



City of Newnan
City Council Meeting
January 12, 2010
2:30 P.M.

A G E N D A

CALL TO ORDER – Mayor Keith Brady

INVOCATION

READING OF MINUTES

SWEARING IN CEREMONY

- ◆ Mayor L. Keith Brady – City Attorney, C. Bradford Sears
- ◆ Council Member Raymond F. DuBose – City Attorney, C. Bradford Sears
- ◆ Council Member Rhodes H. Shell – City Attorney, C. Bradford Sears

ELECTION OF MAYOR PRO-TEM

APPOINTMENT OF CITY OFFICIALS

- I Appointments
 - ◆ Department Heads
 - ◆ City Attorney
 - ◆ Municipal Court Judge and Judges Pro Tempore
 - ◆ Associate Municipal Court Judge - Magistrate

NEWNAN CITY COUNCIL MEETING AGENDA

January 12, 2010 @ 2:30 P.M.

Page 2

REPORTS OF BOARDS AND COMMISSION

- I (1) Appointment to the Housing Authority – Five (5) Year Term – (Mayoral Appointment) Term to expire January 2015

- II (2) Appointments to the Parks Commission – Three (3) Year Terms – Terms to expire January 2013

- III (3) Appointments to the Planning Commission – Three (3) Year Term – Term to expire January 2013

- IV (2) Appointments to the Tree Commission – Three (3) Year Terms – Terms to expire January 2013

REPORTS ON OPERATIONS BY CITY MANAGER

REPORTS AND COMMUNICATIONS FROM MAYOR

NEW BUSINESS

- I **Public Hearing** – Application for Transfer License Representative – FROM: Brad Tschantz TO: Alan McLean - Retail On Premise (Pouring) Sale of Distilled Spirits, Malt Beverages & Wine – Bugaboo Creek Holdings – 355 Bullsboro Drive Reason: Personnel Change: Tab A

- II **Public Hearing** – Application for Alcohol Beverage License – Retail On Premise (Pouring) Sale of Malt Beverage & Wine Yumi Asian Fusion –Licensee Archange D’ Haiti – 354 Bullsboro Drive – Reason: New Restaurant Tab B

- III **Public Hearing** – Application for Transfer Alcohol Beverage License – Retail On Premise (Pouring) Sales of Malt Beverage & Wine – FROM: Pollo Rico El Boy TO: La Tentacion – Licensee FROM: Salvador Reyes – Naranjo TO: Adan Salgado – 11 Spence Avenue – Reason: New Owner Tab C

NEWNAN CITY COUNCIL MEETING AGENDA

January 12, 2010 @ 2:30 P.M.

Page 3

IV An Ordinance to Provide for the Adoption of a Budget, its Execution and Effect
for the Fiscal Year Beginning January 1, 2010 – December 31, 2010..... Tab D

V 15 Ray Street – Redemption of Property – Quitclaim Deed..... Tab E

UNFINISHED BUSINESS

VISITORS, PETITIONS, COMMUNICATIONS & COMPLAINTS

I Request from Stacy Edmonds to allow Girl Scouts of Coweta County to sell Girl
Scout Cookies in downtown Newnan beginning Saturday February 20th through
Sunday March 21, 2010 Tab F

EXECUTIVE SESSION – LEGAL, PERSONNEL AND REAL ESTATE

ADJOURNMENT

APPLICATION FOR ALCOHOL BEVERAGE LICENSE TRANSFER OF LICENSE REPRESENTATIVE

Name: **BUGABOO CREEK STEAKHOUSE**

Licensee: **EDMUND J. SCHWARTZ**

License Representative: **FROM: BRAD TSCHANTZ TO: ALAN Mc LEAN**

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

Location: **355 BULLSBORO DRIVE**

TO THE CITY COUNCIL: REASON – PERSONNEL CHANGE

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

If incomplete, reasons _____

(2) The citizenship requirements (have) (~~have not~~) been met. (Sec. 3-34)

If not, reasons _____

(3) Residency requirements (have) (~~have not~~) been met. (Sec. 3-35)

If not, reasons _____

(4) The location appears (to comply) (~~not to comply~~) with zoning requirements. (Sec 3-37)

If not, reasons _____

(5) The location of the proposed premises appears (to comply) (~~not to comply~~) with the distance requirements set forth in Sec. 3-39.

If not, reasons _____

(6) All taxes or other debts to the City (are) (~~are not~~) current. (Sec 3-38)

If not, reasons _____

(7) A publisher's affidavit (~~has~~) (has not) been filed showing the notice requirement (~~has~~) (has not) been complied with. (Sec 3-40 (a))

If not, reasons Advertised. Will file affidavit prior to hearing.

(8) An affidavit from the applicant certifying posting of the proposed premises (has) (has not) been filed. (Sec. 3-40(b))

If not, reasons N/A. Transfer

Respectfully submitted,



Della Hill
City Clerk

APPLICATION FOR ALCOHOL BEVERAGE LICENSE

Name: YUMI ASIAN FUSION

Licensee: ARCHANGE D'HAITI

License Representative (if required):

Type License: Retail ON Premise (Pouring) Sales of Malt Beverage & Wine

Location: 354 BULLSBORO DRIVE

TO THE CITY COUNCIL: REASON: NEW RESTAURANT

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

If incomplete, reasons _____

(2) The citizenship requirements (have) (~~have not~~) been met. (Sec. 3-34)

If not, reasons _____

(3) Residency requirements (have) (~~have not~~) been met. (Sec. 3-35)

If not, reasons _____

(4) The location appears (to comply) (~~not to comply~~) with zoning requirements. (Sec 3-37)

If not, reasons _____

(5) The location of the proposed premises appears (to comply) (~~not to comply~~) with the distance requirements set forth in Sec. 3-39.

If not, reasons _____

(6) All taxes or other debts to the City (are) (~~are not~~) current. (Sec 3-38)

If not, reasons _____

(7) A publisher's affidavit (~~has~~) (has not) been filed showing the notice requirement (~~has~~) (has not) been complied with. (Sec 3-40 (a))

If not, reasons Advertised. Will file affidavit prior to hearing.

(8) An affidavit from the applicant certifying posting of the proposed premises (~~has~~) (has not) been filed. (Sec. 3-40(b))

If not, reasons Posted Will fill affidavit prior to hearing.

Respectfully submitted,



Della Hill
City Clerk

**APPLICATION FOR TRANSFER ALCOHOL
BEVERAGE LICENSE**

From: POLLO RICO EL BOY

Name: **TO: LA TENTACION**

Licensee: From: **SALVADOR REYES - NARANJO**

To: **ADAN SALGADO**

License Representative (if required): **N/A**

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

Location: **11 SPENCE AVENUE**

TO THE CITY COUNCIL: REASON: NEW OWNER

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

If incomplete, reasons _____

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

If not, reasons _____

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

If not, reasons _____

(4) The location appears (to comply) (~~not to comply~~) with zoning requirements. (Sec 3-37)

If not, reasons _____

(5) The location of the proposed premises appears (to comply) (~~not to comply~~) with the distance requirements set forth in Sec. 3-39.

If not, reasons _____

(6) All taxes or other debts to the City (are) (~~are not~~) current. (Sec 3-38)

If not, reasons _____

(7) A publisher's affidavit (~~has~~) (has not) been filed showing the notice requirement (~~has~~) (has not) been complied with. (Sec 3-40 (a))

If not, reasons Advertised. Will file affidavit prior to hearing.

(8) An affidavit from the applicant certifying posting of the proposed premises (has) (has not) been filed. (Sec. 3-40(b))

If not, reasons N/A transfer does not apply

Respectfully submitted,



Della Hill
City Clerk

AN ORDINANCE TO PROVIDE FOR THE ADOPTION OF A BUDGET, ITS EXECUTION AND EFFECT FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010 AND ENDING DECEMBER 31, 2010

Section I. There is hereby adopted for the fiscal year January 1, 2010 through December 31, 2010, a budget for the City of Newnan, Georgia, based on the budget prepared by the City Manager, as amended by City Council.

Section II. General Fund (100). There is hereby established a General Fund for the City of Newnan with an appropriation of \$16,390,120 for the general operation and legal obligation in 2010.

General Fund revenues for the fiscal year are estimated as follows:

Property Taxes	\$4,465,120	27.24%
Sales Taxes	4,300,000	26.24%
Excise (Franchise) Taxes	3,086,000	18.83%
Occp Tax & Alcohol Licenses	1,891,000	11.54%
Inspections & Permits	227,400	1.39%
Service Charges	115,000	0.70%
Fines & Forfeitures	716,000	4.37%
Other Local Revenue	155,600	0.95%
Intergovernmental	59,000	0.36%
Water & Light & Transfers	1,225,000	7.47%
Other Financing Sources	150,000	0.92%
Total Estimated Revenue:	\$16,390,120	100.00%

General Fund appropriations shall be disbursed from the following accounts:

General Government	\$1,947,661	11.88%
Public Safety	9,179,325	56.01%
Public Works	2,681,596	16.36%
Community Development	2,010,843	12.27%
Other Services	251,695	1.54%
Capital Equipment Transfer	219,000	1.34%
Street Improvement Transfer	100,000	0.61%
Total Expenditures:	\$16,390,120	100.00%

Section III. Street Improvement Fund (200). There is hereby established a Street Improvement Fund for the City of Newnan with an appropriation of \$755,000 for street improvements.

Revenues for the Street Improvement Fund consist of the following sources:

Greenville Streetscapes	\$300,000
State DOT Contracts	50,000
General Fund Transfer	100,000
Interest on Investments	1,300
Fund Balance Reserves	303,700
Total Revenue:	\$755,000

The following disbursements are authorized for the fiscal year:

Street Improvements	\$155,000
Greenville Streetscapes	600,000
Total Expenditures:	\$755,000

Section IV. Confiscated Assets Fund (210). There is hereby established a Confiscated Assets Fund for the City of Newnan with an appropriation of \$134,500 for public safety operations. This fund consists of confiscated and condemned funds released by the Superior Court for police department purchases.

Revenues for this fund shall be financed by the following sources:

Court Condemnations	\$133,000
Interest	1,500
Total	\$134,500

The following disbursements from this fund are authorized for the fiscal year:

Professional Services	\$1,500
Other Contractual Services	100
Repairs and Maintenance	400
Communications	2,000
Travel	500
Training	400
Materials and Supplies	27,500
Office Supplies	275
Protective Equipment	2000
Books & Periodicals	5,000
Minor Equipment	31,196
Computer Hardware & Software	63,629
Total	\$134,500

Section V. Miscellaneous Grants Fund (240) There is hereby established Miscellaneous Grants Fund for the City of Newnan with an appropriation of \$8,865. This fund is utilized for grants received by the city from local vendors, DCA and other agencies to fund specific expenditures as required.

Disbursements from this fund shall be financed from the following sources:

Reserves	\$1,365
Grant Funds	7,500
Total	\$8,865

The following disbursements are authorized for the fiscal year:

Police/Public Relations	\$7,500
Fire/Materials, Minor Equipment	645
Human Resources/Employee Benefits	720
Total	\$8,865

Section VI. Hotel/Motel Tourism Fund (275). There is hereby established a Hotel/Motel Tourism Fund for the City of Newnan with an appropriation of \$278,000 for Tourism Enhancement activities.

Disbursements from the Hotel/Motel Tourism Fund shall be financed from the following sources:

Hotel/Motel Tax	\$250,000
Interest	4,500
Total Revenue:	\$254,500

The following disbursements from the Hotel/Motel Tourism Fund are authorized for the fiscal year:

Transfer to General Fund	\$150,000
Professional Services	50,000
M & O Costs for Facilities	10,000
Dues and Fees	1,000
Printing & Binding	20,000
Natural Gas	5,000
Repairs and Maintenance	10,000
Reserves	8,500
Total Expenditures:	\$254,500

Section VII. Special Purpose Local Option Sales Tax Funds (321, 322). There is hereby established two Special Purpose Local Option Sales Tax Funds for the City of Newnan. The first Fund, SPLOST 2002, was established during FY 2002. It includes an appropriation of \$3,695,217 for capital projects. Revenues to this fund consist only of interest income as the revenue produced sales taxes ended in 2006.

Disbursements from SPLOST 2002 Fund shall be financed from the following sources:

Interest	\$25,000
Reserves	3,670,217
Total Revenue:	\$3,695,217

The following disbursements are authorized for the fiscal year:

Streets, Drains and Sidewalks	\$510,561
Addition to Shop	585,856
Convention Center	1,640,000
Storage Facility	350,000
Downtown Parking	608,800
Total Expenditures:	\$3,695,217

The second Fund, SPLOST 2007 is established in this budget and will extend for six years. This year's budget includes an appropriation of \$7,195,000 for capital projects and transfer to Water and Light.

Disbursements from SPLOST 2007 Fund shall be financed from the following sources:

SPLOST 2007	\$4,500,000
Interest	27,000
Reserves	2,668,000

Total Revenue: \$7,195,000

The following disbursements are authorized for the fiscal year:

Public Safety	\$50,000
Information System	25,000
Streets	2,500,000
Building Maintenance/Structure	3,250,000
Transfer to Water & Light	720,000
Parks & Recreation	300,000
Equipment	350,000
Total Expenditures:	\$7,195,000

Section VIII. Capital Equipment Fund (350). There is hereby established a Capital Equipment Fund for the City of Newnan with an appropriation of \$219,000 for capital equipment and improvements in 2010.

Disbursements from the Capital Equipment Fund shall be financed from the following sources:

General Fund Transfer	\$219,000
Interest	0
Total Revenue:	\$219,000

The following disbursements are authorized for the fiscal year:

General Government	\$0
Public Safety	158,000
Public Works	50,000
Community Development	6,000
Other Services	5,000
Total Expenditures:	\$219,000

Section IX. Impact Fees (375). There is hereby established an Impact Fees Fund for the City of Newnan with an appropriation of \$500,000. The City in 2004 established an impact fee program with funds to be paid into the fund for four major areas of development: Roads and bridges, fire, police and parks. Revenues from these funds for 2010 are estimated as follows:

Roads/Streets/Bridges	\$20,000
Fire Services Impact Fee	30,000
Police Protection Impact Fee	15,000
Parks Recreation Impact Fee	50,000
Interest Roads/Bridges	1,000
Interest Fire Services	2,000
Interest Police Protection	2,000
Interest Parks Recreation	2,000
Reserves	378,000
Total Revenue	\$500,000

Funds to be expended or included in the various funds reserves as follows:

Roads/Streets/Bridges	\$500,000
Fire Services	0
Police	0

Parks

0

Total

\$500,000

Section X. All revenue received by the City of Newnan from sources not restricted by law to expenditure for specified purposes may be used in meeting disbursements in Section II. Should the revenue received from such sources exceed the amount estimated, such excess shall be allocated to the General Fund subject to further action by City Council. The total disbursements in any fund shall not exceed the amount appropriated for that fund.

Done, Ratified, and Passed by the City Council of the City of Newnan, Georgia, in regular session assembled this twelfth (12th) day of January 2010.

ATTEST:

Della Hill, City Clerk

L. Keith Brady, Mayor

George M. Alexander, Council Member

REVIEWED:

C. Bradford Sears, Jr., City Attorney

Robert W. Coggin, Council Member

Ray F. DuBose, Council Member

Richard Bolin, City Manager

Clayton W. Hicks, Council Member

Cynthia E. Jenkins, Council Member

Rhodes H. Shell, Council Member

**SANDERS, HAUGEN, & SEARS, P.C.
ATTORNEYS AT LAW
11 PERRY STREET
P. O. BOX 1177
NEWNAN, GEORGIA 30264-1177**

**(770) 253-3880
FAX (770) 254-0093**

**C. BRADFORD SEARS, JR.
E-MAIL: bsears@numail.org**

**WALTER D. SANDERS
(1909 - 1989)**

TO: Mayor and City Council
City of Newnan

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

DATE: January 4, 2010

RE: Redemption of Property

MEMORANDUM

The following property has been redeemed from the City from a foreclosure of various liens for costs for grass cutting and demolition expenses, expenses of sale and a 20% premium as prescribed by law.

1. James Story (paid by Zhou Shuai (Mike Ni))
15 Ray Street (N22 0008 004)

While redeemed as a matter of right, a motion authorizing the execution of the quitclaim deed would be in order to create a record of the conveyance in the City's minutes.

QUIT-CLAIM DEED

**After Recording, Return To:
Frances Clay Hudson
Sanders, Haugen & Sears, P.C.
11 Perry Street
Newnan, Georgia 30263**

THIS INDENTURE, made the _____ day of _____, 2010, between **City of Newnan**, as party or parties of the first part, hereinafter called Grantor, and **James Story**, as party 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 LOVE AND AFFECTION, cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold, and does by these presents bargain, sell, remise, release and forever quit-claim to Grantee all the right, title interest, claim or demand which the Grantor has or may have had in and to the following described real property, to wit:

All that tract or parcel of land situate, lying and being in the City of Newnan, Coweta County, Georgia being Lot 3, containing 0.082 acres as per plat prepared for James Story by Turner & Associates Land Surveyors, PC, dated 7/7/2005 and being of record in Plat Book 84, Page 31 Coweta County, Georgia records. Reference to said plat is hereby made for a more complete and accurate description of the property herein described.

Tax Map No. N22 0008 004

The purpose of this deed is to release any and all right, title and interest Grantor may have in the above described property arising from that certain Foreclosure of Lien Deed dated the 2nd day of December, 2008 , recorded in Deed Book 3406 page 273, in the Office of the Clerk of Superior Court of Coweta County, Georgia, to the Grantee.

with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said described premises unto the Grantee, so that neither the said Grantor, nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

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

Signed, sealed and delivered
in presence of

City of Newnan, Georgia

_____(SEAL)
Witness

BY: _____(SEAL)
Keith Brady, Mayor

Notary Public
My Commission Expires: _____

Attest: _____(SEAL)
Della Hill, City Clerk

[NOTARIAL SEAL]

From: Stacy Edmonds
Sent: Friday, December 11, 2009 1:32 PM
To: 'tdarby@cityofnewnan.org'

Subject: Girl Scout Cookies

Dear Ms. Tina Darby and Main Street Newnan,

Once again Girl Scouts of Coweta County are asking to have the opportunity of walking around in beautiful down town Newnan to sell cookies.

The dates that the Girl Scouts will be selling cookies will begin on Saturday, February 20th and run through Sunday, March 21, 2010.

They will not set up any booth or table except in front of Scott's Book Store (they are good friends with one of the GS troops and only let the one troop in front of their store). We call this a "walk about" and 2 adults and no more than 4 GS will be selling cookies from a wagon of some sort. We would mainly have one troop there at a time on the weekends, but a few troops may selling during the week from 3p.m to 5p.m.

I think last year the City Council had to approve this? If you have any questions please do not hesitate to email or call me.

Email _jetss@bellsouth.net

Home phone- 770-463-8352

Cell – 770-298-2709

Thank you again, we look forward to your response,

Stacy Edmonds
Coweta County Cookie Team Volunteer

Motion to Enter into Executive Session

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

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

Motion to Adopt Resolution after Adjourning Back into Regular Session

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