

**OXFORD MAYOR AND COUNCIL  
REGULAR MEETING  
MONDAY, AUGUST 3, 2020 – 7:00 P.M.  
CITY HALL (VIA TELECONFERENCE)  
A G E N D A**

**PUBLIC HEARING – 7:00 PM**

**2020 Millage Rate** – The City of Oxford Governing Authority has tentatively adopted a millage rate which will require an increase in property taxes by 11.03%. This tentative increase will result in a millage rate of 6.622 mills, an increase of 0.658 mills. Without this tentative tax increase, the millage rate will be no more than 5.964 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 2020 millage rate of 6.622 mills.

1. Call to Order, Mayor David S. Eady
2. Invocation
3. Pledge of Allegiance
4. Motion to accept the Agenda for the August 3, 2020 Mayor and Council Regular Meeting.
5. **CONSENT AGENDA**
  - a. \* Minutes of the Regular Session July 6, 2020.
  - b. \* Minutes of the Public Hearing July 6, 2020
  - c. \* Minutes of the Work Session July 20, 2020.
  - d. \* Minutes of the Special Called Session July 20, 2020.
  - e. \* Minutes of the Public Hearing July 27, 2020 9:00 a.m.
  - f. \* Minutes of the Public Hearing July 27, 2020 6:00 p.m.
  - g. \* Minutes of the Planning Commission June 9, 2020.
  - h. \* Minutes of the Planning Commission June 23, 2020.
6. Mayor’s Report.
7. Planning Commission Recommendations/Petitions.
8. Citizen Concerns.
9. **COVID-19 Update** – Council will discuss any city business related to the Coronavirus pandemic.
10. \* **Resolution for CARES Act Funds** – The city is eligible to receive relief funds as part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The CARES Act allows that the funds may only be used to cover costs that are considered

necessary, yet unforeseen, expenditures incurred due to the COVID-19 pandemic. Council will discuss potential uses for the funds. We must adopt a resolution to receive the funds. We have attached a copy of the resolution.

11. \* **2020 Property Tax Millage Rate Adoption** – Council will decide whether to approve the property tax millage rate of 6.62 for 2020. We have attached the city’s Five-Year History of Property Tax Levy.
12. \* **Revised Intergovernmental Agreement for the Transportation Special Purpose Local Option Sales Tax** – Council will decide whether to accept the terms and project list stated in the intergovernmental agreement (IGA) between Newton County and the municipalities regarding the proposed T-SPLOST referendum. We have attached the revised copy of the IGA.

13. **Invoice Approval**

**INVOICES OVER \$1,000.00**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
<b>RECURRING CHARGES</b>		
<b>City of Oxford Utilities</b>	Monthly utility charges month of June 2020	2,126.68
<b>GMEBS Retirement Trust</b>	Monthly Retirement Fund July, Inv# 379493	5,681.33
<b>City of Covington</b>	Sewer charges quarter ending 6/30/20	12,330.00
<b>Georgia Environmental Finance Authority (GEFA)</b>	Monthly Payment on Loan 2016L06WQ	4,556.05
<b>Latham Home Sanitation</b>	Commercial Waste Removal Services June 2020	6,891.38
<b>Newton County Board of Comm.</b>	Water Purchase for June, Invoice #2716	16,362.00
<b>Newton County Water &amp; Sewerage Authority</b>	Sewer Treatment Fees 5/28/20-6/29/20, Inv. #295496	7,477.13
<b>Southeastern Power Administration</b>	SEPA Energy Cost (June) Inv. #B-20-2287	2,794.51
<b>Municipal Electric Authority of Georgia (MEAG)</b>	Monthly Electric Purchases for June	107,863.87
<b>Electric Cities of Georgia (ECG)</b>	Electric Utility Management Services July 2020, Inv. #53831-IN	4,938.00
<b>Anthem</b>	New Enrollment Charges Stephen Wagner (previous plan) Inv. #2580	1,098.49
<b>Suez/Utility Service Co., Inc.</b>	Quarterly Water Tank Maintenance, Inv. #511911	3,122.62
<b>Sophicity</b>	July IT in a Box/Maintenance Charges, Inv. #13058	1,996.84
<b>IRS</b>	Federal Payroll Taxes, July 2020	10,928.01
<b>PURCHASES/CONTRACT LABOR</b>		
<b>Treadwell, Tamplin &amp; Co.</b>	Audit Services FY 2019, Inv #180972	3,550.00
<b>McNair McLemore Middlebrooks &amp; Co.</b>	Financial Consultant Services, Inv. #85271	2,810.00
<b>Municode</b>	City of Oxford Ordinance Supplements	1,115.68

<b>Burford's Tree, LLC</b>	FY2020 Powerline Tree Trimming, Inv. #OXGA2520, 2620, 2720, 2820	18,208.00
<b>Sensus</b>	12 water meters, inv. #ZA20212619	1,501.94
<b>State Chemical Solutions</b>	4 cases disinfectant spray	1,000.00
<b>Marable-Pirkle, Inc.</b>	FY 2020 Electric Maintenance/Upgrades	69,700.00
<b>Designed Installations</b>	Speed Bump Installation – E. Soule St.	5,255.00

**14. Adjourn**



**DRAFT MINUTES OF THE OXFORD MAYOR AND COUNCIL MEETING  
REGULAR SESSION  
MONDAY, July 6, 2020 – 7:10 PM  
Via Teleconference  
DRAFT**

**ELECTED OFFICIALS PRESENT:**

David Eady – Mayor  
George Holt – Councilmember  
James Windham – Councilmember  
Jeff Wearing – Councilmember  
Avis Williams – Councilmember  
Lynn Bohanan – Councilmember  
Laura McCanless – Councilmember

**APPOINTED/STAFF PRESENT:**

Matt Pepper – City Manager  
Marcia Brooks – City Clerk/Treasurer  
Melissa Pratt – Associate Clerk  
Scottie Croy – Asst. Public Works Supervisor  
Dave Harvey – Police Chief  
David Strickland – City Attorney

**OTHERS PRESENT:** Art Vinson, Laurie Vinson, Alice McKnight, Michael McQuaide, Mike Ready, Laura Gafnea (Oxford College), Joseph Budd, Cheryl Budd, Tom Spigolon (Covington News).

1. The meeting was called to order by the Hon. David Eady, Mayor.
2. The invocation was delivered by Avis Williams.
3. Pledge of Allegiance.
4. **A motion was made by James Windham to accept the Agenda for July 6, 2020. Jeff Wearing seconded the motion. The motion was approved unanimously (7/0).**  
(Attachment A)
5. **A motion was made by James Windham to accept the Consent Agenda for July 6, 2020. Jeff Wearing seconded the motion. The motion was approved unanimously (7/0).** (Attachment B)
6. **Mayor's Report**  
Mayor Eady emphasized the importance of the census to the City of Oxford because it impacts funding at the local level. As of this week, Oxford has a response rate of 63.1%, which is the best for Newton County but is still not good enough. Continued posts on the website as well as a mailout are needed. Matt Pepper advised that Oxford College has submitted all their responses.

The sod replacement project will cost less because not all homeowners have agreed to the terms of replacing the sod.

A first draft of the Hwy. 81 Sidewalk Concept Study has been received. Some additional information has been requested based on that draft. Once the response is received the study will be presented to the City Council for discussion.

In regard to a question that came up at the previous Council meeting on June 15, 2020, Mayor Eady wanted the record to reflect that on August 6, 2018 the Council unanimously approved the conveyance of the property along the East Clark Street right-of-way and the property behind Orna Villa (1008 Emory Street) to the Downtown Development Authority (DDA).

7. **Planning Commission Recommendations/Petitions**

The Planning Commission recommends the approval of the variance request for 903 Asbury Street (Item #12).

8. **Citizen Concerns**

None.

9. **COVID-19 Update**

Tape was removed from the pavilion and playground equipment at Asbury Street Park on June 29<sup>th</sup>. Temporary signs were placed there to remind patrons to take precautions (wear a mask, wash hands, social distance) and permanent signs have been ordered. City Hall also opened to the public on June 29<sup>th</sup>. Matt Pepper advised the opening of City Hall has been relatively smooth. Masks have been offered to those who did not come in wearing one, and they have accepted and worn them without issue. There has been a steady stream of customers, but not to the point that it has been necessary to separate them. Staff placed markers on the floor as a social distancing guide, and they are practicing social distancing, using hand sanitizer, and wearing masks. City Hall staff has a schedule for cleaning customer touch points at least once each hour.

Marcia Brooks added that hand sanitizer dispensers have been installed in the lobby of City Hall, and another one will be installed in the hallway to the Community Room. She also stated that an American Red Cross (ARC) blood drive is scheduled for August 18<sup>th</sup> in the Community Room. Unless Mayor Eady or someone on the City Council has concerns about this, she will need to begin publicizing the event very soon. Laura McCanless stated she does not have any concerns. Her family has been to some ARC blood drives and everyone present is required to wear a mask including the staff of the blood drive. Mayor Eady asked about testing of COVID-19 antibodies at the blood drive. Ms. Brooks stated that they are doing that at some blood drives, but the coordinator was not yet able to tell us if that option would be available at the Oxford blood drive.

Mayor Eady stated that in light of the increase of COVID-19 positive cases in Newton County in recent weeks, he recommends city staff clearly state on our social media platforms and on all signage that a mask is required in public spaces in Oxford. A mask must always be worn by customers inside City Hall, and in city parks a mask must be worn in situations where social distancing is not possible. **James Windham made a motion to**

**require wearing of masks in all public places in the City of Oxford. Laura McCanless seconded the motion. The motion carried unanimously (7/0).**

Mr. Windham reiterated the previous discussion that the City Council supports the authority of the mayor, city manager and city clerk to make an administrative decision regarding the need to close City Hall again if conditions warrant without the approval of the full City Council. Mayor Eady acknowledged this decision and stated any more drastic measures would be brought before the City Council before action is taken.

Laura McCanless asked about Oxford College's plans for compliance with the mask requirements, given their intention to have some students on campus for Fall semester. Laura Gafnea stated that students and faculty are being offered the opportunity to take or teach courses online or in person. They are still receiving feedback about preferences, so those results are still forthcoming.

All in-person classes will be set up for social distancing. There will be a no visitor policy on campus at least through Fall semester. Students who do come to campus will be provided with masks. They are working on plans to limit dorm room density in their residence halls. Faculty who will be on site are working with their Operations team to ensure they are equipped with adequate personal protective equipment (PPE) for their classroom spaces so they can teach safely. All faculty, students and staff on site will be required to wear masks.

Mayor Eady asked about their aggressive plan for testing returning students. Ms. Gafnea advised she would get the Mayor and City Council some specifics about the testing plan. The dining hall will not be open to the public, and Ms. Gafnea will put the word out on social media so that the public is aware of this. They are also working on plans to reduce density in the dining hall, such as grab and go meals, outdoor dining, etc.

Ms. McCanless asked about the status of court in Oxford given the recent court closing in Newton County due to several court staff testing positive for COVID-19. She wanted to ensure that as we are moving forward, we are taking appropriate precautions. Mayor Eady reviewed the report provided by Court Clerk Dawn Stubbs regarding June's court proceedings, in which COVID-19 precautions were taken and it was conducted efficiently and safely. Staff will continue to be in contact with the judge and solicitor to ensure they do not have any concerns moving forward. Mr. Pepper added that the Newton County court facilities are scheduled to reopen around the 14<sup>th</sup> or 15<sup>th</sup> of July, and Oxford's next court date is July 16<sup>th</sup>.

**10. Discussion on Transportation-Special Purpose Local Options Sales Tax (T-SPLOST) (Attachment C)**

Newton County has drafted an Intergovernmental Agreement (IGA) to include the municipalities within Newton County in a TSPLOST question on the November ballot. The IGA must be executed by July 21<sup>st</sup>. The City Council can decide tonight whether to support this effort and sign the IGA or defer the vote until the July 20<sup>th</sup> work session. The proposed IGA allots 3.02% of the proceeds of the 1% sales tax (high estimate of \$1,694,000 over 5

years) to the City of Oxford if the TSPLOST question passes on the November ballot. The question before the City Council is whether the City of Oxford will sign the agreement to allow citizens to vote on the TSPLOST question on the November ballot.

Ms. McCanless asked for clarification on what the money could be used for. Specifically, she wanted to know if the money could cover replacement of conventional streetlights with LED lights that could be more directed to reduce disturbing people in their homes and would be more efficient, and if it could cover bike lanes. Since the money must be spent on transportation projects, the city would need to be somewhat creative with how the money is spent. The City of Oxford has a fixed amount of paving, and it would not be right to keep repaving just to spend the money.

Mayor Eady stated there are a couple of different approaches that can be taken. If projects are specified, the money can only be spent for the projects specified. The other approach is to specify categories of projects, which allows for more discretion on specifically what the money is spent on. Following the second approach, Ms. McCanless' ideas could be executed if desired. If the cities do not sign the IGA, Newton County could still move forward with the question on the ballot but would only be able to impose a .75% sales tax ..

Mr. Windham proposed that the City Council send a letter to Newton County stating our interest in using some of the funds for pedestrian and bicycle safety.

All City Council members were in favor of signing the IGA to allow the question to be on the ballot.

Mayor Eady recommended that the City Council think about the categories they would like to propose for the sales tax proceeds and discuss their recommendations during the work session on July 20<sup>th</sup>. After the work session, a vote can be taken. If the City Council approves signing the IGA, it can be sent to Newton County along with the categories and a resolution expressing the sentiments stated by Mr. Windham.

Mr. Wearing stated that whatever we propose is really just a wish list, because over the five-year period that the sales tax is collected, the goals and priorities of the county could change considerably. Therefore, it is better to submit general categories rather than specific projects.

Lynn Bohanan asked if proceeds are allocated to a specific project, then that project comes in under budget, does the city lose the remaining amount allocated, or can it be used for something else.

David Strickland advised that the categories need to be adequate to pass muster but should be somewhat generic to allow the city to move the money around when needed. Matt Pepper added that the agreement explicitly states that if a project comes in under budget, the remaining funds can be moved to another transportation related project. Mayor Eady stated that should apply to categories of projects as well.

Mr. Windham asked if this money could be used to lobby the Georgia Department of Transportation (GDOT) concerning the routing of State Highway 81 through the City of Oxford. Mr. Strickland stated he would have to do some research on whether this use of the money would be permissible. He recommends stating the categories as broadly as possible, and he will do some further research on whether any of the funds could be used for lobbying or political activities to further the goals of the City of Oxford through participation in the TSPLOST.

Mayor Eady stated a special called session would be held before the work session on July 20<sup>th</sup>.

**11. Discussion on the Consecutive Water System Agreement (Attachment D)**

The City of Oxford was previously under a 25-year agreement with Newton County and the consecutive water systems regarding the distribution and treatment of potable water. The most recent one-year agreement bought some time while the former Mayor (Jerry Roseberry) worked with the County and the other municipalities to bring more structure and discipline to how the system is being managed and the funds are being accounted for.

Matt Pepper added that the impetus of this effort was the Service Delivery Strategy (SDS) agreement executed last year. Also, the municipalities want more say in how Newton County manages the water system if the water is going to be purchased exclusively from Newton County. Particularly, municipalities would like more say on capital projects taken on by the County. These projects are impacted by bonds and loans taken on by Newton County that impact the municipalities' wholesale water rates. The municipalities want to be able to review the financial statements and justifications for such improvements to gain a better understanding of why projects are taken on and how the wholesale rates will be impacted.

Mr. Strickland has reviewed the proposed IGA and spoken with Covington's attorney, who advised him that Covington plans to sign the IGA. He recommends agreeing to it because he believes Newton County will not make a better offer.

**Laura McCanless made a motion to approve signing the Consecutive Water System IGA. Avis Williams seconded the motion.**

Discussion: Ms. McCanless asked if Newton County is responsible for maintenance of the master meters where we purchase water from Newton County. Scottie Croy responded that he believes they are.

Mr. Windham asked if it is time to appoint a different person to represent the City of Oxford on the Newton County Water and Sewerage Authority Board, since our current representative has not lived in the city for the past eight years. Mayor Eady stated that issue will be added to a work session agenda.

**The motion carried unanimously (7/0).**



**12. Variance Request for 903 Asbury Street (Attachment E)**

A request has been made by Laurie and Art Vinson for a variance on the minimum side setback requirement for their property at 903 Asbury Street. The Oxford Planning Commission recommends approval of the request.

**James Windham made a motion to approve the request for a variance. George Holt seconded the motion. The motion carried unanimously (7/0).**

**13. Voting Delegates for the Municipal Electric Authority of Georgia (MEAG)**

(Attachment F)

A voting delegate and alternate are appointed by the city to serve as the city's representatives for MEAG. Neither of the designated officials are still on the City Council so new delegates must be appointed. Mayor Eady as the primary delegate and James Windham as the alternate delegate are the recommended appointees in the proposed resolution.

**George Holt made a motion to approve the resolution designating David Eady and James Windham as voting delegates for MEAG. Avis Williams seconded the motion. The motion carried unanimously (7/0).**

**14. Invoice Approval**

Ms. McCanless asked how many more payments would be made on the Moore Street sidewalk. Mr. Pepper stated there should be one more payment, and the project is about 90% complete.

Ms. McCanless asked if the sign replacement project was paid from a grant. Mayor Eady stated that all but \$6,500 of it was.

Mr. Holt asked if the payment for the speed bumps on East Soule Street had been completed. Several Council members were disappointed in the outcome of this project. Mayor Eady stated that they conformed to what was approved. Ms. McCanless suggested using a different contractor to install a third speed bump between the two existing ones. Mr. Windham stated that the ones in Jersey and Good Hope are much better. Ms. McCanless asked if staff could get information from them about the contractors they used. Mayor Eady stated it is also important to use state specifications in the request for proposals. Staff will contact the municipalities to obtain details. Mayor Eady stated that Chief Harvey provided him with some data indicating the speed of traffic had slowed down on East Soule Street since installation of the speed bumps.

**James made a motion to approve the invoices over \$1,000.00. Lynn Bohanan seconded the motion. The motion carried unanimously (7/0).**

**15. Executive Session**

None

16. **Jeff Wearing made a motion to adjourn Regular Session at 8:17 pm. Lynn Bohanan seconded the motion. The motion was approved unanimously (7/0).**

Respectfully Submitted,

Marcia Brooks  
City Clerk/Treasurer



**DRAFT MINUTES OF THE OXFORD MAYOR AND COUNCIL  
PUBLIC HEARING  
MONDAY, July 6, 2020 – 7:00 PM  
VIA TELECONFERENCE**

**PRESENT: David Eady, Mayor; Councilmembers: Jim Windham, Jeff Wearing, Lynn Bohanan, Laura McCanless, Avis Williams, George Holt**

**Staff members present: City Manager Matt Pepper, City Clerk/Treasurer Marcia Brooks, Associate Clerk Melissa Pratt, Asst. Public Works Supervisor Scottie Croy, Police Chief Dave Harvey**

**OTHERS PRESENT: Art Vinson, Laurie Vinson, Alice McKnight, Mike Ready, Laura Gafnea (Oxford College), Joseph Budd, Cheryl Budd, Tom Spigolon (Covington News)**

The hearing was called to order at 7:00 PM by the Hon. David Eady, Mayor to hear a request for a variance at 903 Asbury Street. The request has been made by Art and Laurie Vinson to allow a variance to the minimum side setback requirements as they relate to an accessory building on their property to allow them to make improvements to that building.

Art Vinson stated that they have been trying for several years to figure out what to do with the historic shed on their lot to get it into compliance but they have not been able to come up with anything. The building is four to five feet from the property line, but the minimum setback requirement in City of Oxford ordinance Section # 40-524(b) is ten feet. Section 40-714 of the City of Oxford municipal code provides applicable criteria for a variance request. Of these, Mr. Vinson feels that subsection (6) is most relevant to his circumstances, as explained in his supporting documents.

Mr. Vinson's submitted documents also include a letter of support from Dr. and Mrs. Budd, the adjacent property owners.

Mayor Eady asked if any City Council members have questions for Mr. Vinson. James Windham asked what Mr. Vinson plans to do with the building. Mr. Vinson stated they plan to put electricity in it. Mr. Windham stated his property should be grandfathered and questioned if this action is necessary. Mr. Vinson stated that the Planning Commission advised them they cannot make any changes/ improvements to it. Mr.

Windham stated as long as he is not changing the footprint of the building, he does not have a problem with it, and stated the City Council may need to look at some of those requirements.

No other questions were posed by the City Councilmembers. Several expressed support for the Vinsons' request.

Mayor Eady opened the floor to questions/comments from the audience. Joseph Budd spoke in favor of the request. He and his wife are neighbors of Mr. Vinson and has written a letter in support of the request. He wanted to reiterate his support in the meeting.

Respectfully Submitted,

Marcia Brooks  
City Clerk/Treasurer



**DRAFT MINUTES OF THE OXFORD MAYOR AND COUNCIL MEETING  
WORK SESSION  
MONDAY, JULY 20, 2020 – 6:30 PM  
VIA TELECONFERENCE  
DRAFT**

**ELECTED OFFICIALS PRESENT:**

David Eady – Mayor  
George Holt – Councilmember  
Jim Windham – Councilmember  
Jeff Wearing – Councilmember  
Lynn Bohanan – Councilmember  
Avis Williams – Councilmember  
Laura McCanless - Councilmember

**APPOINTED/STAFF PRESENT:**

Matt Pepper – City Manager  
Marcia Brooks – City Clerk/Treasurer  
Melissa Pratt – Associate Clerk  
Jody Reid – Utility Superintendent  
David Strickland – City Attorney

**OTHERS PRESENT:** Art Vinson, Melissa Hage

**Agenda** (Attachment A)

**1. Mayor's Announcements**

Governor Kemp has issued a new executive order concerning COVID-19 restrictions that supersedes all local government actions. The order seemed to target some of the recent adoptions of mask mandates by cities. Governor Kemp has sued the City of Atlanta regarding their COVID-19 ordinance, which is stricter than his most recent executive order. The Georgia Municipal Association conducted legal analysis of his previous orders and stated that he was overreaching his authority by trying to suspend local ordinances. In light of this analysis, Mayor Eady is recommending that the City of Oxford take the steps it feels are necessary to protect its staff, citizens and customers we serve.

Newton County has another record day for COVID-19 cases over the weekend of July 17-19. Mayor Eady is not sure of the situation at Piedmont Newton but the impact of COVID-19 is not over for Newton County.

One of Mayor Eady's focus areas as mayor is to build an anti-racist culture in Oxford. His goal is to confront systemic racism head on and understand how all people in Oxford experience racism. He intends to have conversations with people of color in Oxford to better understand this. He wants Oxford to be a joyful and fulfilling place for everyone and to break down some of the racial inequality that pervades our society. The idea of being

anti-racist in an anti-racist culture is the right way to frame this conversation. He recommends the book How to be an Anti-Racist, by Ibram X. Kendi. Copies of the book will be provided to all staff members and Councilmembers. Mayor Eady plans to have conversations with staff after reading the book as well as members of the community.

## 2. **Discussion on Farmer's Market**

Associate Clerk Melissa Pratt has been researching ideas to improve the city's Farmer's Market operations with the goal of developing policies that will help city staff manage it better. She first requested feedback from the Councilmembers of their vision for the Farmer's Market.

Mayor Eady advised he was on a committee a few years ago with Daniel Parsons from Oxford College. They came up with language for rules citizens would need to abide by if they participated, as well as standards for the market. They discussed renting tents to individuals as part of the permit process. More recently a suggestion has been made to build a pavilion to provide shaded space for the Farmer's Market during hot months as well as provide a space for other events.

Ms. Pratt advised that she had talked to Mr. Parsons, and he was excited that things would be moving again with the Farmer's Market. However, he was a bit frustrated in the past with the lack of organization. She believes it could be better structured now in a temporary fashion, and she feels the City of Oxford should be charging a fee to try to help ensure that quality products are sold at the Farmer's Market. She feels it is important to provide vendors with structure. If vendors are required to set up six days a week for full days, they probably will not be able to sustain that level of commitment. Limiting the Farmer's Market to perhaps one or two days a week may be more realistic.

Ms. Pratt has some items she can send out to the Council to look at. A farmer's market is considered an essential business. Inquiries have been made as to whether crafts and prepared foods can be considered. This seems like possibly a good time to get this going to help uplift the community and give community members a place to go to get some of the essentials they need.

Mayor Eady stated that one of the main things the committee wanted to focus on was to stay local. George Holt reminded the Council that the committee also discussed limiting products to food. Lynn Bohanan stated she would not have a problem with the Farmer's Market allowing vendors county-wide, and that it would still retain a sense of community. She does not have a problem with bringing in craft related products but believes there should be some type of juried application process to guarantee quality of vendor items being sold.

Ms. Pratt agreed with Ms. Bohanan due to the limited space available. There is room for 25-30 spots. Ms. Bohanan also mentioned that similar events limit the number of any specific type of vendor, so having vendors with different products would be good. However, the City may want to limit the number of vendors right now to encourage social distancing.

Laura McCanless stated she likes the idea of locally grown and locally made. As for charging a fee, she would just like to see some vendors on the ground before the City starts asking a fee. A fee could be a deterrent as the City is trying to launch the program.

Jeff Wearing would like to see an active Farmer's Market. He believes part of the problem in the past has been failure to market the program properly. He also does not think opening the market county-wide will get enough people participating. He recommends a tri-county or five-county area. He hopes Melissa is planning a marketing strategy. Ms. Pratt confirmed that she has many plans for marketing the city's Farmer's Market. Mr. Wearing also stated he believes it will need to be opened up to crafts such as bat boxes, bird houses, wind chimes, etc.

James Windham stated that the original idea was to call it a Farmer's Market but not restrict it to farm goods per se. It was also intended to allow vendors from the counties contiguous to Newton County. The only criteria were that products had to be grown or made by the vendor. They could not be bought and resold. He feels the biggest problem with the Farmer's Market is the city's response to it has been rather tepid. He agreed with Mr. Wearing that there has not been any marketing. He does not think the city can start the program by charging vendors.

There have been a couple of farmer's markets around the area in recent years that had some success, but it could not be sustained. He also thinks it is too early to talk about a juried selection process for vendors. He would like the City to work toward a pavilion that would allow some shade and air circulation. What he would like to see right now is a list of questions people are asking.

Mayor Eady stated that Barbara Cole has expressed some interest in volunteering to help with the city's Farmer's Market. She has some passed experience working with markets and festivals. Ms. Pratt will send some information to the Councilmembers very soon. Marcia Brooks stated that she would have Ms. Pratt included the relevant ordinances in effect now in the information she sends.

Mr. Windham stated that until a pavilion can be built, stricter rules are needed for how vendors present themselves on city property.

### 3. **COVID-19 Update**

Matt Pepper advised that customers have been compliant with mask requirements and there have not been any belligerent customers refusing to accept one when it was provided to them. Administrative staff are maintaining a protocol of cleaning the lobby and touch spots (door handles, etc.) at least once per hour, wearing masks and social distancing. New signs for Asbury Street Park have been installed.

Mayor Eady asked if anyone has any questions or concerns about the formal mask mandate that has been proposed. None were raised and the Mayor and Council expressed their support for the measure.

Mr. Windham stated that if students do not return to school in person, the City of Oxford should consider implementing city-wide wi-fi. Mayor Eady indicated providing some form of internet accessibility, whether at City Hall or elsewhere in the city would be a possibility to address inequities within our community with access to technology needed to attend school online. Ms. McCanless pointed out that computers may not be available to all children in Newton County. Morgan County gives each student a Chromebook but she does not know if that is the case in Newton County. Morgan County set up hotspots throughout the county because of the many rural parts of the county. Mr. Windham mentioned that Lovern Hall may be a suitable place in Oxford, and Mayor Eady mentioned Mainstay Academy. The City will continue investigating ways it can help students in the community.

#### 4. **Penalties and Fees for Future Utility Bills**

Penalties and fees on utility bills have been waived since April. The Council will discuss whether to resume imposing penalties and fees. Staff have been working with individual customers on payment plans and trying to deal with customers who have always been late with their bills. Matt Pepper stated that staff are still reaching out to try to work with customers. It is getting to the point where we may want to take further action (disconnect services) on those individuals who have not made any payments recently and who have not responded to multiple attempts to contact them. The City has about 70 customers who are past due through May. Staff are documenting all attempts to contact customers and all communications with them.

Mr. Wearing suggested setting a time limit for customers to at least try to pay some amount. If they do not meet this requirement they should be shut off. His recommendation is to allow Mr. Pepper and Marcia Brooks to make the determinations about when these individuals' services should be disconnected.

Mr. Windham agreed but expressed that some type of criteria is needed for making the determination. Lynn Bohanan asked what is being offered for customers who are struggling. Matt Pepper answered that customers are being set up on payment plans that allow them a certain amount of time to get caught up. The time frame is determined on an individual basis according to the customer's circumstances and the amount of the balance.

Mayor Eady stated that the staff has been very compassionate in dealing with customers who are struggling and trying to work with them. The problem is with those who are not responding, and sometimes the only way to catch their attention is to disconnect services. The staff have experience with customers who are habitually late, and they are some of the same ones who are behind at this time. He does agree with Mr. Windham that clear criteria are needed and should be communicated to customers. If they refuse to communicate back, the next step should be to move forward with disconnections.

Mr. Windham asked for input from Mr. Pepper and Ms. Brooks since their staff are dealing each day with these customers.



Mr. Holt stated that if customers receive letters saying they are going to be cut off, and they do not respond, he has no problem with cutting them off. Mr. Wearing agreed.

Mr. Pepper stated that costs are starting to add up for the City to provide these services, and a plan is needed to manage those costs so that the City can continue to provide them effectively. It is a challenge to balance the community side with the financial side.

Mr. Windham asked Mr. Pepper to contact the City of Covington to ask about a letter they send out in their bills asking customers to make a contribution to help other customers in need. He would like to hear from them about how successful the program has been. Mayor Eady asked if the City's billing system is set up to accept additional payments from customers. Ms. Brooks stated she would have to research this question.

Ms. Brooks asked if the City would continue to waive penalties and fees. Mayor Eady stated that was his recommendation but asked for input from the Council. Mr. Windham asked if he could hear from staff as to what they are experiencing day in and day out. Ms. Brooks asked Ms. Pratt to speak to this question since she talks to many of the customers herself each day. Ms. Brooks stated that with the few customers she has talked to, she has found that they did not know the City was waiving penalties and fees.

Ms. Pratt stated that she experienced the same thing with customers. She knows that Covington is doing late fees and disconnects. She does not believe adding penalties and fees back is going to do much harm. There are definitely some customers who are communicating that they need more time, but the ones who are not responding are the more typical customers who do not make any attempt to communicate with the City until they are cut off, even during normal times.

Based on Ms. Pratt's comments, Mr. Windham recommended allowing Mr. Pepper, Ms. Brooks, and the City staff to determine whether customers should be disconnected. Ms. Bohanan asked whether a customer is "tagged" once they are cut off and cut back on – are they going to be allowed to make payment arrangements? Ms. Pratt stated there has not been a situation yet where the staff has said they are not going to help them. Even before COVID-19 there were customers who would get cut off, get cut back on, get behind again, get their warnings, and get cut off again. However, it is a small percentage of total customers. Also, staff can look back at past payment history to know which customers are habitually late with payments.

Ms. McCanless was impressed with the depth of thought that goes into determining how to treat each customer situation and agreed with Mr. Windham about leaving these decisions to staff discretion.

Ms. Pratt mentioned that there has been some confusion about whether the City could move forward on disconnects on those customers who are not communicating or who are not complying with the payment arrangement forms they have signed.

Mr. Wearing stated that he feels staff is very capable of determining which customers should be cut off. Mr. Windham agreed with giving staff the leeway to pull the trigger on situations where they think it is appropriate. Ms. Bohanan and Mr. Holt also agreed. Mayor Eady advised Ms. Pratt to contact him if she has a question about a particular case. He also advised that staff is being empowered to determine when to disconnect services and when to apply penalties and fees. Documentation of contacts with customers and criteria used to make these decisions should be documented, and all customers should be treated equitably.

**5. 2020 Millage Rate (Attachment B)**

The City of Oxford has proposed maintaining the millage rate of 6.62 in 2020, which constitutes a property tax increase of 10.56%. Mr. Pepper stated that the City of Oxford is required to publish its 5-Year history of tax levies and its recommended millage rate for 2020. For the past three years the City Council has maintained the millage rate of 6.62 rather than rolling back the millage rate.

Mayor Eady discussed a chart showing the downward trend in revenue from 2007 to 2014. Revenues began increasing in 2015 due to property reassessments, but they still have not reached the 2007 levels.

A second chart shows the increased use of the General Fund revenue to cover expenditures in the years of 2010-2018. Enterprise funds did a better job of covering expenditures in 2019 and 2020. Mayor Eady is recommending keeping the millage rate the same to avoid slipping back into the situation of 2010-2018.

Ms. McCanless feels this is a reasonable approach due to the uncertainty of revenue flows in FY2021. Ms. Williams, Ms. Bohanan, Mr. Wearing and Mr. Windham agreed. Mr. Windham expressed a desire to manipulate the tax digest to discourage absentee ownership.

If the Council accepts the recommendation of the Mayor and staff, three public hearings must be held. Two of the public hearings are scheduled for July 27, 2020 at 9:00 a.m. and 6:00 p.m. The other public hearing will be held prior to the Regular Council meeting on August 3, 2020 at 7:00 p.m.

**6. Discussion on Transportation-Special Purpose Local Option Sales Tax (T-SPLOST) (Attachment C)**

The City Council continued discussion on the intergovernmental agreement (IGA) between Newton County and the municipalities regarding the proposed T-SPOST referendum.

Mayor Eady provided two examples of possible ways to list the planned uses of the TSPLOST. The verbiage preferred by the Council will be added to the contract. Ms. McCanless commented that she prefers the verbiage that will give the City the most flexibility. All other Councilmembers agreed. Mayor Eady stated that Option 1 is the most flexible and it articulates the City's plans for meeting the requirements of the law without

pigeonholing funds into certain specific categories. David Strickland had nothing further to add.

The language in Option 1 will be inserted in the agreement that will be voted on in the Special Session to follow.

**7. Emory Street Sidewalk Concept Study (Attachment D)**

This study utilized Capital Funds to undertake a study by Keck & Wood of sidewalk installation for the north part of Hwy. 81. Two options were provided in the study, a sidewalk on the east side and a sidewalk on the West side. A crosswalk is included with each option. Both options cost more than \$1,000,000. The West side is \$50,000 less than the east side.

Ms. McCanless stated that the east side option seems to aggregate people safely in conjunction with the original intent of the project more than the west side option does because more of the population is on the east side. All other Councilmembers agreed with Ms. McCanless.

Ms. Bohanan asked what the benefit of a crosswalk at mid-block would be. Mayor Eady stated that Collingsworth and Emory Way are not lined up, which complicates the navigation of pedestrians and cars. If the sidewalk is on the east side, the crosswalk would be at West Watson Street which would allow for accurate alignment with the street. The crosswalk would be similar to the one at Hamill Street, which is marked and has flashing lights that can be activated by a pedestrian. After crossing, additional pavement could be added to allow pedestrians to cross into the park.

Mr. Wearing asked how much it takes to maintain the grass in front of the street. He has observed some grass that has not been taken care of. He proposed creating a bike lane at the location of the crosswalk on the east side of Highway 81. Mayor Eady stated that could be something the City could do with some of the TSPLOST money. It would also need to be coordinated with the Georgia Department of Transportation (GDOT).

Mr. Wearing also asked if streetlamps would be on both sides of the street. Mayor Eady stated that streetlamps would be on the side the sidewalk is.

Keck & Wood recommended applying for federal funds for this project. Mayor Eady asked Mr. Pepper to research this possibility.

Mr. Windham commented that they will need a retaining wall at Mt. Zion. Mayor Eady also commented that engineering drawings will be required for the option chosen.

**8. Minor Variance Amendment Discussion**

The Planning Commission is recommending the inclusion of a minor variance provision within the city's zoning ordinance. Many individuals wishing to make changes on their property have minor issues such as not meeting setback requirements. Such issues preclude these individuals from starting the work before they obtain permission from the City Council for a variance. Such projects might implicate a building permit application but

not implicate the whole variance process. However, the way the current ordinance is written, a variance request is required. The Planning Commission proposes taking on approval of some such minor projects.

Mr. Windham stated that the policy should be if the footprint is not being changed and the height of the building is not being increased, it should be grandfathered in. Mr. Holt, Mr. Wearing, Ms. Bohanan and Ms. Williams agreed.

Mayor Eady asked if Mr. Pepper could take this issue back to the Planning Commission and see if they could add some language to address this need. Mr. Pepper clarified that the request from the Planning Commission was not just to address accessory buildings. There have been times when, for example, a citizen wanted to replace the siding on their house, but because the house was non-comforming, a variance was required. There are some houses that predate zoning and making improvements to those houses requires going through the variance process. The proposal by the Planning Commission is trying to change this.

Mr. Windham stated he did not have a problem with those situations being approved by the Planning Commission either, as long as the footprint of the house was not changing, and the height of the building was not being increased. Ms. Bohanan agreed.

Mayor Eady asked Mr. Pepper to take this change back to the Planning Commission to amend their recommendation. David Strickland confirmed that initial acceptance of the ordinance change would require going through the administrative procedure for ordinance enactment.

Mr. Windham recommended that if the building was erected after the zoning ordinances were promulgated and does not meet zoning requirements, it cannot be grandfathered in.

Mr. Pepper requested clarification on what to take back to the Planning Commission. Mayor Eady advised that the change would be if the footprint of the building is not changing and the height is not being increased the Planning Commission can issue a minor variance.

#### **9. Executive Session Affidavit**

Our current Executive Session Affidavit requires the signatures of all Councilmembers when an Executive Session is held. Obtaining the signatures has been more difficult during the COVID-19 pandemic. Ms. Brooks has determined that all the signatures are not necessary, and that only the mayor's signature is needed. Changing the form would streamline the administrative process. Ms. Brooks has confirmed with David Strickland that the proposed affidavit meets legal requirements for closed meetings.

Mayor Eady adjourned the meeting at 8:09 p.m.

Respectfully Submitted,

Marcia Brooks  
City Clerk/Treasurer



**DRAFT MINUTES OF THE OXFORD MAYOR AND COUNCIL MEETING  
SPECIAL CALLED MEETING  
MONDAY, JULY 20, 2020 – 8:10 PM  
VIA TELECONFERENCE  
DRAFT**

**ELECTED OFFICIALS PRESENT:**

David Eady – Mayor  
George Holt – Councilmember  
Jim Windham – Councilmember  
Jeff Wearing – Councilmember  
Lynn Bohanan – Councilmember  
Avis Williams – Councilmember  
Laura McCanless - Councilmember

**APPOINTED/STAFF PRESENT:**

Matt Pepper – City Manager  
Marcia Brooks – City Clerk/Treasurer  
Melissa Pratt – Associate Clerk  
Jody Reid – Utility Superintendent  
David Strickland – City Attorney

**OTHERS PRESENT:** Art Vinson, Melissa Hage

1. The meeting was called to order by the Hon. David Eady, Mayor.
2. **A motion was made by Jeff Wearing to accept the Agenda for July 20, 2020. Avis Williams seconded the motion. The motion was approved unanimously (7/0).**  
(Attachment A)
3. **Intergovernmental Agreement for the Transportation Special Purpose Local Option Sales Tax (Attachment B)**  
**A motion was made by Jeff Wearing to accept the terms and project list stated in the intergovernmental agreement (IGA) between Newton County and the municipalities regarding the proposed T-SPLOST referendum. Laura McCanless seconded the motion. The motion was approved unanimously (7/0).**
4. **Policy Requiring Face Coverings in City Buildings (Attachment C)**  
**A motion was made by James Windham to approve a resolution requiring the city to abide by certain practices to protect the health and safety of staff and visitors including the use of face masks while in city buildings. Avis Williams seconded the motion. The motion was approved unanimously (7/0).**

5. **James Windham made a motion to adjourn. Lynn Bohanan seconded the motion. The motion was approved unanimously (7/0).** Meeting adjourned at 8:16 p.m.

Respectfully Submitted,

Marcia Brooks  
City Clerk/Treasurer



**DRAFT MINUTES OF THE OXFORD MAYOR AND COUNCIL  
PUBLIC HEARING  
MONDAY, July 27, 2020 – 9:00 AM  
VIA TELECONFERENCE AND BROADCAST AT CITY HALL**

**COUNCIL MEMBERS PRESENT:** David Eady, Mayor; Councilmembers: Jeff Wearing, Laura McCanless, Avis Williams, George Holt

**COUNCIL MEMBERS NOT PRESENT:** James Windham, Lynn Bohanan

**Staff members present:** City Manager Matt Pepper, City Clerk/Treasurer Marcia Brooks

**OTHERS PRESENT:** None

The public hearing was called to order at 9:03 AM by the Hon. David Eady, Mayor. Mayor Eady stated that the City is proposing the same millage rate as the previous three years. The City's revenue is just beginning to trend back toward its 2007 level but is not there yet. Maintaining the millage rate of 6.62 will help keep the City moving toward that level and will help offset revenue reductions caused by the COVID-19 pandemic.

Mayor Eady called for comments regarding the millage rate proposal. No comments were made.

**Jeff Wearing made a motion to adjourn the public hearing at 9:10 a.m. Avis Williams seconded the motion. The motion carried unanimously (5/0).**

Respectfully Submitted,

Marcia Brooks  
City Clerk/Treasurer





**DRAFT MINUTES OF THE OXFORD MAYOR AND COUNCIL  
PUBLIC HEARING  
MONDAY, July 27, 2020 – 6:00 PM  
VIA TELECONFERENCE AND BROADCAST AT CITY HALL**

**COUNCIL MEMBERS PRESENT: David Eady, Mayor; Councilmembers: Jeff Wearing, Laura McCanless, Avis Williams, George Holt, James Windham, Lynn Bohanan**

**Staff members present: City Manager Matt Pepper, City Clerk/Treasurer Marcia Brooks**

**OTHERS PRESENT: None**

The public hearing was called to order at 6:00 PM by the Hon. David Eady, Mayor. Mayor Eady stated that the City is proposing the same millage rate as the previous three years. The City's revenue is just beginning to trend back toward its 2007 level but is not there yet. Maintaining the millage rate of 6.62 will help keep the City moving toward that level and will help offset revenue reductions caused by the COVID-19 pandemic.

George Holt pointed out that the property tax base in Oxford will never adequately cover City operations, no matter how much they are raised. There is not enough property in Oxford to fund the City's operations with property taxes alone.

James Windham proposed a study evaluating the feasibility of eliminating property taxes for a property based on the property owner's adoption of ecologically sound practices, such as on-demand water heaters and electric cars. Such a plan may include adding electric charging stations for City residents as an incentive. The revenue from the increased use of electricity would offset the decrease in property taxes levied against the property.

Mayor Eady stated the City could talk to the Municipal Electric Authority of Georgia (MEAG) or Electric Cities of Georgia (ECG) to find out the cost to conduct such a study. Another option may be students from the University of Georgia who must complete a practicum as part of their degree requirements.

Laura McCanless indicated she liked the idea of offering some type of rebate for property owners willing to adopt greener standards but would be concerned about eliminating property taxes altogether because doing so could encourage more rental properties that may be poorly maintained. Mr. Windham stated he agreed but clarified that he was talking about rebates to individual property owners. Mayor Eady stated a rebate could also go against the property owner's electric bill and keep it within the enterprise fund where the electric revenue is recorded. Mr. Windham acknowledged Mayor Eady's suggestion, but he felt a rebate against property taxes would be a more marketable idea.

Mayor Eady pointed out that the City has a margin built into its electric rates that for all intents and purposes is actually a consumption tax designed to make up for the shortfall in property taxes generated in Oxford each year. If the electric bill were smoothed out for customers with rebates, property taxes could be raised without such a negative impact on customers while mitigating the possibility of poorly maintained rental properties coming to Oxford because of relatively low property tax rates.

Ms. McCanless asked if there can be a business tax for rental property owners as a disincentive to them. Mr. Holt advised that in the past there had been discussion about increasing taxes but also increasing the homestead exemption. Homeowners would not see an increase in taxes, but rental property owners would.

Mr. Windham stated that each time he had looked at a comparison of electric rates between municipalities, Oxford was around the middle, not exorbitantly high. Policies are needed that discourage absentee ownership in Oxford.

Mayor Eady will discuss the options with Matt Pepper. He believes a graduate group at the University of Georgia (UGA) or Georgia Tech could perform the research needed and layout the options at little or no cost to the City. Given that he is an employee at Georgia Tech, he will need to check with their compliance officer to determine if there is any perception of or actual conflict of interest before engaging with them. Making Sustainable Newton the client may be a way to mitigate any conflict of interest if Georgia Tech's resources are used.

Mr. Windham asked if Mr. Pepper had spoken with the City of Covington regarding their procedures for customers to contribute toward other customers' utility bills. Mr. Pepper stated he did contact the City of Covington. They do not have an in-house program, but they do work with a group called H.E.A.T. He is awaiting information from the City of Covington about this program.

Laura McCanless mentioned budget billing to smooth out very high electric bills. Mayor Eady stated that the City will need to discuss this possibility with ECG and research whether our billing system can handle this type of invoicing. He asked Marcia Brooks to work on this research and bring the information back to the Council.

Mr. Windham asked for some data on average electric bills in Oxford. Mayor Eady also wanted to see poverty rates because it is important to also look at how much of a family's income is used to pay utilities. Mr. Windham agreed that some economic information about Oxford is needed to help the Council make more informed decisions about such things.

Mayor Eady observed that he had made some comparisons of different areas in Oxford, and it appears that the Newton County Tax Assessor has made an effort over the past few years to bring property valuations in parity with the market, and as a result taxes for some property owners have increased significantly. Mr. Windham stated that is further justification for conducting an economic study to arm citizens with the information they need to challenge their valuations if they believe they are excessive.

**Jim Windham made a motion to adjourn the public hearing at 6:34 p.m. Avis Williams seconded the motion. The motion carried unanimously (7/0).**

Respectfully Submitted,

Marcia Brooks  
City Clerk/Treasurer

# OXFORD PLANNING COMMISSION

Minutes – June 9, 2020

**MEMBERS:** Jonathan Eady, Chair; Zach May, Vice Chair; Juanita Carson, Secretary; Mike McQuaide, Mike Ready, and Kibbie Hatfield.

**STAFF:** Matthew Pepper, city manager and zoning administrator.

**GUESTS:** Art Vinson; William Bozeman; James Spearman; Randy Simon, Director of Facilities Planning and Operations with Oxford College.

**OPENING:** At 7:01 PM, Mr. Eady called the meeting to order and welcomed the guests.

**MINUTES:** Upon motion of Mr. Ready, seconded by Ms. Carson, the minutes for the meeting of April 14, 2020 were adopted. The vote was 6-0.

**JAMES SPEARMAN DEVELOPMENT PERMIT APPLICATION (121 North Oxford Road):** The Commission reviewed the development permit application to complete the following development projects: construct an 18' x 20' metal carport in the rear yard; construct a 30' x 30' metal building on a slab at the end of the driveway; and install a wooden fence with a metal gate at the entrance of the property. The Commission confirmed the locations of the proposed carport, metal building and fence met the setback and other distance requirements.

*Upon motion of Ms. Carson, seconded by Mr. McQuaide, the Planning Commission approved the development permit application to construct a wooden fence with a gate across the property located at 121 North Oxford Road. The vote was 6-0.*

*Upon motion of Mr. May, seconded by Mr. McQuaide, the Planning Commission approved the development permit application to construct a 30' x 30' metal building on a slab at the end of the driveway of the property located at 121 North Oxford Road. The vote was 6-0.*

*Upon motion of Mr. McQuaide, seconded by Mr. Ready, the Planning Commission approved the development permit application to construct an 18' x 20' metal carport in the rear yard of the property located at 121 North Oxford Road. The vote was 6-0.*

**ART AND LAURIE VINSON VARIANCE REQUEST (903 Asbury Street):** The Commission reviewed the request for a variance on the 10' minimum side setback requirement to allow for improvements to the existing non-conforming 14' x 18' accessory building located in the rear yard. Currently, the existing accessory building sits 4-5 feet from the side property line. Regarding the development permit application, Mr. Vinson explained that he will first install electrical service to the building. He will submit another development permit application detailing the remaining renovation work after receiving approval of the variance request by the Mayor and City Council.

*Upon motion of Ms. Carson, seconded by Ms. Hatfield, the Planning Commission approved the variance on the minimum side setback requirement and also make that same recommendation to City Council for their consideration. The vote was 6-0.*

*Upon motion of Mr. Ready, seconded by Ms. Carson, the Planning Commission approved the development permit application to install electrical service in the 14' x 18' accessory building. The vote was 6-0.*

**RESIDENTIAL DEVELOPMENT CONVERSATION WITH WILLIAM BOZEMAN:** Mr. Bozeman, a real estate broker representing Smith Douglas Homes, requested an opportunity to discuss with the Commission

the potential construction of an age-targeted (55 years and older) development on a 47-acre lot located on W. Richardson Street. Currently, the property is owned by Mr. Curtis Jackson and is not located within the city. If approved, and prior to construction, the city must annex the property and assign it to the R 7.5 zoning designation. Given the acreage and topography of the property, Mr. Bozeman stated that Smith Douglas Homes is interested in building a development of approximately 160-200 homes. The buildout plan would be one or two phases. As it stands now, Newton County has the property zoned as R-3, which has minimum lot area of 22,000 square feet and minimum house size of 1,800 square feet.

The Commission discussed that the city's R-20 zoning district is comparable to the county's R-3 with respect to minimum lot area and minimum house size. Mr. Bozeman asked the Commission how many homes the city would support on the property. The Commission did not commit to any specific number of homes. Rather, they stated that the property could potentially accommodate 40-50 homes if zoned compatible with the surrounding area and with accommodations for green space, roads, and other amenities. Further, the Commission recognized that Smith Douglas Homes could possibly build homes on the lot without the city's consent given that the property is located within Newton County.

The Commission related several concerns with the proposal to construct a high-density subdivision on the Jackson property. They cited the following reasons:

- The proposed zoning for the development (R-7.5) is incompatible with the city's land use plan.
- The loss of many aged hardwood oak trees and other vegetation.
- The inability of the city to capture revenue from electric sales (the property is located within Georgia Power's and Snapping Shoals EMC's service territory). The Commission cited the only revenue available is the sale of water and sewer service and property taxes.
- A lack of existing infrastructure to support the development. The 47-acre lot is within the city's water and sewer territory but is not currently served. The city must run both a water and sewer main along W. Richardson Street to serve the property. In addition, the existing road is gravel and would need to be paved.
- The potential for increased vehicular traffic on W. Richardson Street and possibly Wesley Street.

**OXFORD COLLEGE DEVELOPMENT PERMIT APPLICATIONS (2):** The Commission reviewed the development permit application to complete interior and exterior renovation work on the existing dwelling located at 502 Emory Street. The plan is to prepare the dwelling to serve as faculty housing. The exterior renovation work includes the following items: replace the roof shingles, complete some touch up painting, and repair and paint the shed. The interior work includes the following items: repair the drywall, paint the walls, trim, and ceiling, replace aging appliances, and repair the hardwood floor. The Commission asked what appliances the college will replace. Mr. Simon responded that the stove, refrigerator, and dishwasher will be replaced. The Commission asked Mr. Pepper to confirm with the city's building inspector whether building permits are required when replacing major appliances. If so, Mr. Pepper will share that information with Mr. Simon.

In addition, the Commission reviewed the development permit application to complete interior and exterior renovation work on the existing dwelling located at 808 Wesley Street. The plan is to prepare the dwelling to serve as student housing during the Coronavirus (COVID-19) pandemic. Upon the Commission's review of the tax map for the property, it appears as though the dwelling encroaches on the city ROW. Oxford College agreed to provide the Commission with a survey of the property. Given the narrow timeline to complete the renovations before the students return in August, the Commission agreed to reconsider the development permit application at a special called meeting. The development permit application for 808 Wesley Street was postponed until the next meeting of the Commission.

*Upon motion of Ms. Hatfield, seconded by Mr. May, the Planning Commission approved the development permit application to complete the interior and exterior renovation work on the existing dwelling on 502 Emory Street as listed in the scope of work. The vote was 5-0 with Mr. Eady abstaining.*

**TEMPORARY HOUSING CONVERSATION WITH OXFORD COLLEGE:** Mr. Simon shared with the Commission the college is considering plans to provide temporary housing for students during the COVID-19 pandemic. The college plan may include a desire to install temporary housing units in the back of the parking lot behind Haygood Hall. Mr. Simon reported that the largest size of the temporary housing unit that the college is considering is 48' x 160' with the capacity to safely house 48 students. In addition, Mr. Simon reported that Oxford College has reserved space at local hotels in Covington to reduce the density in the residence halls. Mr. Simon will provide more information to the Commission.

**OTHER BUSINESS:** The Commission did not discuss any items related other business.

**ADJOURNMENT:** Mr. Eady adjourned the meeting at 9:00 PM.

Submitted by:

Juanita Carson, Secretary

# OXFORD PLANNING COMMISSION

Minutes – June 23, 2020

**MEMBERS:** Jonathan Eady, Chair; Zach May, Vice Chair; Juanita Carson, Secretary; Mike Ready, and Kibbie Hatfield. Mike McQuaide was absent.

**STAFF:** Matthew Pepper, city manager and zoning administrator. Melissa Pratt, associate clerk.

**GUESTS:** Laura McCanless; Scott White; Brittany Wilson; Ryan Murphy; Anthony Ellis; Chad Nye; David Thacker, Iron Horse Development; James Johnson, University Landscape Architect with Emory University; Randy Simon, Director of Facilities Planning and Operations with Oxford College.

**OPENING:** At 7:03 PM, Mr. Eady called the meeting to order and welcomed the guests.

**MINUTES:** The minutes for the meeting held on June 9, 2020 were not reviewed. The Commission will review the June 9<sup>th</sup> minutes at its regular July meeting.

**FORREST AND LAURA MCCANLESS DEVELOPMENT PERMIT APPLICATION (1003 Wesley Street):** The Commission reviewed the development permit application to replace the damaged roof, ceiling, and windows at the house located at 1003 Wesley Street. The damage was caused by a storm. During the review, Ms. McCanless explained that strong wind gusts caused a large tree to break and fall on the home's sunroom resulting in four (4) broken windows and damage to the sheetrock and roof. Ms. McCanless further explained that the tree did not cause any structural damage to the sunroom. She stated that her plan is to reconstruct the sunroom as it was before the damage. The Commission stated that the project may require a general repair building permit pending a damage assessment from the city's building inspector.

*Upon motion of Ms. Carson, seconded by Mr. May, the Planning Commission approved the development permit application to replace the damaged roof, ceiling, and windows at the house located at 1003 Wesley Street. The vote was 5-0.*

**ANAU, LLC DEVELOPMENT PERMIT APPLICATION (203 Emory Way):** The Commission reviewed the development permit application to make repairs to the roof, sheetrock, ceilings, and floor coverings to the house located at 203 Emory Way. The damage was caused by a storm. During the review, Mr. White explained that strong wind gusts caused a large tree to break and fall on the house resulting in about 15 broken rafters, 20 broken ceiling joists, and significant damage to the sheetrock. The city's building inspector met with Mr. White to assess the damage caused to the house. They have begun to work on the repairs while applying for the requisite development and building permits.

*Upon motion of Mr. Ready, seconded by Ms. Carson, the Planning Commission approved the development permit application to make repairs to the roof, sheetrock, ceilings, and floor coverings to the house located at 203 Emory Way. The vote was 5-0.*

**BRITTANY WILSON AND RYAN MURPHY DEVELOPMENT PERMIT APPLICATION (1006 Asbury Street):** The Commission reviewed the development permit application to install 40 feet of black powder-coated chain link fence at 1006 Asbury Street. The fence would be four (4) feet tall. Ms. Wilson explained that the fence would extend from both sides of the house towards existing fencing on the north and the city's brick wall on the south. During the discussion, the Commission shared that the city's brick wall is behind the property line. Consequently, the Commission cannot approve the installation of a section of the fence on city property. As an alternative, the Commission recommended that Ms. Wilson connect it to the existing section of wooden fence that is located within the city's brick wall. The wooden section extends to the property line. Ms. Wilson and Mr. Murphy agreed to the Commission's alternative.

*Upon motion of Ms. Carson, seconded by Mr. Ready, the Planning Commission approved the development permit application to install 40 feet of fencing in the rear yard of the property located at 1006 Asbury Street, with the south section of the fence connecting to the existing section of wooden fence that is located within the city's brick wall. The vote was 5-0.*

**ANTHONY ELLIS DEVELOPMENT PERMIT APPLICATION (808 Emory Street):** The Commission reviewed the development permit application to complete the following work at 808 Emory Street: install a carport behind the house; pour a driveway behind the home to connect to the carport; demolish two existing sheds located in the rear of the property; complete renovations on the front porch of the house; replace the windows and roof, if necessary; and paint the exterior of the house. The Commission amended the scope of work to include the driveway behind the home. In addition, the Commission confirmed that the two existing sheds are located on the property. Mr. Ellis confirmed that, at this time, he was not contemplating any interior renovations to the existing home.

*Upon motion of Mr. May, seconded by Mr. Ready, the Planning Commission approved the development permit application to complete the renovation work on the house, install the carport, demolish the two existing sheds, and pour the driveway behind the home. The vote was 5-0.*

**CHAD NYE DEVELOPMENT PERMIT APPLICATION (202 W. Wade Street):** The Commission reviewed the development permit application to install a 14' x 26' workshop/storage shed in the rear yard of the property located at 202 W. Wade Street. Mr. Nye explained that the structure will be made of wood with shingles and built on a concrete slab. He further explained that he will run power underground from the house to the shed. In addition, Mr. Nye stated that he also plans to pour a driveway addition. The Commission confirmed that the structure meets the side and rear setback requirements and the materials are consistent for similar structures in the city. As part of the discussion, the Commission amended the scope of work on Mr. Nye's development permit application to include pouring the concrete for both the slab for the workshop/storage shed and the driveway addition. In addition, Mr. Nye will provide Mr. Pepper with an amended drawing depicting where the driveway addition will be located.

*Upon motion of Ms. Carson, seconded by Mr. Ready, the Planning Commission approved the amended development permit application to install a 14' x 26' workshop/storage shed in the rear yard and pour a driveway addition on the property on the located at 202 W. Wade Street. The vote was 5-0.*

**IRON HORSE DEVELOPMENT PERMIT APPLICATION (309 Emory Street):** The Commission reviewed the development permit application to construct an addition to the existing dwelling located at 309 Emory Street. During the review, the Commission found no setback issues. With the addition, the existing house will now meet the minimum square footage requirements of 1,800 square feet for principal dwellings located on lots zoned R-20. As for materials, Mr. Thacker explained that he will install Hardiplank siding and re-roof the house to match the existing exterior.

*Upon motion of Mr. Ready, seconded by Mr. May, the Planning Commission approved the development permit application to construct an addition to the existing dwelling located at 309 Emory Street. The vote was 5-0.*

**OXFORD COLLEGE DEVELOPMENT PERMIT APPLICATION (808 Wesley Street):** The Commission reviewed the development permit application to complete interior and exterior renovation work on the existing building located at 808 Wesley Street. As part of the discussion, Mr. Simons explained that the scope of work includes the following: replacing the windows, the screening around the porch, and some sections of drywall; repairing sections of the floor; replacing the refrigerator, stove, and dishwasher; replacing the rotted wood on the shed that is behind the house. The Commission asked for the projected cost of the proposed repairs and the purchase price for the property. They explained that the city's zoning ordinances do not allow for repairs to be made to a non-conforming structure that exceed



50% of the value of the home. Mr. Simons did not know the dollar amounts for the proposed repairs and the purchase price, but he felt confident that the cost of the repairs fell below the 50% threshold.

In addition, the Commission explained that, per the survey, the porch that is connected to the front of the house encroaches by 1.5 feet onto the city's right-of-way (ROW). The Commission further explained that the college had two ways to remedy the encroachment issue: 1. remove the section of the porch that encroaches; 2. request the city's permission to encroach. Mr. Simons stated that the college will remove the section of porch that is encroaching on the ROW. In response, the Commission stated they would approve the development permit application conditional upon the removal of the portion of the porch that encroaches on the city's ROW.

*Upon motion of Mr. May, seconded by Mr. Ready, the Planning Commission approved the development permit application to complete interior and exterior renovation work to the dwelling and shed located at 808 Wesley Street conditional upon the removal of the portion of the existing porch that encroaches on the city's right-of-way. The vote was 4-0 with Mr. Eady abstaining.*

**OTHER BUSINESS:** The Commission discussed rescheduling the July meeting from Tuesday, July 14<sup>th</sup> to Monday, July 13<sup>th</sup> to accommodate a scheduling conflict.

*Upon motion of Ms. Carson, seconded by Mr. Ready, the Planning Commission rescheduled the July Meeting from Tuesday, July 14<sup>th</sup> to Monday, July 13<sup>th</sup>. The vote was 5-0.*

**ADJOURNMENT:** Mr. Eady adjourned the meeting at 8:15 PM.

Submitted by:

Juanita Carson, Secretary

# CITY OF OXFORD

## RESOLUTION

A RESOLUTION OF THE CITY OF OXFORD (CITY) TO AUTHORIZE THE EXECUTION OF THE CORONAVIRUS RELIEF FUND (CRF) TERMS AND CONDITIONS AGREEMENT; TO AUTHORIZE THE ACCEPTANCE OF GRANT PAYMENTS, INCLUDING ALL UNDERSTANDINGS AND ASSURANCES CONTAINED WITHIN SUCH AGREEMENT; TO DIRECT AND AUTHORIZE THE PERSON IDENTIFIED AS THE OFFICIAL REPRESENTATIVE OF THE CITY, OR THE DESIGNEE OF THE CITY TO ACT IN CONNECTION WITH THE GRANT APPLICATION; AND TO PROVIDE SUCH ADDITIONAL INFORMATION AS MAY BE REQUIRED.

**WHEREAS**, in an effort to mitigate the effects of COVID-19, the United States government has made available grant funding through the Coronavirus Relief Fund (CRF) to the State of Georgia, which was established within Section 601 of the Social Security Act, as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act);

**WHEREAS**, Governor Brian P. Kemp has authorized the sharing of CRF allocations and disbursements in a phased, measure approach with local governments across the State of Georgia;

**WHEREAS**, Governor Kemp has acknowledged the critical need that such CRF funding be released to local governments experiencing immediate need as quickly as possible and has directed the Governor's Office of Planning and Budget (OPB) to coordinate with local governments to achieve allocation and disbursement of such CRF funding;

**WHEREAS**, OPB has created and will administer a grant management system, GeorgiaCARES, which local governments, including the City shall utilize in order to received allocations and disbursements of CRF funding; and

**WHEREAS**, the OPB and the State of Georgia, require formal, official action of the City governing authority to that the CRF funding may be disbursed to the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF OXFORD, GEORGIA:**

**Section 1. Execution of Coronavirus Relief Fund (CRF) Terms and Conditions.** The Mayor and Council hereby authorize the execution, delivery, and performance of the Coronavirus Relief Fund (CRF) Terms and Conditions (Agreement) in substantially the form attached hereto as a composite Exhibit A and the acceptance of payments, including all understandings and assurances contained herein.

**Section 2. Other Actions Authorized.** The City hereby directs and authorizes the Mayor of the City of Oxford or the designee of the Mayor to act in connection with the Grant application and to provide such additional information as may be required by OPB, federal, or state government.

**Section 3. City Attorney.** The City, by and through its governing authority, hereby acknowledges that it has had its legal counsel review the Agreement and that the members of the governing authority itself have reviewed the Agreement and further acknowledge that any rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of the Agreement.

**Section 4. Repealer.** All motions, orders, ordinances, bylaws, resolutions, and parts thereof inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any motion, order, ordinance, bylaw, resolution, or part thereof.

**Section 5. Effective Date; Severability.** This resolution shall become effective immediately, and should the Agreement have been executed by the Mayor or designee before the effective date of this resolution, then this resolution shall stand as an official act of the governing authority of the City approving of such execution of the Agreement. If any section, paragraph, clause, or provision hereof be held invalid or unenforceable, the invalidity or unenforceability thereof shall not affect the remaining provisions hereof.

Adopted this third day of August, 2020.

BY:

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David S. Eady, Mayor

ATTEST:

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Marcia Brooks, City Clerk

SEAL

## CURRENT 2020 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 via teleconference on August 3, 2020 at 7:00 PM. A link will be posted on the city's website for those interested in joining the public hearing via the internet. To join via telephone, please call 1-646-558-8656. The access code is 930 9746 0092. The password is 730536. The teleconference for the public hearing will also be broadcast live at City of Oxford City Hall, 110 W. Clark Street. 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>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Real & Personal	15,735,874	16,421,373	18,334,025	20,285,798	22,155,784	24,368,394
Motor Vehicles	1,981,300	1,438,080	1,088,540	824,640	729,820	593,120
Mobile Homes	502	480	480	480	480	480
Timer-100%		7,950				
Heavy Duty Equipment						
Gross Digest	17,717,676	17,867,883	19,423,045	21,110,918	22,886,084	24,961,994
Less M&O Exemptions	3,309,308	3,285,364	3,302,207	3,270,355	3,369,150	3,385,009
Net M&O Digest	14,408,368	14,582,519	16,120,838	17,840,563	19,516,934	21,576,985
Gross M&O Millage	26.17	25.77	23.20	22.71	22.86	23.61
Less Rollbacks	18.41	18.53	16.58	16.09	16.24	16.99
Net M&O Millage	7.76	7.23	6.62	6.62	6.62	6.62
Net Taxes Levied	\$111,809	\$105,432	\$106,752	\$118,140	\$129,241	\$142,883
Net Taxes \$ Increase	-\$4,883	-\$6,377	\$1,321	\$11,388	\$11,101	\$13,642
Net Taxes % Increase	-4.18%	-5.70%	1.25%	10.67%	9.40%	10.56%

**TRANSPORTATION SPECIAL PURPOSE LOCAL OPTION SALES TAX  
INTERGOVERNMENTAL AGREEMENT**

This Intergovernmental Agreement (the “Agreement”) is made this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by and between Newton County, Georgia (hereinafter the “County”), a political subdivision of the State of Georgia, and the City of Covington, Georgia, a municipal corporation, the City of Mansfield, Georgia, a municipal corporation, the Town of Newborn, Georgia, a municipal corporation, the City of Oxford, Georgia, a municipal corporation, the City of Porterdale, Georgia, a municipal corporation, and the City of Social Circle, Georgia, a municipal corporation (hereinafter the “Municipalities” or “Cities”), acting pursuant to validly adopted resolutions by their respective governing bodies. The County and the Municipalities do hereby agree as follows:

**W I T N E S S E T H:**

**WHEREAS**, Article 5A of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, as amended (the “Act”), authorizes the imposition of a Single County Transportation Special Purpose Local Options Sales and Use Tax (the “TSPLOST”) to fund authorized transportation purposes for the use and benefit of the County and qualified municipalities within the County; and

**WHEREAS**, in accordance with Section 48-8-262(a)(1) of the Act, the parties have determined that the majority of counties in the region served by the Northeast Georgia Regional Commission have not proposed a referendum on a regional transportation special purposes sales and use tax; and

**WHEREAS**, the governing authorities of the County and the Municipalities met together on June 29, 2020 to discuss possible projects and purposes for inclusion in the TSPLOST referendum in substantial conformity with the requirements of Section 48-8-262(a)(2) of the Act; and

**WHEREAS**, the County and the Municipalities desire to execute an intergovernmental agreement memorializing their agreement on the levy of the TSPLOST and the rate of such tax; and

**WHEREAS**, the County proposes to issue general obligation debt in the amount up to \$18,900,000 to fund some of the Projects defined herein for the County and the City of Covington;

**NOW THEREFORE**, in consideration of the premises and undertakings hereinafter set forth, it is agreed by and between the County and the Municipalities as follows:

**Section 1. Representation of the Parties.** Each party hereto makes the following representations and warranties which are specifically relied upon by all other parties as a basis for entering this Agreement:

(a) The County agrees that it will take all actions necessary to call an election (the “Election”), to be held in all the voting precincts in the County on November 3, 2020, for the purpose of submitting to the qualified voters of the County for their approval, the question of whether or not a TSPLOST of one percent shall be imposed on all sales and uses subject to the sales and use tax in the special district of Newton County, as authorized by the Act for up to 20 calendar quarters (five years) commencing on April 1, 2021 for the purpose of funding specified Projects (hereinafter more fully referred to and defined), and whether or not the County shall be authorized to issue general obligation debt (the “Debt”) in the principal amount of up to \$18,900,000 to finance certain of the Projects, capitalized interest on the Debt, and the costs of issuing the Debt. The amount of money to be raised by the TSPLOST is estimated to be fifty-six million, one-hundred thousand dollars (\$56,100,000.00).

(b) The Municipalities are legally chartered municipal corporations as defined by law and judicial interpretation and are each a “qualified municipality” as such term is defined in the Act. During a public meeting of its governing board, each conducted in compliance with the Open Meetings Act, O.C.G.A. § 50-14-1, et seq., each of the Municipalities validly approved the execution of this Agreement.

(c) The County is a political subdivision of the State of Georgia created and existing under the Constitution and laws of the State. During a public meeting conducted in compliance with the Open Meetings Act, O.C.G.A. § 50-14-1, et seq., the County approved the execution of this Agreement.

(d) It is the intention of the County and the Municipalities to comply in all respects with the Act, and all provisions of this Agreement shall be construed in light of the Act.

**Section 2. Conditions Precedent.** The obligations of all parties under this Agreement are conditioned upon the following prior events:

- (a) The adoption of a resolution by the Board of Commissioners of Newton County authorizing the imposition of the TSPLOST and requesting the calling of the Election in accordance with the provisions of Section 48-8-262(d) of the Act.
- (b) The proper call of the Election.
- (c) The approval of the TSPLOST by a majority of the voters in the County voting in the Election (for those purposes) to be held in accordance with the provisions of Section 48-8-263 of the Act.
- (d) This Agreement is further conditioned upon the collection of TSPLOST revenues by the State of Georgia Department of Revenue and its transfer of the same to the County.

**Section 3. Rate of Tax; Estimated Amount; Effective Date and Term of the Tax.** The TSPLOST, subject to approval in the Election, shall be imposed at the rate of one percent (1%). The total estimated dollar amount is fifty-six million, one-hundred thousand dollars (\$56,100,000.00) (after deduction of collection fees by the State of Georgia Department of

Revenue), which shall be the maximum amount to be raised by the TSPLOST. The maximum period of time for which the tax may be imposed is five years, beginning on April 1, 2021.

**Section 4. Effective Date and Term of This Agreement.** This Agreement shall commence upon the date of its execution and shall terminate upon the latter of:

- (a) The official declaration by the Board of Elections and Registration of Newton County of the failure of the Election described in this Agreement; or
- (b) The expenditure by the County and the Municipalities of the last dollar of money collected from the TSPLOST even if such expenditure is made after the expiration of the TSPLOST collection period.

**Section 5. Purposes and Projects, Priority and Order of Funding.**

- (a) In recognition of the need for transportation improvements across the County and the Cities, the parties agree that the total net proceeds shall be utilized for the transportation purposes described in Exhibit A and all accompanying infrastructure and services necessary to provide access to these transportation facilities.
- (b) The transportation projects to be funded in whole or in part from TSPLOST proceeds (the “Projects”), are listed in Exhibit A which is attached hereto and made part of this Agreement. The parties acknowledge and agree that at least 30% of the estimated revenues are being expended on Projects that are consistent with the Statewide Strategic Transportation Plan as defined in O.C.G.A. § 32-2-22(a)(6).
- (c) All Projects and Purposes described herein shall be funded from proceeds from the TSPLOST as provided in this Agreement, provided, however, that in the event that the actual proceeds are insufficient to fully fund the actual cost of all Projects and Purposes, then the Projects and Purposes shall be funded in the order of priority specified in Exhibit A, and no party shall be obligated to fund any Project or Purpose from revenues other than TSPLOST collections. Subject to the funding priority stated above, each party shall have the sole discretion to reduce the scope of a Project in the event of a funding shortfall.

**Section 6. TSPLOST Funds; Separate Accounts; No Commingling.**

- (a) A special fund or account shall be created by the County and designated as the 2020 Newton County Transportation Special Purpose Local Option Sales Tax Fund (“County TSPLOST Fund”). The County shall select a depository and custodian of the County TSPLOST Fund upon such terms and conditions as may be acceptable to the County.
- (b) Each Municipality shall create a special fund to be designated as the 2020 [*Municipality name*] Transportation Special Purpose Local Option Sales Tax Fund. Each Municipality shall select a depository and custodian of the TSPLOST proceeds received by each Municipality upon such terms and conditions as may be acceptable to the

Municipality.

(c) All TSPLOST proceeds shall be maintained by the County and each Municipality in the separate accounts or funds established pursuant to this Section. Except as provided in Section 7, TSPLOST proceeds shall not be commingled with other funds of the County or Municipalities and shall be used exclusively for the purposes detailed in this Agreement. No funds other than TSPLOST proceeds shall be placed in such accounts.

**Section 7. Procedure for Disbursement of TSPLOST Proceeds.**

(a) Upon receipt by the County of TSPLOST proceeds collected by the Georgia Department of Revenue, the County shall promptly deposit said proceeds in the County TSPLOST Fund. The monies in the County TSPLOST Fund shall be held and applied to the cost of acquiring, constructing, and installing the transportation Projects for the County listed in Exhibit A or, where applicable, disbursed to the Municipalities as provided in subsections (b) and (c).

(b) All funds received by the County from the Georgia Department of Revenue from the imposition of the TSPLOST shall be apportioned by the County according to the figures provided herein. The figures set forth herein are binding and not subject to change or modification except upon written agreement by all parties. The County, following the deposit of the TSPLOST proceeds in the County TSPLOST Fund, shall, within 10 business days, disburse the TSPLOST proceeds due to each Municipality according to subsection (c); provided that, to the extent there is any outstanding Covington Debt (as defined in Section 11), the County shall first apply the TSPLOST proceeds of Covington toward any debt service payments attributable to the Covington Debt as described in subsection (d). The proceeds shall be promptly deposited in the separate funds established by each Municipality in accordance with Section 6 of this Agreement. The monies in each Municipality's TSPLOST Fund shall be held and applied to the cost of acquiring, constructing, and installing the municipal transportation Projects listed for that Municipality in Exhibit A.

(c) The parties will divide the monthly actual proceeds as follows:

1. Newton County: 74.1822%
2. City of Covington: 18.47%
3. City of Oxford: 3.02%
4. City of Porterdale: 2.05%
5. Town of Newborn: 0.83%
6. City of Mansfield: 1.43%
7. City of Social Circle: 0.0178%

(d) The County shall establish a twelve-month period as the "Sinking Fund Year" for the Debt. Within each Sinking Fund Year, the TSPLOST proceeds of the County and Covington shall be deposited into a debt service account until there is an amount therein sufficient to pay the County's and Covington's pro-rata share of the debt service coming due on the Debt for such Sinking Fund Year. After the County and Covington have funded



their pro-rata share of the debt service coming due on the Debt for the Sinking Fund Year, the remaining TSPLOST proceeds of the County and Covington shall be disbursed to the County and Covington as appropriate.

**Section 8. Project Monitoring, Record-Keeping and Reporting, Audits.**

(a) All parties to this Agreement shall promptly move forward with the acquisition, construction, equipage and installation of the Projects in an efficient and economical manner and at a reasonable cost in conformity with all applicable laws, ordinances, rules and regulations of any governmental authority having jurisdiction over the Projects.

(b) The governing authority of the County and the governing authority of each of the Municipalities shall comply with the requirements of O.C.G.A. § 48-8-269.5(a)(2), which requires that certain information be included in the annual audit of the County or each of the Municipalities. During the term of this Agreement, the distribution and use of all TSPLOST proceeds deposited in the County TSPLOST Fund and each Municipal TSPLOST Fund shall be audited annually by an independent certified public accounting firm. The County and Municipalities agree to cooperate with the independent certified public accounting firm in any audit by providing all necessary information. Each Municipality shall provide the County a copy of their annual audit.

(c) The governing authority of the County and the governing authority of each of the Municipalities shall comply with the requirements of O.C.G.A. § 48-8-269.6, which requires the publication of annual reports concerning expenditures for the Projects.

(d) The County and Municipalities agree to maintain thorough and accurate records concerning receipt of TSPLOST proceeds and expenditures for each Project undertaken by the County or respective Municipality as required to fulfill the terms of this Agreement

**Section 9. Completion of Projects.**

(a) The County and the Municipalities acknowledge that the costs shown for each Project or Purpose described in Exhibit A are estimated amounts.

(b) If a County Project has been satisfactorily completed at a cost less than the estimated cost listed for that Project in Exhibit A, the County may apply the remaining unexpended funds to any other County Project in Exhibit A.

(c) If a Municipal Project has been satisfactorily completed at a cost less than the estimated cost listed for that Project in Exhibit A, the Municipality may apply the remaining unexpended funds to any other Project included for that Municipality in Exhibit A.

(d) The County and the Municipalities agree that each approved TSPLOST Project associated with this Agreement shall be completed or substantially completed within five years after the termination of the TSPLOST collection period. Any TSPLOST proceeds

held by a County or Municipality at the end of the five-year period shall, for the purposes of this Agreement, be deemed excess funds and disposed of according to O.C.G.A. § 48-8-269.5(f)(2).

**Section 10. Certificate of Completion and Termination.** Within thirty (30) days after the acquisition, construction or installation of a Municipal Project listed on Exhibit A is completed, the Municipality owning the Project shall file with the County a certificate of completion signed by the mayor or other chief elected official of the respective Municipality, setting forth the date on which the Project was completed and the final cost of the Project.

**Section 11. The Debt.**

(a) The TSPLOST election ballot shall contain language required by the Act for the authorization of general obligation County Debt in the principal amount of up to \$18,900,000. Up to \$8,900,000 of the Debt shall, at the request of Covington, be issued for the benefit of Covington (the “Covington Debt”). Covington acknowledges that it is responsible for the payment of the Covington Debt, its pro rata share of issuance expense, and the payment of that portion of the arbitrage rebate allocable to the Covington Debt. The County acknowledges that it is responsible for the payment of the rest of the Debt issued for the benefit of the County (the “County Debt”).

(b) The County Debt shall be paid first from the proceeds of the County’s portion of the TSPLOST. In the event that there are insufficient TSPLOST collections to pay County Debt from the County’s portion of the proceeds, the County shall pay any shortfall attributable to the debt from its general fund (the “County Debt Service Payments”). The County covenants that, in order to make the County Debt Service Payments when due from its general funds to the extent required, it will exercise its power of taxation to the extent necessary to timely pay any amounts required to be paid hereunder and it will make available and use for such payments all taxes levied and collected for that purpose together with funds from any other source. The County further covenants and agrees that in order to make funds available for such purpose, it will, in its general revenue, appropriation, and budgetary measures whereby its tax funds or revenues and the allocation thereof are controlled or provided for, include sums sufficient to timely satisfy such County Debt Service Payments that may be required to be made from the general funds, whether or not any other sums are included in such measure, until all payments so required to be made shall have been made in full. The obligation of the County to make any payments that may be required to be made from its general funds shall constitute a general obligation of the County and a pledge of full faith and credit of the County to provide the funds required to timely fulfill any such obligation.

The Covington Debt shall be paid first from Covington’s portion of the TSPLOST. In the event that there are insufficient TSPLOST collections to pay the Covington Debt, Covington shall pay any shortfall from its general fund (the “Covington Debt Service Payments”). Covington covenants that, in order to make the Covington Debt Service Payments when due from its general funds to the extent required, it will exercise its power of taxation to the extent necessary to timely pay any amounts required to be paid hereunder

and it will make available and use for such payments all taxes levied and collected for that purpose together with funds from any other source. Covington further covenants and agrees that in order to make funds available for such purpose, it will, in its general revenue, appropriation, and budgetary measures whereby its tax funds or revenues and the allocation thereof are controlled or provided for, include sums sufficient to timely satisfy such Covington Debt Service Payments that may be required to be made from the general funds, whether or not any other sums are included in such measure, until all payments so required to be made shall have been made in full. The obligation of Covington to make any payments that may be required to be made from its general funds shall constitute a general obligation of that entity and a pledge of that entity's full faith and credit to provide the funds required to timely fulfill any such obligation.

(c) In the event for any reason such provision or appropriation is not made as provided in the preceding paragraphs, then the fiscal officer of the County or Covington (as applicable) is hereby authorized and directed to set up as an appropriation on its accounts in the appropriate fiscal year the amounts required to timely pay the obligations which may be due from the general funds. The amount of such appropriation shall be due and payable and shall be expended for the purpose of paying any such obligations, and such appropriation shall have the same legal status as if the County or Covington (as applicable) had included the amount of the appropriation in its general revenue, appropriation, and budgetary measures, and the fiscal office of the County or Covington (as applicable) shall immediately make such Debt Service Payments to the paying agent for the debt if for any reason the payment of such obligations shall not otherwise have been timely made.

(d) The obligations of the County to make the County Debt Service Payments and Covington to make the Covington Debt Service Payments and to perform and observe the other agreements on their part contained in this Section 11 shall be absolute and unconditional. Until such time as the principal of and interest on the Debt shall have been paid in full or provision for the payment thereof shall have been made, the County and Covington: (a) will not suspend or discontinue any payments provided for herein, (b) will perform and observe all of its other agreements contained in this Agreement, and (c) will not terminate this Agreement for any cause, including, without limiting the generality of the foregoing, failure to complete any Project, a defect in any Project, or any failure of any other party to this Agreement to observe, whether express or implied, any duty, liability or obligation arising out of or connected with this Agreement.

(e) The County will be responsible for all facets of the Debt issuance and repayment process. The County will select the underwriter, bond counsel, local counsel, etc. The County will endeavor in good faith to be fiscally responsible in minimizing to the extent possible the costs and fees associated with the debt issuance process.

**Section 12. Expenses.** The County shall administer the County TSPLOST Fund to effectuate the terms of this Agreement. Furthermore, the County and the Municipalities shall be jointly responsible on a pro rata basis (based on percentages in Section 7(c)), for the cost of holding the TSPLOST election. The County shall be reimbursed for the Municipalities' share of such costs.

**Section 13. Default.** The failure of any party to perform its obligations under this Agreement shall constitute an event of default.

**Section 14. Liability for Noncompliance.** The County and the Municipalities shall comply with all applicable local, State, and Federal statutes, ordinances, rules and regulations. In the event that any Municipality fails to comply with the requirements of the Act (O.C.G.A. § 48-8-260 et seq.), the County shall not be held liable for such noncompliance. 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.

**Section 15. Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

**Section 16. Governing Law.** This Agreement and all transactions contemplated hereby shall be governed by, and construed and enforced in accordance with the laws of the State of Georgia.

**Section 17. Severability.** Should any provision of this Agreement or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Agreement or the application of such provision to any person or circumstance, other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the full extent permitted by law.

**Section 18. Entire Agreement.** This Agreement embodies and sets forth all the provisions and understandings between the parties relative to the Projects. There are no provisions, agreements, understandings, representations, or inducements, either oral or written, between the parties other than those hereinabove set forth. Any and all prior provisions, agreements, contracts or understandings, either oral or written, between the parties relative to the Projects are hereby rescinded and superseded by this Agreement.

**Section 19. Amendments.** This Agreement shall not be amended or modified except by agreement in writing executed by the governing authorities of the County and the Municipalities.

**Section 20. Notices.** All notices, demands or requests required or permitted to be given pursuant to this Agreement shall be in writing and shall be deemed to have been properly given or served and shall be effective on being deposited or placed in the United States mail, postage prepaid and registered or certified with return receipt requested to the addresses appearing below, or when delivered by hand to the addresses indicated below:

- (a) Newton County Board of Commissioners  
1124 Clark Street  
Covington, GA 30014  
Attention: County Manager

- (b) City of Covington  
P. O. Box 1527  
Covington, GA 30015  
Attention: City Manager
  
- (c) City of Mansfield  
P. O. Box 35  
3146 S. Highway 11  
Mansfield, GA 30055  
Attention: City Mayor
  
- (d) Town of Newborn  
P. O. Box 247  
Newborn, GA 30056  
Attention: Town Clerk
  
- (e) City of Oxford  
110 West Clark Street  
Oxford, GA 30054  
Attention: Mayor
  
- (f) City of Porterdale  
P. O. Box 667  
Porterdale, GA 30070  
Attention: City Manager
  
- (f) City of Social Circle  
166 N. Cherokee Rd.  
P. O. Box 310 Social Circle, GA 30025  
Attention: City Manager

**IN WITNESS WHEREOF**, all parties hereto agree.

**NEWTON COUNTY, GEORGIA**

(COUNTY SEAL)

By: \_\_\_\_\_  
Marcello Banes, Chairman

Attest:

\_\_\_\_\_  
Jackie Smith, Clerk    Date

**CITY OF COVINGTON**

(CITY SEAL)

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk    Date

**CITY OF MANSFIELD**

(CITY SEAL)

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

**TOWN OF NEWBORN**

(TOWN SEAL)

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

**CITY OF OXFORD**

(CITY SEAL)

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

**CITY OF PORTERDALE**

(CITY SEAL)

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk Date

**CITY OF SOCIAL CIRCLE**

(CITY SEAL)

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk Date



**EXHIBIT A**

TSPLOST proceeds, to the extent available, shall be allocated to the Purposes and Projects shown in the table below. The projects are all of equal priority and may be funded in any order, in the discretion of the responsible party. After all Projects are fully funded, any excess TSPLOST proceeds shall be allocated as provided by O.C.G.A. § 48-8-269.5.

	<b>Project</b>	<b>Purpose</b>	<b>Estimated Cost</b>
Newton County	Safety improvements	Roads	\$916,200
	Road expansion to relieve congestion		\$17,900,000
	Intersection improvements		\$7,900,000
	Paving/resurfacing		\$6,000,000
	Public transportation facilities and/or vehicles	Public transit	\$2,200,000
	Bridge replacement/repair	Bridges	\$6,700,000
			<b>Total: \$41,616,200</b>
City of Covington	Safety improvements	Roads	\$1,500,000
	Intersection Improvements		\$3,000,000
	Paving/resurfacing		\$1,611,670
	Bridge construction/maintenance	Bridges	\$1,500,000
	Airport master plan implementation	Airport	\$1,000,000
	Sidewalks and paved trails	Sidewalks and Bicycle Paths	\$750,000
	Public parking infrastructure	Related infrastructure	\$1,000,000
			<b>Total: \$10,361,670</b>
City of Mansfield	Paving/resurfacing	Roads	\$717,230
	Safety improvements (including pedestrian safety)	Crosswalks, Sidewalks and Roads	\$85,000
			<b>Total: \$802,230</b>
City of Newborn	Paving / resurfacing	Roads	\$355,630
	Safety improvements (including pedestrian safety)	Crosswalks, Sidewalks and Roads	\$110,000
			<b>Total: \$465,630</b>
City of Oxford	Construction, renovation and improvement of roads, streets, sidewalks, and bicycle paths, to include acquisition of rights of way and relocation of utilities	Road, street, bridge, sidewalk, and bicycle path purposes	\$1,694,220

			<b>Total \$1,694,220</b>
City of Porterdale	Paving and resurfacing	Roads	\$550,050
	Sidewalk construction and maintenance	Sidewalks	\$100,000
	Bridge replacement	Bridges	\$500,000
			<b>Total: \$1,150,050</b>
City of Social Circle	Road maintenance and improvements	Roads	\$10,000
			<b>Total: \$10,000</b>