

**OFFICIAL MINUTES OF THE OXFORD MAYOR AND COUNCIL MEETING
MONDAY, May 2, 2011 – 7:00 P.M.
COMMUNITY CENTER, OXFORD, NEWTON, GEORGIA**

MEMBERS PRESENT: JERRY D. ROSEBERRY, MAYOR; SUE DALE; MAYOR PRO-TEM; COUNCIL MEMBERS TERRY SMITH; HOYT P. OLIVER; GEORGE HOLT; FRANK DAVIS; JIM WINDHAM

OTHERS PRESENT: THARON GIDDENS WITH THE COVINGTON NEWS, C. David Strickland, City Attorney, CLARK MILLER, CITY ADMINISTRATOR, TOM TURNER, DEAN STEVE BOWEN - OXFORD COLLEGE, MARGARET DUGAN, VIRGIL EADY, ERIC OLIVER, CLAUDE & EVA SITTON Anderson Wright.

The May meeting was called to order by the Honorable Jerry D. Roseberry, Mayor, and the invocation given by Council member Hoyt P. Oliver.

Pledge of Allegiance

A motion was made by Windham, seconded by Dale, for the approval of the May 2, 2011 Agenda. The Council vote unanimous.

A motion was made by Oliver, seconded by Smith, for the approval of the Minutes of the April 4, 2011 Mayor and Council Meeting. The council vote unanimous.

A motion was made by Dale, seconded by Windham for the approval of the Minutes of the Special Called Meeting April 18, 2011. The council vote unanimous.

A motion was made by Oliver, seconded by Smith for the approval of the Planning Commission Minutes of March 8, 2011. The council vote unanimous.

Attachment A

MAYORS REPORT

Mayor Roseberry – The city received approval from Secretary of State, Act No. 28, House Bill No. 522, Change the form of government from mayor-council to city manager-council form of government as well as approval for Act No. 29, House Bill No. 523, to provide for a homestead exemption for the City of Oxford ad valorem taxes for municipal purposes in a limited amount of the assessed value of the homestead for residents of the city to provide for a referendum and for other purposes. Both signed by the governor.

Attachment B & C

The Department of Justice has approved the change for the voting precinct from the old community center to the new community center.

Attachment K

He and Clark Miller met with DOT and the county chairman to discuss traffic plans in connection with the new school being opening at HWY 142 and Airport road. He stated there has not been much planning done. It is going to be a serious traffic problem with a two lane road, no de-cell lane, nor a left turn lane, no right turn or left turn lane off Airport road. Highway 81 south will be backed up to Dial Town.

Mayors' report continued:

Mayor Roseberry spoke with superintendent Matthews and Dennis Carpenter, associate superintendent over buildings regarding Palmerstone School. Mr. Matthews indicated they plan to use the old school to provide offices for teachers and possibly fifty plus students. They also plan to use the facility as storage for books.

The work session is scheduled for May 16, 2011 at 6:00 pm to discuss budget.

PLANNING COMMISSION RECOMMENDATIONS/PETITIONS

Hoyt Oliver

Oliver ask council to review the April 12, 2011 Planning Commission Minutes. The next planning commission meeting is scheduled for May 10th

CITIZEN COMMENTS

Attachment L

Eric Oliver:

I have just this afternoon received and read Dean Bowen's summary comments submitted to the council regarding proposed changes to the zoning code. The flavor of his remarks concerns me, in that he states the upgraded code will not only replace but potentially destroy the collaborative relationship between the city and college. I personally find this position negligent of the overall picture of long-term sustainability for our shared community and a misreading of the task we have undertaken with careful guidance and consideration over the last year and a half.

Remember that we chose a consultation group (out of several that applied) that included on of the state's foremost authorities on zoning codes who also happens to be a graduate of Oxford College. The planning commission felt that choosing such a firm would bring to bear much needed expertise plus the personal, on the ground knowledge of someone who has lived in our community and studied at our prided institution of higher learning.

The planning commission seeks to put in place, while development pressures have slackened, a 21st century code that will take into account future internal and external development possibilities and give us the best chance of accommodating them gracefully, preserving the rights of individual land owners while also preserving the rights and viability of the collective community.

It has been incremental change in the absence of careful and comprehensive planning, not sudden and large scale development, which has threatened our ability to remain a high quality of life community. Consider the airport expansion that we fought so heatedly and have largely abandoned since. Consider the expansion of the quarry and adjacent subsidiary industry. Consider the increase of traffic on Hwy. 81 and our surface streets. Consider the alarming increase in absentee landlords and degradation of some neighborhoods. These are indicators that boded ill for our future if trends continue.

Oxford College is a great asset to the city of Oxford and always has been. We fully support its carefully planned operations and possible growth, if desired by the University and the community. Nothing in our planning process has been undertaken to be punitive or to limit the possibilities of Oxford College within the overall scope of the city of Oxford's sustainability.

We have done only one thing - to formalize and upgrade a code that was woefully weak and subject to more arbitrary decisions. We have updated and upgraded all zoning districts in Oxford, creating a more public and predictable process of review and approval. In my opinion, then, there is no reasonable cause why the city/college relationship should be any less collaborative. To suggest it might be if this much better code is passed, having been thoroughly and publicly vetted, leaves several members of the planning commission and council perplexed and disappointed in the college.

By unanimous vote of the planning commission and the relative paucity of suggested amendments from council members in recent weeks, it seems clear that city leaders are largely of one mind and one opinion, developed carefully and with consideration of the whole. In all earnestness, therefore, consider that the proposed code is the natural extension, not the antithesis, to our collaborative work of the last several years with the college. I urge you, therefore, to remain steadfast in the confidence and authority you have entrusted to us as your appointed commission of citizens, residents, future city caretakers, and planning professionals.

Dean Steve Bowen; Concerns

Attachment M

Dean Bowen summary of comments submitted to council regarding draft ordinances changes that include among numeracy upgrades to the zoning code in relation to campus districts. The concern is he, suggest the upgraded code will not only replace but will initially destroy the collaborative relationship between the city and the college. He finds it somewhat negligent of the overall picture of long term relationship of our shared community and on the other hand a misunderstanding of the task we have undertaken with careful guidance and consideration for the last year and half.

The following was submitted from Dean Steve Bowen:

Proposed New Zoning Ordinances for the City of Oxford, Georgia
Summary of Oxford College Concerns
April 28, 2011

This communication is a summary of concerns voiced on behalf of Oxford College and presented to the City Council in written statements dated December 6, 2010 and February 21, 2011 and reiterated in oral presentation before the Council on April 18th, 2011. It is supplemented with additional information and perspectives provided to the college by planning consultants who specialize in town / gown planning. You will find copies of the two earlier statements appended to this communication.

Collaboration between Institutions of Higher Learning and Adjacent Communities in Development Planning

Across the United States, local authorities prefer to collaborate informally with the nation's 3,400 institutions of post-secondary education rather than formalize their relationships in the form of institution-targeted zoning regulations. In most states, including the State of Georgia, public colleges and universities are not subject to local zoning regulation. These public institutions and local authorities often collaborate in planning for institutional development, but they do so at their own initiative. For private institutions, local authorities have preferred minimal regulation focused only on the boundary between the institutional campus and residential areas, and in most cases zoning districts like the *Institutional District* in the City of Oxford's proposed ordinance are employed.

It is Oxford College's preference that it continue to work with the City of Oxford in a collaborative way. This has served us well in the past. Imposing highly structured regulations and procedures on the college / city relationship threatens to replace the spirit of cooperation with one of formalized regulation and compliance. In the community of Oxford, that would be an unfortunate loss.

Use of Institutional Campus Districts and Overlays

In a relatively small number of cases, a special Institutional Campus (or similarly named) district or overlay is established that is distinguished by its requirement for a Campus Development Master Plan. The requirements for the content of the Plan differ from one city to another, but none that we have been able to find are as detailed as the requirements of the Plan proposed for the City of Oxford.

Cities that have employed Institutional Campus Districts or Campus Development Overlays do so to meet specific challenges. Typically, they have several different colleges and universities including some that are very large, and these institutions have adjacent or even overlapping development plans. Boston and the

Citizen Comments Continued:

District of Columbia are two examples. In these cases, the review and approval of development plans helps the city to deal with many concurrent building and development projects and to resolve possible institutional conflicts.

We believe that conditions in Oxford Georgia do not require the complexity added by inclusion of a Campus Institutional zoning district. Our College is a very small one. We will not be undertaking dozens of construction and development projects at one time. There will be no competing development plans among different colleges and universities to reconcile. The preparation, public review, planning commission review, city council review, and final approval of a campus development plan will demand a great deal of time but for reasons discussed many times in the last six months will add little of value to the planning process. It will amount to excessive bureaucratic red tape.

If the City decides to take this approach, the College will of course comply. However, we believe that if the City creates an Institutional Campus district, it should be structured for Oxford as it is elsewhere. There are two ways in which the proposed ordinance for Oxford differs from similar ordinances.

Campus Development Plan Optional

In several cities, institutions have the choice of submitting a Campus Development Plan or of seeking approval of development projects individually. Kalamazoo Michigan, home to Western Michigan University (enrollment 25,000) and Kalamazoo College (enrollment 1,389), is an example. It may be this "flexibility" that is referenced in the proposed City of Oxford zoning ordinance if that text was copied from other zoning ordinances. As we explained in our statement of February 21, 2011, Concern #1, there is no flexibility of any sort provided in the proposed ordinance.

Development Plan Review Obviates Secondary Review

In cities whose zoning ordinances include Institutional Campus type districts, it is normal and customary practice that when the development plan is approved, then renovation and building projects that are part of that development plan are approved as meeting zoning requirements and are not reviewed further by the planning commission. Terminology is that *Development plan review obviates secondary review*. The additional approvals that are required are limited to those required for a building permit. A draft of the proposed City of Oxford zoning ordinance dated January 26, 2011 provided to the College by the Planning Commission included this standard provision. Specifically, the draft stated...

"Section 40-410. IC, Institutional Campus District

Oxford College Concerns April 28, 2011 Page 3

40-410-1 Purpose and Intent

The Institutional Campus (IC) District provides flexibility for large institutional uses, including college campuses, universities, medical facility complexes, and similar campus-oriented institutions, to develop and function as independent campus areas with unique needs and characteristics.

The IC district shall apply to public and private institutional uses on land areas greater than or equal to five (5) acres that are contiguous, or proximate, when bisected by public streets or thoroughfares, and the land area is under the ownership, management, or control of a single legal entity and its ancillary activities. The IC district also applies when the total population of the legal entities employees, students, members, and/or patrons is equal to or great than 500. The Planning Commission may recommend the City Council apply this district in other circumstances as are deemed necessary and appropriate.

The IC district provides flexibility beyond the Institutional District (IN) by allowing the applicant to create their own master plan for future development, rather than submitting individual developments for [site and design plan](#) review under the IN District, [in accordance with Article XI](#)

Citizen Comments Continued:

of this ordinance. The master plan allows flexibility, and provides uniformity and arrangement of buildings and spaces that is not possible when development occurs on a lot-by-lot basis. [The master plan shall be submitted to and reviewed by the Planning Commission, and reviewed and approved by the City Council, in lieu of the site and design plan review requirements in Article XI of this ordinance, provided development within the IC district conforms to the master plan approved by the City Council.](#)”

At some point, this provision was removed from the draft ordinance. If the ordinance were to be implemented without this provision, then every development project will have to be reviewed twice – once as part of the development plan and a second time for approval of the site and design plan. Under these conditions, the requirement for a Campus Development Plan would serve only to waste a great deal of time.

Summary

No entity in Oxford, Georgia has a greater interest than Oxford College in a forward looking, effective zoning program to guide development of the city and protect the interests of the public, especially individual land owners. Oxford College has taken the initiative to collaborate in planning with the City in the past; even covering some of the costs of the City’s planning efforts. We find nearly 99% of the proposed zoning ordinance to be constructive, but the proposal for an Institutional Campus district that is not optional and does not replace site and design plan review is a major departure from normal zoning practice, will be ineffective, highly inefficient, and a substantial barrier to the continued collaboration between the College and the City in the future.

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FINANCE/OVERSIGHT

George Holt, Chairman

Holt stated council needs to begin discussion of changing the millage rates for 2011 and plan for a Special Called Meeting date to set the 2011 Millage Rate. It was suggested it be put on the May 16 work session.

Holt read the first reading for the City of Oxford to REPEAL CHAPTER 4, ARTICLE III, “BUDGET” SECTION 4-301, ‘FISCAL YEAR’ it state the city shall operate on a fiscal year which begins on the first day of January and ends on the last day of December. This is an ordinance to repeal that section.

Attachment D

The second item is the first reading of a resolution stating that the City’s fiscal year shall begin on July 1 and end on June 30 of the ensuing calendar year with the change to become effective July 1, 2011, with the initial fiscal year ending June 30, 2012.

Attachment E

PERSONNEL/PUBLIC SAFETY/PARKS/TREES

Sue Dale, Chairman

A motion was made by Dale, seconded by Windham to approval of the Urban Forestry Grant to be submitted by the Tree Board in the amount of \$3,950 to be matched with the Tree Board budget for September 2012 budget. The council vote unanimous.

Attachment F

A motion was made by Dale, seconded by Oliver for the Personnel Committee to work with GMA to change the retirement plan from a defined benefit to a defined contribution plan. This plan will apply only to employees who are not vested those who are vested will remain in the current plan. The council vote unanimous.

PLANNING/STORM WATER/CEMETERY

Hoyt Oliver, Chairman

Cemetery committee discussed correcting the headstone for Kitty, Kathrin Boyd in the historical Oxford cemetery. There is a plaque which tells the story of Ms. Kitty and Bishop Andrew. Within the Andrew family plot, there is a headstone, which list her as Kitty Shell. Through research with Dr. Auslander they are confident that her husband's name was Nathan Boyd. He had been a slave of a person named Shell. That was a name he never went by neither did Kathrin. Discussing suggest it would be unwise or to change the plaque which tells the story. But would like to add a small secondary plaque nearby that would correct the name on the headstone. It would be well for the headstone to be corrected to give her the proper name as Kathrin Boyd. Since the city put the headstone in, Oliver would like to propose that the city undertake replacing the headstone to be done in October at which time we will be having a presentation of Dr. Aulander's book and the Boyd descendants will be in town and we would like to time it when Lynn Linnimeie's fabric sculpture of the history of Oxford to be installed in city hall.

A motion was made by Oliver, seconded by Windham, to approve for the city to install a corrected head stone for Kathrin Boyd be done at the grave site in October 2011 with the cost of the headstone to be put in the 2012 budget. The council vote unanimous.

Smith suggested the estimated cost according to Oliver of \$1,000 or less be considered and be put in the next year's 2012 budget.

A motion was made by Oliver, seconded by Holt to approve the Occupational Tax Application request from Charles McClain, 112 Longstreet Circle for an Online Gift Store and Catalog sales. The council vote unanimous.

Attachment G

Planning continued:

Oliver, before making a motion to approve the first reading on the new changes to chapter 40 zoning ordinance, Oliver stated council having received the draft minutes of the Planning Commissions, April meeting there are six or eight minor changes he wants to read and include. 1. The planning commission removed the statement that the minimum size for a park is one acre. No minimum size. 2. To be discussed reference to be added to chapter 40 that the planning commission would act as the zoning administrator in the ordinance until amended and until and unless an individual is needed and hired. This is the understanding the planning commission was operating under and felt it need to be put in this ordinance. Oliver checked previous amendment from July of last year, Chapter 3 Administration, Article 6, Officers and Employees. He found Chapter 3, Section 3-609 in our present existing administrated section. "Zoning Administrator" Zoning administrator may be employed by the city. Functions: Administration and interpretations enforcement of zoning, signs, soil erosion, flood damage provision, sub-division, land development and related regulations without the enforcement of the city. Authorizes the zoning administrator to conduct inspections, approve and issue and disapprove land disturbance and development permits and exercise any other administrative and enforcement duties specifically assigned or which are reasonably implied within the duties and the responsibility of the zoning administrator.

In the absence of such appointment of a person or company under contract as zoning administrator, the city clerk shall serve as zoning administrator.

This would mean that it would be within the power of the city council to designate and appoint the planning commission as the zoning administrator. Or the city council can leave it as it is and the city clerk would serve or appoint the City Manager or could hire under contract a zoning administrator. The planning commission decided it couldn't be done that they would write it into chapter 40 that in the absence of an appointed individual the planning commission would server that function. The planning commission could if the city council appointed the planning commission to serve that function. Oliver stated this is the best expertise we have at the moment is the people on the planning commission. He will recommend to the council they appoint the planning commission as the zoning administrator for the time being prior to adoption. 3. The planning commission recommends that Chapter 40, Article 15 temporary signs for sub-division. Add temporary signs for sub-divisions within the city limits may be displayed. No temporary for sub-divisions outside the city limits. 4. Page 136 and 40-1512 some ambiguity about off premises advertising. They want to make sure it includes bill boards. Bill boards is referenced in the definition but wasn't included in this section. They want to make sure there will be no bill boards. The only place in Oxford that applies is the small section near Interstate 20. 5. Section 40, 50 13. The planning commission put in a reference to our ordinance on non-licensed sales, such as yard and garage sales and vehicles. 6. They added an amendment to 47-7-18 the ordinance read you could display vehicles for sale only parked in your driveway. Because this is not what our non-license sales ordinance says, so they removed that requirement which states it can only be in your driveway to include it can be parked on your property not just in the driveway. 7. They are going to add a clearer definition for accessory use. There were not changes recommended to the institutional campus district.

Windham asked if this included all the changes the council recommend and stated he has not seen a copy of it.

Planning continued:

Oliver stated it does include the updated changes with the exceptions of the items which were just read.

Windham stated he just received the comments from Dean Steven Bowen on Friday and he has not had time to review what he had to say and reference it to Chapter 40 and include what Eric Oliver had to say tonight. Windham asked if we could have a Called Meeting before the work session to do the motion on Chapter 40.

Oliver- If we can have a special called meeting in conjunction with work session and make that the first reading and make the second reading at the June meeting.

Roseberry – Zoning laws do not allow called meetings for voting. You have to do zoning at a regular meeting.

Oliver stated he is reluctant in putting this off for another month. Oliver asked City Attorney Strickland if it would be legal, if the council wants to make amendments to this zoning ordinance first reading, and change it in time for the second meeting.

Strickland said if there were just minor typographical errors you might want to consider that. However if there are things of substance he suggest the first reading wasn't the first reading. You will need to reread it.

Mayor Roseberry suggest the council have another work session to discuss this zoning changes and make sure everyone understands and agrees where the city is headed with these changes. It was the consensus of the council with Oliver deferring.

Oliver in addition when in conjunction to with the passage of the amended Chapter 40 we will need to have a motion to repeal the existing sign ordinance.

SIDEWALKS/STREETS/SOLID WASTE

Frank J. Davis, Chairman

Davis – Reported the city can get a marker with a picture for the Mitchell Street Historical Marker for the Rosenwald School property. A 2x3 cast aluminum marker with a post mount would cost approximately \$3,500. J.P. Godfrey is working on the wording for the marker to be brought to the council by the next meeting.

UTILITIES/PUBLIC WORKS

Terry Smith, Chairman

Smith – As representative on the Water & Sewer Authority he has read the Water and Sewer Authority has been notified that the Newton County Board of Commissioners are having a wholesale water rate increase of twenty-two and one half cents per one thousand gallons purchased that if approved by the county to go into effect with fiscal year July 1. Oxford has not received any notice thus far. For Oxford to receive the twenty-two and one half cent increase to our wholesale water it would be about a thirteen percent increase. Historically we have passed that when the city receives a wholesale water rate increase it is passed on to the end user. It is passed on just the amount of the increase. We will not increase any additional prices in the city of Oxford for additional revenue to coincide with that. The last increase by the city of Oxford to add to wholesale cost for additional revenue to help for infrastructure was in 2008. Smith suggests this be brought up for discussion to see if the city wants to add this in the new 2012 budget.

BUILDINGS/GROUNDS/PARKS/TREES

James H. Windham, Chairman

The city has received a reimbursement check for \$1,000 from Garrard for the restoration of the trees, to be applied to the account from which the aeration was drawn on. Attachment H

City has received a request for final payment from Blake Malcom for the website development. Oliver; the contract included training the employees in web management, he suggest we not make final payment until the training has been done. Windham; the request is to approve the final draw, not to issue a check. The check will be issued when Mr. Miller is satisfied with the training. Miller is making arrangements for the training and to go live.

A motion was made by Windham, seconded by Holt to approve the final payment be made once Miller and Willis are satisfied with training of staff.

CITY ADMINISTRATOR

Clark Miller

Miller paid recognition of employee Troy Womack for the completion of the Power-line Workers Distribution Systems Construction Class. Attachment J

Miller announced we have hired two city employees, Mrs. Tereta Johnson and Mrs. Amanda Vincent.

Miller, the fence project along West Clark Street has been completed.

EXECUTIVE SESSION
Personnel Committee

Smith, moved to return to regular session.

A motion was made by Dale, seconded by Windham, to approve a \$500 for Stacey Mullen and Luran Willis. The council vote unanimous.

A motion was made by Dale, seconded by Smith, to appoint Luran Willis as City Clerk effective July 1, 2011 with salary to commence. The council vote unanimous.

A motion was made by Dale, seconded by Holt, to appoint Clark Miller as City Manager effective July 1, 2011 with salary to commence. The council vote unanimous.

INVOICES OVER \$1,000
May

INVOICES

Routine Monthly Bills Paid

VENDOR	DESCRIPTION	AMOUNT
GMEBS Retirement Fund	April	\$7,049.59
GIRMA	Annual Renewal 2011-2012	\$54,562.00
Newton County Commission	Water Purchase March	\$9,316.00
Newton County W & S	Plant O&M March	\$7,728.21
Utility Service Co.	Qtr. Water Tank Mtnc.	\$2,361.15
City of Covington	Sewer Fees	\$7,698.00
United Health Care	Health Ins. For May	\$7,502.94
US Dept. of Energy	Purchase Power March	\$3,093.45

Purchases/Contract Labor

Associated Staffing	Temporary Svc 3/14-4/1	\$4,264.64
Howard Brothers	Hose for leaf vacuum	\$1,075.15
Alexander, Royston	Professional Fees March	\$1,425.50

Approved Contracts

MCCi LSAP	Laserfiche S & R	\$2,538.60
Holder Landscape Mgt	Mtnc. Building Planting	\$14,203.34
NC Water & Sewer	204 Revenue Bonds Inst.	\$4,192.50
Wagner Service Solution	April Janitorial	\$1,473.00
Lakota Contraction	Radar Equipment Police Dept.	\$1,584.00

A motion was made by Oliver, seconded by Holt for the approval of the May 2, 2011 Invoices. The Council vote unanimous.

A motion was made by Windham, seconded by Dale to adjourn. The Council vote unanimous.

Attachments: A - M

Respectfully Submitted;

Lauran S Willis
Deputy City Clerk/Court Clerk