



NORTH CAROLINA
GRANVILLE COUNTY
CITY OF OXFORD

Oxford City Hall – Commissioners’ Board Room
300 Williamsboro Street
TUESDAY, APRIL 13, 2010 – 7:00 P.M.

REGULAR MEETING OF THE OXFORD BOARD OF COMMISSIONERS

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., Walter Cantley, Jackie Sergent, Danny Currin, Ron Bullock, and Calvin Harris, Jr. 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. Phillip Betts, City Chaplain. The Pledge of Allegiance followed.

CONSENT AGENDA APPROVED

COMMISSIONER HARRIS MADE A MOTION TO APPROVE THE CONSENT AGENDA. ALL VOTES WERE IN THE AFFIRMATIVE; THE MOTION CARRIED.

- A) Meeting Minutes of the February 25, 2010 Retreat Session Two, the March 3, 2010 Agenda Meeting, and the March 9, 2010 Regular Meeting approved
- B) March Financial Report by Finance Office McNally accepted

	General Fund	Water Fund	Other
Actual Revenues	\$569,671	\$278,209	\$280,705
Actual Expenses	\$658,292	\$264,869	\$60,993
Subtotals - Revenues	\$6,848,118	\$2,797,625	\$1,276,010
Subtotals - Expenses	\$5,886,441	\$3,074,210	\$1,021,010

- C) Email vote ratified to continue using Sneed and Sneed Lawn Care for grass mowing at Elmwood Cemetery
- D) Email vote ratified approving the street closing of Front Street on Friday, April 2, 2010 from 5:00-7:00 p.m. for youth activities per request of Rev. Lacy Joyner

MAYOR’S YARD OF THE MONTH

Mayor Woodlief presented this month’s award to Kathleen and Eugene Farrelly for the overall attractiveness of their yard at 711 College Street. He stated that the YOM sign will be placed in their yard and a picture of the yard will be published in the Oxford Ledger.

PUBLIC COMMENT – DON STREMOVIHTG, LEGACY PLAY EQUIPMENT

Don Stremovihtg of Legacy Play Equipment addressed the Board regarding outstanding invoices. Stremovihtg stated that he worked on a project at Oxford Athletic Park with the playground equipment and that invoices have been past due for some time. The project has been completed since last July. There were delays in July and August with construction. Shortly over a week ago, headway was made with partial payments; but there remains monies owed.

Stremovihtg stated that earlier on this day he checked out the equipment, this being a part of their protocol to ensure everything is in good standing. He went over the equipment thoroughly as their concern is for the safety of the children. The children and parents alike reported to him they love the equipment, the project now being completed. Stremovihtg wanted to get this settled previously, but a lack of communication seems to have kept the ball from rolling. They wish resolution so that their people can be paid. 50% of the grass material was paid for by them last year, and they just received partial payment from the City over a week ago. Stremovihtg stated there are still outstanding bills on two contracts that were signed by the Parks and Rec Department, and they did not feel like the terms were kept in compliance

with 100% of payment upon arrival of delivery and installation. There is a lot of money out on the project, they liked dealing with the town and doing the project, but they want to be paid.

MPT Herring asked CM Donham why Stremovihtg has not been paid. CM Donham deferred answering to City Attorney Burnette who stated there is a dispute over whether or not the work has been completed and the disbursement of these funds can be talked about in closed session.

Commissioner Sergent asked if approximately \$14,000 is the amount owed to which Stremovihtg answered yes. CM Donham and CA Burnette stated they have the exact figures. Commissioner Harris asked Stremovihtg if he had a copy of the contracts, to which he answered yes. Commissioner Currin asked Stremovihtg who was his contact, to which he answered Mary Caudle was his direct contact.

Mayor Woodlief thanked Stremovihtg for his time and stated that after executive session and discussion by the whole Board, the City would be in contact with him. Stremovihtg stated there is also an additional amount owed. They paid 50% of the money up front for the surfacing, and there is an issue of Caudle wanting to pay the vendor directly. This, however, is not how they do business. The discrepancy is in the amount of materials, Stremovihtg already having shown Caudle the difference and stating that if the vendor is paid, they will be overpaid because the material is not there.

Commissioner Harris asked if both parties are in agreement that the work has been completed, Stremovihtg stating that Caudle and Burnette feel it is. Upon his inspection, Stremovihtg stated that there are some cosmetic blemishes on the free sun shade, a \$9,000 winning for the City. He would feel better if they were primed and painted, but this was not part of the equipment purchased from him. Stremovihtg stated he is a certified NC safety inspector, and he must make sure everything meets safety standards. He will do an audit and furnish all warranty information.

MPT Herring asked CA Burnette if Stremovihtg could attend the closed session. CA Burnette stated he wouldn't recommend it. MPT Herring asked if the City had anything to hide, CA Burnette answering that this may end up in litigation.

QUARTERLY EDC REPORT BY JAY TILLEY, EXECUTIVE DIRECTOR

Tilley stated that they have been extremely busy since the last week of December, their recently providing information for seven new projects. If they materialize, it would be over one-

half billion dollars in investments. They projects are: one large distribution center, two data centers, a life science project, a consumer manufacturing project, an automotive project, and a commercial project. The Oxford area has been in contention for some of these projects; not all are expected to land here. Oxford is a good product and is poised to do some good things since the economy is picking up. Tilley stated he would appreciate the City's support as the EDC moves forward with these projects.

Commissioner Cantley asked what makes Oxford more attractive than other places, to which Tilley answered its workforce and prospects looking for rural areas and value. Oxford has been eliminated a time or two because it is not close enough to universities in the Triangle. We need to recruit people to live here. At one point, prospects were looking for cheap labor; but those projects are pretty much gone. Tilley stated prospects are now looking for communities that can host well educated, willing to learn, good work ethic, innovative-type workers. Oxford has the infrastructure, but has a way to go to prove we are worthy of some of these types of projects. There is strong support from local Boards, there is a good tax structure and incentive program, but we still have to find our niche to make sure that Oxford has what some of these projects are looking for.

**PUBLIC COMMENT – CAROLYN HARDY on
INTERNET SWEEPSTAKES ESTABLISHMENTS**

Ms. Hardy of Pine Cone Drive first thanked Planning Director Cheryl Hart for the information she provided about this meeting. She stated that she appreciated PD Hart; she does a good job.

Ms. Hardy feels that these types of businesses open the door to other undesirable types of entertainment. She urged the City to stand up and recommend to the powers in Raleigh to enact a law that would prohibit these establishments. These establishments make huge profits, and who knows where the money is being funneled. As far as security and safety in the areas of the establishments, it requires diligence.

Ms. Hardy stated that she understands the City is hurting for money, but warned about being encouraged to take in these establishments because of the high fees associated with them. This is not a good way to get revenue. Ms. Hardy stated she is strong in her feelings against these establishments, she hopes she is not over-reacting, and she hopes the City will consider her comments and become proactive.

Mayor Woodlief stated that there is a suit underway with the Attorney General and State. However, as of right now, when these establishments ask for a license, the City cannot refuse them. Mayor Woodlief stated that if it is wrong to capitalize on these establishments, since he doesn't feel they will stay around, then he takes full responsibility. Their willing to pay the fees does help the City. The Board is not promoting bad moral businesses; but until the State says otherwise, the City simply can't refuse licensing them. The fees set were to help do away with some of the machines, stated the Mayor, and some of them have left. Mayor Woodlief also added that there have not been any problems in any of the areas of these establishments. There is an item on tonight's agenda that would at least keep the establishments out of the historic district.

Commissioner Sergent stated that she has spoken with Senator Berger, and he does not know how fast the wheels in Raleigh will turn on this. Commissioner Currin stated that these establishments are very much the same as McDonald's sweepstakes games. If you outlaw internets, then you outlaw McDonald's similar type games. This is an example of how smart their lawyers are. Commissioner Williford stated that the internets are also hurting the State lottery which benefits the schools.

ANNOUNCEMENTS BY MAYOR – COMMISSIONER WILLIFORD and BILL WEST

Mayor Woodlief announced that Commissioner Williford has a new baby granddaughter, Dasha, from Russia. He also announced that Bill West, reporter for the Henderson Daily Dispatch, is leaving as he's accepted a new position in Elizabeth City.

PUBLIC HEARING TO AMEND THE ZONING ORDINANCE UNDER SECTION 302 TO ALLOW DAY TREATMENT FACILITIES AS A SPECIAL USE IN THE B-1 ZONING DISTRICT FOR FREE-STANDING BUILDINGS

Mayor Woodlief declared the Public Hearing open. Commissioner Cantley asked if there had been any objections to this change, to which PD Hart replied, "no". With no other questions from the audience or Board, the Mayor declared the Public Hearing closed.

AMENDING THE ZONING ORDINANCE UNDER SECTION 302 APPROVED TO ALLOW DAY TREATMENT FACILITIES AS A SPECIAL USE IN THE B-1 ZONING DISTRICT FOR FREE STANDING BUILDINGS

COMMISSIONER WILLIFORD MADE A MOTION TO AMEND THE ORDINANCE. ALL VOTES WERE IN THE AFFIRMATIVE; THE MOTION PASSED.

PUBLIC HEARING TO AMEND THE ZONING ORDINANCE UNDER 729.5 FOR DEVELOPMENT STANDARDS FOR INTERNET SWEEPSTAKES/ELECTRONIC GAMING

Mayor Woodlief declared the public hearing open. Commissioner Cantley asked if these establishments would be allowed downtown, to which PD Hart stated no, only the one that currently exists will be allowed. With no other questions from the audience or Board, the Mayor declared the Public Hearing closed.

AMENDING THE ZONING ORDINANCE UNDER 729.5 APPROVED FOR DEVELOPMENT STANDARDS FOR INTERNET SWEEPSTAKES/ELECTRONIC GAMING

MAYOR PRO TEM HERRING MADE A MOTION TO AMEND THE ORDINANCE. ALL VOTES WERE IN THE AFFIRMATIVE; THE MOTION PASSED.

BUDGET AMENDMENT IN THE AMOUNT OF \$985 APPROVED TO ADVERTISE THE FIRE CHIEF POSITION

MAYOR PRO TEM HERRING MADE A MOTION TO APPROVE THE AMENDMENT.

Commissioner Williford asked the reason for reimbursement of travel expenses and relocation; to which the Mayor answered that when getting down to the short road, there would be travel expenses to get people here to be interviewed. If they decide to take the job, the City usually incurs some of the expense to get the family here as well. Human Resources Director Carol Dorsey stated it would be unusual not to reimburse for some expenses for this type of job and that there may be more expenses associated with the hiring.

ALL VOTES WERE IN THE AFFIRMATIVE; THE MOTION PASSED.

BUDGET AMENDMENT

ACCT NO.	DESCRIPTION	INCREASE	DECREASE
10440215	Recruiting Expense	\$985.00	
10399000	Approp Fund Balance	\$985.00	

REQUEST FROM LUCY BODE APPROVED REQUESTING THE CITY NOT CHARGE THE OXFORD PARK POOL FOR SEWER USAGE DURING TIMES

THE POOL IS NOT IN USE

Mayor Woodlief read a request from CM Donham to the Board stating that Oxford Park would continue to pay the sewer customer and capacity charges of \$32.75/month along with the basic and usage charges for water required for maintenance of the pool during the time the pool is not in use. The water system in this area is divided between the pool and the bathroom area. The pool automatically refills to account for evaporation, but the sewer is not used. In the Fall, the bathroom area is winterized and shut off from sewer access. CM Donham recommended approving this request.

Commissioner Sergent asked how the other pools in the area are treated. Finance Officer Steve McNally stated that when the pools close down, the water is shut off, and the account is closed. When they reopen, the account is reopened. There is nothing unusual being proposed for the Oxford Park pool, stated CM Donham, and they will continue to pay the basic fee of \$32.75.

ALL VOTES WERE IN THE AFFIRMATIVE; THE MOTION PASSED.

BUDGET AMENDMENT IN THE AMOUNT OF \$1,500 APPROVED TO FUND UPGRADING THE OPERATING SYSTEM FOR THE FINANCE DEPARTMENT'S AS/400 COMPUTER

FO McNally stated this work will take 10-12 hours to complete. If the software is not working and there is no one to service the system, then the City would be dead in the water with no financial system. Commissioner Harris asked how much it would cost for a new system, to which FO McNally stated tens of thousands of dollars.

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

BUDGET AMENDMENT

ACCT NO.	DESCRIPTION	INCREASE	DECREASE
10442319	ACI Fees	\$750.00	
30720319	ACI Fees	\$750.00	
10399000	Approp Fund Balance	\$750.00	
30399000	Approp Fund Balance	\$750.00	

BUDGET AMENDMENT IN THE AMOUNT OF \$2,500 APPROVED TO MATCH FUNDS FOR AN ASSISTANCE TO FIREFIGHTERS GRANT AWARD/FEMA

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

BUDGET AMENDMENT

ACCT NO.	DESCRIPTION	INCREASE	DECREASE
10530559	Exhaust System – FD	\$50,000.00	
10351300	FEMA/Fire Fighter Grant	\$47,500.00	
10399000	Approp Fund Balance	\$2,500.00	

PUBLIC HEARING CALLED FOR THE MAY 11, 2010 REGULAR MEETING ON THE REQUEST TO REZONE AND SUBDIVIDE THE PROPERTY LOCATED AT 1500 WILLIAMSBORO STREET INTO THREE TRACTS

Commissioner Cantley asked if any of these lots are contiguous, to which the Mayor replied that one of the lots is contiguous to the apartments in the City limits. MPT Herring asked if part of the property is already contiguous, why hasn't the City moved to annex. PD Hart stated that when the tract was 21/22 acres, it could not be annexed because it was too large. If it is subdivided, then the contiguous piece could be annexed.

Wills Hancock addressed the Board stating that he is talking about three lots, the largest tract being 20+ acres. The land was owned by Lenox, and a sale is currently being negotiated with Dill Manufacturing. Dill only negotiated to buy 22 acres of land in an I-1 zone which would not have been a conforming use and would have immediately been in violation of the zoning. All zoning in that area is I-2. Working with PD Hart, the suggestion was to make the 22 acres I-2, consistent with the current zoning. Then take the land contiguous to the apartment complex and make it I-2, because it's 15 acres and is the logical zoning falling within the Land Use Plan. The only change they wish, stated Hancock, is in the corner lot where the stoplight is located, which is surrounded by B-2 property – the best use for this 5 acre lot. The suggestion was made, therefore, that instead of making this lot an I-2 industrial lot for which it will never be used, to make it B-2 by which it is surrounded. This is how the three separate parcels were developed.

MPT Herring asked for clarification: as it stands now, the entire area is one tract. Is it correct that part of the property in question is contiguous to the City limits and the request is to divide the entire area into three tracts? PD Hart stated she believed the area is now two tracts

and would be divided into three. MPT Herring asked if part of the property is contiguous to the City limits, why it can't be annexed. PD Hart stated it is a large tract that is undeveloped. Tests have to be met; and because the tract is so large, it would not meet the tests. The parcel that joins Maluli Drive could be annexed, it is zoned Industrial, and could be looked at. MPT Herring stated that we do want to look at annexing this parcel.

Commissioner Cantley asked if there would be a problem with flood control on Maluli, to which City Engineer Larry Thomas stated "no". Whenever someone comes in to develop a piece of land, they are made to conform to run off rules, so Maluli wouldn't be affected. Hancock stated that he owns this piece of land, and it is part of another project. The interested party has a strong interest in buying the entire facility. Hancock's instincts are that this tract, which includes his old Lenox China distribution center where Shalag is located, may at some point in the near future be purchased by Shalag – this is part of their overall plan. The tract being discussed is only four acres.

Commissioner Sergent asked is the corner lot where the beautiful Oxford sign is with the trees, to which Hancock answered "yes". She stated that in the Oxford Vision Plan, it was designated that the gateways into Oxford are strategic corridors and that we want to be particular about how those areas are developed so that they are used to announce Oxford in a favorable way. Commissioner Sergent understands Hancock's logic to designate the smaller tract as B-2; but in her mind, this is more of a logical thing for the developer and not necessarily for the City. All of the property in the other area is already B-2, so Commissioner Sergent was not aware that there would be the running of a dearth of B-2 development opportunities. She was not sure that the City would be happy loose that beautiful sign and put, for example, a gas station there.

Hancock stated that this piece of land does not convey; he owns that piece of property, and it is totally in the highway right of way and was never conveyed to Lenox China nor Millridge Properties. The property was sold from the property line back and not from the highway right of way. Oxford approached them some time ago, stated Hancock, and asked could this property be used as a gateway. They agreed that if DOT allowed the placement, nothing would be done to affect that piece of property. Commissioner Sergent stated that changing the zoning from Prime-Industrial to B-2 does change things, since Prime-Industrial is a totally different development opportunity approach. It will change what is behind this property. Hancock stated that Millridge has made a commitment to support the City and allow

them to continue to use this piece of property. They could be difficult if they choose to do so, but this is not their position. Zoning, stated Hancock, is something he's always tried to work with as far as what would be in the best interest of the City. This piece of ground is ideal for a doctor's office or some type of institutional use that has a retail scenario, and there is already interest about this possibility. That would be a great use for this property, stated Hancock. The interest here is to go ahead with the public hearing, and Hancock stated he will do whatever the Board decides with this piece of property. The negotiation between Millridge and Dill has been a long, drawn-out process. Basically, Hancock has been told that if he can't do this deal, Dill will leave. They have been recruited heavily by other counties, and he has been working very hard to keep those 90 good jobs here.

Commissioner Sergent asked if Dill came here with the existing zoning plan. Hancock stated he brought Dill here in a limited capacity; they did not come as a buyer. Only after their experience during their five-year lease, which expires in September, have they decided that if they stay, then they need to own the facility. This is when they got involved in zoning. Dill's interest is not in the B-2 tract, because they won't own it. Hancock was not going to say that the deal would fall on its face if the property was not zoned B-2, but it could cause some problems in his contract between the industry and Millridge.

Commissioner Currin asked if the zoning could be office and institutional. Hancock stated they requested B-2 because it's in a B-2 district. The City may get something they would very much like to have by having that tract available. Commissioner Sergent stated that since that tract is not annexed, what would be the gain for the City? If there was a great business there, would the City get the taxes from it? Hancock stated that if there was a use other than I-2 on the 15 acres, which is very likely, what would happen is that the 15 acres would be used for some type of use which would be annexed by the City immediately. This will then make the B-2 tract contiguous. It is a sequence that will ultimately end in annexation.

Mayor Woodlief stated that tonight's action would be to establish a public hearing date of May 11th. MPT Herring asked what would be the possibility of a petition for voluntary annexation of the whole area. Hancock stated he doesn't know that if the zoning were changed that Millridge wouldn't agree to ask for annexation; this is a legitimate question. Hancock agreed to have voluntary annexation put in writing at MPT Herring's request.

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

**CONDEMNATION OF PROPERTY APPROVED FOR THE RURAL CENTER GRANT
SEWER REHABILITATION PROJECT EASEMENT ACQUISITION**

CE Thomas stated that condemnation of the Moore property is the only condemnation that would need to be approved.

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

**RUNNING OF THE WWTP GENERATOR DURING HIGH DEMAN PERIODS
APPROVED**

Commissioner Cantley stated this would be a win/win situation, a net of \$90,000 over a five year period being offered.

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

**STREET CLOSING APPROVED FOR THE OXFORD FAMILY FESTIVAL ON
JULY 5, 2010 AS REQUESTED BY DR. ALVIN JONES**

This would close Spring Street from the intersection of Main Street to Wall Street from 10:00 a.m. until 7:00 p.m. to allow for setup, the festival, and cleanup.

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

PROFESSIONALS BEING ALLOWED TO SHOOT PROBLEM DEER DEFERRED

Mayor Woodlief stated this item was removed pending communication with the Game Warden.

DISCUSS THE ORIGINAL PLANS FOR THE CITY CLERKS OFFICE

Mayor Woodlief stated this item was taken off the agenda by the City Manager. Commissioner Harris, however, wished to speak on the matter. Commissioner Harris stated that after the Property Committee meeting yesterday, he wanted Chairman Commissioner Williford to clearly state what had been decided on this issue. Commissioner Williford stated that the City Manager had been given until the end of this month to come up with plans and alterations of the City Clerk's office and associated costs. Commissioner Harris read from the January 4th meeting minutes what was decided at that meeting. He has been on the Board since

November and this has been talked about ever since then. There were problems with Ms. Hosch's office going back to Ms. Parrott. Commissioner Sergent stated that since there was already a request to go into Executive Session, she would like to add further discussion related to this issue. CM Donham asked what was the issue, to which Commissioner Sergent stated 'personnel'.

PUBLIC COMMENT – STEVE POWELL

Mr. Steve Powell stated there was a two-car accident on the Loop near the credit union. EMS picked up one car of passengers and the other passengers were told they needed to call someone to pick them up. They called family members who were able to pick them up, but it remains that they were told there was not an EMS unit to get them. Mr. Powell wished to know whose responsibility it was to pick up the passengers. Mayor Woodlief stated that the way the County operates the 911 and EMS system is that if they are on a call and there is no ambulance, then you are just out of luck. He has been in this situation himself with his parents. They fall into this type of system because of a lack of money, facilities, and employees. Mayor Woodlief then made it clear this is a County responsibility.

Powell stated that he brought up the situation about the Clerk's office a year ago, and as a citizen he was curious why it has taken so long to do this. He didn't need a direct answer, but stated that this has been given a time limit to come to fruition and now it's being given more time. He is concerned that it will be given even more time at the end of this time limit. Powell stated he does not want to see people in this office injured, tripping in the space, etc.

Powell stated he lives in Oxford Park and the street sweeper comes through his neighborhood every week. He wished to know does this impact the rest of the streets in Oxford, as in Raleigh Street. Mayor Woodlief stated that the street sweeper only goes on streets with curb and gutter. A washer truck washes the other streets.

MPT Herring made comment that he, too, is at his end rope with delays applicable to the Clerk's office, and hoped that by the end of the month the issue would be resolved. He stated he appreciated Powell's concern.

EXECUTIVE SESSION

On a motion by Commissioner Harris, the Board voted unanimously to go into Executive Session according to G.S. 143.318.11 to discuss a contract and a personnel matter.

On a motion by MPT Herring, the Board voted unanimously to return to open session.

ADJOURNMENT

WITH THERE BEING NO FURTHER BUSINESS, MAYOR PRO TEM HERRING MADE A MOTION TO ADJOURN. ALL VOTES WERE IN THE AFFIRMATIVE; THE MOTION PASSED.