



## Newnan City Council Meeting

SEPTEMBER 28, 2021

Newnan City Hall  
Richard A. Bolin Council Chambers  
25 LaGrange Street  
6:30 PM

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### CALL TO ORDER

### INVOCATION

### READING OF MINUTES

- [A.](#) Minutes from Regular Meeting on September 14, 2021

### REPORTS OF BOARDS AND COMMISSIONS

- [B.](#) Annual Report- Keep Newnan Beautiful

### REPORTS ON OPERATIONS BY CITY MANAGER

### REPORTS AND COMMUNICATIONS FROM MAYOR

- C. Swearing In of Newnan Youth Council Students

### NEW BUSINESS

- [D.](#) Consideration of Change Order to LMIG 2021 Milling & Resurfacing Contract for Additional Work
- [E.](#) Consideration of Acceptance of Real Property Described in the Development Agreement Between PR Brown Ridge I, LLC and The City of Newnan
- [F.](#) Consideration of an Ordinance to Amend, Chapter 4, Animals, of the Code of Ordinances by Deleting Article VII, Dangerous Dog Control and Adopting a New Article VII
- [G.](#) Consideration of a Resolution to State the Primary Intended Uses of First Tranche of American Rescue Plan Act (ARPA) Funds

### UNFINISHED BUSINESS

### VISITORS, PETITIONS, COMMUNICATIONS & COMPLAINTS

- [H.](#) Request to close Madison St. between Jefferson St. and Jackson St. for Art Event on October 24th, 9am-4pm

### MOTION TO ENTER INTO EXECUTIVE SESSION

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

### ADJOURNMENT

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday September 14, 2021 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: Rhodes Shell, George Alexander; Ray DuBose, Cynthia Jenkins, Paul Guillaume and Dustin Koritko. Also present: City Manager, Cleatus Phillips; Assistant City Manager, Hasco Craver; City Clerk, Megan Shea; and City Attorney, Brad Sears.

**MINUTES – REGULAR COUNCIL MEETING – AUGUST 24, 2021**

Motion by Councilman Koritko, seconded by Councilman Alexander to dispense with the reading of the minutes of the Regular Council meeting on August 24, 2021 and adopt them as presented.

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

**APPOINTMENT- DOWNTOWN DEVELOPMENT AUTHORITY, 4 YEAR TERM**

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to re-appoint Casey Smith.

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

**REQUEST FROM FARMER STREET CEMETERY COMMISSION TO HOST PUBLIC INFORMATION GATHERING- OCTOBER 21<sup>ST</sup>**

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to approve the request.

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

**REPORT FROM DOWNTOWN DEVELOPMENT AUTHORITY**

Councilman DuBose who also serves as Chairman of the Downtown Development Authority, presented the report. The authority is comprised of citizens who all have a relationship to the downtown area. Councilman DuBose gave an overview of what was done in 2020 in response to COVID such as suspending sanitation billing, delayed occupational tax certificate renewal and the ability to serve to-go alcoholic beverages. This was all to help the businesses. Curbside parking was also increased and a temporary

ordinance allowed for the extension of outdoor dining into parking spaces and alleyways. There were also several virtual programs and events.

For 2021, goals were to expand business and commercial spaces, to add outdoor activity spaces and identify collaborative projects with the LINC and Bike Coweta. Councilman DuBose thanked Abigail Strickland, Main Street Manager and Jesse Branch, Special Events Coordinator for all their help.

### **PROCLAMATION FOR CONSTITUTION WEEK 2021**

This is an annual event and there were two members of the Daughters of the American Revolution present. Mayor Brady commented that he does a lot of proclamations every year and this is the only one that is read before Council since it is the constitution and the framework of our country.

Mayor Brady then read the proclamation and presented it to the members of the DAR.

### **CONSIDERATION OF A RESOLUTION NAMING THE PAVILION AT LYNCH PARK FOR CARRIE MAE WILLIAMS PRITCHETT**

Mayor Brady asked Council to consider naming the pavilion at Lynch Park after Carrie Mae Williams Pritchett. He explained that she was instrumental in developing programs for the youth through United We Stand for Positive Results. Clarence Bohannon was also involved with this and attended the meeting. Mayor Brady stated that Carrie Mae's son Willie Pritchett was also very involved with the programs. They would feed children in the neighborhood, provide back to school supplies etc. and this pavilion was where this all would take place. He also mentioned Larry Reid who was involved as well.

Mayor Brady explained that he thinks it's important to recognize Carrie Mae and United We Stand for Positive Results. He stated that he would like a plaque put up at the pavilion, possibly at an event in the fall.

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

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

### **PINNING/PROMOTION- CAPTAINS AND LIEUTENANTS**

Chief Blankenship explained that after he took over as Police Chief the vision has been to progress forward and structure the department for that. There have been several promotions that will help with that vision.

Lt. Bradley Thompson has been chosen to lead the new Uniformed Division as Captain. He has been in law enforcement for 24 years and has been with the NPD for 21 years. During his tenure he has worked in the patrol unit becoming an FTO and Corporal. He

was promoted to Sargent in the patrol unit then Lieutenant. Lt. Thompson's wife Vicky was there to pin his new badge as Captain.

Chief Blankenship explained that a new division has been developed, the Community Relations Division. This includes community resource unit, bike patrol unit, SRO's and Animal wardens. Lt. Jody Stanford has been chosen to lead this division as Captain. He has been with the City of Newnan since 1993, starting in Public Works then transferred to Animal Control in 2002. In 2004 he began his career as a Newnan police officer. Lt. Stanford's wife Christy was there to pin his new badge as Captain.

With the new Captain promotions that left Lieutenant positions open. Chief Blankenship announced the promotions of Van Meadows and Ronald Benjamin to Lieutenant and congratulated them on their accomplishments.

**PUBLIC HEARING – ALCOHOL BEVERAGE LICENSE – TACO CRISS BAKERY**

Mayor Brady opened a public hearing on the application for a Retail On Premise (Pouring) Sales of Malt Beverages and Wine License for Taco Criss Bakery, 21 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 Koritko to approve the application for a Retail On Premise (Pouring) Sales Malt Beverages and Wine License.

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

**PUBLIC HEARING – ALCOHOL BEVERAGE LICENSE – KELJOE, LLC DBA WESTSIDE FISH FRY**

Mayor Brady opened a public hearing on the application for a Retail On Premise (Pouring) Sales of Malt Beverages and Wine License for KelJoe, LLC dba Westside Fish Fry, 89 Temple Ave, Ste A.

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 Koritko to approve the application for a Retail On Premise (Pouring) Sales Malt Beverages and Wine License.

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



**PUBLIC HEARING – ALCOHOL BEVERAGE LICENSE – TAQUERIA OASIS BAR AND GRILL**

Mayor Brady opened a public hearing on the application for a Retail On Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine License for Taqueria Oasis Bar and Grill, 11 Spence Ave.

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 Mayor Pro Tem Shell, seconded by Councilman Koritko to approve the application for a Retail On Premise (Pouring) Sales Distilled Spirits, Malt Beverages and Wine License.

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

**PUBLIC HEARING – ALCOHOL BEVERAGE LICENSE – AMBAJI 369, LLC DBA MARATHON FOOD MART**

Mayor Brady opened a public hearing on the application for a Retail On Premise (Package) Sales of Malt Beverages and Wine License for Ambaji 369, LLC dba Marathon Food Mart, 1010 Hwy 34 East, Suite B.

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 Koritko, seconded by Councilman Guillaume to approve the application for a Retail On Premise (Package) Sales Malt Beverages and Wine License.

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

**AUDIT FIRM TO PRESENT THE COMPLETED 2020 COMPREHENSIVE ANNUAL FINAICIAL REPORT (CAFR) AND OVERVIEW**

Mr. Kenneth Neil, CPA with Clifton, Lipford, Hardison & Parker, LLC presented the report. Each year the City's Finance office applies to GFOA (Government Finance Officers Association) for a Certificate of Achievement in Financial Reporting. He explained that the financial statements are the responsibility of management and the auditors are responsible for an opinion based on the results of the audit on those statements. Financial highlights include the general fund with assets totaling \$33,796,485 as of the end of December, Total Liabilities and Deferred Inflows were \$1,060,208 and a Fund Balance totaling \$32,736,277. This represents 13 months' worth of operating expenses. The City well surpasses the benchmark set by GFOA and that speaks to the strong financial condition of the City of Newnan.

Growth in the fund balance over the past 8 years shows some significant gains. Almost 50% of the general fund revenues come from property and sales tax. The other half is made up of intergovernmental, license and permits etc. Expenditures look as is expected with public safety and public works as the two biggest categories.

There were no audit findings, a clean audit again. The report has been submitted to the state's audit department and waiting on final approval.

**PROPOSED FY2022 NEWNAN CENTRE BUDGET**

Councilman Koritko asked what percentage of the hotel/motel tax gets transferred to the Newnan Centre. Ms. Carol Moore stated 40%. City Manager explained that when there were 5 pennies, 3 pennies were transferred to the general fund and 2 to the Newnan Centre. Now we have 8 pennies, they still get 2 pennies so it's still the same percentage even though the total amount is not the same.

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to approve the budget as presented.

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

**COMMENT**

Councilman Alexander wanted to mention that the Newnan Kiwanis Fair started and runs through the 26<sup>th</sup>. All money raised from the fair is given back to organizations to help children.

**ADJOURNMENT**

Motion by Councilman DuBose, seconded by Councilman Koritko to adjourn the Council meeting at 3:00pm.

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

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Megan Shea, City Clerk

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Keith Brady, Mayor

# Keep Newnan Beautiful

City Council Report

Presented By  
**Shalonda Vasser-West**

9/28/21





# Keep Newnan Beautiful

Keep Newnan Beautiful's mission is to educate, motivate and empower the individuals of Newnan, Georgia, to take greater responsibility for improving our local community environment through litter prevention, beautification, and waste reduction.

Keep Newnan Beautiful is an affiliate of Keep America Beautiful and a local affiliate of Keep Georgia Beautiful. We are a city funded organization that is working to inspire and educate individuals and our community towards greater environmental stewardship.

# 2021 KNB Commission Members

**Scott  
Berta**

**Alicia  
Bohannon**

**Bill  
Boyd**

**Matt  
Bryan**

**Brenda  
Jessel**

**Constance  
Jordan**

**Rachel  
Murell**

**Paul  
Richardson**

**Tim  
Ross**

**Emmie  
Van-Patten**

**Shalonda  
Vasser-West**

# 2021 Community Impact

The Keep Newnan Beautiful program focuses on improving recycling, community greening, litter reduction and environmental education. Here are some of the ways we have improved our community during 2021.



## RECYCLING

53 Tons of Tires  
33,000 lbs of Paper  
43,966 lbs of Electronics  
2,503 gallons of Paint



## TORNADO ASSISTANCE

In an attempt to assist our residents who were impacted by the tornado, KNB worked with Public Works to identify residents with Household Hazardous Waste(HHW). We were able to properly dispose of over 2,000lbs of chemicals and paint from residents who lost their homes, garages, storage areas in the March tornado.



## COMMUNITY GREENING

This year we worked on beautifying existing areas partnering with other city programs. Painting activity paths at Lynch Park and adding a small garden space on the Linc path. We continued to maintain and improve our existing spaces.





Volunteers are the heart of our program. Finding groups to collaborate with helps grow our program, provides an external stimulus, and assists us with accomplishing our goals of reducing litter and improving recycling. We have many individuals that volunteer with us year round. We also have several companies and businesses that provide us with volunteer support. This year we were excited to have NU Recycles jump on board. Ms Loretta Stinson, pictured on the top right, has been a committed Adopt a Street volunteer for over 5 years and picks up trash on her street daily. Anderson & Associates, bottom right, adopted a street 3 years ago and is committed to picking up litter 4 times a year.











# Finding ways to stay revelant in 2021-2022



**EDUCATION**

Connecting with schools and community groups by providing programs can be used remotely or via Google classroom.



**TECHNOLOGY**

Using technology to create real world lessons that relate to environmental education : ie retention and detention ponds; pollution and conservation; weathering and erosion; and human impact on natural resources. Creating mprovements to the website to enable signups for events and volunteer activities.



**CREATING OPPORTUNITIES TO PARTICIPATE**

Rekindling the KNB focus on litter prevention and litter pickup allows us to encourage residents to get out and make a difference as individuals or as groups. This focus will allow us to meet our residents at their level of comfort.

# Thank you!

## **Our office**

6 1st Ave, Newnan, Ga 30263

## **Email address**

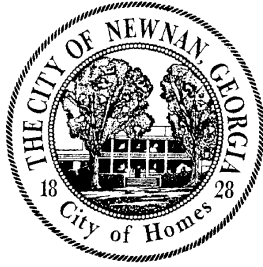
[pbeckwith@cityofnewnan.org](mailto:pbeckwith@cityofnewnan.org)

[knb@cityofnewnan.org](mailto:knb@cityofnewnan.org)

## **Phone Numbers**

678-673-5505 office

678-458-8009 cell



## City of Newnan, Georgia - Mayor and Council

Date: September 28, 2021

Agenda Item: Paving Contract- Change Order for Additional Work  
Mill & Resurface Various Streets- 2021, LMIG

Prepared by: Michael Klahr, Director of Engineering

**Purpose:** Council may consider a Contract change order for additional work

**Background:** **Piedmont Paving, Inc.** was awarded the Contract for the LMIG 2021 paving for the City of Newnan.

The base Contract amount is **\$857,983.07**, and includes the variable depth milling and resurfacing of approximately **2.19** centerline miles on **14** streets, and the application of thermoplastic traffic stripe and pavement markings.

As the LINC will be constructed adjacent to Field St, off E Washington St, the condition of Field St, of concrete pavement, is such that it is in need of rehabilitation. We have determine the street will need a re-construction, including demolition of the existing concrete pavement and construction of a flexible pavement section consisting of Graded Aggregate Base, an asphalt base course, and a final topping of asphalt.

The Change Order for adding this work to the current Contract will be **\$97,307.35**.

The awarded Contract is unit price based, however, additional bid items not included in the original Contract will be added for this work.

**Options:**

- A. Award a Contract change order to **Piedmont Paving, Inc.** for **\$97,307.35**
- B. Other action as directed by Council

**Funding:** SPLOST 2013

**Recommendation:** Option A

**Attachments:** 9-17-21 Field Street Proposal





# Piedmont Paving, Inc.

1226 Highway 16 East, Newnan, Georgia 30263  
Phone: 678-423-0586 Fax: 678-423-0588

## Contract Change Order Request

**Project:** Newnan Resurfacing  
Field Street  
**Date:** 9/17/21

<u>ITEM</u>	<u>APPROX. QUANTITY</u>		<u>UNIT PRICE</u>	<u>AMOUNT</u>
<u>1. Traffic Control</u>	1	LS	\$7,000.00	\$7,000.00
<u>2. Demo/Grading</u>	1	LS	\$30,035.00	\$30,035.00
<u>3. GAB</u>	975	SY	\$23.22	\$22,639.50
<u>4. 19mm</u>	170	Tons	\$114.51	\$19,466.70
<u>5. 12.5mm</u>	115	Tons	\$128.52	\$14,779.80
<u>6. Tack Coat</u>	55	GA	\$11.57	\$636.35
<u>7. Striping</u>	1	LS	\$2,750.00	\$2,750.00
			<b>Total Amount</b>	<b>\$97,307.35</b>

### Notes:

Please sign below and return to acknowledge approval and for PPI to proceed with work.

Submitted By:

Signature:

Name:

Andrew Trammell

Approved By:

Signature:

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Name:

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Title

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Company:

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## City of Newnan, Georgia - Mayor and Council

Date: September 28, 2021

Agenda Item: Consideration of Acceptance of Real Property Described in the Development Agreement Between PR Brown Ridge I, LLC and The City of Newnan

Prepared By: Hasco Craver, City Manager's Office

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**Purpose:** Newnan City Council may consider the acceptance of real property from PR Brown Ridge I, LLC as part of the Development Agreement between PR Brown Ridge I, LLC (Developer) and the City of Newnan that includes the donation of certain portions of the property.

**Background:** As the City continues to construct certain sections of the LINC, our community's multi-use path system, opportunities to partner with property owners arise. More specifically, Phase C will connect Greison Trail and Ashley Park Blvd. and includes four property owners. The City of Newnan has been in Right of Way (ROW) negotiations for several months with PR Brown Ridge I, LLC to allow for the successful construction of LINC facilities. During negotiations of the permanent and temporary easements, PR Brown Ridge I, LLC expressed to the City of Newnan that they had interest in donating a remnant portion of property located north-northwest of the development as long as the acceptance of such property does not affect the status of the development.

**Funding:** N/A

**Recommendation:** In an effort to allow for the ongoing promotion of the LINC, City staff recommends that the Newnan City Council authorize the acceptance of real property, as described in the attached documents.

**Attachments:**

1. Development Agreement between PR Brown Ridge I, LLC and the City of Newnan
2. Exhibit B – Site Plan showing the LINC and the site plan of The Cottages
3. Exhibit C – Site Plan showing the LINC construction access at The Cottages
4. Exhibit D – Site Plan of The Retreat

**Previous Discussion with Council:** Newnan City Council, over time, has been involved in the strategic planning, funding and construction of LINC facilities throughout the City.

STATE OF GEORGIA  
COUNTY OF COWETA

**DEVELOPMENT AGREEMENT  
BETWEEN PR BROWNS RIDGE I, LLC AND THE CITY OF  
NEWNAN**

THIS AGREEMENT, made and entered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between PR BROWNS RIDGE I, LLC, a Georgia limited liability company, (hereafter referred to as “Developer”), and the CITY OF NEWNAN, a Georgia municipal corporation (hereafter referred to as the “City”), provides as follows:

IN CONSIDERATION OF THE SUM OF ONE (\$1.00) DOLLAR, THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, AND THE MUTUAL PROMISES HEREIN MADE, THE PARTIES AGREE AS FOLLOWS:

**PREAMBLE**

WHEREAS, Developer is the owner of approximately 30.46 acres of land as described and depicted as “The Cottages At Browns Ridge Subdivision” lying on the north side of McIntosh Parkway as further described in Exhibit “A” attached hereto and incorporated herein by this reference (the “Cottages Property”). The Cottages Property is depicted in the site plan attached hereto as Exhibit “B” (the “Cottages Site Plan”) and is located in the municipal limits of the City of Newnan; and

WHEREAS, Developer has received a land disturbance permit to develop the property for residential uses in accordance with the Cottages Site Plan (“Cottages Project”). The Cottages Project consists of buildings, parking, landscaping and other improvements necessary to accommodate residential development; and

WHEREAS, the City is in the process of constructing a linear alternative transportation path or trail identified as the LINC (“LINC”); and

WHEREAS, a segment of the LINC, as depicted on Exhibit “C” attached hereto (the “LINC Plan”) will traverse the northerly portion of the Cottages Property as generally depicted by the red line on Exhibit “B”; and

WHEREAS, the Developer and City have reached a separate agreement whereby the Developer will convey a permanent easement to construct and maintain the LINC trail in the location shown on Exhibit “C” and the attendant temporary construction easements with the exception of the ingress/ egress access easement shown on Exhibit “C” which is to be relocated at the request of the Developer (the “Easement Agreement”); and

WHEREAS, the Developer is the owner of 16.20 acres of land as described and depicted as “the Retreat At Browns Ridge Subdivision” in Exhibit “D” attached hereto and incorporated herein by this reference (the “Retreat Property”). The Retreat Property is depicted in the Site Plan attached hereto as exhibit “D” (the “Retreat Site Plan”) and is located in the municipal limits of the City of Newnan; and

WHEREAS, Developer has received a land disturbance permit to develop the property for residential uses in accordance with the Retreat Site Plan (“Retreat Project”). The Retreat Project consists of buildings, parking, landscaping and other improvements necessary to accommodate residential development; and

WHEREAS, the Developer desires to donate and convey to the City all of the property shown on the Cottages Site Plan lying to the north of the northside of the existing Georgia Power Easement (the “Donation Property”) following completion of the development of The Cottages Project provided that such conveyance does not impact the development of The Cottages Project or The Retreat Project; and

WHEREAS, the City is agreeable to receiving the donation and conveyance of the Donation Property if the Developer decides to make such a donation and conveyance upon completion of the development of The Cottages Project; and

WHEREAS, the Developer seeks confirmation that the donation of the Donation Property to the City will not impact the status of the development of The Cottages Project or The Retreat Project; and

WHEREAS, Developer and City are willing to execute this Agreement to verify and achieve all of said purposes subject to the terms and provisions of this Agreement;

NOW THEREFORE, in consideration of mutual promises and covenants contained herein, the City and Developer agree as follows:

- I. PREAMBLE. The statements set forth in the Preamble are true and correct and are hereby incorporated herein by this reference.
- II. CONVEYANCE OF THE LINC PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENTS.  
Developer shall convey a permanent easement and a temporary construction easement for the construction of the segment of the City's LINC Trail Project traversing the Cottages Property as shown on Exhibits “B” and Exhibit “C”, pursuant to the Easement Agreement; free and clear of all liens, excepting the location of the temporary construction ingress/egress easement identified on Exhibit “C” as Tract 4[????], Temporary Construction Easement, which shall be relocated [???]to the positions shown on Exhibit “B”.
- III. DEVELOPMENT OF THE COTTAGES PROJECT AND THE RETREAT PROJECT.  
Developer has received a land disturbance permit to develop the Cottages Project and the Retreat Project (collectively, “Both Projects”) with a total of 137 residential units as shown on Exhibits “B” and “D”. The City hereby agrees that in the event Developer decides to convey the Donation Property to the City upon completion of the Cottages Project, that the remaining property will continue to support the proposed density of Both Projects; that the tree density located on the Donation Property will count toward

the City's tree density requirements for Both Projects; and the LINC Trail will count toward the City's amenity requirements for Both Projects provided that Developer constructs and maintains the proposed connection trail from the Cottages Project across the Georgia Power Right of Way and the Proposed Donation Property to the City's LINC Project.

IV. [RESERVED].

V. CONVEYANCE OF THE DONATION PROPERTY.

Upon completion of the Cottages Project and the connecting trail from the Cottages Project to the City LINC Project as provided for in Article III hereinabove, the Developer, at Developer's option, may convey the Donation Property to the City at no cost to the City, free and clear of all liens. The City will have the Donation Property surveyed at City's expenses to be able to prepare an accurate legal description of the Donation Property.

VI. MISCELLANEOUS. This writing supersedes all prior discussions and negotiations relating to the development of a portion of the LINC within the Cottages and Retreat Projects and a potential donation of the Donation Property. This Agreement shall be construed and interpreted in accordance with the laws of the State of Georgia. No amendment or modifications hereof shall be deemed effective, unless contained in a subsequent written instrument, executed by all parties.

SO AGREED AND EXECUTED under hand and seal of the parties by their duly authorized representatives, the day and year first above written.

DEVELOPER: PR BROWNS RIDGE I, LLC

CITY OF NEWNAN, GEORGIA

By: \_\_\_\_\_ (Seal)  
JD España, Jr., Manager of  
PR Browns Ridge, LLC

By: \_\_\_\_\_ (Seal)  
Mayor

Attest: \_\_\_\_\_ (Seal)  
City Clerk



**EXHIBIT "A"**

**(page 1 of 3)**

**MCINTOSH PARKWAY – TRACT 1**

ALL THAT TRACT OR PARCEL OF LAND situated, lying and being located in land lots 23 and 42 of the 5th Land District of Coweta County, Georgia, the same and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, First, Start at a 5/8" aluminum pipe found marking the common corner of land lots 22, 23, 42 and 43;

thence N 73°19'22" W a distance of 1351.30' along a tie line to a 1/2" iron rebar found which is the TRUE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED;

thence S 00°48'43" W a distance of 816.20' to a point of the northerly varying right-of-way of McIntosh Parkway;

(The following 5 courses and distances are along the northerly and northwesterly varying right-of-way of McIntosh Pkwy.)

thence with a curve turning to the left with an arc length of 55.13', with a radius of 1620.00', with a chord bearing of S 82°18'10" W, with a chord length of 55.12', to a point;

thence S 07°16'30" E a distance of 24.55' to a concrete monument found;

thence with a curve turning to the right with an arc length of 62.34', with a radius of 41.00', with a chord bearing of S 36°16'49" W, with a chord length of 56.50', to a concrete monument found;

thence with a reverse curve turning to the left with an arc length of 466.91', with a radius of 1556.00', with a chord bearing of S 71°14'22" W, with a chord length of 465.16', to a concrete monument found;

thence S 62°38'34" W a distance of 593.37' to a 1/2" iron rebar set;

thence N 63°24'25" W a distance of 215.66' leaving the northwesterly varying right-of-way of McIntosh Parkway to a point on the centerline of Wahoo Creek;

(The following 16 courses and distances are along the centerline of Wahoo Creek.)

thence N 10°51'42" E a distance of 12.27'; thence N 55°26'35" E a distance of 53.42'; thence N 44°08'34" E a distance of 24.92'; thence N 07°30'52" E a distance of 21.93'; thence N 47°21'05" W a distance of 44.66'; thence N 05°14'07" W a distance of 38.21'; thence N 32°20'59" E a distance of 48.62'; thence N 13°14'47" E a distance of 39.62'; thence N 04°35'20" E a distance of 26.88'; thence N 16°26'17" W a distance of 48.65'; thence N 12°03'17" W a distance of 198.80'; thence N 07°03'44" W a distance of 141.27'; thence N 04°05'15" W a distance of 123.48'; thence N 00°36'08" E a distance of 107.90'; thence N 10°05'46" E a distance of 248.26'; thence N 07°42'36" E a distance of 87.34';

thence N 89°05'53" E a distance of 1214.61' leaving the centerline of Wahoo Creek to a 1/2" iron rebar found which is the TRUE POINT OF BEGINNING;

Together with and subject to covenants, easements, and restrictions of record.

having an area of 1,326,785 square feet, 30.459 acres

**EXHIBIT "A"**

**(page 2 of 3)**

**MCINTOSH PARKWAY – TRACTS 2, 3 AND 4 COMBINED**

ALL THAT TRACT OR PARCEL OF LAND situated, lying and being located in land lot 23 of the 5th Land District of Coweta County, Georgia, the same and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, First, Start at a 5/8" aluminum pipe found marking the common corner of land lots 22, 23, 42 and 43;

thence N 73°19'22" W a distance of 1351.30' along a tie line to a 1/2" iron rebar found;

thence S 00°48'43" W a distance of 816.20' to a point on the northerly varying right-of-way of McIntosh Parkway;

thence S 70°36'33" E a distance of 417.49' along a tie line crossing said northerly varying right-of-way of McIntosh Parkway to a 1/2" iron rebar set on the southerly varying right-of-way of McIntosh Parkway which is the TRUE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED;

thence with a curve turning to the right with an arc length of 595.71', with a radius of 7964.55', with a chord bearing of S 08°12'34" E, with a chord length of 595.57', leaving said southerly right-of-way of McIntosh Parkway to a 1/2" iron rebar found;

thence S 55°33'28" W a distance of 272.25' to a 1/2" iron rebar found on the northeasterly 50' right-of-way of Brown Ridge Drive;

thence N 36°52'48" W a distance of 12.25' along the said right-of-way of Brown Ridge Drive to a point at the intersection with the northwesterly 50' right-of-way of Jacks Drive;

thence S 53°38'08" W a distance of 50.00' along the along the northwesterly 50' right-of-way of Jacks Drive to a point;

thence N 36°52'48" W a distance of 180.11' leaving the said right-of-way of Jacks Drive to a 1/2" iron rebar found;

thence S 71°49'17" W a distance of 482.23' to a 3/4" iron open top pipe found;

thence N 61°51'12" W a distance of 373.59' to a 1" open top pipe found;

thence N 53°44'58" W a distance of 269.37' to a 1/2" iron rebar found;

thence N 63°24'25" W a distance of 31.80' to a 1/2" iron rebar found on the southeasterly varying right-of-way of McIntosh Parkway;

(The following 10 courses and distances are along the southeasterly and southerly varying right-of-way of McIntosh Pkwy.)

thence N 62°38'34" E a distance of 515.85' to a concrete monument found;

thence with a curve turning to the right with an arc length of 144.58', with a radius of 1449.50', with a chord bearing of N 65°30'01" E, with a chord length of 144.52', to a concrete monument found;

thence N 76°45'26" E a distance of 97.44' to a concrete monument found;

thence with a curve turning to the right with an arc length of 191.80', with a radius of 1438.50', with a chord bearing of N 76°01'12" E, with a chord length of 191.66', to a concrete monument found;

**EXHIBIT "A"**  
**(page 3 of 3)**

thence with a compound curve turning to the right with an arc length of 59.92', with a radius of 36.52', with a chord bearing of S 53°13'05" E, with a chord length of 53.42', to a concrete monument found;

thence S 08°28'03" E a distance of 30.44' to a point;

thence with a curve turning to the right with an arc length of 67.37', with a radius of 1369.50', with a chord bearing of N 82°44'15" E, with a chord length of 67.36', to a point;

thence N 07°16'33" W a distance of 42.15' to a concrete monument found;

thence with a curve turning to the right with an arc length of 56.16', with a radius of 36.73', with a chord bearing of N 36°39'42" E, with a chord length of 50.85', to a concrete monument found;

thence N 85°27'50" E a distance of 319.81' to a 1/2" iron rebar found which is the TRUE POINT OF BEGINNING;

Together with and subject to covenants, easements, and restrictions of record.

having an area of 705,774 square feet, 16.202 acres

**EXHIBIT “B”**  
**SITE DEVELOPMENT PLAN**  
**THE COTTAGES AT BROWNS RIDGE SUBDIVISION**

**EXHIBIT “C”**

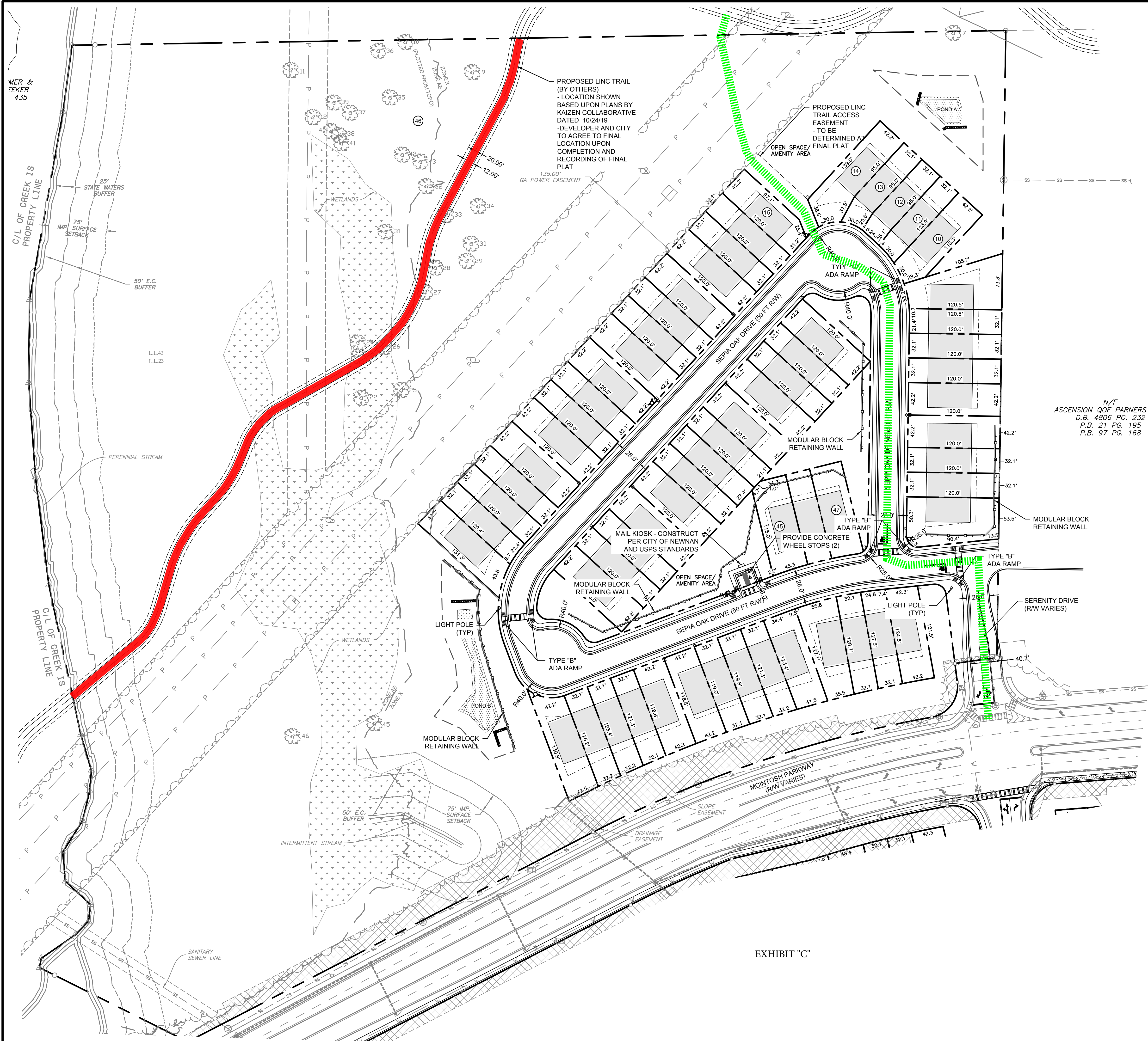
**[LINC PLANS]**

**EXHIBIT “D”**  
**SITE DEVELOPMENT PLAN**  
**THE RETREAT AT BROWNS RIDGE SUBDIVISION**









SITE PLAN NOTES:

- A. SITE DATA:  
TAX PARCEL ID NUMBER: N57 003  
TOTAL SITE AREA: 46.66 AC.  
THE COTTAGES: 30.46 AC.  
THE RETREAT: 16.20 AC.
- B. ZONING DATA:  
ZONING CLASSIFICATION: RU-7  
FRONT SETBACK: 20 FT.  
SIDE SETBACK: 10 FT.  
STREET SIDE SETBACK: 25 FT.  
REAR SETBACK: 30 FT.  
BUILDING HEIGHT: 40 FT.
- C. ALL WORK SHALL CONFORM TO CITY OF NEWNAN STANDARDS AND SPECIFICATIONS. IT IS THE CONTRACTORS RESPONSIBILITY TO NOTIFY THE PROPER OFFICIALS FOR ANY REQUIRED INSPECTIONS.
- D. LOT AND RIGHT OF WAY DATA:  
TOTAL LOTS: 137  
LOTS (THE COTTAGES): 61  
DENSITY (MAX): 4 UNITS / AC.  
DENSITY (PROPOSED): 3 UNITS / AC.  
R/W WIDTH: 50 FT.  
R/W AREA TOTAL: 5.63 AC.
12. OPEN SPACE CALCULATIONS:  
TOTAL AREA: 26.72AC.  
FLOOD PLAIN: 12.57 AC.  
GA POWER (OUT FLOOD): 2.43 AC.  
WETLANDS (OUT FLOOD): 0.27 AC.  
STREAM BUFFERS (OUT FLOOD): 0.17 AC.
- OPEN SPACE:  
AMENITIES AREA REQUIRED (100sf/LOT): 11.28 AC.  
AMENITY AREAS PROVIDED: 0.42 AC.  
OPEN SPACE PROVIDED: 11.28 AC.  
OPEN SPACE REQUIRED (1,000sf/LOT): 3.17 AC.  
TOTAL OPEN SPACE PROVIDED: 11.28 AC.  
ALLOWED OPEN SPACE WITHIN EASEMENTS, BUFFERS, WETLANDS, ETC.: 0 AC.
- ADDITIONAL OPEN SPACE LOCATED IN EASEMENT, BUFFERS, WETLANDS, ETC. (NOT COUNTED IN AREA PROVIDED): 15.44 AC.
- E. UTILITY SERVICE PROVIDERS:  
WATER/SEWER - NEWNAN UTILITIES  
POWER ELECTRIC - NEWNAN UTILITIES  
NATURAL GAS - ATLANTA GAS LIGHT  
TELECOMMUNICATIONS - AT&T
- F. STORMWATER MANAGEMENT TO BE PROVIDED BY TWO ON-SITE MICROPOOL EXTENDED DETENTION PONDS PROVIDING ATTENUATION OF STORM EVENTS, CHANNEL PROTECTION, AND WATER QUALITY TREATMENT PER THE GEORGIA STORMWATER MANAGEMENT MANUAL.
- G. STOP SIGNS MUST BE BREAK-A-WAY MOUNTED ON A SQUARE TUBE ALL OTHER SIGNS MAY BE MOUNTED ON A U-CHANNEL. ALL SIGNS SHALL BE MOUNTED 7'0" ABOVE FINISHED GRADE.
- H. ALL STRIPING ON RIGHT OF WAY SHALL BE THERMOPLASTIC, AND ALL NEW SIGNS SHALL BE HIP.
- I. ALL STRIPING AND SIGNAGE ITEMS MUST MEET LATEST MUTCD, GDOT, AND GA CODE.
- J. ALL HANDICAPPED RAMPS SHALL HAVE DETECTABLE WARNING STRIPS.
- K. STREET LIGHTING SHOWN AS PROPOSED. DEVELOPER TO COORDINATE WITH NEWNAN UTILITIES REGARDING SERVICE, PLACEMENT, AND INSTALLATION. TRANSFORMER LOCATIONS TO BE DETERMINED BY THE POWER COMPANY AND COORDINATED BY DEVELOPER TO AVOID ANY POTENTIAL CONFLICTS. TO BE IDENTIFIED ON FINAL PLAT.
- L. ALL ROADWAY MEASUREMENTS ARE TO BACK OF CURB, AND ARE 28 FEET UNLESS OTHERWISE NOTED IN ACCORDANCE WITH RESIDENTIAL STREET AND UTILITY DETAIL ON SHEET C702.

SITE PLAN LEGEND :

- = PROPERTY LINE - SEE PLAT FOR DETAILS  
--- = LANDSCAPE STRIP  
③ = PARKING COUNT NUMBERS  
= ASPHALT PAVEMENT SECTION - SEE DETAIL ON SHEET C702  
= 5 FT CONCRETE SIDEWALK - SEE DETAIL ON SHEET C700  
= SIGN POST  
☆ = PROPOSED LIGHT POLE



Date	Check by	Down by	Design by	Review by	Date	Description
04/24/20	SDS	JUL	JUL	JUL	9/9/20	JUL
12/26/1901	SDS	JUL	JUL	JUL	8/7/20	JUL
					5/6/20	JUL
					1/1	ISSUED FOR REVIEW
					2	ISSUED FOR PERMITTING
					3	ISSUED FOR PERMITTING

SITE DEVELOPMENT PLANS  
FOR  
THE COTTAGES AT BROWNS RIDGE  
SUBDIVISION  
LAND LOTS 23 AND 42 OF THE 5th DISTRICT, CITY OF NEWNAN, COWETA COUNTY, GEORGIA

SITE PLAN

DRAWING NO.  
C200





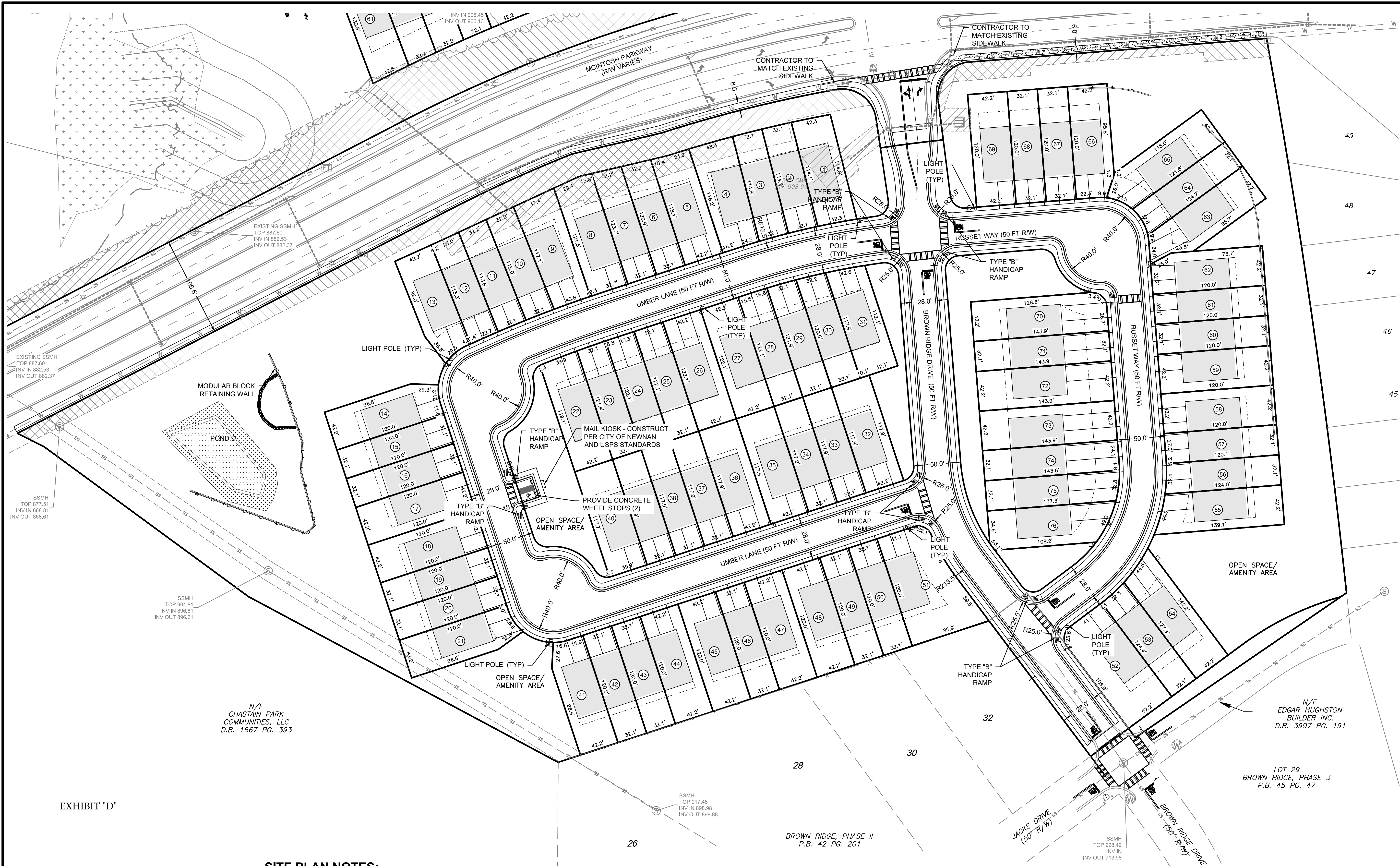


EXHIBIT "D"

N/F  
CHASTAIN PARK  
COMMUNITIES, LLC  
D.B. 1667 PG. 393

N/F  
EDGAR HUGHSTON  
BUILDER INC.  
D.B. 3997 PG. 191

LOT 29  
BROWN RIDGE, PHASE 3  
P.B. 45 PG. 47

SITE PLAN NOTES:

- A. SITE DATA:  
TAX PARCEL ID NUMBER: N57 003  
TOTAL SITE AREA: 46.66 AC.  
THE COTTAGES: 30.46 AC.  
THE RETREAT: 16.20 AC.
- B. ZONING DATA:  
ZONING CLASSIFICATION: RU-7  
FRONT SETBACK: 20 FT.  
SIDE SETBACK: 10 FT.  
STREET SIDE SETBACK: 25 FT.  
REAR SETBACK: 30 FT.  
BUILDING HEIGHT: 40 FT.
- C. ALL WORK SHALL CONFORM TO CITY OF NEWNAN STANDARDS AND SPECIFICATIONS. IT IS THE CONTRACTORS RESPONSIBILITY TO NOTIFY THE PROPER OFFICIALS FOR ANY REQUIRED INSPECTIONS.
- D. LOT AND RIGHT OF WAY DATA:  
TOTAL LOTS: 137  
LOTS (THE RETREAT): 76  
DENSITY (MAX): 4 UNITS / AC.  
DENSITY (PROPOSED): 3 UNITS / AC.  
R/W WIDTH: 50 FT.  
R/W AREA TOTAL: 5.63 AC.

12. OPEN SPACE CALCULATIONS:

TOTAL AREA:	26.72 AC.
FLOOD PLAIN:	12.57 AC.
GA POWER (OUT FLOOD):	2.43 AC.
WETLANDS (OUT FLOOD):	0.27 AC.
STREAM BUFFERS (OUT FLOOD):	0.17 AC.
OPEN SPACE:	11.28 AC.
AMENITIES AREA REQUIRED (100sf/LOT):	0.32 AC.
AMENITY AREAS PROVIDED:	0.42 AC.
OPEN SPACE PROVIDED:	11.28 AC.
OPEN SPACE REQUIRED (1,000sf/LOT):	3.17 AC.
TOTAL OPEN SPACE PROVIDED:	11.28 AC.
ALLOWED OPEN SPACE WITHIN EASEMENTS, BUFFERS, WETLANDS, ETC.:	0 AC.
ADDITIONAL OPEN SPACE LOCATED IN EASEMENT, BUFFERS, WETLANDS, ETC. (NOT COUNTED IN AREA PROVIDED):	15.44 AC.

- E. UTILITY SERVICE PROVIDERS:  
WATER/SEWER - NEWNAN UTILITIES  
POWER ELECTRIC - NEWNAN UTILITIES  
NATURAL GAS - ATLANTA GAS LIGHT  
TELECOMMUNICATIONS - AT&T

- F. STORMWATER MANAGEMENT TO BE PROVIDED BY AN ON-SITE MICROPPOOL EXTENDED DETENTION POND PROVIDING ATTENUATION OF STORM EVENTS, CHANNEL PROTECTION, AND WATER QUALITY TREATMENT PER THE GEORGIA STORMWATER MANAGEMENT MANUAL.
- G. STOP SIGNS MUST BE BREAK-A-WAY MOUNTED ON A SQUARE TUBE ALL OTHER SIGNS MAY BE MOUNTED ON A U-CHANNEL. ALL SIGNS SHALL BE MOUNTED 70" ABOVE FINISHED GRADE.
- H. ALL STRIPING ON RIGHT OF WAY SHALL BE THERMOPLASTIC, AND ALL NEW SIGNS SHALL BE HIP.
- I. ALL STRIPING AND SIGNAGE ITEMS MUST MEET LATEST MUTCD, GDOT, AND GA CODE.
- J. ALL HANDICAPPED RAMPS SHALL HAVE DETECTABLE WARNING STRIPS.
- K. STREET LIGHTING SHOWN AS PROPOSED. DEVELOPER TO COORDINATE WITH NEWNAN UTILITIES REGARDING SERVICE, PLACEMENT, AND INSTALLATION. TRANSFORMER LOCATIONS TO BE DETERMINED BY THE POWER COMPANY AND COORDINATED BY DEVELOPER TO AVOID ANY POTENTIAL CONFLICTS. TO BE IDENTIFIED ON FINAL PLAT.
- L. ALL ROADWAY MEASUREMENTS ARE TO BACK OF CURB, AND ARE 28 FEET UNLESS OTHERWISE NOTED IN ACCORDANCE WITH RESIDENTIAL STREET AND UTILITY DETAIL ON SHEET C702.

SITE PLAN LEGEND :

- = PROPERTY LINE - SEE PLAT FOR DETAILS
- = LANDSCAPE STRIP
- ③ = PARKING COUNT NUMBERS
- = MEDIUM DUTY PAVEMENT - SEE DETAIL ON SHEET C700
- ▨ = 5 FT CONCRETE SIDEWALK - SEE DETAIL ON SHEET C700
- ⊙ = SIGN POST
- ☆ = PROPOSED LIGHT POLE



DRAWING NO.  
C200

SITE PLAN

SITE DEVELOPMENT PLANS  
FOR  
THE RETREAT AT BROWNS RIDGE  
SUBDIVISION

LAND LOT 23 OF THE 5th DISTRICT, CITY OF NEWNAN, COWEEA COUNTY, GEORGIA



Date	Down by:	Check by:	Rev.	Description	Date	App.
3/18/20	SDS	JLV				
Project #:	Design by:	Review by:				
1526-1901	JLV	JLV				
50'	25'	0'	50'	3. ISSUED FOR PERMITTING	9/9/20	JLV
				2. ISSUED FOR PERMITTING	8/7/20	JLV
				1. ISSUED FOR REVIEW	5/6/20	JLV





## City of Newnan, Georgia - Mayor and Council

Date: September 28, 2021

Agenda Item: Consideration of an Ordinance to Amend, Chapter 4, Animals, of the Code of Ordinances by Deleting Article VII, Dangerous Dog Control and Adopting a New Article VII

Prepared By: Hasco Craver, Assistant City Manager

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### **Purpose:**

Newnan City Council may consider an Ordinance to Amend Chapter 4, Animals, of the Code of Ordinances of the City of Newnan, by deleting Article VII, Dangerous Dog Control of Chapter 4, Animals; and Adopting a New Article VII, Dangerous Dog Control of Chapter 4, Animals; and for Other Purposes.

### **Background:**

The City of Newnan Animal Warden, in an effort to best manage dangerous and vicious dogs, has requested that the Newnan City Council consider amending and updating the current Code of Ordinances to create consistency with Coweta County, the current animal shelter and the manner in which dangerous and vicious dogs are managed.

More specifically, Coweta County, the agency responsible for managing the local animal shelter, does not currently recognize “potentially dangerous” dogs, which is the term present in the City’s current Code of Ordinances. Therefore, the treatment of a dog that is deemed “potentially dangerous” may be inconsistent. The foster consistency in the treatment of dangerous and “potentially dangerous” dogs, the City’s Animal Warden is asking for portions of Chapter 4 to be amended; replacing the term “potentially dangerous” with “vicious”.

There are no other material changes being presented.

### **Funding:**

N/A

### **Recommendation:**

Newnan City Council may adopt the ordinance as presented.

### **Attachments:**

1. Ordinance to Amend Chapter 4, Animals, of the Code of Ordinances of the City of Newnan, by deleting Article VII, Dangerous Dog Control of Chapter 4, Animals; and Adopting a New Article VII, Dangerous Dog Control of Chapter 4, Animals; and for Other Purposes.

### **Previous Discussions with Council:**

None

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

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

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

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

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

**ARTICLE VII. - DANGEROUS DOG CONTROL**

**Sec. 4-79. - Dangerous dogs.**

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

**Sec. 4-80. - Definitions.**

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

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

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

"Dangerous dog" means any dog that:

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

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

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

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

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

Governing authority means the City of Newnan.

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

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

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

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

Severe injury means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery or a physical injury that results in death.

### **Sec. 4-81. - Exceptions.**

A dog that inflicts an injury upon a person when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties shall not be a dangerous dog or potentially dangerous dog within the meaning of this article. A dog shall not be a dangerous dog or a potentially dangerous dog within the meaning of this

article if the injury inflicted by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort; was tormenting, abusing or assaulting the dog and had in the past been observed or reported to have tormented, abused or assaulted the dog; or was committing or attempting to commit a crime.

Sec. 4-82. - Animal control officer.

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

Sec. 4-83. - Animal control board.

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

Sec. 4-84. - Investigation and classification.

Upon receiving a report of a dangerous dog or vicious dog within an animal control officer's jurisdiction from a law enforcement agency, animal control agency, rabies control officer or county board of health, the animal control officer shall make such investigations and inquiries with regard to such report as may be necessary to carry out the provisions of this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

ATTEST:

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

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

REVIEWED AS TO FORM:

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

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

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

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

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

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

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

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



## City of Newnan, Georgia - Mayor and Council

Date: September 28, 2021

Agenda Item: Consideration of a Resolution to State the Primary Intended Uses of First Tranche of American Rescue Plan Act (ARPA) Funds

Prepared By: Hasco Craver, Assistant City Manager

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### **Purpose:**

Newnan City Council may consider a Resolution to State the Primary Intended Uses of First Tranche of American Rescue Plan Act Funds (ARPA).

### **Background:**

In March 2021, the U.S. Congress approved the American Rescue Plan Act (ARPA), which in part provides funding to support local governments in responding to the impact of COVID-19 in their communities.

Over the past several months, the US Department of the Treasury has adopted an interim final rule, which provides certain guidance regarding the use of ARPA funds. The guidance provided has been communicated to the Newnan City Council via survey instruments intended to solicit and secure the opinions of Council persons, as it's related to their desire to allocate ARPA funds into permissible spending categories.

The City of Newnan, utilizing ARPA funds, hired a Special Projects Manager to assist with the successful receipt, administration and reporting of ARPA funds. To date, the ARPA Special Projects Manager, has been diligently studying the interim rule, while concurrently working with City Council and the community to develop a successful ARPA program that meets the provided guidance, the City Council's desires and the community's needs.

In July 2021, the City of Newnan received \$7.7M in ARPA funds for use, as provided in the Act and in adherence with the US Treasury's guidance and according to law.

City Council survey results received to date provide potential funding in the following categories:

1. Administrative/Indirect Costs; and
2. Revenue Replacement; and
3. Public Health; and
4. Negative Economic Impact; and
5. Infrastructure Improvement

Please note that the resolution being presented herein simply seeks to secure the support of the City Council as it is related to establishing specific funding categories.

The following list is illustrative of funding opportunities under the aforementioned categories:

- Administrative/Indirect costs will allow ARPA funds to be used to support the City's ARPA Special Project Manager.
- Revenue Replacement will allow ARPA funds to be used to support the Newnan Centre and other future potential revenue replacement needs, if necessary. Funding for future year losses will be considered over time.
- Public Health funding will allow ARPA funds to be used for community health fairs, vaccination programs, testing efforts, etc.
- Negative Economic Impact will allow ARPA funds to be used to support small businesses and private non-profit organizations (i.e. housing assistance, education assistance, supporting healthy childhood environments, loans/grants to businesses that suffered financial losses, business planning needs, etc.).
- Infrastructure Improvement will allow ARPA funds to be used to support water, wastewater and broadband efforts as well as storm water improvements. Additionally, City staff believe there may exist an opportunity to utilize ARPA funds to support future LINC sections in specific qualifying census tracts.

**Funding:**

N/A

**Recommendation:**

Newnan City Council may provide guidance related to the receipt and allocation of funds in certain categories, as previously described, surveyed and discussed.

**Attachments:**

1. Resolution to State the Primary Intended Uses of the First Tranche of the City of Newnan, Georgia, Allotment of Local Fiscal Recovery Funds Through the American Rescue Plan Act; and for Other Purposes
- 2.

**Previous Discussions with Council:**

Newnan City Council has been presented two survey instruments over time requesting feedback related to their interest in project and program funding. In addition, Newnan City Council received a presentation from our ARPA Special Projects Manager, Andrew Moody, at a summer 2021 Council Meeting. Newnan City Council has received numerous pieces of correspondence from partner organizations such as the Georgia Municipal Association, the National League of Cities and others, which all discuss the potential use of ARPA fund

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION TO STATE THE PRIMARY INTENDED USES OF THE  
FIRST TRANCHE OF THE CITY OF NEWNAN, GEORGIA,  
ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE  
AMERICAN RESCUE PLAN ACT; AND FOR OTHER PURPOSES.**

**WHEREAS**, on March 11, 2021, the United States Congress passed the American Rescue Plan Act of 2021 (ARPA), which provides fiscal relief funds to State and Local Governments, and other program areas aimed at mitigating the continuing effects of the COVID-19 Pandemic; and,

**WHEREAS**, ARPA is intended to provide support to local governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses; and,

**WHEREAS**, ARPA includes State and Local Fiscal Recovery Funds to support urgent COVID response efforts to decrease the spread of the virus; to replace lost public sector revenue to strengthen support for vital public services; to support immediate economic stabilization for households and businesses; and to address systemic public health and economic challenges that have contributed to unequal impacts of the pandemic on certain populations; and,

**WHEREAS**, the United States Department of Treasury has adopted the interim final rule as guidance regarding the use of ARPA Funds; and,

**WHEREAS**, on July 12, 2021, the State of Georgia, as subaward from the United States Department of Treasury, deposited the City of Newnan's first tranche of funds, which is Seven Million, Seven Hundred Sixty-three Thousand, Nine Hundred Twenty-Eight and 00/100 Dollars (\$7,763,928.00); and,

**WHEREAS**, that as a subrecipient, the City of Newnan accepts award of Coronavirus Local Fiscal Recovery Funds allocation up to the maximum allowed by the terms and conditions of the ARPA; and,

**WHEREAS**, this resolution is intended as a statement of intent of the City Council to expend a portion of the first tranche of the City's ARPA Funds in accordance with Federal Law and guidance, for the current critical needs and priorities for which there is consensus as set forth below.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEWNAN, GEORGIA:**

**Section 1.** Subject to the provisions of Section 10 below, the Mayor, City Manager, City Clerk and any City signatories required to do so, are authorized to apply for, obtain, or otherwise assure authorization of the receipt or use of ARPA funds as set forth in this resolution.

**Section 2.** As set forth more fully below, the City Council expresses its intent to expend these funds for eligible, immediate needs within the categories below:

- A. Administrative/Indirect Costs
- B. Revenue Replacement
- C. Public Health
- D. Negative Economic Impact
- E. Infrastructure Improvement

**Section 3. Administrative/Indirect Costs.** For purposes of ARPA administration it is the intent of the City Council that funds from the first tranche of the American Rescue Plan Act be prioritized and expended as follows:

- A. A total of approximately 2% of the first tranche shall dedicate to the administrative and indirect costs of administering the ARPA funds and projects, this dedication may be restructured again at the end of FY22 – estimated total of One Hundred Fifty-Five Thousand and 00/100 (\$155,000.00)
- B. City Management and appropriate staff are furthermore granted authorization to make expenditures under this category.
- C. Unused funds may be rededicated at the end of FY22 at the discretion of City Management.

**Section 4. Revenue Replacement.** For purposes of the initial establishment of ARPA Fund categories and for the provision replacing lost revenues and encumbered costs related to the provision of government services after March 11<sup>th</sup>, 2021. It is the intent of the City Council that funds from the first tranche of the American Rescue Plan Act be prioritized and expended as follows:

- A. Establish a Revenue Replacement FY20 category – estimated total of One Million, Twenty-one Thousand, Four Hundred Seventy-Four and 79/100 dollars (\$1,021,474.79)
- B. An additional 18% of the remaining balance after allocation of the FY20 recovery funds may be held in a Revenue Replacement from FY21 category – estimated total of One Million, One Hundred Eighty-Five Thousand, Seven Hundred Forty-One and 58/100 (\$1,185,741.58)
- C. City Management and appropriate staff are furthermore granted authorization to make expenditures under this category.
- D. Unused funds may be rededicated to other categories at the discretion of City Management.

**Section 5. Remaining Tranche Balance.** The amount shall be calculated after the removal of Administrative/Indirect Costs, Revenue Replacement FY20, and Revenue Replacement Reserve for FY21 recovery, balances shall be as follows:

- A. Tranche one remaining balance -- estimated remaining balance of Five Million, Four Hundred One Thousand, Seven Hundred Eleven and 63/100 (\$5,401,711.63).
- B. Public Health. An approximate total of 33.33% of the remaining balance may be dedicated to the Public Health category.
- C. Negative Economic Impact. An approximate total of 33.33% of the remaining balance may be dedicated to the Negative Economic Impact category.
- D. Infrastructure Improvement. An approximate total of 33.33% of the remaining balance may be dedicated to the Infrastructure Improvement category

**Section 6. Public Health.** It is the intent of the City Council that funds from the first tranche of the American Rescue Plan Act be prioritized and expended for public health measures to respond to COVID-19 as follows:

- A. An approximate 33.33% total may be dedicated to the Public Health category-- estimated total of One Million, Eight Hundred Thousand, Three Hundred Ninety and 49/100 (\$1,800,390.49)
- B. An expenditure from the dedicated amount above on a City Employee COVID-19 Vaccination Incentive-- estimated total of One Hundred Sixty-Five Thousand and 00/100 (\$165,000).
- C. City Management and appropriate staff are furthermore granted authorization to make expenditures under this category.
- D. Unused funds may be rededicated to other categories at the discretion of City Management.

**Section 7. Negative Economic Impact.** It is the intent of the City Council that funds from the first tranche of the American Rescue Plan Act be prioritized and expended for measures addressing the negative economic impacts of COVID-19 as follows:

- A. An approximate 33.33% total may be dedicated to the Negative Economic Impact category – estimated total of One Million, Eight Hundred Thousand, Three Hundred Ninety and 49/100 (\$1,800,390.49).
- B. An approximate total of 65.0% of the funds dedicated to the Negative Economic Impact category may be made available to 501(c)(3) nonprofit organizations with an established history in the City of Newnan through a grant application process managed by City Management and the ARPA Special Project Manager – estimated total One Million, One Hundred Seventy Thousand, Two Hundred Fifty-Three and 82/100 (\$1,170,253.82).
- C. An approximate total of 35% of the funds dedicated to the Negative Economic Impact category may be made available to local businesses that meet the criteria established

- in the Interim Final Rule through a grant application process managed by City Management and the ARPA Special Projects Manager – estimated total of Six Hundred Thirty Thousand, One Hundred Thirty-Six and 67/100 (\$630,136.67)
- D. City Management and appropriate staff are furthermore granted authorization to make expenditures under this category.
  - E. Unused funds may be rededicated to other categories at the discretion of City Management.

**Section 8. Infrastructure Improvement.** It is the intent of the City Council that funds from the first tranche of the American Rescue Plan Act be prioritized and expended for measures addressing infrastructure improvements in drinking water, sewerage, and stormwater systems.

- A. An approximate 33.33% total may be dedicated to the Infrastructure Improvement category – estimated total of One Million, Eight Hundred Thousand, Three Hundred Ninety and 49/100 (\$1,800,390.49)
- B. City Management and appropriate staff are furthermore granted authorization to make expenditures under this category.
- C. Unused funds may be rededicated to other categories at the discretion of City Management.

**Section 9. Compliance with the American Rescue Plan Act.** The City will ensure compliance with prevailing Federal guidance at the time funds are committed for expenditure.

**Section 10.** Nothing in this resolution shall be construed as taking the place of any action otherwise required by the City Council to authorize the City Manager to enter into requisite contracts associated with expenditures outlined above.



The Cellar

20 Jefferson St, Newnan, GA 30263

Sunday	Closed
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The Bays

Jefferson St, Newnan, GA 30263

Sunday	Closed
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Newnan Times Harold

16 Jefferson St, Newnan, GA 30263

Sunday	Closed
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Newnan Magazine

16 Jefferson St, Newnan, GA 30263

Sunday	Closed
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Newnan Computers

13 Jackson St # C, Newnan, GA 30263

Sunday	Closed
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La Fiesta

7 Jackson St, Newnan, GA 30263

Sunday	Closed
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Kendra's 2

14 Jefferson St, Newnan, GA 30263

Sunday	12-5PM
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Newnan City Council,

We would love to host an event that supports local artist, and crafters. We would like to host up to 40 vendors from and around the Newnan area. In order to do so, we are asking if we can shut-down Madison Street - between Jackson Street and Jefferson Street. I have included the surrounding businesses on those roads that are closed for the date requested.

Thank you for your time,  
Ansley Murray



## **GUIDELINES FOR USING DOWNTOWN NEWNAN SQUARE OR ANY CITY STREETS**

<b>NAME OF AGENCY</b>	RPM Crafts + Brews
<b>NAME OF PERSON IN CHARGE OF EVENT</b>	Ansley Murray
<b>ADDRESS OF PERSON IN CHARGE</b>	110 Askew Park Hogansville GA 30230
<b>CELL PHONE NUMBER OF PERSON IN CHARGE</b>	770-313-4143
<b>TYPE OF EVENT</b>	Makers Fair / Crafts Fair
<b>PURPOSE OF EVENT</b>	Supporting Local Artist
<b>DATE OF EVENT</b>	10/24/2021
<b>TIME OF EVENT</b>	9:00 am- 4:00 pm

### **CONDITIONS OF PERMIT**

If permit is for any type utilizing streets of the city other than just the square area, a map shall be submitted to indicate routes of the event. If road race, walk or similar event, a fee will be charged based on number of police officers required to provide safety for the event; and all events of this type should be scheduled to end by 10:00 AM. If officers are required for other events, a fee will be charged based on number of officers requested by agency sponsoring event.

Applicants for permits for the square area only which require the setting of booths or selling goods should be aware that homegrown or handmade goods are preferred and that other goods sold should not be in conflict with goods that merchants on the square have for sale, excluding restaurant style prepared food items. Personal information from those attending the event should not be solicited. Subscription based businesses, home improvement companies, insurance companies, etc., that approach those attending the event for solicitation for future services are not allowed. It is recommended that a 10x10 booth space be assigned to each participant with the participants name written in chalk at each sidewalk location. Permanent marking on the square is not allowed. You must provide your own tent, chairs and tables. If your event requires electricity, it must be requested in advance. If it is used from the light poles, then the cover must be put back on after the event. If a cover is lost the event coordinator and vendor are liable for the cost of replacing the lost cover. All cords must be duct taped down to the sidewalks to prevent accidents.

### **EVENT STAFFING**

The coordinator of the event on the square must remain on site throughout the set up and clean up of the event. The event coordinator must make sure that the square is returned to normal after the event is over.

### **GARBAGE**

Additional rolling trash cans by the City of Newnan Sanitation Department need to be around the court square. Contact Sanitation Services at 770-253-0327 to coordinate and determine the number of cans needed for your event. We recommend that you cover the permanent cans surrounding the square and use the rolling cans. If the decorative cans are overflowing at the end of the event, they should be emptied into the rolling cans. Cost of Sanitation cans are \$10.00 per can during normal business hours and \$25.00 per can after hours. *(Costs are subject to change)*

### **PUBLIC NOTICE SIGNAGE**

The coordinator of the event is responsible for obtaining and displaying Special Event Notice signs as provided by City staff. Public notice along/near the event location shall be provided at least 72 hours in advance of the event.

### **BATHROOMS**

A portable restroom, or more depending on the size of the event, must be provided for the public to use. Downtown shops only allow restroom facilities to be used by paying customers. Main Street can assist with contact information on a Main Street member that provides port-a-potties for a fee. We recommend these be placed on the side of NuLink on West Washington Street.

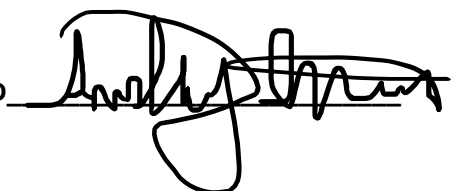
### **PARKING**

Vendors can park on the square to unload, but once unloaded they will need to move their vehicles to a city lot. Parking on the square or in front of stores is prohibited. This includes on side streets. Parking is for customers and event attendees.

### **AGREEMENT**

I, Ansley Murray, agree to these guidelines for use of the Newnan Square and/or city streets.

SIGNED



9/14/2021

DATE

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**EVENT - 100.00.34.2901 – Event Activity Fees**

Form Updated February 8, 2019 / October 12, 2018

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

I move that we now enter into closed session as allowed by O.C.G.A. §50-14-4 and pursuant to advice by the City Attorney, for the purpose of discussing

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And that we, in open session, adopt a resolution authorizing and directing the Mayor or presiding officer to execute an affidavit in compliance with O.C.G.A. §50-14-4, and that this body ratify the actions of the Council taken in closed session and confirm that the subject matters of the closed session were within exceptions permitted by the open meetings law.

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

I move that we adopt the resolution authorizing the Mayor to execute the affidavit stating that the subject matter of the closed portion of the council meeting was within the exceptions provided by O.C.G.A. §50-14-4(b).