

CITY OF OXFORD
BOARD OF COMMISSIONERS' REGULAR MONTHLY MEETING
Tuesday, September 9, 2014 – 7:00 p.m.
Commissioners' Board Room

Mayor Pro Tem Howard G. Herring, Sr.
Commissioner James (Danny) Currin
Commissioner Robert Williford, Sr.



Commissioner Calvin (CJ) Harris, Jr.
Commissioner Frank Strickland
Commissioner S. Quon Bridges
Commissioner Patricia T. Fields

Randy Hemann, City Manager
Barbara Rote, City Clerk

Jackie Sergent, Mayor

J. Thomas Burnette, City Attorney

MISSION

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

VISION

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

Core Values - ETHICORE

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

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

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

[CALL TO ORDER]

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

[MISSION, VISION, VALUES]

1. Prayer by Reverend Chris Aho
2. Pledge of Allegiance led by Mayor Pro Tem Howard Herring
3. Consider adjustments to and approval of the Agenda:
4. Opening Remarks by Mayor Sergeant
In order to provide for the highest standards of behavior and transparency in governance, the Board of Commissioners has approved a Code of Ethics to establish guidelines for ethical standards for Board Members and to provide guidance in determining appropriate conduct. Among those: Board members should avoid impropriety in the exercise of their official duties and should conduct the affairs of the board in an open and public manner. The Mayor now inquires whether any Board Member knows of any conflict of interest, or appearance of conflict, with respect to matters before the Board. If any Board Member knows of a conflict of interest, or appearance of a conflict, please state so at this time.

[DELEGATIONS]

5. Presentation – September Yard of the Month – Patricia Brummell, 224 Forest Ave. She is a second time recipient, previously winning in October 2004.

[PUBLIC COMMENT ON AGENDA and NON-AGENDA ITEMS]

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

[PUBLIC HEARINGS]

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

6. Public Hearing to consider amending the sign ordinance for temporary signs in the Industrial-1, Industrial-2, and Industrial-3 (I-1, I-2, I-3) zoning districts.

Local industries have expressed interest in placing “Now Hiring” signs on their property. The last amendment to the sign ordinance only included temporary signs in the Business-2 and Business -3 zoning districts. This amendment will be for the industrial areas. (Attachment 6)

- 6a. Consider amending the sign ordinance for temporary signs in the Industrial-1, Industrial-2, and Industrial-3 (I-1, I-2, I-3) zoning districts.

Recommended action: Staff recommends amending the sign ordinance for temporary signs as presented.

[OLD BUSINESS]

No Old Business

[NEW BUSINESS]

7. Consider adopting a reimbursement resolution as required by the US Treasury Regulations Section 1.150-2, for the City to reimburse itself for the FY 2015 budgeted purchases of capital assets in the amount of \$684,725 with loan proceeds.

When a local government purchases capital items with its own funds and then obtains external financing to fund these purchases, the IRS requires the financing company to have a resolution from the local government declaring their intent to do so. This resolution needs to be in place so that the City can purchase various capital asset items listed in the FY2015 budget totaling \$684,725. After all budgeted capital items are purchased, the City will proceed in obtaining appropriate bank financing. (Attachment 7)

Recommended action: Staff recommends adopting a reimbursement resolution as required by the US Treasury Regulations Section 1.150-2, for the City to reimburse itself for the FY 2015 budgeted purchases of capital assets in the amount of \$684,725 with loan proceeds as presented.

8. Consider amendments to the City Personnel Policy adopted 3-11-14

The attached Personnel Policy changes were presented by the HR Director to the Personnel Committee on August 27, 2014. Article III, Section 8 further clarifies action to be taken in the event of a demotion. Article III, Section 11 changes the previously approved 14-day, 85 hour police 7k ratio to 14-day, 86 hour ratio due to the discovery of documentation within the FLSA 7k Exemption. Article IV, Section 6 and Article IV, Section 7 further clarifies action to be taken with demotion and transfers. Article IV, Section 10 is a necessary change due to the Fair Credit Reporting Act. Article V, Section 4 is being removed from the policy. What needs to be addressed is covered in "Outside Employment". Article VI, Section 6 adds the 457 Deferred Comp plan approved at the August Board Meeting. Article VII, Section 4 changes the way we compensate Holiday pay for police officers. (Attachment 8)

Recommended action: Staff and the Personnel Committee recommend adopting the changes to the 3-11-14 City of Oxford, Personnel Policy as presented, effective upon adoption.

9. Consider amendments to the City of Oxford, Code of Ordinances, Chapter 20: Traffic that eliminates outdated information, incorporates text changes, makes substantive changes to penalties and overtime parking, and minor changes to two-hour parking locations on the perimeter of the downtown.

During the review process, input was received from the DOEDC, Parking Authority, the Police Department, the Public Works Department, the Planning Department and the City Attorney as well as the Executive Department. The Public Safety Committee reviewed the ordinance on August 27, 2014, and supports the changes and the increased penalty schedule for parking fines. (Attachment 9)

Recommended Action: Staff and the Public Safety Committee recommend adopting the amendments to the City of Oxford, Code of Ordinances, Chapter 20: Traffic, as presented, including increased penalty schedule for parking fines, effective upon adoption.

10. Consider approving a Budget Amendment in the amount of \$7,470, with \$4,980 payable from the General Fund and \$2,490 from the Water Fund to purchase the licensing and software needed to accompany new GIS and mapping equipment that will be used by both the Engineering and Public Works Departments.

In FY 2014, the City determined the need to upgrade the computer hardware and software for the Engineering and Public Works Departments. The City proceeded with purchasing three new computers for use by the City Engineer, the Public Works Director and the Engineering Technician in FY 2014. The FY 2015 Budget includes the purchase of new hardware – a GPS Wand Locator and a wide format printer/scanner for maps and GIS. The software required to utilize the hardware was not purchased in FY 2014 and was not included in the FY 2015 Budget. The requested Budget Amendment in the amount \$7,470 covers the cost of one AutoCAD license for the City Engineer (\$3,550) and three ArcGIS licenses for use by the City Engineer, the Public Works Director and the Engineering Technician (\$3,920). The Budget Amendment would be payable from the General Fund in the amount of \$4,980 and from the Water Fund in the amount of \$2,490. (Attachment 10)

Recommended action: Staff recommends approving a Budget Amendment in the amount of \$7,470, with \$4,980 payable from the General Fund and \$2,490 from the Water Fund to purchase the licensing and software needed for the new GIS and mapping equipment that will be used by both the Engineering and Public Works Departments.

11. Consider restructuring the Water/Sewer and Street Departments as follows:

- 1) Reinstitute the Water/Sewer Distribution and Collections Superintendent position at pay grade 21 and retain the interim Superintendent with a 5% salary increase.
- 2) Retain the current interim Utility Maintenance Crew Leader with a 5% salary increase due to his ORC certification (remains pay grade 13)
- 3) Do not fill the position of Senior Equipment Operator (pay grade 13). The Equipment Operator, (pay grade 11) will provide needed equipment operation.
- 4) Change a vacant Street Maintenance Worker Position (pay grade 7) to a Public Works Crew Leader for the Street Dept. (pay grade 12)

The Public Works Director was asked to study the Water/Sewer and Street Departments' organization and to make staffing recommendations. Several changes are recommended, primarily in the organizational chart, which would benefit both departments. Even though the Water/Sewer Distribution and Collections Superintendent position was previously eliminated to create the Public Works and Utilities Director, it is a vital role that must be filled to maintain effective and efficient department services, the flow of information from director to staff, and create a balance between the two very different functions of Utility and Public Works.

In the Water/Sewer Department, we have had an Interim Utility Maintenance Crew Leader since January of 2014. This person has performed his duties exceedingly well and has proved himself a real asset to the City of Oxford. Even though the position he is currently filling is a transfer within the same pay grade, it does not require him to function as a backup ORC (Operators Responsible Charge); a certification he currently holds. I believe this added responsibility of backup ORC justifies a 5% increase. The position he was filling prior to his "interim", as Senior Equipment Operator/Backup ORC, pay grade 13, would not be filled, further offsetting the cost.

In the Street Department, our Superintendent has 37 years of service with the City of Oxford. While we hope he continues to work for many years to come, we must instill a plan to capture his institutional knowledge. By creating a crew leader position under him, the Superintendent could start training a person to fill his position. It would also give us the ability to send crews out in different directions, which would make the Street Department more effective and time efficient. This would give the Street Department the same organizational structure as the Water/Sewer Department.

The total annual cost of this reorganization will be \$11,264.14 but the cost this FY will be \$8,231.49 and will be covered with lapsed salaries, which total \$8,837.99 due to vacancies up to 9/17/14. (Attachment 11)

Recommended action: Staff recommends restructuring the Water/Sewer and Street Departments as presented.

12. Consider approving a list of Nominees to serve on a Downtown Master Plan Committee, authorize the City Manager to approach possible representatives as outlined, and fill any other positions with alternatives from the various groups represented as needed if some of those nominated are not able to serve.

The City has set aside \$15,000 in this year's budget to work on a Downtown Master Plan. All successful Master Plans are developed by the people who know the downtown best, those business owners, citizens, and governmental stakeholders who understand the current workings of the downtown and are capable of having a vision that extends beyond the present conditions and provides incremental steps to fulfill that vision. The Board of Commissioners asked the City Manager to finalize a list of potential members for a Master Plan Committee for consideration. The attached list of proposed candidates have not yet been approached regarding their willingness to serve. The proposed list includes representatives from the DOEDC, elected and appointed boards and organizations. (ATTACHMENT 12)

Recommended action: Staff recommends approving a list of Nominees to serve on a Downtown Master Plan Committee, and authorize the City Manager to approach possible representatives as outlined, and fill any other positions with alternatives from the various groups represented as needed if some of those nominated are not able to serve.

[REPORTS]

13. July Financial Report update and August Financial Report - Finance Officer Harold Belton Reports will be provided on meeting night.
14. City Update - City Manager Hemann
15. Kerr-Tar COG Report – Commissioner Bridges
16. Masonic Home for Children Community Communications– Commissioner Williford
17. 200th Anniversary Update – Commissioners Williford and Strickland

[CONSENT AGENDA]

18. Accept the August Financial Report by Finance Officer Harold Belton.
19. Approve request to close Littlejohn Street on Friday, October 31, 2014 from 5:00 p.m. to 8:00 p.m. for the annual Trunk or Treat sponsored by the Oxford Baptist Church.
20. Approve the following 2014 meeting minutes:
* August 4, Agenda Session * August 12, Regular Session

[BOARD COMMENTS]

[ADJOURNMENT]

REMINDERS:

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

- September 12: Deadline for Kerr-Tar Banquet Registration
- September 13: Hot Sauce Contest – 11:00 AM – 4:00 PM
- September 25: Kerr-Tar Banquet, Butner Sports Arena – 7:00 PM
- September 30: Cycle NC – arrival late morning through afternoon – departing a.m. October 1

CITY OF OXFORD
PUBLIC COMMENT GUIDELINES:

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

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



CITY OF OXFORD
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners

VIA: Randy Hemann, City Manager

FROM: Cheryl Hart, Planning Director

DATE: 08-28-2014

SUBJECT: Hold a public hearing and consider amending the sign ordinance for temporary signs in the I-1, I-2 and I-3 zoning districts.

SUMMARY STATEMENT

Local industries have expressed interest to be allowed to place "Now Hiring" signs on the property.

REVIEW

When the last amendment to the sign ordinance was made it only included temporary signs in the B-2 and B-3 zoning districts. This amendment will be for the industrial areas.

RECOMMENDATION

Staff recommends amending the Oxford Sign Ordinance for temporary signs in the I-1, I-2 and I-3 zoning districts.

Attachments:



CITY OF OXFORD
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners
VIA: Randy Hemann, City Manager
FROM: Harold Belton, Finance Director
DATE: September 27, 2014
SUBJECT: Reimbursement Resolution

SUMMARY STATEMENT

This is to approve a resolution for the City to reimburse itself for the budgeted purchase of various capital assets with loan proceeds

REVIEW

When a local government purchases capital items with its own funds and then obtains external financing to fund these purchases, the IRS requires the financing company to have a resolution from the local government declaring their intent to do so. This resolution needs to be in place that the City can purchase various capital asset items listed in the FY 2015 budget totaling \$684,725 (See attached Capital Outlays list.) After all budgeted capital items are purchased, the City will proceed to obtain appropriate bank financing

RECOMMENDATION

Staff recommends Board approval of the resolution.

Attachments: Reimbursement Resolution
List of capital outlay items to be financed

**CITY OF OXFORD, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE**

This declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of the City of Oxford, North Carolina (the "Issuer") with respect to the matters contained herein.

1. **Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for the purchase of various capital assets (See attached list).

2. **Plan of Finance.** The Issuer intends to finance the costs of the various capital assets with loan proceeds, the interest on which is to be excluded from gross income for Federal income tax purposes.

3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the purchase of various capital assets is \$684,725.

4. **Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself with the proceeds of the loan for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this 9th day of September, 2014

SEAL

By: _____
Barbara J. Rote, Clerk
City of Oxford, North Carolina

By: _____
Jacqueline vdH Sergent, Mayor
City of Oxford, North Carolina

CAPITAL OUTLAYS

GENERAL FUND

<u>Department Number</u>	<u>Department Name</u>	<u>Capital Outlay Description</u>	<u>FY 2014 - 2015</u>
442	Finance	Financial Accounting Software	120,000.00
502	Public Works	Knuckle Boom Truck (Pac-Mac KB-20)	130,000.00
555	Central Garage	Tools & Equipment for Garage Startup	15,000.00
510	Police	Dodge Chargers (3 for Patrol)	75,000.00
		Body Armor	4,500.00
		APX-400 Radio (4)	12,000.00
		K-9 & training	17,000.00
			<u>108,500.00</u>
530	Fire	Crew Cab 4x4 Pick Up Truck	43,000.00
		Confined Space Breathing/Communicating Equipment	19,500.00
		APX-7500 Dual Band Mobile 800 Mhz Radio	6,000.00
			<u>68,500.00</u>
620	Recreation	Horseshoe & Shuffleboard Complex	5,000.00
		Kitchen Updates in Rental Facilities	9,000.00
		HVAC - Red Barn	15,000.00
		Rucker Park Updates	10,000.00
		Tables & Chairs for Meeting Space at PW	12,500.00
			<u>51,500.00</u>
722	Engineering	GIS Locator Wand	15,000.00
		Scanner/Plotter - Maps/GIS	30,000.00
			<u>45,000.00</u>
TOTAL GENERAL FUND			<u>538,500.00</u>
PROJECTED ANNUAL DEBT PAYMENTS - 5 YEARS			109,282.00

CAPITAL OUTLAYS (Cont'd.)

WATER FUND

<u>Department Number</u>	<u>Department Name</u>	<u>Capital Outlay Description</u>	<u>FY 2014 - 2015</u>
824	Waste Water Treatment	Pickup Truck	28,000.00
		Digester Diffuser	12,000.00
		Mud Pump - 3 inch	3,000.00
			<u>43,000.00</u>
828	Water/Sewer Line Maint.	Generator - Pumping Station	53,725.00
		Pickup Truck	35,500.00
		ATV	14,000.00
			<u>103,225.00</u>
TOTAL WATER FUND			<u>146,225.00</u>
PROJECTED ANNUAL DEBT PAYMENTS - 5 YEARS			31,848.00



CITY OF OXFORD
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners
VIA: Randy Hemann, City Manager
FROM: Justin Ayscue, Human Resources Director
DATE: September 9, 2014
SUBJECT: Recommended Changes to City Personnel Policy Adopted 3-11-14

Article III, Section 8. Salary Effect of Promotions, Demotions, Transfers and Reclassifications (attachment)

Article III, Section 11. Overtime Pay Provisions (attachment)

Article IV, Section 6. Demotion and Reassignment (attachment)

Article IV, Section 7. Transfer (attachment)

Article IV, Section 10. Criminal Background Check (attachment)

Article V, Section 4. Dual Employment (attachment)

Article VI, Section 6. Supplemental Retirement Benefits (attachment)

Article VII, Section 4. Holidays- Shift Personnel (attachment)

SUMMARY STATEMENT

As with any newly created document, regardless of how good it is written, minor changes are inevitable. As employment laws evolve and our work environment changes, our policies must constantly be reviewed and adapted. As questions arise with policies that may be unclear, those policies should be rewritten so there is consensus among the population as to its intent, so as to avoid possible misinterpretations.

REVIEW

The attached Personnel Policy changes were presented by the HR Director to the Personnel Committee on August 27, 2014. Article III, Section 8 further clarifies action to be taken in the event of a demotion. Article III, Section 11 changes the previously approved 14-day, 85 hour police 7k ratio to 14-day, 86 hour ratio due to the discovery of documentation within the FLSA 7k Exemption. Article IV, Section 6 and Article IV, Section 7 further clarifies action to be taken with demotion and transfers. Article IV, Section 10 is a necessary change due to the Fair Credit Reporting Act. Article V, Section 4 is being removed from the policy. What needs to be addressed is covered in "Outside Employment". Article VI, Section 6 adds the 457 Deferred Comp plan approved in the August Board Meeting. Article VII, Section 4 changes the way we compensate Holiday pay for police officers.

RECOMMENDATION

HR Director, with unanimous consent of the Personnel Committee, recommends amending all sections of the personnel policy as stated in attached revisions.

Article III, Section 8. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications

Promotions. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on a substantial amount of additional responsibility. When an employee is promoted, the employee's salary shall be advanced to the minimum rate of the new position, or to a salary that provides an increase up to 5% over the employee's salary before the promotion. In the event of highly skilled and qualified employees, shortage of qualified applicants, or other reasons related to the merit principle of employment, the Department Director may recommend in writing, to the Human Resources Director, that the salary be set at an appropriate rate within the salary grade of the position to which the employee is promoted that best reflects the employee's qualifications for the job. The Human Resources Director shall take into account the salaries, qualifications of other employees in the same classification, any applicable compression issues, and the overall salary structure for the City. Following approval by the Human Resources Director, the recommended salary must be approved by the City Manager. In no event, however, shall the new salary exceed the maximum rate of the new salary grade. The new salary shall not take effect until the Human Resources Director and City Manager have approved the applicable Personnel Action Form.

Demotions. Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. Demotion may be voluntary or involuntary. When an employee is demoted to a position for which he or she is qualified, the salary shall be decreased proportionately to the decreased workload and/or level of responsibility and set within the new salary range. The new salary will be determined by the department head along with the recommendation from the Human Resources Director and approved by the manager.

Transfers. The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed by the reassignment.

Reclassifications. An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of approximately 5% or an increase to the minimum rate of the new pay range, whichever is higher.

If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

Article III, Section 11. Overtime Pay Provisions

Employees of the City can be requested, and may be required, to work in excess of their regularly scheduled hours as necessitated by the needs of the City and approved by the Department Head. Overtime work should be approved in advance by the Department Head or City Manager. Overtime funds should be available in the current Department budget.

To the extent that local government jurisdictions are so required, the City will comply with the Fair Labor Standards Act (FLSA). The Human Resources Director shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions effective 1-01-03.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position; either as comp time or monetary pay. Police and Fire will receive monetary pay for hours worked in excess of ~~85~~ 86 hours and 106 hours, respectively in a 14-day cycle at a rate of time and one half. Those employees who work schedules based on a FLSA 40-hour week (37.5 or 40 hour schedules) will be given compensatory time at a rate of straight time up to 40 and at a rate of time and one half over 40. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes. When time off within the work period cannot be granted, overtime worked will be paid or comp time given in accordance with the FLSA. Compensatory time balances may not exceed 175 hours for all employees. Any overtime worked after such maximum balances must be compensated in pay. In the event of a disaster declared by the State/Federal Government, all overtime hours shall be paid in cash. (Adopted 11-12-2003)

Whenever practical, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. All nonexempt employees will be paid in full for all accumulated comp time, upon separation from the City.

Employees in positions determined to be Exempt from the FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. However, these employees may earn compensatory time under the following terms and conditions:

- A) Compensatory time shall be accrued on an hour-for-hour basis, without regard to FLSA limits. Exempt employees may accrue up to a maximum of 40 compensatory hours.
- B) Compensatory time shall be taken at the convenience of the department and at the sole discretion of the supervisor at a time, which will least obstruct the operation of the department.
- C) Compensatory time may not be transferred to any other type of leave.
- D) Unused compensatory time is lost when an exempt employee is separated from

City service, regardless of the situation.

- E) Exempt employees will record earned and used compensatory time on their normal timesheets and signed and approved by the City Manager.

All employees must use their accumulated comp time before using any other available time (sick, vacation, holiday or unpaid time) in all situations when an employee will be absent from work. (See Article VII. Holidays and Leaves of Absence)

Article IV, Section 6. Demotion and Reassignment

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. Demotion may be voluntary or involuntary. A voluntary demotion may be called a reassignment. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such disciplinary demotion shall follow the disciplinary procedures outlined in this Policy.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a reassignment. A reassignment is not a disciplinary action and is made without using the above-referenced disciplinary procedures. However, the appropriate salary adjustments should be made as agreed upon by the department head and Human Resources Director and approved by the City Manager. (ref. Article III, Section 8)

Article IV, Section 7. Transfer

Transfer is the movement of an employee from one position to another position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a different department or classification shall make a recommendation through the Human Resources Director to the City Manager with the consent of the receiving Department Head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this Policy. An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period. The employee's salary will be adjusted, up, ~~or down~~ or remain the same, by 5% per salary grade depending on the recommendation of the receiving department head and Human Resources Director, and approval of the City Manager.

Article IV, Section 10. Criminal Background Check

The purpose of this policy is to insure that all candidates for employment with the City of Oxford are screened for any criminal background information to protect the citizens of the City and its employees. The existence of a criminal record does not constitute an automatic bar of employment. The nature of the offense, the time elapsed since its occurrence, and its relevance to the position for which the candidate is applying will all be taken into consideration. Safety is the primary objective of this policy.

Applicants will be asked to sign an release authorization to conduct a background check form and sign a FCRA (Fair Credit Reporting Act) disclosure at the time of application after the candidate has signed a written conditional offer of employment letter. Human Resources will be responsible for performing the criminal background check. In the event the records check is contrary to documentation on the application or something discovered causes concern surrounding the candidate's ability to adequately perform the functions and duties of the position applied for or the safety of the employees or the public, the offer of employment may be rescinded.

Article V, Section 4. Dual Employment

A full or part-time employee of the City may simultaneously hold another position with the City if the temporary position is in a different department and clearly different program area from that of the full or part-time position. The work of the temporary position must also be performed on an occasional or sporadic basis as identified in Fair Labor Standards Act regulations. However, the work of the full or part-time position shall take precedence over the temporary position. Part time must be occasional and infrequent, to avoid unnecessary accrual of overtime.

Article VI, Section 6. Supplemental Retirement Benefits

The City provides ~~both~~, a voluntary 401-K and a 457 Deferred Compensation program for its ~~full-time~~ employees. Both plans are available to full time employees and the 457 is available to part time and elected officials. At this time, ~~T~~the City does not contribute any matching funds to the ~~401-K~~ accounts of employees that are not sworn law enforcement personnel.

Each law enforcement officer shall receive 401-K benefits as prescribed by North Carolina State Law and beginning on the first day of employment, (as directed in Chapter 143 Article 12d and 12e of the General Statutes of NC).

Article VII, Section 4. Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel

Shift employees required to perform work on regularly scheduled holidays may be granted compensatory time off or paid for hours actually worked in addition to any holiday pay to which they are entitled. This compensatory time shall be granted whenever feasible. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive the hours for paid holiday leave. Departments with employees working a shift schedule ~~may elect to compensate those employees for working~~ on the true holiday rather than the designated holiday will be paid Holiday pay in accordance with this policy.

EXCEPTIONS: FIRE AND POLICE

Fire Department personnel who work 24 hour shifts will have their total Holiday hours for the year "banked" in a Holiday Bank on July 1st of each year. The Holiday Bank will be available to employees to use for the full fiscal year, July 1-June 30, upon approval of the Fire Chief. When the employee wishes to take Holiday leave, they take actual hour-for-hour from the Holiday Bank balance. Holiday time not taken by June 30th of each year will be lost. This policy allows 24 hour personnel to use their Holiday time when they choose, as long as it doesn't cause disruptions in services to the public. Fire personnel who work on the actual Holiday (not necessarily the City "designated" day) will be paid time and one half for all hours worked on the Holiday. The City of Oxford currently offers 12 "paid" Holidays per year. Fire personnel bank holiday time at the prorated formula indicated in our Personnel Policy, Article VII of 11.2 hours per Holiday for a total of 134.4 hours annually (11.2 hours X 12 Holidays).

Police Department personnel who actually work on the Holiday (not City Designated day) will be compensated at a rate of "double-time" for the hours they work. Because of the nature of the job, and the lack of "part time" employees to backfill necessary coverage, the Holiday banked time does not work effectively as it does with Fire. Police Department personnel, who are not scheduled to work the "actual" holiday, will receive pay for that day equivalent to the prorated formula indicated in our Personnel Policy, Article VII, of 8.56 hours per day. For police, Holidays will be paid at the officers' respective hourly rate for 8.56 hours (or double-time if worked). There will be no accumulation or banking of Holiday pay in the Police Department.



CITY OF OXFORD STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners

VIA: Randy Hemann, City Manager

FROM: Barbara Rote, City Clerk

DATE: 08-28-14

SUBJECT: Consider amendments to the City of Oxford, Code of Ordinances, Chapter 20: Traffic

SUMMARY STATEMENT

Amendments to Chapter 20: Traffic updates the ordinance by eliminating outdated information, incorporates text changes and a table for clarity, makes substantive changes to penalties and overtime parking, and minor changes to two-hour parking locations on the perimeter of the downtown. It also increases the penalty schedule for parking fines.

REVIEW

During the review process, input was received from the DOEDC, Parking Authority, the Police Department, the Public Works Department, the Planning Department and the City Attorney as well as the Executive Department. The Public Safety Committee reviewed the ordinance on August 27, 2014, and supports the changes and the increased penalty schedule for parking fines. The document provided show text edits with deletions indicated by a strike-through and additions indicated with an underline. Changes made following the Public Safety Committee meeting are highlighted in yellow and have been reviewed by the City Attorney.

RECOMMENDATION

Staff and the Public Safety Committee recommend adopting the amendments to the City of Oxford, Code of Ordinances, Chapter 20: Traffic, as presented, including increased penalty schedule for parking fines. The ordinance amendments are effective upon adoption.

§ 20-146 PARKING FINES.

(A) Unless specifically set forth in any provision in this Chapter 20, Article IV, the penalties for violations shall be as set forth in the following penalty schedule.

MAXIMUM PENALTY SCHEDULE	PROPOSED	CURRENT
Double Parking or Standing	\$10.00	\$5.00
Improper Parking	\$10.00	\$2.00 or \$5.00
Restricted or Limited Zones (other than 2-hr Parking)	\$10.00	\$5.00
Handicapped Parking	\$100.00	\$10.00
Parking in a Fire Lane or in front of a Fire Hydrant	\$50.00	N/A
Overtime Parking, 2 Hour Zone	See Section 20-131 of this Chapter	\$5.00

(B) Unless specifically set forth in any provision in this Chapter 20, Article IV, the fine will double if not paid within 30 days of the issue date on the citation.

(C) A copy of the penalty schedule, which may be amended from time to time, shall be incorporated into the City of Oxford fiscal year budget ending June 30.

CHAPTER 20: TRAFFIC

Section

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ARTICLE I: GENERAL PROVISIONS

§ 20-1 DEFINITIONS.

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

AUTHORIZED EMERGENCY VEHICLE. A vehicle of the Fire Department, police vehicle or an ambulance designated or authorized by the Chief of Police.

BLOCK. A portion of any street located between two street intersections.

BUSINESS DISTRICT. The territory prescribed as such by ordinance of the Board of

Transportation Commissioners.

CROSSWALK. The portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of the sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

DRIVER. The operator of a vehicle, as defined in G.S. § 20-4.01(25). The terms **DRIVER** and **OPERATOR** and their cognates are synonymous.

FINE: The monetary penalty imposed for violations of this Article as set forth in 20-146 hereof.

INTERSECTION.

(1) The area embraced within the prolongation of the lateral curblines or, if none, then the lateral edge of the roadway lines of two or more highways which join one another at any angle whether or not one such highway crosses another.

(2) Where a highway includes two roadways of 30 feet or more apart, then every crossing of each roadway of such divided highway shall be regarded as a separate intersection. In the event that such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

MOPED. A type of passenger vehicle as defined in G.S. § ~~105-164.3~~20-4.01(27)d1.

MOTORCYCLE. A type of passenger vehicle as defined in G.S. § 20-4.01(27).

MOTOR VEHICLE. Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in G.S. § 20-4.01(27)d1.

OFFICIAL TRAFFIC-CONTROL DEVICE. A sign, signal, marking or device not inconsistent with this chapter, placed or erected by authority of the Board or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

OFFICIAL TRAFFIC SIGNAL. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

PARK. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

PENALTY. The civil monetary penalty issued pursuant to Section 20-999 for multiple violations and repeat offenders as set forth herein.

PEDESTRIAN. Any person afoot.

POLICE OFFICER. Every officer of the Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD OR DRIVEWAY. Every road or driveway not open to the use of the public as a matter of right for purposes of vehicular.

PUBLIC CONVEYANCE. Any vehicle other than a taxicab or railroad train for transporting for fare.

RAILROAD. A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

RAILROAD TRAIN. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

RESIDENCE DISTRICT. The territory contiguous to a highway not comprising a business district when the frontage on the highway for a distance of 300 feet or more is mainly occupied by dwellings or by

dwellings and buildings in use for dwelling purposes.

RIGHT-OF-WAY. The privilege of the immediate use of the roadway.

ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term **ROADWAY** as used herein shall refer to any such **ROADWAY** separately but not to all such **ROADWAYS** collectively.

ROLLER SKATE. Each of a pair of boots or metal or metal frames attached to shoes, with four or more small wheels, for gliding across a hard surface.

ROLLER BLADE or INLINE SKATE. A type of roller skate having more than two wheels, aligned in a single row rather than two rows.

SAFETY ZONE. Traffic island or other space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a **SAFETY ZONE**.

SCOOTER (NON-MOTORIZED). A vehicle typically ridden for recreation, consisting of a footboard mounted on two wheels and a long steering handle, propelled by resting one foot on the footboard and pushing the other against the ground.

SCOOTER (MOTORIZED). A light two-wheeled open motor vehicle on which the driver sits over an enclosed engine with legs together and feet resting on a floorboard.

SIDEWALK. The portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

SKATEBOARD. A short narrow board with two small wheels fixed to the bottom of either end, on which (as a recreation or sport) a person can ride in a standing or crouching position, propelling themselves by occasionally pushing one foot against the ground.

STANDING. Any stopping of a vehicle, whether occupied or not.

STOP. When required, complete cessation of movement.

STOP OR STOPPING WHEN PROHIBITED. Any stopping of a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic-control sign or signal.

STREET or HIGHWAY. A **HIGHWAY** as defined in G.S. § 20-4.01(13). The terms **HIGHWAY** and **STREET** and their cognates are synonymous.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any street for purposes of travel.

TRAFFIC SIGNS.

(1) An authorized sign or marker which is assumed to be permanently or temporarily placed ~~er~~**erected** or installed at certain places and which purport to give notice of direction or to convey a prohibition or warning.

(2) The presence of the signs, though not compulsory, is generally dictated by necessity or common sense, with a view to furtherance of public safety.

TRUCK. Any vehicle which exceeds 19 feet in length.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided that for the purposes of this chapter **BICYCLES** shall be deemed vehicles and every rider of a **BICYCLE** upon a highway shall be subject to the provisions of this chapter applicable to the driver of a **VEHICLE** except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement.

(`86 Code, § 20-1)

Statutory reference:

Similar provisions, see G.S. § 20-4.01

§ 20-2 OBEDIENCE.

It shall be ~~a misdemeanor~~ an infraction for any person to do any act forbidden, or fail to perform any act required, in this chapter. Any violation hereof shall be subject to a fine or civil penalty as set forth herein.

(`86 Code, § 20-2)

§ 20-3 APPLICATION OF CHAPTER TO DRIVERS OF GOVERNMENT VEHICLES.

The provisions of this chapter shall apply to the driver of any vehicle owned by, or used in the service of the United States Government, the state, county or city, and it shall be unlawful for the driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state or federal law.

(`86 Code, § 20-3)

Statutory reference:

Similar provisions, see G.S. § 20-168

§ 20-4 AUTHORITY OF POLICE TO DIRECT TRAFFIC.

In the event of a fire or other emergency, or when necessary to expedite traffic or safeguard pedestrians, police officers may direct traffic as conditions may require, notwithstanding the provisions of this chapter.

(`86 Code, § 20-4)

§ 20-5 APPLICATION OF CHAPTER TO PERSONS PROPELLING PUSHCARTS OR RIDING BICYCLES OR ANIMALS.

Every person propelling any pushcart or riding a bicycle or an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the

provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which, by their very nature, can have no application.

(`86 Code, § 20-5)

Statutory reference:

Similar provisions, see G.S. § 20-171

§ 20-6 APPLICATION OF CHAPTER TO AUTHORIZED EMERGENCY VEHICLES.

(A) The provisions of this chapter regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles, except that a driver when operating the vehicle in any emergency, otherwise directed by a police officer, may:

(1) Park or stand, notwithstanding the provisions of this chapter;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation; and

(3) Disregard regulations governing direction of movement, or turning, in specked directions so long as he does not endanger life or property.

(B) The foregoing exemptions shall not, however, protect the driver of any vehicle from the consequences of his or her reckless disregard of the safety of others.

(`86 Code, § 20-6)

§ 20-7 CHAPTER DOES NOT INTERFERE WITH RIGHTS OF OWNER OF PROPERTY USED FOR VEHICULAR TRAVEL.

Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel, by permission of the owner and not as a matter of right, from prohibiting the use nor from requiring other or different or additional conditions than those specified in this chapter or otherwise regulating the use as may seem best to the owner.

(`86 Code, § 20-7)

Statutory reference:

Similar provisions, see G.S. § 20-170

§ 20-8 RIDING ON PORTION OF VEHICLE NOT INTENDED FOR PASSENGERS.

(A) No person shall ride any portion of a vehicle not designed or intended for the use of passengers. This section shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in spaces intended for merchandise.

(B) The operator of a motorcycle or bicycle when upon a street, shall not carry any person upon the handlebar, frame or tank of any vehicle, nor shall any person so ride upon any vehicle.

(`86 Code, § 20-8)

§ 20-9 NUMBER OF PASSENGERS IN FRONT SEAT RESTRICTED.

No person shall operate a motor vehicle upon a highway or public vehicular area ~~a motor vehicle~~ which is so loaded or crowded with passengers or property, or both, as to obstruct the operator's view of the highway or

public vehicular area, including intersections, or so as to impair or restrict otherwise the proper operation of the vehicle.

~~It shall be unlawful for the driver or the person in charge of any motor vehicle to permit more than three persons, including the driver, to ride in the front or driver's seat of a motor vehicle.~~

('86 Code, § 20-9)

Statutory reference:

Operation of overloaded or overcrowded vehicle, see

G.S. § 20-140.2

§ 20-10 PASSENGERS TO REMAIN INSIDE VEHICLE.

No person shall allow any part of his or her body to protrude beyond the limits of the vehicle in which he or she is riding, except to give the signals as are required by this chapter, and no person shall hang on to any vehicle whatsoever.

('86 Code, § 20-10)

§ 20-11 ENTERING OR RIDING VEHICLE WITHOUT CONSENT OF OWNER OR DRIVER.

No person shall enter, jump on or ride any vehicle without the consent of the owner or driver.

('86 Code, § 20-11)

§ 20-12 BOARDING OR ALIGHTING FROM MOVING VEHICLES.

No person shall board or alight from any vehicle while the vehicle is in motion.

('86 Code, § 20-12)

§ 20-13 CLINGING TO MOVING VEHICLES.

Any person riding upon any bicycle, motorcycle, ~~coaster~~non-motorized or motorized scooter, sled, roller skates, rollerblades, or any toy vehicle shall not attach the same or himself or herself to any public conveyance or moving vehicle upon any roadway.

('86 Code, § 20-13)

§ 20-14 RIDING BICYCLE ON SIDEWALK OR WALKWAY.

No person shall ride a bicycle upon any sidewalk or walkway within ~~a~~the downtown business district, ~~in the city.~~

('86 Code, § 20-14)

§ 20-15 RIDERS OF MOTORCYCLES AND BICYCLES TO HAVE HANDS ON HANDLEBARS.

No person shall ride a bicycle or motorcycle on any street without having his or her hands upon the handlebars.

(`86 Code, § 20-15)

Statutory reference:

Bicycle racing, see G.S. § 20-171.2

§ 20-16 REGISTRATION AND LICENSING OF BICYCLES.

~~— Persons designated by the City Manager are hereby authorized to register bicycles and sell license tags for same.~~

(`86 Code, § 20-16) (Ord. 74-9-1, passed 9-10-76)

§ 20-17 USE OF SKATES, COASTERS AND THE LIKE IN ROADWAY.

~~— (A) — No person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway, except while crossing a street at a crosswalk or intersection, and except upon streets set aside as play streets.~~

(`86 Code, § 20-17)

~~— (B) — This section shall not apply to such persons over the age of 16 years who shall be upon roller blades. Any person lawfully upon roller blades shall obey all traffic laws, shall not ride upon any roadway in a manner without the exercise of due caution and circumspection so as not to endanger any person or property, including themselves, and shall not obstruct or otherwise impede, in any manner, the flow of traffic.~~

(Am. Ord. 95-8-1, passed 8-8-95)

§ 20-1820-16 SKATEBOARDS, SCOOTERS, ROLLERBLADES AND SKATES BANNED IN BUSINESS DISTRICT.

(A) — Skateboards, scooters, rollerblades and skates are banned shall not be operated on sidewalks in the downtown business district, except on the city owned Skateboard Park, a map of which the downtown business district is incorporated by reference and is on file in the office of the City Clerk. See Chapter 15, Article IV for regulations pertaining to skateboard parks.

(B) When using skateboards, scooters, rollerblades or skates on sidewalks outside of the downtown business district, pedestrians have the right of way, and those operating skateboards, scooters, rollerblades or skates must yield to pedestrians.

(Ord. 02-2-1, passed 2-13-01)

ARTICLE II: TRAFFIC-CONTROL SIGNS, SIGNALS AND DEVICES

§ 20-31 OBEDIENCE.

It shall be unlawful for any person to drive, operate or use a vehicle upon the streets of the city contrary to any signs, signals or other traffic-control devices that are placed upon the streets for the purpose of directing traffic, except upon direction of a police officer, and except as otherwise provided in this chapter.

(`86 Code, § 20-31)

§ 20-32 NECESSITY OF SIGNS.

No provision of this chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to an ordinarily observant person. Whenever a particular section does not state that signs are required, the section shall be effective without signs being placed to give notice thereof.

(`86 Code, § 20-32)

§ 20-33 RATIFICATION OF EXISTING DEVICES.

All traffic-control signs, signals, devices and markings placed or erected in the city prior to the adoption of this code and in use for the purpose of regulating, warning or guiding traffic are hereby affirmed, ratified and declared to be official traffic-control devices, provided the traffic-control devices are not inconsistent with the provisions of this chapter or state law. The City Manager shall keep a list or index of all signs, signals, devices and markings established by ordinance.

(`86 Code, § 20-33)

§ 20-34 PEDESTRIAN “WALK” AND “DON'T WALK” SIGNALS.

Whenever special pedestrian-control signals exhibiting the words “walk” or “don't walk” are in place, the signals shall indicate as follows:

(A) *Walk.* Pedestrians facing the signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(B) *Don't walk.* No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his or her crossing on the walk signal shall proceed to a sidewalk or safety zone, while the “don't walk” signal is showing.

(`86 Code, § 20-34)

§ 20-35 MOVING OR DAMAGING DEVICES.

It shall be unlawful for any person to move, deface or otherwise damage any sign, signal or other traffic-control device placed upon the streets of the city.

(`86 Code, § 20-35)

§ 20-36 DESIGNATION OF TRAFFIC ZONES, THROUGH STREETS AND THE LIKE; ERECTION AND INSTALLATION OF DEVICES.

(A) The City ~~Traffic~~ Engineer shall have the power to designate, lay off and indicate, with the approval of the Board of Commissioners, by appropriate signs and markings:

- (1) Loading zones;
- (2) Safety zones;
- (3) School zones;
- (4) Hospital zones;
- (5) Quiet zones;
- (6) Other traffic zones;
- (7) Speed limits;
- (8) Truck routes;
- (9) Through streets;
- (10) Stop streets and intersections;
- (11) Yield right-of-way intersections;
- (12) One-way streets;
- (13) Streets to be laned for traffic;
- ~~(14) Play streets;~~
- (15) Bus stops; and
- (16) Taxicab stands.

(B) The ~~Traffic~~ Engineer shall also have the power to designate and indicate, with the approval of the Board of Commissioners, intersections at which traffic shall be controlled by traffic signals, intersections at which left turns and/or right turns and U-turns shall be prohibited, and intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at the intersections.

(C) Whenever any designation is made in accord with this section, the City ~~Traffic~~ Engineer shall ~~erect~~ and install the signs, markings, lines, signals and other traffic-control devices as may be necessary to clearly indicate the designation and to put drivers of vehicles on notice of the restriction, limitation or prohibition resulting from the designation.

('86 Code, § 20-36)

ARTICLE III: VEHICLE OPERATION

DIVISION 1: GENERALLY

§ 20-51 DRIVING IN SCHOOL ZONES.

Whenever authorized signs are placed designating any street or part thereof as a school zone, drivers of vehicles using the street shall exercise the greatest care for the protection of children.

('86 Code, § 20-51)

§ 20-52 ONE-WAY STREETS.

In all cases where the city has designated any street for one-way traffic and erected appropriate signs

giving notice thereof, it shall be unlawful for any person to willfully drive or operate any vehicle on the street, except in the direction indicated by the signs.

('86 Code, § 20-52)

Statutory reference:

Authority to designate one-way streets and the like, see

G.S. § 20-169

Obedience to one-way street signs erected by state, see

G.S. § 20-165.1

§ 20-53 DRIVING IN QUIET ZONES.

Whenever authorized signs are placed, erected or installed designating a quiet zone, no person operating a motor vehicle within the zone shall sound the horn or other warning device of the vehicle, except in an emergency.

('86 Code, § 20-53)

~~**§ 20-54 DRIVING ON PLAY STREETS.**~~

~~—Whenever authorized signs are placed designating any street as a play street, no person shall drive a vehicle upon such designated street, except persons who have business or who reside within the designated area, and all persons shall exercise the greatest care when driving upon any play street.~~

~~('86 Code, § 20-54)~~

~~**§ 20-55**~~**20-54 BLOCKING INTERSECTIONS OR CROSSWALKS.**

No driver of a vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

('86 Code, § 20-55)

~~**§ 20-56**~~**20-55 DRIVING THROUGH FUNERAL PROCESSION.**

No vehicle shall be driven through a funeral procession, except Fire Department vehicles, police patrols and ambulances and other emergency vehicles responding to calls.

('86 Code, § 20-56)

~~**§ 20-57**~~**20-56 LIMITATIONS ON TURNING AROUND.**

(A) No driver shall make a semicircular turn or U-turn at the intersection of Spring Street and Main Street, nor shall a driver make a U-turn within the business district.

(B) A driver may make a U-turn in the business district at an intersection without a traffic light control.

(`86 Code, § 20-57) (Ord. 86-7-1, passed 7-8-86)

§ ~~20-58~~20-57 LIMITATIONS ON BACKING.

The driver of a vehicle shall not back it into any intersection, or over a crosswalk, nor shall he or she back it otherwise unless the movement can be made in safety, and unless ample warning has been given by hand and horn or other signals.

(`86 Code, § 20-58)

§ ~~20-59~~20-58 MOVING PARKED VEHICLE.

When a parked vehicle is moved from its parking space, the driver shall move the vehicle in the direction in which the vehicle is headed or, if it is parked at an angle with the curb, the driver shall back out on that angle until he or she has cleared other parked vehicles and shall then proceed in the direction in which the vehicle is most nearly headed.

(`86 Code, § 20-59)

§ ~~20-60~~20-59 TRUCK ROUTES.

(A) All trucks and tractor-trailer trucks having a capacity of two tons or more entering the city and destined to a point outside the city and not taking on or discharging any goods, wares or merchandise within the city limits, shall travel exclusively on the truck routes established by the city and over the part of the routes as shall constitute the shortest and most direct route between the point of entrance into and the point of departure from the city.

(B) All trucks and tractor-trailer trucks having a capacity of two or more tons are hereby prohibited from parking and traveling in all residential zoning districts and on all city-owned and city-maintained streets or parts of streets when necessary to load or unload commodities at a destination upon such streets.

(C) The Street Superintendent is hereby directed to post and maintain at all points where truck routes enter the city, and junction points and turns where necessary, and at all approaches to the streets or parts of streets on which trucks are prohibited, appropriate signs directing truck traffic in accordance with this section.

(`86 Code, § 20-60) (Am. Ord. 02-06-01, passed 6-11-02)

§ ~~20-61~~20-60 STOPPING IN STREETS GENERALLY.

(A) No vehicle shall stop in any street, except for the purpose of parking as prescribed in this chapter, unless the stop is made necessary:

- (1) By the approach of fire apparatus or other emergency vehicles;
- (2) By the approach of a funeral or other procession which is given the right-of-way;
- (3) By the stopping of a public conveyance;
- (4) By the lowering of railway gates;

- (5) By the giving of traffic signals;
- (6) By the passing of some other vehicle or a pedestrian; or
- (7) By some emergency.

(B) In any case covered by the exceptions in division (A) above, the vehicle shall stop so as not to obstruct any crosswalk, pedestrian aisle, safety zone, crossing or street intersection, if such can be avoided.

(`86 Code, § 20-61)

DIVISION 2: SPEED

§ 20-81 GENERALLY.

(A) Except as otherwise provided in this chapter, it shall be unlawful to operate a vehicle in excess of the following speeds:

- (1) Twenty miles per hour in any business district other than Linden Avenue, which is twenty-five miles per hour;
- (2) Thirty-five miles per hour in any residential district;
- (3) Forty-five miles per hour in places other than those named in divisions (A)(1) and (2) above for:
 - (a) All vehicles other than passenger cars, regular passenger vehicles, pick-up trucks of less than one-ton capacity and school buses loaded with children; and
 - (b) All vehicles, of whatever kind, which are engaged in towing, drawing, or pushing another vehicle; provided this paragraph shall not apply to vehicles engaged in towing, drawing or pushing trailers with a gross weight of not more than 3,000 pounds.
- (4) Fifty-five miles per hour in places other than those named in divisions (A)(1) and (2) above, for passenger cars, regular passenger carrying vehicles, and pick-up trucks of less than one-ton capacity.

(B) The fact that the speed of a vehicle is lower than the foregoing limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazards exist with respect to pedestrians or other traffic or by reasons of weather or street conditions, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street or

highway, and to avoid causing injury to any person or property either on or off the street or highway, in compliance with legal requirements and the duty of all persons to use due care.

(`86 Code, § 20-81)

Statutory reference:

Speed restrictions, see G.S. § 20-141

§ 20-82 EXCEPTIONS.

The speed limitations set forth in this division shall not apply to vehicles when operated with due regard for safety under the direction of the police in the chase or apprehension of violators of the law or of persons charged with or suspected of any violation, nor to Fire Department or fire patrol vehicles when traveling in response to a fire alarm, nor to public or private ambulances and rescue squad emergency service vehicles

when traveling in emergencies, nor to vehicles operated by county fire marshals and civil preparedness coordinators when traveling in the performances of their duties, nor to vehicles operated by the duly authorized officers, agents and employees of the state utilities commission when traveling in performance of their duties in regulating and checking the traffic and speed of buses, trucks, motor vehicles and motor vehicle carriers subject to the regulations and jurisdiction of the State Utilities Commission. This exemption shall not, however, protect the driver of any vehicle from the consequence of a reckless disregard of the safety of others.

(`86 Code, § 20-82)

Statutory reference:

Similar provisions, see G.S. § 20-145

ARTICLE IV: STOPPING, STANDING AND PARKING

DIVISION 1: GENERALLY

§ 20-126 DESIGNATION OF PARKING SPACES; USE REQUIRED.

The Chief of Police shall ~~mark off~~ designate individual parking spaces in the parking zones as designated adopted by the Board of Commissioners through an ordinance. The parking spaces shall be designated by lines painted or durably marked on the curbing or surface of the street and/or City owned/operated off street parking lot. At each space so marked off it shall be unlawful to park any vehicle in a way that the vehicle is not entirely within the limits of the space so designated.

(`86 Code, § 20-126)

§ 20-127 REPORTS AND NOTICES OF VIOLATIONS.

(A) It shall be the duty of police officers and/or person(s) designated by the Chief of Police ~~of the city~~ to report:

- (1) The state license number of each vehicle that is in violation of any of the provisions of this ~~division~~section;
- (2) The time during which the vehicle violation occurred; and
- (3) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending the violation.

(B) The police officer and/or person(s) designated by the Chief of Police shall also attach to the vehicle a notice to the owner or operator of the vehicle that the same has been parked in violation of a provision of this ~~division~~ section and instruct the owner or operator to report to the Police Department in regard to the violation.~~the fine or penalty for said violation.~~therein.

(C) In addition to the fines, criminal penalties and other sanctions set forth, provided in this Chapter, for the violation of these provisions, any violation of this article shall also subject the offender to those civil penalties enumerated in § 20-131 (D-4), if applicable. Said civil ~~Civil penalties in relation to the criminal penalties aforementioned~~ shall be issued by police officers and/or person(s) designated by the Chief of Police. (Note: Unpaid penalties may~~can~~ be subject to debt setoff or garnishment of wages pursuant to North Carolina Law.)

(`86 Code, § 20-127)

§ 20-128 METHOD OF PARKING GENERALLY.

(A) Except as provided in division (B) below, all vehicles shall park parallel to the curb and not more than 12 inches therefrom.

(B) On streets or parts of streets designated and marked as zones for angle parking, automobiles and other vehicles shall be parked at an angle to the curb as indicated by the markings.

(C) On any street which is marked off with lines indicating the parking spaces for vehicles, the same shall be parked between the lines and it shall be unlawful for any person to park outside the lines.

('86 Code, § 20-128)

§ 20-129 PARKING OVER 48 HOURS.

It shall be unlawful for any person to place, leave, park or store any vehicle on a public street or alley within the city, including city owned/operated off street parking lots, continuously for more than 48 hours.

('86 Code, § 20-129)

§ 20-130 IMPOUNDMENT OF VEHICLES.

(A) ~~If After~~ any vehicle shall be parked ~~has been left parked~~ or stored on a public street, ~~or alley, or city owned/operated off street parking lot~~ within the city continuously for more than 48 hours, or otherwise in violation of the provisions of this article, the Police Department shall place a notice on the vehicle stating that unless the vehicle is removed that if it is not moved off the street, or alley or city owned /operated off street parking lot within a period of 48 hours from the time the of the notice, is placed thereon, the vehicle will ~~shall~~ be removed from the street, or alley or city owned/operated off street parking lot under the direction of the Police Department and stored in a suitable place. In addition to any penalty that may be imposed for the violation, the owner shall be required to pay the wrecker or towing costs and the storage costs.

~~—(B)—Any vehicle that is parked, left or stored on a public street for more than 48 hours and after notice has been given as above provided, shall be removed from the street under the direction of the Police Department and stored in a suitable place. In addition to any penalty that may be imposed for the violation, the owner shall be required to pay the wrecker or towing costs and the storage costs.~~

('86 Code, § 20-130)

§ 20-131 OVERTIME PARKING.

~~(A)~~ (A) If any vehicle shall remain parked in any parking space beyond the time period provided for the space, the vehicle shall be considered parked overtime. ~~A vehicle shall also be considered to be parked overtime if it is parked in a metered parking space while use of the meter is required and the meter for the space is displaying an indication that the proper coins have not been inserted in the meter.~~ It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his or her name, or under his or her control, to be parked overtime or beyond the lawful periods of time, as provided by this article. Reference Table 20-A for restricted parking spaces.

~~(B)~~ In the Downtown Business District, on-street, two-hour parking spaces shall be are indicated by white parking space stripes as further referenced in table below. In addition, the off-street public

parking lot bordered by Gilliam and Littlejohn Streets and the off-street, public parking lot bordered by Bank and Wall Street offer both full day and 2-hour parking spaces. Both public parking lots shall be posted with signage ~~a sign~~ indicating that ~~and indicated with white striped parking space designates~~ stripes for 2 hour parking and that yellow striped parking spaces designate ~~parking stripes for all day parking.~~

~~(B)~~(C) Unless specifically provided otherwise, time restrictions on parking shall be in effect between the hours of 9:00 a.m. and 5:00 p.m. each day, except Sundays, January 1, May 31, July 4, the first Monday in September, the day designated and set aside as Thanksgiving in November, December 25 and any other day designated by the City Manager.

~~(C)~~(D) The monitoring control of parking in the city is to be made by marking tires with chalk every two hours or by time recording digital devices, with the first two hours to be free and a fine to be imposed after expiration of the first two hours. The amounts of the fines ~~are to~~ shall be as follows:

(1) Penalties for overtime parking shall be assessed on a daily basis, Monday through Friday.

(2) The fine shall be \$5 ten dollars (\$10) for the first ~~penalty~~ offense and for each subsequent penalty offense except as enumerated in sections 3 and 4.

(3) ~~For the second and subsequent offenses, the price of overtime parking tickets shall be \$5 for each offense. Fines shall be paid within thirty (30) days from the date of issuance. Fines not paid within thirty (30) days of issuance shall be doubled.~~ be subject to an additional fifteen dollar (\$15) late penalty in addition to the original fine.

(4) Offenders who receive a minimum of four (4) penalties for overtime parking within any a thirty (30) day period shall be subject to an additional fifty dollar (\$50) repeat offender penalty which shall be issued within thirty (30) days of notification of the fourth penalty within a thirty (30) day period.

(5) If any offender fails to pay any the fines or civil penalty set forth in this section within (30) days of being cited, after being cited for a violation and notified of the penalty, the city may seek to collect it said fine or penalty by any lawful means, including, but not limited to, a civil action and/or submission of the same to the North Carolina Debt Setoff Program. In the event of a civil action, the City may seek payment of court costs and reasonable attorneys fees.

~~(Am. Ord. 89-2-1, passed 2-14-89; Am. Ord. 96-2-2, passed 2-13-96)~~

~~(D)~~(E) The Police Department shall place a notice on the vehicle notifying the owner or operator of the vehicle that the vehicle has been parked in violation of the provisions of this section. The owner or operator may, within ~~24~~ 48 hours of the time when the notice was attached to the vehicle, pay the fine designated in division ~~(C)~~(D) above in full satisfaction of the violation. ~~In the event the owner or operator does not make the payment within the time period set forth above, a warrant shall be issued for the arrest of the owner or operator, and upon conviction, the owner or operator shall be guilty of a misdemeanor.~~

(`86 Code, § 20-131) (Ord. 80-2-1, passed 2-12-80; Am. Ord. 88-6-2, passed 6-21-88)

§ 20-132 PROHIBITED IN SPECIFIED PLACES.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

- (A) On any sidewalk;
- (B) Within an intersection;
- (C) On a crosswalk;

(D) Within 30 feet of any flashing beacon, stop sign or traffic-control signal located at the side of a street or roadway;

(E) Alongside or opposite any street excavation or obstruction, when the stopping, standing or parking would obstruct traffic;

(F) On either side of any street approaching a grade crossing within 50 feet of the closest rail; (Where existing permanent structures are located along the street and closer than 50 feet, parking may be permitted in front of the structures unless otherwise prohibited, if the parking does not interfere with the view in either direction of an approaching locomotive or train.)

(G) Within 50 feet in either direction from any bridge or other elevated structure or any underpass structure;

(H) Within 15 feet in either direction of the entrance of a hotel, theater, hospital, sanitarium or any public building; and

(I) On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street.

(J) In a loading zone designated by a sign or signs indicating such area to be a loading zone, except for the express purpose of loading and unloading only of such vehicle.

('86 Code, § 20-132)

§ 20-133 PROHIBITED FOR CERTAIN PURPOSES.

No person shall stop, stand or park a vehicle upon any street for the principal purpose of:

(A) Displaying it for sale;

(B) Washing, greasing or repairing the vehicle, except repairs necessitated by an emergency;

(C) Storing the vehicle by a garage, dealer or other person when the storage is not incident to the bona fide use and operation of the vehicle;

(D) Storing any detached trailer or van when the towing unit has been disconnected;

(E) Transferring merchandise or freight from one vehicle to another; or

(F) Advertising.

('86 Code, § 20-133)

§ 20-134 STOPPING WITH LEFT SIDE OF VEHICLE TO CURB.

No vehicle shall stop with its left side to the curb in the business district, except that, on one-way streets, vehicles shall stop headed in the direction of traffic.

('86 Code, § 20-134)

§ 20-135 STANDING NOT TO INTERFERE WITH OTHER VEHICLES.

No vehicle shall so stand on any street as to interrupt or interfere with the passage of public conveyances or other vehicles.

('86 Code, § 20-135)

§ 20-136 PARKING IN PROHIBITED ZONES GENERALLY.

When signs are placed, erected or installed giving notice thereof, or the curbing has been painted yellow or red in lieu of the signs, no person shall park a vehicle at any time in any zone designated as a no-parking zone. In the event that parking is prohibited in a zone only between certain hours, this section shall apply only between the hours, as indicated on the signs erected in the zone.

('86 Code, § 20-136)

§ 20-137 PARKING IN LIMITED PARKING ZONE.

Whenever a limited parking zone is designated, no person shall park any vehicle in the zone, except in accord with the signs and markings erected therein. [Reference Table 20-A: Restricted Parking Spaces](#)

§ 20-138 DESIGNATION OF PARKING FOR PERSONS WITH DISABILITIES.

It shall be unlawful to park or leave standing any vehicle in a space designated with a sign displaying "Reserved Parking" for handicapped persons in conformance with G.S. 20-37.6(d), when the vehicle does not display the distinguishing license plate or placard as required by state statute.

('86 Code, § 20-137)

§ 20-138-139 PARKING IN BUS STOPS OR TAXICAB STANDS.

Whenever any bus stop or taxicab stand is designated and marked, no automobile or other vehicle shall be parked therein, except those for which the space or stand has been designated.

('86 Code, § 20-138)

§ 20-139-140 BLOCKING ENTRANCES, EXITS AND THE LIKE IN PARKING AREAS.

(A) In any area set aside for the use of the public for parking vehicles, it shall be unlawful for any person to park or otherwise leave a vehicle stationary in the position as to interfere with the free entry into the parking area or withdrawal therefrom.

(B) It shall be unlawful for any person, having entered an area with a vehicle, to park the vehicle in a manner and in a position with reference to any other vehicle already parked therein as to interfere with the free movement of the other vehicle.

('86 Code, § 20-139)

§ 20-140-141 BACKING TO CURB.

In no case shall the driver or person in charge of any vehicle permit the same to remain backed to the curb, except when actually loading or unloading.

('86 Code, § 20-140)

§ 20-141-142 MOVING VEHICLE OF ANOTHER INTO PROHIBITED PARKING AREA.

No person shall move a vehicle not owned by the person into any prohibited parking area or sufficiently away from a curb to make the distance unlawful.

(`86 Code, § 20-141)

§ 20-142-143 LIGHTS ON PARKED VEHICLES.

The displaying of lights upon a vehicle, when lawfully parked at night upon the street of the city, shall not be required when there is sufficient light to reveal any person within a distance of 200 feet upon the street.

(`86 Code, § 20-142)

Statutory reference:

Authority to so provide, see G.S. § 20-134(a)

§ 20-143-144 LOADING AND UNLOADING TRUCKS.

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

TRAILER. A flat, open body and enclosed or semi-enclosed body.

TRUCK. Any vehicle which exceeds 19 feet in length.

(B) When not loading or unloading, a person shall not park a truck, tractor or trailer on a city street unless permission is obtained from the Chief of Police or his or her duly appointed representative.

(C) No trucks over two tons will be permitted to park on the city-owned parking lot abutting Little John Street. Nothing herein shall be construed to prohibit loading and unloading beside or in the rear of buildings abutting Little John Street lots.

(`86 Code, § 20-143)

~~**§ 20-144 RATES AND CHARGES FOR METERED PARKING.**~~

~~The rates and charges for the use of any metered parking spaces shall be as established by resolution.~~

~~(`86 Code, § 20-144)~~

§ 20-145 PARKING OF COMMERCIAL, INDUSTRIAL AND CONSTRUCTION TRUCKS AND VEHICLES WITHIN RESIDENTIAL AREAS.

~~(D)~~(A) *Definition. A COMMERCIAL, INDUSTRIAL OR CONSTRUCTION TRUCK OR VEHICLE as used herein is any self-propelled motor vehicle having a gross weight of greater than 12,000 pounds or having three or more axles. (always put definitions up front...)*

(1) For purposes of clarification, but without limitation, this definition includes dump trucks, tractor-trailer tractors, tanker trucks, buses, large panel vans and construction equipment.

(2) Vehicles which are not included in this definition, but without limitation, are pick-up trucks, vans, sport-utility vehicles, small panel trucks, boats and recreational vehicles

~~(A)~~ **(B)** *Operating, parking, maintaining, repairing certain vehicles in residential areas.* It shall be unlawful to operate, park, maintain or repair a commercial, industrial or construction truck or vehicle within a residential section or upon a city-owned and city-maintained street except for the sole purpose of loading or unloading commodities at a destination upon such streets.

~~(B)~~ **(C)** *Violations.*

(1) Violation of this section shall result in the assessment of a a \$50 finecivil penalty .

(2) The police department shall place a notice on the vehicle notifying the owner or operator of the vehicle that the vehicle has been parked in violation of the provisions of this section.

(3) The owner or operator may, within 24 48 hours of the time when the notice was attached to the vehicle, pay the finepenalty designated in this section in full satisfaction of the violation.

(4) If any offender fails to pay the civil penalty set forth in this section within (30) days after being cited, for a violation and notified of the penalty, the city may seek to collect it by any lawful means including the filing of a civil action and/or submission of the same to the North Carolina Debt Setoff Program. In the event of the filing of a civil action, the City may seek payment of court costs and attorneys fees.

~~(4) In the event the owner or operator does not make the payment within in the above time period, a warrant shall be issued for the arrest of the owner or operator, and upon conviction, the owner or operator shall be guilty of a misdemeanor.~~

~~(5) Any violation will also result in the permanent revocation of any city registration decal issued pursuant to this section.~~

~~(C)~~ **(D)** *Storage of parts.* It shall also be unlawful in a residential area to store automotive parts, truck parts or tires on any property in open spaces which are visible to neighbors or from a public street.

~~(D) Definition. A **COMMERCIAL, INDUSTRIAL OR CONSTRUCTION TRUCK OR VEHICLE** as used herein is any self-propelled motor vehicle having a gross weight of greater than 12,000 pounds or having three or more axles. (always put definitions up front...)~~

~~(1) For purposes of clarification, but without limitation, this definition includes dump trucks, tractor-trailer tractors, tanker trucks, buses, large panel vans and construction equipment.~~

~~(2) Vehicles which are not included in this definition, but without limitation, are pick-up trucks, vans, sport-utility vehicles, small panel trucks, boats and recreational vehicles.~~

(E) *Exemptions.*

(1) Exempt from this provisions of this section are all city-owned maintenance vehicles and any commercial, industrial or construction truck or vehicle, without its trailer, owned by a resident of the city prior to January 1, 2001 provided the vehicle is:

(a) Listed for taxes with the city and the taxes are not delinquent;

(b) Registered with the city on or before July 1, 2001; and

(c) Displays a city registration decal on the right hand portion of the windshield.

(2) Registration of exempt vehicles shall be according to the address of the owner and is non-transferrable. Only one vehicle per address shall be exempt.

~~(3) A temporary registration decal, which shall expire no longer than 30 days from its issuance, may~~

~~be issued for construction vehicles used at construction sites within the city.~~

(4) All vehicles meeting this criteria must ~~be registered~~ have a current registration with the North Carolina Department of Motor Vehicles every year before June 30 to keep the registration decal valid.

(5) Exempt vehicles, except for city-owned vehicles, may only travel on the most direct route from the address of registration to the nearest truck route which are not designated as city-maintained streets and are defined above.

(6) Exempt vehicles may park on a city-owned street only for the purpose of loading or unloading commodities at a destination upon such street.

(Ord. 02-06-02, passed 6-11-02)

§ 20-146 PARKING FINES.

(A) Unless specifically set forth in any provision in this Chapter 20, Article IV, the penalties for violations shall be as set forth in the following penalty schedule.

MAXIMUM PENALTY SCHEDULE	
All night parking (2:00 a.m. to 6:00 a.m.)	\$2.00
Double parking or standing	\$5.00
Handicapped	\$10.00
Improperly parked	\$5.00
Left side	\$2.00
Overtime parking, two-hour zone	\$5.00
Second violation same day	\$5.00
Restricted zone	\$5.00

<u>MAXIMUM PENALTY SCHEDULE</u>	
<u>Double Parking or Standing</u>	<u>\$10.00</u>
<u>Improper Parking</u>	<u>\$10.00</u>
<u>Restricted or Limited Zones (other than 2-hr Parking)</u>	<u>\$10.00</u>
<u>Handicapped Parking</u>	<u>\$100.00</u>
<u>Parking in a Fire Lane or in front of a Fire Hydrant</u>	<u>\$50.00</u>

Overtime Parking, 2 Hour Zone

See Section 20-131
of this Chapter

(B) Unless specifically set forth in any provision in this Chapter 20, Article IV, the fine will double if not paid within 30 days of the issue date of the citation.

(C) A copy of the penalty schedule, which may be amended from time to time, shall be kept on record in the office of the City Clerk, be incorporated into the City of Oxford fiscal year budget ending June 30.

(Ord. 03-12-1, passed 12-9-03; Am. Ord. 05-10-01, passed 10-11-05)

~~DIVISION 2: METERED OR TIMED PARKING LOTS (THIS IS ALL COVERED IN THE PREVIOUS SECTION)~~

~~§ 20-161 DESIGNATION.~~

~~— Off-street public parking lots on which parking of vehicles shall be regulated by parking meters or other timing methods by time limited spaces shall be as designated by the City Manager, with the approval of the Board.~~

~~Two(2) off-street public parking lots have time limited spaces. The public parking lot bordered by Gilliam and Littlejohn Streets and the public parking lot bordered by Banks and Wall Street offer both full day and 2-hour parking spaces.~~

~~(‘86 Code, § 20-161) (Ord. 80-2-1, passed 2-12-80)~~

~~§ 20-162 MARKING.~~

~~————— The arrangement, location and marking off of the individual parking spaces in off-street parking lots and the location, selection and arrangement of any parking meters shall be done under the direction of the Chief of Police. Two-hour parking spaces are marked with white stripes. All day parking spaces are marked with yellow stripes.~~

~~(‘86 Code, § 20-162)~~

~~§ 20-163 MANNER OF PARKING.~~

~~— It shall be unlawful for any person to park a vehicle in any metered or timed off-street parking lot at any place, except in a designated parking space.~~

~~(‘86 Code, § 20-163)~~

~~§ 20-164 HOURS OR DAYS OF OPERATION.~~

~~— The public metered or timed parking lots shall be operated under the provisions of this division between the hours of 8:00 a.m. and 9:00 p.m. each day, except Sundays, January 1, Easter Monday, July 4, the first Monday in September, the day designated and set aside as Thanksgiving in November and December 25.~~

~~(‘86 Code, § 20-164) (Ord. 80-2-1, passed 2-12-80)~~

~~§ 20-165 EXTENSION OF TIME; MAXIMUM PARKING TIME.~~

~~— (A) — The owner or operator of a vehicle parked in a metered off-street parking lot may:~~

~~— (1) — Use all or any part of any unused parking time purchased by other users of metered parking space in the lots; and~~

~~— (2) — Deposit additional coin or coins to reactivate the meter so as to increase the period of parking on the space.~~

~~— (B) — The total period of time in which a vehicle shall be permitted to park in a single parking space at any one time shall not exceed the period of 12 hours.~~

~~— (C) — In off street parking lots not controlled by meters but by some other timing method, the total period of time in which a vehicle shall be permitted to park in a single parking space at any one time shall not exceed the time adopted and posted for the lot.~~

~~(‘86 Code, § 20-165) (Ord. 80-2-1, passed 2-12-80)~~

~~§ 20-166 IMPOUNDMENT OF VEHICLES.~~

~~— Any vehicle found parked in any metered or timed parking lot in violation of the provisions of this division shall be impounded and towed away to a storage place designated by the Chief of Police. In the event of impoundment, the charges for towing and storage shall be paid by the owner or operator of the vehicle, in addition to any other fine or penalty which may be due for the violation.~~

~~(‘86 Code, § 20-166) (Ord. 80-2-1, passed 2-12-80)~~

ARTICLE V: ABANDONED MOTOR VEHICLES

§ 20-201 DEFINITIONS.

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

ABANDONED MOTOR VEHICLE. A motor vehicle that:

(1) Has been left unattended upon a street or highway, in violation of statute, law or ordinance regulating or prohibiting parking, for a period of ~~24~~48 hours;

(2) Is left unaccompanied on property owned or operated by the city for a period of ~~not less~~longer than ~~72~~48 hours;

(3) Is left unaccompanied on any street or highway; or

(4) Is left on private property, without the consent of the owner, occupant or lessee thereof, for longer than 48 hours.

JUNKED MOTOR VEHICLE. Any vehicle that does not display a current license plate (if required) and:

(1) Is partially dismantled or wrecked;

- (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
- (3) Is more than five years old and worth less than \$100.

(Ord. 96-8-1, passed 8-23-96)

MOTOR VEHICLES. All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

('86 Code, § 20-201)

Statutory reference:

Abandoned vehicles and related definitions, see G.S.

§ 20-137.7

§ 20-202 ABANDONMENT PROHIBITED; DUTY OF OWNER TO REMOVE.

If a motor vehicle is abandoned on a public street or highway, it shall be the duty and responsibility of the owner of the motor vehicle to cause the removal thereof immediately and to pay all costs incident to the removal. No person or business shall allow an abandoned or junked motor vehicle to remain on premises owned or occupied by them after notice to have the vehicle removed.

('86 Code, § 20-202) (Ord. 96-8-1, passed 8-23-96)

§ 20-203 REMOVAL AND DISPOSAL BY CITY.

(A) Any junked motor vehicle found to be in violation of this ordinance may be removed to a storage garage or area, but no such vehicles shall be removed from private property without the written request of the owner, lessee or occupant of the premises unless the Board of Commissioners or a duly authorized city official or employee finds in writing that the aesthetic benefits of removing the vehicle out weighs the burdens imposed on the private property owner.

(B) Such findings shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing the community, neighborhood or area appearance.

(C) The following, among other relevant factors may be considered:

- (1) Protection of property values;
- (2) Promotion of tourism or economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community; or
- (5) Promotion of the comfort, happiness and emotional stability of area residents.

('86 Code, § 20-203) (Ord. 96-8-1, passed 8-23-96)

§ 20-204 INDEMNIFICATION AGAINST LOSS.

The city may require any person requesting the removal of any junked or abandoned motor vehicle from private property to indemnify the city against loss, expense or liability incurred because of the removal

and/or storage thereof. When an abandoned or junked motor vehicle is removed the city shall give notice to the owner as required by G.S. § 20-219.11(a) and (b).

(Ord. 96-8-1, passed 8-23-96)

§ 20-205 HEARING PROCEDURE.

(A) Regardless of whether the city does its own removal and disposal of motor vehicles or contracts with another person to do so, the city shall provide a prior hearing procedure for the owner. For purposes of this subsection, the definitions in G.S. § 20-219.9 apply.

(B) If the city operates in such a way that the person who tows the vehicle is responsible for all towing fees, all provisions of G.S. §§ 20-219.9 through 219.14 shall apply.

(C) If the city operates in such a way that it is responsible for collecting towing fees, it shall:

(1) Provide by contract or ordinance for a schedule of reasonable fees;

(2) Provide for a procedure for prompt and fair hearing to contest the towing; said hearing shall be conducted by the City Manager within 48 hours of the towing;

(3) Provide for an appeal to district court from that hearing which shall be within ten days of the decision of the City Manager;

(4) Authorize the release of the vehicle at any time after towing by posing of a bond and paying of the fees due; and

(5) Provide a sale procedure similar to that provided in N.C. Gen. Stat. §§ 44A-4, 44A-5 and 44A-6 except that no hearing in addition to the probable cause hearing is required. If no one purchases the vehicle at the sale and if the value of the vehicle is less than the amount of the lien, the city may destroy it.

(Ord. 96-8-1, passed 8-23-96)

Statutory reference:

Statutory liens and charges and possessory liens on personal property, see G.S. §§ 44A-1 et seq.

Towing procedures, notice and hearings, see G.S.

§§ 20-219.1 et seq.

§ 20-206 INTENTIONAL OR NEGLIGENT DAMAGE TO VEHICLE.

Any person who removes a vehicle pursuant to this section shall not be held liable for damages for the removal of the vehicle to the owner, lien holder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages as provided by law.

(Ord. 96-8-1, passed 8-23-96)

§ 20-207 GENERAL PROVISIONS.

Sections 20-201 through 20-209 do not apply to the removal or disposition of any motor vehicle that is used on a regular basis or business of personal use. The city and its duly authorized officials or employees

are hereby authorized to move and dispose of junked motor vehicles subject to this ordinance and in accordance with the procedures prescribed herein. The authority granted by these sections shall be supplemental to any other authority conferred upon the city. Nothing herein shall be construed to authorize the city to require the removal or disposal of a motor vehicle kept or stored at a bonafide automobile graveyard or junkyard as defined in G.S. § 136-143.

(Ord. 96-8-1, passed 8-23-96)

§ 20-208 ENFORCEMENT OFFICIAL.

The city zoning administrator and/or finance officer are hereby authorized and empowered by the Board of Commissioners to enforce the provisions of this ordinance according to the terms hereof.

(Ord. 96-8-1, passed 8-23-96)

§ 20-209 APPEAL.

Any person found in violation of this ordinance shall have the right to appeal the decision to the City Manager who shall have the final decision on the matter. ~~of the zoning administrator and/or finance officer to the General Court of Justice, District Court Division within ten days of said decision.~~

(Ord. 96-8-1, passed 8-23-96)

§ 20-999 PENALTY.

(A) — Any person, firm or corporation violating any of the provisions of any section or division of this chapter for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor be guilty of an infraction and subject to a fine civil penalty not to exceed \$50 except as otherwise provided for herein, or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense.

(B) If any offender fails to pay the civil penalty set forth in any section or division of this chapter for which no other penalty is provided, or fails, neglects or refuses ing or neglecting or refusing to comply with the same, within (30) days after being cited for a violation, as set out in subsection (A) and notified of the penalty, the city may seek to collect said penalty it and an additional civil penalty of fifty dollars (\$50) in a civil action in the nature of debt.

(C) The city may seek to enforce the provisions of this chapter through any lawful or appropriate equitable action.

(G.S. § 14-4(a))

Statutory reference:

Enforcement of ordinances, see G.S. § 160A-75

Disclaimer:

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TABLE 20-A: RESTRICTED PARKING SPACES

TWO-HOUR ON-STREET PARKING LOCATIONS

BETWEEN THE HOURS OF 9:00 AM AND 5:00 PM

MONDAY - FRIDAY

COLLEGE STREET – both sides

from McClanahan Street to Hillsboro Street

MAIN STREET – both sides

From ~~Court~~ Williamsboro Street to Spring Street

From Hillsboro to Spring Street, excluding 15 spaces in front of the US Post Office

WILLIAMSBORO STREET – both sides

From Belle Street/Lanier Street to College Street, excluding 3 spaces in front of the Granville County Administrative Building

HILLSBORO STREET – both sides

From College Street to Orange Street except for 2 spaces on the south side ~~in front of Granville Video~~ at the intersection of Hillsboro and Wall Streets

SPRING STREET – both sides

From Main Street to Linden Avenue

WALL STREET – both sides

From Spring Street to Hunt Street except for 1 space on at 208 Wall Street

HUNT STREET – both sides

From Wall Street to Linden Avenue

COURT STREET (one-way street)

From the corner of Main Street to the right hand turn

Six (6) spaces

LITTLEJOHN STREET

From Main Street to the Littlejohn Street Parking Lot on the north side

From Main Street to Gilliam Street on the south side

MCCLANAHAN STREET

From New College Street to Triangle Orthopedics on the north side

From New College Street to College Street on the south side

~~From College Street to Broad Street – both sides~~

LANIER STREET – on West Side

From parking lot in front of 107 Lanier street to McClanahan Street

NEW COLLEGE STREET – East Side

From Williamsboro Street to McClanahan Street

15-MINUTE PARKING SPACES

MAIN STREET

Fifteen (15) spaces in front of US Post Office

~~Two (2) spaces in front of Granville County Court House~~

HILLSBORO STREET

Two (2)-spaces on the south side at the corner intersection of Hillsboro and Wall Streets ~~in front of Granville Video~~

WILLIAMSBORO STREET

Three (3) spaces in front of the Sherriff/County Offices

OTHR RESTRICTED PARKING SPACES

~~COURT STREET – DELETE THIS SECTION~~

~~2 spaces – Presiding Judge only~~

~~1 space – Clerk of Court only~~

~~1 space – District Attorney only~~

~~1 space – Clerk Superior Court~~

~~1 space – Registrar of Deeds THIS SECTION DELETED AS STATE STATUTES DO NOT ALLOW MUNICIPALITIES TO RESERVE ON STREET PARKING~~

COLLEGE STREET

~~1 space for Police Car on east side across from Creedle School~~



CITY OF OXFORD

STAFF REPORT

TO: Mayor Sergent and Board of Commissioners

VIA: Randy Hemann, City Manager

FROM: Amy Ratliff, PE

DATE: 8/27/14

SUBJECT: Budget Amendment – Computer Software

SUMMARY STATEMENT

In FY 2014, the City determined the need to upgrade the computer hardware and software for the Engineering and Public Works Departments. The City proceeded with purchasing three new computers for use by the City Engineer, the Public Works Director and the Engineering Technician in FY 2014. The FY 2015 Budget includes the purchase of new hardware – a GPS Wand Locator and a wide format printer/scanner for maps and GIS. The software required to utilize the hardware was not purchased in FY 2014 and was not included in the FY 2015 Budget.

REVIEW

The requested Budget Amendment in the amount \$7,470 covers the cost of one AutoCAD license for the City Engineer (\$3,550) and three ArcGIS licenses for use by the City Engineer, the Public Works Director and the Engineering Technician (\$3,920). The Budget Amendment would be payable from the General Fund in the amount of \$4,980 and from the Water Fund in the amount of \$2,490.

RECOMMENDATION

Staff recommends approving a Budget Amendment in the amount of \$7,470, with \$4,980 payable from the General Fund and \$2,490 from the Water Fund to purchase the licensing and software needed for the new GIS and mapping equipment that will be used by both the Engineering and Public Works Departments.

City Of Oxford

BUDGET AMENDMENT VOUCHER			Date
ACCT. NO.	DESCRIPTION	INCREASE	DECREASE
722-481	Engineering (AutoCAD)	\$2,368.00	
722-481	Engineering (ArcGis)	\$1,306.00	
561-481	Public Works (ArcGIS)	\$1,306.00	
828-481	Water Fund	\$2,490.00	
10-399000	General Fund - Fund Bal.		\$4,980.00
30-299500	Water Fund - Retained Ear		\$2,490.00
EXPLANATION FOR AMENDMENT			
Request for approval of Fiscal Year 20145 budget amendment.			
Approved by Mayor and Board			

Requested By



**CITY OF OXFORD
STAFF REPORT**

TO: Mayor Sergent and the Board of Commissioners
FROM: James Proctor, Public Works and Utilities Director
DATE: August 27, 2014
SUBJECT: Public Works/Engineering Reorganization

SUMMARY STATEMENT

When I was hired as the new Public Works and Utilities Director, July 13, 2014, the City Manager asked me to study the Water/Sewer and Street Departments' organization and to make staffing recommendations. I am recommending several changes, primarily in the organizational chart that would benefit both departments. Even though the Water/Sewer Distribution and Collections Superintendent position was previously eliminated to create the Public Works and Utilities Director, I believe it is a vital role that must be filled to maintain effective and efficient department services, the flow of information from director to staff, and create a balance between the two very different functions of Utility and Public Works.

In the Water/Sewer Department, we have had an Interim Utility Maintenance Crew Leader since January of 2014. This person has performed his duties exceedingly well and has proved himself a real asset to the City of Oxford. Even though the position he is currently filling is a transfer within the same pay grade, it doesn't require him to function as a backup ORC (Operators Responsible Charge); a certification he currently holds. I believe this added responsibility of backup ORC justifies a 5% increase. The position he was filling prior to his "interim", as Senior Equipment Operator/Backup ORC, pay grade 13, would not be filled further offsetting the cost.

In the Street Department, our Superintendent has 37 years of service with the City of Oxford. While we hope he continues to work for many years to come, we must instill a plan to capture his institutional knowledge. By creating a crew leader position under him, the Superintendent could start training a person to fill his position. It would also give us the ability to send crews out in different directions, which would make the Street Department more effective and time efficient. This would give the Street Department the same organizational structure as the Water/Sewer Department.

RECOMMENDATION

Staff recommendations to be effective 9/17/14:

- 1) Water/Sewer Department: Reinstitute the Distribution and Collections Superintendent position at a pay grade 21. Leave the current interim in the position with a 5% increase in his current salary. He has been filling the position as "interim" since January, '14.
(approx. annual cost = \$2538.06. This FY = \$1,854.74)

- 2) Water/Sewer Department: Leave the current interim (previous Senior Equipment Operator/Backup ORC) in the existing Utility Maintenance Crew Leader position that he has been filling as "interim" since January, '14 with a 5% increase in his current salary. The position of Senior Equipment Operator/Backup ORC, pay grade 13 will not be filled. The Equipment Operator, pay grade 11 will provide needed equipment operation. (approx. annual cost = \$2326.08. This FY = \$1,699.83)

- 3) Street Department: Change a vacant Street Maintenance Worker position, pay grade 7 into a Public Works Crew Leader, pay grade 12.
(Approx. annual cost = \$6400.00. This FY = \$4676.92)

The total annual cost of this reorganization will be \$11,264.14 but the cost this FY will be \$8,231.49 and will be covered with lapsed salaries which total \$8,837.99 due to vacancies up to 9/17/14.



CITY OF OXFORD
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners
FROM: Randy Hemann, City Manager
DATE: September 4, 2014
SUBJECT: Downtown Master Plan Committee Appointments

SUMMARY STATEMENT

The City has set aside \$15,000 in this year's budget to work on a Downtown Master Plan. All successful Master Plans are developed by the people who know the downtown best, those business owners, citizens, and governmental stakeholders who understand the current workings of the downtown and are capable of having a vision that extends beyond the present conditions and provides incremental steps to fulfill that vision. The Board of Commissioners asked the City Manager to finalize a list of potential members for a Master Plan Committee for consideration. The attached list of proposed candidates have not yet been approached regarding their willingness to serve.

REVIEW

The proposed list includes representatives from the DOEDC, elected and appointed boards and organizations.

RECOMMENDATION

Staff recommends approving a list of Nominees to serve on a Downtown Master Plan Committee and authorizing the City Manager to approach possible representatives as outlined and fill any other positions with alternatives from the various groups represented as needed if some of those nominated are not able to serve.

DOWNTOWN MASTER PLAN DEVELOPMENT COMMITTEE

CITY BOARD APPOINTMENTS

BOARD	APPOINTMENT
Two Board Representatives	Commissioner Danny Currin Commissioner Frank Strickland
Surrounding Neighborhood and/or HPC Representative	Peter Tocci
Planning Board Representative	Vincent Gilreath
Zoning Board of Adjustment Representative	Carl Pike
Parking Authority Representative	John Williford
At- Large Representative	TBD
PROPOSED APPOINTMENTS BY OTHER ORGANIZATIONS	
ORGANIZATION	PROPOSED APPOINTMENT
DOEDC BOARD	Chance Wilkerson Lori Dutra Julia Overton
County Commissioner	David Smith
County Staff	Michael Felts
City Staff	Cheryl Hart
Tourism Development Authority	Susan Ball
County Economic Development	Harry Mills