



## Newnan City Council Meeting

OCTOBER 12, 2021

Newnan City Hall  
Richard A. Bolin Council Chambers  
25 LaGrange Street  
2:30 PM

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### CALL TO ORDER

### INVOCATION

### READING OF MINUTES

- A. Minutes from Regular Meeting on September 28, 2021

### REPORTS OF BOARDS AND COMMISSIONS

- B. 2 Appointments- Development Authority, 4 year term
- C. Annual Report- Tree Commission
- D. Annual Report- Parks Commission
- E. Request from Downtown Development Authority Regarding Maintenance of Public Alleyways

### REPORTS ON OPERATIONS BY CITY MANAGER

### REPORTS AND COMMUNICATIONS FROM MAYOR

### NEW BUSINESS

- F. Public Hearing- Application for Alcohol Beverage License - Target Store T-1223 - Retail on Premise (Package) Sales of Malt Beverages and Wine - 500 Bullsboro Dr. - Reason: Transfer Licensee
- G. Public Hearing- Application for Alcohol Beverage License - Laha Sports Grill LLC - Retail on Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine - 941 Bullsboro Dr. Ste B - Reason: New Business
- H. Hearing Regarding City of Newnan Code of Ordinances, Article V, Section 3-110, Alcoholic Beverages, action for suspension or revocation of beverage license #B-7152 Dunc's Bar B Que Kitchen; Steven Duncan, Owner, Licensee, License Representative
- I. Consideration to Donate a 1996 Pierce Saber Fire Engine to the Georgia State Fire Academy
- J. Consideration of an Indication of Roundabout Support with Georgia Department of Transportation (GDOT)- Lower Fayetteville Road Improvement Project
- K. Presentation by MSI Benefits Regarding the City of Newnan Employees Insurance Program
- L. Consideration of 2 MEAG Contracts for Purchase of Reserve & Supplemental Capacity from the City of LaGrange

### UNFINISHED BUSINESS

- M. Consideration of an Ordinance to Amend, Chapter 4, Animals, of the Code of Ordinances by Deleting Article VII, Dangerous Dog Control and Adopting a New Article VII
- N. Ratification of the Purchase of 50, 53, 54, 62 and 65 Murray Street

### VISITORS, PETITIONS, COMMUNICATIONS & COMPLAINTS

- O. Request from White Oak Golden K- Kiwanis Club to set up a kiosk on Court Square for their annual pecan sale, weekends November 5-21

- P. College Temple neighborhood request to close streets for annual Halloween event
- Q. Request from Highland Apartments for Street Closures October 22nd from 11am-12pm for Breast Cancer Awareness Walk
- R. Request from Foundation Church for Parking Spaces on W. Washington St. for Ice Cream Truck during Annual Munchkin Masquerade

**MOTION TO ENTER INTO EXECUTIVE SESSION**

- S. Motion to Enter into Executive Session

**ADJOURNMENT**

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday September 28, 2021 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 – SEPTEMBER 14, 2021**

Motion by Councilman Alexander, seconded by Councilman Koritko to dispense with the reading of the minutes of the Regular Council meeting on September 14, 2021 and adopt them as presented.

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

**SWEARING IN OF NEWNAN YOUTH COUNCIL STUDENTS**

Councilwoman Jenkins called out the names of the new sophomore students joining the Newnan Youth Council and then they were sworn in by the City Attorney.

Stella Weaver (Newnan), Susan Grayton Pass (Heritage), Belinda Ramirez Ocampo (East Coweta), Keaton McNutt (East Coweta), Rico Lane (East Coweta), Sam Knight (Heritage), Macy Horne (Newnan), Sara Hays Grote (Newnan), Miles Fabre (Heritage), Sonny Durham (Heritage), Davis Chapman (Heritage), Madeline Butler (Newnan) and Adele Bulford (Newnan)

Councilwoman Jenkins then asked the Youth Council students who were attending the meeting, as they are required to attend one meeting per year, to introduce themselves. Mekayla Franklin (East Coweta Rep, East Coweta), Lacey Daniell (Historian, Newnan), Jaidyn Hammett (Northgate) and Jabrea Fowler (East Coweta).

**ANNUAL REPORT- KEEP NEWNAN BEAUTIFUL**

Shalonda Vassar-West presented the report. She stated that Keep Newnan Beautiful's mission is to educate, motivate and empower individuals in Newnan to take greater responsibility for improving our local community environment. Keep Newnan Beautiful is an affiliate of Keep American Beautiful and Keep Georgia Beautiful.

In 2021 Keep Newnan Beautiful focused on improving recycling, community greening and litter reduction. Their events helped recycle 53 tons of tires, 33,000lbs of paper, 43,966lbs of electronics and 2,503 gallons of paint. They helped assist with tornado relief and worked with Public Works to identify residents with Household Hazardous Waste and helped to ensure proper disposal of the waste.

Volunteers are the heart of the program. Many volunteers participate year-round and several companies and businesses provide volunteer support. The focus for 2021-2022 is to find ways to stay relevant. They are connecting with schools and community groups to provide education. They are using technology to create real world lessons and improving the website for signups for events.

### **APPOINTMENT- DEVELOPMENT AUTHORITY**

Motion by Councilman DuBose, seconded by Councilman Alexander to nominate Kirby Arnall Jr. to the Development Authority.

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

### **CITY MANAGER**

City Manager wanted to introduce the new Long-Term Recovery Director that was hired after the City signed an agreement with Coweta County and the Community Foundation. He explained there was a recruiting process and interview selection and that Mr. Rich DeWees was chosen for this large job. Mr. DeWees is very active in the community and has experience working in non-profit and leadership roles.

Rich DeWees said he knows he is stepping into a huge role but that it is so important. He sees that the County and the City have come together along with the residents to meet a challenge. He stated that ARPA funds being discussed tonight are also on their radar. He stated that renting and housing especially for the demographic most severely hit by the tornado is a real issue. We need to work together to fix problems that were here but were revealed by the tornado.

City Manager then wanted to recognize an employee for job performance. Cyndi Hoffman has been the Animal Control Officer for the City for over 14 years. Many of those years she's been the sole person in that role. She has received numerous letters of commendation, several awards from the Southeast Animal Control and was recently named the Georgia Animal Control Officer of the Year. She is very active in her profession, serving on the Georgia Animal Control Association board and loves her job.

**CONSIDERATION OF CHANGE ORDER TO LMIG 2021 MILLING & RESURFACING CONTRACT FOR ADDITIONAL WORK**

Assistant City Manager explained that this was brought to our attention while doing work on the LINC on Field St. The concrete section of Field St is in terrible disrepair and this would repair that section with asphalt.

Motion by Councilman Alexander, seconded by Mayor Pro Tem Shell to approve the change order as presented.

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

**CONSIDERATION OF ACCEPTANCE OF REAL PROPERTY DESCRIBED IN THE DEVELOPMENT AGREEMENT WITH PR BROWN RIDGE I, LLC**

Assistant City Manager explained that this is an agreement will allow the development to take place and allow the City to acquire permanent easement to construct trail facilities, allow temporary access easement and to allow portions of the property to be gifted to the City. He stated this has been done before as part of the LINC project. This property is adjacent to property the City already owns where one of the Fire Stations is located. On the other side is vacant open space.

Motion by Councilman Alexander, seconded by Mayor Pro Tem Shell to approve the agreement as presented.

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

**CONSIDERATION OF AN ORDINANCE TO AMEND, CHAPTER 4, ANIMALS OF THE CODE OF ORDINANCES BY DELETING ARTICLE VII, DANGEROUS DOG CONTROL AND ADOPTING A NEW ARTICLE VII**

Assistant City Manager stated that this is to change terms in the ordinance. The current ordinance uses the term “potentially dangerous” and now requesting to remove and use the term “vicious”. The County owns and maintains the animal shelter and they use certain terms, they do not use “potentially dangerous” so the treatment protocol is non-existent. This would allow the City’s Animal Control Officer to bring an animal there and have it treated appropriately.

Councilman Alexander pointed out that in the exceptions section, potentially dangerous is used twice, should also be changed? City Attorney agreed that needs to change. There were a couple other definitions that were not included pertaining to “serious” injury. There is a definition of that set by the State and that should be included in the ordinance.

There was a question regarding the Animal Control Board and the City Attorney verified that the State sets that board and it is a County board, the City uses the County Board. It was also pointed out that the end of the ordinance cut off and was missing a few words.

Mayor Brady proposed that the additional changes needed be made and that the ordinance amendment be brought back to Council.

**CONSIDERATION OF A RESOLUTION TO STATE THE PRIMARY INTENDED USES OF FIRST TRANCHE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS**

Assistant City Manager explained that after Congress passed the American Rescue Plan Act, the City of Newnan received \$7.7 million in funds. Surveys were sent out to Council to figure out how to allocate these funds. The resolution is for Council to accept the funds and to allocate under 5 funding categories. The 5 categories are Administrative/Indirect Costs, Revenue Replacement, Public Health, Negative Economic Impact and Infrastructure Improvement.

It was proposed that the first two categories be given 2% of the funds in the first load, \$155,000. Revenue replacement to put \$1 million for 2020 and potentially more for 2021. The remaining 3 categories divide evenly, 1/3 to each.

Council had no objections to the Admin/Indirect Costs or Revenue Replacement categories. Councilman Guillaume discussed his concerns around incentivizing the vaccine and concerns of his constituents. He acknowledged that this is a controversial topic.

City Manager clarified that no public incentive program has been initiated. There is a program but it is internal for City employees only. The resolution would potentially authorize a public program, if that option was wanted by council under Public Health but there are other options as well. Councilman Guillaume stated he is opposed to a public incentive program. Mayor Pro Tem Shell expressed that he thinks the incentive programs are a good option.

Mayor Brady asked for a motion to support the decision made by the City Manager to internally put a vaccine incentive program in place. Councilman Alexander asked why Council was not asked to vote on the incentive program sooner since it is Council that sets policy and oversees the budget.

Motion by Mayor Pro Tem Shell, seconded by Councilwoman Jenkins to support the internal vaccine incentive program for City employees. Opposed: Guillaume, Koritko, Alexander.

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

Councilwoman Jenkins expressed concern over the 1/3 approach for the last 3 categories given that some uses for the funds are more urgent than others. She recommended adding more money to the Negative Economic Impact category due to tornado issues that have escalating costs. She proposed moving \$1 million from Infrastructure Improvement

to the Negative Economic Impact category, specifically the non-profit portion. Then during the second tranche we can look to balance things out.

Mayor Pro Tem Shell asked if things can change as the process goes along and the answer was yes. He wondered if they should wait to move money around until they have a better idea of what things cost.

Councilman Koritko brought up the subject of the stormwater system and the repair that is needed on that. He also mentioned that there is a department of public health and so the City should let them do their job.

Councilman Alexander suggested a work session to discuss this topic further. Mayor Brady agreed and asked City Manager to find a date for this.

**REQUEST TO CLOSE MADISON ST BETWEEN JEFFERSON ST AND JACKSON ST  
FOR ART EVENT ON OCTOBER 24<sup>TH</sup>**

Motion by Councilman Alexander, seconded by Councilman Koritko to approve the request as presented.

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

**VISITORS**

Clarence Bohannon (aka C-Bo) expressed concern that the city gave the University of Georgia \$30,000. City Manager clarified that he was speaking about the project with the Fanning Institute for the Race, Equity and Inclusion committee. Mr. Bohannon is concerned about the voices of people in areas such as Rocky Hill, Chalk Level, East Newnan and Westgate. Mr. Bohannon said they asked him for recommendations of people to participate and he is upset that no one he suggested is on the committee. He wanted to request to be on the race, equity and inclusion committee or someone from those other areas. Councilwoman Jenkins said she attended the last meeting and there was a discussion that they are lacking some representation.

Mayor Brady asked City Manager to follow up on this and contact the group.

**VISITOR**

Spencer Lewis stated that he wanted to discuss civic engagement and disengagement. He commented on voter turnout in an election year and participation in the city council meetings. He stated that Newnan is the only municipality in Coweta County that holds meetings on Tuesdays. Sometimes the County Commissioners and School Board meet at the same time on Tuesdays. He asked that it be considered to move the meetings so they don't conflict with other county meetings.

**ADJOURNMENT**

Motion by Mayor Pro Tem Shell, seconded by Councilman Koritko to adjourn the Council meeting at 7:40pm.

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

\_\_\_\_\_  
Megan Shea, City Clerk

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

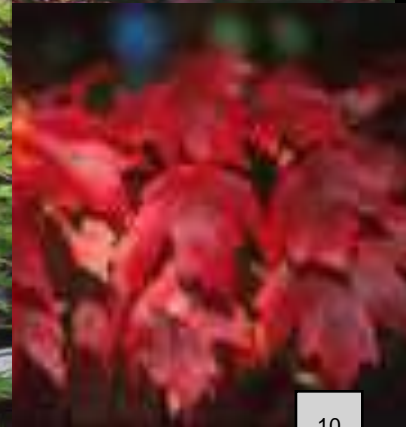




**CITY OF NEWNAN**

**TREE  
COMMISSION**

**2021 Annual Report**  
**October 12, 2021**



# 2021 Tree Commission Members...

- **Matt Bryan – Chair**
- **Casey Child - Vice Chair**
- **Laurie Pope**
- **Richard Prange**
- **J. R. Roberts - Secretary**
- **Brandon Schott**
- **Ellen Wood**



# 2021 Tree Commission Meeting Schedule...

- ✓ January 2021 – Monthly Tree Commission Meeting – CANCELLED (Covid19)
- ✓ February 2021 – Monthly Tree Commission Meeting – CANCELLED (Covid19)
- ✓ March 2021 - Kindergarten Tree Planting Program – CANCELLED (Covid19)
- ✓ April 2021 – Monthly Tree Commission Meeting – CANCELLED (Covid19)
- ✓ May 2021 – Landscape Excellence Award Selection – CANCELLED (Covid19)
- September 2021 – Monthly Tree Commission Meeting –
- October 2021 – Annual Tree Commission Report
- November 2021 – Tree City USA Submittal (32nd Consecutive Year)
- December 2021 – Holiday Social

# 2021 Tree Commission Goals, Objectives, & Accomplishments...

- ✓ Provide City Council with Annual Commission Report - DONE
- ✓ Secure Annual Tree City USA Award - IN PROGRESS
- ✓ Attend “Plant Newnan” Meetings - IN PROGRESS
- Continue Annual Kindergarten Tree Planting Program – Cancelled (Covid19)
- Revitalize Tree Donor Program - Cancelled (Covid19)
- Present Tree Preservation & Landscape Awards - Cancelled (Covid19)
- Implement City Heritage Tree Program - Cancelled (Covid19)
- Holiday Social for City Beautification Department – To Be Determined

# Tree Commission Looking Forward...

**Look to improve our level of program excellence...**

- ❖ Regularly Scheduled Monthly Meetings
- ❖ Annual Arbor Day Observances
- ❖ Annual Kindergarten Tree Planting Program
- ❖ Tree Donor Program
- ❖ Tree Preservation & Landscape Excellence Awards
- ❖ Heritage Tree Program
- ❖ Annual Tree Commission Report
- ❖ Annual Tree City USA Award
- ❖ Coordinate with “Plant Newnan” Organization
- ❖ Prepare & Train as Future Alternative Compliance Board



# **The City of Newnan PARKS COMMISSION**

**2021 Annual Report  
October 12, 2021**

# PARKS COMMISSION

## **2021 Parks Commission Members...**

- ❖ **Beth Barnett – Chair**
- ❖ **Kristy Franklin**
- ❖ **Martin Smith**
- ❖ **Carol Tamplin**
- ❖ **Jesse Tanner**
- ❖ **Andy Walden**
- ❖ **Anne Yancey – Vice Chair**



# PARKS COMMISSION

## **Objectives for This Year (2021)...**

- ✓ **Observe & Monitor Operation of Sprayberry Road Dog Park**
- ✓ **Observe & Monitor The LINC (Second & Third Phase)**
- ✓ **Observe & Monitor Temple Avenue Park Outdoor Venue**
- ✓ **Observe & Comment on C.J. Smith Park Construction**
- ✓ **Observe & Comment on Pickett Field Construction**
- ✓ **Observe & Comment on Pickleball Facility Construction**
- ✓ **Make Annual Evaluation of Individual City Parks**
- ✓ **Submit Annual Parks Commission Report To City Council**













# PARKS COMMISSION

## **Moving Forward (2022 & Beyond)...**

- ✓ **Comment on Overall Sprayberry Road Dog Park Management**
- ✓ **Observe & Comment on The LINC (Other Phases & Pocket Parks)**
- ✓ **Observe & Comment on C. J. Smith Park**
- ✓ **Observe & Comment on Pickett Field**
- ✓ **Observe & Comment on Pickleball Facility**
- ✓ **Continue to Coordinate & Communicate With Leisure Services**
- ✓ **Submit Annual Parks Commission Report to City Council**
- ✓ **Evaluate Future City of Newnan Recreational Needs**



***Business Development Department***

*Abigail Strickland, Main Street Manager*

Newnan City Council  
City of Newnan  
25 LaGrange Street  
Newnan, Georgia 30263

October 4, 2021

Dear Mayor Brady & City Council,

During the August 11, 2021 Newnan Downtown Development Authority meeting there was discussion regarding the current maintenance of public alleyways. As the DDA continues to support redeveloping public alleyways for use by the public, greater attention to grease collection containers and the general maintenance of solid waste facilities in these areas has become paramount.

The Downtown Development Authority of Newnan recommends that the City of Newnan consider increasing current code enforcement efforts in public alleyways.

It is the desire of the DDA, through greater code enforcement of public alleyways, to promote and preserve the historic downtown commercial district while increasing quality of life for our residents.

Please contact me if you require additional information.

Best Regards,

**Ray DuBose**

Chairman  
Newnan Downtown Development Authority  
770-328-1784  
rdubose@numail.org

# APPLICATION FOR TRANSFER OF ALCOHOL BEVERAGE LICENSE

Name: **Target Store T-1223**

Licensee: **From: Janine L Brown-Wiese**  
**To: Anthony Frank Heredia**

License Representative: **N/A**

Type License: **Retail On Premise (Package) Sales Malt Beverages & Wine**

Location: **500 Bullsboro Dr.**

## TO THE CITY COUNCIL: REASON – TRANSFER LICENSEE

(1) The above application with supporting documents and application fee has been filed in the City Clerk's office; reviewed by the appropriate departments of the City and appears to be (complete). (Sec 3-33)

If incomplete, reasons \_\_\_\_\_

(2) The citizenship requirements (have) been met. (Sec. 3-34)

If not, reasons \_\_\_\_\_

(3) Residency requirements (have) been met. (Sec. 3-35)

If not, reasons \_\_\_\_\_

(4) The location appears (to comply) with zoning requirements. (Sec 3-37)

If not, reasons \_\_\_\_\_

- (5) The location of the proposed premises appears (to comply) with the distance requirements set forth in Sec. 3-39.

If not, reasons \_\_\_\_\_

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- (6) All taxes or other debts to the City (are) current. (Sec 3-38)

If not, reasons \_\_\_\_\_

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- (7) A publisher's affidavit (has) been filed showing the notice requirement (has) been complied with. (Sec 3-40 (a))

- (8) An affidavit from the applicant certifying posting of the proposed premises (has) been filed. (Sec. 3-40(b))

Respectfully submitted,

Megan Shea  
City Clerk



# APPLICATION FOR ALCOHOL BEVERAGE LICENSE

Name: **Laha Sports Grill LLC**

Licensee: **Hurfilio Garcia Garcia**

License Representative: **N/A**

Type License: **Retail On Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine**

Location: **941 Bullsboro Dr. Ste B**

## TO THE CITY COUNCIL: REASON – NEW BUSINESS

(1) The above application with supporting documents and application fee has been filed in the City Clerk's office; reviewed by the appropriate departments of the City and appears to be (complete). (Sec 3-33)

If incomplete, reasons \_\_\_\_\_

(2) The citizenship requirements (have) been met. (Sec. 3-34)

If not, reasons \_\_\_\_\_

(3) Residency requirements (have) been met. (Sec. 3-35)

If not, reasons \_\_\_\_\_

(4) The location appears (to comply) with zoning requirements. (Sec 3-37)

If not, reasons \_\_\_\_\_

Application - Beverage License

(5) The location of the proposed premises appears (to comply) with the distance requirements set forth in Sec. 3-39.

If not, reasons \_\_\_\_\_

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(6) All taxes or other debts to the City (are) current. (Sec 3-38)

If not, reasons \_\_\_\_\_

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(7) A publisher's affidavit (has) been filed showing the notice requirement (has) been complied with. (Sec 3-40 (a))

(8) An affidavit from the applicant certifying posting of the proposed premises (has) been filed. (Sec. 3-40(b))

Respectfully submitted,

Megan Shea  
City Clerk



# The City of Newnan, Georgia

City Clerk's Office

August 19, 2021

**CERTIFIED RETURN RECEIPT REQUESTED**  
**# 7018 1130 0001 8891 5382 and REGULAR MAIL**

TO: Steve Duncan , Owner, Licensee  
Dunc's Bar B Que Kitchen  
15 Oxford Place  
Sharpsburg, Georgia 30277

**VIA HAND DELIVERY**

TO: Steve Duncan, Owner, Licensee  
c/o Scott Cummins, Esq  
Attorney At Law  
45 Spring Street  
Newnan, Georgia 30265

RE: Alcoholic Beverages Beer/Wine/Distilled Spirits  
On Premise Consumption  
License # B-7152  
Issued 1/1/2021 Expiration Date: 12/31/2021

**NOTIFICATION OF HEARING**

According to Article V, Section 3-110, City of Newnan, Code of Ordinances, Alcoholic Beverages, action for the suspension or revocation of above beverage license has been commenced by me as City Clerk. I have received notification from the City Attorney that a plea has been entered by you in the State Court of Coweta County for a citation issued to you on January 1, 2021 for Driving Under the Influence, a violation of Section 3-110 of the City's Alcoholic Beverage Ordinance.

August 19, 2021

Page -2-

Enclosed is a copy of Section 3-110 that provides that the

- (1) Arrest or conviction (to include a plea of nolo contendere) by local, state or federal authorities of the licensee, license representative or any employees of the licensee for any felony, or any misdemeanor of a crime opposed to decency and morality, or any law, regulation or ordinance involving beverage alcohol, gambling, or tax law violation;
- (2) Citations issued by local, state or federal authorities to the licensee, license representative or any employees of the licensee for violations of any part of this chapter or any regulation pertaining to state or federal licensing of the possession, sale or distribution of beverage alcohol;
- (4) Material falsification of any fact given in application for a license issued under this article or bearing upon the licensee's qualification therefor; any act which may be construed as a subterfuge in an effort to circumvent any of the qualification for a license under this article shall be deemed a violation of the requirement attempted to be circumvented.
- (6) Any other factors known to the licensing authority whereby it is objectively shown the licensee, by reason of business experience, financial standing, trade association, personal association, record of arrests, or reputation in any community in which he has resided, is not likely to maintain the operation, for which he is licensed in conformity with federal, state or local laws.

With respect to this section, it shall be rebuttably presumed that the violative act was done with the knowledge or consent of the licensee; provided, however, that such presumption may be rebutted only by evidence which precluded every other reasonable hypothesis save that such licensee did not know, assist or aide in such occurrence or prevented such activity.

is due cause as grounds for the suspension or revocation of your City license.

You are hereby notified that a hearing is scheduled before the City Council on Tuesday, September 14, 2021 at 2:30, in the Richard A. Bolin Council Chambers at City Hall, 25 LaGrange Street on this matter at which time a recommendation may be made at that time to place on probation or to suspend or to revoke your license to the City Council. Please be advised that you and/or your counsel will have the opportunity to address the City Council at this hearing.

August 18, 2021

Page -3-

If you have any questions regarding this matter, please feel free to contact me at the City Clerk's office, 25 LaGrange Street, or at (770) 253-2682.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Megan Shea', is written over the printed name.

Megan Shea  
City Clerk, City of Newnan

Enclosure

cc: Mayor and Members of City Council  
Cleatus Phillips, City Manager  
Chief, Brent Blankenship, Newnan Police Dept.  
Katrina Cline, Director of Finance  
C. Bradford Sears, Jr., City Attorney



# **The City of Newnan, Georgia**

City Clerk's Office

August 24, 2021

**CERTIFIED RETURN RECEIPT REQUESTED**  
**# 7018 1130 0001 8891 5399 and REGULAR MAIL**

TO: Steve Duncan , Owner, Licensee  
Dunc's Bar B Que Kitchen  
15 Oxford Place  
Sharpsburg, Georgia 30277

**VIA HAND DELIVERY**

TO: Steve Duncan, Owner, Licensee  
c/o Scott Cummins, Esq  
Attorney At Law  
45 Spring Street  
Newnan, Georgia 30265

RE: Alcoholic Beverages Beer/Wine/Distilled Spirits  
On Premise Consumption  
License # B-7152  
Issued 1/1/2021 Expiration Date: 12/31/2021

**NOTIFICATION OF RESCHEDULED HEARING**

At the request of your attorney, Scott Cummins, you are hereby notified that the hearing that was scheduled before the City Council on Tuesday, September 14, 2021 at 2:30 p.m., in the Richard A. Bolin Council Chambers at City Hall, 25 LaGrange Street on the matter of the grounds for the suspension or revocation of your City alcoholic beverage license, has been rescheduled to October 12, 2021 at 2:30 p.m. at the above referenced location at which time a recommendation may be made at that time to place on probation or to suspend or to revoke your license to the City Council. Please be advised that you and/or your counsel will have the opportunity to address the City Council at this hearing.

Steve Duncan , Owner, Licensee  
Dunc's Bar B Que Kitchen  
Steve Duncan, Owner, Licensee  
c/o Scott Cummins, Esq  
August 24, 2021  
Page -2-

If you have any questions regarding this matter, please fee free to contact me at the City Clerk's office, 25 LaGrange Street, or at (770) 253-2682.

Sincerely,



Megan Shea  
City Clerk, City of Newnan

cc: Mayor and Members of City Council  
Cleatus Phillips, City Manager  
Chief, Brent Blankenship, Newnan Police Dept.  
Katrina Cline, Director of Finance  
C. Bradford Sears, Jr., City Attorney

(Ord. No. 2019-17, § II, 10-8-19)

**Editor's note—** Ord. No. 2019-17, § II, adopted October 8, 2019, added provisions designated as § 3-99, inasmuch as this section already exist, and at the editor's discretion, the provisions have been included as § 3-101.

Secs. 3-102—3-109. - Reserved.

## ARTICLE V. - SUSPENSION, REVOCATION AND PROBATION OF LICENSES; DUE PROCESS; HEARING

Sec. 3-110. - Grounds for suspension or revocation; notice; hearing; bond for reinstatement.

- (a) Any license which has been issued or which may hereafter be issued by the city may be suspended or revoked for due cause as hereinafter defined. "Due cause," for purposes of this section shall include, but not be limited to:
- (1) Arrest or conviction (to include a plea of nolo contendere) by local, state or federal authorities of the licensee, license representative or any employees of the licensee for any felony, or any misdemeanor of a crime opposed to decency and morality, or any law, regulation or ordinance involving beverage alcohol, gambling, or tax law violations;
  - (2) Citations issued by local, state or federal authorities the licensee, license representative or any employees of the licensee for violations of any part of this chapter or any regulation pertaining to state or federal licensing of the possession, sale or distribution of beverage alcohol;
  - (3) Suspension or revocation of any state license required as condition for the possession, sale or distribution of beverage alcohol;
  - (4) Material falsification of any fact given in application for a license issued under this article or bearing upon the licensee's qualification therefor; any act which may be construed as a subterfuge in an effort to circumvent any of the qualification for a license under this article shall be deemed a violation of the requirement attempted to be circumvented.
  - (5) The licensed business fails to properly account for, file, report and maintain any records or remit or pay any renewal license fee imposed, sales taxes, or excise taxes required under the city ordinances.
  - (6) Any other factors known to the licensing authority whereby it is objectively shown the licensee, by reason of business experience, financial standing, trade association, personal association, record of arrests, or reputation in any community in which he has resided, is not likely to maintain the operation for which he is licensed in conformity with federal, state or local laws.

With respect to this section, it shall be rebuttably presumed that the violative act was done with the knowledge or consent of the licensee; provided, however, that such presumption may be rebutted only by evidence which precludes every other reasonable hypothesis save that such licensee did not know, assist or aide in such occurrence or prevented such activity.

- (b) Action to place on probation, suspend, revoke and/or fine a license shall be commenced by the city clerk making written recommendation to the city council, and giving written notice to the licensee, either by certified mail, return receipt requested, or by personal service upon licensee or his agent at the licensed location stating the grounds therefor, and the date, time and place such matter will be heard by the city council. Notice shall be served at least ten days prior to the date of the hearing. Included in the notice shall be an advertisement of the licensee's right to be heard before the council. Any licensee requiring subpoenas to compel the attendance of witnesses or documents at the hearing shall file a written request with the city manager at least five days prior to the hearing. Hearings may be continued for good cause only.
- (c) All final decisions to place on probation, suspend, revoke and/or fine a license shall be made by the city council, in writing with the reasons therefor stated. Notice of a final decision shall be given the licensee within three business days.



- (d) Hearings shall only be as formal as necessary to preserve order and shall be compatible with the principles of justice. The attorney or his designee shall present the city's case and bear the burden of proving by a preponderance of the evidence cause exists to suspend or revoke the license. The licensee may be represented by legal counsel, may confront and cross witnesses, and shall have the right to call witnesses and present evidence in his behalf. A hearing record shall be maintained; however, either party may arrange for transcription by a court reporter at his sole expense. Hearings shall be presided over by the mayor who shall preserve order and rule upon all matters of evidence. Irrelevant, immaterial and unduly repetitious evidence shall be excluded.
- (e) Upon the second suspension or revocation of a license within any five-year period, as a prerequisite or reinstatement or reissuance of the license, the licensee, in addition to the requisite fees assessed under this article, shall post a surety bond payable to the City of Newnan, the amount of \$5,000.00, conditioned upon the licensee maintaining the operation for which he is licensed in conformity with all federal, state and local laws, ordinances, rules and regulations. Upon any subsequent act giving due cause for suspension or revocation of the license, the bond shall be forfeited and license revoked.
- (f) Notwithstanding the options available to the city council to place on probation, suspend or revoke a license as set forth hereinabove, the city council may, in addition to placing on probation, suspending or revoking, in its discretion levy a fine upon the licensee in an amount not to exceed \$1,000.00 per violation.

(Ord. No. 96-8, § I, 4-9-96; Ord. No. 17-4, § II, 3-28-17)

Secs. 3-111—3-119. - Reserved.

#### ARTICLE VI. - TAXATION OF PACKAGE SALES

Sec. 3-120. - Excise tax report; penalty for failure to file; payment.

- (a) In addition to the annual retail license fee required for the sale of alcoholic beverage, there is hereby levied and imposed upon all wholesale dealers selling malt beverages within the city a specific excise tax in the amount of \$0.004166 per ounce on malt beverages sold by each wholesale dealer except when malt beverages are sold in individual containers with a capacity of 15½ gallons or more, the excise tax shall be \$6.00 per 15½-gallon container, or if the container is larger than 15½ gallons, the tax shall be proportioned at the rate of \$0.387 per each additional gallon or portion of a gallon capacity of the container.
- (b) An excise tax is hereby imposed on wine sold within the limits of the city at the rate of \$0.22 per liter.
- (c) Each wholesale dealer selling malt beverages within the corporate limits shall file a report by the tenth day of each month showing for the preceding calendar month the exact quantities of malt beverages, by size and type of container, constituting a beginning and ending inventory for the month, sold within the corporate limits. Each wholesale dealer shall remit to the city on the tenth day for the month succeeding the calendar month in which such sales were made, the amount of excise tax due in accordance with the section.
- (d) No decal, stamp or other identifying marking shall be required on malt beverages sold within the corporate limits.
- (e) The excise tax provided for in this section shall be in addition to any license fee, occupation tax or other charge which may now or in the future be imposed upon the business of selling malt beverages or wines at retail or wholesale, within the city.
- (f) The failure to make a timely report and remittance shall render a wholesale dealer liable for a penalty of ten percent of total amount due during the first 30-day period following the date such report and remittance were due and a further penalty of ten percent of the amount of such remittance for each successive 30-day period or any portion thereof, during



## City of Newnan, Georgia - Mayor and Council

Date: October 12, 2021

Agenda Item: Consideration to Donate a 1996 Pierce Saber Fire Engine to the Georgia State Fire Academy

Presented by: Stephen Brown, Fire Chief

Submitted by: Renee Windom

**Purpose:** The Georgia State Fire Academy has a need for working fire engines for training new recruits how to drive and pump fire apparatus. This particular engine has rarely been in service the last 10 years due to modernization of our current fleet to today's standards. This engine is of little use to our department.

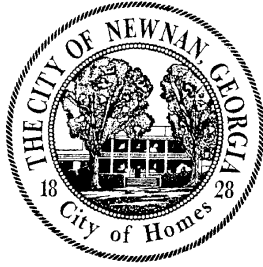
**Background:** The City purchased the 1996 Pierce Saber for \$195,166.00 and it has served its purpose well. We feel this engine would bring very little money at auction and would better serve other agencies by affording new recruits training of a fire apparatus. The State has a need for extra fire engines to train new recruits and firefighters on driving and pumping at the Academy.

**Funding:** N/A

**Recommendation:** To dispose of the asset and donate it to the Georgia State Fire Academy. The City has been very fortunate over the last few years receiving help from other agencies around the State. We feel this would be an act of goodwill to give back to our partners around the state to have another apparatus to train on and keep them safe.



**Attachments:**



## City of Newnan, Georgia - Mayor and Council

Date: October 12, 2021

Agenda Item: Indication of Roundabout Support  
Lower Fayetteville Road Improvement Project

Prepared by: Michael Klahr, Director of Engineering

### **Purpose:**

The Council may consider an *Indication of Roundabout Support* with the Georgia Department of Transportation (GDOT) for roundabouts at the below, listed intersections, as proposed in the Concept Report for P.I. No. 0016052, Coweta County, widening of Lower Fayetteville Road from Greison Trail to Lora Smith Road.

### **Background:**

Through the concept development of a proposed widening of Lower Fayetteville Road, from Greison Trail to Lora Smith Road, a number of intersections were identified through the GDOT ICE (Intersection Evaluation Control) process with roundabouts as the preferred concept alternative.

GDOT has requested a statement from the City Council supporting roundabouts at the following intersections:

Greison Trail (existing)  
Newnan Lakes Boulevard  
Newnan Crossing Boulevard East/ West Hill Drive  
Summerlin Boulevard  
The Newnan Centre (existing)  
Shenandoah Boulevard  
Sullivan Road  
Mary Freeman Road

Additionally, the City of Newnan understands and agrees to participate in the following maintenance of the intersections:

The full and entire cost of the electric energy used for any lighting installed and the maintenance thereof.

Any maintenance costs associated with the landscaping as approved by the local governments and the Georgia Department of Transportation (after construction is complete).

Finally, the City of Newnan agrees to participate in a formal *Local Government Lighting Project Agreement* during the preliminary design phase.

### **Options:**

1. Agree to, and submit an *Indication of Roundabout Support* including conditions
2. Other action as directed by City Council

**Recommendation:** Option 1

**Funding:** N/ A

**Attachments:** *Indication of Roundabout Support*

## INDICATION OF ROUNDABOUT SUPPORT

To the Georgia Department of Transportation:

Attn:

The City of Newnan in Coweta County supports the consideration of a roundabout at the locations specified below.

Greison Trail (existing)  
Newnan Lakes Boulevard  
Newnan Crossing Boulevard East/ West Hill Drive  
Summerlin Boulevard  
The Newnan Centre (existing)  
Shenandoah Boulevard  
Sullivan Road  
Mary Freeman Road

### Associated Conditions

The undersigned agrees to participate in the following maintenance of the intersection in the event that the roundabout is selected as the preferred concept alternative:

The full and entire cost of the electric energy used for any lighting installed and the maintenance thereof (if needed)

Any maintenance costs associated with the landscaping as approved by the local government and the Georgia Department of Transportation (after construction is complete)

We agree to participate in a formal Local Government Lighting Project Agreement during the preliminary design phase. This indication of support is submitted and all of the conditions are hereby agreed to. The undersigned are duly authorized to execute this agreement.

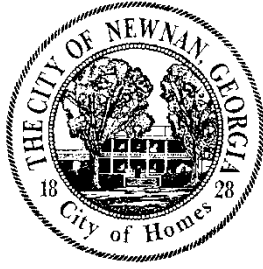
This is the \_ \_ \_ day of October, 2021 \_\_\_\_\_

Attest:

Clerk

By: \_\_\_\_\_

Title: \_\_\_\_\_



## City of Newnan, Georgia - Mayor and Council

Date: October 12, 2021

Agenda Item: Health Insurance Presentation

Prepared by: Cleatus Phillips, City Manager

**Purpose:** Presentation by MSI Benefits regarding the City of Newnan Employees Insurance Program

**Background:** John Leggett, of MSI Benefits, will be present to give Council an update on the City's employee insurance program. As you recall, in 2021 the City developed a self-insured health insurance program. MSI will give a status report on 2021 activity and what to expect for 2022.

The presentation will include a request to increase the Stop-Loss Deductible from \$100,000 per person to \$250,000 per person. This will reduce the premium by approximately \$475,000.

**Recommendation:** Accept the report and authorize an increase in the Stop-Loss Deductible from \$100,000 to \$250,000

**Attachments:** Presentation will be made at the meeting.

**Previous Discussions with Council:** N/A

# MEMO

**TO:** Newnan City Council

**FROM:** Dennis McEntire, General Manager

**DATE:** October 5, 2021

**RE:** MEAG Power - Purchase of Reserve & Supplemental Capacity from the City of LaGrange

---

Attached are two MEAG contracts that our commission approved last week. Commission Attorney Bill Stemberger has also completed his opinion letter that MEAG requires. Below is a summary of the two contracts. They are both standard format Interparticipant Transfer (IPT) agreements that MEAG uses for all of its members.

**1. Reserve Capacity Contract Summary**

This contract is required to maintain generation capacity required by MEAG of 115% of the prior year's energy demand. It is a standard format IPT agreement that MEAG uses for all of its members.

**2. Supplemental Capacity Contract Summary**

This contract serves to replace a recently expired IPT for the same amount of capacity. It is a standard format IPT agreement that MEAG uses for all of its members.

Thank you for your consideration.



September 29, 2021

City of LaGrange, Georgia  
Attn: Ms. Meg Kelsey, City Manager  
200 Ridley Avenue  
LaGrange, GA 30240

City of Newnan, Georgia  
Attn: Honorable L. Keith Brady, Mayor  
25 LaGrange Street  
Newnan, GA 30263

Newnan Water, Sewerage & Light Commission  
Attn: Mr. Robert L. Lee, Chairman  
70 Sewell Road  
Newnan, GA 30263

**Re: MEAG Power Sale of Excess Reserve Capacity to the City of Newnan  
on Behalf of the City of LaGrange**

Dear Ms. Kelsey, Mayor Brady, and Chairman Lee:

This Letter Agreement sets forth the agreement between the Municipal Electric Authority of Georgia ("MEAG Power"), City of LaGrange, Georgia ("LaGrange"), and the City of Newnan, Georgia ("Newnan") for MEAG Power's sale on behalf of LaGrange of certain excess reserve capacity to Newnan pursuant to Section 312 of the Power Sales Contract between MEAG Power and LaGrange. MEAG Power is willing to facilitate and execute this transaction pursuant to Section 312, subject to this Letter Agreement.

The capitalized words or terms that are used in this Letter Agreement, but are not defined herein, shall have the same meanings as assigned to them in the Power Sales Contract.

In consideration of the mutual agreements set forth herein, the sufficiency and adequacy of which are acknowledged by MEAG Power, LaGrange and Newnan, it is understood and agreed that:

**(1) Sale of Excess Reserve Capacity by MEAG Power on Behalf of LaGrange.**

**(a)** Pursuant to Section 312 of the Power Sales Contract between MEAG Power and LaGrange, LaGrange has declared capacity in the amount of 8,819 kW, as measured at B1, of the total kW of its Project One Entitlement Share (the "Sales Amount") to be excess to its needs. LaGrange has requested MEAG Power to sell, and MEAG Power shall, in accordance with this Letter Agreement, sell this capacity, but no energy associated therewith, to Newnan.

**(b)** This Sale Amount shall not reduce LaGrange's cost obligations under the Power Sales Contract and LaGrange shall remain liable to MEAG Power for its entire Entitlement Share. All payments received by MEAG Power from Newnan for the Sale Amount pursuant to this Letter Agreement shall be credited to LaGrange's obligation to MEAG Power to pay for its Entitlement Share.

**(2) Purchase of Excess Reserve Capacity by Newnan.** Newnan agrees to purchase the Sale Amount for a price of \$6.00 per kW-year (the "Contract Price"). MEAG Power

Municipal Electric Authority of Georgia  
1470 Riveredge Parkway NW  
Atlanta, Georgia 30328-4640

1-800-333-MEAG 770-563-0300



shall bill Newnan for such amount and Newnan shall pay all amounts due in the same manner as other payments under the Power Sales Contract between MEAG Power and Newnan.

**(3) Costs.** LaGrange shall be obligated for all costs incurred by MEAG Power as a direct result of the transaction identified in this Letter Agreement. MEAG Power agrees to provide sufficient documentation to LaGrange to enable it to verify any such costs.

**(4) Indemnification.** LaGrange hereby indemnifies and holds MEAG Power and the remaining MEAG Power Participants harmless from and against any and all losses, costs, liabilities, damages, expenses (including without limitation attorneys' fees and expenses) of any kind and incurred or suffered by MEAG Power or its Participants as a result of, or in connection with, LaGrange's sale of excess reserve capacity pursuant to this Letter Agreement, only to the extent permitted by law

**(5) Term.** The initial term of the sale of LaGrange's excess reserve capacity to Newnan pursuant to this Letter Agreement shall begin at 0000 hours on January 1, 2022 and end at 2400 hours on December 31, 2022. Other than as to the sales transaction, all other provisions of the agreement shall remain in effect until all other obligations under this Letter Agreement are satisfied, including, but not limited to, LaGrange's obligation to indemnify MEAG Power and the Participants. All times referenced herein are Central Prevailing Time.

**(6) Termination and Unwind.** If MEAG Power changes its policy concerning the computation of necessary reserve capacity from a "budgeted coincident peaks" standard to an "actual peaks" standard and such policy change goes into effect during the Term of this Letter Agreement, LaGrange and Newnan shall be returned to their respective positions as if this Letter Agreement had not been entered into (e.g., Newnan shall receive a credit for amounts it paid pursuant to this Letter Agreement and LaGrange shall be billed for all such amounts). Subsequently, this Letter Agreement shall terminate, except that Sections (3) and (4) shall remain effective.

If you are in agreement with the foregoing and after this Letter Agreement has been duly authorized by the respective governing bodies of LaGrange and Newnan, please execute this Letter Agreement in the space provided below.

**MUNICIPAL ELECTRIC AUTHORITY OF  
GEORGIA**

ATTEST:

By:

\_\_\_\_\_  
James E. Fuller  
President and Chief Executive Officer

[SIGNATURES CONTINUED ON NEXT PAGE]

Municipal Electric Authority of Georgia  
1470 Riveredge Parkway NW  
Atlanta, Georgia 30328-4640

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Agreed to and accepted, this \_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_.  
Month Year

**CITY OF LAGRANGE**

By: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

[SEAL]

Agreed to and accepted, this \_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_.  
Month Year

**CITY OF NEWNAN**

By: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

[SEAL]

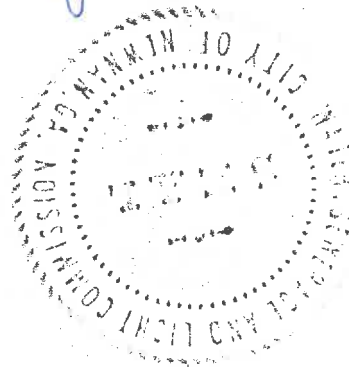
**BOARD OF WATER, SEWERAGE AND LIGHT  
COMMISSIONERS OF THE CITY OF NEWNAN,  
GEORGIA**

By: Robert L. Lee  
Robert L. Lee, Chairman

ATTEST:

Tom Puller  
Secretary

[SEAL]



Municipal Electric Authority of Georgia  
1470 Riveredge Parkway NW  
Atlanta, Georgia 30328-4640

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September 29, 2021

City of LaGrange, Georgia  
Attn: Ms. Meg Kelsey, City Manager  
200 Ridley Avenue  
LaGrange, GA 30240

City of Newnan, Georgia  
Attn: Honorable L. Keith Brady, Mayor  
25 LaGrange Street  
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Newnan Water, Sewerage & Light Commission  
Attn: Mr. Robert L. Lee, Chairman  
70 Sewell Road  
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The capitalized words or terms that are used in this Letter Agreement, but are not defined herein, shall have the same meanings as assigned to them in the Power Sales Contract.

In consideration of the mutual agreements set forth herein, the sufficiency and adequacy of which are acknowledged by MEAG Power, LaGrange and Newnan, it is understood and agreed that:

**(1) Sale of Excess Capacity by MEAG Power on Behalf of LaGrange.**

**(a)** Pursuant to Section 312 of the Power Sales Contract between MEAG Power and LaGrange, LaGrange has declared capacity in the amount of 4,393 kW, as measured at B1, of the total kW of its Project One Entitlement Share (the "Sales Amount") to be excess to its needs. LaGrange has requested MEAG Power to sell, and MEAG Power shall, in accordance with this Letter Agreement, sell this capacity, but no energy associated therewith, to Newnan.

**(b)** This Sale Amount shall not reduce LaGrange's cost obligations under the Power Sales Contract and LaGrange shall remain liable to MEAG Power for its entire Entitlement Share. All payments received by MEAG Power from Newnan for the Sale Amount pursuant to this Letter Agreement shall be credited to LaGrange's obligation to MEAG Power to pay for its Entitlement Share.

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(2) **Purchase of Excess Capacity by Newnan.** Newnan agrees to purchase the Sale Amount for a price of \$8.00 per kW-year (the "Contract Price"). MEAG Power shall bill Newnan for such amount and Newnan shall pay all amounts due in the same manner as other payments under the Power Sales Contract between MEAG Power and Newnan.

(3) **Costs.** LaGrange shall be obligated for all costs incurred by MEAG Power as a direct result of the transaction identified in this Letter Agreement. MEAG Power agrees to provide sufficient documentation to LaGrange to enable it to verify any such costs.

(4) **Indemnification.** LaGrange hereby indemnifies and holds MEAG Power and the remaining MEAG Power Participants harmless from and against any and all losses, costs, liabilities, damages, expenses (including without limitation attorneys' fees and expenses) of any kind and incurred or suffered by MEAG Power or its Participants as a result of, or in connection with, LaGrange's sale of excess reserve capacity pursuant to this Letter Agreement, only to the extent permitted by law.

(5) **Term.** The initial term of the sale of LaGrange's excess capacity to Newnan pursuant to this Letter Agreement shall begin at 0000 hours on January 1, 2022 and end at 2400 hours on December 31, 2022. Other than as to the sales transaction, all other provisions of the agreement shall remain in effect until all other obligations under this Letter Agreement are satisfied, including, but not limited to, LaGrange's obligation to indemnify MEAG Power and the Participants. All times referenced herein are Central Prevailing Time.

If you are in agreement with the foregoing and after this Letter Agreement has been duly authorized by the respective governing bodies of LaGrange and Newnan, please execute this Letter Agreement in the space provided below.

**MUNICIPAL ELECTRIC AUTHORITY OF  
GEORGIA**

ATTEST:

By:

\_\_\_\_\_  
James E. Fuller  
President and Chief Executive Officer

[SIGNATURES CONTINUED ON NEXT PAGE]

Municipal Electric Authority of Georgia  
1470 Riveredge Parkway NW  
Atlanta, Georgia 30328-4640

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Agreed to and accepted, this \_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_  
Month Year

**CITY OF LAGRANGE**

By: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

[SEAL]

Agreed to and accepted, this \_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_  
Month Year

**CITY OF NEWNAN**

By: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

[SEAL]

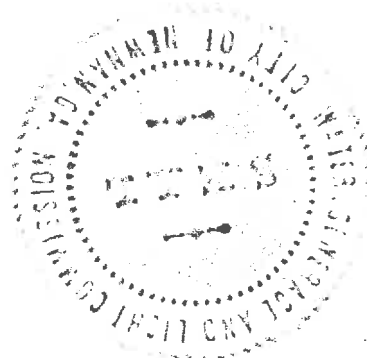
**BOARD OF WATER, SEWERAGE AND LIGHT  
COMMISSIONERS OF THE CITY OF NEWNAN,  
GEORGIA**

By: Robert L. Lee  
Robert L. Lee, Chairman

ATTEST:

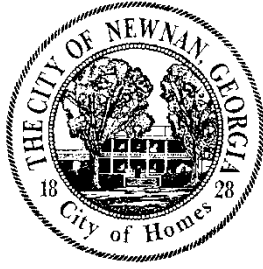
Jeff Phillips  
Secretary

[SEAL]



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1470 Riveredge Parkway NW  
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## **City of Newnan, Georgia - Mayor and Council**

**Date:** October 12, 2021

**Agenda Item:** Consideration of Amendment to Article VII. – Dangerous Dog Control, City Ordinance Sec. 4-80 Dangerous Dogs. Amended revisions from Meeting on September 28, 2021

**Prepared and Presented by:** Cyndi Hoffman, Animal Warden

**Purpose:** Consideration to bring current the City Dangerous Dog Ordinance in line with both State of Georgia and Coweta County updates.

**Background:** In 2010 the City of Newnan adopted State Law reference O.C.G.A. 4-8-21 et.seq to establish a reference on how to handle dangerous/potentially dangerous dog issues. Since then the State of Georgia has changed/updated the State Law O.C.G.A. 4-8-21 (2) et. seq. The newest version clearly defines the definition of Dangerous Dog and changes the wording of “Potentially Dangerous Dog” to “Vicious Dog”.

This was presented at the September 28, 2021 City Council meeting. At that time a few changes were suggested pertaining to further definitions of “serious injury” and other terms. These changes were made and the ordinance amendment is back for consideration.

**Funding:** N/A

### **Recommendation:**

I am recommending these changes to be made to the City Ordinance so we will be consistent with State and Coweta County on this issue. I would like there to be no chance for any confusion of a City dog being classified (because of our wording being different) and being held at the Coweta County Animal Shelter.

### **Attachments:**

1. Recommended Ordinance with all changes

**Previous Discussions with Council:** September 28, 2021

**AN ORDINANCE TO AMEND CHAPTER 4, ANIMALS, OF THE CODE OF  
ORDINANCES OF THE CITY OF NEWNAN, BY DELETING ARTICLE VII,  
DANGEROUS DOG CONTROL OF CHAPTER 4, ANIMALS; AND ADOPTING A NEW  
ARTICLE VII, DANGEROUS DOG CONTROL OF CHAPTER 4, ANIMALS; AND FOR  
OTHER PURPOSES**

WHEREAS, the City Council of the City of Newnan has previously adopted regulations concerning the regulation and treatment of dogs which may be classified as dangerous within the City of Newnan; and

WHEREAS, the Staff has been reviewing the City's regulations with regard to dangerous dog control within the City and has recommended an update to the ordinance to adopt changes in the regulations under state law; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and welfare of the citizens, residents, property and animal owners of the City of Newnan to amend its regulations with regard to dangerous dog control within the City of Newnan by adopting revised regulations as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council for the City of Newnan and it is hereby ordained by the authority of same that Article VII, Dangerous Dog Control of Chapter 4, Animals, of the Code of Ordinances be deleted in its entirety and a new Article VII, Dangerous Dog Control of Chapter 4, Animals, be adopted to read as follows:

**ARTICLE VII. - DANGEROUS DOG CONTROL**

Sec. 4-79. - Dangerous dogs.

This article is enacted pursuant to the authority contained in O.C.G.A. § 4-8-21 (2) and any ambiguities or conflicts in this article shall be interpreted in light of those provisions of state law.

Sec. 4-80. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal control officer means an individual selected by the governing authority or local government to aid in the administration and enforcement of the provisions of this article.

**Dangerous Dog as defined in OCGA 4-8-21(2)**

"Dangerous dog" means any dog that:

[1] Causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this subparagraph;

[2] Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury to such person or another person although no such injury occurs; provided, however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this subparagraph; or

[3] While off the owner's property, kills a pet animal; provided, however, that this subparagraph shall not apply where the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.

### **Vicious Dog as defined in OCGA 4-8-21(6)**

[1] "Vicious dog" means a dog that inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the dog's attack.

Governing authority means the City of Newnan.

Local government means the city of a contracting municipality of the county or the county.

Owner means any natural person or any legal entity, including but not limited to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping or having custody or control of a dangerous dog or Vicious dog within this state.

Proper enclosure means an enclosure for keeping a dangerous dog or potentially dangerous dog while on the owner's property securely confined indoors or in a securely enclosed and locked pen, fence or structure, suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such pen or structure shall have secure sides and a secure top, and, if the dog is enclosed within a fence, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the dog's escape whether from over or from under the fence. Any such enclosure shall also provide protection from the elements for the dog.

Records of an appropriate authority means records of any state, county or municipal law enforcement agency; records of any county or municipal animal control agency; records of any county board of health; records of any federal, state or local court; or records of an animal control officer provided for in this article.

"Serious injury" means any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; required plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.

Sec. 4-81. - Exceptions.

A dog that inflicts an injury upon a person when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties shall not be

a dangerous dog or vicious dog within the meaning of this article. A dog shall not be a dangerous dog or a vicious dog within the meaning of this article if the injury inflicted by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort; was tormenting, abusing or assaulting the dog and had in the past been observed or reported to have tormented, abused or assaulted the dog; or was committing or attempting to commit a crime.

Sec. 4-82. - Animal control officer.

- (a) The city manager shall appoint an animal control officer who shall have the following duties:
  - (1) To make such investigations and inquiries as may be necessary to identify dangerous dogs and dangerous dog owners within the city.
  - (2) To classify or reclassify dogs as dangerous dogs or as vicious dogs.
  - (3) To follow all post-classification procedures as set out in this article and to present evidence at any hearings held pursuant to this article.
  - (4) To issue certificate of registration to owners of dangerous dog and vicious dogs.
  - (5) To assure that dangerous dogs and vicious dogs are properly enclosed in accordance with the terms of this article.
  - (6) To confiscate and in certain cases in accordance with this article destroy certain dangerous and vicious dogs.
  - (7) To prosecute violations of this article as provided by law.
- (b) In lieu of such appointment by the city manager, the city manager shall be able to contract with the county to provide for the appointment of an animal control officer, who shall perform all of the duties set forth in this article.

Sec. 4-83. - Animal control board.

- (a) The mayor and council shall appoint an animal control board that shall be made up of five members who shall serve two year staggered terms with three members appointed every two years. Members shall receive such compensation, unless otherwise provided, and shall conduct hearings as required by O.C.G.A. § 4-8-24 and section 4-72.
- (b) In lieu of such an appointment by the mayor and council, the mayor and council shall be able to contract with the county to provide for the appointment of an animal control board; the terms of such appointments and compensation to be as provided by the county ordinance establishing such board; and the board shall conduct hearings as required by O.C.G.A. § 4-8-24 and section 4-72 of this Code.

Sec. 4-84. - Investigation and classification.

Upon receiving a report of a dangerous dog or vicious dog within an animal control officer's jurisdiction from a law enforcement agency, animal control agency, rabies control officer or county board of health, the animal control officer shall make such



investigations and inquiries with regard to such report as may be necessary to carry out the provisions of this article.

Sec. 4-85. - Classification; notice and hearing.

- (a) As applied to the owners of vicious dogs, the procedures provided for in this section must be carried out as a necessary condition for the enforcement of the provisions of this article against such owners. As applied to the owners of dangerous dogs, the procedures provided for in this section shall not be an essential element of any crime provided for in this article.
- (b) When a dangerous dog or a vicious dog is classified as such, the animal control officer shall notify the dog's owner of such classification.
- (c) The notice to the owner shall meet the following requirements:
  - (1) The notice shall be in writing and mailed in duplicate by first class mail and by certified mail to the owner's last known address.
  - (2) The notice shall include a summary of the animal control officer's findings that formed the basis for the dog's classification as a dangerous or vicious dog.
  - (3) The notice shall be dated and shall state that the owner, within 15 days after the date shown on the notice, has a right to request a hearing on the animal control officer's determination that the dog is a dangerous dog or vicious dog.
  - (4) The notice shall state that the hearing, if requested, shall be before the animal control board.
  - (5) The notice shall state that if a hearing is not requested, the animal control officer's determination that the dog is a dangerous dog or a vicious dog will become effective for all purposes under this article on a date specified in this notice, which shall be after the last day on which the owner has a right to request a hearing.
  - (6) The notice shall include a form to request a hearing before the animal control board and shall provide specific instructions on mailing or delivering such request to the agency.
- (d) When the animal control board receives a request for a hearing, as provided in subsection (c) of this section, it shall schedule such hearing within 30 days after receiving the request. The board shall notify the dog owner in writing by certified mail of the date, time, and place of the hearing, and such notice shall be mailed to the dog owner at least ten days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence, and, in addition thereto, the governing authority or board shall receive such other evidence and hear such other testimony as the governing authority or board may find reasonably necessary to make a determination either to sustain, modify or overrule the animal control officer's classification of the dog.
- (e) Within ten days after the date of the hearing, the board shall notify the dog owner in writing by certified mail of its determination on the matter. If such determination is that the dog is a dangerous dog or a vicious dog, the notice shall specify the date upon which that determination is effective.

Sec. 4-86. - Registration, insurance, notice and enforcement.

The animal control officer shall issue a certification of registration to the owners of dangerous and vicious dogs when the owner shows the animal control officer sufficient evidence of the following:

- (1) For a vicious dog:
  - a. A proper enclosure sufficient to confine the dog.
  - b. The posting on the premises where the dog is located with a clearly visible sign warning that there is a vicious dog located on the premises and containing a symbol reasonably calculated to inform children of the presence of the potentially dangerous dog.
- (2) For a dangerous dog:
  - a. A proper enclosure sufficient to confine the dog.
  - b. The posting on the premises where the dog is located with a clearly visible sign warning that there is a dangerous dog located on the premises and containing a symbol reasonably calculated to inform children of the presence of the dangerous dog.
  - c. An insurance policy in the amount of at least \$15,000.00 issued by a surety company authorized to do business in the state, payable to any person or persons injured by a dangerous dog.
- (3) The annual fee for the certificate of registration shall be \$500.00. Certificates of registration shall be renewed on an annual basis. At the time of the annual renewal of a certificate of registration, an animal control officer shall require evidence from the owner or make such investigation as may be necessary to verify that the dangerous dog or vicious dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of this article.

Sec. 4-87. - Restrictions on taking out of enclosures.

- (a) It is unlawful for an owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and is under the physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person.
- (b) It is unlawful for the owner of a vicious dog to permit the dog to be outside a proper enclosure unless the dog is restrained by a substantial chain or leash and under the restraint of a responsible person.

Sec. 4-88. - Notification of death, escape, sale or donation.

The owner of a dangerous or vicious dog shall notify the animal control officer if the owner is moving from the animal control officer's jurisdiction. The owner of a dangerous

dog or potentially dangerous dog who is a new resident of the state shall register the dog as required in this section within 30 days after becoming a resident. The owner of a dangerous dog or vicious dog who moves from one jurisdiction to another within the state shall register the dangerous dog or vicious dog in the new jurisdiction within ten days after becoming a resident.

Sec. 4-89. - Confiscation; grounds; disposition.

- (a) A dangerous dog shall be immediately confiscated by the animal control officer or by a law enforcement officer or by another person authorized by the animal control officer if the:
  - (1) Owner of the dog does not secure the liability insurance or bond required by section 4-86;
  - (2) Dog is not validly registered as required by section 4-86(3);
  - (3) Dog is not maintained in a proper enclosure; or
  - (4) Dog is outside a proper enclosure in violation of section 4-86(2).
- (b) A vicious dog shall be confiscated in the same manner as a dangerous dog if the dog is:
  - (1) Not validly registered as required by section 4-86(3);
  - (2) Not maintained in a proper enclosure; or
  - (3) Outside a proper enclosure in violation of section 4-86(1).
- (c) Any dog that has been confiscated under the provisions of subsection (a) or (b) of this section shall be returned to its owner upon the owner's compliance with the provisions of this article and upon the payment of reasonable confiscation costs. If the owner has not complied with the provisions of this article within 20 days of the date the dog was confiscated, such dog shall be destroyed in an expeditious and humane manner.

Section II: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section III: This ordinance shall become effective on the date of adoption.

ADOPTED in open session, regularly assembled this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Megan Shea, City Clerk

\_\_\_\_\_  
L. Keith Brady, Mayor

REVIEWED AS TO FORM:

\_\_\_\_\_  
Rhodes H. Shell, Mayor Pro-Tem

\_\_\_\_\_  
C. Bradford Sears, Jr., City Attorney

\_\_\_\_\_  
George M. Alexander, Councilmember

\_\_\_\_\_  
Cleatus Phillips, City Manager

\_\_\_\_\_  
Cynthia E. Jenkins, Councilmember

\_\_\_\_\_  
Raymond F. DuBose, Councilmember

\_\_\_\_\_  
Dustin Koritko, Councilmember

\_\_\_\_\_  
Paul Guillaume, Councilmember



## City of Newnan, Georgia - Mayor and Council

Date: October 12, 2021

Agenda Item: Closing of Murray Street Properties

Prepared By: Cleatus Phillips, City Manager

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**Purpose:** Ratify the purchase of 50, 53, 54, 62 and 65 Murray Street

**Background:** Council had previously given direction to staff to enter into contract to purchase the above stated properties. Total purchase price of the 5 lots was \$210,000 with funding coming from Unassigned Fund Balance.

**Funding:** N/A

**Recommendation:** Ratify the purchase of said properties.

**Previous Discussion with Council:** August 12, 2021

**SANDERS, HAUGEN, & SEARS, P.C.**  
**ATTORNEYS AT LAW**  
**11 PERRY STREET**  
**P. O. BOX 1177**  
**NEWNAN, GEORGIA 30264-1177**  
**(770) 253-3880**  
**FAX (770) 254-0093**

**C. BRADFORD SEARS, JR.**  
**E-MAIL: bsears@sandershaugen.com**

**WALTER D. SANDERS**  
**(1909 - 1989)**  
**WILLIS G. HAUGEN**  
**(1929 - 2014)**

TO: Mayor and City Council  
City of Newnan, Georgia

CC: Cleatus Phillips, City Manager  
Hasco Craver, Assistant City Manager  
City of Newnan, Georgia

FROM: C. Bradford Sears, Jr., City Attorney  
City of Newnan, Georgia

DATE: September 30, 2021

RE: Murray Street properties

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**MEMORANDUM**

This is to advise that the closings of the following properties on Murray Street are as follows:

Property: 50, 53, 54, 65 Murray Street  
Seller: Levi T. Bohannon  
Purchase Price: \$160,000.00  
Closing Date: September 3, 2021  
Recording Date: September 9, 2021

Property: 62 Murray Street  
Seller: A & C Renovations, LLC  
Purchase Price: \$50,000.00  
Closing Date: September 10, 2021  
Recording Date: September 20, 2021

Let me know if you have any questions.

CBSjr/ph

***WHITE OAK GOLDEN K - KIWANIS CLUB***

*P.O. Box 73283  
Newnan, Georgia 30271*

September 28, 2021

Mr. Cleatus Phillips  
City Manager  
P.O. Box 1193  
Newnan, Georgia 30264

Re: Kiwanis Fund Raiser Pecan Sale

Dear Mr. Phillips:

The White Oak Golden K requests permission to set up a kiosk on the sidewalk around the court square for our 2021 pecan sales. Dates requested are weekends, November 5 through November 21. This would be our 27th year on the square.

Our Kiwanis Club derives a large portion of its financial support from the annual sale of pecans. Proceeds fund service activities throughout Coweta County. The Boys and Girls Club, College Scholarships, Boy Scouts, C.A.S.A., summer camps, Angel House and CORRAL are some of the service commitments of White Oak Golden K.

Your support of our community projects is appreciated.

Sincerely,



Kirk Stallings  
President

POC: Frank Reece  
770-251-8569  
[reecefs@numail.org](mailto:reecefs@numail.org)

## Megan Shea

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**From:** April Williams <highlands1@hmrproperties.com>  
**Sent:** Monday, October 4, 2021 1:37 PM  
**To:** Megan Shea  
**Subject:** Highlands Apartments Street Closure Request  
  
**Importance:** High

Good Afternoon,

My name is April Williams, I am the property manager for Highlands Apartments, We are working on Breast Cancer Awareness this month. We will be hosting a Walk on October 22, 2021, from 11:00am-12:00pm. We would like to request to have the following streets closed during this time The entrance to Lake Street that intersects with East Broad Street and The opposite entrance to Lake Street that intersects with Ball Street. We would like to request to have 1 police officer present during this time.

Best Regards

**April Williams**  
**Property Manager**  
**Highland Apartments**  
**16 Lake Street**  
**Newnan, Ga. 30263**  
**Office 770-251-1646**  
**Fax 770-251-1651**

**I**ntegrity **R**espect **E**nthusiasm **A**ccountability **C**ommitment **H**armony

**"Don't judge each day by the harvest you reap but by the seeds that you plant." -Robert Louis Stevenson**



Foundation Christian Church  
30-A East Washington St.  
Newnan, GA 30263  
Tel (770) 396-2220  
Jason@FoundationNewnan.com  
www.FoundationNewnan.com



OCTOBER 5, 2021

**Megan Shea**  
**c/o: Newnan City Council**  
**25 LaGrange Street**  
**Newnan, GA 30263**

Dear Megan,

Foundation Christian Church has a request for an upcoming MainStreet Newnan event.

In keeping with City protocol, I am writing this letter to request three (3) parking spaces be reserved for our Free Ice Cream Truck for MainStreet's Munchkin Masquerade event on West Washington Street next to the Alamo from 9am to 12pm on 10/29/21. We plan to speak to the surrounding business owners and get their approval as well.

Please let me know if you need anything else for these items. Thank you!

Warm regards,

Jason Walton

**COMMUNITY OUTREACH PASTOR**

### **Motion to Enter into Executive Session**

I move 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

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And that we, in open session, 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.

### **Motion to Adopt Resolution after Adjourning Back into Regular Session**

I move that we 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).