

**AGENDA ROXBORO CITY COUNCIL MEETING  
TUESDAY, JUNE 12, 2018 at 7:00 P.M.  
CITY HALL COUNCIL CHAMBER**

|  |                                |                                  |
|--|--------------------------------|----------------------------------|
| <b>CALL TO ORDER</b>   |                                | Mayor Marilyn P. Newell          |
| <b>INVOCATION:</b>   |                                |                                  |
| <b>PLEDGE OF ALLEGIANCE:</b>   |                                | Mayor Marilyn P. Newell          |
| <b>AGENDA ADOPTION:</b>  |                                | Mayor Marilyn P. Newell          |
| <b>CONSENT AGENDA</b>  |                                | Mayor Marilyn P. Newell          |
| Minutes  |                                |                                  |
| Fire Department  |                                |                                  |
| Police Department  |                                |                                  |
| Fuel Expenditures  |                                |                                  |
| Public Services  |                                |                                  |
| Planning/RDG Report  |                                |                                  |
| <b>RECOGNITIONS:</b>   |                                |                                  |
| Police: Unit Commendation  |                                |                                  |
| Fireman – Colby Clayton – <i>Outstanding Young Servant Award</i> (Roxboro Jaycees) |                                |                                  |
| Graduates  |                                |                                  |
| <b>PUBLIC COMMENT:</b>   | <i>(5 minutes per Citizen)</i> | Mayor Marilyn P. Newell          |
| <b>PUBLIC HEARINGS AND ORDINANCE MATTERS:</b>                                      |                                |                                  |
| 1. Budget Amendment  |                                | Finance Director Dan Craig       |
| 2. Budget for Fiscal Year 2018-2019 – <i>Public Hearing</i>                        |                                | City Manager Brooks Lockhart     |
| 3. Annexation – Patterson Drive – <i>Public Hearing</i>                            |                                | Planning Director Lauren Johnson |
| 4. Rezoning Request – Satterfield – <i>Public Hearing</i>                          |                                | Planning Director Lauren Johnson |
| <b>NEW BUSINESS:</b>   |                                |                                  |
| 5. Board Appointment – Person County TDA   |                                | Mayor Marilyn P. Newell          |
| 6. Copier Lease Agreement  |                                | Assistant Manager Tommy Warren   |
| 7. Bond Order for WWTP   |                                | Finance Director Dan Craig       |
| 8. Uptown Development Incentive District Grant (UDIDG)                             |                                | Finance Director Dan Craig       |
| <b>OLD BUSINESS:</b>   |                                |                                  |
| <b>COMMITTEE REPORTS:</b>  |                                | Mayor Marilyn P. Newell          |
| <b>ADMINISTRATIVE REPORTS:</b>   |                                |                                  |
| 9. Financial & Tax Report  |                                | Finance Director Dan Craig       |
| 10. Assistant Manager’s Report   |                                | Assistant Manager Tommy Warren   |
| 11. Manager’s Report   |                                | City Manager Brooks Lockhart     |
| <b>COUNCIL DISCUSSION:</b>   |                                |                                  |
| <b>CLOSED SESSION:</b>   |                                |                                  |
| <b>ADJOURNMENT:</b>  | Motion                         | Second                           |

# Consent Agenda

## **CITY OF ROXBORO, NC Consent Agenda**

The Regular meeting of the Roxboro City Council was held in the Council Chamber of City Hall at 7:00 p.m. Tuesday, June 12, 2018.

The following members of the Roxboro City Council were present:

The following members of the Roxboro City Council were absent:

**Mayor Marilyn P. Newell** presented the consent agenda and asked if any item should be added or removed before calling for action. After some discussion, a **motion was offered by \_\_\_\_\_ to approve the Consent Agenda as presented with a second by \_\_\_\_\_** and upon being put to a vote, was carried unanimously.

- Minutes of May 8, 2018 (*Regular Meeting*)
- Minutes of May 15, 2018 (*Budget Session*)
- Minutes of May 31, 2018 (*Budget Session*)
- Fire/EMS Monthly Report (*May 2018*)
- Police Dept. Monthly Report (*May 2018*)
- Public Services Monthly Report (*May 2018*)
- Fuel Expenditures Monthly Report (*May 2018*)
- Planning/RDG Monthly Report (*May 2018*)

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Trevie Adams, MMC/NCCMC  
City Clerk

*Mission Statement: "To create an inviting environment with opportunities that will add value to the Community of Roxboro"*

**MINUTES/MEETING OF THE ROXBORO CITY COUNCIL  
TUESDAY MAY 8, 2018 – 7:00 P.M. CITY COUNCIL MEETING  
CITY HALL IN THE COUNCIL CHAMBERS - ROXBORO, NC**

**Members Present:** Mayor Marilyn P. Newell  
Mayor Pro-Tem Tim Chandler  
Council Member Mark Phillips  
Council Member Byrd Blackwell  
Council Member Reggie Horton  
Council Member Sandy Stigall

**Members Absent:**

**Others Present:** City Manager Brooks Lockhart  
Asst. City Manager Tommy Warren  
City Clerk Trevie Adams  
City Attorney Nick Herman

**CALL TO ORDER:**

**Mayor Marilyn P. Newell** called the meeting to order at 7:00 p.m. welcoming everyone in attendance. Fire Chief Kenneth Torain provided the invocation.

**PLEDGE OF ALLEGIANCE:**

Mayor Marilyn P. Newell then led Council and those in attendance in reciting the Pledge of Allegiance to the Flag.

**AGENDA ADOPTION:**

**Mayor Marilyn P. Newell** presented the agenda and asked for any additions or changes asking that a Closed Session per NCGS 143-318.11(a)(1) Attorney/Client Privilege be added to the agenda. **A motion to approve the agenda and adding a closed session per NCGS 143-318.11(a)(1) Attorney/Client Privilege as requested by Mayor Newell was offered by Mayor Pro Tem Tim Chandler with a second by Council Member Sandy Stigall** and upon being put to a vote was carried unanimously.

**CONSENT AGENDA ADOPTION:**

**Mayor Marilyn P. Newell** presented the consent agenda and asked if anyone had any comments. **A motion was offered by Council Member Sandy Stigall to approve the consent agenda as presented with a second by Council Member Byrd Blackwell**, and upon being put to a vote, was carried unanimously.

**RECOGNITION:** Fire Chief Kenneth Torain asked that the recognition of Firefighter Colby Clayton be rescheduled until June due to illness.

**PUBLIC COMMENT:**

**Mayor Marilyn P. Newell** invited anyone interested in addressing Council to sign-up for the public record and to limit his/her comments to five minutes.

**PUBLIC HEARINGS & ORDINANCE MATTERS:**

**1. Annexation – 501 South – Public Hearing**

**Mayor Marilyn P. Newell opened the Public Hearing at 7:05 p.m.** Planning Director Lauren Johnson reported to Council that at the April meeting, the City of Roxboro received

petitions requesting the City to annex two adjoining parcels of land, Tax map & Parcel Numbers A51 17 and A62 112. The area to be annexed is located on the east side of US 501S, contiguous to the existing city limits on the west side of 501S. The area is deemed contiguous as it is separated from the municipal boundary only by the width of a NC DOT street. As such, this will be a voluntary contiguous annexation. The total to be annexed is 202.15 acres. The petition is checked for vested rights, however the property owners indicated they are not requesting any vested rights. The Public Services staff is also conducting tests on the Billy Hicks Pump Station and sewer collection system to determine the impact this development may have on existing infrastructure.

- 1) **Ms. Bonnie Gibbons – Allensville Community** offered concerns of how this annexation will affect her property that is located on the back side and what exactly will be located in this area.

There being no further public comment, Mayor Marilyn P. Newell closed the Public Hearing at 7:12 p.m. After some discussion, **Mayor Pro Tem Tim Chandler offered a motion to approve the annexation as requested and to zone the district as R-8 with a second by Council Member Byrd Blackwell** and upon being put to a vote was carried unanimously.

## **NEW BUSINESS**

### **2. 4<sup>th</sup> of July Fireworks Contract**

**City Manager Brooks Lockhart** presented the Mayor and Council with the 2018 4<sup>th</sup> of July Fireworks Contract from East Coast Pyrotechnics, Inc. in the amount of \$10,500. After a brief discussion, **Council Member Mark Phillips offered a motion to approve the contract as presented and to authorize City Manager Brooks Lockhart to sign the contract with a second by Council Member Reggie Horton** and upon being put to a vote was carried unanimously.

### **3. Draft Budget Presentation – FY 2018-2019**

City Manager Brooks Lockhart presented Council with the proposed budget for fiscal year 2018-2019. Mr. Lockhart shared some highlights with Council, stating this budget reflects tax rates to remain at \$0.670, a 2.04% COLA for all employees and an increase in rates for water and sewer rates by 3%, that will be the final increase recommended from the rate analysis conducted by the North Carolina Rural Water Association and should provide the City's system with adequate revenue to cover the debt service towards future for improvements. The debt service will cover the expenses at the wastewater plant to address new ammonia limits that will be enforced in the 2019 permit and the payments on the MIEX System at the Water Plant.

Total proposed budget for the FY 2018-2019 is \$18,476,887. The budget is made up of the following funds:

| <u>Fund</u> | <u>Amount</u>     |
|-------------|-------------------|
| General     | \$10,917,785      |
| Enterprise  | \$ 7,364,103      |
| All Other   | <u>\$ 194,998</u> |
| Total       | \$18,476,887      |

### **4. Annexation Petition – Patterson Drive**

**Planning Director Lauren Johnson** reported to the Mayor and Council that the City of Roxboro has received petitions requesting that the City annex two adjoining parcels of land, Tax Map & Parcel Numbers 102.2 and 102.81. The area to be annexed is located off of

Patterson Drive, approximately .2 miles from 501S, contiguous to the existing city limits along Patterson Drive. The area deemed contiguous as it abuts the existing City of Roxboro corporate limits. As such, this will be a voluntary contiguous annexation. The total area to be annexed is 16.06 acres. The petitioner requests vested rights for these two properties. The proposed vested rights are outlined in the petition and include conditions of approval for a Major Subdivision Concept Plan approved by the Person County Board of Commissioners in 2007 with approved erosion and sedimentation plan and approved road construction plans. Mrs. Johnson presented:

1) **Resolution Directing the Clerk to Investigate a Petition** Received Under G.S. 160A-31 and after a brief discussion, **Council Member Mark Phillips offered a motion to approve the Resolution as presented with a second by Council Member Byrd Blackwell** and upon being put to a vote was carried unanimously.

2) **Certificate of Sufficiency:** After a brief discussion, **Mayor Pro Tem Tim Chandler offered a motion to approve the Certificate of Sufficiency as presented by the Clerk with a second by Council Member Mark Phillips** and upon being put to a vote was carried unanimously.

3) **Resolution to Set Public Hearing:** After some discussion, **Council Member Byrd Blackwell offered a motion to approve the Resolution as presented with the Public Hearing set for Tuesday, June 12, 2018 with a second by Council Member Reggie Horton** and upon being put to a vote, was carried unanimously.

#### **5. Resolution – Annexation Policy for Utility Extensions**

**Public Services Director Andy Oakley** presented the Mayor and Council with a Resolution to establish a policy related to Utility Extensions outside the corporate limits of the City. Mr. Oakley stated that the policy would require any developer who desires to connect property outside the City to City utilities to agree to submit a petition for annexation and each consideration of annexation shall be reviewed by the City Council and a determination shall be made as to whether the annexation procedure will be initiated on a case by case basis. After a brief discussion, **Council Member Mark Phillips offered a motion to approve the Resolution as presented with a second by Council Member Reggie Horton** and upon being put to a vote was carried unanimously. **Clerk's Note: A copy of said Resolution is hereby incorporated into the minutes of this meeting.**

#### **OLD BUSINESS:**

##### **6. "Clean Sweep"**

**City Manager Brooks Lockhart** took this opportunity to remind Council and staff of the upcoming "Clean Sweep" to be held Saturday, May 12, 2018 beginning at 9:00 a.m. and ending around 12:00 noon. Everyone will meet at City Hall for supplies and decide what areas each group will work. If you would like to go ahead and sign up, please call Tanya Thomas at the Roxboro Police Department.

#### **Committee Reports:**

**Mayor Marilyn P. Newell** asked for any committee reports at this time.

- 1) **Person County Animal Control – Council Member Sandy Stigall** – No report at this time.
- 2) **Senior Center Advisory Board – Council Member Byrd Blackwell** – Meeting scheduled for Thursday, May 10, 2018.
- 3) **Kerr Tar Council of Government – Council Member Reggie Horton** – No report at this time.
- 4) **Fire Chief's Association – Council Member Mark Phillips** – attended the East Roxboro Neighborhood Watch and all is quiet. Chief's Association meeting was postponed until Wednesday, May 10, 2018. RAMA is doing good at this time.

- 5) **United Way – Mayor Pro Tem Tim Chandler** stated that United Way has completed disbursements.

## **ADMINISTRATIVE REPORTS**

### **7. Financial & Tax Report**

**Finance Director Dan Craig** presented Council with Financial reports for months ending March 31, 2018 and tax reports for April 30, 2018. **Clerk's Note: A copy of said financial and tax report is hereby incorporated into the minutes of this meeting.**

### **8. Assistant Manager's Report**

**Assistant Manager Tommy Warren** reported to the Mayor and Council that a pre bid meeting was held on April 23, 2018 at the wastewater treatment plant. Representatives from eight major contractors were on site, along with representatives from the different subcontractors.

The project on Old Durham Road is moving along with underground utilities to be located and Sunrock erecting road construction signs. The next step will be to begin the road milling process. Travel delays can be expected as the work progresses and staff recommends that traffic use US 501 as a detour.

In April RFQ's were requested for engineering to upgrade the Marlowes Creek Sewer outfall and the force main along Old Durham Road. Three engineering firms responded and interview were conducted with the engineering companies on Wednesday May 2, 2018. A recommendation will be presented to the Mayor and Council at the June Council meeting.

### **9. Manager's Report**

**City Manager Brooks Lockhart** reported to the Mayor and Council some upcoming dates including: clean Sweep Day at 9:00 a.m. on May 12, 2018, Budget Work Session #2, 6:00 p.m. on May 15, 2018, Open Enrollment at City Hall – May 22 & May 23, 2018 and Budget Work Session #3, 6:00 p.m. on May 29, 2018. City Manager Brooks Lockhart stated that the set meeting for May 29, 2018 work session have some conflicts and asked Council to consider May 31, 2018 instead. After some discussion, it was the consensus of Council to change the budget work session to May 31, 2018 at 6:00 p.m.

Work continues on software training for the new fiscal management software. The conversion process has created additional work load for the finance and human resources staff. Staff anticipates major workflow improvements for purchasing and will be training end users (Department Heads/Supervisors) by the end of May, with full implementation in August.

Mr. Lockhart reported that staff participated in a conference call with LGC staff to review the anticipated timetable for the City's application for approval to borrow the funds for the Wastewater Treatment Plant Upgrades. The Bond counsel will be submitting documentation following the approval of bids by Council. Staff hope to be on the agenda for the LGC in either June, July or latest August.

Finance, Planning, and Administrative Staff have been working with legal counsel on ordinance reviews on the City Code Title XI: Business Regulations. Staff would like to update the ordinances to comply with new state laws (removal of privilege licenses, ride-share laws, sweepstakes, peddling, and etc.) and create consistency in the City Code with the UDO.

Mr. Lockhart presented Council with the City of Roxboro insurance premiums cost for July 1, 2018 – June 30, 2019. Under the plan structure, the rate for enrolling one child was equal to the rate of enrolling multiple children and was not feasible for most employees to add a child to the policy if they only had one child. Mr. Lockhart presented Council with the premiums cost chart to hopefully be able to offer an employee the opportunity to cover only one child at a reduced rate rather than being charged the same rate for one child as for multiple children. After some discussion, **Council Member Mark Phillips offered a motion to authorize the Manager and to approve the recommendation to offer new rate structure for one child instead of paying the same price as having multiple children, with a second by Mayor Pro Tem Tim Chandler** and upon being put to a vote was carried unanimously. **Clerk's Note: A copy of said chart is hereby incorporated into the minutes of this meeting.**

**COUNCIL DISCUSSION:**

**Mayor Newell** asked for any discussion or concerns from Council Members. Council Member Byrd Blackwell attended the National Day of Prayer held at Merritt Commons, Council Member Mark Phillips attended Special Olympics and South Family Day. There being no more discussion, **Council Member Byrd Blackwell offered a motion to enter into a closed session Per NCGS 143-318.11(a)(1) Attorney/Client Privilege with a second by Council Member Mark Phillips** and upon being put to a vote was carried unanimously.

**Council Member Reggie Horton offered a motion to re-enter into open session with a second by Council Member Mark Phillips** and upon being put to a vote was carried unanimously.

**A motion to approve the mediation for the Economic Development Agreement date May 10, 2018, was offered by Council Member Mark Phillips with a second by Council Member Sandy Stigall** and upon being put to a vote was carried unanimously.

**ADJOURNMENT:**

There being no further business to discuss, **A motion was offered by Council Member Mark Phillips with a second by Council Member Byrd Blackwell to adjourn this meeting** and, upon being put to a vote, was carried unanimously. Meeting adjourned at 9:15 p.m.

Submitted by:

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Trevie Adams, MMC/NCCMC  
City Clerk

May 8, 2018

**MINUTES/MEETING OF THE ROXBORO CITY COUNCIL  
TUESDAY, MAY 15, 2018 – 6:00 P.M. BUDGET PLANNING MEETING  
CITY COUNCIL CHAMBERS, CITY HALL, ROXBORO, NC**

**Members Present:** Mayor Marilyn P. Newell  
Mayor Pro Tem Tim Chandler  
Council Member Reggie Horton  
Council Member Mark Phillips  
Council Member Byrd Blackwell  
Council Member Sandy Stigall

**Members Absent:**

**Others Present:** City Manager Brooks Lockhart  
Assistant Manager Tommy Warren  
Finance Director Dan Craig  
City Clerk Trevie Adams

**CALL TO ORDER:**

**Mayor Marilyn P. Newell** called the meeting to order at 6:00 p.m. welcoming everyone in attendance.

**AGENDA ADOPTION:**

**Mayor Marilyn P. Newell** presented the agenda asking for any additions or corrections and there being none, **Council Member Byrd Blackwell offered a motion to approve the agenda as presented with a second by Council Member Mark Phillips** and upon being put to a vote was carried unanimously.

**NEW BUSINESS:**

**1. Budget Workshop**

- **Capital Funding – City Manager Brooks Lockhart** presented to the Mayor and Council Capital request from the Enterprise Fund, Public Services, Administration, Police and Fire.
- Mr. Lockhart asked for thoughts from Council on sending up to five candidates to BLET training to help find qualified candidates for the Roxboro Police Department. After a brief discussion, it was the consensus of Council to send up to five candidates for BLET.
- Mr. Lockhart asked that reclassification and job description for a Superintendent in the Public Works Department be changed from a grade 23 to a grade 24. After some discussion, **Council Member Sandy Stigall offered a motion to approve the reclassification as presented with a second by Council Member Byrd Blackwell** and upon being put to a vote, was carried unanimously.

**City Manager Brooks Lockhart** revisited the insurance coverage option for retirees that are 62 years of age and eligible for the City to pay for their insurance until the age of 65 years old. During the first discussion for the option to be offered to retirees, the City would pay the employee \$25,000 so they would be able to go out and buy their own insurance until they qualify for Medicare. The question was raised if \$25,000 would be enough? More discussion at the next budget session.

**COUNCIL DISCUSSION:** Council Members offered concern over what could be done at the 501 intersection where Kendrick's is located. Some suggestions were to speak with Mr. Kendrick about cleaning up and making it look nicer, condemning the property or offering to buy the property from Mr. Kendrick. It was the consensus of Council to try to speak with Mr. Kendrick about the appearance of the property before any other considerations are considered.

There being no further business to discuss, **Council Member Mark Phillips offered a motion to adjourn this meeting at 9:20 p.m. with a second by Mayor Pro Tem Tim Chandler** and upon being put to a vote was carried unanimously.

**Submitted By:**

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Trevie Adams, MMC/NCCMC  
City Clerk

May 15, 2018

**MINUTES/MEETING OF THE ROXBORO CITY COUNCIL  
THURSDAY, MAY 31, 2018 – 6:00 P.M. BUDGET PLANNING MEETING  
CITY COUNCIL CHAMBERS, CITY HALL, ROXBORO, NC**

**Members Present:** Mayor Marilyn P. Newell  
Mayor Pro Tem Tim Chandler  
Council Member Reggie Horton  
Council Member Mark Phillips  
Council Member Byrd Blackwell (arrived at 6:45 p.m.)  
Council Member Sandy Stigall

**Members Absent:**

**Others Present:** City Manager Brooks Lockhart  
Assistant Manager Tommy Warren  
Finance Director Dan Craig  
City Clerk Trevie Adams

**CALL TO ORDER:**

**Mayor Marilyn P. Newell** called the meeting to order at 6:00 p.m. welcoming everyone in attendance.

**AGENDA ADOPTION:**

**Mayor Marilyn P. Newell** presented the agenda asking for any additions or corrections and there being none, **Mayor Pro Tem Tim Chandler offered a motion to approve the agenda as presented with a second by Council Member Mark Phillips** and upon being put to a vote was carried unanimously.

**NEW BUSINESS:**

**1. Budget Workshop #3**

**City Manager Brooks Lockhart** asked the Mayor and Council for a date to adopt the budget and offered Wednesday, June 27 or Thursday, June 28, 2018. No date was set at this time.

- Mr. Lockhart continued with explaining the General and Enterprise Fund Expenditures for fiscal year 2018-2019. This would include expenses for the water and sewer lines, water supply and treatment, waste water treatment, debt service, operating transfers out, transfer to triple tier FB.
- Some concerns about the cost of IT for the City that is provided by Person County IT. Right now the contract amount is \$80,000, and Mr. Lockhart would like to speak with other IT providers for future comparisons.
- After some discussion, it was the consensus of Council for Mr. Lockhart to send a letter to the County asking for their monetary participation in the funding of the July 4<sup>th</sup> fireworks display.
- Non-profit organizations request are the same this year as in years past.
- **City Manager Brooks Lockhart** also discussed the added hours for the Code Enforcement Officer. Right now, Dennis Pinnix is contracted for twelve hours a week and in the proposed budget, there will be sixteen hours a week for Code Enforcement. The Company presently contracted with the City is doing a great job. The cost (hourly rate and rate per mailer) includes, the officer, administration (any mailings that are needed to be sent) and any follow ups required. Some conversation regarding an Abatement Agreement by City Manager Brooks Lockhart and it was the consensus of Council to not make a decision until paperwork is reviewed by the City attorney.

- **Mr. Lockhart** also talked to Council about rising fuel cost and the City would be watching other cost on the rise for next year's budget. Also, the Powell Bill monies and how the City had not had an increase in several years and this is money we use to repair our roads, curbs/gutters, and sidewalks in the City. Mayor Marilyn P. Newell asked that Mr. Lockhart contact Raleigh and find out if we need to contact our lobbyist to try to increase our Powell Bill allotment.

**COUNCIL DISCUSSION:**

**Council Member Mark Phillips** asked about Project Rue and would the City be involved other than City Services, Mayor Newell explained this will be a County project and all the City would provide are services. Council Members expressed concern about our Fire Contract with the County and how the Fire option in the County's budget may affect the upcoming contract between the City and County for fire services.

There being no further business to discuss, **Council Member Mark Phillips offered a motion to adjourn this meeting at 8:28 p.m. with a second by Mayor Pro Tem Tim Chandler** and upon being put to a vote was carried unanimously.

**Submitted By:**

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Trevie Adams, MMC/NCCMC  
City Clerk

May 31, 2018

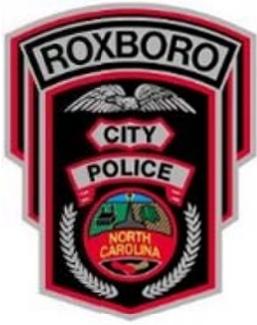


**City of Roxboro**  
**Fire and Rescue Department**

**Date:** June 3, 2018  
**To:** Mayor Newell  
Roxboro City Council  
**From:** Kenneth M. Torain, Fire Chief

**Highlight**

- **Responses** - During the month of May the City of Roxboro Fire Department responded to 17 fire calls within the city limits, and 23 fire calls outside the city limits. Also, the department responded to 80 first responder calls within the city, and 33 first responder calls in our county response district. Over the course of May, we had to call back off-duty personnel and auxiliary personnel for a total of 2 full alarms. Roxboro Fire Department responded to 159 dispatched calls this month.
- **Special Olympics** – Roxboro Fire department help with the annual Special Olympics at the high school. The crew had a great time with the running events.
- **Hose Testing** – Roxboro Fire Department tested approx. 3.5 miles of hose during our hose testing event. The hose testing is required by ISO and is a great time to see if any hose with fail on the fire ground during a fire fight.
- **Mobile Water Testing** – Because we wanted everyone to be trained on the tanker, Roxboro had a class on dumping and driving the new tanker.
- **Litter Sweep** – We participated in the litter sweep on May 12<sup>th</sup> with 9 people. We pick up over 30 bags of trash from Foushee Street and Madison Boulevard to Depot Street and Halifax Road.
- **Burn Camp**- Roxboro Fire Department carried a fire truck to the burn camp in Wake Forest. We also help LT. Horton build all the props for the event.
- **Hydrant Testing** – The fire department has almost completed the hydrant testing for the year. We have several hydrants broken and will pass the list along to Public Works.



# ROXBORO POLICE DEPARTMENT



109 North Lamar Street  
Roxboro, North Carolina 27573

Office 336 599 8345

[www.cityofroxboro.com](http://www.cityofroxboro.com)

## City Council Report

May 2018

### Patrol Division

#### Highlighted Events

- Trainee Officer Leech was released from field training to Solo Patrol.
- Brice Warren was sworn as the newest officer to join RPD. He was hired last year as trainee employee while attending BLET at Vance Granville Community College.
- Sergeant Williams earned his Advanced Law Enforcement certificate. He was presented the certificate at the North Carolina Training and Standards Commission meeting in Raleigh.
- Evidence Custodian Tanya Thomas earned her bachelor degree in Criminal Justice from NC Central. She graduated Summa cum laude!
- Chief Hess earned his bachelor degree in Criminal Justice from Liberty University.
- Chief Hess attended an Opioid Crisis meeting with Attorney General Stein and select Chiefs/Sheriffs.



Evidence Custodian Tanya Thomas



### Community Policing

- K9 Officer Solomon conducted three K-9 demonstrations during May. Demos were at South Elementary, North End Elementary and Earl Bradsher Pre-School.
- During National Police Week, the department hosted Coffee with a Cop at Rox City Grill.
- While on patrol, Officer Wright saw a group of youth football players hosting a car wash fundraiser. He stopped to have his patrol car washed and contributed to the fundraiser.
- Officer Wright attended Career Day at Woodland Elementary School. He spoke with the students about law enforcement. The students toured the police car.
- Honor Guard participated in Special Olympics and provided services for the funeral of Retired Lieutenant Bradley Brann.
- Attendance at Good Morning Coffee Hour.
- Several offices and command staff attended numerous community fish fry's and food fundraisers during the month of May.
- The Police Department extends their appreciation for all of the CommUNITY support.

### Monthly Activities

**Calls for Service: 1537**

**Traffic Enforcement Requests: 6**

**Traffic Crashes: 50**

**Total Arrests: 43**

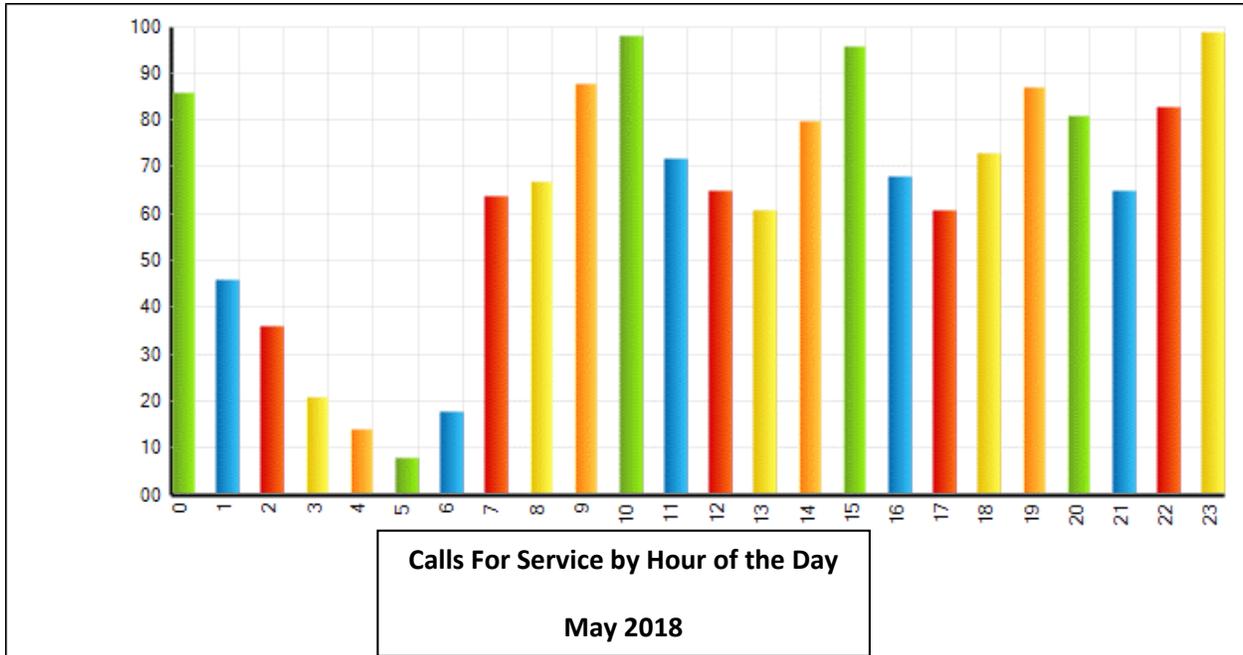
**Directed/Foot Patrol: 242**

**Incident Reports: 93**

**Traffic Stops: 407**

**Citations Issued: 229**

**Warnings: 47**



### Criminal Investigations Division

- CID is working on several breaking and entering cases with persons of interest developed in those cases.
- Investigators are completing background investigations for four new hire candidates.
- Det. Howe and Sanford provided Bank Security training to various banks.

### Total Numbers for the Month

**Cases Assigned: 19**

**Hours Completing Paperwork: 77**

**Call Outs: 3**

**Felony Warrants Obtained: 3**

**Total Arrests: 3**

**Cases Closed: 7**

**Background Investigations for New Hires: 1**

**Follow Up Hours in the Field: 94**

**Follow Up Hours by Phone: 36**

**Out of Town Follow Ups: 1**

**Misdemeanor Warrants Obtained: 2**

**Interviews Conducted: 12**

**Total Forensics Cases: 8**

**Court Hours: 27**

### **Street Crimes Unit**

- Preparing case files for grand jury.
- Due to staffing shortages in CID, Street Crimes detectives will begin carrying general investigation caseloads and after hour call out scheduling.

### **Administrative Services Unit**

- Hiring update: Four applicants were given a conditional offer. All candidates will require attendance to BLET. If all goes well, these candidates will be released to solo patrol in June 2019. A second hiring process was posted during May. The department received (5) applications. ASU and other employees attempted to recruit experienced officers from other agencies. Those perspective candidates could not afford reductions in salary to work with RPD.
- Sgt. Ford completed a GHSP Property Audit.
- ASU is administering policy training through PowerDMS© software. The software tracks the amount of time an employee reviewed policy and records their electronic signature acknowledging they have read and understand the policy.

### **Administration**

#### **Meetings**

- Met with concerned citizens.
- Daily meetings with Command Staff.
- Attended various community events.
- Retired Lieutenant Bradley Brann viewing and funeral.
- Phone conferences for various NC Chiefs of Police Association business.
- District Attorney, Roxboro Housing Authority, Pine Ridge Property Managers, Rotary, City Manager, Human Resources, Open Enrollment, Attorney General Stein, Person County NAACP Chapter President (lunch), Assisted Triangle J COG.
- Staff meetings, budget planning, department head meeting, City Council.

#### **Upcoming Events**

- Application process for the 11<sup>th</sup> Session of the Citizen's Police Academy. Interested applicants can call Lieutenant Walker or Sergeant Ford at the police department during business hours. The session is scheduled to begin September 18<sup>th</sup> at 6 PM. Dead line to apply is July 2<sup>nd</sup>.



**THANK YOU FOR YOUR CONTINUED SUPPORT**

City of Roxboro, North C. LM  
 Distribution of Gas Ticks  
 30-Apr-18

WD  
 CS  
 GC  
 Lawn Mowers  
 Weed Eaters  
 Chain Saws  
 Gas Cans, ETC.

Shell  
 Account Number: 80-001-3945-4

Gas 0.5340  
 Diesel 0.5940

| Card Number | Dept Number | Make                   | Model | Gallons  | Total Cost | Tax Adjust | 0.05 per gallon Discount | 2.00% 2.00% Discount | Net Cost  | Average Cost Per Gallon |
|-------------|-------------|------------------------|-------|----------|------------|------------|--------------------------|----------------------|-----------|-------------------------|
| Summary     |             |                        |       |          |            |            |                          |                      |           |                         |
| 1           | 4120        | City Hall              |       | 40.77    | 103.68     | 21.77      | 2.04                     | 0.82                 | 79.05     | 2.543                   |
| 2           | 4130        | Finance                |       | -        | -          | -          | -                        | -                    | -         | #DIV/0!                 |
| 3           | 4160        | Public Buildings       |       | 181.61   | 479.93     | 96.98      | 9.08                     | 3.63                 | 370.24    | 2.643                   |
| 4           | 4180        | Purchasing             |       | -        | -          | -          | -                        | -                    | -         | #DIV/0!                 |
| 17          | 4910        | Planning & Zoning      |       | -        | -          | -          | -                        | -                    | -         | #DIV/0!                 |
|             |             | Total Administrative   |       | 222.38   | 583.61     | 118.75     | 11.12                    | 4.45                 | 449.29    | 2.624                   |
| 5           | 4310        | Police                 |       | 2,155.76 | 5,533.10   | 1,151.18   | 107.79                   | 43.12                | 4,231.02  | 2.567                   |
| 6           | 4311        | CID                    |       | 82.21    | 211.91     | 43.90      | 4.11                     | 1.64                 | 162.26    | 2.578                   |
| 26          | 4312        | Narcotics              |       | -        | -          | -          | -                        | -                    | -         | #DIV/0!                 |
| 9           | 4380        | Animal Control         |       | -        | -          | -          | -                        | -                    | -         | #DIV/0!                 |
|             |             | Total Police           |       | 2,237.97 | 5,745.01   | 1,195.08   | 111.90                   | 44.76                | 4,393.28  | 2.567                   |
| 7           | 4340        | Fire                   |       | 1,372.15 | 3,632.98   | 787.90     | 68.61                    | 27.44                | 2,749.03  | 2.648                   |
| 8           | 4341        | Fire Inspections       |       | 60.12    | 154.36     | 32.10      | 3.01                     | 1.20                 | 118.05    | 2.568                   |
|             |             | Total Fire Dept.       |       | 1,432.27 | 3,787.34   | 820.00     | 71.61                    | 28.65                | 2,867.08  | 2.644                   |
| 10          | 4510        | Public Services        |       | 62.53    | 154.63     | 33.39      | 3.13                     | 1.25                 | 116.86    | 2.473                   |
| 11          | 4511        | Streets                |       | 437.18   | 1,180.61   | 244.93     | 21.86                    | 8.74                 | 900.53    | 2.701                   |
| 12          | 4512        | Street Cleaning        |       | -        | -          | -          | -                        | -                    | -         | #DIV/0!                 |
| 13          | 4513        | Garage                 |       | 105.95   | 294.59     | 56.58      | 5.30                     | 2.12                 | 230.60    | 2.780                   |
| 14          | 4710        | Residential Garbage    |       | 1,220.94 | 3,396.20   | 725.24     | 61.05                    | 24.42                | 2,585.50  | 2.782                   |
| 15          | 4711        | Commercial Garbage     |       | 891.51   | 2,485.98   | 529.56     | 44.58                    | 17.83                | 1,894.02  | 2.789                   |
| 16          | 4740        | Cemetery               |       | 179.81   | 546.96     | 96.02      | 8.99                     | 3.60                 | 438.35    | 3.042                   |
|             |             | Total Public Services  |       | 2,897.92 | 8,058.97   | 1,685.71   | 144.90                   | 57.96                | 6,165.85  | 2.781                   |
|             |             | Total General Fund     |       | 6,790.54 | 18,174.93  | 3,819.54   | 339.53                   | 135.81               | 13,875.50 | 2.677                   |
| 18          | 7112        | Meter Reading          |       | 329.85   | 857.33     | 176.14     | 16.49                    | 6.60                 | 658.10    | 2.599                   |
| 19          | 7114        | Lake Warden            |       | 81.50    | 215.31     | 43.52      | 4.08                     | 1.63                 | 166.08    | 2.642                   |
| 25          | 7118        | Pump Stations          |       | 311.57   | 857.23     | 166.38     | 15.58                    | 6.23                 | 669.04    | 2.751                   |
| 20          | 7120        | Water Plant            |       | 173.72   | 443.29     | 92.77      | 8.69                     | 3.47                 | 338.36    | 2.552                   |
| 21          | 7121        | Water Line Maintenance |       | 609.60   | 1,665.66   | 333.56     | 30.48                    | 12.19                | 1,289.43  | 2.732                   |
| 22          | 7130        | WWTP                   |       | 27.18    | 77.20      | 14.51      | 1.36                     | 0.54                 | 60.78     | 2.840                   |
| 23          | 7131        | Sewer Line Maintenance |       | 639.97   | 1,690.58   | 352.22     | 32.00                    | 12.80                | 1,293.57  | 2.642                   |
| 24          | 7132        | WWTP II                |       | 79.57    | 221.90     | 42.49      | 3.98                     | 1.59                 | 173.84    | 2.789                   |
|             |             | Total Enterprise Fund  |       | 2,252.96 | 6,028.50   | 1,221.58   | 112.65                   | 45.06                | 4,649.21  | 2.676                   |
|             |             | Total All Funds        |       | 9,043.50 | 24,203.43  | 5,041.12   | 452.18                   | 180.87               | 18,524.71 | 2.676                   |

## Public Services Department Monthly Report



### City of Roxboro

**May 2018**

| Public Utilities Department |       |          | Public Works Department    |            |           |
|-----------------------------|-------|----------|----------------------------|------------|-----------|
| Water Repairs:              | 14    |          | Commercial Garbage:        | 513.39     | tons      |
| Hydrant Repairs and Maint:  | 0     |          | Residential Garbage:       | 233.96     | tons      |
| Meters Changed:             | 26    |          | Brush Collected:           | 18.9       | tons      |
| New Water Services:         | 0     |          | Leaves Collected:          | 8.4        | tons      |
| Broken Meters Replaced:     | 1     |          |                            |            |           |
|                             |       |          | Potholes Repaired:         | 24         |           |
| Sewer Repairs:              | 5     |          | Asphalt:                   | 16.52      | tons      |
| Sewer Blockages:            | 28    |          | Concrete:                  | 0          | yards     |
| New Sewer Services:         | 0     |          | Emulsion:                  | 33.53      | gal       |
|                             |       |          |                            |            |           |
| Locate Services Provided:   | 216   |          | Vehicle Repairs:           | 36         |           |
|                             | 95    | Hrs      | Garage Materials:          | \$7,642.26 |           |
| Remarks:                    |       |          | Remarks:                   |            |           |
| Water Treatment Plant       |       |          | Wastewater Treatment Plant |            |           |
| Total Water Treated:        | 75.25 | MG       | Average Monthly Flow:      | 2.02       | MGD       |
| Average Daily Treated:      | 2.427 | MGD      | Maximum Daily Flow:        | 5.51       | MGD       |
| Maximum Daily Treated:      | 2.85  | MGD      | Minimum Daily Flow:        | 1.04       | MGD       |
| Minimum Daily Treated:      | 1.66  | MGD      |                            |            |           |
|                             |       |          | Monthly Rainfall:          | 6.25"      |           |
| City Lake Level:            | Full  | 6/6/2018 | Maximum Rainfall:          | 1.875"     | 5/26/2018 |
| Lake Roxboro Level:         | Full  | 6/6/2018 | Peak Hourly Flow:          | 11.9 mg    | 5/26/2018 |
|                             |       |          | Monthly Samples Analyzed:  | 2591       |           |
| Remarks:                    |       |          | Remarks:                   |            |           |



June 5, 2018

To: Mayor Newell  
Roxboro City Council

From: Lauren Johnson, Planning & Development Director

Subject: June Council Report

### **Uptown Development/Roxboro Development Group:**

- Director Training and Development: Community Planner/RDG Director Lynda Clayton continues to complete required training for her position. This month, Lynda attended the NC Main Street Orientation for new Directors in Raleigh, as well as Basic Training for Promotions in Wake Forest. Lynda also attended two days of coursework with the PCC Small Business and Development Center to obtain her Social Media Core Competency Certificate.
- Rox N' Roll Cruise-In Series: With the unfortunate weather last month, RDG is hoping for blue skies in June! The group has made great efforts to reschedule food trucks and entertainment lined up for the Kick-Off event and plan to have a great night in store for folks on June 15<sup>th</sup>. Continuing with the third Friday of each month, events are also scheduled for July 20, August 17, September 21, and October 19.
- Uptown Beautification: Thanks to the much appreciated assistance of various Public Works staff members, two major beautification projects were completed in Uptown. The new hanging basket installations went out the weekend of Mother's Day and the installation of the City's art piece was completed June 6<sup>th</sup>. The art installation included pressure washing the entire retaining wall that is to the rear of City Hall. Pictured below, the improvement is simply phenomenal!



- Uptown Developments:
  - MLM Construction Co. takes ownership of 114 S Main, formerly The Gathering Place.
  - Third Thursday continues to grow in popularity, bringing food trucks and new visitors.



## Planning & Development:

- Minimum Housing/Nuisance Violations: High grass complaints continue to rise within the City limits. Staff fields nearly a dozen calls each week, in addition to other complaints of junk vehicles or similar nuisances. As mentioned to Council during the Budget Workshop last week, staff continues to work on strategies for the efficient processing of nuisance and minimum housing complaints. Staff plans to work with the local paper and radio station to make public service announcements regarding new policies effective July 1.
- Development Reviews Increase: As staff reported a few months ago, the number of requests for development applications is on the rise. With the last annexation dating back nearly ten years, the fact that two applications were received within a month of one another is profound. Additionally, City staff met with developers regarding two potential subdivisions, the likes of which have not been requested in the tenure of some of the senior-most members of City staff. The Planning Board now meets practically every month. While some of those meetings are for text and map amendments, as opposed to actual development request reviews, the need for the amendments stems directly from development interest by property/business owners. Staff is encouraged by these trends and hopes they are indicative of continued growth and revitalization within the corporate limits.
- Uptown Wi-Fi: Planning Director, Lauren Johnson, met with Ray Foushee and a representative from LightLeap by NC Wireless to discuss the installation of hot-spots for Uptown internet access. Barring no complications with installation, devices will be installed on the Kirby Cultural Arts Complex, Person County Courthouse, and Main Street Pavilion at Merritt Commons. Given the range of these devices, staff believes internet access should span through most of Uptown proper, providing opportunities for citizens to utilize the service while shopping or dining, and during Uptown special events. Staff will continue to update Council as information becomes available.
- Desert Sands Renovation: Coulter, Jewell, Thames, PA received the award of contract for this project. Following some initial assessments of the exterior of the remaining structure, it was determined more in-depth assessments would be necessary to make full determinations of the needed work. Staff coordinated with the adjacent property owners to schedule a time for the engineers and architects to come on-site and investigate the walls that abut this property and any potential structural issues. Additionally, staff will make arrangements for a lift to be on-site to allow the engineers to see above the remaining wall structures and determine any areas of instability. The process slowed due to conflicting schedules with property owners and inclement weather. Staff hopes the completion of this assessment will allow the project manager to flesh out a more detailed timeline of needed repairs and when/if design work can begin.

## Additional Updates:

- Planning Board and Board of Adjustment Advisory Boards still in need of members.
- Quick Guides and helpful support documents are in the works for aiding citizenry with permits.
- Attended Kerr-Tar TAC/TCC meeting in Henderson, NC on May 24<sup>th</sup>.

# 1. Budget Amendment

**CITY OF ROXBORO  
BUDGET AMENDMENT  
FISCAL YEAR 2017-2018 BUDGET**

The following budget amendment is hereby requested:

**Budget Amendment Number:**

**5**

| Fund 10, 60, 69 & 76 - General, Water, Capital Reserve & Internal Service Funds |  | INCREASE          | DECREASE  |
|---|--|-------------------|-----------|
| <b>Revenues</b>   |  |                   |           |
| 76-99-9910-991  | Fund balance                               | 84,500.00         |           |
| 10-98-3985-976  | Transfer from Internal Service Fu          | 71,040.00         |           |
| 60-98-3985-976  | Transfer from Internal Service Fu          | 13,460.00         |           |
| 10-00-3217-110  | 2017 Taxes                                 | 5,000.00          |           |
| 60-98-3985-969  | Transfer from Capital Reserve              | 45,050.00         |           |
| 69-99-3991-991  | Fund Balance                               | 45,050.00         |           |
| 10-00-3325-251  | Sales Tax Refund                           | 45,000.00         |           |
|   |  | 309,100.00        | -         |
|   | <b>Net Increase (Decrease) in Revenues</b> | <b>309,100.00</b> |           |
| <b>Expenditures</b>   |  |                   |           |
| 10-00-4140-350  | Contracted services                        | 5,000.00          |           |
| 10-00-4120-184  | Medical Expense Reimbursemen               | 42,880.00         |           |
| 76-98-9810-910  | Transfer to General Fund                   | 71,040.00         |           |
| 76-98-9810-960  | Transfer to Enterprise Fund                | 13,460.00         |           |
| 10-00-6060-000  | Sales Taxes                                | 45,000.00         |           |
| 10-00-4120-400  | Dues and subscriptions                     |                   | 4,200.00  |
| 10-00-4180-195  | Safety Programs                            | 7,000.00          |           |
| 10-20-4512-250  | Auto Supplies and Maintenance              |                   | 4,000.00  |
| 10-20-4512-352  | Repairs and Maintenance-equip              |                   | 3,000.00  |
| 10-00-4130-190  | Contracted services                        | 10,000.00         | -         |
| 10-40-4920-720  | Fireworks                                  | 500.00            |           |
| 10-80-6120-352  | Repairs and Maintenance-equip              |                   | 500.00    |
| 10-00-4110-400  | Dues and subscriptions                     | 4,200.00          |           |
| 10-00-4110-179  | Election expenses                          | 7,000.00          |           |
| 10-11-4340-310  | Travel                                     | 0.00              |           |
| 10-30-4711-250  | Auto Supplies and Maintenance              | 25,000.00         |           |
| 10-30-4710-510  | Capital outlay                             |                   | 35,000.00 |
| 10-00-4120-310  | Travel                                     |                   | 3,000.00  |
| 10-00-4120-311  | Training                                   |                   | 4,000.00  |
| 60-92-7131-200  | Supplies                                   | -                 | 20,000.00 |
| 60-92-7131-250  | Auto Supplies and Maintenance              | -                 | 10,000.00 |
| 60-92-7131-350  | Contracted services                        | -                 | 25,000.00 |
| 60-92-7118-200  | Supplies                                   | 4,000.00          |           |

|                 |                                     |            |            |
|-----------------|-------------------------------------|------------|------------|
| 60-92-7118-510  | Capital outlay                      | 8,000.00   |            |
| 60-92-7118-353  | Repairs and Maintenance-pumps       | 43,000.00  |            |
| 60-92-7118-331  | Electricity                         | 25,000.00  |            |
| 60-91-7132--352 | Repairs and Maintenance-equip       | 6,000.00   | -          |
| 60-91-7121-190  | Professional and Consulting         | -          | 15,000.00  |
| 60-91-7114-351  | Repairs and Maintenance-bldg        | 3,000.00   | -          |
| 60-91-7111-190  | Professional and Consulting         | 6,000.00   |            |
| 60-91-7120-183  | Medical Insurance                   | 1,550.00   |            |
| 60-91-7130-183  | Medical Insurance                   | 5,950.00   |            |
| 60-91-7111-220  | Credit card fees                    | 10,000.00  | -          |
| 60-91-7112-250  | Auto Supplies and Maintenance       | 8,500.00   |            |
| 69-98-9810-960  | Transfer to Enterprise Fund         | 45,050.00  | -          |
| 10-00-4120-121  | Salaries and wages                  | 2,705.00   |            |
| 10-40-4910-121  | Salaries and wages                  | 865.00     |            |
| 10-11-4312-121  | Salaries and wages                  | 475.00     |            |
| 10-10-4310-121  | Salaries and wages                  | 14,075.00  |            |
| 10-10-4311-121  | Salaries and wages                  | 210.00     |            |
| 10-11-4340-121  | Salaries and wages                  | 3,910.00   |            |
| 10-11-4341-121  | Salaries and wages                  | 500.00     |            |
| 10-20-4510-121  | Salaries and wages                  | 230.00     |            |
| 10-20-4511-121  | Salaries and wages                  | 2,175.00   |            |
| 10-20-4512-121  | Salaries and wages                  | 210.00     |            |
| 10-20-4513-121  | Salaries and wages                  | 1,525.00   |            |
| 10-30-4710-121  | Salaries and wages                  | 630.00     |            |
| 10-30-4711-121  | Salaries and wages                  | 305.00     |            |
| 10-31-4740-121  | Salaries and wages                  | 345.00     |            |
| 60-91-7114-121  | Salaries and wages                  | 200.00     |            |
| 60-91-7111-121  | Salaries and wages                  | 235.00     |            |
| 60-91-7112-121  | Salaries and wages                  | 220.00     |            |
| 60-91-7120-121  | Salaries and wages                  | 1,835.00   |            |
| 60-91-7121-121  | Salaries and wages                  | 630.00     |            |
| 60-91-7132-121  | Salaries and wages                  | 325.00     |            |
| 60-92-7118-121  | Salaries and wages                  | 250.00     |            |
| 60-92-7130-121  | Salaries and wages                  | 2,850.00   |            |
| 60-92-7131-121  | Salaries and wages                  | 965.00     |            |
|                 | Net Increase (Decrease) in Expenses | 432,800.00 | 123,700.00 |
|                 |                                     | 309,100.00 |            |
|                 |                                     | -          |            |

**Justification:**

To reclass various expenditures within departments.  
To appropriate additional amounts for property tax and sales tax collections  
To provide for January through June and June 2018 medical expense  
reimbursement plan expenditures  
To provide for 2017-2018 performance pay increases

**CITY OF ROXBORO  
BUDGET AMENDMENT  
FISCAL YEAR 2017-2018 BUDGET**

Requested By: \_\_\_\_\_ DC \_\_\_\_\_ Date: \_\_\_\_\_ 6/7/2018

Approved to  
Submit to Council: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by  
Council: \_\_\_\_\_ Date: \_\_\_\_\_

Posted to Computer: \_\_\_\_\_ Date: \_\_\_\_\_

## 2. Budget for Fiscal Year - 2018-2019 Public Hearing

# Budget Notebook

## Fiscal Year 2018 – 2019

### 3. Annexation - Patterson Drive Public Hearing

## **Annexation Request Public Hearing Consideration**

Last month, the City of Roxboro received a petition requesting that the City annex two adjoining parcels of land, Tax Map & Parcel Numbers 102 2 and 102 81 (see attached). The area to be annexed is located off of Patterson Drive, approximately .2 miles from 501 S, contiguous to the existing city limits along Patterson Drive. The area is deemed contiguous as it abuts the existing City of Roxboro corporate limits. As such, this will be a voluntary contiguous annexation.

The total area to be annexed is 16.06 acres.

The petitioner requests vested rights for these two properties. County Planning Director, Lori Oakley, confirmed the validity of the vested rights for the development proposal per the County's Ordinances.

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

**WHEREAS**, the Roxboro City Council has been petitioned under G.S. 160A-31 to annex the area described herein; and

**WHEREAS**, the Roxboro City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

**WHEREAS**, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Roxboro City Hall Council Chambers at 7:00 p.m. on the 12<sup>th</sup> day of June, 2018, after due notice by The Courier-Times on the 2<sup>nd</sup> day of June, 2018; and

**WHEREAS**, the Roxboro City Council does hereby find as a fact that said petition meets the requirements of G.S. 106A-31;

**NOW, THEREFORE, BE IT ORDAINED** by the Roxboro City Council of the City of Roxboro, North Carolina, that:

**Section 1.** By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Roxboro as of June 30, 2018:

BEGINNING at a point, the southeast corner of Joel K. Gillis in the Ricky Merritt Walker line, said point being located S-05-31-43-W 194.48 feet from the centerline of Patterson Drive, thence from said point of beginning with Ricky Merritt Walker S-06-04-45-W 16.23 feet; thence S-83-56-00-E 79.83 feet; thence S-84-02-55-E 55.17 feet; thence with Barbara Arlene Fox S-64-47-24-W 96.41 feet; thence S-34-16-18-W 339.69 feet; thence S-33-45-47-W 123.04 feet; thence with Jones Estate LLC S-34-08-59-W 233.90 feet; thence N-82-10-14-W 369.03 feet; thence S-08-42-31-W 22.59 feet; thence with Herbert L. Harris N-81-24-49-W 612.97 feet; thence with Sabins Properties LLC N-41-16-55-E 8.51 feet; thence with a circular curve to the left having a delta of 19-30-33, a radius of 572.96 feet, an arc distance of 195.09 feet (chord bearing and distance N-31-31-38-E 194.15 feet); thence N-21-46-21-E 498.53 feet; thence with the rear of lots fronting on Patterson Drive S-84-27-13-E 186.46 feet; thence S-84-00-08-E 154.82 feet; thence S-84-05-25-E 299.85 feet; thence S-83-55-57-E 145.19 feet; thence S-83-59-15-E 167.88 feet; thence S-83-59-14-E 80.00 feet to the point and place of beginning and being 16.14 Acres Proposed Area of Annexation.

**Section 2.** Upon and after the 30<sup>th</sup> day of June, 2018, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Roxboro and shall be entitled to the same privileges and benefits as other parts of the City of Roxboro. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

**Section 3.** The Mayor of the City of Roxboro shall cause to be recorded in the office of the Register of Deeds of Person 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 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Person 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 Roxboro.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor Marilyn P. Newell

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Trevie Adams, City Clerk

\_\_\_\_\_  
Nicholas G. Herman, City Attorney

NORTH CAROLINA  
PERSON COUNTY

I, A Notary Public of the County and State aforesaid, certify that Trevie Adams personally came before me this day and acknowledged that she is City Clerk of the City of Roxboro, a municipal corporation and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by her as its City Clerk.

Witness my hand and notarial seal, this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_.

## 4. Rezoning Request - Satterfield Public Hearing

# Memo



**To:** Mayor Newell and Roxboro City Council  
**From:** Lauren Johnson/ Planning & Development Director  
**cc:** Trevie Adams City Clerk (for City Records)  
**Date:** June 6, 2018  
**Re:** Recommendation from Planning Board Regarding Rezoning Request for  
Properties off of 501 S, Tax Map A51 17 and A62 112

---

Madam Mayor and Council,

Please be advised that the City of Roxboro Planning Board met on May 7<sup>th</sup>, 2018 to review a request for a Rezoning for the parcels located off 501 S across from the Bessie Daniel Road intersection, identified as Tax Map A51 17 and A62 112.

Upon review of the enclosed application and staff report, the City Planning Board offers a unanimous recommendation to approve the request for Rezoning. Enclosed you will find the written consistency statement signed by the Planning Board Chair and Department head.

Application for

# Official Zoning Map Amendment



Roxboro Planning & Development  
105 S Lamar Street Roxboro, N.C. 27573 336-322-6018

**TO THE PLANNING BOARD AND THE CITY COUNCIL:**

I/We, the undersigned, do hereby make application and petition to the City Council of the City of Roxboro to amend the Official Zoning Map of the City of Roxboro as hereinafter requested. I hereby certify that I have full legal right to request such action. (Type or Print Clearly)

Petitioner(s): ROXBORO PARTNERS, LLC

Address: 504 MEADOWLAND DRIVE, HILLSBOROUGH, NC 27278

Telephone Number: 919-732-5055 Fax Number: 919-732-6676

Interest in Property: OPTION HOLDER  
(I.e., Owner, Part Owner, Option holder, Governmental Agency, Etc.)

**Property Information:**

Address: DURHAM ROAD / LUCY GARRETT ROAD

Watershed: FALLS LAKE Lot Size: <sup>117.28</sup> ~~86.7~~ <sup>84.87</sup> AC. / 85.5 AC.

Township: FLAT RIVER Tax Map/Lot #: A51 17 / A62 112

Current Use: VACANT

Available Utilities: (check all that apply)

City Water\*  City Sewer\*  Well  Septic System  None

**Zoning Map Amendment:**

Current Zoning Classification: COUNTY: B1 / R

Requested Zoning Classification: CITY: R-8

The undersigned hereby certify that the application material is complete and accurate. Furthermore, the undersign hereby authorizes the City of Roxboro's Zoning Administrator or designated representative to enter upon the above referenced property for the purpose of evaluating this request.

  
Applicant Signature

4/3/18  
Date

**Staff Use Only:**

Date Received:  
4/6/18

Docket #:  
RZ 2018-02

Planning Board Meeting Date:  
5/7/18

City Council Meeting Date:  
6/12/18

**Required Submittal Items:**

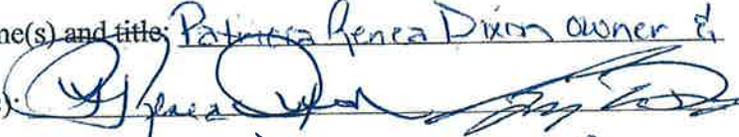
A complete application must contain the following additional items for consideration:

- Application Fee - \$200 (cash, check, or money order accepted)
- Copy of the applicable Person County Tax Map, or other documentation verifying the location and size of the parcel(s)
- Property Deed – Please enclose most recent deed to the property. This can be obtained from the Person County Register of Deeds Office.
- Survey Plat – Please enclose a copy of the property survey plat, if on record with the Person County Register of Deeds Office.
- If the applicant is not the owner of the property, a letter must be provided with the notarized signature of the property owner, verifying awareness of the request being made.
- List of adjacent property owners, with addresses of same.

**Planned Satterfield Subdivision  
Owner's Permission Letter for Applicant to Submit Plans to the City of Roxboro**

By providing the notarized signature(s) below and representing the owner(s) for the **Dixon Property** labeled as Tax Map and Parcel Number A62 112 in the Person County GIS, I/we are giving permission to Roxboro Partners, LLC to submit plans to the City of Roxboro for the planned single-family subdivision Satterfield Farm for review and approval.

Printed name(s) and title: Patricia Renea Dixon owner & Date: 3-29-18

Signature(s):  P.O.A  
Patricia Gabrielle Dixon owner - Gregory L. Dixon (POA)

Notary:  
I certify that the following person(s) personally appeared before me this day, each acknowledging to me That he or she signed the foregoing document.

Names: Patricia Dixon & Gregory Dixon

Date: 3/29/18

Official signature of notary: 

Notary's printed name: Michael Cameron Steiner

My commission expires: 9/29/18



**Planned Satterfield Subdivision**

**Owner's Permission Letter for Applicant to Submit Plans to the City of Roxboro**

By providing the notarized signature(s) below and representing the owner(s) for the **Wilkins Property** labeled as Tax Map and Parcel Number A51 17 in the Person County GIS, I/we are giving permission to Roxboro Partners, LLC to submit plans to the City of Roxboro for the planned single-family subdivision Satterfield Farm for review and approval.

Printed name(s) and title: Winsrey A. Wilkins Jr.  
general partner

Date: March 28, 2018

Signature(s): Winsrey A. Wilkins Jr.

Notary:

I certify that the following person(s) personally appeared before me this day, each acknowledging to me That he or she signed the foregoing document.

Names: Winsrey Wilkins Jr.

Date: March 28, 2018

Official signature of notary: Pamela B. Stone

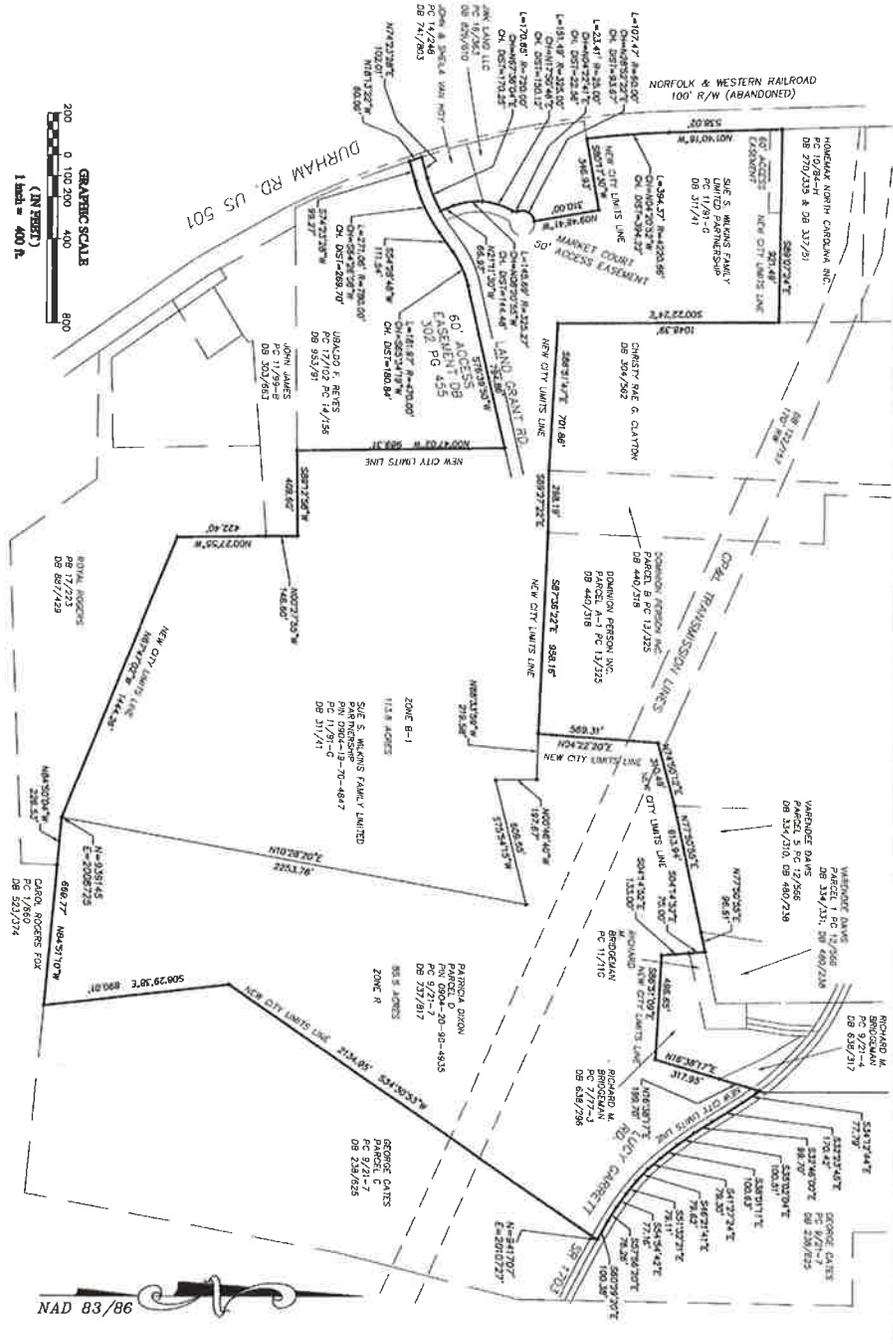
Notary's printed name: Pamela B Stone

126-21

My commission expires: 12-6-21

Map No. 18-0091  
 City of Henderson, North Carolina, Wayne County, North Carolina

RESOLUTION: That the Board of Commissioners do hereby amend the zoning ordinance of the City of Henderson, North Carolina, by amending the zoning map to rezone the property described as follows: ...



Map No. 18-0091  
 City of Henderson, North Carolina, Wayne County, North Carolina

RESOLUTION: That the Board of Commissioners do hereby amend the zoning ordinance of the City of Henderson, North Carolina, by amending the zoning map to rezone the property described as follows: ...

**-REZONING EXHIBIT-**

**ANNEXATION EXHIBIT MAP**  
 SHOWING CONTIGUOUS ANNEXATION AREA TO CITY  
 OF KODIBORO  
 OF SATTERFIELD FARM<sup>11</sup>

PLAT BY: RIVER VIEW, HERRSON CO., NORTHE  
 COMPOSITE OF A RECORD  
 SURVEY  
 SEE REFERENCES AS SET FORTH HERRSON



**SUMMIT**  
 DESIGN AND ENGINEERING SERVICES

Creatively Inspired - Technically Executed

18-0091

PROJECT NO.

18-0091 ANNEX

DATE: 08/11/2018

PROJECT NO. 18-0091

1629  
FILED  
Person County  
Russell Jones  
Tax Administrator

Issued Feb 22, 2010  
\$0.00  
State Of North Carolina  
Person County  
Real Estate Excise Tax  
328437

FILED in PERSON County, NC  
on Feb 22, 2010 at 11:33:28 AM  
by AMANDA W. GARRETT  
REGISTER OF DEEDS  
Book 737 Page 817  


Official Document

GENERAL WARRANTY DEED

Prepared by: D. MICHAEL PARKER  
Return to: Grantee: P.O. Box 581 Salter Path, NC 28575  
Revenue Stamps: none

NORTH CAROLINA

PERSON COUNTY

THIS DEED, made and entered into this the 25 day of January, 2010 by and between, **BOBBY C. CATES** and wife, **PATRICIA ANN CATES** Parties of the First Part, hereinafter referred to as GRANTORS, and **PATRICIA RENEA DIXON** and **PATRICIA GABRIELLE DIXON**, P.O. Box 581 Salter Path, NC 28575, as Tenants-in-common, each a one-half (1/2) undivided interest, Parties of the Second Part, hereinafter referred to as GRANTEES,

WITNESSETH:

That the said Grantors, for and in consideration of the sum of TEN DOLLARS (\$10.00) to them in hand paid and other good and valuable considerations, the receipt of which is hereby acknowledged, have and by these presents do grant, bargain, sell and convey unto the Grantee in fee simple all that certain tract or parcel of land located in Flat River Township, Person County, North Carolina and being more particularly described as follows:

TRACT A:

All that certain lot or parcel of land lying and being in Flat River Township, Person County, North Carolina, the same being more particularly labeled as TRACT A, containing 19.59

Official Document

acres, more or less, as shown on a plat of actual survey of same by Neal C. Hamlett, R.L.S. 2465, dated June, 1994, and entitled "PLAT OF SURVEY BOBBY C. CATES & GEORGE W. CATES", said plat is hereby incorporated and made an integral part of this document by express reference being thereto made, the same being duly recorded in the Person County Registry at Plat Cabinet 9, Hanger 21-7 & 8 and to which plat reference is hereby made for a more particular description of the same.

TRACT B:

All that certain lot or parcel of land lying and being in Flat River Township, Person County, North Carolina, the same being more particularly labeled as TRACT D, containing 85.48 acres, more or less, as same are depicted and delineated on a plat of actual survey of same by Neal C. Hamlett, R.L.S. 2465, dated June, 1994, and entitled "PLAT OF SURVEY BOBBY C. CATES & GEORGE W. CATES", said plat is hereby incorporated and made an integral part of this document by express reference being thereto made, the same being duly recorded in the Person County Registry at Plat Cabinet 9, Hanger 21-7 & 8 and to which plat reference is hereby made for a more particular description of the same.

Tracts A and B are not contiguous and shall remain as separate parcels on the Person County Tax Records.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging to the Grantees in fee simple.

And the Grantors covenant with the Grantees that the Grantors are seized of the premises in fee simple, have the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that the Grantors will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions, if any, set forth above.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, the day and year first above written.

*Bobby C. Cates* (SEAL)  
BOBBY C. CATES

*Patricia Ann Cates* (SEAL)  
PATRICIA ANN CATES



UNOFFICIAL Document

\*\*\*\*\*  
STATE OF NORTH CAROLINA  
COUNTY OF Carteret

I, Dawn M. Jernigan, Notary Public of the aforesaid County and State, do hereby certify that BOBBY C. CATES and wife, PATRICIA ANN CATES personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this the 25 day of January, 2010.



Dawn M. Jernigan  
NOTARY PUBLIC  
Dawn M. Jernigan  
(PRINT OR TYPE NAME OF NOTARY)

My commission expires: 2-3-2013  
Rel: CATES.B.gwd

Document shows proof /acknowledgement before officer authorized to take proof /acknowledgement; acknowledgement includes officer's signature, commission expiration date, official seal, if required.  
Amanda W. Saffell, Person County Register of Deeds

Unofficial Document

Unofficial Document

Unofficial Document

019115

FILED in PERSON County, NC  
on Oct 03 2000 at 12:01:03 PM  
by AMANDA H. GARRETT  
REGISTER OF DEEDS  
BOOK 311 PAGE 41

UNOFFICIAL DOCUMENT

Transfer Information Received

This 3 Day of Oct 20 00

Russell Jero  
Person County Tax Administrator

Excise Tax \$700.00

Recording: Time, Book and Page

Tax Lot No. 17, Map A-51 Parcel Identifier No. \_\_\_\_\_  
County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Verified by \_\_\_\_\_

Mail after recording to: Sue S. Wilkins Family Limited Partnership  
325 Old Salem Road, Roxboro, North Carolina 27573

This instrument prepared by Alan S. Hicks, Attorney At Law

Brief Description for the Index

141.50 acres, Flat River Township

Issued Oct 03 2000  
\$700.00  
PERSON  
State of North Carolina  
County  
Real Estate Excise Tax

**NORTH CAROLINA GENERAL WARRANTY DEED**

THIS DEED made this 3rd day of October, 2000, by and between:

GRANTOR

GRANTEE

Peggy W. Linville (unmarried)

Sue S. Wilkins Family  
Limited Partnership, a  
North Carolina Limited  
Partnership

Enter in appropriate block for each party: name, address, and appropriate character of entity, e.g. corporation or partnership

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Flat River Township, Person County, North Carolina, and more particularly described as follows:

Bounded now or formerly as follows: On the North by the lands of Homemax North Carolina, Inc., S.R. Garrett, Serena C. Hubbard heirs, R. Franklin Garrett and Bobby C. Cates; on the East by the lands of Bobby C. Cates; on the South by the lands of Robert Michael Rogers and on the West by the Eastern edge of the lands of Norfolk and Western Railroad; containing 150.01 acres and being all of what is shown on that plat of survey entitled "EARL SATTERFIELD HEIRS", surveyed by Hamlett-Jennings and Associates, Neal C. Hamlett, RLS, dated December, 1995 and of record in Plat Cabinet 11, Hanger 91-G, Person County Registry; SAVE AND EXCEPT 8.51 acres thereof as shown on plat entitled "HOMEMAX NORTH CAROLINA, INC.", surveyed by Hamlett-Jennings and Associates, Neal C. Hamlett, RLS, dated August, 1997 and of record in Plat Cabinet 10, Hanger 84-H, Person County Registry, both of which plats are hereby specifically incorporated by reference herein for greater certainty of description.

Also hereby conveyed, as appurtenant to and running with the above described property, is all right, title and interest of the Grantor in and to that certain easement from Norfolk Southern Railway Company, dated September 21, 2000 and of record in Deed Book 311, Page 30 Person County Registry.

The property hereinabove-described was acquired by Grantor by instrument recorded in File 99 E 107 (Mattie Lois Satterfield Estate) in the office of the Person County Clerk of Superior Court.

A map showing the above-described property is recorded in Plat Cabinet 11, Hanger 91-G, Person County Registry.

UNOFFICIAL DOCUMENT

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

AND THE GRANTOR COVENANTS with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

TITLE TO THE PROPERTY hereinabove-described is subject to the following exceptions:

- 1. Mutual and nonexclusive access easement shown on plat in Plat Cabinet 10, Hanger 84-H, Person County Registry, as well as all other matters of record.
- 2. All obligations of Grantee under above referenced easement from Norfolk Southern Railway Company, which obligations are solely assumed by the Grantee herein, as part and parcel of the consideration for this conveyance.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

Peggy W. Linville (SEAL)  
Peggy W. Linville (unmarried)

NORTH CAROLINA  
PERSON COUNTY

I, Denise Y. Aultman, a Notary Public of the State and County aforesaid, certify that Peggy W. Linville (unmarried) personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 3rd day of October, 2000.

Denise Y. Aultman  
Notary Public

My Commission Expires: 12-18-2001



NORTH CAROLINA  
PERSON COUNTY

The foregoing certificate of Denise Y. Aultman (Person County), a Notary Public of the governmental unit designated, is acknowledged to be correct. Let this instrument and this certificate be registered. Filed for registration on the 3 day of October, 2000, at 12:01:03 o'clock p. m., and duly recorded in the Office of the Register of Deeds of Person County, North Carolina, in Book 311, Page 41.

Amanda W. Garrett  
Register of Deeds  
AMANDA W. GARRETT



**SATTERFIELD FARM ADJACENT PROPERTY OWNERS LIST**

| <b>Lot Ref. #</b> | <b>Tax Map</b> | <b>Owner</b>               | <b>Owner Address</b>                               | <b>County</b><br><b>Zoning</b> |
|-------------------|----------------|----------------------------|--|--------------------------------|
| 1.                | TM A51 178     | Shelia F. Clayton •        | 140 Clayton Hollow Road, Roxboro, NC 27574         | B1                             |
| 2.                | TM A51 198     | JWK Land , LLC •           | 750 Massanutten Street, Harrisonburg, VA 22802     | B1                             |
| 3.                | TM A51 137     | Loflin Properties, LLC •   | 175 NC Highway 49 S., Asheboro, NC 27205           | B1                             |
| 4.                | TM A50 27-Out  | Christy Clayton, et al •   | 739 Flem Clayton Road, Roxboro, NC 27574           | R                              |
| 5.                | TM A50 75      | Person Dominion, Inc. •    | PO Box 26666, Richmond, VA 23261                   | GI                             |
| 6.                | TM A50 18      | Amy Garrett Fogleman •     | 2812 Green Lane, Durham, NC 27712                  | R                              |
| 7.                | TM A62 388     | Varende Davis •            | 5208 Blakeley Lane, Raleigh, NC 27613              | R                              |
| 8.                | TM A62 387     | Varende Davis •            | 5208 Blakeley Lane, Raleigh, NC 27613              | R                              |
| 9.                | TM A62 306     | Richard & Mary Bridgeman • | 960 Lucy Garrett Road, Roxboro, NC 27574           | R                              |
| 10.               | TM A62 17A     | Richard & Mary Bridgeman • | 960 Lucy Garrett Road, Roxboro, NC 27574           | R                              |
| 11.               | TM A62 17      | George W. Cates •          | 1711 Billy Hicks Road, Roxboro, NC 27574           | R                              |
| 12.               | TM A62 131     | Larry Lawson •             | 1221 Lucy Garrett Road, Roxboro, NC 27574          | R                              |
| 13.               | TM A62 327     | Randall Stroupe •          | 1260 Lucy Garrett Road, Roxboro, NC 27574          | R                              |
| 14.               | TM A62 111     | George W. Cates •          | 1711 Billy Hicks Road, Roxboro, NC 27574           | R                              |
| 15.               | TM A51 73      | Carol Rogers Fox •         | 312 W. 22 <sup>nd</sup> Street, New York, NY 10011 | R                              |
| 16.               | TM A51 47      | Royal & Retha Rogers •     | 326 Roy Rogers Road, Roxboro, NC 27574             | B1                             |
| 17.               | TM A51 156     | John & Julia James •       | PO Box 1051, Roxboro, NC 27573                     | B1                             |
| 18.               | TM A51 176     | Ubaldo & Maria Reyes •     | 8741 Durham Road, Timberlake, NC 27583             | B1                             |



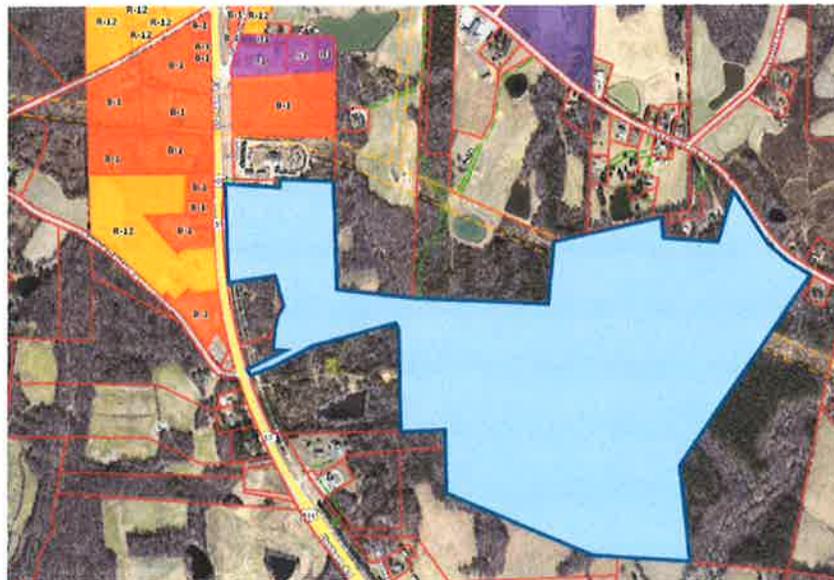
## CITY OF ROXBORO STAFF REPORT

**Prepared by: Lauren Johnson, Planning & Development Director**

|  |   |
|--|---|
| <p><b>Meeting Dates:</b><br/>Planning Board: May 7, 2018</p> <p>City Council: June 12, 2018</p>                                      | <p><b>Request:</b></p> <p><input checked="" type="checkbox"/> Rezoning</p> <p><input type="checkbox"/> Special Use Permit</p>   |
| <p><b>Property Location:</b><br/>501 S, across from Bessie Daniel Rd.</p>  | <p><b>Current Zoning:</b><br/>B-1 (Highway Commercial)</p>  |
| <p><b>Tax Map#: A51 17 &amp; A62 112</b></p>   | <p><b>Proposed Zoning:</b><br/>R-8 (Residential District, Medium Density)</p>   |
| <p><b>Applicant Information:</b><br/>Roxboro Partners, LLC.<br/>504 Meadowland Drive<br/>Hillsborough, NC 27278<br/>919.732.5055</p> | <p><b>Future Land Use Map Classification:</b><br/>As a property that currently exists outside of the city limits of Roxboro, there is no Future Land Use Map Classification. However, the properties located near this vicinity are specified for commercial use.</p> |

**Summary:**

Roxboro Partners, LLC. requests a rezoning for the properties located on 501 S, across from Bessie Daniel Road, from County Zoning Classification B-1 (Highway Commercial) to City Zoning Classification R-8 (Residential, Medium Density). The properties are identified as Person County Tax Map A51, Lot 17 and Tax Map A62, Lot 112. Combined, the properties constitute 202.15 acres.



The surrounding properties are zoned B-1 (Highway Business) and R-12 (Residential).

## **Conformity to the Land Use Plan (LUP):**

### **Goals and Implementation Strategies (LUP, p. 69-75):**

- A Land Use goal defined in the City’s comprehensive Land Use Plan indicates the need to “promote orderly and efficient land use patterns, which allow for a variety of land uses while being sensitive to environmental concerns.” This rezoning opens the door for residential development at the southern perimeter of the City limits where a variety of commercial and residential uses are proximate.
- A Land Use Implementation Strategy calls for providing “a variety of housing types, densities, and price ranges.” With the adoption of the new Unified Development Ordinance in 2017, the ability to classify areas as R-8 Medium Residential Density became available. This rezoning would be the first parcel to assume this zoning classification, if approved, thereby complying with the implementation strategies designated in the LUP for encouraging various types of residential development with the City of Roxboro.
- A Housing goal defined by the City’s comprehensive Land Use Plan directs the City to “identify areas that are prime for development.” This goal is met by this proposed rezoning as it provides opportunity for residential development that can “occur along and near major transportation route (Highway 501) and provide access to major employment centers (RDU) in larger metropolitan areas,” as directed in the Future Land Use Plan.

### **Future Land Use Map Classification: Commercial**

Commercial (LUP, p. 79):

The commercial land use classification includes existing retail, wholesale, and business and professional services. Where such development has an established pattern, other lands that represent a logical extension of commercial use are also included. New commercial development should occur with limited and/or shared access to major thoroughfares.

Again, it is to be noted that these two parcels are currently located outside of the City of Roxboro corporate limits. As such, no Future Land Use Map Classification is assigned to these parcels. A consultation with the County Planning office shows the Future Land Use Plan for this vicinity indicates an Office/Institutional use for this vicinity, which includes limited residential use with appropriate buffers. The current zoning, B-1 Highway Commercial, also allows for some residential use within that zoning district. Furthermore, the parcels are abutted to the West by R-12 (Low Density Residential) and B-1 (Highway Business).

### **Staff Remarks:**

Currently located outside of the City of Roxboro corporate limits, these parcels are the subject of an impending annexation decision with the Roxboro City Council. According to G.S. 160A-360, which deals with the transition of a planning jurisdiction from a county to a city, the county zoning remains in effect until a municipal zoning is applied, or a period of 60 days has elapsed after annexation. While the municipal zoning amendment cannot happen prior to annexation, the governing board may hold hearings and take other measures as may be required in order to adopt its regulations for the area. If no municipal zoning is applied to the properties by the end of the

60 day time period, the properties are considered to be “unzoned,” wherein the rules of the Unified Development Ordinance may not be applied. As such, the Board may offer their recommendation to Council for adoption/rejection of this rezoning request, but no decision may be rendered by the Council until the annexation decision is final. Staff will encourage Council to set an effective date of the rezoning, if approved, to coincide with the effective date of the annexation, also if approved. If the annexation does not pass, the rezoning is null and void.

Council has a public hearing for consideration of this proposed annexation scheduled for tomorrow, May 8<sup>th</sup> 2018. Your recommendation to the Council will be heard at their June meeting.

Given the facts surrounding this rezoning request, it is staff’s opinion that this rezoning is consistent with the Future Land Use Plan, in that it coincides with the intentions of the plan to allow for a variety of housing types, in an orderly and efficient land use pattern, which identifies areas that are prime for development and provide access to major transportation routes. Furthermore, it is the opinion of staff that this rezoning is in the public interest because it will create a large tract of land that is appropriately zoned for medium-density single-family residential units, providing opportunity for growth of the municipality and increased housing options for individuals looking to relocate within the City of Roxboro.

Staff encourages the board to remember that rezoning request reviews should take into consideration all uses allowed within the respective zoning. Furthermore, as a legislative decision, comments provided by the public regarding this matter may be influential in making a determination.

**CITY OF ROXBORO, NORTH CAROLINA**  
**Planning Board**

**May 7, 2018**  
**6:00 p.m.**

**MEMBERS PRESENT:** Tony Cole, Robert Trotter, Margaret Kay, Kenneth Montgomery, and Danny Cultra

**STAFF:** Lauren Johnson, Planning Director

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**MINUTES**

Vice-Chair and Acting Chairman Trotter called the meeting to order at 6:00pm.

**APPROVAL OF MINUTES**

Mr. Danny Cultra made a motion to approve the minutes from the March 5, 2018 meeting. Mr. Kenneth Montgomery seconded. Motion carried.

**REPORTS OF COMMITTEES**

None.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

- A. Rezoning Request – Two Parcels on 501 S near Bessie Daniel Road, Tax Map A51 17 and A62 112– Ms. Johnson began by identifying the parcels in question and notifying the Board that while currently outside of the City of Roxboro corporate limits, the parcels are under consideration for annexation. The hearing to determine if the parcels will be annexed will take place the following day, May 8, 2018 at 7:00pm at the City Council meeting in the Council Chambers. Ms. Johnson continued by explaining to the Board that all parcels annexed into the corporate limits require a rezoning process to change the zoning of the parcels from County zoning to City zoning. This process must be done within sixty (60) days of the effective date of the annexation, or the parcel(s) will be considered to be un-zoned. Ms. Johnson advised the Board that the effective date for this rezoning, if approved, would be set for the same effective date as the

annexation. The effective date requested for the annexation is June 30, 2018. Furthermore, Ms. Johnson advised that if the annexation were not approved, the rezoning request would become null and void.

Ms. Johnson advised that parcels surrounding these properties are zoned B-1 and R-12. She reiterated that the request is for two parcels, which combined will equal approximately 202.15 acres of land.

Proceeding through the presentation of the staff report, Ms. Johnson highlighted the sections of the City's Land Use Plan that apply to the rezoning request, stating the ways in which the request is consistent with said plan.

Ms. Johnson reminded the Board of the pending annexation request hearing, then offered staff's opinion that this request is consistent with the land use plan and is in the public interest for the citizens of the City of Roxboro as it provides an "opportunity for growth of the municipality and increased housing options."

Board member Danny Cultra asked Ms. Johnson to speculate what the Future Land Use Plan might classify this parcel were it located within the City limits and a part of the comprehensive plan. Ms. Johnson stated that it is likely it would have a similar recommended land use as the areas adjacent to it (Commercial). However, Ms. Johnson noted that there is only a portion of the very large tract that fronts on the highway corridor, and that a complete study of the area might include a mixture of proposed uses for this area, including some residential and commercial.

Chairman Trotter declared the public comment period for this request open and asked that anyone present who wished to speak on the matter to please come forward.

Randy Hall, an engineer with Summit Engineering, came forward to speak on behalf of the owners of the properties. He explained that the property owners have plans to develop the parcels for single-family residential, but that the plans for development do not include the portions of the lots which front on 501. He advised that it may be possible for those areas to be subdivided at a later date and potential prepared for some form of commercial development. Mr. Hall advised the current layout of the project, while not formally approved, would include approximately 380 lots. Streets in the proposed subdivision would be public, with lot layouts meeting all R-8 zoning requirements. Open space will be provided as a part of the development, which will include a trail and natural vegetation.

Ms. Kay inquired about the type of housing to be developed.

Mr. Hall indicated these would be "starter homes." Ms. Kay then asked if that would include low-income housing of any sort. Mr. Hall advised that he did not wish to be "quoted on this" but that he believed the average sale price would be in the \$170-\$200K.

Chairman Trotter asked if there were any other members of the audience that wished to speak for or against the matter. There were none.

Ms. Johnson asked the Board to please remember that the rezoning request should and could not be based on the described development proposal Mr. Hall outlined in his address. All rezoning reviews must consider all allowed uses within the requested zone and directed the members to the complete list of approved uses in the R-8 district that were provided in their packets.

Chairman Trotter declared the public comment period closed and asked if there were any additional questions from the board members.

Board Member, Margaret Kay, motioned to recommend approval of the rezoning request as it is consistent with the land use plan and in the public interest as outlined in the staff report presented. Board Member, Tony Cole, seconded the motion. Motion carried.

B. Special Use Permit Request for 50 Providence Road – Ms. Johnson began with an overview of the request from J Reid & Company, Inc. for the Light Manufacturing use at 50 Providence Road. Ms. Johnson outlined the specific use as the assembly of wet mops, brooms, and similar products.

Before moving into the specifics of the application and staff report, Mr. Cultra asked if this review would be Quasi-Judicial. Ms. Johnson advised that while the Council's review of this request is a Quasi-Judicial process, the City of Roxboro UDO specifically stipulates that the Planning Board review does not require a Quasi-Judicial review. However, Ms. Johnson did remind the Board only factual information and evidence shall be considered in the determination of a recommendation for this request.

Ms. Johnson informed the Board of the zoning of the areas surrounding the 50 Providence Road location; B-1 and O/I, with some residential in the vicinity, separated by commercially zoned properties.

As a part of the staff report presentation, Ms. Johnson outlined the procedures for review and approval of a Special Use Permit for the benefit of the Board, as well as members of the audience. Ms. Johnson then continued in her presentation of the facts and information outlined in the application from Mr. Newell, as well as her report compiling researched information and statements from the other relevant City Departments.

At the end of the presentation of her information and report, Ms. Johnson asked if there were any questions. Board Member, Danny Cultra, pointed out that while there were statements submitted by "experts," those experts were not present to be questioned regarding their testimonies and therefore the Board had only the information presented to make their decision. Ms. Johnson advised that was true, but that the Board could deny the request if they felt there was not sufficient evidence to affirm the required findings as outlined by the UDO.

Chairman Trotter asked Ms. Johnson if there was a staff recommendation. Ms. Johnson stated that she did not offer a recommendation as this is a factual review and therefore the Board must make their decision solely based on the facts and evidence presented.

Chairman Trotter then declared the public comment period open for this item on the agenda.

The applicant, David Newell, came forward to speak. Mr. Newell stated he did not have much to add to the information presented by Ms. Johnson, but addressed the sprinkler system within his building. Mr. Newell stated that he had been in contact with the Roxboro Fire Department to discuss the necessary work to meet Fire Code for the property, but that he was reluctant to move forward until he was sure his use/business would be approved. He went on to say that there were some requirements that could allow the construction of a fire wall in certain areas that would satisfy the Code and make the sprinkler system unnecessary. Mr. Newell then asked if the Board had any questions for him.

Board Member, Margaret Kay, asked Mr. Newell if he would be moving his operations to another area that does not require sprinklers. Mr. Newell elaborated that the building is “a bit of a City itself,” with “more square footage than Uptown Roxboro.” He said that he would potentially need some clarification on the historical nature of the building and what Codes are different for historical structures, but that he was under the understanding that if the area does not exceed 12,000 square feet, sprinklers are not necessary though the area would have to be isolated by the fire wall.

Mr. Newell went on to address his perceptions of the availability of water to service a sprinkler system at the facility. He advised that he has had conversations with a sprinkler company once a finding has been made regarding what “his future is going to hold.” He also commented on the economic feasibility of installing a sprinkler system and that he may be forced to demolish instead of develop if that is not sorted out.

Board Member Cole asked if the water tank near the property had anything to do with Mr. Newell’s property. He advised it was a part of the lines years ago.

Chairman Trotter asked what is happening at the property now. Mr. Newell said when he first purchased the property he thought might develop residential and commercial uses in the property and had it rezoned to commercial. Since then, his son has taken over a used car business that is now housed at the site, as well as corporate offices for Newell & Sons, Inc. He distinguished between J Reid & Co., Inc. and Newell & Sons. Mr. Newell then said he primarily had storage for mop yarn at the site.

Mr. Newell said that his “big idea” for this property is to turn the top floor of the building into a greenhouse for growing food.

Chairman Trotter stated “I am really concerned with reference to the Fire Department and the violation of their requirements. If nothing is done with that. I don’t see how we can...I just...this is where I have a real dilemma.”

At this point, a member of the audience (identified as Mr. Newell’s son, but who did not come forward to address the Board) asked if records could be pulled prior

Ms. Kay asked where the brooms were being manufactured. Mr. Newell said Mexico. He stated that they bring in the brooms and repackage them and ship them out. He said that they do this in the main structure, but will be relocating to a smaller area of the building for the purposes of Fire Code compliance and air conditioning costs.

Chairman Trotter asked Ms. Johnson if there was a recommendation to approve, would the conditions have to be applied. Ms. Johnson said the Board can recommend approval of all, some, or none of the conditions as a part of the permit approval. She also said Council then has the discretion to take their recommendation or not.

Mr. Cultra reiterated that Council can "throw out" any recommendation the Planning Board makes.

Chairman Trotter reiterated that approving these conditions would require the violations be fixed, as opposed to simply saying no since the Codes are not met. Mr. Newell said you do not have to approve those condition recommendations, but that they were options.

Chairman Trotter asked if there was anyone willing to make a motion. Board Member Tony Cole made a motion that the Board offer a favorable recommendation to the Council for the Special Use Permit, based on the facts presented in the staff report and this hearing, with the proposed conditions as outlined in the staff report, as it will meet the requirements outlined in the UDO and is consistent with the City's land use plan. Ms. Kay seconded the motion. Motion carried unanimously.

**OLD BUSINESS**

None.

**ADJOURNMENT**

There being no further business the meeting adjourned at 6:54pm.

Submitted by:

  
Lauren W. Johnson,  
Planning & Development Director

**Planning Board Motion Format for Recommended Approval of Request:**

I make a motion that we recommend approval of the rezoning request presented in Docket #RZ2018-02 for the two parcels identified as Tax Map A51 Lot 17 and Tax Map A62 Lot 112, from County Zoning B-1 (Highway Commercial) to City Zoning R-8 (Medium Density Residential), because the application is consistent with the City's Comprehensive Land Use Plan in that it;

- Promotes the orderly and efficient use of land, which allows for a variety of land uses;
- Provides opportunity for a variety of housing types, densities, and price ranges within the City of Roxboro; and
- Provides an opportunity for prime development that can occur along and near a major transportation route, providing access to major employment centers in the region.

Furthermore, this plan is in the public interest of the City of Roxboro as it will appropriately zone a large tract of land that can be developed for single-family residential units, creating growth for the municipality and increased housing options for individuals seeking to relocate within the City of Roxboro.

Motion Made by: Margaret Kay

Seconded by: Tony Cole

Approved: 5 to 0

This report reflects the recommendation of the Planning Board, this the 7<sup>th</sup> day of May, 2018.

Attest:

Robert Trotter  
Robert Trotter, Planning Board Chairman

Lauren W. Johnson  
Lauren W. Johnson, Planning Director

File name:  
20180409\_122320.jpg

Date:  
Monday, April 09, 2018 12:23 PM

File size:  
6.2 MB

Dimensions:  
4032 x 3024

Shot:  
1/4000 sec, f/1.7, 4.2mm

ISO:  
50

Device:  
SM-G935V

Source:  
This PC

Location:  
Roanoke



[Open Map](#)





# Memo

**To:** Mayor Newell, Roxboro City Councilmen  
**From:** Lauren Johnson  
**cc:** City Clerk, Trevie Adams  
**Date:** May 23, 2018  
**Re:** Certification of Written Notice

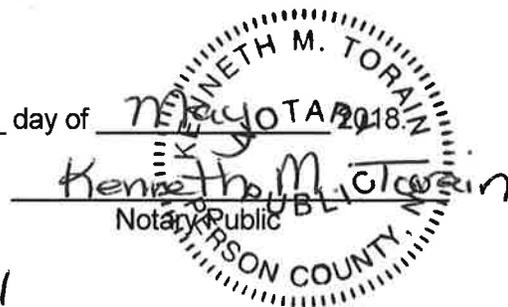
Please be advised letters were mailed First Class to the following property owners notifying same of the pending Rezoning Request, Docket #: RZ2018-02, for the parcels identified as A51 17 and A62 112 on today's date. This list includes all property owners with land adjacent to the parcels within 200 feet, as well as the listed owners of the property under consideration. The applicant was CC'd regarding this matter.

- |                                |                              |
|--------------------------------|------------------------------|
| 1. Loflin Properties, LLC      | 14. Amy Fogelman             |
| 2. Virginia Frederick & Others | 15. Person Dominion, Inc.    |
| 3. Michael Davis, Sr.          | 16. Christy Clayton & Others |
| 4. Sheila Clayton              | 17. James & Mary Stovall     |
| 5. Ubaldo Reyes                | 18. Brooks Family, Ltd.      |
| 6. John & Julia James          | 19. JWK Land, LLC            |
| 7. Royal & Retha Rogers        | 20. Michael Wilkins          |
| 8. Carol Fox                   | 21. Donald Ray Wilkins       |
| 9. George Cates                | 22. Sandra English           |
| 10. Randall Stroupe            | 23. Frank Kirby              |
| 11. Larry Lawson               | 24. Winfrey Wilkins          |
| 12. Richard & Mary Bridgeman   |                              |
| 13. Varandee Davis             |                              |

  
 Lauren W. Johnson, CZO  
 Planning & Development Director

ATTEST:

Witness my hand and notarial seal, this 23 day of May 2018.



My Commission Expires: February 15, 2021



## City of Roxboro

May 23, 2018

Christy Clayton & Others  
739 Flem Clayton Road  
Roxboro, NC 27574

Dear sir or madam,

Please be advised that a site adjacent to your property (see attached) is under consideration for **Rezoning from County Commercial B-1 Zoning to City Residential R-8 Zoning.**

The application for two parcels of land off 501-S, across from the Bessie Daniel Road intersection, identified as Tax Map A51 17 and A62 112 is pending review by the Roxboro City Council. The parcels, recently annexed into the Roxboro city limits require a rezoning process to change the zoning from county to city regulations. The property owners have requested an R-8 Residential Zone, which allows for single-family and multi-family residential use.

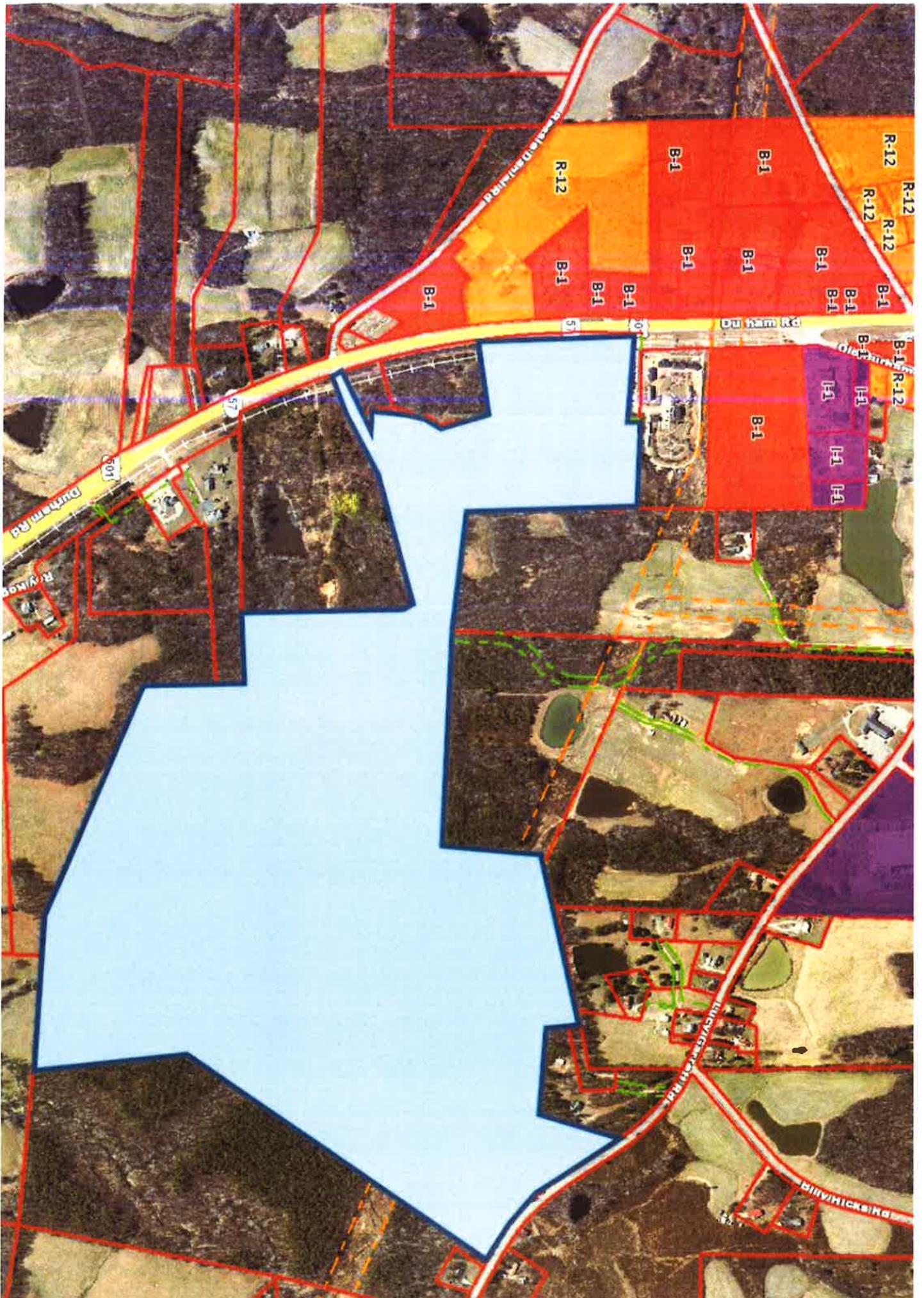
The application will be reviewed by the Roxboro City Council at 7 p.m. on June 12, 2018. This meeting is a Public Hearing and will be held at 105 S. Lamar Street, Roxboro, N.C. 27573 in the Council Chambers. Comments made by the public may be considered by Council when making a decision.

If you have any questions regarding this matter please contact the Roxboro Planning and Development Office at 336.322.6018.

Respectfully,

Lauren W. Johnson, CZO  
Planning & Development Director  
City of Roxboro

Enclosure





## City of Roxboro



May 23, 2018

Michael S. Wilkins  
30 Canterbury Drive  
Roxboro, NC 27573

Dear sir or madam,

This letter is to inform you of the pending Public Hearing for the request for ***Rezoning from County Commercial B-1 Zoning to City Residential R-8 Zoning*** for the property located off 501-S, across from the Bessie Daniel Road intersection, identified as Tax Map A51 17.

The parcel, recently annexed into the Roxboro city limits, requires a rezoning process to change the zoning from county to city regulations. The applicant, Roxboro Partners, LLC, have requested an R-8 Residential Zone, which allows for single-family and multi-family residential use.

The application will be reviewed by the Roxboro City Council at 7 p.m. on June 12, 2018. This meeting is a Public Hearing and will be held at 105 S. Lamar Street, Roxboro, N.C. 27573 in the Council Chambers. Comments made by the public may be considered by Council when making a decision.

If you have any questions regarding this matter please contact the Roxboro Planning and Development Office at 336.322.6018.

Respectfully,

Lauren W. Johnson, CZO  
Planning & Development Director  
City of Roxboro

CC: Roxboro Partners, LLC  
504 Meadowland Drive  
Hillsborough, NC 27278

**Consistency Statement:**

The rezoning request presented in Docket #RZ2018-02 for the two parcels identified as Tax Map A51 Lot 17 and Tax Map A62 Lot 112, from County Zoning B-1 (Highway Commercial) to City Zoning R-8 (Medium Density Residential), consistent with the City's Comprehensive Land Use Plan in that it;

- Promotes the orderly and efficient use of land, which allows for a variety of land uses;
- Provides opportunity for a variety of housing types, densities, and price ranges within the City of Roxboro; and
- Provides an opportunity for prime development that can occur along and near a major transportation route, providing access to major employment centers in the region.

Furthermore, this plan is in the public interest of the City of Roxboro as it will appropriately zone a large tract of land that can be developed for single-family residential units, creating growth for the municipality and increased housing options for individuals seeking to relocate within the City of Roxboro.

Motion To Adopt Made by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved: \_\_\_\_ to \_\_\_\_

Attest:

\_\_\_\_\_  
Merilyn P. Newell, Mayor

\_\_\_\_\_  
Trevie Adams, City Clerk



## City of Roxboro

### An Ordinance Amending the City of Roxboro's Official Zoning Map

The City Council has received and reviewed the application of Roxboro Properties, LLC. to amend the City of Roxboro's Zoning Map as follows:

| <b>Tax Map</b> | <b>Present Zoning</b>       | <b>Proposed Zoning</b>  | <b>Deed BK/PG</b> | <b>Acreage</b> |
|----------------|-----------------------------|-------------------------|-------------------|----------------|
| A51 17         | County Zoning               | R-8 (Medium             | 311/41            | 202.15         |
| A62 112        | B-1 (Highway<br>Commercial) | Density<br>Residential) | 737/817           |                |

WHEREAS, the Roxboro City Council of the City of Roxboro, North Carolina, after due notices, conducted a public hearing on the 12<sup>th</sup> day of June, 2018 concerning the adoption amending the City of Roxboro's Zoning Map pursuant to G.S. 160-364; and

The Roxboro City Council has determined that the proposed action is consistent with the City of Roxboro's Comprehensive Plan; and the City Council's action on the proposed zoning map amendment is reasonable and in the public interest as identified in the adopted consistency statement.

NOW, THEREFORE, BE IT ORDAINED by the City Council that it is in the best interest of the City to approve the amendment.

Duly adopted by the Council of the City of Roxboro this 12<sup>th</sup> day of June, 2018.

\_\_\_\_\_  
Mayor Marilyn P. Newell

ATTEST:

\_\_\_\_\_  
Trevie Adams,  
City Clerk

## 5. Board Appointment - Person County TDA

**CITY OF ROXBORO  
APPLICATION FOR CITIZEN ADVISORY BOARDS**

This application form is designed to protect individual rights and privacy and to insure equal opportunity. All questions are considered important and no other use is intended for the information you submit.

| PERSONAL INFORMATION                           |   |
|--|---|
| Name:  | <u>Kimberly W. Fox</u>  |
| Home Address:                                  | <u>79 Frank Fox Rd.</u>   |
| City, State, Zip:                              | <u>Roxboro NC 27573</u>   |
| Home Phone:                                    | <u>336-599-7108</u>   |
| Work/Day Time Phone:                           | <u>336-599-9281</u>   |
| Do you live within the city limits of Roxboro? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

| BOARD/COMMISSION APPLYING FOR |                                    |
|-------------------------------|------------------------------------|
| Choice #1:                    | <u>Person County Tourism Board</u> |
| Choice #2:                    | _____                              |
| Additional Comments:          | _____                              |

| EMPLOYMENT                |                                     |
|---------------------------|-------------------------------------|
| Current Occupation/Title: | <u>Business Development Officer</u> |
| Employer Name:            | <u>Fidelity Bank</u>                |
| Employer Address:         | <u>1105 West Gordon St.</u>         |
| City, State, Zip:         | <u>Roxboro NC 27573</u>             |
| Supervisor's Name:        | <u>Ed Parrish</u>                   |

| Name of School                              | Education      |                                |
|---|----------------|--------------------------------|
|   | Year Graduated | Degree                         |
| High School: <u>Halifax Co. Senior High</u> | <u>1987</u>    | <u>Diploma</u>                 |
| College: <u>Piedmont Community</u>          | <u>1991</u>    | <u>Business Administration</u> |
| Graduate School:                            | _____          | _____                          |
| Other:                                      | _____          | _____                          |

Please describe community services, include membership on other public boards, experience and interest in serving: City Planning Board, Roxboro Rotary,  
Person Co. Education Foundation

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PERSONAL REFERENCES

Name: Shady Terrell Daytime phone: 336-504-7043  
 Address: 225 Charles Circle Relationship: Friend  
 City, State, Zip: Roxboro NC 27573

Name: C.L. Oakley Daytime phone: 336-599-6105  
 Address: 4575 Burlington Rd. Relationship: Friend  
 City, State, Zip: Roxboro NC 27574

Have you ever been convicted of an offense against the law or forfeited a bond?      Yes  
 No. If "YES" please explain. A criminal record will not necessarily exclude you from employment. Such factors as age at time of offense, rehabilitation efforts, recent and seriousness of the crime will be taken into account. You may omit (1) traffic violations of which you paid a fine of \$30.00 or less, and (2) any offense committed before your 21<sup>st</sup> birthday, which was finally disposed of in a juvenile court or under a Youth Offender Law.

Explain:

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Please return completed application to:

City of Roxboro  
 Office of City Clerk  
 PO Box 128  
 Roxboro, NC 27573

CITY OF ROXBORO  
APPLICATION FOR CITIZEN ADVISORY BOARDS

This application form is designed to protect individual rights and privacy and to insure equal opportunity. All questions are considered important and no other use is intended for the information you submit.

PERSONAL INFORMATION

Name: Hayden Newell

Home Address: 8793 Wild Turkey Rd.

City, State, Zip: Boones Mill, VA 24065

Home Phone: 540-353-8300 Work/Day Time Phone: \_\_\_\_\_

Do you live within the city limits of Roxboro? Yes \_\_\_\_\_ No X

BOARD/COMMISSION APPLYING FOR

Choice #1: Public Citizen (unexpired term) 6-2018-12/18

Choice #2: \_\_\_\_\_

Additional Comments: MAY apply for additional terms if available

EMPLOYMENT

Current Occupation/Title: Attachment A

Employer Name: \_\_\_\_\_

Employer Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_

| <u>Name of School</u>  | <u>Education Year Graduated</u> | <u>Degree</u> |
|------------------------|---------------------------------|---------------|
| High School: _____     | _____                           | _____         |
| College: _____         | _____                           | _____         |
| Graduate School: _____ | _____                           | _____         |
| Other: _____           | _____                           | _____         |

Please describe community services, include membership on other public boards, experience and interest in serving: Attachment A also, I care about Roxboro and have invested in several uptown renovation projects. As such I am interested in projects that support uptown development, employment, parks and tourism. The new millenniums want a safe place to live, work, exercise, and raise a family. These were also the goals of my family and I think the Roxboro area should continue to support those ideals.

PERSONAL REFERENCES

Name: CLAUDIA BERRYHILL Daytime phone: 336-597-1407  
 Address: \_\_\_\_\_ Relationship: BUSINESS ASSOCIATE  
 City, State, Zip: ROXBORO, N.C. 27573  
 Name: JANNA KISNER Daytime phone: 724-833-0945 or 6  
 Address: SEMORA RD. Relationship: PAST TENANT  
 City, State, Zip: ROXBORO, N.C. 27573

Have you ever been convicted of an offense against the law or forfeited a bond?  Yes  No. If "YES" please explain. A criminal record will not necessarily exclude you from employment. Such factors as age at time of offense, rehabilitation efforts, recent and seriousness of the crime will be taken into account. You may omit (1) traffic violations of which you paid a fine of \$30.00 or less, and (2) any offense committed before your 21<sup>st</sup> birthday, which was finally disposed of in a juvenile court or under a Youth Offender Law.

Explain:

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Please return completed application to:

City of Roxboro  
 Office of City Clerk  
 PO Box 128  
 Roxboro, NC 27573

Attachment A

Hayden W. Newell III

8793 Wild Turkey Rd

Boones Mill, Va 24065

540-353-8300, hwtrky@gmail.com

Graduated from Roxboro High School in 1969

BS in Materials Engineering, NCSU in 1972

Manager Innovative Research, Norfolk Southern Corp. (Retired 2012)  
Metallurgist for 40 years at NS, Specializing in Failure Analysis,  
Derailments, Tank Car Explosions, Box Car Fires

Industry Committees Service;

American Association of Railroads

for VT, Wof I, Texas A&M, MIT

Member of AAR Technology Scanning Committee 2007-2012 \$1.5 million budget

Chairman of AAR WABL 2009-2010 ... (Wheels, Axles, Bearings & Lubrication) ALL RR'S IN USA

Chairman of AREA Committee 4 Rail 1991-1994 100+ members

Vice Chairman AREA Committee 5 Track 1985-1988 100+ members  
AMERICAN RAILWAY ENGINEERING ASSOCIATION

Inventor;

US Patent 8,683,842 B1 and US Patent 8,875,556 B2. Railroad Spikes  
And Methods of Making The Same, Awarded 2014

Recipient of 2009 A. L. Holland Volunteer Award from Blg Brothers Big Sisters of SW VA

Board Member for Research Committee of Roanoke Valley Regional Governor's School 2010

Owner of ReNewell Properties LLC, Established 2014

## 6. Copier Lease Agreement

## **Copier Lease Renewal**

The City received proposal for a 5-year copier lease. The current lease expires the end of June, 2018. Proposals were received from 5 companies, Canon Solution's America, Inc, System Business Equipment, Sharp Business Systems, Carolina Office Systems.

All proposals included a monthly rental fee and a per page maintenance charge. Toner and repairs services are included in the maintenance charge. The proposal is for 10 copiers and one large format copier.

Two companies included a base amount of copies in the monthly rental. System Business Equipment provides 18,000 black and white copies and 3,500 color copies before the per page maintenance charge kicks in. Sharp Business Systems monthly rental includes 10,000 black and white copies. However, these companies do have a higher overall per page cost.

To determine the lowest overall cost to the city, the number of copies per month needs to be determined. Based on samples from the past 5 years the city makes between 22,000 and 28,000 copies per month. The number of copies per month is expected to increase as the city will stop printing accounting reports on green bar paper using dot-matrix printers and begin using regular copiers. It is estimated that total monthly copies will increase to 30,000 per month.

Based on 30,000 copies per month, Canon Solutions America submitted the most favorable proposal. They offer the lowest per copy price in both black and white and color copies. Canon currently has the copier lease and the City has received good service from the company.

It is recommended that City Council accepts Canon Solutions America's proposal at \$1,030.00 and \$0.0310 per color and \$0.0040 black & white copy.

2018 Copier Lease Proposals

|                              |                   |           |          |          |          |          | Estimated Cost | Monthly average | Color                                    | B&W    |           |
|------------------------------|-------------------|-----------|----------|----------|----------|----------|----------------|-----------------|--|--------|-----------|
| Company                      | Copier            | Per month | per page |          | Toner    | Repairs  | 70% B&W        | 22,000          | 6,600                                    | 15,400 |           |
|                              |                   |           | Color    | B&W      | included | included | 70% B&W        | 30,000          | 9,000                                    | 21,000 | Projected |
|                              |                   |           |          |          |          |          | 22,000 copies  | 30,000 copies   |  |        |           |
| Canon Solutions America, Inc | Cannon            | \$1,036   | \$0.0310 | \$0.0040 | yes      | yes      | \$1,302.20     | \$1,399.00      |  |        |           |
|                              |                   |           |          |          |          |          |                |                 |  |        |           |
| System Business Equipment    |                   |           |          |          |          |          |                |                 |  |        |           |
| Option 1                     | Ricoh, Konica, HP | \$1,144   | \$0.0420 | \$0.0085 | yes      | yes      | \$1,274.20     | \$1,375.00      | 18,000 B&W & 3,500 Color copies included |        |           |
| Option 2                     | City's choice     | \$875     | \$0.0420 | \$0.0085 | yes      | yes      | \$1,283.10     | \$1,431.50      |  |        |           |
|                              |                   |           |          |          |          |          |                |                 |  |        |           |
| Sharp Business Systems       | Sharp             | \$1,375   | \$0.0500 | \$0.0065 | yes      | yes      | \$1,739.66     | \$1,896.06      | 10,000 B&W copies per month included     |        |           |
|                              |                   |           |          |          |          |          |                |                 |  |        |           |
| Carolina Office Systems      | Xerox             | \$1,777   | \$0.0450 | \$0.0060 | yes      | yes      | \$2,166.28     | \$2,307.88      |  |        |           |

## 7. Bond Order for WWTP

CITY COUNCIL  
OF THE  
CITY OF ROXBORO, NORTH CAROLINA

Excerpt of Minutes  
of Meeting of  
June 12, 2018

Present: \_\_\_\_\_ presiding, and

Councilmembers: \_\_\_\_\_

Absent: \_\_\_\_\_

\* \* \* \* \*

Councilmember \_\_\_\_\_ introduced the following resolution, the title of which was read:

**BOND ORDER OF CITY OF ROXBORO AUTHORIZING THE ISSUANCE OF WATER AND SEWER SYSTEM REVENUE BONDS TO PROVIDE FUNDS FOR THE ACQUISITION, INSTALLATION AND EQUIPPING OF A WASTEWATER TREATMENT SYSTEM; PROVIDING FOR THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR VARIOUS PURPOSES; PROVIDING FOR THE ISSUANCE OF REVENUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF REVENUE BONDS; PROVIDING FOR THE CREATION OF CERTAIN SPECIAL FUNDS; PLEDGING TO THE PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON THE REVENUE BONDS AND NOTES CERTAIN REVENUES OF THE WATER AND SEWER SYSTEM; SETTING FORTH THE RIGHTS AND REMEDIES OF HOLDERS; AND SETTING FORTH THE DETAILS OF CERTAIN RELATED MATTERS**

WHEREAS, the City of Roxboro (the "City"), is authorized by Article 16 of Chapter 160A and Article 5 of Chapter 159 of the North Carolina General Statutes to issue revenue bonds and notes to finance capital improvements to a public enterprise, including its water and sewer system; and

WHEREAS the City has determined that it is necessary to make capital improvements to the water and sewer system within the City, including the acquisition, installation and equipping of a wastewater treatment plant in the City (collectively, the "Project"); and

WHEREAS, the City is considering the issuance of not to exceed \$23,785,000 in the aggregate principal amount of the City's Water and Sewer System Revenue Bonds (the "Initial Bonds") to finance the Project, and, in connection therewith, to issue its Water and Sewer System

Revenue Bond Anticipation Notes (the “Notes”) to be repaid with the proceeds of the Initial Bonds; and

WHEREAS, the Local Government Commission of North Carolina is expected to approve the issuance of revenue bonds (and bond anticipation notes in anticipation of the issuance of such bonds) in an amount not exceeding \$23,785,000 for the purpose of providing funds, together with any other available funds, to pay the costs of the Project and any related financing expenses;

NOW, THEREFORE, BE IT ORDERED by the Governing Body of the City as follows:

## **ARTICLE I GENERAL PROVISIONS AND DEFINITIONS**

**Section 1.01. Contract with Holders.** In consideration of the purchase and acceptance of the Bonds (as herein defined) by those who shall hold the same from time to time, the provisions of this Bond Order shall be deemed to be and shall constitute a contract between the City and the Holders from time to time of the Bonds; and the covenants and agreements herein set forth to be performed by or on behalf of the City shall be for the equal benefit, protection and security of the Holders of any and all of the Bonds so issued or to be issued, without preference, priority or distinction as to lien or otherwise, except as otherwise hereinafter provided, of any one Bond over any other Bond by reason of priority in the issue, sale or negotiation thereof, or otherwise.

**Section 1.02. Definitions.** The following capitalized words and terms as used in this Bond Order shall have the following meanings, unless some other meaning is expressly intended:

“Act” means collectively Article 16 of Chapter 160A of the North Carolina General Statutes, and The State and Local Government Revenue Bond Act, constituting Article 5 of Chapter 159 of the General Statutes of North Carolina, as amended.

“Additional Bonds” means any bonds, notes or other evidences of indebtedness secured by and payable from Net Revenues issued under this Bond Order pursuant to the provisions of Article III.

“Annual Budget” means any budget or amended budget adopted or in effect pursuant to Section 7.07.

“Auditors” means the independent firm of certified public accountants that is employed by the City to audit the City’s books and accounts at the end of each Fiscal Year (which may be part of the audit of the County’s books and records).

“Bond” or “Bonds” means, collectively, the Initial Bonds and any Additional Bonds, and also includes any bond anticipation note or notes authorized and issued pursuant to Section 2.10.

“Bondholder” or “Holder” or any similar term, when used with reference to a Bond or Bonds means any person who shall be the registered owner of any outstanding Bond or Bonds.

“Bond Order” means this Bond Order, together with all orders amendatory hereof and all orders supplemental hereto as herein permitted.

“Bond Registrar” means the person serving in the capacity of the finance officer of the City, regardless of any particular title, or any successor registrar for the Bonds as appointed by the Governing Body.

“Clerk” means the City Clerk or his or her designated assistant.

“Commission” means the Local Government Commission of North Carolina.

“Consulting Engineers” means an independent engineer or engineering firm at the time employed by the City to perform the functions and duties imposed on the Consulting Engineers by this Bond Order.

“Counsel” means an attorney or firm of attorneys selected by the City.

“Debt Service Requirement” means, with respect to Bonds in any Fiscal Year, the sum of (a) the amount required to pay the interest on the Bonds then outstanding which is payable in such Fiscal Year and (b) the amount required to pay the principal of the Bonds then outstanding which is payable in such Fiscal Year; provided, however, that computation of such amount shall exclude any interest which is funded from proceeds of the Bonds; and provided further that the computation of such amount shall be based on the assumption that (i) the Bonds at the time outstanding will be retired according to their stated maturities or mandatory redemption requirements, (ii) any bond anticipation notes issued pursuant to this Bond Order and maturing during such Fiscal Year will be refunded with Additional Bonds such that the principal amount of such bond anticipation notes is not due and payable by the City in such Fiscal Year and (iii) if the Bonds bear interest at a variable rate, the rate is the maximum rate.

“Debt Service Reserve Fund” means the fund created and so designated by Section 5.03.

“Debt Service Reserve Fund Requirement” means an amount equal to the maximum Debt Service Requirement for any Fiscal Year.

“Depository” means any bank or trust company duly authorized under the laws of the United States of America or the State of North Carolina to engage in the banking business within such State and designated by the Governing Body as a depository of moneys under the provisions of this Bond Order.

“City” means the City of Roxboro, North Carolina.

“City Representative” means the City’s Mayor, the Finance Officer of the City, and any other person or persons designated to act on behalf of the City in such capacity by resolution of the Governing Body.

“Finance Officer” means the person serving in the capacity of the finance officer of the City, regardless of any particular title, or the officer succeeding to or exercising his or her principal functions and duties.

“Fiscal Year” means the period of twelve months commencing on July 1 of any year and ending on June 30 of the following year.

“Governing Body” means the City Council of the City, in which the general legislative powers of the City shall now or hereafter be vested.

“Initial Bonds” means the Bonds authorized under Section 2.01.

“Issuer Representative” means any one of the City Mayor, the City Finance Officer and any other person or persons designated to act on behalf of the City in such capacity by resolution of the Governing Body.

“Net Revenues” means the Revenues received by the City during any period less the Operating Expenses paid by the City during such Fiscal Year.

“Operating Expenses” means the City’s reasonable and necessary current expenses of maintaining, repairing and operating the System, including, without limiting the generality of the foregoing, all administrative, general and commercial expenses, insurance and surety bond premiums, payments for the billing and collection of Service Charges, architectural and engineering expenses, fees and expenses of the Bond Registrar and any trustee appointed hereunder, legal expenses, any taxes which may be lawfully imposed on the City or its income or operations or the property under its control, ordinary and current rentals of equipment or other property, usual expenses of maintenance and repair, and any other current expenses required to be paid by the City under the provisions of this Bond Order or by law, all to the extent properly and directly attributable to the System, but not including any reserves for operation, maintenance or repair or any allowance for depreciation, amortization, interest or similar charges.

“Project” means Project as defined in the preamble to this Bond Order.

“Qualified Investments” means any investments of political subdivisions of the State permitted under Section 159-30 of the General Statutes of North Carolina, as amended and as may be amended from time to time, or any successor statute.

“Revenue Fund” means the fund created and so designated by Section 5.03.

“Revenues” means all income received by the City from, in connection with, or as a result of, its ownership or operation of the System, including all moneys received in payment of rates, fees and other charges for the use of and for the services furnished by the System and investment income, but excluding the proceeds of any borrowing for payment of the costs of, or grants or donations intended for, specific System Improvements and also excluding any income received in payment of fees or charges that are intended to be set aside specifically for a particular capital project and that are not available for payment of Operating Expenses or debt service on the Bonds.

“Secretary” means the Secretary of The North Carolina Local Government Commission or any deputy secretary.

“Series Resolution” means the resolution of the Governing Body providing for the issuance of any Bonds and fixing the details thereof.

“Service Charges” means rates, fees and charges, including service, connection and other charges, for the use of, and for the services and facilities furnished or to be furnished by the System, as prescribed or fixed by the Governing Body.

“State” means the State of North Carolina.

“State Treasurer” means the Treasurer of the State of North Carolina or his designated assistant.

“Subordinated Indebtedness” means indebtedness the terms of which shall provide that it shall be subordinate and junior in right of payment to the prior payment in full of the Bonds. For purposes of this Bond Order, obligations or debt instruments issued to the State as part of the State Revolving Loan Program or State Clean Water Bond Program are deemed to be Subordinated Indebtedness. Such Subordinated Indebtedness shall comply with the requirements of Section 11.10 hereof.

“Subordinated Indebtedness Debt Service Requirement” means, with respect to Subordinated Indebtedness in any Fiscal Year, the sum of (a) the amount required to pay the interest on the Subordinate Indebtedness then outstanding which is payable in such Fiscal Year and (b) the amount required to pay the principal of the Subordinated Indebtedness then outstanding which is payable in such Fiscal Year, the computation of such amount to be based on the assumption that (i) the Subordinated Indebtedness at the time outstanding will be retired according to its stated maturity or mandatory redemption requirements and (ii) if the Subordinated Indebtedness bears interest at a variable rate, the rate is the ceiling rate.

“System” means all plants, systems, facilities, equipment or property owned, operated or maintained by the City in connection with collection, treatment, pumping and distribution of water through its water supply and distribution system, and all plants, systems, facilities, equipment or property owned, operated or maintained by the City in connection with the collection, treatment and disposal of wastewater from time to time, together with all future extensions, improvements, enlargements and additions thereto, and all related infrastructure, and includes the Project and any System Improvements.

“System Improvements” means any construction, reconstruction, improvement, enlargement, betterment or extension of the System, including all plants, works, instrumentalities and properties relating thereto.

**Section 1.03. Rules of Construction.** Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, the words “bond”, “owner”, “Holder” and “person” shall include corporations and associations, including public bodies, as well as natural persons. Unless the context shall otherwise indicate, words used herein shall include the plural as well as the singular number. References herein to particular articles or sections are references to articles or sections of this Bond Order unless some other reference is indicated.

## **ARTICLE II**

### **AUTHORIZATION OF PROJECT AND INITIAL BONDS; TERMS, EXECUTION, AUTHENTICATION, DELIVERY AND REGISTRATION OF BONDS**

**Section 2.01. Authorization of Project and Initial Bonds.** The City shall issue, in accordance with and pursuant to the Act and this Bond Order, its water and sewer system revenue bonds in an aggregate principal amount not to exceed \$23,785,000 (the “Initial Bonds”) for the purpose of providing funds, together with any other available funds, to pay the costs of the Project and certain fees and expenses related to the authorization, issuance and sale of the Initial Bonds. The Initial Bonds shall be issued pursuant to the Act, this Bond Order and a Series Resolution authorizing and setting forth the details of the Initial Bonds.

**Section 2.02. Character of Bonds.** The Bonds shall be special revenue obligations of the City payable solely from Net Revenues.

**Section 2.03. Terms of Bonds.** The Bonds are issuable as fully registered bonds without coupons. The Bonds shall be dated, shall bear interest until their payment, such interest to the maturity thereof being payable at such rate or rates and at such time or times, and shall be stated to mature (subject to the right of prior redemption) at such times as set forth in the Series

Resolution providing for the issuance of each series of Bonds. Both principal of and interest on the Bonds shall be paid by wire transfer of immediately available funds or by check mailed to the Holder thereof unless otherwise specified in the applicable Series Resolution for such Bonds. Interest shall be sent to the person shown as the Holder of the Bonds on the registration books on the 15<sup>th</sup> day of the month preceding each interest payment date (whether or not such 15<sup>th</sup> day is a business day). Each Bond shall be payable with respect to principal, redemption premium if any, and interest, in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts. The Bonds shall be redeemable prior to their respective maturities as provided in Article IV and in the Series Resolution providing for the issuance of such Bonds.

**Section 2.04. Execution of Bonds.** Each Bond shall be executed in the name of the City by manual or facsimile signatures of the Mayor and the Clerk (or such other officers of the City as shall be designated by the Governing Body for such purpose) and shall have impressed or printed thereon the official seal of the City or a facsimile thereof; provided, however, that at least one manual signature must appear on each Bond (which may be the signature of the Secretary to the Commission's certificate). Any Bond may be signed, sealed or attested on behalf of the City by any person who, at the date of such act, shall hold the proper office, notwithstanding that at the date of such Bond or the date of delivery thereof such person shall not have held such office. In case any officer who shall have signed or sealed any of the Bonds shall cease to be such officer of the City before the Bonds so signed or sealed shall have been delivered, such Bonds may nevertheless be delivered as herein provided as if the person who so signed or sealed such Bonds had not ceased to be such officer.

**Section 2.05. Registration and Transfer of Bonds.** The City shall cause books for the registration of and for the registration of transfers of the Bonds as provided in this Bond Order to be kept by the Bond Registrar. The transfer of any Bond shall be registered upon the books kept for the registration of and registration of transfers of Bonds upon surrender thereof to the Bond Registrar, together with an assignment duly executed by the Holder or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the City shall execute and the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond of the same series registered in the name of the transferee in an aggregate principal amount equal to the unpaid principal amount of such Bond, having maturities corresponding to the principal installments of such Bond and bearing interest at the same rate.

In all cases in which the Bonds shall be transferred hereunder, the City shall execute, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this Bond Order. The City and the Bond Registrar may make a charge for every such transfer of Bonds sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to such transfer. Neither the City nor the Bond Registrar shall be required to make any such registration of transfer of Bonds during the fifteen (15) days immediately preceding an interest payment date on the Bonds or in the case of any proposed redemption of Bonds, immediately preceding the date of mailing of notice of such redemption, or after such Bond or any portion thereof has been selected for redemption.

Notwithstanding any other provisions of this Bond Order or any Series Resolution to the contrary, the Bond Registrar shall not register the transfer of any Bond to any person other than a bank, insurance company or similar financial institution or to the United States of America, acting by and through Rural Development, an agency of the United States Department of Agriculture (formerly Farmers Home Administration) (“USDA”) unless such transfer has been previously approved by the Commission. The provisions of this paragraph may not be amended without the prior written consent of the Commission.

**Section 2.06. Ownership of Bonds.** As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of and the interest on any such Bond shall be made only to the Holder thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond including the interest thereon to the extent of the sum or sums so paid.

**Section 2.07. Mutilated, Destroyed, Stolen or Lost Bonds.** In case any outstanding Bond shall become mutilated or be destroyed, stolen or lost, the City may prepare and cause to be executed, authenticated and delivered a new Bond of like tenor, number and amount as the Bond so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond and upon surrender of such mutilated Bond or in lieu of and substitution for the Bond destroyed, stolen or lost, upon the owner furnishing to the satisfaction of the Bond Registrar, the City evidence that such Bond has been destroyed, stolen or lost, proof of the ownership thereof, a surety Bond or other indemnification instrument in twice the face amount of the Bond or in such other amount required by applicable law, payment of the cost of preparing and issuing any new Bonds, including the reasonable expenses and charges of the City and the Bond Registrar in connection therewith and evidence of compliance with such other reasonable regulations as the Bond Registrar and Governing Body may prescribe. All Bonds surrendered hereunder shall be surrendered to the Bond Registrar and shall be cancelled. All Bonds issued in accordance with this Section shall be signed by the Mayor and the Clerk (or such other officers of the City as shall be designated by the Governing Body for such purpose) who are in office at the time and shall contain a recital to the effect that they are issued in exchange for or in place of certain Bonds and are to be deemed a part of the same series as such Bonds.

**Section 2.08. Authentication of Initial Bonds.** The Initial Bonds shall be executed substantially in the manner hereinabove set forth and shall be deposited with the Bond Registrar for authentication, but prior to or simultaneously with the authentication by the Bond Registrar and delivery of the Initial Bonds by the State Treasurer there shall be filed with the Bond Registrar and delivered to the initial purchaser of the Initial Bonds the following:

(a) copies, certified by the Clerk to be true and correct copies, of this Bond Order and the Series Resolution authorizing and prescribing the details of the Initial Bonds, including form, maturities and redemption provisions;

(b) a certificate of the City showing the award of the Initial Bonds and specifying the interest rate or rates thereof;

(c) a copy, certified by the Clerk to be a true and correct copy, of the resolution (which may be incorporated in the Series Resolution) of the Governing Body directing the authentication

of the Initial Bonds and the delivery thereof to or upon the order of the purchasers therein named upon payment of the purchase price therein set forth and

(d) an opinion of Counsel to the effect that the issuance of the Initial Bonds has been duly authorized, executed and delivered by the City and such other matters as may be requested by the initial purchaser of the Initial Bonds.

When the documents mentioned in clauses (a) to (d), inclusive, of this Section shall have been filed with the Bond Registrar and when the Initial Bonds shall have been executed and authenticated as required by this Bond Order, the Bond Registrar shall authenticate and deliver the Initial Bonds to or upon the order of the purchasers thereof, but only upon payment to, or upon the order of, the State Treasurer of the purchase price of the Initial Bonds. The Bond Registrar shall be entitled to rely upon the foregoing certificates with respect to the matters contained therein.

The Initial Bonds shall not be valid or obligatory for any purpose unless authenticated by the Bond Registrar.

**Section 2.09. Approval of Issuance and Sale of Initial Bonds.** None of the Initial Bonds shall be issued unless they are approved by a Series Resolution adopted by the City, in accordance with the provisions of the Act.

**Section 2.10. Issuance of Revenue Bond Anticipation Notes.** The City is authorized to issue, in anticipation of the receipt of the net proceeds of any Bonds, Water and Sewer System revenue bond anticipation notes for the purpose of providing funds to pay the cost of the Project or any System Improvements. The payment of the principal of, redemption premium, if any, and interest on such notes shall be secured by a pledge, charge and lien upon the proceeds of any Bonds, if and when issued, and by the pledge of the Net Revenues pursuant to Section 5.01. The Revenues, as received by the City, shall immediately be subject to the lien of the pledge of the Net Revenues without any physical delivery thereof or further act. All covenants, obligations and agreements of the City contained in this Bond Order shall be deemed to be covenants, obligations and agreements of the City with the Holders of any notes hereafter issued.

### **ARTICLE III ADDITIONAL BONDS**

**Section 3.01. Refunding of Outstanding Bonds.** The City may, to the extent permitted by the Act and the provisions of this Section, issue, from time to time, bonds, notes and other evidences of indebtedness secured by and payable from Net Revenues (herein referred to as "Additional Bonds") for the purpose of refunding all or any portion of the Initial Bonds or any Additional Bonds for the purpose of achieving aggregate debt savings; provided, however, that bond anticipation notes issued pursuant to Section 2.10 may be refunded without evidence of aggregate debt savings. Except as to any difference in the maturities thereof or in the rate or rates of interest or the provisions for redemption, such refunding obligations shall be on a parity with and shall be entitled to the same benefit and security of this Bond Order as other Bonds. The Bond Registrar shall not authenticate and deliver any Additional Bonds for this purpose unless theretofore or simultaneously therewith there shall have been filed with the Bond Registrar the following:

(a) a copy, certified by the Clerk to be a true and correct copy, of the Series Resolution authorizing the issuance of the Additional Bonds and prescribing the details thereof;

(b) a certificate of the City showing the award of the Additional Bonds and specifying the interest rate or rates thereof;

(c) a copy, certified by the Clerk to be a true and correct copy, of the resolution (which may be incorporated in the Series Resolution) of the Governing Body directing the authentication of the Additional Bonds and the delivery thereof to or upon the order of the purchasers therein named upon payment of the purchase price therein set forth;

(d) an opinion of Counsel to the effect that the issuance of the Additional Bonds has been duly authorized, executed and delivered, that all conditions precedent to the delivery of the Additional Bonds have been fulfilled and such other matters as may be requested by the initial purchaser of the Additional Bonds; and

(e) such documents as shall be required by the Bond Registrar to evidence that provision has been satisfactorily made for the redemption of the Bonds to be refunded.

When the documents mentioned in clauses (a) to (e), inclusive, of this Section shall have been filed with the Bond Registrar and when the Additional Bonds shall have been executed and authenticated as required by this Bond Order, the Bond Registrar shall deliver the Additional Bonds to or upon the order of the purchasers thereof, but only upon payment to the State Treasurer of the purchase price of the Additional Bonds.

No Additional Bonds shall be valid or obligatory for any purpose unless authenticated by the Bond Registrar.

**Section 3.02. Financing of System Improvements.** The City may, to the extent permitted by the Act and the provisions of this Section, issue Additional Bonds which shall be secured by and payable from the same funds as previously issued Bonds for the purpose of financing System Improvements. Except as to any difference in the maturities thereof or in the rate or rates of interest or the provisions for redemption, such obligations shall be on a parity with and shall be entitled to the same benefit and security of this Bond Order as all other Bonds. The Bond Registrar shall not authenticate and deliver any Additional Bonds for this purpose unless theretofore or simultaneously therewith there shall have been filed with the Bond Registrar, the following:

(a) a copy, certified by the Clerk to be a true and correct copy, of the Series Resolution authorizing the issuance of the Additional Bonds and prescribing the details thereof and providing that the System Improvements to be financed with the proceeds thereof are thereby made a part of the System and that the Revenues of such System Improvements are thereby pledged to the Additional Bonds and as additional security for the outstanding Bonds;

(b) a certificate of the City showing the award of the Additional Bonds and specifying the interest rate or rates thereof;

(c) a copy, certified by the Clerk to be a true and correct copy, of the resolution (which may be incorporated in the Series Resolution) of the Governing Body directing the authentication

of the Additional Bonds and the delivery thereof to or upon the order of the purchasers therein named upon payment of the purchase price therein set forth;

(d) an opinion of Counsel to the effect that the issuance of the Additional Bonds has been duly authorized, executed and delivered, that all conditions precedent to the delivery of the Additional Bonds have been fulfilled and such other matters as may be requested by the initial purchaser of the Additional Bonds;

(e) a certificate, signed by a City Representative stating that (i) all payments required by Section 5.04 to pay debt service and all deposits into the Debt Service Reserve Fund prior to the beginning of the month during which the Additional Bonds are issued have been made and (ii) to his or her knowledge, no event of default shall have occurred and be continuing under this Bond Order;

(f) a certificate, signed by a City Representative, stating that the Net Revenues for each of the two complete Fiscal Years next preceding the issuance of the proposed Additional Bonds were equal to at least 110% of the Debt Service Requirement on all Bonds then outstanding during each such Fiscal Year, 100% of the amount necessary to pay annual debt service obligations on Subordinated Indebtedness, if any, and 100% of the amount necessary to pay annual debt service obligations coming due in that Fiscal Year with respect to the City's general obligation bonds and installment financing obligations, if any, used to finance System Improvements; and

(g) a statement, signed by a City Representative, to the effect that the estimated Net Revenues for each of the first two complete Fiscal Years following the date of issuance of the Additional Bonds will be at least 110% of the Debt Service Requirements on all outstanding Bonds and the proposed Additional Bonds for each such Fiscal Year, 100% of the amount necessary to pay annual debt service obligations on Subordinated Indebtedness, if any, and 100% of the amount necessary to pay annual debt service obligations coming due in that Fiscal Year with respect to the City's general obligation bonds and installment financing obligations, if any, used to finance System Improvements.

When the documents mentioned in clauses (a) to (g), inclusive, of this Section shall have been filed with the Bond Registrar and when the Additional Bonds shall have been executed and authenticated as required by this Bond Order, the Bond Registrar shall deliver the Additional Bonds to or upon the order of the purchasers thereof, but only upon payment of the purchase price of the Additional Bonds.

No Additional Bonds shall be valid or obligatory for any purpose unless authenticated by the Bond Registrar.

**Section 3.03. Approval by Local Government Commission.** Additional Bonds shall not be issued unless they are approved and sold by the Commission and until the Secretary shall have endorsed thereon a certificate evidencing approval in accordance with the Act.

**Section 3.04. Waiver of Additional Bonds Limitations.** The limitations hereinabove set forth with respect to the issuance of Additional Bonds may be waived or modified by the written consent of Holders owning sixty percent (60%) or more of the aggregate principal amount of the outstanding Bonds. No such waiver or modification will be effective without a statement, signed

by a City Representative, to the effect that the estimated Net Revenues for the first two complete Fiscal Years following the date of issuance of the Additional Bonds will be at least 100% of the Debt Service Requirements on all outstanding Bonds and the proposed Additional Bonds for each such Fiscal Year.

#### **ARTICLE IV REDEMPTION OF BONDS BEFORE MATURITY**

**Section 4.01. Terms and Conditions.** The Bonds, and the respective installments of principal corresponding thereto, shall be subject to redemption, both in whole and in part, at such times and prices, as may be provided by the Series Resolution authorizing the issuance of such Bonds.

**Section 4.02. Notice of Redemption.** Whenever the City shall elect to redeem Bonds notice thereof shall be given in the manner provided in the Series Resolution authorizing the issuance of such Bonds.

**Section 4.03. Payment of Redeemed Bonds.** Notice having been given in the manner provided in this Bond Order and the applicable Series Resolution, the Bonds so called for redemption shall become due and payable on the redemption date so designated at the redemption price set forth in such notice. Upon presentation and surrender of the Bonds so called for redemption at the place of payment specified in such notice, together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the Holder or his duly authorized attorney, such Bonds shall be paid at the aforementioned redemption price. In case part but not all of an outstanding bond shall be selected for redemption, the Holder thereof or his attorney or legal representative shall present and surrender such Bond to the Bond Registrar for payment of the applicable redemption price and the City shall execute and the Bond Registrar shall authenticate and deliver to or upon the order of such Holder or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a registered Bond of the same series and maturity, bearing interest at the same rate and of any authorized denomination.

If, on the redemption date, moneys for payment of the redemption price of all the Bonds to be redeemed shall be available therefor at the place of payment specified in the notice of redemption, then from and after the redemption date, the Bonds or the installments of principal thereof so called for redemption shall cease to bear interest. All moneys held for the redemption of particular Bond or for the prepayment of particular installments thereof shall be held in trust for the account of the Holders of the Bonds so to be redeemed or prepaid.

If such moneys shall not be so available on the redemption date, the Bonds called for redemption shall continue to bear interest until paid at the same rate as they would have borne had they not been called for redemption.

**Section 4.04. Cancellation of Redeemed Bonds.** All Bonds redeemed prior to maturity shall be cancelled forthwith in the manner provided by applicable law.

#### **ARTICLE V REVENUES AND FUNDS**

**Section 5.01. Pledge of Net Revenues.** The City hereby pledges the Net Revenues to secure the payment of the principal of, redemption premium, if any, and interest on the Bonds. The Net Revenues, as received by the City, shall immediately be subject to the lien of this pledge without any physical delivery thereof or further act and the lien of this pledge shall have priority over any or all other obligations and liabilities of the City, including any general obligation bonds, or notes issued in anticipation thereof, heretofore or hereafter issued by the City for the purpose of providing water and sewer systems or facilities and the lien of this pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

**Section 5.02. Rate Covenant.** (a) The City covenants to fix, charge and collect rates, fees, rentals and charges for the use of and for services furnished or to be furnished by the System, and that from time to time and as often as it shall appear necessary, it shall revise such rates, fees, rentals and charges as may be necessary or appropriate, in order that for each Fiscal Year the Net Revenues (calculated in accordance with generally accepted accounting principles) will be not less than one hundred and ten percent (110%) of the Debt Service Requirement for such Fiscal Year, one hundred percent (100%) of the Subordinated Indebtedness Debt Service Requirement for such Fiscal Year and one hundred percent (100%) the amount necessary to meet annual debt service obligations coming due in that Fiscal Year with respect to the City's general obligation bonds and installment financing obligations, if any, used to finance System Improvements.

(b) In addition to the covenant set forth in subsection (a) above, the City also covenants to fix, charge and collect rates, fees, rentals and charges for the use of and for the services furnished or to be furnished by the System, and that from time to time and as often as it shall appear necessary, it shall revise such rates, fees, rentals and charges as may be necessary or appropriate, in order that the Revenues will be sufficient in each Fiscal Year (i) to pay Operating Expenses, (ii) to pay the Debt Service Requirements and (iii) to make such other deposits or payments as may be required under the provisions of this Bond Order or any Series Resolution.

(c) The City covenants that all users will pay for services at the rates, fees and charges established by the City from time to time in accordance with the City's customary billing practices and policies.

(d) If the City fails to comply with the covenants set forth in subsections (a) and (b) above, it shall, within thirty (30) days of the receipt by the City of the audit report required by Section 7.08, request a Consulting Engineer to make its recommendations, if any, as to a revision of the City's rates, fees, rentals and charges for the System, its Operating Expenses or the method of operation of the System in order to satisfy the foregoing requirements of this Section. Copies of such request and of the recommendations of the Consulting Engineer, if any, shall be filed by the City with the Commission. Promptly upon its receipt of the recommendations of the Consulting Engineer, the City shall, after giving due consideration to the recommendations, revise its rates, fees, rentals and charges for the System or its Operating Expenses or alter its methods of operation, which revisions or alterations need not comply with the Consulting Engineer's recommendations but which are projected by the City to result in compliance with the covenants set forth in subsections (a) and (b) of this Section. If the City shall comply with all of the recommendations of the Consulting Engineer, failure to comply with the provisions of subsections (a) and (b) above shall not constitute an event of default under the provisions of clause (f) of Section 8.01.

Compliance with all of the recommendations of the Consulting Engineer shall have no effect on any event of default other than an event of default under the provisions of clause (f) of Section 8.01. In the event of any failure to comply with the provisions of subsections (a) and (b) above and the failure of the City to comply with all of the recommendations of the Consulting Engineer, and in addition to the remedies elsewhere provided in this Bond Order, the Holders of not less than 50% in aggregate principal amount of the Bonds then outstanding may institute and prosecute in a court of competent jurisdiction an appropriate action to compel the City to comply with all of the recommendations of the Consulting Engineer in order to satisfy the foregoing requirements of this Section. The City covenants that it will adopt and charge rates, fees, rentals and charges for the System and revise its Operating Expenses or the method of operation of the System in compliance with any final order, decree or judgment entered in any such proceeding or modification thereof.

(e) Notwithstanding any of the foregoing provisions of this Section, contracts and agreements for the use of the System, or any component thereof, in effect on the date of issuance of the Initial Bonds shall not be subject to revision for purposes of compliance with the covenants set forth in subsections (a) and (b) of this Section except in accordance with their terms. The City may enter into new contracts or agreements or amend or rescind existing contracts or agreements for the use of the System on such terms and for such periods of time as the City shall determine to be proper.

(f) The City also covenants to fix and charge rates, fees, rentals and charges for the System which rates, fees, rentals and charges shall be reasonable and non-discriminatory. Nothing contained in this Section shall obligate the City to take any action in violation of any applicable requirements imposed by law.

**Section 5.03. Creation of Funds.** There is hereby created the following designated special funds: (a) “City of Roxboro Water and Sewer System Fund” (which is the existing enterprise fund of the City relating to the System and which shall hereinafter be called the “Revenue Fund”); and the (b) City of Roxboro Water and Sewer System Debt Service Reserve Fund” (hereinafter called the “Debt Service Reserve Fund”). The moneys in each Fund shall be held by the City in trust with a Depositary and applied as hereinafter provided in this Article. The funds in each Fund are hereby pledged to the payment of principal of, premium, if any, and interest on the Bonds. Each Fund shall be maintained as long as any of the Bonds are outstanding.

**Section 5.04. Application of Revenues Received by the City.** (a) All Revenues collected by or on behalf of the City shall be deposited by the City with one or more Depositaries as soon as practicable following the receipt thereof and held in the Revenue Fund. The City shall withdraw and transfer or expend moneys held in the Revenue Fund only for the purposes and in the manner set forth in this Section.

(b) Operating Expenses shall be paid by the City from, and shall be a first charge and lien against, the Revenue Fund. The Operating Expenses shall be paid from amounts held in the Revenue Fund as the same become due and payable in conformity with the applicable budgetary and payment procedures of the City.

(c) At such time or times as are specifically provided for herein or in any Series Resolution, the City shall, after payment of such Operating Expenses then due and payable,

withdraw from the Revenue Fund the amount necessary to make the following payments or deposits in the following manner and order:

(i) At such time or times as provided in any Series Resolution, the City shall pay to such persons an amount sufficient for the payment of the principal of, premium, if any, and interest on the Bonds then due and payable; provided, however, that if there shall not be sufficient Net Revenues to satisfy all such deposits and payments, such deposits and payments shall be made to each Holder ratably according to the amount so required to be deposited or paid;

(ii) At such time or times as provided in any Series Resolution, the City shall transfer to the Debt Service Reserve Fund an amount equal to the debt service reserve fund requirement therefor; provided, however, that if there shall not be sufficient Net Revenues to satisfy all such deposits, such deposits shall be made to each such debt service reserve ratably according to the amount so required to be deposited.

(iii) Provided no event of default exists under this Bond Order, if any general obligation debt incurred to finance or refinance all or any part of the System is outstanding, the City may, in its sole discretion, pay interest on and principal of such general obligation debt as the same becomes due and payable.

(iv) Provided no event of default exists under this Bond Order, if any installment purchase, lease purchase, conditional sale or other similar types of debt or obligations incurred to finance or refinance all or any part of the System are outstanding, the City, in its sole discretion, may pay interest on and principal of such debt, or corresponding installment, lease or other similar type payments, as the same become due and payable.

Notwithstanding anything in this subsection (c) to the contrary, failure by the City to make any deposits required by clauses (iii) and (iv) of this subsection (c) shall not in and of itself be an event of default under this Bond Order.

Provided, however, that if the amount so deposited in any month to the credit of any Fund mentioned in Section 5.04 hereof shall be less than the required amount, the requirement therefor shall nevertheless be cumulative and the amount of any deficiency in any month shall be added to the amount otherwise required to be deposited to the credit of such Fund in each month thereafter until such time as such deficiency shall be made up.

(d) At the end of each month, after making all deposits or payments required by this Section (including setting aside sufficient funds to pay principal and interest due on the Bonds on the next interest payment date), the City may transfer any balance remaining in the Revenue Fund to any other fund or account designated by the City to be used for any lawful purpose, including, without limitation, to any capital project fund or capital revenue fund established for the System, but only if the following conditions are met: (i) no event of default shall exist and be continuing; (ii) in the opinion of the Finance Officer of the City, such transfer will not have a material adverse effect on the City's ability over the next twelve calendar months to pay the Operating Expenses, to make all deposits and payments required by this Section and to meet all other financial obligations imposed by this Bond Order or any Series Resolution; and (iii) the cumulative amount so transferred in any Fiscal Year shall not exceed the total amount budgeted to be transferred from

the Revenue Fund in such Fiscal Year as shown in the Annual Budget for such Fiscal Year, as amended. Any funds transferred from the Revenue Fund in accordance with this subsection (d), other than transfers made to any fund or account for the payment of the principal of, premium, if any, or interest on the Bonds (including the Debt Service Reserve Fund), shall no longer be subject to the pledge, charge and lien upon the Net Revenues created by this Bond Order.

**Section 5.05. Application of Moneys in Debt Service Reserve Fund.** Moneys held for the credit of the Debt Service Reserve Fund shall be used for the purpose of paying interest on the Bonds and maturing principal of Bonds whenever and to the extent that the moneys held in the Revenue Fund to pay debt service on the Bonds shall be insufficient for such purpose, and the City shall transfer funds from the Debt Service Reserve Fund to the Revenue Fund as necessary to make such payments. Any moneys so withdrawn from such Fund shall be restored from available moneys in the Revenue Fund, subject to the same conditions as are prescribed for deposits to the credit of such Fund under the provisions of Section 5.04 hereof. If at any time the moneys held for the credit of the Debt Service Reserve Fund shall exceed the requirement for such Fund under the provisions of clause (b) of Section 5.04 hereof, such excess may be transferred by the credit of the Revenue Fund.

**Section 5.06. Unclaimed Moneys.** All moneys which the City shall have withdrawn from the Revenue Fund or shall have received from any other source and set aside for the purpose of paying the principal of, premium, if any, or interest on the Bonds hereby secured, either at the maturity thereof or upon call for redemption shall be held in trust for the respective Holders of such Bonds. Any moneys which shall be set aside and which shall remain unclaimed by the Holders of such Bonds for the period of five years after the date on which such Bonds shall have become payable shall be treated as abandoned property pursuant to the provisions of G.S. 116B-18, and the City shall report and remit this property to the Escheat Fund according to the requirements of Article 3 of Chapter 116B of the North Carolina General Statutes. Thereafter the Holders of such Bonds shall look only to the Escheat Fund for payment and then only to the extent of the amounts so received without any interest thereon, and the City shall have no responsibility with respect to such moneys.

**Section 5.07. Cancellation.** All Bonds paid, redeemed or purchased either at or before maturity, shall, at the direction of the City, be delivered to the Bond Registrar or to the City when such payment, redemption or purchase is made and such Bonds shall thereupon be cancelled in the manner provided by applicable law. All Bonds cancelled under any of the provisions of this Bond Order shall be destroyed by the Bond Registrar which shall execute a certificate in duplicate describing the Bonds so destroyed, and one executed certificate shall be filed with the City and the second executed certificate shall be retained by the Bond Registrar.

## **ARTICLE VI SECURITY FOR DEPOSITS AND INVESTMENT OF FUNDS**

**Section 6.01. Security for Deposits.** All moneys deposited with the City or any other Depository designated by the Governing Body hereunder in excess of the amount guaranteed by the Federal Deposit Insurance Corporation or other Federal agency shall be continuously secured, for the benefit of the City and the Holders of the Bonds, in such manner as may then be required by applicable state or Federal laws and regulations regarding the security for, or granting a

preference in the case of, the deposit of trust funds, including applicable regulations of the Commission.

**Section 6.02. Investment of Funds.** Moneys held for the credit of any fund or account established under this Bond Order or any Series Resolution, including the Revenue Fund, shall, as nearly as may be practicable, be continuously invested and reinvested in Qualified Investments which shall mature, or which shall be subject to redemption by the holder thereof at the option of such holder, not later than the respective dates when the moneys held for the credit of such fund or account will be required for the purposes intended. Obligations and certificates of deposit purchased as investments of moneys in any such fund or account shall be deemed at all times to be part of such fund or account, and the interest accruing thereon and any profit realized therefrom shall be credited to such fund or account, and any loss resulting therefrom shall be charged to such fund or account. The City shall sell at the best price obtainable or present for redemption any obligations so purchased whenever it shall be necessary so to do in order to provide moneys to meet any payment or transfer from such fund or account. Neither the City nor any City Representative shall be liable or responsible for any loss resulting from any such investment in a Qualified Investment. For the purpose of determining the amount on deposit to the credit of any such fund or account, obligations in which moneys in such fund or account have been invested shall be valued at the fair market value of such investment.

## **ARTICLE VII PARTICULAR COVENANTS**

**Section 7.01. Payment of Bonds and Observance of Covenants.** The City covenants that it will promptly pay the principal of and the interest on every Bond issued under the provisions of this Bond Order at the places, on the dates and in the manner provided herein and in the Bonds and any premium required for the retirement of the Bonds by purchase or redemption, according to the true intent and meaning thereof. Except as in this Bond Order otherwise provided, the principal, interest and premiums shall be secured solely by the Net Revenues, which are hereby pledged to the payment thereof in the manner and to the extent hereinabove particularly specified. Nothing in the Bonds or in this Bond Order shall be construed as pledging the faith and credit of the City to payment of the Bonds or as obligating the City, directly or indirectly or contingently, to levy or to pledge any form of ad valorem tax whatever therefor. The City covenants that it shall faithfully do and perform and at all times fully observe any and all covenants, undertakings, stipulations and provisions contained herein or in the Bonds.

**Section 7.02. Construction of Project and System Improvements.** The City covenants that it will forthwith diligently proceed to complete the Project and any System Improvements in accordance with plans and specifications therefor in conformity with law and all requirements of all governmental authorities having jurisdiction thereover, and that it will complete such construction with all expedition practicable.

The City further covenants and agrees that it will require each person, firm or corporation with whom it may contract for labor or materials in connection with the construction of the Project or any System Improvements to furnish a performance bond as required by law to insure completion and performance of such contract, or, in lieu thereof, to deposit with a Depository marketable securities having a market value equal to the amount of such contract and eligible as

security for the deposit of trust funds under regulations of the Comptroller of the Currency of the United States, and to carry such workmen's compensation or employers' liability insurance as may be required by law and such builders' risk insurance, if any, as may be required by law. The City further covenants and agrees that in the event of any default under any such contract and the failure of the surety to complete the contract, the proceeds of any such performance bond or securities shall forthwith, upon receipt of such proceeds, be applied toward the completion of the contract in connection with which such performance bond or securities shall have been furnished.

**Section 7.03. Operation and Maintenance of System.** The City covenants that it shall at all times operate the System properly and in a sound and economical manner, and shall maintain, preserve and keep the System or cause the System to be so maintained, preserved and kept, with the appurtenances and every part and parcel thereof, in good repair, working order and condition, and shall from time to time make or cause to be made, all necessary and proper repairs, replacements and renewals so that at all times the operation of the System may be properly and advantageously conducted.

**Section 7.04. Rules, Regulations and Other Details.** The City covenants that it shall establish and shall enforce reasonable rules and regulations governing the operation, use and services of the System and all other property and assets owned and operated by the City and that all compensations, salaries, fees and wages paid by the City in connection with the maintenance, repair and operation of the System shall be reasonable. The City shall observe and perform or shall cause to be observed and performed all of the terms and conditions contained in the Act, and shall comply with all valid acts, rules, regulations, orders and directions of any legislative, executive, administrative or judicial body applicable to the System and all other property and assets owned and operated by the City.

**Section 7.05. Payment of Lawful Charges.** The City covenants that, from Revenues, it will pay all taxes and assessments or other municipal or governmental charges lawfully levied or assessed upon or in respect of the System or upon any part and that, from such Revenues, it will pay or cause to be discharged, or will make adequate provision to satisfy and discharge, within sixty days after the same shall accrue, all lawful claims and demands for labor, materials, supplies or other objects which, if unpaid, might by law become a lien upon the System or any part thereof or upon such Revenues; provided, however, that nothing in this Section contained shall require the City to pay or cause to be discharged, or make provision for, any such lien or charge so long as the validity thereof shall be contested in good faith and by appropriate legal proceedings.

**Section 7.06. Insurance and Reconstruction.** The City covenants that it will obtain and maintain insurance, with reasonable terms, conditions, provisions and costs, which the City determines will afford adequate protection against such risks as are customarily insured against in connection with the operation of Water and Sewer systems of the type and size comparable to the System. All such insurance policies shall be carried in an insurance company or companies authorized and qualified under the laws of the State of North Carolina to assume the risks thereof.

The proceeds of all such insurance covering damage to or destruction of the System shall be deposited with the City and shall be available for and shall, to the extent necessary, be applied to the repair, replacement or reconstruction of the damaged or destroyed property, and shall be paid out in the manner determined by the City. If such proceeds shall be insufficient for such purpose, the deficiency may be supplied out of any other available funds of the City in its sole

discretion. The proceeds of all insurance covering loss of Revenues shall be deposited to the credit of the Revenue Fund.

**Section 7.07. Annual Budget.** The City covenants that it shall develop an Annual Budget for each Fiscal Year consistent with the budget preparation schedule set forth in the State's applicable fiscal control statutes. If for any reason the Governing Body shall not have adopted the Annual Budget before the first day of any Fiscal Year, the budget for the preceding Fiscal Year shall, until the adoption of the Annual Budget, be deemed to be in force.

The Governing Body may at any time adopt an amended or supplemental Annual Budget for the remainder of the then current Fiscal Year, but no such amended or supplemental budget shall be effective until it shall be approved in the manner hereinbefore prescribed for the Annual Budget.

The City covenants that the Operating Expenses incurred in any Fiscal Year will not exceed the reasonable and necessary amount thereof, and that it will not expend any amount or incur any obligations for maintenance, repair and operation in excess of the amounts provided for Operating Expenses in the Annual Budget.

**Section 7.08. Records, Books and Audits.** The City covenants that it will keep each of the funds of the System separate from all other funds of the City and that it will keep accurate records and accounts of all items of cost and of all expenditures relating to the System and of the Revenues collected and the application of such Revenues. Such records and accounts shall at all times during normal business hours be open to the inspection of the Commission and the Holders of the Bonds.

The City shall cause its independent certified public accountant to prepare and deliver to the City within 210 days after the close of each Fiscal Year, beginning with the Fiscal Year ending June 30, 2018, an audit of the City's books and accounts. Reports of each such audit shall be filed with the Commission and, upon written request to the Finance Director, to each Bondholder and shall be made available for inspection at the office of the Finance Director. Included in each such audit report shall be a calculation of the rate covenant described in Section 5.02 for such Fiscal Year. Each such audit report shall be accompanied by an opinion of the independent certified public accountant stating that the examination of the financial statements was conducted in accordance with generally accepted auditing standards and stating whether such financial statements present fairly the financial position of the System and the results of its operations and a statement of cash flows for the period covered by such audit report in conformity with generally accepted accounting principles applied on a consistent basis. If for any reason beyond its control, the City is unable to obtain the foregoing opinion as to compliance with generally accepted accounting principles, the City shall be deemed to be in compliance with this Section if it is taking all reasonable and feasible action to obtain such opinion in subsequent Fiscal Years, and if, in lieu of a statement as to compliance and conformity, such opinion states the reasons for such noncompliance or non-conformity.

**Section 7.09. Sale or Encumbrance.** (a) The City covenants that it will not sell, lease or otherwise dispose of or encumber the System or any part thereof except as expressly permitted by this Section or as agreed to by one hundred percent (100%) of the Holders.

(b) The City may, from time to time, sell or otherwise dispose of such property forming part of the System, including machinery, fixtures, apparatus, tools, instruments or other property,

as the Governing Body may determine is obsolete or no longer needed for the proper maintenance and operation of such System. The proceeds from any sale, lease or disposition of the System, in whole or in part, shall be applied to the replacement of the properties so sold or otherwise disposed of or shall be deposited in the Revenue Fund or otherwise used to pay or redeem Bonds.

(c) The City may incur obligations secured by a lien on (a) rolling stock comprising a part of the System without limitation and (b) other property, plant and equipment comprising a part of the System; provided, however, that the principal amount of such obligations outstanding at any one time shall not exceed 20% of the net book value of the property, plant and equipment of the System (not taking into account any outstanding obligations with respect to rolling stock that is a part of the System) as shown on the audited financial statements of the City for the most recent Fiscal Year for which audited financial statements are available.

**Section 7.10. Limitation on Liens.** The City covenants that it will not create or permit to be created any charge or lien on the System or the Net Revenues ranking equally with or prior to the charge or lien on the Net Revenues of the Bonds issued and secured hereunder unless otherwise expressly permitted by this Bond Order or required by applicable law. The City shall discharge or cause to be discharged, or shall make adequate provision to satisfy and discharge, within sixty (60) days after the same become due and payable, all lawful costs, expenses, liabilities and charges relating to the maintenance, repair, replacement or improvement of the properties constituting the System and the operation of the System and lawful claims and demands for labor, materials, supplies or other objects that might by law become a lien upon the System or the Net Revenues if unpaid. Nothing contained in this Section shall require the City to pay or cause to be discharged, or make provision for the payment, satisfaction and discharge of, any lien, charge, cost, liability, claim or demand so long as the validity thereof is contested in good faith and by appropriate legal proceedings. The City may issue Subordinated Indebtedness secured by a charge or lien on the System or Net Revenues that is expressly subordinate to any Bonds issued hereunder.

**Section 7.11. Instruments of Further Assurance.** The City covenants that at any and all times it shall, so far as it may be authorized by law, pass, make, do, execute, acknowledge and deliver all and every such further orders, resolutions, acts, conveyances, transfers and assurances as may be reasonably necessary or desirable for the better assuring, conveying, granting and confirming all and singular the rights, Net Revenues and other funds hereby pledged or intended so to be, or which the City may hereafter become bound to pledge or as may be reasonable and required to carry out the purposes of the Bond Order and comply with the Act. The City further covenants that it shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of the Net Revenues and all the rights of the Holders against all claims and demands of all persons whomsoever.

## **ARTICLE VIII DEFAULTS AND REMEDIES**

**Section 8.01. Events of Default.** Each of the following events is hereby declared an “event of default” hereunder:

(a) payment of the principal of or, premium, if any, on the Bonds shall not be made when the same shall become due and payable, either at maturity or by proceedings for redemption or otherwise; or

(b) payment of any installment of interest on the Bonds shall not be made when the same shall become due and payable; or

(c) final judgment for the payment of money in excess of \$500,000 is rendered against the City as a result of its ownership, control or operation of the System, and any such judgment is not discharged within one hundred twenty (120) days from the entry thereof or an appeal is not taken therefrom or from the order, decree or process upon which or pursuant to which such judgment shall have been granted or entered, in such manner as to stay the execution of or levy under such judgment, order, decree or process or the enforcement thereof;

(d) the City (i) becomes insolvent or the subject of insolvency proceedings; or (ii) is unable, or admits in writing its inability, to pay its debts as they mature; or (iii) makes a general assignment for the benefit of creditors or to an agent authorized to liquidate any substantial amount of its property; or (iv) files a petition or other pleading seeking reorganization, composition, readjustment, or liquidation of assets, or requesting similar relief; or (v) applies to a court for the appointment of a receiver for it or for the whole or any part of the System; or (vi) has a receiver or liquidator appointed for it or for the whole or any part of the System (with or without the consent of the City) and such receiver is not discharged within ninety (90) consecutive days after his appointment; or (vii) becomes the subject of an "order for relief" within the meaning of the United States Bankruptcy Code; or (viii) files an answer to a creditor's petition admitting the material allegations thereof for liquidation, reorganization, readjustment or composition or to effect a plan or other arrangement with creditors or fail to have such petition dismissed within sixty (60) consecutive days after the same is filed against the City;

(e) a court of competent jurisdiction assumes custody or control of the City or of the whole or any substantial part of its property under the provisions of any other law for the relief or aid of debtors, and such custody or control is not terminated within ninety (90) days from the date of assumption of such custody or control; and

(f) the City defaults in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds, this Bond Order or any Series Resolution, and such default continues for thirty (30) days after receipt by the City of a written notice from the Holders of not less than twenty-five percent (25%) of the aggregate principal amount of the Bonds then outstanding specifying such default and requesting that it be corrected; provided, however, that if prior to the expiration of such 30-day period the City institutes action reasonably designed to cure such default, no "event of default" shall be deemed to have occurred upon the expiration of such 30-day period for so long as the City pursues such curative action with reasonable diligence.

**Section 8.02. Bonds Declared Due and Payable.** Upon the happening and continuance of any event of default specified in Section 8.01, then and in every such case, the Holders of a majority in principal amount of the Bonds then outstanding may, by a notice in writing to the City, declare the principal of all of the Bonds then outstanding (if not then due and payable) to be due

and payable immediately, and upon such declaration the same shall become and be immediately due and payable, anything contained in the Bonds or in this Bond Order to the contrary notwithstanding; provided, however, that if at any time after the principal of the Bonds shall have been so declared to be due and payable, and before the entry of final judgment or decree in any suit, action or proceeding instituted on account of such default, or before the completion of the enforcement of any other remedy under this Bond Order, moneys shall become available to pay the principal of all matured Bonds and all arrears of interest, if any, upon all the Bonds then outstanding (except the principal of any Bonds not then due by their terms and the interest accrued on such Bonds since the last interest payment date), and all other amounts then payable by the City hereunder shall have been paid or a sum sufficient to pay the same shall have been deposited with a Depository, and every other default in the observance or performance of any covenant, condition or agreement contained in the Bonds or in this Bond Order (other than a default in the payment of the principal of such Bonds then due only because of a declaration under this Section), shall have been remedied to the satisfaction of the Holders, then and in every such case the Holders may, and upon the written request of the Holders of a majority in principal amount of the Bonds not then due by their terms and then outstanding shall, by written notice to the City, rescind and annul such declaration and its consequences, but no such rescission or annulment shall extend to or affect any subsequent default or impair any right consequent thereon.

If at any time moneys are insufficient to pay the interest on or the principal of the Bonds as the same become due and payable, all moneys held in the Revenue Fund, together with any moneys then available or thereafter becoming available for such purpose, after payment of all Operating Expenses then due and payable, shall be applied as provided in Section 11.02.

**Section 8.03. Additional Remedies.** Upon the happening and continuance of any event of default specified in Section 8.01, then and in every case the Holders may proceed to protect and enforce their rights hereunder and under the laws of the State of North Carolina, including the Act, by such suits, actions or special proceedings in equity or at law, either for the specific performance of any covenant or agreement contained herein or in aid or execution of any power herein granted or for the enforcement of any proper legal or equitable remedy, as the Holders, shall deem most effectual to protect and enforce such rights.

**Section 8.04. No Remedy Exclusive.** No remedy herein conferred upon or reserved to the Holders is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

**Section 8.05. Waiver of Default.** No delay or omission of the Holders of the Bonds to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or an acquiescence therein; and every power and remedy given by this Article to the Holders of the Bonds, respectively, may be exercised from time to time and as often as may be deemed expedient.

The Holders of a majority of the Bonds may waive any default which shall have been remedied before the entry of final judgment or decree in any suit, action or proceeding instituted by it under the provisions of this Bond Order or before the completion of the enforcement of any other remedy under this Bond Order, but no such waiver shall extend to or affect any other existing or any subsequent default or defaults or impair any rights or remedies consequent thereon.

**Section 8.06. Notice of Default.** The City shall mail to the Holder of each Bond then outstanding written notice of the occurrence of any event of default set forth in Section 8.01 as soon as practical, but in no event later than thirty (30) days, after the City shall have notice that any such event of default has occurred.

## **ARTICLE IX THE TRUSTEE**

**Section 9.01. Designation of Trustee.** The City may at any time, appoint a Trustee to administer the provisions of this Bond Order and may adopt such supplements to this Bond Order in accordance with Section 9.01 as shall be necessary or desirable to effectuate such appointment.

Any Trustee appointed shall be capable of exercising trust powers in the State, which must be a bank or trust company with a combined capital (exclusive of borrowed capital) and surplus of at least \$100,000,000, and subject to supervision or examination by federal or state authority, so long as any Bonds are outstanding hereunder. If such bank or trust company publishes a report of condition at least annually pursuant to law or to the requirements of any supervising or examining authority above referred to, then for the purpose of this Section the combined capital and surplus of such bank or trust company shall be deemed to be its combined capital and surplus as set forth in its most recent report of condition so published.

## **ARTICLE X SUPPLEMENTAL ORDERS**

**Section 10.01. Without Consent of Holders.** The Governing Body may amend this Bond Order in any respect without the consent of any Holders of the Bonds prior to the delivery of the Initial Bonds.

The Governing Body may also, from time to time and at any time following delivery of the Initial Bonds, without the consent of any Holders of the Bonds, adopt such orders supplemental hereto as shall not be inconsistent with the terms and provisions hereof (which supplemental orders shall thereafter form a part hereof) as shall be substantially consistent with the terms and provisions of this Bond Order and shall not materially and adversely affect the interest of the Holders:

(a) to cure any ambiguity or formal defect or omission or to correct any inconsistent provisions in this Bond Order or in any supplemental order, or

(b) to grant to or confer upon the Holders any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the Holders, or

(c) to add to the conditions, limitations and restrictions on the issuance of Bonds under the provisions of this Bond Order other conditions, limitations and restrictions thereafter to be observed, or

(d) to add to the covenants and agreements of the City in this Bond Order other covenants and agreements thereafter to be observed by the City or to surrender any right or power herein reserved to or conferred upon the City.

At least thirty (30) days prior to the adoption of any supplemental order for any of the purposes set forth in the clauses (a) through (d) in this Section, the Bond Registrar, at the expense of the City, shall cause a notice of the proposed adoption of such supplemental order to be mailed, postage prepaid, to the Holder of each Bond at the address appearing on the registration books and to the Commission. Such notice shall briefly set forth the nature of the proposed supplemental order and shall state that copies thereof are on file at the principal office of the Bond Registrar for inspection by all Holders. A failure on the part of the Bond Registrar to mail the notice required by this Section shall not affect the validity of such supplemental order.

**Section 10.02. With Consent of Holders.** Subject to the terms and provisions contained in this Section, and not otherwise, the Holders of not less than a majority in aggregate principal amount of the Bonds then outstanding shall have the right, from time to time following delivery of any Bonds, anything contained in this Bond Order to the contrary notwithstanding, to consent to and approve the adoption, of such order or orders supplemental hereto as shall be deemed necessary or desirable by the Governing Body for the purpose of modifying, altering, amending, adding to or rescinding, in particular, any of the terms or provisions contained in this Bond Order or in any supplemental order; provided, however, that nothing herein contained shall permit, or be construed as permitting, (a) an extension of the maturity of the principal of or the interest on any Bond issued hereunder without the consent of the Holder of such Bond, or (b) a reduction in the principal amount of any Bond or the redemption premium or the rate of interest thereon without the consent of the Holder of such Bond, or (c) the creation of a lien upon or a pledge of Revenues or Net Revenues other than the lien and pledge created by this Bond Order without the consent of the Holders of all Bonds outstanding, or (d) a preference or priority of any Bond over any other Bond without the consent of the Holders of all Bonds outstanding or (e) a reduction in the aggregate principal amount of the Bonds required for consent to such supplemental order without the consent of the Holders of all Bonds outstanding.

**Section 10.03. Obtaining Consent of Holders.** If at any time the Governing Body shall determine that it is necessary or desirable to adopt any supplemental order for any of the purposes of Section 10.02, the Bond Registrar, at the expense of the City, shall cause notice of the proposed adoption of such supplemental order to be mailed, postage prepaid, to each Holder of Bonds at the addresses appearing on the registration books. Such notice shall briefly set forth the nature of the proposed supplemental order and shall state that copies thereof are on file at the principal corporate trust office of the Bond Registrar for inspection by all Holders. The Bond Registrar shall not, however, be subject to any liability to any Holder by reason of its failure to cause the notice required by this Section to be mailed and any such failure shall not affect the validity of such supplemental order when consented to and approved as provided in this Section.

Whenever, at any time within one year after the date of the first mailing of such notice, the City shall deliver to the Bond Registrar an instrument or instruments in writing purporting to be executed by the Holders of not less than a majority in aggregate principal amount of the Bonds then outstanding, which instrument or instruments shall refer to the proposed supplemental order described in such notice and shall specifically consent to and approve the adoption thereof in

substantially the form of the copy thereof referred to in such notice, thereupon, but not otherwise, the Governing Body may adopt such supplemental order in substantially such form, without liability or responsibility to any Holder of any Bond, whether or not such Holder shall have consented thereto.

If the Holders of not less than a majority in aggregate principal amount of the Bonds outstanding at the time of the adoption of such supplemental order shall have consented to and approved the adoption thereof as herein provided, no Holder of any Bond shall have any right to object to the adoption of such supplemental order, or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Governing Body from adopting the same or from taking any action pursuant to the provisions thereof.

Upon the adoption of any supplemental order pursuant to the provisions of this Section, this Bond Order shall be and be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations under this Bond Order of the City, the Bond Registrar and all Holders of Bonds then outstanding shall thereafter be determined, exercised and enforced in all respects under the provisions of this Bond Order as so modified and amended.

Bonds owned or held by or for the account of the City shall not be deemed outstanding and shall be excluded for the purpose of any consent or any calculation provided for in this Article.

Bonds delivered after the effective date of any action taken as in this Article provided may bear a notation by endorsement or otherwise in form approved by the City and Bond Registrar as to such action. If the City and Bond Registrar shall so determine, new Bonds modified to conform to any such action shall be prepared, authenticated and delivered to the Holder of any Bond then outstanding without cost to such Holder in exchange for and upon surrender of such outstanding Bonds.

**Section 10.04. Unanimous Consent of Holders.** Notwithstanding anything contained in the foregoing provisions of this Article, the terms and provisions of this Bond Order or any order supplemental hereto and the rights and obligations of the City and of the Holders of the Bonds may be modified or amended in any respect upon the adoption by the Governing Body of an order to that effect, approved by the Bond Registrar, and the filing with the Governing Body of the written consent of the Commission and the Holders of all the Bonds. No notice to Holders shall be required.

**ARTICLE XI  
MISCELLANEOUS PROVISIONS**

**Section 11.01. Discharge of Bond Order.** If, when the Bonds secured hereby shall have become due and payable in accordance with their terms or shall have been duly called for redemption and the whole amount of the principal and the interest and premium, if any, so due and payable upon all of the Bonds then outstanding shall be paid, then and in that case the right, title and interest of the Holders of the Bonds secured hereby in the Net Revenues and funds mentioned in this Bond Order shall thereupon cease, terminate and become void, and the City, in such case, may apply any and all balances remaining in any funds or accounts to any lawful purpose of the City as the Governing Body shall determine; otherwise this Bond Order shall be, continue and remain in full force and effect.

**Section 11.02. Payments When Funds are Insufficient.** Anything in this Bond Order to the contrary notwithstanding, if at any time moneys are insufficient to pay the interest on or the principal of the Bonds as the same become due and payable (either by their terms or by acceleration of maturities), all moneys in the Revenue Fund, together with any moneys then available or thereafter becoming available for such purpose, after payment of all Operating Expenses then due and payable, shall be applied as follows:

(a) Unless the principal of all the Bonds shall have become or shall have been declared due and payable, all such moneys shall be applied

first: to the payment to the persons entitled thereto of all installments of interest then due, in the order of the maturity of the installments of such interest, and if the amount available shall not be sufficient to pay in full any particular installment, then to the payment ratably, according to the amounts due on such installment, to the persons entitled thereto, without any discrimination or preference except as to any difference in the respective rates of interest specified in the Bonds;

second: to the payment to the persons entitled thereto of the unpaid principal of any of the Bonds which shall have become due (other than Bonds called for redemption for the payment of which moneys are held pursuant to the provisions of this Bond Order), in the order of their due dates, with interest on such Bonds from the respective dates upon which they became due, and, if the amount available shall not be sufficient to pay in full Bonds due on any particular date, together with such interest, then to the payment ratably, according to the amount of principal due on such date, to the persons entitled thereto without any discrimination or preference; and

third: to the payment of the interest on and the principal of the Bonds, to the purchase and retirement of Bonds and to the redemption of Bonds, all in accordance with the provisions of Article IV.

(b) If the principal of all the Bonds shall have become due or shall have been declared due and payable, all such moneys shall be applied to the payment of the principal and interest then due and unpaid upon the Bonds without preference or priority of principal over interest or of interest over principal, or of any installment of interest over any other installment of interest, or of any Bond over any other Bond, ratably, according to the amounts due respectively for principal

and interest, to the persons entitled thereto without any discrimination or preference except as to any difference in the respective rates of interest specified in the Bonds.

(c) If the principal of all of the Bonds shall have been declared due and payable and if such declaration shall thereafter have been rescinded and annulled, then the moneys then remaining in and thereafter accruing to the Revenue Fund shall be applied in accordance with the provisions of paragraph (a) of this Section.

**Section 11.03. Effect of City's Undertakings.** All of the covenants, stipulations, obligations and agreements contained in this Bond Order shall be deemed to be covenants, stipulations, obligations and agreements of the City to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations and agreements shall be binding upon the successor or successors thereof from time to time, and upon any officer, Council, commission, authority, agency or instrumentality to whom or to which any power or duty affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law.

The City shall have the right to enter into a contract with any public or private agency for the maintenance, operation and improvement of the System for such periods of time and under such terms and conditions which are not inconsistent with the provisions of this Bond Order as the Governing Body shall determine to be in the best interests of the City and of the Holders of Bonds issued pursuant to the provisions of this Bond Order.

**Section 11.04. Notices.** Any notice, demand, direction, request or other instrument authorized or required by this Bond Order to be given to or filed with the City or the Bond Registrar shall be deemed to have been sufficiently given or filed for all purposes of this Bond Order if and when sent by registered or certified mail, return receipt requested, to the City or the Bond Registrar if addressed to City of Roxboro, North Carolina, Post Office Box 128, Roxboro, North Carolina 27573, Attention: Finance Director, if addressed to the Secretary, Local Government Commission, 3200 Atlantic Avenue, Longleaf Building, Raleigh, North Carolina 27604.

**Section 11.05. Execution of Instruments by Holders and Proof of Ownership of Bonds.** Any request, direction, consent or other instrument in writing required or permitted by this Bond Order to be signed or executed by Holders may be in any number of concurrent instruments of similar tenor and may be signed or executed by such Holders in person or by agent appointed by an instrument in writing. Proof of the execution of any such instrument and of the ownership of Bonds shall be sufficient for any purpose of this Bond Order, and shall be conclusive in favor of the Bond Registrar with regard to any action taken by it under such instrument, if in accordance with the registration books maintained for the bonds.

Any request or consent of the Holder of any Bond shall bind every future Holder of the same Bond in respect of anything done by the Bond Registrar in pursuance of such request or consent.

**Section 11.06. Parties Interested Herein.** Except as herein otherwise expressly provided, nothing in this Bond Order expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the City, the Bond Registrar and the Holders of the Bonds issued under and secured by this Bond Order any right, remedy or claim, legal or equitable,

under or by reason of this Bond Order or any provision hereof, this Bond Order and all its provisions being intended to be and being for the sole and exclusive benefit of the parties hereto and the Holders from time to time of the Bonds issued hereunder.

**Section 11.07. Limited Obligations on Bonds.** Nothing in the Bonds or in this Bond Order shall be construed as pledging either the faith and credit or the taxing power of the City for their payment, or to create any debt against the City except as payable from Net Revenues, or as conveying or mortgaging the System or any part thereof. No Holder of Bonds has the right to compel the exercise of the taxing power of the City or the forfeiture of any of its property, other than Net Revenues, in connection with any default hereunder.

**Section 11.08. No Recourse Against Members, Officers or Employees of the City.** No recourse under, or upon, any statement, obligation, covenant or agreement contained in this Bond Order, or in any Bond or bond anticipation note hereby secured, or in any document or certification whatsoever, or under any judgment obtained against the City, or by the enforcement of any assessment, or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise or under any circumstances, shall be had against any member, officer or employee of the City, either directly or through the City for the payment for or to, the City or any receiver of either of them, or for, or to, any owner or holder of Bonds or bond anticipation notes or otherwise, of any sum that may be due and unpaid upon any such Bond or bond anticipation note. Any and all personal liability of every nature, whether at common law or in equity or by statute or by constitution or otherwise, of any such member, officer or employee to respond by reason of any act or omission on his or her part or otherwise, for the payment for, or to, the City or any receiver of either of them, or for, or to, any owner or holder of Bonds, bond anticipation notes or otherwise, of any sum that may remain due and unpaid upon the Bonds or bond anticipation notes hereby secured or any of them, is hereby expressly waived and released as an express condition of, and in consideration for, the adoption of this Bond Order and the issuance of the Bonds.

**Section 11.09. Severability of Invalid Provisions.** In case any one or more of the provisions of this Bond Order or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Bond Order or of the Bonds, but this Bond Order and the Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein. In case any covenant, stipulation, obligation or agreement contained in the Bonds or in this Bond Order shall for any reason be held to be in violation of law, then such covenant, stipulation, obligation or agreement shall be deemed to be the covenant, stipulation, obligation or agreement of the City to the full extent permitted by law.

**Section 11.10. Issuance of Subordinate Obligations and Expenditures for System Improvements.** Nothing in this Bond Order express or implied shall be construed as preventing the City from financing System Improvements (or acquisition or improvement of assets of the City other than the System) by the issuance of obligations which are not secured under the provisions of this Bond Order or from making expenditures for System Improvements from moneys received by the City solely for such purpose. Any Subordinate Indebtedness shall include a provision prohibiting acceleration thereof while any Bonds are Outstanding hereunder.

**Section 11.11. Applicable Law.** This Bond Order is adopted with the intent that the laws of the State of North Carolina shall govern its construction.

**Section 11.12. Headings, Etc.** Any headings preceding the texts hereof and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Bond Order, nor shall they affect its meaning, construction or effect.

**Section 11.13. Officers' Authority.** The officers and agents of the City are hereby authorized and directed to do all the acts and things required of them by the Bonds and this Bond Order for the full, punctual and complete performance of all of the terms, covenants, provisions and agreements contained in the Bonds and this Bond Order.

**Section 11.14. Inconsistent Matters.** All orders and resolutions and parts thereof, which are in conflict or inconsistent with any provisions of this Bond Order are hereby repealed and declared to be inapplicable to the provisions of this Bond Order.

**Section 11.15. Effective Date.** This Bond Order shall be effective immediately upon its adoption.

Councilmember \_\_\_\_\_ moved the passage of the foregoing resolution and Councilmember \_\_\_\_\_ seconded the motion and the resolution was unanimously passed.

I, Trevie Adams, Clerk for the City of Roxboro, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the City Council for the City at a regular meeting duly called and held on June \_\_, 2018 and that the proceedings of such meeting are recorded in the Minutes of the City. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the City Council for the City is on file in the Clerk's office.

WITNESS my hand and the official seal of the City this \_\_ day of June, 2018.

---

Trevie Adams, City Clerk

[SEAL]

## 8. Uptown Development Incentive District Grant (UDIDG)



**City of Roxboro**  
**Uptown Development Incentive District Grant (UDIDG) Program**  
**Application – Project Submittal Sheet**

**CONTACT INFORMATION**

1. Applicant Name: Halls Agribusiness LLC
2. Applicant Mailing Address: 705 Berryhill Rd, Roxboro, NC 27574
3. Telephone Number: (H) \_\_\_\_\_ (W) 336-322-3157 (C) 336-597-1407
4. Email Address: woodsdaledoc@roxboro.net

**PROPERTY INFORMATION**

5. Property Address: 44 West Gordon St, 31/35 Abbit St, 117/119 SMain St
6. Are you the Property Owner?  YES  NO
7. Are you the Tax Payer?\*  YES  NO  
\*If no, please list name of tax payer and provide contact information.

\_\_\_\_\_  
\_\_\_\_\_

8. Please provide a copy of the following;
- Property Deed
  - Tax Value of Property (before project)
  - Building Permit
  - Proposed Building Plans

**PROJECT DESCRIPTION**

8. Please provide a description of the post construction use of the property:
- Commercial Rental Property
9. Please provide a description of the renovation that will take place (both interior and exterior):
- Build internal store units and entrances to a previous open interior and replace windows and add landscaping to the interior



**City of Roxboro**  
**Uptown Development Incentive District Grant (UDIDG) Program**  
**Section to be completed by Uptown Development Director**

1. Is the property located in the Uptown Development District?  YES  NO
2. Is the post-construction use commercial?  YES  NO
3. Is the applicant the property owner and taxpayer?  YES  NO  
\*If not, has applicant submitted necessary information?  YES  NO
4. Have all required documents been received?  YES  NO
- Copy of deed
  - Copy of property taxes before development
  - Copy of property taxes after development
  - Building permit
  - Application
  - Receipts of property taxes paid – annually

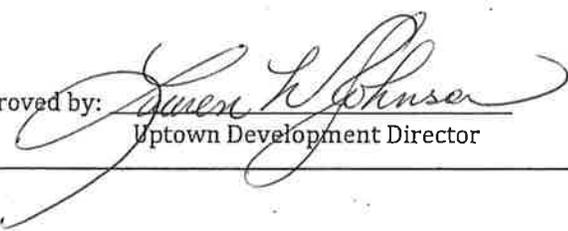
5. Pre-Construction Tax Value: \$696,512

6. Estimated Project Cost:

7. Estimated Post-Project Property Value:

8. Post-Construction Tax Value: \$1,301,071

Approved by:

  
Uptown Development Director

**City of Roxboro**  
**Uptown Development Incentive District Grant**

Hall Agibusiness LLC

|                                      |             |
|--------------------------------------|-------------|
| Tax value of property before project | \$696,512   |
| Tax value of property after project  | \$1,301,071 |
| Property taxes before project        | \$4,596.98  |
| Property taxes paid after project    | \$8,587.07  |
| Increase in property taxes           | \$3,990.09  |

Grant amount

|              |     |            |
|--------------|-----|------------|
| 2017-18 year | 80% | \$3,192.07 |
| 2018-19 year | 60% | \$2,394.05 |
| 2019-20 year | 40% | \$1,596.04 |
| 2020-21 year | 20% | \$798.02   |

## 9. Financial & Tax Report

**City of Roxboro, North Carolina**  
**Financial Statement - Unadjusted**  
**Modified Accrual Basis**  
**For the Ten Months Ended April 30, 2018**

|   | Original<br>Budget | Amended<br>Budget | Actual                 | Annual<br>Variance<br>Favorable<br>(Unfavorable) | Annual<br>83.33%<br>Percent of<br>Budget |
|---|--------------------|-------------------|------------------------|--|--|
| <b>General Fund (10)</b>                                |                    |                   |                        |  |  |
| Ad Valorem Taxes  | \$ 4,725,597       | \$ 4,725,597      | \$ 4,786,206.62        | \$ 60,609.62                                     | 101.28%                                  |
| Local Option Sales Tax                                  | 1,585,466          | 1,595,434         | 1,455,014.45           | (140,419.55)                                     | 91.20%                                   |
| Other Taxes and Licenses                                | 12,000             | 12,000            | 13,909.65              | 1,909.65   | 115.91%                                  |
| Unrestricted Intergovernmental                          | 983,648            | 983,648           | 640,384.74             | (343,263.26)                                     | 65.10%                                   |
| Restricted Intergovernmental                            | 637,276            | 737,276           | 649,347.42             | (87,928.58)                                      | 88.07%                                   |
| Permits and Fees  | 7,000              | 7,000             | 6,146.10               | (853.90)   | 87.80%                                   |
| Sales and Services                                      | 667,120            | 667,120           | 555,702.45             | (111,417.55)                                     | 83.30%                                   |
| Miscellaneous   | 21,000             | 53,500            | 75,654.11              | 22,154.11  | 141.41%                                  |
| Investment Earnings                                     | 2,500              | 2,500             | 11,837.90              | 9,337.90   | 473.52%                                  |
| Interfund Transfers                                     | 1,131,557          | 1,203,472         | 822,130.00             | (381,342.00)                                     | 68.31%                                   |
| Sale of Fixed Assets                                    | 15,000             | 15,000            | 1,525.24               | (13,474.76)                                      | 10.17%                                   |
| <b>Total Revenues</b>                                   | <b>9,788,164</b>   | <b>10,002,547</b> | <b>9,017,858.68</b>    | <b>(984,688.32)</b>                              | <b>90.16%</b>                            |
| <b>Expenditures:</b>                                    |                    |                   |                        |  |  |
| Governing Body - City Council                           | 207,026            | 208,993           | 196,729.38             | 12,263.62  | 94.13%                                   |
| City Hall Administration                                | 566,487            | 646,403           | 594,822.85             | 51,580.15  | 92.02%                                   |
| Finance   | 255,152            | 255,152           | 233,655.09             | 21,496.91  | 91.57%                                   |
| Sales Tax   | 88,100             | 88,100            | 100,827.06             | (12,727.06)                                      | 114.45%                                  |
| Tax Collections   | 64,194             | 64,194            | 66,171.90              | (1,977.90)                                       | 103.08%                                  |
| Buildings & Grounds                                     | 266,923            | 266,923           | 128,752.80             | 138,170.20                                       | 48.24%                                   |
| Safety / Purchasing                                     | 22,625             | 22,625            | 17,247.10              | 5,377.90   | 76.23%                                   |
| Police  | 3,127,834          | 3,181,584         | 2,371,526.06           | 810,057.94                                       | 74.54%                                   |
| Fire  | 2,003,748          | 2,003,748         | 1,585,262.67           | 418,485.33                                       | 79.11%                                   |
| Emergency Communications 911                            | 95,800             | 95,800            | 57,280.18              | 38,519.82  | 59.79%                                   |
| Transportation - Streets                                | 1,986,644          | 1,986,644         | 1,182,368.46           | 804,275.54                                       | 59.52%                                   |
| Environmental Protection                                | 1,079,582          | 1,079,582         | 690,870.50             | 388,711.50                                       | 63.99%                                   |
| Economic Development                                    | 259,281            | 359,281           | 158,020.20             | 201,260.80                                       | 43.98%                                   |
| Cultural & Recreational                                 | 500                | 500               | -                      | 500.00   | 0.00%                                    |
| Debt Service  | 539,120            | 539,120           | 290,239.69             | 248,880.31                                       | 53.84%                                   |
| Interfund Transfers                                     | 75,000             | 75,000            | -                      | 75,000.00  | 0.00%                                    |
| <b>Total Expenditures</b>                               | <b>10,638,016</b>  | <b>10,873,649</b> | <b>7,673,773.94</b>    | <b>3,199,875.06</b>                              | <b>70.57%</b>                            |
| <b>Excess of Revenues Over<br/>(Under) Expenditures</b> | <b>(849,852)</b>   | <b>(871,102)</b>  | <b>1,344,084.74</b>    | <b>2,215,186.74</b>                              |  |
| <b>Other Financing Sources</b>                          |                    |                   |                        |  |  |
| Proceeds of Capital Lease                               | 583,392            | 583,392           | -                      | (583,392.00)                                     | 0.00%                                    |
| Fund Balance Appropriated                               | 266,460            | 287,710           | -                      | (287,710.00)                                     | 0.00%                                    |
| <b>Total Other Financing Sources</b>                    | <b>849,852</b>     | <b>871,102</b>    | <b>-</b>               | <b>(871,102.00)</b>                              | <b>0.00%</b>                             |
| <b>Excess of Revenues Over<br/>(Under) Expenditures</b> | <b>\$ -</b>        | <b>\$ -</b>       | <b>1,344,084.74</b>    | <b>\$ 1,344,084.74</b>                           |  |
| <b>Fund Balance Beginning of Year</b>                   |                    |                   | <b>4,702,534.97</b>    |  |  |
| <b>Fund Balance Current Period</b>                      |                    |                   | <b>\$ 6,046,619.71</b> |  |  |

**City of Roxboro, North Carolina  
Financial Statement - Unadjusted  
Modified Accrual Basis  
For the Ten Months Ended April 30, 2018**

|   |                    |                   | Annual                 |  | 83.33%               |
|---|--------------------|-------------------|------------------------|--|----------------------|
|   | Original<br>Budget | Amended<br>Budget | Actual                 | Variance<br>Favorable<br>(Unfavorable) | Percent of<br>Budget |
| <b>Enterprise Funds</b>                                 |                    |                   |                        |  |                      |
| <b>Revenues:</b>  |                    |                   |                        |  |                      |
| Water & Sewer Fund 60                                   |                    |                   |                        |  |                      |
| Charges for Services                                    | \$ 5,236,752       | \$ 5,236,752      | \$ 4,358,142.59        | \$ (878,609.41)                        | 83.22%               |
| Assessments   | -                  | -                 | -                      | -                                      | #DIV/0!              |
| Tapping Fees  | 20,000             | 20,000            | 34,640.56              | 14,640.56                              | 173.20%              |
| Other Operating Revenues                                | 35,475             | 35,475            | 36,604.92              | 1,129.92                               | 103.19%              |
| Nonoperating Revenues                                   | 500                | 500               | 103.02                 | (396.98)                               | 20.60%               |
| Interfund Transfers-MERP                                | -                  | 24,050            | -                      | -                                      |                      |
| Interfund Transfers                                     | 924,719            | 924,719           | -                      | (924,719.00)                           | 0.00%                |
| Sale of Fixed Assets                                    | 15,000             | 15,000            | 281.00                 | (14,719.00)                            | 1.87%                |
| <b>Total Water &amp; Sewer Fund 60</b>                  | <b>6,232,446</b>   | <b>6,256,496</b>  | <b>4,429,772.09</b>    | <b>(1,802,673.91)</b>                  | <b>70.80%</b>        |
| Triple Tier Fund 61                                     |                    |                   |                        |  |                      |
| Operating Revenues                                      | 6,965              | 6,965             | 6,929.78               | (35.22)                                | 99.49%               |
| Nonoperating Revenues                                   | 100                | 100               | 50.49                  | (49.51)                                | 50.49%               |
| Rural Center Engineering Grant                          | -                  | -                 | -                      | -                                      | #DIV/0!              |
| Capital Reserve Fund 69                                 |                    |                   |                        |  |                      |
| Operating Revenues                                      | 704,247            | 704,247           | 630,045.20             | (74,201.80)                            | 89.46%               |
| Nonoperating Revenues                                   | 1,500              | 1,500             | 2,026.39               | 526.39                                 | 135.09%              |
| Interfund Transfers                                     | -                  | -                 | -                      | -                                      | #DIV/0!              |
| <b>Total Revenues</b>                                   | <b>6,945,258</b>   | <b>6,969,308</b>  | <b>5,068,823.95</b>    | <b>(1,876,434.05)</b>                  | <b>72.73%</b>        |
| <b>Expenditures:</b>                                    |                    |                   |                        |  |                      |
| Public Utilities: Administration                        | -                  | -                 | -                      | -                                      | #VALUE!              |
| Sales Tax   | -                  | -                 | -                      | -                                      | #DIV/0!              |
| Billing & Collection                                    | 171,938            | 176,138           | 111,431.44             | 64,706.56                              | 63.26%               |
| Meter Section   | 281,863            | 281,863           | 251,650.04             | 30,212.96                              | 89.28%               |
| Raw Water Supply  | 58,294             | 58,294            | 50,366.34              | 7,927.66                               | 86.40%               |
| Water Plant   | 1,400,199          | 1,405,689         | 1,102,291.50           | 303,397.50                             | 78.42%               |
| Water Maint and Construction                            | 647,114            | 650,914           | 459,751.51             | 191,162.49                             | 70.63%               |
| Wastewater Plant II                                     | 127,955            | 127,955           | 99,939.46              | 28,015.54                              | 78.11%               |
| Wastewater Plant  | 1,194,179          | 1,196,514         | 987,515.55             | 208,998.45                             | 82.53%               |
| Pump Stations   | 417,978            | 417,978           | 288,977.93             | 129,000.07                             | 69.14%               |
| Wastewater Maint & Construction                         | 436,882            | 445,107           | 331,197.47             | 113,909.53                             | 74.41%               |
| Debt Service  | 479,487            | 479,487           | 470,824.08             | 8,662.92                               | 98.19%               |
| Interfund Transfers-MERP                                | -                  | -                 | -                      | -                                      |                      |
| Interfund Transfers                                     | 1,016,557          | 1,016,557         | 822,130.00             | 194,427.00                             | 80.87%               |
| <b>Total Water &amp; Sewer Fund 60</b>                  | <b>6,232,446</b>   | <b>6,256,496</b>  | <b>4,976,075.32</b>    | <b>1,280,420.68</b>                    | <b>79.53%</b>        |
| Triple Tier Fund 61                                     | 7,065              | 7,065             | -                      | 7,065.00                               | 0.00%                |
| Capital Reserve Fund 69                                 | 705,747            | 705,747           | -                      | 705,747.00                             | 0.00%                |
| <b>Total Expenditures</b>                               | <b>6,945,258</b>   | <b>6,969,308</b>  | <b>4,976,075.32</b>    | <b>1,993,232.68</b>                    | <b>71.40%</b>        |
| <b>Excess of Revenues Over<br/>(Under) Expenditures</b> | <b>-</b>           | <b>-</b>          | <b>92,748.63</b>       | <b>116,798.63</b>                      |                      |
| <b>Other Financing Sources</b>                          |                    |                   |                        |  |                      |
| Proceeds of Capital Lease                               | -                  | -                 | -                      | -                                      | #DIV/0!              |
| Interfund Transfers 61 TT                               | -                  | -                 | -                      | -                                      | #DIV/0!              |
| Fund Balance Appropriated 60 WS                         | -                  | -                 | -                      | -                                      | #DIV/0!              |
| Fund Balance Appropriated 61 TT                         | -                  | -                 | -                      | -                                      | #DIV/0!              |
| Fund Balance Appropriated 69 CR                         | -                  | -                 | -                      | -                                      | #DIV/0!              |
| <b>Total Other Financing Sources</b>                    | <b>-</b>           | <b>-</b>          | <b>-</b>               | <b>-</b>                               | <b>#DIV/0!</b>       |
| <b>Excess of Revenues Over<br/>(Under) Expenditures</b> | <b>\$ -</b>        | <b>\$ -</b>       | <b>92,748.63</b>       | <b>\$ 116,798.63</b>                   |                      |
| <b>Fund Balance Beginning of Year</b>                   |                    |                   | <b>2,262,190.12</b>    |  |                      |
| <b>Fund Balance Current Period</b>                      |                    |                   | <b>\$ 2,354,938.75</b> |  |                      |

**City of Roxboro, North Carolina  
 Financial Statement - Unadjusted  
 Modified Accrual Basis  
 For the Ten Months Ended April 30, 2018**

|   | <b>Original<br/>Budget</b> | <b>Amended<br/>Budget</b> | <b>Actual</b>          | <b>Variance<br/>Favorable<br/>(Unfavorable)</b> | <b>Annual<br/>83.33%<br/>Percent of<br/>Budget</b> |
|---|----------------------------|---------------------------|------------------------|---|--|
| <b><u>Central Depository</u></b>            |                            |                           |                        |   |  |
| Cash  |                            | 11100000                  | 2,201,292.48           |   |  |
| BB&T MMA                                    |                            | 11100001                  | 128,238.52             |   |  |
| NCCMT                                       |                            | 11100002                  | 2,383,429.16           |   |  |
| Flexible Spending Account AFLAC             |                            | 11100003                  | 44,914.55              |   |  |
| Roxboro Savings Bank                        |                            | 11100004                  | 519,046.62             |   |  |
| Gateway Bank MMA Finistar<br>CD's           |                            | 11100005<br>11130000      | -<br>-                 |   |  |
| <b>Total Cash and Investments</b>           |                            |                           | <b>\$ 5,276,921.33</b> |   | <b>\$5,276,921.33</b>                              |
| <b><u>Breakdown by Fund:</u></b>            |                            |                           |                        |   |  |
| General                                     |                            | 10                        | \$ 5,536,311.91        |   |  |
| CDBG-Revolving Loan Fund                    |                            | 13                        | 84,972.26              |   |  |
| Old Durham Road Project Fund                |                            | 20                        | (630.48)               |   |  |
| Vehicle Special Revenue                     |                            | 26                        | 4,180.74               |   |  |
| Ridge Road Capital Project                  |                            | 30                        | (589,384.44)           |   |  |
| Stormwater Capital Fund                     |                            | 50                        | 142,533.31             |   |  |
| Enterprise                                  |                            | 60                        | (458,063.45)           |   |  |
| Triple Tier Water                           |                            | 61                        | 23,041.01              |   |  |
| Capital Reserve                             |                            | 69                        | 1,037,879.98           |   |  |
| Wastewater Plant Capital Project            |                            | 71                        | (828,966.78)           |   |  |
| Annexation Area Capital Project             |                            | 73                        | 198,770.91             |   |  |
| Christmas Club / Flex Fund                  |                            | 75                        | 51,503.12              |   |  |
| LEO Pension Trust Fund                      |                            | 79                        | 74,773.24              |   |  |
| Reserve for Interest Earned                 |                            |                           | -                      |   |  |
| <b>Total of Fund's Cash and Investments</b> |                            |                           | <b>\$ 5,276,921.33</b> |   | <b>\$5,276,921.33</b>                              |

**City of Roxboro, North Carolina**  
**Fund Balance**  
**General Fund**  
**As of April 30, 2018**

|  | <b>General Fund</b>                    |   |  |   |
|--|--|---|--|---|
|  | <b>30-Apr-18<br/>Fund<br/>Balances</b> | <b>Percentage<br/>of Total<br/>Fund<br/>Balance</b> | <b>Percentage<br/>of Fiscal<br/>Year 2018<br/>Budget</b> | <b>Percentage<br/>of Prior<br/>Year Actual<br/>Expenditures</b> |
| <b>Fund Balances</b>                           |  |   |  |   |
| <b>Reserved</b>                                |  |   |  |   |
| Reserved for inventories                       | \$ 45,118                              | 0.75%   | 0.41%  | 0.44%   |
| Reserved by state statute                      | 653,781                                | 10.81%  | 6.01%  | 6.33%   |
| Reserved for streets - Powell Bill             | 287,458                                | 4.75%   | 2.64%  | 2.78%   |
| Reserved for cemetery                          | 30,269                                 | 0.50%   | 0.28%  | 0.29%   |
| Reserved for drug enforcement                  | -                                      | 0.00%   | 0.00%  | 0.00%   |
| Reserved for public safety                     | <u>134,988</u>                         | <u>2.23%</u>  | <u>1.24%</u>   | <u>1.31%</u>  |
| Total fund balance reserved                    | <u>1,151,614</u>                       | <u>19.05%</u>                                       | <u>10.59%</u>  | <u>11.14%</u>   |
| <b>Unreserved</b>                              |  |   |  |   |
| Designated by Council                          | -                                      | 0.00%   | 0.00%  | 0.00%   |
| Designated for subsequent year's expenditures  | -                                      | 0.00%   | 0.00%  | 0.00%   |
| Undesignated                                   | <u>4,895,006</u>                       | <u>80.95%</u>                                       | <u>45.02%</u>  | <u>47.37%</u>   |
| Total fund balance unreserved                  | <u>4,895,006</u>                       | <u>80.95%</u>                                       | <u>45.02%</u>  | <u>47.37%</u>   |
| Total equity and other credits                 | <u>\$ 6,046,620</u>                    | <u>100.00%</u>                                      | <u>55.61%</u>  | <u>58.52%</u>   |
| Budget Ordinance for June 30, 2018, as Amended |  |   | \$ 10,873,649  |   |
| Prior Year Expenditures                        |  |   |  | \$ 10,333,189   |

**City of Roxboro, North Carolina**  
**Fund Balance**  
**Enterprise Fund**  
**As of April 30, 2018**

|  | <b>Enterprise Fund</b>                 |   |  |   |
|--|--|---|--|---|
|  | <b>30-Apr-18<br/>Fund<br/>Balances</b> | <b>Percentage<br/>of Total<br/>Fund<br/>Balance</b> | <b>Percentage<br/>of Fiscal<br/>Year 2018<br/>Budget</b> | <b>Percentage<br/>of Prior<br/>Year Actual<br/>Expenditures</b> |
| <b>Fund Balances</b>                           |  |   |  |   |
| Reserved                                       |  |   |  |   |
| Reserved for encumbrances                      | \$ 14,267                              | 0.61%   | 0.27%  | 0.28%   |
| Reserved by state statute                      | 422,861                                | 17.96%  | 8.07%  | 8.26%   |
| Reserved for capital outlay (C89 + C91)        | <u>1,784,478</u>                       | <u>75.78%</u>                                       | <u>34.06%</u>  | <u>34.85%</u>   |
| Total fund balance reserved                    | 2,221,606                              | 94.34%  | 42.40%   | 43.39%  |
| Unreserved                                     |  |   |  |   |
| Designated for subsequent year's expenditures  | -                                      | 0.00%   | 0.00%  | 0.00%   |
| Undesignated                                   | <u>133,333</u>                         | <u>5.66%</u>  | <u>2.54%</u>   | <u>2.60%</u>  |
| Total fund balance unreserved                  | <u>133,333</u>                         | <u>5.66%</u>  | <u>2.54%</u>   | <u>2.60%</u>  |
| Total equity and other credits                 | <u>\$ 2,354,939</u>                    | <u>100.00%</u>                                      | <u>44.94%</u>  | <u>45.99%</u>   |
| Budget Ordinance for June 30, 2018, as Amended |  |   | \$ 5,239,939   |   |
| Prior Year Expenditures                        |  |   | \$ 5,120,360   |   |

**City of Roxboro  
Tax Collection Report  
For the Month Ended  
31-May-18**

|   | 2017 Tax Levy       | 2016 Tax Levy       | 2015 Tax Levy       |
|---|---------------------|---------------------|---------------------|
| <b>Original Levy</b>                    | \$ 4,350,663.68     | \$ 4,342,813.89     | \$ 4,197,916.89     |
| <b>Motor Vehicles Added to Levy</b>     | 0.00                | 0.00                | 0.00                |
| <b>Motor Vehicles Added to Levy-DMV</b> | 448,304.97          | 493,114.72          | 340,607.97          |
| <b>Public Utilities</b>                 | -                   | -                   | -                   |
| <b>Adjusted Original Levy</b>           | <u>4,798,968.65</u> | <u>4,835,928.61</u> | <u>4,538,524.86</u> |
| <b>+Discoveries</b>                     | <u>105,836.64</u>   | <u>123,960.93</u>   | <u>439,665.94</u>   |
| <b>Levy</b>                             | 4,904,805.29        | 4,959,889.54        | 4,978,190.80        |
| <b>-Releases</b>                        | <u>10,994.71</u>    | <u>5,990.49</u>     | <u>24,535.72</u>    |
| <b>Current Levy</b>                     | <u>4,893,810.58</u> | <u>4,953,899.05</u> | <u>4,953,655.08</u> |
| <b>Collection year-to-date</b>          | \$ 4,795,632.92     | \$ 4,918,950.78     | \$ 4,935,524.40     |
| <b>Uncollected</b>                      | \$ 98,177.66        | \$ 34,948.27        | \$ 18,130.68        |
| <b>Collection % of Current Levy</b>     | 97.99%              | 99.29%              | 99.63%              |
| <b>Property Tax Rate Per \$100</b>      | \$ 0.670            | \$ 0.670            | \$ 0.660            |

## 10. Assistant City Manager's Report

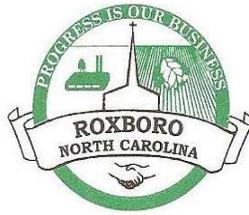
## **Assistant City Manager's Report**

**Old Durham Road** – The paving is finished on Old Durham Road. The biggest problem on Old Durham Road is ground water. The contractor addressed it the best he could within the scope of the project. French drains were installed in a couple of areas. Hopefully, the repairs should last for a decade. The contractor still has to fix the driveways, stripe the road, and build up the edges on the shoulders.

**Depot Street Parking Lot** – Repairs on Depot Street Parking Lot are continuing. Satterfield Street has been rebuilt using concrete. Concrete needs to cure for at least 7 days before allowing traffic on it. The contractor is scheduled to begin work in the parking lot next week. Again, after the concrete is poured, the newly repaired area will need to remain closed for at least a week. Satterfield Street will be open while the other work in the parking is underway.

**Southside Pump Station** – Last week, while inspecting the pump station, the pump station mechanic discovered that the concrete base for the submersible pump was broken. The station has two pumps and further investigation showed that both pump bases were broken. Currently, the station is being operated by the standby portable pump. It is estimated that it will cost approximately \$20,000 to repair the bases and replace the pump guides.

## 11. Manager's Report



## City of Roxboro

### MEMORANDUM

TO: Mayor Newell and City Council  
FROM: Brooks Lockhart  
SUBJECT: Manager's Report  
DATE: June 12th, 2018

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- Please take note of several upcoming dates.
  - LGC Board Meeting-June 12th in Raleigh
  - Merchants Meeting, 6pm on June 14<sup>th</sup> at Piedmont Community College Room S-100
  - Rox N' Roll-June 15<sup>th</sup>, Uptown Roxboro
  - 3rd Thursday – June 21st, 5pm to 8pm – throughout Person County with participating businesses
  - Budget Adoption and Amendments Meeting, TBD in June
  - July 4th Parade – July 4th at 10am, fireworks that evening about 8:30pm
  - City Council Meeting, 7pm on July 10th at City Hall
  - Manager Vacation, August 15<sup>th</sup>-19<sup>th</sup>
  - Personality Festival – August 24 & 25
  - Council Work Session, July or August TBD
- Staff is preparing for software training for the new fiscal management software. The conversion process has continued to create additional work load for the finance and human resources staff. Due to unforeseen circumstances, modifications to the schedule have been required. Utility Billing will be the last conversation as it contains the most data points and will immediately impact our customers. Utility Billing will see improvements to our pay portal and significant enhancements to our workflow processes. We still anticipate full implementation in August.
- Finance, Planning, and Administrative Staff have been working with our legal counsel on ordinance reviews for our **City Code Title XI: Business Regulations**. As noted last month, the goal of this review is to update our ordinances to comply with new state laws (removal of privilege licenses, ride-share laws, sweepstakes, peddling, and etc.) and create consistency in our City Code with our UDO. Staff has heard from a local business about the desire to implement the brunch bill (brunch hours for alcohol sales on Sunday); a revision to allow this would be in this section of code. Staff would like to schedule a Council Work Session in July or August to provide for council discussion prior to scheduling a public hearing for consideration of their adoption.
- City Staff submitted an application to the LGC this week for consideration on their July Agenda. Council will be approving documents this evening that will continue to move this process forward. With an approval from the LGC in July, funding will be secured and Council will be able to give the contractor a notice to proceed at the July Council Meeting. At this time, staff does not anticipate needing an additional meeting for the approval of documents.