



Newnan City Council Meeting

APRIL 25, 2023

Newnan City Hall

Richard A. Bolin Council Chambers

25 LaGrange Street

6:30 PM

CALL TO ORDER

INVOCATION

READING OF MINUTES

- [A.](#) Minutes from Regular Meeting on April 11, 2023

REPORTS OF BOARDS AND COMMISSIONS

- B. 1 Appointment - Cultural Arts Commission, 3 year term
- C. 1 Appointment - Keep Newnan Beautiful, interim term until 8/1/24
- D. 1 Appointment - Parks Commission, 3 year term
- E. 1 Appointment - Tree Commission, 3 year term
- F. 3 Appointments - Urban Redevelopment Agency, 3 year terms
- G. 1 Appointment - Youth Activities Commission, 3 year term

REPORTS ON OPERATIONS BY CITY MANAGER

REPORTS AND COMMUNICATIONS FROM MAYOR

NEW BUSINESS

- [H.](#) To Recognize the 2023 Newnan Citizen Academy Graduates
- [I.](#) Consideration of Acceptance of HUD Economic Development Initiative grant award and Authorization for the Mayor to execute all necessary documents and assurances on behalf of the City
- [J.](#) Consideration of Contract Award for Professional Audio Upgrades in Wadsworth Auditorium
- [K.](#) Petition for Partnership between Plant Newnan, INC and City of Newnan

UNFINISHED BUSINESS

- [L.](#) Public Hearing - Consideration of several Zoning and Subdivision Regulation Text Amendments to Articles 2, 3, 4 and 13 of the Zoning Ordinance and Section 11 of the Subdivision Regulations.

VISITORS, PETITIONS, COMMUNICATIONS & COMPLAINTS

MOTION TO ENTER INTO EXECUTIVE SESSION

- [M.](#) Motion to Enter into Executive Session

ADJOURNMENT

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, April 11, 2023 at 2:30 p.m. in the Richard A. Bolin Council Chambers of City Hall with Mayor Keith Brady presiding.

CALL TO ORDER

Mayor Brady called the meeting to order and delivered the invocation.

PRESENT

Mayor Keith Brady: Council members present: Ray DuBose, Rhodes Shell, George Alexander, Cynthia Jenkins, Dustin Koritko and Paul Guillaume. Also present: City Manager, Cleatus Phillips; Assistant City Manager, Hasco Craver; City Clerk, Megan Shea and City Attorney, Brad Sears.

READING OF MINUTES

A. Minutes from Special Called Work Session on March 28, 2023

Motion by Councilman Alexander, seconded by Councilman DuBose to dispense with the reading of the minutes of the Special Called Work Session on March 28, 2023 and adopt them as presented.

MOTION CARRIED. (7-0)

B. Minutes from the Regular Meeting on March 28, 2023

Motion by Councilman Alexander, seconded by Councilman DuBose to dispense with the reading of the minutes of the Regular Council Meeting on March 28, 2023 and adopt them as presented.

MOTION CARRIED. (7-0)

REPORTS OF BOARDS AND COMMISSIONS

C. Appointment – Cultural Arts Commission, 3-year term

Continue to next agenda.

D. Appointment – Keep Newnan Beautiful, interim term

Continue to next agenda.

E. Appointment – Parks Commission, 3-year term

Continue to next agenda.

F. Appointment – Tree Commission, 3-year term

Continue to next agenda.

G. Appointments – Urban Redevelopment Agency, 3-year term

Continue to next agenda.

H. Appointments – Youth Activities Commission, 3-year terms

Motion by Mayor Pro Tem Koritko, seconded by Councilman Alexander to re-appoint Katie Frost for a 3-year term.

MOTION CARRIED. (7-0)

Motion by Councilman Shell, seconded by Councilwoman Jenkins to re-appoint Kirk Stallings for a 3-year term.

MOTION CARRIED. (7-0)

Motion by Councilman Alexander, seconded by Mayor Pro Tem Koritko to re-appoint Smith Pass for a 3-year term.

MOTION CARRIED. (7-0)

Continue Councilman Shell's second appointment to the next agenda.

Mayor

Mayor Brady announced to Council and to the newspaper that the May 9th City Council meeting will be cancelled due to travel conflicts and a lack of actionable items.

Mayor Brady then called a meeting on May 11th at 6pm to be held at the Coweta County Commissioners Chambers. The purpose is the initial discussion of SPLOST election coming later this year. Mayor Pro Tem Koritko will chair as Mayor Brady will be out of town.

NEW BUSINESS

J. Public Hearing – Application for Alcohol Beverage License – Rhea Investments dba Springhill Suites

Mayor Brady opened a public hearing on the application for Retail on Premise (Package) Sales of Malt Beverages and Wine for Rhea Investments dba Springhill Suites at 1119 Bullsboro Dr.

A representative of applicant was present for the hearing. No one spoke for or against the application. Mayor Brady closed the public hearing. The City Clerk advised that all the documentation had been received and everything was in order.

Motion by Councilman DuBose, seconded by Councilman Shell to approve the application for Retail on Premise (Package) Sales of Malt Beverages and Wine License.

MOTION CARRIED. (7-0)

K. Public Hearing – Application for Alcohol Beverage License – Zokalo Mexicantina 1, LLC

Mayor Brady opened a public hearing on the application for Retail on Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine for Zokalo Mexicantina at 1899 Newnan Crossing Blvd.

A representative of applicant was present for the hearing. No one spoke for or against the application. Mayor Brady closed the public hearing. The City Clerk advised that all the documentation had been received and everything was in order.

Motion by Councilman DuBose, seconded by Councilman Guillaume to approve the application for Retail on Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine License.

MOTION CARRIED. (7-0)

L. Consideration of Consultant Selection for Professional Engineering Services for Jefferson Street Intersection Improvements

Mayor Brady stated that this item has been withdrawn due to a request from GDOT to hold off until more information is gathered.

M. Consideration of Resolution to Re-Certify the City of Newnan as a “City of Ethics”

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

MOTION CARRIED. (7-0)

UNFINISHED BUSINESS

N. 5 Smith St. – Owner update and request for extension

Matt Murray, Code Enforcement Officer, stated that this storm damaged property was before Council back in October 2022 and was given 180-day extension which is expiring. The owner did sell the property and the new owner has started work on the property. There was a lot of work to do and they have been making progress. They are requesting 120-day extension to finish the project.

Motion by Councilman Alexander, seconded by Councilman Shell to approve the request for 120-day extension.

MOTION CARRIED. (7-0)

VISITORS, PETITIONS, COMMUNICATIONS & COMPLAINTS

O. Request from Summergrove POA to Post Signs/Banners for several events

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

MOTION CARRIED. (7-0)

I. DDA Recommendations for Downtown Sanitation Program (Item addressed out of order)

Abigail Strickland, Main Street Manager, stated that a letter from the Downtown Development Authority (DDA) Chairman, Jim Thomasson, was included in the agenda packet. The recommendation is to base rates off of the CPI index moving forward. Mayor Brady stated that the DDA has had extensive conversations about this over several months.

Hasco Craver, Assistant City Manager, explained that the rates will stay where they are now and then annually in March the rates will be raised by whatever the Consumer Price Index is for Solid Waste Trash. Councilman Shell asked when people would be notified of this change? Mr. Craver said they can be told now.

Mayor Pro Tem Koritko asked if the rate increase next year will cover the cost of sanitation services. Mr. Craver said that this program does not pay for itself. Within the downtown program it's not just trash removal but other cleanliness services and therefore cannot be compared to residential trash services. Councilwoman Jenkins asked if there is a point with the increases where residential and downtown will match up? Mr. Craver explained no, since residential also includes brush and bulk pickup.

Councilman Shell commented that some people will always be over paying and some will be under paying, depending on their situations. Mr. Craver explained that cans are not assigned to specific restaurants or businesses downtown, they are designated by area, so it cannot be measured by volume.

Councilman Alexander commented that he did some research as the new sanitation company takes all garbage and then separates the recycle which ends up being about 20%. There is more recycling happening now then previously.

Motion by Councilman Shell, seconded by Councilman DuBose to approve the recommendation as presented.

MOTION CARRIED. (7-0)

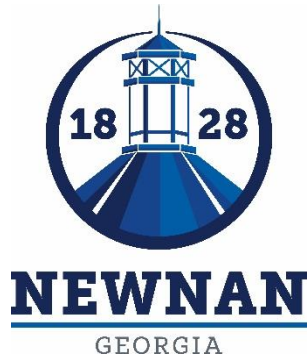
ADJOURNMENT

Motion by Councilman Alexander, seconded by Councilman Shell to adjourn the Council meeting at 2:46pm.

MOTION CARRIED. (7-0)

Megan Shea, City Clerk

Keith Brady, Mayor



City of Newnan, Georgia - Mayor and Council

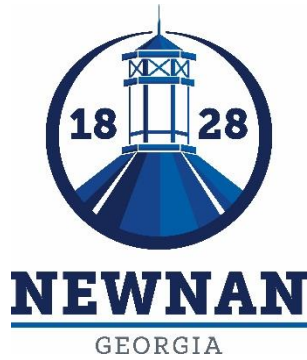
Date: 4/25/23
Agenda Item: 2023 Newnan Citizen Academy Graduates
Prepared By: Aimee Hadden, Communications Manager
Presented By: Hasco Craver, Assistant City Manager

Purpose: To recognize the 2023 Newnan Citizen Academy Graduates.

Background: Each year the city of Newnan provides a free program, the Newnan Citizen Academy, to city residents and business owners who are interested in learning and becoming involved in our city government. Participants experienced a behind-the-scenes look at how the city's government provides quality services to the community. They toured city facilities and enjoyed presentations from department heads. They also had the pleasure of meeting our elected officials.

Our 2023 Graduates:

- Deborah Adebo
- Volita Almon
- Vicky Bryant
- Kassie Hooks
- Amy Lawson Leech
- Willie Thomas



City of Newnan, Georgia - Mayor and Council

Date: April 25th, 2023

Agenda Item: Acceptance of HUD economic development initiative grant award and authorization for the Mayor to execute all necessary documents and assurances on behalf of the City

Prepared By: Andrew Moody, ARPA/Special Project Manager

Purpose:

To present information and to request the authorization of the City Council for the Mayor to sign a grant award agreement with the United States Department of Housing and Urban Development (HUD).

Background:

In late 2022 the United States Congress awarded the City of Newnan, through the passage of the FY23 budget, a Congressionally Directed Spending award of Four Million, Six Hundred Thousand Dollars (\$4,600,000) for housing rehabilitation and the construction of affordable housing in the Chalk Level area. As part of the process, the City must determine whether or not to accept the award and authorize the Mayor to sign the pertinent documentation and all assurances on behalf of the City. The grant award period will begin at the moment of final approval and signing by HUD and run until August 31, 2031.

Funding:

N/A

Recommendation:

Authorize acceptance of the HUD grant funds and the execution of all necessary documents and assurances on behalf of the governing body by the Mayor.

Previous Discussion with Council:

N/A



City of Newnan, Georgia

Planning & Zoning Department

April 25th, 2023

RE: Acceptance of HUD economic development initiative grant award and authorization for the Mayor to execute all necessary documents and assurances on behalf of the City

Mayor Brady and City Councilmembers,

As you are aware the City of Newnan was awarded \$4.6 Million in grant funding for the Chalk Level Area Housing Rehabilitation project, from the U.S Congress through the Consolidated Appropriations Act of 2023. The award documents have been made available to the City through the U.S Department of Housing and Urban Development (HUD). Included as attachments you will find the award letter sent by HUD, the grant award agreement, a sample budget, as well as a brief summary of the details of the project.

Brief Project Summary

- Up to 16 new affordable housing constructions, depending on lot availability and buildable area. This number is speculative until the ground work to find official locations in the Chalk Level area has been completed.
- Up to 25 rehabilitations of owner-occupied units to bring them up to current building code. The rehabilitations would occur in a manner consistent with the CHIP grant the City already engages in.
- Grant award funding will also be used to complete environmental evaluations, site work including landscaping, potential abatement of lead paint and asbestos
- The City will have until September 2031 to complete the project.

Staff is requesting the Council consider granting authorization for the acceptance of the award and to proceed with the execution of the grant agreement by authorizing Mayor Brady to sign said agreement.

Sincerely,

Andrew Moody
Special Project Manager



City of Newnan, Georgia

Planning & Zoning Department

Costs	Amount	Status of Phase (Not Yet Begun in Progress, or Completed)	Comments and/or Details
Acquisition	0	Completed	16 newly constructed houses on lots that the City already owns
Soft Costs, Design, Permitting/Planning	120,000	Not Yet Begun	16 houses @ \$7,500 per house
Construction/Renovation	4,600,000	Not Yet Begun	16 houses constructed @ \$225,000 per house and 25 owner occupied low/moderate income homes rehabilitated @ \$40,000 per house.
Site Work	240,000	Not Yet Begun	16 houses @ \$15,000 (includes site work and landscaping)
Equipment	0	N/A	
Other (please elaborate in comments/details)	40,000	Not Yet Begun	Lead and Asbestos Testing, Risk Assessment and Sampling
Total Cost	5,000,000		

*** Items in sample budget are subject to change based on construction/rehabilitation price, and availability of city-owned buildable lots. ***

**FY 2023 COMMUNITY PROJECT FUNDING
GRANT AGREEMENT NO. B-23-CP-GA-0450**

Grantee Name: City of Newnan

Grantee Address: 25 LaGrange St. Newnan, GA 30263

Grantee's Unique Entity Identifier (UEI):

Grantee's Employer Identification Number (EIN) 58-6000631

Federal Award Identification Number (FAIN) B-23-CP-GA-0450

Assistance Listing Number and Name 14.251 Economic Development Initiative,
Community Project Funding, and Miscellaneous Grants

Period of Performance/Budget Period Start Date Date of grant obligation

Period of Performance/Budget Period End Date August 31, 2031

This Grant Agreement between the Department of Housing and Urban Development (HUD) and City of Newnan (the Grantee) is made pursuant to the authority of the Consolidated Appropriations Act, 2023 (Public Law 117-328) and the Explanatory Statement for Division L of that Act, which was printed in the Senate section of the Congressional Record on December 20, 2022 (Explanatory Statement).

In reliance upon and in consideration of the mutual representations and obligations under this Grant Agreement, HUD and the Grantee agree as follows:

ARTICLE I. Definitions

The definitions at 2 CFR 200.1 apply to this Grant Agreement, except where this Grant Agreement specifically states otherwise.

Budget period is defined in 2 CFR 200.1 and begins and ends on the dates specified above for the Period of Performance/Budget Period Start Date and Period of Performance/Budget Period End Date.

Period of Performance is defined in 2 CFR 200.1 and begins and ends on the dates specified above for the Period of Performance/Budget Period Start Date and Period of Performance/Budget Period End Date.

ARTICLE II. Total Grant Amount

Subject to the provisions of the Grant Agreement, HUD will make grant funds in the amount of \$4,600,000 available to the Grantee.

ARTICLE III. Award-Specific Requirements

A. Federal Award Description. The Grantee must use the Federal funds provided under this Grant Agreement (Grant Funds) to carry out the Grantee's "Project." Unless changed in accordance with Article III, section C of this Grant Agreement, the Grantee's Project shall be as described in the Project Narrative that is approved by HUD as of the date that HUD signs this Grant Agreement. For reference, HUD will attach this approved Project Narrative as Appendix 1 to the Grant Agreement on the date that HUD signs this Grant Agreement.

B. Approved Budget. The Grantee must use the Grant Funds as provided by the Approved Budget. Unless changed in accordance with Article III, section C of this Grant Agreement, the Approved Budget shall be the line-item budget that is approved by HUD as of the date that HUD signs this Grant Agreement. For reference, HUD will attach this approved line-item budget as Appendix 2 to this Grant Agreement on the date that HUD signs this Grant Agreement.

C. Project and Budget Changes. All changes to the Grantee's Project or Approved Budget must be made in accordance with 2 CFR 200.308 and this Grant Agreement. To request HUD's approval for a change in the Project or Approved Budget, the Grantee must submit a formal letter to the Director of HUD's Office of Economic Development - Congressional Grants Division through the assigned Grant Officer. The letter must be submitted by email to the assigned Grant Officer and must provide justification for the change. The email submitting the letter must also include a revised project narrative or revised line-item budget, as applicable, that includes the requested change. The Grantee is prohibited from making project or budget changes that would conflict with the Applicable Appropriations Act Conditions described in Article III, section D of this Grant Agreement. The assigned Grant Officer for this grant is provided in the Award Letter for this grant and found on HUD's website. The HUD Office of Economic Development – Congressional Grants Division will notify the Grantee in writing, by email, whether HUD approves or disapproves the change. Before the Grantee expends Grant Funds in accordance with any change approved by HUD or otherwise allowed by 2 CFR 200.308, the Grantee must update its grant information in Disaster Recovery Grant Reporting (DRGR) to reflect that change.

D. Applicable Appropriations Act Conditions. The conditions that apply to the Grant Funds as provided by the Consolidated Appropriations Act, 2023 and the Explanatory Statement are hereby incorporated and made part of this Grant Agreement. In the event of a conflict between those conditions, the conditions provided by the Act will govern. The Grant Funds are not subject to the Community Development Block Grants regulations at 24 CFR part 570 or Title I of the Housing and Community Development Act of 1974.

E. In accordance with 2 CFR 200.307(b), costs incidental to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the grant. As authorized under 2 CFR 200.307(e)(2), program income may be treated as an addition to the Federal award, provided that the Grantee uses that income for allowable costs under this Grant Agreement. In accordance with 2 CFR 200.307(b), costs incidental to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the grant. Any program income that cannot be expended on allowable costs under this Grant Agreement must be paid to HUD before closeout of the grant, unless otherwise specified by an applicable Federal statute.

F. The Grantee must use the Grant Funds only for costs (including indirect costs) that meet the applicable requirements in 2 CFR part 200 (including appendices). The Grantee's indirect cost rate information is as provided in Appendix 3 to this Grant Agreement. Unless the Grantee is an Institution of Higher Education, the Grantee must immediately notify HUD upon any change in the Grantee's indirect cost rate during the Period of Performance, so that HUD can amend the Grant Agreement to reflect the change if necessary. Consistent with 2 CFR Part 200, Appendix III (C.7), if the Grantee is an Institution of Higher Education and has a negotiated rate in effect on the date this Grant Agreement is signed by HUD, the Grantee may use only that rate for its indirect costs during the Period of Performance.

G. The Grantee must comply with any specific award conditions that HUD may attach to this Grant Agreement as provided by 2 CFR 200.208. If applicable, these conditions will be listed or added as Appendix 5 to this Grant Agreement.

H. The Grantee is responsible for managing the Project and ensuring the proper use of the Grant Funds. The Grantee is also responsible for ensuring the completion of the Project, the grant closeout, and compliance with all applicable federal requirements. The Grantee may subaward all or a portion of its funds to one or more subrecipients, as identified in the Project Narrative (Appendix 1) or as may be approved by HUD in accordance with 2 CFR 200.308. All subawards made with funding under this Grant Agreement are subject to the subaward requirements under 2 CFR Part 200, including 2 CFR 200.332, and other requirements provided by this Grant Agreement. The Grantee is responsible for ensuring each subrecipient complies with all requirements under this Grant Agreement, including the general federal requirements in Article IV. A subaward may be made to a for-profit entity only if HUD expressly approves that subaward and the for-profit entity is made subject to the same Federal requirements that apply to all other subrecipients, including the requirements 2 CFR part 200 provides for a "non-Federal entity" that receives a subaward.

ARTICLE IV. General Federal Requirements

A. If the Grantee is a unit of general local government, a State, an Indian Tribe, or an Alaskan Native Village, the Grantee is the Responsible Entity (as defined in 24 CFR part 58) and agrees to assume all of the responsibilities for environmental review and decision-making and action, as specified and required in regulations issued by the Secretary pursuant to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994 and published in 24 CFR Part 58.

B. If the Grantee is a housing authority, redevelopment agency, academic institution, hospital or other non-profit organization, the Grantee shall request the unit of general local government, Indian Tribe or Alaskan Native Village, within which the Project is located and which exercises land use responsibility, to act as Responsible Entity and assume all of the responsibilities for environmental review and decision-making and action as specified in paragraph A above, and the Grantee shall carry out all of the responsibilities of a grantee under 24 CFR Part 58.

C. After December 29, 2022, neither the Grantee nor any of its contractors, subrecipients and other funding and development partners may undertake, or commit or expend Grant Funds or local funds for, project activities (other than for planning, management, development and administration activities), unless a contract requiring those activities was already executed on or before December 29, 2022, until one of the following occurs: (i) the Responsible Entity has completed the environmental review procedures required by 24 CFR part 58, and HUD has approved the environmental certification and given a release of funds; (ii) the Responsible Entity has determined and documented in its environmental review record that the activities are exempt under 24 CFR 58.34 or are categorically excluded and not subject to compliance with environmental laws under 24 CFR 58.35(b); or (iii) HUD has performed an environmental review under 24 CFR part 50 and has notified Grantee in writing of environmental approval of the activities.

D. Following completion of the environmental review process, the Grantee (recipient) shall exercise oversight, monitoring, and enforcement as necessary to assure that decisions and mitigation measures adopted through the environmental review process are carried out during project development and implementation.

E. The Grantee must comply with the generally applicable HUD and CPD requirements in 24 CFR Part 5, subpart A, including all applicable fair housing, and civil rights requirements. If the Grantee is a Tribe or a Tribally Designated Housing Entity (TDHE) as established under 24 CFR 1000.206, the Grantee must comply with the nondiscrimination requirements in 24 CFR 1000.12 in lieu of the nondiscrimination requirements in 24 CFR 5.105(a). The Grantee must report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of the Grantee's Project, consistent with the instructions and forms provided by HUD in order to carry out its responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987 (e.g. HUD-27061).

F. The Grantee must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 CFR part 200, as may be amended from time to time. If 2 CFR part 200 is amended to replace or renumber sections of part 200 that are cited specifically in this Grant Agreement, the part 200 requirements as renumbered or replaced by the amendments will govern the obligations of HUD and the Grantee after those amendments become effective.

G. The Grantee must comply with the Award Term in Appendix A to 2 CFR Part 25 ("System for Award Management and Universal Identifier Requirements") and the Award Term in Appendix A to 2 CFR Part 170 ("Reporting Subawards and Executive Compensation"), which are hereby incorporated into and made part of this Grant Agreement.

H. If the Total Grant Amount, as provided in Article II of this Grant Agreement, is greater than \$500,000, the Grantee must comply with the Award Term and Condition for Grantee Integrity and Performance Matters in Appendix 4 to this Grant Agreement.

I. Unless the Grantee is exempt from the Byrd Amendment as explained below, the Grantee must comply with the provisions of Section 319 of Public Law 101-121, 31 U.S.C. 1352, (the Byrd Amendment) and 24 CFR Part 87, which prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, loan, or cooperative agreement. The Grantee must include in its award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements), the requirements for the certification required by Appendix A to 24 CFR Part 87 and for disclosure using Standard Form- LLL (SF-LLL), "Disclosure of Lobbying Activities." In addition, the Grantee must obtain the executed certification required by Appendix A and an SF-LLL from all covered persons. "Person" is as defined by 24 CFR Part 87. Federally recognized Indian tribes and TDHEs established by Federally recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment. State-recognized Indian tribes and TDHEs established only under state law must comply with this requirement.

J. The Grantee must comply with drug-free workplace requirements in Subpart B of 2 CFR Part 2429, which adopts the governmentwide implementation (2 CFR Part 182) of sections 5152-5158 of the Drug-Free Workplace Act of 1988, Pub. L. 100-690, Title V, Subtitle D (41 U.S.C. 701-707).

K. The Grantee must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) as implemented by regulations at 49 CFR Part 24. The URA applies to acquisitions of real property and relocation occurring as a direct result of the acquisition, rehabilitation, or demolition of real property for Federal or Federally funded programs or projects. Real property acquisition that receives Federal financial assistance for a program or project, as defined in 49 CFR 24.2, must comply with the acquisition requirements contained in 49 CFR part 24, subpart B. Unless otherwise specified in law, the relocation requirements of the URA and its implementing regulations at 49 CFR part 24, cover any displaced person who moves from real property or moves personal property from real property as a direct result of acquisition, rehabilitation, or demolition for a program or project receiving HUD financial assistance

L. If Grant Funds are used for purchase, lease, support services, operation, or work that may disturb painted surfaces, of pre-1978 housing, you must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's lead-based paint rules (Lead Disclosure; and Lead Safe Housing (24 CFR part 35)), and EPA's lead-based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification (40 CFR part 745)).

M. The Grantee must comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u, and HUD's regulations at 24 CFR part 75, as applicable, including the reporting requirements in 24 CFR 75.25. Grants made to Tribes and TDHEs are subject to Indian Preference requirements in Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b)). As stated in 24 CFR 75.3(c), grants to Tribes and TDHEs are subject to Indian Preference requirements in lieu of Section 3. Grantees that are not exempt from Section 3 must submit annual reports of Section 3

accomplishment Performance Measures in DRGR in January of the calendar year. This report reflects Section 3 accomplishments for the previous calendar year.

N. The Grantee must not use any Grant Funds to support any Federal, state, or local project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use. Public use includes use of funds for mass transit, railroad, airport, seaport, or highway projects, and utility projects which benefit or serve the general public (including energy-related, communication-related, water-related, and waste water-related infrastructure), other structures designated for use by the general public or with other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields, as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. 107-118). Public use does not include economic development that primarily benefits private entities.

O. The Grantee must not use any Grant Funds to maintain or establish a computer network that does not block the viewing, downloading, and exchanging of pornography. This requirement does not limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

P. The Grantee must administer its Grant Funds in accordance with the Conflict of Interest requirements set forth in Appendix 6 of this Grant Agreement.

Q. The Grantee must comply with the governmentwide debarment and suspension requirements in 2 CFR part 180 as incorporated and supplemented by HUD's regulations at 2 CFR part 2424.

R. The Grantee must comply with the award term and condition regarding trafficking in persons in Appendix 7 of this Grant Agreement.

S. The assurances and certifications the Grantee has made and submitted to HUD are incorporated by this reference and made part of this Grant Agreement.

ARTICLE V. Drawdown Requirements

A. The Grantee may not draw down Grant Funds until HUD has received and approved any certifications and disclosures required by 24 CFR 87.100 concerning lobbying, if applicable.

B. The Grantee must use HUD's Disaster Recovery Grant Reporting (DRGR) system to draw down Grant Funds and report to HUD on activities.

C. The Grantee must enter activity and budget information in DRGR that is consistent with the Grantee's Project and Approved Budget as described in Article III, sections A and B of this Grant Agreement and complies with HUD's instructions for entering information in DRGR found in the document titled "Grant Award Instructions" that accompanies the Grant Agreement.

D. The Grantee must only enter activities in DRGR that are described in the Approved Budget.

E. The Grantee must expend all Grant Funds in accordance with the activity and budget information in DRGR.

F. Each drawdown of Grant Funds constitutes a representation by the Grantee that the funds will be used in accordance with this Grant Agreement.

G. The Grantee must use DRGR to track the use of program income and must report the receipt and use of program income in the reports the Grantee submits to HUD under Article VI of this Grant Agreement. The Grantee must expend program income before drawing down Grant Funds through DRGR.

H. Notwithstanding any other provision of this grant agreement, HUD will not be responsible for payment of any Grant Funds after the date Treasury closes the account in accordance with 31 U.S.C. § 1552. Because Treasury may close the account up to one week before the September 30 date specified by 31 U.S.C. § 1552, the Grantee is advised to make its final request for payment under the grant no later than September 15, 2031.

ARTICLE VI. Program-Specific Reporting Requirements

In addition to the general reporting requirements that apply under other provisions of this Agreement, the following program-specific reporting requirements apply to the Grantee:

A. The Grantee must submit a performance report in DRGR on a semi-annual basis and must include a completed Federal financial report as an attachment to each performance report in DRGR. Performance reports shall consist of a narrative of work accomplished during the reporting period. During the Period of Performance, the Grantee must submit these reports in DRGR no later than 30 calendar days after the end of the 6-month reporting period. The first of these reporting periods begins on the first of January or June (whichever occurs first) after the date this Grant Agreement is signed by HUD.

B. The performance report must contain the information required for reporting program performance under 2 CFR 200.329(c)(2) and (d), including a comparison of actual accomplishments to the objectives of the Project as described in Article III, section A of this Grant Agreement, the reasons why established goals were not met, if appropriate, and additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

C. Financial reports must be submitted using DRGR or such future collections HUD may require and as approved by OMB and listed on the Grants.gov website (<https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html>).

D. The performance and financial reports will undergo review and approval by HUD. If a report submission is insufficient, HUD will reject the report in DRGR and identify the corrections the Grantee must make.

E. No drawdown of funds will be allowed through DRGR while the Grantee has an overdue performance or financial report.

F. The Grantee must report and account for all property acquired or improved with Grant Funds as provided by 2 CFR part 200 using the applicable common forms approved by OMB and provided on the Grants.gov website (<https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html>). This reporting obligation includes submitting status reports on real property at least annually as provided by 2 CFR 200.330, accounting for real and personal property acquired or improved with Grant Funds as part of Project Closeout, and promptly submitting requests for disposition instructions as provided by 2 CFR 200.311(c), 200.313(e), and 200.314(a).

ARTICLE VII. Project Closeout

A. The grant will be closed out in accordance with 2 CFR part 200, as may be amended from time to time, except as otherwise specified in this Grant Agreement.

B. The Grantee must submit to HUD a written request to closeout the grant no later than 30 calendar days after the Grantee has drawn down all Grant Funds and completed the Project as described in Article III, section A of this Grant Agreement. HUD will then send the Closeout Agreement and Closeout Certification to the Grantee.

C. At HUD's option, the Grantee may delay initiation of project closeout until the resolution of any findings as a result of the review of semi-annual activity reports in DRGR. If HUD exercises this option, the Grantee must promptly resolve the findings.

D. The Grantee recognizes that the closeout process may entail a review by HUD to determine compliance with the Grant Agreement by the Grantee and all participating parties. The Grantee agrees to cooperate with any HUD review, including reasonable requests for on-site inspection of property acquired or improved with Grant Funds.

E. No later than 120 calendar days after the Period of Performance, Grantees shall provide to HUD the following documentation:

1. A Certification of Project Completion.
2. A Grant Closeout Agreement.
3. A final financial report giving the amount and types of project costs charged to the grant (that meet the allowability and allocability

requirements of 2 CFR part 200, subpart E); a certification of the costs; and the amounts and sources of other project funds.

4. A final performance report providing a comparison of actual accomplishments with the objectives of the Project, the reasons for slippage if established objectives were not met and additional pertinent information including explanation of significant cost overruns.
5. A final property report, if specifically requested by HUD at the time of closeout.

ARTICLE VIII. Default

A default under this Grant Agreement shall consist of any use of Grant Funds for a purpose other than as authorized by this Grant Agreement, any noncompliance with statutory, regulatory, or other requirements applicable to the Grant Funds, any other material breach of this Grant Agreement, or any material misrepresentation in the Grantee's submissions to HUD in anticipation of this award. If the Grantee fails to comply with the terms and conditions of the Grant Agreement, HUD may adjust specific conditions of this Grant Agreement as described in 2 CFR part 200, as may be amended from time to time. If HUD determines that noncompliance cannot be remedied by imposing additional conditions, HUD may take one or more of the remedies for noncompliance described in 2 CFR part 200, as may be amended from time to time. HUD may also terminate all or a part of this award as provided by 2 CFR 200.340 and other applicable provisions of 2 CFR part 200, as may be amended from time to time. Nothing in this Grant Agreement shall be construed as creating or justifying any claim against the Federal government or the Grantee by any third party.

ARTICLE IX. HUD Contact Information

Except where this Grant Agreement specifically states otherwise, all requests, submissions, and reports the Grantee is required to make to HUD under this Grant Agreement must be made in writing via email to CPFGGrants@hud.gov.

This agreement is hereby executed on behalf of the Grantee and HUD as follows:

GRANTEE

(Name of Organization)

BY: _____
(Signature of Authorized Official)

(Typed Name and Title of Authorized Official)

(Date)

HUD

BY: _____
Robin J. Keegan,
Deputy Assistant Secretary for Economic Development

(Date)

APPENDIX 1 – Project Narrative

APPENDIX 2 – Approved Budget

APPENDIX 3 – Grantee’s Indirect Cost Rate Information

Subject to the applicable requirements in 2 CFR part 200 (including its appendices), the Grantee will use an indirect cost rate as represented by the Grantee below:

- The Grantee will not use an indirect cost rate to charge its indirect costs to the grant.
- The Grantee will use the indirect cost rate(s) identified in the table below to charge its indirect costs to the grant.

Agency/Dept./Major Function	Indirect cost rate	Direct Cost Base
_____	_____ %	_____
_____	_____ %	_____

[PLEASE NOTE: The grantee must check one of the two boxes above. If the second box is checked, the corresponding table must be filled out as described below.

The table must include each indirect cost rate that will be used to calculate the Grantee’s indirect costs under the grant. The table must also specify the type of direct cost base to which each included rate applies (for example, Modified Total Direct Costs (MTDC)). Do not include indirect cost rate information for subrecipients.

For government entities, enter each agency or department that will carry out activities under the grant, the indirect cost rate applicable to each department/agency (including if the de minimis rate is used per 2 CFR 200.414), and the type of direct cost base to which the rate will be applied.

For nonprofit organizations that use the Simplified Allocation Method for indirect costs or elects to use the de minimis rate of 10% of Modified Total Direct Costs in accordance with 2 CFR 200.414, enter the applicable indirect cost rate and type of direct cost base in the first row of the table.

For nonprofit organizations that use the Multiple Allocation Base Method, enter each major function of the organization for which a rate was developed and will be used under the grant, the indirect cost rate applicable to that major function, and the type of direct cost base to which the rate will be applied.]

**APPENDIX 4 –
Award Term and Condition for Grantee Integrity and Performance Matters**

Reporting of Matters Related to Grantee Integrity and Performance

1. General Reporting Requirement

If the total value of the Grantee's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then during that period of time the Grantee must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings About Which Grantee Must Report

During any period of time when the Grantee is subject to the requirement in paragraph 1 of this award term and condition, the Grantee must submit the information required about each proceeding that:

- a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- b. Reached its final disposition during the most recent five-year period; and
- c. Is one of the following:
 - (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;
 - (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - (3) An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and the Grantee's payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
 - (4) Any other criminal, civil, or administrative proceeding if:
 - (i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;

(ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on the Grantee's part; and

(iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. Reporting Procedures

During any period of time when the Grantee is subject to the requirement in paragraph 1 of this award term and condition, the Grantee must enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. The Grantee does not need to submit the information a second time under assistance awards that the Grantee received if the Grantee already provided the information through SAM because the Grantee was required to do so under Federal procurement contracts that the Grantee was awarded.

4. Reporting Frequency

During any period of time when the Grantee is subject to the requirement in paragraph 1 of this award term and condition, the Grantee must report proceedings information through SAM for the most recent five-year period, either to report new information about any proceeding(s) that the Grantee has not reported previously or affirm that there is no new information to report. If the Grantee has Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000, the Grantee must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. Definitions

For purposes of this award term and condition:

a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—

(1) Only the Federal share of the funding under any Federal award with a cost share or match requirement; and

(2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

APPENDIX 5 – Specific Award Conditions
NONE.

APPENDIX 6 – Conflict of Interest Requirements

1. *Conflicts Subject to Procurement Regulations.* When procuring property or services, the grantee and its subrecipients shall comply with the applicable conflict-of-interest rules in 2 CFR 200.317 and 2 CFR 200.318(c). In all cases not governed by 2 CFR 200.317 and 2 CFR 200.318(c), the Grantee and its subrecipients must follow the requirements contained in paragraphs 2-5 below.

2. *General prohibition.* No person who is an employee, agent, consultant, officer, or elected or appointed official of the Grantee or subrecipient and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have a financial interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has immediate family or business ties, during his or her tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including a stepchild), sibling (including a stepsibling), grandparent, grandchild, and in-laws of a covered person.

3. *Exceptions.* HUD may grant an exception to the general prohibition in paragraph (ii) upon the Grantee's written request and satisfaction of the threshold requirements in paragraph (iv), if HUD determines the exception will further the Federal purpose of the award and the effective and efficient administration of the Grantee's Project, taking into account the cumulative effects of the factors in paragraph (v).

4. *Threshold requirements for exceptions.* HUD will consider an exception only after the Grantee has provided the following documentation:

- a. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how that disclosure was made; and
- b. An opinion of the Grantee's attorney that the interest for which the exception is sought would not violate state or local law.

5. *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the Grantee has satisfactorily met the threshold requirements in paragraph (iii), HUD will consider the cumulative effect of the following factors, where applicable:

- a. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
- b. Whether an opportunity was provided for open competitive bidding or negotiation;
- c. Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception

will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

d. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process regarding the assisted activity in question;

e. Whether the interest or benefit was present before the affected person was in a position as described in paragraph (ii);

f. Whether undue hardship will result either to the Grantee or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

g. Any other relevant considerations.

6. *Disclosure of potential conflicts of interest.* The Grantee must disclose in writing to HUD any potential conflict of interest.

APPENDIX 7 – Award Term and Condition Regarding Trafficking in Persons

The following award term and condition, which is required by 2 CFR part 175, applies as written:

a. Provisions applicable to a grantee that is a private entity.

1. You as the grantee, your employees, subrecipients under this award, and subrecipients' employees may not—

i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;

ii. Procure a commercial sex act during the period of time that the award is in effect; or

iii. Use forced labor in the performance of the award or subawards under the award.

2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity:

i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or

ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—

A. Associated with performance under this award; or

B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by HUD at 2 CFR 2424.

b. Provision applicable to a grantee other than a private entity.

We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or

2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either:

- i. Associated with performance under this award; or
- ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by HUD at 2 CFR 2424.

c. Provisions applicable to any grantee.

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
 - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

d. Definitions. For purposes of this award term:

1. “Employee” means either:
 - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
 - ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
2. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

3. “Private entity”:

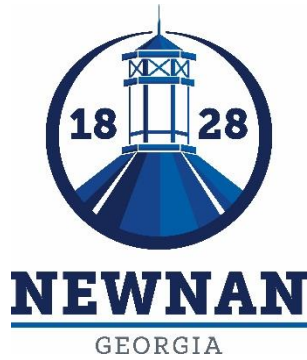
i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.

ii. Includes:

A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).

B. A for-profit organization.

4. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).



City of Newnan, Georgia - Mayor and Council

Date: 4/18/2023
Agenda Item: Consideration of contract award for Professional Audio Upgrades in Wadsworth Auditorium
Prepared By: Katie Mosley, Leisure Services Manager
Presented By: Hasco Craver, Assistant City Manager

Purpose: Newnan City Council may consider a contract award for the Audio Upgrades at the Wadsworth Auditorium

Background: In July 2019, staff and the Wadsworth Auditorium contracted Audio/Visual team began research on upgrading the lighting and sound systems in the auditorium. A Request for Proposals was created and after further consideration it was decided to complete the upgrades in two separate phases with the first being the lighting system. In March 2020, the lighting system was upgraded and staff is now requesting for Newnan City Council to consider awarding the contract to complete the improvements with the sound/audio system upgrades.

The City of Newnan received a proposal from one firm:

PDH Systems
4367 Shallowford Industrial Pkwy
Marietta, Ga 30066
770-499-7538

Funding: General Fund

Recommendation: As a result of reviewing the submittal, City Staff is recommending that the City Council award a contract to PDH Systems in the amount of \$99,723.14 for the sound/audio system upgrades at the Wadsworth Auditorium. This recommendation is based on the firm's experience and familiarity with the project.

Attachments:

1. Bid Tabulation
2. Itemized equipment list with pricing

Previous Discussion with Council: Beginning in September 2018, Newnan City Council expressed interest in improving the overall experience for Wadsworth Auditorium renters and event attendees. These improvements have included contracting with a professional audio/visual team, replacing the stage curtains, upgrading the lighting system, painting, and replacing the carpet.



City of Newnan, Georgia

BID OPENING: Audio Upgrades At Wadsworth Auditorium
Monday, April 10th 2023 – 10am

BIDDER	BID AMOUNT	COMMENTS
PDH Systems Marietta, GA	\$99,723.14	

BIDS OPENED BY *Robert DeBo* *Pat Williams*

Proposal Cover Letter

Professional Audio Upgrades at the Wadsworth Auditorium

We/I have thoroughly examined the specifications and agree to furnish the City of Newnan with a professional audio upgrade, according to the specifications. Any deviation from the specifications shall be listed as an exception on the bid sheet and explained.

Total Proposal Price for all services:

\$99,723.14

6	S/M, VRX928LA LR stacked//flown	\$	1,689.00	\$10,134.00
4	VRX915S LR stacked/flown	\$	1,499.00	\$5,996.00
2	VRX-SMAF frame	\$	754.00	\$1,508.00
4	PRX412 Front Fills	\$	645.00	\$2,580.00
1	DBX DriveRack VENU360	\$	1,079.00	\$1,079.00
4	VRX 915M Stage Monitor	\$	2,035.00	\$8,140.00
4	Crown XTi 4002 1200W monitor/fills power	\$	1,305.00	\$5,220.00
1	IT4X3500HDB Binding Post Version Mains and Subs	\$	14,496.54	\$14,496.54
1	Midas m32 soundboard	\$	3,999.00	\$3,999.00
1	Midas DL32 stagebox	\$	1,599.00	\$1,599.00
12	SLXD1 G58 Bodypack/SLXD4 Receiver/MX153T Head mic	\$	879.00	\$10,548.00
2	Shure SLXD4D B58 handheld mic G58	\$	279.00	\$558.00
5	Five-Way Active Antenna Splitter UA844+SWB/LC	\$	614.00	\$3,070.00
2	Shure UA874 Directional antenna	\$	404.00	\$808.00
2	UA825 Cable Antenna Cable	\$	60.00	\$120.00
	Sub-total			\$68,927.54
	Shipping			\$3,446.38
	Misc Installation Cable/Hardware			\$12,653.22
	Labor to Install			\$14,696.00
	TOTAL			\$99,723.14

Prices good through:

Date: December 10, 2023

Company: PDH Systems

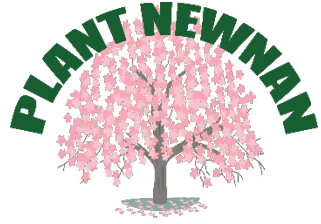
Address: 4367 Shallowford Industrial Pkwy, Marietta, GA 30066

Phone: 770.499.7538

Printed name of person completing proposal: Daniel Andretta

Signature: _____

Title: Director of Business Development



April 18, 2023

Newnan City Council
25 Lagrange St
Newnan, Georgia 30263

Re: Petition for Partnership Between Plant Newnan, INC and City of Newnan

To the Newnan City Council,

Plant Newnan, INC appears before you requesting to partner with the City of Newnan to explore the potential of establishing an arboretum on City of Newnan property located between Boone Dr, Fourth St, and Sunset Lane. The specific parcel number is N44 022 and a more detailed map is enclosed. If such research provides a viable solution, Plant Newnan would propose to work alongside the City and its staff to research, plan, and execute a strategic plan to implement the installation of the arboretum.

What is an arboretum? An arboretum is a botanical garden specializing in trees or woody plants that allows for engagement in public outreach, education, and managing beautiful and diverse tree collections.

Currently there are no arboretums south of I-20 down to the state line. Plant Newnan believes this is an opportunity to provide a unique park setting that is educational, accessed readily on foot, and will contain a rare water feature that is missing in Newnan's parks. Meetings with Newnan Tree Commission and Newnan Parks Commission garnered their support for a project of this measure.

Scope of work could include but not limited to visiting existing arboretums, master planning the site, improvement needs, maintenance needs, facilities needs, having the arboretum certified, and any other intrinsic details necessary to providing proof of concept and successful implementation of the project.

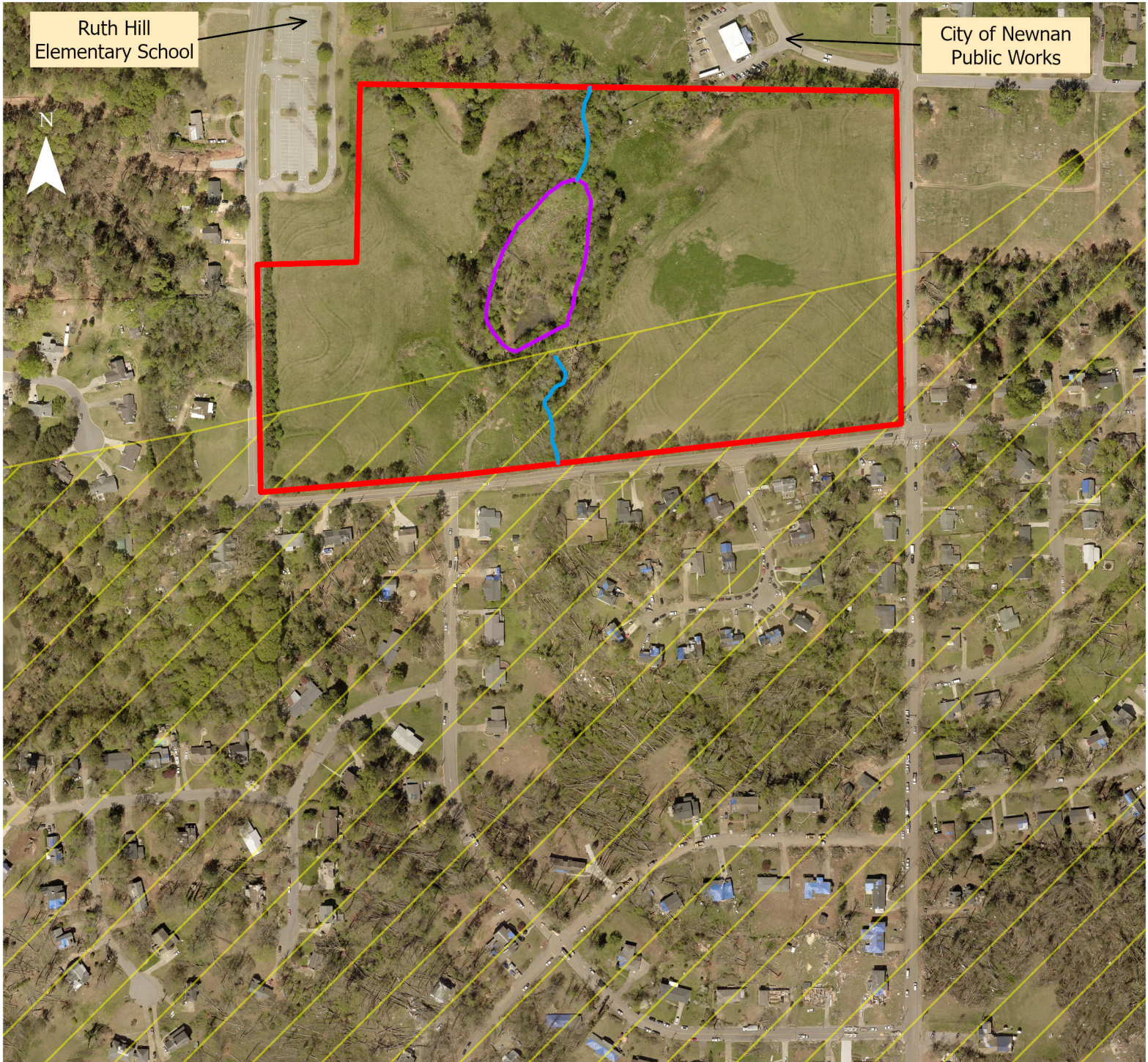
Thank you for your consideration,

Scott Berta, President
Plant Newnan, INC
Ga Registered Forester #2683
ISA Certified Arborist #GA-044A



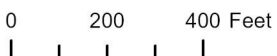
ALEXANDER ARBORETUM PROJECT

Post Storm Aerial Map
Boone Dr and 4th Street
Newnan, Ga



- Boone Dr Boundary
- FEMA_Tornado_Path
- Degraded Stream and Riparian Buffer
- Degraded Pond

The future Alexander Arboretum is immediately adjacent to one of the hardest hit neighborhoods from the EF4 Tornado in March 2021. The arboretum site itself was also hit and lost many large mature canopy oaks. Ruth Hill Elementary and the City of Newnan Public Works facility are adjacent to the site to the North. This aerial was taken three days post storm.





City of Newnan, Georgia - Mayor and Council

Date: April 25, 2023

Agenda Item: Public Hearing – Zoning Regulations Text Amendments to Articles 2, 3, 4, 13 and Subdivision Regulations – Section 11

Prepared By: Dean Smith, Planning and Zoning Department

Purpose: To conduct a public hearing on proposed text amendments to both the City of Newnan’s Zoning and Subdivision Regulations

Background: At Council’s meeting of October 11, 2022, staff introduced to certain changes to the zoning ordinance. At Council’s direction, the City held public hearings before the City of Newnan’s Planning Commission on December 20, 2022 and January 10, 2023 regarding the proposed amendments. At the conclusion of the January 10, 2023 hearing, Planning Commission adopted a motion to move the proposed zoning changes forward to Mayor and City Council with a favorable recommendation to consider adopting the changes proposed in this item. Council has held two previous hearings, on February 28, 2023 and March 14, 2023 to discuss the proposed amendments and address questions and concerns. The following changes are presented to Council at this meeting for your review and hopeful approval.

Proposed new language is **bold and yellow highlighted**. Language to be deleted is in ~~red with strikethrough~~.

Article 2 – Use of Land and Structures – Section 2-24, Table 2-B Principal Uses Allowed by Zoning District

- Amend Duplexes from needing a Special Exception approval to an allowed use in RU-I zoning districts – this change is to offer more workforce housing options in the inner city and with vacant infill lots.

Use Groups ↓ * = Residual Zoning Districts	Zoning Districts →														For Restrictions, see Sec.:	See also Accessory Use Table				
	RS-20	RS-15	RU-7	RU-I	RU-2	RML	RMH	PDR	PDC	OF-1	OF-2	PDO	CUN	CCS			CBD	CGN	CHV	ILT
KEY TO TABLE: A = Allowed Use; A/R = Allowed with Restrictions; S = Special Exception																				
1.000 Residential Uses																				
1.100 Single-Family Residences																				
Single-family detached: Site-Built or Modular Home	A	A	A	A	A	A	A	A	-	-	-	-	-	-	-	-	-	-	-	
Single-family detached: Manufactured Home	-	-	-	-	-	A	A	-	-	-	-	-	-	-	-	-	-	-	-	
Single-family detached: Zero lot line residence	-	-	A	-	A	A	A	A	-	-	-	-	-	-	-	-	-	-	-	
Ground Floor Residential	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	
Townhouse	-	-	A	A	A	A	A	A	-	-	-	-	-	-	A	-	-	-	-	3-7
1.200 Two-Family Residences																				
Duplex	-	-	-	A	S	A	A	A	-	-	-	-	-	-	-	-	-	-	-	
1.300 Multifamily Residences																				

- Amend Child Day Care Centers housing more than 6 children from needing a Special Exception approval to being allowed with restrictions, which are already in place in the zoning ordinance in non-residential districts.
- Amend Adult Day Care facilities caring for more than 6 persons from needing Special Exception approval to being allowed with restrictions in non-residential districts. The restrictions are already in place within the zoning ordinance.

Use Groups ↓ * = Residual Zoning Districts	Zoning Districts →														For Restrictions, see Sec.:	See also Accessory Use Table				
	RS-20	RS-15	RU-7	RU-4	RU-2 *	RML	RMH	PDR	PDC *	OI-1	OI-2	PDO	CUN	CCS			CBD	CGN	CHV	ILT
KEY TO TABLE: A = Allowed Use; A/R = Allowed with Restrictions; S = Special Exception																				
5.200 Health Care																				
Home health care services	--	--	--	--	--	--	--	--	A	A	A	A	A	A	A	A	A	A	A	
Clinics of health practitioners	--	--	--	--	--	--	--	--	A	A	A	A	A	A	A	A	A	A	A	
Outpatient care centers and other ambulatory health care services	--	--	--	--	--	--	--	--	A	A	A	A	A	A	A	A	A	A	A	
Hospitals	--	--	--	--	--	--	--	--	S	S	S	S	--	S	S	S	S	S	S	3-46
Vocational rehabilitation services	--	--	--	--	--	--	--	--	A	A	A	A	--	--	A	A	A	A	A	
5.300 Child Care																				
Child day care center (Class I)	S	S	S	S	S	S	S	S	--	--	--	--	--	--	--	--	--	--	--	3-80
Child day care center (Class II)	--	--	--	--	--	--	--	--	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	--	3-80
Child day care center (Class III)	--	--	--	--	--	--	--	--	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	--	3-80
Child day care center (Class IV)	--	--	--	--	--	--	--	--	A/R	--	A/R	--	A/R	A/R	A/R	A/R	A/R	A/R	--	3-80
5.400 Adult Day Care																				
Adult day care facility (Class I)	S	S	S	S	S	S	S	S	--	--	--	--	--	--	--	--	--	--	--	3-79
Adult day care facility (Class II)	--	--	--	--	--	--	--	--	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	--	3-79
Adult day care facility (Class III)	--	--	--	--	--	--	--	--	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	--	3-79
Adult day care facility (Class IV)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	

- Adding a new category for Cargo Container/Shipping Container Structures as a principal use and an accessory, or secondary, use. The proposed amendment prohibits cargo containers as a principal use or as an accessory uses in all residentially zoned areas. It would further require that in non-residential zoned properties, that someone wanting to use a Cargo Container as a principal structure, obtain Special Exception approval before doing so. This would provide the City an opportunity to address these types of situations individually and on a case-by-case basis to ascertain if the location was appropriate for this type of structure. The proposed change would allow cargo containers to be used in non-residential areas as accessory structure, under certain conditions, i.e. – located in rear or side of the business, limited in size (200 square feet maximum), along with other criteria used for non-residential accessory structures.

Table 2-B: Principal Uses Allowed by Zoning District

Use Groups ↓ * = Residual Zoning Districts	Zoning Districts →														For Restrictions, see Sec.:	See also Accessory Use Table				
	RS-20	RS-15	RU-7	RU-4	RU-2 *	RML	RMH	PDR	PDC *	OI-1	OI-2	PDO	CUN	CCS			CBD	CGN	CHV	ILT
KEY TO TABLE: A = Allowed Use; A/R = Allowed with Restrictions; S = Special Exception																				
Shopping centers, community	--	--	--	--	--	--	--	--	A	--	--	--	S	A	A	A	A	A	A	
Shopping centers, regional and super-regional	--	--	--	--	--	--	--	--	S	--	--	--	--	S	--	--	--	--	--	
Shopping centers, storefront	--	--	--	--	--	--	--	--	A	--	--	--	A	A	A	A	A	A	A	
6.700 Miscellaneous Store Retailers																				
Antique shop not including pawn shops	--	--	--	--	--	--	--	--	A	--	--	--	A	A	A	A	A	A	A	
Auction facility	--	--	--	--	--	--	--	--	A/R	--	--	--	--	--	--	A/R	A/R	A/R	A/R	3-21
Bookstore	--	--	--	--	--	--	--	--	A	--	--	--	A	A	A	A	A	A	A	
Cargo Container/Shipping Container Structures	--	--	--	--	--	--	--	--	S	S	S	S	S	S	S	S	S	S	S	

Table 2-C: Accessory and Temporary Uses Allowed by Zoning District

Use Groups ↓ * = Residual Zoning Districts	Zoning Districts →														See Also Sec.:					
	RS-20	RS-15	RU-7	RU-4	RU-2 *	RML	RMH	PDR	PDC *	OI-1	OI-2	PDO	CUN	CCS		CBD	CGN	CHV	ILT	IHV
KEY TO TABLE: A = Allowed Use; A/R = Allowed with Qualifications; S = Special Exception																				
10.000 Accessory Uses																				
10.100 Residential Accessory Uses																				
Accessory apartments	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	S	--	--	--	--	--	--	--	--	--	--	3-72
In-home occupation	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	--	--	--	--	A/R	A/R	A/R	A/R	--	--	3-14
Residences for domestic help	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	S	--	--	--	--	--	--	--	--	--	--	3-72
Recycling, designated collection center, neighborhood	--	--	--	--	--	A/R	A/R	A/R	S	S	S	--	S	S	S	S	S	--	--	3-12, 3-56
Cargo Containers/Shipping Container Structures	--	--	--	--	--	--	--	--	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	A/R	3-15

Article 3 – Restrictions On Particular Uses.

Section 3-83 – Temporary or Seasonal Uses – There are several older temporary permit requirements that have either been replaced by other procedures or policies or are no longer necessary. The proposal is to remove and delete the following sections from the zoning ordinance:

- 3-83 (a) – Delete requirement that a temporary permit must be obtained for garage sales, yard sales, and the like.
- 3-83 (f) – Delete requirement that a temporary permit must be obtained for athletic events utilizing public property, street and right-of-way. This is a process now handled by staff, along with any necessary approvals by City Council.
- 3-83 (g) – Delete requirement that temporary permit must be obtained for “In-Home Seminars or Commercial Parties”. No known permit has been issued by the City for an in-home seminar or commercial parties in the past 3 to 5 years.

Sec. 3-83. - Temporary or Seasonal Uses.

~~(a) Garage, Carport, Rummage, or Yard Sales.~~

~~A Temporary Sale Permit shall be required from the City Clerk. Such sales shall be limited in number to no more than three during any 12 month period. Each permit shall be issued for no more than three consecutive days and no permit may be issued for 30 days after the expiration of the preceding sale.~~

~~(f) Athletic Events Including Those Which Utilize Public Property, Public Streets, or Public Right of Way.~~

~~Such events, open to the general public, shall be limited to three consecutive days in length. A Temporary Event Permit shall be required from the City Clerk for each event, and coordination with the appropriate law enforcement office must be maintained for events utilizing public streets or public rights-of-way.~~

~~(g) In Home Seminars or Commercial Parties.~~

~~In-home seminars or parties held for the sale of goods or services shall be allowed provided that no more than three such events be held within any 12-month period. No permit is required but the event shall be registered with the City Clerk.~~

Article 4 – Lot and Building Standards

Section 4-5 (b) – Group Developments. The group development category was designed for commercial shopping centers, office complexes and apartment developments. There has been some conversation on this topic and staff feels that this section needs to be refined in the sense that the current language is not specific enough on the type of residential use that the language was originally intended to cover. As the ordinance is currently written, it is a broad brush for all types of “residential” developments. We have seen one developer use the group development language in an attempt to circumvent certain City development standards. Our aim with this latest text amending is to clarify the type of residential development for which the group development section was originally drafted to cultivate and to ensure that future residential projects are developed in accordance with our standards.

There was some discussion about deleting the group development language in its entirety; however, that may have a negative impact upon some existing commercial projects that have yet to be fully completed or want to be redeveloped. Staff would like to suggest that the “Group Development” section be clarified to just residential apartment developments, along with commercial and office developments. There are other development standards for townhouse, single family developments, etc., so this change would just impact apartment developments that are existing and those that may be approved in the future.

A group development of two or more buildings containing an **apartment** residential **use**, commercial **use** or industrial **use**, ~~or other use~~ on a lot of record of at least 2 acres in area may be constructed provided that:

- (1) Uses shall be limited to those allowed within the district in which it is located.
- (2) Density and building coverage requirements of the district are met.
- (3) The distance of every building from the nearest property line shall be adequate to meet all setback and other dimensional requirements of the district in which the lot is located.
- (4) An unobstructed passageway at least 15-feet wide is maintained from a public street to each building for use by service and emergency vehicles.
- (5) Each building on the lot is separated by at least 5 feet from any other building on the lot.

Article 13 – Interpretation and Definitions.

There are two proposed changes in this section, the first concerning the definition of Recreational Vehicles. There was some discussion about the inclusion of the language “with wheels” and perhaps that we should include language that would include “without wheels”. That language has been added.

RECREATIONAL VEHICLE. Any vehicle, including motorized homes, campers, travel trailers, camping trailers, motor coaches, pickup campers or coaches, designed and/or used for temporary living or sleeping quarters or recreational purposes and equipped with **or without** wheels to facilitate movement from place to place. This definition also includes other crafts or vehicles for recreational purposes, such as watercraft, boats (with or without trailers), wave runners, four wheelers, all-terrain vehicles and bus recreational vehicles. **Recreational vehicles shall not be considered equivalent to, nor permitted, as permanent residential structures. Recreational vehicles may not be used for living, sleeping, or housekeeping purposes unless authorized by City Council for temporary emergency shelter purposes. See Article 7 for recreational vehicle parking and location criteria.**

The second proposed change involves the definition of “Transitional Shelter”. The changes proposed herein are to include other types of shelter uses that are considered as transitional shelters that weren’t previously included in the existing definition.

TRANSITIONAL SHELTER. A charitable, nonprofit, short term housing and/or room and board accommodations for poor, transient, or needy individuals or families which must meet the minimum criteria for such a facility as specified in this Ordinance. **Such shelters may include, but are not limited to, emergency shelters, maternity houses, group homes, homeless shelters, supportive housing and the like.**

Subdivision Regulations – Section 11 – Private Streets

The last change being proposed involves the current language on private streets. Existing language requires private streets to be approved by the Planning Commission and City Council. Last year, the City changed the subdivision regulations to allow approval of public streets to be handled administratively through City personnel. Our suggestion would be to mirror this same procedure for private streets and allow City staff to approve private streets.

14. Private Streets

~~Construction of private streets shall not be allowed unless the City Council approves such proposal following review and recommendation by the Newnan Planning Commission and finds the following conditions and criteria have been satisfied:~~

Recommendation: Approve the proposed text amendments

Previous Discussion with Council: October 11, 2022, February 28, 2023 and March 14, 2023

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE CITY OF NEWNAN, GEORGIA, BY ADOPTING CERTAIN
TEXT AMENDMENTS; AND FOR OTHER PURPOSES**

WHEREAS, the City Council of the City of Newnan has discussed the issue of providing for certain text amendments to the City's Zoning Ordinance with regard to certain regulations and requirements of the City's Zoning Ordinance adopted September 12, 2017, as amended, and referred the issue to the Planning Commission for consideration and recommendation of certain text amendments to the City's Zoning Ordinance; and

WHEREAS, in accordance with the requirements of the City Zoning Ordinance, the Planning Commission of the City of Newnan has forwarded its recommendation to the City Council with regard to such text amendments; and

WHEREAS, pursuant to said requirements of the City Zoning Ordinance, the City Council has conducted a properly advertised public hearing on the text amendments not less than fifteen (15) nor more than forty-five (45) days from the date of publication of notice, which public hearing was held on the 25th day of April, 2023; and

WHEREAS, after the above referenced public hearing, the City Council has determined that it would be in the best interest of the residents, property owners and citizens of the City of Newnan, Georgia to adopt certain text amendments to the City's Zoning Ordinance and the City's Subdivision Regulations to amend the regulations and requirements of the City's Zoning Ordinance and the City's Subdivision Regulations.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Newnan, Georgia, and it is hereby ordained by authority of the same that the following text amendments to the City's Zoning Ordinance and the City's Subdivision Regulations be and are hereby adopted as follows:

Section I. Zoning Ordinance, Article 2 Amendment.

Article 2 is hereby amended as set forth herein below and a revised Article 2 as shown on Exhibit "A" attached hereto and made a part hereof is hereby adopted in its entirety as amended and made a part of the City's Zoning Ordinance:

Article 2

- (i) Change Adult Day Care Centers and Child Day Care Centers in non-residential zoning districts from "S"-Special Exception to "A/R"-Allowed with Restrictions. A Special Exception use requirement would remain for any Child Day Care or Adult Day Care Centers in residential zoning districts. •

(ii) Add a prohibition on cargo containers in all residential zoning districts as both a principal and an accessory use. In Non-residential zoned districts, the use shall be defined as “S”-Special Exception uses for principal uses and “A/R”-Allowed with restrictions as non-residential accessory structures which are set out in the existing Article 3, Section 3-15.●

(iii) Change Duplexes from “S”-Special Exception in the RU-I zoning district to “A”-Allowed. This proposed change offers more workforce housing options in the inner city and redevelopment opportunities with the vacant, infill lots.

Section II. All Ordinances or parts of Ordinances in conflict or inconsistent with this Ordinance hereby are repealed.

Section III. Should any phrase, clause, sentence, or section of this Ordinance be deemed unconstitutional by a Court of competent jurisdiction, such determination shall not affect the remaining provisions of this Ordinance, which provisions shall remain in full force and effect.

Section IV. This Ordinance shall be effective upon adoption.

DONE, RATIFIED, and PASSED by the City Council of the City of Newnan, Georgia, this ____ day of _____, 2023 in regular session assembled.

ATTEST:

Megan Shea, City Clerk

L. Keith Brady, Mayor

REVIEWED AS TO FORM:

C. Bradford Sears, Jr., City Attorney

Dustin Koritko, Mayor Pro-Tem

Cleatus Phillips, City Manager

George M. Alexander, Councilmember

Cynthia E. Jenkins, Councilmember

Rhodes H. Shell, Councilmember

Raymond F. DuBose, Councilmember

Paul Guillaume, Councilmember

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE CITY OF NEWNAN, GEORGIA, BY ADOPTING CERTAIN
TEXT AMENDMENTS; AND FOR OTHER PURPOSES**

WHEREAS, the City Council of the City of Newnan has discussed the issue of providing for certain text amendments to the City's Zoning Ordinance with regard to certain regulations and requirements of the City's Zoning Ordinance adopted September 12, 2017, as amended, and referred the issue to the Planning Commission for consideration and recommendation of certain text amendments to the City's Zoning Ordinance; and

WHEREAS, in accordance with the requirements of the City Zoning Ordinance, the Planning Commission of the City of Newnan has forwarded its recommendation to the City Council with regard to such text amendments; and

WHEREAS, pursuant to said requirements of the City Zoning Ordinance, the City Council has conducted a properly advertised public hearing on the text amendments not less than fifteen (15) nor more than forty-five (45) days from the date of publication of notice, which public hearing was held on the 25th day of April 2023; and

WHEREAS, after the above referenced public hearing, the City Council has determined that it would be in the best interest of the residents, property owners and citizens of the City of Newnan, Georgia to adopt certain text amendments to the City's Zoning Ordinance and the City's Subdivision Regulations to amend the regulations and requirements of the City's Zoning Ordinance and the City's Subdivision Regulations.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Newnan, Georgia, and it is hereby ordained by authority of the same that the following text amendments to the City's Zoning Ordinance and the City's Subdivision Regulations be and are hereby adopted as follows:

Section I. Zoning Ordinance, Article 3 Amendment.

Article 3 is hereby amended as set forth herein below and a revised Article 3 as shown on Exhibit "A" attached hereto and made a part hereof is hereby adopted in its entirety as amended and made a part of the City's Zoning Ordinance:

Article 3

- (i) Delete Section 3-83 (a) – This section requires a permit for Garage, Carport, Rummage or Yard Sales.

(ii) Delete Section 3-83 (f) – This section requires a permit and has zoning use restrictions for athletic events using public rights-of-way. Since this was adopted by the City, the process of allowing races and other athletic events on public streets has changed and is typically handled through other means. This section is no longer relevant to the current practice.

(iii) Delete Section 3-83 (g) – This section requires a permit and sets use standards for in-home seminars or commercial parties, i.e., Pampered Chef and the like. To the collective knowledge of the City Clerk and the Planning Department, no permit has ever been issued in the past 3 years for an in-home seminar or commercial party. No longer relevant.

Section II. All Ordinances or parts of Ordinances in conflict or inconsistent with this Ordinance hereby are repealed.

Section III. Should any phrase, clause, sentence, or section of this Ordinance be deemed unconstitutional by a Court of competent jurisdiction, such determination shall not affect the remaining provisions of this Ordinance, which provisions shall remain in full force and effect.

Section IV. This Ordinance shall be effective upon adoption.

DONE, RATIFIED, and PASSED by the City Council of the City of Newnan, Georgia, this ____ day of _____, 2023 in regular session assembled.

ATTEST:

Megan Shea, City Clerk

L. Keith Brady, Mayor

REVIEWED AS TO FORM:

C. Bradford Sears, Jr., City Attorney

Dustin Koritko, Mayor Pro-Tem

Cleatus Phillips, City Manager

George M. Alexander, Councilmember

Cynthia E. Jenkins, Councilmember

Rhodes H. Shell, Councilmember

Raymond F. DuBose, Councilmember

Paul Guillaume, Councilmember

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE CITY OF NEWNAN, GEORGIA, BY ADOPTING CERTAIN
TEXT AMENDMENTS; AND FOR OTHER PURPOSES**

WHEREAS, the City Council of the City of Newnan has discussed the issue of providing for certain text amendments to the City's Zoning Ordinance with regard to certain regulations and requirements of the City's Zoning Ordinance adopted September 12, 2017, as amended, and referred the issue to the Planning Commission for consideration and recommendation of certain text amendments to the City's Zoning Ordinance; and

WHEREAS, in accordance with the requirements of the City Zoning Ordinance, the Planning Commission of the City of Newnan has forwarded its recommendation to the City Council with regard to such text amendments; and

WHEREAS, pursuant to said requirements of the City Zoning Ordinance, the City Council has conducted a properly advertised public hearing on the text amendments not less than fifteen (15) nor more than forty-five (45) days from the date of publication of notice, which public hearing was held on the 25th day of April 2023; and

WHEREAS, after the above referenced public hearing, the City Council has determined that it would be in the best interest of the residents, property owners and citizens of the City of Newnan, Georgia to adopt certain text amendments to the City's Zoning Ordinance and the City's Subdivision Regulations to amend the regulations and requirements of the City's Zoning Ordinance and the City's Subdivision Regulations.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Newnan, Georgia, and it is hereby ordained by authority of the same that the following text amendments to the City's Zoning Ordinance and the City's Subdivision Regulations be and are hereby adopted as follows:

Section I. Zoning Ordinance, Article 4 Amendment.

Article 4 is hereby amended as set forth herein below and a revised Article 4 as shown on Exhibit "A" attached hereto and made a part hereof is hereby adopted in its entirety as amended and made a part of the City's Zoning Ordinance:

Article 4

Section 4-5 (b) Group developments – change the introductory sentence to: A group development of two or more buildings containing an apartment residential use; commercial use or industrial use on a lot of record of 2 acres may be constructed provided that:

Sec. 4-5. – Number of Principal Buildings.

(a) Only one principal building and its customary accessory buildings may hereinafter be erected on any lot of record except as otherwise provided in Subsection (b) below.

(b) Group Developments.

A group development of two or more buildings containing an apartment residential use, commercial use or industrial use on a lot of record of at least 2 acres in area may be constructed provided that:

(1) Uses shall be limited to those allowed within the district in which it is located.

(2) Density and building coverage requirements of the district are met.

(3) The distance of every building from the nearest property line shall be adequate to meet all setback and other dimensional requirements of the district in which the lot is located.

(4) An unobstructed passageway at least 15-feet wide is maintained from a public street to each building for use by service and emergency vehicles.

(5) Each building on the lot is separated by at least 5 feet from any other building on the lot.

Section II. All Ordinances or parts of Ordinances in conflict or inconsistent with this Ordinance hereby are repealed.

Section III. Should any phrase, clause, sentence, or section of this Ordinance be deemed unconstitutional by a Court of competent jurisdiction, such determination shall not affect the remaining provisions of this Ordinance, which provisions shall remain in full force and effect.

Section IV. This Ordinance shall be effective upon adoption.

DONE, RATIFIED, and PASSED by the City Council of the City of Newnan, Georgia, this ____ day of _____, 2023 in regular session assembled.

ATTEST:

Megan Shea, City Clerk

L. Keith Brady, Mayor

REVIEWED AS TO FORM:

C. Bradford Sears, Jr., City Attorney

Dustin Koritko, Mayor Pro-Tem

Cleatus Phillips, City Manager

George M. Alexander, Councilmember

Cynthia E. Jenkins, Councilmember

Rhodes H. Shell, Councilmember

Raymond F. DuBose, Councilmember

Paul Guillaume, Councilmember

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE CITY OF NEWNAN, GEORGIA, BY ADOPTING CERTAIN
TEXT AMENDMENTS; AND FOR OTHER PURPOSES**

WHEREAS, the City Council of the City of Newnan has discussed the issue of providing for certain text amendments to the City’s Zoning Ordinance with regard to certain regulations and requirements of the City’s Zoning Ordinance adopted September 12, 2017, as amended, and referred the issue to the Planning Commission for consideration and recommendation of certain text amendments to the City’s Zoning Ordinance; and

WHEREAS, in accordance with the requirements of the City Zoning Ordinance, the Planning Commission of the City of Newnan has forwarded its recommendation to the City Council with regard to such text amendments; and

WHEREAS, pursuant to said requirements of the City Zoning Ordinance, the City Council has conducted a properly advertised public hearing on the text amendments not less than fifteen (15) nor more than forty-five (45) days from the date of publication of notice, which public hearing was held on the 25th day of April 2023; and

WHEREAS, after the above referenced public hearing, the City Council has determined that it would be in the best interest of the residents, property owners and citizens of the City of Newnan, Georgia to adopt certain text amendments to the City’s Zoning Ordinance and the City’s Subdivision Regulations to amend the regulations and requirements of the City’s Zoning Ordinance and the City’s Subdivision Regulations.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Newnan, Georgia, and it is hereby ordained by authority of the same that the following text amendments to the City’s Zoning Ordinance and the City’s Subdivision Regulations be and are hereby adopted as follows:

Section I. Zoning Ordinance, Article 13 Amendment.

Article 13 is hereby amended as set forth herein below and a revised Article 13 as shown on Exhibit “A” attached hereto and made a part hereof is hereby adopted in its entirety as amended and made a part of the City’s Zoning Ordinance:

Article 13

Definitions

- Recreational Vehicles section -add “equipped with or without wheels” and “Recreational vehicles shall not be considered equivalent to, nor permitted,

as permanent residential structures. Recreational vehicles may not be used for living, sleeping, housekeeping purposes, unless authorized by City Council for temporary emergency shelters. Recreational vehicles shall not be used as storage sheds. See Article 7 for recreational vehicle parking standards and location requirements.”

- Transitional Shelters section – add “Such shelters include, but are not limited to, emergency shelters, maternity houses, group homes, homeless shelters, supportive housing and the like.”

R

RECHARGE AREA. Any portion of the earth’s surface, where water infiltrates into the ground to replenish an aquifer.

RECREATIONAL VEHICLE. Any vehicle, including motorized homes, campers, travel trailers, camping trailers, motor coaches, pickup campers or coaches, designed and/or used for temporary living or sleeping quarters or recreational purposes and equipped with or without wheels to facilitate movement from place to place. This definition also includes other crafts or vehicles for recreational purposes, such as watercraft, boats (with or without trailers), wave runners, four wheelers, all-terrain vehicles and bus recreational vehicles. Recreational vehicles shall not be considered equivalent to, nor permitted, as permanent residential structures. Recreational vehicles may not be used for living, sleeping, or housekeeping purposes unless authorized by City Council for temporary emergency shelter purposes. See Article 7 for recreational vehicle parking and location criteria.

TRANSITIONAL SHELTER. A charitable, nonprofit, short term housing and/or room and board accommodations for poor, transient, or needy individuals or families which must meet the minimum criteria for such a facility as specified in this Ordinance. Such shelters may include, but are not limited to, emergency shelters, maternity houses, group homes, homeless shelters, supportive housing and the like.

Section II. All Ordinances or parts of Ordinances in conflict or inconsistent with this Ordinance hereby are repealed.

Section III. Should any phrase, clause, sentence, or section of this Ordinance be deemed unconstitutional by a Court of competent jurisdiction, such determination shall not affect the remaining provisions of this Ordinance, which provisions shall remain in full force and effect.

Section IV. This Ordinance shall be effective upon adoption.

DONE, RATIFIED, and PASSED by the City Council of the City of Newnan, Georgia, this ____ day of _____, 2023 in regular session assembled.

ATTEST:

Megan Shea, City Clerk

L. Keith Brady, Mayor

REVIEWED AS TO FORM:

C. Bradford Sears, Jr., City Attorney

Dustin Koritko, Mayor Pro-Tem

Cleatus Phillips, City Manager

George M. Alexander, Councilmember

Cynthia E. Jenkins, Councilmember

Rhodes H. Shell, Councilmember

Raymond F. DuBose, Councilmember

Paul Guillaume, Councilmember

**AN ORDINANCE TO AMEND THE SUBDIVISION REGULATIONS
OF THE CITY OF NEWNAN BY ADOPTING CERTAIN
TEXT AMENDMENTS; AND FOR OTHER PURPOSES**

WHEREAS, the City Council of the City of Newnan adopted certain text amendments to the City's Subdivision Regulations in the year 2021; and

WHEREAS, the City Council of the City of Newnan has discussed the issue of providing for certain additional text amendments to the City's Subdivision Regulations, as amended, on the issue of private streets and referred the issue to the Planning Commission for consideration and recommendation of certain text amendments to the City's Subdivision Regulations; and

WHEREAS, in accordance with the requirements of the City Zoning Ordinance, the Planning Commission of the City of Newnan has forwarded its recommendation to the City Council with regard to such text amendments; and

WHEREAS, pursuant to said requirements of the City Zoning Ordinance, the City Council has conducted a properly advertised public hearing on the text amendments not less than fifteen (15) nor more than forty-five (45) days from the date of publication of notice, which public hearing was held on the 25th day of April 2023; and

WHEREAS, after the above referenced public hearing, the City Council has determined that it would be in the best interest of the residents, property owners and citizens of the City of Newnan, Georgia to adopt certain text amendments to the City's Zoning Ordinance and the City's Subdivision Regulations to amend the regulations and requirements of the City's Zoning Ordinance and the City's Subdivision Regulations.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Newnan, Georgia, and it is hereby ordained by authority of the same that the following text amendments to the City's Subdivision Regulations be and are hereby amended as follows:

Section 1. Subdivision Regulations Amendments to Section 11-14, Private Streets.

Section 11-14 is hereby amended as set forth herein below and a revised Section 11-14 and incorporated within the City's Subdivision Regulations as shown on Exhibit "A" attached hereto and made a part hereof which is hereby adopted in its entirety as amended:

Section 11-14.

Delete the requirement found in Section 11, Paragraph 14 as below:

~~Construction of private streets shall not be allowed unless the City Council approves such proposal following review and recommendation by the Newnan Planning Commission and finds the following conditions and criteria have been satisfied:~~

Private streets would still have to be built to City standards, reviewed, inspected and approved by the City's Engineering Department prior to any houses or structures being allowed to be built on any development using private streets.

14. **Private Streets.**

~~Construction of private streets shall not be allowed unless the City Council approves such proposal following review and recommendation by the Newnan Planning Commission and finds the following conditions and criteria have been satisfied:~~

Street name signs shall be provided by the developer at the intersections of public streets with private streets. All traffic control devices shall be selected, the designed, and installed, according to the latest edition of the Manual on Uniform Traffic Control Devices (MURCD), as published by the Federal Highway Administration (FHWA) and shall include pavement marking, signing, and signaling devices. Unless approved by the City Engineer, the minimum size of regulatory and warning signs shall be as shown in the MUTCD for conventional roads. The maintenance of all traffic control devices on private streets shall be included in the maintenance agreement.

Section II. All Ordinances or parts of Ordinances in conflict or inconsistent with this Ordinance hereby are repealed.

Section III. Should any phrase, clause, sentence, or section of this Ordinance be deemed unconstitutional by a Court of competent jurisdiction, such determination shall not affect the remaining provisions of this Ordinance, which provisions shall remain in full force and effect.

Section IV. This Ordinance shall be effective upon adoption.

DONE, RATIFIED, and PASSED by the City Council of the City of Newnan, Georgia, this ____ day of _____, 2023 in regular session assembled.

ATTEST:

Megan Shea, City Clerk

L. Keith Brady, Mayor

REVIEWED AS TO FORM:

C. Bradford Sears, Jr., City Attorney

Dustin Koritko, Mayor Pro-Tem

Cleatus Phillips, City Manager

George M. Alexander, Councilmember

Cynthia E. Jenkins, Councilmember

Rhodes H. Shell, Councilmember

Raymond F. DuBose, Councilmember

Paul Guillaume, Councilmember

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

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).