

**CITY OF NEWNAN, GEORGIA**  
**REGULAR COUNCIL MEETING**

**MAY 28, 2019**

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, May 28, 2019 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, Rhodes Shell; Cynthia E. Jenkins; Paul Guillaume and George Alexander. Council member absent: Dustin Koritko. Also present: City Manager, Cleatus Phillips; City Clerk, Della Hill; Planning Director, Tracy Dunnavant; Public Works Director, Michael Klahr; Assistant City Manager, Hasco Craver; City Attorney, Brad Sears and Deputy Chief of Police Mark Cooper.

**MINUTES – REGULAR COUNCIL MEETING – MAY 7, 2019**

Motion by Councilman DuBose, seconded by Councilman Alexander to dispense with the reading of the minutes of the Regular Council meeting for May 7, 2019 and adopt them as presented.

**MOTION CARRIED. (6 – 0)**

**APPOINTMENT – NEWNAN YOUTH ACTIVITIES COMMISSION**

Mayor Brady asked the City Manager to place Mayor Pro Tem Jenkins’s appointment to the Newnan Youth Activities Commission on the agenda for the next meeting.

**APPOINTMENT – URBAN REDEVELOPMENT AGENCY**

Mayor Brady asked the City Manager to place Mayor Pro Tem Jenkins’s appointment to the Urban Redevelopment Agency on the agenda for the next meeting.

**NEWNAN YOUTH COUNCIL**

Annie Johnston	Eleventh	Newnan
Anna Scoggins	Eleventh	Heritage

**LIBRARY DIRECTOR**

The City Manager introduced Susan Crutchfield, Library Director who will be replacing Amy Mapel. He indicated she will have big shoes to fill. He expressed his gratitude to Ms. Maple for her 10 years of dedicated service.

**APPOINTMENT – REVIEW COMMITTEE FOR COMMUNITY DEVELOPMENT BLOCK GRANT**

Mayor Brady appointed Councilman DuBose, Councilman Guillaume and Mayor Pro Tem Jenkins to serve on the Review Committee for the Community Development Block Grant.

**ELECTION – GMA’S DISTRICT 4 OFFICERS -2019-2020**

Motion by Councilman Alexander, seconded by Councilman Guillaume to adopt the city officials that have been nominated as GMA’s District 4 Officers for 2019 – 2020.

**MOTION CARRIED. (6 – 0)**

**2019 MEAG POWER ANNUAL ELECTION JULY 9<sup>TH</sup>- VOTING DELEGATE AND ALTERNATE**

Motion by Councilman DuBose, seconded by Mayor Pro Tem Jenkins to appoint Councilman Alexander as voting delegate and Councilman Shell as voting alternate for the 2019 MEGA Power Annual Election July 9<sup>th</sup>.

**MOTION CARRIED. (6 – 0)**

**NEWNAN TROLLEY – RENTAL POLICY AND FEE**

Motion by Councilman Alexander, seconded by Mayor Pro Tem Jenkins to approve the rental policy and fee schedule for the City of Newnan Trolley.

**MOTION CARRIED. (6 – 0)**

Mayor Pro Tem Jenkins asked if the Trolley would be available for City events. The Youth Council has an event coming up and would like to use the Trolley.

The City Manager informed Council due to the schedule of the Trolley it could be a conflict. Since the schedule has been established we need to keep it.

The Assistant City Manager stated Staff is working on a policy for use of City events for the Trolley.

**RESOLUTION – REQUESTING SALES TAX INFORMATION FROM GEORGIA DOR AND NAMING A DESIGNATED OFFICER**

Motion by Councilman Alexander, seconded by Councilman DuBose to adopt a Resolution requesting sales tax information from Georgia DOR and naming a designated officer for all related purposes.

**MOTION CARRIED. (6 – 0)**

**ORDINANCE – SUNDAY BRUNCH - SPECIAL ELECTION REFERENDUM – FIRST READING**

Upon adoption of the Sunday Brunch Ordinance a resolution to call for the Special Election Referendum will be placed on the agenda for a later meeting.

Motion by Councilman Guillaume, seconded by Councilman Alexander to adopt an Ordinance for Sunday Brunch extending Sunday time to sell alcoholic beverages by the drink to 11:00 am to 12:30 pm on first reading.

**MOTION CARRIED. (6 – 0)**

**NEWNAN UTILITIES – GREASE ORDINANCE AMENDMENT – REFLECT CURRENT PRACTICES – FIRST READING**

Motion by Councilman Alexander, seconded by Councilman DuBose to adopt the amendment to the Grease Ordinance to reflect the current practices of today on first reading.

**MOTION CARRIED. (6 – 0)**

**CONTRACT – SPRAYBERRY PARK LANDSCAPE INSTALLATION SERVICES**

Motion by Councilman Guillaume, seconded by Councilman Shell to accept Staff's recommendation and award the Landscape (Sod) Installation Services to the low bidder, Abby Group, Inc. for \$68,000.

**MOTION CARRIED. (6 – 0)**

**PUBLIC HEARING – ORDINANCE- REYNOLDS PARC, LLC – CHANGE ZONING ON 17.97± ACRES – 29 NORTH AND OLD ATLANTA HIGHWAY FROM RU-7 (URBAN RESIDENTIAL SINGLE-FAMILY DWELLING DISTRICT-HIGH DENSITY) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL)**

Mayor Brady turned the meeting over to Mayor Pro Tem Jenkins indicating he has a business relationship with the property owner.

Mayor Pro Tem Jenkins opened a public hearing for request by Reynolds Parc, LLC to change zoning on 17.97± acres located at 29 North and Old Newnan Highway from RU-7 (Urban Residential Single-Family Dwelling District-High Density) to PDR (Planned Development Residential)

The Planning Director informed Council the applicant is seeking to change the zoning on 17.97 ± acre tract located at 29 North and Old Atlanta Highway. Since 2006 the property has remained undeveloped. Mr. Reynolds has now elected to sell the site, but the buyer would like greater flexibility in both the design and concept plan. The PDR zoning would

be compatible with the majority of surrounding land uses in that it would allow single-family homes at a density equivalent to that of Avery Park, but greater than the County zoning which allows one unit per 1.6 acres. The subdivision would serve as a buffer between the commercial gas company and the lower density residential development to the north. The property is currently zoned for a 44 unit residential subdivision. It could be used as currently zoned; however the developer would be restricted to the design and concept plan specified in the architectural pattern book. The Newnan Fire and Police Departments would be able to service this development without great impact. The water and sewer will be able to provide water and sewer; however the developer will be responsible for all upgrade costs to serve the development. The City Engineer sited several issues that would need to be addressed during the development phase. The layout as proposed will offer more protection to the streams and wetlands than the previous development as the road is crossing the stream rather a pedestrian bridge which allows them to preserve more sensitive natural area in open space. The anticipated traffic generated from this zoning change is an increase of 18 to 24 more vehicles per hour during the peak AM and PM hours. The adjacent roads can easily handle this so long as appropriate driveways are added to include left and right turn lanes on major Hwy 29 which is under permit and review of the GADOT. The Director of Facilities for School System indicated that the application may present challenges when planning for school enrollment and meeting student needs. A residential subdivision would be consistent with the comprehensive plan. The proposed use would be consistent with the purpose and intent of the proposed zoning as a single-family residential subdivision. As specified the Future Land Use shows this property as being low density residential which would not impact the Comprehensive Plan. This rezoning will increase the amount of traffic in the area as well as public safety response time. The Engineering Department indicated the layout as proposed will offer more protection to the streams and wetlands than the previous development as the road is no longer crossing the stream and has been replaced by a pedestrian bridge.

The Planning Commission held a public hearing regarding the proposed development and recommended in a 6-1 vote, to deny the rezoning request. However, should Council decide that the rezoning is in the best interest of the City, Staff would recommend the following conditions:

- 1.The development will utilize architectural guidelines and covenants to ensure a quality product.
- 2.All homes will be individually owned.
- 3.The development shall be limited to a maximum of 68 lots.
- 4.Homes will be constructed using a combination of brick, stone, shiplap and other mixed elements that reflect a premium standard of quality.
- 5.Amenities shall include the parks and open space features depicted in the project data.
- 6.The development will provide fire emergency access on Highway 29 to be approved by the Georgia Department of Transportation.

7. The rezoning will be subject to a developer's agreement being executed by the applicant to ensure consistency with the concept plan, density, project data and architectural details provided as part of the application.

Motion by Councilman Shell, seconded by Councilman Guillaume to accept the report from the Planning Commission as presented. Recuse: Brady.

**MOTION CARRIED. (5 – 0 -1)**

Applicant

Mr. Bob Farrow presented their vision for an extraordinary community located within the city limits of historic Newnan. The Community plan provides for a variety of housing options ranging from cottages on 40 ft wide lots, with rear alley garages, to larger homes on 60 ft wide estate lots. There will be open spaces for community life, recreation and fitness. The PDR zoning allows us to be more creative. The multi acreage linear natural park will offer paths for walking and nature trails along the stream, with beautifully landscaped areas including an overlook pedestrian bridge. There will be entrances off Highway 29 North and Old Atlanta Highway. The deceleration/turn lanes and entrances locations meet DOT requirements. There will be 5.67 acres of natural parks and buffer zones.

Mr. Lew Oliver, planner/designer, informed Council the home designs will be designed for today's living in mind. Architecturally the homes will be uniquely designed to reflect the local context of Newnan. Materials will be enduring with the use of brick, stone and wood siding. They will be energy efficient, offering the incorporation of geothermal systems which will minimize noise.

Favor of Rezoning

Ms. Deb Jeffers, 22 Woodland Place, stated when they decided to down size it was very difficult to find a 55+ community in Newnan. However we did find the perfect place with the life style community similar to what the applicant is proposing to build on Highway 29 and Old Atlanta Highway. Traffic was a concern to us. During peak time most of there are only two cars in line to get onto Jackson Street. The proposal presented was very appealing.

Opposition

John Wells, president of Lake Ridge Home Owners Association, stated the planning commission voted 6 -1 not to approve the rezoning. His concern is Council is not getting the full story. Traffic is a major problem and there are no plans to fix the problem on Highway 29. With the development building right on the right of ways there will be no room for improvement. He is asking to accept the recommendation of Planning Commission.

Mac Tracy, resident Newnan Pines, indicated his concerns are with the affect the development will have on traffic on Highway 29. The bridge over the waterfall presented by applicant to the Planning Commission does not exist. He is asking Council to deny the request for the rezoning.

Rebuttal

Mr. Farrow informed Council there is a 20 foot buffer adjacent to the right of way on Highway 29. They are only developing half of the property. The floor plans are for two story homes with three bedrooms on lower level.

Mayor Pro Tem Jenkins closed the public hearing.

**ORDINANCE – AMEND ZONING MAP PROPERTY OFF HIGHWAY 29 NORTH AND OLD ATLANTA ROAD 17.97± ACRES**

Motion by Councilman Shell, seconded by Councilman Guillaume to adopt an Ordinance on first reading to amend Zoning Map for Property off Highway 29 North and Old Atlanta Road for 17.97± acres to the City of Newnan Zoning Classification PDR (Planned Development Residential) with preferred conditions listed above. Recuse: Brady.

**MOTION CARRIED. (5 – 0 -1)**

**ARTS AND ENTERTAINMENT DISTRICT COMMITTEE RECOMMENDATION**

The Committee presented the following recommendations and potential policy, procedure and code changes.

- The geographic boundaries of the district shall be the Central Business District, with the addition of Greenville Street and First Avenue Parks
- City Council may modify existing noise ordinance sections to address the following:
  - Extend permitted hours of noise in the A & E District until 11:00 pm on Fridays and Saturdays
  - Repeal current noise ordinance and replace with a decibel level centered noise ordinance
  - Develop procedure for allowing certain A & E District locations to apply for special event noise permit, which may allow for atypical noise (i.e. extended hours on certain days, etc.)
- City Staff shall be delegated the responsibility of managing the use of all public parks and public facilities
- City Staff shall be delegated the responsibility of developing and managing a list of pre-approved race routes through the A & E District.
- City Staff shall be delegated the responsibility of managing the use of public parking spaces
- City Staff shall not be delegated the responsibility of closing roadway and closing sidewalks (notwithstanding recently adopted policy for managing filming projects)

- Adopting policy in concert with recently adopted filming review policy
- City Staff may seek City Council approval for “large scale events” and
- City Staff will develop a mechanism for an appeal to be made to City Council for any of the aforementioned uses not approved by Staff.

Councilman Alexander expressed his concerns including Greenville Street and First Avenue Parks in the Arts and Entertainment District. Some homes back up to First Avenue Park and some homes are also near the Greenville Street Park. People bought those homes when the park was a kudzu patch. He feels his constituents do not want this in their backyards. Staff would like to discuss making changes to the general nuisance section of the noise ordinance.

Staff supports other changes to include allowing outside organization to apply to hold events that can benefit from the city’s open container district.

Mr. Mike Rayburn, resident, expressed his concern with the noise ordinances.

Motion by Councilman DuBose, seconded by Councilman Guillaume to support the recommendations above and instruct staff to draft an ordinance with highlighted items listed in packet and present back to Council for review.

**MOTION CARRIED. (6 – 0)**

**REQUEST – CORNER ARTS GALLERY - HOLD ANNUAL LABOR DAY ARTS FESTIVAL AROUND THE COURT SQUARE –INCLUDE FOOD TRUCKS, MUSIC AND ENTERTAINMENT**

Motion by Councilman Alexander, seconded by Mayor Pro Tem Jenkins to approve the request by Corner Arts Gallery to hold their 4<sup>th</sup> Annual Labor Day Arts Festival around the Court Square to include Food Trucks, Music and Entertainment.

**MOTION CARRIED. (6 – 0)**

**REQUEST – USE OF PUBLIC RIGHT OF WAYS FOR “RANDOM PRODUCTIONS” - HBO FILM PROJECT**

Ms. Marie Bierniak, supervisor manager, requested street closures for 1950 Series Production to close Greenville Street between Spring and Broad Street June 10<sup>th</sup> and 11<sup>th</sup>. Close Greenville Street between Spence and Nimmons Street June 11<sup>th</sup> and 18<sup>th</sup> – 21<sup>st</sup> to film at private resident 155 Greenville Street.

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Guillaume to approve the request for the use of public rights of way for Random Productions filming project for June 18<sup>th</sup> – 21<sup>st</sup>, 2019 and closures on June 10<sup>th</sup> on Greenville Street between Spring and Broad Streets and Greenville Street between Spence and Nimmons June 11<sup>th</sup> and June 18<sup>th</sup> – 21<sup>s</sup> . Recuse: Alexander (relationship with Random Productions)

**MOTION CARRIED. (5- 0 -1)**

**REQUEST – FOUNDATION CHRISTIAN CHURCH - 2 PARKING SPOTS AT GREENVILLE STREET PARK FOR ICE CREAM TRUCK**

Motion by Councilman Alexander, seconded by Mayor Pro Tem Jenkins to approve the request by Foundation Christian Church to use 2 parking spots at Greenville Street Park for Ice Cream Truck on June 2<sup>nd</sup>, 9<sup>th</sup>, 16<sup>th</sup> and 23<sup>rd</sup> for approved events at park on these dates.

**MOTION CARRIED. (6 – 0)**

**REQUEST – RICK MELVILLE – ANNUAL FIELD DAY “HAM RADIO” EVENT – FIRST AVENUE PARK – OPERATE A FULL 24 HOURS**

Motion by Councilman Alexander, seconded by Councilman Shell to approve the request by Rick Meville to hold an Annual Field Day “Ham Radio” event in the First Avenue Park and to operate a full 24 hours from 2 pm on Saturday June 22<sup>nd</sup> through 2 pm Sunday June 23<sup>rd</sup>.

**MOTION CARRIED. (6 - 0)**

**EXECUTIVE SESSION**

**MOTION EXECUTIVE SESSION**

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Alexander that we now enter into closed session as allowed by O. C. G. A. §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. §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 7:49 pm.

**MOTION CARRIED. (6 – 0)**

**RESOLUTION/MAYOR’S AFFIDAVIT FOR EXECUTIVE SESSION**

Motion by Mayor Pro Tem Jenkins, seconded by Councilman DuBose 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. §50-14-4(b).

**MOTION CARRIED. (6 – 0)**

**CLAIM – JACKSON**

Motion by Councilman Alexander, seconded by Councilman DuBose to deny the Jackson Claim as presented.

**MOTION CARRIED. (6 – 0)**

**CLAIM – ALLEN**

Motion by Councilman Alexander, seconded by Councilman DuBose to deny the Allen Claim as presented.

**MOTION CARRIED. (6 - 0)**

**ADJOURNMENT**

Motion by Councilman Alexander, seconded by Councilman DuBose to adjourn the Council meeting at 7:53 pm.

**MOTION CARRIED. (6 – 0)**

\_\_\_\_\_  
Della Hill, City Clerk

\_\_\_\_\_  
Keith Brady, Mayor