

OXFORD CITY COUNCIL
MINUTES OF MEETING

DATE: June 13, 2017
TIME: 6:30 P.M.
PLACE: Oxford City Hall
PRESENT: Mayor Alton Craft
Mr. Chris Spurlin, Council President
Mr. Steven Waits, Council President Pro Tempore
Mrs. Charlotte Hubbard, Council Member
Mr. Phil Gardner, Council Member
Mr. Mike Henderson, Council Member

The meeting was called to order by Council President Chris Spurlin and Shirley Henson, City Clerk of the City, served as the Clerk of the meeting.

Clint Vaughn of Coldwater Baptist Church gave the invocation.

PLEDGE OF ALLEGIANCE

Mr. Spurlin asked everyone to stand for the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Spurlin stated each member of the Council had previously received a copy of the minutes of the May 23, 2017 meeting. Mr. Henderson made a motion that the minutes be approved as presented. The motion was seconded by Mrs. Hubbard.

Mr. Spurlin called for any comments or questions; there being none, on roll call the votes of the Council were as follows: Mrs. Hubbard “Yea”, Mr. Gardner “Yea”, Mr. Waits “Yea”, Mr. Henderson “Yea” and Mr. Spurlin “Yea”. The motion carried.

OLD BUSINESS

Mr. Spurlin called for any old business; there was none.

NEW BUSINESS

Ordinance No. 2017-13 – Ordinance to permit the sale of secondhand, used or surplus personal property within the City of Oxford under such terms and conditions as herein set forth; to provide definitions for clarity, to provide for the issuance of a permit and a fee therefore and to provide a penalty for the violation of this ordinance.

Mr. Henderson made a motion to suspend the rules for immediate consideration permitting Ordinance No. 2017-13 to be adopted at this meeting. The motion was seconded by Mr. Gardner.

On roll call the votes of the Council were as follows: Mrs. Hubbard “Yea”, Mr. Gardner “Yea”, Mr. Waits “Yea”, Mr. Henderson “Yea” and Mr. Spurlin “Yea”. The motion carried unanimously.

Mrs. Hubbard made a motion to approve Ordinance No. 2017-13. The motion was seconded by Mr. Henderson.

Mr. Spurlin called for comments or questions.

Mr. Waits stated I would like to thank Mayor Craft for addressing some of the concerns that we had especially making it easy on the citizens to get these and he has put in a process with 311 to be able to get these over the phone. Also, the Council clarifying that there will be no charge for these permits. I appreciate you and you all working on this.

Mr. Spurlin stated again just to clarify, this ordinance is not to come in and say that you as a personal property owner do not have a right to have a yard sale. We are being very lenient, six times a year and four days each time. Twenty four days a year you can have a yard sale on personal property. What we are trying to do is protect the residents from businesses being able to come in and run a business out of a residential neighborhood. That is the purpose in this is to protect our residents. We have had complaints that there are businesses being run next door to them. A business is a business. If we don't regulate this business it is the same way if you open a garage or a manufacturing shop or anything else. We are just trying to protect our residents, is the reason for this ordinance.

On roll call the votes of the Council were as follows: Mrs. Hubbard “Yea”, Mr. Gardner “Yea”, Mr. Waits “Yea”, Mr. Henderson “Yea” and Mr. Spurlin “Yea”. The motion carried unanimously.

Public Hearing – for the purchase of the Sears Building and adjacent property.

Mr. Spurlin declared the public hearing open and asked if there was anyone here to speak for or against the purchase of the Sears Building.

Terry Parker stated normally I would be opposed to the City purchasing commercial property but I understand that this is probably to help the mall therefore I applaud the Mayor and Council for purchasing this property.

Mr. Spurlin stated at this time I am going to ask Mr. Doug Neal with the Daniel Group, we have hired him to help us to develop this property if we do purchase it. Mr. Neal will come share some information with us.

Mr. Spurlin stated thank you Mr. Neal. I appreciate your work, helping us with this and coming to this conclusion and the vision you shared with us.

Mr. Henderson stated just in case people don't know the Sears Building is not part of the mall. It is attached to the mall but it is not owned by the same people who own the mall. I just wanted to clarify that. We are not buying the mall just the Sears Building.

Mr. Spurlin stated if there any no other comments I will declared the public hearing closed.

Resolution No. 2017-71 – Resolution authorizing the Mayor to enter into a contractual agreement to purchase the Sears Building and adjacent property.

Mr. Waits made a motion to approve Resolution No. 2017-71. The motion was seconded by Mr. Gardner.

Mr. Spurlin called for comments or questions. On roll call the votes of the Council were as follows: Mrs. Hubbard “Yea”, Mr. Gardner “Yea”, Mr. Waits “Yea”, Mr. Henderson “Yea” and Mr. Spurlin “Yea”. The motion carried unanimously.

Resolution No. 2017-72 – Resolution authorizing the Mayor to enter into a Non-Invasive Access Agreement and Phase II Access License.

Mr. Spurlin stated that this applies to the contract that we just approved.

Mr. Waits made a motion to approve Resolution No. 2017-72. The motion was seconded by Mr. Gardner.

Mr. Spurlin called for comments or questions. On roll call the votes of the Council were as follows: Mrs. Hubbard “Yea”, Mr. Gardner “Yea”, Mr. Waits “Yea”, Mr. Henderson “Yea” and Mr. Spurlin “Yea”. The motion carried unanimously.

Resolution No. 2017-73 – Resolution re-appointing Pat Wayne Shaddix to the School Board for a five year term expiring May 31, 2022.

Mr. Gardner made a motion to approve Resolution No. 2017-73. The motion was seconded by Mr. Waits.

Mr. Spurlin called for comments or questions. On roll call the votes of the Council were as follows: Mrs. Hubbard “Yea”, Mr. Gardner “Yea”, Mr. Waits “Yea”, Mr. Henderson “Yea” and Mr. Spurlin “Yea”. The motion carried unanimously.

Resolution No. 2017-74 – Resolution for a change order for the Friendship Fire Station.

Mr. Spurlin stated this is in the amount of \$7,139.20.

Mr. Henderson made a motion to approve Resolution No. 2017-74. The motion was seconded by Mrs. Hubbard.

Mr. Spurlin stated the fire station should be completed in about a month. We are about a month off and then we will have a twenty four hours a day, seven days a week manned fire station in the Friendship area. I look at our Fire Department and what they have achieved. Chief Gary Sparks’ vision for his department and is doing an excellent job. We are looking forward to getting it open.

Mr. Spurlin called for comments or questions. On roll call the votes of the Council were as follows: Mrs. Hubbard “Yea”, Mr. Gardner “Yea”, Mr. Waits “Yea”, Mr. Henderson “Yea” and Mr. Spurlin “Yea”. The motion carried unanimously.

Resolution No. 2017-75 – Resolution authorizing the Mayor to enter into a contractual agreement to purchase fencing for all current ball fields at Choccolocco Park.

Mr. Gardner made a motion to approve Resolution No. 2017-75. The motion was seconded by Mr. Henderson.

Mr. Spurlin called for comments or questions. On roll call the votes of the Council were as follows: Mrs. Hubbard “Yea”, Mr. Gardner “Yea”, Mr. Waits “Yea”, Mr. Henderson “Yea” and Mr. Spurlin “Yea”. The motion carried unanimously.

Mr. Spurlin stated the next item is not on the agenda. I would like to recognize Mr. Henderson for Resolution No. 2017-76.

Resolution No. 2017-76 – Resolution referencing Ordinance No. 2017-13 in setting a permit fee in the amount of \$0.00 for yard sales.

Mr. Henderson made a motion to approve Resolution No. 2017-76. The motion was seconded by Mrs. Hubbard.

Mr. Spurlin called for comments or questions. On roll call the votes of the Council were as follows: Mrs. Hubbard “Yea”, Mr. Gardner “Yea”, Mr. Waits “Yea”, Mr. Henderson “Yea” and Mr. Spurlin “Yea”. The motion carried unanimously.

Mr. Spurlin stated the next item is also not on the agenda. I would like to recognize Mrs. Hubbard for Resolution No. 2017-77.

Resolution No. 2017-77 – Resolution authorizing the Mayor to enter into a contractual agreement with Goodwyn, Mills and Cawood, Inc. to perform an environmental assessment on the Sears Building.

Mrs. Hubbard made a motion to approve Resolution No. 2017-77. The motion was seconded by Mr. Gardner.

Mr. Spurlin called for comments or questions. On roll call the votes of the Council were as follows: Mrs. Hubbard “Yea”, Mr. Gardner “Yea”, Mr. Waits “Yea”, Mr. Henderson “Yea” and Mr. Spurlin “Yea”. The motion carried unanimously.

COUNCIL REPORTS/COMMENTS

Mr. Spurlin called for Council Comments.

Mr. Henderson stated I would like to offer our condolences to our colleague Mr. Gardner on the loss of his son-in-law recently and express our condolences and sympathies to the family.

Mr. Spurlin stated Mr. Henderson is referencing Rusty Riley, who was our Choccolocco Park director that passed away last week. We will definitely be remembering that family in our prayers.

MAYOR'S COMMENTS

Mr. Spurlin asked Mayor Craft if he had any comments. Mayor Craft stated he has no comments.

Visitors

Mr. Spurlin called for any comments or questions from anyone present.

Doyle Dewberry of 151 Charlie Turner Drive asked about obtaining a permit if your place is not suitable for having a yard sale and you go to a friend's house.

Mr. Spurlin stated the permit is issued to the address. So, if you are going to a friend's house as long as they don't have more than six a year that is perfectly fine.

Mr. Dewberry stated I don't have any but I like going to yard sales. I enjoy it and there are a lot of people who set them up.

Mr. Spurlin stated if it is not on private property they shouldn't be setting up. If it is on the state right-of-way there is already an ordinance in place that they shouldn't be on state right-of-way. Mr. Dewberry all we are trying to do is to keep people from running businesses in a residential neighborhood. You say you enjoy going to yard sales, we don't have a bit of a problem with people having a yard sale.

Mr. Dewberry stated what you are doing is cutting back on people having yard sales. Mr. Spurlin stated Mr. Dewberry I don't know very many people that are actually going to clean out a closet or get rid of stuff that are going to do it more than twenty four days a year.

Mr. Dewberry asked if we go and set up do we have to be behind the power lines. Mr. Spurlin stated they have to get off the state right-of-way.

Mr. Dewberry stated there are some that do things like that but you can still go to them. Is that going to be cut out to? Mr. Spurlin stated if there is not a permit issued to that private property.

Mr. Dewberry asked can they get a permit themselves. Mr. Spurlin stated it would have to be the property owner. Mr. Dewberry stated I am just using this as a figure but you cut out 60 to 75 percent of people who set up in the back of their vehicle. Mr. Spurlin stated Mr. Dewberry what we are cutting out is people running a business in a residential neighborhood. That is what we are cutting out. If you are going to run a business and sell every weekend we would love for you to open up a business in Oxford and get a business license. If you are going to run a business in a residential neighborhood we don't want that.

Mr. Dewberry stated I understand that. There are some that probably set up once a month. Mr. Spurlin stated after 30 days they can get another permit. That is 6 times a year. So, if they do it every other month they qualify. That is 6 times a year. That is 24 days a year. So they are good and all they need to do is get a permit. Mr. Spurlin stated we may have to agree to disagree. We are not trying to limit them from being able to have a yard sale on their personal property. We are trying to stop people from running a business in a residential neighborhood. Mr. Spurlin stated that is regardless of this ordinance. It doesn't matter if this ordinance was passed or not.

This was already a state ordinance that should have been enforced and the state is about to start enforcing it.

Mr. Dewberry stated I understand that. You are taking away what several people enjoy to do including myself. I go to them every Saturday and will go on Thursday if they have one.

Mr. Spurlin stated Mr. Dewberry we are not stopping someone from having a true yard sale but like Chief Partridge said if you have a yard sale every Saturday that is not a yard sale that is a business. You are doing it to generate revenue and that is a business in a residential neighborhood. That is what we are trying to stop. If you are the neighbor next door and every Friday and Saturday you get up and there is 20 cars lined up on both sides of the road, you don't have anywhere to park or you can't even get to your own house you are going to be upset. Mr. Dewberry you can't run a business in a residential neighborhood. Thank you Mr. Dewberry, I appreciate you being here.

Mr. James Posey stated they said we could set up next to Fred's because it is commercial property without a permit.

Mr. Mike Taylor of Austin Road stated thank you for passing the yard sale ordinance.

Brandi Little of 219 Puttenum Way stated that the no parking signs have been placed but the people are parking further up from the signs. Now I have my homeowner's association calling me a racist for complaining against my neighbor. I do appreciate you having put the signs up. Thank you.

Mr. Spurlin stated thank you Mrs. Little for expressing your concern. I am sure Chief Partridge can check into that to see if they just moved up the way. He can recommend to us if we need to take any further action. If we need to add additional signs or what we need to do. I will get with Chief Partridge afterwards and see what we can do.

Mrs. Sue Stillwell of 4334 U.S. Highway 78 West stated if they can have a yard sale at Fred's and not get a permit then why do I as a home owner have to get one. What if it rains and then I have used one of my six. I can't control the weather and you are going to allow them to have one at Fred's.

Mr. Spurlin stated that the City has nothing to do with them having it at Fred's. That property is already commercial property and the owner of that property has authorized them to do it. He can stop it at any time. The City is not permitting them to do it. It is the owner of that property permitting them to do it. Mrs. Stillwell I understand your concern. This is the big issue that we discussed. Those people who are legitimately wanting to do a yard sale it is a tough decision. We do not want to have to regulate you from having a yard sale.

Mrs. Stillwell stated all you had to do was to enforce it to start with and never brought this up. You have the law to make them get off the property. Then we wouldn't have had any of this. That is what should have been done to start with was have the police run them off the right-of-way. Mr. Spurlin stated we can't control the past but we can control the future.

Mrs. Stillwell stated you can control the future but you are limiting me but letting others do as they please. Mr. Spurlin stated every 30 days, 6 times a year, 24 days a year. I think that is plenty of ample time for a yard sale.

Mrs. Stillwell stated I totally disagree.

Mr. Spurlin stated not in R-1. That is already there, R-1 (Residential) you cannot operate a business in a residential area. That is what happened. Mrs. Stillwell had a good point. Maybe if it had been enforced in the past maybe we wouldn't be where we are today. We can't go back and change the past but we can change the future. So that is why we are doing that.

Mrs. Stillwell stated when I came about 4 weeks ago when all of this started I said something about grass. I was told that they didn't care if I cut my grass or not on the state right-of-way. My grass has not been cut and we are not cutting it no more not when we are going to be talk to like dogs. We will not be talked to that way by the City. If it was someone else you would probably fine them but it is way up on the right-of-way. They are stopping at so many houses up above us and not finishing down to the creek like they normally do. I feel retaliation here and I don't appreciate it.

Mr. Spurlin stated 4334 U.S. Highway 78 West. Mrs. Stillwell stated you give them this big citation and I sat there and about choked up. Before who was in charge before he retired they regularly came through and picked up the garbage. He saw that those crews picked up the garbage and then they cut the grass. Now if it is picked up fine but if it isn't fine. Garbage goes everywhere. There is a way to do things. You picked up the garbage and then you cut the grass. Now it is just slung everywhere.

Mr. Spurlin stated Mrs. Stillwell can I ask you to do me a favor. Mrs. Stillwell stated sit down and shut up. Mr. Spurlin stated no ma'am, not at all. I understand you are passionate about this. This has been a struggle with all of us. I can tell you are passionate about it and that is okay. We believe in what we believe in. This has been a struggle for all of us. We don't want to infringe on the rights of the individual citizens but we do want to protect those citizens. Unfortunately, those two overlap but in order to protect the neighbors next door to us we have to regulate everybody in the neighborhood. There are some who don't have the same passion that some of you do of going to a yard sale every Saturday. There are some who complain about getting up and their roadway being blocked every Saturday. So, we have to try to find a medium between the two. It was a struggle for us. We don't want to come in and put regulations on individuals. We own private property just like you do but we do want to hear the voice of the people that are concerned about businesses being run out of their neighborhood. That's what we are trying to regulate. The favor I wanted to ask you, we have a new system called 311. Mrs. Stillwell stated I have called it and they haven't come out yet. Mr. Spurlin stated let me tell you if they don't each one of us get a report every 3 weeks and if the case is not taken care of and closed out it is highlighted and brought to our attention. We can go and see what the problem is. So I ask if you would call one more time and express your concerns and the problems. Mrs. Stillwell stated I don't understand. Used to every two weeks it was cut. I don't know if it is who took over after the man retired. I don't know what the deal is. We were cutting it anyway and it didn't matter to me if they were cutting it but they came regularly through there. Now it doesn't but this around here gets cut every week. We have been keeping up with it. Up here in the City of Oxford it is cut every week. Mr. Spurlin stated so you called about two weeks ago. Mrs. Stillwell stated I am so upset about all of this. I don't have a lot of yard sales but I do have some

elderly people who come to mine and they just sit down and talk. They don't buy anything and half of them I give them stuff. There are two sides to and some don't see the other side. You can do what you want.

Mr. Spurlin stated we had to try to reach a medium with everybody. Mrs. Stillwell stated I want my right-of-way cut by the City. If you are going to cut everyone else's in the City I want mine cut. Mr. Spurlin stated I will get with the Mayor and check on this call with 311. Mrs. Stillwell stated I can't get a ruler out there to measure it, it is so high. Mr. Spurlin stated thank you Mrs. Stillwell.

Mr. Dewberry stated what happens if you get a permit for a yard sale but it rains for 2 or 3 days and you can't have the yard sale or what would happen if you cancel it beforehand. Mr. Spurlin stated we can check into that. If they cancel it before the dates of the yard sale we can rescind the permit. We can check into and if they need to rescind the permit we will see if we can do that. The ordinance has passed. Mr. Dewberry stated do what you want to. Mr. Spurlin stated we have to try to please both sides we can't just go one side or the other. We have to try to reach in the middle. Thank you.

Terry Tice of 60 Main Street in Eastaboga stated I got into yard sales and I am set up where I can go to trade days. I want to know what I can do so that I can set up like a yard sale or a merchant of used merchandise.

Mr. Spurlin stated not for a portable establishment. If you want to check into buying a business or buying a building and get a business license to operate that. You could do that but as far as portable no sir. The only property that is commercial that you could do that as Chief Partridge said was at Fred's. Other than that inside the City limits of Oxford in a residential neighborhood no.

Mr. Tice stated have you considered having a trade day around here. Mr. Spurlin stated I am not sure. Mr. Tice stated I was wondering if they would save me from travelling. Mr. Spurlin stated I am not sure. The City has not.

There being no further business to come before the Council, Mr. Henderson made a motion to adjourn. The motion was seconded by Mr. Waits.

Shirley Henson, City Clerk

Chris Spurlin, Council President