

CITY OF OXFORD
BOARD OF COMMISSIONERS' REGULAR MONTHLY MEETING
Tuesday, July 14, 2015 - 7:00 p.m.
Commissioners' Board Room

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

Randy Hemann, City Manager
Barbara Rote, City Clerk



Jackie Sergent, Mayor

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

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: Reverend Tolokun Omokunde, Timothy Darling Presbyterian Church
2. Pledge of Allegiance led by MPT Howard Herring, Sr.
3. Consider adjustments to and approval of the Agenda:
Item 6: Add Proclamation recognizing July as Parks and Recreation Month
4. Opening Remarks by Mayor Sergent
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 – July Yard of the Month to Betty and William Finch, 207 Forest Road
6. Proclamation – July as Parks and Recreation Month (Attachment 6)

[**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.

7. **Public Hearing to amend the Oxford Zoning Ordinance in order to allow solar farms and systems within the City of Oxford's Zoning Jurisdiction**

Currently the Oxford Zoning Ordinance does not have guidelines for solar farms and systems. With the request for solar farms being made in neighboring communities, the Planning Board started discussing this topic several months ago. In developing guidelines for solar farms and

systems, the Planning Board reviewed sample ordinances from Archdale, Huntersville, Granville County, St. Paul's, Louisburg and the NC model ordinance. (Attachment 7)

- 7a. Consider Planning Board Recommendation to amend the Oxford Zoning Ordinance in order to allow solar farms and systems within the City of Oxford.
- 7b. Consider Planning Board Recommendation for Consistency Statement. The amendment to the Oxford Zoning Ordinance is consistent with applicable plans because it is in line with the goals of the Comprehensive Plan for the City of Oxford. The amendment is reasonable and in the public interest because it supports the goal of supporting conservation programs as found on page 18 of the Executive summary for the Comprehensive Plan.

[OLD BUSINESS]

No Old Business

[NEW BUSINESS]

- 8. Consider directing the City Clerk by resolution to investigate the sufficiency of the petition for Annexation request by Oxford Charter Holdings, LLC.

Oxford Charter Holdings, LLC has petitioned the City to annex 1.0 acres of land adjacent to Oxford Preparatory School on Landis Road in order to expand the school. The petition for annexation is necessary for receiving the City's water and sewer service. (Attachment 8)

Recommended action: Staff recommends directing the City Clerk by resolution to investigate the sufficiency of the petition.

- 9. Consider reappointing Vernon "Butch" Ball and Howard Herring Jr. to the Fireman's Relief Fund for a 1-year term expiring June 2016.

The Fireman's Relief Fund consists of two appointees from the Volunteer Fire Department and two from the City Board. In addition, the City Finance Director is designated by the Insurance Commission and the Fire Chief attends in an ex-officio capacity. No other applications were received. (Attachment 9)

Recommended action: Staff and Commissioner Currin recommend reappointing Butch Ball and Howard Herring Jr. to the Fireman's Relief Fund for a 1-year term expiring June 2016.

10. Consider amendments to the March 11, 2014 City of Oxford Personnel Policy that updates changes made due federal laws and clarifies changes for Lateral Transfer Employees, Vacation Leave for Probationary Employees, and sick leave.

The Personnel Committee met on June 23rd and discussed changes to the personnel policy as recommended by HR Director Ayscue for the following sections:

Appendix E- PPACA (Patient Protection and Affordable Care Act). New section due to Federal mandates.

Article IV, Section 8 and Article VI, Section 11- Lateral Transfer Employees. Minimizes the potential liability to the city when hiring employees from other local governments, and brings us more in-line with what other LGERS employers' policies are in regards to transfers.

Article VII, Section 6- Vacation Leave: Use by Probationary Employees. Remove section which now restricts the use of vacation leave for the first 6 months of employment.

Article VII, Section 15- No changes, moving section for policy continuity.

Article VII, Section 12- Sick Leave. Makes this section consistent for previous changes made in other parts of the policy for Worker's Compensation. (Attachment 10)

Recommended action: Staff and the Personnel Committee recommend amending the March 11, 2014, Personnel Policy as presented and incorporate the changes effective upon adoption.

[REPORTS]

11. June Financial Report highlights by Finance Director Kehoe. Report will be provided on meeting night.
12. City Update - City Manager Hemann
13. Dr. Martin Luther King Ave. Report (signs & naming)- City Manager Hemann (Attachment 13)
14. Kerr-Tar COG Report – Commissioner Williford
15. County Board Meeting – Mayor Sergent
16. KLRWS Report – Commissioner Strickland/City Manager Hemann
17. 200th Anniversary Update – Commissioners Williford and Strickland

[CONSENT AGENDA]

18. Accept the June Financial Reports by Finance Director Kehoe (available on meeting night)

19. Adopt resolution incorporating 2015 S-9 Supplement to the City Of Oxford, Code of Ordinance. This officially codifies Ordinance changes adopted by the Board from May 2014 through May 2015. (Attachment 19)
20. Approve the following meeting 2015 minutes:
 - * June 1, Agenda Session
 - * June 9, Regular Session
 - * June 23, Special Session
 - * June 30, Special Session

[BOARD COMMENTS]

[ADJOURNMENT]

REMINDERS:

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

- July 15: Finance Committee Mtg. – 2:00 p.m., Training Rm., City Hall
- July 16: Community Round Table – 5:30 p.m., Empowerment Center, Linden Ave.
- July 23: Downtown Movie Night – 8 p.m. concessions, 8:30 movie

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.

RECOGNIZING JULY 2015 AS
"PARKS AND RECREATION MONTH"
IN THE CITY OF OXFORD

WHEREAS, parks and recreation programs are an integral part of the Oxford community and other communities throughout this country; and

WHEREAS, parks and recreation areas are vitally important to establishing and maintaining the quality of life in Oxford, ensuring the health of Oxford citizens, and contributing to the economic and environmental well-being of our community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are disabled, and improve the mental and emotional health of all citizens; and

WHEREAS, our parks and natural recreation areas insure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, parks, recreation and cultural resource programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks, open space, and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, the City of Oxford recognizes the benefits derived from parks and recreation resources and appreciates the dedication and energy of our staff that manages them;

NOW, THEREFORE, I, Jacqueline vdH Sergent, Mayor of the City of Oxford, North Carolina, on behalf of the Oxford Board of Commissioners, do hereby proclaim July 2015 as "Parks and Recreation Month" in Oxford, and encourage Oxford residents, workers, and visitors to enjoy using the parks, trails, programs, and special places that enhance the quality of life of our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Oxford NC, to be affixed this the 25th day of June 2015.

Jacqueline vdH Sergent
Mayor, City of Oxford



CITY OF OXFORD
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners
VIA: Randy Hemann, City Manager
FROM: Cheryl Hart, Planning Director
DATE: 05-22-2015
SUBJECT: Consider amending the Oxford Zoning Ordinance in order to allow solar farms and systems within the City of Oxford's Zoning Jurisdiction.

SUMMARY STATEMENT

Currently, the Oxford Zoning Ordinance doesn't have any guidelines for solar farms and systems. With the request for solar farms being made in neighboring communities, the Planning Board started discussing this topic several months ago.

REVIEW

In developing guidelines for solar farms and systems, the Planning Board reviewed sample ordinances from Archdale, Huntersville, Granville County, St. Pauls, Louisburg and the NC model ordinance.

RECOMMENDATION

Staff recommends amending the zoning ordinance for guidelines for solar farms and systems .

Attachments: y

Requirements for Solar Systems

Solar Farm – A use where a series of ground mounted solar collectors are placed in an area for the purpose of generating photovoltaic power for resale purposes.

Allowed Districts I-2 (General Industrial) and I-3 (Heavy Industrial) Permitted by Right

R-A (Residential- Agriculture) Subject to a Special Use Permit With the following Conditions:

- Minimum size- 10 acres
- Setback- 100ft from all property lines
- 8 ft fence above ground
- Berm and /or acceptable buffering
- Height- 20ft overall height
- Provide Visual Impact Study
- Provide Glare Study
- Storm Drainage- Pre/post installation stormwater plan must be submitted such that the stormwater run-off onto neighboring properties or road right of way is no greater or minimal after installation than existed pre-installation. All applicable storm drainage state permits must be obtained prior to operation/installation.

Requirements for Accessory Uses - Small solar energy systems shall be a permitted as an accessory use by right in all zoning districts which shall include :

- Ground and pole mounted systems in the rear or side yard only.
- Ground mounted system shall not exceed 12 ft above the ground.
- Roof mounted solar energy systems shall include integrated solar shingles, tiles or panels as the surface layer of the roof structure with no additional apparent change in relief or projection of the roof line.
- Separate flush mounted solar energy systems installed on the roof of a building or structure shall not: project vertically above the peak of the sloped roof to which it is attached; or extend beyond the perimeter of the roof line.
- Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard.
- Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection t system components and /or the local utility power grid.
- No ground-mounted small solar energy system shall be affixed to a block wall or fence.
- Energy- The energy generated by the small solar energy system shall be used for direct consumption on the subject property and/ for inter-connection to the electric utility power grid to off-set energy use on the subject property, in accordance with current state net-metering laws.
- The construction of the small solar energy system shall be in accordance with an approved building permit application.



Consistency Statements

- The amendment is consistent with applicable plans because it is in line with the goals of the comprehensive plan for the City of Oxford.
- The amendment is reasonable and in the public interest because it supports the goal of supporting conservation programs as found on page 18 of the Executive summary for the comprehensive plan.



ATTACHMENT 8

CITY OF OXFORD STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners

VIA: Randy Hemann, City Manager

FROM: Barbara Rote, City Clerk

DATE: 07-02-2015

SUBJECT: Consider directing the city clerk by resolution to investigate the sufficiency of the petition for annexation request by Oxford Charter Holdings, LLC

SUMMARY STATEMENT

In order to expand Oxford Preparatory School, Oxford Charter Holdings, LLC has petitioned the City to annex 1.0 acres of land located on Landis Rd adjacent to the school.

REVIEW

The petition for annexation is necessary for receiving City's water and sewer service.

RECOMMENDATION

Staff recommends directing the city clerk to investigate the sufficiency of the petition for annexation.

Attachments: Y

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1
FOR NON-CONTIGUOUS ANNEXATION BY OXFORD HOLDINGS, LLC

WHEREAS, a petition requesting annexation of an area described in said petition was received on July 1, 2015 by the City of Oxford Board of Commissioners; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the Board of Commissioners of the City of Oxford deems it advisable to proceed in response to this request for annexation by Oxford Holdings, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Board of Commissioners of the City of Oxford that:

The City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City of Oxford the result of his/her investigation.

Jacqueline vdH Sergent, Mayor

ATTEST:

Barbara J. Rote City Clerk

PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

Date: June 29, 2015

To the Mayor and Oxford Board of Commissioners of the City of Oxford:

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Oxford.
2. The area to be annexed is non-contiguous to the City of Oxford and the boundaries of such territory are as follows:

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

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

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Oxford (see Attachment #1).
4. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property.

Name / Address

Do you declare vested rights?

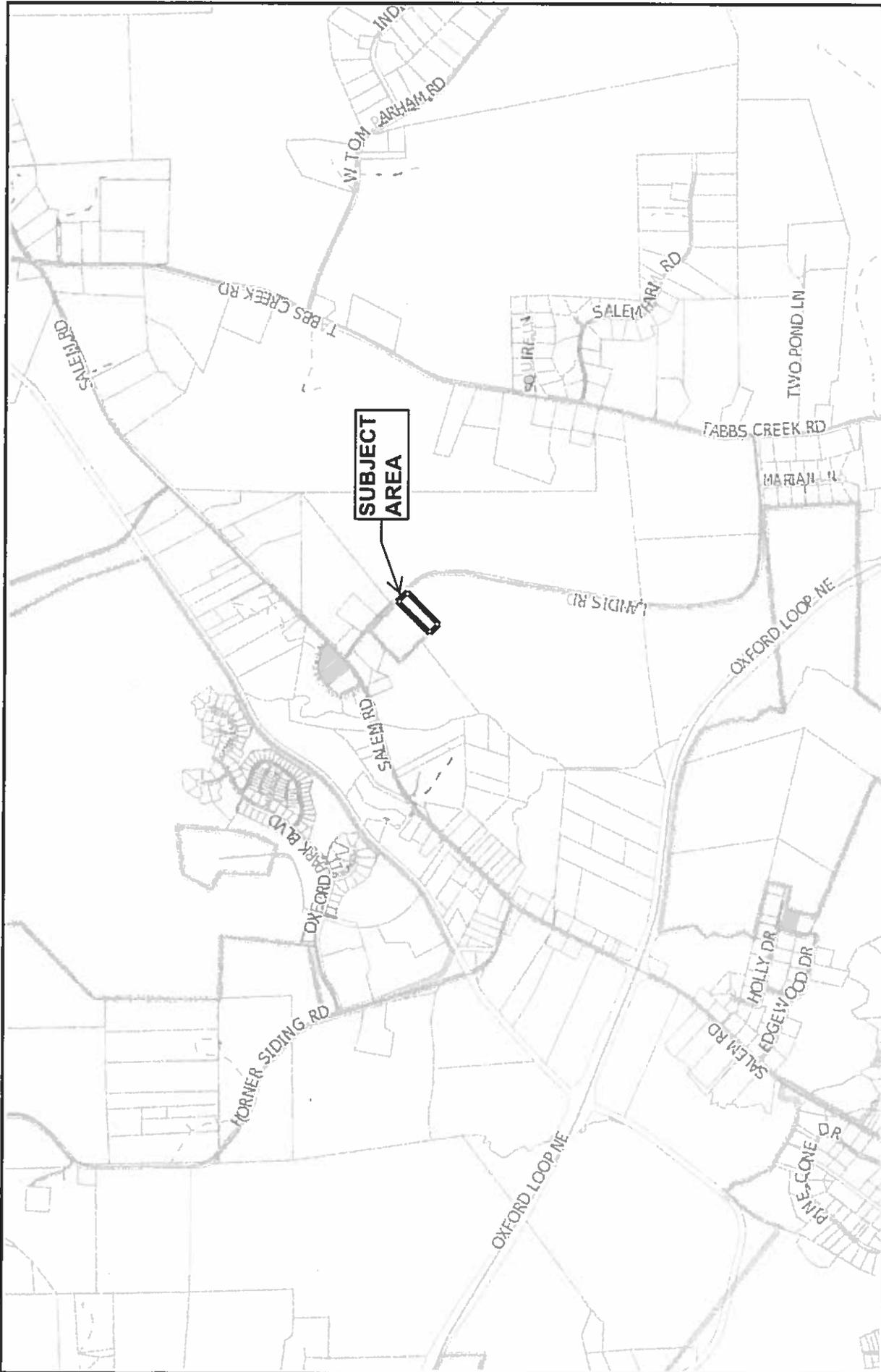
Oxford Charter Holdings, LLC
775 West 1200 North, Suite 100
Springville, UT 84663

No vested rights

Signature



Mike Morley, Manager
Oxford Charter Holdings, LLC



2

Attachment # 1
Oxford Charter
Holdings, LLC
Annexation Request



One Inch = 1600 Feet

GRANVILLE COUNTY



Disclaimer
 The data provided on this map are prepared for the inventory of real property found within Granville County, NC and are compiled from recorded plats, deeds, and other public records and data. The data is for informational purposes only and should not be substituted for a true title search, property appraisal, survey, or for zoning verification.

OXFORD PREP HIGH SCHOOL 1 AC TRACT
SCHEDULE FOR ANNEXATION OF NON-CONTIGUOUS (SATELLITE) AREAS UPON
PETITION OF ALL OWNERS OF REAL PROPERTY

STEP	PROCEDURE	DATE/PROJECTED DATE
1	Petition required from requesting party	Dated Received: 7-1-15
2	Board denies petition OR moves forward directing clerk by resolution to investigate petition (Board Meeting 1)	Board Meeting Date 1: 7-14-15
3	Clerk Certifies Petition by issuing a Certificate of Sufficiency (Board Meeting 2)	Board Meeting Date 2: 8-11-15
4	After presentation of Certificate of Sufficiency – Public Hearing Date Set (Board Meeting 2)	Board Meeting Date 2: 8-11-15
5	Staff initiates zoning changes beginning with Planning Board and Vested Rights procedures with Zoning Board as needed	Board Meeting Date 2: NA
6	Notice of Public Hearing for Annexation - published in paper once at least 10 days prior to public hearing.	Date of Publication: 8-25-15
7	Hold Public Hearing for Annexation (Board Meeting 3)	Board Meeting Date 3: 9-08-15
8	Adopt Annexation Ordinance for Satellite Area (Board Meeting 3) <i>i. Can be effective immediately or on any specified date within 6 months of ordinance adoption</i>	Board Meeting Date 3: (or later) 9-08-15
9	Call for Zoning Public Hearing if needed (Board Meeting 3)	Board Meeting Date 3: NA
10	Public Notice of Ordinance Adoption	Publication Date: 9-14-15
11	Record annexation with Board of Elections, Register of Deeds, Secretary of State	Date Recorded:
12	Hold Zoning Public Hearing Adopt Zoning Classification (Board Meeting 4)	Board Meeting Date 4: NA
13	Change zoning regulations within 60 days of adoption if needed	



City of Oxford
300 Williamsboro Street, Oxford, North Carolina

APPLICATION FOR BOARD APPOINTMENT

Return completed form to
Oxford City Clerk, 300 Williamsboro Street, P.O. Box 1307, Oxford, NC 27565

Date 7-2-15

Name and email HOWARD G. HERRING, JR JOKER@GLORYROAD.NET

Home address 214 NEW COLLEGE ST OXFORD NC 27565 Phone 919 603-1059

Present occupation MAGISTRATE

Educational background BS. NC A&T STATE UNIVERSITY

Number of years a resident of Granville County 53 years

Do you live inside the City limits? Yes If so, for how long? 53 years

Indicate below the Board/Committee/Commission for which you are applying at this time:

- City Board of Commissioners
- Zoning Board of Adjustment
- Planning Board
- 200th Anniversary Planning Committee
- Oxford Parking Authority
- Recreation Advisory Committee
- Community Appearance Commission
- Historic Preservation Commission
- Fireman's Relief Fund
- Other

List all Boards/Committees/Commissions on which you have previously served or are currently serving.

Provide a brief statement as to why you wish to serve on the Board/Committee/Commission you have indicated above. Attach additional sheets/use other side, if needed.

ENJOY THE OPPORTUNITY TO SERVE OUR COMMUNITY.

Signature Howard G. Herring



City of Oxford
300 Williamsboro Street, Oxford, North Carolina

APPLICATION FOR BOARD APPOINTMENT

Return completed form to
Oxford City Clerk, 300 Williamsboro Street, P.O. Box 1307, Oxford, NC 27565

Date 7-2-15

Name and email Vernon F "Butch" Bell Jr UFBell@nc.rr.com

Home address 502 Chenay St Oxford NC 27565 Phone 919-693-3507 H

Present occupation Retired Firefighter - City of Oxford 919-690-2402 C

Educational background Graduate JFWobb High Business Degree UBCC

Number of years a resident of Granville County Lifetime

Do you live inside the City limits? Yes If so, for how long? all my life

Indicate below the Board/Committee/Commission for which you are applying at this time:

- City Board of Commissioners
- Zoning Board of Adjustment
- Planning Board
- 200th Anniversary Planning Committee
- Oxford Parking Authority
- Recreation Advisory Committee
- Community Appearance Commission
- Historic Preservation Commission
- Fireman's Relief Fund
- Other

List all Boards/Committees/Commissions on which you have previously served or are currently serving.

Board of Elders - Geneva Presbyterian Church, Treasure Cornwall Co Wildlife Club, Board of Directors Westwood Park Fair, Formerly Bd of Directors Oxford Jaycees,

Provide a brief statement as to why you wish to serve on the Board/Committee/Commission you have indicated above. Attach additional sheets/use other side, if needed.

I had been involved with the fire service most of my life, I feel I would be an asset to the committee with this experience and background.

Signature [Handwritten Signature]



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: July 2, 2015
SUBJECT: Recommended Changes to the Personnel Policy

SUMMARY STATEMENT

Due to new legal requirements and to create consistency and eliminate confusion on the interpretation of wordy, or less than clear policies, HR recommended the attached changes to the Personnel Policy..

REVIEW

Appendix E- PPACA (Patient Protection and Affordable Care Act). Now that the Supreme Court has ruled in favor of the AFA, it is Law. The changes recommended in this appendix will bring the City into compliance with the new Employer Mandate and regulations.

Article IV, Section 8 and Article VI, Section 11- Lateral Transfer Employees. The recommended changes minimize the potential liability to the city when hiring employees from other local governments, and brings us more in-line with what other LGERS employers' policies are in regards to transfers.

Article VII, Section 6- Vacation Leave: Use by Probationary Employees. The recommendation is that this section be removed. Not allowing an employee to use accrued leave for 6 months lowers that employee's morale, and can potentially create incentive for the employee to call in sick.

Article VII, Section 15- No changes recommended in this section; just moving it under the chart it corresponds to earlier in the Article.

Article VII, Section 12- Sick Leave. This change is one that we have already made with regards to Worker's Compensation. At the time we made the change, I didn't realize it was also listed in this section.

RECOMMENDATION

Staff and Personnel Committee recommend approval of the changes to the personnel policy as presented.

ELIGIBILITY POLICY FOR HEALTH PLAN COVERAGE OFFERED BY CITY OF OXFORD AS REQUIRED BY THE PPACA

This Eligibility Policy for Group Health Plan Coverage Offered by City of Oxford shall be used to determine whether certain Employees of the City are eligible to participate in the City of Oxford Group Health Plan. This Policy is intended to comply with the safe harbor described in Internal Revenue Service ("IRS") Final Regulations published on February 2, 2014 under Section 4980H of the Internal Revenue Code of 1986, as amended, and this Policy shall be interpreted, construed, and limited in accordance with such intent.

- I. Definitions.** The following definitions apply for purposes of this Policy.
- a. **Employee** means a person who is classified as an employee by the City of Oxford under the common-law standard (anyone who performs services for you is your employee *if you can control what will be done and how it will be done*)
 - b. **Break in Service** means a period of time during which an Employee does not have an Hour of Service credited to the Employee.
 - c. **Date of Hire** means the day on which a New Employee first performs an Hour of Service for the City of Oxford.
 - d. **Eligible Employee** means an Employee who has been classified as eligible to participate in Health Coverage pursuant to this Policy.
 - e. **Employment Break Period** means a period of at least four consecutive weeks (disregarding any Special Unpaid Leave of Absence- FMLA, Military Leave, etc.), measured in weeks, during which an Employee is not credited with Hours of Service.
 - f. **Full-Time Employee** means an Employee who is employed by City of Oxford with respect to a Measurement Period, for at least the Minimum Hours.
 - g. **Hour of Service** means: (i) each hour for which an Employee is paid by City of Oxford, or entitled to payment, for performing duties for the City; and (ii) each hour for which an Employee is paid by the City, or entitled to payment, for vacation, holiday, sickness, jury duty, military duty or leave of absence even though no duties are performed during those time periods.
 - h. **Initial Administrative Period** means the full month immediately following the New Employee's Initial Measurement Period.
 - i. **Initial Measurement Period** means the period beginning on the first day of the month following the New Employee's Date of Hire or the Date of Hire if the New Employee's Date of Hire is the first day of the month, and concluding on the last day of the twelfth month thereafter.

Example: Bert, who started work on February 12, 2015, has an Initial Measurement Period from March 1, 2015 through February 29, 2016.

- j. **Initial Stability Period** means the first day of the month following the Initial Administrative Period and concluding on the last day of the twelfth month thereafter.

Example: Bert, who started work on February 12, 2015, will have an Initial Stability Period from April 1, 2016 through March 31, 2017.

- k. **Look-Back Measurement Method** means the method by which the City of Oxford determines an Employee's status as a full-time employee by averaging an Employee's Hours of Service over the course of an Initial or Standard Measurement Period.
- l. **Minimum Hours** means the minimum number of hours required for an individual to average at least 30 Hours of Service per week during a Measurement Period. For example, the Minimum Hours for a fifty-two (52) week Standard Measurement Period would be 1560 Hours of Service (which is the period observed by the City of Oxford). There are special rules for calculating an Employee's Minimum Hours if he or she incurs an Employment Break Period or takes a Special Unpaid Leave of Absence. These rules are explained in Section V(b) of this Policy.
- m. **New Employee** means an Employee who has not yet worked for one complete Standard Measurement Period.
- n. **Ongoing Employee** means an Employee who has worked for at least one complete Standard Measurement Period.

Example: Bert, who started work on February 12, 2015, will become an Ongoing Employee on January 1, 2017 because he will have been an Employee for one complete Standard Measurement Period, running from October 4, 2015 through October 3, 2016.

- o. **Health Coverage** means health insurance plan coverage offered by the City to its Employees.
- p. **Part-Time Employee** means a new Employee who the City of Oxford reasonably expects to be employed less than the Minimum Hours during the Initial Measurement Period.
- q. **Policy** means this Eligibility Policy for Health Plan Coverage Offered by the City.
- r. **Seasonal Employee** means an Employee who is hired into a position for which the customary annual employment is six months or less.

- s. **Standard Administrative Period** means the period from October 4 to December 31 of each calendar year.
- t. **Standard Measurement Period** means each twelve (12) month period from the first day of the first payroll period beginning on or after October 4 to the last day of the first payroll period ending on or after the next following October 3.

Example: The first Standard Measurement Period for Bert, who started work on February 12, 2015, will run from October 4, 2015 through October 3, 2016.

- u. **Standard Stability Period** means the twelve (12) month period immediately following the Standard Administrative Period that applies to Ongoing Employees. The Standard Stability period is from January 1 to the next following December 31.

Example: The first Standard Stability Period for Bert, who started work on February 12, 2015, will run from January 1, 2017 through December 31, 2017.

- v. **Special Unpaid Leave of Absence** means an unpaid leave of absence taken by a New Employee or an Ongoing Employee on account of jury duty, or pursuant to regulations established by the Family and Medical Leave Act of 1993 or the Uniformed Services Employment and Reemployment Rights Act of 1994.

II. **Determination of Plan Eligibility for Ongoing Employees**

- (a) **Tracking.** The City will maintain a record of the Hours of Service of each Ongoing Employee during each Standard Measurement Period. At the conclusion of each Standard Measurement Period, the City of Oxford will determine whether each Ongoing Employee worked at least the Minimum Hours over the duration of the Standard Measurement Period.
- (b) **Eligible.** If an Ongoing Employee worked at least the Minimum Hours during the Standard Measurement Period, the Ongoing Employee will be classified as an Eligible Employee for the Standard Stability Period that starts at the end of the Standard Administrative Period. The City will notify the Ongoing Employee of this determination and will offer enrollment in Health Coverage to the Ongoing Employee, effective on the first day of the Standard Stability Period.
- (c) **Stability.** Except for in cases of Material Changes in Employment Status as provided in Section II(e) below, if the City classifies an Ongoing Employee as an Eligible Employee at the end of a Standard Measurement Period, the Employee will remain an Eligible Employee for the duration of the following Standard Stability Period, regardless of the number of Hours of Service actually worked by the Employee during the Standard Stability Period, so long as the Ongoing Employee remains employed and otherwise eligible for Health Coverage.

Example: If Bert worked at least the Minimum Hours from October 4, 2015, through October 3, 2016 (the Standard Measurement Period), then, so long as he is employed and otherwise eligible, he will be permitted to enroll in Health Coverage, effective January 1, 2017 through December 31, 2017 (the Standard Stability Period), regardless of his Hours of Service during this Stability Period.

- (d) **Not Eligible.** Except as provided in Section II(e) below, if an Ongoing Employee did not work at least the Minimum Hours during the Standard Measurement Period, then the Ongoing Employee will not be classified as an Eligible Employee for the Standard Stability Period that starts immediately at the end of the Standard Administrative Period, regardless of the number of Hours of Service actually worked by the Employee during that Standard Stability Period.

Example: If Bert did not work at least the Minimum Hours from October 4, 2015, through October 3, 2016 (the Standard Measurement Period), he will not be eligible to enroll in Health Coverage for the January 1, 2017 through December 31, 2017 Standard Stability Period, regardless how much he works during 2017. His eligibility to enroll in Health Coverage on January 1, 2017 will depend on whether he works at least the Minimum Hours during the October 4, 2015, through October 3, 2016 Standard Measurement Period.

- (e) **Material Change in Employment Status.**

(i) **Change to Full-Time Status.** If an Ongoing Employee is classified as a Part-Time Employee, Variable Hour Employee or Seasonal Employee, but subsequently after the end of the eligibility waiting period and after the end of the Employee's Initial Measurement Period the Employee has a material change in his or her employment status, the Employee will be treated as an Eligible Employee, as of the date of the material change in their employment status. For purposes of this Subsection (e), a "material change in employment status" is a material change in the position of employment or other employment status that, had the Employee begun employment in that new position or status, the Employee would have reasonably been expected to work at least the Minimum Hours during the Standard Measurement Period.

(ii) **Change to Part-Time Status.** If an Ongoing Employee is classified as a Full-Time Employee, but subsequently, either before or after the end of the Initial Measurement Period, has a change in employment status such that if the Employee had begun employment in the new position or status, the Employee would have been reasonably expected to be employed less than the Minimum Hours, then [Company Name] may

apply the Monthly Measurement Method to that Employee beginning on the first day of the fourth full month following their change in status. [Company Name] must maintain the Ongoing Employee's status as a full-time employee during the first three full months after the change in status. This special rule only applies if the Employee was offered minimum value health coverage no later than the first day of the calendar month following the Employee's initial three full calendar months of employment through the month of the change in status, and only if the Employee actually averages less than 30 Hours of Service per week during the first three full calendar months after their change in status. [Company Name] will continue to apply the Monthly Measurement Method through the end of the first full Measurement Period that would have applied had the Employee remained under the Look-Back Measurement Method.

III. Determination of Plan Eligibility for New Employees

- (a) Classification of New Employees. New employees shall be classified as Full-Time, Part-Time, Variable or Seasonal. For a new Employee who is reasonably expected at the Employee's start date to be a Full-Time Employee (and not a Seasonal Employee), [Company Name] shall determine the Employee's status based on the Employee's Hours of Service under the Monthly Measurement Method until the Employee becomes an Ongoing Employee. The status of new Employees who are classified as Part-Time, Variable or Seasonal Employees shall be determined under the Look-Back Measurement Method as set out below.
- (b) Tracking. Under the Look-Back Measurement Method, [Company Name] will maintain a record of the Hours of Service of each New Part-Time and Seasonal Employee during the individual's Initial Measurement Period. At the conclusion of the Initial Measurement Period, the City will determine whether the Employee worked at least the Minimum Hours during the Initial Measurement Period.
- (c) Eligible. If the New Part-Time, Variable or Seasonal Employee worked at least the Minimum Hours during the Initial Measurement Period, the New Employee will be classified as an Eligible Employee for his or her Initial Stability Period. The City of Oxford will notify the New Employee of its determination and will offer enrollment in Health Coverage to the New Employee, effective on the first day of the Initial Stability Period.
- (d) Initial Stability Period. Except as provided in Section III(f) below, if the City classifies a New Part-Time or Seasonal Employee as an Eligible Employee at the end of the Initial Measurement Period, the New Employee will remain an Eligible Employee during the Initial Stability Period, regardless of the number of Hours of Service actually worked by the New Employee during the Initial

Stability Period, so long as the New Employee remains employed and otherwise eligible for coverage.

- (e) **Not Eligible.** Except as provided in Section III(f) below, if a New Part-Time, Variable or Seasonal Employee did not work at least the Minimum Hours during the Initial Measurement Period, then the New Employee will not be classified as an Eligible Employee and will not be eligible to participate in Health Coverage during the Employee's Initial Stability Period, regardless of the number of Hours of Service actually worked by the New Employee during the Initial Stability Period.

- (f) **Material Change in Employment Status During Initial Measurement Period.** If an Employee is initially categorized as a New Part-Time, Variable or Seasonal Employee, but subsequently, during the Employee's Initial Measurement Period, has a material change in their employment status, the New Employee will be treated as an Eligible Employee for purposes of Health Coverage, as of the date of the material change in their employment status. For purposes of this Subsection (f), a "material change in employment status" is a material change in the position of employment or other employment status that, had the Employee begun employment in that new position or status, the Employee would have reasonably been expected to work at least the Minimum Hours during the Initial Measurement Period.

IV. Transition from New Employee to Ongoing Employee

- (a) **Tracking.** Once a New Full-Time, Part-Time, Variable or Seasonal Employee has been employed for an entire Standard Measurement Period, the New Employee must be tested for full-time status based on that Standard Measurement Period, at the same time and under the same conditions as other Ongoing Employees.

Example: Bert, who started work on February 12, 2015, has an Initial Measurement Period of March 1, 2015 through February 29, 2016. He will be tested for eligibility during his Initial Measurement Period and during the Standard Measurement Period that runs from October 4, 2015, through October 3, 2016.

- (b) **Eligible.** A New Part-Time or Seasonal Employee who works the Minimum Hours during either the Initial Measurement Period or during a Standard Measurement Period must be treated as an Eligible Employee during the entire associated Initial Stability Period and/or Standard Stability Period. A New Full-Time Employee who works the Minimum Hours during a Standard Measurement Period must be treated as an Eligible Employee during the entire associated Standard Stability Period.

- (c) **Not Eligible During Initial Stability Period.** In contrast, if a New Part-Time or Seasonal Employee does not work the Minimum Hours during their Initial Measurement Period, but does work the Minimum Hours during the overlapping or immediately following Standard Measurement Period, the Employee must be treated as an Eligible Employee for the entire Standard Stability Period that relates to the Standard Measurement Period, even if the Standard Measurement Period begins before the end of the Initial Stability Period. Thereafter, the Employee's eligibility is determined under the Ongoing Employee rules.

Example: See the chart below for a summary of Bert's eligibility during his Initial and Standard Measurement Periods and his Initial and Standard Stability Periods.

<i>Bert's Initial Measurement Period</i>	<i>Bert's Initial Stability Period</i>	<i>Bert's First Standard Measurement Period</i>	<i>Bert's First Standard Stability Period</i>
<i>March 1, 2015 to February 29, 2016</i>	<i>April 1, 2016 to March 31, 2017</i>	<i>October 4, 2015 to October 3, 2016</i>	<i>January 1, 2017 to December 31, 2017</i>
<i>Works Minimum Hours</i>	<i>Eligible</i>	<i>Works Minimum Hours</i>	<i>Eligible</i>
<i>Does Not Work Minimum Hours</i>	<i>Not Eligible</i>	<i>Works Minimum Hours</i>	<i>Eligible</i>
<i>Works Minimum Hours</i>	<i>Eligible</i>	<i>Does Not Work Minimum Hours</i>	<i>Not Eligible</i>

V. Rehires and Leaves of Absence

- (a) **Rehired Treated as Ongoing or New Employee.** Solely for purposes of this Policy, an Employee who resumes providing service to the City of Oxford after a Break in Service will be treated as a New Employee subject to an Initial Measurement Period if the Employee was gone for either:

- (i) thirteen (13) or more consecutive weeks; or
- (ii) at least four consecutive weeks and the Break in Service period was longer than the period of service immediately prior to the Break in Service.

If the Break in Service period is less than both (i) and (ii), then the Employee shall be treated as an Ongoing Employee when rehired.

- (b) **Rehire Treated as Ongoing Employee.**

- (i) If an Employee is treated as an Ongoing Employee pursuant to Section V(a), then the rehired Employee retains the status the Employee had with respect to the Stability Period in progress when the Employee is rehired. Specifically, if the Employee was an Eligible Employee for that

Stability Period and had enrolled in Health Coverage, the Employee will be eligible to re-enroll as of the Employee's rehire date, or as soon as administratively practicable, for the rest of the Stability Period. If the Employee prior to the Break in Service had been offered Health Coverage and had declined, the Employee will not be offered another opportunity to enroll for that Stability Period. If the Employee was not an Eligible Employee for the Stability Period in progress upon the Employee's rehire, then the Employee will not be eligible to re-enroll until the beginning of the next Stability Period, assuming the Employee works the Minimum Hours of Service during the ongoing Measurement Period.

- (ii) If an Employee is treated as an Ongoing Employee pursuant to Section V(a), and the Employee is returning from an Employment Break Period or a Special Unpaid Leave of Absence, then for any Measurement Period that is in progress during the Employment Break Period or the Special Unpaid Leave of Absence, the Employee's Minimum Hours will be equal to the product of thirty (30) times the difference between the number of weeks in the Measurement Period, less the number of weeks the Employee was on the Employment Break Period or the Special Unpaid Leave of Absence.

Example: Bert is on an unpaid FMLA leave for four weeks during a Measurement Period, so his Minimum Hours for the Measurement Period will equal 30 times 48 weeks (which is 52 weeks less four weeks of leave).

- (c) Rehire Treated as New Employee. If an Employee is treated as a New Employee under Section V(a), then the Employee will start another Initial Measurement Period on rehire, and will follow the rules of Section III.

The City of Oxford adopts this Policy this 23rd day of June, 2015.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 8. Lateral Transfer Employees from Other Governmental Employers

See Article VI, Section 11

~~There may be situations where outside personnel who have worked with another local unit of government may be more qualified for a job opening with the City of Oxford than existing employees. These persons may have acquired a wealth of experience that would greatly benefit the City of Oxford. These persons should qualify for some fringe benefits as if they have been employed for the same amount of time with the City of Oxford.~~

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~~A lateral transfer from another local unit of government is hereby defined as: Council of Governments, and any City or county government within the United States, and any state personnel, college, university, or community college personnel.~~

~~All lateral transfers gain immediate benefits such as health insurance, retirement, vacation, sick leave and longevity. However, vacation must be earned before employee is eligible to use it.~~

~~Excluded from applicable benefits is the following:~~

~~a) Vacation Time. Vacation time is earned under a former employer is not transferable to a new employer. It is the obligation of the former employer to pay the employee for any accrued vacation time. A lateral transferee will accrue vacation time in the same manner as other employees who do not have to wait for any prescribed time to take vacation. However, no one can take vacation time that is not earned. Vacation will be accrued according to the Vacation Accrual Rate by all employees.~~

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~~b) Sick Leave. Upon written certification from the previous government employer, unused sick leave may be transferred to the City of Oxford, for use by the employee in accordance with the City's Sick Leave policy. The transferred Sick Leave will be credited to the employee following the completion of the probationary period.~~

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~~c) Compensatory Time. Comp time earned under previous employment is not transferable. Like Vacation time, the responsibility for Comp time payment lies with the previous employer.~~

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~~Prior Service. In keeping with policy both present and past, service prior to employment with the City of Oxford does not count for post-retirement medical insurance.~~

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ARTICLE VI. EMPLOYEE BENEFITS

Section 11. Lateral Entry from Other Governmental Employers or Other Governmental Services

There may be situations where outside personnel who have worked with another local unit of government may be more qualified for a job opening with the City of Oxford than existing employees. These persons may have acquired a wealth of experience that would greatly benefit the City of Oxford. These persons should qualify for some fringe benefits as if they have been employed for the same amount of time with the City of Oxford.

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A lateral transfer from another local unit of government is hereby defined as any other town, city, municipality or Council of Governments within North Carolina that is a participating member of LGERS.

~~New employees who have previous employment with other governmental agencies that are lateral entries may begin benefits accrual based on the number of years of employment with the previous governmental employer(s). Eligible governmental employers include Councils of Government, municipalities, counties, state, public college or university, or public community college. New employees who have previous qualified experience begin retirement, vacation, sick, and other benefits immediately and at the rate prescribed by their number of years of experience with other qualifying employers. Vacation will be accrued according to the Vacation Accrual Rate by all employees. See chart **Vacation Leave: Accrual Rate, Article VII, Section 7.**~~

Vacation Time- Vacation time earned under a former employer is not transferable to the City of Oxford. It is the obligation of the former employer to pay the employee for any accrued vacation time.

Compensatory Time. Comp time earned under previous employment is not transferable. Like Vacation time, the responsibility for Comp time payment lies with the previous employer.

Sick Leave. Upon written certification from the previous government employer, unused sick leave may be transferred to the City of Oxford, for use by the employee in accordance with the City's Sick Leave policy up to a maximum of 240 hours. The transferred Sick Leave will be credited to the employee following the completion of the probationary period.

~~Sick leave balances may be transferred, but vacation and compensatory leave balances may not be transferred. Refer to Article VI, Section 2.~~

Employees hired prior to July 1, 2010 are eligible for Post-Retiree Health Insurance (see Article VII, Section 2); however, service from other employers does not count toward service credit for Post-Retiree Health insurance.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 5. Vacation Leave

Vacation leave is intended to be used for rest and relaxation, school appointments, and other personal needs. Vacation leave may also be used by employees who wish to observe religious holidays other than those granted by the City. Employees who wish to use leave for religious observances must request leave from their respective Department Heads. The Department Head will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the City.

~~Section 6. Vacation Leave: Use by Probationary Employees~~

~~Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the first six months of the probationary period. Employees shall be allowed to take accumulated vacation leave after six months of service. Vacation leave may be taken during this period only with the prior approval of the City Manager.~~

Section 7. Vacation Leave: Accrual Rate

Each full-time employee of the City shall earn vacation (hours/year) at the following schedule, prorated by the average number of hours in the workweek (Section 15):

Years of Service	7.5 Hour Employee (hours/year)	8 Hour Employee (hours/year)	12 Hour Employee (hours/year)	24 Hour Employee (hours/year)
1-3	75	80	84	112
4-5	90	96	101	135
6-10	105	112	118	157
11-15	120	128	134	180
16-20	135	144	151	202
<u>2021+</u>	150	160	168	225

Section 15. Leave Pro-rated

The City of Oxford has employees that work varying hours and schedules. Police and Fire work under the FLSA 7k exemption, however, for all others the "Work Week" as defined by the City is 40 hours; consistent with FLSA overtime regulations. Holiday, annual, and sick leave earned by full-time employees with fewer or more hours than the basic work week shall be determined by the following formula:

- a) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (usually 40 hours)
- b) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic workweek.
- c) The number of hours in step 2 divided by 12 shall be the number of hours of leave

earned monthly by the employees concerned, or divided by 26 shall be the number of hours of leave earned biweekly.

Section 8. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum during the calendar year until December 31 of each year. Effective the last payroll in the calendar year, any employee with more than 30 days of accumulated leave shall have the excess accumulation removed so that only 30 days are carried forward to January 1 of the next calendar year. Employees are not eligible to receive pay for vacation time in excess of the 30 days. Employees may have the excess vacation amount converted to sick leave on a one-to-one conversion. If the employee separates from service, payment for accumulated vacation leave shall not exceed 30 days.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

An employee continues to accumulate vacation while on vacation and sick leave, and an employee must be on pay status more than 15 days of the month in order to earn vacation for that month.

Section 9. Vacation Leave: Manner of Taking

Employees shall be granted the use of earned vacation leave upon request in advance at those times designated by the Department Head that will least obstruct normal operations of the City. Department Heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation may be taken in one-hour (1 hour) increments.

Section 10. Vacation Leave: Payment upon Separation

An employee who has successfully completed six months of the probationary period will normally be paid for accumulated vacation leave upon separation, subject to the 30 day maximum, provided written notice is given to the supervisor at least two weeks in advance of the effective date of resignation. Any employee failing to give the written notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the City Manager when deemed to be in the best interest of the City.

As an employee terminates employment for any reason, to include retirement, any vacation time due him/her will be paid in lump sum in the final regular paycheck. Employees may not use vacation to extend notice nor while working a notice except with the authorization of the City Manager. Employees terminated for cause shall forfeit vacation time.

Section 11. Vacation Leave: Payment upon Death

The estate of an employee who dies while employed by the City shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the maximums established in Section 8 of this Article.

Section 12. Sick Leave

Sick leave may be granted to a probationary or regular employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill.

Sick leave may also be used to supplement Workers' Compensation Disability Leave both during the waiting period before Workers' compensation benefits begin, ~~and afterward to supplement the remaining one-third of salary, except that employee may not exceed the regular salary amount using this provision.~~

"Immediate family" shall be defined as spouse, child, parent, brother, sister, grandparent, grandchild, son-in-law, daughter-in-law, parent-in-law, brother- or sister-in-law, aunt, uncle, or the employee or spouse or guardian of the employee. This also includes various combinations of step, half, and adopted relationships.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or according to departmental procedures.

~~In order to facilitate the recruitment of qualified persons with appropriate public sector experience, sick leave may be transferred pursuant to Article IV Section 8.~~

Section 13. Sick Leave: Accrual Rate and Accumulation

Sick leave shall accrue at a rate of one day per month of service or twelve days per year. Sick leave for full-time employees working other than the basic work schedule shall be prorated as described in this Article. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the City, except as stated for employees retiring or terminated due to reduction in force.

Section 14. Sick Leave: Medical Certification

The employee's supervisor or Department Head may require a physician's certificate stating the nature of the employee's or employee's family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism." The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

- a) Employees shall not be on duty when they might endanger their health or the health of other employees; and

- b) There will be no abuse of leave privileges.

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action up to and including dismissal.

Section 15. ~~Leave Pro-rated~~

~~Holiday, annual, and sick leave earned by full-time employees with fewer or more hours than the basic work week shall be determined by the following formula:~~

- ~~a) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (usually 40 hours)~~
- ~~b) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic workweek.~~
- ~~c) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned, or divided by 26 shall be the number of hours of leave earned biweekly.~~

Martin Luther King, Jr. Signs

There are a total of 11 street signs between the intersection of Linden and the Outer Loop Road and Linden and Hillsboro Street, 10 of which have Linden Ave. Signs (Hunt Street does not).

NCDOT regulates signs on roads that they maintain based on § 136-18. Powers of Department of Transportation. State Statutes allow NCDOT to:

(8) To give suitable names to State highways and change the names as determined by the Board of Transportation of any highways that shall become a part of the State system of highways.

(19) To prohibit the erection of any informational, regulatory, or warning signs within the right-of-way of any highway project built within the corporate limits of any municipality in the State where the funds for such construction are derived in whole or in part from federal appropriations expended by the Department of Transportation, unless such signs have first been approved by the Department of Transportation.

Option 1 – Double Sign with Linden Avenue and Martin Luther King Jr. Ave. on one sign blade

NCDOT has agreed to have a “double” sign as was done on ML King Jr. Blvd and Historic Airport Road in Chapel Hill. The sign would be 9” tall and have Linden Ave. in white letters on a green background on top and Martin Luther King Jr. Ave in white letters on a brown background on the bottom. A photo of the prototype has been sent to NCDOT for approval. Changing the signs would not require any action other than Board approval and installation could likely be completed in a few weeks.

The cost of option 1 would be around \$1,100 for the signs. City crews would install the signs.

Option 2 – Renaming Linden Ave. to Martin Luther King Jr. Ave.

There are no state statutes regarding requirements for street naming for municipalities.

That being said, the City not NCDOT names streets. By unanimous vote, the Oxford Board of Commissioners adopted criteria for changing street names on August 14, 1979:

Criteria for Street Name Changes Established

1. Longevity of street has precedence for name.
2. Names of streets changed not to have surnames, but to have names of objects, states, counties, flowers, trees, etc.
3. Public notice and hearing is necessary before any name change is made.
4. The effective date of street name change and house numbering will not take effect until after public hearing. The street name changes and house numbering will be effective on the same date.

This criteria would need to be repealed or amended by the Board of Commissioners in order to change the name of Linden Ave. to Martin Luther King, Jr. Ave. since the criteria prohibits surnames.

The Board can vote at any time to change the name of a street with or without notification or public hearing. Regardless of whether or not the policy is revised or repealed, the Manager recommends a notification period as well as a public hearing if the Board contemplates officially changing the name of the street and removing any reference to Linden Ave. This option would likely take several months to implement due to the repeal of an existing policy and notification for a public hearing (provided the Board follows my recommendation for a public hearing). The name change would affect 20 businesses and 39 residents beginning at the I-85 interchange and ending at the intersection of Linden and Hillsboro.

The cost of option 2 would be around \$900 for the signs, plus another \$250 to advertise and notice a public hearing. City crews would install the signs.



CITY OF OXFORD
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners
VIA: Randy Hemann, City Manager
FROM: Barbara Rote, City Clerk
DATE: 06-12-15
SUBJECT: Updating the City of Oxford, Code of Ordinances

SUMMARY STATEMENT

Consider Resolution adopting the 2015 S-9 Supplement to the City of Oxford, Code of Ordinances.

REVIEW

Board adopted changes to the Code of Ordinances need to be codified in order to keep all City Departments and the public current on our City laws. Adopting the Resolution will officially codify changes to the Code of Ordinances from May 2015 through May 2015.

RECOMMENDATION

Staff recommends adopting the Resolution for 2015 S-9 Supplement to the City Of Oxford, NC, Code of Ordinances as presented.

Attachments: Resolution



CITY OF OXFORD, NORTH CAROLINA

PO Box 1307 ~ 300 Williamsboro Street ~ Oxford, NC 27565

Bus: (919) 603-1100 ~ Fax: (919) 603-1107

RESOLUTION ADOPTING 2015 S-9 SUPPLEMENT TO THE OXFORD CODE OF ORDINANCES

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2015 S-9 Supplement to the Code of Ordinances of the City of Oxford, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of the City of Oxford; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the North Carolina code; and

WHEREAS, it is the intent of the Oxford Board of Commissioners to accept these updated sections in accordance with the changes of the law of the State of North Carolina; and

WHEREAS, it is necessary to provide for the usual daily operation of the City of Oxford and for the immediate preservation of the public peace, health, safety and general welfare of the City of Oxford;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE CITY OF OXFORD:

SECTION 1: That the 2015 S-9 Supplement to the Code of Ordinances of the City of Oxford as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, be hereby adopted by reference as if set out in its entirety.

SECTION 2: Such supplement shall be deemed published as the day of its adoption and approval by the Board of Commissioners and the City Clerk of the City of Oxford is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept in the Office of the City Clerk.

SECTION 3: This resolution is declared to be a measure for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect upon adoption.

PASSED AND ADOPTED by the Board of Commissioners of the City of Oxford this 14th day of July, 2015

ATTEST:

(SEAL)

Barbara J. Rote
City Clerk

Jacqueline vdH Sergent
Mayor

CITY OF OXFORD CODE OF ORDINANCES UPDATE
MAY 2014 – MAY 12, 2015

DESCRIPTION CHANGES	DATE OF ADOPTION	ORDINANCE NUMBER
Budget Ordinance FY 2014-2015	06-23-14	14-06-01
Demolition Ordinance 311 Piedmont Avenue	07-08-14	14-07-01
Annexation Ordinance 10.61 Acres City Owned Property – Outer Loop and NC 96 S. – old WWTP and landfill	08-12-14	14-08-01
Capital Project Ordinance Amended-13-08-01 Flow Equalization Basin WWTP	08-12-14	14-08-02
Chapter 20 - Traffic Amend Entire Chapter	09-09-14	14-09-01
Chapter 15: – Parks and Recreation Amend §15-27 Members	10-14-14	14-10-01
Franchise Ordinance Waste Industries	01-13-15	15-01-01
Chapter 10: Health and Sanitation Amend §10-5 Discharging Industrial Waste into Streams; Drainage Area	01-13-15	15-01-02
Annexation Ordinance 9.0 Acres of Land East Industry Dr. Jake's Ridge LLC	05-12-01	15-05-01