



**MINUTES OF THE OXFORD MAYOR AND COUNCIL MEETING
REGULAR SESSION
MONDAY, August 5, 2019 – 7:00 PM
CITY HALL**

PRESENT: Jerry D. Roseberry, Mayor; Council members: George Holt; Jim Windham; Mike Ready; David Eady; Jeff Wearing. Sarah Davis was not present. Staff members present: City Manager Matt Pepper, City Clerk Connie Middlebrooks, Utility Superintendent Jody Reid, Police Chief Dave Harvey, City Attorney David Strickland.

OTHERS PRESENT: Peggy Madden, Art & Laurie Vinson, Adrienne Waddey, Anderson Wright, Dave Huber, Patsy Burke, Cheryl Ready, Tim Williams, Brenda Williams, Cathy Allen, and Linda Allen.

1. The meeting was called to order by the Hon. Jerry D. Roseberry, Mayor
2. Invocation was delivered by Chief Dave Harvey
3. Pledge of Allegiance

4. **Motion to accept the Agenda for August 5, 2019 – Ready – Second – Wearing, approved unanimous 6/0.**

5. **Consent Agenda - Approved unanimous 6/0.**

6. **Mayors Report**

Mayor Roseberry informed everyone that Ms. Sarah Davis would not be attending the meeting, she had fallen and dislocated her shoulder. He also updated Council on the health of Hoyt Oliver, who is recovering from pneumonia at Riverside Health Center. Mayor Roseberry extended well wishes and a speedy recovery to both. Mayor Roseberry informed Council that the Police Department had issued 71 citations, 46 warnings, and made 4 arrests.

7. **Planning Commission Recommendations/Petitions**

City Manager Matt Pepper stated the Planning Commission had one recommendation to move forward with approving the development permit submitted by the residents at 712 Emory Street. Details regarding the approval of this development permit will be further discussed with item 10 on the agenda.

8. **Citizens Concern**

Mr. Tim Williams (229 East Soule Street) addressed Council regarding a citation he was issued for parking his dump truck on the property. Mr. Williams stated that his family owns all the property in and around that area and had been residents for more than sixty-eight years. He would like Council to grant him permission to continue to park his truck at his residence. Mayor Roseberry informed Mr. Williams that he, the city manager, and Chief Harvey were looking into the situation and hoped to have a resolution for him soon.

9. 2019 Property Tax Millage Rate Adoption

Mayor and Council hosted three public hearings on the proposed Property Tax Millage Rate adoption. The first two occurred on Monday, July 29th at 9 am and 6 pm and the third was held prior to the regular session on Monday, August 5th. Mayor and Council discussed adopting a millage rate of 6.622 mills, which will be an increase of 0.607 mills. This millage rate will increase property taxes by 9.36%.

Motion by Councilmember Ready to adopt Millage Rate of 6.622 mills– second – Wearing, approved 5/1 with Councilmember Holt opposed.

10. Alley Between 712 and 802 Emory Street.

City Attorney David Strickland informed Council that a title examination for the alley had been completed, back to the late 1800's, and there was no deed into/from any individual that addresses ownership of the alley way. For that reason, he could not certify a title. He stated that the city could still resolve the issue by continuing the title search on further back, or by moving forward with a quit claim deed to the Roan's thereby relinquishing any rights, the city might have to the alley. Councilmember Windham referenced other remodeling projects with encroachments that the city has allowed to occur. Councilmember Windham made the motion to allow the Roan's to move forward with their intended renovations since it does not include modifying the footprint of the house or the garage in question and to resolve the other issue at a later date. Councilmember Eady suggest strongly that ownership of the alley must be determined.

Motion by Councilmember Windham to allow homeowner to move forward with remodel of interior – second – Holt, approved 5/1 with Councilmember Eady opposed.

11. Moore Street Sidewalk Project

City Manager Matt Pepper reviewed for Council the Moore Street Value Engineering Results which yielded three options: Option 1 reduce width of sidewalk to 4' (reducing the bid by \$11,402.82); Option 2 eliminating the portion of the sidewalk that extends from the raised crosswalk on Moore Street to Haygood Avenue (reducing the bid by \$10,500); Option 3 eliminating sidewalk connector between Haygood and Emory streets (reducing the bid by \$2,735.95). Implementing all three options would reduce the bid by \$24,638.77. Councilmember Windham questioned if we could resource the funds from somewhere else to complete the project as it was originally approved. Council did agree to reject the Value Engineering Study and set the project up for re-bidding.

12. Emory Street Sidewalk Project Intergovernmental Agreement (IGA)

City Manager Matt Pepper explained to Council the details of the intergovernmental agreement with the City of Covington for contracting requirements and payment processing on behalf of the City of Oxford. The City of Covington approved the IGA at their meeting on July 22nd.

Motion to approve IGA for Emory Street Project – Windham – Second – Wearing, approved unanimous 6/0.

13. 107 W. Clark Street Renovation Project.

Councilmember Wearing informed Council the committee had received drawings from Carter & Watkins Associates. The drawings, however, were not in line with what the committee had envisioned for the project. A conference call to Carter & Watkins was scheduled on Tuesday, August 6th at 2:30 pm to discuss the drawings. Councilmember Ready added that the DDA would participate on the conference call.

14. Invoice Approval

Councilmember Holt questioned why there was a separate invoice from Cowart Mulch Products, and why it was not included in the original capital expenses. Matt Pepper explained that a need did arise for the

purchase of additional mulch to complete the project.

Motion by Ready to approve July invoices - second Holt, approved unanimous 6/0.

Regular Session adjourned at 7:27 pm

Executive Session

Motion to go into an Executive Session at 7:32 pm – Wearing – Second – Holt, approved unanimous 6/0.

City Attorney David Strickland updated Council on ongoing litigation.

Council discussed personnel matters regarding City Clerk salary.

Motion to adjourn the Execution Session at 7:40 pm – Windham– second – Wearing, approved unanimous 6/0.

Motion to adjourn Regular Session at 7:41 pm – Windham – Second Wearing Approved unanimous 6/0.

Respectfully Submitted;

Connie Middlebrooks
City Clerk

**OXFORD MAYOR AND COUNCIL
REGULAR MEETING
MONDAY, AUGUST 5, 2019 – 7:00 P.M.
CITY HALL
A G E N D A**

PUBLIC HEARING – 6:00 P.M.

2019 Millage Rate – The City of Oxford Governing Authority has tentatively adopted a millage rate which will require an increase in property taxes by 9.36%. This tentative increase will result in a millage rate of 6.622 mills, an increase of 0.607 mills. Without this tentative tax increase, the millage rate will be no more than 6.015 mills. During this public hearing, Council will review the current year’s tax digest and levy along with the history of the tax digest and levy for the past five years to determine if they will adopt the 2019 millage rate of 6.622 mills.

1. Call to Order, Mayor Jerry D. Roseberry
2. Invocation
3. Pledge of Allegiance
4. Motion to accept the Agenda for the August 5, 2019 Mayor and Council Regular Meeting.
5. **CONSENT AGENDA**
 - a. * Minutes of the Regular Session June 3, 2019.
 - b. * Minutes of the Work Session June 17, 2019.
 - c. * Minutes of the Regular Session July 1, 2019.
 - d. * Minutes of the Work Session July 15, 2019.
 - e. * Minutes of Planning Commission May 14, 2019.
 - f. * Minutes of Downtown Development Authority May 28, 2019.
6. Mayor’s Report.
7. Planning Commission Recommendations/Petitions.
8. Citizen Concerns.
9. * **2019 Property Tax Millage Rate Adoption** – Council will decide whether to approve the property tax millage rate of 6.62 for 2019. We have attached the city’s Five-Year History of Property Tax Levy.
10. * **Alley Between 712 and 802 Emory Street** – Council will decide the next steps in resolving an issue related to the ownership of an alley located between 712 and 802 Emory Street.

11. **Moore Street Sidewalk Project** – The FY2020 Capital Budget includes \$222,000 for a project to construct a 5’ sidewalk on the southside of Moore Street from Longstreet Circle to Emory Street (SR 81). Staff will report on the negotiations with the low bidder, Ryde Grading, Inc., to identify potential options to reduce the overall project cost.
12. * **Emory Street Sidewalk Project Intergovernmental Agreement (IGA)** – Council will decide whether to approve the IGA between Covington and Oxford for the Emory Street Sidewalk Project. It details the specifics on both the contracting requirements and payment process. Covington approved the IGA at their meeting on July 22nd. We recommend that Council approve the IGA. We have attached the agreement.
13. **107 W. Clark Street Renovation Project** – The *ad hoc* Yarbrough House Renovation Committee will report on the progress of the 107 W. Clark Street renovation project.

14. **Invoice Approval**

INVOICES OVER \$1,000.00

VENDOR	DESCRIPTION	AMOUNT
MONTHLY		
Blue Cross Blue Shield	Health Insurance Employees (08/1/2019 – 09/1/2019)	7,036.08
City of Oxford Utilities	Monthly utility charges month of June 2019	2,118.17
Georgia Municipal Association	GMEBS/Retirement Trust Fund (July Inv. 360556)	5,972.25
Latham Home Sanitation Co.	Commercial Waste Removal Services	6,891.38
Master Card	Mastercard charges for Matt training classes, Hotel fees – Scottie Meterman Certification, Hotel fees – Judge Hathorn, Postage stamps, Hotel deposit – Dawn court training, water license (Jody & Scottie); Flower arrangement W.D. Ballard.	3,491.07
Newton County Board of Commissioners	Water Purchase Month of June 2019 Inv 2573	19,642.00
Newton County Water & Sewerage Authority	Monthly Sewer Charges for June 2019	8,120.30
Sophicity	Monthly IT Support Month of July Inv 11457	1,858.60
Southeastern Power Admin.	SEPA energy cost (June) Inv. B-19-2335	2,772.98
PURCHASES/CONTRACT LABOR		
Altec	Repairs on bucket truck and cylinder on line truck	1,761.63
AT&T	Monthly Phone Services Bill Date 6/29/2019	1,013.22
City of Covington	Sewer Charges for service from 3/31/19 - 6/30/19	11,316.00
Covington Ford	Vehicle repair for Officer Potter’s unit.	1,768.89
Cowart Mulch Products	Hardwood mulch for Asbury Street Park	2,840.00
Gresco	Supplies for Capital electric upgrade project	21,297.15
The Hall Company	Utility Bills and envelopes	1,734.65

Jarod Environmental	Tables and Benches for Asbury Street Park	3,934.20
McNair McLemore Middlebrooks	Preparation for 2019 pre-audit work	1,560.00
NEGRC	FY20 per capita dues	2,088.00
Newton County Sheriff's Office	Prisoner Boarding (Inv 31955)	1,880.00
ProDryers	Hand dryers for Asbury Street Park	1,140.00
Suez	Tank inspection	3,122.62
WOCO Pep Oil Inc	Fuel	3,121.11
Approved Contracts		
HCS Services, LLC	Install water tap 815 Moore Street	2,300.00
HCS Services, LLC	West Watson water main repair at Asbury Street Park	1,350.00
Jordan Engineering	Prep and final site walk though with SEI	1,965.00
Keck & Wood	Bidding phase for Emory sidewalk inv 1336141	1,300.00
Keck & Wood	Bidding phase for Emory sidewalk inv 1336282	5,200.00
Kompan	Playground equipment inv 96083	77,289.75
Kompan	Playground equipment inv 96982	31,542.33

15. **Executive Session – Litigation & Personnel.**

16. **Adjourn**

CURRENT 2019 PROPERTY TAX DIGEST AND 5 YEAR HISTORY OF LEVY

The Mayor and Council of the City of Oxford do hereby announce that the millage rate will be set at a meeting to be held at City Hall on August 5, 2019 at 7:00 PM. Pursuant to the requirements of O.C.G.A., 48-5-32, the Mayor and Council do hereby publish the following presentation of the current year's tax digest and levy, along with the history of the tax digest and levy for the past five years.

CITY OF OXFORD	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Real & Personal	16,458,250	15,735,874	16,421,373	18,334,025	20,285,798	22,155,784
Motor Vehicles	2,624,080	1,981,300	1,438,080	1,088,540	824,640	729,820
Mobile Homes	753	502	480	480	480	480
Timer-100%			7950			
Heavy Duty Equipment						
Gross Digest	19,083,083	17,717,676	17,867,883	19,423,045	21,110,918	22,886,084
Less M&O Exemptions	3,670,035	3,309,308	3,285,364	3,302,207	3,270,355	3,369,150
Net M&O Digest	15,413,048	14,408,368	14,582,519	16,120,838	17,840,563	19,516,934
Gross M&O Millage	24.17	26.17	25.77	23.20	22.71	22.86
Less Rollbacks	16.60	18.41	18.53	16.58	16.09	16.24
Net M&O Millage	7.57	7.76	7.23	6.62	6.62	6.62
Net Taxes Levied	116,692	111,867	105,577	106,752	118,140	129,202
Net Taxes \$ Increase	(3,624)	(4,809)	(6,290)	1,175	11,388	11,062
Net Taxes % Increase	(3.01)	(4.12)	(-5.63)	1.01	10.67	9.36

Ballard, Stephenson & Waters, LLP

ATTORNEYS AT LAW



C. C. KING, SR. (1903-1963)
DONALD G. STEPHENSON (1934-2002)
W. D. BALLARD
BILLY J. WATERS
W. MICHAEL WATERS

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COVINGTON, GEORGIA 30014
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July 3, 2019

Planning Commission
Matt Pepper, Zoning Administrator
110 West Clark Street
Oxford, GA 30054

RE: Request for Variance for Steven Roan and Susan Roan
712 Emory Street, Oxford GA

Dear Mr. Pepper:

Pursuant to your email please accept this supplemental letter requesting a variance for the property located at 712 Emory Street. The Roans are seeking a variance on the minimum setback on the north side of the property that abuts the old alley to conduct renovations/repairs. The renovations/repairs will not expand or change the footprint in any manner, nor will it negatively impact any adjoining landowner.

Pursuant to the Application Requirements found at Sec. 40-714. – Criteria for Variances I am enclosing:

- This letter will serve as the signed letter detailing the regulations to be varied.
- A copy of the deed and plat with the metes and bounds legal description of the property.
- A boundary survey of the property.
- A scaled site plan of the property and the proposed development showing the garage's location and other relevant information regarding the variance request.

Again, I understand that this matter will be placed on the July 9, 2019 agenda.

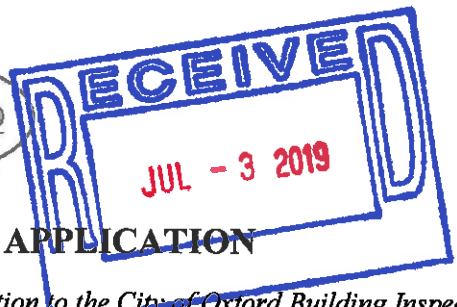
Thank you again for your assistance. If anything further is needed, please advise.

Sincerely,



W. Michael Waters

WMW/mth



DEVELOPMENT PERMIT APPLICATION

This is NOT a Building Permit but, is a requirement for an application to the City of Oxford Building Inspector for the appropriate required Building Permit. All items must be completed, or marked N/A. See the attached Checklist. The completed form must be submitted 10 days before the next meeting of the Planning Commission.

GENERAL INFORMATION

Name of Applicant: Steve Roan Date of Application: 7/2/19
Address of Applicant: 720 Emory St, Oxford, GA
Telephone # (s) of Applicant: 678-858-3633, 770-786-8123
Address / Subdivision / Lot# / Parcel#(s) where the proposed work will occur (list all): 720 Emory street.
Owner of above location(s): Steve Roan & Susan Roan
Name of General Contractor (if different from Applicant):

Type of work: New building Addition Alteration Renovation Repair Moving
Land Disturbance Demolition Other

Type of dwelling: Single Family Multi-family Included Apartment Number of units:

Briefly describe the proposed work: Interior renovations, including kitchen remodel, repair/replace flooring, new roof, repair front porch steps. Detailed list is attached

Does the proposed work change the footprint (ground outline) of any existing structures? YES NO

Does the proposed work add a structure(s)? YES NO

List additions to: Heated Sq.ft. 1773 Unheated Sq.ft. Garage Sq.ft. New Sq.ft. 0

Is the above lot in the Special Flood Hazard Area on FEMA's Flood Insurance Rate Map? Yes No

ZONING DISTRICT (the setback requirements and the zoning map are available from the City Clerk)

Zoning District
Setback Requirements:
Front setback ft. Side setback ft. Rear setback ft.
Minimum required lot width at building line ft.

MECHANICAL INFORMATION (if utility work is included in the proposed work)

- A) Sewerage: Is there a change? Yes No City Sewer Septic If so, describe:
B) Water Supply: Is there a change? Yes No City Water Well If so, describe:
C) Number of Restrooms (Commercial): Is there a change? Yes No Full Half If so, describe:
D) Number of Baths (Residential): Is there a change? Yes No 2 Full 1 Half If so, describe:
E) Heating: Is there a change? Yes No Electric Gas Oil Propane Other If so, describe:
F) Electrical: number of outlets

CITY OF OXFORD

Checklist Applying for a Development Permit

1. Obtain a Development Permit Application from the City Clerk's office.
2. Complete the Application and attach a site plan (either drawn by a professional or sketched on graph paper) with dimensions showing:
 - Shape, size and location of the lot.
 - Shape, size, height, use and location of the buildings to be erected, constructed, altered or moved, as well as any building(s) already existing on this building lot.
 - Indicate how many dwelling units the building(s) are designed to accommodate.
 - Setback lines from adjoining streets and lots.
3. Submit the completed Application to the City Clerk's office.
4. All corners of the lot and any proposed building must be clearly staked out on the ground.
5. The City Clerk will give the application to the Zoning Administrator to review and to schedule a review by the Planning Commission. If the application does not change the footprint of the structure then it can be approved by the Zoning Administrator or the City Clerk. If it does change the footprint, it will be scheduled for review at a meeting of the Planning Commission.
6. The regular meetings of the Planning Commission are on the second Tuesday of each month at 7 PM. The applicant will be notified when the application is scheduled for review. The Planning Commission will not review the application unless the applicant or a representative is present at the meeting. A picture or diagram of what is proposed will help the Planning Commission review the request.
7. If the application is approved, an approved copy will be given to the applicant by the Planning Commission.
8. The City of Oxford is responsible for issuing the Building Permit and collecting any required fees. A copy of the approved Development Permit is required before a Building Permit can be issued. The applicant should contact the city's Zoning Administrator (770-786-7004) to determine if a building permit and inspections are required. If a building permit is required, the applicant should bring the approved Development Permit to City Hall to exchange for the necessary building permit(s), and to schedule the inspection.

The foregoing checklist is a brief summary and does not modify or amend the Oxford Zoning Ordinance. See Section 40-841 of the Oxford Zoning Ordinance for a detailed description of the process for applying for a development permit and building permit.

Renovation Details:

Demo all interior walls, floor, and ceiling to the studs

Change floor plan on 1st floor and adding 3rd bathroom

New HVAC throughout

New plumbing throughout

New electric throughout

New flooring throughout

New sheetrock throughout

New windows and doors throughout

New tile in three bathrooms and kitchen backsplash

New roof and gutters

Spray foam installation in interior walls, floor, and roof/attic

New front porch

Paint exterior

New cabinets and counter tops in kitchen, bathroom, and master closet.

Not changing the outside footprint of the house or garage, the square footage remains the same.

5

DOC# 012943
 FILED IN OFFICE
 07/13/2005 03:00 PM
 BK:1955 PG:179-183
 LINDA D HAYS
 CLERK OF SUPERIOR
 NEWTON COUNTY
Linda D. Hays
 REAL ESTATE TRANSFER TAX
 PAID: \$138.00

Return Recorded Document to:
 Martin & Brunavs
 Attorneys at Law
 2800 North Druid Hills Road, NE
 Building B, Suite 100
 Atlanta, GA 30329

SPECIAL LIMITED WARRANTY DEED

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

File #: 05-0107

This Indenture made this 7th day of July, 2005 between Citibank N.A., as Trustee, ("Grantor"), and Steven R. Roan and Susan D. Roan ("Grantee")

WITNESSETH

That Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, and conveyed and confirmed, and by these presents does grant, bargain, sell, and convey and confirm unto the said Grantee, his/her heirs and assigns,


All that tract or parcel of land lying and being in the City of Oxford, Ninth District, Newton County, Georgia and being known as 712 Emory Street according to the present system of numbering houses in the City of Oxford, and better described in that plat of survey prepared for Don Turner on October 21, 1985, by Richard L. Nutt, GA RLS # 1797, and recorded in Plat Book 20, Page 41, Office of the Clerk of the Superior Court, Newton County, Georgia records which plat is incorporated herein by this reference and made a part of this description; said property being known as 712 Emory Street, Oxford Georgia 30054, according to the present system of numbering in Newton County, Georgia

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, his/her heirs and assigns, forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee, his/her heirs and assigns, against the lawful claims of all persons owning, holding or claiming by, through or under the said Grantor..

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

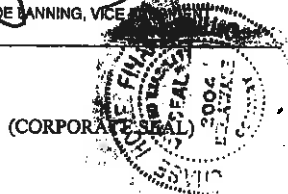
Signed, sealed and delivered in the presence of the undersigned:

Valerie Alba
 Unofficial Witness VALERIE ALBA, REG. SPECIALIST
Debra L. Murphy
 Notary Public


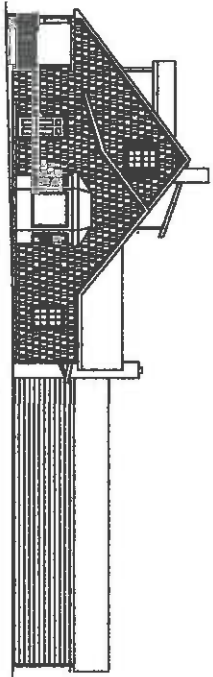
SEAL AFFIXED

Chase Home Finance LLC, Successor By Merger To Chase Manhattan Mortgage Corporation As Attorney In Fact for Citibank N.A., as Trustee

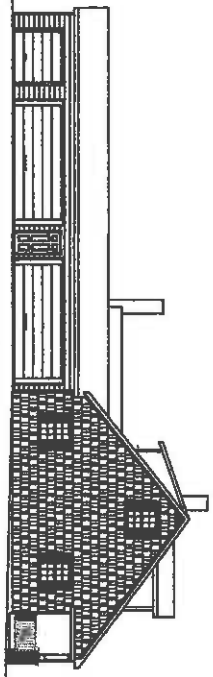
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 BY: *Joe Banning*
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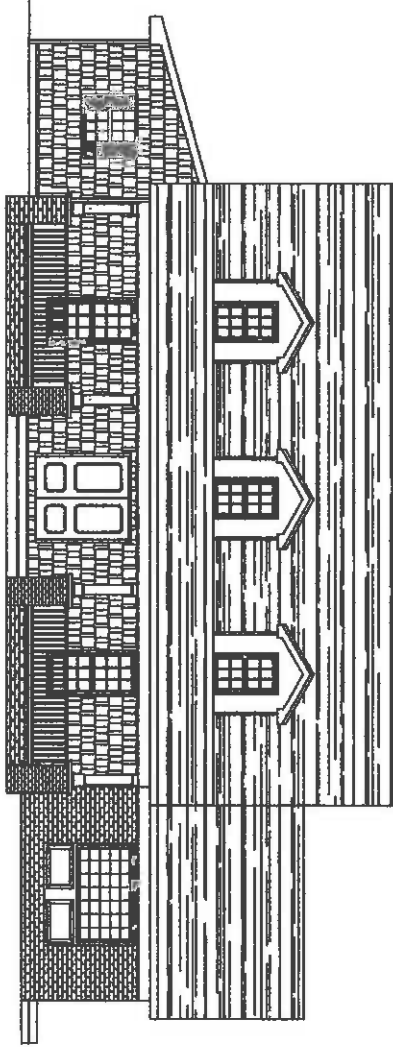
CORPORATE SEAL AFFIXED



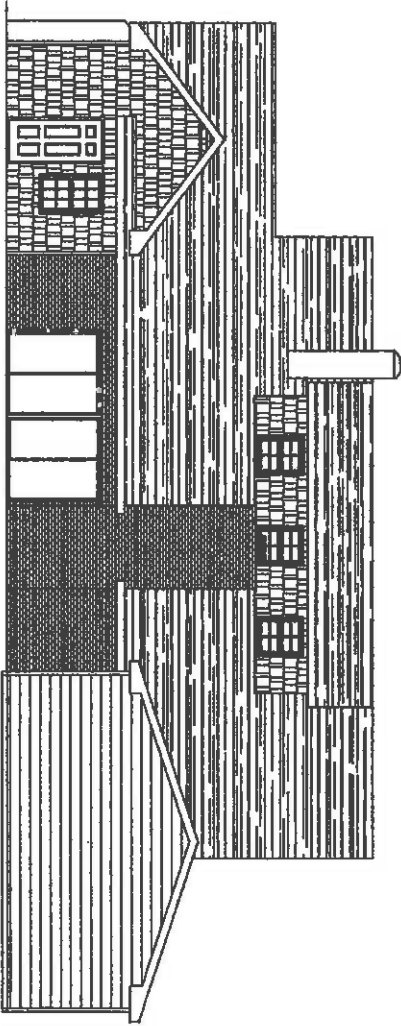
RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



RENOVATED FRONT ELEVATION



EXISTING REAR ELEVATION

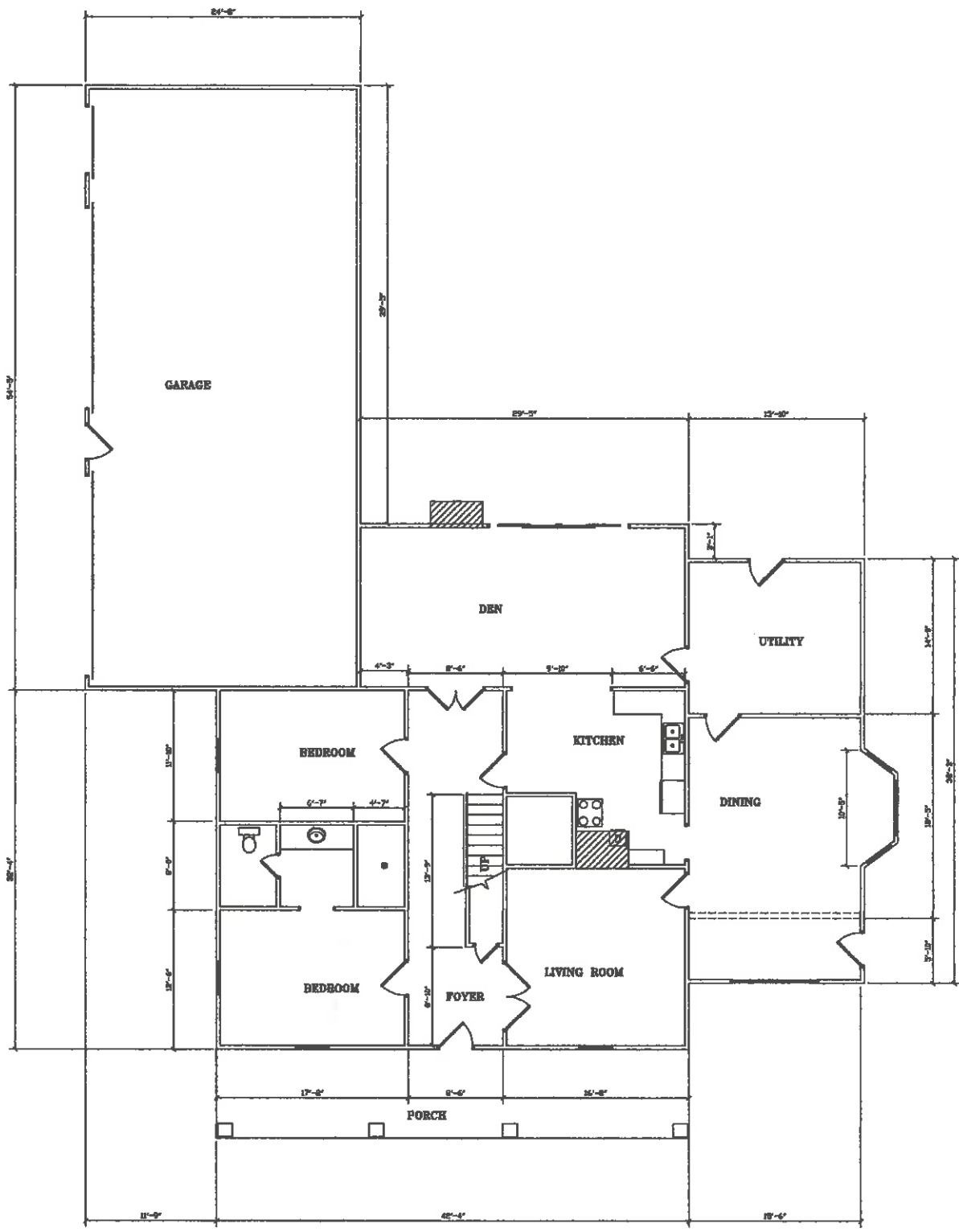
THE ROAN RESIDENCE

SCALE 1/4"=1'-0"

DATE 10-10-03

ELEVATIONS

A-4



A-1	THE ROAN RESIDENCE 712 EMORY ST. OXFORD GA.			
	SCALE 1/8"=1'-0"			
	DATE 11-15-11			
ORIGINAL FLOOR PLAN				



Overview



Legend

-  Parcels
-  Roads

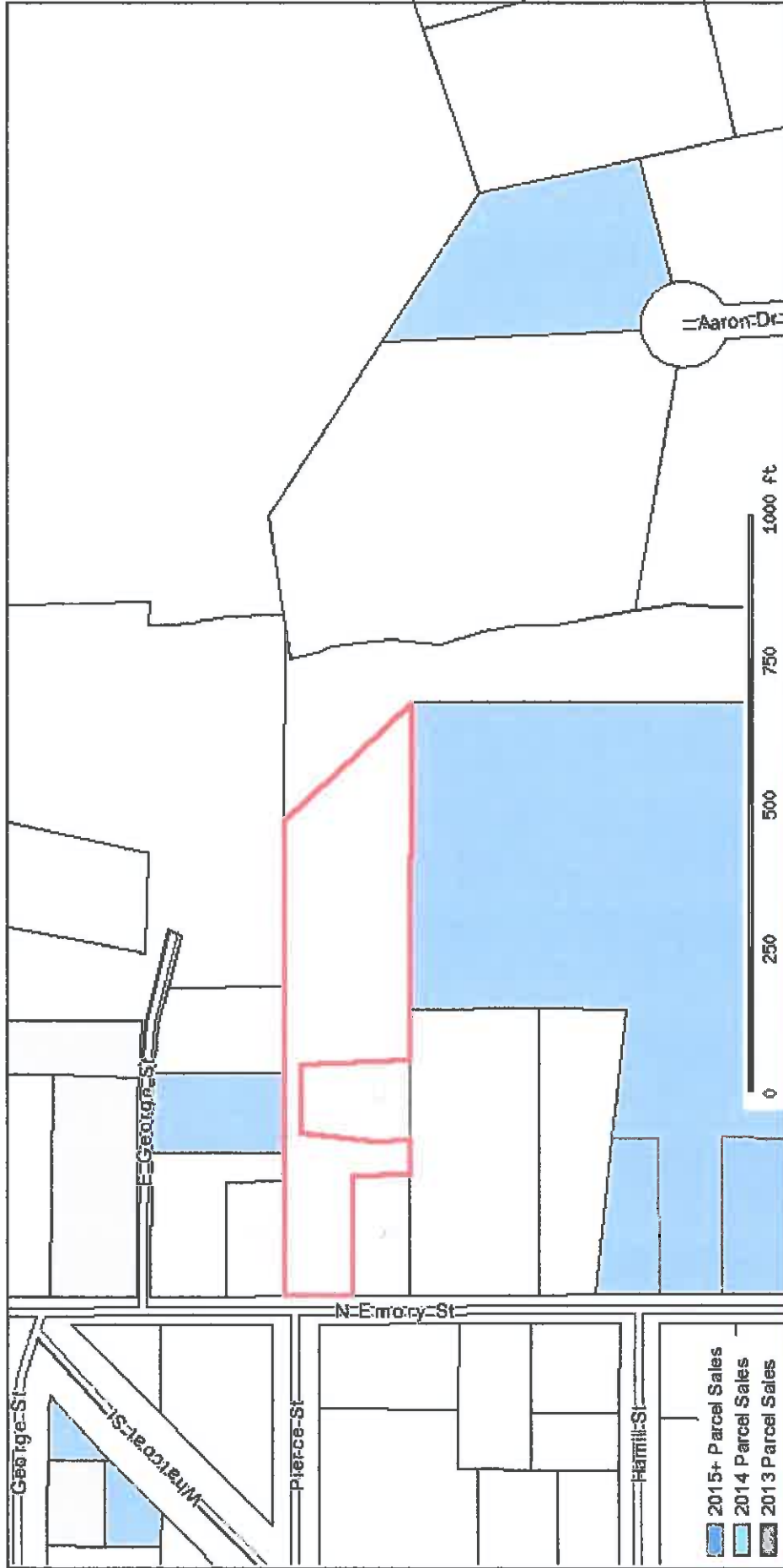
Parcel ID	X005000000001000	Owner	ROAN STEVEN R & SUSAN D	Last 2 Sales			
Class Code	Residential		P O BOX 1228	Date	Price	Reason	Qual
Taxing District	OXFORD		OXFORD GA 30054	7/11/2005	\$138000	UI	U
	OXFORD	Physical Address	712 EMORY ST	10/5/2004	0	UI	U
Acres	3.48	Assessed Value	Value \$114300				

(Note: Not to be used on legal documents)

Date created: 5/14/2019

Last Data Uploaded: 5/14/2019 3:06:27 AM

Developed by 



Newton County Assessor

Parcel: X00500000001000 Acres: 3.81

Name	ROAN STEVEN R & SUSAN D	Land Value	\$17,100.00
Site	712 EMORY ST	Building Value	\$87,800.00
Sale	\$138,000 on 07-2005 Reason=UJ Qual=U	Total Value	\$104,900.00
Mail	P O BOX 1228 OXFORD, GA 30054		

The Newton County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER NEWTON COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed 07/30/16 13:18:06

**INTERGOVERNMENTAL AGREEMENT FOR
REIMBURSEMENT BY THE CITY OF OXFORD TO THE
CITY OF COVINGTON FOR SIDEWALK
CONSTRUCTION INVOICES**

This Intergovernmental Agreement entered into this the ____ day of _____, 2019 (the "Effective Date"), by and between **the City of Oxford**, a Georgia municipal corporation acting by and through its Mayor and Council (hereinafter "Oxford"), and **the City of Covington**, a Georgia municipal corporation acting by and through its Mayor and Council (hereinafter "Covington").

WITNESSETH

WHEREAS, the Constitution of the State of Georgia provides, in Article IX, Section III, Paragraph I, subparagraph (a), that any county or municipality of the State of Georgia may contract for any period not exceeding 50 years with each other or with any other public agency, public corporation or public authority for the provision of services, or for the joint or separate use of facilities or equipment when such contracts deal with services, activities, or facilities which the contracting parties are authorized by law to undertake or provide;

WHEREAS, Covington will contract with the Georgia Department of Transportation (hereinafter "GDOT") and the chosen contractor for the completion of sidewalk right-of-way acquisition and construction, partially within the city limits of Oxford, **Project No. 0012647**;

WHEREAS, Oxford desires to contract with Covington for payments by Oxford to Covington for amounts due for the portions of said project within Oxford's city limits.

NOW, THEREFORE, and based upon the preamble above as well as the exchange of good and adequate consideration, the receipt and exchange of which are acknowledged by the signatures below, the parties hereby agree as follows:

1. Oxford agrees to maintain a minimum \$50,000.00 balance in an account established by Covington at an FDIC insured bank for such purpose from which Covington may unilaterally draw funds to pay invoices for the cost of Oxford's portion of said project.
2. In the event the balance in such account falls below \$50,000.00 or Covington receives invoices in an amount exceeding the balance in such account, Covington shall notify Oxford of such deficiency. Oxford shall have 10 days from receipt of such notice to replenish the balance in the account to the larger of \$50,000.00 or the amount necessary to timely pay such invoices. At such time as the total amount of all contractual obligations for completion of the Project is less than \$50,000.00, the minimum amount required to be maintained in the escrow account shall be reduced to the amount required for completion of Oxford's portion of said project. The parties recognize and agree that it is anticipated that the Georgia Department of Transportation will make periodic reimbursement payments to Covington in a total amount equal to 75% of said project. It is the intention of the parties that Covington shall not be required to advance its funds in order to pay invoices as they are due and payable. To the extent Oxford is required

to deposit funds in such account in order for Covington to timely pay any such invoices, Oxford shall be entitled to repayment of such deposited amount in excess of \$50,000.00 upon receipt by Covington of reimbursement from the Georgia Department of Transportation and, upon completion of the Project, shall be entitled to return of all funds, if any, remaining in the escrow account.

3. Oxford, acting through its independent contractor or agents, shall perform all construction administration services and construction materials testing of the portions of said project within Oxford's city limits.
4. Except for those payment obligations of Covington expressly set forth herein, Oxford shall timely perform all obligations of Covington under that certain Agreement by and between Covington and GDOT for Transportation Facility Improvements dated December 11, 2013, a copy of which is attached hereto at Exhibit "A" and incorporated herein by reference.
5. To the fullest extent permitted by law, Oxford agrees to defend, indemnify and hold Covington and its agents and employees harmless against any claim(s) (including but not limited to, challenges, contests etc.) losses or expenses (including but not limited to, attorney fees and court fees) arising out of the performance or failure to perform the services provided by this Agreement.
6. The term of this Agreement shall be for six (6) months beginning on the Effective Date provided above.
7. This Agreement shall be deemed to have been made, construed, and enforced in accordance with the laws of the State of Georgia.
8. Should any phrase, clause, sentence, or paragraph of this Agreement be held invalid or unconstitutional, the remainder of the Agreement shall remain in full force and effect as if such invalid or unconstitutional provision were not contained in the Agreement unless the elimination of such provision detrimentally reduces the consideration that any party is to receive under this Agreement or materially affects the operation of this Agreement.
9. The parties hereto shall comply with all applicable local, state, and federal statutes, ordinances, rules and regulations concerning the subject matter of this Agreement.
10. No consent or waiver, express or implied, by any party to this Agreement, to any breach of any covenant, condition or duty of another party shall be construed as a consent to or waiver of any future breach of the same.
11. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.
12. The parties hereto agree to submit any controversy arising under this Agreement to mediation for a resolution. In the event the parties cannot agree on a mediator, the mediator will be selected by the Senior Judge of the Newton County Superior Court. The cost of mediation shall be borne equally by the parties.
13. No party hereto may assign any function or obligation undertaken by such party without the written approval of the other parties.

- 14. This Agreement shall be binding upon the parties and their successor and assigns for the full period of the term.
- 15. This Agreement constitutes the sole and final agreement between the parties relating to the subject of this agreement and all prior or contemporaneous agreements are superseded by it.

IN WITNESS WHEREOF, the parties hereto have caused their respective officers have caused this Agreement to be executed in their respective names and set their hands and to affix the respective seals of the parties the day and year first written above.

THE CITY OF OXFORD, GEORGIA

By: _____
Jerry D. Roseberry, Mayor

Attest: _____
Connie Middlebrooks, City Clerk

THE CITY OF COVINGTON, GEORGIA

By: _____
Ronnie Johnston, Mayor

Attest: _____
Audra M. Gutierrez, City Clerk

