



# Newnan City Council Meeting

SEPTEMBER 24, 2019

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

**CALL TO ORDER** – Mayor Keith Brady

**INVOCATION**

**READING OF MINUTES**

- I Minutes from Regular Meeting on September 10, 2019 ..... Tab A

**REPORTS OF BOARDS AND COMMISSION**

- I 2 Appointments – Cultural Arts Commission – 3 Year Terms
- II 1 Appointment – Keep Newnan Beautiful – 3 Year Term
- III Annual Report – Keep Newnan Beautiful

**REPORTS ON OPERATIONS BY CITY MANAGER**

**REPORTS AND COMMUNICATIONS FROM MAYOR**

**NEW BUSINESS**

- I **Public Hearing** – Consideration of Ordinance to Amend the Code of Ordinances of the City of Newnan adopting revisions to Article 1, Chapter 6, Businesses ..... Tab B
- II Ordinance to Amend the 2019 Budget for the Christmas Commission..... Tab C
- III Consideration of ordinances regarding the regulation of small cell wireless facilities and utility permitting within the city owned right-of-way ..... Tab D
  - *An ordinance amending the Code of City of Newnan, Georgia at Chapter 18, Streets, Sidewalks and Public Places, by enacting a new Article IX. Georgia Streamlining Wireless Facilities and Antennas Act;*
  - *An ordinance to amend Chapter 18 of the Official Code of the City of Newnan, Georgia “Streets, Sidewalks and Public Places”, in order to adopt updated regulations to administer and regulate the placement of utilities in the public right of way in the public interest as set out in Article III, Poles and Wires;*
- IV Consider and offer staff direction concerning an update to the WWI Plaque at the Veteran’s Memorial Plaza..... Tab E
- V Consider Resolution authorizing application for Georgia Outdoor Stewardship Program Grant (GOSP) to assist in the funding of the Newnan LINC Downtown Connector ..... Tab F
- VI Consideration of a Resolution of Commitment to Support the Long-Term Maintenance of the LINC for application for a Georgia Outdoor Stewardship Program Grant (GOSP)..... Tab G
- VII *Information Only* – Rezoning request by WP South Acquisitions LLC for 22.485+ acres located at the corner of Bullsboro Drive and Ashley Park Drive from CGN (General Commercial District) to RMH (Residential Multiple-Family Dwelling-Higher Density District) – Planning Commission..... Tab H

**UNFINISHED BUSINESS**

- I Consider approval for application development and administrative services related to the City’s 2020 CDBG application ..... Tab I
- II 6 Glenn Street – New owner to update Council on status and request extension to repair or demolish ..... Tab J
- III **Continue Public Hearing** from August 27, 2019 – 8 Glenn Street – Resolution to repair or demolish ..... Tab K
- IV 280 W. Washington Street – Owner to request 180-day extension ..... Tab L

**VISITORS, PETITIONS, COMMUNICATIONS & COMPLAINTS**

- I Parks of Olmstead request to place Yard Sale Banners at their two main entrances from Monday October 28<sup>th</sup> throughout Saturday November 2<sup>nd</sup> for their annual community yard sale event ..... Tab M
- II Newnan Junior Service League requests to hold their 36<sup>th</sup> Annual Can-A-Thon as in the past on Tuesday December 3<sup>rd</sup> from 7 am to 7 pm on the square ..... Tab N
- III Eric Marston FBC Newnan would like to set up tables with banners in two locations downtown to offer free gift wrapping on Saturday November 30, 2019 from 1:30 – 4:30 pm ..... Tab O
- IV Request from African American Heritage Museum and Research Center for a Ground Penetrating Radar survey to be conducted on the site of Farmer Street Cemetery at 92 Farmer Street ..... Tab P
- V Consideration of Use of Public Right of Ways for Random Productions for an HBO Film Project from September 30, 2019 – October 4, 2019 ..... Tab Q

**EXECUTIVE SESSION – LEGAL, PERSONNEL AND REAL ESTATE**

**ADJOURNMENT**

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, September 10, 2019 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, Paul Guillaume; Dustin Koritko; Rhodes Shell and George Alexander. Council member absent: Cynthia E. Jenkins. Also present: City Manager, Cleatus Phillips; City Clerk, Della Hill; Public Works Director, Michael Klahr; Assistant City Manager, Hasco Craver; City Attorney, Brad Sears and Police Chief, Douglas "Buster" Meadows.

**MINUTES – REGULAR COUNCIL MEETING – AUGUST 27, 2019**

Motion by Councilman DuBose, seconded by Councilman Alexander to dispense with the reading of the minutes of the Regular Council meeting for August 27, 2019 and adopt them as amended.

**MOTION CARRIED. (6 – 0)**

**APPOINTMENTS - CULTURAL ARTS COMMISSION**

Motion by Councilman Koritko, seconded by Councilman Alexander to appoint Tracy Brooks to replace Kim Wright on the Cultural Arts Commission for a three-year term.

**MOTION CARRIED. (6 – 0)**

Mayor Brady asked the City Manager to place Mayor Pro Tem Jenkins and Councilman Koritko's appointments on the agenda for the next meeting.

**APPOINTMENTS – KEEP NEWNAN BEAUTIFUL**

Motion by Councilman DuBose, seconded by Councilman Alexander to appoint Rachel Murell replacing Jason Neely to the Keep Newnan Beautiful Commission for a three year term.

**MOTION CARRIED. (6 – 0)**

Mayor Brady asked the City Manager to place Councilman Shell's appointment to the Keep Newnan Beautiful Commission on the agenda for the next meeting.

**DOWNTOWN DEVELOPMENT AUTHORITY – ANNUAL REPORT**

Mr. Ray DuBose, Chairman, presented the annual report for the Downtown Development Authority. The Authority has been in existent since 1981. The Authority can buy and sell, sue and be sued and help finance projects involved in downtown. We were involved with the University of West Georgia project. He stated he had been on the Authority since 1991. Other projects they have been involved in are redeveloping of Caldwell Tanks, expanding alleyways for gathering places. Encouraging walking to help with parking problems. Host events with Main Street. We can not do what we do without the help from City Staff. Newnan is a great place to live.

**PROCLAMATION FOR CONSTITUTION WEEK – 2019**

Mayor Brady read the Proclamation for Constitution Week. This year it will be September 17 – 23, 2019.

**PUBLIC HEARING – ALCOHOL BEVERAGE LICENSE – SKYI BLUE #1 DBA SUSHI KEN**

Mayor Brady opened a public hearing on the application for a Retail on Premise (Pouring) Sales, Malt Beverages and Wine License for Skyi Blue #1 LLC dba Sushi Ken located at 1067 D Bullsboro Drive. 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 Alexander to approve the application for a Retail on Premise (Pouring) Sales, Malt Beverages and Wine License for Skyi Blue #1 d/b/a Sushi Ken located at 1067 D Bullsboro Drive.

**MOTION CARRIED. (6 – 0)**

**PUBLIC HEARING – ALCOHOL BEVERAGE LICENSE – ABIDE BREWING COMPANY, LLC – MICROBREWERY – ADDING SUITE 128**

Mayor Brady opened a public hearing on the application for Microbrewery (Beer) located at 100 Werz Industrial Boulevard Suite 108, 110 Werz Industrial Boulevard Suites 130 and 128. A representative of applicant was present for the hearing. No one spoke for or against the applicant. 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 Microbrewery adding Suite 128 for Abide Brewing Company LLC.

**MOTION CARRIED. (6 – 0)**

**PUBLIC HEARING – ALCOHOL BEVERAGE LICENSE – 3 BEARDS AND A BAR – 7 SPRING STREET**

Mayor Brady opened a public hearing on the application for Retail on Premise (Pouring) Sales, Distilled Spirits, Malt Beverages and Wine License for 3 Beards and A Bar, LLC located at 7 Spring Street. A representative of applicant was present for the hearing. No one spoke for or against the applicant. 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 Shell, seconded by Councilman Koritko to approve the application for Retail on Premise (Pouring) Sales Distilled Spirits, Malt Beverages and Wine for 3 Beards and A Bar located at 7 Spring Street.

**MOTION CARRIED. (6 – 0)**

**PROPOSED 2020 NEWNAN CENTRE BUDGET**

Motion by Councilman Shell, seconded by Councilman Koritko to approve the 2020 proposed Newnan Centre Budget as presented.

**MOTION CARRIED. (6 – 0)**

**CONTINUE – PROPOSALS (RFP) FOR ENGINEERING/ARCHITECTURAL SERVICES RELATED TO CITY'S 2020 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

Motion by Councilman Guillaume, seconded by Councilman Alexander to award the contract to Falcon Design Consultants, LLC for CDBG Engineering/Architectural Services for preliminary engineering services (including a PER/PAR) not to exceed \$3,000 and for design and construction management services, if the grant is awarded, not to exceed 10% of the cost of construction.

**MOTION CARRIED. (6 – 0)**

**PUBLIC HEARING – CHANGE A PORTION OF WATER WORKS ROAD TO COUGAR WAY**

Mayor Brady opened a public hearing on changing a portion of Water Works Road to Cougar Way.

A request has been initiated by the Newnan City Council to rename a portion of the existing Water Works Road, extending from LaGrange Street to the entrance of Hershall B. Norred Water Plant, to Cougar Way. Staff has also contacted the U.S. Post Office, Police Department, Fire Department, E-911 and other affected agencies. To date the City has received no objections from any public agencies to the proposed street renaming.

Mayor Brady closed the public hearing.

Motion by Councilman Shell, seconded by Councilman Alexander to approve the request to rename a portion of the existing Water Works Road, extending from LaGrange Street to the entrance of Hershall B. Norred Water Plant, to Cougar Way.

**MOTION CARRIED. (6 – 0)**

**REQUEST – ADOPTION OF THE 2019 UPDATE TO CAPITAL IMPROVEMENTS ELEMENT (CIE), INCLUDES SHORT-TERM WORK PROGRAM (STWP) - RESOLUTION**

All local governments must hold a public hearing prior to the adoption of the update. The City previously held a public hearing and staff is now requesting official adoption of the document.

Motion by Councilman Alexander, seconded by Councilman DuBose to adopt a resolution for the 2019 update to the Capital Improvements Element which includes the Short-Term Work Program for the City of Newnan.

**MOTION CARRIED. (6 – 0)**

**SUBSTANDARD STRUCTURE – 121 PINSON STREET**

The Code Enforcement Officer informed Council he had received a letter from the contractor indicating the heating and air will be installed within the next few weeks. He is requesting an extension to complete the repairs.

Render Godfrey indicated the repairs are almost completed. We should be finished in a few weeks. He is requesting thirty (30) day extension.

Motion by Councilman Shell, seconded by Councilman Alexander to approve an extension of thirty (30) days for the contractor to complete the repairs for substandard structure located at 121 Pinson Street.

**MOTION CARRIED. (6 – 0)**

**SUBSTANDARD STRUCTURE – 180 WEST WASHINGTON STREET**

The Code Enforcement Officer indicated the owner is requesting an extension to either repair or demolish the structure located at 180 West Washington Street.

Render Godfrey, owner, informed Council the property has liens from the previous owner. Some have been satisfied but there are still some outstanding. He is requesting an extension to get the liens satisfied.

Motion by Councilman Alexander, seconded by Councilman Shell to approve the request by the owner for an extension of sixty (60) days to either repair or demolish the structure at 180 West Washington Street.

**MOTION CARRIED. (6 – 0)**

**STATUS REPORTS – 10 BURCH AVENUE, 280 WEST WASHINGTON STREET, 11 MELSON STREET, 15 ELM CIRCLE, 18 BERRY AVENUE, 33 HARDAWAY STREET 6 GLENN STREET, 8 GLENN STREET AND 100 SPRAYBERRY ROAD**

These properties have been before Council with public hearings.

<u>Property</u>	<u>Owner</u>	<u>Status</u>	<u>Resolution Deadline</u>
10 Burch Ave	Abdul Kader	Progress made	09/17/2019
280 W Washington St	Irvin Jones Estate	Progress made	10/06/2019
18 Berry Ave	Dan Moten	No progress	10/15/2019
11 Melson St	Jerimiah Gorney	New owner	10/12/2019
15 Elm St	Payne Estate	Sold	10/14/2019
33 Hardaway St	Annie Cook Estate	No progress	10/17/2019
6 Glenn St	Olam Tikkun	Sold	09/27/2019
8 Glenn St	Olam Tikkun	Sold	09/24/2019
100 Sprayberry Rd	Edwin Jean-Pierre	Progress made	10/28/2019

**SERVICES UPDATE – JENNIFER CORCIONE, EXECUTIVE DIRECTOR - CAFI**

Ms. Jennifer Corcione, Executive Director CAFI, stated they are part of a National network. We serve five counties (Troup, Coweta, Carroll, Heard and Meriwether). Over the past 50 years we have helped and advocated for over a million people in need. Most of our funding comes from State and Federal grants, supplemented by financial and in-kind contributions from individuals, companies and organizations. Some of the programs offered are Low Home Energy Assistance, Housing stability and homeless and Home weatherization programs. She thanked Mayor and Council for the use of the building.

**REQUEST – MARTHA ANNE DUENCKEL – HOST MARKETS - SIDEWALKS**  
**DOWNTOWN NEWNAN – SEPTEMBER 22, 2019 AND OCTOBER 20, 2019**

Motion by Councilman Alexander, seconded by Councilman Koritko to approve the request by Martha Anne Duenckel to host Markets on sidewalks downtown Newnan on Sunday September 22, 2019 and on Sunday October 20, 2019.

**MOTION CARRIED. (6 – 0)**

**REQUEST – RANDOM PRODUCTIONS, LLC – UTILIZE PUBLIC PROPERTY**  
**INCLUDING ROAD CLOSURES AND PARKING SPACES BETWEEN SEPTEMBER 18**  
**AND OCT 10, 2019 FOR FILMING IN NEWNAN**

Ms. Marie Bierniak, supervisor manager for Random Productions, is requesting street closures for 155 Greenville Street between Nimmons Street and Spence Avenue. Full road closure: September 30, 2019 (6:00 am – 9:00 pm)- October 1, 2019 (7:00 am – 2:00 am) – October 2, 2019 (7:00 am – 3:00 am) – October 3, 2019 (7:00 am – 6:00 am) – October 4, 2019 (7:00 am – 6:00 am). Filming location; LaGrange Street between S. Court Square and Spring Street: Full road closure: September 30, 2019 (4:00 pm – 11:00 pm) – October 1, 2019 (6:00 pm – 1:00 am). Filming location East Broad Street between Greenville Street and Perry Street. Full road closure: October 1, 2019 (11:00 am – 8:00 pm).

She is requesting 22 parking spaces on LaGrange Street, 7 parking spaces on Spring Street, 12 parking spaces at O. C. Williams Parking Lot, 23 parking spaces on E. Broad Street between Greenville Street and Perry Streets, 10 parking spaces on Perry Street between E Washington Street and Spring Street September 18 - September 27, 2019.

September 30 – October 1, 2019: 22 parking spaces on LaGrange Street between S Court Square and Spring Street, 27 parking spaces on Spring Street between 1<sup>st</sup> Avenue and Greenville Street, 8 parking spaces on LaGrange Street between Spring Street and Long Place, 12 parking spaces at O. C. Williams Memorial Parking Lot, 6 parking spaces on W. Broad Street between Brown Street and LaGrange Street, 23 parking spaces on East Broad Street between Greenville Street and Perry Street, 10 parking spaces on Perry Street between East Washington Street and Spring Street, 15 parking spaces on East Broad between Perry Street and Thompson Streets, 2 parking spaces on LaGrange Street between LaGrange Street and Greenville Street, 2 parking spaces on South Court Square between LaGrange Street and Greenville, 2 parking spaces on Greenville Street between East Broad and Washington Street.

October 2, 2019 – October 10, 2019: 22 parking spaces on LaGrange Street east and west side, 7 parking spaces on Spring Street north side between LaGrange Street and Greenville Street, 12 parking spaces at O. C. Williams Parking Lot.

Mr. Bill Carraro, executive producer, stated they always want to be a good neighbor when entering a neighborhood. We want to cooperate with community, emergency services and



police. We want to make everything work during the filming. Newnan has the beautiful look we are looking for in this project. We will be working closely with the community to have as little impact as possible in order to finish the work started.

Mayor Brady stated he has been bombarded by complaints from merchants and residents whose business was disrupted by street closures and production crew use of downtown parking spaces when previous filming for the production took place in Newnan. He is not happy with the daily lives that have been impacted. With Moms and Dads getting their children to school because of street closures for filming.

Emory Bray, business owner on Greenville Street, informed Council when the street was closed during the first filming he was not notified nor offered an agreement. He is tired of this and they do not need to come back.

Max Kitchens, business owner Greenville Street, stated he is tired of the filming companies. The street was closed for three days. When he contacted the filming company he was told to contact the police department and if had a problem to call them. He had no way of getting customers with street closed.

A resident on Greenville Street indicated the filming did affect the school children getting on the bus. They had to wait 30 minutes on the street to be picked up by bus. The residents on the effective streets should get some kind of compensation.

Jason Kanner, Ace Beer Growlers, indicated enough is enough the filming company does what they want to. When approached they indicated we pay the City why should we pay you. He does not want them to come back.

Hutch Murphey, Murphey's Florist, stated his business has been impacted by the filming in downtown and he is getting tired of it. This is a big inconvenience and is a ripple effect for the whole downtown.

Dee Glazier, owner Dragonfly Running Company, indicated she has not reached an agreement with the production company. I keep hearing we have a budget and she stated she has missed sales.

Ted Casey, business owner, indicated parking is a big concern which causes a ripple effect. The filming company needs to consider the outer businesses that are affected with their loss. His business was down 25% during the spring filming.

Bill Carraro apologized that people in Newnan feel they haven't been heard. We will attend to those issues and I will look into it myself. We need to look at the objectives and make sure we understand certain areas that may cause a problem if closed. We need to find out what we need to do to compromise.

Motion by Councilman DuBose, seconded by Councilman Guillaume to continue the request by Random Productions to utilize public property including road closures and





## City of Newnan, Georgia Mayor and Council

**Date:** September 24, 2019

**Agenda Item:** Ordinance to amend the Code of Ordinances of the City of Newnan adopting revisions to Article 1, Chapter 6, Businesses

**Prepared By:** Katrina Cline, Finance Director

**Presented By:** Cleatus Phillips, City Manager

**Purpose:** To adopt an ordinance to amend the Code of Ordinances for the City of Newnan by adopting revisions to Chapter 6, Businesses.

**Background:** The City's Occupational Tax Ordinance has been thoroughly reviewed and the revisions suggested by staff are redlined on the copy attached. These revisions are being suggested after many years of occupational tax collections by staff, where such revisions will clarify existing requirements for certificate issuance or help to ensure that all businesses renew their annual certificates in a timely manner. Additionally, minimum and maximum occupational tax amounts have been added to more fairly spread the cost of collections and maintenance by staff across all businesses operating in the city of Newnan. Finally, the annual pay-by date is being changed from April 1<sup>st</sup> to April 15<sup>th</sup> to match the IRS due date for filing taxes. The due date remains the same – January 1<sup>st</sup>.

**Funding:** N/A.

**Recommendation:** Staff recommends that Council adopt the ordinance revisions as submitted.

**Options:**

1. Adopt the ordinance revisions as submitted.
2. Other action as directed by Council.

**Attachments:** Redlined copy of Chapter 6 with suggested revisions outlined.

**Previous Discussion with Council:** N/A.

## Chapter 6 - BUSINESSES

### ARTICLE I. - OCCUPATION TAX

#### Sec. 6-1. - Occupation tax required.

- (a) Each person engaged in any business, trade, profession, or occupation within the city shall pay an occupation tax each calendar year for said business, trade, profession, or occupation. Upon payment of the occupation tax, the ~~city-clerk~~finance department shall issue a certificate showing that the occupation tax has been paid for the current year, which certificate shall be maintained by each person engaged in any business, trade, profession, or occupation and available for inspection by the ~~city-clerk~~finance department or such officer's deputies, or to any police officer of the city so as to aid the city's enforcement of this article and to determine if such tax has been paid.
- (b) Each person engaged in any business, trade, profession, or occupation which does not have a location within the state, which exerts substantial efforts to do business within the city, pursuant to O.C.G.A. § 48-13-7, shall pay an occupation tax each calendar year for said business, trade, profession, or occupation. Upon payment of the occupational tax, the ~~city-clerk~~finance department shall issue a certificate showing that the occupational tax has been paid for the current year. Said certificate shall be maintained and available for inspection by the ~~city-clerk~~finance department or such officer's deputies, or to any police officer of the city upon request.
- (c) It shall be the duty of the city council to enact an occupational tax ordinance, specifying the rate, terms, and conditions upon which such tax shall be levied upon each person doing business within the city. The occupational tax ordinance may be amended as necessary in accordance with this Code.
- (d) It shall be the special duty of the chief of police and other police officers of the city to see that the provisions of this chapter are enforced, and, in the performance of this duty, they shall have the right to inspect each person's occupational tax certificate so as to determine whether the occupational tax has been paid in the current year.

(Ord. No. 13-94, 11-8-94; Ord. No. 98-18, § 1, 6-9-98)

#### Sec. 6-2. - Certificate subject to Charter, ordinance restrictions.

Certificates issued are to be held and used subject to the restrictions provided by the charter and ordinances of the city. Before a certificate is issued such business shall meet all zoning regulations.

(Ord. No. 13-94, 11-8-94)

#### Sec. 6-3. - Construction of terms; definitions.

- (a) Wherever the term "City of Newnan" is used herein, such term shall be construed to mean "Newnan, Georgia;" wherever the term "City" is used herein, it shall be construed to mean "Newnan, Georgia".
- (b) 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:
  - (1) ~~Administrative fee~~ means a component of an occupational tax which approximates the reasonable cost of handling and processing the occupation tax.

(2)

(a)

*Gross receipts* means the total revenue of the business or practitioner for the period, including without limitation to the following:

- (i) Total income without deduction for the cost of goods sold or expenses incurred;
  - (ii) Gain from trading in stocks, bonds, capital assets or instruments of indebtedness;
  - (iii) Proceeds from commissions on the sale of property, goods or service;
  - (iv) Proceeds from fees for services rendered; and
  - (v) Proceeds from rent, interest, royalty or dividend income.
- (b) Gross receipts shall not include the following:
- (i) Sales, use or excise tax;
  - (ii) Sales returns, allowances and discounts;
  - (iii) Interorganizational sales or transfers between or among the units of a parent-subsidary controlled group of corporations as defined by 26 U.S.C. § 1563(a)(1), or between or among the units of a brother-sister controlled group of corporations as defined by 26 U.S.C. § 1563(a)(2), or between or among wholly owned partnerships or other wholly owned entities.
  - (iv) Payments made to a subcontractor or an independent agent; who is employed by the business to perform work related to the business's primary activity. If the subcontractor or independent agents are employed by the business solely to support business operations (i.e. grass cutting, janitorial services, repairs, maintenance, etc.), then the payments are considered business expenses and shall not be deducted from gross receipts; and
  - (v) Governmental and foundation grants, charitable contributions or the interest income derived from such funds received by a non-profit organization, which employs salaried practitioner otherwise covered by this ordinance, if such funds constitute 80 percent or more of the organization's receipts.
  - (vi) Proceeds from sales to customers outside the state, only when actual receipt of the goods or services takes place outside the state of Georgia.
  - (vii) Sales of product or products which product or products are picked up and delivered from a point located outside the city limits to a final destination point also located outside the city limits, (i.e. said product or products never enter into the city limits).
- (3) — *Location of office* shall include any structure or vehicle where a business, profession, or occupation is conducted, but shall not include a temporary or construction work site which serves a single customer or project or a vehicle used for sales or delivery by a business or practitioner of a profession or occupation which has a location or office.
- (4) — *Occupation tax* means a tax levied on persons, partnerships, corporations or other entities for engaging in an occupation, profession or business for revenue raising purposes.
- (5) — *Regulatory fees* means payments, whether designated as license fees, permit fees or by another name, which are required by the city as an exercise of its police power and as a part of or as an aid to regulation of an occupation, profession or business. The amount of a regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the city. A regulatory fee may not include an administrative fee. Regulatory fees do not include development impact fees as defined by paragraph (8) of O.C.G.A. section 36-71-2 or their costs or conditions of zoning or land development.
- (6) — *Dominant line* means the type of business within a multiple line business that the greatest amount of income is derived from.

- (7) — *Person* wherever used in this ordinance shall be held to include sole proprietors, corporations, partnerships or any other form of business organization.
- (8) — *Practitioner of professions or occupation* is one who by state law requires state licensure regulating such profession or occupation.
- (9) — *Practitioners of professions and occupations* shall not include a practitioner who is an employee of a business, if the business pays an occupation tax.

(Ord. No. 13-94, 11-8-94; Ord. No. 95-4, § I, 3-15-95; Ord. No. 95-44, §§ I—IV, 12-12-95; Ord. No. 04-15, § I, 5-25-04)

Sec. 6-4. - Administrative fee.

A non-prorated, non-refundable administrative fee of ~~\$20.00~~\$25.00 shall be required on all business occupation tax accounts for the initial start-up, renewal or re-opening of those accounts.

(Ord. No. 13-94, 11-8-94)

Sec. 6-5. - Occupation tax levied; restrictions.

- (a) — An occupation tax shall be levied upon those businesses and practitioners of professions and occupations with one or more locations or offices within the corporate limits of the city, and upon the applicable out-of-state businesses with no location or office in Georgia pursuant to O.C.G.A. § 48-13-7 based upon the following criteria:

The tax shall be levied on the gross receipts of the business or practitioner in combination with the profitability ratio for the type of business, profession or occupation as measured by nationwide averages derived from statistics, classifications or other information published by the United States Office of Management and Budget, the United States Internal Revenue Service or successor agencies of the United States.

The minimum occupational tax to be charged for new applications and renewals shall be set at \$25.00 annually, or the amount calculated based on gross receipts reported, whichever is greater. The maximum amount of occupational tax charged annually shall not exceed \$500,000, regardless of the gross receipts calculation.

- (b) — To determine basic profitability ratios, each business, practitioner, and occupation is classified according to the ~~Standard Industrial~~North American Industry Classification ~~System (SIC)~~System (SIGNAICS) ~~code~~. Table 1 of this chapter contains a listing of two-digit ~~SIC~~ codes, with their corresponding profit ratios and tax classes. Table 2 of this chapter contains a listing of two-digit ~~SIC~~ codes, with their corresponding business descriptions and tax classes. In addition to Tables 1 and 2 which are included with this chapter, an ~~Alphabetical Business Classification (SIC)~~NAICS Index is on file and available for inspection in the ~~clerk's finance~~ office.

- (c) Occupation tax schedule:

The tax classification for each business, trade, profession or occupation is as follows:

Profitability Ratio/ Tax Class	Tax Rate per \$1,000 of Gross Receipts
Class 1	1.200

Class 2	1.250
Class 3	1.300
Class 4	1.350
Class 5	1.400
Class 6	1.450
Class 7	1.500
Class 8	1.550
Class 9	1.600
Class 10	1.650

- (d) —(1) A business or practitioner shall not be required to pay more than one occupation tax for each of its locations.
- (2) An occupation tax will not be required upon more than 100 percent of a business's gross receipts.
- (3) An occupation tax will not be required on receipts on which such tax has been levied in other localities or states.
- (4) No fee is required for the cost of ascertaining whether or not a business or practitioner has paid occupation tax to another local government, but the burden of showing such payment shall be upon the business or practitioner claiming payment to another local government.

(Ord. No. 13-94, 11-8-94; Ord. No. 95-44, § V, 12-12-95)

**Sec. 6-6. - Real estate brokers.**

The city shall levy and collect an occupation tax on all real estate brokers who sell property which is located within the corporate limits of the city, which tax shall be based on the occupational tax schedule in section 6-5 of this article with respect to property located within the corporate limits of the city.

(Ord. No. 13-94, 11-8-94)

**Sec. 6-7. - Professionals.**

Practitioners of professions listed below shall elect as their entire occupation tax one of the following:

- (1) The occupation tax based on gross receipts combined with profitability ratios as set forth herein.
- (2) — A fee of \$400.00 per practitioner who is licensed to provide the service, such tax to be paid at the practitioner's office or location; provided, however, that a practitioner paying according to this paragraph shall not be required to provide information to the local government relating to the gross receipts of the business or practitioner. The per practitioner fee of \$400 shall include apply to all each persons in the business who qualify-qualifies as a practitioner under the state's regulatory guidelines and framework. Additionally, a separate occupational tax certificate is required for each professional employed by the business, if the business chooses to pay occupational taxes by professional rather than the gross receipts method.
- (3) — Practitioners include only those specific professions and occupations listed in O.C.G.A. § 48-13-9, paragraphs (1) through (18) of subsection (c): Lawyers; Physicians licensed under Chapter 34 of Title 43; Osteopaths licensed under Chapter 34 of Title 43; Chiropractors; Podiatrists; Dentists; Optometrists; Psychologists; Veterinarians; Landscape architects; Land surveyors; Practitioners of physiotherapy; Public accountants; Embalmers; Funeral directors; Civil, mechanical, hydraulic, or electrical engineers; Architects; and Marriage and family therapists, social workers, and professional counselors.

(Ord. No. 13-94, 11-8-94)

**Sec. 6-8. - Paying occupation tax of business with no location in Georgia.**

The council requires a registration and the assessment of an occupational tax on those businesses and practitioners of professions with no location or office in the State of Georgia if the business' largest dollar volume of business in Georgia is in the city and the business or practitioner:

- (1) Has one or more employees or agents who exert substantial efforts within the jurisdiction of the city for the purpose of soliciting business or serving customers or clients; or
- (2) Owns personal or real property which generates income and which is located within the jurisdiction of the city.

(Ord. No. 13-94, 11-8-94)

**Sec. 6-9. - Each line of business to be identified on business registration.**

The business registration of each business operated within the city shall identify the line or lines of business that the business conducts. Each business shall register its line of business with the city clerk/finance department, and have that line of business noted upon the occupational tax certificate within 90 days of the commencement of such business within the city.

(Ord. No. 13-94, 11-8-94; Ord. No. 98-18, § 2, 6-9-98)

**Sec. 6-10. - The number of businesses considered operating in city.**

Where a person conducts business at more than one store or place, each store or place shall be considered a separate business for the purpose of occupation tax.

(Ord. No. 13-94, 11-8-94)

**Sec. 6-11. - Practitioners exclusively practicing for the government.**



Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the State, a municipality or county of the State, instrumentalities of the United States, the State or a municipality or county of the State, shall not be required to obtain a license or pay an occupation tax for that practice.

(Ord. No. 13-94, 11-8-94)

Sec. 6-12. - Purpose of tax.

The occupation tax levied herein is for revenue purposes only and is not for regulatory purposes.

(Ord. No. 13-94, 11-8-94)

Sec. 6-13. - When tax due and payable; delinquency of tax.

~~(a)~~ Each occupation tax shall be for the calendar year unless otherwise specified. Said occupation tax shall be due and payable January 1 of each year and shall, if not paid by April 4 15 of each year, be subject to a ten percent (10%) penalty for delinquency and shall also accrue interest at the rate of one and five-tenths percent per month until said tax, penalties and interest are paid in full. On any new profession, trade, business or occupation begun in the city in 1998 or succeeding years thereafter, the registration and tax shall be due and payable immediately upon beginning business, and shall be subject to a ten percent penalty for delinquency if not paid within 90 days of the commencement of such business, and interest shall accrue at the rate of one and five-tenths percent per month until said tax, penalties and interest are paid in full. In addition, any person who is delinquent in paying such tax shall, upon conviction by the city judge, be punished by a fine not to exceed ~~\$290.00~~\$400.00. Notwithstanding the criminal provisions contained herein, such criminal provisions shall not apply to those professions for which state licensure or registration is required by state law, unless otherwise specifically allowed for by state law.

(b) The city accepts postmark dates when considering the delinquency of occupational taxes and returns. A postmark is an official Postal Service imprint applied in black ink on the address side of a stamped mail piece. A postmark indicates the location and date the Postal Service accepted custody of a mail piece and it cancels affixed postage. Renewals and/or payments postmarked after the due date will be considered late, regardless of the reason. To be considered on time, the official postmark must be present on the envelope received by city staff.

~~(c)~~ —In addition to the above remedies, the city and its officers may proceed to collect the occupation tax in the same manner as provided by law for tax executions.

(Ord. No. 13-94, 11-8-94; Ord. No. 18-94, § I, 12-13-94; Ord. No. 98-18, § 3, 6-9-98)

Sec. 6-14. - Gross receipts of businesses with multiple intra or interstate locations.

For those businesses who have multiple locations inside and outside of the city where the gross receipts can be allocated to each location, the gross receipts used to determine the occupational tax assessed will be those gross receipts attributed to each city location. In the case where the dollar amount of gross receipts attributed locally cannot be determined in those businesses with multiple locations, the total gross receipts will be divided by the total number of locations in the city and elsewhere and allotted to those locations. Upon request, the business or practitioner with a location or office situated in more than one jurisdiction shall provide to the city the following:

- (1) Financial information necessary to allocate the gross receipts of the business or practitioner; and

- (2) Information relating to the allocation of the business' or practitioner's gross receipts by other local governments.

Provided, however, that no person shall be required to disclose information to the city which is deemed to be a privileged communication pursuant to O.C.G.A. §§ 24-9-21, 24-9-24, or 24-9-40. Where the business has locations outside the city and taxation is levied for a criteria other than gross receipts in the other local governments, the city shall not assess more than the allotted share of gross receipts for the local operation.

(Ord. No. 13-94, 11-8-94; Ord. No. 98-18, § 4, 6-9-98)

Sec. 6-15. - Exemption for state or local authority and nonprofit organizations.

An occupation tax, regulatory fee, or administrative fee will not be required on any state or local authority or nonprofit organization.

(Ord. No. 95-44, § VI, 12-12-95)

Sec. 6-16. - Evidence of state registration required if applicable; state registration to be displayed.

Each person who is licensed under Title 43 of the State license examining boards shall provide evidence of proper and current state licensure before the city registration may be issued.

Sec. 6-17. - Evidence of qualification required if applicable.

- (a) Any business required to obtain health permits, bonds, certificate of qualification, certificates of competency or any other regulatory matter shall first, before the issuance of a city business registration, show evidence of such qualification.
- (b) Any business required to submit an annual application for continuance of that business shall do so before the registration is issued.

(Ord. No. 13-94, 11-8-94)

Sec. 6-18. - Liability of officers and agents; registration required; failure to pay.

All persons subject to the occupational tax levied pursuant to this article shall be required to pay the tax for said business as described in this Article, and in default thereof the officer or agent soliciting for or representing such business shall be subject to the same penalty as other persons who fail to pay the tax. Every person commencing business in the city after January 1 of each year shall likewise pay the tax herein provided for within 90 days of commencing the same; and any person who fails the tax prior to the delinquency date for the payment of such tax shall be subject to penalties provided herein.

(Ord. No. 13-94, 11-8-94; Ord. No. 98-18, § 5, 6-9-98)

Sec. 6-19. - Reserved.

**Editor's note**— Ord. No. 98-18, § 6, adopted June 9, 1998 repealed section 6-19 in its entirety. Former section 6-19 pertained to when registration and tax due and payable and the effect of transacting business when tax delinquent and derived from Ord. No. 13-94, adopted Nov. 8, 1994; and Ord. No. 18-94, § I, adopted Dec. 13, 1994.

Sec. 6-20. - Penalty for violation.

Any person violating any provisions of this Article shall, upon conviction before the city judge, be fined in an amount not exceeding ~~\$200.00~~\$400.00. Notwithstanding the criminal provisions contained herein, such criminal provisions shall not apply to those professions for which state licensure or registration is required by state law, unless otherwise specifically allowed for by state law.

(Ord. No. 13-94, 11-8-94; Ord. No. 98-18, § 7, 6-9-98)

Sec. 6-21. - Occupation taxes levied on business to be transacted during calendar year; filing of returns showing gross receipts during preceding calendar year.

- (A) —All occupation taxes levied by this article are levied on amount of business to be transacted during the calendar year. However, for convenience of both the city and the taxpayer, and the necessity of making numerous returns, those businesses subject to the occupation tax levied herein, on or before the times hereinafter set forth, file with the city and its officers the returns hereinafter specifically provided for, showing the gross receipts of that business during the preceding calendar year.
- (b) —The owner, proprietor, manager, secretary, or other officer of the business subject to said occupation tax for the current calendar year shall, at the end of the preceding year, and on or before April ~~4-15~~ of the current calendar year, file with the city and its officers, on a renewal form furnished by the city clerk/finance department, a signed return setting forth the amount of gross receipts of such business for the entire preceding calendar year. This return will be used to determine the final tax for the calendar year just completed and as an estimate of the gross receipts and occupation tax for the current year.
- (c) — Where a business subject to the occupation tax for the calendar year has been conducted for only a part of the preceding year, the amount of gross receipts for such part shall be set forth in said return. Said return shall also show a figure putting the receipts for such part of a year on an annual basis, which figure shall bear the same ratio to the amount of gross receipts for such part year as the full year bears to such part. Said figure shall be used as the estimate of the gross receipts of the business for the current calendar year.

(Ord. No. 13-94, 11-8-94; Ord. No. 18-94, § I, 12-13-94)

Sec. 6-22. - Payment of occupation tax by newly established businesses.

In the case of a business subject to occupation tax for a calendar year which was not conducted for any period of time in the city in the preceding year, the owner, proprietor, manager or executive officer of the business liable for the occupation tax shall estimate the gross volume of revenue from the commencing date to the end of the calendar year and such tax shall be paid as provided in this article. Such tax shall be due upon the commencement of the business, and if not paid within 90 days of the commencement thereby shall be subject to a ten percent penalty for delinquency and interest shall accrue at the rate of one and five-tenths percent per month until said tax, penalties and interest are paid in full.

(Ord. No. 13-94, 11-8-94; Ord. No. 98-18, § 8, 6-9-98)

Sec. 6-23. - More than one place or line of business.

Where a business is operated at more than one place or where the business includes more than one line, the gross receipts of each location will be entered on a separate occupation tax return and the tax will be calculated at the rate of the dominant line of business conducted by the business identified on a form to be furnished by the city.

(Ord. No. 13-94, 11-8-94)

Sec. 6-24. - Transfer of certificate.

Certificates may be transferred upon payment of fee under the following conditions:

1. Same ownership, different location.
2. Different ownership, same location.
3. Any transfer must meet all applicable zoning requirements. The amount of fee shall be \$50.00.

(Ord. No. 13-94, 11-8-94)

Sec. 6-25. - Veterans' ~~licenses-certificates~~ and certificates of exemption.

Veterans holding a veteran's license and certificate of exemption shall, before doing business or peddling pursuant to such license and certificate in the city, exhibit such license and certificate and register annually with the ~~city-clerk~~finance department and receive a "no fee veteran's occupation tax certificate" from the city. To be exempt from paying ~~aan~~-occupation tax under this chapter, a veteran must qualify under and comply with O.C.G.A. §§ 43-12-1 through 43-12-8. This exemption shall apply to only one business at a time owned and operated by the veteran and shall not apply to multiple businesses or locations for the same veteran.

(Ord. No. 13-94, 11-8-94)

Sec. 6-26. - Authority to inspect certificates.

The city taxing authorities, chief of police, all police officers, ~~code enforcement officers,~~ finance department staff and any authorized agent of the city taxing authorities shall have the right to inspect all certificates and to require the exhibition of the same.

(Ord. No. 13-94, 11-8-94)

Sec. 6-27. - Returns confidential.

Except in the case of judicial proceedings or other proceedings necessary to collect the occupation tax hereby levied, it shall be unlawful for any officer, employee, agent or clerk of the city or any other person to divulge or make known in any manner the amount of gross receipts or any particulars set forth or disclosed in any occupation tax return required under this article. All contents of said return shall be confidential and open only to the officials, employees, agents or clerks of the city using said returns for the purpose of this occupation tax levy and the collection of the tax. Independent auditors or bookkeepers employed by the city shall be classed as "employees". Nothing herein shall be construed to prohibit the publication by the city officials of statistics, so classified as to prevent the identification of particular reports or returns and items thereof, or the inspection of the records by duly qualified employees of the tax departments of the State of Georgia or of the United States, and other local governments. Information provided by a business or practitioner may be disclosed to the governing authority of another local government for occupational tax purposes.

(Ord. No. 13-94, 11-8-94)

Sec. 6-28. - Inspection of books and records.

In any case the city, through its officers, agents, employees or representatives, may inspect the books of the business for which returns are made. The city shall have the right to inspect the books or records for the business of which the return was made in the city, and upon the demand of the city such books or records shall be submitted for inspection by a representative of the city within 30 days. Provided, however, that no person shall be required to disclose information to the city which is deemed to be a privileged communication pursuant to O.C.G.A. §§ 24-9-21, 24-9-24, or 24-9-40. Failure of submission of such books or records within 30 days shall be grounds for the imposition of a ten percent penalty against such person. Adequate records shall be kept in the city for examination by the city and its officers at their discretion. If after examination of the books or records it is determined that a deficiency occurs as a result of under reporting, a penalty of ten percent of the deficiency and an additional one percent of the deficiency for each month or fraction thereof that the deficiency was due and unpaid shall be assessed.

(Ord. No. 13-94, 11-8-94; Ord. No. 98-18, § 9, 6-9-98)

Sec. 6-29. - Effect of failure to comply with occupational tax requirements.

Any person, his manager, agent, or employee who is required to make occupational tax returns, and who fails to make said returns within the time and in the manner herein provided, or who refuses to amend such returns so as to set forth the truth, or who makes false returns or who fails to produce the occupation tax certificate when requested to do so by the city; and any person, his manager, agent, or employee who refuses to permit an inspection of books in his charge except as provided herein when the officer, agent, employee, or representative of the city requests such inspection, during business hours, for the purpose of determining the accuracy of the returns herein provided for, shall be subject to penalties as provided in section 6-20.

(Ord. No. 13-94, 11-8-94; Ord. No. 98-18, § 10, 6-9-98)

Sec. 6-30. - Amendment, repeal of provision.

This article shall be subject to amendment or repeal, in whole or in part, at any time, and no such amendment or repeal shall be construed to deny the right of the council to assess and collect any of the taxes or other charges prescribed. Said amendment may increase or lower the amounts and tax rates of any occupation and may change the classification thereof. The payment of any occupation tax provided for shall not be construed as prohibiting the levy or collection by the city of additional occupation taxes upon the same person, property or business.

(Ord. No. 13-94, 11-8-94)

Sec. 6-31. - Applications of provisions to prior ordinance.

This article does not repeal or affect the force of any part of any ordinance heretofore passed where taxes levied under such prior ordinance have not been paid in full. So much and such parts of ordinances heretofore and hereinafter passed as provided for the issuing and enforcing of execution for any tax or assessment required by such ordinances, or that imposed fines or penalties for the nonpayment of such tax, or for failure to pay regulatory fees provided for in said ordinance or ordinances, or failure to comply with any other provisions hereof, shall continue and remain in force until such tax, regulatory fee, or assessment shall be fully paid.

(Ord. No. 13-94, 11-8-94)

Sec. 6-32. - Enforcement of provision.

It is hereby made the duty of the city to see that the provisions of this article relating to occupation taxes are observed; and to summon all violators of the same to appear before the municipal court. It is hereby made the further duty of the city and its officers, to inspect all certificates issued by the city, as often as in their judgment it may seem necessary to determine whether the certificate held is the proper one for the business sought to be transacted thereunder.

(Ord. No. 13-94, 11-8-94)

Sec. 6-33. - Provisions to remain in full force and effect until changed by council.

This article shall remain in full force and effect until changed by amendment adopted by the council. All provisions hereto relating to any form of tax herein levied shall remain in full force and effect until such taxes have been paid in full.

(Ord. No. 13-94, 11-8-94)

Sec. 6-34. - Option to establish exemption or reduction in occupation tax.

- (a) The council may ~~be~~by subsequent ordinance or resolution provide for an exemption or reduction in occupation tax to one or more types of businesses or practitioners of occupations or professions as part of a plan for economic development or attracting or encouraging selected types of businesses or practitioners of selected occupations or professions to locate within the city or a part of a plan to retain or encourage expansion of existing business or practitioners of selected occupations or professions. Such exemptions or reductions in occupation tax shall not be arbitrary or capricious, and the reasons shall be set forth in the minutes of the city council.
- (b) Notwithstanding, it is apparent to the city that attracting, retaining and encouraging expansion of certain types of manufacturing businesses within the city is vital to the economic well-being of the citizens of the city by providing jobs and increasing the property tax base; therefore, as part of an economic plan of development within the city, each manufacturing business classified with an SIC code beginning with section 20 and continuing through and including section 39 shall be given a ten dollar per employee credit as a reduction in the annual occupational tax due by such manufacturing business.

"Employee" means an individual whose work is performed under the direction and supervision of the employer and whose employer withholds FICA, federal income tax, or state income tax from such individual's compensation or whose employer issues to such individual for purposes of documenting compensation a form I.R.S. W-2 but not a form I.R.S. 1099. In calculating the number of employees for which credit is to be given, the manufacturer shall use its average daily complement of employees for the preceding year.

- (c) *New vehicle dealerships.* Notwithstanding, the city has determined that it is in the best interest of the residents and taxpayers to provide for jobs, increase the property tax base and sales tax receipts and to stimulate economic development, the city shall levy and collect an occupation tax on all new vehicle dealerships located within the city as defined in this section herein. The tax on new vehicle dealerships shall be levied on the total gross income of the new vehicle dealership as reported by said dealership to its automobile manufacturer on the manufacturer's monthly financial statements in combination with the profitability ratio for the new vehicle dealerships as measured by nationwide averages derived from statistics, classifications or other information published by the United States Office of Management and Budget, the United States Revenue Service or successor agencies of the United States. Profitability rates for new vehicle dealerships shall be determined in accordance with subsections (c) and (h) of article I, occupational tax of chapter 6, business, City Code of Ordinances. Notwithstanding the language in subsection 6-5(c) of article I, occupational tax of chapter 6, business, City Code of Ordinances, for purposes of this section, the tax rate will be based upon the applicable tax rate per \$1,000.00 of gross income. Further, for purposes of this section, "new vehicle

dealerships" shall be defined as any new auto dealership located within the city that is licensed, authorized, accepted and approved as a franchisee of an automobile manufacturer that shall:

- (1) Be required to maintain minimum working capital requirements per manufacturer;
- (2) Be responsible for market share per trade area as set by the manufacturer on new vehicles;
- (3) Be responsible for maintaining customer satisfaction indexes per manufacturer's requirements on new vehicles sold and serviced while under the manufacturer's warranty;
- (4) Be responsible for ongoing training and certification of all employees, especially sales, service, and parts employees as required by the manufacturer on new vehicles; and
- (5) Be responsible for carrying manufacturer's required level of parts inventory and necessary tools to provide service on new vehicles.

(Ord. No. 13-94, 11-8-94; Ord. No. 95-3, § I, 3-15-95; Ord. No. 04-11, § I, 5-25-04)

Sec. 6-35. - Conflicts between specific and general provisions.

Where there is an apparent conflict in this article between specific and general provisions, it is the intention hereof that the specific shall control.

(Ord. No. 13-94, 11-8-94)

Sec. 6-36. - Severability.

If any section, provision, or clause of any part of this article shall be declared invalid or unconstitutional, or if the provisions of any part of this article as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such individuality shall not be construed to affect the portions of this article not so held to be invalid, or the application of this article to other circumstances not so held to be invalid. It is hereby declared as the intent that this article would have been adopted had such invalid portion not been included herein.

(Ord. No. 13-94, 11-8-94)

Sec. 6-37. - Closing a business.

Businesses which cease operations in Newnan must notify the finance department in writing. Failure to renew a certificate does not cancel the certificate. Verbal notifications are not acceptable, as the owner must surrender the current occupational tax certificate to the city so that the business can be properly closed out. A Closed Business Form is the preferred method of closing out a business; the form is available on the City's website or by contacting the finance department.

Sec. 6-3~~87~~. - Repeal of conflicting provisions.

All ordinances or parts of ordinances in conflict with this article, and not preserved hereby, are hereby repealed.

Secs. 6-3~~98~~—6-50. - Reserved.

**TABLE 1**

**SIC Codes Ranked According to Nationwide Average of Profitability Ratios**

<u>SIC Code</u>	Profit Ratio	Tax Class	SIC	Profit Ratio	Tax Class	SIC	Profit Ratio	Tax Class
55	0.84	1	70	3.75	3	32	6.12	6
45	1.26	1	16	3.76	3	27	6.28	6
54	1.8	1	56	3.83	3	14	6.31	6
50	1.82	1	33	3.9	3	26	6.39	6
51	1.82	1	25	3.98	3	36	6.44	6
47	2.29	2	63	4.03	4	81	6.49	6
99	2.3	2	8	4.12	4	29	6.56	6
52	2.45	2	7	4.12	4	87	6.77	6
15	2.5	2	9	4.12	4	62	7.14	7
57	2.55	2	31	4.14	4	49	7.17	7
37	2.71	2	78	4.18	4	79	7.21	7
42	2.74	2	30	4.27	4	38	7.9	7
86	2.75	2	23	4.47	4	35	8.04	8
59	2.77	2	20	4.64	4	64	8.31	8
41	2.84	2	73	4.75	4	48	8.51	8
53	3.15	3	40	4.75	4	65	9.09	9
17	3.28	3	76	4.8	4	28	10.13	10



75	3.29	3	82	5	5	10	10.77	10
22	3.39	3	34	5.18	5	13	11.67	10
80	3.41	3	72	5.29	5	21	13.48	10
58	3.47	3	1	5.43	5	61	31.6	10
83	3.68	3	2	5.43	5	46	39.38	10
12	3.68	3	39	5.44	5	60	41	10
11	3.68	3	89	5.89	5	67	217.5	10
24	3.75	3	84	6.1	6			

TABLE 2

Tax Class by SIC Code and Business Description

SIC	Business Description	Tax Class
1	Agricultural Production - Crops	5
2	Agricultural Production - Livestock	5
7	Agricultural Services	4
8	Forestry	4
9	Fishing, Hunting, and Trapping	4
10	Metal Mining	10
11	Anthracite Mining	3

12	Bituminous Coal and Lignite Mining	3
13	Oil and Gas Extraction	10
14	Mining and Quarrying of Nonmetallic Mineral, Except Fuels	6
15	Building Construction - General Contractors	2
16	Construction Other Than Building - General Contractors	3
17	Construction - Special Trade Contractors	3
20	Manufacturing - Food and Kindred Products	4
22	Manufacturing - Textile Mill Products	3
23	Manufacturing - Apparel and Other Finished Textile Products	4
24	Manufacturing - Lumber and Wood Products, Except Furniture	3
25	Manufacturing - Furniture and Fixtures	3
26	Manufacturing - Paper and Allied Products	3
27	Manufacturing - Printing, Publishing, and Allied Industries	6
28	Manufacturing - Chemicals and Allied Products	10
29	Manufacturing - Petroleum and Related Products	6
30	Manufacturing - Rubber and Miscellaneous Plastic Products	4
31	Manufacturing - Leather and Leather Products	4
32	Manufacturing - Stone, Clay, Glass, and Concrete Products	6
33	Manufacturing - Primary Metal Industries	3
34	Manufacturing - Fabricated Metal Products, Except Machinery and Transportation Equipment	5

35	<b>Manufacturing - Machinery, Except Electrical</b>	8
36	<b>Manufacturing - Electrical and Electrical Machinery, Equipment, and Supplies</b>	6
37	<b>Manufacturing - Transportation Equipment</b>	2
38	<b>Manufacturing - Measuring, Analyzing, and Controlling Instruments; Photographic, Medical, and Optical Goods; Watches and Clocks</b>	7
39	<b>Manufacturing - Miscellaneous Manufacturing Equipment</b>	5
40	<b>Railroad Transportation</b>	4
41	<b>Local and Suburban Transit and Interurban Highway Passenger Transportation</b>	2
42	<b>Motor Freight Transportation and Warehousing</b>	2
45	<b>Transportation by Air</b>	1
46	<b>Pipe Lines, Except Natural Gas</b>	10
47	<b>Services Incidental to Transportation</b>	2
48	<b>Communication</b>	8
49	<b>Electrical, Gas, and Sanitary Services (Utilities)</b>	7
50	<b>Wholesale Trade - Durable Goods</b>	1
51	<b>Wholesale Trade - Nondurable Goods</b>	1
52	<b>Retail Trade - Building Materials, Hardware, Garden Supply, and Mobile Home Dealers</b>	2
53	<b>Retail Trade - General Merchandise Stores</b>	3
54	<b>Retail Trade - Food Stores</b>	1
55	<b>Retail Trade - Automotive Dealers and Gasoline Service Stations</b>	1
56	<b>Retail Trade - Apparel and Accessory Stores</b>	3

57	Retail Trade - Furniture, Home Furnishing, and Equipment Stores	2
58	Retail Trade - Eating and Drinking Places	3
59	Retail Trade - Other	2
60	Banking	10
61	Credit Agencies Other Than Banks	10
62	Security and Commodity Brokers, Dealers, Exchanges, and Services	7
63	Insurance Carriers (Underwriters)	4
64	Insurance Agents, Brokers, and Services	3
65	Real Estate	9
67	Holding and Other Investment Offices	10
70	Services - Hotels, Rooming Houses, Camps, and Other Lodging Places	3
72	Services - Personal	5
73	Services - Business	4
75	Automotive Repair, Automotive Services, and Garages	3
76	Miscellaneous Repair Services	4
78	Services - Motion Pictures	4
79	Services Amusement and Recreation, Except Motion Pictures	7
80	Health Services	3
81	Legal Services	6
82	Educational Services	5

83	Social Services	3
86	Membership Organizations	2
87	Professional Services	6
89	Services Not Elsewhere Classified	5
99	Nonclassifiable Establishments	2

*Alphabetical Business Classification (SIC) Index North American Industry Classification System*

The Alphabetical Business Classification (SIC) North American Industry Classification Index is not set out herein but available for inspection in the clerk's finance office.



## City of Newnan, Georgia - Mayor and Council

Date: September 24, 2019

Agenda Item: Ordinance to Amend the 2019 Budget for the Christmas Commission

Prepared By: Katrina Cline, Finance Director

Presented By: Cleatus Phillips, City Manager

**Purpose:** To obtain Council approval of an Ordinance to amend the 2019 General Fund Budget for the Christmas Commission in the amount of \$23,693.

**Background:** Ms. Norma Haynes, Chairman of the Christmas Commission, recommended that Council approve the addition of expenses for the 2019 Christmas season, which would include new decorations, bows, sleigh repairs, replacement ornaments and decoration of City parks and buildings and downtown tree lighting. The request was approved by Council at the August 27, 2019 meeting.

**Funding:** General Fund.

**Recommendation:** Approve the 2019 budget amendment as presented.

**Options:**

1. Approve the budget amendment as presented.
2. Other action as directed by Council.

**Attachments:** N/A.

**Previous Discussion with Council:** Council Meeting of August 27, 2019.

**AN ORDINANCE TO AMEND THE 2019 FISCAL YEAR BUDGET**

**BE IT ORDAINED**, and it is hereby ordained, that the City Council has authorized an amendment to the 2019 General Fund Revenue Budget in the amount of \$23,693 (Miscellaneous Revenue) and the General Fund Expense Budget in the amount of \$23,693 (Other Boards & Commissions). This amendment ensures that all approved expenditures for the Christmas Commission have been funded and approved by Council. Therefore, the 2019 Budget is hereby amended to include the additional appropriations discussed above, per the attached 2019 Budget Amendment Request.

ATTEST:

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

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

REVIEWED AS TO FORM:

\_\_\_\_\_  
Cynthia E. Jenkins, Mayor Pro-Tem

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

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

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

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

\_\_\_\_\_  
Rhodes H. Shell, Councilmember

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

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



## City of Newnan, Georgia - Mayor and Council

Date: September 24, 2019

Agenda Item: Small Cell and ROW Ordinance

Prepared by: Cleatus Phillips, City Manager

**Purpose:** Consideration of ordinances regarding the regulation of small cell wireless facilities and utility permitting within the city owned right-of-way.

**Background:** During the 2018 and 2019 legislative sessions Georgia Municipal Association (GMA) was deeply involved in legislation relating to small wireless facilities, also known as small cells, in the right of way. GMA helped defeat harmful legislation in 2018 but, through extensive negotiations after the 2018 legislative session, was able to reach agreement with AT&T, Verizon, and ACCG on legislation that would allow for streamlined processes concerning the installation of small cells in the right of way.

As a result of this legislation, GMA has worked to develop model documents that should help local governments comply with the new law. The model small cell ordinance and ROW ordinance provide a template for Georgia cities seeking to comply with state and federal law on small cells while still retaining levels of local control provided by such state and federal laws.

**Recommendation:** It is the recommendation of staff to adopt the small cell and ROW ordinances.

**Attachments:** Ordinances

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



**AN ORDINANCE AMENDING THE CODE OF CITY OF NEWNAN, GEORGIA AT CHAPTER 18, STREETS, SIDEWALKS AND PUBLIC PLACES, BY ENACTING A NEW ARTICLE IX. GEORGIA STREAMLINING WIRELESS FACILITIES AND ANTENNAS ACT; ENACTING REASONABLE REGULATIONS AND OBJECTIVE STANDARDS FOR THE PERMITTING OF SMALL ANTENNA WITHIN THE PUBLIC RIGHTS OF WAY OF THE CITY WHILE ENSURING THE USE OF PUBLIC RIGHTS OF WAY IS CONSISTENT WITH THE DESIGN, APPEARANCE AND OTHER FEATURES OF NEARBY LAND USES, PROTECTS THE INTEGRITY OF HISTORIC, CULTURAL AND SCENIC RESOURCES AND DOES NOT HARM RESIDENTS' QUALITY OF LIFE; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO RESTATE AND REAFFIRM THE CODE OF CITY OF NEWNAN, GEORGIA, AS MODIFIED HEREBY; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CITY OF NEWNAN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

**SECTION I.** The Code of the City of Newnan, Georgia is hereby amended at Chapter 18, STREETS, SIDEWALKS AND PUBLIC PLACES, by enacting a new Article IX. GEORGIA STREAMLINING WIRELESS FACILITIES AND ANTENNAS ACT, to comply with Act 53 (SB 66, 2019 General Session, codified as O.C.G.A. Title 36, Chapter 66C), as follows:

## **ARTICLE V**

### **STREAMLINING WIRELESS FACILITIES AND ANTENNAS ACT**

#### **SEC. 18-230. PURPOSE AND COMPLIANCE**

O.C.G.A. §32-4-92(a)(10) authorizes the City of Newnan, Georgia (the "City") to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads and rights of way of the City. Further, 47 U.S.C. § 253(c) provides that the City has authority to manage its public rights of way. Finally, the Georgia Streamlining Wireless Facilities and Antennas Act, O.C.G.A. Title 36, Chapter 66C (hereafter, the "SWFAA"), addresses the placement of small wireless facilities in the public rights of way of the City.

**Sec. 18-230.1.** The City finds it is in the best interest of the City and its residents and businesses to establish requirements, specifications, and reasonable conditions regarding placement of small wireless facilities, support structures and poles in the public rights of way. These requirements, specifications and conditions are adopted in order to protect the public health, safety and welfare of the residents and businesses of

the City and to reasonably manage and protect the public rights of way and its uses in the City.

**Sec. 18-230.2.** The objective of this Article is to (i) implement the SWFAA and (ii) ensure use of the public rights of way is consistent with the design, appearance and other features of nearby land uses, protects the integrity of historic, cultural and scenic resources and does not harm residents' quality of life.

**Sec. 18-231. Definitions.**

As used in this Article, the following terms have the following meanings:

(a) "Antenna" means: (i) communications equipment that transmits, receives, or transmits and receives electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or (ii) Communications equipment similar to equipment described in part (i) used for the transmission, reception, or transmission and reception of surface waves. Such term shall not include television broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

(b) "Applicable Codes" means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the State of Georgia or the City or are otherwise applicable in the City.

(c) "Applicant" means any person that submits an application.

(d) "Application" means a written request submitted by an applicant to the City for a permit to: (i) collocate a small wireless facility in a right of way; or (ii) install, modify, or replace a pole or decorative pole in a right of way on which a small wireless facility is or will be located.

(e) "Authority Pole" means a pole owned, managed, or operated by or on behalf of the City. Such term shall not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier.

(f) "Collocate" or "Collocation" means to install, mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure.

(g) "Communications Facility" means the set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services.

(h) "Communications Service Provider" means a provider of communications services.

(i) “Communications Services” means cable service as defined in 47 U.S.C. § 522(6); telecommunications service as defined in 47 U.S.C. § 153(53); information service as defined in 47 U.S.C. Section 153(24), as each such term existed on January 1, 2019; or wireless services.

(j) “Consolidated Application” means an application for the collocation of multiple small wireless facilities on existing poles or support structures or for the installation, modification, or replacement of multiple poles and the collocation of associated small wireless facilities.

(k) “Decorative Pole” means an authority pole that is specially designed and placed for aesthetic purposes.

(l) “Electric Supplier” means any electric light and power company subject to regulation by the Georgia Public Service Commission, any electric membership corporation furnishing retail service in this state, and any municipality which furnishes such service within this state.

(m) “Eligible Facilities Request” means an eligible facilities request as set forth in 47 C.F.R. § 1.40001(b)(3), as it existed on January 1, 2019.

(n) “FCC” means the Federal Communications Commission of the United States.

(o) “Fee” means a one-time, nonrecurring charge based on time and expense.

(p) “Historic District” means: (i) any district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the secretary of the interior of the United States in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified by 47 C.F.R. Part 1; (ii) any area designated as a historic district under Article 2 of Chapter 10 of Title 44, the Georgia Historic Preservation Act; or (iii) any area designated as a historic district or property by law prior to April 26, 2019].

(q) “Law” means and includes any and all federal, state, or local laws, statutes, common laws, codes, rules, regulations, orders, or ordinances.

(r) “Micro Wireless Facility” means a small wireless facility not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches.

(s) “Permit” means a written authorization, in electronic or hard copy format, required to be issued by the City to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole or decorative pole upon which a small wireless facility is collocated.

(t) “Person” means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.

(u) “Pole” means a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right of way, including without limitation a replacement pole and an authority pole. Such term shall not include a support structure, decorative pole, or electric transmission structure.

(v) “Rate” means a recurring charge.

(w) “Reconditioning Work” means the activities associated with substantially painting, reconditioning, improving, or repairing authority poles.

(x) “Replace,” “Replacement” or “Replacing” means to replace a pole or decorative pole with a new pole or a new decorative pole, similar in design, size, and scale to the existing pole or decorative pole consistent with 47 C.F.R. § 1.40001(b)(7) as it existed on January 1, 2019, in order to address limitations of, or change requirements applicable to, the existing pole to structurally support the collocation of a small wireless facility.

(y) “Replacement Work” means the activities associated with replacing an authority pole.

(z) “Right of Way” means, generally, property or any interest therein, whether or not in the form of a strip, which is acquired for or devoted to a public road; provided, however, that such term shall apply only to property or an interest therein that is under the ownership or control of the City and shall not include property or any interest therein acquired for or devoted to an interstate highway or the public rights, structures, sidewalks, facilities, and appurtenances of buildings for public equipment and personnel used for or engaged in administration, construction, or maintenance of public roads or research pertaining thereto or scenic easements and easements of light, air, view and access.

(aa) “Small Wireless Facility” means radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications: (i) each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and (ii) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters; concealment elements; telecommunications demarcation boxes; grounding equipment; power transfer switches; cut-off

switches; and vertical cable runs for connection of power and other services. Such term shall not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and shall not include any wireline backhaul facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.

(bb) “State” means the State of Georgia.

(cc) “Stealth” means a wireless telecommunication facility that is hidden or not readily detectable by means of camouflage or concealment. Camouflage shall mean a way of painting and mounting a wireless telecommunication facility that requires minimal changes to the host structure in order to accommodate the facility. Concealment shall mean to enclose a wireless telecommunication facility within an existing structure or appurtenance of a structure resulting in the facility being either invisible or made part of the feature enclosing it. For the purpose of this ordinance, stealth will also include mounting on existing utility infrastructure not extending more than ten (10) feet above the highest horizontal plane.

(dd) “Support Structure” means a building, billboard, water tank, or any other structure to which a small wireless facility is or may be attached. Such term shall not include a decorative pole, electric transmission structure, or pole.

(ee) “Wireless Infrastructure Provider” means any person, including a person authorized to provide telecommunications services in this state, that builds, installs, or operates small wireless facilities, poles, decorative poles, or support structures on which small wireless facilities are or are intended to be used for collocation but that is not a wireless services provider.

(ff) “Wireless Provider” means a wireless infrastructure provider or a wireless services provider.

(gg) “Wireless Services” means any services provided to the public using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.

(hh) “Wireless Services Provider” means a person that provides wireless services.

(ii) “Wireless Telecommunications Facility (WTF), means any current or future small wireless facility technology innovations. This encompasses several basic components: Antennas, Cable, Base equipment, cabinets/shelter, Power source, backhaul capability, mounting devices, structure to mount to: tower, water tank, poles, street light posts, roof tops, commercial signage etc.

(jj) “Wireline Backhaul Facility” means an aboveground or underground wireline facility used to transport communications data from a telecommunications demarcation box associated with small wireless facility to a network.

In the event that any federal or state law containing definitions used in this Article is amended, the definition in the referenced section, as amended, shall control.

### **Sec. 18-232. Permits.**

**Sec. 18-232.1.** A permit is required to collocate a small wireless facility<sup>1</sup> in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).

**Sec. 18-232.2.** Any person seeking to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way shall submit an application to the Planning Director for a permit. Application forms are available from the Planning Department. Any material change to information contained in an application shall be submitted in writing to the Planning Director within 30 days after the events necessitating the change.

**Sec. 18-232.3.** Each application for a permit shall include payment of the maximum application fees permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3) in order to be deemed “complete”.<sup>2</sup> Such maximum application fees shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).

**Sec. 18-232.4.** The Planning Director shall review applications for permits according to the timelines and using the procedures identified in O.C.G.A. §§ 36-66C-7 and 36-66C-13.

**Sec. 18-232.5.** Applications for permits shall be approved, except as follows:

- (a) In order to receive a permit to install a pole or replace a decorative pole, the applicant must demonstrate that after diligent investigation that it cannot meet the service objectives of the permit by collocating on an existing pole or support structure on which: (i) the applicant has the right to collocate subject to reasonable terms and conditions; and (ii) such collocation would not impose technical limitations or significant additional costs. The applicant shall certify that it has made such a determination in good faith, based on the assessment

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<sup>1</sup> **NOTE** Under SWFAA, collocation can be on or adjacent to: (i) a pole or decorative pole or (ii) a support structure. By definition, poles and decorative poles are in the right of way. Support structures may be located outside of the right of way. Permitting of towers and support structures off the public rights of way is not part of this process.

<sup>2</sup> Note, if 2018 FCC Order regarding fees is overturned or modified, this should be revisited. SWFAA provides that if the FCC Order is modified or terminated, then fees are capped at what is “fair and reasonable.”

of a licensed engineer, and shall provide a written summary of the basis for such determination.

- (b) The Planning Director may deny an application for a permit upon any of the conditions identified in O.C.G.A. § 36-66C-7(j).
- (c) For applications for new poles in the public right of way in areas zoned for residential use, the Planning Director may propose an alternate location in the public right of way within 100 feet of the location set forth in the application, and the wireless provider shall use the proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.

**Sec. 18-232.6.** A permit issued under this Article shall authorize the applicant to occupy the public rights of way to: (i) collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(3) or on or adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and (ii) install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(1) and (h)(2). Any person issued a permit shall pay the fees identified in O.C.G.A. § 36-66C-5(a)(6) and (a)(7), as applicable.

**Sec. 18-232.7.** Upon each anniversary of the issuance of a permit under this Article, every person issued a permit shall submit to the City the maximum annual payments permitted under O.C.G.A. § 36-66C-5(a)(4) and (a)(5); provided, however, that if such person removes its small wireless facilities from the public rights of way pursuant to O.C.G.A. § 36-66C-5(e), then such person shall be responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities, the person's annual payment obligations under this section shall cease as of the date of the actual removal. The maximum annual payments shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).

**Sec. 18-232.8.** The City may revoke a permit issued pursuant to this Article if the wireless provider or its equipment placed in the public right of way under that permit subsequently is not in compliance with any provision of this Article or the Georgia Streamlining Wireless Facilities and Antennas Act. Upon revocation, the City may proceed according to Sec. 3-9.

**Sec. 18-232.9.** If a wireless provider occupies the public rights of way without obtaining a permit required by this Article or without complying with the SWFAA, then the City may, at the sole discretion of the City Manager, restore the right of way, to the extent practicable in the reasonable judgment of the City Manager, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the City in doing so, plus a penalty not to exceed \$1,000.00. The City may suspend the ability of the wireless provider to receive any new permits from the City under this Article until the wireless provider has paid the amount

assessed for such restoration costs and the penalty assessed, if any; *provided, however*, that the City may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

**Sec. 18-232.10.** All accepted applications for permits shall be publicly available subject to the limitations identified in O.C.G.A. § 36-66C-6(c).

**Sec. 18-232.11.** An applicant may file a consolidated application related to multiple small wireless facilities, poles or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.

**Sec. 18-232.12.** Activities authorized under a permit shall be completed within the timelines provided in O.C.G.A. § 36-66C-7(k)(2).

**Sec. 18-232.13.** Issuance of a permit authorizes the applicant to: (i) undertake the collocation, installation, modification or replacement approved by the permit and (ii) operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of 10 years.

**Sec. 18-232.14.** Permits shall be renewed following the expiration of the term identified in Sec. 3-13 upon the terms and conditions identified in O.C.G.A. § 36-66C-7(k)(2)(B).

**Sec. 18-232.15.** If an applicant for a permit seeks to collocate small wireless facilities on authority poles in the public rights of way, then the City shall, within 60-days of receipt of the completed application: (i) provide a good faith estimate for any make-ready work necessary to enable the authority pole to support the proposed facility; or (ii) notify the wireless provider that the wireless provider will be required to perform the make-ready work. Any make-ready work performed by the City shall be completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(n).

**SEC. 18-233. REMOVAL; RELOCATION; RECONDITIONING; REPLACEMENT;  
ABANDONMENT OF FACILITIES FROM PUBLIC RIGHTS OF WAY.**

**Sec. 18-233.1.** A person may remove its small wireless facilities from the public rights of way according to the procedures of O.C.G.A. § 36-66C-5(e).

**Sec. 18-233.2.** In the event of a removal under Sec. 4-1, the right of way shall be, to the extent practicable in the reasonable judgment of the City Manager, restored to its condition prior to the removal. If a person fails to return the right of way, to the extent practicable in the reasonable judgment of the City, to its condition prior to the removal within 90 days of the removal, the City may, restore the right of way to such condition and charge the person the City's reasonable, documented cost of removal and restoration, plus a penalty not to exceed \$500.00. The City may suspend the ability of the person to receive any new permits under this Article until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the City will not suspend such ability of any person that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.



**Sec. 18-233.3.** If, in the reasonable exercise of police powers, the City determines: (i) a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway, or (ii) relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider shall relocate such poles, support structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(l). If the wireless provider fails to relocate a pole, support structure or small wireless facility or fails to provide a written good faith estimate of the time needed to relocate the pole, support structure or small wireless within the time period prescribed in O.C.G.A. § 36-66C-7(l), the City make take the actions authorized by O.C.G.A. § 36-66C-7(o), in addition to any other powers under applicable law.

**Sec. 18-233.4.** The City shall recondition and replace authority poles consistent with the provisions of O.C.G.A. § 36-66C-7(m). Wireless providers shall accommodate and cooperate with reconditioning and replacement consistent with the provisions of O.C.G.A. § 36-66C-7(m).

**Sec. 18-233.5.** A wireless provider must notify the City of its decision to abandon any small wireless facility, support structure or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(p)(1). The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7(p) regarding abandonment. The City may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7(p) upon abandonment, in addition to any other powers under applicable law.

#### **SEC. 18-234. FACILITIES STANDARDS.**

**Sec. 18-234.1.** Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the public right of way: (i) upon a receipt of a permit under this Article; (ii) subject to all applicable codes; and (iii) so long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36-66C-7(h).

**Sec. 18-234.2.** Installation of new facilities in, on, along, over, or under the public rights of way or modification of existing facilities in, on, along, over, or under the public rights of way shall, in all cases:

- (a) Minimize risks to public safety;
- (b) Ensure that placement of facilities on existing structures is within the tolerances of those structures;
- (c) Ensure that installations and modifications are subject to periodic review to minimize the intrusion on the right of way;
- (d) Ensure that the City bears no risk or liability as a result of such installation or modification; and

- (e) Ensure that use of the public rights of way does not inconvenience the public, interfere with the primary uses of public rights of way, or hinder the ability of the City or other government entities to improve, modify, relocate, abandon, or vacate the right of way or any portion thereof, or cause the improvement, modification, relocation, vacation, or abandonment of facilities in the right of way.

**Sec. 18-234.3.** New, modified, or replacement poles installed in the right of way in a historic district and in an area zoned primarily for residential use shall not exceed 50 feet above ground level.

**Sec. 18.234.4.** Each new, modified, or replacement pole installed in the right of way that is not in a historic district or in an area zoned primarily for residential use shall not exceed the greater of:

1. Fifty feet above ground level; or
2. Ten feet greater in height above ground level than the tallest existing pole in the same public right of way in place as of January 1, 2019, and located within 500 feet of the new proposed pole;

**Sec. 18-234.5.** New small wireless facilities in the public right of way and collocated on an existing pole or support structure shall not exceed more than ten feet above the existing pole or support structure.

**Sec. 18-234.6.** New small wireless facilities in the public right of way collocated on a new or replacement pole may not extend above the top of such poles.

**Sec. 18-234.7.** A decorative pole should only be located where an existing pole can be removed and replaced, or at a new location where the City has identified that a streetlight is necessary.

**Sec. 18-234.8.** Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities shall be concealed as follows:

- i. Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure;
- ii. Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure, or be designed and placed to minimize visual impacts.
- iii. Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid interfering with, or creating any hazard to, any other use of the public rights of way, and located on one side of the pole. Unless the radio units or equipment

cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.

- iv. Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.
- v. Facilities must be compatible in size, mass, and color to similar facilities in the same zoning area, with a goal of minimizing the physical and visual impact on the area. In historic and residential areas, facilities shall be architecturally integrated with the area and shall not interfere with prominent vistas or significant public view corridors.”

**SECTION II.** All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

**SECTION III.** Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

**SECTION IV.** Except as modified herein, The Code of the City of Newnan, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter. The city attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The city secretary shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

**SECTION V.** This ordinance shall become effective upon adoption.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

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

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

REVIEWED AS TO FORM:

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

\_\_\_\_\_  
Cynthia E. Jenkins, Mayor Pro-Tem

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

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

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

\_\_\_\_\_  
Rhodes H. Shell, Councilmember

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Dustin Koritko, Councilmember

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

**AN ORDINANCE TO AMEND CHAPTER 18 OF THE OFFICIAL CODE OF THE CITY OF NEWNAN, GEORGIA “STREETS, SIDEWALKS AND PUBLIC PLACES”, IN ORDER TO ADOPT UPDATED REGULATIONS TO ADMINISTER AND REGULATE THE PLACEMENT OF UTILITIES IN THE PUBLIC RIGHT-OF-WAY IN THE PUBLIC INTEREST AS SET OUT IN ARTICLE III, POLES AND WIRES; TO PROVIDE FOR THE ISSUANCE AND REGULATION OF RIGHT-OF-WAY PERMITS; AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the Charter of the City of Newnan (“City”), the City is empowered to regulate roadside areas, including rights-of-way;

WHEREAS, pursuant to O.C.G.A. 36-76-1 et seq. known as the “Consumer Choice for Television Act” of 2007 the City retains regulatory powers over certain activity of cable and video providers with respect to public rights-of-way within or belonging to the City; and,

WHEREAS, pursuant to O.C.G.A. 46-5-1 et seq. telephone companies shall comply with all applicable local laws and regulations, including municipal ordinances and regulations, regarding the placement and maintenance of facilities in the public rights of way that are reasonable, nondiscriminatory, and applicable to all users of the public rights of way within or belonging to the City; and,

WHEREAS, the City desires to establish reasonable nondiscriminatory regulations for the installation construction, maintenance, renewal, removal and relocations of Utility Facilities that are not more restrictive than equivalent regulations promulgated by the Georgia Department of Transportation with respect to Utilities on the state highway system under authority of O.C.G.A. 32-4-70;

NOW, THEREFORE, BE IT ORDAINED and it is hereby ordained by the authority of same by the Mayor and Council of the City of Newnan, Georgia as follows:

**SECTION I.** The Code of Ordinances of the City of Newnan is hereby amended by deleting Article III, Poles and Wires of Chapter 18 in its entirety and adopting a new Article III, Utility Accommodation Policy, Chapter 18, Streets, Sidewalks and Public Places, to read as follows:

**ARTICLE III.**  
**UTILITY ACCOMMODATION POLICY**

SECTION 18-76. DECLARATION OF FINDINGS AND PURPOSE,  
SCOPE, DEFINITIONS

Section 18-76.1 Intent and Purpose. The City of Newnan (the "City") is vitally concerned with the use, construction within, and occupancy of all Rights of Way in the City as such Rights of Way are a valuable and limited resource which must be utilized to promote the public health, safety, welfare, economic development of the City and to protect public work infrastructure. Therefore, the City, under the authority of the Laws and Constitution of the State of Georgia, including but not limited to Article 9, Section 1, paragraphs 2 and 3 of the Georgia Constitution, O.C.G.A. 36-1-20 and O.C.G.A. 32-4-42(6), has adopted this ordinance for the purpose of regulating public and private entities which use the City Rights of Way.

Section 18-76.2 Scope. The provisions of this Chapter shall apply to all Utilities and Facilities occupying the Rights of Way as provided herein.

Section 18-76.3 Definitions. For the purposes of this Chapter, the following terms, phrases, words, and their derivations have the meanings set forth herein. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning. References hereafter to "Sections" are, unless otherwise specified, references to Sections in this Chapter. Defined terms remain defined terms whether or not capitalized.

1. City means the City of Newnan, Georgia;
2. Codified Ordinances means the Codified Ordinances of the City of Newnan, Georgia;
3. Construct means, but shall not be limited to, dig, bore, tunnel, trench, excavate, obstruct, install or remove signs, or Facilities, other than landscaping or ornamental plantings, in, on, above, within, over, below, under, or through any part of the Rights of Way. Construct shall also include the act of opening and/or cutting into the surface of any paved or improved surface that is any part of the Right of Way;
4. Construction means, but shall not be limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, installing or removing signs or Facilities, other than landscaping or ornamental plantings, in, on, above, within, over, below, under, or through any part of the Rights of Way. Construction shall also include the act of opening, boring and/or cutting into the surface of any part of the Right of Way;

5. Director means the Director of Public Works of the City of Newnan, Georgia, or his or her designee;
6. Emergency means a condition that poses a clear and immediate danger to life, health, or safety of a person, or of significant damage or loss of real or personal property;
7. Facility or Facilities means any tangible thing, including but not limited to pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, appurtenances, appliances and future technology of any Utility in, on, along, over, or under any part of the Rights of Way within the City;
8. Facilities Representative(s) means the specifically identified agent(s)/employee(s) of a Utility who are authorized to direct field activities of that Utility and serve as official notice agent(s) for Facilities related information. Utility shall be required to make sure at least one (1) of its Facilities Representatives available at all times to receive notice of, and immediately direct response to, Facilities related emergencies or situations;
9. FCC means the Federal Communications Commission or any successor thereto;
- 10 Permit means an authorization which grants permission to conduct specific regulated activities on, in, over, under or within any public right-of-way, and which may be subject to conditions specified in a written agreement with the City or in a related provision of this Code of Ordinances;
11. Right(s) of Way means the surface and space in, on, above, within, over, below, under or through any real property in which the City has an interest in law or equity, whether held in fee, or other estate or interest, or as a trustee for the public, including, but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, or any other place, area, or real property owned by or under the legal or equitable control of the City, now or hereafter, that consistent with the purposes for which it was dedicated, may be used for the purposes of constructing, operating, repairing or replacing Facilities;
12. Service(s) means the offering of any service by a Utility for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, or alternatively, the provision of any service by a Utility between two or more points for a proprietary purpose to a class of users other than the general public;
13. Service Agreement means a valid license agreement, service agreement, franchise agreement, or operating agreement issued by the City or state pursuant to Law and accepted by a Utility or

entered into by and between the City and a Utility, which allows such Utility to operate or provide service within the geographic limits of the City;

14. Street or Streets means the surface of, as well as the spaces above and below, any and all the streets, alleys, avenues, roads, bridges, tunnels and public places of the City within the corporate limits of the City, as the same now exist or may be hereafter extended or altered, and any location thereon, thereover or thereunder, and any portion thereof;
15. Transfer means the disposal by the Utility, directly or indirectly, by gift, assignment, sale, merger, consolidation, or otherwise, of more than fifty percent (50%) at one time of the ownership or controlling interest in the Facilities, or of more than fifty percent (50%) cumulatively over the term of a written approval of Registration of such interests to a corporation, partnership, limited partnership, trust, or association, or person or group of persons acting in concert;
16. Unused Facilities means Facilities located in the Rights of Way which have remained unused for twelve (12) months and for which the Utility is unable to provide the City with a plan detailing the procedure by which the Utility intends to begin actively using such Facilities within the next twelve (12) months, or that it has a potential purchaser or user of the Facilities who will be actively using the Facilities within the next twelve (12) months, or, that the availability of such Facilities is required by the Utility to adequately and efficiently operate its Facilities;
17. Utility or Utilities means All privately, publicly, or cooperatively owned systems for producing, transmitting, or distributing communication, data, information, telecommunication, cable television, video services, power, electricity, light, heat, gas, oil, crude products, water/sewer, steam, fire and police signals, traffic control devices, and street lighting systems, and housing or conduit for any of the foregoing, which directly or indirectly serve the public or any part thereof. The term "utility" may also be used to refer to the owner, operator, Utility, service, contractor or subcontractor, or any agent thereof, of any above-described utility or utility facility.

#### SECTION 18-77. UTILITY REGISTRATION

Section 18-77.1 Registration Required. Each Utility who occupies, uses or has Facilities in the Rights of Way at the time of passage of this Ordinance, including by lease, sublease or assignment, to operate Facilities located in the Rights of Way, unless specifically exempted by state or federal law or this Code,



shall file a Registration Statement with the Department within ninety (90) days of the effective date of this Ordinance.

Section 18-77.2 Registration Procedure. The Registration information provided to the City shall be on a form approved by the City and include, but not be limited to:

1. The name, legal status (i.e. partnership, corporation, etc.), street address, email address, and telephone and facsimile numbers of the Utility filing the Registration Statement (the "Registrant"). If the Registrant is not the owner of the Facility in the Right of Way, the Registration shall include the name, street address, email address if applicable, and telephone and facsimile numbers of the owner;

2. The name, street address, email address if applicable and telephone and facsimile numbers of one (1) or more Facilities Representative(s). Current information regarding how to contact the Facilities Representative(s) in an Emergency shall be provided at the time of filing a Registration and shall be updated as necessary to assure accurate contact information is available to the City at all times;

3. A copy, if requested, of the Utility's certificate of authority (or other acceptable evidence of authority to operate) from the Georgia Public Service Commission and/or the FCC and any other similar approvals, permits, or agreements.

4. A copy, if requested, of the Service Agreement, if applicable or other legal instrument that authorizes the Utility to use or occupy the Right of Way for the purpose described in the Registration.

Section 18-77.3 Incomplete Registration. If a Registration is incomplete, the Director shall notify the Registrant and shall provide a reasonable period of time in which to complete the Registration. If a Registration is complete, the Director shall so notify the Utility in writing.

Section 18-77.4 Acceptance of the Registration shall not convey title in the Rights of Way. Acceptance of the Registration is only the nonexclusive, limited right to occupy Rights of Way in the City for the limited purposes stated in the Acceptance. Acceptance of the Registration does not excuse a Utility from obtaining Permits required by City ordinances nor from obtaining appropriate access or pole attachment agreements before using the Facilities of others, including the City. Acceptance of the Registration does not excuse a Utility from notifying the City of Construction as required herein.

Section 18-77.5 Facilities in Place without Registration. Beginning one year after the effective date of this Chapter, any

Facilities or part of a Facility found in a Right of Way for which registration is required but has not been obtained unless specifically exempted by law, and for which no valid Service Agreement exists with the City, may be deemed to be a nuisance and an unauthorized use of the Rights of Way. The City may exercise any remedies or rights it has at law or in equity, including, but not limited to abating the nuisance; taking possession of the Facilities, evicting the Utility from the Right of Way; prosecuting the violator; and/or any other remedy provided by City ordinance or otherwise allowed in law or in equity.

#### SECTION 18-78. CONSTRUCTION PERMITS

Section 18-78.1 Permit Required. It shall be unlawful for any Utility to excavate or to construct, install, maintain, renew, remove or relocate Facilities in, on, along, over or under the public roads of the City without a Utility permit from the Public Works Department in accordance with the terms of this Chapter.

Section 18-78.2 Permit Procedure. Utility Permits shall be obtained from the Director (or such other person as the City Manager may designate) upon application made on forms prescribed by the Public Works Department. The written application shall include the following:

1. The name and address of the Utility;
2. The nature, extent, and location of any work proposed to be done, along with satisfactory plans as attachments showing in detail the location of the proposed Facility or operations as described in the Permit application. The plans shall show the size or capacity of Facilities to be installed; their relationship to Street features such as right-of-way lines, pavement edge, structures, including poles, boxes or other Utility Facilities, etc., horizontal and vertical clearance to critical elements of the roadway and any other information necessary to evaluate the impact on the Street and its operation;
3. The name and address of the person or firm who is to do such work;
4. The name, street address, email address if applicable and telephone and facsimile numbers of one (1) or more Facilities Representative(s).
5. The projected dates for the work to be started and finished;
6. An indemnity bond or other acceptable security in an amount to be set by the City to pay any damages to any part of the City road system or other City property or to any city employee or

member of the public caused by activity or work of the Utility performed under authority of the permit issued;

7. A copy, if requested, of the Registrant's certificate of authority (or other acceptable evidence of authority to operate) from the Georgia Public Service Commission and/or the FCC and any other similar approvals, permits, or agreements; and

8. A copy, if requested, of the service agreement, if applicable or other legal instrument that authorizes the Utility to use or occupy the Right of Way for the purpose described in the application.

Section 18-78.3 Permit Fees. Fees shall be determined by the Public Works Director, subject to the approval by resolution of the City Council. A fee schedule shall be available at the offices of the Public Works Director and the City Clerk and open for public inspection.

Section 18-74.4 Issuance of Permit. If the Public Works Director determines the Applicant has satisfied the following requirements, the Public Works Director may issue a permit.

1. Whether issuing of the approval will be consistent with this Chapter; and

2. Whether Applicant has submitted a complete Application and has secured all certificates and other authorizations required by law, if applicable, in order to construct Facilities in the manner proposed by the Applicant; and

3. The impact on safety, visual quality of the streets, traffic flow, and other users of the right of way and the difficulty and length of time of the Project, construction or maintenance.

Section 18-78.5 Emergency Situations.

1. Each Utility shall, as soon as reasonably practicable, notify the Public Works Director of any event regarding its Facilities which it considers to be an Emergency. The Utility may proceed to take whatever actions are necessary in order to respond to the Emergency. A Utility who engages in an emergency excavation shall take all reasonable precautions to avoid or minimize damage to any existing facilities.

2. In the event that the City becomes aware of an Emergency regarding Utility Facilities, the City may attempt to contact the affected Utility or Facilities Representative. The City may take whatever action it deems necessary in order to respond to the Emergency, including cut or move any of the wires, cables, amplifiers, appliances, or other parts of the Facilities. The City

shall not incur any liability to the Utility, for such emergency actions, and the cost of such shall be paid by each Utility affected by the Emergency

Section 18-78.6 Effective Period of Permit.

1. Each permit shall have a set commencement and expiration date based on information provided in the applicant's permit application.
2. The Permit shall remain in place Construction is completed or until its expiration date unless the Utility is in default. The Public Works Director may give written notice of default to a Utility if it is determined that a Utility has
  - a. Violated any provision or requirement of the issuance or acceptance of a Permit application or any law of the City, state, or federal government;
  - b. Attempted to evade any provision or requirement of this Chapter;
  - c. Practiced any fraud or deceit upon the City; or
  - d. Made a material misrepresentation or omission of fact in its Permit application.

Section 18-78.7 Cancellation for Cause. If a Utility fails to cure a default within twenty (20) Working Days after such notice is provided to the Utility by the City, then such default shall be a material breach and City may exercise any remedies or rights it has at law or in equity to terminate the Permit. If the Director decides there is cause or reason to terminate, the following procedure shall be followed:

1. City shall serve a Utility with a written notice of the reason or cause for proposed termination and shall allow a Utility a minimum of fifteen (15) calendar days to cure its breach.
2. If the Utility fails to cure within fifteen (15) calendar days, the City may declare the Permit terminated.

Section 18-78.8 Expiration of Permit. If work is not begun within six (6) months of the date of issuance, the permit will automatically expire.

SECTION 18.79. REQUIRED MINIMUM STANDARDS

Section 18-79.1 Utility Accommodation Manual Adopted. The Utility Accommodation Policy and Standards manual, including all references contained therein to codes,

rules, regulations, schedules, forms and appendix items, except Appendix B (Permit Forms and supporting Documents), promulgated by the State of Georgia Department of Transportation, as may be amended from time to time is hereby adopted by reference and incorporated in the article as if fully set forth herein, subject to the amendments and modification contained in this Chapter. A copy of the manual shall be maintained at the offices of the Director or his designee and open for public inspection. Any conflicts between the provisions of this ordinance and the manual shall be resolved in favor of the manual. References to State personnel, agencies, and fees shall be interpreted, where required, as meaning the City of Newnan municipal equivalents

Section 18.79.2 Protection of Traffic and Roadway. Unless specifically in the Permit, no Utility may occupy the City Rights of Way unless sufficient space is available so that the free flow and safety of traffic and other capacity considerations are not unduly impaired and the installation does not prevent the Department from reasonably maintaining the streets, structures, traffic control devices and other appurtenant facilities, and further provided that maintenance and operations of the Facilities do not jeopardize the traffic, street structure, other users of the right of way or the right of way itself.

Section 18.79.3 Grading: If the grades or lines of any street within the City Right of Way are changed at any time by the City during the term of the permit and this change involves an area in which the Utility's Facilities are located, then the Utility shall, at its own cost and expense and upon the request of the City upon reasonable notice, protect or promptly alter or relocate the Facilities, or any part thereof, so as to conform with such new grades or lines. In the event the Utility refuses or neglects to so protect, alter, or relocate all or part of the Facilities, the City shall have the right to break through, remove, alter, or relocated all or any part of the Facilities without any liability to the Utility and the Utility shall pay to the City the costs incurred in connection with such breaking through, removal, alteration, or relocation.

Section 18.79.4 Installation of Poles and Other Wireholding Structures and Relocation. Unless otherwise provided in a valid service agreement, no placement of any pole or wireholding structure of the Utility is to be considered a vested interest in the Right of Way, and such poles or structures are to be removed, relocated underground, or modified by the Utility at its own expense whenever the City determines that the public convenience would be enhanced thereby. The Facilities shall be so located and installed as to

cause minimum interference with the rights and convenience of property owners.

Section 18-79.5 As provided in O.C.G.A § 25-9-6 (the Georgia Utility Facility Protection Act) and other applicable state law currently in place or as amended, no Utility shall commence, perform, or engage in blasting or in excavating with mechanized excavating facilities unless and until the Utility planning the blasting or excavating has given 48 hours' notice by submitting a locate request to the Utility Protection Center, beginning the next Working Day after such notice is provided, excluding hours during days other than Working Days.

#### SECTION 18-80. RESTORATION OF PROPERTY

Section 18-80.1 Each Utility shall be responsible for the cost of repairing any Facilities in the Rights of Way and adjoining property or other Facilities which it or its Facilities damage.

Section 18-80.2 A Utility shall be liable, at its own cost and expense, to replace, restore or repair, any Street, Facilities or property or structure thereon, thereunder, thereover or adjacent thereto that may become disturbed or damaged as a result of the Construction or installation, operation, upgrade, repair or removal of Facilities to a condition as good as or better than its condition before the work performed by the Utility that caused such disturbance or damage. If the Utility does not commence such replacement or repair after twenty (20) Working Days following written notice from the City, the City or the owner of the affected structure or property may make such replacement or repair and the Utility shall pay the reasonable and actual cost of the same.

#### SECTION 18-81. INSPECTION

Section 18-81.1 The Utility shall make the Construction site available to the Director and to all others as authorized by Law for inspection at all reasonable times during the execution and upon completion of the Construction.

Section 18-81.2 At any time, including the time of inspection, the Director may order the immediate cessation of any work which poses a serious threat to the health, safety, or welfare of the public, violates any law, or which violates the terms and conditions of the Permit and/or any other provisions of this Article III or issue an order to correct work which does not conform to the Permit and/or applicable standards, conditions or codes.

Section 18-81.3 When the Construction under any Permit is completed, the Utility shall notify the Department and furnish to the Department Asbuilt drawings of the completed Facility or

Facilities in a format acceptable to the City detailing all structures installed or replaced including poles, boxes, and any underground elements of the Facility or Facilities.

SECTION 18-82. OTHER APPROVALS, PERMITS AND AGREEMENTS

Section 18-82.1 Additional Permits Required. The Utility shall obtain all construction, building or other permits or approvals as according to City ordinance, state or federal law. In addition, a Permittee shall comply with all requirements of laws, shall complete work in a way as to not cause any unnecessary or unauthorized obstructions of sidewalks, streets, waterways or railways, and is responsible for all work done in the Rights of Way regardless of who performs the work. No Rights of Way obstruction or excavation may be performed when seasonally prohibited or when conditions are unreasonable for such work, except in the case of an Emergency as outlined in Article II, Section 7 (B).

SECTION 18-83. PENALTIES

Section 18-83.1 Every Utility convicted of a violation of any provision of this chapter shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) per violation. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

SECTION 18-84 AESTHETIC STANDARDS

Section 18-84.1 Authority and Scope.

(a) O.C.G.A. §32-4-92(a)(10) / 32-4-42 (6) authorizes the City of Newnan Georgia(City) to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the City. Further, 47 U.S.C. § 253(c) provides that the City has authority to manage its public rights of way.

(b) The City finds it is in the best interest of the City and its residents and businesses to establish aesthetic requirements and other specifications and reasonable conditions regarding placement of facilities in the public rights of way. These requirements, specifications and conditions are adopted in order to protect the public health, safety and welfare of the residents and businesses of the City and to reasonably manage and protect the public rights of way and its uses in the City.

(c) The objective of this Article is to ensure use of the public rights of way: (i) is consistent with the design, appearance and other features of nearby land uses; (ii) protects the integrity of historic, cultural and scenic resources; and (iii) does not harm residents' quality of life.

(d) This Article applies to all requests to locate facilities in the public rights of way and ongoing use of the public rights of way for such facilities. This Article is established pursuant to the City Charter and applicable law. This Article is administered by the Planning Department of the City of Newnan (Planning Department).

(e) Placement or modification of facilities in the public right of way shall comply with this Article at the time the permit for installation or modification is approved and as amended from time to time. Permittees are required to comply with City Codes and applicable law and regulations.

Section 18-84.2 Definitions. Unless otherwise defined in Section 18-76.3 and Section 18-231 terms used in this Article shall have the meanings given them in O.C.G.A. § 36-66C-2.

Section 18-84.3 Cross References. Definitions in this Article include references and citations to applicable federal and state laws. In the event that any referenced section is amended, the definition in the referenced section, as amended, shall control.

Section 18-84.4 Facilities Standards.

(a) Facilities must be compatible in size, mass, and color to similar facilities in the same zoning area, with a goal of minimizing the physical and visual impact on the area.

(b) Facilities in residential, historical and/or architecturally significant areas shall be visually and architecturally integrated with such significant areas and shall not interfere with prominent vistas or significant public view corridors.

(c) Facilities must be located in alignment with existing trees and/or facilities.

(d) Facilities must maintain the integrity and character of the neighborhoods and corridors in which the facilities are located

Section. 18-84.5 Undergrounding. Except as provided in Section 18-84.5 (a) and (b), Facilities shall be installed underground in all areas in the City in which Utility Facilities are located underground so long as placement underground will not materially impact the provision of service. Any individual requesting to locate facilities above ground in all areas in the City in which Utility Facilities are located underground has the burden to demonstrate by clear and convincing evidence that



undergrounding will effectively prohibit the provision of the service in question.

(a) Light poles and small wireless facilities collocated thereon may be located above ground in areas of the City where facilities are primarily located underground.

(b) The City may: (i) allow collocated small wireless facilities placed aboveground prior to the effective date of this Ordinance and subject to any applicable pole attachment agreement to remain above ground; or (ii) allow the wireless provider to replace the pole associated with previously collocated small wireless facilities at the same location or propose an alternate location within 50 feet of the prior location, which the wireless provider shall use unless such alternate location imposes technical limits or significant additional costs.

Section -18-84.6 Camouflaging. Facilities must be designed using camouflaging techniques that make them as unobtrusive as possible if:

(a) It is not possible or desirable to match the design and color of facilities with the similar facilities in the same zoning area, as required under Section 18-84.4(b) or

(b) Existing facilities in the area are out of character with a streetscape plan or other aesthetic plan that has been adopted by the City.

Section.18-84.8 Concealment. Facilities shall incorporate specific concealment elements to minimize visual impacts.

Section 18-84.8 Installation and Modification Standards. Installation of new facilities in, on, along, over, or under the public rights of way or modification of existing facilities in, on, along, over, or under the public rights of way shall:

(a) Minimize risks to public safety;

(b) Ensure that placement of facilities on existing structures is within the tolerance of those structures;

(c) Ensure that installations and modifications are subject to periodic review to minimize the intrusion on the right of way;

(d) Ensure that the City bears no risk or liability as a result of the installations or modifications; and

(e) Ensure that use of the public rights of way does not inconvenience the public, interfere with the primary uses of the public rights of way, or hinder the ability of the City or other government entities to improve, modify, relocate, abandon, or

vacate the right of way or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the right of way.

Section 18-84.9 Plans for Use. No facilities shall be placed in, on, along, over, or under the public rights of way unless: (i) there are immediate plans to use the proposed facility; or (ii) there is a contract with another party that has immediate plans to use the proposed facility.

Section 18-84.10 Contact Information. Every facility placed in the public rights of way shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site number, and also provides a local or toll-free telephone number to contact the facility owner's operations center.

## SECTION 18-85. OTHER PROVISIONS

Section 18-85.1 Severability. If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 18-85.2 Reservation of Regulatory and Police Powers. The City by issuing a written approval of Registration under this Chapter, does not surrender or to any extent lose, waive, impair, or lessen the lawful powers and rights, which it has now or may be hereafter vested in the City under the Constitution and Laws of the United States, State of Georgia and the City Charter, and under the provisions of the City's Codified Ordinances to regulate the use of the Rights of Way. The Utility by applying for and being issued a written Permit, is deemed to acknowledge that all lawful powers and rights, regulatory power, or police power, or otherwise as are or the same may be from time to time vested in or reserved to the City, shall be in full force and effect and subject to the exercise thereof by the City at any time. A Utility is deemed to acknowledge that its interests are subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to the safety and welfare of the public and is deemed to agree to comply with all applicable general laws enacted by the City pursuant to such powers. In particular, all Utilities shall comply with City zoning and other land use requirements pertaining to the placement and specifications of Facilities.

Section 18-85.3 Compliance. No Person shall be relieved of its obligation to comply with any of the provisions of this Chapter by reason of any failure of City to enforce compliance.

Section 18-85.4 Appeal of Administrative Decisions. All appeals provided for by this chapter and any notification to the City required by this Chapter shall be in writing and sent via certified mail to the Director as specified in this Chapter.

Section 18-85.5 Chapter Headings. Chapter headings are for convenience only and shall not be used to interpret any portion of this Chapter

**SECTION II.** Except as provided otherwise herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION III.** This ordinance shall be codified in a manner consistent with the laws of the State of Georgia

**SECTION IV.** This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Newnan.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

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

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

\_\_\_\_\_  
Cynthia E. Jenkins, Mayor Pro-Tem

REVIEWED AS TO FORM:

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

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

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

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

\_\_\_\_\_  
Rhodes H. Shell, Councilmember

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

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



## City of Newnan, Georgia - Mayor and Council

Date: September 10, 2019

Agenda Item: WWI Plaque / Veteran's Plaza

Presented by: Cleatus Phillips

**Purpose:** Consider and offer staff direction concerning an update to the WWI Plaque at the Veteran's Memorial Plaza

**Background:** The City of Newnan was honored to participate in establishing the Veteran's Memorial Plaza to recognize individuals who made major sacrifices in order to preserve our human freedoms and a great effort was put forth by the Veteran's Committee that was selected to accomplish this undertaking. This included bronze plaques along the "Wall of Honor" including a WWI plaque. Dick Stender, one of the surviving members of the committee was given a list of names and was told they should be added to the plaque. He researched the names and in 2018 presented the list of names to the City. He indicated that the names should be added to the plaque along with one name to be removed as it had been mistakenly placed on the plaque. All of the additional names listed could be found under the website World War 1 Centennial in the Georgia Coweta County section, however, additional names were also located that seem to fall into the category for this plaque and should also possibly be added. There is much concern in making any changes to the original plaque as the Veterans Memorial Plaza Committee well-researched and vetted the names that were placed on the WWI plaque, as well as all of the plaques in the Plaza, for accuracy. As methods and abilities to research has continued to improve, since the 2007/8 installation, the discovery of missing information is expected.

**Funding:** \$4,124.84 – Veteran's Memorial Plaza – Apply to the cost of a new plaque

**Attachments:** Photo of World War I "The Great War" Plaque / List of names requested to be added and one to be removed / Current findings under the WW1 Centennial for Coweta County

**Recommendation:**

1. Staff direction

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

**WORLD WAR I**  
**6 April 1917 - 11 November 1918**

CHARLTON, Samuel  
COUCH, Willie  
ELLIOTT, Benn  
FINCHER, Jesse C.  
GENTRY, Homer  
HARDAWAY, Carey J.  
HARRIS, Alvin H.  
LEACH, Buddy  
McGEE, Charles N.  
NEALY, Tom  
PULLEN, Isiah  
TROUTEN, Millard T.  
WHATTLEY, John

**"THE GREAT WAR"**

BEADLE  
BEERS  
BENNE  
BLAIR  
BROV  
BUR  
CAM  
CAS  
CH  
CO  
CP  
C

**TOTAL SERVED: 4,734,991**

**TOTAL DEATHS: 116,516**

**KIA: 53,400**

**OTHER: 63,114**

**TOTAL SERVED: 204,00 WERE WOUNDED**

~~✓~~ CHARLTON, SAMUEL (Mistake)

~~✓~~ COUCH, WILLIE DD

~~✓~~ ELLIOTT, BENN DD

~~✓~~ FINCHER, JESSE ACCIDENT 3/31/18 (EXPLOSION ON SHIP)

~~✓~~ GENTRY, HOMER DD 10/22/18 OAK HILL CEME

~~✓~~ HARDAWAY, CAREY J. ACCIDENT 11/9/18 (DROWNED U.S. NAVY}

~~✓~~ HARRIS, ALVIN H. KIA 6/9/18 NEW HOPE BAPT CHURCH CEM

~~✓~~ LEACH, BUDDY KIA 11/4/18 OAK HILL CEME

~~✓~~ MCGEE, CHARLES N. KIA 11/9/18

~~✓~~ NEALY, THOMAS DD

~~✓~~ PULLEN, ISIAH DD

~~✓~~ TROUTEN, MILLARD T. KIA

~~✓~~ WHATTLEY, JOHN DD

HARRIS, MARVIN S. ACCIDENT 1/11/18 NEW HOPE BAPT CHURCH CEM

HAYNIE, LOUIS A. KIA 11/1/18

LAMBERT, JOHN W. KIA 7/18/18 ANDREWS CHAPEL CHUR CEM

LEE, TOMMIE C. WOUNDS (GAS'D) 11/24/18 COKES CHAPEL CEME

MCKEE, JOHN F. DD 12/3/17

PADGETT, PARKER DD

PITTMAN, WALTER DD

RAINEY, EVERETT D. DD

ROOKS, SAMUEL I. KIA 11/3/18

SMITH, JAMES A. KIA 5/29/18 (FIRST IN COWETA CTY TO BE KIA)

SMITH, PAUL DD 9/15/18

SWYGER, ALBERT M. DD 9/9/18

<https://www.worldwar1centennial.org/index.php/georgia-memorial-database.html>

# Georgia Memorial Database

This interactive database represents the latest effort to develop a comprehensive listing of those from Georgia that died in the service to their country during The Great War. The core of this listing is the original *Georgia State Memorial Book*, published in 1921. It contains the names and information for approximately 1,200 Georgia military personnel that died of all causes during World War 1.

Due to the social and racial conditions and practices of the time, this 1921 Memorial Book contains the information for only white soldiers. The current project is rectifying this by adding information for Georgia's African-American personnel that also died in service.

Fortunately, the **Georgia Department of Veterans Service** has developed a listing of WW1 deaths. This **GDVS** list, containing some 1,900 names, incorporates the Memorial Book names and adds another 700, many of whom are African-American. The entirety of the GDVS list is now incorporated into the Georgia Memorial Database, below.

Additionally, monuments, memorials, and plaques throughout the state of Georgia are yielding names for this Memorial Database that do not appear in either of the two earlier lists. These names are being added as the memorials and plaques are identified and photographed for inclusion elsewhere in this website.

Please direct all correspondence related additions and corrections to Dr. Lamar Veatch - [lveatch@gmail.com](mailto:lveatch@gmail.com)

Rank	Name	County	City	Death date	Eth.	Citations	Disposition	Photo
PVT	Allen, Edward	Coweta	Newnan	11-Oct-1918	AA	Coweta, GDC	influenza	no
PVT	Amy, Venson	Coweta	Newnan	6-Oct-1919	AA	GDC, Coweta	pneumonia	
	Brooks, Robert A.	Coweta		unknown		Coweta	unknown	no
CPL	Brooks, Thomas	Coweta	Grantville	4-Oct-1918	AA	Coweta, GDC, Knight	influenza	no
PFC	Clerk, Ernest	Coweta	Newnan	20-Jul-1919	AA	Coweta, GDC	tuberculosis	no
PVT	Couch, Willie (William)	Carroll	Whitesburg	5/28/1918	AA	Coweta, GDC, ABMC, Knight	pneumonia	no
PVT	Dorsey, Arthur	Coweta	Senoia	14-Oct-1918	AA	GDC	infection	

Rank	Name	County	City	Death date	Eth.	Citations	Disposition	Photo
PFC	Elliott, Ben	Coweta	Newnan	29-Oct-1918	AA	Coweta, GDVS, GDC, ABMC, Knight	pneumonia	no
Fireman	Fincher, Jesse Curtis	Coweta	Newnan	14-Jun-1918	W	Coweta, GDVS, GDC	missing vessel	no
App. Seaman	Gentry, Homer E.	Coweta	Newnan	22-Oct-1918	W	MB 059, Coweta, GDC, Knight, UGA	infection	yes
Yeoman	Hardaway, Carey Joseph	Coweta	Newnan	29-Sep-1918	W	MB 061, Coweta, GDC, Knight	drowned	yes
PVT	Harris, Alvin Hugh	Coweta	Newnan	6-Jun-1918	W	MB 061, Coweta, GDC, Knight	wounds (14)	yes
Wagoner	Harris, Marvin Sperman	Coweta	Newnan	11-Jan-1918	W	MB 061, Coweta, GDC, Knight	storm death - Camp Wheeler	yes
PVT	Haynie, Louis A.	Coweta	Newnan	1-Nov-1918	W	MB 061, Coweta, ABMC, GDC, Knight	wounds	yes
PVT	Hubbard, Marvin A.	Coweta	Senoia	24-Oct-1918	W	Coweta, GDC	infection	no
PVT	Jackson, Eddie	Coweta	Newnan	16-Dec-1917	AA	Coweta, GDC	tuberculosis	no
PVT	Johnson, Calvin	Coweta	Moreland	8-Oct-1918	W	GDC	pneumonia	
PVT	Lambert, Jonnie Will	Coweta	Newnan	18-Jul-1918	W	MB 061, Coweta, GDC, Knight	wounds	yes
PVT	Leach, Charlton Samuel	Coweta	Newnan	4-Nov-1918	W	MB 061, Coweta, GDC, Knight	KIA - Argonne Forest	yes
PVT	Lee, Tommie Clinton	Coweta	Senoia	25-Nov-1918	W	MB 061, Coweta, GDC, Knight	pneumonia	yes
PVT	Long, Thelbert R.	Coweta	Sargent	3-Oct-1917	W	GDC	pneumonia	
PVT	McCombs, George Arthur	Coweta	Madras	26-Aug-1918	AA	Coweta, GDC	pneumonia	no
PVT	McGee, Charles N.	Coweta	Moreland	rep. 23dec1918		Knight	unknown	
PVT	McGhee, Charles Norman	Coweta	Moreland	11/8/1918	W	Coweta, GDVS, GDC	KIA	no
PVT	McKee, John Franklin	Coweta	Moreland	12/3/1917	W	MB 061, Coweta, GDC, Knight	pneumonia	yes
PVT	Moreland, Ernest	Coweta	Grantville	20-Nov-1918	AA	Coweta, GDC	pneumonia	no
PVT	Neely, Tom (Thomas)	Coweta	Newnan	rep. 17sept1921	AA	Coweta, Knight	disease - France	no



Rank	Name	County	City	Death date	Eth.	Citations	Disposition	Photo
PVT	Nixon, Ben Loyd	Coweta	Senoia	18-Oct-1918	W	Coweta, GDC, Knight	infection	no
PFC	Padgett, Parker I. (J.)	Fulton	Palmetto	5-Nov-1918	W	MB 037, Coweta, GDC, Knight	influenza - France	yes
PVT	Phillips, George Washington	Senoia	Coweta	4-Aug-1918	W	MB 081, GDC, Knight	infection	yes
PVT	Pitman, Walter Albert	Coweta	Newnan	17-Oct-1918	W	MB 061, Coweta, Knight	infection	yes
PVT	Pittman, Walter Albert	Coweta	Newnan	17-Oct-1918	W	GDC	pneumonia	
PVT	Pullen, Isaiah	Coweta	Grantville	15-Nov-1918	AA	Coweta, GDC, Knight	tuberculosis	no
	Rainey, Everett D.	Heard	Franklin	10/8/1918	W	Coweta, GDC, Knight	pneumonia	no
PVT	Rooks, Samuel I.	Carroll	Carrollton	3-Nov-1918	W	MB 041, Coweta, Carroll, ABMC, GDC, Knight	KIA	yes
PVT	Smith, Alf	Coweta	Sargents	unknown		Knight	unknown	
PVT	Smith, James Alfred	Coweta	Sargent	29-May-1918	W	MB 061, Coweta, GDC, Knight	wounds	yes
PVT	Smith, Paul	Campbell	Palmetto	9-Oct-1918	AA	Fairburn, ABMC, GDVS, GDC, Coweta, Knight	infection - France	
PVT	Stegall, Ed.	Coweta	New	17-May-1918	AA	Coweta, GDC	pneumonia	no
	Stevens, James	Coweta		unknown	AA	Coweta	unknown	no
PVT	Suggart, Albert M.	Coweta	Haralson	rep. 6feb1919		Knight	disease	
Cook	Sullen, Isiah	Coweta	Grantville			GDVS	unknown	
PVT	Swygert, Albert Martin	Coweta	Haralson	29-Sep-1918	W	MB 061, Coweta, ABMC, GDC, Knight	spinal meningitis	yes
PVT	Trouten, Millard T.	Coweta	Newnan	rep. 29oct1918		GDVS, Knight-reported alive	unknown	
PVT	Walker, Will	Coweta	Newnan	13-Dec-1918	AA	GDC	empyema	
PVT	Whattley, John	Coweta	Turin	27-Oct-1918	W	GDVS, GDC, ABMC, Knight	pneumonia - France	

**A RESOLUTION AUTHORIZING  
GOSP GRANT APPLICATION**

**WHEREAS**, the City of Newnan, Mayor and Council and the City Manager are in full support of the application of the Georgia Outdoor Stewardship Program Grant to assist in the funding of the Newnan LINC Downtown Connector; and

**WHEREAS**, the Newnan LINC Downtown Connector is scheduled to be complete in 2021; and

**WHEREAS**, the LINC Downtown Connector budget has a funds deficit of \$2,500,000; and

**WHEREAS**, the City of Newnan is in a strong financial position to commit 75% > matching funds to match the GOSP grant funds for the Newnan LINC Downtown Connector through a combination of SPLOST 2019 and Impact Fees; and

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Newnan shall authorize the support of the application of the Georgia Outdoor Stewardship Program Grant to assist in the funding of the Newnan LINC Downtown Connector;

**A RESOLUTION AUTHORIZING THE GEORGIA OUTDOOR STEWARDSHIP PROGRAM  
GRANT APPLICATION**

**DONE, RATIFIED AND PASSED** in regular session, this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

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

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

REVIEWED:

\_\_\_\_\_  
Cynthia E. Jenkins, Mayor Pro Tem

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

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

\_\_\_\_\_  
Brad Sears, City Attorney

\_\_\_\_\_  
Rhodes H. Shell, Councilmember

\_\_\_\_\_  
Ray F. DuBose, Councilmember

\_\_\_\_\_  
Dustin K. Koritko, Councilmember

\_\_\_\_\_  
Paul L. Guillaume, Councilmember



## City of Newnan, Georgia - Mayor and Council

Date: September 24, 2019

Agenda Item: Consideration of a Resolution of Commitment to Support the Long –Term Maintenance of the LINC

Prepared and Present by: Hasco Craver, Assistant City Manager

**Purpose:** Newnan City Council may consider a Resolution of Commitment to Support the Long-Term Maintenance of the LINC.

### **Background:**

City Staff is currently in the process of applying for a GOSP (Georgia Outdoor Stewardship Program Grant) to assist with the funding of Phase II – Newnan LINC Downtown Connector.

This grant is managed by the Georgia Department of Natural Resources and is geared toward conservation of properties for natural resources and to provide outdoor recreation to Georgia residents. One of the grant criteria's is to show support of the LINC long – term maintenance and a resolution would satisfy this criteria.

**Funding:** N/A

**Recommendation:** Newnan City Council may adopt the proposed resolution of Commitment to Support the Long-Term Maintenance of the LINC.

### **Attachments:**

1. Resolution of Commitment to Support the Long-Term Maintenance of the LINC
2. Pages from the GOSP Grant explaining this requirement.

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

**A RESOLUTION OF COMMITMENT  
TO SUPPORT THE LONG-TERM MAINTENANCE OF THE LINC**

**WHEREAS**, the City of Newnan, Mayor and Council and the City Manager are in full support of constructing the LINC; and

**WHEREAS**, the City of Newnan is in a strong financial position to commit resources to maintain the LINC; and

**WHEREAS**, the City of Newnan annually approves a Beautification Department budget for maintaining City Parks; and

**WHEREAS**, the LINC is considered a linear park which falls under the maintenance responsibility of the Beautification Department; and

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Newnan shall authorize the support of the long-term maintenance of the LINC including but not limited to, mowing, maintaining signage, trash and debris pick-up and other amenity maintenance as needed;

**A RESOLUTION OF COMMITMENT TO SUPPORT THE LONG-TERM MAINTENANCE OF THE LINC**

**DONE, RATIFIED AND PASSED** in regular session, this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

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

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

REVIEWED:

\_\_\_\_\_  
Cynthia E. Jenkins, Mayor Pro Tem

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

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

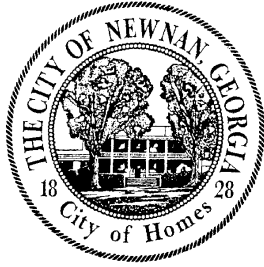
\_\_\_\_\_  
Brad Sears, City Attorney

\_\_\_\_\_  
Rhodes H. Shell, Councilmember

\_\_\_\_\_  
Ray F. DuBose, Councilmember

\_\_\_\_\_  
Dustin K. Koritko, Councilmember

\_\_\_\_\_  
Paul L. Guillaume, Councilmember



## City of Newnan, Georgia - Mayor and Council

Date: September 24, 2019

Agenda Item: Rezoning Request RZ2019-07, WP South Acquisitions, LLC for 22.485 ± acres located at the corner of Bullsboro Drive and Ashley Park Drive (Tax Parcel # 086 5054 9960)

Prepared and Presented by: Tracy S. Dunnavant, Planning Director

**Purpose:** To inform the City Council that RZ2019-07 is before the Planning Commission for consideration and a recommendation on the requested zoning classification.

**Background:** WP South Acquisitions, LLC has applied for the rezoning of 22.485 ± acres located at the corner of Bullsboro Drive and Ashley Park Drive. The request is to rezone the property from CGN (General Commercial District) to RMH (Residential Multiple-Family Dwelling – Higher Density District) for the purpose of constructing 269 apartment units.

### **Current Zoning**

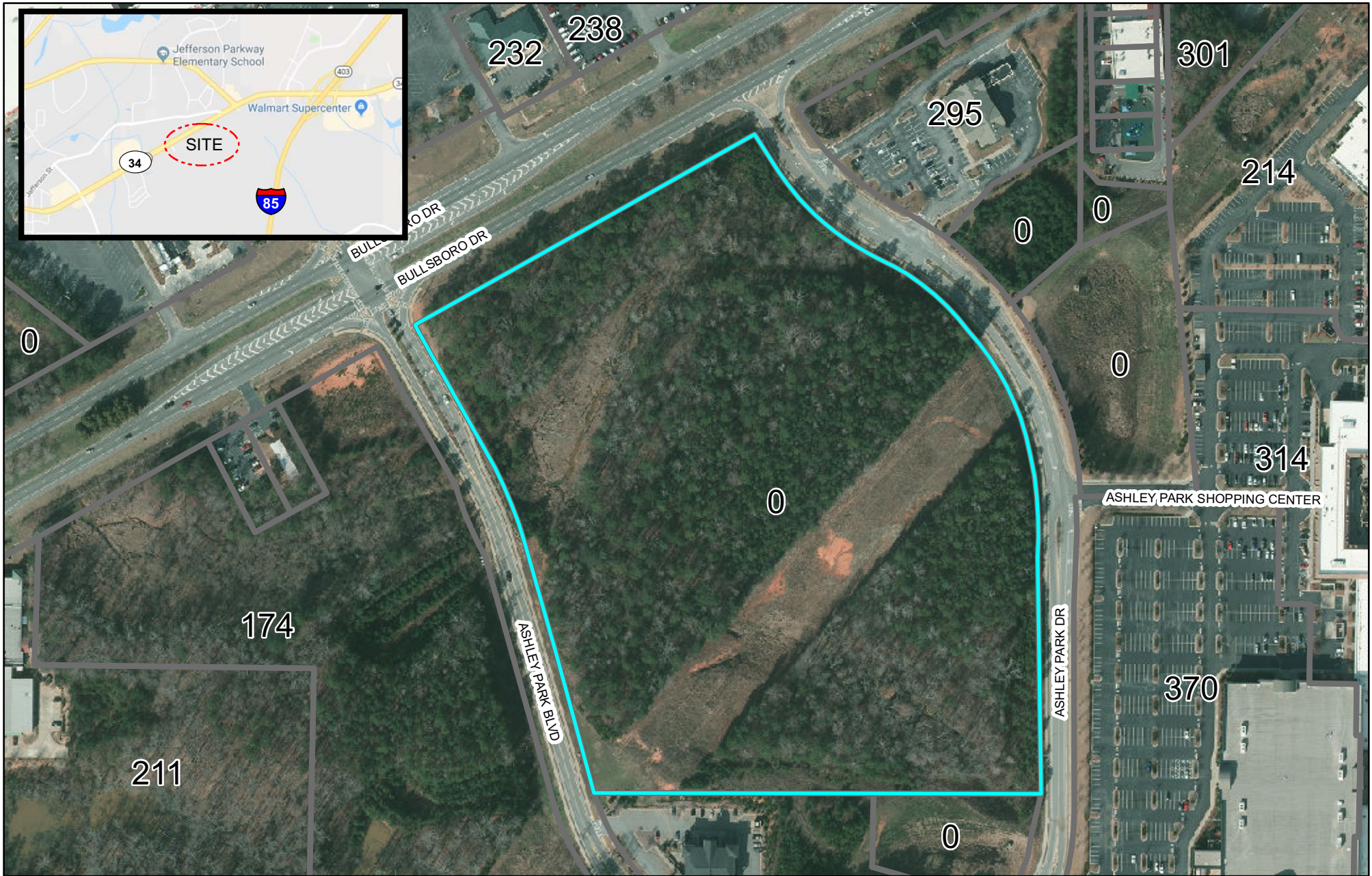
Tax Parcel #	Acres	Zoning	Units
086 5054 9960	22.485±	CGN	N/A

### **Requested Zoning**

Tax Parcel #	Acres	Zoning	Units
086 5054 9960	22.485±	RMH	269 proposed

**Attachments:** Application for Rezoning  
Location Map

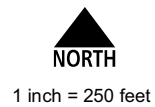
**Previous Discussions with Council:** None



**CITY OF NEWNAN** | Project Location




CITY OF NEWNAN  
 PLANNING DEPT.  
 25 LAGRANGE STREET  
 NEWNAN, GEORGIA 30263  
[www.ci.newnan.ga.us](http://www.ci.newnan.ga.us)



**LEGEND**

 Project Location

 PARCELS

 CITY LIMITS

**ADDRESS**

Bullsboro Dr @ Ashley Park BLVD  
 NEWNAN GA. 30263

**ROSENZWEIG, JONES, HORNE & GRIFFIS, P.C.**

**ATTORNEYS AT LAW  
32 South Court Square  
PO Box 220  
NEWNAN, GEORGIA 30264  
www.newnanlaw.com**

MELISSA D. GRIFFIS (GA, AL)

TELEPHONE (770) 253-3282  
FAX (770) 251-7262  
E-mail:melissa@newnanlaw.com

September 3, 2019

**HAND DELIVERY**

Ms. Tracy Dunnavant, Planning Director  
The City of Newnan  
25 LaGrange Street  
Newnan, Georgia 30263

RE: Application of WP South Acquisitions, LLC to Amend the Zoning Ordinance from CGN to RMH  
Approximately 22.485± Acres located at Bullsboro Drive, Newnan, Georgia

Dear Ms. Dunnavant:

WP South Acquisitions, LLC, applicant in the above-described property ("the Property") in the City of Newnan, Georgia, hereby makes this application to amend the zoning ordinance, to allow rezoning of the approximate 22.485 +/- acres to be rezoned from CGN to RMH.

Building typology consists of three and four story residential buildings. Parking is achieved in surface spaces throughout the development.

As noted on the "Application to Amend Zoning Text" form enclosed herewith, the Property is the best location for an RMH zoning as it is a prime location for a multi-family component. The rezoning will allow for development of this current property that has been undeveloped for many years. The RMH zoning will be beneficial to the residents not only at The Property, but also the residents and business owners in the surrounding area.

All buildings will include sprinkler systems per fire code safety standards.

There are many proffered conditions in the attached zoning application packet. Please also see all attached plans, profiles, elevations, pictures and other demonstrative materials submitted or also to be considered as proffered conditions. The proposed amendment will facilitate the smart growth and development that is expected in the City of Newnan.

Ms. Tracy Dunnavant, Planning Director  
September 3, 2019  
Page 2

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For the reasons stated above, WP South Acquisitions, LLC believes that this application is not only consistent with, but advances the intent of the City of Newnan. Zoning Ordinance.

WP South Acquisitions, LLC has, at attached Tabs (1) through (11) included all materials required per the Application Form and applicable Ordinance provisions. As always, should you have any questions about the material submitted, or should you require additional information, please do not hesitate to contact me. WP South Acquisitions, LLC, as Applicant and myself as counsel for WP South Acquisitions, LLC, look forward to working with you and your staff as you review and analyze the enclosed Application.

I look forward to receiving the Planner's Recommendation in the near future.

Yours Truly,



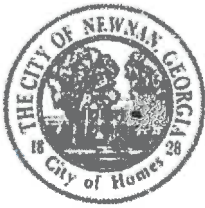
Melissa D. Griffis  
For WP South Acquisitions, LLC

MDG/kr  
Enclosure(s)



# **TAB 1**

## **Application to Amend the Zoning Map**



**CITY OF NEWNAN, GEORGIA**  
**Planning & Zoning Department**

25 LaGrange Street  
Newnan, Georgia 30263  
Office (770) 254-2354  
Fax (770) 254-2361

**APPLICATION TO AMEND ZONING MAP**

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**Note to Applicant:** Please be sure to complete all entries on the application form. If you are uncertain to the applicability of an item, contact The Planning & Zoning Department at 770-254-2354. Incomplete applications or applications submitted after the deadline will not be accepted.

Name of Applicant WP South Acquisitions, LLC

Mailing Address 3715 Northside Pkwy NW, Suite 4-600, Atlanta, GA 30327

Telephone (404) 965-9960 Email: [brs@woodpartners.com](mailto:brs@woodpartners.com)

Property Owner (Use back if multiple names) Piedmont Newnan Hospital, Inc.

Mailing Address 1800 Howell Mill Road, NW, Suite 850, Atlanta, GA 30318-0923

Telephone \_\_\_\_\_

Address/Location of Property Bullsboro Drive at Ashley Park Drive

Tax Parcel No.: 086 5054 018 Land Lot 43 & 54

District/Section 08 Size of Property (Square Feet or Acres) 22.485+/- Acres

Present Zoning Classification: CGN Proposed Zoning Classification: RMH

Present Land Use: Undeveloped land

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To the best of your ability, please answer the following questions regarding the application:

Explain how conditions have changed that renders the zoning map designation invalid and no longer applicable The Subject Property is undeveloped land that has been vacant for many years as zoned CGN.

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If the proposed zoning map change is an extension of an existing adjacent zoning district, provide an explanation why the proposed extension should be made \_\_\_\_\_

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If the requested change is not designed to extend an adjacent zoning district, explain why this property should be placed in a different zoning district than all adjoining property. In other words, how does this property differ from adjoining property and why should it be subject to different restrictions? The Subject Property should be included in the RMH zoning district to allow for development of this unique parcel. The recent studies performed by the City show a need for residential components that do not currently exist.

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Please attach all the following items to the completed application:

1. A letter of intent giving the details of the proposed use of the property which should include, at a minimum, the following information:
  - What the property is to be used for, if known.
  - The size of the parcel or tract.
  - The zoning classification requested and the existing classification at the filing of this application.
  - The number of units proposed.
  - For non-residential projects, provide the density of development in terms of floor area ratio (FAR).
  - Any proposed buffers and modification to existing buffers.
  - Availability of water and sewer facilities including existing distance to property.
2. Name and mailing addresses of all owners of all property within 250 feet of the subject property (available from the County Tax Assessor records). This is encouraged to be submitted in a mail merge Microsoft Word data file format.
3. Legal description of property. This description must establish a point of beginning; and from the point of beginning, give each dimension bounding the property that the boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If the properties are not contiguous, a separate application and legal description must be submitted for each property. For requests for multiple zoning districts, a separate application and legal description must be submitted for each district requested. A copy of the deed may substitute for a separate description.
4. A certified plat (stamped and dated) drawn to scale by a registered engineer, architect, land planner, land surveyor, or landscape architect that shall include the following information:
  - ✓ Boundary survey showing property lines with lengths and bearings
  - ✓ Adjoining streets, existing and proposed, showing right-of-way
  - ✓ Locations of existing buildings dimensioned and to scale, paved areas, dedicated parking spaces, and other property improvements
  - ✓ North arrow and scale
  - ✓ Adjacent land ownership, zoning and current land use
  - ✓ Total and net acreage of property
  - ✓ Proposed building locations
  - ✓ Existing and proposed driveway(s)
  - ✓ Lakes, ponds, streams, and other watercourses
  - ✓ Floodplain, wetlands, and slopes equal to or greater than 20 percent
  - ✓ Cemeteries, burial grounds, and other historic or culturally significant features
  - ✓ Required and/or proposed setbacks and buffers
5. Submit one (1) copy in an 18" x 24" format and one copy in a pdf digital file format.
6. Completed Proffered Conditions form.
7. Completed Disclosure of Campaign Contributions and Gifts form.
8. If the applicant and the property owner are not the same, complete the Property Owner's Authorization form and/or the Authorization of Attorney form.
9. For multiple owners, a Property Owner's Authorization form shall be submitted for each owner.
10. A community impact study must be submitted if the development meets any of the following criteria:
  - Office proposals in excess of 200,000 gross square feet
  - Commercial proposals in excess of 250,000 gross square feet
  - Industrial proposals which would employ over 500 persons
  - Multi-Family proposals in excess of 150 units

11. A Development of Regional Impact form shall be completed and submitted to the City if the request meets any of the criteria in §10-10 (b)(2)(h) on page 10-7 of the Newnan Zoning Ordinance.

12. Fees for Amending the Zoning Map shall be made payable to the **City of Newnan** and are listed below:

- Single-Family Application ..... \$500.00/Plus \$15.00 Per Acre
- Multi-Family Application ..... \$500.00/Plus \$25.00 Per Acre
- Office/Institutional Application ..... \$500.00/Plus \$15.00 Per Acre
- Commercial Application..... \$500.00/Plus \$25.00 Per Acre
- Industrial Application ..... \$500.00/Plus \$15.00 Per Acre
- MXD..... \$500.00/Plus \$25.00 Per Acre  
For multi-family and \$15.00 Per Acre for CBD

**PLEASE NOTE: THIS APPLICATION MUST BE FILED BY THE 1st OF THE MONTH TO BE CONSIDERED FOR THE PLANNING COMMISSION MEETING OF THE FOLLOWING MONTH.**

I (We) hereby authorize the staff of the City of Newnan to inspect the premises of the above-described property. I (We) do hereby certify the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application.

Sworn to and subscribed before me this

3rd day of September, 2019

Signature of Applicant

Notary Public Monica Deleen Washington  
**NOTARY PUBLIC** (Affix Raised Seal Here)  
Newton County, GEORGIA  
My Commission Expires 12/15/2020

**FOR OFFICIAL USE ONLY**

DATE OF PRE-APPLICATION CONFERENCE September 3, 2019

RECEIVED BY TRACT 5 DUNN AVANT

DATE OF FILING 09/03/19

FILING FEE RECEIVED \$1,111.88

DATE OF NOTICE TO NEWSPAPER 09/18/19

DATE OF PUBLIC HEARING \_\_\_\_\_

PLANNING COMMISSION RECOMMENDATION (DATE) \_\_\_\_\_

DATE OF TRANSMITTAL TO CITY COUNCIL \_\_\_\_\_

CITY COUNCIL DECISION (DATE) \_\_\_\_\_

**PROPERTY OWNERS WITHIN 250'**

Ashley Park Blvd Owner, LLC  
24<sup>th</sup> Floor  
733 Third Ave.  
New York, NY 10017

Pointe Newnan, LLC  
299 Bullsboro Drive  
Newnan, GA 30263

Ashley Park Property Owner, LLC  
43<sup>rd</sup> Floor  
9 W. 57<sup>th</sup> Street  
New York, NY 10019

Shannon J. Stoffle  
225 Bullsboro Drive  
Newnan, GA 30263

Branch Banking & Trust Company  
PO Box 167  
Winston Salem, NC 27102-0167

Bullsboro Crossing Community Association  
Suite 200B  
500 Sugar Mill Road  
Atlanta, GA 30350

FNBS Holdings, LLC  
c/o HAP Investments  
Suite 210  
200 Ashford Center North  
Atlanta, GA 30338

Fourth Quarter Properties 104 LLC  
45 Ansley Drive  
Newnan, GA 30263

Fourth Quarter Properties 93 LLC  
45 Ansley Drive  
Newnan, GA 30263

JED Inc.  
c/o Jesse Onate  
1901 Millard Farmer Road  
Newnan, GA 30263

Piedmont Newnan Hospital, Inc.  
Suite 850  
1800 Howell Mill Road, NW  
Atlanta, GA 30318-0923

## **TAB 3**

### **Legal Description of the Property**

ALL THAT TRACT OR PARCEL OF LAND situated, lying and being located in land lots 43 and 54 of the Fifth Land District, City of Newnan, Coweta County Georgia, the same and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, First, Start at a point formed by the mitered, northeasterly right-of-way of Ashley Park Boulevard and the southeasterly, varying right-of-way of State Route #34 (a.k.a. Bullsboro Drive) said point being witnessed by a ½" iron re-bar found S 33°27' 47"E 0.48'; thence N 60°38'24" E a distance of 484.98' along the southeasterly, varying right-of-way of State Route #34 to a point and the TRUE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED;

thence N 60°38'24" E a distance of 226.01' along the southeasterly varying right-of-way of State Route #34 to a ½" iron re-bar found at the intersection of said right-of-way of State Route #34 and the southwesterly, varying right-of-way of Ashley Park Drive;

thence S 29°21'36" E a distance of 70.07' along said right-of-way of Ashley Park Drive to a point;

thence with a curve turning to the left with an arc length of 197.62', with a radius of 370.00', with a chord bearing of S 44°39'31" E, with a chord length of 195.28', along said right-of-way of Ashley Park Drive to a point;

thence S 59°57'07" E a distance of 105.33' along said right-of-way of Ashley Park Drive to a point;

thence with a curve turning to the right with an arc length of 553.56', with a radius of 562.53', with a chord bearing of S 31°44'08" E, with a chord length of 531.49', along said right-of-way of Ashley Park Drive to a point;

thence S 03°32'40" E a distance of 86.65' along said right-of-way of Ashley Park Drive to a point;

thence S 00°03'06" E a distance of 500.06' along said right-of-way of Ashley Park Drive to a point being witnessed by a storm manhole located S 24°23'43"W 1.24' from said point;

thence N 89°06'49" W a distance of 837.16' leaving said right-of-way of Ashley Park Drive to a ½" iron re-bar set on the northeasterly, 80' right-of-way of Ashley Park Boulevard;

thence with a curve turning to the right with an arc length of 11.39', with a radius of 426.92', with a chord bearing of N 16°36'47" W, with a chord length of 11.39', along said right-of-way of Ashley Park Boulevard to a point;

thence N 15°50'51" W a distance of 505.67' along said right-of-way of Ashley Park Boulevard to a point;

thence with a curve turning to the left with an arc length of 84.48', with a radius of 705.00', with a chord bearing of N 19°16'49" W, with a chord length of 84.43', along said right-of-way of Ashley Park Boulevard to a point;

thence with a compound curve turning to the left with an arc length of 109.48', with a radius of 840.00', with a chord bearing of N 25°37'35" W, with a chord length of 109.40', along said right-of-way of Ashley Park Boulevard to a point;

thence N 29°21'40" W a distance of 46.84' along said right-of-way of Ashley Park Boulevard to a point;

thence N 60°39'08" E a distance of 203.94' leaving said right-of-way of Ashley Park Boulevard to a point;

thence N 30°20'54" E a distance of 157.88' to a point;

thence N 29°21'54" W a distance of 68.38' to a point;

thence N 60°37'46" E a distance of 169.72' to a point;

thence N 29°21'54" W a distance of 82.56' to a point on the southeasterly, varying right-of-way of State Route #34 to a point and the TRUE POINT OF BEGINNING;

having an area of 22.484 acres.

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

DOC# 006183  
FILED IN OFFICE  
03/09/2007 08:54 AM  
BK:3147 PG:542-550  
CINDY G BROWN -  
CLERK OF SUPERIOR COURT  
COWETA COUNTY

*Cindy G Brown*

REAL ESTATE TRANSFER TAX  
PAID: \$36925.20 ✓

2007-1283

After recording, return to  
Kathryn L. Van Duyn, Esq.  
✓ McLarty, Robinson & Van Voorhies, LLP  
150 E. Ponce de Leon Avenue, Suite 330  
Decatur, GA 30030 - (404)377-6464

### CORPORATION LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF COWETA

✓ THIS INDENTURE, made as of the 1<sup>st</sup> day of March in the year 2007 between **NEWNAN HOSPITAL, INC.** a Georgia non-profit corporation a/k/a **NEWNAN HOSPITAL, a Georgia non-profit corporation**, as party or parties of the first part, hereinafter called GRANTOR, and **PIEDMONT NEWNAN HOSPITAL, INC., a Georgia non-profit corporation**, as party or parties of the second part, hereinafter called GRANTEE (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, its or their heirs, successors or assigns, the following described property, to-wit:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Coweta County, Georgia, being more particularly described in Exhibit A attached hereto and by this reference incorporated herein and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

CORPORATION LIMITED WARRANTY DEED

2071604v1

PAGE 1

*9/26 bmr*



AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons claiming by through or under Grantor, subject only to those matters shown on Exhibit B attached hereto and by this reference made a part hereof and any other easements and restrictions of record.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, as of the day and year above written.

Signed, sealed and delivered  
this 26 day of February, 2007,  
in the presence of:

NEWNAN HOSPITAL, INC. a Georgia non-profit  
corporation a/k/a NEWNAN HOSPITAL, a Georgia  
non-profit corporation

Ann Gregory  
Unofficial Witness

Vickie Holland Burch  
Notary Public

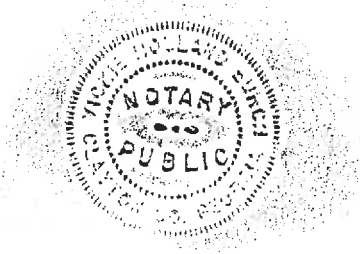
My commission expires: July 5, 2010

BY: Tom Mont  
Name: Tom Mont  
Title: President Andrew J. McDonald  
Secretary

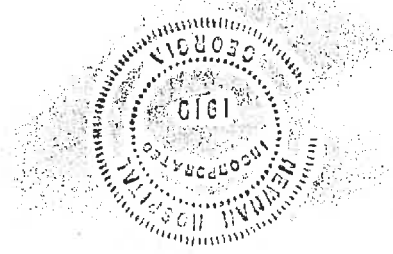
ATTEST: Ann Gregory  
Name: ANN GREGORY  
Title: EXECUTIVE ASSISTANT

[NOTARIAL SEAL]

[CORPORATE SEAL]



VICKIE HOLLAND BURCH  
NOTARY PUBLIC  
CLAYTON COUNTY  
STATE OF GEORGIA



PARCEL IIEXHIBIT "A"Legal Description  
[24.8 Acres - Bullsboro Drive]

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 43 and 54 of the 5<sup>th</sup> Land District, City of Newnan, Coweta County, Georgia, being Lot 2, Final Plat for Lots 1, 2 and 2A, Newnan Place, and being more particularly described as follows:

TO REACH THE POINT OF BEGINNING, start at an aluminum pipe found at the corner common to Land Lots 42, 43, 54 and 55, said District and County, thence running south 60 degrees 57 minutes 19 seconds east, a distance of 536.21 feet to a point, and THE POINT OF BEGINNING; thence from the Point of Beginning, running north 01 degree 55 minutes 56 seconds east, a distance of 168.63 feet to a point; thence following the arc of a curve to the left an arc distance of 477.88 feet (said arc having a chord bearing of north 13 degrees 42 minutes 50 seconds west, a chord distance of 471.97 feet, and a radius of 875.00 feet) to a point; thence running north 29 degrees 21 minutes 36 seconds west a distance of 331.72 feet to a point located on the southeast right of way of State Route 34 (a/k/a Bullsboro Drive) (right of way varies); thence running north 60 degrees 38 minutes 24 seconds east along the said southeast right of way of State Route 34 a distance of 735.99 feet to a point; thence leaving the said southeast right of way of State Route 34 and running south 29 degrees 21 minutes 36 seconds east a distance of 70.07 feet to a point; thence running southeasterly following the arc of a curve to the left an arc distance of 197.59 feet (said arc having a chord bearing of south 44 degrees 39 minutes 31 seconds west, a chord distance of 195.25 feet, and a radius of 370.00 feet) to a point; thence running south 59 degrees 57 minutes 07 seconds east, a distance of 105.33 feet to a point; thence running southeasterly and following the arc of a curve to the right of an arc distance of 553.56 feet (said arc having a chord bearing of south 31 degrees 44 minutes 08 seconds east, a chord distance of 531.49 feet, and a radius of 562.53 feet) to a point; thence running south 03 degrees 32 minutes 40 seconds east a distance of 155.09 feet to a point; thence running south 02 degrees 23 minutes 55 seconds east, a distance of 432.46 feet to a point; thence running north 89 degrees 06 minutes 49 seconds west, a distance of 942.74 feet to the point of beginning; containing 24.80 acres, more or less, as shown on ALTA/ACSM Boundary Survey for Newnan Hospital, Inc. and Commonwealth Land Title Insurance Company, made by McClung Surveying, Inc., bearing the seal of Michael R. Noles, Ga. R.L.S. No. 2646, dated December 6, 2002.

TOGETHER WITH all right, title and interest in and to that certain Basement Agreement by and between Frank H. Barron, Thomas W. Barron, Evelyn S. Haugen, Melissa S. Thomas, Letitia Sanders and Tommy R. Trapp, dated February 20, 1987, filed March 31, 1987, recorded in Deed Book 429, page 118, Coweta County Records.

FURTHER TOGETHER WITH rights acquired by virtue of that certain Reciprocal Covenant Agreement by and between EHCA Peachtree, LLC, and Fourth Quarter Properties XXIV, LLC, dated as of October 5, 2001, filed October 12, 2001, recorded in Deed Book 1755, page 438, aforesaid records.

DOCH 006184  
FILED IN OFFICE  
03/09/2007 08:54 AM  
BK:3147 PG:551-558  
CINDY G BROWN  
CLERK OF SUPERIOR COURT  
COWETA COUNTY

*Cindy G Brown*  
REAL ESTATE TRANSFER TAX  
PAID: \$0.00 ✓

2007-1284

After recording, return to:  
Kathryn L. Van Duyn, Esq.  
✓ McLarty, Robinson & Van Voorhies, LLP  
150 E. Ponce de Leon Avenue, Suite 330  
Decatur, GA 30030 - (404) 377-6464

### QUITCLAIM DEED

STATE OF GEORGIA

COUNTY OF COWETA

✓ THIS INDENTURE, made as of the 1<sup>st</sup> day of March in the year 2007, between **NEWNAN HOSPITAL, INC., a Georgia non-profit corporation, a/k/a NEWNAN HOSPITAL, a Georgia non-profit corporation** as party or parties of the first part, hereinafter called GRANTOR, and **PIEDMONT NEWNAN HOSPITAL, INC., a Georgia non-profit corporation** as party or parties of the second part, hereinafter called GRANTEE (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee, the following-described property, to-wit:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Coweta County, Georgia, being more particularly described in Exhibit A attached hereto and by this reference incorporated herein and made a part hereof.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

*bm* QUITCLAIM DEED

2071596v1

PAGE 1

8124

**EXHIBIT A (Continued)**  
**Legal Description**

**PARCEL 2**

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 43 AND 54 OF THE 5<sup>TH</sup> LAND DISTRICT OF COWETA COUNTY, GEORGIA, BEING LOT 2, MINOR FINAL PLAT FOR LOTS 1, 2 AND 2A, NEWNAN PLACE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**TO REACH THE POINT OF BEGINNING, START AT AN ALUMINUM PIPE FOUND AT THE CORNER COMMON TO LAND LOTS 42, 43, 54 AND 55. THENCE RUNNING S60°57'19"E A DISTANCE OF 536.21' TO A POINT AND THE POINT OF BEGINNING. THENCE FROM THE POINT OF BEGINNING RUNNING N01°55'56"E A DISTANCE OF 168.63' TO A POINT; THENCE FOLLOWING THE ARC OF A CURVE TO THE LEFT AN ARC DISTANCE OF 477.88' FEET (SAID ARC HAVING A CHORD BEARING OF N13°42'50"W, A CHORD DISTANCE OF 471.97', AND A RADIUS OF 875.00 FEET) TO A POINT; THENCE RUNNING N29°21'36"W A DISTANCE OF 331.72' FEET TO A POINT LOCATED ON THE SOUTHEAST RIGHT-OF-WAY OF STATE ROUTE 34 (AKA BULLSBORO DRIVE) (R/W VARIES). THENCE RUNNING N60°38'24"E ALONG THE SAID SOUTHEAST RIGHT-OF-WAY OF STATE ROUTE 34 A DISTANCE OF 735.99 FEET TO A POINT; THENCE LEAVING THE SAID SOUTHEAST RIGHT-OF-WAY OF STATE ROUTE 34 AND RUNNING S29°21'36"E A DISTANCE OF 70.07 FEET TO A POINT; THENCE RUNNING SOUTHEASTERLY FOLLOWING THE ARC OF A CURVE TO THE RIGHT AN ARC DISTANCE OF 197.59' FEET (SAID ARC HAVING A CHORD BEARING OF S44°39'31"E A CHORD DISTANCE OF 195.25 FEET, AND A RADIUS OF 370.00 FEET) TO A POINT; THENCE RUNNING S59°57'07"E A DISTANCE OF 105.33 FEET TO A POINT; THENCE RUNNING SOUTHEASTERLY AND FOLLOWING THE ARC OF A CURVE TO THE RIGHT AN ARC DISTANCE OF 553.56 FEET (SAID ARC HAVING A CHORD BEARING OF S31°44'08"E, A CHORD DISTANCE OF 531.49 FEET, AND A RADIUS OF 562.53 FEET) TO A POINT; THENCE RUNNING S03°32'40"E A DISTANCE OF 155.09 FEET TO A POINT; THENCE RUNNING S02°23'55"E A DISTANCE OF 432.46 FEET TO A POINT; THENCE RUNNING N89°06'49"W A DISTANCE OF 942.74 FEET TO A POINT AND THE POINT OF BEGINNING.**

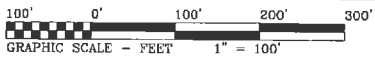
**SAID TRACT OR PARCEL CONTAINING 24.80+/- ACRES OR 1,080,276+/- SQUARE FEET AND BEING THE SAME AS SHOWN ON THAT CERTAIN PLAT OF SURVEY OF LOT 2, NEWNAN PLACE, FOR PIEDMONT/NEWNAN HOSPITAL, INC. AND FIRST AMERICAN TITLE INSURANCE COMPANY, DATED SEPTEMBER 1, 2006, PREPARED BY MCCLUNG SURVEYING SERVICES, INC., SIGNED, SEALED AND CERTIFIED BY MICHAEL R. NOLES, GEORGIA REGISTERED LAND SURVEYOR NO. 2646.**

**TAB 4**

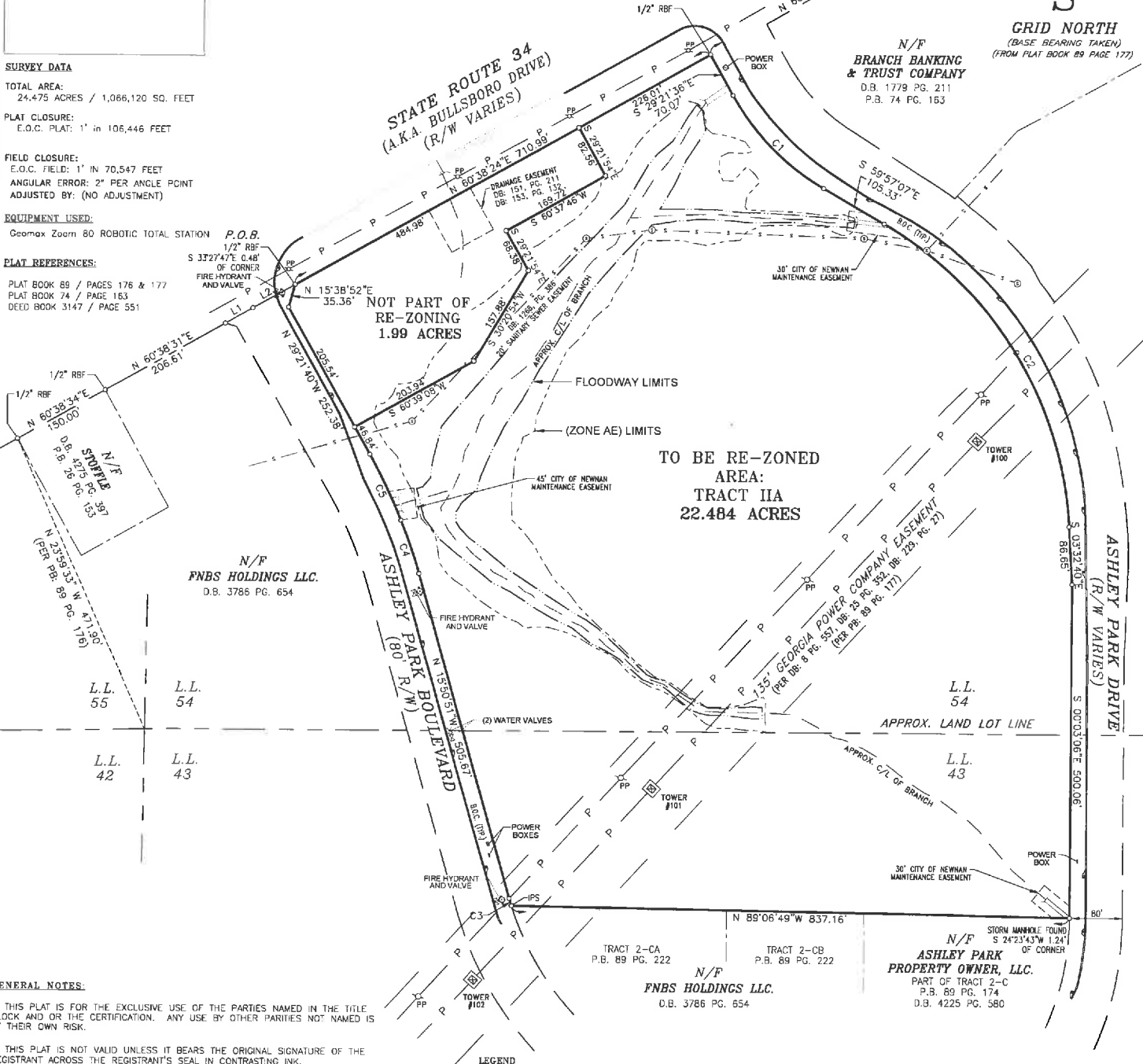
**Certified Plat**

Curve	Radius	Length	Chord	Chord Bear.
C1	370.00'	197.62'	195.28'	S 44°39'31" E
C2	562.53'	553.56'	531.49'	S 31°44'08" E
C3	426.00'	11.39'	11.39'	N 16°36'47" W
C4	705.00'	84.48'	84.43'	N 19°16'49" W
C5	840.00'	109.46'	109.40'	N 25°37'35" W

Course	Bearing	Distance
L1	N 60°38'31" E	47.14'
L2	N 60°38'24" E	72.54'



**SURVEY DATA**  
 TOTAL AREA: 24.475 ACRES / 1,066,120 SQ. FEET  
 PLAT CLOSURE: E.O.C. PLAT: 1' IN 106,446 FEET  
 FIELD CLOSURE: E.O.C. FIELD: 1' IN 70,547 FEET  
 ANGULAR ERROR: 2" PER ANGLE POINT ADJUSTED BY: (NO ADJUSTMENT)  
**EQUIPMENT USED:**  
 Geomax Zoom 80 ROBOTIC TOTAL STATION  
**PLAT REFERENCES:**  
 PLAT BOOK 89 / PAGES 176 & 177  
 PLAT BOOK 74 / PAGE 163  
 DEED BOOK 3147 / PAGE 551



**GENERAL NOTES:**  
 1. THIS PLAT IS FOR THE EXCLUSIVE USE OF THE PARTIES NAMED IN THE TITLE BLOCK AND OR THE CERTIFICATION. ANY USE BY OTHER PARTIES NOT NAMED IS AT THEIR OWN RISK.  
 2. THIS PLAT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL IN CONTRASTING INK.  
 3. IN MY OPINION, A PORTION OF THIS PROPERTY IS LOCATED WITHIN ZONE AE. (SPECIAL FLOOD HAZARD AREA) AS DEFINED BY F.E.M.A. FLOOD INSURANCE RATE MAP (FIRM) #1307700144D WITH EFFECTIVE DATE OF FEBRUARY 6, 2013. SAID FLOOD AREAS SCALED FROM SAID FIRM.  
 4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE; THEREFORE, THE UNDERSIGNED AND CHRISTOPHER BROTHERS LAND SURVEYING, LLC, MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS.  
 5. BASE BEARING TAKEN FROM PLAT BOOK 89, PAGE 177. ALL OTHER BEARINGS CALCULATED FROM ANGLES TURNED.

**LEGEND**  
 L.L. = LAND LOT  
 L.L.L. = LAND LOT LINE  
 P.B. = PLAT BOOK  
 D.B. = DEED BOOK  
 PG. = PAGE  
 AC. = ACRES  
 SQ. FEET. = SQUARE FEET  
 P.O.B. = POINT OF BEGINNING  
 E.O.C. = ERROR OF CLOSURE  
 B.O.C. = BACK OF CURBING  
 (TYP.) = TYPICAL  
 PP = POWER POLE  
 -P- = OVERHEAD POWER LINE  
 N/F = NOW OR FORMERLY  
 C/L = CENTER LINE  
 R/W = RIGHT-OF-WAY  
 CMF = CONCRETE MONUMENT FOUND  
 RBF = REBAR FOUND  
 IPF = IRON PIN FOUND  
 IPS = IRON PIN SET (1/2" RE-BAR)

**PLAT FOR RE-ZONING**  
 THE PURPOSE OF THIS PLAT IS TO DEFINE AN AREA (TRACT IIA) TO BE RE-ZONED. THE BOUNDARY INFORMATION IS BASED ON A PLAT BY THIS OFFICE FOR PEDMONT/NEWMAN HOSPITAL, INC.  
**NOT TO BE RECORDED**

SHEET:	NO.	REVISION:	DATE:
1 OF 1	1.	TO CREATE RE-ZONING TRACT IIA	9-9-19



**Christopher Brothers**  
 LAND SURVEYING, LLC  
 24 JACKSON STREET  
 NEWMAN, GEORGIA 30263  
 (770)253-5195  
 LSF #32  
 chrisbros@numail.org  
 www.christophersurveying.com

**REZONING PLAT FOR:**  
**WOOD PARTNERS**  
 3715 NORTHSIDE PKWY NW  
 SUITE 4-600  
 ATLANTA, GEORGIA 30327  
 PHONE: 404-965-9933  
 CITY OF NEWMAN - PARCEL NUMBER: 086 5054 018  
 TRACT 2 OF NEWMAN PLACE FINAL PLAT - PB: 89, PG. 176 & 177  
 LOCATED IN LAND LOTS 43 & 54 & 5TH LAND DISTRICT  
**COWETA COUNTY, GEORGIA**

DRAWING DATE: 08/28/2019  
 LAST FIELD WORK DATE: 05/07/2019  
 DISK: CWR-2019-SEPTEMBER  
 DRAWING: #CF=19019  
 #SF=19019-12  
 SCALE: 1" = 100'  
 DRAWN BY: CAF/CWR

## **TAB 5**

### **Preferred Conditions**



City of Newnan, Georgia  
Attachment A  
**Proffered Conditions**

As part of an application for a rezoning, a property owner **MAY** proffer, in writing, proposed conditions to apply and be part of the rezoning being requested by the applicant. Proffered conditions may include written statements, development plans, profiles, elevations, or other demonstrative materials.  
*(Please refer to Article 10 of the Zoning Ordinance for complete details.)*

Please list any written proffered conditions below:

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Any development plans, profiles, elevations, or other demonstrative materials presented as proffered conditions shall be referenced below and attached to this application:

Please see attached plans, profiles, elevations, pictures and other demonstrative materials submitted with the application.

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I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.

*[Signature]*  
Signature of Applicant

Bennett L. Sandy  
Type or Print Name and Title

*[Signature]*  
Signature of Applicant's Representative

Melissa D. Griffis, Attorney  
Type or Print Name and Title

*[Signature]* 9/3/19  
Signature of Notary Public Date

*[Signature]*

(Affix Raised Seal Here)



Monica Deneen Washington  
NOTARY PUBLIC  
Newton County, GEORGIA  
My Commission Expires  
12/15/2020



**TAB 6**

**Disclosure of Campaign Contributions  
And Gifts**



City of Newnan, Georgia
Attachment B

Disclosure of Campaign Contributions & Gifts

Application filed on Sept. 3, 2019, for action by the Planning Commission on rezoning requiring a public hearing on property described as follows:

22.485 +/- acres located at Bullsboro Drive

The undersigned below, making application for Planning Commission action, has complied with the Official Code of Georgia Section 36-67A-1, et seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on this form as provided.

All individuals, business entities, or other organizations' having a property or other interest in said property subject of this application are as follows:

Have you as applicant or anyone associated with this application or property, within the two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Newnan City Council or a member of the Newnan Planning Commission? Yes No

If YES, please complete the following section (attach additional sheets if necessary):

Table with 3 columns: Name and Official Position of Government Official, Contributions (List all which aggregate to \$250 or more), Date of Contribution (Within last 2 years)

I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.

Signature of Applicant: Bennett Sands

Type or Print Name and Title: Bennett Sands

Signature of Applicant's Representative: Melissa D. Griffis

Type or Print Name and Title: Melissa D. Griffis, Attorney



Signature of Notary Public: Morica Deneen Washington, Date: 9/3/19

Date: Morica Deneen Washington (Affix Raised Seal Here)

NOTARY PUBLIC, Newton County, GEORGIA, My Commission Expires

Business entity may be a corporation, partnership, limited liability company, firm, enterprise, franchise, association, trade organization, or trust while other organization means non-profit organization, labor union, lobbyist or other industry or casual representative, church, foundation, club, charitable organization, or educational organization.

# **TAB 7**

## **Property Owner's Authorization**



**City of Newnan, Georgia**  
**Attachment C**  
**Property Owner's Authorization**

The undersigned below, or as attached, is the owner of the property which is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a rezoning of the property.

Name of Property Owner PIEDMONT NEWNAN HOSPITAL, INC

Telephone Number 404-425-1708

Address of Subject Property BULLSBORO RD @ ASHLEY PARK DR

PARCEL 086 5054 018

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Coweta County, Georgia.

  
 \_\_\_\_\_  
 Signature of Property Owner

Personally appeared before me

MICHAEL J. MANDL

who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.



  
 \_\_\_\_\_  
 Notary Public

*(Affix Raised Seal Here)*

8-28-2019  
 \_\_\_\_\_  
 Date

## **TAB 8**

### **Authorization of Attorney**



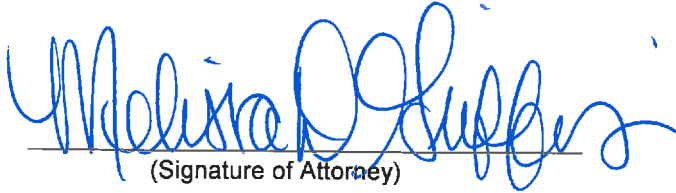
City of Newnan, Georgia  
Attachment D  
**Attorney's Authorization**

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---

**NOTE:** *If an attorney-at-law has prepared this application, please fill out the information below:*

I swear as an attorney-at-law, I have been authorized by the owner(s) to file the attached application for a rezoning of property.

  
(Signature of Attorney)

Name of Attorney Melissa D. Griffis, Esq.

Address 32 South Court Square

Newnan, GA 30263

Telephone (770) 253-3282

Date Sept. 3, 2019

**TAB 9**

**Community Impact Study  
(To be submitted separately)**

**Tab 10**

**Conceptual Plan**





**TAB 11**

**Filing Fee**

**(\$1,111.88 to the City of Newnan)**

# **TAB 12**

## **Rezoning Checklist**



City of Newnan, Georgia  
Attachment E  
**Rezoning Checklist**

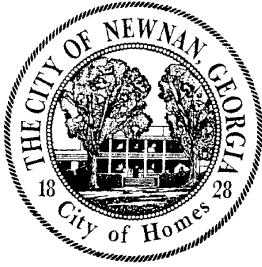
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The following is a checklist of information required for the submittal of a rezoning application. The Planning & Zoning Department will not accept an incomplete application.

- Completed application form
- Letter of intent
- Names and addresses of all owners of all property within 250 feet of the subject property
- Legal description of property
- Certified plat
- Completed Attachment A — Proffered Conditions (if applicable)
- Completed Attachment B — Disclosure of Campaign Contributions & Gifts (if applicable)
- Completed Attachment C — Property Owner's Authorization (if applicable)
- Completed Attachment D — Attorney's Authorization (if applicable)
- Community Impact Study (if applicable)
- Filing Fee in the form of a check payable to the *City of Newnan*

**Note:** Please attach this form to the filing application.



## City of Newnan, Mayor and Council

Date: September 24, 2019

Agenda Item: Consider Approval for Application Development and Administrative Services for the 2020 CDBG Grant

Prepared and Presented by: Tracy S. Dunnavant, Planning Director

**Purpose:** To consider approval for application development and administrative services related to the City's 2020 CDBG application.

**Background:** As you are aware, Staff was directed to seek RFPs for application development and administrative services associated with the development of a 2020 CDBG grant. RFP submittal requirements were duly advertised and potential firms were given until August 6, 2019 at 10:00 a.m. to respond. At the end of the response period, the City received a single submittal from Gilbert and Associates, Inc. Upon review of their application, it was determined that the bid was valid and met all of the requirements specified in the City's RFP.

Since only a single bid was received, the City had to seek sole source approval from the Georgia Department of Community Affairs (DCA). On September 6, 2019, the City was notified that the approval had been granted and therefore; could move forward with awarding the contract.

### **Options:**

- A. Award the contract to Gilbert and Associates, Inc. for CDBG application development at a cost not to exceed \$8,500 and for administrative services, if the grant is awarded, not to exceed 7% of the CDBG grant amount
- B. Re-bid the contract
- C. Other action as determined by Council

**Recommendation:** Staff recommends "Option A", award the contract to Gilbert and Associates, Inc.

**Funding Source:** Fund Balance

**Previous Discussions with Council:** May 28, 2019

# GILBERT & ASSOCIATES, INC.

FUNDING PROCUREMENT

GRANT ADMINISTRATION

---

July 31, 2019

Mr. Cleatus Phillips, City Manager  
City of Newnan  
25 Lagrange Street  
Newnan, GA 30263

**RE: City of Newnan RFQ Grant Writing/Administrative and Related Grant Services**

Dear Mr. Phillips,

Please find a Qualifications and Statement packet from Gilbert+Associates, Inc.(G+A) to include the following:

- 1) Personal Resume, Rhonda Gilbert, and
- 2) Qualifications Statement, Gilbert+Associates, Inc., and
- 3) 2019-2020 Fee Schedule, and
- 4) G+A is not claiming Section 3 Status

Gilbert+Associates, Inc. is available to discuss your community's needs in the areas of community and economic development, as well as improving owner-occupied housing within your lower income areas. Our project list includes recent multi-activity CDBG funded projects that were both written and administered by G+A.

Thank you for sending your RFQ to G+A, and we look forward to hearing from you.

Sincerely,



Rhonda Gilbert  
Owner

---

625 Piping Rock Point  
Lawrenceville, GA 30043

678-447-5425

[gilbertassoc@outlook.com](mailto:gilbertassoc@outlook.com)

Gilbert+Associates, Inc. is committed to providing all persons with equal access to its services, programs, activities, education and employment regardless of race, color, national origin, religion, sex, familial status, disability, or age.



EQUAL HOUSING  
OPPORTUNITY

# **RESUME**

**Rhonda Gilbert**

## **WORK EXPERIENCE**

**July 2006 – Present**

**President, Gilbert+Associates, Inc.** – Business specializes in Funding Procurement and Grant Administration Services associated with State and Federal Funding Programs available through an application process established by various State agencies. In addition, we also assist with identification of appropriate funders to non-profit organizations and preparation of grant applications on their behalf.

Specific funding programs include Community Development Block Grant (CDBG), Community Housing Investment Program (CHIP), Employment Incentive Program (EIP), Redevelopment Fund (RF), OneGeorgia Equity,

**Clients:**

Town of Dearing	City of Thomson	McDuffie County
Hancock County	Town of Siloam	Warren County
Tallulah Falls	City of Dalton	Whitfield County
City of Varnell	Murray County	Garden City
City of Greensboro	Town of Trion	City of Douglasville
Jenkins County	City of Cochran	Town of Girard
Dalton-Whitfield Community Development Corporation (DWCDC)		
Family Community Housing Association, Inc. (FCHA)		
Garden City Housing Team Inc. (GCHT)		
Development Authority of Burke Co		
Housing Authority of Dalton		
Jenkins County Development Authority(JCDA)		
Coastal Empire Habitat for Humanity (CEHFH)		

**April 2001 – July 2006**

**Senior Planner and Grants Manager – Precision Planning, Inc. (PPI)**

Prepared Community Development Block Grant (CDBG) grant applications for municipal clients. Provided Grant Administration services as needed by municipal clients. Supervisor: Bill Crowder, Vice President

**February 1997 – April 2001**

**Grants Consultant – Georgia Department of Community Affairs (DCA)**

Program Manager, Local Development Fund. Developed grant application and guidelines. Assembled review panel members to score and rank grant applications for funding considerations. Prepared correspondence to locally elected officials in support of the LDF program

## **EDUCATION**

June 1997 – Masters of Public Administration (MPA), Georgia Southern University  
June 1995 – Bachelor of Science, Political Science, Georgia Southern University

**GILBERT+ASSOCIATES, INC.**  
**FUNDING PROCUREMENT \* GRANT ADMINISTRATION**

**GRANT WRITING AND ADMINISTRATION SERVICES**  
**QUALIFICATIONS STATEMENT**  
**July 22, 2019**

**Name of Firm:**            Gilbert+Associates, Inc.

**Address:**                625 Piping Rock Point  
Lawrenceville, GA 30043

**Years in business in present form:** Incorporated July 7, 2006

**Titles, names, and addresses of all officers:**

Rhonda Gilbert, President  
Rhonda Gilbert, Vice President  
Rhonda Gilbert, Secretary

**Projects that demonstrate skills to be used in the preparation of Grant Applications and the Administration of DCA funded programs:**

**CDBG HOUSING**

- Whitfield Co CDBG Housing Rehabilitation Program  
10b-y-155-1-5295 – Mike Babb, Chairman 706-275-7500  
Completed Rehabilitation of 5 Housing Units
  
- City of Cartersville CDBG Housing Rehabilitation Program  
11h-x-008-2-5389 Ms. Brielle Shinall, Bartow Co Grants Manager 706-387-5614  
Completed Rehabilitation of 5 Housing Units
  
- Town of Trion CDBG Housing Rehabilitation Program  
15b-x-027-2-5739 Mayor Larry Stansell larrystansell@windstream.net  
Completed Demolition and Reconstruction of 3 Housing Units
  
- City of Douglasville CDBG Housing Rehabilitation Program 15h-x-048-2-5796,  
Ms. Patrice Williams, Community Development Director,678-449-3028  
Rehabilitation of 5 housing units, currently underway,  
williamsp@douglasvillega.gov



## CDBG MULTI-ACTIVITY (INFRASTRUCTURE AND HOUSING)

- City of Waynesboro CDBG Multi-Activity Housing and Infrastructure – Water, Streets and Drainage & Housing Rehab & Reconstruction Program, 14b-x-017-2-5708, Ms. Valerie Kirkland, Finance Director 706-554-8000  
Completed Infrastructure and Rehab of 2 Housing Units and Demo and Recon of 2 Housing Units
- 2019 McDuffie County CDBG Multi-Activity Housing and Infrastructure – Sewer Improvements and Housing Rehabilitation/Reconstruction, Application Pending

## CDBG INFRASTRUCTURE

- McDuffie County CDBG Davis Circle Street and Drainage Improvements Project 16p-y-094-1-5867, Chairman Charlie Newton, 706-214-1233  
Project completed, Charlie.Newton@thomso-mcduffie.net
- Town of Girard CDBG Water Improvements (new well) 14p-x-017-2-5667, Kim Reddick, Town Clerk, 478-569-4624  
Project completed

## CHIP HOUSING

- City of Thomson CHIP – Housing Rehabilitation Program 07m-x-094-2-2956  
Chairman Charlie Newton 706-214-1233  
Completed Rehabilitation of 7 Housing Units
- McDuffie County CHIP – Housing Rehabilitation Program  
07m-y-094-1-2970 Chairman Charlie Newton 706-214-1233  
Completed Rehabilitation of 6 Housing Units
- City of Thomson CHIP – Housing Rehabilitation Program  
08mr-x-094-2-6012 Chairman Charlie Newton 706-214-1233  
Completed Rehabilitation of 3 Housing Units
- McDuffie County CHIP - Housing Rehabilitation Program  
08m-y-094-1-6011 Chairman Charlie Newton 706-214-1233  
Completed Rehabilitation of 7 Housing Units
- Whitfield County CHIP – Housing Reconstruction Project  
07m-y-155-1-2954 – Jennifer Shearin, Executive Director 706-876-1630  
Completed Reconstruction of 7 Housing Units

- City of Dalton CHIP – Housing Rehabilitation Project  
08m-x-155-2-6002 – Cindy Jackson, Finance Director 706-876-1630  
Completed Rehabilitation of 6 Housing Units
- Dalton-Whitfield Community Development Corporation CHIP – Housing Rehabilitation Program 2011-807 Jennifer Shearin, Executive Director 706-876-1630  
Completed Rehabilitation of 6 Housing Units
- Family Community Housing Association, Inc. CHIP Housing Rehabilitation Program 2012-849 Julius Webb, Executive Director, 770-787-4436  
Completed Rehabilitation of 6 Housing Units
- Family Community Housing Association, Inc. CHIP Housing Rehabilitation Program 2013-883 Julius Webb, Executive Director, 770-787-4436  
Completed Rehabilitation of 4 Housing Units
- City of Dalton CHIP Housing Rehabilitation Program  
2014-902, Ms. Cindy Jackson, Finance Director 706-275-7500  
Project currently underway
- Dalton Housing Authority CHIP Housing Rehabilitation Program  
2014-902 Ms. Amber Verner, Executive Director 706-278-6622  
Project complete Rehab of 2 Housing Units
- Whitfield County CHIP Housing Rehabilitation Program  
2014-935 Ms. Alicia Vaughn, County Program Manager 706-275-7500  
Project currently underway with 4 Housing Rehab Units
- City of Greensboro CHIP Housing Rehabilitation Program  
2014-914, Ms. Cail Hammonds, Community Dev Director 706-453-7674  
Completed Rehabilitation of 4 Housing Units, [chammons@greensboroga.gov](mailto:chammons@greensboroga.gov)
- McDuffie County CHIP Housing Rehabilitation Program  
2016-109, Mr. Charlie Newton, IV, Chairman 706-595-1781  
4 Housing Units Complete with plans to rehab one more
- Garden City Housing Team, Inc. CHIP Housing Rehabilitation Program  
2016-104, Ms. Sharon Bethune, Executive Director 912-228-1905  
Completed Rehabilitation of 3 units and reconstruction of 1 Housing Unit
- City of Greensboro CHIP Housing Rehabilitation Program  
2017-105, Ms. Cail Hammonds, Community Dev Director 706-453-7674  
Project currently underway

- Family Community Housing Association, Inc. CHIP Housing Acquisition and Rehabilitation Program 2017-103 Julius Webb, Executive Director, 770-787-4436  
Project currently underway
- McDuffie County CHIP Housing Rehabilitation – 2019-105, Charlie Newton, Commission Chairman, 706-214-1233 cnewton@thomson-mcduffie.net  
Project Underway
- Town of Trion CHIP Housing Rehabilitation Program – 2019-121, Mr. Larry Stansell, Mayor, larrystansell@windstream.net  
Project Underway
- City of Greensboro CHIP Housing Rehabilitation Program – 2019-109 Ms. Cail Hammonds, Community Dev Director 706-453-7674  
chammons@greensboroga.gov, Project Underway
- City of Cochran CHIP Housing Rehabilitation Program 2019-108, Mr. Richard Newburn, City Administrator, rnewburn@cityofcochran.com, Project Underway
- Coastal Empire Habitat for Humanity (CEHFH) – CHIP New Housing Construction Program, Mr. Harold Tessendorf, Executive Director, executivedirector@habitatsavannah.org, Project Underway

#### **EMPLOYMENT INCENTIVE PROGRAM (EIP)**

- City of Waynesboro EIP project 13q-x-017-2-5628, Economic Development project, Valerie Kirkland, Finance Director, 706-554-8000  
Project Completed
- Jenkins County EIP project 16q-y-082-1-5979 Economic Development Project, Mandy Underwood, Jenkins County Development Authority Executive Director, 478-982-5595, jcda@bellsouth.net

#### **ONEGEORGIA AUTHORITY**

- Jenkins County Development Authority – OneGeorgia Equity Project, Ms. Kathy Underwood, Executive Director 478-982-5595  
Funded November 2017
- Development Authority of Burke County – OneGeorgia Equity Project, Ms. Jessica Hood, Executive Director, 706-554-2923  
Funded September 2018

2. Collect information and documentation in support of the CDBG or EIP grant application
3. Complete the CDBG or EIP Application Forms as identified in the Application Manual
4. Submit an original and required copies of the CDBG or EIP application to the Department of Community Affairs (DCA) by the application deadline
5. Grant Award Special and/or General Condition Compliance
6. Environmental Tier 1
7. Conduct official public hearings as required by CDBG regulations and/or as deemed necessary by client
8. Available to assist with income surveys (needs to be determined on case by case basis)
9. Coordination with Project Engineer or Architect
10. Davis Bacon Compliance to include Employee Interviews
11. Section 3 Compliance
12. Draft all correspondence as required to DCA and other interested parties
13. Handle all DCA monitoring visits
14. Keep officials advised of the status of the project schedule
15. Generally, ensure compliance with Federal and State regulations as listed in DCA's CDBG or EIP Administration Manual
16. Project financial management to include preparation of project drawdowns and quarterly and Section 3 reports
17. In general, coordinate parties and efforts involved in the project
18. Project close out

**List key personnel likely to be involved on this project and explain their specific role in CHIP and/or CDBG work.**

Rhonda Gilbert will serve as the grant writer and administrator for the project. Ms. Gilbert has over eighteen (18) years in successfully obtaining and administering state and federal grant funding for community and economic development projects. Since 2001, Rhonda has been administering public facility, economic development, housing rehabilitation and reconstruction programs funded through the DCA's federal CHIP and CDBG programs, as well as the EIP and OneGeorgia Authority economic development programs.

**Fees associated with Grant Writing and Administration**

Please see the attached 2019-2020 schedule of fees and know that G+A will provide specific fees in the contractual agreements. The schedule of fees provides a general indication as to our fee for services; however, each project is unique and costs for services often depend on the project scope and budget.

**GRANT WRITING and ADMINISTRATION SERVICES**

**2019-2020 FEE SCHEDULE**

We provide the following grant writing and planning services. Since every client has unique needs, it is difficult to give a definitive price until we speak with you about the scope of the project and requested services for a specific grant program.

Fees are approximate –We will discuss the fixed fee amount individually with clients. Agreed upon fees will be stated in the Standard Form of Agreement to be executed by both Parties to the contract.

**2020 CHIP Housing Rehab or New Construction Grant Proposals (\$2,100 - \$4,500)**

G+A will be attending the 2020 CHIP Listening Session scheduled for July 30, 2019. Application schedule information has not been released at this time.

CHIP applications typically require extensive planning and coordination among various entities. The sooner your organization authorizes Gilbert+Associates, Inc. to start the grant process, the more competitive we will be able to make your application.

**EIP and CDBG (Single or Multi-Activity) Grant Proposals (\$4,500 - \$8,500)**

The annual CDBG Applicant's Workshop is typically held in early December with Grant Applications due the first week of April 2020.

The CDBG grants are very competitive among non-entitlement Georgia communities. We will discuss the exact fee for Grant Writing Services as we identify the scope of work for your application (the need for assistance with income surveys, efforts to obtain extra points on the application for being "ready to proceed", etc.)

While we prefer a 3 – 5-month time frame to write a CDBG application, Gilbert+Associates, Inc. needs a minimum of 2 months to complete a CDBG application.

**OneGeorgia Equity Grant/Loan Proposals (\$1,950 – \$3,500)**

The OneGa Authority accepts Equity Grant and Loan applications throughout the year. The application process starts with a brief Pre-Application (\$200.00). The application fee amount will typically be determined following the initial project consultation with OneGa staff.

**General Grant Consultation – Hourly Rate (\$85 - \$120)**

Gilbert+Associates, Inc. is available by phone at any time to discuss general information regarding these grant programs. We do not charge for phone consultation; however, we do schedule phone inquiries by appointment as each project is unique and requires that we prepare for these discussions. Please know that there is not a fee for initial general discussions regarding your potential projects and our services.

On-site assistance with project development and related activities are charged by the hour and will be determined and mutually agreed upon in a written agreement.

**Grant Administration Services**

**CHIP Administration Services (\$6,000 - \$15,000)**

Starting 2019, Administration is no longer an eligible CHIP activity. The CHIP Grantee (Local Government, Non-Profit) will be responsible for paying Grant Administration Services. G+A charges 5% of the CHIP award amount for Grant Administration Services. For example, a \$300,000 CHIP award will be \$15,000 for Admin Services.

In addition, G+A charges a \$4,000 project delivery fee for each housing unit completed for owner-occupied rehabilitation and reconstruction. The project delivery fee for new housing development is up to \$5,000 per housing unit built. (Project Delivery Fees are an eligible CHIP expense to be paid with CHIP funds).

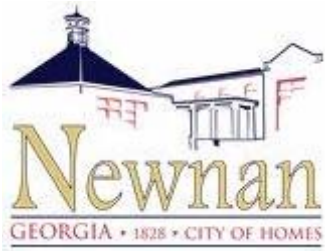
**CDBG and/or EIP**

For single project activities, G+A will provide Grant Administration Services at 6% of the CDBG and/or EIP grant amount.

For multi-activity projects (infrastructure + housing), G+A will provide Grant Administration Services at 7% of the CDBG grant amount.

For CDBG Housing Grants, G+A charges a \$2,500 project delivery fee for each housing unit completed and a \$500 project delivery fee for each housing unit containing lead-based paint. (This is an eligible CDBG expense to be paid with CDBG funds).

# City of Newnan, Georgia - Mayor and Council



Date: September 24, 2019  
Agenda Item: 6 Glenn St, Newnan, Ga 30263  
Prepared and Presented by:  
Matt Murray, Code Enforcement Officer  
Submitted by: Bill Stephenson, Chief Building Official

**Purpose:** New owner to update council on status and request an extension to repair or demolish concerning the dilapidated structure located at 6 Glenn St Newnan, Ga 30263

**Background:** Owner: D. Free Management, LLC  
Date Sub-Standard housing file was opened: April 25, 2018.  
Does the cost to bring this structure into compliance by means of repair exceed 50% of the structure's assessed tax value? **YES**  
On April 25, 2018 the Building Department conducted an inspection of the premises. The structure has been determined to be unsafe as set forth by City Ordinance Section 5-24. (a), Sub-sections (3, 4, 5, 6, 8, 9, 10).

**Options:**

1. Adopt a resolution directing the property owner to either repair or demolish the structure within forty five (45) days.
2. Other direction from Council.

**Funding:** Not Applicable

**Recommendation:** Staff is requesting Council's approval to proceed with Option 1.

## **Previous Discussions with Council:**

May 28, 2019 – Council informed of conditions.

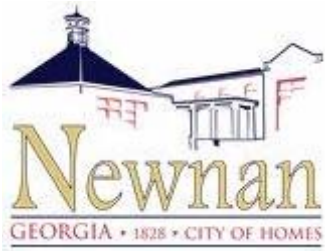
July 16, 2019 – Public Hearing was requested.

August 27, 2019 – Public hearing was held concerning 6 Glenn St. Previous owner, Tikkun Olam, LP, did not attend. 30 day extension granted by council.





# City of Newnan, Georgia - Mayor and Council



Date: September 24, 2019  
Agenda Item: 8 Glenn St, Newnan, Ga 30263  
Prepared and Presented by:  
Matt Murray, Code Enforcement Officer  
Submitted by: Bill Stephenson, Chief Building Official

**Purpose:** Agenda item for public hearing to repair or demolish dilapidated structure located at 8 Glenn St Newnan, GA 30263 continued until September 24, 2019 due a recent change in ownership.

**Background:** Owner: D. Free Management, LLC  
Date Sub-Standard housing file was opened: June 20, 2018.  
Does the cost to bring this structure into compliance by means of repair exceed 50% of the structure's assessed tax value? **YES**

On June 20, 2018 the Building Department conducted an inspection of the premises. The structure has been determined to be unsafe as set forth by City Ordinance Section 5-24. (a), Sub-sections (3, 4, 5, 6, 8, 9, 10).

**Options:**

1. Adopt a resolution directing the property owner to either repair or demolish the structure within forty five (45) days.
2. Other direction from Council.

**Funding:** Not Applicable

**Recommendation:** Staff is requesting Council's approval to proceed with Option 1.

## **Previous Discussions with Council:**

May 28, 2019 – Council informed of conditions.

July 16, 2019 – Public Hearing was requested.

August 27, 2019 – Public hearing continued to 9/24/2019.



After recording please return to:  
Della Hill, City of Newnan  
25 LaGrange Street  
Newnan, GA 30263

RESOLUTION

IN RE:	D. Free Management, LLC	Lien Holders:
	8 Glenn Street	LaFayette Lending, LLC
	Newnan, Georgia 30263	Deed Book 4894 Page 583
	Deed Book 4894 Page 581	Coweta County Tax Commissioner
		City of Newnan

WHEREAS, the property of D. Free Management, LLC located at 8 Glenn Street, Newnan, Georgia 30263, in the City of Newnan was alleged by the Building Official of the City to be an unsafe building, as defined by an Ordinance adopted by the Mayor and Council on October 10, 1977; and,

WHEREAS, a hearing was set for the Mayor and Council to determine in accordance with the provisions of such Ordinance whether such building was in fact an unsafe building, as defined in such Ordinance and/or that the same was unsafe to the extent that it should be demolished or repaired; and,

WHEREAS, notice of such hearing was given to the owner, lien holder and tenant, if any, as required by such Ordinance, and all other provisions of the Ordinance have been complied with;

NOW THEREFORE, the Mayor and Council of the City of Newnan, after hearing evidence upon the question of whether such building is an unsafe building as defined by the Ordinance of the City of Newnan, do hereby determine that the building of D. Free Management, LLC located at 8 Glenn Street, Newnan, Georgia 30263, should be repaired or demolished, and the owner thereof is given \_\_\_\_\_ (\_\_\_\_\_) days within which to repair or demolish and remove the same;

RESOLVED FURTHER, that in the event the owner shall fail to repair or demolish and remove the same within the period of \_\_\_\_\_ (\_\_\_\_\_) days herein fixed, the Building Official of the City of Newnan is hereby ordered to repair or demolish and remove the same, and to prepare an itemization of the cost of such repair or demolition and removal, and deliver such itemization to the Clerk of the City of Newnan, who is ordered to issue an execution against the owner for the total cost of such repair or demolition and removal, which execution shall constitute a lien against such real estate as of the date of this resolution - all in accordance with the Ordinances of the City of Newnan.

ADOPTED AND APPROVED by the Mayor and Council of the City of Newnan this  
\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

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

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

REVIEWED AS TO FORM:

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

\_\_\_\_\_  
Cynthia E. Jenkins, Mayor Pro-Tem

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

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

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

\_\_\_\_\_  
Rhodes H. Shell, Councilmember

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

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

IN RE: D. Free Management, LLC  
8 Glenn Street  
Newnan, Georgia 30263  
Deed Book 4894 Page 581

Lien Holders:  
LaFayette Lending, LLC  
Deed Book 4894 Page 583  
Coweta County Tax Commissioner  
City of Newnan

GEORGIA, COWETA COUNTY:

The requirements of the resolution of the Mayor and Council of the City of Newnan adopted on the \_\_\_\_ day of \_\_\_\_\_, 2019 and recorded in Deed Book \_\_\_\_\_, Page \_\_\_\_\_ of the Deed Records of Coweta County, Georgia relating to property located at 8 Glenn Street in the City of Newnan, Georgia having been complied with, the Clerk of Superior Court is authorized to enter this satisfaction thereof of record.

This \_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF NEWNAN

By: \_\_\_\_\_  
Building Official

Attest: \_\_\_\_\_  
Clerk

[SEAL]

## City of Newnan, Georgia – Mayor and Council



Date: September 24, 2019  
Agenda Item: 280 W WASHINGTON ST  
Prepared and Presented by: Matt Murray, Code Enforcement Officer  
Submitted by: Bill Stephenson, Chief Building Official

**Purpose:** Owners to request a 180 day extension in order to complete repairs to structures located at 280 W WASHINGTON ST.

**Background:** Owner: IRVIN JONES ESTATE  
Permits: None  
Date Sub-Standard housing file was opened: December 4, 2014

City staff was contacted by the tenants residing at two separate apartments located at 286 W. Washington St. to conduct a property maintenance inspection. Upon inspection, City staff noted violations existing in the two apartments and the interior and exterior of other separate structures located on the property as well. The structure has been determined to be unsafe as set forth by City Ordinance, Section 5-24. (a), Sub-sections (3, 4, 5, 6, 8, 9, 10).

**Options:**

1. Accept extension request from property owner.
2. Other direction from Council.

**Funding:** Not Applicable

**Recommendation:** Option 1.

**Previous Discussions  
With Council:**

December 8, 2014 – Council informed of conditions.

December 16, 2014 – Public Hearing Requested

February 24, 2015 – Public Hearing Conducted

April 14, 2015 – Progress

May 12, 2015 – Progress

June 9, 2015 – No Progress

August 11, 2015 – No Progress – Owner Requesting Extension

August 25, 2015 – No Progress - Extension Request Cont'd until September 8, 2015

September 8, 2015 - No Progress - Extension Request Cont'd until September 21, 2015

September 21, 2015 - No Progress - Extension Request Cont'd until October 15, 2015

October 15, 2015 – No Progress – 180 day extension granted.

November 10, 2015 – No Progress

December 15, 2015 – Progress

January 12, 2016 – No Progress

February 9, 2016 – No Progress

March 10, 2016 – No Progress

May 10, 2016 - No Progress

June 21, 2016 - No Progress

July 19, 2016 - No Progress

August 9, 2016 - No Progress

September 13, 2016 – 180 Day Extension Granted

November 8, 2016 - No Progress

December 13, 2016 – No Progress

January 10, 2017 – No Progress

February 21, 2017 – 180 Day Extension Granted

March 14, 2017 – No Progress

April 11, 2017 – No Progress

May 9, 2017 – No Progress

June 20, 2017 – No Progress

July 18, 2017 – No Progress

August 8, 2017 – 180 Day Extension Granted

September 12, 2017 – No Progress

October 9, 2017 - No Progress

November 14, 2017 - No Progress

December 12, 2017 - No Progress

January 9, 2018 – No progress

February 13, 2018 – 180 Day extension request granted.

March 15, 2018 - No Progress

April 10, 2018 - No Progress

May 7, 2018 - No Progress

June 19, 2018 - No Progress

July 17, 2018 – 90 Day Extension Granted

August 14, 2018 – No Progress

September 11, 2018 – No Progress

October 8, 2018 – No progress

January 8, 2019 – Exterior progress

April 9, 2019 – 180 day extension request granted.

May – July 2019 – Interior and Exterior progress

August 13, 2019 – No progress









**NEWMAN CITY COUNCIL MEETING 9/24/2019**

**From:** Jennifer Petrino

**Sent:** Wednesday, September 4, 2019 5:35 PM

**To:** Libby Winn

**Subject:** Re: Parks of Olmsted Community Yard Sale

Hi Ms. Winn!

I hope this email finds you well. The Parks of Olmsted HOA would like to get permission to put up Community Yard Sale banners (2'x4') from Monday, October 28th through Saturday, November 2nd at our two main entrances. We have an entrance on Poplar Road and an entrance on Mary Freeman Road.

\There will also be smaller signs at the entrance to each section of our neighborhood, pointing people to turn down the streets where the sales are. This will be at the corners of Vanderbilt Parkway/Avondale Circle, Vanderbilt and Fenway, Vanderbilt and Asheville Place, Vanderbilt and Asheville Court, Vanderbilt and Berkeley Park, Vanderbilt and Seneca Park and Vanderbilt Parkway and Vanderbilt Pointe Way.

Our community yard sale is Saturday, November 2nd from 8am-2pm. We currently have 20+ homes participating in the sale. The signs will be removed after 2pm.

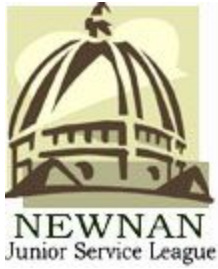
I think you filled out the form for me last time, but if you would like to send me a blank form, I would be happy to fill it out and send it back to you. Just let me know what I need to do!

Thank you!

Jennifer Petrino

678-857-9150

[www.SicilianFamilyTree.com](http://www.SicilianFamilyTree.com)



SERVING COWETA COUNTY SINCE 1926

P.O. Box 1433  
Newnan, Georgia 30264

September 9, 2019

Mr. Cleatus Phillips  
City Manager  
25 La Grange Street  
Newnan, GA 30263

Dear Mayor and City Council,

I am writing to request permission from the City of Newnan to establish a collection point on the downtown square for the Newnan Junior Service League's annual Can-A-Thon to benefit the Coweta Community Food Pantry. This is our 36th year to have the Can-A-Thon, and it has always been well supported throughout the community.

This year's event is planned for Tuesday, December 3rd from 7a.m. to 7p.m. We will need to set up the collection point on the north side of the Square. We also request permission to accept cash contributions from passersby and contributors to the event. In addition, we would like to hang a banner as we have done in previous years.

We are extremely appreciative of the assistance you have given us in the past, and we look forward to hearing from you on this matter.

Sincerely,

Adrienne Philpott and Katie Kaminski  
Can-A-Thon Co-Chairs  
[njscanathon@gmail.com](mailto:njscanathon@gmail.com)

**NEWNAN CITY COUNCIL MEETING 9/24/2019**

**From:** Eric Marston

**Sent:** Monday, September 9, 2019 3:21 PM

**To:** Libby Winn

**Subject:** Request to Get Space Reserved on the Square from FBC Newnan

Hi Libby,

I would like to request the date of Saturday November 30th from 1:30-4:30 to set up just a couple of tables to offer free Christmas wrapping to anyone compliments of FBC Newnan. We plan to have a banner set up above the tables advertising Free Gift-Wrapping compliments of FBC Newnan. We desire to set up in 2 different location. Both of these locations will be in a position that will not interrupt foot traffic. Both of these locations are on two corners of the center of the Newnan Square, but not touching on any of the walkways or land near the courthouse. I have attached 2 pictures of those locations. We desire to be a blessing to others during the Christmas Season without interrupting anybody's activities. We plan on having 6-10 people for each location helping us with this love offering of free gift wrapping to our community.

Let me know if this is possible to get approved?

Thanks,

Eric





**AFRICAN AMERICAN**  
**ALLIANCE, INC**

92 Farmer Street | Newnan, GA 30263 | 770.683.0924 | WWW.CCAAHM.COM

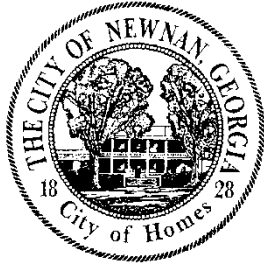
**CLIFTON FISHER III**  
P R E S I D E N T

To the City of Newnan, Georgia:

On behalf of the African American Alliance Inc., in accordance with the Coweta County African American Heritage Museum and Research Center, I am formally requesting the approval from City Council for a Ground Penetrating Radar survey to be conducted on the site of Farmer Street Cemetery located at 92 Farmer Street in Newnan, Georgia. For the past several months, the Alliance has been in correspondence with Dr. Jeffrey Glover, who leads the Archaeology Department at Georgia State University. Since the inception of this partnership, Dr. Glover has agreed to offer the school's resources and assist us with confirming the 249 unmarked graves, as well as the possibility of more on the cemetery and museum site. By confirming the number of graves on the site, this will create opportunities for revitalization of the property, formal recognition of the cemetery on the National Registry for historic places, as well as a myriad of other expansion opportunities. This project is planned to take place between the period of October to the end of November 2019. However, before this project can begin, we must have the approval of the city to conduct a project of this magnitude on city property. If you have any other questions or concerns, please do not hesitate to contact me. Thank you for your consideration and I am looking forward to your response.

Best regards,

Clifton Fisher  
President & CEO, African American Alliance, Inc.  
Executive Director, CCAAHMRC



## City of Newnan, Georgia - Mayor and Council

**Date:** September 24, 2019

**Agenda Item:** Consideration of Use of Public Right of Ways for Random Productions for an HBO Film Project from September 30, 2019 – October 4, 2019

**Prepared by:** Ashley Copeland, Communications Manager

**Presented by:** Hasco Craver, Assistant City Manager

**Purpose:** Newnan City Council may consider the use of public rights of way for Random Productions filming project.

**Background:** The City of Newnan received an application for filming from Random Productions, which includes the following requests:

### Road Closures

- Filming Location: 155 Greenville Street  
Between Nimmons Street and Spence Avenue  
Full Road Closure: September 30, 2019 from 9:00 am to 1:00 am  
Full Road Closure: October 1, 2019 from 11:00 am to 7:00 pm  
Full Road Closure: October 3, 2019 from 5:00 pm to 7:00 am  
Full Road Closure: October 4, 2019 from 5:00 pm to 7:00 am  
Full Road Closure: October 5, 2019 from 5:00 pm to 7:00 am (\*\*Weather Contingency Date / Clean Up Day\*\*)

Filming Location: LaGrange Street  
Between S. Court Square and Spring Street  
Full Road Closure: October 1, 2019 from 6:00 pm to 2:00 am

### Parking Spaces

- September 27, 2019 – October 4, 2019: use of 11 spaces on Lagrange Street
- September 27, 2019 – October 4, 2019: use of 12 spaces on Spring Street
- September 27, 2019 – October 4, 2019: use of 12 spaces in the O.C. Williams Parking Lot
- October 1, 2019: use of 38 spaces on Lagrange Street
- October 1, 2019: use of 27 spaces on Spring Street
- October 1, 2019: use of 6 spaces on W Broad Street
- October 1, 2019: use of 16 spaces on E. Broad Street (by Train Depot)

### City Building Usage

- Use of the Carnegie Library to turn use exterior only between September 27, 2019 to October 4, 2019

The applicant has completed a Film, Television, Music and Video Production Permit Application, as required. In addition, the applicant has satisfactorily completed all items listed on the Guidelines and Checklist for Filming.



**Funding:** N/A

**Recommendation:** City staff has reviewed the application and all required materials needed for filming in the city. City staff has held various meetings with Random Productions staff to ensure agreeable plans for street closures and use of parking spaces. City staff is supportive of the request as described herein.

If approved and according to the recent film policy, City staff will post approved filming project on the city's website to ensure adequate public notification.

**Attachments:**

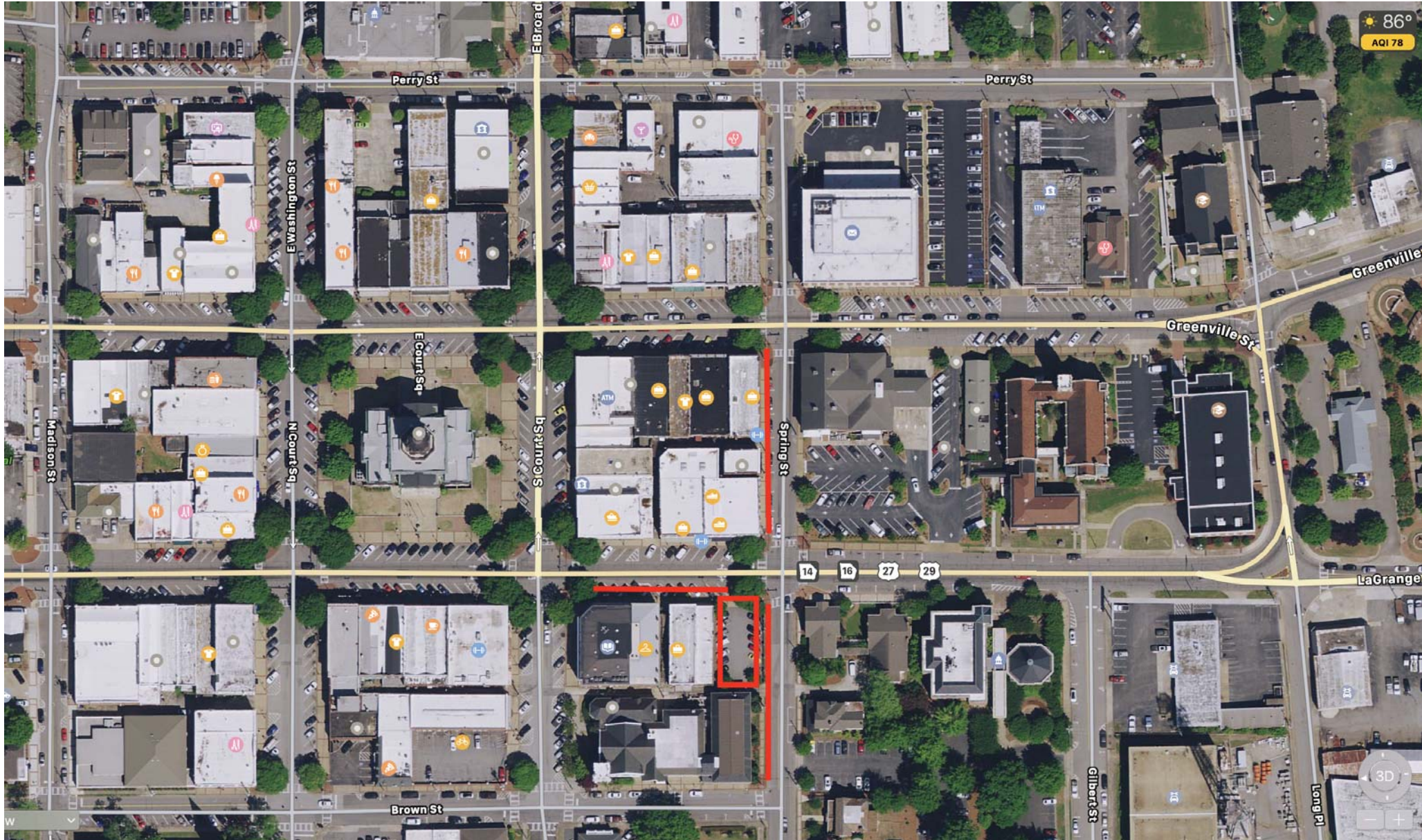
1. Random Productions – HBO Filming Project Proposal; 2. HBO Filming Project Notification Letter; 4. Certificate of Liability Insurance; 5. City of Newnan Guidelines and Checklist for Filming

**Previous Discussions with Council:** Presented to the Mayor and Newnan City Council during the September 10, 2019 meeting, asked to be moved to the September 24<sup>th</sup> meeting with a lighten the footprint and approval from all affected business owners.

# September - October 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<b>30</b> FILMING: WINTHROP SET GREENVILLE ST 9A-1A	<b>1</b> FILMING: WINTHROP SET GREENVILLE ST 11A - 7P TBD: LA GRANGE ST. 6P-2A	<b>2</b> FILMING: WINTHROP SET GREENVILLE ST 2P-4A	<b>3</b> FILMING: WINTHROP SET GREENVILLE ST 5P-7A	<b>4</b> FILMING: WINTHROP SET GREENVILLE ST 5P-7A	<b>5</b> WEATHER CONTINGENCY DAY: WINTHROP SET GREENVILLE ST 5P-7A
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

POLICE STATION SET  
PARKING REQUEST PREP SEPT 27- SEPT 30 / WRAP OCT 1- OCT 4 = 7  
DAYS TOTAL  
11 SPACES ON LA GRANGE ST  
12 SPACES ON SPRING ST  
12 SPACES O.C. WILLIAMS LOT  
TOTAL SPACES: 35



**FULL CLOSURE**  
LAGRANGE ST/ SR-14:  
FROM W BROAD ST  
TO SPRING ST  
(210 FT)

**INT TRAFFIC CONTROL**  
ALL LANES/ INTERSECTIONS  
OF SPRING ST:  
FROM GREENVILLE ST  
TO BROWN ST (500 FT)

**INT TRAFFIC CONTROL**  
ALL LANES/ INTERSECTIONS  
OF W BROAD ST:  
FROM LAGRANGE ST  
TO BROWN ST (200 FT)

**STS** FILM  
Southeastern Traffic Supply, LLC  
1500 Veterans Memorial Hwy SE  
Mableton, GA 30126  
404.989.2441

Date: 8/20/19 Draft: 1  
Design: Walter W. Thompson (c:) 706.254.1919  
Project: 'Lovecraft Country' S1  
Customer: Random Productions, LLC

Type of Roads: Urban  
Speed Limit: 25 mph  
Traffic Volume: Moderate

DROP:  
SHOOT:  
PICKUP:

**Legend**

- Work Area
- Construction Closure
- Filming Location
- Officer
- Cone

**VMS BOARD**

ROAD	xx/x-xx/x
CLOSED	FOLLOW
AHEAD	DETOUR

All signs & devices shall be placed in accordance to the latest provisions of the Manual on Uniform Traffic Control Devices (MUTCD) with respect to any applicable provisions from GDOT and the City of Newnan

Access to commercial/residential drives to be maintained at all times

Advance warning signs to be spaced at a minimum of 100' apart; sign placement is approximate and may be adjusted to fit field conditions

Officer placements are suggestions and at the discretion of jurisdictional law enforcement

PLANS ARE NOT TO SCALE

Page 1 of 1

1 ROAD WORK AHEAD

2 DETOUR AHEAD

3 ROAD CLOSED AHEAD

4 LEFT LANE MUST TURN LEFT / RIGHT LANE MUST TURN RIGHT

5 ROAD CLOSED

6 DETOUR LAGRANGE ST

7 DETOUR LAGRANGE ST

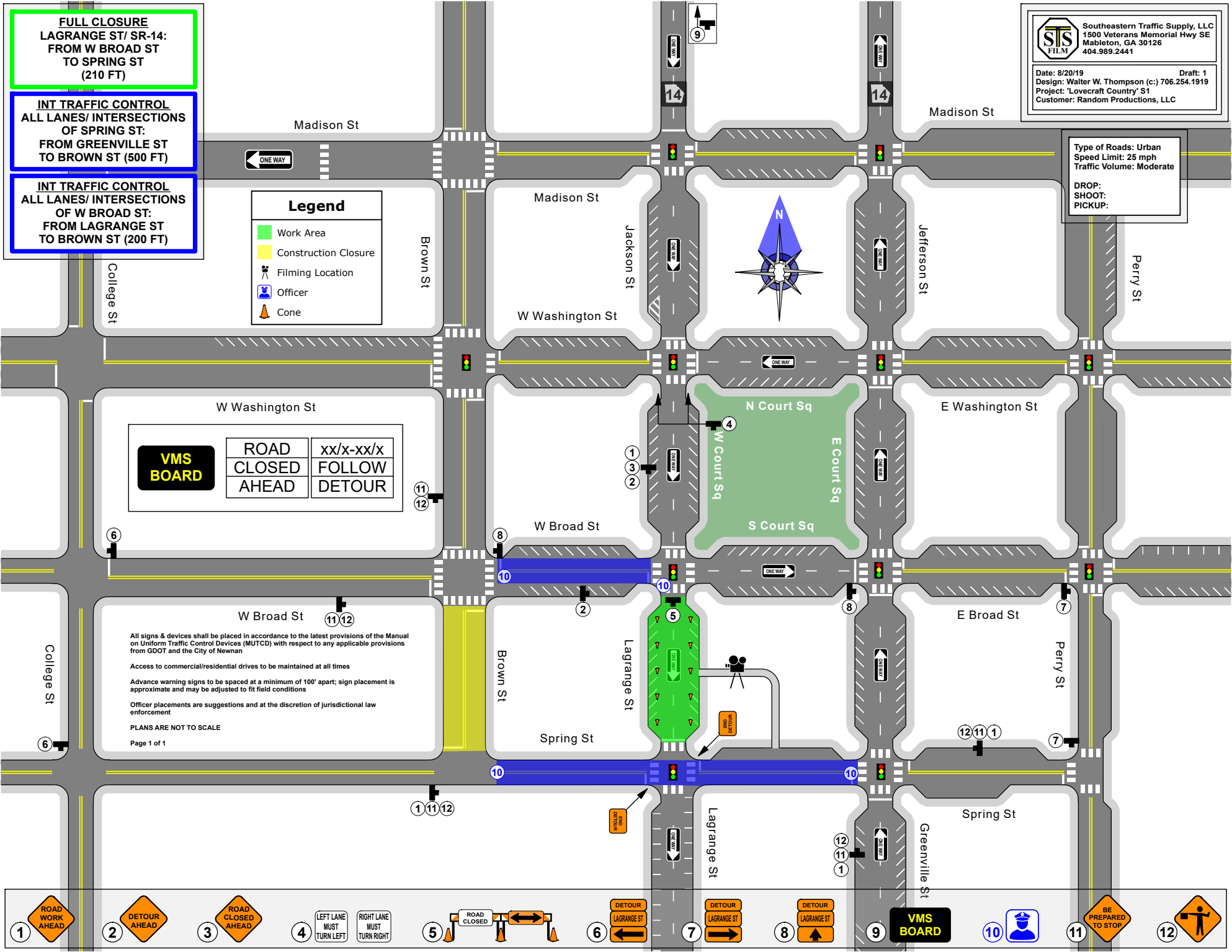
8 DETOUR LAGRANGE ST

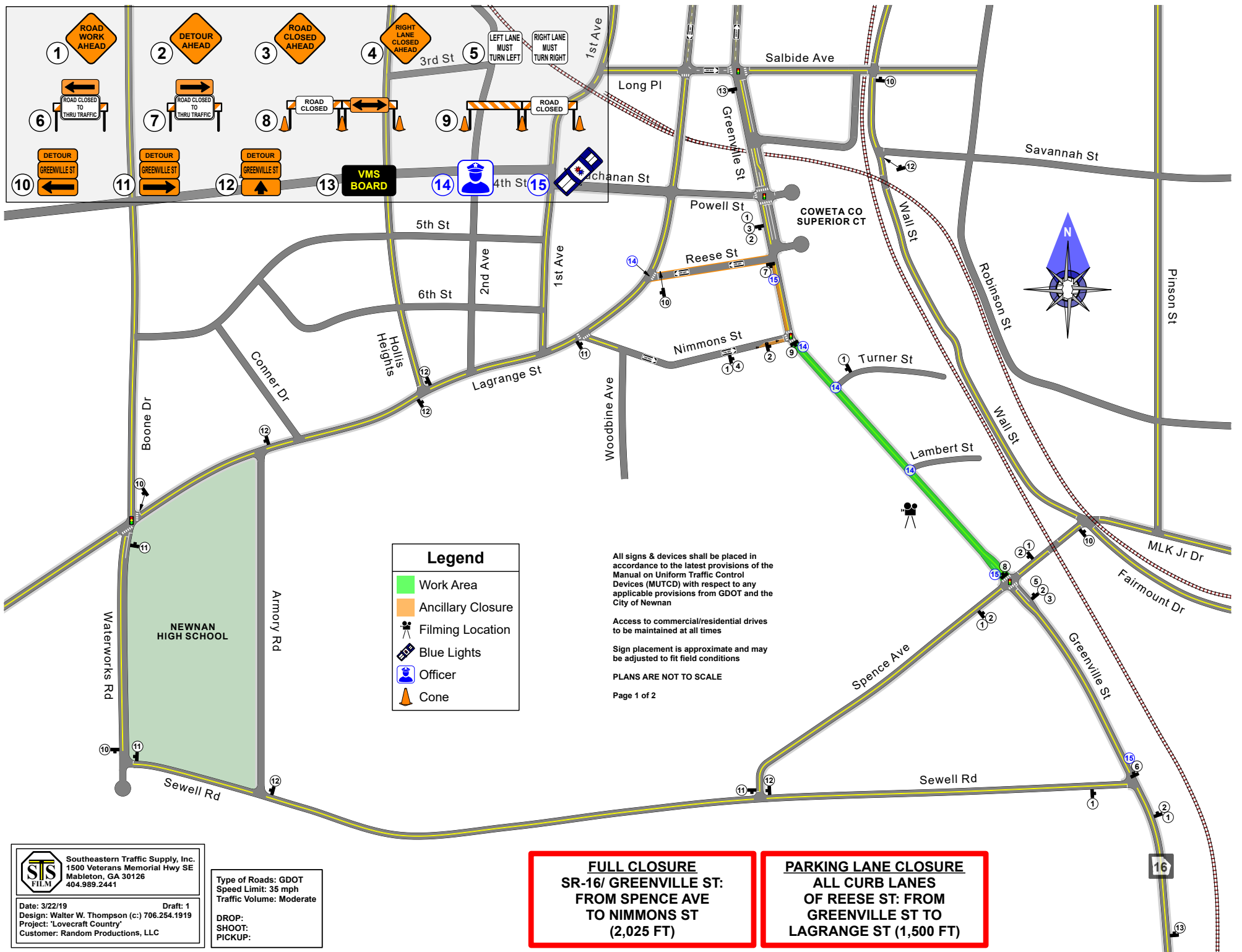
9 VMS BOARD

10 OFFICER

11 BE PREPARED TO STOP

12 PEDESTRIAN





**Legend**

- Work Area
- Ancillary Closure
- Filming Location
- Blue Lights
- Officer
- Cone

All signs & devices shall be placed in accordance to the latest provisions of the Manual on Uniform Traffic Control Devices (MUTCD) with respect to any applicable provisions from GDOT and the City of Newnan

Access to commercial/residential drives to be maintained at all times

Sign placement is approximate and may be adjusted to fit field conditions

PLANS ARE NOT TO SCALE

Page 1 of 2

**STS FILM**  
 Southeastern Traffic Supply, Inc.  
 1500 Veterans Memorial Hwy SE  
 Mableton, GA 30126  
 404.989.2441

Date: 3/22/19      Draft: 1  
 Design: Walter W. Thompson (c): 706.254.1919  
 Project: 'Lowcraft Country'  
 Customer: Random Productions, LLC

Type of Roads: GDOT  
 Speed Limit: 35 mph  
 Traffic Volume: Moderate

DROP:  
 SHOOT:  
 PICKUP:

**FULL CLOSURE**  
**SR-16/ GREENVILLE ST:**  
**FROM SPENCE AVE**  
**TO NIMMONS ST**  
**(2,025 FT)**

**PARKING LANE CLOSURE**  
**ALL CURB LANES**  
**OF REESE ST: FROM**  
**GREENVILLE ST TO**  
**LAGRANGE ST (1,500 FT)**

# DETOUR ROUTES

	Southwestern Traffic Supply, Inc. 1500 Veterans Memorial Hwy SE Mableton, GA 30126 404.989.2441
	Date: 3/22/19 Design: Walter W. Thompson (c:) 706.254.1919 Project: 'Lovecraft Country' Customer: Random Productions, LLC

**FULL CLOSURE  
SR-16/ GREENVILLE ST:  
FROM SPENCE AVE  
TO NIMMONS ST  
(2,025 FT)**

**NORTHBOUND GREENVILLE ST**

1. Turn **LEFT** onto Sewell Rd
2. Turn **RIGHT** onto Waterworks Rd
3. Turn **RIGHT** onto Lagrange St
4. Turn **RIGHT** onto Nimmons St

**SOUTHBOUND GREENVILLE ST**

1. Turn **RIGHT** onto Reese St
2. Turn **LEFT** onto Lagrange St
3. Turn **LEFT** onto Waterworks Rd
4. Turn **LEFT** onto Sewell Rd

**NORTHBOUND GREENVILLE ST/  
EASTBOUND SPENCE AVE**

1. Turn **RIGHT/CONTINUE** on Spence Ave
2. Turn **LEFT** onto Wall St
3. Turn **LEFT** onto Salbide Ave

**WESTBOUND SPENCE AVE**

1. **CONTINUE** on Spence Ave
2. Turn **RIGHT** onto Sewell RD

**\*\*\*SEE NB GREENVILLE ST  
FOR REMAINDER\*\*\***

All signs & devices shall be placed in accordance to the latest provisions of the Manual on Uniform Traffic Control Devices (MUTCD) with respect to any applicable provisions from GDOT and the City of Newnan

Access to commercial/residential drives to be maintained at all times

Sign placement is approximate and may be adjusted to fit field conditions

PLANS ARE NOT TO SCALE

# **RANDOM PRODUCTIONS, LLC**

September 17, 2019

Dear Downtown Newnan Neighbors:

Random Productions, LLC will be filming scenes for a series in downtown Newnan for 1 night during the week on **Tuesday, October 1<sup>st</sup>, 2019**

We will be transforming a majority of business on La Grange St. (between South Court Sq. and Spring St) back into the 1950's. In order to facilitate this transformation, we will need to utilize parking in the immediate areas as well as implement intermittent traffic and pedestrian control.

We are scheduled to start the work tentatively on **Friday, September 27**. Restoration will take place between **Wednesday, October 2nd and Friday, October 4th**. All City Streets will remain open during our preparation and restoration periods. All of the local businesses will remain open and accessible.

We are in the process of obtaining all the necessary permits from the City of Newnan and the Georgia Department of Transportation. We will also have the assistance of the Newnan Police Department during our stay in the City. Once we receive the permits, we will issue a notification with the specific dates, closures, and times.

Please feel free to contact me should you have any questions or concerns. We are excited to be working in Historic Downtown Newnan, and enjoying all the city has to offer.

Paola Cambó  
Key Assistant Location Manager / Scout  
C. 787.613.3841  
E: [paolacambo@mac.com](mailto:paolacambo@mac.com)

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Paola Cambó  
Key Assistant Location Manager / Scout  
C. 787.613.3841  
E: [paolacambo@mac.com](mailto:paolacambo@mac.com)





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
05/20/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> MARSH USA, INC. 1166 AVENUE OF THE AMERICAS NEW YORK, NY 10036		<b>CONTACT NAME:</b> <b>PHONE (A/C. No. Ext):</b> _____ <b>FAX (A/C. No):</b> _____ <b>E-MAIL ADDRESS:</b> _____	
CN101825320-AT&T-gj/al-19-20                      LOVEC		<b>INSURER(S) AFFORDING COVERAGE</b> <b>NAIC #</b>	
<b>INSURED</b> Random Productions, LLC 1415 Constitution Road SE "Lovecraft Country" Season 1 Atlanta, GA 30316		<b>INSURER A :</b> Old Republic Insurance Company                      24147 <b>INSURER B :</b> <b>INSURER C :</b> <b>INSURER D :</b> <b>INSURER E :</b> <b>INSURER F :</b>	

**COVERAGES**                      **CERTIFICATE NUMBER:** NYC-010659262-01                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			MWZY 31363619	06/01/2019	06/01/2020	EACH OCCURRENCE \$ 3,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ NA PERSONAL & ADV INJURY \$ 5,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMP/OP AGG \$ 5,000,000
A	<input checked="" type="checkbox"/> <b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			MWTB 31363519 MWZX 31363719 (MI)	06/01/2019 06/01/2019	06/01/2020 06/01/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 5,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	<input type="checkbox"/> <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N N/A				PER STATUTE    OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**  
 Re: Production: "Lovecraft Country" Season 1

Certificate holder is included as an additional insured where required by contract.

## CERTIFICATE HOLDER                      CANCELLATION

City of Newnan 25 LaGrange Street Newnan, GA 30263	<b>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</b>
	<b>AUTHORIZED REPRESENTATIVE</b> of Marsh USA Inc. Manashi Mukherjee <i>Manashi Mukherjee</i>

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**ADDITIONAL REMARKS SCHEDULE**

<b>AGENCY</b> MARSH USA, INC.		<b>NAMED INSURED</b> Random Productions, LLC 1415 Constitution Road SE "Lovecraft Country" Season 1 Atlanta, GA 30316	
<b>POLICY NUMBER</b>		<b>EFFECTIVE DATE:</b>	
<b>CARRIER</b>	<b>NAIC CODE</b>		

**ADDITIONAL REMARKS**

**THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,**  
**FORM NUMBER:** 25 **FORM TITLE:** Certificate of Liability Insurance

Excess Automobile Liability - MWZX 31363719 (M)  
 Combined Single Limit - \$1,000,000  
 Self-Insured Retention - \$1,000,000



## City of Newnan Guidelines / Checklist for Filming

City Manager's Office  
25 LaGrange Street, Newnan, GA 30263  
678-673-5512

**Please Note:** The City of Newnan requires a permit for all commercial TV/film/video productions. However, those projects that require street closures for a duration less than 3 days and Intermittent Traffic Control for a duration less than 7 days may be reviewed administratively. Applications that include extended durations will be required to secure approval from the Newnan City Council.

### Checklist for Filming in the City of Newnan

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The following checklist provides guidance to all applicants interested in filming in the City of Newnan.

#### Task To Be Completed...

- 1. Completion of Film, Television, Music and Video Production Permit Application  
*Applications must be submitted at least 2 weeks prior to the scheduled film/prep dates.*
  
- 2. Completion of public notification requirements
  - Applicants are required to place “yard signs” in areas where businesses and residents may be affected or impacted by filming. Signs are available at Newnan City Hall and must be returned after filming.
  - Applicants must produce a signed affidavit as proof of contacting directly affected business owners and residents in impacted areas.
  
- 3. Obtain approval from the Georgia Department Of Transportation if state routes will be used during filming (if applicable).
  
- 4. Provide Insurance Certification naming the City of Newnan as additional insured.
  
- 5. Applicant must secure approval from the Newnan City Council only when:
  1. Production requires street/sidewalk closure for more than 3 days; or
  2. Production requires intermittent traffic control for more than 7 daysApplicant presentation/proposal before Newnan City Council must include the following:
  - Dates, times and locations of filming
  - Sketch and/or diagram of the filming/prep site(s) designating placement of large equipment, trailers, etc.
  - List of businesses/residents contacted
  - A copy of your presentation/proposal must be transmitted to City Manager's Office at least one week prior to the City Council meeting
  - Applicant or designee must attend City Council meeting
  
- 6. Payment must be received in advance of filming. Please see fee schedule attached herein.

- 7. Notify Coweta County Camera Ready Program Liaison (Tray Baggary – [tbaggary@coweta.ga.us](mailto:tbaggary@coweta.ga.us)) when seeking approval of use of County facilities, buildings and properties.
  
- 8. Contact City of Newnan Office of Communications (Ashley Copeland – [acopeland@cityofnewnan.org](mailto:acopeland@cityofnewnan.org)) for additional questions or information regarding the City of Newnan's filming guidelines.

## The City of Newnan 2019 Council Meetings

Day	Month	Date	Time	Agenda Items Due – 5:00 PM
Tuesday	January	8	2:30	12/31/2018
Tuesday	January	22	6:30	1/15/2019
Tuesday	February	12	2:30	2/5/2019
Tuesday	February	26	6:30	2/19/2019
Monday	March	11	2:30	3/5/2019
Tuesday	March	26	6:30	3/19/2019
Tuesday	April	9	2:30	4/2/2019
Tuesday	April	23	6:30	4/16/2019
Tuesday	May	7	2:30	4/30/2019
Tuesday	May	28	6:30	5/21/2019
Tuesday	June	18	6:30	6/11/2019
Tuesday	July	16	6:30	7/9/2019
Tuesday	August	13	2:30	8/6/2019
Tuesday	August	27	6:30	8/20/2019
Tuesday	September	10	2:30	9/3/2019
Tuesday	September	24	6:30	9/17/2019
Tuesday	October	8	2:30	10/1/2019
Tuesday	October	22	6:30	10/15/2019
Tuesday	November	12	2:30	11/5/2019
Tuesday	November	26	6:30	11/19/2019
Tuesday	December	10	6:00	Public Hearing/2020 Budget
Tuesday	December	10	6:30	12/3/3019

Meeting dates and times are subject to change.

**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).