

**CITY OF OXFORD**  
**BOARD OF COMMISSIONERS' REGULAR MONTHLY MEETING**  
**Tuesday, August 11, 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*

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**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 David Haley, Oxford United Methodist Church
2. Pledge of Allegiance led by MPT Howard Herring, Sr.
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 – August Yard of the Month to Dwain Stroud and Todd Comer, 134 Military St.

[ 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 receive input on formally changing the name of Linden Ave. to Martin Luther King, Jr. Ave.

A public hearing was scheduled to receive input on changing the name of Linden Ave. to Martin Luther King, Jr. Ave. Martin Luther King Jr. Ave. is currently an honorary name for Linden Ave. from the I-85 Interchange to the intersection with Hillsboro St. If adopted, this would be an official name change for Linden Ave. for this section of road and would require address changes. (Attachment 6)

[ OLD BUSINESS ]

No Old Business

[ NEW BUSINESS ]

7. Consider Accepting Certificate of Sufficiency for Petition of Voluntary, Non-Contiguous Annexation of 1.0 Acres of land on Landis Road owned by Oxford Charter Holdings, LLC.

Oxford Charter Holdings, LLC has petitioned the City to annex 1.0 acres of land located on Landis Road. The annexation request was required to receive City services for the additional acre needed to develop Oxford Preparatory School. This is the next step in the process as the City considers annexing the property. (Attachment 7)

**Recommended action:** Staff recommends accepting the Certificate of Sufficiency for Petition of Voluntary, Non-Contiguous Annexation of 1.0 Acres of land owned by Oxford Charter Holdings.

8. Consider calling for an annexation public hearing in conjunction with the September 8, 2015 Regular Session for 1.0 acres of land on Landis Road owned by Oxford Charter Holdings, LLC.

Once the Certificate of Sufficiency is received for voluntary, non-contiguous annexation of 1.0 acres of property owned by Oxford Charter Holdings, the Board can proceed with setting a public hearing for annexation or deny the petition. If the Board proceeds with annexation, then following the public hearing, and at the same meeting, the Board can vote to annex the property. (See Attachment 7)

**Recommended action:** Staff recommends calling for public hearing in conjunction with the September 8, 2015 Regular Session for 1.0 acres of land on Landis Road owned by Oxford Charter Holdings, LLC.

9. Consider directing the City Clerk by resolution to investigate the sufficiency of the petition for Annexation request by B&B Properties.

B&B Properties has petitioned the City to annex 7.417 acres of land adjacent to Boyd Honda and Ford dealerships along I-85 in order to renovate and expand the dealerships. The petition for annexation is necessary for receiving City services. (Attachment 9)

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

10. Consider amendments to the March 11, 2014 City of Oxford Personnel Policy that updates changes to the Drug Testing Policy and the definition of "Immediate Family".

The Personnel Committee met on August 5th and discussed changes to the personnel policy as recommended by HR Director Ayscue for the following sections:

**Article VII, Section 12- Sick Leave.** The new definition of "Immediate Family", referenced also in **Article VII, Section 16- Bereavement Leave.** Narrowing the definition of "Immediate Family" and only allowing 3 days vs. 3 days for immediate family and 1 day for more distant kin. Allowing the use of sick leave for bereavement instead of only allowing vacation or comp.

**Appendix A- Substance Abuse Policy.** Revising the policy to bring it into compliance for a NC Municipality.

**Article III, Section 12-On Call Policy.**

**Article III, Section 13-Call Back Pay Policy (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.

11. Consider calling for a public hearing in conjunction with the September 8, 2015 Regular Session to convey 1.4 acres of City Property located at 1490 Williamsboro Road.

Duke Health Care has approached the City about constructing a 13,000-15,000 square foot Doctors Office/Urgent Care on the City owned 1.4 acre site at 1490 Williamsboro Rd. Duke prefers to have a build to suit contractor build and lease the facility to them and they are working with the Keith Corporation on the project. Having the project owned by the Keith Corp. makes the property taxable. (Attachment 11)

**Recommended action:** Staff recommends calling for a public hearing in conjunction with the September 8, 2015 Regular Session to convey 1.4 acres of City Property located at 1490 Williamsboro Road by private negotiated sale to Keith Corporation for the purpose of constructing a Doctor's Office/Urgent Care Facility.

[ REPORTS ]

12. July Financial Report highlights by Finance Director Kehoe. Report will be provided on meeting night.

[ CONSENT AGENDA ]

13. Accept the July Financial Reports by Finance Director Kehoe (available on meeting night)
14. Approve tax release to Norwood Plumbing Inc., in the amount of \$1,629.37 for a 2014 machinery and equipment billing error.







## CITY OF OXFORD, NORTH CAROLINA Public Hearing Notice

Dear Resident and/or Business Owner,

The City of Oxford invites you to attend a public hearing or submit comments in writing to voice your opinion on the possible renaming of Linden Avenue to Martin Luther King, Jr. Ave. Several years ago, large signs were erected on the section of HWY 96/Linden Ave. between I-85 and Hillsborough Street designating the honorary title as Martin Luther King, Jr. Ave. while the formal/legal title remained Linden Ave. Therefore, the smaller signs on each street corner remained as "Linden Ave."

The City is considering the following options:

- 1) **Formally Rename Linden Ave. as Martin Luther King Jr. Ave. and remove all reference to Linden Ave.** – In this option, all Linden Ave. signs would be replaced with new "Martin Luther King, Jr. Ave." signs as shown below. This option would require those with Linden Avenue addresses to formally change their address.



- 2) **Formally Rename Linden Ave. as Martin Luther King Jr. Ave. and continue to have a reference to "Historic Linden Ave." in smaller letters at the bottom of the sign** – In this option all Linden Ave. signs would be replaced with new signs naming "Martin Luther King, Jr. Ave." at the top (white letters on green background) and "Historic Linden Ave" at the bottom (white letters on a brown background) as shown below. This option would require those with Linden Avenue addresses to formally change their address.



- 3) **Retain the name Linden Ave. and have a reference to Martin Luther King Jr. Ave. in smaller letters at the bottom of the sign – In this option all Linden Ave. signs would be replaced with new signs naming “Linden Avenue” at the top (white letters on green background) and “Martin Luther King, Jr. Ave.” at the bottom (white letters on a brown background) as shown below. This option would not require those with Linden Avenue addresses to formally change their address.**



The City will hold a **Public Hearing at 7:00 pm on Tuesday, August 11 in the third floor Commissioners Meeting Room at 300 Williamsboro Street** to receive input and ideas from those who would be affected by the change, as well as the general public.

**Written comments will be accepted until Thursday, August 6** via email to [cbowen@oxfordnc.org](mailto:cbowen@oxfordnc.org) or by mail/hand delivery to Oxford City Hall at P.O. Box 1307, 300 Williamsboro St., Oxford NC 27565. In order to be considered, written comments should include the name, address and signature of the person submitting the comments.

## Cynthia Bowen

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**From:** Shearin's Tire Service <sts@ncol.net>  
**Sent:** Monday, July 27, 2015 11:48 AM  
**To:** Cynthia Bowen  
**Subject:** street name change

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Reference is made to the notification giving three options on the name change for the current Linden Avenue. We have owned a business on Linden Avenue for almost 39 years. A name change to the street that involves a change of physical address for our business would be damaging to our business. We would have to have new envelopes, stationary and business cards. Our computer system would have to be updated to show a new physical address. Our invoices, statements and work orders would have to be changed. Our vendors would have to be notified that our billing address as well as our ship to address would have to be changed.

We have no problem with the name change but would appreciate it if you would consider Option 3 so that it will not be necessary to change our address.

Thank you for your help in this matter.

SHEARIN'S TIRE SERVICE, INC.,

Graham E. Shearin



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

## Cynthia Bowen

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**From:** Kathy May <kathy.may@granvillecounty.org>  
**Sent:** Wednesday, July 29, 2015 4:12 PM  
**To:** Cynthia Bowen  
**Subject:** comments regarding renaming of Linden Avenue

My husband and I feel strongly that Linden Avenue should retain its Linden Avenue name and have a reference to Martin Luther King Jr. Avenue in smaller letters at the bottom of the sign. (option 3) While I deeply admire Dr. King and all that he stood for, making an official name change will cause problems for many years to come for the residents on that street. (I thought this issue was settled several years ago).

Thanks to all for the work you do to make our beloved town a great place to live!!

Kathy May (and Tommy May)  
Property owners of 507 Linden Avenue, Oxford

JUL 31 2015

[ ] RE-ROUTE TO

27 JULY 2015

TO: OXFORD CITY HALL, P.O. Box 1307, 300 WILLIAMS BORO ST,  
OXFORD, NC 27565

SUBJECT: POSSIBLE RENAMING OF LINDEN AVENUE TO  
MARTIN LUTHER KING, JR. AVE.

OF THE OPTIONS PRESENTED IN YOUR MAILED NOTICE  
I FULLY SUPPORT OPTION 3 (LINDEN AVE. ON TOP,  
MARTIN LUTHER KING, JR. AVE. AT THE BOTTOM AND  
NO REQUIREMENT TO FORMALLY CHANGE MY EXISTING  
ADDRESS.)

REASONS:

1. I MOVED TO OXFORD, NC, JUST OVER  
TEN YEARS AGO AND LIVE ON  
LINDEN AVE. IN MY OWN HOUSE. I LIKE  
THE IDEA OF MAINTAINING THE LINDEN  
NAME SINCE IT HAS ALWAYS APPEALED  
TO ME.
2. I ALSO LIKE THE IDEA OF HONORING  
DR. KING AND HAVE HIS NAME ADDED  
BELOW LINDEN AVE. WHAT DR. KING  
HAS ACCOMPLISHED AFFECTS ALL OF US  
IN A POSITIVE MANNER.

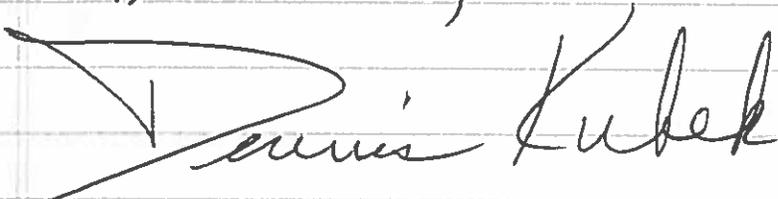
2

(KUBEK)

3. IN ADDITION, I LIKE THE IDEA OF NOT HAVING TO FORMALLY CHANGE MY ADDRESS. I FEEL IT IS AN UNNECESSARY IMPOSITION ON LINDEN AVE. HOMEOWNERS.

THEREFORE, THE BEST FIT FOR ME AS A HOME OWNER ON LINDEN AVE. IS OPTION 3.

SINCERELY,

A large, stylized handwritten signature in cursive script that reads "Dennis Kubek". The signature is written in dark ink and is positioned below the word "SINCERELY,".

DENNIS KUBEK  
426 LINDEN AVE,  
OXFORD, NC 27565

Board of Commissioners

City of Oxford, N C

August 04,2015

Dear Sirs,

I am writing concerning changing the name of Linden Ave. I am very much opposed to changing the name of this street. I think it should keep it's formal legalized name of Linden Ave.

This is a part of Oxford's history. I have seen many changes in Oxford during all of my 78 years of life in Granville County. I hope this will not be another one.

Sincerely,

*Sue G Woody*

Sue G. Woody

*Sue G Woody  
4584 Fairport Rd  
Oxford, N.C 27565<sup>1</sup>  
919-693-6446*

## Cynthia Bowen

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**From:** JUANITA COZART <jhc101@centurylink.net>  
**Sent:** Tuesday, August 04, 2015 11:07 PM  
**To:** Cynthia Bowen  
**Subject:** Linden Avenue Name Change

Dear City Representatives,

I am not against the name change, however I do understand that it could cause several problems. Therefore, if you feel that it is in the best interest of the residents to look for another location, I would like to suggest the Oxford Outer Loop from Revlon to Highway 15. It is a beautiful stretch of Highway and no one lives on it. There is only one business. That area has several features that reminds me of Dr. King. It is serene, peaceful and it's power lies in its natural surroundings. Maybe one day the owners of the property will allow groups to add some crepe myrtle or dogwood trees. There is also a bridge that one day could become the MLK Jr. Memorial Bridge in honor of Dr. King's efforts to bridge the differences among the social, economic and political factions of our society. It would be right in front of the sign that welcomes people to Oxford when they come in from I-85 and Highway 158.

Thank you,

Juanita Cozart, 209 Prospect Avenue, Oxford NC

## Cynthia Bowen

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**From:** Gray Yancey <gyancey@nc.rr.com>  
**Sent:** Wednesday, August 05, 2015 12:54 PM  
**To:** Cynthia Bowen; Gray Yancey  
**Subject:** Renaming of Linden Avenue

Gentleman and Ladies,

The proposed street name change for Linden Avenue would put an undo hardship on all of its residents.

To change the addresses for their; Billing,Checks,Mail,Insurance, Drivers License and Christmas cards,would be laborious and expensive.

Keeping the Linden Avenue with the Martin Luther, Jr. Ave name underneath will prevent this undo hardship.

Thank-you,

Yancey Properties, Inc.

Gray Yancey  
Vice President

## Cynthia Bowen

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**From:** Betty Wright Moseley <blessedchil@embarqmail.com>  
**Sent:** Thursday, August 06, 2015 3:26 PM  
**To:** Cynthia Bowen  
**Subject:** Possible Name Change for Linden Avenue

Derek Alderman, Professor of Cultural and Historical Geography and Head of the Department of Geography at the University of Tennessee at Knoxville states, "The place naming rights issue is about the struggle to be seen and heard within a public space, an important civil right in and of itself and one arguably necessary for other rights to be realized."

"When a community refuses to do something as doable as naming a street beyond the African American community, what does that say about the degree to which the community is really ready or willing to take on the 'tough ' issues.?"

"Naming streets for Martin Luther King can signal something very important about the willingness(or unwillingness) of the white community to invest in African Americans, thus providing(or failing to provide) a platform on which to bring about supposedly more 'substantive' change and improvement."

So it's not simply about a street name. It's about demonstrating value.

Betty Moseley

# A street fit for a King?

Site established to spread information and commentary on the (re) naming of streets for slain civil rights leader Martin Luther King, Jr. with the hope of informing public debate

If you use any information or statistics from this site, please cite the source as: Derek Alderman, Professor of Geography, University of Tennessee, Knoxville TN

Email: [dalderma@utk.edu](mailto:dalderma@utk.edu), Twitter: @MLKStreet

## ANNOUNCING RESOURCE -- Martin Luther King Streets Project

Documentary by Straight, No Chaser Productions

Naming streets is one of the most widespread and contentious ways of commemorating Martin Luther King Jr. Debates over whether to name a street for King and which specific street to identify with him have led to the boycott of businesses, protest marches, court actions, petition drives, the vandalizing of roads, and even activists chaining themselves to street signs. Honoring King with a street name is often controversial when the road in question challenges long-standing racial and economic boundaries within communities. While few scholars have studied the King street naming phenomena, the naming process is an important indicator of local political tensions as well as broader debates about race, memory, and place in America. I have studied the politics of naming streets after King for the past several years, seeking to understand the obstacles that face street naming proponents and the various strategies that communities have pursued in finding a street fit for remembering King. In many instances (but not all), public opposition has led King's name to be socially and geographically marginalized within cities, which has worked to stigmatize these streets and create public anxiety about renaming more prominent streets. As a cultural geographer, my work stresses the importance that location--the street's site, situation, and scale within the city's larger social landscape--plays in shaping the meaning of King's commemoration. Believing that my research and perspectives can be of some help to the public, I have set up this web page as a resource for engaging and assisting the movement to remember the civil rights leader.

Below are some research papers that I have written about naming streets for King as well as some questions that I frequently encounter in my discussions with journalists and street naming stakeholders (proponents and opponents). If you have a question not listed here, email me and I will try to provide some feedback.

### Publications Related to MLK Place/Street Naming

Mitchell, Jerry and Derek H. Alderman. 2014. "A Street Named for a King: A Lesson in the Politics of Place-Naming." Social Education 78(3): 137-142.

Alderman, Derek H. and Joshua F.J. Inwood. 2013. "Street Naming and the Politics of Belonging: Spatial Injustices in the Toponymic Commemoration of Martin Luther King, Jr." Social & Cultural Geography 14(2): 211-233.

Dwyer, Owen J. and Derek H. Alderman. 2008. Civil Rights Memorials and the Geography of Memory. Book from Center for American Places and University of Georgia Press.

Alderman, Derek H. 2008. "Martin Luther King, Jr. Streets in the South: A New Landscape of Memory." Southern Cultures 14(3): 88-105.

### About Me

#### Derek Alderman

Professor of Cultural and Historical Geography and Head of the Department of Geography, University of Tennessee-Knoxville

(formerly affiliated with East Carolina University)

[Copy of CV/Resume](#)

[Homepage](#)

[Academia.edu Page](#)

[Book on Civil Rights Memorials and Street Naming](#)

Email me at: [dalderma@utk.edu](mailto:dalderma@utk.edu)

Follow on [@MLKStreet](#)

[MLK Street Naming Online Resources](#)

[Seattle Times Roadways Across America](#)

[MLK Blvd. Photo Journalism Project](#)

[New Georgia Encyclopedia Entry on MLK Streets](#)

[Along Martin Luther King \(Interview with author Jonathan Tilove\)](#)

[Beloved Streets of America \(organization devoted to revitalizing MLK streets\)](#)

[MSNBC Story on MLK Streets \(Aug. 2013\)](#)

Alderman, Derek H., Steve Spina, and Preston Mitchell. 2008. "A Bumpy Road: the Challenges of Naming Streets for Martin Luther King, Jr." Planning 74(1): 18-21. Contribution to American Planning Association magazine.

Film Project on MLK Street in San Diego (project also has Facebook page)

Alderman, Derek H. and Preston Mitchell. 2007. "A Sign of Changing Times: A Street Renaming Lesson from Chapel Hill, North Carolina." Public Management 89(6): 37-38. Contribution to International City/County Management Association magazine as part of special feature entitled Street Naming: Not as Easy as You Might Think..

Radio interview with Virginia Insight (NPR program) on MLK street naming

Wikipedia Site on MLK Streets

Mitchelson, Matthew, Derek H. Alderman, Jeff Popke. 2007. "Branded: The Economic Geographies of MLK Streets." Social Science Quarterly 88(1): 120-145.

Alderman, Derek H. 2006. "Naming Streets after Martin Luther King, Jr.: No Easy Road." In Landscape and Race in the United States, Routledge Press (edited by Richard Schein), pp. 213-236.

Alderman, Derek H. 2003. "Street names and the scaling of memory: The politics of commemorating Martin Luther King, Jr. within the African-American community." Area 35 (2): 163-173.

Alderman, Derek H. 2002. "Street Names as Memorial Arenas: The Reputational Politics of Commemorating Martin Luther King, Jr. in a Georgia County." Historical Geography 30: 99-120.

Alderman, Derek H. 2002. "School Names as Cultural Arenas: The Naming of U.S. Public Schools after Martin Luther King, Jr." Urban Geography 23(7): 601-626.

Alderman, Derek H. 2000. "A Street fit for a King: Naming Places and Commemoration in the American South." Professional Geographer 52(4): 672-684.

Alderman, Derek H. 1996. "Creating a New Geography of Memory in the South: The (Re) Naming of Streets in Honor of Martin Luther King, Jr." Southeastern Geographer 36(1): 51-69.

### MLK Street Naming Educational Pamphlet

**Electronic copy (pdf) of community outreach pamphlet on MLK street naming (produced 2005). Note data are now old. Pamphlet distributed to various schools, activists groups, and civil rights; national meetings of the NAACP and SCLC; and MLK Historic Site in Atlanta, Georgia.**

Outside cover of pamphlet

Inside content of pamphlet

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### Frequently Asked Questions about MLK Street Naming (under construction)

- Where are streets named for King located?
- How do you rename a street and still honor the road's former name?
- Are there social issues more important than street naming?

### Where are streets named for King located?

If you want specific statistics on the number and location of MLK streets, please contact me.



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### How do you rename a street and still honor the road's former name?



Renaming streets for Martin Luther King can be highly controversial because it often involves removing a road's long-standing name. Chapel Hill, North Carolina offers a potentially useful lesson on how to rename a road for King while not completely erasing a street's former identity. In 2005, the city renamed Airport Road for King after intense public opposition from residential and commercial interests, who cited a strong belief that the street's original name was a key part of their heritage. The controversy prompted Chapel Hill's city council to organize a special committee to study the issue. The committee, composed of a cross-section of stakeholders (including but not limited to property owners on the street), recommended that Airport Road be renamed but charged the city to design a "compromise" street sign. The special signage used in Chapel Hill clearly indicates that Martin Luther King Jr. is the street's address while also designating it as "Historic Airport Road." Such a design has the advantage of minimizing initial confusion from the name change, particularly for visitors who return after the change is implemented. More importantly, the sign gives authority and visibility to the traditional historical identity of a street even as local leaders are called upon to commemorate the civil rights movement. The Chapel Hill case illustrates how our streets can be used to preserve the memory of local landmarks while also recognizing new cultural memories and identities. I would encourage other communities to consider adopting such a design not only when asked to memorialize King but when faced with any street renaming request. Most recently, in

August of 2013, the city government of Harrisonburg, Virginia voted to follow the Chapel Hill model of signage on their new Martin Luther King street.

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### Are there social issues more important than street naming?



Proponents for naming streets for King often encounter the argument that African Americans should concern themselves with civil rights issues "more important" than street naming. No doubt, there are a large number of worthy social and economic issues in need of addressing. At the same time, it is worth thinking about how the naming of roads is not necessarily separate from the larger racial/social justice picture. Naming streets for King can signal something very important about the willingness (or unwillingness) of the larger community to invest in African Americans, thus providing (or failing to provide) a platform on which to bring about more "substantive" change and improvement. When that community refuses to do something as seemingly minor as naming street, what does that say about the degree to which the community is really ready or willing to take on the "tough" issues? I have argued in my research that the street naming issue is about the struggle to be seen and heard within public space, an important civil right in and of itself and one arguably necessary for other rights to be realized. Plus, we can also think about how street naming can be coupled with other larger and "more important" social and economic campaigns on streets in America, such as community redevelopment. The problem is NOT that street naming is inherently less important. Rather it is the limited ways in which we imagine street naming as a social and political tool. The photo above, from a street naming struggle in Melbourne, Florida, captures the deep emotions that proponents and opponents attach to the street renaming issue. Street naming proponents in Melbourne were especially vocal about how honoring King was part of a larger campaign against racism.

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## Cynthia Bowen

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**From:** Franthia McKoy <franthiamckoy@gmail.com>  
**Sent:** Thursday, August 06, 2015 3:34 PM  
**To:** Cynthia Bowen  
**Subject:** Public Hearing on Name Change of Linden Ave  
**Attachments:** signatures\_1438888459.pdf; comments\_1438888473.pdf; MLK Petition Signatures.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



To: Oxford City Council Members

From: Franthia Darby McKoy and Residents of Oxford, NC

Date: August 6, 2015

Subject: Change Linden Ave. to Martin Luther King, Jr. Ave.

I am a resident of Oxford, NC and **I am in favor of changing the name of Linden Avenue to Martin Luther King, Jr. Avenue.** Attached you will find signatures (hand-written and electronic) and comments from others in favor of the same change. Please accept and count these signatures individually in favor of changing Linden Ave. completely to Martin Luther King, Jr. Ave. Thank you.

Fran McKoy/Residents of Oxford, NC

**change.org**

Recipient: **City Council of Oxford, NC**

Letter: **Greetings,**

**Martin Luther King Avenue, Oxford, NC 27565**

# Signatures

<b>Name</b>	<b>Location</b>	<b>Date</b>
Franthia McKoy	, United States	2015-07-31
witasha darby	Oxford, NC, United States	2015-07-31
Paula Jones	Oxford, NC, United States	2015-07-31
Taneisha Jordan	Oxford, NC, United States	2015-07-31
Tyquilla Chavis	Oxford, NC, United States	2015-07-31
Jacqueline Cooper	Oxford, NC, United States	2015-07-31
Danielle Harris	Oxford, NC, United States	2015-07-31
Howard Jordan	Oxford, NC, United States	2015-07-31
Alva Petway	Oxford, NC, United States	2015-08-02
Karen Cousin	Oxford, NC, United States	2015-08-02
nikki fields	Oxford, NC, United States	2015-08-04
Annie cooper	Oxford, NC, United States	2015-08-04
Margaret Darby	Oxford, NC, United States	2015-08-06
Marcus McKoy	Oxford, NC, United States	2015-08-06
Cynthia Anderson	Oxford, NC, United States	2015-08-06

**change.org**

Recipient: **City Council of Oxford, NC**

Letter: **Greetings,**

**Martin Luther King Avenue, Oxford, NC 27565**

# Comments

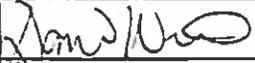
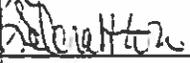
Name	Location	Date	Comment
Paula Jones	Oxford, NC	2015-07-31	It is the right thing to do. You said the street name was changed but you never changed the street signs
Tyquilla Chavis	Oxford, NC	2015-07-31	I'm signing because I feel we as a people finally need to stand up and let our voices be heard. Martin Luther King worked and died for our freedom. That would be great to honor him in my hometown.
Alva Petway	Oxford, NC	2015-08-02	This change should have been made originally.
Margaret Darby	Oxford, NC	2015-08-06	<p>Reasons for Renaming of Linden Avenue to Martin Luther King Jr. Avenue</p> <ol style="list-style-type: none"><li>1.Linden Ave. residents are now mainly African Americans.</li><li>2.Several businesses are managed by African Americans on Linden Ave.</li><li>3.An African American Church is on Linden Ave.</li></ol> <p>The major point that I wish to express is the fact that erected near our library is a very tall stature of a Confederate Soldier holding an extremely large weapon of destruction. It appears that this soldier with a gun reminded everyone then and now that violence, (killing, anger and hatred) was and apparently continues to be an appropriate method to use to reach a specific goal.</p> <p>I suggest in an effort to strengthen human relations in Oxford that Dr. Martin Luther King, Jr. be commemorated for the non-violent method he used to change a Nation. This can be done by re-naming Linden Ave. in it's entirety. If the soldier's gun equates to violence then certainly a man who was honored with the Noble Peace Prize can have a street re-named for being an advocate of non-violence. Our children need to see peace get attention ....not a gun.</p>

Petition to change the Name of Linden Ave, to Martin Luther King, Jr. Avenue

	Printed Name	Signature	Address	Comment
1	Kinshasha Parks	<i>Kinshasha Parks</i>	111 Eastway Dr. Oxford, NC	
2	Johnnie Wilkins	<i>Johnnie Wilkins</i>	4035 Salem Rd. Oxford NC	
3	Michelle D. Robertson	<i>Michelle D. Robertson</i>	129 Juniper Ct. Oxford NC	
4	Dante Grant	<i>Dante Grant</i>	157 Juniper Court, Oxford, NC	
5	Evis Hard	<i>Evis Hard</i>	135 Juniper Ct, Oxford, NC	
6	Charles Braxton	<i>Charles Braxton</i>	134 Juniper Ct Oxford	
7	Corsha Harris	<i>Corsha Harris</i>	120 Juniper Ct	Bottemis St Oxford
8	Nichole Harris	<i>Nichole Harris</i>	Oxford	
9	Akia Tuck	<i>Akia Tuck</i>	<del>100 Juniper Ct</del> , Oxford	
10	Calvin Moss	<i>Calvin Moss</i>	401A Fourth St, Oxford	
11	Zahir Warren	<i>Zahir Warren</i>	118 Juniper Ct, Oxford	
12	Charita Barnett	<i>Charita Barnett</i>	117 Juniper Ct, Oxford	
13	Wanda Deane	<i>Wanda Deane</i>	138 Juniper Ct. Oxford	
14	Trigyan Evans	<i>Trigyan Evans</i>	144 Juniper Ct Oxford	

	Printed Name	Signature	Address	Comment
15	Alexander Harris	<i>Alexander Harris</i>	6102 Pine town Rd Oxford	
16	Billy Ray Sr. Jr	<i>Billy Ray Sr.</i>	120 Hillside Dr, Oxford	
17	Shontrell Watson	<i>Shontrell Watson</i>	128 Hillside Dr. Oxford	
18	Nellie Wilson	<i>Nellie Wilson</i>	106 Eastway Dr. Ox	
19	Stephanie Harris	<i>Stephanie Harris</i>	108 Eastway Drive Oxford	
20	Chuck Rayling	<i>Chuck Rayling</i>	122 Eastway Drive, Oxford	
21	Betty Lyons	<i>Betty Lyons</i>	122 Eastway Dr, Oxford	
22	Severia Parks	<i>Severia Parks</i>	219 Person St, Oxford	
23	Hubert Green	<i>Hubert Green</i>	101 Hillside Dr, Oxford NC	
24	Keosha Evans	<i>Keosha Evans</i>	210 Hillside dr. <sup>Oxford</sup> NC	
25	Wanda Leonard	<i>Wanda Leonard</i>	208 Hillside Dr <sup>Oxford</sup> NC	
26	Onesta Leonard	<i>Onesta Leonard</i>	208 Hillside Dr <sup>Oxford</sup> NC	
27	Sarah Wilkerson	<i>Sarah Wilkerson</i>	114 Ridley Ave <sup>Oxford</sup> NC	
28	David McGhee	<i>David McGhee</i>	114 Ridley Ave <sup>Oxford</sup> NC	
29	Jean Harris	<i>Jean Harris</i>	104 <del>St</del> Hunt St <sup>Oxford</sup> NC	
30	Annie Williams	<i>Annie Williams</i>	245 Hillside dr, <sup>Oxford</sup> NC	

	Printed Name	Signature	Address	Comment
31	Jennifer Thorpe	Jennifer Thorpe	115 Juniper Ct Oxford	
32	Rodney J. Hunt	Rodney J. Hunt	7062 Old West Ln Oxford	
33	Stephen Brooks	Stephen Brooks	8236 Charlie St. Rd Oxford ~C	
34	Jay Harris	Jay Harris	2667 Deer Run Oxford	
35	Annie Eaton	Annie Eaton	103 Juniper Ct, Oxford	
36	Earlean Haythe	Earlean Haythe	101 Juniper Ct, Oxford	
37	Shelia Downey	Shelia Downey	107 Juniper Ct, Oxford	
38	Betta Mitchell	Betta Mitchell	109 Juniper Ct, Oxford	
39	Clementine Fields	Clementine Fields	111 Juniper Ct, Oxford	
40	Bonice Pearce	Bonice Pearce	121 Juniper Ct Oxford	
41	Domestic Harris	Domestic Harris	4714 Eastwood Park Rd	
42	Sandra Cooper	Sandra Cooper	4700 Eastwood Ave Oxford	
43	Shynese Cooper	Shynese Cooper	4700 Eastwood Ave. Oxford	
44	Stevie Hester	Stevie Hester	6032 Pine Truss Rd. Oxford	

	Printed Name	Signature	Address	Comment
45	Dorell Williams		24 Maple Drive	Oxford
46	Delena Horton		241 Hillside Dr.	Oxford
47	Shachaira Rupton		243 Hillside Dr	<del>243</del> Oxford
48	Shelia Webb	Shelia Webb	247 Hillside Dr	Oxford
49	Michael Webb	Michael Webb	217 Hillside Dr	Oxford
50	Gabrielle Boyd	Shakille Boyd	215 Hillside Dr, Oxford	O
51	Sherry Evans	Sherry Evans	215 Hillside Dr, Oxford	
52	Latoya Evans	Latoya Evans	215 Hillside Dr, Oxford	
53	Lakesha Evans	Lakesha Evans	215 Hillside Dr, Oxford	
54	Willie M Jennings	William Jennings	203 Hillside Dr, Oxford	
55	Bobby Jennings	Bobby Jennings	203 Hillside Drive, Oxford	
56	Maxine Curtis	Maxine Curtis	264 A Westbury Dr, Oxford	

	Printed Name	Signature	Address	Comment
57	Gaylen Cozart	Gaylen Cozart	117 Hillside Dr. Oxford	
58	Habele Williams	Habele Williams	156 Lewis Jones Rd Oxford	
59	Patricia Williams	Patricia Williams	1562 Lewis Jones Rd, Oxford	
60	Carter James	James Carter	116 Eastway Dr Oxford	
61	Jasmine Hester	Jasmine Hester	241 Hussick Cir. Oxford	
62	James Reed	James Reed	230 Lanier St Oxford	
63	Janice Wilkes	Janice Wilkes	201 Hillside Dr. Oxford	
64	Angela Pettiford	Angela Pettiford	201 Hillside Dr. Oxford	
65	J. H. Hester (Gail)	J. H. Hester	415 Linden Ave Oxford	
66	Kathleen Wilkes	Kathleen Wilkes	5551 Tobias Creek Church Rd Oxford	
67	Sandra Bowden	Sandra Bowden	2 Daniel Street Oxford, NC	
68	Emma Williams	Emma Williams	210 Elm Street Oxford	

## Cynthia Bowen

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**From:** Margaret Darby <mwfdarby@yahoo.com>  
**Sent:** Thursday, August 06, 2015 4:23 AM  
**To:** Cynthia Bowen  
**Subject:** Re-name Linden Ave.

### Reasons for Renaming of Linden Avenue to Martin Luther King Jr. Avenue

1. Linden Ave. residents are now mainly African Americans.
2. Several businesses are managed by African Americans on Linden Ave.
3. An African American Church is on Linden Ave.

**The major point that I wish to express is the fact that erected near our library is a very tall stature of a Confederate Soldier holding an extremely large weapon of destruction. It appears that this soldier with a gun reminded everyone then and now that violence, (killing, anger and hatred) was and apparently continues to be an appropriate method to use to reach a specific goal.**

**I suggest in an effort to strengthen human relations in Oxford that Dr. Martin Luther King, Jr. be commemorated for the non-violent method he used to change a Nation. This can be done by re-naming Linden Ave. in it's entirety. If the soldier's gun equates to violence then certainly a man who was honored with the Noble Peace Prize can have a street re-named for being an advocate of non-violence. Our children need to see peace get attention ....not a gun.**

Thank you,  
Submitted by:  
Margaret Darby  
505 Hancock Street  
Oxford, NC

until next time... md



*Margaret Darby  
505 Hancock Street  
Oxford, N.C. 27565  
(919)693-4177 (H)  
(919)690-4394 (M)*

## Cynthia Bowen

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**From:** brendayancey@nc.rr.com  
**Sent:** Thursday, August 06, 2015 4:28 PM  
**To:** Cynthia Bowen  
**Subject:** Name change for Linden Ave

Dear City Commissioner

I think it would be a great idea to change Linden Ave to Martin Luther King Avenue. Especially with Oxford needing more diversity. I think as a black citizen it would show diversity and respect for what he stood for and the different he made in the lives of all mankind. Hopefully it would make citizens feel better who have a problem with that confederate stature at the library. We need to do whatever we can to bring unity and oneness in Oxford. We need to love each other regardless of the color of our skins and that what I think Martin Luther King fought for.

Thank You,  
Brenda Yancey  
7512 Shep Royster Rd  
Oxford NC 27565  
Submitted by: Brenda Yancey



## CITY OF OXFORD STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners

VIA: Randy Hemann, City Manager

FROM: Barbara J. Rote, City Clerk

DATE: 07-20-15

SUBJECT: Consider Accepting Certificate of Sufficiency for Petition of Voluntary, Non-Contiguous, Annexation by Oxford Charter Holdings, LLC, and consider adopting a resolution calling for an annexation public hearing to be held in conjunction with the September 8, 2015 Regular Session if the Board desires to move forward with annexation.

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### SUMMARY STATEMENT

Oxford Charter Holdings, LLC has petitioned the City to annex 1.0 acres of land located on Landis Road. The annexation request was required to receive City services for the additional acre needed to develop Oxford Preparatory School. This is the next step in the process as the City considers annexing the property.

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### REVIEW

- 1) The Clerk will provide the Certificate of Sufficiency based on the Petition for Voluntary Annexation received. The Board can vote to accept the Certificate of Sufficiency.
- 2) The Board can now proceed with setting a public hearing for annexation during the September 8, 2015 Regular Session or deny the petition. Following the public hearing, and at the same meeting, the Board can vote to annex the property.

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### RECOMMENDATION

Staff recommends accepting the Certificate of Sufficiency for Petition of Voluntary, Non-Contiguous, Annexation by Oxford Charter Holdings, and adopting a resolution calling for an annexation public hearing in conjunction with the September 8, 2015 Regular Session for 1.0 acres of property located on Landis Road.

Attachments: Y

**CERTIFICATE OF SUFFICIENCY**  
**OXFORD CHARTER HOLDINGS, LLC**

To the Board of Commissioners of the City of Oxford, North Carolina:

I, Barbara J. Rote, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Oxford, this 11<sup>th</sup> day of August, 2015.

(SEAL)

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Barbara J. Rote, City Clerk

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION**  
**PURSUANT TO G.S. 160A-58.2**  
**OXFORD CHARTER HOLDINGS, LLC**

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the Board of Commissioners has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the City of Oxford, North Carolina that:

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held in the Commissioners' Board Room, 3<sup>rd</sup> Floor, City Hall, 300 Williamsboro Street at 7:00 P.M. on Tuesday, September 8, 2015.

Section 2. The area proposed for annexation is described as follows:

**1.0 Acres, Oxford Preparatory High School**  
**6041 Landis Road, Oxford, North Carolina, 27565**

**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.**

Section 3. Notice of the public hearing shall be published once in the Oxford Public Ledger, a newspaper having general circulation in the City of Oxford, NC, at least ten (10) days prior to the date of the public hearing.

Adopted this eleventh day of August, 2015

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Jacqueline, vdH Sergent, Mayor

ATTEST:

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Barbara J. Rote, City Clerk



CITY OF OXFORD  
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners  
VIA: Randy Hemann, City Manager  
FROM: Barbara Rote, City Clerk  
DATE: 07-27-2015  
SUBJECT: Consider directing the city clerk by resolution to investigate the sufficiency of the petition for annexation request by B&B Properties

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SUMMARY STATEMENT

In order to renovate and expand the Boyd Honda and Ford dealerships, B&B Properties, has petitioned the City to annex 7.417 acres of land located on I-85 and adjacent to the existing car dealerships.

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REVIEW

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

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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-31**  
**FOR CONTIGUOUS ANNEXATION BY**  
**B&B PROPERTIES (BOYD AUTOMOTIVE)**

WHEREAS, a petition requesting annexation of an area described in said petition was received on July 15, 2015 by the City of Oxford Board of Commissioners; and

WHEREAS, G.S. 160A-31 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;

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 her investigation.

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Jacqueline vdH Sergent, Mayor

ATTEST:

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Barbara J. Rote City Clerk

**PETITION REQUESTING CONTIGUOUS  
ANNEXATION**

Date: 07/15/2015

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 contiguous to the City of Oxford and the boundaries of such territory are as follows:

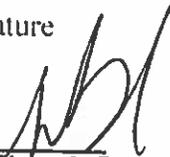
Beginning at an EIP located on I-85 r/w the following; N49°43'36"E 23.58', N33°08'19"E 73.51', N35°24'59"E 221.85, & N42°00'00"E 182.06', thence leaving said r/w the following; S32°26'51"E 766.00', S59°49'16"W 482.52', N31°22'01"W 581.00' to the point of beginning containing 7.417 acres.

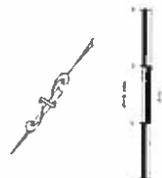
3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Oxford.

\*(and in relation to the primary corporate limits of the City of Oxford.)

\*\*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 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. (If zoning vested rights are claimed, indicate below and attach proof.)

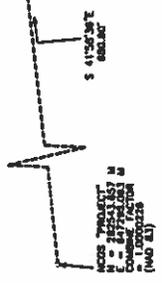
Name	Address	<u>Do you declare vested rights?*</u>	Signature
		(Indicate <u>yes</u> or no.)	
1.	<u>B&amp;B Properties, PO Box 911, 1730 Grham Avenue, Henderson, NC 27536</u>		 Glenn A. Boyd
2.	_____		
3.	_____		



S.R. 1608 - ANTIOCH ROAD - 100' R/W



NC HWY. 80 - 100' R/W





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: August 11, 2015  
SUBJECT: Recommended Changes to the Personnel Policy

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SUMMARY STATEMENT

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.

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REVIEW

**Article VII, Section 12- Sick Leave.** The new definition of "Immediate Family", referenced also in **Article VII, Section 16- Bereavement Leave.** Narrowing the definition of "Immediate Family" and only allowing 3 days vs. 3 days for immediate family and 1 day for more distant kin. Allowing the use of sick leave for bereavement instead of only allowing vacation or comp.  
**Appendix A- Substance Abuse Policy.** Revising the policy to bring it into compliance for a NC Municipality.

**Article III, Section 12-On Call Policy.**  
**Article III, Section 13-Call Back Pay Policy**

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RECOMMENDATION

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

**PERSONNEL COMMITTEE MEETING AGENDA, August 5, 2015**

**RECOMMENDED CHANGES TO THE PERSONNEL POLICY MANUAL**

- I. Article VII**
  - A. Section 12. Sick Leave**
  - B. Section 16. Bereavement Leave**
  
- II. Appendix A- Substance Abuse Policy**
  
- III. ARTICLE III. THE PAY PLAN**
  - A. Section 12. On Call Policy**
  - B. Section 13. Call Back Pay Policy**
  
- IV. Schedule next Personnel Committee Meeting**

## ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

### Section 12. Sick Leave

"Immediate family" shall be defined as spouse, child, parent, brother, sister, grandparent, or 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.

### Section 16. Bereavement Leave

An employee may use up to three (3) continuous workdays with pay for death in the employee's immediate family. "Immediate Family" is defined as spouse, child, ~~stepchild, parent or stepparent, Aunt, Uncle,~~ brother, sister, ~~stepbrother, stepsister, half-brother, half-sister,~~ grandparent, or grandchild, ~~son-in-law, daughter-in-law, mother-in-law or father-in-law of the employee, or guardian.~~ This also includes various combinations of step, half and adopted relationships. Such paid leave may not exceed three days for any one occurrence. ~~One day may be used for grandparents-in-law, sister-in-law, and brother-in-law, aunt, uncle plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named, or anyone living in the same household.~~ Additional leave time required for such occurrence may be charged to vacation or other approved leave such as compensatory time sick leave when approved by the department head and/or City Manager. Employees may attend funerals of non-family members or more remote family members by using vacation or compensatory time upon approval by the department head. The City may request documentation for this leave whenever there is a pattern of absenteeism demonstrated by the employee or for other reasons as needed.

**I. Purpose**

It is the policy of the City to provide a safe, healthy and efficient work environment for its employees and to protect the public that it serves by establishing and maintaining an alcohol and drug-free workplace. Alcohol and drug abuse is a problem of serious concern and one which affects all segments of the community, including the workplace.

**II. Applicability**

1. Applicants who have been offered employment must undergo a drug screen test as part of the hiring process.
2. All employees are covered under this *Substance Abuse Policy* and are subject to post-accident or post-incident testing.
3. Employees serving in positions determined to be safety sensitive are subject to random and "follow-up" testing, when applicable.
4. Employees who must hold a Commercial Driver's License (CDL) as a requirement for the job are subject to random and "follow-up" testing as required by the U.S. Dept of Transportation, if applicable.

**III. Prohibited Conduct for All City Applicants and Employees**

The following conduct is expressly prohibited and violations will result in disciplinary action up to and including termination:

1. Possession, consumption, manufacturing, distribution, dispensation or being under the influence of an unauthorized controlled substance, an illegal drug, drug paraphernalia or alcohol while on duty, on City premises, in City-supplied vehicles, or in any City work area. Law enforcement officials shall be notified, as appropriate, where criminal activity is suspected.
2. Sale, use, or possession of illegal drugs; or possession with intent to sell illegal drugs.
3. Off-premises abuse of alcohol or controlled substances when these activities adversely affect job performance, job safety, or the public's confidence in an employee's ability to perform their duties in an adequate and effective manner, or any use of illegal drugs or abuse of prescription drugs for which he/she does not have a doctor's prescription.

**IV. Drug Screening Criteria**

The City of Oxford will consider an employee for a drug screening test under the following circumstances:

1. PRE-EMPLOYMENT Applicants who have been offered employment with the City of Oxford will be required to undergo a drug screening test as part of the hiring process. The City will withdraw an offer of employment made to any applicant whose drug screen test reveals the presence of illegal drugs or prescription drugs without a valid prescription.
2. POST-ACCIDENT or INCIDENT All full time and part time employees will be tested for the presence of controlled substances and/or alcohol following an on-the-job accident/incident that involves the following:
  - a. A fatality;

- b. Bodily injury requiring medical attention or professional medical treatment (W/C). The employee is tested only if circumstances indicate that such bodily injury (whether to an employee or citizen or both) may have been caused, at least in part, by the employee; or
- c. Property damage reasonably expected to be in excess of \$500.00, if circumstances suggest that an employee may have contributed to the accident/incident (to be determined by the dept. head or supervisor in charge, if after hours).

A post-accident drug and/or alcohol test will be administered as soon as possible, but not more than eight (8) hours following the time of the accident. Refusal to test could result in disciplinary action including termination.

- 3. REASONABLE SUSPICION TESTING When there is reasonable suspicion that any employee on duty has alcohol or drugs in his/her system, the employee will be tested. Reasonable suspicion must be based on specific, objective facts or reasonable inferences drawn from facts that would cause a reasonable person to suspect that the employee is or has been using drugs or alcohol.

Facts supporting a reasonable suspicion determination include, but are not limited to, any one or more of the following:

- a. Direct observation of prohibited drug or alcohol use;
  - b. Slurred speech;
  - c. Odor of marijuana or alcohol about the person;
  - d. Inability to walk a straight line;
  - e. Physical or verbal altercation;
  - f. Behavior that is so unusual that it warrants summoning a supervisor or anyone else in authority (i.e. confusion, disorientation, lack of coordination, marked personality changes irrational behavior);
  - g. Possession of drugs or alcohol;
  - h. A report of prohibited drug or alcohol use provided by a reliable and credible source; or
  - i. Arrests, citations, and deferred prosecutions associated with drugs or alcohol.
- 4. FEDERAL OR STATE MANDATED SUBSTANCE ABUSE TESTING City employees who are subject to federal or state mandated substance abuse testing, including but not limited to Department of Transportation regulations, will be tested pursuant to such testing requirements notwithstanding this *Substance Abuse Policy*.
  - 5. RANDOM TESTING An employee that is entrusted with preserving public health/safety or the safety of other employees has a special responsibility to maintain physical and mental fitness for duty at all times while on the job. Testing may be conducted on a random basis on employees that hold safety-sensitive positions, chosen by a method that provides an equal probability that any employee from a group of employees will be selected. Safety-sensitive positions within the City of Oxford are defined as:
    - a. All sworn law enforcement personnel;
    - b. Positions (full-time, part-time, or contract) requiring the consistent and frequent operation of heavy equipment or motor vehicles as a primary task;
    - c. Positions working around large equipment or with potential for hazards;
    - d. Positions working with youth and/or those required to drive citizens or clients;

- e. Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace; and
- f. Other positions as required by law, or as designated by the Human Resources Director, due to the specific safety-sensitivity of individual jobs.

**“Current” classifications of safety sensitive positions with the City are:** sworn law enforcement officers (as stated above), all employees in the City’s utilities and street departments (Public Works), Fire Department personnel and Waste Water Treatment Plant personnel. This list can/will be updated as necessary.

6. **METHOD FOR RANDOM TESTING** All safety sensitive personnel are assigned a number that will be kept in the HR office on an Excel spreadsheet, and updated as needed. Once per month, preferably on the 1<sup>st</sup> day of the month, or as soon as possible thereafter, the list of numbers will be placed into the website <https://www.random.org/lists/> by the HR Director with a witness present to attest it was only run once (truly random). 4 names will be drawn each month; 2 from PD and 2 from the combined other safety sensitive departments to avoid the possibility of all random names coming from one dept. source. This should produce an equal distribution of testing. Once the names are drawn, the work schedules of the employees to be tested will be determined. The tests will be conducted by the HR director, or his/her designee and the dept. head will not be made aware of the random name until the day of the test. Because of the convenience of the saliva screen, and the fact that there are not hazmat materials to be disposed of, the HR director will go to the employee’s worksite to conduct the random test in a private location.

#### V. Relief from Duty

An employee may be placed on administrative leave for the balance of the work shift when tested under *Section (2) Post Accident or Incident*. An employee may be placed on administrative leave pending the outcome of the test results when tested under *Section (3) Reasonable Suspicion*.

Employees will normally be placed on annual leave or leave-without-pay while awaiting results of a post-accident/incident or reasonable suspicion drug test (since the employee is considered to be awaiting disciplinary action if the test is positive, use of sick leave is not authorized during this period). If the test is negative or if it is lost, employees may choose to utilize annual leave or take the lost work time as leave-without-pay.

#### VI. Testing Procedures

For convenience, efficiency and cost-effectiveness, the City is conducting its own drug testing utilizing a 7-panel saliva screen. It is considered to be more accurate than urine sampling because it cannot be substituted or tampered with, and is done in the presence of witnesses. The 7 panels of drugs tested for are marijuana, cocaine, opiates, ecstasy, methamphetamine, benzodiazepines and oxycodone. The alcohol saliva swab is done separately. These saliva screenings are for negative confirmations only; a positive or inconclusive result sends the applicant or employee directly to Granville Health Systems with an escort for clinical lab testing and review of a MRO (Medical Review Officer).

1. **CONSENT** Before a drug or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to those City officials with a need to know. The consent form shall provide space for employees to acknowledge that they have been notified of the City’s *Substance Abuse Policy* and to indicate current or recent use of prescription or over-the-counter medication. They are also given the

***“Procedure Card”*** on administering the saliva screening to read and shown the sealed screening kit before it is opened to verify there has been no contamination or tampering.

2. **REFUSAL TO CONSENT** Any employee who refuses to consent to a drug and/or alcohol test is subject to disciplinary action up to and including termination. Any final applicant who refuses to consent to a drug and/or alcohol test will have the offer of employment withdrawn.
3. **CONFIDENTIALITY** All information from an employee or applicant’s drug and alcohol test is confidential and only those with a need to know are informed of the test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant. The results of a positive drug test shall not be released until the results are confirmed by the MRO.
4. **SPECIMEN COLLECTION**
  - a. *Pre-Employment.* Applicants who refuse to take the tests will not be hired. The applicant will be required to sign and submit the consent form and the saliva swab test can be done while the payroll paperwork is being filled out.
  - b. *Post-Accident or Incident and Reasonable Suspicion.* Saliva swab testing will be done by the Human Resources Director or designee. The employee shall be escorted to a private office or location, along with his supervisor or department head.

After the sample and results are obtained- if negative, the employee will return to work, if applicable. In the case of a negative result for reasonable suspicion, the employee will be questioned as to why he/she may be showing signs of fatigue, etc., and the department head can decide whether or not the employee should remain at work. The supervisor will use every reasonable means to insure that the employee reaches his or her destination safely.

- c. *Follow-up.* Follow-up testing takes place when a saliva test has rendered a positive or inconclusive result. Human Resources will contact the lab and schedule a lab visit, hopefully immediately.
  - d. *Random.* Employees designated for random testing are assigned a number in an Excel spreadsheet. *See item 6. Above.*
5. **TESTING REQUIREMENTS** All drug and/or alcohol testing of employees and applicants shall be conducted in compliance with the Controlled Substance Examination Act, Article 20 of Chapter 95 of the North Carolina General Statutes. “Follow-up” testing, if necessary shall be conducted at medical facilities or laboratories selected by the City. To be considered a testing site, a medical facility or lab should have the following factors:
    - a. Testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering;
    - b. Methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results;
    - c. Chain of custody procedures which ensure proper identification, labeling, and handling of test samples;
    - d. Retention and storage procedures which ensure reliable results on confirmatory test of original samples.

6. **POSITIVE TEST RESULTS** An employee whose drug test yields a positive result shall be given a second test at a certified lab. If the confirmation test results are positive, then the employee will be notified of the positive test results and will have an opportunity to rebut verbally or explain in writing the tests results. The City may, in its discretion, take this explanation into account in making any employment decision. A confirmation of the test results by the MRO shall be considered FINAL.

## **VII. Communication of Test Results**

1. **NEGATIVE TEST RESULTS** If the drug screening test result is negative, the laboratory will so advise the designated City official who will inform the employee or job applicant.
2. **POSITIVE TEST RESULTS** If the drug screening test result is positive, the laboratory will so advise the designated City official and the following action shall be taken:
  - a. A job applicant shall be informed of the positive test results verbally by the Human Resources Director (or his/her designee) of the test results and that the *Conditional Offer of Employment* has been withdrawn.
  - b. A current employee shall be informed of the positive test results verbally by the Human Resources Director (or his designee) and the HR Director will also inform the City Manager.
  - c. The City Manager will schedule a pre-dismissal conference between the employee, the Department Head, and the Human Resources Director. Protocol described in **ARTICLE IX, Section 6. Pre-Dismisal Conference** of the Personnel Policy will be followed. Employees who hold a CDL will be subject to the Department of Transportation regulations for positive test results. The City will complete and submit Forms CDL-8 or CDL-9, whichever may be the case.

Factors to be considered by the supervisor in determining the appropriate response to a positive test result include the nature of the position to which assigned, the extent of performance deficiencies, the seriousness of accidents or incidents, the employee's work history, and existence of past disciplinary actions. Mandatory EAP referral, leave (either with or without pay), and/or disciplinary action up to and including termination may result; and
  - d. If suspension or termination from employment is recommended by the City Manager, the employee shall be notified in writing. The employee has a right to appeal the decision per the Personnel Policy, **ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL.**

## **VIII. Failure of an Employee to Cooperate**

Employee compliance with the City of Oxford's *Substance Abuse Policy* is mandatory. Failure or refusal of any employee to fully cooperate and participate in the program, sign any required document or submit to a drug and/or alcohol screening test will be grounds for termination of employment, unless a compelling, satisfactory reason is provided.

Employees who continue employment while undergoing counseling or rehabilitation will be required to meet all established standards of conduct and job performance. Employees who have been referred for counseling or rehabilitation under this policy shall be required to fully cooperate and participate in their rehabilitation program and adhere to the recommendations of

the City Manager. Employees who have been referred to counseling or rehabilitation as a result of a positive drug or alcohol test may be required to undergo drug screening tests at any time for a period of up to two years. If an employee receives a subsequent positive drug test after counseling and/or rehabilitation they are subject to immediate termination.

#### **IX. Summary**

Employees are encouraged to voluntarily request counseling or rehabilitation before their substance abuse leads to disciplinary or other work-related problems. No employee will have their job security jeopardized by such a good faith request.

No part of this policy, nor any of its procedures, is intended nor shall be construed to affect the City of Oxford's right to manage its workplace, to discipline its employees or to change the "at will" nature of employment with the City. Since it is impossible to anticipate every situation which may arise under this policy, the City Manager should be contacted to resolve any situation not addressed herein. This contact should be made before action is initiated, if at all practical.

## Consent to Drug/Chemical Test for Use and/or Impairment

Under the authority of the City of Oxford's Substance Abuse Policy (Appendix A in the Personnel Manual), you are required to submit to an immediate drug/alcohol screening for the following reason:

Pre-employment Screening       Post Accident/Incident Screening       Random (Safety Sensitive Only)

The results of this test will be used by the City to make decisions about appropriate administrative "next steps". If the test is negative, no further action needs to be taken. The results will be documented and placed in your Medical folder in the HR Office. If the test results in a positive or inconclusive result, you will be required to immediately go to the lab at GHS with an escort to provide a urine sample for testing and review by the MRO (Medical Review Officer).

My signature below attests to the following:

- 1) I have been given the Procedure Card to read and understand the saliva screen process
- 2) I have inspected the saliva screening package and agree that it is still factory sealed
- 3) Upon opening, I have inspected and agree that the inner packaging is intact and factory sealed
- 4) I understand that my refusal to be tested may result in termination of my employment with the City
- 5) I understand that a positive or "inconclusive" result of this saliva test does not in any way impact my employment; I have been informed that "false positive" test results are unusual, but possible. It only requires my further participation in additional testing at a certified laboratory facility.
- 6) I have been informed that drug screen results are protected health information under HIPAA law and will not be disclosed under any circumstances without written consent of the employee or candidate except pursuant to administrative or legal procedure or process

\_\_\_\_\_  
Employee/Candidate Printed Name

\_\_\_\_\_  
Employee/Candidate Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee/Candidate Signature

\_\_\_\_\_  
Employee/Candidate Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee/Candidate Signature

\_\_\_\_\_  
Employee/Candidate Printed Name

\_\_\_\_\_  
Date

### Saliva Screen Test Results

Employee/Candidate refused to sign

All panels negative       \*\*One or more panels tested positive       \*\*One or more panels tested inconclusive

**\*\* "Positive" or "inconclusive" test results require the employee (with escort) or job applicant to report immediately to GHS lab for urinalysis testing and review by the MRO.**

## ARTICLE III. THE PAY PLAN

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### Section 12. On Call Policy

**Purpose.** The City provides a continuous twenty-four hour, seven day a week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty any hour of the day or night. One of the conditions of employment with the City is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. This includes all City recognized Holidays.

**On Call.** All City of Oxford departments that are designated to provide 24-hour services and that require employees to be on call, will meet the following requirements:

- a) The following departments are the only departments with "on call" employees: Water/sewer, streets, WWTP and police detectives
- b) The department supervisor shall assign all eligible and competent employees in the department to the "on call" rotation.
- c) The one person from each department "on call" shall serve for seven consecutive days.
- d) Each employee on call will receive ~~compensation time as~~ pay for the "on call" earnings at that employee's hourly rate.
- e) ~~When receiving compensation time for on-call duty, the leave time earned will be scheduled at a mutually convenient time between the employee and the supervisor. The supervisor will schedule the day off if agreement cannot be reached between the employee and the supervisor.~~
- f) ~~Any employee reaching the policy established level for maximum of compensatory time on the books will be paid for those hours. That maximum is found in the policy manual in Article III, Section 12.~~
- g) ~~If a City recognized holiday falls during the employees week of "on call" duties, the employee will be allowed to take that holiday (e) at a later time. The holiday (e) normally will be taken in the week following the "on call" period unless arrangements are made with the Department supervisor. If a Holiday occurs when an employee is "on-call", he/she receives his/her normal holiday pay, plus his/her hourly rate for the time incurred.~~

**Discipline.** If the employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal as per the discipline policy Article IX.

### Section 13. Call Back Pay Policy

**Purpose.** The City provides a continuous twenty-four hour, seven day a week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty any hour of the day or night. One of the conditions of employment with the City is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position.

**Call Back Pay.** All City of Oxford departments that are designated to provide 24-hour services

require their employees to be called back for emergency situations. This policy applies to any employee who after working their regular hours has departed and receives a call back to work. Employees called back, will meet the following requirements:

- a) Non-exempt employees will be guaranteed a minimum payment of ~~two-one~~ hours of wages for being called back to work outside of normal working hours.
- b) ~~"Call back" provisions do not apply to work added to the day.~~
- c) Each employee called back will receive ~~compensation time at his/her hourly rate of pay for the "call back" earnings time. If the call back time is going to cause that employee to exceed his/her normal hours for overtime (40 for water/sewer, streets, WWTP and detectives; 106 in 2 weeks fir fire), the earnings paid will be at time and one half in accordance with FLSA.~~
- d) When ~~receiving compensation an employee has work time for call back duty that will cause an overtime situation, this time earned will be scheduled at a mutually convenient time between the employee and the supervisor. The supervisor will schedule the time off if agreement cannot be reached between the employee and the supervisor the department head should make every effort to let that employee take time off during that work period to off-set the cost of overtime pay, if possible.~~
- e) ~~Any employee reaching the policy established level for maximum of compensatory time on the books will be paid for those hours. That maximum is found in the policy manual in Article III, Section 12.~~
- f) ~~If a City recognized holiday falls during the same week as call back time earned the employee will be allowed to take that holiday (s) time at a later time. The holiday (s) normally will be taken in the week following the "call back" period unless arrangements are made with the Department supervisor.~~
- g)e) All full-time Firefighter/Engineers and volunteer firefighters shall be issued a VHF pager that shall be activated by Granville County 911 upon the receipt of an emergency call for service. When the pager receives the appropriate tone sequence, it shall alert the wearer with a tone or vibration.

If a full-time Firefighter/Engineer responds to the call for service, he shall be compensated for two hours at his/her current hourly rate in accordance with the latest edition of the City of Oxford Employee Manual if the following criteria are met:

- The employee must respond to the call for service and sign the callback register himself/herself.
- In the event of a cancellation while ~~en-in~~ route to the emergency, the employee may respond to the Oxford Fire Department within ten (10) minutes of the initial dispatch and sign the callback register. Anyone responding after the allotted time shall not be allowed to sign the register or qualify for the callback pay. It shall be the responsibility of the Officer in charge or the Fire

Discipline. If the employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal as per the discipline policy Article IX.



CITY OF OXFORD  
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners  
FROM: Randall W. Hemann, City Manager  
DATE: August 5, 2015  
SUBJECT: Sale of Williamsboro Rd. Parcel to Keith Corporation for construction of Doctors Office/Urgent Care for Duke Health Care

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SUMMARY STATEMENT

The City of Oxford purchased 15.5 acres across from Revlon at 1490 Williamsboro Rd. for use as a stormwater control project. After removing what land is needed for the stormwater project, two parcels, a 1.4 acre parcel across the street from the main entrance to Revlon and a 4.5 acre parcel on the grassy knoll in front of Dill Air Control will be available for development.

Duke Health Care has approached the City about constructing a 13,000 - 15,000 square foot Doctors Office/Urgent Care on the City owned 1.4 acre site at 1490 Williamsboro Rd. Duke prefers to have a build to suit contractor build and lease the facility to them and they are working with the Keith Corp. on the project. Having the project owned by the Keith Corp. makes the property taxable.

State Statute 158-7.1 entitled "Local Development" offers Cities and Counties the ability to designate property for development in order to encourage and create private development that creates tax base and new jobs. A conveyance under State Statute 158-7.1 requires the developer pay market value which is \$140,000 according to our opinion of value. The Statute also allows the governing body to include covenants, conditions and restrictions (performance measures for development, job creation, etc.).

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REVIEW

Using this Statute will require the Board to call for a public hearing in conjunction with the September 8, 2015 Regular Session according to G.S. 158-7.1, to convey 1.4 acres of City Property located at 148 Williamsboro Street by private negotiated sale to Keith Corporation for the purpose of constructing a

Doctor's Office/Urgent Care Facility. A public notice of the hearing will be posted no less than 10 days prior to the public hearing date. Additional information is included by attachment.

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RECOMMENDATION

Staff recommends calling for a public hearing in conjunction with the September 8, 2015 Regular Session according to G.S. 158-7.1, to convey 1.4 acres of City Property located at 1490 Williamsboro Road by private negotiated sale to Keith Corporation for the purpose of constructing a Doctor's Office/Urgent Care Facility.



## **Williamsboro Street Property Development July 30, 2015**

### **Local Development Statute:**

State Statute 158-7.1 entitled "Local Development" offers Cities and Counties the ability to designate property for development in order to encourage and create private development that creates tax base and new jobs. A County or City can plan and convey property by private negotiation under this statute so long as the conveyance is approved by the governing board(s), is subject to a properly noticed public hearing and conveyed at fair market value. A conveyance under State Statute 158-7.1 also allows the governing body to include covenants, conditions and restrictions (performance measures for development, job creation, etc.).

The Duke University Health System has approached the City about constructing a 13,000 – 15,000 square foot Doctors Office/Urgent Care on the City owned 1.4 acre site at 1490 Williamsboro St. Duke prefers to have a build to suit contractor build and lease the facility to them and they are working with the Keith Corp. on the project. Having the project owned by the Keith Corp. makes the property taxable. I am recommending using the Local Development Statute because it offers the ability for the City to have performance requirements for the developer and allows an opportunity for the City to get the property back if the developer does not perform. All other forms of property disposition do not have these features. This method also requires the developer pay market value which is \$140,000 according to our appraisal.

### **Process:**

Using State Statute 158.7.1 to encourage the development of the Williamsboro property will require the following:

1. Designation of two parcels of 1.4 acres at 1490 Williamsboro Street as available for development under State Statute 158.7.1 (by Resolution)
2. Sale at appraised value (\$140,000 for 1.4 acres).
3. A development agreement which includes the following:
  - a. Minimum Building Size: 13,000 sf
  - b. Minimum Investment \$3 million
  - c. Minimum Employment at opening - 29 (including any unfilled and/or advertised positions)



**Coon Creek  
Stormwater  
Improvements Project**

**Legend**

- Potential Development
- BMP Area
- Unavailable Area
- Match Lines



**Dewberry**