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TUESDAY, AUGUST 9, 2011 – 7:00 P.M.
REGULAR MEETING OF THE OXFORD BOARD OF COMMISSIONERS
OXFORD CITY HALL – COMMISSIONERS' BOARD ROOM

The Board of Commissioners for the City of Oxford met at the above-mentioned time and place. All members of the Board and local news media were notified of the same as well as the purpose of the meeting.

Present were Mayor Al Woodlief, Jr., Mayor Pro Tem Howard Herring, Sr., Commissioners, Robert B. Williford, Sr., Danny Currin, Jackie Sergent, Ron Bullock, Calvin Harris, Jr., and Walter Cantley. Present also were City Manager Mark Donham, City Clerk Donna B. Hosch, and City Attorney J. Thomas Burnette.

CALL TO ORDER

Mayor Woodlief called the meeting to order. Prayer was given by Rev. Willie Darby. The Pledge of Allegiance followed.

CONSENT AGENDA APPROVED

MAYOR PRO TEM HERRING MADE A MOTION TO APPROVE THE CONSENT AGENDA.
ALL VOTES WERE IN THE AFFIRMATIVE; THE MOTION PASSED.

- A) Meeting Minutes of the July 5, 2011 Agenda Meeting and the July 12, 2011 Regular Meeting
- B) July financial report by Finance Director Steve McNally accepted

July 2011 Financial Report 8.30% of FY Complete	General Fund	Water Fund
REVENUES		
Actual	\$736,525	\$353,384
YTD (%of Budget)	\$736,525 (9.45%)	\$353,384 (7.19%)
Budget	\$7,789,853	\$4,916,035
YTD Percent of Budget <i>(minus loan proceeds and fund balance allocation)</i>	9.50%	7.19%
EXPENSES		
Actual	\$490,600	\$131,312
YTD (% of Budget)	\$490,600 (6.30%)	\$131,312 (2.67%)
Budget	\$7,789,853	\$4,916,035
YTD Percent of Budget <i>(minus loan proceeds and fund balance allocation)</i>	6.30%	3.33%
DIFFERENCE (Revenues – Expenses) July 2011 YTD	\$245,925	\$222,072

- C) Tax releases approved: Thorndale County Club, Inc. - \$1,901.48; Meridian Leasing Corp - \$232.66; Kings Medical Co. - \$1,601.06; Patricia and John Wrenn - \$29.63

Commissioner Sergent questioned CM Donham as to whether or not the City had counted on the income from the tax releases as part of our revenue stream; and as such, would we need a budget amendment to accommodate the nearly \$4,000 decrease. CM Donham stated he would look into this.

PUBLIC COMMENT

Donald Mitchell representing Penn Avenue Missionary Baptist Church addressed the Board regarding the renaming of a portion of West McClanahan Street. The church has requested that West McClanahan from Broad Street to the railroad tracks be renamed Penn Avenue. Mr. Mitchell stated that guests coming to the church think the church is on Penn Avenue and end up looking all over for it, sometimes passing it, because of the way the streets are named.

There are three houses on the requested portion of the street; two belong to the church and one belongs to Carl Smith. Mr. Smith would be happy with this change.

CM Donham stated that Planning Director Cheryl Hart stated the Public Works building would need to have its address changed if this request is approved. CM Donham stated a Resolution would be needed to make this change. When Linden Avenue was given the MLK Designation, there was first a public hearing. Then these types of issues now typically go before committee. MPT Herring asked if a public hearing had to be held, to which CM Donham said it did not. However, PD Hart recommended that a public hearing should be held because of a vacant lot in the area under foreclosure and for process reasons.

Commissioner Williford asked if changing the Public Works address would be a financial burden, CM Donham responding it would be an expense but not a major one. MPT Herring asked if street signs would need to be changed, Rev. Darby responding that it would involve only one sign change.

Commissioner Harris asked what would be the process to change the name of the extension connecting to Lewis Street since this is a State street. CM Donham stated it would probably need a Resolution and a request sent to the State for the change. PD Hart stated that if more requests for changes are made, then the process would be more complicated. Commissioner Sergent stated that right now McClanahan skips and goes over to McClanahan again. She is in favor of the request by the church but wondered if the City wants to consider changing the curved section of Lewis Street. Rev. Darby, also representing Penn Avenue Church, agreed this would be a good idea.

There was consensus of the Board to hold a Property Committee meeting on this issue prior to the public hearing. The public hearing will be set for the September 6th Agenda Meeting at 5:30 p.m.

Eddie McCoy of 408 Kingsbury Street addressed the Board concerning the early closing of Rucker Pool last week. Mr. McCoy wondered who made the decision to close the Pool early other than the Recreation Director and City Manager. He did not feel the entire Board was aware of this decision. The last two [hot] days would have been good swimming days. Mr. McCoy stated the City says it is saving money, but thousands were spent at Oxford Park planting grass and now that grass is dead.

Mr. McCoy stated he came from across the railroad tracks and grew up poor. Others don't realize how cuts affect the disadvantaged. It was unfair not to have the pool open until school opened or until Labor Day. It would not have cost that much money to keep it open two to three more weeks.

Mr. McCoy stated he has not heard any talk about Raleigh Street. Is the City going to wait until the snow falls to begin work or is it saving the money for a rainy day? City Engineer Larry Thomas responded that bid openings will begin within the next 30-60 days. Mayor Woodlief stated that there are procedures to be followed, but one project – the splash park – should be done by late October.

Commissioner Sergent stated that department heads were asked to make 7% cuts in their budgets across the board. When the Recreation Director presented her cuts, no one was happy with the pool closing early. However, all recreation programs were looked at, and cuts were made where

they made sense. When looking at attendance numbers of all programs, the pool made the smallest impact as far as resident participation. Commissioner Sergent stated that funds have been requested from other resources in hopes of this not having to happen next year. It is understandable that Mr. McCoy is unhappy. Commissioner Currin added that this was discussed at a Finance Committee meeting, and everyone was made aware of the early closing.

MAYOR'S YARD OF THE MONTH

Mayor Woodlief presented this month's award to Joseph and Bertina Tyler for the overall attractiveness of their yard at 206 Lexington Park Drive. The Mayor stated that the YOM sign will be placed in their yard and a picture will be published in the Oxford Public Ledger.

PUBLIC HEARING TO ALLOW AS A SPECIAL USE ACCESSORY STORAGE BUILDINGS AND DISPLAY AREAS IN THE B-1 ZONING DISTRICT

Mayor Woodlief declared the public hearing open. No one from the audience wished to speak.

Commissioner Sergent thanked everyone who worked on this. She was able to find out that any building less than 12' x 12' does not need a permanent foundation. As long as everything is kept clean, such a building would not need to be moved.

Mayor Woodlief declared the public hearing closed.

ALLOWING AS A SPECIAL USE ACCESSORY STORAGE BUILDINGS AND DISPLAY AREAS IN THE B-1 ZONING DISTRICT AMENDED

COMMISSIONER WILLIFORD MADE A MOTION TO APPROVE THE AMENDMENT.
ALL VOTES WERE IN THE AFFIRMATIVE. THE MOTION CARRIED.

SPECIFIC REQUIREMENTS FOR STORAGE & DISPLAY ACCESSORY USES IN THE B-1 ZONING DISTRICT

SECTION 749A –Storage and Display Accessory uses in the B-1 District

749A.1 - The applicant demonstrates that the size of any accessory storage building and areas requested for outdoor display and work is appropriate to the main use and is dedicated to the use of that retail business only. The intent of this section is to permit appropriate artisan and craftsman activity associated with the downtown retail environment.

749A.2 – The location and size of the storage area and display area shall not interfere with parking, loading or roadway areas.

749A.3 – Any outdoor display areas or work areas shall be dedicated to displaying the items for sale in the associated retail shop only, or to skilled artisan or craft work areas associated with the items for sale in the shop. This does not include the outdoor storage of lumber, brick or similar items and tools included in 749 above, and shall not be construed to include construction activities.

749A.4 – All outdoor display or work areas shall be moved indoors after business hours.

749A.5 – All outdoor display or work areas which emit noise, dust, fumes or debris shall be consistent with the office and retail uses in the district. Such areas shall be safe for the public to view and travel through.

749A.6 – Any use of chemicals or other flammable or hazardous substances shall be approved by the Fire Department

PUBLIC HEARING ON THE PROPOSED ADJUSTMENT TO THE POLLUTION CONTROL FEE

Mayor Woodlief declared the public hearing open. No one from the audience wished to speak.

Commissioner Currin stated this has been discussed for several months and is something that the City needs to do. While the increase does not seem like much to residents, businesses will have dumpster fees increased and it will also cost them to recycle if they wish to do so. Commissioner Currin does not think the businesses should be paying anything. The privilege license fee was increased a couple years ago. Residents will see a \$2 to \$3 increase; but if someone has three acres of land, the fee will go from about \$130 to \$200. Commissioner Currin further stated that all the businesses on the Loop are not within the City Limits. Those approximate 25 businesses could add \$75,000-\$100,000 per year if they were included in the fee. Commissioner Currin stated he, therefore, opposes this fee because of what it will do to businesses.

City Engineer Larry Thomas stated that the City is forced by laws and regulations to impose this fee. The City will spend the money for pollution control, as the fee states. Several successful projects have been completed using this fee and several more are on the list. Stormwater is in everyone's backyard. Over the next five years, CE Thomas stated \$1 million could easily be spent on this issue. The City will still tackle these projects, but it will just take longer if the rates are not raised. The fee is based on actual impervious surfaces, which was refined by a recent study. For the industries that are not within the City limit, we are looking at getting them into the program. However, there are legal issues; and we cannot take them in unless we provide them some sort of service. What type of service that is is a grey area. We are hoping that by January, stated CE Thomas, that we will have answered this question.

Commissioner Currin asked if any business to which the City provides water and sewer can be charged by the City or would the County charge these businesses. CE Thomas stated that the City believes anyone inside our ETJ is our customer to serve. The way the law is written, if someone brings us a set of plans for building in our ETJ or an area under our control, we require them to put in stormwater measures. CE Thomas stated he, therefore, believes the fee would belong to us; but he is not a lawyer, so he does not know. We don't worry about industries such as Bandag or CertainTeed who do not have much runoff. But for Revlon or Dill or the Warehouse, that comes through our property, and we have to invest to make sure there is no backup.

The Mayor stated he does not feel it will be fair for the County to step in and claim this fee on businesses in the County, especially since they are already getting taxes on the property and we're furnishing water and sewer. Meetings with the County should be held before this fee starts to be collected. CM Donham stated a meeting will be held with all the counties around Falls Lake, and Oxford has been invited to this discussion. CE Thomas stated he feels the County will be hard-pressed to prove they provide any type of stormwater relief.

The Mayor stated he felt that for the smaller businesses, the City should do something to provide them a buffer until something is found out from the County or to hold off until we know what the County is going to do before this fee goes into effect in January. Commissioner Currin stated he feels the businesses do not know how this fee will affect them, especially since no one shows up at public hearings like this one. Commissioner Sergent stated if charges could be made to businesses in the ETJ, then a lower charge could be made to smaller businesses. She suggested either we delay for more discussion or start with a lower fee to those businesses inside the City limits.

Mayor Woodlief declared the public hearing closed.

PROPOSED ADJUSTMENT TO THE POLLUTION CONTROL FEE NOT APPROVED

As asked by Commissioner Bullock, the Board unanimously agreed to delay action on this item until the next regular meeting or until discussion could be held with the County. The Public Works Committee will also meet to discuss this issue.

NEW PERSONNEL POLICY REGARDING EMPLOYEE COMPENSATORY TIME APPROVED

Mayor Woodlief stated that the Board recommended this change at its May 2011 Retreat and at a Personnel Committee Meeting on July 28, 2011.

COMMISSIONER HARRIS MADE A MOTION TO APPROVE THE NEW POLICY.
ALL VOTES WERE IN THE AFFIRMATIVE; THE MOTION PASSED.

NEW PERSONNEL POLICY REGARDING EMPLOYEE COMPENSATORY TIME

Employees must use their accumulated comp time before using any other available time (sick, vacation, or unpaid time) in all situations when an employee will be absent from work.

MUNICIPAL REIMBURSEMENT AGREEMENT FOR THE NCDOT PEDESTRIAN PLANNING GRANT ADOPTED

Mayor Woodlief stated adopting this Agreement is necessary for the City to participate as a grant recipient and to be reimbursed for comprehensive plan development through the Pedestrian Planning Grant Initiative.

COMMISSIONER WILLIFORD MADE A MOTION TO ADOPT THE AGREEMENT.
ALL VOTES WERE IN THE AFFIRMATIVE; THE MOTION PASSED.

The Municipal Reimbursement Agreement for the NCDOT Pedestrian Planning Grant is incorporated by reference and made a part hereof as if appearing in total. A copy of this Agreement is on file with the Planning Director.

BUDGET AMENDMENT IN THE AMOUNT OF \$700 AS A DONATION TO THE POLICE DEPARTMENT APPROVED

Mayor Woodlief stated this is an annual donation from Ms. Gene Finch to be placed in the Police Department line item 629 – Employee Welfare Fund.

MPT HERRING MADE A MOTION TO APPROVE THE BUDGET AMENDMENT.
ALL VOTES WERE IN THE AFFIRMATIVE; THE MOTION PASSED.

ACCT NO.	DESCRIPTION	INCREASE	DECREASE
1038505	Misc Revenue	\$700.00	
10510629	Emp. Welfare Fund	\$700.00	

BUDGET AMENDMENT IN THE AMOUNT OF \$2,688.33 TO ACCEPT DISBURSEMENTS FROM THE UNAUTHORIZED SUBSTANCE TAX DRUG ENFORCEMENT SHARED ASSET DISTRIBUTION PROGRAM APPROVED

Police Chief John Wolford stated that there is a formula the State uses for this distribution and that Oxford gets 80% of the money while the State gets 20%. This is a tax on drugs or on the money used in illegal transactions and is based on what the City has seized.

MPT HERRING MADE A MOTION TO APPROVE THE BUDGET AMENDMENT.
ALL VOTES WERE IN THE AFFIRMATIVE; THE MOTION PASSED.

ACCT NO.	DESCRIPTION	INCREASE	DECREASE
1035113	State Forfeiture	\$2,689.00	
10510405	Special State Forfeiture	\$2,689.00	

BUDGET AMENDMENT IN THE AMOUNT OF \$500 FROM THE NC LEAGUE OF MUNICIPALITIES FOR REIMBURSEMENT OF THE PURCHASE OF POLICE BALLISTIC VESTS APPROVED

Mayor Woodlief stated that we are part of the Bulletproof Vest Partnership with the US Department of Justice as well as part of a vest reimbursement program with the NC League of Municipalities.

MPT HERRING MADE A MOTION TO APPROVE THE BUDGET AMENDMENT.
ALL VOTES WERE IN THE AFFIRMATIVE; THE MOTION PASSED.

ACCT NO.	DESCRIPTION	INCREASE	DECREASE
1038505	Misc. Revenue	\$500.00	
10510300	Police Equipment	\$500.00	

ALLOWING GRANVILLE COUNTY RESCUE TO USE LAKE DEVIN FOR PRACTICE PURPOSES APPROVED

Harold Slaughter, a member of the Rescue Service for 40 years, was present to represent this request. Mr. Slaughter stated they do not have a place to train in water rescue other than in Butner or on Kerr Lake. They now have new sonar equipment, and they wish to use Lake Devin about four times a year on Sunday or Saturday afternoons to train the outfit. All personnel have had a boat safety course, all have life jackets, and three are licensed scuba divers. The space they'd need would be about the length of two football fields. They are properly insured, so there would be no liability on the City. Mr. Slaughter stated there would be no pollution to the Lake except for cranking up the boat. Mr. Slaughter stated the outfit can respond anywhere in Granville County as well as in the surrounding counties. Most of the 25 Rescue employees are young and need this training.

COMMISSIONER BULLOCK MADE A MOTION TO APPROVE THE USE OF THE LAKE.
ALL VOTES WERE IN THE AFFIRMATIVE; THE MOTION PASSED.

CLOSING A PORTION OF COLLEGE STREET FOR THE C.G. CREDLE SCHOOL CENTENNIAL CELEBRATION APPROVED

Mayor Woodlief stated this ceremony will be held on Saturday, September 17th beginning at 10:00 a.m. and lasting approximately one hour. Dr. Dorothy Pruitt has requested that during this time College Street from McClanahan Street to Hays Street be blocked along with College Street from McClanahan Street to Forest Avenue as the noise from the traffic would be very disruptive to their program.

COMMISSIONER WILLIFORD MADE A MOTION TO APPROVE THE CLOSING.
ALL VOTES WERE IN THE AFFIRMATIVE; THE MOTION PASSED.

MOVING THE MONDAY, SEPTEMBER 5, 2011 AGENDA SESSION TO TUESDAY, SEPTEMBER 6, 2011 IN OBSERVANCE OF THE LABOR DAY HOLIDAY APPROVED

COMMISSIONER CANTLEY MADE A MOTION TO APPROVE THE CHANGE.
ALL VOTES WERE IN THE AFFIRMATIVE; THE MOTION PASSED.

DISCUSSION ON VULTURES AT THE ARMORY

Mayor Woodlief stated conversation on this issue began at the Agenda Meeting. He wasn't sure if the city manager has yet had time to contact our alternatives because he has been away at training. The police chief has shot rounds off in the a.m. and the vultures left. However, it's been called to his attention that the birds may be around because of activities at the Armory on the weekends. With people using that corner for activities, the waste placed in the dumpster may be drawing the vultures. Just this Sunday, someone went by the corner, blew their horn, and about 100 birds flew away.

CM Donham stated he does have an appointment set with an individual for next week to evaluate this situation. The Mayor stated that either the city engineer or planner should speak with the people at the Armory, adding that he would hate for the City to spend the money for dummies [to scare the vultures away] when other alternatives can be used. MPT Herring stated we may want to look at those using the space being required to supply dumpsters. The Mayor stated he feels this can be simply solved by having rules and having the rules followed, something to which people are normally very responsive.

CLOSED SESSION

ON A MOTION BY COMMISSIONER HARRIS, THE BOARD UNANIMOUSLY VOTED TO GO INTO CLOSED SESSION ACCORDING TO G.S. 143.318.11 TO DISCUSS A PERSONNEL MATTER.

ON A MOTION BY COMMISSIONER HARRIS, THE BOARD UNANIMOUSLY VOTED TO RETURN TO OPEN SESSION.

ADJOURNMENT

WITH THERE BEING NO FURTHER BUSINESS, MPT HERRING MADE A MOTION TO ADJOURN.
ALL VOTES WERE IN THE AFFIRMATIVE. THE MOTION CARRIED.