued from the December meeting to allow the applicant to address concerns raised by Council and the public. Major changes made include 3 changes previously discussed to eliminate right in right out on Poplar Rd., addition of exiting lane on Poplar Rd. and townhouses fee simple and not rental. Additional changes made include moving the hotel to the east side of the town center to go over retail which replaces proposed office space there, building heights reduced to maximum of 5 stories and eliminated one office building. Initial office building will have surface parking then parking deck built when additional office buildings go in. They are also proposing a 1500-seat amphitheater.

Mayor Brady stated that each side would get 15 minutes.

Melissa Griffis stated who was in attendance on the project to answer questions. She explained that the DRI review was successful along with Three Rivers Commission report. This included an outside firm that conducted a traffic study.

John Schupp with Avis & Young highlighted the changes to the master plan. Phase 1 would be one office building and surface parking; parking deck will come later with other office buildings. The parking deck will accommodate all 3 office buildings and amphitheater. Heights have been lowered, retail is single level and hotel will be 4 stories. Active adult will be 4 stories and townhomes will be 3 stories, some 4 stories with rooftop deck. Connection to the LINC is important and pocket parks will be throughout.

Mr. Schupp stated that Hal Berry knows office spaces and therefore realized he had to bring in developers for the multi-family, active adult over 55 and townhomes. Mr. Schupp introduced John Wieland next who would be developing the townhomes.

Mr. Wieland stated he previously built in Shenandoah. He showed examples of townhomes that his company has built recently. He said townhomes are very livable when designed right and provide a great alternative to a single-family home. Mayor Brady asked what the range of retail price would be? Mr. Wieland said recently they had homes go for \$399,000 up to \$1.3 million.

Mr. Schupp introduced the Mayfair team who would handle the hotel development. An example was shown in downtown Alpharetta. Room rates go for \$250/night and up, rooms are larger and have an outdoor patio.

Mr. Schupp introduced the Gray Star team who would develop the multi-family. They are the largest developer of multi-family in the country. They build their own, hold their own and manage their own. Examples were shown of some of their previous projects including pools and luxurious entryways. Mayor Brady asked about the price range and Mr. Schupp stated minimum would be \$2.50/sq ft and minimum square footage will be 800.

Mr. Norman Lundin spoke in favor of the project. He has lived in Newnan since 1980 and has a background in architecture. He stated that the Barry Company has addressed all concerns that were raised. He believes this is the right project, the right location and the right time.

In Opposition:

Scott Barronton of 20 Wesley St. asked Council to consider not approving the project. He stated that this is not in Newnan and the apartments look pretty but we don't need more apartments. It doesn't add to property values.

Jennifer Petrino of 26 Piedmont Drive stated that she appreciates that changes that have been made to the project but it's not enough for her to support it. She expressed concern regarding the 30-year tax abatement. The City, County and school system will only receive about 47.2% of what should be paid in taxes for the next 30 years. No other project has been granted a 30-year tax abatement. She referenced the City of Newnan's Comprehensive Plan which mentions historic character and small-town southern charm and this project does not fit into that description.

Kim Hinely of 27 Alpine Drive discussed a business in Newnan that increased its warehouse space and taxes were doubled. This business was encroached by apartments and shortly after there was a violent murder. She stated we need to invest in keeping citizens safe and keeping the existing infrastructure in good shape. The business referenced has paid taxes in the City for 20 years and employs people who reflect the demographics of the area. They also utilize other local businesses for some supply chain needs but it does not have decent roads leading to and from the business. Why not invest in what is already here?

Ron Warner of 14 Ashville Place discussed his 2 major concerns. First the 30-year tax abatement, a financial injustice to taxpayers. The cost projections from the developer do not consider fluctuating interest rates, inflation, unemployment and possible recession. They cannot know the impact of foregoing 30 years of tax revenue. Mr. Warner stated his other major concern is the traffic. The City and County do not have funds to address widening Poplar Rd. and a project of this magnitude should not be approved without that.



Anne Sherhardt asked Council to vote no on this proposal. She referenced the vision statement approved in 2021 and asked how Poplar Place fulfills this? She stated it fails to blend historic character and small-town feel and brings an imbalance of economic development. She expressed that this seems like a bad deal for tax payers and for infrastructure.

Tim Ross asked if the final vote on this project is tonight? It has been stated in the past that the City, County and school board have to approve, could one of them override the vote? Mayor Brady clarified that for the tax abatement it is just the City and County, the school board does not have a say. If it is not annexed the City does not get any tax revenue regardless of what is built there.

Kim Hinely asked if a better project comes along with no tax abatement would the City approve that and then receive tax revenue? Mayor Brady stated that he met with two of the property owners and there is no plan B, no guarantee that the next person to come along will want annexation.

Kerrie Palmer of 26 Ashville Place expressed concern as to how the schools will be affected by this development. Schools are already overcrowded.

Questions from Council:

Mayor Brady asked for someone to clarify the tax abatement since there had been so many concerns about it. Mr. Schupp explained that based on the current model, the total yearly revenue received by the City and County would be \$2.6 million for the 30 years and after 30 years it goes to \$10.3 million. He stated they were conservative with their numbers, keeping the mileage rate flat for the 30 years.

Councilman Alexander asked if the tax abatement was not given what would the numbers look like? Mr. Schupp stated they would probably double. Mayor Brady asked about liability on the tax bonds and Mr. Schupp stated that falls on the developer. City, County and School Board have no liability.

Councilman Guillaume asked for clarity on the process, going from annexation to SSD bonds to the abatement and is this typically what they have asked for in a project? Mr. Schupp stated that this is the lowest tax abatement he has asked for on a project.

Councilwoman Jenkins asked what happens if they don't receive the tax abatement after the project has been approved? Mr. Schupp stated they would need to analyze it and see what financial returns are. It is a dense project with high costs on the parking deck, utilities and amphitheater. Councilwoman Jenkins also asked about the average time Gray Star holds their properties and expressed concerns about noise from the amphitheater being an issue. Mr. Schupp stated that Gray Star usually holds properties for 10 years then sells and there have been conversations about 10pm being the cut off time for the amphitheater.

Other questions regarding the amphitheater included mitigating sound from I85 and who will maintain the theater? Mr. Schupp stated that they know the sound needs to be addressed and they have not done that yet. Ownership structure of the amphitheater hasn't been discussed yet either.

Councilman Guillaume asked about the turn around time on Phase 1 to then have occupancy to complete Phase 2. Mr. Schupp stated 1 year for site work and 2 years to build for 3 years total. The intention is for all residential components to start at the same time.

Councilman Koritko asked about the LINC connection and traffic on Poplar, as well as the capacity of the parking deck. Mr. Schupp explained that the LINC and traffic has to be addressed and will be addressed with the hospital as well. There are 600 parking spaces in the multi-family deck and 1,800 in the deck for the office buildings so 2,400 spaces and over 3,000 surface parking spaces.

Councilman Koritko asked if they would proffer that no more than 10% of the townhomes be rental and they agreed. He then asked about the tax abatement and the reference to an "unproven market". Mr. Schupp explained that the unproven market references the parking decks as there are none in the area. He clarified that 54.7% is a reduction in the taxes so there is still money and revenue coming in. Hal Barry further stated that if no tax abatement is granted then things will depend on the other partners and financing markets. They are looking at different options, maybe dropping the bonds to 25 years.

Mr. Barry stated if this is approved they could be ready to come back to Council with the bonds next week and typically it takes 4-6 months in total. He has spent time with the bond underwriters and they are ready to move forward.

Councilwoman Jenkins asked if there is a development agreement and would there be contingencies in that to address some of the concerns? Mayor Brady said it has been discussed and would need to be presented to Council. Ms. Griffis stated that this had not been completely put together yet on the chance that this was not approved but if it is then she would work with the City Attorney to get it together for the next meeting.

Councilman Koritko asked about quality of life as far as the effect on downtown Newnan. Mr. Schupp stated that this development gives more options and it's not meant to detract from downtown. It is meant to add to the quality of life. Councilwoman Jenkins asked if they will partner with citizens and the City so that this becomes part of the infrastructure of Newnan and Mr. Schupp said yes as that was their goal to begin with, to connect to community.

In addition to the specific questions detailed herein, Councilman Koritko asked questions related to the screening of the parking deck, traffic along Poplar Road specifically related to the Central Educational Center, payment structure of the proposed amphitheater and phasing of the use of bond proceeds.

Brian West with Kimley, Horn & Associates who prepared the traffic study addressed traffic concerns. The remediation will improve traffic flow. No remediation there will still be on going traffic backups. There are also impact fees that are paid to help offset costs. Estimated impact fees are \$3.9 million.

Mayor Brady closed the public hearing.

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

**MOTION CARRIED. (7-0)**

Councilman Guillaume stated that he has tried to visualize this project and is concerned because of all the other property around there to be developed. He also is concerned for the impact on police and fire resources.

Councilman Alexander stated that his concern is the 30-year tax abatement and the money the City will lose as well as setting a precedent. The City also does not need all of those apartments. There are no guarantees on Phase 2 and there are so many people working from home these days.

City Attorney asked for clarification on the proffer that Councilman Koritko asked for on 10% rental and the discussion of the development agreement. Are these both to be added?

Motion by Councilman Shell, seconded by Mayor Pro Tem DuBose to approve the annexation request with proposed amendments. Opposed: Alexander, Guillaume, Koritko. 2<sup>nd</sup> and Final Reading.

**MOTION CARRIED. (4-3)**

Motion by Councilman Shell, seconded by Mayor Pro Tem DuBose to adopt the ordinance with proposed amendments. Opposed: Alexander, Guillaume, Koritko. 2<sup>nd</sup> and Final Reading.

**MOTION CARRIED. (4-3)**

**PUBLIC HEARING- 202 GREENVILLE ST. – RESOLUTION TO REPAIR OR DEMOLISH**

Mayor Brady opened a public hearing.

Matt Murray, Code Enforcement stated that the property is a commercial property. There are two separate buildings, one is a warehouse and one is a service garage and the garage is the structure being addressed. It has a collapsed roof and the building department is asking for a resolution to repair or demolish. The assessed value is \$2,773 and the cost to repair would be significantly more. The new owner was in attendance.

Bujar Emini, stated he bought the property about 6 months ago. He has been trying to get permission to remove the structure to make more parking and remodel the other building and have a driveway to the back of the building. The building was built in 1965 so it is over 50 years old.

Mayor Brady closed the public hearing.

Motion by Councilman Shell, seconded by Councilman Guillaume to adopt the resolution to allow the demolition within 45 days.

**MOTION CARRIED. (7-0)**

**2<sup>ND</sup> AND FINAL READING- ORDINANCE TO AMEND CHAPTER 3, ALCOHOLIC BEVERAGES, OF THE CODE OF ORDINANCES, TO AMEND RESIDENCY REQUIREMENT FOR LICENSEE**

Councilman Koritko stated the accountability is being removed. Assistant City Manager stated that there is still a licensee who is accountable, a point of contact.

Motion by Councilman Shell, seconded by Mayor Pro Tem DuBose to adopt the amendment as presented. Opposed: Alexander, Jenkins, Koritko.

**MOTION CARRIED. (4-3)**

**VISITOR**

Frankie Littleharden of 21 Pine Lake Drive spoke regarding the City and County relationship. She expressed the need for the City and County to talk to each other in order to keep the quality of life.

**ADJOURNMENT**

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

**MOTION CARRIED. (7-0)**

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Megan Shea, City Clerk

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Keith Brady, Mayor