

REGULAR MEETING, MAYOR AND COUNCIL, CITY OF COVINGTON, GEORGIA, CITY HALL, FEBRUARY 2, 2009, 6:30 PM.

Mayor Kimberly C. Carter presided with Mayor Pro-Tem Hawnethia Williams, Council members: Janet A. Goodman, John A. Howard, Mike Whatley, Ocie Franklin, and Keith Dalton, City Manager Steve Horton, Acting City Clerk Tonya R. Grier, Deputy Clerk Audra M. Gutierrez, and City Attorney E. A. Crudup, Jr., present.

Bethlehem Baptist's Associate Pastor Solomon Garrett opened the meeting with prayer.

Mayor Carter acknowledged the presence of County Commissioner Tim Fleming and former Mayor Sam Ramsey in the audience.

Sam Ramsey of Ramsey's Furniture Co., Inc. and Susan Dario of Dario Associates, Inc. were in attendance to discuss their furniture bids for the elected official's office.

1. Motion made by Council member Dalton, seconded by Council member Goodman to approve the low bid from Ramsey's Furniture Co. in the amount of \$8,599.95, to purchase furniture for the elected official's office.

| | |
|------------------------------|-------------|
| Ramsey's Furniture Co., Inc. | \$8,599.95* |
| Dario Associates, Inc. | \$14,362.62 |

*dining room arm chair SLF 5423 can be substituted for \$180.00, bringing total bid to \$8,279.95.

Motion carried with Council members Goodman, Howard, Dalton, and Franklin voting for. Council members Whatley and Williams voting against.

2. Motion made by Council member Whatley, seconded by Council member Goodman to approve the minutes from the Regular Council Meeting held on January 5, 2009 and the Called Meeting held on January 20, 2009.

Motion carried unanimously.

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

“AN ORDINANCE TO AMEND SECTION 59 OF THE CHARTER OF THE CITY OF COVINGTON, SO AS TO **CHANGE THE DESIGNATION OF THE CITY'S FISCAL YEAR**; TO REPEAL ALL OTHER ACTS AND ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.”

Motion carried unanimously.

4. Motion made by Council member Whatley, seconded by Council member Dalton to approve the **final** reading of an ordinance for the City of Covington to annex a tract or parcel of land lying and being in Land Lot 245, Ninth Land District, Newton County, Georgia, containing 5.0 acres and to zone said property NR-1 (Neighborhood Residential 1):

"AN ORDINANCE OF THE CITY OF COVINGTON, GEORGIA, TO ANNEX PROPERTY INTO THE CITY OF COVINGTON, GEORGIA, PURSUANT TO ARTICLE 2, CHAPTER 36 OF TITLE 36 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES."

Motion carried unanimously.

Newton County Chamber President John Boothby was in attendance to present the 4th quarter Economic Development Report and the 2008 Annual Economic Development Report.

5. Motion made by Council member Goodman, seconded by Council member Dalton to approve the adoption of a resolution of the Mayor and City Council of the City of Covington, Georgia, supporting certain local legislation further defining and prescribing the powers and duties, and further regulating the management and conduct of the Newton County Industrial Authority.

Motion carried unanimously.

6. Motion made by Council member Goodman, seconded by Council member Whatley to approve the adoption of a resolution of the Mayor and Council of the City of Covington, Georgia to express the City's intent to increase the rate of the excise tax on rooms, lodgings, and accommodations by three percent to be allocated for tourism product development purposes while preserving the distribution percentages for current recipients at the existing rate; to request the enactment of a local act of the General Assembly authorizing the expenditure of the taxes collected pursuant to such increase; and for other purposes.

| <u>Projects</u> | <u>% to be allocated</u> |
|--|--------------------------|
| Promoting tourism, conventions, & trade | 50% |
| Purchase Railroad R-O-W | 35% |
| Wayfinding signage | 2.5% |
| Restoration of old Jail & History Center | 1.5% |
| Hunter & Stallings Streets improvements | 7.5% |
| Chimney Park | 1% |
| Miracle Field | 2.5% |

Motion carried unanimously.

Covington-Conyers Cycling Club President Maurice Carter was in attendance to discuss the upcoming 4th Annual "Georgia Rides to the Capital" event on March 3, 2009. Mr. Carter presented a time-line for the event and asked for the Mayor and Council's support.

7. Motion made by Council member Dalton, seconded by Council member Williams to acknowledge receipt of the following:

Covington Planning Commission

February 10, 2009 Agenda

January 13, 2009 Minutes

Historic Preservation Committee

February 4, 2009 Agenda

Motion carried unanimously.

Planning Director Shelley Stiebling, Attorney Scott Cole, County Engineer Kevin Walter, applicant JaNice Van Ness, architect Bill Foley, area resident Wendell Crowe, property owner Carol Veliotis, and City Fire Chief Don Floyd were in attendance to discuss a Special Use Permit application for a private school to be located at 70 McGuirts Bridge Road.

8. Motion made by Council member Whatley, seconded by Council member Howard to deny the Planning Commission's recommendation to approve the afore-mentioned SUP application.

Council members Whatley, Howard, and Franklin voting for. Council members Goodman, Williams, and Dalton voting against. Motion denied with Mayor Carter voting against, breaking 3-3 tie.

9. Motion made by Council member Dalton, seconded by Council member Goodman to accept the Planning Commission's recommendation to approve the afore-mentioned SUP application with the following stipulations:

A. USE

1. The Special Use Petition is limited to the use of a School, K-12, and the owner/operator must reapply for the renewal of the SUP on or before February 2014. Failure to reapply as specified rescinds the SUP.
2. The SUP shall expire automatically and cease to be of any force or effect if the School, K-12, is discontinued for a period of twelve (12) months.
3. Private school (K-12) with minimum acreage of 25 acres; outdoor recreation facilities, indoor recreational facilities (gym, health, fitness), one dwelling for an employee of private school, health and social services such as counseling service.
4. Accessory uses are limited to uses such as auditorium, library, administrative offices, kitchen facility and dining areas.
5. All Supplemental Use Regulations must be met prior to the issuance of any certificate of occupancy.
6. Interconnectivity to adjacent property Neely Farms, shall be required. A stub out drive to the property line shall be required.

B. STANDARDS

1. Outdoor activity must be limited to the hours of 9:00 .a.m. to 9:00 p.m., seven days per week.
2. The scale, intensity, and operation of the accessory uses or facility must not generate unreasonable noise, traffic congestion, or other potential nuisances or hazards to contiguous residential properties in the NR1, NR2 and NR3 zoning districts.
3. Student population shall be calculated according to the ordinance/development regulations.
4. Building area must not exceed 55,000 square feet for K-12 grades.
5. Signage is not allowed for accessory or special uses.
6. Parking must not exceed 200 parking spaces.
7. Retail and commercial sales are prohibited.
8. Outdoor loudspeakers or sound amplification systems shall be permitted at the athletic field if speakers are directed exclusively away from the residential area.
9. No outdoor storage shall be permitted.

C. DEVELOPMENT

1. A copy of the Special Use Permit Ordinance must be submitted concurrently with all site development, engineering, and building plans.
2. Grading must occur in three phases as stated in the applicant's Conceptual Master Plan dated December 1, 2008 (attached).
3. Buffers on the east, west and north side of the property must remain as 50' undisturbed buffers.
4. Deeded 100' conservation buffer located on the south property line must remain undisturbed.
5. The 25' stream and pond buffers must remain undisturbed.
6. Impervious coverage must be no more than 17.90% as stated in the applicant's Conceptual Master Plan.
7. Applicant must provide a sprinkler system for all buildings.
8. Applicant must meet all building and fire codes, including ADA accessibility.
9. All applicable permits must be obtained from the Planning and Zoning Department prior to any buildings on the property being occupied for the School, K-12.
10. The SUP shall expire automatically if a building permit or other required approvals such as the state license is not secured within twelve months from February 2, 2009.
11. Building design, parking standards, and clear zones must meet the requirements of the City of Covington's zoning ordinance.
12. A Parking Lot Permit Application must be submitted to the Planning and Zoning Department in accordance with Chapter 16.44.010, Off-Street Automobile Parking Spaces prior to the issuance of any development permits.
13. Applicant shall connect walking trails/sidewalks with walking trails/sidewalks on all adjoining properties.
14. Applicant shall incorporate LEED planning standards.

D. ENVIRONMENTAL

1. Applicant must consult with the City of Covington's Environmental Compliance Division, to ensure compliance with all codes and inspections requirements associated with backflow prevention and submit proof of compliance with all development plans.
2. Applicant must consult with the Newton County Health Department, Environmental Health Division, to ensure compliance with all codes and inspections requirements associated with onsite wastewater treatment (septic systems, etc.) and submit proof of compliance with all development plans.
3. The water supply for the irrigation system shall come exclusively from the spring fed pond located on the site unless and until the pond is no longer able to sustain the system.
4. Water quality and possibly hydraulic control of the stormwater runoff must comply with the standards provided in the Georgia Stormwater Management Manual.

E. LIGHTING

1. Parking facilities shall have adequate lighting if the facilities are to be used at night. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

2. Lighting shall be designed to preclude light spillover on to adjacent properties. All lighting shall be fully shielded, have recessed luminaires or be cut-off luminaire fixtures mounted in such a manner that the cone of light is directed downward and does not cross any property line of the site.

3. Only incandescent, florescent, metal halide, low-pressure sodium or color-corrected, high-pressure sodium may be used.

4. Where practical, exterior lighting installations shall include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours when lighting is not needed, to reduce overall energy consumption and eliminate unneeded lighting.

5. Applicant shall use pedestrian scale lighting fixtures no higher than 20-feet above grade for the parking lot area. Pedestrian walkways shall use bollard type lighting. Lighting for the playing fields shall be no higher than 40-feet.

6. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed and shielded so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site. Use of commercial grade quality and glare/light pollution shielding is required.

7. Security lighting should use the lowest possible illumination to effectively allow surveillance.

8. A lighting plan addressing the lighting conditions shall be submitted prior to the issuance of a development permit.

F. TRANSPORTATION

1. Applicant must consult with the Newton County Engineer to ensure that all of the requirements for ingress, egress and county road regulations and standards are met.

2. Approved plans by Newton County's County Engineer will be submitted to the City of Covington prior to the issuance of any development permits.

3. The subject property must have a minimum of 50' frontage along McGuirts Bridge Road for ingress and egress.

4. The requirements of the Newton County Engineer based on a traffic study and signal warrant analysis shall be met prior to the issuance of a development permit as well as county road regulations and standards for McGuirts Bridge Road.

5. Applicant may place a traffic calming device on the road that will stub to the property line with Neely Farms if deemed it necessary for safety purposes.

G. SIGNAGE

1. One double face ground sign per road frontage of up to sixteen (16) square feet per face with a maximum height of eight feet and minimum setback of ten (10) feet.

H. LANDSCAPING

1. The requirements of the Tree Preservation Ordinance must be met, including landscaped area and parking lot landscaping. A landscape plan must be submitted and approved prior to a development permit being issued.

2. A tree survey must be included in the landscape plan.

3. All other requirements (i.e., dumpster screening, etc.) of Open Space, Buffers and Screening, Chapter 16.40, must be met prior to the issuance of a development permit.

4. Applicant shall incorporate tree planting sufficient to block noise and sight on the east side of the outdoor sports facility in consultation with the Acting City Arborist.

I. CIVIC DESIGN STANDARDS

1. The Civic Design Standards, Chapter 16.28, must be met (building design, streetscape dimensions, etc.), and plans must be submitted for review and approval prior to the issuance of a development permit.

2. Modular or manufactured trailers are not allowed on site for any purpose.

3. Applicant must provide not less than three bicycle racks for bicycle parking spaces.

Council members Goodman, Williams, and Dalton voting for. Council members Whatley, Howard, and Franklin voting against. Motion carried with Mayor Carter voting for, breaking 3-3 tie.

Council member Howard left the meeting.

Council member Dalton and City Manager Steve Horton left the Council room.

10. Motion made by Council member Whatley, seconded by Council member Williams 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 16TH DAY OF OCTOBER, 2001, AS AMENDED BY PREVIOUS AMENDMENTS, TO MODIFY CERTAIN PROVISIONS OF SECTION 5.36.030 THEREOF RELATING TO **PAWNBROKER REPORTING REQUIREMENTS**, TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES."

Motion carried unanimously.

11. Motion made by Council member Whatley, seconded by Council member Franklin to approve the **first** reading of an ordinance for the City of Covington, as amended:

Add a 15% credit for run-off from public property onto private property.

"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 PROVISIONS OF TITLE 13 OF THE SAID CODE FOR THE PURPOSE OF **REDUCING THE STORMWATER UTILITY FEE AND PROVIDING ADDITIONAL CREDITS THERETO**, TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES."

Motion carried unanimously.

Council member Dalton and City Manager Steve Horton returned to the Council room.

- 12. Motion made by Council member Whatley, seconded by Council member Williams to approve a Special Equity Call and the 9th Equity Call from MEAG Power in accordance with the Vogtle Development Contract in the amounts of \$304,159.62 and \$177,114.48, to be paid out of the City's short term flexible operating account of the Municipal Competitive Trust.

Motion carried unanimously.

- 13. Motion made by Council member Goodman, seconded by Council member Williams to approve nominating Utility Director Bill Meecham as Voting Delegate and Mayor Carter as Voting Alternate for the MEAG Marketing Services Board.

Motion carried unanimously.

- 14. Motion made by Council member Williams, seconded by Council member Whatley to adopt a resolution authorizing the Mayor to execute a MEAG Business Unit Reorganization/Electric Cities Agreement in the amount \$47,823.00, to be paid out of the Local Economic Development Reserve Account.

Motion carried unanimously.

- 15. Motion made by Council member Whatley, seconded by Council member Dalton to authorize the City Manager to execute an agreement with the City of LaGrange to acquire 3,514 kW in reserves at an annual cost of \$23.98 per kW, total \$84,265.72.

Motion carried unanimously.

- 16. Motion made by Council member Whatley, seconded by Council member Dalton to acknowledge receipt of an AT&T Franchise request.

Motion carried unanimously.

- 17. Motion made by Council member Dalton, seconded by Council member Whatley to approve the following best bids to purchase required equipment for new Ladder 4:

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|-------------------------------------|--------------------|
| Fireline | \$10,074.00 |
| <u>Municipal Equipment Supplies</u> | <u>\$31,764.00</u> |
| Total | \$41,838.00 |

Amount in 2008-2009 Budget is \$60,000.00

Motion carried unanimously.

- 18. Motion made by Council member Goodman, seconded by Council member Dalton to approve the adoption of a resolution to amend the 2008-2009 Budget to increase the LAS Dept. #7101 Expense Acct. \$255,000.00 and Revenue Acct. \$323,471.47.

| | |
|------------------------------|--------------------|
| 54.1200 (Machinery & Equip.) | \$195,000.00 |
| 52.3851 (Contracted Svcs.) | \$30,000.00 |
| <u>53.1280 (Diesel Fuel)</u> | <u>\$30,000.00</u> |
| Total | \$255,000.00 |

Motion carried unanimously.

- 19. Motion made by Council member Whatley, seconded by Council member Dalton to approve the following invoices for the replacement of lightning damaged equipment at the LAS:

| | |
|---------------------------------------|--------------|
| Baker Technical Services (3 invoices) | \$234,034.00 |
| Thompson Pump (4 invoices) | \$26,446.63 |

Motion carried unanimously.

- 20. Motion made by Council member Whatley, seconded by Council member Franklin to approve the following low bids to purchase police vehicles:

Patrol Cars (4)

| | |
|-------------------------------|----------------------------|
| Covington Ford – Crown Vic | \$23,632.00 |
| Ginn Chrysler – Dodge Charger | \$23,202.00* = \$92,808.00 |

CSU SUV (1)

| | |
|-----------------------------|--------------|
| Covington Ford - Expedition | \$22,814.00* |
| Ginn Chrysler - Tahoe | \$27,710.00 |

CID Units (3)**

| | |
|-----------------------------------|----------------------------|
| Covington Ford – Crown Vic V-8 | \$23,123.00 |
| Ginn Chevrolet - Impala V-6 | \$23,257.00 |
| Ginn Chrysler – Dodge Charger V-6 | \$22,135.00* = \$66,405.00 |

*Low bid

**To be purchased out of forfeited drug funds

Motion carried unanimously.

- 21. Motion made by Council member Williams, seconded by Council member Franklin to approve a proposal from URS in the amount of \$6,500.00, for the Round-A-Bout bidding and letting phase.

Motion carried unanimously.

- 22. Motion made by Council member Whatley, seconded by Council member Williams to approve a request from Newton County for temporary one-way traffic and Handicap Parking on Hunter Avenue.

Motion carried unanimously.

- 23. Motion made by Council member Whatley, seconded by Council member Williams to approve the low bid from Unicoi State Park & Lodge in the amount of \$231.56 per person, for the upcoming Planning Retreat.

| | |
|---------------------------|----------|
| Brasstown Valley | \$329.00 |
| Callaway Gardens | \$328.09 |
| Unicoi State Park & Lodge | \$231.56 |

Motion carried unanimously.

24. Motion made by Council member Dalton, seconded by Council member Williams to appoint Mr. Weston Brown as Chairman of the Cross-Connection Control Board.

Motion carried unanimously.

25. Motion made by Council member Williams, seconded by Council member Whatley to nominate Council member Dalton as Mayor Pro-tem Elect for 2009.

Motion carried with Council members Whatley, Williams, Dalton, and Franklin voting for. Council member Goodman voting against.

The City Manager appointed Tonya R. Grier as Acting City Clerk.

26. Motion made by Council member Dalton, seconded by Council member Williams to authorize the City Attorney to amend the Ordinance to delete the requirements that the City Clerk must reside in the City and to move the financial duties from the City Clerk to the Finance Director.

Motion carried unanimously.

A copy of the City's new Organizational Chart was given to the Council for information and review.

27. Motion made by Council member Whatley, seconded by Council member Williams to approve an invoice from BB&T Insurance Services, Inc. in the amount of \$30,537.78, for the renewal of the City's Workers Comp Insurance.

Motion carried unanimously.

28. Motion made by Council member Goodman, seconded by Council member Franklin to approve releasing Federal Funds paid to the City to the Housing Authority in the amount of \$99,000.00, for renovations at the homeless shelter.

Motion carried unanimously.

29. Motion made by Council member Whatley, seconded by Council member Williams to approve the following invoices:

DATA PROCESSING

| | |
|--|-------------|
| Advanced Utility Systems, Corp. | |
| -CIS Infinity support for 2009 | \$52,302.00 |
| -Configuration of postage mailing system interface | \$20,300.00 |
| Veristor Systems, Inc. | |
| -Hardware for disaster recovery | \$87,036.27 |

STORMWATER

| | |
|--|-------------|
| Robert M. Anderson, Inc. | |
| -3 rd pay request for City Hall P-lot project | \$22,958.78 |

WATER & SEWER

| | |
|--------------------------------------|-------------|
| D & J's Pipeline Company | |
| -Emergency repairs on Hospital Drive | \$42,625.00 |

Motion carried unanimously.

The City Manager commented of the following:

- National League of Cities Prescription Discount Cards for Covington Citizens
- Work Session on Thursday at 5:30 PM to discuss Elected Officials' salary issues
- Prevent Child Abuse Newton donations

30. Motion made by Council member Franklin, seconded by Council member Goodman to approve authorizing Dario Associates to work with Ramsey Furniture Co. to purchase complete office furnishings with a total budget not to exceed \$12,000.00.

Motion carried with Council members Whatley, Goodman, Williams, and Franklin voting for. Council member Dalton voting against.

31. Motion made by Council member Dalton, seconded by Council member Goodman to enter into Executive Session for the purpose of discussing potential land acquisitions.

Motion carried unanimously.

32. Motion made by Council member Whatley, seconded by Council member Goodman to enter back into Regular Session.

Motion carried unanimously.

33. Motion made by Council member Whatley, seconded by Council member Dalton to authorize the City Manager to get appraisals on three parcels west of the airport runway and offer the owners of the parcels an amount equal to the appraised value, provided the amount is not less than what was paid for the properties.

Motion carried unanimously.

Being no further business meeting adjourned at 10:31 PM.

Kimberly C. Carter, Mayor

Tonya R. Grier, Acting City Clerk