

TUESDAY, SEPTEMBER 8, 2015 – 7:00 P.M.
REGULAR MEETING OF THE OXFORD BOARD OF COMMISSIONERS
COMMISSIONER’S BOARD ROOM, OXFORD CITY HALL

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

Present were Mayor Jacqueline vdH Sargent, Mayor Pro Tem Howard Herring, Sr., Commissioners Robert B. Williford, Sr., Calvin (C.J.) Harris, Jr., Frank Strickland, S. Quon Bridges, and Patricia Fields. Present also were City Attorney J. Thomas Burnette, Interim City Manager Mike McLaurin, and City Clerk Barbara J. Rote.

Absent: Commissioner James (Danny) Currin

CALL TO ORDER

Mayor Sargent called the meeting to order. MPT Herring and Reverend Chris Aho, Oxford Baptist Church, gave the prayers; the Pledge to the flag followed led by MPT Herring.

AGENDA APPROVAL

MPT HERRING MADE A MOTION TO APPROVE THE AGENDA AS WRITTEN. ALL VOTES WERE IN THE AFFIRMATIVE, **THE MOTION CARRIED.**

SEPTEMBER YARD OF THE MONTH
RUTH AND JAMES DOWNEY, 200 W. COLLEGE STREET

Mayor Sargent presented the September Yard of the Month Certificate along with several other City promotional items to Ruth and James Downey, 200 W. College St. The recipients will be eligible for a grand prize drawing in October.

PROCLAMATION HONORING GUS WASHINGTON

Mayor Sargent presented the following proclamation to Augustus (GUS) Washington for his many years of service to our community as owner of the Village Shoe Shop. Also recognized was his wife Gertrude Washington.

Village Shoe Shop

WHEREAS, Augustus “Gus” Washington was born, April 2, 1929 in Beaufort SC; and

WHEREAS, in 1949 Gus Washington joined the Army, beginning a 20 year military career, during which he saw combat action in Korea and Vietnam and received, among other awards, the Air Medal, the First Oak Leaf Cluster, the Army

Commendation Medal, and the Korean Service medal; and

WHEREAS, upon leaving the Army in 1969, he moved to Oxford NC, the home of his wife Gertrude, and soon became an active citizen, earning seats on the Oxford Planning Board and the United Way Board of Directors, as well as joining Post 166 of the American Legion and later the Granville County Chamber of Commerce's Ambassador Club; and

WHEREAS, in 1974, following his longtime interest in shoes and shoe repair, Gus Washington opened the Village Shoe Shop in downtown Oxford, one of four shoe repair shops in Oxford at that time, each working to refer customers to one another rather than compete against each other, "the way it should be" according to Mr. Washington; and

WHEREAS, over the years Gus Washington developed a loyal clientele that brought not only shoes for him to repair but almost anything imaginable, from saddles to pocketbooks, that required heavy duty stitching, which likely contributed to his being named Small Business Man of the Year in 1990; and

WHEREAS, when asked about his favorite part of the business, Gus Washington replied: "My customers!" They always made me feel like I knew what I was doing"; and

WHEREAS, Gus Washington not only used hard work and creativity to repair customer items but also his military knowledge of machinery to repair the shop machines, such that no one person could learn all these skills to follow in his footsteps and keep the shop open; Now, THEREFORE, I, Jacqueline vdH Sargent, Mayor of the City of Oxford, along with the Oxford Board of Commissioners, do hereby celebrate the 40 years of expertise and service that Village Shoe Shop embodied, and salute and thank Mr. Augustus Washington for his investment in and commitment to our downtown business community for so many years.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Oxford NC, to be affixed this the 8th day of September, 2015.

**PUBLIC HEARING – VOLUNTARY ANNEXATION 1.0 AC. LANDIS RD
OXFORD CHARTER HOLDINGS – OXFORD PREPARATORY SCHOOL**

A Public hearing was held for non-contiguous voluntary annexation of 1.0 acres of land on Landis Rd. owned by Oxford Charter Holdings, LLC. The property owner petitioned the City to receive City services for the additional acre needed to develop Oxford Preparatory School. The property meets all requirements for non-contiguous annexation and all required procedures for voluntary annexation were complete following the public hearing.

Mayor Sargent opened the public hearing.

No one wished to speak.

Mayor Sergent closed the public hearing.

ADOPTED VOLUNTARY NON-CONTIGUOUS ANNEXATION ORDINANCE
OXFORD CHARTER HOLDINGS – OXFORD PREPARATORY SCHOOL

MPT HERRING MADE A MOTION TO ADOPT THE NON-CONTIGUOUS ANNEXATION ORDINANCE FOR 1.0 ACRES OF LAND ON LANDIS ROAD OWNED BY OXFORD CHARTER HOLDINGS, LLC EFFECTIVE SEPTEMBER 8, 2015. ALL VOTES WERE IN THE AFFIRMATIVE. **THE MOTION CARRIED.**

ORDINANCE NO: 15-09-01

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF OXFORD
NORTH CAROLINA**

WHEREAS, the Board of Commissioners has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Board of Commissioners has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in the Commissioners' Board Room, third floor, City Hall, 300 Williamsboro Street, Oxford, NC at 7:00 p.m. on September 08, 2015 after due notice by publication in the Oxford Public Ledger on August 25, 2015 and

WHEREAS, the Board of Commissioners finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the City of Oxford;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the City of Oxford;
- c. The area described is so situated that the City of Oxford will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

WHEREAS, S.L. 2001-37 amends 160A-58.1(b) allowing Oxford to exceed the 10% limitation for satellite annexations; and

WHEREAS, the Board of Commissioners further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Board of Commissioners further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City of Oxford and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Oxford, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the City of Oxford as of September 8, 2015*.

**1.0 Acres, Oxford Preparatory High School
6041 Landis Road, Oxford, North Carolina, 27565**

Being and consisting of that certain 1.00 acre parcel running along and with the South boundary line of that property heretofore conveyed to Oxford Charter Holdings (DB 1473, P 411; Plat book 42, P 11) and being more particularly described as follows:

Commencing at an iron pin set in the Eastern corner of the previously conveyed tract in the Southwestern margin of Landis Road (SR 1523) and preceding thence South 42° 25' 47" East 80.45 feet to an iron pin set; thence with the new line of Hunt South 44° 32' 53" West 539.63 feet to an iron pin set being the Southern corner, thence North 45° 27' 07" West 80.34 feet to an existing iron pin; thence North 44° 32' 53" East 543.87 feet to the point and place of the beginning as shown on that certain Recombination Survey for Oxford Charter Holdings, LLC recorded in Plat Book 43 Page 169, Granville County Registry.

Section 2. Upon and after September 8, 2015*, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Oxford and shall be entitled to the same privileges and benefits as other parts of the City of Oxford. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Oxford shall cause to be recorded in the office of the Register of Deeds of Granville County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections; as required by G.S. 163-288.1.

** Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Oxford.

Adopted this Eighth day of September, 2015

**PUBLIC HEARING – CONVEY 2.46 AC TO TKL LAND DEVELOPMENT
FOR ECONOMIC DEVELOPMENT - 1490 WILLIAMSBORO ST.**

A public hearing was held to consider conveying 2.46 acres of City property by private, negotiated sale located at 1490 Williamsboro St. to TKL Land Development, II (Keith Corp.). Duke University Health Systems has approached the City about constructing a 13,000-15,000 sq. ft. Doctors' Office and Urgent Care facility on the City owned 2.46 acre site at 1490

Williamsboro St. Duke prefers to have a build to suit contractor build and lease the facility to them and they are working with TKC Land Development II, LLC on the project. Having the project owned by TKC Land Development II makes the property taxable. Following the public hearing, the Board can proceed with purchase approval by resolution.

Mayor Sergent opened the public hearing.

Larry Thomas – 207 E Front St. – Strongly supported the purchase of the property and suggested that receipts from the property sale return to the stormwater utility fund for use by other projects. The property was originally purchased using stormwater utility funds.

No one else from the public wished to speak.

Mayor Sergent closed the public hearing.

**RESOLUTION ADOPTED FOR SALE OF 2.46 AC TO TKC LAND DEVELOPMENT
FOR ECONOMIC DEVELOPMENT - 1490 WILLIAMSBORO ST.**

Interim City Manager presented for consideration, adopting the Resolution Authorizing the Sale of Economic Development Property for 2.46 acres of land at 1490 Williamsboro Street by private negotiated sale according to G.S. 158-7.1 to TKC Land Development II, LLC, in the amount of \$140,000 for the purpose of constructing a Doctors' Office/Urgent Care facility by Duke University Health Systems, subject to execution of the Development Agreement if deemed necessary.

State Statute 158-7.1 entitled "Local Development" offers Cities and Counties the ability to designate property for development in order to encourage and create private development that creates tax base and new jobs. A conveyance under G.S. 158-7.1 requires the developer pay market value which is \$140,000. The Statute also allows the governing body to include covenants, conditions and restrictions (performance measures for development, job creation, etc.). City Attorney Burnette is working with TKC Land Development and Duke University Health Systems on a Development Agreement according to G.S. 158-7.1 in order to convey the property for the purpose of economic development. Upon completion of the Development Agreement, the Board will be presented with the final for approval.

COMMISSIONER BRIDGES MADE A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE SALE OF ECONOMIC DEVELOPMENT PROPERTY FOR 2.46 ACRES OF LAND AT 1490 WILLIAMSBORO STREET BY PRIVATE NEGOTIATED SALE ACCORDING TO G.S. 158-7.1 TO TKC LAND DEVELOPMENT II, LLC, IN THE AMOUNT OF \$140,000 FOR THE PURPOSE OF CONSTRUCTING A DOCTORS' OFFICE/URGENT CARE FACILITY BY DUKE UNIVERSITY HEALTH SYSTEMS, SUBJECT TO THE EXECUTION OF THE DEVELOPMENT AGREEMENT IF DEEMED NECESSARY. ALL VOTES WERE IN THE AFFIRMATIVE. **THE MOTION CARRIED.**

City of Oxford

Resolution Authorizing Sale of Real Property for Economic Development

WHEREAS, North Carolina General Statute § 158-7.1 authorizes a City to undertake an economic development project by conveying property to a company in order to cause the company to locate or expand its operations within the City; and

WHEREAS, The City of Oxford is the owner of a parcel of property at 1490 Williamsboro Street (located across Williamsboro Rd. at the traffic light serving as the main entrance to the Revlon Plant) which is a 2.46-acre tract, of

which 1.4 acres is usable; and

WHEREAS, The City of Oxford and Duke University Health Systems, Inc. and TKC Land Development II, LLC have engaged in private negotiations for the conveyance of a 2.46 acre tract, to TKC Land Development II, LLC, in order for TKC Land Development II, LLC to construct a medical office for Duke University Health Systems, Inc. on the tract and have reached tentative agreement on the terms for conveyance; and

WHEREAS, the Board of Commissioners of City of Oxford has held a public hearing to consider whether to approve conveyance of the tract to TKC Land Development II, LLC;

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE CITY OF OXFORD RESOLVES THAT:

1. The Mayor of the City of Oxford is authorized to execute the necessary documents to convey to TKC Land Development II, LLC, the real property more particularly described below:

The Land is that certain 2.46 acre tract of land as shown on the site plan attached hereto, which is a part of PIN 27503. (1490 Williamsboro Street)

2. The conveyance of the property to TKC Land Development II, LLC, will stimulate the local economy, promote business, and result in the creation of a substantial number of jobs in Granville County that pay at or above the median average hourly wage in the county. The median average hourly wage in Granville County, as determined by the North Carolina Employment Security Commission, is \$20.00 per hour. The probable average hourly wage at the facility to be constructed by TKC Land Development II, LLC for Duke University Health Systems, Inc., is \$26.01, which is above the current median hourly wage in the county. This determination of the probable average hourly wage at the facility is based upon materials provided to the county by Duke University Health Systems, Inc. Industries, Inc. [from materials provided by Duke University Health Systems, Inc.].

3. The fair market value of the property, subject to the covenants and conditions associated with the Development Agreement, is \$140,000. This determination of fair market value is based upon an opinion of value of the property by Ross Appraisals a copy of which is on file in the office of the City Manager, City of Oxford, NC.

4. As consideration for the conveyance of the property, TKC Land Development II, LLC, has agreed to pay \$140,000 at closing and to construct on the property a medical office at a cost of at least \$3,000,000, and to construct the facility in a timely manner as further outlined in the Development Agreement. Furthermore, Duke University Health Systems, Inc. agrees to employ 29 persons at opening and employ 36 persons by the year 2020 at said location as outlined in the Development Agreement. A copy of the Development Agreement is attached to this resolution. This facility will generate property tax revenues over the next 15 years.

Adopted this Eighth day of September 2015

ANNEXATION CERTIFICATE OF SUFFICIENCY ACCEPTED
7.41 AC. B&B PROPERTIES - BOYD AUTOMOTIVE

Mayor Sergent presented for consideration the Certificate of Sufficiency for Petition of Voluntary, Contiguous Annexation of 7.41 acres of land along I-85 owned by B&B Properties.

B&B Properties has petitioned the City to annex 7.41 acres of land adjacent to the Boyd auto dealerships along I-85 in order to renovate and expand the dealerships. The annexation

request was required to receive City services for the additional acreage. This is the next step in the process as the City considers annexing the property.

COMMISSIONER WILLIFORD MADE A MOTION TO ACCEPT THE CERTIFICATE OF SUFFICIENCY FOR PETITION OF VOLUNTARY, CONTIGUOUS ANNEXATION OF 7.41 ACRES OF LAND OWNED BY B&B PROPERTIES. ALL VOTES WERE IN THE AFFIRMATIVE. **THE MOTION CARRIED.**

CERTIFICATE OF SUFFICIENCY
I-85 - B&B PROPERTIES (BOYD AUTOMOTIVE)

To the Board of Commissioners of the City of Oxford, North Carolina:

I, Barbara J. Rote, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Oxford, this 8th day of September, 2015.

ANNEXATION PUBLIC HEARING OCTOBER 13, 2015
7.41 AC B&B PROPERTIES - BOYD AUTOMOTIVE

Mayor Sargent presented for consideration calling for an annexation public hearing in conjunction with the October 13, 2015 Regular Session for 7.41 acres of land along I-85 owned by B&B Properties (Boyd Automotive).

Once the Certificate of Sufficiency is received for voluntary, contiguous annexation, the Board can proceed with setting a public hearing for annexation or deny the petition. If the Board proceeds with annexation, then following the public hearing, and at the same meeting, the Board can vote to annex the property.

COMMISSIONER FIELDS MADE A MOTION TO CALL FOR PUBLIC HEARING IN CONJUNCTION WITH THE OCTOBER 13, 2015 REGULAR SESSION FOR 7.41 ACRES OF LAND ALONG I-85 OWNED BY B&B PROPERTIES. ALL VOTES WERE IN THE AFFIRMATIVE. **THE MOTION CARRIED.**

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION
PURSUANT TO G.S. 160A-31
B&B PROPERTIES

WHEREAS, the City of Oxford has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Board of Commissioners has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the City of Oxford, North Carolina that:

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held in the Commissioners' Board Room, 3rd Floor, City Hall, 300 Williamsboro Street at 7:00 P.M. on Tuesday, October 13, 2015.

Section 2. The area proposed for annexation is described as follows:

7.417 +/- Acres

I-85, Oxford, North Carolina, 27565

(B&B Properties, Boyd Automotive)

Beginning at an EIP located on I-85 r/w the following; N49°43'36"E 23.58', N33°08'19"E 73.51', N35°24'59"E 221.85, & N42°00'00"E 182.06', thence leaving said r/w the following; S32°26'51"E 766.00', S59°49'16"W 482.52', N31°22'01"W 581.00' to the point of beginning containing 7.417 acres.

Section 3. Notice of the public hearing shall be published once in the Oxford Public Ledger, a newspaper having general circulation in the City of Oxford, NC, at least ten (10 days prior to the date of the public hearing.

Adopted this 8th day of September, 2015

BUDGET AMENDMENT APPROVED – HPC GRANT MATCH

Interim City Manager McLaurin presented for consideration a budget amendment in the amount of \$1,500 for the Historic Preservation Commission (HPC) grant match and booking the offsetting entries within the Planning & Zoning Departmental Budget.

The original budget for FY 2015-2016 included the grant match funding which was promised for the Historic Preservation Commission's revised guidelines but not their regular operating budget of \$1,500. However, Temporary Wages for this same department (490-Planning & Zoning) were mistakenly double-booked so adequate funds for the regular operating budget are available in that line item. This requested Budget Amendment in the amount \$1,500 is being issued to adjust the previous figures included in the 2015-2016 Budget, so that offsetting expenditure entries can be made to adjust for the inadvertent booking mistake.

MPT HERRING MADE A MOTION TO APPROVE A BUDGET AMENDMENT IN THE AMOUNT OF \$1,500 FOR THE HPC GRANT MATCH AND BOOKING THE OFFSETTING ENTRIES WITHIN THE PLANNING & ZONING DEPARTMENTAL BUDGET. ALL VOTES WERE IN THE AFFIRMATIVE. **THE MOTION CARRIED.**

BUDGET AMENDMENT			
Account Number	Description	Increase	Decrease
010-490-41000-648	Historic Preservation Comm.	\$1,500	
010-490-41000-121	Salaries and Wages		\$1,500

INTERIM CITY MANAGER REPORT
ESTABLISHING A FUND FOR FUTURE RECREATIONAL COMPLEX
FINANCE & RECREATION COMMITTEES MEETING TO BE SCHEDULED

Interim City Manager McLaurin reported that based on the request during the August 30, 2015 Agenda Meeting, he and Finance Director Kehoe reviewed options for establishing a reserve fund for future recreational needs including a recreational complex and/or swimming pool. Interim Manager McLaurin recommended scheduling a joint Finance Committee and Recreation Committee meeting to discuss the fund, possible objectives, appropriating current money from the Fund Balance, and allocating future money. In addition, Finance Director Kehoe was not present for the Board meeting to answer additional questions due to an out-of-town commitment.

Beginning with FY 2007, money was being set aside in the general fund in the amount of \$5,000 annually for the purpose of a recreational complex/pool. However, with staffing changes, the allocation was reabsorbed into the undesignated fund balance. If the allocation had continued through FY 15-16, the total would have been \$45,000.

Commissioners noted that the Recreational Master Plan needs to be updated and locations of facilities need to be considered. For estimating construction and maintenance costs, it was suggested to talk with other communities who recently built pools. Meeting with a representative of Henderson about costs, and pros/cons of having a swimming complex was also suggested.

Commissioner Herring, who initially asked for the item to be placed in the agenda, restated that over his 20-yr tenure on the Board, there has been a lot of discussion for building a new recreational complex including a swimming pool. He would like a fund that was identified specifically for a recreational complex or pool and would like to see the money designated since 2007 placed in the fund. He was also hopeful that the Board could decide to allocate more than \$5,000 annually to the fund, which was the previous amount.

Commissioner Harris made a motion to add to the agenda, an action item to designate a fund that set aside money for recreational capital. No vote was taken.

After further discussion, it was decided to hold a joint Finance and Recreation Committees meeting. Because Finance Committee Chair Currin was not present, Clerk Rote would contact him and Recreation Committee Chair Fields to set up a time.

CONSENT AGENDA APPROVED

MPT HERRING MADE A MOTION TO APPROVE THE CONSENT AGENDA. ALL VOTES WERE IN THE AFFIRMATIVE. **THE MOTION CARRIED.**

Approved tax releases to US Small Business Administration totaling \$123.52 (\$60.48, \$60.48, \$1.28, \$1.28), for exempt property that was billed in error.

Approved tax release to SPOK Inc., in the amount of \$42.26 for taxes filed with the County in error. Taxes will be assessed and filed with NCDOR.

Approved the following 2015 meeting minutes:

* August 3, Agenda Session
* August 20, Special Session

* August 11, Regular Session
* August 24, Recessed Meeting

ADJOURNMENT

WITH THERE BEING NO FURTHER BUSINESS, AT APPROXIMATELY 8:10 P.M., MPT HERRING MADE A MOTION TO ADJOURN. ALL VOTES WERE IN THE AFFIRMATIVE. **THE MOTION CARRIED.**

Barbara J. Rote, City Clerk

ATTEST:

Jacqueline vdH Sergent, Mayor