



City of Hogansville
City Council

Public Hearing & Regular Meeting Agenda

Monday, June 6, 2022

**Meeting will be held at Hogansville City Hall,
111 High Street, Hogansville, GA 30230**

Mayor: <i>Jake Ayers</i>	2025	City Manager: <i>Jonathan H. Lynn</i>
Council Post 1: <i>Michael Taylor, Jr</i>	2025	Assistant City Manager: <i>Lisa E. Kelly</i>
Council Post 2: <i>Matthew Morgan</i>	2025	City Attorney: <i>Alex Dixon</i>
Council Post 3: <i>Mandy Neese*</i>	2023	Chief of Police: <i>Jeffrey Sheppard</i>
Council Post 4: <i>Mark Ayers</i>	2023	
Council Post 5: <i>Toni Striblin</i>	2023	* Mayor Pro-Tem

Public Hearing – 7:00 pm

1. Public Hearing to Hear Citizen Comments Regarding the Proposed Budget

Regular Meeting – Immediately Following Public Hearing

1. Call to Order – Mayor Jake Ayers
2. Invocation & Pledge

Consent Agenda

All items listed under the Consent Agenda are considered to be routine in nature and will be approved by one blanket motion.

1. Approval of Agenda: Regular Meeting June 6, 2022
3. Approval of Minutes: Regular Meeting May 16, 2022

Presentation

1. Proclamation – Frankie Willoughby 100th Birthday
2. Ricky Thrash to Discuss Planning & Zoning Commission

New Business

1. GDOT Procurement Policy for Engineers and Designers
2. Title VI Non-Discrimination Agreement with Georgia DOT
3. Authorize GDOT Sidewalk Grant Application

City Manager's Report

Council Member Reports

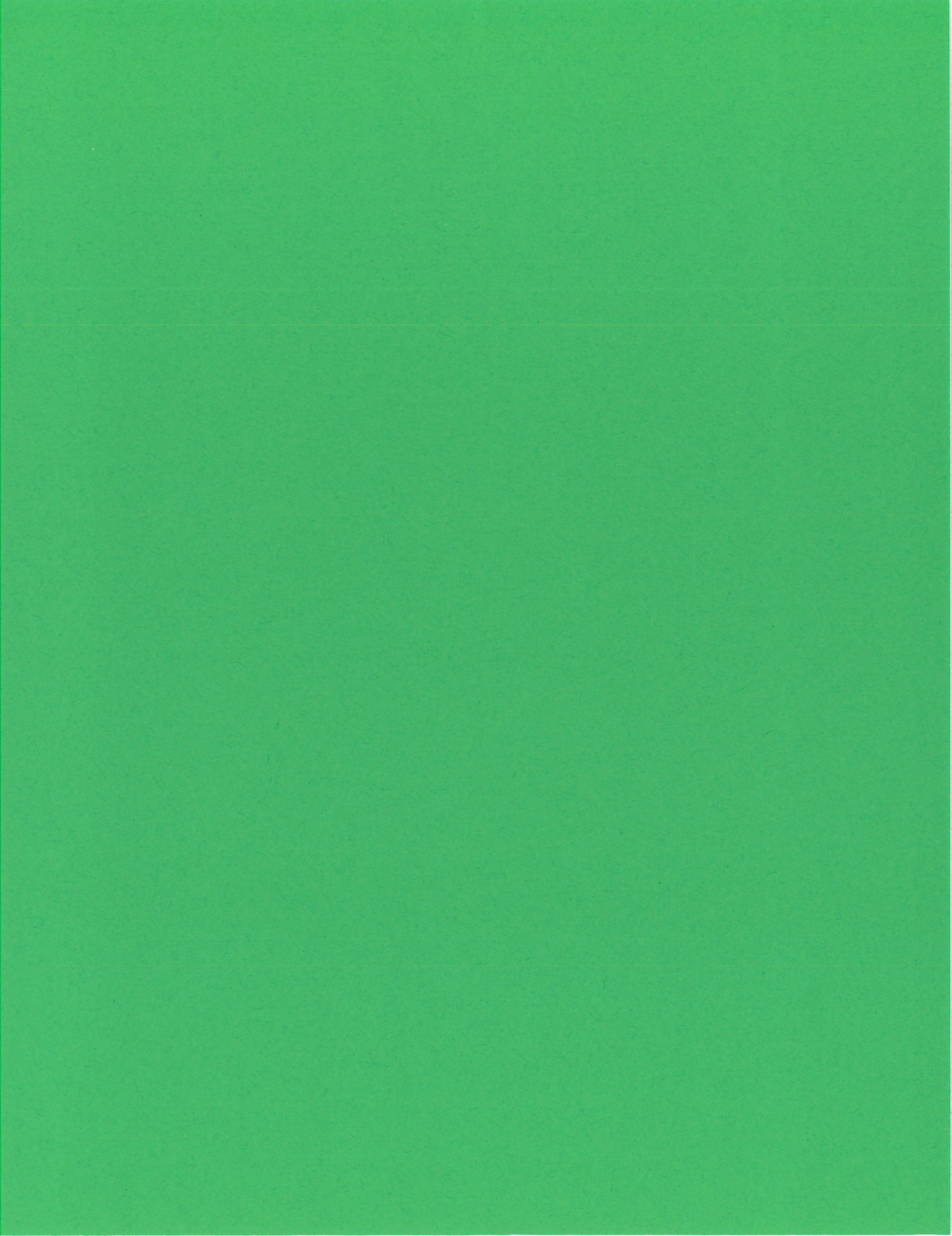
1. Council Member Taylor
2. Council Member Morgan
3. Council Member Neese
4. Council Member Ayers
5. Council Member Striblin

Mayor's Report

Adjourn

Upcoming Dates & Events

- June 16, 2022 – 6:00 pm | Meeting of the Planning & Zoning Commission at Hogansville City Hall
- June 20, 2022 – 10:00 am | Public Hearing to Hear Citizen Comments on the Proposed Budget at Hogansville City Hall
- June 20, 2022 – 7:00 pm | Public Hearing to Hear Citizen Comments on the Proposed Budget followed by the Regular Meeting of the Mayor and Council at Hogansville City Hall





May 16, 2022

Regular Meeting

Meeting held at Hogansville City Hall, 111 High Street, Hogansville GA 30230

Call to Order: Mayor Jake Ayers called the Regular Meeting to order at 7:03 pm. Present were Council Members Michael Taylor, Jr, Matthew Morgan, and Toni Striblin. Also present were City Manager Jonathan Lynn, Assistant City Manager Lisa Kelly and City Attorney Alex Dixon. Council Members Mandy Neese and Mark Ayers were not present at tonight's meeting.

Council Member Taylor gave an invocation and Mayor Ayers led the Pledge of Allegiance.

CONSENT AGENDA

Motion: Council Member Taylor moved to approve the Consent Agenda. The motion was seconded by Council Member Striblin.

Motion Carries 3-0

CITIZEN APPEARANCE

1. Angie Bennett gave an update on the Earth Day Every Day clean-up events that were held in April 2022. Ms. Bennett thanked the City for supporting the events. She would like to make this an annual event and looking to expand the efforts. Petitions were signed during the event to ask the City to create a bike path, specifically leading to Lake Jimmy Jackson. The hope for these events is to empower people to get moving for their health and be more aware of the environment. She also announced Heart & Soil's ribbon cutting is in June 21 at 11am.

NEW BUSINESS

1. Authorization to Enter into an Agreement with Troup County Archives

Motion: Motion was made by Council Member Morgan to approve the agreement with Troup County Archives to archive City documents in the amount of \$28k annually effective July 1, 2022. The motion was seconded by Council Member Taylor.

Discussion:

Motion Carries 2-1 with Striblin recusing.

2. Authorization for Negotiation of Development Agreements

Motion: Motion was made by Council Member Morgan to approve the City Manager authorization to enter into development agreements for the City under specific parameters. The motion was seconded by Council Member Taylor.

Discussion: City Manager Jonathan Lynn explained that new subdivisions and developments would put a strain on the City's infrastructure and that the City Manager could negotiate with future developments that create a minimum of 50 residential lots to forgive development or tap fees in exchange for the development making upgrades to the city's water and sewer lines outside of the development's boundaries. No cost would be placed on the citizens for these upgrades.

Motion Carries 3-0

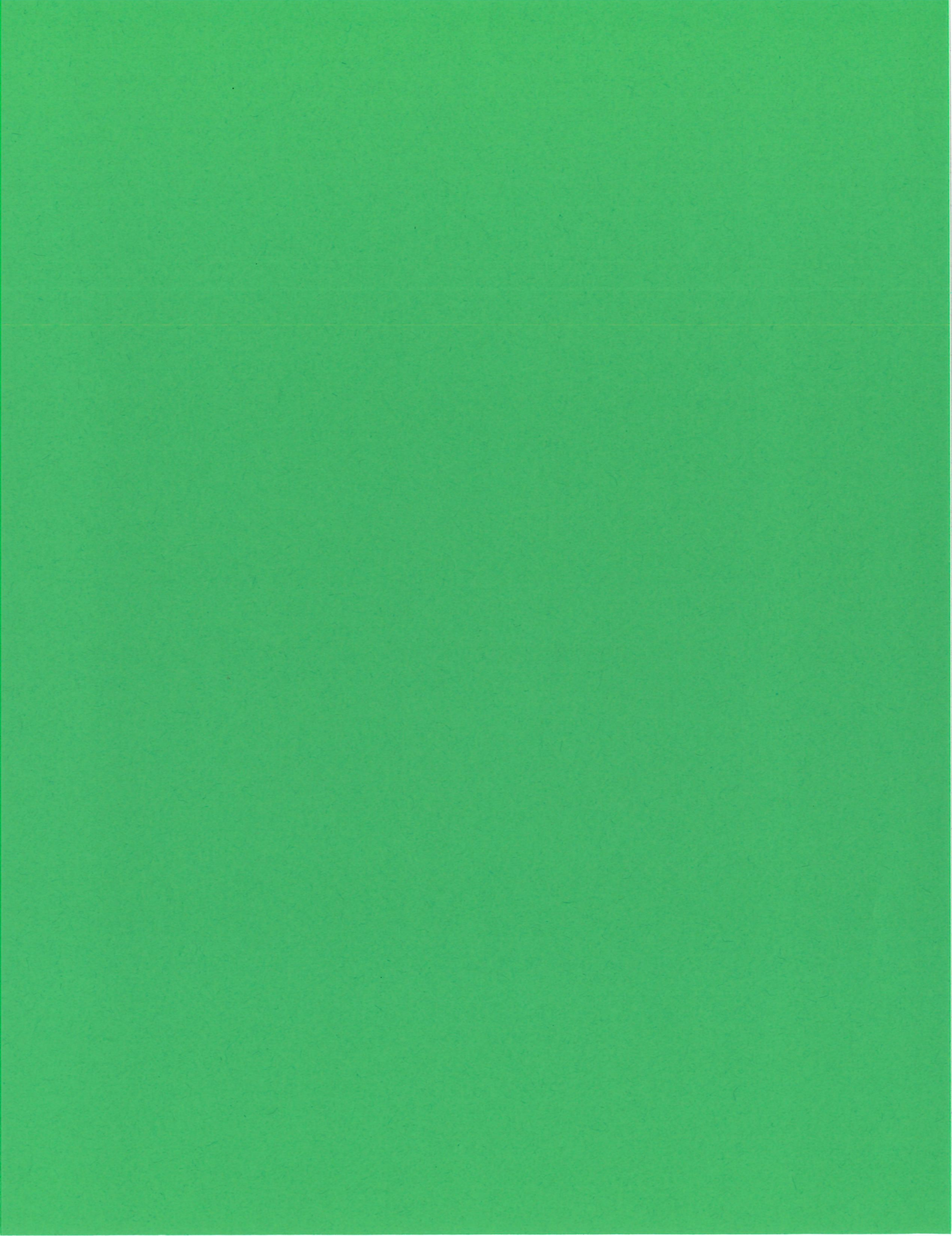
ADJOURNMENT

On a motion made by Council Member Taylor and duly seconded, Mayor Jake Ayers adjourned the meeting at 7:43pm

Respectfully,



Lisa E. Kelly
City Clerk / Assistant City Manager





A Proclamation of the Mayor and Council
Of the City of Hogansville, Georgia

WHEREAS, Ms. Frankie Willoughby, a native of Troup County, was born on May 21,1922 to parents Clifford and Mary Willoughby, and;

WHEREAS, on May 21, 2022, Ms. Willoughby celebrated her 100th birthday, and;

WHEREAS, Ms. Willoughby has raised her one son, Bobby Jo Willoughby, and provided her eternal love to her three grandchildren, Bobby Jr., Teresa, and Nastassia Willoughby;

WHEREAS, she holds her fondest memories as those times where she was able to work with and provide care for the children of Hogansville;

WHEREAS, she holds her time working at Hogansville's Uniroyal plant in highest regard;

WHEREAS, she continues to show passion and dedication to her hobby of basket weaving and its attention to detail with some coming from miles and miles away to see and buy her beautiful hand-crafted baskets;

WHEREAS, the people of Hogansville wish to honor and recognize Ms. Frankie Willoughby , a Troup County and Hogansville native for her continued positive efforts within her community and letting everyone know "I am 100 years old but feel like I am 15, now put that in your pipe and smoke it."

NOW, THEREFORE, be it proclaimed that the Mayor and City Council of the City of Hogansville hereby recognize and celebrate the 100th birthday of Ms. Frankie Willoughby.

Proclaimed this 6th day of June, 2022:

Jake Ayers, Mayor

Mandy Neese, Mayor Pro-Tem

Michael Taylor, Council Member

Mark Ayers, Council Member

Matthew Morgan, Council Member

Toni Striblin, Council Member



CITY COUNCIL
Mayor Jake Ayers
Michael Taylor, Jr., Post 1
Mathew Morgan, Post 2
Mandy Neese, Post 3
Mark Ayers, Post 4
Toni Striblin, Post 5



Jonathan Lynn, City Manager
Lisa Kelly, Assistant City Manager
Alex Dixon, City Attorney

111 High St
Hogansville GA 30230-1196
706-637-8629 | cityofhogansville.org

COUNCIL ACTION FORM

MEETING DATE: June 6, 2022

SUBMITTED BY: Lynne Miller

LSM

AGENDA TITLE: GDOT Procurement Policy for Engineers and Designers

CLASSIFICATION (City Attorney must approve all ordinances, resolutions and contracts as to form)

- | | | | |
|--|-------------------------------------|---|---|
| <input type="checkbox"/> Ordinance (No. ____) | <input type="checkbox"/> Contract | <input type="checkbox"/> Information Only | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Resolution (No. ____) | <input type="checkbox"/> Ceremonial | <input checked="" type="checkbox"/> Discussion/Action | <input type="checkbox"/> Other |

BACKGROUND (Includes description, background, and justification)

The City of Hogansville is applying to Georgia DOT for "Locally Administered Project" status, which gives us points on GDOT grant requests and also more management powers with those grants. As part of the LAP certification, the City Council must adopt Georgia DOT's engineer/designer procurement process for GDOT projects.

The GDOT engineer procurement policy states that for Georgia DOT projects, a Qualifications-Based Selection process will be used. Fee proposals remain sealed while the City ranks engineers' proposals based on their qualifications and project understanding. Then the City opens the fee proposal from the most highly ranked proposer and negotiates a fee. If the City and engineer can't agree on a fee, then the City goes to the 2nd most highly rated proposer and negotiates with that one. This selection approach requires the City to develop its own detailed consultant fee estimate before opening any fee proposals. The process would apply to the selection of engineers or designers for GDOT projects only.

BUDGETING & FINANCIAL IMPACT (Includes project costs and funding sources)

N/A

STAFF RECOMMENDATION (Include possible options for consideration)

Adopt the GDOT Procurement Policy for the Procurement, Management and Administration of Engineering and Design-Related Consultant Services, to be applied to only to the selection of engineers and designers for GDOT grant projects.

Mayor Bill Stankiewicz
Michael Taylor, Post 1
Matthew Morgan, Post 2
Mandy Neese, Post 3
Mark Ayers, Post 4
Toni Striblin, Post 5



Jonathan Lynn, City Manager
Lisa Kelly, Assistant City Manager
Alex Dixon, City Attorney

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June 6, 2022

Department of Transportation
600 West Peachtree Street, NW, 7th Floor
Atlanta, GA 30308

Attn: Maria L. Roux
QA Compliance Manager
Office of Procurement

RE: Adoption of GDOT Procurement Policy for the Procurement, Management and Administration of Engineering and Design Related Consultant Services.

The City of Hogansville will adopt the Georgia Department of Transportation Procurement Policy for the Procurement, Management and Administration of Engineering and Design Related Consultant Services. The City has read the policy and will abide by the policy for all State and federally funded transportation projects as it pertains to local governments. The City agrees to and acknowledges the following:

1. The City of Hogansville agrees to and acknowledges that all personnel involved in the procurement, management and administration of engineering and design related consultant services must attend GDOT Manual training and pass the test administered.
2. The City of Hogansville has read and understands the Federal Laws and Regulations (23 CFR Part 172) along with any State of Georgia laws (O.C.G.A. 50-22-1 through 50-22-9) that pertain to these services where Federal-Aid Highway Program funds will be utilized and must be followed and adhered to.
3. The City of Hogansville is familiar with the requirements and understands 40 U.S.C. 1101-1104 Section of Architects and Engineers commonly referred to and "The Brooks Act" or Qualification Based Selection (QBS) to include:
 - a. Solicitation process
 - b. Evaluation factors
 - c. Non Qualification Evaluation Factors
 - d. Evaluation, Ranking and Selection
 - e. Negotiation.
4. The City of Hogansville understands other procurement methodology to include:
 - a. Small Purchases
 - b. Non-competitive
5. The City of Hogansville acknowledges and agrees to adhere to the below additional procurement requirements:
 - a. Common Grant Rule 49 CFR Part 18
 - b. Georgia DOT's Disadvantaged Business Enterprise (DBE) program
 - c. Suspension and Debarment
 - d. Compliance with Title VI
 - e. Compliance with E-Verify (this is not necessary if State funds are not utilized)

Department of Transportation

June 6, 2022

Page two

Signatures below agree to the above acknowledgements agreeing to follow GDOT's Procurement Policy for engineering and design related services when using Federal-Aid Highway Program funds, as it applies to local governments certified through GDOT's Local Administered Project Program.

Certifying Official signature

Certifying Official Name and Title, printed

Date

CITY COUNCIL
Mayor Jake Ayers
Michael Taylor, Jr., Post 1
Mathew Morgan, Post 2
Mandy Neese, Post 3
Mark Ayers, Post 4
Toni Striblin, Post 5



Jonathan Lynn, City Manager
Lisa Kelly, Assistant City Manager
Alex Dixon, City Attorney

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COUNCIL ACTION FORM

MEETING DATE: June 6, 2022

SUBMITTED BY: Lynne Miller

LSM
[Signature]

AGENDA TITLE: Title VI Non-Discrimination Agreement with Georgia DOT

CLASSIFICATION (City Attorney must approve all ordinances, resolutions and contracts as to form)

- | | | | |
|--|-------------------------------------|---|---|
| <input type="checkbox"/> Ordinance (No. ____) | <input type="checkbox"/> Contract | <input type="checkbox"/> Information Only | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Resolution (No. ____) | <input type="checkbox"/> Ceremonial | <input checked="" type="checkbox"/> Discussion/Action | <input type="checkbox"/> Other |

BACKGROUND (Includes description, background, and justification)

The City of Hogansville is applying to Georgia DOT for "Locally Administered Project" status, which gives us points on GDOT grant requests and also more management powers with those grants. As part of the LAP certification, the City Council must adopt a Title VI Non-Discrimination Agreement with GDOT, stating that the City will not discriminate on the ground of race, color national origin or sex, as provided by Title VI of the Civil Rights Act of 1964.

The City already complies with Title VI and is routinely asked to sign Title VI certifications when applying for federal funds. The City's Non-Discrimination program is administered by Lisa Kelly and includes grievance procedures.

The requested Title V Non-Discrimination Agreement between GDOT and City of Hogansville is attached.

BUDGETING & FINANCIAL IMPACT (Includes project costs and funding sources)

N/A

STAFF RECOMMENDATION (Include possible options for consideration)

Approve and execute the Title VI Non-Discrimination Agreement between Georgia Department of Transportation and City of Hogansville.

**TITLE VI
NON-DISCRIMINATION AGREEMENT**

**The Georgia Department of Transportation
and**

City of Hogansville

Name of Recipient

Policy Statement

The *(Name of Recipient)* **City of Hogansville**, hereinafter referred to as *the "Recipient"* assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Recipient further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not.

In the event the Recipient distributes federal aid funds to a sub-recipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

The Recipient's *(Name of person/division)* **Assistant City Manager**, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation(CFR) 200 and 49 Code of Federal Regulation 21.

Lisa Kelly

Name of Responsible Agency Official (Please Print)

Assistant City Clerk

Title

Date

Title VI Program

Organization and Staffing

Pursuant to 23 CFR 200, **(Name of Recipient)** City of Hogansville has appointed a Title VI Specialist who is responsible for **Attachment 1**, which describes the hierarchy for **(Name of Recipient)'s** City of Hogansville's Title VI Program, including an organization's chart illustrating the level and placement of Title VI responsibilities.

Assurances

49 CFR Part 21.7

The City of Hogansville, hereby gives assurances:

1. That no person shall on the grounds of race, color, national origin, and sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient regardless of whether those programs and activities are Federally funded or not. Activities and programs which the recipient hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:
 - List all major programs and activities of the recipient and Title VI responsibilities for each one of them. Include information as **Attachment 2** to this Nondiscrimination Agreement.
2. That it will promptly take any measures necessary to effectuate this agreement.
3. That each program, activity, and facility as defined at 49 CFR 21.23(b) and (e), and the Civil Rights Restoration Act of 1987 will be (with regard to a program or activity) conducted, or will be (with regard to a facility) operated in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this agreement.
4. That these assurances are given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the recipient by the Georgia Department of Transportation (GDOT) under the Federally-Funded Program and is binding on it, other recipients, subgrantees, contractors, sub-contractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign these assurances on behalf of the Recipient.
5. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federally-Funded programs and, in adapted form all proposals for negotiated agreements.

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 23 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

6. That the Recipient shall insert the clauses of Appendix A of this Agreement in every contract subject to the Act and the Regulations.
7. That the Recipient shall insert the clauses of Appendix B of this Agreement, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
8. That the Recipient shall include the appropriate clauses set forth in Appendix C of this Agreement, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under a Federal Aid Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under a Federal Aid Program.
9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this agreement.

Implementation Procedures

This agreement shall serve as the recipient's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this agreement, "Federal Assistance" shall include:

1. grants and loans of Federal funds,
2. the grant or donation of Federal property and interest in property,
3. the detail of Federal personnel,
4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and
5. any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The recipient shall:

1. Issue a policy statement, signed by the head of the recipient, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by GDOT or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the recipient shall be held responsible for implementing Title VI requirements.
3. Establish a civil rights unit and designate a coordinator who has a responsible position in the organization and easy access to the head of the recipient. This unit shall contain a Title VI Specialist, who shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
4. Adequately staff the civil rights unit to effectively implement the civil rights requirements.
5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the recipient's report

of investigation, will be forwarded to GDOT's Office of Equal Employment Opportunity (OEEO) within 10 days of the date the complaint was received by the recipient.

6. Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the programs and activities conducted by the recipient.
7. Conduct Title VI reviews of the recipient and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
8. Conduct training programs on Title VI and related statutes.
9. Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year.

a) Annual Work Plan

Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.

b) Accomplishment Report

List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Specialist and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Specialist. List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with the recipient.

Discrimination Complaint Procedure

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the recipient. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the recipient's Title VI Specialist for review and action.
2. In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:
 - a) The date of alleged act of discrimination; or
 - b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Specialist. If necessary, the Title VI Specialist will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the recipient's investigative procedures.
4. Within 10 days, the Title VI Specialist will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as GDOT and USDOT.
5. The recipient will advise GDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to GDOT:
 - a) Name, address, and phone number of the complainant.
 - b) Name(s) and address (es) of alleged discriminating official(s).
 - c) Basis of complaint (i.e., race, color, national origin or sex)
 - d) Date of alleged discriminatory act(s).
 - e) Date of complaint received by the recipient.
 - f) A statement of the complaint.

- g) Other agencies (state, local or Federal) where the complaint has been filed.
 - h) An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint.
6. Within 60 days, the Title VI Specialist will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the recipient. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
 7. Within 90 days of receipt of the complaint, the head of the recipient will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with GDOT, or USDOT, if they are dissatisfied with the final decision rendered by the Recipient. The Title VI Specialist will also provide GDOT with a copy of this decision and summary of findings upon completion of the investigation.
 8. Contact for GDOT's Title VI staff is as follows:

Georgia Department of Transportation
Office of Equal Opportunity, Title VI/ Program
600 West Peachtree Street, N.W. 7th Floor
Atlanta, GA 30308
(404) 631-1497

Sanctions

In the event the recipient fails or refuses to comply with the terms of this agreement, the GDOT may take any or all of the following actions:

- a) Cancel, terminate, or suspend this agreement in whole or in part;
- b) Refrain from extending any further assistance to the recipient under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient.
- c) Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient.
- d) Refer the case to the Department of Justice for appropriate legal proceedings.

SIGNED FOR THE GEORGIA DEPARTMENT OF TRANSPORTATION:

Signature

Commissioner

Title

Date

NAME OF RECIPIENT:

Signature

Title

Date

Appendix A

During the performance of this contract, the contractor/consultant, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations

The contractor shall comply with the Regulations relative to non-discrimination in federally assisted programs of United States Department of Transportation (USDOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Non-discrimination

The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Sub-contracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, sex, or national origin.

4. Information and Reports

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the contracting agency or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to GDOT or the USDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Non-compliance

In the event of the contractor's non-compliance with the non-discrimination provisions of this contract, the contracting agency shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to:

- Withholding of payments to the contractor under the contract until the contractor complies, and/or;
- Cancellation, termination, or suspension of the contract, in whole or in part

6. Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (5) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contractor or procurement as the contracting agency or USDOT may direct as a means of enforcing such provisions including sanctions for non-compliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request GDOT enter into such litigation to protect the interests of the state and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.

Appendix B

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

GRANTING CLAUSE

NOW THEREFORE, Department of Transportation, as authorized by law, and upon the condition that the state of Georgia will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the United States Department of Transportation and, also in accordance with an in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, the Department of Transportation GDOT (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1064 (78 Stat. 252: 42 USC 2000d to 2000d - 4) does hereby remise, release, quitclaim, and convey unto the state of Georgia all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto the state of Georgia, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the federal financial assistance is extended or for another purpose involving the provisions of similar services or benefits and shall be binding on the state of Georgia, its successors, and assigns.

The state of Georgia, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (,)(and)* (2) that the state of Georgia, shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination of federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above mentioned non-discrimination conditions, the department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.¹

¹ Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

Appendix C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by (Recipient) pursuant to the provisions of Assurance 8.

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose of which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease has never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Georgia State Department of Transportation pursuant to the provisions of Assurance 8.

The LESSEE, or himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

CITY COUNCIL
Mayor Jake Ayers
Michael Taylor, Jr., Post 1
Mathew Morgan, Post 2
Mandy Neese, Post 3
Mark Ayers, Post 4
Toni Striblin, Post 5



Jonathan Lynn, City Manager
Lisa Kelly, Assistant City Manager
Alex Dixon, City Attorney

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COUNCIL ACTION FORM

MEETING DATE: June 6, 2022

SUBMITTED BY: Lynne Miller

AGENDA TITLE: Authorize GDOT Transportation Alternatives Grant Request for Sidewalk

CLASSIFICATION (City Attorney must approve all ordinances, resolutions and contracts as to form)

- | | | | |
|---|-------------------------------------|---|---|
| <input type="checkbox"/> Ordinance (No. _____) | <input type="checkbox"/> Contract | <input type="checkbox"/> Information Only | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Resolution (No. _____) | <input type="checkbox"/> Ceremonial | <input checked="" type="checkbox"/> Discussion/Action | <input type="checkbox"/> Other |

BACKGROUND (Includes description, background, and justification)

Georgia DOT is seeking applications for non-traditional transportation -related projects. Grant funds can be used for sidewalk design and construction. Sidewalks are needed along West Boyd Road and Pine Street.

Grant applications are due June 17, 2022 and will be competitive. The minimum grant request is \$1 million. The City must provide 20% of the total project cost (for example, \$125,000 City match for a grant request of \$1 million.) The City match can come from the City's SPLOST sidewalk line item.

BUDGETING & FINANCIAL IMPACT (Includes project costs and funding sources)

Project will require City match of 20% of total cost (\$125,000 for a grant of \$1,000,000.)

STAFF RECOMMENDATION (Include possible options for consideration)

Authorize the submittal of an application to Georgia DOT's Transportation Alternatives grant program for 80/20 funds for sidewalk design and installation along West Boyd Road and Pine Street.