

**CITY OF OXFORD
BOARD OF COMMISSIONERS' REGULAR MONTHLY MEETING**

**Tuesday, February 14, 2017 - 7:00 p.m.
Commissioners' Board Room, City Hall**

*Mayor Pro Tem Calvin (C.J.) Harris, Jr.
Commissioner James (Danny) Currin
Commissioner S. Quon Bridges*



*Commissioner Frank Strickland
Commissioner Patricia T. Fields
Commissioner Ron Bullock
Commissioner Alvin Woodlief*

*David Cottrell, III, Interim City Manager
Barbara Rote, City Clerk*

Jackie Sergent, Mayor

J. Thomas Burnette, City Attorney

MISSION

The mission of the City of Oxford is to serve and improve our community by providing high quality, affordable services, sound planning for growth and development, and offering the highest possible quality of life - while maintaining the public's trust through open communication and ethical standards at all times.

VISION

The City of Oxford will partner with the community to build upon the charm and character of our historic, vibrant, and walkable city to create an extraordinary quality of life for all.

Core Values - ETHICORE

The elected officials, staff, and volunteers of the City of Oxford value and commit to model the following:

EQUAL TREATMENT for everyone with **DIGNITY, COURTESY, and RESPECT**
TEAMWORK within our organization and our community
HONESTY in all of our dealings with citizens, fellow workers, and other organizations
INTEGRITY in every action and service
COST-EFFECTIVE and QUALITY services for our community
OPEN and TRANSPARENT COMMUNICATION with all parties
RESPONSIBILITY for our decisions and actions
EXCELLENCE in every deed

****The mnemonic ETHICORE was adopted as a helpful tool to remind us of our core values****

[CALL TO ORDER]

[Please be reminded to turn off or mute all cell phones and/or electronic devices]

[MISSION, VISION, VALUES]

1. Prayer by Reverend Jenny Wilson, Oxford United Methodist Church
2. Pledge of Allegiance Commissioner Al Woodlief
3. Consider adjustments to and approval of the Agenda:

4. Opening Remarks by Mayor Sergent

In order to provide for the highest standards of behavior and transparency in governance, the Board of Commissioners has approved a Code of Ethics to establish guidelines for ethical standards for Board Members and to provide guidance in determining appropriate conduct. Among those: Board members should avoid impropriety in the exercise of their official duties and should conduct the affairs of the board in an open and public manner. The Mayor now inquires whether any Board Member knows of any conflict of interest, or appearance of conflict, with respect to matters before the Board. If any Board Member knows of a conflict of interest, or appearance of a conflict, please state so at this time.

[DELEGATIONS]

No Delegations

[PUBLIC COMMENT ON AGENDA and NON-AGENDA ITEMS]

Citizens may speak on Agenda as well as Non-Agenda items at this time. Citizens wishing to address the Board must sign in on the form located with the City Clerk prior to the beginning of the meeting. When recognized by the Mayor, come forward to the podium, state your name, address, if you are a City resident, and identify the subject about which you wish speak. Please review the Public Comment Guidelines that are provided alongside the sign in form.

[PUBLIC HEARINGS]

Citizens may only speak on public hearing items at this time. Citizens do not need to sign up in order to speak at a public hearing. When recognized by the Mayor, come forward to the podium, state your name, address, and if you are a City resident. Please review the Citizen Comment Guidelines that are provided at the end of this Agenda.

[OLD BUSINESS]

5. Consider amendment to the Oxford Zoning Ordinance, Section 804.5 (nonconforming uses of structures), and the Historic Preservation Ordinance, Article 1203E, Section 7.1 (2).

The proposed amendments would allow consideration for nonconforming uses of structures in the historic district to continue under certain guidelines. Mr. Don McLean of Raleigh, NC is requesting the amendment in order to continue the use that was previously established as a multifamily dwelling unit. The structure is located at 226 College Street. The required public

hearing was held for the amendments during the January 10 Regular Meeting. No action was taken in order for the Planning Board to review the text, which they did on January 23 with no recommended changes. (Attachment 5)

Recommended action: Staff, the Planning Board, and the Historic Preservation Commission recommend the amendments to the Oxford Zoning Ordinance and the Historic Preservation ordinance as presented.

6. Authorize the Interim City Manager to sign a revised Agreement with Jake's Ridge, LLC, Northstar Thornrose for the City to pay Garrison Enterprise, Inc. directly for the cost of Two Sixteen Inch Inline Valves in the amount of \$44,100 (total) and allow delaying the installation of the sidewalks for the two developments until the construction of Thornrose.

The City approved an agreement with Jake's Ridge, LLC, Northstar Thornrose and Bruce Whitten on January 10, 2017. However, the terms of the agreement have changed based upon further discussion with Mr. Whitten. The difference from the original agreement is that there is no personal liability for warranting the work and the letter of credit. There is a wording change in paragraph three. The City Attorney has reviewed the revised agreement. (Attachment 6)

Recommended action: Staff recommends authorizing the Interim City Manager to execute the revised agreement regarding the valves and sidewalks in the amount of \$44,100 with Jake's Ridge, LLC, Northstar Thornrose, LLC as presented.

[NEW BUSINESS]

7. Consider calling for 3 public hearings in conjunction with the March 14, 2017 Regular Session for the following Zoning Amendments.

- A. Rezone 525 New Commerce Drive consisting of 37 +/- acres from R-A to I-2 as requested by the Granville County Board of Commissioners.

The Granville County Board of Commissioners are requesting to rezone the property in order to construct a building to house the county detention center, sheriff's office, animal shelter and related governmental offices at this location. Currently, the zoning ordinance allows correctional institutions in the I-3 (heavy industrial) zoning district as a special use. Due to similar rezoning activities in the immediate area taken place in 2011, Granville County decided to ask for the I-2 (general industrial) zoning instead.

- B. Amend Ordinance to include the definition of a county detention and governmental offices complex, allow the use as a special use in the I-2 zoning district and assigning the land use code 4 as requested by the Granville County Board of Commissioners.

The Granville County Board of Commissioners is requesting to amend the zoning ordinance in order to address the uses proposed for 525 New Commerce Drive. The proposed text amendment addresses all of the uses proposed and allows for the public to review the site plan in detail.

- C. Amend Ordinance to allow temporary shelter/homeless shelter as a special use as requested by Pastor Ronnie Morton of Treasures of Joy Corp.

Currently, the ordinance does not have any regulations for a homeless shelter. Pastor Morton would like to develop property located at 212 Orange Street for a facility. The proposed text amendments include development standards, allowable zoning districts and definition subject to the approval of a special use permit.

Recommended action: Staff and the Planning Board recommend calling for 3 Public Hearings in conjunction with the March 14, 2017 Regular Session for various zoning ordinance amendments.

8. Consider amending Oxford Code of Ordinance, Chapter 13, Article II, Privilege Tax to comply with statutory changes to G.S. 160A-211 and G.S. 105-109(e) that repeals the privilege license tax for most businesses operating in a municipality.

The General Statutes [G.S. 160A-211 and G.S. 105-109(e)] allowing municipalities to charge a privilege license tax to most businesses were repealed effective July 1, 2015. Municipalities can only charge a privilege licenses fee to businesses selling beer, wine and for Taxi Cab vendors. The Oxford Code of Ordinance Chapter 13, Article II needs to be updated accordingly. The ordinance was not amended earlier due to discussion of reinstating some type of business tax by the General Assembly; however, this has not been done. The City Attorney, Finance Director and City Clerk have reviewed the proposed amendment. (Attachment 8)

Recommended Action: Staff recommends amending Oxford Code of Ordinance Chapter 13, Article II, Privilege Tax to comply with statutory changes to G.S. 160A-211 and G.S. 105-109(e) that repeals the privilege license tax for most businesses operating in a municipality.

9. Consider a budget amendment in the amount of \$21,000, payable from the General Fund, to cover the additional costs of replacing and repairing City Hall chillers.

A new chiller for City Hall was installed in October 2016 replacing the chiller from 1992. As part of the project, the original chiller pump was also replaced. Additional hail guards and security grilles will be installed to provide protection. The budget amendment also includes the unexpected cost to replace the compressor for the auditorium chiller. (Attachment 9)

Recommended Action: Staff recommends approving a budget amendment in the amount of \$21,000, payable from the General Fund, to cover the additional costs of replacing and repairing City Hall chillers.

10. Consider awarding the Concession Contract for Oxford Athletic Park beginning March 1, 2017 through December 31, 2017.

Bids are currently being advertised with due date of noon on February 10, 2017. A recommendation for awarding the contract will be given to the Board prior to February 14th.

11. Consider authorizing the Interim City Manager to execute Asset Inventory and Assessment (AIA) Engineering Task Orders with McGill Associates in the amount of \$115,000 for Water and \$165,000 for Sewer which includes the Grant and City matching funds and authorize the City Engineer to finalize the attached Draft Task Orders prior to execution.

The City of Oxford received grant funding from the State Water Infrastructure Authority for a Water AIA Project in the amount of \$105,000 and a Sewer AIA Project in the amount of \$150,000. The State requires that the City match 10% of the grant at \$10,500 for Water and \$15,000 for Sewer for a total of \$25,500. The Grants awarded were \$60,000 higher than originally anticipated. The City originally budgeted \$19,500 for matching funds which leaves a shortfall of \$6,000 that will need to be covered by a budget amendment. (Attachment 11)

Recommended Action: Staff recommends authorizing the Interim City Manager to execute Asset Inventory and Assessment (AIA) Engineering Task Orders with McGill Associates in the amount of \$115,000 for Water and \$165,000 for Sewer which includes the Grant and City matching funds and authorize the City Engineer to finalize the attached Draft Task Orders prior to execution.

12. Consider a Budget Amendment in the amount of \$6,000, payable from the Misc. W&S Improvements Fund to the AIA Grant Fund to cover the additional match requirement, and acknowledge the additional award of grant funding in the amount of \$60,000.

The applications for the Water & Sewer AIA grants were originally submitted in April 2016. At that time the total request for the grants was \$195,000 with a City match of \$19,500 (10% match). The City did not receive those grants and reapplied in September 2016 for \$255,000 with a City match of \$25,500. The City will be receiving \$60,000 more than the original application but will need to contribute an additional \$6,000 above the original budgeted amount. The Budget Amendment would be payable from the Misc. W&S Improvements Fund. The Revenue in Department 8180 will also increase from \$195,000 to \$255,000. (Attachment 12)

Recommended Action: Staff recommends approving a Budget Amendment in the amount of \$6,000, payable from the Misc. W&S Improvements Fund to the AIA Grant Fund to cover the additional match requirement, and acknowledge the additional award of grant funding in the amount of \$60,000.

[REPORTS]

13. January Financial Report highlights by Finance Hak Ung. Reports will be provided on meeting night.
14. Interim City Manager Report

[CONSENT AGENDA]

15. Accept the January Financial Report by Finance Director Ung (available on meeting night)
16. Approve tax release in the amount of \$51.56 to Iola Williams because her house was not removed from the tax records.
17. Reappoint Philip Pope to the Zoning Board of Adjustment for a term expiring February 2020.

Mr. Pope is interested in continuing his service on the Zoning Board of Adjustment. No other applications were received. (Attachment 17)
18. Reappoint George Summer to the Community Appearance Commission for a term expiring February 2020.

Mr. Summers is interested in continuing his service on the Appearance Commission. No other applications were received. (Attachment 18)
19. Approve the following meeting minutes:
 - * December 27, 2016 Special Session
 - * January 3, 2017 Agenda Session
 - * January 10, 2017, Regular Session

[BOARD COMMENTS]

[ADJOURNMENT]

REMINDERS:

If you need additional information about the following items, please see the City Clerk.

- February 16: County Board Retreat – Dinner 5:30 p.m. – Expo Center

CITY OF OXFORD PUBLIC COMMENT GUIDELINES:

The Mayor and Board welcome and encourage citizens to attend City Board Meetings and to offer comments on matters of concern to them. Citizens are requested to review the following public comment guidelines prior to addressing the Board:

- a) Citizens are requested to limit their comments to five minutes. However, the Mayor, at his or her discretion, may limit comments to three minutes should there appear to be a large number of people wishing to address the Board.
- b) Comments should be presented in a civil manner and be non-personal in nature, fact-based, and issue oriented. Except for the public hearing comment period, citizens must speak for themselves during the public comment periods.
- c) Citizens may not yield their time to another person.
- d) Topics requiring further investigation will be referred to the appropriate City official, Board Committee or agency, and may, if in order, be scheduled for a future meeting Agenda.
- e) Individual personnel issues are confidential by law and will not be discussed. Complaints relative to specific individuals are to be directed to the City Manager.
- f) Comments involving matters related to an on-going police investigative matter and/or the court system will not be permitted.
- g) Citizens should not expect specific Board action, deliberation, and/or comment on subject matter brought up during the public comment section unless and until it has been scheduled as a business item on a future meeting Agenda.



CITY OF OXFORD
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners
VIA: Elke Doom, City Manager
FROM: Cheryl Hart, Planning Director
DATE: 1-24-2017

SUBJECT: Take action on request to amend the Oxford Zoning Ordinance under sections 804.5 (Nonconforming uses of structures) and Article Section 7.1 (2) Historic Preservation Ordinance.

SUMMARY STATEMENT

The proposed amendments would allow consideration for nonconforming uses of structures in the historic district to continue under certain guidelines.

REVIEW

Mr. Don McLean of Raleigh NC is requesting the amendment in order to continue the use that was previously established as a multifamily dwelling unit. The structure is located at 226 College Street.

RECOMMENDATION

Staff, Planning Board, and Historic Preservation Committee recommend approving the amendment.

Attachments:

WILSON TIRE COMPANY

Quick Service -:- L. L. Wilson, Proprietor
Tires - Tubes - Accessories - Gas and Oil - and Vulcanizing

CHURCH

192

COLLEGE

- Brooks E H
55 Burtchett Jeanette Mrs
CLEMENT AV — w from College to
Goshen, 4 n of Hillsboro
Adkerson J E
Blalock W W
*Conyer Jos
Cottrell J M
*Gooch Mary
*Gregory Chas
*Harris June
Hobgood C T
*Lewis Stephen
Meadows Julia Mrs
*Slaughter Joe
*Smith Ira
*Street Mollie
*Taylor Richmond
COGSALL—s from Front to beyond
city limits, 1 w of Hancock
Mainor C O
406 Cooper H B
410 Taylor J A
414 Gordon C R
417 Daniel A M
420 Vacant
421 Crowell Lillian Mrs
Spencer F C
422 Jones C F
430 Powell W L
(Mimosa intersects)
500 Wheeler S M
501 Stegall A N Mrs
Tisdale H G, bldg contr
503 Stegall J I
513 Yow Chas
514 Gresham L L
515 Hight H A
517 Harrison G R
— Person F C
— Cox H R
— Sizemore J T Jr
Avery A M
COLEMAN — n from McClanahan to
Sunset av, 2 w Broad
300 Critcher E B
Eanes W S
307 Babcock A L
308 Blalock J H
Duncan K M
311 Baker J A
315 Montague P G
COLEMAN AL—n from Hillsboro ½
block, 2 w of Broad
COLEMAN ALLEY — w from 414
Hillsboro
*Haskins Isabella
*Yancey Connie
*Mayo Jno
*Mayo Jno
COLLEGE—n from Hillsboro to bey
limits, dividing lines for streets
running e and w
- 101 Wood J Robt, funeral home
102 Hall Building
Gordon C R, J P
Fuller Bros, ins
Lanier Thornwell, atty
Winston R W, atty
104 Rose Shoppe (The), ladies wear
104½ Oxford Sign Co
105 Oxford Candy Kitchen
106 Pittard Bros, pressing
107 Granville Cafe
107½ Durham Life Ins Co
Stallings C W
108 Union Bank & Trust Co
108½ Carolina Tel & Tel Co
109 Weiss Dept Store
111 Capehart A L, pool
112 Lyon Drug Co (The)
113 Sizemore & Williams, gros
116 Oxford Dollar Store
116½ Watkins G S, phys
Taylor W L, phys
Hayes B K, phys
117 Sizemore J T, gro
119 Vacant
120 Lyon-Winston Co, farm supplies
121 Garrett J L Cash Grocery
123 Thomas L, gro
125-127 Baird Hardware Co
134 Parham J J, gunsmith
135 Upchurch & Currin, furn and
funeral directors
136 Chapman Lumber Co
Bradsher & Lanier, contrs
139 Kern B F
145 Rees E J Rev
200 Cannady N E
Smith J W
200 (r) *Thomas Isaac
203 Smith L F
204 Mainor C O
208 White J F
209 Baird J M
210 Mayes J B
213 Taylor W L, phys
214 Stark I S Mrs
217 Watkins R C
218 Jones L E
221 Davis I H
218 (r) *Lockett Landry
222 Noblin R L Dr
224 Carrington J R
Ellington J R
225 Gray R S
226 Hinton R H
McAllister W L
Moriarty O F
227 College Street School
Credle C G, supt of schools
(Rectory intersects)
228 Barnhart W W
230 Vacant

1929



Statement of Position and Recommendation concerning 226 College Street

Background: The City of Oxford Planning Director has requested a recommendation from the Historic Preservation Commission (HPC) regarding the potential future use of the property located at 226 College Street. While currently vacant, the property was previously utilized as three, or possibly four, individual apartments. The question before the HPC is whether continued multi-family use in this instance is congruous with the Oxford Historic Districts.

Relevant Guidance: The Department of Interior's *Standards for Rehabilitation*, codified in 36 CFR § 67.7, state that the first principle of historic preservation is that a property shall be used for its historic purposes. The *Standards for Rehabilitation* state further that most historic properties change over time, and that "those changes that have acquired historic significance in their own right shall be retained and preserved." It is incumbent on the Historic Preservation Commission, in the recommendation that it puts forward, to promote these defining objectives to the extent they can be applied to specific properties in a reasonable manner, taking into consideration economic and technical feasibility.

Research: With respect to the structure located at 226 College Street, the HPC's research shows that the dwelling located thereon was converted from a single-family residence to multi-family apartments sometime prior to 1928. A Sanborn Insurance Company map dated 1928 (attached) describes 226 College Street for the first time as "Apartments." A review of earlier Sanborn maps (attached) shows that the home was designated as a single-family dwelling, indicated by a "D," as are the surrounding single-family homes. Further, a registry of the City of Oxford inhabitants (attached) dated 1929 shows three separate family names, Hinton, McAllister and Moriarty, associated with 226 College Street. Based on these findings, it appears that 226 College Street was utilized as a multi-family dwelling for approximately eighty-eight (88) years.

Recommendation (unanimously approved by the members of the Oxford HPC at its September 15, 2016 meeting:

Having examined the relevant facts while considering the guiding principles set forth in the Standards for Rehabilitation, it is the position of the HPC that the conversion of 226 College Street from single-family to multi-family dwelling represents a change that has acquired historic significance in its own right, which should be retained and preserved.

For this reason, the HPC recommends that the current and future owners of 226 College Street should be permitted to operate the dwelling as a multi-family residence without violating the prohibition on multi-family conversions found within 7.1, paragraph 2 of the Oxford City Ordinance 13-11-01 – Historic Preservation Ordinance – Amended ("the Ordinance"). Any exterior modifications, however, nonetheless must be made in accordance with guidelines applicable to a structure located within the Oxford Historic Districts.

Statement of Position and Recommendation concerning 226 College Street

Page Two

Recommendation (Continued)

This recommendation does not consider the residential zoning requirements of the City of Oxford. It is the understanding of HPC members that in the event a formerly single-family residence that was subsequently converted to a multi-family residence is not utilized as such for more than one year, the dwelling must revert to single-family use. If this understanding is correct, an exception or special use will need to be made to allow for continued multi-family use of 226 College Street. If such an amendment to the zoning requirements or special use is pursued, the HPC further recommends that the City of Oxford take an approach that protects the integrity of the Historic Districts (which are comprised predominately of single-family dwellings), and that seeks to stabilize and increase property values (such as by encouraging owner-occupancy through use requirements), which are core purposes for which the Ordinance was adopted. At a minimum, the HPC recommends that such amendment be structured to allow a property converted to multi-family use to be permitted to remain in multi-family use, despite a year or more of non-use as a multi-family dwelling, only in the event the conversion to multi-family use (i) represents a change that has acquired historic significance in its own right, which should be defined as a conversion to multi-family use completed more than fifty (50) years* prior to the date upon which zoning requirements would otherwise require reversion to single-family use, and (ii) represents the property's last use.

*50 years is the look-back period used by the National Park Service in determining whether a property was constructed during a "period of significance," which ends 50 years prior to the date on which such assessment is made.

Proposed Amendment

Consider amending the Oxford Zoning ordinance under section 804.5 (**Nonconforming Uses of Structures**)

Current Wording: When any nonconforming use of a structure is discontinued for a period in excess of 120 calendar days, any future use of the structure shall be limited to those uses permitted in that district under the provisions of the ordinance. Vacancy and/or nonuse of the building for a period of 120 days, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Consider adding proposed amendment: 804.5

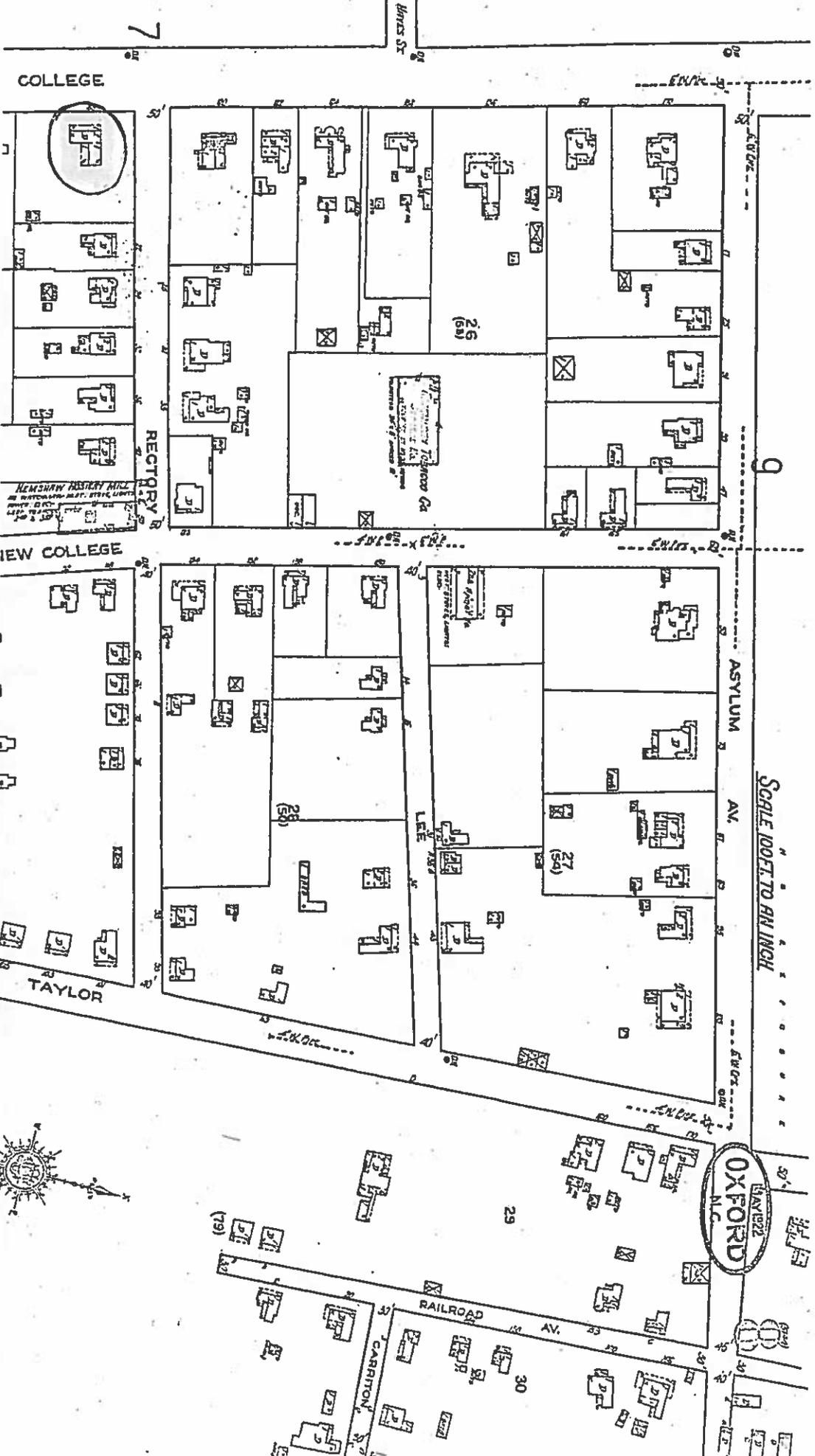
When any nonconforming use of a structure is discontinued for a period in excess of 120 calendar days, any future use of the structure shall be limited to those use permitted in that district under the provisions of the ordinance. Vacancy and /or nonuse of the building for an excess of 120 days regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision, unless:

1. The structure is located in a local historic district.
2. The structure is a historic structure and is contributing to the character of the district.
3. The nonconforming use of the structure was legally established before it was discontinued, and
4. The owner requests a return to the non-conforming historic use.

Proposed Amendment Section 7 (2) Historic Districts

Current Wording: Pursuant to Article 1203 (E) of the City of Oxford Zoning Ordinance adopted October 14, 2003, historic districts shall function as an 'overlay' zoning district that impose additional use or development requirements upon the underlying zoning, applicable to all property subject to land use regulation by the City, except that, to ensure the compatibility and appropriateness of exterior design within the historic districts, no manufactured or modular homes, multifamily conversion, multifamily town-home or multifamily apartment shall be constructed within a historic district.

Proposed Wording: Pursuant to Article 1203 (E) of the City of Oxford Zoning Ordinance adopted October 14, 2003, historic districts shall function as an 'overlay' zoning district that impose additional use or development requirements upon the underlying zoning, applicable to all property subject to land use regulation by the City, except that, to ensure the compatibility and appropriateness of exterior design within the historic districts, no manufactured or modular homes, multifamily conversion, multifamily town-home or multifamily apartment shall be constructed within a historic district except under section 804.5 of the zoning ordinance.



1922

Revised AgreementSTATE OF NORTH CAROLINA
COUNTY OF GRANVILLE

AGREEMENT

THIS AGREEMENT, made and entered into this the ___ day of February, 2017, by and between The City of Oxford Board of Commissioners (the "City") and Jake's Ridge, LLC, Northstar Thornrose, LLC, regarding a portion of the development of Jake's Ridge (the "Property"):

1. Two shut off valves will be installed on either end of the Jake's Ridge and Thornrose Developments as designated on the approved NCDOT Encroachment Contract E52-39-16-027 dated May 31, 2016, for both communities. Said Encroachment Contract is incorporated by reference as if fully set forth herein. The City will pay Garrison directly for the cost of the material (sleeves and valves) and labor to make the tap which is \$44,100.00 as shown on the attached quote signed by Caliber Builders dated March 15, 2016. Jake's Ridge, LLC, as Developer, will be responsible for all other work associated with the installation, and the costs thereof which shall include, but is not limited to, clearing the soils above, around and under the water pipes at the prescribed location of the installation for both checking of the outer diameter of the pipe and the work itself; traffic control; and concrete bedding under the pipe. Jake's Ridge, LLC, will contract for the work listed herein, and the contractor must be approved by the City before commencement of work.
IT IS SPECIFICALLY AGREED AND UNDERSTOOD BY ALL OF THE PARTIES THAT THE MAXIMUM AMOUNT FOR WHICH THE CITY IS LIABLE SHALL BE \$44,100.00 AND THAT ANY AMOUNT IN EXCESS OF THAT AMOUNT SHALL BE THE RESPONSIBILITY OF JAKE'S RIDGE, LLC, AND ITS MEMBERS AND MANAGERS.
2. Jake's Ridge, LLC, will warrant the workmanship performed by the contractor for a period of two (2) years from the time the valves are placed in service.
3. During the period of construction, Jake's Ridge, LLC, shall insure that its contractor has access to equipment and materials to repair the 16" AC water main if the same becomes necessary.
4. The sidewalks shown on the approved site plans and located at the front of the Thornrose and Jake's Ridge communities along East Industry Drive will be constructed as part of the Thornrose Development Project. Northstar Thornrose, LLC, and Jake's Ridge, LLC, shall provide as a performance bond or letter of credit as security for the construction of the sidewalks.

By signing their names, the parties hereto acknowledge that each has read and fully understand the terms and conditions contained herein and agree to be bound thereby.

CITY OF OXFORD BOARD OF COMMISSIONERS

 City Manager

 JAKE'S RIDGE, LLC
 NORTHSTAR THORNROSE, LLC

 Bruce M. Whitten, as Member and Manager
 of Jake's Ridge, LLC, and Northstar Thornrose, LLC

Approved by Board 1-10-17

December 13, 2016

Mr. Bruce Whitten
Jake's Ridge, LLC
5019 Tall Pines Court
Raleigh, NC 27619-7905

Re: Agreement with City of Oxford

Dear Mr. Whitten:

Pursuant to your meeting with the City of Oxford Board of Commissioners (the "City"), the City is willing to enter into the following agreement with Jake's Ridge, LLC, Northstar Thornrose, LLC and you, individually, regarding a portion of the development of Jake's Ridge (the "Property"):

1. Two shut off valves will be installed on either end of the Jake's Ridge and Thornrose Developments as designated on the approved NCDOT Encroachment Contract E52-39-16-027 dated May 31, 2016 for both communities. Said Encroachment Contract is incorporated by reference as if fully set forth herein. The City will pay Garrison directly for the cost of the material (sleeves and valves) and labor to make the tap which is \$44,100 as shown on the attached quote signed by Caliber Builders dated March 15, 2016. Jake's Ridge, LLC, as Developer, will be responsible for all other work associated with the installation, and the costs thereof, which shall include, but is not limited to, clearing the soils above, around and under the water pipes at the prescribed location of the installation for both checking of the outer diameter of the pipe and the work itself; traffic control; and concrete bedding under the pipe. Jake's Ridge, LLC will contract for the work listed herein and the contractor must be approved by the City before commencement of work. **IT IS SPECIFICALLY AGREED AND UNDERSTOOD BY ALL OF THE PARTIES THAT THE MAXIMUM AMOUNT FOR WHICH THE CITY IS LIABLE SHALL BE \$44,100 AND THAT ANY AMOUNT IN EXCESS OF THAT AMOUNT SHALL BE THE RESPONSIBILITY OF JAKE'S RIDGE, LLC AND IT MEMBERS AND MANAGERS.**
2. Jake's Ridge, LLC and you, personally, will warrant the workmanship performed by the contractor for a period of two (2) years which said warranty shall include the AC pipe between the valves.
3. Jake's Ridge shall insure that the City is able to access and operate the existing valves in the event of a required shutdown. During the period of construction, Jake's Ridge, LLC shall insure that its contractor has access to equipment and materials to repair the 16" AC water main if the same becomes necessary.

4. The sidewalks shown on the approved site plans and located at the front of the Thornrose and Jake's Ridge communities along East Industry Drive, will be constructed as part of the Thornrose Development Project. Northstar Thornrose, LLC and Jake's Ridge, LLC shall provide a performance bond or letter of credit, to be personally guaranteed by you, as security for the construction of the sidewalks. The sidewalks shall be completed prior to the issuance of any Certificate of Occupancy relative for either of the developments.

Your signature below will indicate that you, Jake's Ridge, LLC and Northstar Thornrose, LLC are in agreement with the above terms and conditions and agree to be bound thereby.

Sincerely yours,

Elke Doom
City Manager

JAKE'S RIDGE, LLC

Bruce M. Whitten, Individually and
as Member and Manager of Jake's Ridge, LLC

NORTHSTAR THORNROSE, LLC

Bruce M. Whitten, individually and
as Member and Manager of Northstar Thornrose, LLC



CITY OF OXFORD
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners
VIA: David Cottrell, Interim City Manager
FROM: Barbara Rote, City Clerk
DATE: January 30, 2017
SUBJECT: Update Privilege License Ordinance

SUMMARY STATEMENT

Effective July 1, 2015, the NC General Assembly eliminated the Privilege License tax municipalities could charge most businesses. The City Code of Ordinance book needs updating to reflect this change.

REVIEW

The General Statutes [G.S. 160A-211 and G.S. 105-109(e)] allowing municipalities to charge a privilege license tax to most businesses were repealed effective July 1, 2015. Municipalities can only charge a privilege licenses fee to businesses selling beer, wine and for Taxi Cab vendors. The Oxford Code of Ordinance Chapter 13, Article II needs to be updated accordingly. The ordinance was not amended earlier due to discussion of reinstating some type of business tax by the General Assembly; however, this has not been done. The City Attorney, Finance Director and City Clerk have reviewed the proposed amendment.

RECOMMENDATION

Staff recommends amending Oxford Code of Ordinance Chapter 13, Article II to comply with statutory changes to G.S. 160A-211 and G.S. 105-109(e).

Attachments:

Proposed Amendments to Oxford Code of Ordinances
CHAPTER 13: LICENSES, TAXATION & BUSINESS REGULATIONS
ARTICLE II: Privilege Tax

§ 13-26 PURPOSE.

(A) The intent of this article is to raise funds for general municipal purposes. The general policy of the city is to require payment of the maximum tax permitted for the privilege of owning or operating a qualifying business~~carrying on a business, trade, profession, calling or occupation~~ within the corporate limits of the city.

(B) A license issued pursuant to this article is only evidence that the appropriate tax has been paid and does not constitute regulatory approval and does not excuse a licensee from compliance with any other applicable ordinance, regulation or statute. The issuance of a license hereunder does not reflect that the recipient is in compliance with any applicable local, state or federal regulation or law, other than this article, or that the recipient is otherwise engaged in a legal activity or operating a business in a legal manner.

(C) The issuance of a license under this article does not authorize the carrying on of a business for which additional licenses or qualifications are required by state or local law, nor does the issuance of a license prevent the city from enacting additional regulations applicable to the licensee.

(D) This article does not prevent the city from imposing license taxes on additional business activities, from increasing or decreasing the amount of any license tax or from regulating any business taxed.

(Ord. 09-03-02, passed 3-10-09)

§ 13-27 WHO MUST PAY.

Each person who conducts a qualifying business as shown on~~according to~~ Appendix A of this chapter within the city is subject to this article.

(A) A person "conducts a qualifying business" when he or she engages in one act of any qualifying business.

(B) A person conducts a qualifying business "within the city" if he or she maintains a business location within the city, or if, either personally or through agents, he or she:

- (1) Solicits business within the city;
- (2) Picks up or delivers goods within the city; or
- (3) Performs services within the city.

(C) A person or business listed in the local telephone directory issued by the telephone system or any other avenue of advertising directed toward city residents, including, but not limited to, electronically maintained business data bases and Internet, shall be *prima facie* evidence that the person is "conducting a qualifying business within the city" within the meaning of this article.

(Ord. 09-03-02, passed 3-10-09)

§ 13-28 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGENT. A person authorized to promote, represent and/or sell for an agency or business.

BUSINESS. Includes every trade, occupation, profession, business and franchise or other activity engaged in by any person or legal entity for gain, profit, benefit or advantage, taxed under this article.

BUSINESS LICENSE ADMINISTRATOR ("ADMINISTRATOR" HEREINAFTER). The designated individual employed by the city who is charged with the responsibility of administering this chapter. The governing body charges the Administrator to collect these taxes by all lawful means necessary as pursuant to G.S. § 105-350.

CITY. City of Oxford.

FISCAL YEAR. The period beginning with July 1 and ending on June 30.

~~**GROSS RECEIPTS.** All earnings, receipts, fees, rentals, commissions, broker's charges and income whatsoever arising from or growing out of the conduct of the business, occupation or profession licensed under this article during the tax year preceding the license tax year for which the tax is being computed, without any deduction whatsoever. Unless otherwise expressly provided, total receipts from sales or services of a person or business as indicated on the federal income tax return for that person or business.~~

LICENSEE. A person who has properly obtained a privilege license pursuant to this chapter.

PERSON. Includes any individual, trustee, executor, other fiduciary, corporation, association, partnership, sole proprietorship, company, firm or other legal entity.

STATE. The State of North Carolina.

TAX COLLECTOR. The designated individual(s) in the city who is charged with the responsibility of administering this article. The governing body charges the Tax Collector to collect these taxes by all lawful means necessary as pursuant to G.S. § 105-350.

(Ord. 09-03-02, passed 3-10-09)

§ 13-29 LEVY.

Levy of tax. An annual privilege license tax is hereby levied on each qualifying business conducted within the city, in the amounts set forth in this article. Any person engaged in a qualifying business shall be responsible for ensuring that the applicable license tax is paid. ~~Any~~Every license issued under this article is not be transferable.

(Ord. 09-03-02, passed 3-10-09)

§ 13-30 DUTY TO DETERMINE WHETHER TAX DUE.

(A) Each person has the duty to determine whether the business he or she conducts is taxed under this article, and if so, whether that tax has been paid for the current tax year.

(B) No license shall be transferable or assignable.

(Ord. 09-03-02, passed 3-10-09) Penalty, see § 13-99

§ 13-31 UNLAWFUL TO CONDUCT BUSINESS WITHOUT A LICENSE.

Except as provided in § 13-47, it shall be unlawful for any person or his or her agent to engage in or carry on a qualifying business in ~~the~~this city without a license issued hereunder or an expired license, ~~unless exempt.~~ A violation of this article shall be a Class 3 misdemeanor and each day shall constitute a separate offense. A conviction under this article does not relieve a person or business of tax imposed by this article.

(Ord. 09-03-02, passed 3-10-09) Penalty, see § 13-99

Statutory references:

Every day's failure a separate offense, see G.S. § 105-235

Obtaining license and paying tax, see G.S. § 105-109
Unlawful to operate without license, see G.S. § 105-103

§ 13-32 EXEMPTION.

~~—(A) Generally.~~ Except as otherwise provided in this article or by state law, no person or business is exempt from the payment of a privilege license tax levied by this article. A list of the exempt businesses is shown in § 13-47.

~~—(B) Charitable organizations.~~ No qualifying religious, educational, civic, patriotic, charitable or fraternal organization, as defined in § 501(c)(3), (c)(4) and (c)(6) of the Internal Revenue Code, as amended, shall be required to pay any tax hereunder.

~~—(C) Business.~~ In addition to the above, certain businesses are exempt from privilege license taxes by state law.

~~—(D) Participants in events sponsored by the city or county or any religious, educational, civic, patriotic, charitable or fraternal organization, as defined in § 501(c)(3), (c)(4) and (c)(6) of the Internal Revenue Code, as amended, who are engaged in any business for which a privilege license tax would normally be imposed under the requirements of this chapter are exempt from such tax but only during the period of the event and only at the site the event is being held.~~

~~(Ord. 09-03-02, passed 3-10-09; Am. Ord. 12-03-01, passed 3-13-12)~~

§ 13-33 13-32 LICENSE PERIOD; DUE DATE.

(A) ~~Unless otherwise specified,~~ if the license issued pursuant to this article is valid for the 12-month period beginning July 1 and ending June 30.

(B) The privilege license tax is due and payable on or before August 1 of each year. Qualifying businesses that begin after July 1 must obtain a license prior to the commencement of operation.

~~(C) In accordance to state law,~~ Any beer and wine license tax is due and payable when a permit is issued by the state and shall be renewed no later than May 1 of each year.

~~(Ord. 09-03-02, passed 3-10-09)~~

§ 13-34 13-33 PRORATION OF TAX.

(A) Except when a tax is based on gross receipts, if a business begins after January 31 but before July 1, the amount of tax due is half the total otherwise due unless otherwise provided.

(B) Beer and wine licenses are never prorated.

~~(Ord. 09-03-02, passed 3-10-09)~~

§ 13-35 13-34 MULTIPLE BUSINESSES.

If a person is engaged in more than one qualifying business, the licensee may be subject to additional license taxes under this article. Depending on the licensee's business, the person shall pay the license tax prescribed in the tax schedules of this article for each business activity, even if the activities/businesses are operating at the same business location.

~~(Ord. 09-03-02, passed 3-10-09)~~

§ 13-36 13-35 SEPARATE PLACES OF BUSINESS.

(A) Unless otherwise provided by state law or by § 13-32, a person who engages in a business in two or more separate locations, a separate license tax shall be required to obtain a license for each place of business.

(B) For purposes of this article, if a business, under common ownership, engages in the same business at two or more locations within the city, in which the locations open directly into each other, are contiguous, communicate with and operate as a unit, the person is liable for only one license tax.

(Ord. 09-03-02, passed 3-10-09)

Statutory reference:

For similar provisions, see G.S. § 105-105

§ 13-3713-36 APPLICATION.

(A) Every person desiring to obtain a license hereunder shall apply to the Administrator for each license required by this article prior to beginning operations.

(B) The information shall be submitted on a dated application provided by the Administrator, which shall contain the following information:

(1) The name of the applicant and whether the applicant is an individual, a partnership, a corporation or some other legal entity;

(2) The address where the business is conducted, and a mailing address for the business, if different;

(3) All telephone numbers used by the business;

(4) The starting date on which the business will begin to operate in the city;

(5) The name and address of the person filling out the application, and his or her relationship to the business;

(6) The nature of the business;

(7) The gross receipts of the business for the most recently completed federal tax year, if applicable; and

(8) Any other information the Administrator determines deems to be necessary to compute the amount of tax due.

(C) Each applicant has the responsibility to comply with any and all other legal requirements, whether local, state or federal, prior to the commencement of business operations.

(Ord. 09-03-02, passed 3-10-09)

~~§ 13-38 TAX BASED ON GROSS RECEIPTS.~~

~~—(A) Requirement. If a license tax imposed hereby is based upon "gross receipts" of the business as herein defined, the proposed licensee shall be required to submit a statement, under oath, of the exact amount of its gross receipts as reported on their most recent federal tax return. The nature and extent of the disclosure shall be in such detail and in such manner as the Administration may reasonably require.~~

~~—(B) Procedures. When a license tax required under this article is based on gross receipts, the licensee will compute its tax by applying all gross receipts per location to the rate established in this article and purchase a license per location. The licensee, however, may be subject to additional license taxes which the state authorizes the city to levy, depending on the licensee's business. (See § 13-35) If the licensee is required to obtain multiple classifications, these revenues may be deducted from the total gross receipts. New businesses and/or businesses that have not been in business 12 months must give a good faith 12-month projection of their gross receipts. If necessary, the Administrator may assess a tax on an estimation of gross receipts for the business, based upon the best information of comparable businesses, or any other information that the Administrator deems reliable.~~

~~—(C) Confidentiality of information.— All information regarding gross receipts or other information furnished or secured under the authority of this article shall be deemed confidential information solely for the use of the Administrator and the officials and employees who administer the provisions of this article. The confidential information shall not be subject or open to public inspection or disclosure, except as provided in this article or pursuant to an order of a court of competent jurisdiction. Summaries of the information may be shared with appropriate city officials and employees for purposes of research and analysis.~~

~~—(D) False statements.— Any person who willfully makes a false statement on a license application shall be guilty of a Class 2 misdemeanor.~~

~~(Ord. 09-03-02, passed 3-10-09) Penalty, see § 13-99~~

§ 13-3913-37 ABILITY TO PRODUCE ADDITIONAL FACTS.

The Administrator or designee may require a sworn statement of sales or other proof as needed prior to the imposition of tax liability and issuance of a license hereunder.

(Ord. 09-03-02, passed 3-10-09)

§ 13-4013-38 REQUESTED INFORMATION.

(A) Any proposed licensee shall timely provide all information as may be reasonably requested by the Administrator.

(B) The following shall be provided by the proposed licensee at the request of the Administrator.

- (1) Information that identifies the taxpayer/licensee;
- (2) Information needed to determine the tax liability of a taxpayer/licensee;
- (3) Information that enables the Administrator to collect any amount owed hereunder; and
- (4) Other information as may be needed by the Administrator to perform the duties required

by the article.

(Ord. 09-03-02, passed 3-10-09)

Statutory reference:

For similar provisions, see G.S. § 105-251

§ 13-4113-39 ADMINISTRATOR'S AUTHORITY; DUTIES OF BUSINESS OWNER.

(A) *Providing notice to an applicant or licensee.* Whenever this article requires the Administrator to give a written statement or notice to an applicant or a licensee, he or she may do so in any one of three ways, each of which shall be presumed to constitute actual notice:

- (1) By personally delivering the notice to the applicant or licensee;
- (2) By mailing the notice by registered or certified mail, return receipt requested, to the address specified for that purpose in the licensee application or to the last known address; and
- (3) By causing the notice to be served on the applicant or licensee in accordance with the procedures for service or process under Rule 4, North Carolina Rules of Civil Procedure.

(B) *Investigations by the Tax Collector.* If the Administrator has reason to believe that a person is conducting a business in violation of this article, the Administrator is hereby authorized to conduct an investigation to determine the person's tax liability. The results of the investigation shall be deemed confidential and shall be conducted in keeping with sound business and investigatory practices.

(C) *Duty to keep books.* Any person who conducts a business taxed under this article shall keep all records and books necessary to enable the tax liability to be accurately conducted. If a

person fails to keep books and records as required, the Administrator or designee shall make a determination of the applicant's tax liability from the information available which the determination may be based on information imputed to the person or business..

(D) *Duty to permit inspection.* Each person who conducts business in the city shall permit the Administrator or designee to inspect the business premises during normal business hours to determine the nature of the business conducted there and to examine the books and records to determine the nature and amount of business transacted.

(E) *Administrator to issue license; payment of tax a prerequisite.* After receipt of the completed application, and a determination by the Administrator that the license should be issued, the Administrator shall determine the amount of tax due and notify the applicant of that amount. The Administrator shall not issue a license until the tax is paid.

(F) *Display of license.* Every license issued by the city must be prominently displayed at the place of business of the licensee named therein. Failure to post this license shall raise the presumption that no such license exists or that the same is expired. If there is no regular place of business, the licensee must keep the license wherever the business is being operated and in a place where it can be seen and inspected. If a machine or other item of personal property is the subject of the license, the license shall be affixed to the machine or item.

(Ord. 09-03-02, passed 3-10-09)

§ ~~13-42~~13-40 DUTY TO NOTIFY ADMINISTRATOR OF CHANGES.

(A) *Change in the business during the tax year.*

(1) *Information change.* A licensee under this article shall report a change in the information contained in the license application to the Administrator within ten days after the change occurs. If information shown on the license itself is affected thereby, the licensee shall surrender the license to the Administrator when reporting the change. The Administrator will reissue a license reflecting the change of name or address.

(2) *Change affecting amount due.* If changes affect the amount due, the Administrator shall reissue a separate or additional license reflecting the change upon payment of the additional tax. The license shall be subject to cancellation for failure to comply with this article.

(3) *Duplicate copy.* Upon satisfactory proof that the current license has been lost or destroyed, the Administrator will furnish a duplicate license at a cost to be determined by the city. Any other duplication of a license shall constitute a Class 3 misdemeanor which shall be punishable as provided in § 13-99.

(B) *Notice of discontinuation, sale or transfer of business.* Any person who sells, transfers or goes out of business, shall give notice of the same to the Administrator at least 48 hours prior to the date of the pending sale, transfer or termination of business.

(G.S § 105-366(d))

(1) *Transfer.* All licenses issued hereunder are non-transferable and any transferee or successor of the licensee shall be required to obtain a license prior to the commencement of business.

(2) *Refunds for discontinued business.* Any tax paid hereunder is non-refundable.

(Ord. 09-03-02, passed 3-10-09) Penalty, see § 13-99

§ ~~13-43~~13-41 REASONS FOR REFUSAL OR REVOCATION.

(A) The Administrator or designee shall refuse to issue or shall revoke a license required by this article for any of the following reasons:

(1) The applicant misrepresents a fact relevant to the amount of tax due or the qualifications for a license;

(2) The applicant refuses to provide information necessary to compute the amount of tax due; and

(3) The applicant fails or refuses to provide all information required in the application.

(B) Upon the revocation of any license, it shall be unlawful for the person to whom the license was granted to continue to conduct the business.

(C) The Administrator or designee shall revoke a license for reason set forth in this section. However, before the Administrator or designee may revoke a license, he or she shall give the licensee written notice of the grounds of revocation, pursuant to § 13-41(A).

(Ord. 09-03-02, passed 3-10-09) Penalty, see § 13-99

§ 13-4413-42 TAX DISPUTED AND/OR UNQUALIFIED APPLICANTS; RIGHT TO CONFERENCE.

(A) At the time as the Administrator or designee believes that a reason exists for refusing to issue or revoking a license based on the amount of tax due or pursuant to § 13-43, the Administrator shall send notice of refusal or revocation to the applicant or licensee. The notice shall specify the amount of tax due, the section of this article upon which the tax calculation is based, the amount of tax paid, any interest due, the balance owed, the manner and time period in which the person may respond to the notice of deficiency, and the consequences to the person if he or she fails to respond. If the applicant or licensee disagrees with the determination, he or she may request a hearing within ten days after the day on which notice is served. The request must be in writing and shall specify the applicant's objections to the matters set forth on the notice. By way of illustration, but not limited to, an applicant who receives a notice may object on the following grounds:

(1) That the tax due has already been paid;

(2) The Administrator miscalculated the amount of tax due;

(3) The Administrator based the calculation on incorrect or insufficient information concerning either the nature or the amount of business conducted; and

(4) The Administrator based the determination on an erroneous interpretation of a section of this article that establishes a category of business subject to a particular tax.

(B) The conference shall be held within 30 days from receipt of objections and no action may be taken by the Administrator with respect to the application or license within that time period. If the applicant fails to request a conference, the determination becomes final and the Administrator shall proceed to take necessary actions to resolve or collect the deficiency. (See §§ 13-43 through 13-47)

(C) If the Administrator revokes or refuses to issue a license, the applicant may reapply for a license at any time thereafter. If the reason for which the application was refused no longer exists, and if no other reason exists for refusing to issue a license, the Administrator shall issue the license.

(D) The Administrator shall maintain a record of each conference held pursuant to this article for a period of three years. The record shall contain the name of the applicant or licensee, the date of the conference and a brief statement of the issues discussed and the results reached. After three years, the Administrator shall dispose of the record pursuant to G.S. § 121-5.

(Ord. 09-03-02, passed 3-10-09)

§ 13-4513-43 COLLECTION OF UNPAID TAX.

If a person begins or continues to engage in a business taxed under this article without payment of the required privilege license tax, the Administrator may use any of the following methods to collect the unpaid tax.

(A) *Garnishment and levy remedies.* The Administrator may propose the sale of tangible personal property (levy) or attach wages, rents, bank deposits and other compensation (garnish) to eliminate any delinquent license taxes in accordance with G.S. §§ 105-368 and 160A-207. The remedies of levy and sale of real and personal property of the taxpayer within the city in the same manner and to the same extent as apply to taxes levied by the state pursuant to G.S. § 105-109(d) and as per the provisions of G.S. § 105-242.

(B) *Criminal remedies.* Conducting business within the city without having paid the privilege license tax imposed by this article, without a valid license issued pursuant to this article, or without posting a license pursuant to § 13-41(G), is a Class 3 misdemeanor, punishable as provided in § 13-99. Each day that a person conducts business in violation of this article is a separate offense.

(C) *Equitable remedies.* In addition to the criminal remedies set forth in division (B) above and pursuant to G.S. § 160A-175(d), the city may seek an injunction against any person conducting a business in violation of this article.

(D) *Payment.* Any person who commences or continues to conduct a business taxed under this article without payment of the tax is liable for the additional tax as defined in § 13-99. No license shall be granted until the tax plus the additional tax has been paid.

(Ord. 09-03-02, passed 3-10-09)

§ 13-4613-44 LICENSEE'S REMEDIES.

(A) *Assertions of valid defense.* A licensee may obtain a release or refund of a tax if he or she can demonstrate a valid defense to the enforcement of the collection of any tax levied in this article and shall proceed as provided in this section:

(1) A valid defense shall include the following:

- (a) A tax imposed through clerical error;
- (b) An illegal license; and
- (c) A license levied for an illegal purpose.

(2) If the license tax has been paid, the licensee, at any time within three years after the license became due or within six months after the date of payment, whichever is later; may request a refund of the license by submitting to the Board of Commissioners a written statement of his or her defense and a request for a refund thereof.

(B) *Action of governing body.* Upon receiving a licensee's written statement of defense and request for release or refund, the Board of Commissioners shall, within 90 days after receipt of the request, determine whether the licensee has a valid defense to the license imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct license liability or notify the licensee in writing that no release or refund will be made. The action of the Board of Commissioners on applications for refunds shall be recorded in its minutes. If a refund is made, the Finance Department shall forward the refund to the finance designee, who shall note on all records the amount of refund, check number and refund date.

(C) *Suit for recovery of license taxes.* If within 90 days after receiving a licensee's request for refund and the Board of Commissioners have failed to refund the full amount requested by

the licensee, or has notified the licensee that no refund will be made, or has taken no action on the request, the licensee may bring a civil action against the city for the amount claimed. The action may be brought at any time within three years from the expiration of the period in which the Board of Commissioners are required to act.

(D) *Civil action.* Civil action brought pursuant to division (C) above shall be brought in the appropriate division of the General Court of Justice in the county. If, upon the trial, it is determined that the license or any part of it was illegal, or levied for an illegal purpose, or excessive because of a clerical error, judgment shall be rendered therefore with interest thereon at 6% per annum plus costs. The judgment shall be collected as in other civil actions.

(Ord. 09-03-02, passed 3-10-09)

~~§ 13-47 EXEMPTIONS FROM MUNICIPAL LICENSES TAXES.~~

<i>Occupations and Professionals</i>		
Accountants	Doctors	Osteopaths
Architects	Embalmers/Morticians	Photographers
Art of Healing	Engineers	Physicians
Attorneys-at-Law	Exterminators	Private Detectives
Auctioneers	Home Inspectors	Real Estate Agents/Brokers
Banks	Insurance Companies	Real Estate Appraisers
Bondsmen	Landscape Architects	Real Estate Mortgage Companies
Burglar Alarm Dealers	Massage Therapists	Surgeons
Bus Companies	Mortgage Companies	Surveyors
Chiropodists	Ophthalmologists	Telephone Companies
Chiropractors	Opticians	Trucking Companies
Dentists	Optometrists	Veterinarians

<i>Household Appliances/Office Machines</i>		
10-Key	Check Processors	Refrigerators
Alarm Systems	Computer Hardware	Sewing Machines
Billing Machines	Copiers	Typewriters
Calculators	Fax Machines	Vacuum Cleaners
Cash Registers	Printers	Washing Machines

<i>Miscellaneous Businesses</i>	
Breweries	Telecommunications Services (taxed under G.S. §105-164.4(a)(4e))
Lighting Systems	Natural Gas Supplier

Motion Picture Distributors	Vending Merchandising Machines (five of same type)
Manufacturing Motion Pictures	Video Programing (taxed under G.S. §105-164.4(a)(6))
Motor Fuels—Distributors/Wholesaler	Wineries

(Ord. 09-03-02, passed 3-10-09)

§ 13-99 PENALTY.

(A) (1) All license taxes imposed by this article, excluding beer and wine, shall be due and payable in advance of July 1 nevertheless no later than July 31. If any person or business who conducts any business without first paying the applicable tax and obtaining a license shall be assessed an additional tax equal to 5% of the amount prescribed for the license per month or fraction thereof until paid, not to exceed 25% of the amount so prescribed, but in any event shall not be less than \$5. Beer and wine licenses must be paid in advance by May 1 and will be considered delinquent after May 31 and thus subject to payment of the penalty. All taxes and any penalty must be paid prior to the issuance of the license.

(2) Any tax imposed on a new business shall be paid prior to the beginning of the business. If not paid within 30 days, the penalties provided in division (A)(1) above and this section shall apply from the date the business began.

(B) Unless otherwise provided, any person violating any section of this article or any ordinance of the city shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be subject to punishment in accordance with G.S. §14-4. Unless otherwise provided, the maximum fine for a misdemeanor violation is \$500.

(C) Unless otherwise specified, each day's continuing violation of any section of this article shall be a separate and distinct offense.

(Ord. 09-03-02, passed 3-10-09)

Statutory reference:

For similar provisions, see G.S. § 160A-175(g)

APPENDIX A: LICENSE TAX SCHEDULES

~~—(A) *Schedule A: Privilege license taxes based on gross receipts.*—The amount of any privilege license taxes as set out in this article shall be calculated using the schedules as set out in this article. The imposition of taxes based on the gross receipts basis does not prevent or prohibit the application of divisions (B) and (C) below.~~

~~—(1) All businesses, trades, professions, gaming devices or other undertakings, initiated for profit or gain, with the exception of manufacturers, shall be taxed at a rate of \$50.00 for the first \$3,000,000.00 in gross receipts. All receipts over \$3,000,000.00 will charge at a rate of \$.60 per \$1,000.00 or a fraction thereof. In no case will the annual minimum tax be less than \$50.00.~~

~~—(2) All manufacturers not included in division (A)(1) above shall be taxed at a rate of \$50.00 for the first \$500,000.00 in gross receipts. Each additional \$1,000.00 shall be taxed at \$.60 per \$1,000.00 or a fraction thereof with a maximum tax of \$1,000.00.~~

~~(BA) *Schedule BA: Privilege license taxes limited under North Carolina General Statutes.* Listed below are classifications of business activities governed within the North Carolina Revenue Laws, pursuant to G.S. § 160A-211. Businesses conducting these activities are taxed under this division in addition to divisions (A) and (C), if applicable.~~

~~(C) *Advertising (outdoor)*—\$35.00~~

Every person who is engaged in the business of outdoor advertising by means of signboards, poster boards or printed bulletins or any other outdoor advertising devices erected upon grounds, walls or roofs of buildings, or other advertising. (Additional license will be required for painting, manufacturing, selling and the like.)

(Formerly G.S. § 105-86; see G.S. § 160A-211)

~~() Auto service station and accessories—\$12.50~~

Engaging in the business of servicing motor vehicles, trailers or semi-trailers, or engaged in retail selling of automotive accessories or delivering to the user or consumer parts, tires, tools, batteries, electrical equipment or supplies, motor fuels or lubricants, any or all of the above. The license tax shall be paid for each place of business so operated or maintained.

~~() Auto accessories at wholesale~~

~~—(a) Every person engaged in receiving, buying, selling, distributing, exchanging or delivering automotive accessories, parts, tires, tools, fuels, lubricants, batteries or other automotive equipment or supplies, any or all of the above at wholesale, for each place of business—\$37.50~~

~~—(b) Plus, for each tank wagon or truck operated on public streets—\$25.00~~

~~—(c) Every person engaged in the business of selling wholesale and having no place of business but selling to retail dealers by use of some form of vehicle—\$25.00~~

The term “wholesale” shall apply to those who receive, buy, sell, distribute, exchange or deliver to retail dealers, or sell otherwise to the consumer.

~~() Amusements—\$25.00~~

Every person engaged in giving, offering or managing any form of entertainment, dances or amusement not otherwise taxed, for which an admission is charged.

~~() Barbers (each)—\$2.50~~

~~() Beauty parlors (each)—\$2.50~~

~~() Beer licenses, from May 1 to April 30, not prorated:~~

~~(a) On-premises \$15.00~~

~~(b) Off-premises \$5.00~~

~~(c) Wholesale beer \$37.50~~

~~(d) Tax on additional license: The tax stated in (a) or (b) is the tax for the first license issued to a person. The tax for each additional license of the same type issued to that person for the same year is one hundred ten percent (110%) of the base license tax, that increase to apply progressively for each additional license.~~

~~(e) Chain stores applicable, per State Revenue Act.~~

~~(G.S. §§ 105-113.77, 105-113.79 and 105-113.70)~~

~~() Bicycles, each dealer or agent selling bicycles and bicycle supplies—\$25.00~~

~~(Formerly G.S. § 105-102.5; see G.S. § 160A-211)~~

~~() Bowling alleys, whether used or not, each alley—\$10.00~~

~~(Formerly G.S. § 105-102.5; see G.S. § 160A-211)~~

~~() Campgrounds, trailer parks and the like—\$12.50~~

Engaging and/or soliciting in any transient patronage, for profit, regardless of rental agreement.

~~(Formerly G.S. § 105-102.5; see G.S. § 160A-211)~~

~~() Chain store, each store over one—\$50.00~~

Operating more than one mercantile establishment, in this state, with common ownership, and/or similarity in name and/or have benefit, in whole or in part of group purchasing of merchandise.

Exemptions to fee: Automotive dealers, auto supplies, bakery thrift stores, owned and operated by wholesale bakeries, selling solely their surplus.

~~(Formerly G.S. § 105-98; see G.S. § 160A-211)~~

~~(-) **Check Cashing** each location—\$100.00~~

~~Engaging in cashing checks, drafts or money orders for a fee, service charge and the like as regulated under G.S. §§ 53-275 et seq.~~

~~(G.S. § 105-88)~~

~~(-) **Circuses, dog and pony shows, and like amusements, per day**—\$25.00~~

~~(Formerly G.S. § 105-37.1)~~

~~(-) **Collection or claim agencies**—\$50.00~~

~~Every person engaged in the business of operating for profit a collection agency for collecting bills, notes, or to pay other indebtedness from one person in favor of another.~~

~~(Formerly G.S. § 105-45; see G.S. § 160A-211)~~

~~(-) **Contractor**—\$10.00~~

~~Any person, holding a North Carolina General Contractors license, who executes a contract or superintends the construction of any building, street, bridge, wharf, dock and the like or a part thereof. (If not state licensed see, division (A) above.)~~

~~(Formerly G.S. § 105-54; see G.S. § 160A-211)~~

~~(-) **Dry Cleaners**—\$50.00~~

~~Dry cleaning, pressing clubs, hat blockers and coin-operated dry cleaning machines. Exemption: Drop-off station(s) if main location in city is licensed.~~

~~(Formerly G.S. § 105-74; see G.S. § 160A-211)~~

~~(-) **Electricians**—\$50.00~~

~~Installing electrical equipment, fixtures and wiring in or upon the consumer's premises.~~

~~(Formerly G.S. § 105-91; see G.S. § 160A-211)~~

~~(-) **Elevators or sprinkler systems**—\$100.00~~

~~A principal or branch office, in the city, selling and/or installing elevators and/or sprinkler systems. (Formerly G.S. § 105-55; see G.S. § 160A-211)~~

~~(-) **Employment agencies**—\$100.00~~

~~Engaging in the business of securing employment for a person or persons and charging a fee, commission or other compensation, or soliciting, hiring or contracting with laborers, for employment out of state.~~

~~(Formerly G.S. § 105-90; see G.S. § 160A-211)~~

~~(-) **Firearms (rifles, handguns and the like)**~~

~~—(a) **Firearms sale and/or manufacturers, including, but not limited to, rifles, handguns, shotguns and the like**—\$50.00~~

~~—(b) **Dealers in bowie knives, dirks, daggers, leaded canes, iron or metallic knuckles or similar weapons**—\$200.00~~

~~(Formerly G.S. § 105-80; see G.S. § 160A-211)~~

~~(-) **Games, for sports or play operated for profit (golf, putt-putt)**—\$25.00~~

~~(Formerly G.S. § 105-102.5; see G.S. § 160A-211)~~

~~(-) **Heating contractors: Installing heating systems**—\$50.00~~

~~(Formerly G.S. § 105-91; see G.S. § 160A-211)~~

~~(-) **Hotels, motels:**~~

~~Every person engaged in the business of operating any hotel or motel, tourist court, tourist home or similar place advertising in any manner for transient patronage, or soliciting the business, in the city:~~

~~—For each room—\$1.00~~

~~—Minimum tax—\$25.00~~

~~The tax provided for in this section shall apply whether the rental charges are made by patrons on a daily, weekly, biweekly or monthly basis. It is irrelevant as to any particular room whether a permanent guest occupies the room.~~

~~(Formerly G.S. § 105-61; see G.S. § 160A-211)~~

~~() Ice cream, at retail—\$2.50~~

~~Includes ice cream, frozen custards, sherbets, water ices and/or similar frozen products.~~

~~() Itinerant Merchant (cash or money order)—\$100.00~~

~~An individual, other than an established retail merchant in the county, who transports goods to a building, vacant lot, alley or other location and offers the goods for sale at retail, for less than six consecutive months. (G.S. §§ 66-250 et seq.)~~

~~(Former G.S. § 105-53; see G.S. § 160A-211)~~

~~() Knives (see () Firearms (b))~~

~~() Laundries, launderettes and similar type businesses—\$50.00~~

~~Each steam or electric laundry, including wet or damp wash laundry used to clean fabric, and each business supplying or renting clean linens, towels or wearing apparel.~~

~~(Formerly G.S. § 105-85; see G.S. § 160A-211)~~

~~() Loan companies, personal—\$100.00~~

~~Persons advertising, negotiating and/or lending money on personal securities, such as household and kitchen articles, watches, jewelry, automobiles and the like, for repayment of the loans by installment payment or otherwise.~~

~~(Formerly G.S. § 105-88; see G.S. § 160A-211)~~

~~() Manicuring, each—\$2.50~~

~~() Motion picture shows, indoor, per screen—\$200.00~~

~~Operation of a movie theater for compensation, including, but not limited to, per room used for screening movies.~~

~~—Outdoor/Drive In—\$100.00~~

~~(Formerly G.S. § 105-37; see G.S. § 160A-211)~~

~~() Motorcycle dealers—\$12.50~~

~~Every person engaged in buying, selling, servicing, distributing or exchanging motorcycles, motorcycle supplies or equipment, for each place of business so operated.~~

~~(Formerly G.S. § 105-89.1; see G.S. § 160A-211)~~

~~() Motor vehicle dealers~~

~~—(a) Every person engaged in buying, selling or exchanging motor vehicles, trailers, semi-trailers, tires, tools, batteries, electrical equipment, fuels, lubricants or automotive equipment, for each place of business so operated at retail and/or wholesale—\$25.00~~

~~—(b) Seasonal, temporary, transient or itinerant nature, each location—\$300.00~~

~~(Formerly G.S. § 105-89c; see G.S. § 160A-211)~~

~~() Music box (juke box) each—\$5.00~~

~~License must be attached to machine before being placed in operation.~~

~~(Formerly G.S. § 105-65; see G.S. § 160A-211)~~

~~() Oil dealers in lubricating (see Section 1)~~

~~For each tank, wagon or truck operated on the public streets—\$25.00~~

~~() Outdoor Advertising (see Advertising, Outdoor)~~

~~() Pawnbrokers—\$275.00~~

~~Engaging in lending or advancing money or other items of value for a profit, and taking as a~~

~~pledge for such loans, articles of personal property to be forfeited if payment is not made within a definite time. (Formerly G.S. § 105-50; see G.S. § 160A-211)~~

~~() Peddlers (cash or money order) — \$25.00~~

~~—(a) Person who travels from place to place with inventory and offers for sale at retail the actual inventory, occupying no space for more than 30 minutes during any 24-hour period. Each peddler must comply with any restrictions of the city and state regulations.~~

~~—(b) Farmers selling their own produce must apply for grower's certification — Exempt (G.S. §§ 66-250 et seq.)~~

~~(Former G.S. § 105-53; see G.S. § 160A-211)~~

~~() Piano and/or organ~~

~~—(a) Each dealer or agent — \$5.00~~

~~—(b) Repair or service — \$5.00~~

~~(Formerly G.S. § 105-102.5; see G.S. § 160A-211)~~

~~() Pinball machines, Slot machines~~

~~Pinball machines and other amusement games and devices, per location — \$25.00~~

~~No license tax shall be charged upon or issued for a slot machine illegal under the state law. (See § 13-41(G))~~

~~() Plumbers — \$50.00~~

~~Installing plumbing fixtures and performing plumbing work up to the connection with sewer or water mains.~~

~~(Formerly G.S. § 105-91; see G.S. § 160A-211)~~

~~() Pool tables, pocket billiards or bagatelle tables (unless used solely for private amusement at no charge), per location shall be — \$25.00~~

~~The above tax shall apply whether the pool tables are operated by slot or otherwise. (See § 13-41(G))~~

~~(Formerly G.S. § 105-102.5; see G.S. § 160A-211)~~

~~() Radio and/or TV~~

~~—(a) Each dealer or agent — \$5.00~~

~~—(b) Repair or service — \$5.00~~

~~(Formerly G.S. § 105-102.5; see G.S. § 160A-211)~~

~~() Record players, tape recorders, cassette tapes and the like~~

~~—(a) Each dealer or agent — \$5.00~~

~~—(b) Service or repair — \$5.00~~

~~(Formerly G.S. § 105-102.5; see G.S. § 160A-211)~~

~~() Restaurants~~

~~—(a) Seating capacity of four customers or fewer — \$25.00~~

~~—(b) Seating capacity of five or more — \$42.50~~

~~(Formerly G.S. § 105-62; see G.S. § 160A-211)~~

~~() Service Stations (see Auto Service Stations)~~

~~() Shooting galleries — \$25.00~~

~~Whether used or not a place for any other games or play with or without name (unless used for private amusement or exercise alone, without charge).~~

~~(Formerly G.S. § 105-102.5; see G.S. § 160A-211)~~

~~() Sign erectors, sign hangers (See Advertising, Outdoor)~~

~~() Skating rinks/swimming pools — \$25.00~~

~~(Unless used for private amusement or exercise alone, without charge.)~~

(Formerly G.S. § 105-102.5; see G.S. § 160A-211)

~~() Specialty markets (flea markets) —\$200.00~~

~~Engaging in renting space, other than a permanent retail space, to others offering to sale at retail. Must comply with any restrictions of the city and state regulations.~~

~~G.S. §§ 66-250 et seq.~~

~~(Former G.S. § 105-53; see G.S. § 160A-211)~~

~~() Sundries (soft drinks, tobacco and pre-wrapped sandwiches) —\$4.00~~

~~The sundries license shall be procured and tax paid on any one or more of the following business activities:~~

~~—(a) Sale of pre-wrapped sandwiches, soft drinks and/or cigarettes in drugstores, service stations or any stands or places not licensed and taxed as a restaurant. (Does not include crackers or cookies and the like.)~~

~~—(b) Operating, maintaining or placing on location any of the following types of dispensers or machines:~~

~~—(1) Dispensers of cigarettes or other tobacco products;~~

~~—(2) Dispensers of soft drinks;~~

~~—(3) Dispensers of food or other merchandise; and~~

~~—(4) Weighing machines.~~

~~(Not to exceed four machines of like kind)~~

~~—(c) Operating a soda fountain or soft drink stand.~~

~~—(d) Retailing or jobbing cigarettes, cigars, chewing tobacco, snuff or any other tobacco product. License for each location, regardless of the number of activities engaged in.~~

~~(Formerly G.S. §§ 105-65.1 and G.S. § 105-102.5; see G.S. § 160A-211)~~

~~() Taxicabs Must comply with any restrictions of the city and state regulations \$15.00~~

~~(G.S. §§ 20-97 et seq.)~~

~~() Undertakers —\$50.00~~

~~Engaging in burying the dead and/or the retail sale of coffins. ** (May be subject to other applicable licenses.) **~~

~~(Formerly G.S. § 105-46; see G.S. § 160A-211)~~

~~() Video games, each machine —\$5.00~~

~~Engaging in operating electronic video games when a coin or other item of value is deposited/taken for play, whether the machines are in his or her place of business or another location. Each electronic video game's serial number must be provided with the application. The license must be shown in a conspicuous place. (§ 13-41(G))~~

~~(Formerly G.S. § 105-66.1; see G.S. § 160A-211)~~

~~() Video sales and rentals —\$25.00~~

~~Selling or leasing video movies where no admission fee is charged. ** (May be subject to other applicable licenses.) **~~

~~(Formerly G.S. § 105-102.5; see G.S. § 160A-211)~~

~~() Wine license, from May 1 to April 30, not prorated:~~

~~(a) On-premises \$15.00~~

~~(b) Off-premises \$10.00~~

~~(c) Wholesale wine \$37.50~~

~~(d) Tax on additional license: The tax stated in (a) or (b) is the tax for the first license issued to a person. The tax for each additional license of the same type issued to that person for the same year is one hundred ten percent (110%) of the base license tax, that increase to apply~~

progressively for each additional license.

(e) Chain stores applicable, per State Revenue Act.

(G.S. § 105-113.77, 105-113.79 and 105-113.70)

~~—(C) *Schedule C: Privilege license taxes limited by city ordinance.* Business categories in this division are specifically taxed. Businesses conducting these activities are taxed under this division in addition to divisions (A) and (B) above, if applicable.~~

~~() **Catering trucks**, each truck — \$50.00~~

~~Selling tobacco, soft drinks, wrapped sandwiches and prepared food from a truck; does not include sale of ice cream and must be approved by the Health Department.~~

~~() **Carnivals**, per day — \$25.00~~

~~Engaging in temporarily providing riding devices for a fee other than an admission charge.~~

~~() **Christmas trees** — \$50.00~~

~~Dealers in Christmas trees and perishable Christmas decorations, not prorated, each lot.~~

~~() **Electronic Sweepstakes Providers**~~

~~—(a) Per establishment — \$1,000.00~~

~~—(b) Per machine — \$1,250.00~~

~~Any for profit business having as a substantial part of its operation, whether as a principal or accessory use, the running of one or more games or processes, by use of electronic machines, including but not limited to, computers and gaming terminals, with any of the following characteristics:~~

~~—(a) For payment, directly or indirectly, or as an intended addition to the purchase of a product, the customer receives one or more electronic sweepstakes, and without which item the customer would be unable to enter the sweepstakes; or~~

~~—(b) For payment, directly or indirectly, or as an intended addition to the purchase of a product, the customer can request a “no purchase necessary” free entry of one or more sweepstakes tickets or other items entitling the customer to enter a sweepstakes.~~

~~—(c) This provision does not apply to any game or process prohibited by N.C.G.S. § 14-304 through 14-309 and does not include the North Carolina Education Lottery.~~

~~() **Ice cream vendors**, each vehicle — \$75.00~~

~~Anyone selling ice cream and/or flavored ice products at retail from a cart, truck, wagon or other type vehicle.~~

~~() **Miscellaneous**~~

~~Every person engaged in business carried on or enjoyed within the corporate limits of the city shall apply for and pay a privilege license tax unless specifically exempted by a local, state or federal authority. In those cases where the privilege license tax amount cannot be determined by any other means, the Administrator shall determine the tax amount due using the following basis:~~

~~—(a) One to ten full or part time employees at any one time during the year — \$50.00~~

~~—(b) Eleven to 20 full or part time employees at any one time during the year — \$75.00~~

~~—(c) Twenty one to 30 full or part time employees at any one time during the year — \$100.00~~

~~—(d) Thirty one or more full or part time employees at any one time during the year — \$150.00~~

~~The tax is not subject to be prorated for a period of less than one year. The number of full or part time employees to be used in determining this tax shall be the maximum number of full or part time employees working out of this business location at any one time during the license year and shall include owners, management and persons compensated in any way, including commission for work done at or for this business location.~~

~~() **Pushcarts (Each)** — \$50.00~~

~~Anyone selling food items, other than ice cream, at retail on a cart, table or other mobile unit.~~

(Ord. 09-03-02, passed 3-10-09; Am. Ord. 09-06-02, passed 6-9-09; Am. Ord. 02-01-10, passed 2-9-10; Am. Ord. 11-06-01, passed 6-1-11; Am. Ord. 12-02-03, passed 2-14-12; Am. Ord. 13-06-02, passed 6-11-13)



CITY OF OXFORD

STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners
VIA: David Cottrell, Interim City Manager
FROM: Kenny Manning, Buildings and Grounds Supervisor
DATE: 2/1/17
SUBJECT: Budget Amendment to complete chiller repairs at City Hall

SUMMARY STATEMENT

Consider a budget amendment in the amount of \$21,000.00, payable from the General Fund, to cover the additional costs of replacing and repairing City Hall chillers.

REVIEW

A new chiller for City Hall was installed in October 2016 replacing the chiller from 1992. As part of the project the original chiller pump was also replaced. Additional hail guards and security grilles will be installed to provide protection. The budget amendment also includes the cost to replace the compressor for the auditorium chiller.

RECOMMENDATION

Staff recommends approving a budget amendment in the amount of \$21,000.00, payable from the general fund.

Attachment

CITY OF OXFORD

BUDGET AMENDMENT VOUCHER			
			Date <u>2/7/17</u>
Account Number	Description	Increase	Decrease
4260-5901	Fixed Asset – Over \$5K	\$21,000.00	
010-3991-399100-99	General Fund Balance		\$21,000.00
EXPLANATION FOR AMENDMENT			
Upon Board's approval, the following accounts will be effective as a result of the decision.			
Date Approved by Board _____			

REQUESTED BY: Kenny Manning, Building & Landscaping Director

**CITY OF OXFORD****STAFF REPORT**

TO: Mayor Sergent and the Board of Commissioners

VIA: David Cottrell, Interim City Manager

FROM: Amy Ratliff, PE, City Engineer

DATE: 2-3-17

SUBJECT: AIA Engineering Contracts

SUMMARY STATEMENT

Authorize the Interim City Manager to execute Asset Inventory and Assessment (AIA) Engineering Task Orders with McGill Associates.

REVIEW

The City of Oxford received grant funding from the State Water Infrastructure Authority for a Water AIA Project in the amount of \$105,000 and a Sewer AIA Project in the amount of \$150,000. The State requires that the City match 10% of the grant at \$10,500 for Water and \$15,000 for Sewer for a total of \$25,500. The Grants awarded were \$60,000 higher than originally anticipated. The City originally budgeted \$19,500 for matching funds which leaves a shortfall of \$6,000 that will need to be covered by a budget amendment.

RECOMMENDATION

Staff recommends authorizing the Interim City Manager to execute Asset Inventory and Assessment (AIA) Engineering Task Orders with McGill Associates in the amount of \$115,000 for Water and \$165,000 for Sewer which includes the Grant and City matching funds and authorize the City Engineer to finalize the attached Draft Task Orders prior to execution.

EXHIBIT B

TASK ORDER NO. 6

This TASK ORDER NO. 6 dated the _____, day of _____ 20____, is a supplement to the MASTER SERVICES AGREEMENT between the City of Oxford, North Carolina, hereinafter referred to as "CITY" and McGill Associates, P.A., hereinafter referred to as "ENGINEER". The purpose of this Task Order is to authorize the ENGINEER to provide services for the "PROJECT" entitled: Water System Asset Inventory and Assessment Project.

SECTION 1 - PROJECT DESCRIPTION:

The project can generally be described as:

Updating the existing water system hydraulic model (along with field testing and calibration), development of a flushing program, preparing an AWWA format water audit, prioritizing needed system improvements, preparing opinions of probable costs for identified improvements, and updating the water system capital improvement plan. This project will be funded by a grant administered through NCDEQ Division of Water Infrastructure (Funding Agency).

SECTION 2 - SCOPE OF SERVICES:

The ENGINEER shall provide all professional services (the "Services") for the Project including, performance of the following:

1	Review existing water mapping
2	Prepare water audit
3	Update/expand water model
4	Identify and test hydrant flows and pressures
5	Calibrate water model based on test results
6	Develop regular flushing program
7	Prioritize water system improvements
8	Prepare opinions of probable costs for water system improvements
9	Update Capital Improvement Plan

SECTION 3 – COMPENSATION

The CITY shall pay the ENGINEER for services outlined in Task Order No. 6 the following Lump Sum amounts:

1	\$9,000 Lump Sum
2	\$20,000 Lump Sum
3	\$22,000 Lump Sum
4	\$7,000 Lump Sum
5	\$12,000 Lump Sum
6	\$18,000 Lump Sum
7	\$9,000 Lump Sum
8	\$11,500 Lump Sum
9	\$7,000 Lump Sum
	\$115,500 Total

SECTION 4 - MISCELLANEOUS

Except as otherwise provided herein, this Task Order supersedes all prior written or oral understanding of the parties and may only be changed by a written amendment executed by both parties.

SECTION 5 – AUTHORIZATION TO PROCEED

IN WITNESS WHEREOF and as AUTHORIZATION TO PROCEED, the parties execute below this Task Order No. 6 in duplicate originals:

EXECUTED this _____ day of _____, 20__.

McGill Associates, P.A.

 Andy C. Lovingood, P.E.
 Principal – Vice President

City of Oxford

By: _____

Interim City Manager

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

By: _____
 Hak Ung
 Finance Director

EXHIBIT B

TASK ORDER NO. 7

This TASK ORDER NO. 7 dated the _____, day of _____ 20____, is a supplement to the MASTER SERVICES AGREEMENT between the City of Oxford, North Carolina, hereinafter referred to as "CITY" and McGill Associates, P.A., hereinafter referred to as "ENGINEER". The purpose of this Task Order is to authorize the ENGINEER to provide services for the "PROJECT" entitled: Sewer System Asset Inventory and Assessment Project.

SECTION 1 - PROJECT DESCRIPTION:

The project can generally be described as:

Evaluating the City's existing sewer system, including flow monitoring, smoke testing, video evaluations, assessing suspect facilities, prioritizing needed system improvements, preparing opinions of probable costs for identified improvements, and updating the sewer system capital improvement plan. This project will be funded by a grant administered through NCDEQ Division of Water Infrastructure (Funding Agency).

SECTION 2 - SCOPE OF SERVICES:

The ENGINEER shall provide all professional services (the "Services") for the Project including, performance of the following:

1	Review existing sewer mapping
2	Identify areas to perform condition assessments
3	Flow monitoring in select areas (up to 8 locations for 5-6 weeks each)
4	Smoke testing in select areas (up to 50 sewer segments)
5	Assist City with video evaluations in select areas (CCTV work to be performed by City Staff)
6	Assess suspect manholes and pump stations
7	Identify and evaluate potential sewer system improvements
8	Prioritize sewer system improvements
9	Prepare opinions of probable costs for sewer system improvements
10	Update Capital Improvement Plan

SECTION 3 – COMPENSATION

The CITY shall pay the ENGINEER for services outlined in Task Order No. 7 the following Lump Sum amounts:

1	\$10,000 Lump Sum
2	\$15,000 Lump Sum
3	\$46,000 Lump Sum
4	\$19,000 Lump Sum
5	\$10,000 Lump Sum
6	\$18,000 Lump Sum
7	\$14,000 Lump Sum
8	\$11,000 Lump Sum
9	\$14,000 Lump Sum
10	\$8,000 Lump Sum
	\$165,000 Total

SECTION 4 - MISCELLANEOUS

Except as otherwise provided herein, this Task Order supersedes all prior written or oral understanding of the parties and may only be changed by a written amendment executed by both parties.

SECTION 5 – AUTHORIZATION TO PROCEED

IN WITNESS WHEREOF and as AUTHORIZATION TO PROCEED, the parties execute below this Task Order No. 7 in duplicate originals:

EXECUTED this _____ day of _____, 20__.

McGill Associates, P.A.

 Andy C. Lovingood, P.E.
 Principal – Vice President

City of Oxford

By: _____

Interim City Manager

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

By: _____
 Hak Ung
 Finance Director

**CITY OF OXFORD****STAFF REPORT**

TO: Mayor Sergent and Board of Commissioners

VIA: David Cottrell, Interim City Manager

FROM: Amy Ratliff, PE

DATE: 2/3/17

SUBJECT: Budget Amendment for AIA Grants

SUMMARY STATEMENT

A Budget Amendment is required to cover the required 10% match for the AIA grants that the City was awarded and acknowledge the additional award of grant funding in the amount of \$60,000. The City originally budgeted for a \$19,500 match and due to higher grant awards; the City must now match \$25,500, an increase of \$6,000.

REVIEW

The applications for the Water & Sewer AIA grants were originally submitted in April 2016. At that time the total request for the grants was \$195,000 with a City match of \$19,500. The City did not receive those grants and reapplied in September 2016 for \$255,000 with a City match of \$25,500. The City will be receiving \$60,000 more than the original application but will need to contribute an additional \$6,000 above the original budgeted amount. The Budget Amendment would be payable from the Misc. W&S Improvements Fund (035-8180-5814) in the amount of \$6,000 to the AIA Grant Fund (035-8180-5812). The Revenue in Department 8180 will also increase from \$195,000 to \$255,000.

RECOMMENDATION

Staff recommends approving a Budget Amendment in the amount of \$6,000 payable from the Misc. W&S Improvements Fund to the AIA Grant Fund to cover the additional match requirement and acknowledge the additional award of grant funding in the amount of \$60,000.



CITY OF OXFORD
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners

VIA: David Cottrell III, Interim City Manager

FROM: Cheryl Hart, Planning Director

DATE: 11-28-2016

SUBJECT: Consider reappointing Philip Pope to the Zoning Board of Adjustment and George Summers to the Appearance Committee.

SUMMARY STATEMENT

Mr. Pope and Mr. Summers are interested for reappointment.

REVIEW

Mr. Pope and Mr. Summers are very active and add a great deal of knowledge in their respected positions.

RECOMMENDATION

Staff recommends approving the appointment.

Attachments:



City of Oxford
300 Williamsboro Street, Oxford, North Carolina

OXFORD
TO
DEC. 15 2016
RE-ROUTE TO
[]

APPLICATION FOR BOARD APPOINTMENT

Return completed form to
Oxford City Clerk, 300 Williamsboro Street, P.O. Box 1307, Oxford, NC 27565

Date _____

Name and email GEORGE SUMMERS (Gsummers@nc.rr.com)

Home address 321 FOREST RD, OXFORD, NC 27565 Phone 919-690-1417

Present occupation RETIRED

Educational background 2 YR COLLEGE

Number of years a resident of Granville County 28

Do you live inside the City limits? YES If so, for how long? 28 YRS

Indicate below the Board/Committee/Commission for which you are applying at this time:

- | | |
|---|---|
| <input type="checkbox"/> City Board of Commissioners | <input type="checkbox"/> Recreation Advisory Committee |
| <input type="checkbox"/> Zoning Board of Adjustment | <input checked="" type="checkbox"/> Community Appearance Commission |
| <input checked="" type="checkbox"/> Planning Board | <input type="checkbox"/> Historic Preservation Commission |
| <input type="checkbox"/> 200 th Anniversary Planning Committee | <input type="checkbox"/> Fireman's Relief Fund |
| <input type="checkbox"/> Oxford Parking Authority | <input type="checkbox"/> Other |

List all Boards/Committees/Commissions on which you have previously served or are currently serving.

CURRENT - APPEARANCE

PAST - RECREATION

Provide a brief statement as to why you wish to serve on the Board/Committee/Commission you have indicated above. Attach additional sheets/use other side, if needed.

I FEEL THAT I HAVE BEEN AN ASSET TO THE APPEARANCE COMMISSION

AND THAT I COULD ALSO BE AN ASSET TO THE PLANNING BOARD.

Signature



CITY OF OXFORD
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners

VIA: David Cottrell III, Interim City Manager

FROM: Cheryl Hart, Planning Director

DATE: 11-28-2016

SUBJECT: Consider reappointing Philip Pope to the Zoning Board of Adjustment and George Summers to the Appearance Committee.

SUMMARY STATEMENT

Mr. Pope and Mr. Summers are interested for reappointment.

REVIEW

Mr. Pope and Mr. Summers are very active and add a great deal of knowledge in their respected positions.

RECOMMENDATION

Staff recommends approving the appointment.

Attachments:



City of Oxford
300 Williamsboro Street, Oxford, North Carolina

rec'd 01-11-17

APPLICATION FOR BOARD APPOINTMENT

Return completed form to
Oxford City Clerk, 300 Williamsboro Street, P.O. Box 1307, Oxford, NC 27565

Date 01/10/17

Name and email Phil Pope pop28393@gmail.com

Home address 213 College ST Phone _____

Present occupation Retired

Educational background _____

Number of years a resident of Granville County _____

Do you live inside the City limits? _____ If so, for how long? _____

Indicate below the Board/Committee/Commission for which you are applying at this time:

- | | |
|---|---|
| <input type="checkbox"/> City Board of Commissioners | <input type="checkbox"/> Recreation Advisory Committee |
| <input checked="" type="checkbox"/> Zoning Board of Adjustment | <input type="checkbox"/> Community Appearance Commission |
| <input type="checkbox"/> Planning Board | <input type="checkbox"/> Historic Preservation Commission |
| <input type="checkbox"/> 200 th Anniversary Planning Committee | <input type="checkbox"/> Fireman's Relief Fund |
| <input type="checkbox"/> Oxford Parking Authority | <input type="checkbox"/> Other |

List all Boards/Committees/Commissions on which you have previously served or are currently serving.

Zoning Board of Adjustment

Provide a brief statement as to why you wish to serve on the Board/Committee/Commission you have indicated above. Attach additional sheets/use other side, if needed.

Signature Phil Pope