

**NORTH CAROLINA
GRANVILLE COUNTY
CITY OF OXFORD**

**OXFORD CITY HALL, BOARD MEETING ROOM
TUESDAY, APRIL 8, 2008 AT 7:00 P.M.**

The Board of Commissioners of the City of Oxford met in 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 Robert Shope
Commissioner Stephen C. Powell
Commissioner Paul F. Kiesow
Commissioner A. Chance Wilkinson
Commissioner Robert B. Williford, Sr.
Commissioner Walter Cantley

Present also were City Attorney J. Thomas Burnette, Interim City Manager Steve McNally and City Clerk Tanya S. Weary.

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

Mayor Al Woodlief, Jr. called the meeting to order.

Mayor Pro Tem Howard Herring gave the prayer.

The Pledge of Allegiance followed the prayer.

PUBLIC COMMENT

No one from the audience wished to speak.

MAYOR'S YARD OF THE MONTH AWARD – SHERBY SLAUGHTER

Mayor Woodlief recognized April's Mayor's Yard of the Month winner, Sherby Slaughter. Mayor Woodlief read the certificate, which recognizes him for the outstanding job of landscaping maintenance and overall attractiveness of 201 Forest Road. He added a sign would

be placed in the yard recognizing him as the winner for Mayor's Yard of the Month and that a picture would be taken for the *Oxford Public Ledger*.

**ZONING PUBLIC HEARING – INCLUDE DENTAL LAB AS A
PERMITTED USE IN AN O-I DISTRICT**

Mayor Woodlief declared the public hearing open and invited comment. The purpose of this public hearing was to allow for comment as it pertains to amending the Zoning Ordinance under the table of permitted uses to allow dental labs as a permitted use in an O-I district. The Planning Board recommends amending the zoning ordinance as dental labs were inadvertently left off the table of permitted uses when the Zoning Ordinance was being revised.

Cathy Ana of 902 Roxboro Road noted concerns for safety in regards to additional traffic from employees of the proposed dental lab. It is almost impossible to get out onto Highway 158 and explained another accident occurred last night. She stated between 2010-2011 the State would acquire the property and put in the Highway 158 Expressway. She asked to keep the area a neighborhood and not zone it office-institutional.

Howard Mize of 5605 Farmington Drive noted he is requesting to rezone 900 Roxboro Road from R-A to O-I. He added the dental lab would not have any public traffic. He added he had withdrawn his request to open a dentist office at the location. Currently he is leasing the property and the lease is up at the end of November and he plans to honor this. They have 4 cars at the residence that go in and out. He will employ 3-4 employees who will report to work in the morning and stay until 5:00 PM. He noted he couldn't control the dangerous situation of the intersection. He reported he had spoken with Richard Helms, Project Engineer for DOT and was advised the project is behind schedule. An environmental study is needed which will take around 18 months and is scheduled to start in June 2008 followed by a Specific Alignment Study that will take an additional 18 months. The State will start acquiring property around 2012 and

construction may not start until 2015 because there are no funds allocated for this project at this time. He recognized the possibility to stay within the residence between 1-3 years once the property has been acquired. The lab will not be open on Saturdays and Sundays; a residence has traffic coming and going on weekends.

Commissioner Powell asked Mr. Mize how many clients does his business service during the week to which Mr. Mize explained he works with 40 different dentists and half of this comes through the US Mail. The product is returned by UPS one time per day (delivery and pickup). Mr. Mize noted it is illegal for him to deal directly with the public. He noted he would have a maximum of 4 employees.

Commissioner Cantley asked if the driveway is shared to which Mr. Mize commented a survey has not been done but according to his measurements the circle driveway cuts into a 1/3 of the Ana's property. He stated he would put parking behind the house and come out the same driveway. He will have a survey done to get exact measurements. He stressed there is room behind the house for parking and to turn around in order to come out of the same driveway. Employees will know where to park. Planning Director Cheryl Hart advised Mr. Mize is required to have off street parking.

Commissioner Powell noted the safety/traffic issue concerned him and asked the Board how they see the potential hazardous situation playing out. He asked Mrs. Ana the average accidents per year to which Mrs. Ana noted she does not have numbers from the State. Accidents usually happen in the morning when children are going to school and added a lot of tractor-trailers travel this area.

Commissioner Herring asked about the hours of operation to which Mr. Mize noted most employees would arrive around 7:00 AM so they can leave around 4:00 PM (this is before school starts and after school ends). There are no set hours for the employees.

Commissioner Williford asked if neighbors in the area had been involved in any accidents to which Mrs. Ana stated the Logans could use their access onto Ivey Day Road. She stressed it is not safe to bring additional people into this mix.

Commissioner Shope asked if the structure remained residential, would they be allowed to use the driveway to which Ms. Ana stated it is allowed currently. She noted she would have to pay for the maintenance on the driveway. Mr. Ana requested if the rezoning request is granted, that Mr. Mize put up a privacy fence between the two properties. Mr. Mize noted he had considered putting up a barrier, but if the survey shows it is enough room to install a culvert and move the driveway he will do this. Mr. Mize noted there would not be any signage because he does not advertise to the public.

Dee LaRaia of 414 Broad Street asked if this could potentially happen in her neighborhood and agreed with Mrs. Ana. Ms. LaRaia asked if Mr. Mize sold the property, would it be opened up for another business to which Planning Director Hart explained O-I is used as a transitional zone, which includes houses and offices.

City Attorney Burnette clarified that this public hearing is only dealing with amending the zoning ordinance under the table of permitted uses to allow dental labs as a permitted use in an O-I district. This does not have anything to do with Mr. Mize's request to rezone 900 Roxboro Road.

Commissioner Wilkinson asked if the Board was only talking about rezoning 900 Roxboro Road and asked if this was spot zoning to which Planning Director Hart noted the

Planning Board referred to the land use study which was done for the outer loop area and it was recommended for this area to be zoned commercial, but the Board thought O-I would be a better fit. Commissioner Wilkinson asked how to get businesses to come to downtown if the Board was rezoning residential houses for businesses.

There being no further questions, Mayor Woodlief closed the public hearing.

**ZONING ORDINANCE AMENDED – INCLUDE DENTAL LABS
AS PERMITTED USE IN O-I DISTRICT**

Commissioner Herring motioned to amend the Oxford Zoning Ordinance under the table of permitted uses to allow dental labs a permitted use in the O-I district. Commissioner Cantley seconded the motion. Commissioners Herring, Cantley, Shope, Kiesow and Wilkinson voted in favor of the motion. Commissioners Powell and Williford voted against the motion. The motion passed 5-2.

ZONING PUBLIC HEARING – 900 ROXBORO ROAD

Mayor Woodlief opened the public hearing for comment. The purpose of the public hearing is to allow for comment as it pertains to the request from Howard Mize to rezone 900 Roxboro Road from R-A (residential-agriculture) to O-I (office-institutional) for a dental lab. Mayor Woodlief noted the Planning Board recommends approval based on the fact that it is across the street from the newly rezoned property of the NC State Employees Credit Union. Reviewing the land use study that was approved on March 16, 1999 suggests that the property should be commercial. This rezoning would serve as a compromise to the commercial zoning. The property is 93/100 acre. He added that Mr. Mize has requested since the March meeting to only house a dental lab and not a dental office at 900 Roxboro Road.

Comments pertaining to this matter were heard during the prior public hearing.

There being no further comments, Mayor Woodlief closed the public hearing.

REZONE 900 ROXBORO ROAD – FAILED DUE TO LACK OF MOTION

The agenda item to consider rezoning 900 Roxboro Road from R-A (residential-agriculture) to O-I (office-institutional) died due to lack of a motion.

PUBLIC HEARING – AMEND ORDINANCE – OBSTRUCTION OF DRAINAGE DITCHES; SPECIFICATIONS FOR CULVERTS

Mayor Woodlief declared the public hearing open. The purpose of the public hearing was to allow for comment as it pertains to amending Chapter 18, Article 1, Section 18-2(C) Obstruction of Drainage Ditches; Specifications of Culverts of the Oxford Code of Ordinances.

There were no comments concerning this matter. The Mayor closed the public hearing.

ORDINANCE AMENDED - OBSTRUCTION OF DRAINAGE DITCHES; SPECIFICATIONS FOR CULVERTS

Commissioner Kiesow, Chairman of the Public Works Committee, motioned on behalf of the Committee to amend Chapter 18, Article 1, Section 18-2(C) Obstruction of Drainage Ditches; Specifications of Culverts of the Oxford Code of Ordinances. Commissioner Cantley seconded the motion. The motion passed unanimously.

ORDINANCE NO. 08-04-01
ADOPTED: 04-08-08
EFFECTIVE: UPON ADOPTION

18-2 OBSTRUCTION OF DRAINAGE DITCHES; SPECIFICATIONS FOR CULVERTS.

- (A) It shall be unlawful for any person to obstruct any drainage ditch in the city.
- (B) Construction of culverts shall comply with the specifications of the City Manager. ('86 Code, § 18-2)
- (C) The piping of ditches along ribbon paved streets is prohibited except for driveway access which shall be restricted to a minimum of 12 feet and a maximum of 16 feet on a single driveway and a double driveway shall be restricted to no more than a maximum of 24 feet. (Am. Ord. 08-04-01, passed 04-08-08 Am. Ord. 94-10-2, passed 10-11-94)

(D) Punishment for a violation of this section shall be as set forth in § 1-99, except that the penalty shall be as is set out in the appendix attached hereto and made a part hereof. A copy of the penalty schedule, which may be amended from time to time, shall be kept on record in the office of the City Clerk.

GRANVILLE COUNTY ECONOMIC DEVELOPMENT QUARTERLY REPORT

Director Leon Turner reported since his last quarterly report there had been a significant slow down with the number of developments due to the economic situation. Revlon is continuing with their major upgrade project and had an excellent financial year in 2007. The project at CertainTeed is complete except for the new road to Highway 75. The Wal-Mart project has been delayed, but aggressive action should be seen in July. Sheetz is looking for a site in Granville County. Flextronics restarted a second shift and currently has 350 employees with a chance to increase this number. Construction at Triangle North Granville (hub site) is now underway to install the wastewater service and the entrance road. Superior Walls is closing its manufacturing facility due to a new facility in Salisbury. They may keep a few offices and distribution open. The BioFuels Center of NC has announced they have hired a president and most staff. A major open house event will be held in May. Mr. Turner recognized the serious price increases in fuel cost are putting a heavy burden on everyone. It is causing families to spend less on shopping and eating out. Retail is dying out. Unemployment rate for Granville County in February was 5.9%; North Carolina rate – 5.4%. It has increased almost everywhere. The NC Department Commerce released the statistics for the 4th quarter of 2007 for each county and reported the average weekly earned income for Granville County is \$692, which is the 7th highest in NC. The median family income is \$43,202 (17th highest in NC); poverty rate is 12.8% (2.1% below state average) and it is the 78th best in NC. 26.8% are employed in manufacturing.

Commissioner Cantley asked the status of Walgreen's to which Mr. Turner noted the project is on go and environmental testing is being done. Commissioner Powell asked if there

are any feelers to do any recreational facilities like movies to which Mr. Turner noted the numbers dictate this; the key number is a population of 10,000.

FINANCIAL REPORT – MARCH 2008

Finance Officer Stephen McNally supplied the Board with a copy of the March 2008 financial report that included General Fund actual revenues of \$621,149 actual expenses of \$474,141; Water Fund actual revenues of \$284,647, and actual expenses of \$370,863 and Other actual revenues of \$120,043 and actual expenses of \$688,971. The subtotals to date are General Fund actual revenues of \$5,919,488 and actual expenses of \$5,394,285; Water Fund actual revenues of \$2,990,180 and actual expenses of \$3,686,515; Other actual revenues of \$1,317,928 and actual expenses of \$1,212,112. Mayor Woodlief noted that if there were not any questions concerning the report, Finance Director McNally would be in his office tomorrow for any questions.

DEMOLITION ORDINANCE ADOPTED – 212 BROAD STREET

Commissioner Herring motioned to adopt a demolition ordinance for 212 Broad Street. Commissioner Williford seconded the motion. The motion passed unanimously.

ORDINANCE NO. 08-04-02
ADOPTED: 04-08-08
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 January 2, 2008, 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: 212 Broad Street, Oxford, North Carolina; Owner(s): D.T. Currin, Watkins & Cheatham Heirs, c/o Charles Watkins, PO Box 1227, Oxford, NC 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 8th day of April 2008, 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 8th day of April, 2008.

DEMOLITION ORDINANCE – 217 COLLEGE STREET & 107 RAILROAD AVENUE

Mayor Woodlief noted Planning Director Hart recommends to table the items: consider adopting a demolition ordinance for 217 College Street and a demolition ordinance for 107 Railroad Avenue until the July Regular Session meeting in order to give the Historic Preservation Commission a couple of months to try and work with the owners of these properties because they have people interested in buying these properties.

Commissioner Shope motioned to approve the recommendation to table the items to consider a demolition ordinance for 217 College Street and a demolition ordinance for 107 Railroad Avenue to the July Regular Session meeting. Commissioner Wilkinson seconded the motion. The motion passed unanimously.

**BUDGET AMENDMENT APPROVED – TRANSFER FUNDS –
SALE OF COON CREEK LIFT STATION GENERATOR**

Commissioner Cantley motioned to approve a budget amendment to transfer \$16,525.00 from the Water Fund (funds from the April 2007 sale of Coon Creek Lift Station generator) to the General Fund to fund the purchase of the Fire Department generator. Commissioner Herring seconded the motion.

Commissioner Kiesow asked why the funds are being transferred from the Water Fund to the General Fund and asked if this is legal? Interim Manager McNally noted this was the intent when the generator was sold to use the proceeds to purchase a generator for the Fire Department. Commissioner Kiesow commented it is wrong to take the money out of the Water Fund. City Attorney Burnette noted the funds have to be transferred in order for it to be legal; it was sold with the intent to purchase a generator for the fire department.

After discussion, the motion was voted on. The motion passed unanimously.

BUDGET AMENDMENT

ACCOUNT NO.	DESCRIPTION	INCREASE	DECREASE
010377000	Trans from Water Fund	\$16,525.00	
010399000	Approp Fund Balance		\$16,525.00
030665707	Transfer to General Fund	\$16,525.00	
030399000	Approp Fund Balance	\$16,525.00	

**RURAL PLANNING ORGANIZATION MEMORANDUM
OF UNDERSTANDING AMENDED**

Commissioner Shope motioned to adopt the amended Memorandum of Understanding for Cooperative, Comprehensive and Continuing Transportation Planning and the Establishment of a Rural Planning Organization in order to include the Town of Butner. Commissioner Kiesow seconded the motion. The motion carried unanimously.

CITY VEHICLE REGISTRATION FEE

Mayor Woodlief placed this item on the agenda.

Mayor Woodlief reported the current vehicle registration fee for city residents is \$10.00 and recommended that the Finance Committee as they prepare the budget consider increasing this fee to \$15.00. Per Representative Jim Crawford, the City can increase this fee without any special legislation. This increase will generate \$33,000 for the City.

Commissioner Cantley asked if this revenue would be placed in the General Fund to which Mayor Woodlief replied yes. Commissioner Cantley recommended that some of these funds be placed in a recreation fund.

PARKING TICKET FINE INCREASE DISCUSSED

Mayor Woodlief placed this item on the agenda.

Mayor Woodlief reported he had spoken with Representative Crawford about this issue. Currently, each ticket written requires a summons per ticket. It was suggested by Representative Crawford to raise the fine to eliminate the problem. Several merchants agreed that a majority receiving parking tickets are renters and property owners. Some merchants are distressed that customers may get a ticket for \$25.00. Mayor Woodlief commented he did not see anyone staying in a store over 2 hours. He suggested that the Finance Committee look at raising the parking ticket fine as the Committee prepares the budget.

Commissioner Wilkinson asked if the rule on how the summons are issued could be changed to which Mayor Woodlief replied this could not be done because it is considered to be one offense at a time.

Commissioner Herring noted emails had been received from downtown property owners saying raise the fine to \$25.00+.

Mayor Woodlief noted Phyllis Blackwell is working on increasing the fee for privilege licenses.

BUDGET AMENDMENT APPROVED – POLICE DEPARTMENT OVERTIME PAY

Commissioner Herring, Public Safety Committee Chairman motioned to approve a budget amendment made payable from the General Fund for \$7,000.00 for overtime pay in the Police Department. Commissioner Wilkinson seconded the motion. The motion passed unanimously.

BUDGET AMENDMENT

ACCOUNT NO.	DESCRIPTION	INCREASE	DECREASE
010510123	Overt-time Wages	\$7,000.00	
010399000	App Fund Balance	\$7,000.00	

CONSENT AGENDA APPROVED

A. Meeting Minutes

Commissioner Herring motioned to approve meeting minutes of March 3 & 18, 2008. Commissioner Kiesow seconded the motion. The motion passed unanimously.

CLOSED SESSION – PERSONNEL MATTERS

On a motion by Commissioner Cantley, seconded by Commissioner Herring, the Board voted to go into Closed Session according to G.S. 143-318.11 to discuss personnel matters. The motion passed unanimously.

At the end of the closed session and on motion by Commissioner Wilkinson, seconded by Commissioner Williford, the Board voted unanimously to return to the Regular Session.

ADJOURNMENT

There being no further business, Mayor Woodlief adjourned the meeting.