

OXFORD CITY COUNCIL
MINUTES OF MEETING

DATE: May 27, 2014
TIME: 6:30 P.M.
PLACE: Oxford City Hall
PRESENT: Mayor Leon Smith
Mr. Steven Waits, Council President
Mr. Mike Henderson, Council President Pro Tempore
Mrs. Charlotte Hubbard, Council Member
Mr. Chris Spurlin, Council Member

ABSENT: Mr. Phil Gardner, Council Member

The meeting was called to order by Council President Steven Waits and in the absence of Shirley Henson, City Clerk of the City, Kristi Durham served as the Clerk of the meeting.

Reverend Matthew Coby of Antioch Baptist Church of Oxford gave the invocation. Mr. Spurlin asked Reverend Coby to remember in prayer Mary Elise Bussey, a 7 month old preemie baby from Lakeview Baptist Church who had a heart attack just a little while ago.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

Mr. Waits stated each member of the Council had previously received a copy of the minutes of the May 13, 2014 regular meeting. Mr. Henderson made a motion that the minutes be approved as presented. The motion was seconded by Mrs. Hubbard.

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

Mr. Waits stated Council member Gardner is absent due to a doctor's appointment.

OLD BUSINESS

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

NEW BUSINESS

Ordinance No. 2014-07 – Ordinance annexing the property of Joey D. Moore, II of 67 Murphree Lake Road, Calhoun County, containing 0.44 acres, more or less, to be zoned R-1 (Residential).

Mr. Henderson made a motion to suspend the rules for immediate consideration permitting Ordinance No. 2014-07 to be adopted at this meeting. The motion was seconded by Mrs. Hubbard.

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

Mr. Waits called for a motion. There was no motion. The Ordinance failed.

Resolution No. 2014-32 – Resolution declaring certain property as surplus property for the Oxford Fire Department.

Mr. Spurlin made a motion to approve Resolution No. 2014-32. The motion was seconded by Mrs. Hubbard.

Mr. Waits recognized Fire Chief Gary Sparks for comments. Chief Sparks stated last month the Council gave him the opportunity to surplus property that was given to fire stations in Munford and East Providence. With this resolution we will be able to help four more stations with equipment that they need. Those stations are Eastaboga, Quad Cities, Ohatchee and Leesburg.

Mr. Waits stated thank you Chief and we appreciate your work in making this happen.

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

Resolution No. 2014-33 – Authorizing the Mayor to sign all documents necessary to apply for a grant through the Alabama Department of Economic and Community Affairs' Recreational Trails Program.

Mr. Henderson made a motion to approve Resolution No. 2014-33. The motion was seconded by Mrs. Hubbard.

Mr. Waits stated Aaron Sexton has done a great job with several of our grants and asked Mr. Sexton to briefly share what this grant is for.

Mr. Sexton stated this is a grant through the Recreational Trails Program and it is a \$100,000.00 grant. It is also an 80/20 match meaning the State pays 80 percent and the City pays 20 percent. This grant is for trails at the Sports Complex.

Mr. Waits thanked Mr. Sexton for the great job he is doing.

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

COUNCIL REPORTS/COMMENTS

Mr. Henderson stated he would like to congratulate all of our recent high school graduates. I would also like to thank the Mayor and the Street Department. They got out on Friday and put out the American Flags at the intersections. Some may have recognized that the flags were there. They are in honor of those who gave the ultimate sacrifice in the wars that we have been involved in. I appreciate the Street Department and the Mayor for the efforts in getting those put up. Maybe we can do that on other holidays as well.

Mrs. Hubbard stated next Monday is the day we will know the decision about the Main Street Initiative that we applied for Oxford. We had the application in and we have done the oral presentation so June 2nd, which is next Monday we will have an announcement. I will announce it at the next Council meeting and we can post it on the City's website. They are accepting three cities and we are hoping to be one of those three.

Mrs. Hubbard stated last week was National Emergency Medical Services Week and the Mayor did a proclamation that was presented it to the Oxford EMS for the work that they do in our City which is invaluable. You as much as I do appreciate seeing them and knowing that they are there for us whenever we need them. We wanted to make sure that they understood we appreciate them and the work that they do so we recognized them.

Mr. Waits stated we were excited to hear from architect Cal Munroe about the Fire Stations going up but one thing in particular the League of Our Own field. Some of you know it better as a Miracle Field. It is a small baseball field built specifically for handicap children. It will be bid out next Thursday and we are excited to get this going and moving forward for our handicap children.

MAYOR'S COMMENTS

Mayor Smith stated he has no comments at this time.

Mr. Waits stated at this time I would like to recognize our City Engineer Rusty Gann. Mr. Waits asked Mr. Gann to give an update on where we are on some potential traffic issues at the new Fedex facility site in Eastaboga.

Mr. Gann stated at the request of some concerned citizens the City hired an engineering firm to do a traffic study. The plan at this time is to widen Fish Hatchery Lane and cut down a portion of the hill to help with the line of sight. There are two turn lanes planned. One for the westbound side of Highway 78 to turn onto Fish Hatchery Lane and a center turn lane for those going eastbound on Highway 78. There will also be a separate employee entrance. Currently Fish Hatchery Lane is 20 feet wide and will be widened to 24 feet.

Mr. Waits thanked Mr. Gann for sharing the update.

Visitors

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

Drew Burk of 282 Fish Hatchery Lane stated that his residence is the closest to the Fedex facility and the lights from it light up his front yard like an airport. I would like to know if there is

something that can be done like asking them to plant a fast growing evergreen that would help cut out the light pollution.

Mr. Waits thanked Mr. Burk and said that he has written some of this down. Rusty, you and I can talk about this after the meeting. Mr. Burk if you don't mind would you give your contact information to Mr. Gann.

Jo Burns of 561 Fish Hatchery Lane stated there is a traffic back up and you have school buses running twice a day along with the traffic from Honda, Bridgewater, Kronospan and the Anniston Army Depot. I fail to see how just widening will help. Heath Ray has been our representative and his baby is being transported to Children's Hospital. Most of us are so concerned that we have left instructions in our wills for our kids to follow as what to do. One life lost is one too many. It may cost more to put the entrance on Highway 78 but it would be better than where it is.

Coleman Sheets of 669 Fish Hatchery Road stated he would like to know why we are spending money on trying to do something when nothing has been done. You can go and see the tire marks on what they have been doing. I would like to know why something wasn't done without hesitation in a year's time.

Mr. Waits stated we have been doing something for quite a while. It has been a process. There are several studies that have been done and to ask why we are doing a study to be honest Mr. Sheets we have to rely on the experts. We are asking them to tell us what we need to do to make it safe. I am not going to guess on it. I am not going to take a best guess and I don't think anyone on this Council and I don't think the Mayor is going to guess on what the right answer is. We are going to get somebody to tell us what to do that is an expert in traffic safety and this company that we have been working with are experts and they have engineering degrees. I am not going to point any fingers or do anything like that. I am just going to tell you that when we became aware of the issue we started acting on the issue. That is about as far as I can go into it with you. We are trying to do what we think is the right thing and it is costing some money for us to find out what that right thing is but it is important enough for us to spend that money.

Mr. Sheets asked when they might see some work beginning. Mr. Waits stated I don't want to throw a date out there and we not meet that date. I will tell you tomorrow morning there is a call between all parties involved. Some decisions will be made as far as the next steps. We as a City are prepared to be as aggressive as we need to be to do the right thing to make it as safe of an intersection as we can. You have our commitment on that. This is not something that we have been dealing with for just a couple of weeks it has been a process. There have been people out there doing plans. We had surveys and some other things that had to be done before these figures could be presented to us that we were presented this morning. Again, we will expedite what needs to be done. We are not going to do anything by guess work. It is going to be done with an engineer telling us the safe way to do things.

Mr. Henderson stated I wanted to reiterate Mr. Sheets what you were asking about. I have been talking to Heath Ray a lot lately about this trying to see if we can get something done. I didn't find out about it just a few months ago. Since that time the Mayor and the Council has all agreed that this is certainly an issue that we need to address and we have been addressing it. I am not trying to make an excuse here but any time you start dealing with something like this you get into bureaucracy. With the State of Alabama we can't just go and do something on a State

highway. You can't just go and start digging up dirt because the State has to approve all of that. Once you start dealing with the Alabama Department of Transportation (ALDOT) you run into a lot of red tape and a lot of bureaucracy. You are at their mercy. A lot this has to do with ALDOT because part of that is their right of way and we have had to deal with them and that takes time.

Mr. Sheets asked if the business will be open before the road work is completed. Mr. Henderson stated the business will be open before the road is done unfortunately. The State could have done something up front that could have prevented this and once the Council found out about this we started taking action. We weren't a part of that situation upfront but we have done everything we possibly can. I assure you once we realized that we had created this safety hazard. Like Mr. Waits said I am not an engineer, he is not an engineer none of us up here are engineers. That is why we had Mr. Gann here to give you a brief explanation of what is going on. He is an engineer and he has a lot of experience and a lot of knowledge. Mr. Burk you asked about Highway 78. I think if you will speak with Mr. Gann afterwards he can tell you why there cannot be an entrance on Highway 78. We have spoken with Shannon Jones with ALDOT and he is not recommending an entrance on Highway 78. There are reasons for that. It should have never have been put on Fish Hatchery Lane to begin with, I agree. That was a decision made by another entity. Yes, there were some mistakes made up front and I agree with that but what we are trying to do is find the best, safest solution from the point we found out what happened to this point forward. That is why we are relying on people who do traffic studies, traffic engineers, the State of Alabama. We are working with ALDOT and they are recommending this too. It is not just us. I understand all of your concerns on how it backs up. I want you to know that as a body we are trying to do everything we can. Are we totally going to solve this problem, no. You are still going to have some situations that could lead to accidents but we are going to do the best we can to make it as safe as we can. We realize there may be some liability because of what happened upfront so we want to try and help. We are spending money to try to help. Money is not the issue. You are right human life is a lot more important than money but I want you to be aware and I don't want to repeat myself or what Mr. Waits said. We have been working on this and we have spent the time but it is not something easy that you can go and get you a bulldozer and start digging a ditch. It doesn't work that way. I know you are frustrated and I understand that. If you will be patient with us hopefully we will have an answer to this and hopefully we will have something done as soon as possible in order to make this as safe as possible.

Ron Suggs of 1717 Fish Hatchery Road stated he wanted to clarify something in order to be able to understand. I called three Council members and was told that no permission would be given for the entrance to come out on a City street unless the Council approved it.

Mr. Waits stated it wasn't me that you spoke with. My wife spoke with Mr. Gardner and Mr. Waits. Mr. Waits stated I didn't share that the City Council had to do that. Mr. Suggs stated City. Mr. Waits stated that is what kind of threw us off. Again, going back there were some mistakes that were possibly made, I am not sure. The only thing that we can do is fix what is going forward. When we got involved that is when we started working to fix the problem. At the time I believe you are talking about when she spoke to me Mr. Henderson had already brought this up and we had already started the process to solve the issue. I don't know when that was.

Mr. Suggs asked how did they get permission then. Mr. Henderson stated the Planning Board gave them permission. Mr. Waits stated it has been rectified or solved so that it doesn't happen

again. All we can do is try to fix the problem at this point. Mayor Smith stated we will come up with something better.

Larry Moore of 1678 Fish Hatchery Road stated that when the first scraper went across the land I started calling politicians. I was told oh we are going to get right on it. To get across Highway 78 it is totally blind. If one of my children gets hurt I am going to be looking for an explanation. They could have put an entrance behind or near the railroad tracks. I hope you don't let us down. You have the power to do things.

Mrs. Hubbard stated one of the things Mr. Moore I think you are talking about is the blind spot. I have ridden out there and I think Mr. Gann addressed that. One of the things that will happen when they widen Fish Hatchery Lane is that will be leveled so that you will have a clear line of sight down to Highway 78. So it will not be like a blind spot but I know what you are talking about.

Norma Daniel of 1040 Fish Hatchery Road stated that is a deep drop and I don't understand how you can make it level. It is a blind spot. Here is the railroad and then you come out and there is a drop off. I have lived out there most of my life. How are you going to make that level?

Mr. Waits stated I don't know that it is going to be perfectly level. I know that the proposal that was given to us this morning that was recommended by the engineering firm is to grade that hill down. How much, I don't know exactly. I haven't seen the plans and I don't know exactly what those are. Again, what is being prepared is to make the road safe. That is the message that we can give you tonight. That is really all I can give you Mrs. Daniel.

Mrs. Daniel stated I appreciate Fedex coming but ever since the first truck came we can't get out of Fish Hatchery Lane.

Mr. Waits stated I know you are upset. We were extremely upset as a Council. All we can really do at this point, the point where we were notified of the issue is to try and take care of the issue the best way that we know how. That is why we have hired an engineering firm with outstanding safety credentials to tell us what we need to do to make it safe and that is what we are doing. That is all I can really tell you at this point. We are going to expedite it and do it as fast as we can and as early as tomorrow morning there is going to be a conference call to discuss that plan and get a resolution to go forth.

Mrs. Daniel stated I don't understand how they will come in and out and how it will be safe. I can't get in and out now to go to work, shopping or to the doctor. They want us to go to Mudd Street to come out.

Mr. Waits stated we will know more tomorrow morning about a time frame and some other things that we might be able to share. At this point you know what we know and you know what our next steps are and all I can do is tell you that we are committed to making it safe.

Mr. Burk asked if the residents will know the results from the meeting tomorrow. Mr. Waits stated our next Council meeting isn't for another two weeks. Depending on that talk we might could do some kind of communication out to you via a letter. That might be the best way we might could communicate that. Otherwise it will be two weeks. We will look at doing that but again it might take some time to find out when so there may not be a communication that we can

solidify in two weeks because it may take action that requires the vote of the Council. I don't want to make a promise by ourselves. We will give you an update letter. We will not only do it for Fish Hatchery Lane but we will do it for Fish Hatchery Road. Let's see today is Tuesday and the call is tomorrow I think it would be safer to do it at the middle to end of the next week. That will give us more time to check on some time frames. Just understand that this letter will be informative only and will probably not have a conclusion to it.

Rick Hale of 687 Fish Hatchery Road stated we are all fighting for a chance to get out in the road. My question is have you considered a red light.

Mr. Gann stated it was taken into consideration but according to the numbers that Fedex provided for the traffic study the intersection did not warrant a red light.

Mr. Hale asked if then they would consider a red light at the intersection of Mudd Street and Highway 78. Mr. Gann stated that is ALDOT's call. We can't install a red light on a State highway without their permission. Do not quote me on this but I believe Calhoun County may be working to signalize the intersection.

Mr. Hale stated that a red light was installed on Friendship Road and he didn't understand why one couldn't be placed there. Mr. Gann stated again that is a call for ALDOT.

Judy Hanvey of 449 Fish Hatchery Lane stated she call Mr. Gardner when the dirt began to move on the property. I knew something was going to happen. I ask that you pray for Heath Ray and for his son. We are simply here backing him up.

Mr. Waits stated as soon as we found out the process started. Mrs. Hanvey stated that was a long time ago. Mr. Waits stated it was but there were several things that have had to happen to get us to this point.

Sandra Tolbert of 816 Fish Hatchery Road stated her dad drove a truck and adding two feet to the road is useless. The bad thing is part of Fish Hatchery Lane is in the City but the rest of Fish Hatchery Lane and Fish Hatchery Road are County. The County has said that they can't tell the trucks they can't use Fish Hatchery Road because they pay taxes. There is no room for school buses and there will be a school bus accident. You are wasting your time and throwing money away because the road is not wide enough for the trucks and school buses plus there is a ditch there.

Mr. Henderson asked Mrs. Tolbert if she was referring to the tractor trailer trucks and she stated yes. Mr. Henderson stated we have been told that the tractor trailer trucks will only make deliveries at night. Once the facility opens tractor trailer trucks will only make deliveries at night and they would only come from the west. They would get off Interstate 20 and come east up Highway 78 and turn into the Fedex facility. That will be the only time the tractor trailer trucks will be delivering from what we have been told.

Mrs. Tolbert stated I love Oxford but I have been let down big time.

Mr. Waits stated we are going to stop the comments there. At this time the Council is going to go into Executive Session for two issues. The first issue is related to the sale of real estate and the second is related to potential litigation. For that Ron Allen, our attorney will certify that.

Mr. Allen stated that the Council will address the sale of real estate and potential litigation.

Mr. Waits stated we will adjourn from the Executive Session.

Mr. Henderson made a motion to go into Executive Session. The motion was seconded by Mrs. Hubbard.

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

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

Shirley Henson, City Clerk

Steven Waits, Council President