

REGULAR MEETING, MAYOR AND COUNCIL, CITY OF COVINGTON, GEORGIA, COUNCIL ROOM, SEPTEMBER 3, 2024, 6:30 PM.

Mayor Fleeta Baggett presided with Mayor Pro-tem Susie Keck, Council members: Anthony Henderson, Charika Davis, Kimberly Johnson, Travis Moore, and Jared Rutberg, City Manager Tres Thomas, Deputy City Manager John King, Amanda Huggins, and City Attorney Frank Turner, Jr. present. City Clerk Audra M. Gutierrez was absent.

Dr. Royeese Stowe gave the invocation.

Mayor Baggett gave invocation and led everyone in the Pledge of Allegiance to the Flag of the United States of America.

Mayor Baggett read a proclamation acknowledging White Cane Awareness Day on October 15, 2024.

1. Motion made by Council member Keck, seconded by Council member Henderson to approve the minutes from the Regular Council Meeting held on August 19, 2024.

Motion carried unanimously.

2. Motion made by Council member Keck, seconded by Council member Rutberg to approve the **final** reading of an ordinance for the City of Covington:

“AN ORDINANCE OF THE CITY OF COVINGTON, GEORGIA, TO AMEND THE COVINGTON MUNICIPAL CODE, ENACTED AND ADOPTED ON THE 16TH DAY OF OCTOBER, 2001, AS AMENDED BY PREVIOUS AMENDMENTS, TO ALTER CERTAIN PROVISION OF TITLE 16 OF THE SAID CODE OF ORDINANCES FOR THE PURPOSE OF **AMENDING SECTION 16.08.010 (DEFINITIONS) OF CHAPTER 16.08 (INTERPRETATIONS AND DEFINITIONS) AND SECTION 16.20.235 (DWELLING, SINGLE-FAMILY DETACHED) OF CHAPTER 16.20 (SUPPLEMENTAL USE PROVISIONS) THEREOF TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.**”

Motion carried unanimously.

3. Motion made by Council member Johnson, seconded by Council member Davis to approve the **final** reading of an ordinance for the City of Covington:

“AN ORDINANCE OF THE CITY OF COVINGTON, GEORGIA, TO AMEND THE COVINGTON MUNICIPAL CODE, ENACTED AND ADOPTED ON THE 16TH DAY OF OCTOBER, 2001, AS AMENDED BY PREVIOUS AMENDMENTS, TO ALTER CERTAIN PROVISION OF TITLE 13 OF THE SAID CODE OF ORDINANCES FOR THE PURPOSE OF **AMENDING SECTION 13.12.070 (WATER TAPS – PRE-REQUISITES) OF CHAPTER 13.12 (WATER SYSTEM)** THEREOF, TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.”

Motion carried unanimously.

4. Motion made by Council member Rutberg, seconded by Council member Henderson to approve adding *“Discussion of fireworks at the Christmas Tree Lighting on the Square”* to the Council meeting agenda.

Motion carried with Council members Keck, Johnson, Moore, Rutberg, and Henderson voting in favor. Council member Davis voting in opposition.

5. Motion made by Council member Davis, seconded by Council member Moore to approve a request from the Water & Sewer Department to purchase of a new Boom Truck from low bidder Peterbuilt of Atlanta in the amount of \$193,266.00.

MHC Kenworth	\$225,960.00
Nichols Fleet Equipment	\$238,216.00
Peterbuilt of Atlanta	\$193,266.00
Vanguard Truck Centers of Georgia	\$209,604.95

Motion carried unanimously.

6. Motion made by Council member Henderson, seconded by Council member Moore to approve renewal request for the Property & Liability insurance, with renewal date of September 8, 2024, expiration date of September 8, 2025, and premium amount of \$1,190,917.00, with Travelers as discussed by insurance agent Gary Massey.

Motion carried unanimously.

7. Motion made by Council member Rutberg, seconded by Council member Henderson to approve an amendment to the MEAG Power Purchase Contract (PPC) regarding Solar.

Motion carried unanimously.

8. Motion made by Council member Rutberg, seconded by Council member Henderson to approve the **first** reading amending ordinance 13.08.380 – Rider and Adjustments, adding a \$50.00 fee for interconnection review.

Motion carried unanimously.

9. Motion made by Council member Johnson, seconded by Council member Keck to approve the best bid from Anderson Grading and Pipeline for both the Newton Drive Water Main Replacement amounting to \$1,425,746.00 and the Floyd Street Water Main Replacement amounting to \$1,872,686.00, as recommended by Ardurra Group Inc.

Anderson Grading and Pipeline	Floyd St - \$1,872,686.00	Newton Dr - \$1,425,746.00
RDJE	Floyd St - \$2,039,711.00	Newton Dr - \$1,691,197.00
FS Scarbrough	Floyd St - \$2,807,228.27	Newton Dr - \$2,000,274.07
JL Walker DBA SH Creel Contracting	Floyd St – No bid	Newton Dr - \$1,975,525.00
Roberts Hauling & Pipeline	Floyd St - \$1,862,327.00	Newton Dr - \$1,295,754.00
GS Construction, INC	Floyd St – \$2,354,752.00	Newton Dr - \$2,048,512.00

Motion carried unanimously.

10. Motion made by Council member Keck, seconded by Council member Johnson to approve the lowest bid from Southern Utility Group, LLC amounting to \$1,378,912.00, as recommended by consultant Southeastern Gas Engineering for the Floyd Street Gas Main Replacement Project.

Southern Utility Group, LLC	\$1,378,912.00
Southern Pipeline, Inc.	\$1,590,130.00

Motion carried unanimously.

11. Motion made by Council member Moore, seconded by Council member Henderson to approve the lowest bid from Peach State Construction Co., LLC amounting to \$369,796.00 as recommended by consultant Keck & Wood for the Floyd Street at East Street Traffic Calming Bulb-out Project.

Peach State Construction Co., LLC	\$369,796.00
A & S Paving, Inc.	\$438,355.78
Summit Construction & Development, LLC	\$471,012.20

Motion carried unanimously.

12. Motion made by Council member Keck, seconded by Council member Henderson to approve Change Order No. 2 for the City Pond at Williams Road Improvement Project, installing sod and shrubbery instead of seed and straw as originally specified in the request for proposal, amounting to \$24,153.00.

Motion carried unanimously.

13. Motion made by Council member Henderson, seconded by Council member Moore to approve GEFA grant regarding the installation of electric vehicle chargers, for up to \$150,000 on approved invoice reimbursement basis, with no match required, to place eight EV (Electric Vehicle) charging pedestals across four locations in the city (Legion Field, Central Park, Welcome Center, and a City-owned parking lot adjacent to the Downtown Square), two pedestals in each location for a total of sixteen charging ports.

Motion carried unanimously.

A discussion ensued regarding fireworks display at the Christmas Tree Lighting on the Square scheduled for November 21, 2024. Council member Rutberg distributed handouts regarding some concerns over discussions that had been held over said fireworks display, as he felt the issue had been rushed through, there had been lack of discussion, and no vote had been taken to determine if the fireworks display was to occur. City Attorney Frank Turner, Jr. stated advertising dollars from Discover Covington would not be able to be used for "No Parking" signs as suggested by Council member Rutberg. Tourism and Downtown Development Director Ken Malcom stated there is no intergovernmental agreement (IGA) with Newton County to contribute financially to the fireworks at the Christmas event, but Newton County Finance

Director Brittany White stated funds are available to contribute to the fireworks. Police Chief Philip Bradford stated no solution has been clearly defined on crowd control and the unavailability of parking, as there is no manpower available, and safety is compromised. Mr. Malcom stated approximately 15,000 people arrived between 4:30-7:00 PM at last year's Christmas Tree Lighting and that limited parking may help. Chief Bradford stated restricted parking on the top half of the parking deck could offer some assistance. Council member Keck stated she will always vote to support public safety as top concern and suggested advertising "No Parking" zones prior to the event. Council member Moore stated he had not witnessed any issues with traffic at this event. Mr. Malcom stated there has never been a traffic plan, but there was an unpredictable increase of approximately 30% from the Tree Lighting of 2022 to the 2023 event. Council member Henderson stated people will come to the event whether there are fireworks or not. Council member Keck suggested making Floyd and Conyers Streets one-way during the event, and Chief Bradford explained that would take a lot more staff. Council member Rutberg suggested volunteers to help with traffic control, and Chief Bradford stated the Tree Lighting is at night which makes visibility difficult. Chief Bradford further stated that Mr. Malcom and his team do such a phenomenal job with events that attendance has outgrown the area of the Square.

14. Motion made by Council member Rutberg, seconded by Council member Henderson to have the City of Covington host the Christmas Tree Lighting with fireworks as previously scheduled, paying \$10,000 to view the fireworks instead of \$15,000 to not view the fireworks, if the following conditions are met:
- 501c6 agrees to pay for the "Discover Covington" no parking signs w/TCT dollars
 - Alternate side of the street parking & one-way traffic implemented for a distance from the Square that Police/Fire deem necessary to prevent "Grid Lock"/allow emergency vehicle access
 - County pays their portion (\$5k) as previously agreed
 - NCSO augments CPD as requested
 - Community Development assembles volunteers for security augmentation as needed by CPD
 - All City costs for event come from Community Development **existing budget** (including NO additional TPD dollars used)
 - Community Development markets the event, parking plan and designated viewing areas on social media (locally ONLY)

Motion carried with Council members Johnson, Moore, Rutberg, and Henderson voting in favor. Council members Keck and Davis voting in opposition.

Mayor Baggett **vetoed** motion to have fireworks at the Christmas Tree Lighting on the Square, due to unresolved safety concerns presented and darkness that results in decreased visibility for safety officials to patrol effectively.

City Attorney Frank Turner, Jr. stated Council may overturn the Mayor's veto or make an alternative motion regarding fireworks at the Christmas Tree Lighting on the Square and adopt a variation of the motion at the next Council meeting on September 16, 2024, and a majority vote of four Council members would be required. Mr. Turner questioned if there would need to be a timeframe needed to secure financial assistance from the County. Council member Johnson stated she had not heard back from Sherriff Ezell Brown with a final answer regarding officer assistance. Council member Davis stated she voted against the fireworks at the event due to unmanageable traffic and parking issues, and the fireworks add no value to the event. Council member Davis further stated that not having the fireworks may deter people from attending which would help with overcrowding and traffic issues. Council member Davis stated there is a huge liability issue with poor management of safety measures that needs to be seriously considered.

Thelma Nolley stated she was out with Council members Davis and Henderson as they were passing out flyers regarding a town hall meeting and she asked Council member Moore a question about Robinson Street and if he had told the neighborhood about something and he told her he had. Mayor Baggett stated the Council meeting was not the place to have a conversation like that and Ms. Nolley could set up a meeting to discuss with her. Ms. Nolley voiced frustration about not being allowed to speak.

Comments from the City Manager:

- Congratulations to Amanda Huggins in her new role as Regulatory Compliance Specialist in the Gas Department, thanks for filling in when needed

Deputy City Manager John King thanked Covington Police and Covington Fire for their quick response at a structure fire over the weekend. Mr. King stated there was structural damage but no injuries.

Council member Henderson stated he was confused if crowd control or not having fireworks was the issue discussed in the meeting. Mayor Baggett stated the bad behavior at the 4th of July event brought attention to how large the city's events had become and how the Square is too small to hold the amount of people attending. Mayor Baggett stated there are more children at the Christmas Tree Lighting and doesn't feel a clear safety plan or population control

action have been presented, especially considering this is a night event in the dark. Council member Henderson stated maybe the event should be cancelled. Mayor Baggett stated there is no way to gauge how many will attend, but not having the fireworks may deter people.

Council member Davis stated she received a compliment from a citizen about Anderson Bailey and the stellar service he gave by taking care of her trash can and cleaning it out.

Council member Keck stated the power went out just before the Georgia Bulldog game kick-off in her subdivision Covington Place and when she called Electric Director Joel Smith he assured he would have the power back on. Council member Keck further stated the power came on at 11:59 AM, with kick-off at 12:00 PM. Council member Keck commended Deputy City Manager John King for assisting in getting a traffic light repaired over the holiday weekend. Council member Keck stated Chief Bradford assisted with an issue concerning fireworks going off upsetting a dog as well, and she is appreciative of everyone.

Mayor Baggett stated Covington Police Officer Robert Hylemon was killed 48 years ago as of September 4, 2024 in an automobile accident and as of date he is the only officer lost in the line of duty in Covington. Mayor Baggett stated on September 3, 2018 Officer Matt Cooper was shot in the line of duty and miraculously survived. Mayor Baggett further stated Labor Day weekend is tough for our public safety officials and to remember and be grateful for them, particularly these two officers and their families. Mayor Baggett stated the house fire over the weekend was on Floyd Street directly across from her home and thankfully the elderly couple was not home and the dog was in the backyard. Mayor Baggett expressed gratitude for the firefighters that worked so vigilantly in the heat to take care of the fire. Mayor Baggett stated these are three examples of community well at work.

15. Motion made by Council member Davis, seconded by Council member Keck to enter into Executive Session at 7:34 PM for the purpose of discussing litigation.

Motion carried unanimously.

16. Motion made by Council member Keck, seconded by Council member Rutberg to enter into Regular Session at 7:39 PM.

Motion carried unanimously.

17. Motion made by Council member Keck, seconded by Council member Moore to amend agenda to add AA2, "Discussion of settlement with DR Horton."

Motion carried unanimously.

18. Motion made by Council member Rutberg, seconded by Council member Henderson to accept the settlement agreement and release from DR Horton and Wildwood Newton, LLC upon payment to the City of \$208,000.00.

Motion carried unanimously.

Being no further business meeting adjourned at 7:40PM.

Fleeta Baggett, Mayor

Amanda Huggins, Acting Deputy Clerk