

**NORTH CAROLINA
GRANVILLE COUNTY
CITY OF OXFORD**

**OXFORD BOARD OF COMMISSIONERS' MEETING
OXFORD CITY HALL, BOARD MEETING ROOM
TUESDAY, NOVEMBER 14, 2006 AT 7:00 PM**

The Mayor and Board of Commissioners of the City of Oxford met for the December Regular Session at City Hall, 300 Williamsboro Street, at the above-mentioned time and place.

Present: Mayor Alvin Woodlief, Jr.
Mayor Pro Tem Howard G. Herring, Sr.
Commissioner Paul Kiesow
Commissioner A. Chance Wilkinson
Commissioner S. Quon Bridges
Commissioner Robert Shope
Commissioner Robert B. Williford, Sr.
Commissioner Stephen C. Powell

Present also were City Attorney J. Thomas Burnette, City Manager Thomas S. Marrow, and Deputy City Clerk Donna B. Hosch.

All members of the Board and local news media were notified of the time, place and purpose of the meeting.

Mayor Woodlief called the meeting to order.

Mayor Woodlief gave the prayer in the absence of Phillips Betts, City Chaplain.

The Pledge of Allegiance followed the prayer.

PUBLIC COMMENT

No one from the audience wished to speak.

EMPLOYEE OF THE MONTH AWARD
TROY JONES, BUILDINGS AND GROUNDS

Mayor Woodlief recognized Troy Jones of Building and Grounds as September's Employee of the Month. Mr. Jones was unable to be present for this presentation. He will receive a certificate of appreciation and a check for \$25.00.

MAYOR'S YARD OF THE MONTH AWARD
GARY AND CATHLEEN WEAVER – NOVEMBER'S RECIPIENTS

Mayor Woodlief recognized November's Mayor's Yard of the Month winner, Gary and Cathleen Weaver. Mayor Woodlief read the certificate, which congratulated them for the outstanding job of landscaping maintenance and overall attractiveness of 221 Gilliam Street. He stated a sign would be placed in the Weaver's yard recognizing them as November's winner and that a picture would be taken for the *Oxford Public Ledger*.

PUBLIC FORUM – CONSIDER THE HONORARY DESIGNATION OF LINDEN
AVENUE AS DR. MARTIN LUTHER KING, JR. AVENUE

Mayor Woodlief called to open the Public Form. The Mayor stated this designation would begin at the Econo Lodge/Buffer 96 and end at the intersection of Hillsboro and Broad Streets.

Niekietta Grillo of 404 Linden Avenue addressed the Board. Mrs. Grillo stated she opposes the renaming for business purposes. She and her husband do not have their business in their home, but their home address is used for business purposes. The name would be long and everything would need to be changed to the new name. Mrs. Grillo stated that she is certainly not opposed to Dr. King or what he has done for the country. However, in her opinion, she did not feel a street name would have any significance for what Dr. King stood for. Further, every MLK Street that she has come across has been a blighted street. Mrs. Grillo stated she did not want to see the street renamed just for the sake of it being renamed; she asked the justification for this. She

questioned if something else was going to be done which would better recognize Dr. King and carry on his legacy. Mrs. Grillo added that she did not feel the street designation would attract the types of people and businesses that the City wants to attract to Oxford. She felt that with Linden Avenue being the main street exiting off I-85, people would not want to come into Oxford via Linden/MLK Avenue for fear that this street would be blighted and dangerous.

Robert Benson of 411 Linden Avenue addressed the Board. Mr. Benson stated he is a transplant from California as well as a Navy man who's been around the world. In all the countries he's been to, he has always seen something relevant to Dr. King. The MLK street designation seen from I-85, in Mr. Benson's opinion, would identify Oxford as a city of welcome.

Richard McMillan of 426 Linden Avenue addressed the Board. Mr. McMillan is a newcomer to the area and expressed that he agreed with Mrs. Grillo to an extent. He stated it is unfortunate that streets named after MLK are often placed in poor neighborhoods and don't achieve the intended purpose of the renaming. If Oxford wants to emphasize the historical value of Dr. King's works, then there needs to be a stronger project identified which will develop the overall enhancement of the City. Mr. McMillan further emphasized that if Dr. King's name is to be attached to anything, it should be done in the best, exemplary profile of Dr. King.

Luis Grillo of 404 Linden Avenue addressed the Board. Mr. Grillo and his wife are from Washington D.C. and enjoy the historical side of Oxford as well as the developing side of Oxford. Mr. Grillo questioned disrupting the core of the City with the naming of a street after Dr. King. Since developments are going up which will give the City a new look, why not name one of these developments after Dr. King. Renaming a street will surely cost the City money, so why not invest those funds in

something that will be a great sentiment and honor to Dr. King, such as a library. Mr. Grillo stated that as a boy he remembers going to his local public library, which was named after Dr. King. He remembers that experience, but how many young adults will remember riding down a street.

Pauletta Roberts of 226 Linden Avenue addressed the Board. Ms. Roberts stated she was born on Linden Avenue. She is still there, as she has been for 51 years. Ms. Roberts has mixed emotions about the renaming of the street, but she will accept this if it is the route the City wishes to take. She will also support the City if it goes another route [i.e., renaming a park].

Stephen Downey at P.O. Box 1079 addressed the Board. Mr. Downey stated he supports this effort; however, his concern is that Linden Avenue is not long enough. Did the City consider renaming the Loop Road since it is longer and goes around the City?

Eddie McCoy of 408 Kingsbury Street addressed the Board. Mr. McCoy stated that it has been 40 years [since the death of Dr. King]. If the public thought the Board did not want to proceed with this renaming, the Boardroom would have been packed. Since that was not the case, the public knows that the Board is in favor of the action. However, Mr. McCoy expressed he'd like to have an unveiling of the new signage in conjunction with the Martin Luther King celebration activities in January. The event could be coordinated with the events at the school, and the street name unveiling could be similar to the unveiling of the signage at the Shaw Museum.

Mayor Woodlief assured the audience that addresses on Linden Avenue would not change, but residents could refer to the street as Martin Luther King, Jr. Avenue. The Human Relations Board had looked into renaming the Loop Road; however, they felt The Loop was more hidden than Linden Avenue. The Mayor stated that the

renaming of the street would not take place on this night. At the December meeting, a Resolution would be considered for adoption to move forward with the renaming.

Commissioner Williford, Chairman of the Property Committee, added that his committee felt Linden Avenue an appropriate street to rename since it is a main street off of the Interstate. They did not want to use a street that was a back alley or a side street – they wanted a street that had meaning. He reemphasized that the State was contacted, the renaming would be honorary, and residents would not need to change their mailing addresses.

Commissioner Wilkinson stated he felt a street renaming was needed but that it also seemed a bizarre half measure since the renaming would be only honorary. With Linden Avenue then having two names, the Commissioner felt this would be confusing. He felt that since the Loop does not have a name, it would be a better street. The Loop is not out of the way since it is a large street and travels around Oxford. The Commissioner stated he was not against this effort but that he wanted to give the street location more thought.

Commissioner Kiesow stated he, too, was not sure about the street location. He leaned toward letting the group that wanted the renaming to also identify the street and to get agreement from the residents on that street.

Commissioner Herring began with stating that democracy is great, that in no other country could people stand and speak as they did on this night. He stated he was in full support of the renaming, make no mistake about that. A group of clergy approached the Board and asked for a naming of something after MLK. The Commissioner did not feel that the renaming of any street would cause deterioration or slum conditions as was alluded to. To have something named after MLK as one

enters Oxford would say something positive about the citizens of Oxford. The Commissioner emphatically stated this renaming has his full support and vote.

Commissioner Bridges thanked the citizens who were present to express their opinion. He stated that he felt Linden Avenue an ideal street because of the traffic the street gets as people are on their way to various places, even by those who do not live in the City. This country will be spending something close to \$50 million to build a memorial in honor of MLK. No matter what a person feels about the man, it says something about the City when an area is designated in honor of MLK. The Commissioner stated he was proud this Board has talked about and is preparing to vote on this issue. He stated he, too, intends to support this initiative. With Oxford being close to 200 years old, the Commissioner stated he'd like to see Oxford do this and to do it as a people together.

Commissioner Powell stated he supports this initiative and felt it should have been done a long time ago. He thanked the ministers who approached the Board who lit the fire in making this discussion happen. The Commissioner stated he agreed with Mr. McCoy that this should be done in a celebratory fashion that would be unforgettable. This is an initiative that earmarks change, and change needs to happen. In terms of the location of the street, most MLK designated streets are in poverty-stricken areas. However, Oxford has control of what the street would be – the people who live in, on, and around the street would have cause to make the street what it will be.

Commissioner Shope also thanked the audience who addressed the Board. He stated the largest concern he heard was address change, and that was clarified. He stated he supported the renaming of Linden Avenue.

Mayor Woodlief stated that since there was light turnout for the renaming, it could be concluded that there was not much opposition from the community. While the Mayor felt it was time to move forward and do something, he was unsure if Linden Avenue would be the right street to be renamed. The Mayor reiterated that a vote could not be made tonight because a Resolution was not prepared and the paperwork from the State had not been received. Hopefully, these two items would be available for the December meeting. The Mayor called for a consensus of the Board, the Board unanimously agreeing to move forward with the paperwork for the honorary renaming of Linden Avenue as Martin Luther King, Jr. Avenue.

Mayor Woodlief declared the Public Form closed.

**REQUEST FROM REPRESENTATIVE OF LILLIE GLOVER HEIRS TO BE HEARD
REGARDING THE DEMOLITION ORDINANCE FOR 106 SUMMITT AVENUE**

Ms. Cheryl Hart, Planning Director, stated that the Heirs have withdrawn their request. The Mayor stated, therefore, that the Demolition Ordinance will proceed and the house will be demolished (*see Demolition Ordinance to follow*).

**PRESENTATION FROM FRANK W. FOLGER, LOBBYIST, FROM THE LAW FIRM OF
HELMS, MULLISS, AND WICKER, PLLC**

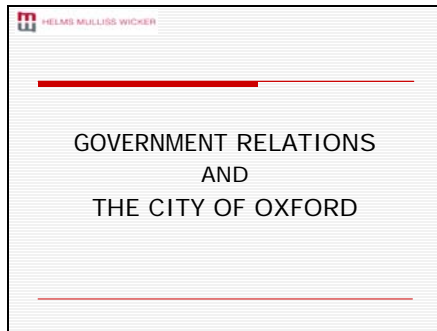
Commissioner Wilkinson stated that he asked Mr. Folger to address the Board. It is time for the City of Oxford to consider hiring a professional lobbyist to work on the City's behalf for grants, loans, projects, etc., from State and Federal government. The Commissioner introduced Mr. Folger as an attorney who has lived in the area since 1996 [4089 Buckhorn Road, Bullock], has worked for several law firms, and has now moved on to his present position.

Mr. Folger thanked the Board for the opportunity to speak about his firm's government relations work and how they may be able to help Oxford. Mr. Folger stated he had been with the General Assembly and Legislature in various capacities

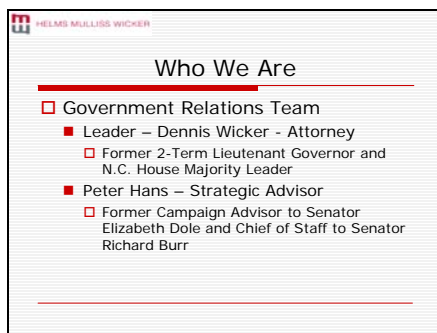
including serving on committees. He had also been with the Department of Insurance as Jim Long's legislative council.

At his current firm, his team consists of five people within the firm, which is led by Dennis Wicker, former Lt. Governor and House Majority Leader. Mr. Folger then made the following presentation:

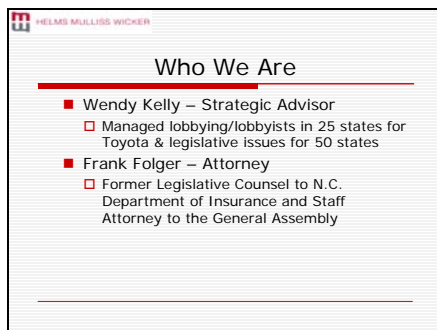
Slide 1




Slide 2



Slide 3




Slide 4

 HELMS MULLISS WICKER

Who We Are

- Our law firm is a North Carolina firm with offices in Raleigh, Charlotte, and Wilmington.
- We have more than 100 lawyers who provide a comprehensive range of legal services primarily for business and government.


Slide 5

 HELMS MULLISS WICKER

Who We Are

- Within our firm's three major practice areas – Finance, Corporate, and Commercial Litigation – we have experts ready to help on a variety of issues, including:
 - Public Finance
 - Education
 - Zoning and Land Use Planning
 - Employee Benefits
 - Tax
 - Corporate re-locations
 - Environmental


Slide 6

 HELMS MULLISS WICKER

The Importance of Excellence in Government Relations

- Those who want successful relations with and positive results from federal and state government need strong **ADVOCACY**

Slide 7

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The Importance of Excellence in Government Relations

- For an excellent outcome, it takes an excellent **STRATEGY**


Slide 8

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The Importance of Excellence in Government Relations

□ For ready access to the legislative and executive branches, solid RELATIONSHIPS are the key

Slide 9

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The Importance of Excellence in Government Relations

□ Working with state and federal governments requires EXPERIENCE and a consistent PRESENCE

Slide 10


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Local Governments and Lobbyists

□ Other cities and towns with lobbyists just last year, include:

■ Boone	■ Kitty Hawk
■ Cary	■ Monroe
■ Clayton	■ North Topsail Beach
■ Concord	■ Wilmington
■ Hickory	■ Weldon
■ Kannapolis	■ Wilson

Slide 11

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Local Governments and Lobbyists

□ Counties with Lobbyists, include:

- Catawba County
- Currituck County
- Durham County
- Granville County
- Haywood County
- Macon County
- Mecklenburg County
- Wake County

Slide 12

Why Local Governments Lobby

- Protect the community from harmful legislative policy
- Affirmatively pursue legislation needed in that community
- Secure appropriations and funding that will benefit the community and its citizens
- Establish a presence for itself in government for future needs

Slide 13

HELMES MULLISS WICKER

How We Can Help

- In North Carolina and federally, we work with the legislative and executive branches on all matters, including:
 - Substantive legislative policy
 - Appropriations
 - Economic development
 - Regulatory issues
 - Finance issues

Slide 14

HELMES MULLISS WICKER

How We Can Help

- We have a strong network inside and outside of government
 - To help in our pursuit of your legislative and administrative solutions
 - To help in developing partnerships with other organizations
 - To build on for you for the future

Slide 15

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How We Can Help

- Strategic monitoring
- Advocacy & Lobbying
- Outreach and Relationship Building
- Client Communications

Slide 16

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Important Issues for Oxford

- Widening of Highway 50 and other transportation issues
- Economic development, incentives, and downtown revitalization
- Parks and recreation
- Wastewater treatment and other environmental regulatory issues

Slide 17

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One More Reason:
New Lobbying Laws and Its Impact

- New laws enacted this summer expand "lobbying" to include attempting to influence executive action, along with legislative action
 - Includes "developing goodwill/relationship building; and includes new prohibitions and much tighter restrictions"
 - Lesson: Don't become an "unregistered lobbyist." Hire professionals.

Mr. Folger concluded with stating that experience and presence cannot be overemphasized. Knowing who's who and having eyes and ears at the General Assembly building is critical. Mr. Folger stated that the League is a good source of information and that they do a good job of protecting cities. However, individual cities have specific needs and there should be a resource to look after those needs. Some of the connections of Mr. Folger's law firm may be good partners for Oxford, i.e., in the parks and recreation and wastewater treatment areas. Mr. Folger stated he was not suggesting any failure on the part of Oxford, but that he felt his firm could help the city to move forward with greater prosperity.

Mr. Folger touched on the Jim Black scandal and the General Assembly's reaction to the scandal, which was to institute a new law that puts stringent requirements on lobbying. One of the major changes is that lobbying is no longer defined as just dealing with legislature; it's also dealing with executives. It is difficult now to determine if one is acting as a lobbyist and penalties can be imposed as a result. In essence, the new law is very scary.

Commissioner Kiesow asked what cities the firm now represents. Mr. Folger stated, "none", that they do perform city work in other matters, but nothing in government relations right now.

Commissioner Bridges inquired as to cost of services. Mr. Folger stated it depends upon the level of services provided. Typically, services range from a retainer fee of \$3,500.00 to \$5,000.00.

Mayor Woodlief thanked Mr. Folger for his time. He stated Henderson at one time retained the services of a lobbyist, and it was a very successful venture for them. The Mayor referred this issue to the Finance Committee for further action.

FINANCIAL REPORT – OCTOBER 2006

Finance Officer Stephen McNally supplied the Board with a copy of the October 2006 financial report that included General Fund actual revenues of \$400,501, actual expenses of \$480,439; Water Fund actual revenues of \$293,217, and actual expenses of \$303,352; and other actual revenues of \$46,094, and actual expenses of \$41,532. The subtotals to date are General Fund actual revenues of \$2,516,336 and actual expenses of \$2,104,228; Water Fund actual revenues of \$1,262,330, and actual expenses of \$1,308,591; other actual revenues of \$531,341, and actual expenses of \$193,266. Mayor Woodlief stated that if there were no questions concerning the report, Finance Director McNally would be in his office tomorrow for any questions.

UPDATED REPORT FROM THE PROPERTY COMMITTEE ON A COLUMBARIUM FOR ELMWOOD CEMETERY

Mayor Woodlief stated this item has been taken off the agenda indefinitely.

UPDATED REPORT FROM THE PROPERTY COMMITTEE ON THE STATUS OF THE RED BARN

Committee Chair Commissioner Williford stated that the Red Barn would be re-activated as soon as a fire escape could be located. City Manager Marrow reported

that a fire escape was possibly located and that Kenny Manning would get with the Commissioner to determine its applicability. If not applicable, the City would need to have one built. Commissioner Herring noted that he has had such an escape built for him and that it can be done for the Red Barn. The City Manager additionally stated that the house on the property would be burned down. The Mayor stated that the Recreation Department has had many calls on this facility since the City announced it would be reopening after being closed for approximately two years.

**UPDATE ON THE DEMOLITION ORDINANCE
FOR THE ABANDONED HOUSE AT 218 BROAD STREET**

The Mayor stated this house is owned by Tommy Watkins. Ms. Hart stated she has been in touch with Mr. Watkins and that she wished to proceed with adopting the Demolition Ordinance so that she could send the demolition out for bid. If, by the time the bid is decided upon, the structure is not torn down by Mr. Watkins, then the City would do so.

Motion

Commissioner Herring made a motion to adopt a Demolition Ordinance to demolish the structure located at 208 Broad Street; Commissioner Bridges seconded the motion. The vote was unanimous.

ORDINANCE NO. 06-11-01
ADOPTED: 11-14-06
EFFECTIVE: UPON ADOPTION

*AN ORDINANCE DIRECTING THE HOUSING CODE OFFICER TO DEMOLISH THE
PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION
AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT
THE SAME MAY NOT BE OCCUPIED UNTIL DEMOLISHED.*

WHEREAS, the Board of Commissioners of the City of Oxford finds that the property described herein is unfit for human habitation under the City Housing Code, and that all of the provisions of the Housing Code have been complied with as a condition of the adoption of this ordinance; and

WHEREAS, said structure should be demolished as directed by the Housing Code Officer and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owners of said structure have been given a reasonable opportunity to bring the structure up to the standards of the Housing Code in accordance with G.S. 160A-443(5) pursuant to an order issued by the Housing Code Officer on April 28, 2005, and the owners having failed to comply with the order;

NOW, THEREFORE, be it ordained by the Board of Commissioners of the City of Oxford, that:

Section 1. The Housing Code Officer is hereby authorized and directed to place a sign containing the legend:

"This building is unfit for human habitation; the use of or occupancy of this building for human habitation is prohibited and unlawful."

on the building located at the following address: 208 Spring Street, Oxford, North Carolina; Owner(s): Mr. David Keighley, 202 Belle Street, Oxford, North Carolina 27565.

Section 2. The Housing Code Officer is hereby authorized and directed to demolish the above-described structure in accordance with her order to the owner thereof dated the 14th day of November 2006, and with the Housing Code and G.S. 160A-443.

Section 3. It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein described to be unfit for human habitation.

Section 4. This ordinance shall become effective upon its adoption.

Adopted this 14th day of November 2006

Motion

Commissioner Herring made a motion to adopt a Demolition Ordinance to demolish the structure located at 106 Summit Avenue; Commissioner Bridges seconded the motion. The vote was unanimous.

ORDINANCE NO. 06-11-02
ADOPTED: 11-14-06
EFFECTIVE: UPON ADOPTION

AN ORDINANCE DIRECTING THE HOUSING CODE OFFICER TO DEMOLISH THE
PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION
AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT
THE SAME MAY NOT BE OCCUPIED UNTIL DEMOLISHED.

WHEREAS, the Board of Commissioners of the City of Oxford finds that the property described herein is unfit for human habitation under the City Housing Code, and that all of the provisions of the Housing Code have been complied with as a condition of the adoption of this ordinance; and

WHEREAS, said structure should be demolished as directed by the Housing Code Officer and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owners of said structure have been given a reasonable opportunity to bring the structure up to the standards of the Housing Code in accordance with G.S. 160A-443(5) pursuant to an order issued by the Housing Code Officer on June 5, 2006, and the owners having failed to comply with the order;

NOW, THEREFORE, be it ordained by the Board of Commissioners of the City of Oxford, that:

Section 1. The Housing Code Officer is hereby authorized and directed to place a sign containing the legend: "This building is unfit for human habitation; the use of or occupancy of this building for human habitation is prohibited and unlawful." on the building located at the following address: 106 Summit Avenue, Oxford, North Carolina; Owner(s): Lillie Glover Heirs, c/o Cynthia Glover, PO Box 481, Oxford, North Carolina 27565.

Section 2. The Housing Code Officer is hereby authorized and directed to demolish the above-described structure in accordance with her order to the owner thereof dated the 14th day of November 2006, and with the Housing Code and G.S. 160A-443.

Section 3. It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein described to be unfit for human habitation.

*Section 4. This ordinance shall become effective upon its adoption.
Adopted this 14th day of November 2006.*

UPDATE ON DEWBERRY & DAVIS CHANGE ORDERS

Mayor Woodlief introduced Chris Brown, who stated that his firm expected to present the City with negative change orders in the amount of \$71,000 at the conclusion of the waste water treatment plant construction – a credit for the City! Mr. Brown provided the Board with a listing of the change orders. More good news was that Mr. Brown met with the State and all but two items (vegetative debris pile removal and paving material escalation) are eligible to be included in the loan from CG&L.

Commissioner Kiesow stated this was brought up to the Public Works Committee that agreed to proceed with the change orders. The Commissioner stated that while Mr. Brown was present, he wanted to talk about the recent spill at the plant. Matt Leonard joined Mr. Brown at the podium. The Mayor asked Mr. Leonard to explain the spill.

Mr. Leonard stated that he and Mr. Brown met and reviewed the facts leading up to the spill. The first contributing factor was the amount of inflow; the second factor was the status of construction at the time. One of the clarifiers was off line and the other two simply could not handle the extra, sudden inflow – about five times what would be considered normal. Mr. Brown stated that the plant has been on line and functioning very well for the last 60 days.

Mr. Brown stated that the City has come a long way since 1998 in addressing its I&I problems, but there is still a long way to go. The Mayor added that some of the lines under the City are 100 years old. Even though the new plant puts the City in a good position, Mr. Brown emphasized that the I&I effort cannot be stopped, it needs to continue to go forward to correct leaks.

Returning to the problem of the spill, Mr. Brown stated that they recommend minimizing repairs to the clarifier and getting it back on line this week. There are a few mechanical items that need fixing immediately, and things such as re-coding could wait until later. Commissioner Kiesow stated that half of the oxidation ditch would be used temporarily as a storage basin. The Public Works Committee has asked Mr. Brown to come back with a plan which could include walking the sewer lines, putting meters on the lines, etc., and that the City Manager would go over this plan with Mr. Brown. Mr. Brown clarified that there would be no cost to get the clarifier back on line and that there may be a slight credit to the City for materials that

will not be used at this time. Further, it would take approximately one week to get the mechanical repairs completed and the clarifier refilled.

Commissioner Wilkinson asked Mr. Brown if it was correct that if all clarifiers were on line and there was a heavy rainfall, that there would still be a chance of a spill since there are water pipes needing repair which would leak stormwater into the plant. Mr. Brown answered that was correct. However, he stated that the last one and one-half inch rainfall did not cause a spill. The two-inch rainfall did cause a spill, Mr. Brown was unsure of the reason, and investigation would continue into the reason why. Commissioner Wilkinson asked Mr. Brown if this was a large spill in comparison to other cities. Mr. Brown stated this was a very small spill, Commissioner Kiesow adding the spill was “peanuts” compared to other cities. Mr. Brown restated that the clarifier being off line was 45% of the reason the spill occurred. The high flow of 10MPG was also a factor, as was operator response. While the staff is great and 90% of how they proceeded was great, Mr. Brown stated tweaking needs to be done to reach 100% response from staff. Therefore, Mr. Brown’s plan to move forward would be getting the clarifier back on line and postponing the coding until later, pushing the I&I program, making recommendations to the WWTP staff for handling high flows, and the City gathering past data which would allow making informed decisions.

Commissioner Bridges stated that his 15 year-old daughter questioned him as to why \$10 plus million dollars was spent on the WWTP and a spill still occurred. The Commissioner stated that he imagined taxpayers would be unhappy about this. The Commissioner has been telling citizens that once the plant was complete the spills would be cut out and things would be better. Since this has not happened, the Commissioner stated he feels betrayed. With the amount of money spent, there should not be any spills.

The Mayor voiced his disappointment and he imagined that the whole Board was disappointed. Blaming the spill on water running in from somewhere else was questionable, since it didn't seem like that much water was running in previously. The City has cameras to view the lines, and the Mayor questioned why leaks have not been found. The City Manager stated there are 50 miles of line. The Mayor stated it was very unfair for Oxford to have to pay \$100,000 in fines when Cary could have the spills they had and only be fined \$50,000. The Mayor stated there was a customer who wanted the City to treat three and one-half million gallons of water, but that this spill scared them and rightfully so. The Mayor stated he has also run into the same problem as Commissioner Bridges – people have “bitched” to him about the spill.

Commissioner Herring asked if he was correct in understanding that the problem was the inflow of water into the system, to which Mr. Brown stated, “That’s correct”. The Commissioner then asked what would need to be done to fix the problem because the problem needs to be fixed. City Manager Marrow stated that the Public Works Committee met with Dewberry yesterday and has requested Dewberry to prepare a multi-step plan for consideration that would eliminate the I&I in the systems. After further discussion, all Board members agreed that the problem must be fixed.

Motion

Commissioner Kiesow made a motion to accept the Change Order from Dewberry & Davis in the amount of a \$70,000 credit to the City; Commissioner Herring seconded the motion.

Commissioner Wilkinson stated that the fence was going to be taken off the list of items to be completed, that another contractor would be contacted to determine if money could be saved on building the fence. Mr. Leonard stated that he’s spoken

with the contractor on the project, and he would like to get the names of the contractors with whom the City works so that he might also possibly work with them, if he can, on the fencing.

Mayor Woodlief stated that eliminating the fencing would add another \$50,000 to the credit owed the City, for a total of \$120,000. City Manager Marrow stated that any interested contractors could contact him.

With no further discussion, the vote was unanimous.

**CONSIDER CALLING FOR A PUBLIC HEARING
IN CONJUNCTION WITH THE DECEMBER 12, 2006 REGULAR MEETING
TO DISCUSS THE PROPOSED FLOOD DAMAGE PREVENTION ORDINANCE**

City Manager Marrow stated that FEMA is in the process of updating their Flood Plan Ordinance and maps. City Engineer Larry Thomas was asked to peruse the information and did not see any changes which would significantly impact development in and around the City. If there ever were flood damage, it would be necessary to adopt this information if the City was going to seek reimbursement by FEMA. Commissioner Kiesow asked who would be appointed Administrator of this project and also that the Board would need pages to the Ordinance which appeared to be missing.

Motion

Commissioner Wilkinson made a motion to call for a public hearing as stated above to discuss the proposed Flood Damage Prevention Ordinance; Commissioner Herring seconded the motion. The vote was unanimous.

**CONSIDER A BUDGET AMENDMENT IN THE AMOUNT OF \$12,323.24
MADE PAYABLE FROM THE GENERAL FUND TO WHITE TRUCKS, CREEDMOOR,
NC TO REBUILD THE ENGINE ON THE HYUNDAI FRONT-END LOADER**

The Mayor stated that this is a large piece of equipment that is a workhorse for the City.

Motion

Commissioner Bridges made a motion to approve the above-stated budget amendment for \$12,323.24; Commissioner Wilkinson seconded the motion.

Commissioner Kiesow asked what were the warranties on this engine. The City Manager stated it depended upon the size of the motor. The warranty would be at least 12 months and possibly up to 24 months. He further stated that if White Trucks could use the block currently in the engine, the City would receive a \$2,500.00 credit. The City Manager also stated that the City would receive the sales tax back.

With no further discussion, the vote was unanimous.

BUDGET AMENDMENT

ACCOUNT NO.	DESCRIPTION	INCREASE	DECREASE
101561550	Fixed Assets > \$5,000	\$12,323.00	
010399000	App Fund Balance	\$12,323.00	

**CONSIDER A BUDGET AMENDMENT IN THE AMOUNT OF \$36,350.60
MADE PAYABLE FROM THE POWELL BILL FUND TO H.G. REYNOLDS
TO ADD NEW ASPHALT TO THE GUTTER LINE OF NEW COLLEGE STREET**

City Manager Marrow stated that instead of the above-stated amount, a budget amendment of only \$250.00 would be needed!

Motion

Commissioner Herring made a motion to approve a budget amendment in the amount of \$250.00; Commissioner Shope seconded the motion. The vote was unanimous.

BUDGET AMENDMENT

ACCOUNT NO.	DESCRIPTION	INCREASE	DECREASE
055570536	Street Resurfacing	\$250.00	
055399000	App Fund Balance	\$250.00	

**CONSIDER A BUDGET AMENDMENT IN THE WATER FUND
TO TRANSFER \$150,000.00 FROM THE FOUNDRY BRANCH PHASE IV CIP
TO THE NEW COLLEGE STREET WATER LINE CIP**

Commissioner Kiesow stated this is essentially what was budgeted for the project and that this action simply switches the funds from one account to another.

Motion

Commissioner Kiesow made a motion to make the switch in funds as stated above; Commissioner Herring seconded the motion. The vote was unanimous.

BUDGET AMENDMENT

ACCOUNT NO.	DESCRIPTION	INCREASE	DECREASE
031921926	Spring St. Project Cost	\$150,000.00	
031922926	Foundry Branch Project C		\$150,000.00

**CONSIDER A BUDGET AMENDMENT IN THE AMOUNT OF \$6,000.00
MADE PAYABLE FROM THE GENERAL FUND FOR PAVING
AT ELMWOOD CEMETERY**

The Mayor stated that \$12,000.00 had been budgeted to pave a portion of the cemetery. As the work proceeded, a lot of topsoil was found which caused usage of extra funds to get the base ready for pavement. The remainder of the money will be used for rock and backfill, the road will settle, and then in the new budget year funds will be allocated to pave these portions of road.

Motion

Commissioner Herring made a motion to approve the \$6,000.00 as stated above; Commissioner Wilkinson seconded the motion.

City Manager Marrow clarified that \$12,000 was budgeted and \$6,000.00 of those funds had been used to apply stone and remove bad soil. The remaining \$6,000.00 is not enough to pave what has been prepared. Therefore, the identified areas will be prepared and the paving will take place next budget year.

With no further discussion, the vote was unanimous to use the remaining \$6,000.00 for preparation of the roads, paving to be budgeted for in the next fiscal year. The budget amendment request was denied.

CONSIDER A BUDGET AMENDMENT MADE PAYABLE FROM THE GENERAL FUND FOR THE MAIN STREET SIDEWALK ENHANCEMENT PROJECT

City Manager Marrow stated there are steps beside the bank that the City would like to fill in for several reasons: (1) it would eliminate a cavity in the sidewalk, and (2) there would be an entire new sidewalk without a cut out. The cost estimate for this project is \$5,500.00, and Mr. Combs has not yet gotten back with the City Manager on sharing the cost of the project. City Manager Marrow stated this project was authorized by the Board in August, a budget amendment from the Powell Bill Fund being approved. Technically, the amount of that amendment has not changed from \$43,729.59. The question being asked was did the Board want to add \$5,500.00 to that amount or should the City Manager continue to negotiate with the bank owner.

Motion

Commissioner Wilkinson made a motion not to increase the budget amendment from \$43,729.59 and for the City Manager to continue negotiating with the bank; Commissioner Bridges seconded the motion. The vote was unanimous.

(Funds are being moved from Street Resurfacing due to the postponement of the New College Street and Cherry Street resurfacing projects.)

BUDGET AMENDMENT

ACCOUNT NO.	DESCRIPTION	INCREASE	DECREASE
055570536	Street Resurfacing		\$43,730.00
055570242	Sidewalk Repair/Replacem	\$43,730.00	

CONSIDER A FINAL ADJUSTING CHANGE ORDER FOR \$20,626.81 (LESS THAN ORIGINAL CONTRACT PRICE) FOR WATERLINE IMPROVEMENTS ALONG NEW COLLEGE AND GILLIAM STREETS

City Manager Marrow reiterated that this amount is a credit, and that the project came in under budget since only one layer of concrete was needed for surfacing.

Motion

Commissioner Herring made a motion to accept the change order as stated above; Commissioner Shope seconded the motion. The vote was unanimous.

CONSIDER ADOPTING NEW WATER AND SEWER RATES BEGINNING JANUARY 1, 2007

Commissioner Kiesow stated that the Public Works Committee approved these rates a while back. Water rates will only change for industries that use 500,000 or more; they have been informed of the increase. The only other change will be the volume rate on the sewer from \$3.91 to \$5.04 for both inside and outside rates. The City Manager added that the BOD has been changed from \$.37 to \$.42, and that the TSS would go down one cent. The Mayor stated that the industries were very supportive of what the City is trying to do and that all they needed was advance notice for budgeting purposes, as they were given.

Motion

Commissioner Kiesow made a motion to accept the new water rates as calculated (below); Commissioner Herring seconded the motion. Commissioner Wilkinson added that the Public Works Committee met and hoped for no increase for another five years. He also stated that he thought it shameful that the rates had to be raised in order to pay for the new waste water treatment plant. The vote was unanimous.

Effective January 1, 2007 until June 30, 2007

MONTHLY WATER SYSTEM USER CHARGES

<u>METER SIZE</u>	<u>SIZE FACTOR</u>
0.75	1.20
1.00	2.00
1.25	4.00
1.50	4.00
2.00	6.40
3.00	12.00
4.00	20.00
6.00	40.00
8.00	64.00

INSIDE : Meter Size Factor X \$4.00 + Usage (in thousands) X \$2.65 per month.

OUTSIDE : Meter Size Factor X \$4.00 + Usage (in thousands) X \$4.10 per month

MONTHLY SEWER SYSTEM USER CHARGES

	<u>Inside</u>	<u>Outside</u>	
Customer Charge	\$4.90	\$4.90	
Usage per Thousand	\$5.04	\$5.04	<u>MINIMUM BILL (No Usage)</u>
Capacity Charge			<u>Inside</u>
Meter Size (Inches)			Water \$ 4.80
.75	\$ 5.20	\$ 10.40	Sewer \$10.10
1.00	\$ 8.70	\$ 17.40	Garbage \$19.50
1.50	\$ 17.40	\$ 34.80	Subtotal \$34.40
2.00	\$ 27.85	\$ 55.70	
3.00	\$ 52.20	\$104.40	<u>Outside</u>
4.00	\$ 86.95	\$173.90	Water \$ 4.80
6.00	\$173.95	\$347.90	Sewer \$15.30
8.00	\$278.35	\$556.70	

Customer Charge + Capacity Charge (per meter size) + Usage (in thousands) X \$5.04 per month.

HIGH-STRENGTH WASTE SURCHARGES:

Biochemical Oxygen Demand (BOD5) .42

Total Suspended Solids (TSS) .14

**CONSIDER FINAL APPROVAL OF FOUR LOTS
FOR THE JORDAN CREEK ESTATES SUBDIVISION**

City Manager Marrow stated the Planning Board recommended approval of this extension of the existing subdivision, which will be served by well and septic tanks. It was briefly discussed that the City Manager would need to investigate if these lots are contiguous and would meet the statutory test for annexation at some point in the future. The City Manager clarified that these lots are in the ETJ and that sewer and water regulations can be forced to be followed.

Motion

Commissioner Herring made a motion to approve the four lots as stated; Commissioner Powell seconded the motion. The vote was unanimous.

**CONSIDER OBSERVANCE OF THE CHRISTMAS HOLIDAY ON THE SAME
HOLIDAY SCHEDULE AS THE COUNTY – DECEMBER 25, 26, AND 27**

Commissioner Bridges made a motion to observe the Christmas holiday as stated; Commissioner Powell seconded the motion. The vote was unanimous.

**CONSIDER REAPPOINTING WAYNE T. RICHMOND
TO THE RECREATION ADVISORY COMMITTEE
FOR A THREE-YEAR TERM EXPIRING OCTOBER 2009**

Commissioner Bridges made a motion to accept this reappointment; Commissioner Shope seconded the motion. The vote was unanimous.

CONSENT AGENDA

A. Meeting Minutes

Commissioner Herring motioned to approve meeting minutes of October 2, 2006 and October 10, 2006 as written; Commissioner Kiesow seconded the motion. The vote was unanimous.

ADJOURNMENT

With there being no further business, Mayor Woodlief adjourned the meeting.