

**CITY OF OXFORD**  
**BOARD OF COMMISSIONERS' REGULAR MONTHLY MEETING**  
**Tuesday, August 12, 2014 - 7:00 p.m.**  
**Commissioners' Board Room**

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



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

Randy Hemann, City Manager  
Barbara Rote, City Clerk

J. Thomas Burnette, City Attorney

Jackie Sergent, Mayor

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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 by Bishop Phillip Betts
2. Pledge of Allegiance led by Mayor Pro Tem Howard Herring
3. Consider adjustments to and approval of the Agenda:  
**Item 27:** Street Closing Sept. 20 - Miracle in the Street  
**Item 28:** Street Closing Sept. 30 – Cycle NC

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 – Sandra and Maurice Whitlow, 513 Sunset Ave.

[ PUBLIC COMMENT ON AGENDA and NON-AGENDA ITEMS ]

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

[ PUBLIC HEARINGS ]

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

6. Public hearing to consider contiguous annexation of 10.61 acres of City owned property that formerly served as the landfill and Southside WWTP off of Industry Drive near N.C. 96 S.

Combined with a privately held adjacent property, this site offers +/- 30 acres of developable land at a key location visible from Interstate 85 and surrounded by other successful restaurants and retail development. The City is pursuing potential cleanup programs for this former landfill site. The outcome from testing will determine how the property can be developed. Following the

public hearing, all statutory requirements will be met and the Board can proceed with adopting the Annexation Ordinance. (Attachment 6)

- 6a. Consider Contiguous Annexation Ordinance for 10.61 acres of City owned property located off Industry Drive (S.R. 1195) near N.C. 96 S., effective upon adoption.

**Recommended action:** Staff recommends adopting the Contiguous Annexation Ordinance for 10.61 acres of City owned property, effective upon adoption.

7. Public hearing to consider amending the Zoning Ordinance section 301.1 to create a zoning classification of B-4 (Neighborhood-Commercial District), adding the definition for a banquet/meeting/assembly facility and providing a table of permitted uses for the B-4 district and development standards as requested by Save Thorndale Inc.

The request will involve any property in the City of Oxford with the B-4 zoning classification. This request has been reviewed by the Planning Board and the Planning, Business and Community Development Committee. (Attachment 7)

- 7a. Consider amending the Zoning Ordinance section 301.1 to create a zoning classification of B-4 (Neighborhood-Commercial District), adding development standards, adding a definition of an assembly/banquet facility/meeting, and providing a table of permitted uses for the B-4 district, effective upon adoption.

**Recommended action:** Staff and the Planning Board recommend amending the Zoning Ordinance section 301.1 to create a zoning classification of B-4 (Neighborhood-Commercial District), adding development standards, adding a definition of an assembly/banquet facility/meeting, and providing a table of permitted uses with the exception of removing 4 of the uses that were requested by Save Thorndale. The amendment would be effective upon adoption.

[ OLD BUSINESS ]

No Old Business

[ NEW BUSINESS ]

8. Consider appointing Richard E. Thomas to the Historic Preservation Committee to fill a vacant seat with a term expiring June 2015.

Mr. Thomas is a new resident living in the historic district. Mr. Thomas has a strong interest in preserving the historic character of the community. He has completed the required application. (Attachment 8)

**Recommended action:** Staff recommends appointing Richard E. Thomas to the Historic Preservation Committee with term expiring June 2015.

9. Consider calling for a Public Hearing in conjunction with the September 9, 2014 Regular Session to consider amending the sign ordinance for temporary signs in the Industrial-1, Industrial-2, and Industrial-3 (I-1, I-2, I-3) zoning districts.

Local industries have expressed interest in placing “Now Hiring” signs on their property. The last amendment to the sign ordinance only included temporary signs in the Business-2 and Business -3 zoning districts. This amendment will be for the industrial areas. (Attachment 9)

**Recommended action:** Staff recommends calling for the public hearing.

10. Consider adopting the Amended Capital Project Ordinance of August 13, 2013, Number 13-08-01 that reflects the new NCDENR State Revolving Loan Offer of \$3,047,675, which is an increase of \$606,850 from the original amount of \$2,440,825.

The Board of Commissioners previously approved the award of the “Wastewater Treatment Plant 1 MGD Equalization Tank (WWTP) Project” contract to H.G. Reynolds at their May 13, 2014 Meeting in the amount of \$2,866,380 anticipating this increased loan offer. The original State Revolving Fund (SRF) 0% Interest Loan in the amount of \$2,440,825 was insufficient to cover engineering design and construction costs. The Engineering Department worked with the Infrastructure Finance Section Staff and the NC Department of State Treasurer to increase the total loan amount to cover the entire cost of the project. The new 0% Interest Loan offer is \$3,047,675, which will include engineering fees (\$311,585), construction (\$2,605,800) and 5% of the contingency (\$130,290). (Attachment 10)

**Recommended Action:** Staff recommends adopting the Amended Capital Project Ordinance of August 13, 2013, Number 13-08-01, reflecting the amended State Revolving Loan offer of \$3,047,675.

11. Consider approving a Budget Amendment in the amount of \$20,961, with \$12,405 payable from the General Fund and \$8,556 from the Water Fund to cover the repair of the IBM AS 400 and restoration of the operating system, Water and Sewer Billing system, payroll, accounts payable and general ledger systems.

In FY 2004, the City purchased a new IBM AS 400 computer system. The system was under warranty for year one, and until FY 2009. During FY 2009 budget deliberations, the \$1,100 annual maintenance & service contract was eliminated. On June 30, 2014, the AS 400 suffered a critical crash, losing the operation system, Water and Sewer billing system, payroll, accounts payable and general ledger capabilities. The requested budget amendment in the amount of \$20,961 covers the repair of the IBM AS 400 (\$9,002), contract services to 1) Newcomb

Computers (\$1,751), 2) Complete Service and Support, LLC (\$4,975) and, 3) Paragon Consulting Services, Inc. (\$5,233). The Budget amendment would be payable from the General Fund in the amount of \$12,405 and from the Water Fund in the amount of \$8,556. (Attachment 11)

**Recommended action:** Staff recommends approving a Budget Amendment in the amount of \$20,961, with \$12,405 payable from the General Fund and \$8,556 from the Water Fund to cover the repair of the IBM AS 400 and restoration of the operating system, Water and Sewer Billing system, payroll, accounts payable and general ledger systems.

12. Consider approving the 2013-14 year-end budget amendment in the amount of \$36,375 payable from the General Fund for accounts where actual exceeded budgeted expenses.

The budget amendment is for Activity accounts as following:

- 1) City Attorney Legal fees (\$1,075) and legal advertising (\$850) – additional requests made from management for legal opinions and reviews, and unanticipated legal notices.
- 2) Human Resources (\$600) - additional expenses for recruiting and hiring
- 3) Fire Department (\$5,000) – vacation payout for two employees leaving the City
- 4) Parks and Recreation Land purchase (\$7,100), supplies (\$7,900), temporary wages (\$4,000) and building maintenance (\$7,000) - land purchase opportunity, supply purchases for new recreational programs and additional participants in all programs, staffing for Lake Devin and Rucker Park Pool, and re-keying all recreational facilities and emergency lighting at Hix Gym.
- 5) Lake Devin supplies (\$50) due to supply purchases for new recreational programs
- 6) Landscape & Beautification (\$2,800) – unanticipated increase in electricity costs and power for downtown events. (Attachment 12)

**Recommended action:** Staff recommends approving the 2013-2014 year-end budget amendment in the amount of \$36,375 payable from the General Fund.

13. Consider adopting a resolution to add a 457(b) North Carolina Supplemental Retirement Plan to the current benefit options offered by the City.

The 457(b) would add another beneficial supplemental retirement plan to our existing 401k and 401k Roth plans to meet the diverse needs of our employees' retirement saving goals. This addition allows part time employees and elected officials to participate. It also allows access to the money at employment separation without penalty and without regards to age.

The North Carolina 457(b) plan is run by the NC State Treasurer's office and administered by Prudential. This supplemental retirement plan has many facets that are not found in a traditional 401k plan and it offers another avenue to employees to save for their future at no cost to the City. As a pre-tax deduction, the more employees save through this mechanism saves the City money in FICA matched contributions. (Attachment 13)

**Recommended action:** Staff recommends adopting a resolution to add a 457(b) Supplemental Retirement Plan to the current benefit options offered by the City.

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

The attached Personnel Policy changes were presented by the HR Director to the Personnel Committee on July 9, 2014. All recommended changes were to further clarify existing policies and practices with 3 exceptions: 1) Article III, Section 11 addresses changing overtime pay calculations for fire and PD to better align with the FLSA 7k Exemption. 2) Article VII, Section 17 along with appendix D addresses legal updates to FMLA which must be updated to comply with new regulations, and 3) Article VII, Section 21 changes the way the City views Worker's Compensation indemnity payments to employees who have been hurt on the job and are out for an extended period of time. (Attachment 14)

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

[ REPORTS ]

15. June and July Financial Reports highlights - Finance Officer Harold Belton Report will be provided on meeting night.
16. City Update - City Manager Hemann
17. Downtown Economic Development Commission Report – Commissioner Currin
18. KLRWS Report – Commissioner Strickland/City Manager Hemann
19. Granville Greenway Advisory Council – Commissioner Fields
20. 200th Anniversary Update – Commissioners Williford and Strickland

[ CONSENT AGENDA ]

21. Accept the June and July Financial Reports by Finance Officer Harold Belton.
22. Approve tax release in the amount of \$1.10 to Dell Financial Services for equipment listed in error, the business closed in August 2013.
23. Approve tax release in the amount of \$14.33 to Variety Stores, Inc. for double billing error on equipment.

24. Approve tax release in the amount of \$25.86 to Watkins Plumbing for business equipment located at owner's personal residence outside the City limits.
25. Approve tax release in the amount of \$51.84 to William E. and Mary E. Burch as ordered by the Granville County Board of Equalization & Review on May 6, 2014.
26. Approve tax release in the amount of \$123.85 to Celico Partnership for assessment error. The incorrect schedule was used.
27. Approve request to close Granville Street between Spring and Hillsboro Streets on Saturday, September 20, 2014 from 12:00 noon to 4:00 p.m. for the 6th annual Miracle in the Street sponsored by Christ Community Church.
28. Approve request to close Spring Street between Belle and Cooper beginning Tuesday September 30 at 8:00 a.m. through Wednesday, October 1 at 10 a.m. for the Cycle NC overnight event as requested by Granville County Tourism.
29. Approve the following 2014 meeting minutes:
  - \* June 30, Agenda Session
  - \* July 8, Regular Session
  - \* July 17, Special Meeting

[ BOARD COMMENTS ]

[ ADJOURNMENT ]

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**REMINDERS:**

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

- August 21: Movie Night – The Nut Job – 8:00 PM
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**CITY OF OXFORD**  
**PUBLIC COMMENT GUIDELINES:**

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

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





CITY OF OXFORD  
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners

VIA: Randy Hemann, City Manager

FROM: Cheryl Hart, Planning Director

DATE: 07-29-2014

SUBJECT: Consider adopting the Contiguous Annexation Ordinance for a 10+/- ac tract of City-owned property that formerly served as the landfill and wastewater treatment plant, effective upon adoption.

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SUMMARY STATEMENT

Combined with a privately held adjacent property, this site offers +/- 30 acres of developable land at a key location visible from Interstate 85 and surrounded by other successful restaurants and retail development.

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REVIEW

The City is pursuing potential cleanup programs for this former landfill site. The outcome from testing will determine how the property can be developed. The property is adjacent to the Oxford Outer Loop (S.R. 1195) near N.C. 96 S. The Resolution of Intent was adopted on July 8, 2014, with the public hearing date set for the August 12, 2014 Regular Session. Following the public hearing, all statutory requirements will be met and the City can proceed with adoption.

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RECOMMENDATION

Staff recommends adopting the Contiguous Annexation Ordinance for 10 +/- acres of City-owned property that formerly served as the landfill and wastewater treatment plant adjacent to the Oxford Outer Loop (S.R. 1195) near N.C. 96 S., effective upon adoption.

Attachments: Annexation Ordinance and map

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF OXFORD, NORTH CAROLINA**

WHEREAS, the Board of Commissioners has been petitioned under G.S. 160A-31 stating its intent to annex the area described below; and

WHEREAS, a public hearing on the question of this annexation was held in the Commissioners' Board Room, third floor, City Hall, 300 Williamsboro Street, Oxford, NC at 7:00 p.m. on August 8, 2014 after due notice by publication in the Oxford Public Ledger on July 31, 2014; and

WHEREAS, the Board of Commissioners finds that the proposed annexation meets the requirements of G.S. 16A-31;

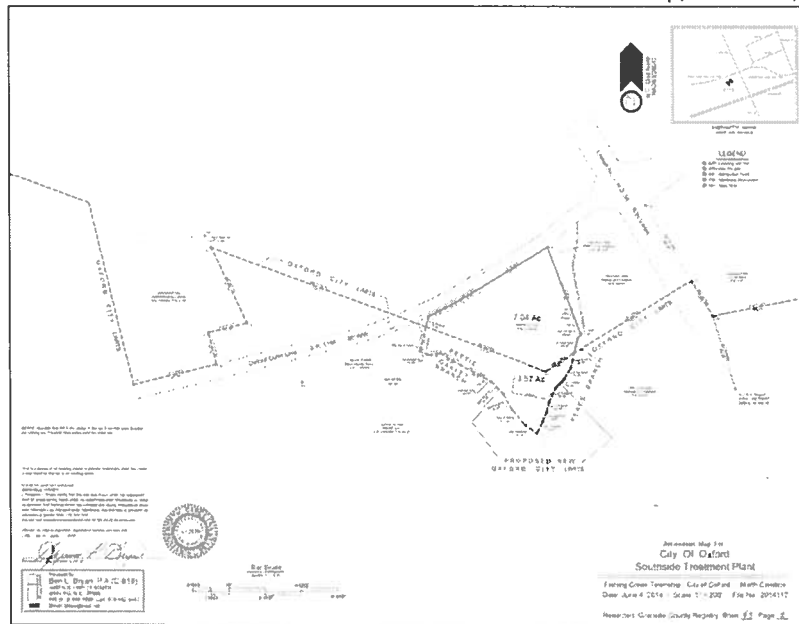
NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Oxford, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous property owned by the City of Oxford is hereby annexed and made part of the City of Oxford as of August 12, 2014\*.

Map of record in Book: 43, Page: 2, Granville County Registry and as follows:

10.61 Acres

being the Old Southside Wastewater Treatment Plant located on the Outer Loop, S.R. 1195, near N.C. 96 South.



Section 2. The Mayor of the City of Oxford shall cause to be recorded in the office of the Register of Deeds of Granville County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map

shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Oxford.

Adopted this Twelfth day of August, 2014

\_\_\_\_\_  
Jacqueline vdH Sergent, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Barbara J. Rote, City Clerk

\_\_\_\_\_  
J. Thomas Burnette, City Attorney

\*The ordinance may be made effective immediately, or on any date within six months of adoption.

\*\*Optional



CITY OF OXFORD  
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners

VIA: Randy Hemann, City Manager

FROM: Cheryl Hart, Planning Director

DATE: 06-23-2014

SUBJECT: Hold public hearing on the request from Save Thorndale Inc. for an amendment to the zoning ordinance by creating a B-4 (neighborhood commercial district), adding the definition for a banquet/meeting/assembly facility and providing a table of permitted uses for the B-4 district and development standards.

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SUMMARY STATEMENT

The request will involve any property in the city of oxford with the B-4 zoning classification.

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REVIEW

This request has been reviewed by the planning board and the planning, ordinance and development committee.

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RECOMMENDATION

The Planning Board recommends amending the ordinance to include development standards, definition of an assembly/banquet facility/meeting and table of permitted uses with the exception of removing 4 of the uses.

Attachments: y

**NEIGHBORHOOD BUSINESS DISTRICT – PERMITTED USES**

<b>OXFORD PROPOSED</b>			
SINGLE FAMILY DWELLING			
DAY CARE CENTER – ADULT WITH A SPECIAL USE PERMIT			
DAY CARE CENTER – CHILD WITH A SPECIAL USE PERMIT			
RETREAT CENTER			
ACCOUNTING, BOOKKEEPING			
ADMINISTRATIVE SERVICES			
COUNTRY CLUB W/GOLF COURSE			
ENGINEER ARCHITECT SURVEYOR			
INSURANCE AGENCY – NO ON-SITE CLAIMS INSPECTION			
LAW OFFICE			
MEDICAL/DENTAL OFFICE			
PHOTOGRAPHY COMMERCIAL			
PHYSICAL FITNESS CENTER			
PRIVATE RECREATION FACILITY			
REAL ESTATE OFFICE			
SWIM AND TENNIS CLUB			
TRAVEL AGENCY			
FLORIST			
GARDEN CENTER OR RETAIL NURSERY			
GIFT OR CARD SHOP			
RESTAURANT – NO DRIVE THRU			
ASSEMBLY/MEETING/BANQUET FACILITIES			
COMMUNITY CENTER			
LIBRARY, MUSEUM, ART GALLERY, ART CENTER			
OTHER COMMUNITY SERVICE			
CIVIL, SERVICE FRATERNAL CLUBS, LODGES & SIMILAR USES			
MUSIC / DANCE/ ART INSTRUCTION			
BED & BREAKFAST			
HAIR SALONS BARBER AND BEAUTY SHOPS /NAILS			
ALL RETAIL SALES & SERVICES			
ANTIQUÉ SHOP			
THEATER (LIVE PERFORMANCE)			

Development Standards for B-4 (neighborhood commercial district):

Minimum lot size- 15,000

Minimum lot width- 100 ft

Front yard setback- 30ft

Rear yard setback- 30ft

Side yard setback- 20ft

Maximum height- 25ft.

Definition- Assembly/Meeting/Banquet Facilities: Meeting/conference facilities that include room(s) or space(s) used for assembly purposes by 50 or more persons including civic clubs and banquet and reception facilities for events, weddings and other occasions.

NORTH CAROLINA  
GRANVILLE COUNTY  
CITY OF OXFORD

IN RE: SAVE THORNDALE, <sup>INC</sup>~~LLC~~

**PETITION FOR TEXT  
AMENDMENT**

TO THE PLANNING BOARD AND THE BOARD OF COMMISSIONERS:

NOW COMES, SAVE THORNDALE, <sup>INC</sup>~~LLC~~, and petitions the Oxford Planning Board to recommend and the Board of Commissioners to amend the City's Zoning Ordinance by amending the text thereof as follows:

1. Add to Zoning Ordinance Article 300 Section 301.1 after B-3 General Business District the following: "B-4 - Neighborhood Business District. The purpose of the Neighborhood Business District is to provide for business uses which are compatible with adjoining residential uses with the use of transitional spaces and screening."
2. Modify Section 302 Table of Permitted Uses to indicate the following permitted uses in the B-4 Zone:
  - Crop Production
  - Horticulture
  - Single Family Dwelling
  - Day Care Center - Adult with s Special Use Permit
  - Day Care Center - Child with a Special Use Permit
  - Retreat Center
  - Accounting, Bookkeeping
  - Administrative Services
  - Club or Lodge, Not otherwise mentioned
  - County Club with Golf Course
  - Engineer Architect Surveyor
  - Funeral Home
  - Insurance Agency - No on-site claims inspection
  - Law Office
  - Medical Dental Office
  - Photography Commercial
  - Physical Fitness Center
  - Private Recreation Facility
  - Real Estate Office
  - Swim and Tennis Club
  - Travel Agency
  - Florist
  - Garden Center or Retail Nursery

- Gift or Card Shop
  - Restaurant - No Drive Thru
  - Assembly/Meeting/Banquet Facilities
3. Add as a new Section 756 under Article 700 Development Standards: "Commercial Uses in the B-4 district if placed adjacent to any residential district shall be required to establish and maintain a protective yard consisting of buffering and screening. Such buffering and screening shall be provided by vegetative landscaping and walls or fences. Said protective yard shall be located immediately abutting the district boundary line. The required protective yard must include 4 shade trees per 100 lineal feet, 5 understory canopy trees per 100 lineal feet and 30 shrubs per 100 lineal feet. A fence or wall between 6 and 8 feet in height may be installed in lieu of the protective yard. In lieu of planting required shrubs, a berm with a minimum height of 3 feet may be installed. The protective yard shall have an average width of 20 feet.

No structure in a B-4 district located within 100 feet of a district boundary line may be constructed with a height exceeding 40 feet.

4. Adopt Dimensional Requirements for new district by adding District B-4 to Column B-2 on Page 3-18 of current Zoning Ordinance (adopting B-2 dimensional requirements for B-4 District).
5. Adopt Definition for Assembly/Meeting/Banquet Facilities under Section 201 Definitions.

Assembly/Meeting/Banquet Facilities: Meeting/conference facilities that include room(s) or space(s) used for assembly purposes by 50 or more persons including civic clubs and banquet and reception facilities for events, weddings and other occasions.

This the 29<sup>th</sup> day of April, 2014.

INC  
SAVE THORNDALE, ~~LLC~~, Applicant

By: *L C Gancey*  
Member/Manager President





CITY OF OXFORD  
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners  
VIA: Randy Hemann, City Manager  
FROM: Cheryl Hart, Planning Director  
DATE: 07-29-2014  
SUBJECT: Consider appointing Richard E. Thomas to the HPC committee.

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SUMMARY STATEMENT

Currently, there is one vacancy on this committee.

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REVIEW

Mr. Thomas is a new resident residing in the historic district. Mr. Thomas has a strong interest in preserving the historic character of the community

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RECOMMENDATION

Staff recommends appointment to the HPC.

Attachments: y



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 July 29, 2014

Name and email Richard Ellsworth Thomas jrthomas@mindspring.com

Home address 224 College St., Oxford Phone 919-603-5665

Present occupation retired

Educational background B.A. Boston University

M.Div. Columbia Theological Seminary

Number of years a resident of Granville County new resident

Do you live inside the City limits? yes If so, for how long? new resident

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

- City Board of Commissioners
- Zoning Board of Adjustment
- Planning Board
- 200<sup>th</sup> Anniversary Planning Committee
- Oxford Parking Authority
- Recreation Advisory Committee
- Community Appearance Commission
- Historic Preservation Commission
- Oxford Housing Authority
- Other

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

see attached

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.

see attached

Signature Richard Thomas

Richard Ellsworth Thomas  
224 College Street  
Oxford, NC 27565  
919.603.5665

Application for Position on the Historic Preservation Commission

Boards and committees on which I have served:

Forty Plus - program planning and facilitation  
Executive Committee Florida Council of Churches  
Delegate to World Alliance of Reformed Churches Assembly Ottawa, Canada  
Served on and moderated various local and regional boards and committees.

Why I want to serve:

I appreciate the importance of preserving the architectural heritage and unique character of the city of Oxford. I have always chosen to live in communities with unique historic or cultural attributes and have worked to develop and maintain a sense of civic pride. I am interested in how historic buildings and architectural heritage can be integrated with modern lifestyles and can enrich the contemporary experience. Preserving the historic character of a community requires ongoing concern expressed through diligent attention to the creative use of cultural and political resources. I desire to use my abilities in public speaking and the use of the English language to interpret the importance of historic preservation and the role of the Commission to various interest groups and constituencies.



CITY OF OXFORD  
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners

VIA: Randy Hemann, City Manager

FROM: Cheryl Hart, Planning Director

DATE: 06-23-2014

SUBJECT: Consider calling for a public hearing for 9/9/14 to consider amending the sign ordinance for temporary signs in the I-1, I-2 and I-3 zoning districts.

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SUMMARY STATEMENT

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

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REVIEW

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

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RECOMMENDATION

Staff recommends calling for a public hearing.

Attachments:

**CITY OF OXFORD****STAFF REPORT**

**TO:** Mayor Sergent and Board of Commissioners

**VIA:** Randy Hemann, City Manager

**FROM:** Amy Ratliff, PE

**DATE:** 4/30/14

**SUBJECT:** WWTP Equalization Tank Amended Capital Project Ordinance of August 13, 2013, Number 13-08-01  
SRF Project # CS370439-07

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**SUMMARY STATEMENT**

Consider adopting the Amended Capital Project Ordinance of August 13, 2013; Number 13-08-01 that reflects the new NCDENR State Revolving Loan Offer of \$3,047,675.00 which is an increase of \$606,850 from the original amount of \$2,440,825.00.

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**REVIEW**

The Board of Commissioners previously approved the award of the "Wastewater Treatment Plant 1 MGD Equalization Tank (WWTP) Project" contract to H.G. Reynolds at their May 13, 2014 Meeting in the amount of \$2,866,380.00 anticipating this increased loan offer. The original State Revolving Fund (SRF) 0% Interest Loan in the amount of \$2,440,825.00 was insufficient to cover engineering design and construction costs. The Engineering Department worked with the Infrastructure Finance Section Staff and the NC Department of State Treasurer to increase the total loan amount to cover the entire cost of the project. The new 0% Interest Loan offered is \$3,047,675.00 which will include engineering fees (\$311,585), construction (\$2,605,800) and 5% of the contingency (\$130,290).

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**RECOMMENDATION**

Staff recommends adopting the Amended Capital Project Ordinance of August 13, 2013; Number 13-08-01 reflecting the amended State Revolving Loan offer of \$3,047,675.00.

Attachments: Amended Capital Project Ordinance

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## CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Board of Commissioners for the City of Oxford, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Amended Capital Project Ordinance is hereby adopted:

Section 1. The project authorized by the Oxford Board of Commissioners is the construction of 1 MG Equalization Tank at the City of Oxford WWTP.

Section 2. The officers of the project are the City Manager, Finance Officer and the City Engineer.

Section 3. The officers of the project are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 4. The following revenues are available to complete the project:

Amended Clean Water SRF Loan in the amount of \$3,047,675.00

Section 5: the following amounts are appropriated for the project:

Design and Construction	\$3,047,675.00
Total	\$3,047,675.00

Section 6: The Finance Officer is hereby directed to establish an accounting system for the purpose of constructing the facility and to maintain within the Water Fund sufficient detailed accounting records.

Section 7: The City Manager, City Engineer and Finance Officer are authorized to review and approve all payments for the purpose of constructing this project.

Section 8: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total loan revenues received or claimed.

Section 9: The City Engineer is hereby authorized issue the notice to proceed. The City Engineer, the City Manager and the Finance Officer are authorized to prepare a purchase order for the project.

Adopted this 8<sup>th</sup> day of July 2014

This ordinance shall be in full force and effect from and after the date of its adoption.



CITY OF OXFORD  
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners  
VIA: Randy Hemann, City Manager  
FROM: Harold Belton, Finance Director  
DATE: 07-21-14  
SUBJECT: Budget Amendment - IBM AS 400 System Crash

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SUMMARY STATEMENT

In FY 2004, the City purchased a new IBM AS 400 computer system. The system was under warranty for year one, and until FY 2009. During FY 2009 budget deliberations, the \$1,100 annual maintenance & service contract was eliminated. Year-to-date savings was \$5,500, prior to the crash. On June 30, 2014, the AS 400 suffered a critical crash, loosing the operation system, Water and Sewer billing system, payroll, accounts payable and general ledger capabilities.

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REVIEW

The requested budget amendment in the amount of \$20,961 covers the repair of the IBM AS 400 (\$9,002), contract services to 1) Newcomb Computers (\$1,751), 2) Complete Service and Support, LLC (\$4,975) and, 3) Paragon Consulting Services, Inc. (\$5,233). The Budget amendment would be payable from the General Fund in the amount of \$12,405 and from the Water Fund in the amount of \$8,556.

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RECOMMENDATION

Staff recommends approving a Budget Amendment in the amount of \$20,961, with \$12,405 payable from the General Fund and \$8,556 from the Water Fund to cover the repair of the IBM AS 400 and restoration of the operating system, Water and Sewer Billing system, payroll, accounts payable and general ledger systems.

# City Of Oxford

BUDGET AMENDMENT VOUCHER			
			Date
ACCT. NO.	DESCRIPTION	INCREASE	DECREASE
442-319	IBM - General Fund	\$6,004.00	
720-319	IBM - Water Fund	\$2,998.00	
442-319	Newcomb - General Fund	\$1,168.00	
720-319	Newcomb - Water Fund	\$583.00	
720-319	Comp Service & Support	\$4,975.00	
442-319	Paragon - General Fund	\$5,233.00	
10-399000	General Fund-Fund Balance		\$12,405.00
30-299500	Water Fund-Retained Earn		\$8,556.00
<b>EXPLANATION FOR AMENDMENT</b>			
To restore, from critical crash, the IBM computer as well as all software for water & sewer, payroll, accounts payable, budget and general ledger. Total for all funds, \$20,961.			
Approved by Mayor and Board			

Requested By

\_\_\_\_\_





CITY OF OXFORD  
STAFF REPORT

TO: Mayor Sergent and the Board of Commissioners  
VIA: Randy Hemann, City Manager  
FROM: Harold Belton, Finance Director  
DATE: August 12, 2014  
SUBJECT: Approving FY 2014 Year-End Budget Amendment

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SUMMARY STATEMENT

Approve the year-end FY 2014 final budget amendment.

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REVIEW

The FY 2014 fiscal year ended with 6 Activity accounts with overages of budget to actual for the following:

- 010-470 (Legal) - 192 City Attorney \$1,075 - Due to additional request made by management for legal reviews and opinions.
- 010-470 (Legal) - 371 Legal Advertising \$850 - Due to unanticipated public hearing advertisements
- 010-440 (Human Resources) - 215 Recruiting Expense \$600 - Due to unanticipated expenses associated with the employment of new Department Heads.
- 010-530 (Fire Department) - 121 Salaries and Wages \$5,000 - Due to unanticipated vacation expense payout for two employees leaving City service.
- 010-620 (Parks and Recreation) - 530 Land Purchase \$7,100 - Due to an unanticipated opportunity to purchase a plot of land for the City.
- 010-620 Parks and Recreation - 275 Supplies \$7,900 - With the hiring of a new Director, the purchase of new programs and additional participants, additional supplies were required
- 010-620 Parks and Recreation - 126 Temporary Wages \$4,000 With the hiring of a new Director, the hiring of new/addition life guards, additional Lake Devin staffing for additional participants.
- 010-620 Parks and Recreation - 349 Building Maintenance \$7,000 - All recreation facilities were re-keyed for safety purposes and the addition of emergency lighting at Hix Gym.
- 010-622 Lake Devin - 275 Supplies \$50 - With the hiring of a new Director, the purchase of new programs and additional participants, additional supplies were required.
- 010-650 Landscape & Beautification - 331 Electricity \$2,800 - Due to unanticipated increases in electricity cost and power for City events.

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RECOMMENDATION

Staff recommends Board approval of the budget amendment.

# City Of Oxford

BUDGET AMENDMENT VOUCHER			Date
ACCT. NO.	DESCRIPTION	INCREASE	DECREASE
470-192	City Attorney	\$1,075.00	
470-371	Legal Advertising	\$850.00	
440-215	Recruiting Expense	\$600.00	
530-121	Salaries and Wages	\$5,000.00	
620-530	Land Purchases	\$7,100.00	
620-275	Supplies	\$7,900.00	
620-126	Temporary Wages	\$4,000.00	
620-349	Building Maintenance	\$7,000.00	
622-275	Supplies	\$50.00	
650-331	Electricity	\$2,800.00	
10-399000	General Fund - Fund Bal.		\$36,375.00
<b>EXPLANATION FOR AMENDMENT</b>			
Request for approval of Fiscal Year 2014 budget amendment.			
Approved by Mayor and Board			

Requested By

\_\_\_\_\_



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 12, 2014  
SUBJECT: Adding a 457b North Carolina Supplemental Retirement Plan

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SUMMARY STATEMENT

Add another beneficial supplemental retirement plan to our existing 401k and 401k Roth plans to meet the diverse needs of our employees' retirement saving goals. This addition allows part timers and elected officials to participate and allows access to the money at employment separation without penalty and without regards to age.

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REVIEW

The North Carolina 457 plan is run by the NC State Treasurer's office and administered by Prudential. This supplemental retirement plan has many facets that are not found in a traditional 401k plan, and may be a better "fit" for some employees, depending on their retirement goals. It offers another avenue to employees to save for their future at no cost to the City. As a matter of fact, as a pre-tax deduction, the more employees save through this mechanism saves the City money in FICA matched contributions.

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RECOMMENDATION

HR Director recommends adopting a Resolution to add a 457b NC Supplemental Retirement Plan to the current benefit options offered by the City.



**BOARD OF  
COMMISSIONERS**

# City Of Oxford

## CITY OF OXFORD

### NC Deferred Compensation 457(b) Resolution

WHEREAS, the Board of Commissioners wishes to provide a qualified defined contribution plan to the employees of the City of Oxford.

AND WHEREAS, The State of North Carolina has established the North Carolina Public Employee Deferred Compensation Plan, a qualified governmental Deferred Compensation Plan under Internal Revenue Code §457(b) for public employees of North Carolina.

THEREFORE, be it resolved that the City of Oxford has adopted the North Carolina Public Employee Deferred Compensation Plan also known as "NC Deferred Comp" under the terms of the Plan Document and the Third-Party Administrator Agreement. All employees shall become eligible to defer compensation upon adoption.

Signed this 12<sup>th</sup> day of August 2014.

\_\_\_\_\_  
Jacqueline vdH Sergent, Mayor

\_\_\_\_\_  
Date

# The NC 401(k) Plan and the NC 457 Plan: Two great plans to help build retirement savings

Saving for retirement is an important step toward living out a financially secure future. As a public employee in North Carolina, you are fortunate to have the NC 401(k) Plan and the NC 457 Plan available to you. While they are similar in many ways, there are some unique differences between the two Plans, as the chart below illustrates.

Provision	NC 457 Plan		NC 401(k) Plan <sup>1</sup>	
	Traditional Pre-Tax Contributions	Roth After-Tax Contributions	Traditional Pre-Tax Contributions	Roth After-Tax Contributions
<b>Eligibility</b>	<ul style="list-style-type: none"> <li>• Full-time, temporary or part-time employees</li> <li>• Elected or appointed officials</li> <li>• Rehired retired employees</li> </ul>		Contributing members to one of the North Carolina public employees Retirement Systems including: <ul style="list-style-type: none"> <li>• Teachers' and State Employees' Retirement System (TSERS)</li> <li>• Local Governmental Employees' Retirement System (LGERS)</li> <li>• Legislative Retirement System</li> <li>• Consolidated Judicial Retirement System</li> </ul>	
<b>Contributions</b>	<ul style="list-style-type: none"> <li>• Pre-tax contributions and/or Roth after-tax contributions</li> <li>• Made by payroll deduction</li> <li>• No minimum</li> <li>• Maximum is \$17,500 in 2014 (amount is not reduced by rollovers into the Plan from other eligible retirement plans)</li> </ul>		<ul style="list-style-type: none"> <li>• Pre-tax contributions and/or Roth after-tax contributions</li> <li>• Made by payroll deduction</li> <li>• No minimum</li> <li>• Maximum is \$17,500 in 2014 (amount is not reduced by rollovers into the Plan from other eligible retirement plans)</li> </ul>	
<b>Age 50+ Catch-Up Contributions</b>	If age 50 or older by December 31, 2014, the member may contribute an additional \$5,500 to the Plan for a total maximum deferral of \$23,000 <i>Cannot be used in conjunction with the three-year catch-up contribution</i>		If age 50 or older by December 31, 2014, the member may contribute an additional \$5,500 to the Plan for a total maximum deferral of \$23,000	
<b>Three-year Catch-Up Contributions</b>	Available to members who are within three years of the taxable year in which normal retirement age is attained and who did not contribute the maximum allowed in prior years. Maximum contribution is \$35,000 in 2014. <i>Cannot be used in conjunction with the Age 50+ catch-up provision</i>		Not available	
<b>Employer Contributions</b>	Employer contributions, if applicable, <b>reduce</b> the annual maximum employee contribution allowance		Employer contributions, if applicable, <b>do not reduce</b> the annual maximum employee contribution allowance	
<b>Savers Tax Credit<sup>1</sup></b>	A nonrefundable tax credit is available to eligible taxpayers who make contributions to qualifying retirement plan(s). Depending on the member's adjusted gross income (AGI), the credit ranges from 10 to 50% of the first \$2,000 in eligible contributions. Generally, this credit would be available to joint filers with an AGI of up to \$55,500, head-of-household filers with an AGI of up to \$44,250, and single filers with an AGI of up to \$29,500.			
<b>Rollovers into the Plan</b>	Pre-tax rollovers are accepted from eligible retirement plans, including 401(k), 401(a), 403(b), governmental 457(b) plans; and many Individual Retirement Accounts (IRAs), including Traditional, Rollover (Conduit), SEP and SIMPLE plans	Roth after-tax rollovers are accepted from eligible retirement plans such as governmental 457(b), 401(k) and 403(b) plans, but not from Roth IRAs	Pre-tax rollovers are accepted from eligible retirement plans, including 401(k), 401(a), 403(b), governmental 457(b) plans; and many Individual Retirement Accounts (IRAs), including Traditional, Rollover (Conduit), SEP and SIMPLE plans	Roth after-tax rollovers are accepted from eligible retirement plans such as Roth 401(k), Roth 403(b), Roth 457 plans, but not from Roth IRAs
<b>Loan Provision</b>	Loans may be taken for any reason, provided funds are available in the member's account, and are repaid with interest through payroll deduction(s). May take up to five years to repay with no prepayment penalty. Only one loan may be outstanding at a time.			
<b>Hardship Withdrawals</b>	Available in the following circumstances: <ul style="list-style-type: none"> <li>• For medical expenses not covered by insurance for the member, spouse or dependents</li> <li>• To prevent eviction or foreclosure on a primary residence</li> <li>• To cover funeral/burial expenses for the member's immediate family member</li> <li>• To repair damage to the member's principal residence that qualifies as a casualty deduction</li> </ul> <i>Employer contributions, if applicable, may not be used to fund a hardship withdrawal.</i>		Available in the following circumstances as defined by the IRS: <ul style="list-style-type: none"> <li>• For medical expenses not covered by insurance for the member, spouse or dependents</li> <li>• To provide a down payment on a primary residence</li> <li>• For college tuition, room, board and some related educational expenses for member, spouse or dependents</li> <li>• To prevent eviction or foreclosure on a primary residence</li> <li>• To cover funeral/burial expenses for a member's immediate family member</li> <li>• To repair damage to the member's principal residence that qualifies as a casualty deduction</li> </ul> <i>Employer contributions, if applicable, may not be used to fund a hardship withdrawal.</i>	

<sup>1</sup> 2014 AGI amounts, indexed for inflation.

Provision	NC 457 Plan		NC 401(k) Plan*	
	Traditional Pre-Tax Contributions	Roth After-Tax Contributions	Traditional Pre-Tax Contributions	Roth After-Tax Contributions
<b>Withdrawals &amp; Rollovers while Employed</b>	<ul style="list-style-type: none"> <li>Available upon reaching age 70½</li> <li>Transfer to the NC Retirement System to purchase service credit, if eligible for purchase</li> <li>Allowed if the account balance is less than \$5,000 and no contributions have been made for a period of two years</li> </ul>	<ul style="list-style-type: none"> <li>Available upon reaching 70½, and in order to receive favorable tax treatment, the first contribution must be at least five years old</li> <li>Allowed if the balance is less than \$5,000 and no contributions have been made for a period of two years</li> </ul>	<ul style="list-style-type: none"> <li>Available upon reaching age 59½</li> <li>Transfer to the NC Retirement System to purchase service credit, if eligible for purchase</li> </ul>	<ul style="list-style-type: none"> <li>Available upon reaching age 59½ and in order to receive favorable tax treatment the first contribution must be at least five years old</li> </ul>
<b>Options upon Termination or Retirement</b>	<ul style="list-style-type: none"> <li>Leave funds in the Plan(s), subject to federal rules on minimum required distributions</li> <li>Begin making withdrawals (lump sum, partial payments or systematic payout options)</li> <li>Annuitize all or a portion</li> <li>Roll all or a portion of the balance to another qualified retirement plan or IRA</li> <li>At or after retirement, members may move balance to the NC TSERS or LGERS to increase their monthly benefit</li> </ul>	<ul style="list-style-type: none"> <li>Leave funds in the Plan, subject to federal rules on minimum required distributions</li> <li>Begin making withdrawals (lump sum, partial payments or systematic payout options)</li> <li>Roll all or a portion of the balance to another Roth 401(k), Roth 403(b), Roth IRA or Roth 457</li> </ul>	<ul style="list-style-type: none"> <li>Leave funds in the Plan, subject to federal rules on minimum required distributions</li> <li>Begin making withdrawals (lump sum, partial payments or systematic payout options)</li> <li>Roll all or a portion to an annuity</li> <li>Roll all or a portion of the balance to another qualified retirement plan or IRA</li> <li>At or after retirement, members may move balance to the NC TSERS or LGERS to increase their monthly benefit</li> </ul>	<ul style="list-style-type: none"> <li>Leave funds in the Plan, subject to federal rules on minimum required distributions</li> <li>Begin making withdrawals (lump sum, partial payments or systematic payout options)</li> <li>Roll all or a portion of the balance to another Roth 401(k), Roth 457, Roth 403(b) or Roth IRA</li> </ul>
<b>Tax Considerations</b>	<ul style="list-style-type: none"> <li>Withdrawals of pre-tax funds are subject to federal and state income taxes for the year in which the distribution(s) is/are processed</li> <li>Rollovers to other qualified plans or IRAs are not taxable events</li> </ul>	<p>Withdrawals are NOT subject to federal or state income taxes provided:</p> <ul style="list-style-type: none"> <li>The first Roth contribution has been in the account for at least five tax years; and</li> <li>The member is 59½ or older, disabled or deceased</li> </ul>	<ul style="list-style-type: none"> <li>Withdrawals of pre-tax funds are subject to federal and state income taxes for the year in which the distribution(s) is/are processed</li> <li>Rollovers to other qualified plans or IRAs are not taxable events</li> </ul>	<p>Withdrawals are NOT subject to federal or state income taxes provided:</p> <ul style="list-style-type: none"> <li>The first Roth contribution has been in the account for at least five tax years; and</li> <li>The member is 59½ or older, disabled or deceased</li> </ul>
<b>Additional Tax Penalties on Withdrawals</b>	Regardless of age at withdrawal, no additional penalties will apply	Regardless of age at withdrawal, no additional penalties will apply	Withdrawals prior to age 59½ may be subject to an additional 10% federal income tax penalty. This penalty can be avoided if the member: <ul style="list-style-type: none"> <li>Separates from service in the calendar year they turn 55, or later</li> <li>Elects to receive substantially equal payments based on life expectancy</li> <li>Is disabled or deceased</li> </ul>	Withdrawals prior to age 59½ may be subject to an additional 10% federal income tax penalty. This penalty can be avoided if the member: <ul style="list-style-type: none"> <li>Separates from service in the calendar year they turn 55, or later</li> <li>Elects to receive substantially equal payments based on life expectancy</li> <li>Is disabled or deceased</li> </ul>
<b>Minimum Required Distributions</b>	The federal government dictates that minimum withdrawals must begin by age 70½, provided a member is no longer employed by the sponsoring employer. Failure to receive this annual minimum required distribution (MRD) may result in significant tax penalties.			

For questions on the information below, please refer to [www.NCPlans.prudential.com](http://www.NCPlans.prudential.com) or call **1-866-NCPlans** (1-866-627-5267).

## PRUDENTIAL RETIREMENT

\* Amounts withdrawn before age 59½ may be subject to a 10% federal income tax penalty, applicable taxes and plan restrictions. Withdrawals are taxed at ordinary income tax rates. Neither Prudential Financial nor any of its representatives are tax or legal advisors and encourage you to consult your individual legal or tax advisor with any specific questions. Rollover assets may be assessed fees or other surrender charges. Please contact the current account provider for this information.

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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 12, 2014  
SUBJECT: Recommended Changes to City Personnel Policy Adopted 3-11-14

**Article II, Section 6. Request for Reclassification (attachment)**

**Article III, Section 9. Salary Effect of Salary Range Revisions (attachment)**

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

**Article III, Section 12. On Call Policy (attachment)**

**Article VI, Section 2. Group Health Insurance (attachment)**

**Article VII, Section 1. Policy (attachment)**

**Article VII, Section 17. FML (attachment)**

**Article VII, Section 18. Leave Without Pay (attachment)**

**Article VII, Section 20. FML and LWP (attachment)**

**Article VII, Section 21. Worker's Comp Leave (attachment)**

**Appendix D FMLA (attachment)**

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SUMMARY STATEMENT

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



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### REVIEW

The attached Personnel Policy changes were presented by the HR Director to the Personnel Committee on July 9, 2014. All recommended changes were to further clarify existing policies and practices with 3 exceptions: 1) Article III, Section 11 addresses changing overtime pay calculations for fire and PD to better align with the FLSA 7k Exemption. 2) Article VII, Section 17 along with appendix D addresses legal updates to FMLA which must be updated to comply with new regulations, and 3) Article VII, Section 21 changes the way the City views Worker's Compensation indemnity payments to employees who have been hurt on the job and are out for an extended period of time.

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### RECOMMENDATION

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

## Article II, Section 6. Request for Reclassification

Position reclassification requests can be done one time per year as part of the budget process. Any employee who considers the position in which he/she is classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall ~~immediately~~ transmit the request ~~through~~ to the Department Head. The Department Head shall submit the request to the Human Resources Director no earlier than February 1<sup>st</sup>, but no later than March 1st. Upon receipt of such request, the Human Resources Director shall study the request, determine the merit of the reclassification and ~~within ten days,~~ recommend any necessary revisions to the classification and pay plan to the City Manager by April 1st. The City Manager will ~~respond to this request within ten calendar days~~ study the request and evidence produced by the HR Director, and if determined to be valid, the City Manager will include it in the department's budget for the upcoming fiscal year.

### **Article III, Section 9. Salary Effect of Salary Range Revisions**

When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase up to 5%, or to the ~~hiring rate~~ minimum rate of the new range, whichever is higher. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum rate established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary. Salary increases shall be made at the beginning of the next pay period.

### Article III, Section 11. Overtime Pay Provisions

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

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

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position; either as comp time or monetary pay. (40 hours in a 7-day period; Police and Fire will receive monetary pay for hours worked in excess of 171 85 hours for police and 212 and 106 hours, respectively for fire personnel in a 28 14-day cycle). ~~Hours worked beyond the FLSA established limit will be compensated in time or pay at the appropriate overtime~~ at a rate of time and one half. Those employees who work schedules based on a FLSA 40-hour week (37.5 or 40 hour schedules) will be given compensatory time at a rate of straight time up to 40 and at a rate of time and one half over 40. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes. When time off within the work period cannot be granted, overtime worked will be paid or comp time given in accordance with the FLSA. Compensatory time balances may not exceed 175 hours for all employees. Any overtime worked after such maximum balances must be compensated in pay. In the event of a disaster declared by the State/Federal Government, all overtime hours shall be paid in cash. (Adopted 11-12-2003)

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

Employees in positions determined to be Exempt from the FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. However, these employees may ~~be granted Paid Time Off (PTO) by their supervisor where the convenience of the department allows, and in accordance with procedures established by the City Manager. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization. PTO is not to be counted or recorded in hours.~~ earn compensatory time under the following terms and conditions:

- A) Compensatory time shall be accrued on an hour-for-hour basis, without regard to FLSA limits. Exempt employees may accrue up to a maximum of 40 compensatory hours.

- B) Compensatory time shall be taken at the convenience of the department and at the sole discretion of the supervisor at a time, which will least obstruct the operation of the department.
- C) Compensatory time may not be transferred to any other type of leave.
- D) Unused compensatory time is lost when an exempt employee is separated from City service, regardless of the situation.
- E) Exempt employees will record earned and used compensatory time on their normal timesheets and signed and approved by the City Manager.

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

### **Article III, 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.

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 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~~ compensatory time/pay as pay compensation for the “on call” earnings.
- 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 (s) at a later time. The holiday (s) normally will be taken in the week following the “on call” period unless arrangements are made with the Department supervisor.

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.

## Article VI, Section 2. Group Health Insurance

The City provides group health insurance and wellness programs for full-time employees and their families. Employees are eligible 60 days from date of employment. Employees who are scheduled to work 30 hours or more per week on a continuous year-round basis may, if they so desire, purchase available group health through the City for themselves or for themselves and qualified dependents. A prorated amount of the cost of coverage paid for a full-time employee shall be paid by the City with the remainder of the cost being paid by the employee. This prorated amount shall be based on regularly scheduled hours.

Information concerning cost and benefits shall be available to all employees from the Human Resources and/or Payroll Office.

~~Employees will contribute a small fraction of the monthly cost that the City pays for employee health insurance premiums. Contributions will be deducted from every full time employees pay, beginning September 2012. The employee contribution will be as follows:~~

~~Employees earning <\$30,000 will contribute \$10 per pay period~~

~~Employees earning >\$30,000 will contribute \$20 per pay period~~

Employees on the City's group health insurance plan will be required to participate in the City's Annual Wellness Program or be required to pay a portion or percentage of the premium costs that would otherwise be paid by the City. See appendix B for Wellness Program details.

## **ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE**

### **Section 1. Policy**

The policy of the City is to provide vacation, sick leave, and holiday leave to all full-time and part-time employees, and to provide proportionately equivalent amounts to employees having average scheduled workweeks of different lengths. Leave balances should accrue with each bi-weekly payroll at a pro-rated amount when employees work or are on a paid leave status. Leave balances should be printed on payroll checks or provided to employees with each paycheck, including net accrued sick leave, vacation, holiday leave, and compensatory leave.

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



## Article VII, Section 17. Family and Medical Leave

~~\*\*\*\*See Appendix D for detailed FMLA Policies~~

The City will grant up to 12 weeks of family and medical leave per rolling *twelve months* to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid (coordinated with the City's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave. Additional time away from the job beyond the 12-week period may be approved in accordance with the City's Leave without Pay policy.

To qualify for FMLA coverage, the employee must have worked for the employer 12 months or 52 weeks; these do not have to be consecutive. However, the employee must have worked 1,250 hours during the twelve-month period immediately before the date when the FMLA time begins.

Family and medical leave can be used for the following reasons:

- a) the birth of a child and in order to care for that child;
- b) the placement of a child for adoption or foster care;
- c) to care for a spouse, child, or parent with a serious health condition; or
- d) the serious health condition of the employee.
- e) Qualifying military exigencies

~~A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition that requires continuing care by a licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that results in a period of incapacity or more than three days would be considered a serious health condition.~~

~~If a husband and wife both work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent-in-law) with a serious health condition, the husband and wife together may only take a total of 12 weeks leave under FMLA.~~

~~An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee shall then use all paid vacation, comp, and holiday for the remainder of the 12-week period.~~

~~The request for the use of leave must be made in writing by the employee and approved by the Department Head or City Manager.~~

~~An employee who takes leave under this policy will return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one that entails substantially equivalent skill, effort, responsibility, and authority.~~

See Appendix D for detailed FMLA policy

## Article VII, Section 18. Leave Without Pay

A full ~~or part-time~~ time employee may be granted a leave of absence without pay for a period of up to twelve months by the City Manager. The leave may be used for reasons of personal disability, sickness or disability of immediate family members, parental leave, continuation of education, special work that will permit the City to benefit by the experience gained or the work performed, or for other reasons deemed justified by the City Manager. Non-paid leave can only be used after all other leaves are exhausted.

If paid or non-paid leave is taken due to illness of the employee, illness of the employee's immediate family member, or if leave is taken within the first twelve months of the birth or adoption of a baby by the employee, then the leave will be counted as Family and Medical Leave.

See Appendix D for Detailed FMLA Policies

The employee shall apply in writing to the supervisor for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the City Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. If the employee decides not to return to work, the supervisor shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation. Employee may be responsible for payments of medical, dental, vision, and life insurance as determined by the City Manager.

**Article VII, Section 20. Family Medical Leave and Leave Without Pay: Retention and Continuation of Benefits**

Forma

Forma

Forma

Forma

Forma

When an employee is on leave under FMLA (maximum of 12 weeks in a year), the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the City will require the reimbursement of the amount paid for the employee's health insurance premium during the FMLA leave period.

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

~~An employee shall retain all unused vacation and sick leave while on Leave Without Pay.~~ An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the City's other group insurance plans (outside of health insurance) at his or her own expense, subject to any regulation adopted by the City Board of Commissioners and the regulations of the insurance carrier.

## Article VII, Section 21. Workers' Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave, vacation, or compensatory time during the first week waiting period. Worker's Compensation indemnity pay is paid at a rate of 66 2/3% of an employee's gross average income over the previous 52 weeks and is income tax free. ~~The employee may also elect to supplement workers' compensation payments after they begin with sick leave, vacation, or compensatory time, provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation.~~ An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the City's group insurance plans as long as the employee is covered under FMLA. Once the 12 weeks of FMLA is exhausted, if the employee is still receiving indemnity pay, he/she may elect to continue group health insurance through COBRA continuation, but will be responsible for the total cost of the premium. ~~When workers' compensation leave extends long enough for the waiting period to be reimbursed, the employee shall return the reimbursement check to the City and have leave hours reinstated for all time covered by paid leave. In such cases, the City will pay the employee for any unpaid time that is owed the employee.~~

**NOTE:** Workers' Compensation Leave will run concurrently with Family and Medical Leave.

## Appendix D

### The Family and Medical Leave Act - FMLA

#### LEAVE ENTITLEMENT

Eligible employees may take up to 12 workweeks of leave in a 12-month period for one or more of the following reasons:

The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;

- To care for a spouse, son, daughter, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

An eligible employee may also take up to 26 workweeks of leave during a "single 12-month period" to care for a covered service member with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the service member. The "single 12-month period" for military caregiver leave is different from the 12-month period used for other FMLA leave reasons. See Fact Sheets 28F: Qualifying Reasons under the FMLA and 28M: The Military Family Leave Provisions under the FMLA.

Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operations. If FMLA leave is for the birth, adoption, or foster placement of a child, use of intermittent or reduced schedule leave requires the employer's approval.

The 12-month period The City of Oxford uses to measure FMLA usage is a "rolling" 12-month period measured backwards from the date of the initial need of the FMLA entitlement.

Under certain conditions, employees may choose, or employers may require employees, to "substitute" (run concurrently) accrued paid leave, such as sick or vacation leave, to cover some or all of the FMLA leave period. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy. **NOTE: The City**

of Oxford requires that all employees use all of their accrued comp time, vacation leave, sick leave ~~prior to using unpaid~~ concurrently with the use of FMLA leave. The City of Oxford also requires employees to use FMLA leave concurrently with any Worker's Comp leave that the employee takes.