

**REGULAR MEETING, MAYOR AND COUNCIL, CITY OF COVINGTON, GEORGIA, COUNCIL ROOM, JANUARY 3, 2023, 6:30 PM.**

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

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

Mayor Horton presented a proclamation honoring Mrs. Martha Logan Banks.

Mayor Horton administered the oath of office to new CPD Officer Rashad Rivers.

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1. Motion made by Council member Morgan, seconded by Council member Davis to approve the minutes from the Regular Council Meeting held on December 12, 2022 with the addition of "Motion carried unanimously." vote to Item 17.

Motion carried unanimously.

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2. Motion made by Council member Floyd, seconded by Council member Henderson to approve **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 16<sup>TH</sup> 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 13.08.380 (RIDERS AND ADJUSTMENTS) OF CHAPTER 13.08 (ELECTRIC SYSTEM) THEREOF**, TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES."

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

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3. Motion made by Council member Keck, seconded by Council member Henderson to approve **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 16<sup>TH</sup> 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 13.04.090 (EQUIPMENT, PROPERTY OF CITY—SEALS REQUIRED—RESPONSIBILITY FOR MAINTENANCE OF SEALS—DISCONTINUANCE OF SERVICE WHERE SEALS FOUND BROKEN—RECONNECTION FEES AND CHARGES WHERE SEALS FOUND TO BE BROKEN—UNLAWFUL TAMPERING—ACCESSIBILITY) THEREOF**, TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.”

Motion carried unanimously.

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4. Motion made by Council member Henderson, seconded by Council member Keck to approve **final** reading of an ordinance for the City of Covington, with change of language in Section 2 Subsection C to state “...if the city manager *or deputy city manager* should be absent or disabled...”:

“AN ORDINANCE OF THE CITY OF COVINGTON, GEORGIA, TO AMEND THE COVINGTON MUNICIPAL CODE, ENACTED AND ADOPTED ON THE 16<sup>TH</sup> DAY OF OCTOBER, 2001, AS AMENDED BY PREVIOUS AMENDMENTS, TO ALTER CERTAIN PROVISION OF TITLE 3 OF THE SAID CODE OF ORDINANCES FOR THE PURPOSE OF **AMENDING SECTION 3.08.010 (PURCHASING POLICY – WHEN APPROVAL REQUIRED) AND SECTION 3.08.020 (PURCHASING POLICY – EMERGENCY PURCHASE DEFINED – MANNER OF MAKING) OF CHAPTER 3.08 (PURCHASING PROCEDURES) THEREOF**, TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.”

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

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Gas Director Mike Jewell gave an update on the gas line bids for the Hwy 11/Hwy 278 Roundabout project. Mr. Jewell stated Harrison & Harrison withdrew their bid and D. Lance Souther Inc. was the only other bidder. Mr. Jewell stated Harrison & Harrison paid a 5% penalty bond to the City amounting to \$11,847.50 for withdrawing their bid therefore, D. Lance Souther Inc. was awarded the project in the amount of \$306,550.00 minus the penalty for a total project cost of \$294,702.50.

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Ms. Thelma Nolley stated she did not receive a response from anyone regarding her complaint against a speeding trash service driver. Ms. Nolley stated she placed a call with Customer Service at the end of November per protocol, and is concerned the driver will cause harm to someone.

Mr. Lee Durden of 4158 Floyd Street stated green space is very nice for the community, and questioned why green space lots are divided in order to create more density. Mr. Durden stated this happened at the corner of Dearing and Floyd Streets, and he is against it. Mr. Durden would like the City to see the bigger picture of where we are heading with this process. Mr. Durden stated investors/developers of new apartments do not care about anything but returns, and crime is increasing as a result.

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5. 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:

**BP Food Mart**

**5224 Hwy 278**

Motion carried unanimously.

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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:

**Elea J's Southern Table**

**6265 Hwy 278, NE**

Motion carried unanimously.

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7. Motion made by Council member Morgan, seconded by Council member Henderson to authorize the Mayor to sign a Terrorism Coverage Policy through CHUBB for the Covington Municipal Airport, ex post facto.

Motion carried unanimously.

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8. Motion made by Council member Morgan, seconded by Council member Henderson to authorize the Mayor to sign the E911 Fund Certification form prior to December 31st, ex post facto.

Motion carried unanimously.

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9. Motion made by Council member Morgan, seconded by Council member Henderson to authorize the Mayor to execute a Comprehensive Plan Transmittal Letter on December 22, 2022 in order to begin GADCA review, ex post facto.

Motion carried unanimously.

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10. Motion made by Council member Morgan, seconded by Council member Henderson to approve the re-appointment of Mr. Jim Maxwell to the Historic Preservation Commission.

Motion carried unanimously.

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City Clerk Audra M. Gutierrez left meeting at 7:11 PM and returned at 7:14 PM.

Mr. Bill Ross of ROSS + Associates presented a detailed PowerPoint presentation "Impact Fees 101" and explained a kick-off public hearing is required in accordance with Section (3) (a) of Chapter 110-12-2-.04 of the State's Development Impact Fee Compliance Requirement, as there is no current Impact Fees Program in the City of Covington.

A public hearing was held at 7:24 PM regarding said Impact Fee Program.

Mrs. Blaney Bostian of 4182 Floyd Street, NE questioned if current residents would see an increase in utility fees/property taxes, why not all cities have impact fees, and if green space is included. Mr. Ross stated impact fees only apply to new developments, municipalities suspended impact fees for a time but have begun re-initiating, and green space is included in parks and recreation but was accidentally left out of his presentation. Mr. Brion Frix of 130 Cornish Trace Drive stated he is in support for an impact fee schedule, as it allows the City to get hold of growth and shift cost from current taxpayers. Mr. Frix stated all public services in the City are strained. Mr. Lee Durden restated concern for lack of green space. Council member Keck clarified with Mr. Ross impact fees would affect new projects only.

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A public hearing was held at 7:42 PM regarding a SUP at 2119 Emory Street in the Town Center Mixed-use Zone allowing Recreational Goods Rental Use for the purpose of operating an online golf cart rental operation. Planning and Zoning Director Marc Beechuk gave a detailed staff report. City Attorney Frank Turner Jr. stated Emory Street is a state highway and golf carts may not travel on it,

although carts may cross at and travel on Usher St. Council member Keck stated the carts do not need to be on the grass and the accessory building needs work. Mrs. Blaney Bostian requested clarification on how said golf cart business operates and what the current use of property was. Mr. Beechuk stated currently there is online rental for the golf carts and the carts get delivered to renters, and three businesses share parking spaces. Mr. Brion Frix, Mr. Lee Durden, and Mr. Charlie Tuller of 715 Flat Rock Road with office at 2141 Emory Street spoke in support of the SUP with a condition allowing 6-8 golf carts maximum to allow parking for surrounding businesses. Mr. Lee Durden spoke against the SUP stating there is no agreement to share parking with applicant Mr. Jesse Gentes and surrounding businesses will have no parking. CPD Chief Stacy Cotton questioned the expectation of law enforcement in patrolling the state highway, and traffic accidents could likely increase at the Emory and Clark Streets intersection.

11. Motion made by Council member Floyd, seconded by Council member Morgan to **deny** the request for a SUP at 2119 Emory Street in the Town Center Mixed-use Zone.

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

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12. Motion made by Council member Morgan, seconded by Council member Davis to defer a public hearing of a request from Crescent Communities, LLC for future land use and rezoning of 34.67 acres on Turner Lake Road to Town Center Residential (TCR) and allow a multi-family development over 5 acres until the February 6, 2023 Council meeting.

Motion carried unanimously.

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A public hearing was held at 8:13 PM regarding a text amendment addition to **Section 16.28.025**- Building Typology F. Stacked Flat 2 Design Standards. Planning and Zoning Director Marc Beechuk gave a detailed staff report.

13. Motion made by Council member Keck, seconded by Council member Morgan to approve the **first** 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 16<sup>TH</sup> 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**

**16.28.025 (BUILDING TYPOLOGY); TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.”**

Motion carried unanimously.

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A public hearing was held at 8:19 PM regarding a Board of Adjustments and Appeals (BOAA) procedures text amendment as to reflect rules passed by State of Georgia. Planning and Zoning Director Marc Beechuk gave a brief report on updates required.

14. Motion made by Council member Davis, seconded by Council member Morgan, to approve the **first** 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 16<sup>TH</sup> 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 16.12.170 (VARIANCES) AND 16.12.180 (APPEAL PROCEDURES) OF CHAPTER 16.12 (PROCEDURES)** THEREOF TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.”

Motion carried unanimously.

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15. Motion made by Council member Morgan, seconded by Council member Henderson to approve a request from Mesa Capital Partners, LLC to withdraw without prejudice a request for a SUP and zoning proposal for PR22-0006 & PSU22-0007 at Alcovy Road/Harland Drive.

Motion carried unanimously.

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City Clerk Audra M. Gutierrez read aloud the submitted resumes from Mrs. Callie Carter Whitworth and Mr. Jonathan Paschal for consideration to fill Mr. Tim Fleming’s position on the Planning Commission.

16. Motion made by Council member Baggett, seconded by Council member Floyd to appoint Mrs. Callie Carter Whitworth to the Planning Commission, to fill the unexpired term of Mr. Tim Fleming.

Motion carried unanimously.

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17. Motion made by Council member Keck, seconded by Council member Baggett to approve the best bid from ACS (Air Condition Specialist) Option 2 amounting to \$35,275.00, for replacement of the HVAC system at the LAS (Land App. System) control building.

Apex Facility Services Group	\$27,099.00
Mitchell Mechanical Services	\$40,122.00
Air Conditioning Specialist (ACS)	<b>Option 1 \$27,250.00/ Option 2 \$35,275.00</b>

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

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CPD Chief Stacy Cotton presented bids for the purchasing of rifles and suppressors for the Covington Police Department.

<b>AmChar Wholesale</b>	
Rifle- No Bid	Suppressor Option 1 \$25,960.00 Option 2 \$21,600.00
<b>Quiet Riot Firearms LLC</b>	
Rifle- No Bid	Suppressor \$25,920.00
<b>ADS</b>	
Rifle \$112,899.60	Suppressor \$23,908.00
<b>Gulf States Distributors</b>	
Rifle \$91,316.00	Suppressor \$28,760.00
<b>Dana Safety Supply</b>	
Rifle \$99,992.00	Suppressor \$27,794.40
<b>Rugged Suppressors</b>	
Rifle- No Bid	Suppressor Option 1 \$33,040.00 Option 2 \$27,370.00

18. Motion made by Council member Henderson, seconded by Council member Keck to approve the lowest bid from Gulf State Distributors amounting to \$91,316.00, for the purchase of 40 rifles.

Motion carried unanimously.

19. Motion made by Council member Keck, seconded by Council member Baggett to approve the best bid from Rugged Suppressors amounting to \$33,040.00 (Option 1), for the purchase of 40 suppressors.

Motion carried unanimously.

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20. Motion made by Council member Keck, seconded by Council member Baggett to approve allowing the City Manager to authorize the best or most responsive bid to be determined by the Engineering Department for emergency repairs to a culver/sinkhole on Turner Lake Road.

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

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21. Motion made by Council member Morgan, seconded by Council member Floyd to appoint of Frank Turner, Jr. as City Attorney (with assistance from Greer, Stansfield & Turner, LLP if needed).

Motion carried unanimously.

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22. Motion made by Council member Morgan, seconded by Council member Davis to appoint Qader A. Baig as Municipal Court Judge.

Motion carried unanimously.

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23. Motion made by Council member Baggett, seconded by Council member Morgan to appoint Piedmont Physicians as City Physicians.

Motion carried unanimously.

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24. Motion made by Council member Morgan, seconded by Council member Floyd to approve the ban of TikTok application on all City of Covington owned digital devices.

Motion carried unanimously.

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25. Motion made by Council member Morgan, seconded by Council member Keck to approve the appointment of Anthony Henderson as Mayor Pro-tem and Don Floyd as Mayor Pro-tem Elect.

Motion carried unanimously.



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Comments from the City Manager:

- Thanks to all City employees that worked tirelessly through arctic blast
- Newton County Chamber of Commerce annual meeting at Oxford College on March 9, 2023
- Waiting on marker to be made and shipped for time capsule, expected timeframe of delivery is sometime February 2023, a ceremony to be scheduled
- Strategic Planning meeting on February 22, 2023 from 9 AM - 4 PM at Covington Municipal Airport
- MEAG Plant Vogel field trip on June 7, 2023
- Quiet Zones for railroad tracks update - \$200,000.00 to implement per crossing
- Planning and Zoning Commission Chairman requested meeting with Mayor and Council, 30 minute Work Session for February 20, 2023 at 5:30 PM is scheduled

Mayor Horton mentioned there are unprecedented water issues due to the recent arctic blast.

Council member Morgan thanked Mayor and Council for the proclamation for his aunt, Mrs. Martha Logan Banks, and stated her funeral is Friday, January 6, 2023.

Council member Baggett thanked all City departments that worked so hard during arctic blast.

Council member Davis commended City employees for checking on residents of Sterling Lakes and for working tirelessly with a positive attitude through the holidays.

Council member Floyd reiterated gratitude to City employees.

Mayor Horton stated the Annual Legislative Prayer Breakfast will be held at the Turner Lake Complex and is scheduled for January 6, 2023 at 7:30 AM and the Publix at Town Center grand opening is January 11, 2023 at 7:00 AM.

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26. Motion made by Council member Morgan, seconded by Council member Davis to enter into Executive Session at 9:02 PM for the purpose of discussing land.

Motion carried unanimously.

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27. Motion made by Council member Keck, seconded by Council member Morgan to enter into Regular Session.

Motion carried unanimously.

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Being no further business meeting adjourned at 9:32 PM.

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Steve Horton, Mayor

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Audra M. Gutierrez, City Clerk