

**REGULAR MEETING, MAYOR AND COUNCIL, CITY OF COVINGTON,
GEORGIA, COUNCIL ROOM, NOVEMBER 21, 2022, 6:30 PM.**

Mayor Steve Horton presided with Mayor Pro-tem Fleeta Baggett, Council members: Susie Keck, Anthony Henderson, Charika Davis, Kenneth Morgan, and Don T. Floyd, City Manager Tres Thomas, Assistant City Manager John King, City Clerk Audra M. Gutierrez, Deputy Clerk Amanda Huggins, and City Attorney Frank Turner, Jr. present.

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

1. Motion made by Council member Floyd, seconded by Council member Davis to approve the minutes from the Regular Council Meeting held on November 7, 2022.

Motion carried unanimously.

2. Motion made by Council member Baggett, seconded by Council member Henderson to approve the minutes from the Called Council Meeting held on November 14, 2022.

Motion carried unanimously.

Mr. Dwayne Mask discussed the Miracle League All-Star Weekend. Mr. Mask stated a donation of \$25,000.00 can be made to the Newton County Parks and Recreation Department, a resolution is then prepared for the Newton County Board of Commissioners, and the BOC then transfers the donation to the Miracle League fund. Mr. Mask stated the preferred time of donation is the beginning of 2023. Mayor Horton informed Council a budget amendment resolution needs approval as well as the donation request, if in favor.

Council member Morgan entered the meeting at 6:36 PM.

3. Motion made by Council member Baggett, seconded by Council member Keck to approve 2024 Miracle League All-Star Weekend financial support request amounting to \$25,000.00, distributing funds to Newton County Parks and Recreation Department in early months of 2023. This includes a budget amendment resolution increasing payments to other agencies account by \$25,000.00 and decreasing contingencies account by \$25,000.00.

Motion carried unanimously.

4. Motion made by Council member Davis, seconded by Council member Keck to approve adding "Discussion of Warming Shelter." to the agenda.

Motion carried unanimously.

5. Motion made by Council member Keck, seconded by Council member Morgan to approve adding "Discussion of 2022 LOST distributions." to the agenda.

Motion carried unanimously.

Mr. Alin Minovici, a resident of Covington Crossing, a senior 55+ facility, voiced concern regarding train horns. Mr. Minovici stated he resides approximately 300 yards from the closest railroad crossing. Mr. Minovici requested the City implement "No Train Horn: Guide to the Quiet Zone Establishment Process" as presented by the Department of Transportation Federal Railroad Administration Highway-Rail Crossing and Trespasser Programs Division. Mr. Minovici presented three potential design options for railroad crossings to provide safe rail crossings without the use of train horns. Mr. Minovici stated the noise level from train horn at West Street and Emory Street measured over 120 decibels, and he is willing to volunteer his service to assist if needed.

Council member Morgan suggested scheduling a work session to review the information Mr. Minovici presented from the Department of Transportation Federal Railroad Administration Highway-Rail Crossing and Trespasser Programs Division, and to discuss options on handling the noise level from train horns.

Ms. Thelma Nolley stated her neighbor informed her he must place a sidewalk in front of his house due to an ordinance, and she understood from a prior Council meeting the sidewalk requirement applied to new subdivision developments only and not existing neighborhoods. Ms. Nolley stated no one has picked up trash bags and tires on the trail at Spring Street from nine days ago, and that a "late fee charge" needs initiating to the garbage service for not picking up garbage on time. Ms. Nolley stated she does not think Tres Thomas needs to be City Manager.

City Manager Tres Thomas stated an ordinance text amendment is in discussion regarding a sidewalk bank, and having an escrow for cases involving existing neighborhoods.

City Attorney Frank Turner Jr. stated that according to the Impact Fee Law, a sidewalk bank would not work, as taking from someone and holding it for someone else is prohibited. Mr. Turner stated clarification would need stating in the City's Impact Fee Law.

Council member Keck suggested a text amendment to change language in sidewalk ordinance from "buildings" to "subdivisions".

Mayor Horton stated initiation of a text amendment to change sidewalk ordinance shall be placed on the December 12, 2022 Council meeting agenda.

6. Motion made by Council member Morgan, seconded by Council member Henderson to approve a license to sell alcoholic beverages for **on-premises consumption** only for:

Amici Italian Cafe	1116 College Ave SE
Bench Warmers Sports Grill	10205 Access Rd, Ste A
Bradley's Bar-B-Que	1160 Church Street
El Chaparro	6193 Hwy 278
Ichiban Ramen & Sushi Bar	4152 Washington Street, SW
Island VibeZ	3116 Hwy 278
Jim Stalvey's Restaurant & Lounge	3132 Hwy 278, NE
OSAKE	2123 Usher Street, NW
Pockets Billiards	6185 Hwy 278
Tello's Mexican Grill	4139 Hwy 278 NW
The Depot Sports Bar & Grill	4122 Emory Street, NW
Your Pie	1115 Washington St

Motion carried unanimously.

7. Motion made by Council member Morgan, seconded by Council member Henderson to approve a license to sell alcoholic beverages for **off-premises consumption** only for:

Alcovy Liquor	10117 Alcovy Road
Alcovy Road Chevron	10176 Alcovy Road
ALDI # 48	11152 Hwy 142 N
Beverage Mall	7254 Washington Street, SW
Citgo Food Mart	3251 Hwy 278 NW
Covington Food Mart	9123 Hwy 278
Emory Mart	2117 Emory Street
Food Depot	6169 Hwy 278

**Food Mart
Hazelbrand Store
La Tampiquena
Nitro 2 Go, LLC
Pace Street BP**

**6155 Hwy 36
9225 Hwy 142 N.
7134 Hwy 278 NE
9135 DR M L King Jr Ave.
2106 Pace Street**

Motion carried unanimously.

8. Motion made by Council member Morgan, seconded by Council member Henderson to approve a license for **Personal Service Beer and/or Wine** only for:

Beauty Bar Restoration Med Spa/Beauty Bar 1109 Floyd Street

Motion carried unanimously.

9. Motion made by Council member Morgan, seconded by Council member Henderson to approve a license to sell alcoholic beverages for **wholesalers only** for:

**Leon Farmer & Company
Northeast Sales Dist. Inc.**

**100 Rail Ridge Road, Athens, GA
840 Ronald Wood Road, Winder, GA**

Motion carried unanimously.

10. Motion made by Council member Morgan, seconded by Council member Henderson to approve a license for **Beer and/or Wine Retail Amenity** only for:

Ridge Avenue

1120 Monticello Street, SW

Motion carried unanimously.

11. Motion made by Council member Morgan, seconded by Council member Henderson to approve a license for an **Art Shop to allow patrons to bring and consume Beer and/or Wine in limited quantities** only for:

Wildart LLC

1105 Washington Street

12. Motion made by Council member Morgan, seconded by Council member Floyd to table public hearing, "Impact Fee 101" presentation, and discussion of

potential Impact Fee Program creation by Mr. Bill Ross of ROSS + Associates until December 12, 2022 Council meeting or sooner based on Mr. Ross's availability to present.

Motion carried unanimously.

A public hearing was held at 7:18 PM concerning the proposed rezoning of approximately 123 parcels located on Washington Street, Brown Bridge Road, Turner Lake Road, Jackson Highway, and DR M L King Jr Avenue. City Planner Renee Criswell gave a brief overview and re-presented staff recommendations to Council from the April 18, 2022 Council meeting, and explained there was an issue with public advertising that caused the need for another public hearing and bringing forth of proposal to Council. Council member Morgan questioned if Newton County Housing Authority property was part of the proposed zoning, and Mr. Jerry White questioned if any of the proposed zoning affected land around the bus barn. Mrs. Criswell informed the properties in question are not involved in proposed zoning.

13. Motion made by Council member Morgan, seconded by Council member Henderson to approve the afore-mentioned re-zonings on Washington Street, Brown Bridge Road, Turner Lake Road, Jackson Highway, and DR M L King Jr Avenue.

Council member Davis questioned if it was possible to vote on downzones and up zones separately. City Attorney Frank Turner Jr. stated downzones and up zones may be voted on separately, and the list of proposed zonings would need to be separated. Mr. Turner stated the motion on the floor stood to approve all proposed zoning presented, and Council member Morgan would need to retract motion. Council member Morgan stated he did not chose to retract the motion on floor approving all proposed zonings.

Motion carried with Council members Keck, Morgan, Baggett, Floyd, and Henderson voting for. Council member Davis voting against.

14. Motion made by Council member Keck, seconded by Council member Henderson to approve initiating a text amendment to **Section 16.12 BOAA Procedures** to coincide with the Georgia State Legislature amendment of the Zoning Procedures Law that requires change in the public notice requirements for BOAA hearings.

Motion carried unanimously.

15. Motion made by Council member Morgan seconded by Council member Davis to approve initiating a text amendment adjusting minimum thresholds for commercial in CM & TCM zones as a component of stacked flats, **Sec. 16.28.025 F.2.a.**, to include 20% minimum requirement for non-residential primary footage.

Motion carried unanimously.

Fire Chief Jeremy Holmes presented Council with a request to hire four part-time firefighters. Chief Holmes explained several full-time firefighters are working overtime to cover all shifts, as many are out on FMLA. Council member Floyd expressed concern for safety, being a part-time firefighter working a full-time job elsewhere may tire easily. Council members Morgan and Floyd stated employees out on FMLA need monitoring. Council member Davis stated FMLA monitoring is delicate, as long as a medical doctor signs off on paperwork leave is legitimate, and interference may lead to a lawsuit.

16. Motion made by Council member Keck seconded by Council member Henderson to approve the hiring of four part-time firefighters for 11 pay periods, including a budget amendment resolution increasing personnel expenses account by \$50,150.00 and decreasing contingencies account by \$50,150.00.

Motion carried with Council members Keck, Morgan, Baggett, Davis, and Henderson voting for. Council member Floyd voting against.

17. Motion made by Council member Keck, seconded by Council member Floyd to approve depositing 100% Election for Off-System Sales Margins and Voluntary Deposits into the MCT Flexible Operating Account Intermediate Extended Gratuity Portfolio.

Motion carried unanimously.

18. Motion made by Council member Morgan, seconded by Council member Henderson to approve Electric Cities of Georgia (ECG) FY22 Year-end Statement and Contract Payment Reimbursement amounting to \$6,245.72, to be refunded via check to the City of Covington.

Motion carried unanimously.

19. Motion made by Council member Baggett, seconded by Council member Morgan to approve Accelecom Service (formerly Georgia Public Web) contract/payment request for internet service amounting to \$2,550.00 as a monthly recurring charge.

Motion carried unanimously.

20. Motion made by Council member Keck, seconded by Council member Henderson to approve lowest bid from GWES amounting to \$80,100.00 for a consultant in regards to the design of a construction plan, contract documents, and construction administration services for the Brookwood Circle Culvert Replacement Project.

Ardurra	\$97,645.00
GWES	\$80,100.00

Motion carried unanimously.

Mayor Horton stated several citizens have voiced to him they would like consultants for the City that drive around residences to have a form of identification showing they are with the City of Covington on their vehicles.

City Manager Tres Thomas stated "Contracted with the City of Covington" magnets or labels for contractor vehicles shall be arranged.

Engineering Manager Michael Willis suggested broadcasting the location of the contracting work on social media, and he will make sure the public is aware of work.

21. Motion made by Council member Floyd, seconded by Council member Baggett to approve an Access Licensed Agreement between City of Covington and Jason and Marilee Denny of 2197 Church Street, allowing Foxworth Tree Service access to a tree for removal through Southview Cemetery, including a one year warranty on a tree replanting in the cemetery.

Motion carried unanimously.

22. Motion made by Council member Floyd, seconded by Council member Keck to appoint Austin Aldridge to the Citizen's Review Board.

Motion carried unanimously.

23. Motion made by Council member Morgan, seconded by Council member Henderson to authorize the City Attorney to draft a termination (non-renewal) letter to Utility Service Co. Inc. /Veolia North America with regards to maintenance of the City's five water tanks.

Motion carried unanimously.

24. Motion made by Council member Morgan, seconded by Council member Floyd to approve working with the City of Oxford to develop an agreement for up to 300,000 gallons of wastewater sewer capacity at \$22/gallon, as recommended by the Water Resources Director and the Oxford Waste Water Treatment Capacity Analysis performed by Carter & Sloop.

Motion carried unanimously.

A lengthy discussion ensued on how to manage and/or support a local Warming Shelter for homeless individuals during 2022-2023 winter months.

The City Clerk left the meeting at 8:19 PM, and returned at 8:22 PM.

25. Motion made by Council member Morgan, seconded by Council member Davis to approve partnering with Newton County in providing Warming Shelter services financial support only, not to exceed \$40,000.00, and having Newton County lead in contract agreements.

Motion carried with Council members Keck, Morgan, Davis, and Henderson voting for. Council members Baggett and Floyd voting against.

26. Motion made by Council member Keck, seconded by Council member Morgan to approve 2022 LOST distribution, with a 75% County 25% Cities division of proceeds for next 10 years.

Motion carried unanimously.

City Manager Tres Thomas gave an update on the pre-paid system, and stated the Electric Department completed installation of approximately 4,600 meters, and complete installation of all meters is scheduled for February 2023. Mr. Thomas stated gas meters (ERTs) are not the correct style and approximately

70% need changing out to operate correctly. Mr. Thomas clarified with Council that the ultimate goal is to include both electric and gas utilities to the pre-paid system. Mr. Thomas stated about six hours of time from Mayor and Council to meet with a GMA representative is needed to discuss the City's Strategic Plan update. It was the consensus of the Mayor and Council to meet after the 2023 New Year holiday.

Council member Baggett thanked the City for all the hard work from all departments to make the Tree Lighting/Bicentennial Celebration so wonderful.

Council member Floyd stated concerns regarding a local business was operating without a Certificate of Occupancy and voiced something needs to be done, as this is unsafe and wrong.

Mayor Horton stated four Tree Board members need appointing at the December 12, 2022 Council meeting, and requested Council members send nominations to the City Clerk prior to meeting. Mayor Horton stated he attended the Newton County Ministers Union building dedication, the "Wheels for the Shelter" event, and thanked them both for all they do to help support the community and for persons in need. Mayor Horton stated there will be a presentation at the December 12, 2022 Council meeting acknowledging honorary paver recipients. Mayor Horton wished everyone a Happy Thanksgiving.

27. Motion made by Council member Morgan, seconded by Council member Keck to enter into Executive Session for the purpose of discussing land and personnel at 8:52 PM.

Motion carried unanimously.

City Clerk Audra M. Gutierrez, Deputy City Clerk Amanda Huggins, City Manager Tres Thomas, and Assistant City Manager John King left the Executive Session at 9:11 PM.

28. Motion made by Council member Davis, seconded by Council member Henderson to enter into Regular Session.

Being no further business meeting adjourned at 10:10 PM.

Steve Horton, Mayor

Audra M. Gutierrez, City Clerk