



# 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, February 12, 2019.

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 \_\_\_\_\_** upon being put to a vote, was carried unanimously.

- Minutes of January 7, 2019 *(Regular Meeting)*
- Fire/EMS Monthly Report *(January 2019)*
- Police Dept. Monthly Report *(January 2019)*
- Public Services Monthly Report *(January 2019)*
- Fuel Expenditures Monthly Report *(January 2019)*
- Planning/RDG Monthly Report *(January 2019)*
- 2019 Beer and Wine List

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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  
MONDAY, JANUARY 7, 2019 – 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 Attorney Nick Herman

**CALL TO ORDER:**

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

**PLEDGE OF ALLEGIANCE:**

**Mayor Marilyn P. Newell** 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. Mayor Newell asked that recognitions be moved to after the Madison Boulevard update to allow Mr. Robert Boot time to attend the County Commissioner’s meeting. **Mayor Pro Tem Tim Chandler offered a motion to approve the agenda with the change in order requested by the Mayor with a second by Council Member Byrd Blackwell** 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 Byrd Blackwell to approve the consent agenda as presented with a second by Council Member Mark Phillips**, and upon being put to a vote, was carried unanimously.

**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. Mayor Newell asked Mr. Larry Cole to address Council on update regarding Christmas decorations. Mr. Cole reported that Duke Progress Energy will be putting electricity outlets on the poles on Madison Boulevard so that the merchants will not have to pay the usual \$1,000 fee. Mayor Newell also recognized Fire Chief Kenneth Torain and the Roxboro Fire Department for continuing to install the Christmas decorations for Uptown Roxboro and for all they do for the City.

**UPDATE ON MADISON BOULEVARD PROJECT**

**Mr. Ben Upshaw, Mr. Tracy Perry and Mr. Robert Boot** offered updates on the progress of the proposed Madison Boulevard Project. Some of the discussion included stop light

installations and removals. These included: Ivey Street and Clayton Avenue – install lights, Gordon Street and Reams Avenue – removal of lights, and moving forward with Alternate Plan #2. Mr. Boot presented some information regarding the project.

At the request of the Kerr-Tar Rural Planning Organization, the North Carolina Department of Transportation (NCDOT) is proposing to convert US 501 (Madison Boulevard) from a 5-lane undivided roadway to a 4-lane median divided roadway from south of US 158 to North Main Street. Intersections and cross streets will be reconstructed as part of this project, as well as sidewalks. The proposed project is approximately three mile in length and is included in the 2018-2027 North Carolina State Transportation Improvement Program (STIP).

The corridor, a mixture of residential and commercial development, runs directly through the City of Roxboro. Madison Boulevard is used as the primary connection to downtown Roxboro, as well as to multiple shopping centers and residential communities. The project corridor is a part of the larger US 501 system that is a major north-south connector, traversing most of North Carolina into South Carolina and Virginia. Madison Boulevard consistently experiences congestion due to capacity deficiencies, and intersections along the project corridor were identified in the Person County Comprehensive Transportation Plan as high crash locations.

The purpose of this project is to improve safety in the area by limiting access and to enhance multi-modal facilities and mobility along the project corridor. Due to the extensive amount of development that is located on either side of the project, efforts will be made to keep right-of-way acquisition to a minimum.

Mayor Pro Tem Tim Chandler asked Fire Chief Kenneth Torain and Police Chief David Hess for their input on the Madison Boulevard Project. Fire Chief Torain stated that Clayton Avenue is residential and most emergency vehicles use Reams Avenue because there are not a lot of children. Ambulances always use Reams Avenue.

Police Chief David Hess stated that Reams Avenue is the primary law enforcement route as well and this could potentially delay response times. Mayor Pro Tem Tim Chandler stated that he felt the Fire Chief and Police Chief were not given the opportunity to address how this would affect emergency routes. City Manager Brooks Lockhart asked that the raised medians and concrete could be vegetative? Mr. Ben Upshaw stated that it could have landscaping but would need an agreement with the City to maintain.

Continuing, Mr. Boot talked with the Mayor and Council about the next steps and that a Public Hearing will be held in the spring for citizen input.

## **PUBLIC HEARINGS & ORDINANCE MATTERS:**

### **NEW BUSINESS**

#### **1. Set Public Hearing for Stormwater Ordinance**

**Public Services Director Andy Oakley** reported to the Mayor and Council that the City of Roxboro's NPDES MS4 Permit for Stormwater Management was renewed in February 2018. As part of the renewal process, some minor revisions to the City's ordinance were noted.

To make these revisions to the ordinance, City Council will need to set a public hearing to present the revisions. Mr. Josh Johnson with Ally, Williams, Carmen and King offered some updates for the Mayor and Council. After a brief discussion, **Council Member Mark Phillips offered a motion to set the Public Hearing for Tuesday, February 12, 2019 at 7:00 p.m.**

with a second by Council Member Byrd Blackwell and upon being put to a vote was carried unanimously.

**RECOGNITION:** Police Chief David Hess presented the Mayor and Council with recognition plaques for their support of the police department. Each plaque was unique to each member of Council.

**Committee Reports:**

Mayor Merilyn P. Newell asked for any committee reports at this time. There were no reports at this time.

**OLD BUSINESS:**

**ADMINISTRATIVE REPORTS**

**2. Financial & Tax Report**

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

**3. Assistant Manager's Report**

Assistant Manager Tommy Warren began by showing an update of the Wastewater Treatment Plant Project. The wet weather has slowed the progress at the wastewater treatment plant. The contractor did take a week off for Christmas, but the grading sub continued to work. The blasting company was in during December and drilled and shot the rock in the waterline trenches, plus the rodbusters installed some wall forms on the new digester.

Mr. Warren reported to the Mayor and Council that garbage collection went well for the Christmas holidays this year with no major complaints.

Mr. Warren continued with the Water Plant Wastewater Treatment permit requirements stating that when the Water Plant received its wastewater discharge permit, there were a couple of new requirements that included, a copper limit placed on the wastewater discharge. The new limit is 7.88 micrograms/L and is for the discharge of the wastewater only having nothing to do with the potable water. The limit for drinking water is much less. Another requirement that the City will perform is a Discharge Alternatives Evaluation. The draft has been completed, and in this year's budget are funds to do a preliminary evaluation and design of a new lab to replace the original one. The new testing requirements in the permit are making a larger lab a necessity.

Mr. Warren stated that Public Services Director Andy Oakley will be meeting with engineers from Ally, Williams, Carman and King on Thursday, January 3, 2019, to begin designing the upgrade of Marlowe's Creek Outfall, Billy Hicks Road Pump Station and Force Main. This upgrade was prompted by the new subdivision being built on US 501.

**4. Manager's Report**

City Manager Brooks Lockhart reported to the Mayor and Council some upcoming dates including: Chamber of Commerce Annual Banquet, January 24<sup>th</sup> at Palace Pointe, and Good Morning Coffee Hour at 8:00 a.m. Wednesday January 30<sup>th</sup>.

The Hill Street Tower Lease Public Hearing will be held at the February 12, 2019 Council meeting. The advertising requirements for the lease of public properties as addressed in

NCGS 160A-272 require a 30 day notice and has been advertised as required in the local Courier Times. Staff has the executable lease documents in hand and they have received a favorable evaluation by the city's legal counsel.

Staff has received an update on the planned safety enhancements for the Long Avenue and Morgan Street intersection. Duke Energy was prompt in the relocation of the utilities, but CenturyLink has not moved their utilities at this time. The new schedule will be dependent on CenturyLink but NCDOT has advised that it is their intention to complete the project while students are out of school. Their projected completion date will either be spring break or after the completion of the school year.

The finance department is continuing to enhance the utility billing operations. This month introduced a new configuration and implementation concern in the billing, which is being addressed. Furthermore, staff is conducting research and an audit on policies and procedures for Uptown Commercial Waste. As reported earlier, staff will continue to roll out additional quality of life enhancements in the new software.

At this time, Mr. Lockhart presented the Mayor and Council with the Budget Development Calendar. Major items for consideration this fiscal year include, but are not limited to; the study on the Water Treatment Facility (Lab) enhancements necessitated by the permitting, Marlowe's Creek Sewer Study necessitated by growth pressures to the south, and a feasibility study on Residential Curbside Recycling Program.

**COUNCIL DISCUSSION:**

**Mayor Newell** asked for any discussion or concerns from Council Members. **Council Member Mark Phillips** asked that the City revisit the ETJ since RV parks are wanting to come into the County. **City Attorney Nick Herman** will research and report back to Council. **Mayor Pro Tem Tim Chandler** reminded the Mayor and Council of Law Enforcement Day at Palace Pointe. **Mayor Marilyn P. Newell** reminded all of Council of the upcoming Chamber Banquet.

**ADJOURNMENT:**

There being no further business to discuss, **A motion was offered by Mayor Pro Tim Chandler with a second by Council Member Mark Phillips to adjourn this meeting** and, upon being put to a vote, was carried unanimously. Meeting adjourned at 8:20 p.m.

Submitted by:

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Trevie Adams, MMC/NCCMC  
City Clerk

January 7, 2019

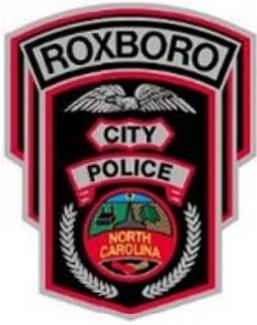


**City of Roxboro  
Fire and Rescue Department**

**Date:** February 6, 2019  
**To:** Mayor Newell  
Roxboro City Council  
**From:** Kenneth M. Torain, Fire Chief

**Highlight**

- **Responses** - During the month of January the City of Roxboro Fire Department responded to 16 fire calls and 127 EMS calls. During the month we also responded to 11 hazardous conditions and 6 service calls. Over the course of January we responded to 132 calls in the city and 65 in county plus 22 mutual aid calls. Eighteen percent of the time we had two or more calls going at the same time with a total of 2 full alarms.
- **Funerals** - Roxboro fire department took part in three funerals during the month of January.
- **Fires** - Roxboro Fire Investigation Team have been working on several fires in the city and county for the month of January. Also, we had several visits from the North Carolina Office of the State Fire Marshal due to our investigations.
- **Direct Delivery** Roxboro Fire Department was granted our Direct Delivery status by the Office of the State Fire Marshal. We have met with everyone involved in this great opportunity and will start teaching classes very soon.
- **House Numbers**- Chief Torain is looking into how to get the reflective house numbers for the residents in need. A lot of the residents we go to don't have any type of numbers on their houses.
- **CPR Protocol** - Roxboro Fire Department has been training on a new protocol that was put in play because of studies that Person County EMS have conducted on patients.
- **Trash Pickup** - Chief Torain took some time in January to find some badly needed areas with trash. Very soon there will be some orange bags on the shoulder of the road in a few of these locations.



# 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

January 2019

### Patrol Division

#### Highlighted Events

- All four new hire police officers began their 12-week Field Training Officer phase in January.
- Assisted a local agency with interview for their lieutenant assessment process.
- Lt. Dickerson and Sgt. Ford attended De-Escalation Train the Trainer course and are now certified trainers to teach De-Escalation to sworn and non-sworn staff.
- Officer Vuolo received the Distinguished Service Award. He was nominated by his peers for his commitment to mentoring youth in the community, dedicated work ethic and leadership in the department.

#### Community Policing

- Lt. Walker presented work place safety for Person Family Medical staff.
- Hosted Property Owner's Collaborative.
- Assisted several Community Watch groups with various requests and enforcement actions.
- Hosted an American Red Cross Blood Drive.



#### 2018 Call Data Totals

**Calls for Service: 17,406**

**Traffic Enforcement Requests: 228**

**Traffic Crashes: 711**

**Total Arrests: 722**

**Directed/Foot Patrol: 2,507**

**Incident Reports: 1,531**

**Traffic Stops: 4,467**

**Citations Issued: 2,667**

**Warnings: 808**

**K-9 Drug Seizures: Value of \$2,558**

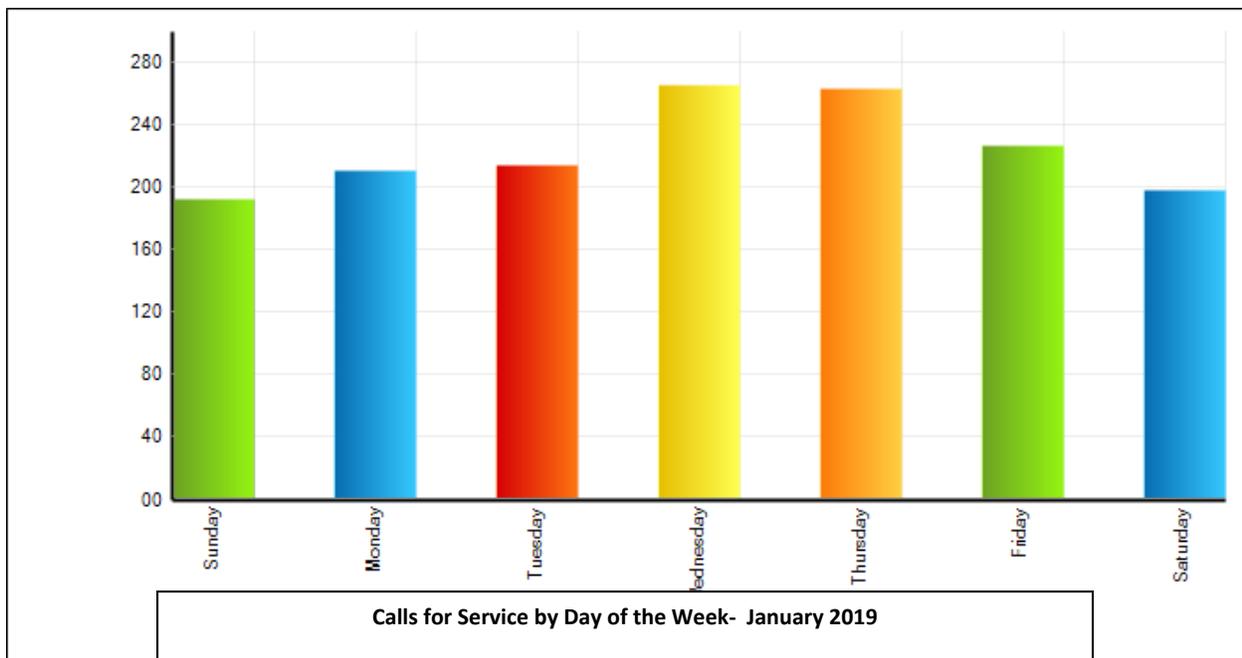
### 2017 Call Data Comparison to 2018

Calls for Service: 16,464 (942)	Incident Reports: 1,320 (211)
Traffic Enforcement Requests: 215 (13)	Traffic Stops: 2625 (1,842)
Traffic Crashes: 512 (210)	Citations Issued: 2,116 (551)
Total Arrests: 668 (104)	Warnings: 848 (<40)
Directed/Foot Patrol: 323 (2,184)	K-9 Drug Seizures: --

Numbers in Red indicate increase from 2017-2018

### January 2019 Monthly Activities

Calls for Service: 1574	Incident Reports: 155
Traffic Enforcement Requests: 26	Traffic Stops: 408
Traffic Crashes: 55	Citations Issued: 142
Total Arrests: 50	Warnings: 72
Directed/Foot Patrol: 327	



### Criminal Investigations Division

- Lt. Hughes and Sgt. Furstenau attended a Leadership Training Forum hosted by the US Attorney General's Office.
- Lt. Hughes graduated Person County Leadership course.
- CID is using a new investigative tool within our RMS software known as Links Analysis to aid with case solvability and nexuses.

Total Numbers for the Month

<b>Cases Assigned:</b> 17	<b>Follow Up Hours in the Field:</b> 205
<b>Hours Completing Paperwork:</b> 125	<b>Follow Up Hours by Phone:</b> 50
<b>Call Outs:</b> 3	<b>Out of Town Follow Ups:</b> 8
<b>Felony Warrants Obtained:</b> 9	<b>Misdemeanor Warrants Obtained:</b> 4
<b>Total Arrests:</b> 4	<b>Interviews Conducted:</b> 13
<b>Cases Closed:</b> 6	<b>Total Forensics Cases:</b> 6
<b>Forensic Processing Hours:</b> 15	<b>Court Hours:</b> 22
<b>Search Warrants Executed:</b> 3	

Street Crimes Unit

- Continuing covert investigations.
- Arrests have been made in a couple investigations. Those investigations remain ongoing.

Administrative Services Unit

- Prepared Capital Outlay budget requests and obtained various quotes for the 2019-20 FY planning.
- Submitted research for a potential grant.
- Coordinated a department in-service instructor meeting.

Administration

Meetings

- Daily meetings with Command Staff.
- Attended various community events.
- Completed monthly Risk Management Accreditation review.
- Meetings: District Attorney Mike Waters; Orange County Sheriff; Department Head, Rotary; PAAL Board; Piedmont Community College staff; Medical Examiner's Office; City Manager; Human Resources; Staff meetings; City Council; NC Chiefs Association;
- Community Engagement: Visited with various business owners, some included (Nu-Way, Miracle's Barbershop, Tar Heel Chevrolet, Safe Haven, Roxboro Housing Authority); Attended BASIC; Attended MLK Breakfast at Shady Hill; Attended Ruffin Woody viewing and funeral.



**THANK YOU FOR YOUR CONTINUED SUPPORT**

## Public Services Department Monthly Report



City of Roxboro

January 2019

Public Utilities Department	Public Works Department																																																									
<table style="width: 100%; border-collapse: collapse;"> <tr><td style="padding-left: 20px;">Water Repairs:</td><td style="text-align: right;">15</td></tr> <tr><td>Hydrant Repairs and Maint:</td><td style="text-align: right;">1</td></tr> <tr><td style="padding-left: 20px;">Meters Changed:</td><td style="text-align: right;">51</td></tr> <tr><td style="padding-left: 20px;">New Water Services:</td><td style="text-align: right;">0</td></tr> <tr><td>Broken Meters Replaced:</td><td style="text-align: right;">3</td></tr> <tr><td colspan="2"> </td></tr> <tr><td style="padding-left: 20px;">Sewer Repairs:</td><td style="text-align: right;">8</td></tr> <tr><td style="padding-left: 20px;">Sewer Blockages:</td><td style="text-align: right;">36</td></tr> <tr><td style="padding-left: 20px;">New Sewer Services:</td><td style="text-align: right;">0</td></tr> <tr><td colspan="2"> </td></tr> <tr><td>Locate Services Provided:</td><td style="text-align: right;">317</td></tr> <tr><td></td><td style="text-align: right;">30 Hrs</td></tr> </table> <p>Remarks:</p>	Water Repairs:	15	Hydrant Repairs and Maint:	1	Meters Changed:	51	New Water Services:	0	Broken Meters Replaced:	3			Sewer Repairs:	8	Sewer Blockages:	36	New Sewer Services:	0			Locate Services Provided:	317		30 Hrs	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="padding-left: 20px;">Commercial Garbage:</td><td style="text-align: right;">448.51</td><td style="text-align: right;">tons</td></tr> <tr><td style="padding-left: 20px;">Residential Garbage:</td><td style="text-align: right;">221.7</td><td style="text-align: right;">tons</td></tr> <tr><td style="padding-left: 40px;">Brush Collected:</td><td style="text-align: right;">37.8</td><td style="text-align: right;">tons</td></tr> <tr><td style="padding-left: 40px;">Leaves Collected:</td><td style="text-align: right;">88.2</td><td style="text-align: right;">tons</td></tr> <tr><td></td><td style="text-align: right;">39.52</td><td></td></tr> <tr><td style="padding-left: 20px;">Potholes Repaired:</td><td style="text-align: right;">28</td><td></td></tr> <tr><td style="padding-left: 40px;">Asphalt:</td><td style="text-align: right;">50.69</td><td style="text-align: right;">tons</td></tr> <tr><td style="padding-left: 40px;">Concrete:</td><td style="text-align: right;">0</td><td style="text-align: right;">yards</td></tr> <tr><td></td><td style="text-align: right;">25</td><td></td></tr> <tr><td style="padding-left: 20px;">Vehicle Repairs:</td><td style="text-align: right;">55</td><td></td></tr> <tr><td>Garage Materials:</td><td style="text-align: right;">\$14,131.19</td><td></td></tr> </table> <p>Remarks:</p>	Commercial Garbage:	448.51	tons	Residential Garbage:	221.7	tons	Brush Collected:	37.8	tons	Leaves Collected:	88.2	tons		39.52		Potholes Repaired:	28		Asphalt:	50.69	tons	Concrete:	0	yards		25		Vehicle Repairs:	55		Garage Materials:	\$14,131.19	
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City of Roxboro, Nort LM  
 Distribution of Gas T WD  
 31-Dec-18 CS  
 GC

Lawn Mowers  
 Weed Eaters  
 Chain Saws  
 Gas Cans, ETC.

Shell  
 Account Number:

80-001-3945-4

Gas 0.4740  
 Diesel 0.5190

Card Number	Dept Number	Make	Model	Gallons	Total Cost	Tax Adjust	per gallon Discount	2.00% Discount	Net Cost	Average Cost Per Gallon
Summary										
1	4120	City Hall		17.91	38.50	8.49	0.90	0.36	28.76	2.150
2	4130	Finance		-	-	-	-	-	-	#DIV/0!
3	4160	Public Buildings		140.47	326.77	66.58	7.02	2.81	250.35	2.326
4	4180	Purchasing		-	-	-	-	-	-	#DIV/0!
17	4910	Planning & Zoning		-	-	-	-	-	-	#DIV/0!
		Total Administrative		158.38	365.27	75.07	7.92	3.17	279.11	2.306
5	4310	Police		1,993.97	4,265.14	945.14	99.70	39.88	3,180.42	2.139
6	4311	CID		50.99	109.82	24.17	2.55	1.02	82.08	2.154
26	4312	Narcotics		60.22	175.11	31.25	3.01	1.20	139.64	2.908
9	4380	Animal Control		-	-	-	-	-	-	#DIV/0!
		Total Police		2,105.18	4,550.07	1,000.57	105.26	42.10	3,402.14	2.161
7	4340	Fire		1,253.57	2,958.63	631.93	62.68	25.07	2,238.95	2.360
8	4341	Fire Inspections		66.33	142.60	31.44	3.32	1.33	106.52	2.150
		Total Fire Dept.		1,319.90	3,101.23	663.38	66.00	26.40	2,345.46	2.350
10	4510	Public Services		75.88	164.14	35.97	3.79	1.52	122.86	2.163
11	4511	Streets		672.05	1,917.91	332.70	33.60	13.44	1,617.62	2.854
12	4512	Street Cleaning		-	-	-	-	-	-	#DIV/0!
13	4513	Garage		60.86	154.52	28.85	3.04	1.22	121.41	2.539
14	4710	Residential Garbage		1,072.87	3,173.60	556.82	53.64	21.46	2,541.68	2.958
15	4711	Commercial Garbage		866.85	2,572.60	449.90	43.34	17.34	2,062.03	2.968
16	4740	Cemetery		90.87	222.35	43.07	4.54	1.82	172.92	2.447
		Total Public Services		2,839.38	8,205.12	1,447.30	141.97	56.79	6,638.51	2.890
		Total General Fund		6,422.84	16,221.69	3,186.32	321.14	128.46	12,665.23	2.526
18	7112	Meter Reading		212.41	496.03	100.68	10.62	4.25	380.48	2.335
19	7114	Lake Warden		37.98	83.31	18.00	1.90	0.76	62.65	2.194
25	7118	Pump Stations		86.57	239.01	41.03	4.33	1.73	191.92	2.761
20	7120	Water Plant		64.58	135.25	30.61	3.23	1.29	100.12	2.094
21	7121	Water Line Maintenance		954.82	2,433.12	461.55	47.74	19.10	1,904.74	2.548
22	7130	WWTP		88.10	190.11	41.76	4.41	1.76	142.18	2.158
23	7131	Sewer Line Maintenance		392.84	959.27	191.21	19.64	7.86	740.56	2.442
24	7132	WWTP II		53.73	131.10	25.47	2.69	1.07	101.87	2.440
		Total Enterprise Fund		1,891.03	4,667.20	910.32	94.55	37.82	3,624.51	2.468
		Total All Funds		8,313.87	20,888.89	4,096.63	415.69	166.28	16,289.74	2.513



February 5, 2019

To: Mayor Newell  
Roxboro City Council

From: Lauren Johnson, Planning & Development Director

Subject: February Council Report

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

- School of Government Training: Community Planner, Lynda Clayton, attended a workshop at the UNC School of Government on February 4<sup>th</sup> and 5<sup>th</sup> to learn more about development incentives and financial tools for economic development. This training was held over from the winter of 2018, due to inclement weather.
- Desert Sands Renovations: Coulter Jewell Thames, PA provided complete renderings of the proposed redevelopment of the Desert Sands space. Staff will be working diligently over the next month to organize these drawings, quotes, and plans for presentation to the Council in March. We are also exploring other opportunities for funding now that a formal estimate has been obtained.
- 2018 NC Main Street Accreditation Assessment Completed: We received word from the North Carolina Main Street Program that, after review of the assessment report submitted in December, the Roxboro program has been recommended for National Accreditation for another year. We will look forward to hearing from the National Main Street Center very soon.
- Planning Meeting Held with Uptown Roxboro Group: The UR Group met at the end of January to finalize their budget and plan of work for the 2019 year. One of the first items on the agenda will involve the program support campaign, which has been refreshed using the imagery and tagline from the recent branding project. Additionally, new levels of contribution are being developed in order to allow more individuals to be involved in the development of Uptown.
- Uptown Developments:
  - The Keto Smart Mart and TruAura beauty products and boutique opened at 221 B N Main Street.
  - Black Creek Brewery submitted plans for the expansion and renovation of the space at 113 Depot Street for additional seating, as well as recreational games and entertainment.
  - Faith Thrift shop opened at 102 N Main Street.



## **Planning & Development:**

- Electronic Gaming Operation Text Amendment Research: Per the Council's request, staff worked with the City attorney and City manager to review and revise the proposed text amendment for electronic gaming operations within the City limits. The most recent proposal is on the agenda for public hearing and Council consideration. In the meantime, numerous inquiries and requests to open such establishments have been made to the Planning office.
- Nuisance Abatement RFP: Staff prepared an RFP to request proposals for mowing and nuisance abatement contractors for the 2019 season. In previous years, the City has maintained a minimum of three contractors to keep up with the grass and vegetation complaints received during the spring and summer months. Staff anticipates needing at least that many for this season, as well. Ads will run in The Courier-Times twice before the deadline for submissions, and information will be shared on social media multiple times during the time period, as well. Staff hopes to receive multiple responses to the inquiry by February 22<sup>nd</sup> and notify selected contractors by the first of March.
- Large Subdivision Proposal Received: Staff received subdivision plans for review and approval on February 4<sup>th</sup>. The documents have been circulated to the various departments for review and comment. Staff will review the submission for completeness, and general compliance with zoning, stormwater, and other development standards. Barring no major issues with missing or unacceptable information, the plans will go to the Planning Board for review at their March 4<sup>th</sup> meeting, and will then move on to the Council for review and consideration of approval/denial following the Planning Board review. If there are major issues with missing or unacceptable information, the submission will be halted and comments provided to the applicant for instructions on resubmission.

## Additional Updates:

- Conducted Planning Board meeting February 4<sup>th</sup> at 6pm.
- Completed numerous application reviews for zoning permits.
- Worked with City manager on multiple items regarding city services, future planning, and policy changes.



# City of Roxboro Special Event Permit Application

Special Event Applications shall be submitted to the City of Roxboro no later than sixty (60) days prior to the event date, unless the event does not require a public hearing.\* When a public hearing is unnecessary, applications shall be submitted no later than thirty (30) days prior to the event date. (Incomplete applications may increase the permit processing time.) If a Public Hearing is required for your application, you will be notified of the date, time and location of the hearing. There is a \$50.00 fee for all public hearings.

\*Special Events not requiring a public hearing include (i) observations of national holidays (ii) annually recurring special events, which do not exceed two (2) hours and for which no admission fee is charged, and (iii) events hosted, in-part, by the City of Roxboro.

### I. Applicant Information:

Organization: Greater Cleopas Chapel Comm. Miss. Bapt. Church (International Women's Day)  
Address: 2601 Surr. Mt. Highway Rd. City: Timberlake State: NC Zip Code: 27583  
Daytime Phone Number: 919-475-4074 Cell Number: \_\_\_\_\_ Email: \_\_\_\_\_

Primary Contact: Wanda Williams Pittsford  
Address: 385 Antioch Acres Dr. City: Timberlake State: NC Zip Code: 27583  
Daytime Phone Number: 919-475-4074 Cell Number: 336-597-5668 Email: wwpittsford@gmail.com  
419-575-1803 WK

### II. General Event information:

Please provide the common name by which the event is to be known.

International Women's Day March

Please select the type of event:

- Parade / March
- Run/Walk Race
- Concert
- Ceremony
- Festival/Street Fair
- Other \_\_\_\_\_

Please provide a brief description of the purpose of the proposed event:

*To celebrate International Women's Day in Person County*

Please indicate the following:

- a. Proposed Event Date(s): 3/9/19
- b. Proposed Time Period(s) of the Event: 11:45-12:15 (followed by a program @ the Kirby)
- c. Location of Event: From Merritt Commons to the Kirby
- d. Approximate Number of People to Attend the Event: 300-500

Please provide a general description of the activities planned during the event.

*We plan to meet @ Merritt Commons @ 12 noon and march from there to the Kirby where we will hold a program.*

Please list below any request for special services to be provided by the City, such as Police, Fire, Public Service Personnel/Equipment, etc. (any fees are the responsibility of the individual/organizer of said event):

- Police: \_\_\_\_\_
- Fire: \_\_\_\_\_
- Public Service (i.e., streets or portions of streets to be closed and for what period, etc.): We are asking for several streets to be closed during the march (see the attached map)
- Other: \_\_\_\_\_

### III. Venue Details:

Please indicate any streets, parking lots, or public access areas to be closed during this event, as well as the location of any barriers, traffic control devices, etc. (a map showing the event area and all barricades is also required):

*We would like to assemble in the parking lot of Shell's Way/Merritt Commons beginning @ 11:30 am  
We would like to close Main @ Gordon @ 11:45-12:15 and Main below the Kirby  
We would also like to close Reams @ N. Larnar & Depot @ N. Doushee from 11:45-12:15 and  
Court & Gordon @ N. Larnar during the same time frame.*

Specify number of:

0 Goods/Food Vendors    0 Animals    0 Recreational equipment (i.e. bounce house, rides, etc.)

Are you serving/selling food at your event?    Y / (N)

\*If yes, contact the Person County Environmental Health Office to be sure all necessary permits and/or documentation are obtained.

Are you serving/selling alcohol at your event? Y / N

\*If yes, be sure the perimeters of the area(s) are clearly marked, and the entrance to the area(s) shall be constructed so as to allow ready control of patrons, including the viewing of identification to prevent underage persons from being permitted in the area(s). Area(s) must be located at least 150 feet from any church, mosque, synagogue or other place of worship. Be aware, **no alcoholic beverages may be sold or consumed as a part of a special event outside of the designated area(s)**. Prior to the opening of the special event, the person in charge of the event shall ensure that any and all necessary state or other permits relating to the sale and consumption of alcoholic beverages have been secured. Such permits must be available for inspection by City staff at any time. (Keep on site during the Special Event.)

Please indicate which of the following staging items will be used during your event:

- Loud speakers
- Bleachers
- Stage(s)
- Dance Floor
- Microphones
- Live Entertainment
- Other: \_\_\_\_\_

Please indicate the size and location of any signs, banners, flags, or other attention-getting devices for this event:

*We will be asking to post a banner @ Merritt Commons if (not rented) the week of. The banner would not exceed 6' x 3. We will also carry a banner during the event.*

Please provide copies of the following with the completed application:

- a. Proof of Liability Insurance for event
- b. ABC permit(s)\*
- c. Person County Environmental Health Department permit(s)/license(s) for on-site food
- d. Sketch Map Showing All of the Following:
  - The area where the event is to take place
  - Any Streets or other rights-of-way to be closed or obstructed.
  - Any barriers or traffic control devices that will be erected.
  - Location of vendor booths, platforms, benches, stages, or bleachers
  - Location of alcohol selling/consumption area
  - Toilet Facilities (i.e., porta johns)
  - Garbage Facilities (dumpsters, roll out carts)

**\*\*Please note the City of Roxboro does NOT provide garbage or waste removal services for the proposed event. The event organizer is responsible for arranging for these services, if necessary.**

**IV. Cancellation Policy**

The City Manager, Roxboro Police Department, or their designee, has the authority to end the event prior to schedule based on any of the following:

- violation of any section of the permit or City Ordinance,
- security and protection concerns of event participants and the community,
- if the conditions required for approval, including insurance coverage, of the event are not met,
- if any significant change in conditions would, or may adversely affect the public health or safety of the community, or
- for any condition that would place City facilities, grounds, or other natural resources at risk of damage or destruction if the event were permitted to take place.

If an event organizer, for any reason, must cancel their event they must notify the City of Roxboro. Cancellations must be in written form. Fees are non-refundable. (If the event organizer would like to request a rain-date, please indicate this in section II under the "event date(s)."

The undersigned persons certify that all information in this application (including attachments) is complete and accurate to the best of their knowledge, that the information contained in this application form shall constitute conditions of an issued permit, that the City will be notified of any changes or revisions to the event plans as described in this application, and that the undersigned persons have received and reviewed a copy of Chapter 95 of the Roxboro City Code and agree to comply with all permit conditions and understand that failure to comply with any condition, or any violation of law, may result in the immediate cancellation of the event, revocation of the permit, denial of future events, criminal prosecution and/or administrative citations/fines.

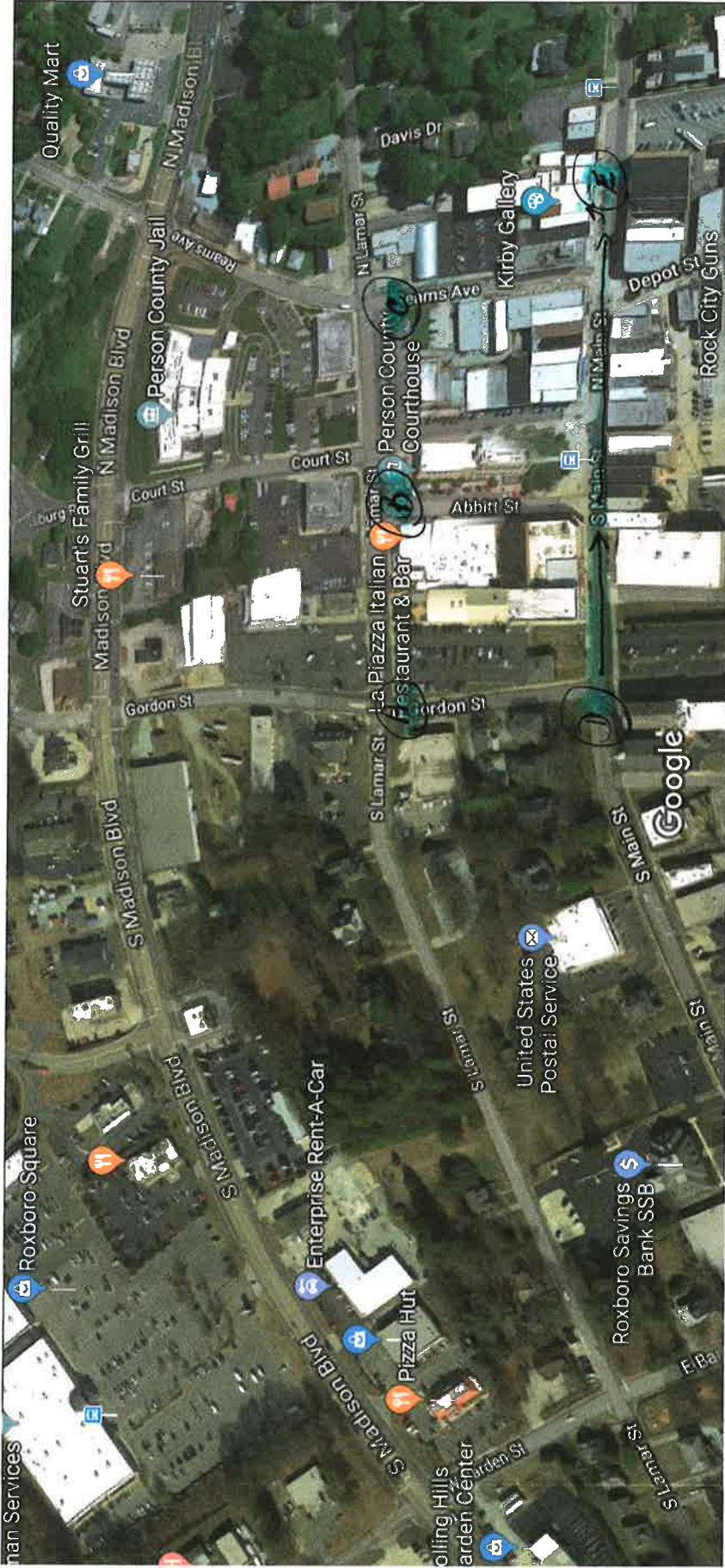
**FUTHERMORE**, the undersigned persons hereby authorize the City Manager or designated representative to enter upon the above-referenced activity site for the purpose of inspecting and determining/verifying compliance with the City's ordinance provisions.

  
Applicant Signature

Date: 1/18/19

\_\_\_\_\_  
Responsible Planner/On-Site Manager

Date: \_\_\_\_\_



RELEASE AND HOLD HARMLESS  
AGREEMENT

STATE OF NORTH CAROLINA

COUNTY OF PERSON

The undersigned, having received permission from the City of Roxboro to conduct The International Women's Day March on March 9, 2019, do hereby release and forever hold harmless the City of Roxboro from any personal injuries or property damage related to the permitted use.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal:

This the 1<sup>st</sup> day of February, 2019

[Signature]  
(Signature)

Notary Witness: James D. Marshall  
my commission expires September 7, 2022 (Seal)



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WORKERS COMPENSATION AND EMPLOYERS LIABILITY POLICY  
 EXTENSION OF INFORMATION PAGE  
 ITEM 4: CONTINUED

POLICY NO. 0094661 07-097421

PAGE NO. 1

CLASSIFICATION OF OPERATIONS	CODE NO.	Estimated Total Annual Remuneration	Rates Per \$100 of Remuneration	Estimated Annual Premiums	
				Subject to Modification	All Other
NC-32 LOC. 1 SIC: 8661 NAICS: 813110 2601 SURL MOUNT TIRZAH RD TIMBERLAKE, NC 275839189					
001-001 GREATER CLEGG CHAPEL COMMUNITY MISSIONARY BAPTIST CHURCH IN FEIN: 56-1377515					
From 05/18/2018 To 05/18/2019					
RELIGIOUS ORGANIZATION: PROFESSIONAL EMPLOYEES & CLERICAL	8868	69,480	0.53	368	
RELIGIOUS ORGANIZATION: ALL OTHER EMPLOYEES	9101	15,790	3.24	512	
TOTAL UNMODIFIED PREMIUM				880	
TOTAL MODIFIED PREMIUM				880	
STANDARD PREMIUM				880	
Expense Constant	0900				140
Terrorism	9740		0.0070		6
Catastrophe (other than Certified Acts of Terrorism)	9741		0.01		13
TOTAL ESTIMATED PREMIUM				1,039	

**Church Mutual Insurance Company**

NCCI CARRIER CODE NO. 16853

WC 00 00 01A

**WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE POLICY  
INFORMATION PAGE**

1. The Insured: GREATER CLEGG'S CHAPEL  
COMMUNITY MISSIONARY

Policy No. 0094661 07-097421

Renewal of: 0094661 07-987560

Mailing address: PO BOX 304  
TIMBERLAKE, NC 275830304

Individual  Partnership

Corporation or

Federal Employers I.D.# See Schedule

Inter/Intrastate Risk I.D. #                     

Other I.D. #                     

Other workplaces not shown above: See Schedule

Contact                     

Phone Number                     

2. The policy period is from 05/18/2018 12:01 a.m. to 05/18/2019 12:01 a.m. standard time at the Insured's mailing address.

3. A. Workers Compensation Insurance: Part One of the policy applies to the Workers Compensation Law of the states listed here: NC

B. Employers Liability Insurance: Part Two of the policy applies to work in each state listed in item 3.A. The limits of our liability under Part Two are: Bodily Injury by Accident \$ 100,000 each accident  
Bodily Injury by Disease \$ 500,000 policy limit  
Bodily Injury by Disease \$ 100,000 each employee

C. Other States Insurance: Part Three of the policy applies to the states, if any, listed here:  
All states except states designated in Item 3.A. of the Information Page and ND, OH, WA, WY.

D. This policy includes these endorsements and schedules: See Schedule

4. The premium for this policy will be determined by our Manuals of Rules, Classifications, Rates and Rating Plans. All information required below is subject to verification and change by audit.

Classification	Code No.	Premium Basis Total Estimated Annual Remuneration	Rate Per \$100 of Remuneration	Estimated Annual Premium
See Item 4. Extension WC 00 00 01A				
		Total Estimated Annual Premium \$		1,039
Expense Constant \$	140		Taxes and Surcharges \$	
Minimum Premium \$	642	(NC) 9101	Deposit Premium \$	1,039

Premium Adjustment Period: Annual

Countersigned by: \_\_\_\_\_

Servicing Office: Church Mutual Insurance Company

Date: 03/28/2018

Producer: KEVIN CRATER



Item 3.D. Extension Schedule

Schedule of Forms and Endorsements

Form Number:	Edition:	Description:
WC 00 00 00 C	1-15	Workers Compensation and Employers Liability Insurance Policy
WC 00 00 01 A	5-88	Information Page
WC 00 04 14	7-90	Notification of Change in Ownership Endorsement
WC 00 04 19	1-01	Premium Due Date Endorsement
WC 00 04 21 D	1-15	Catastrophe (Other Than Certified Acts of Terrorism) Premium Endorsement
WC 00 04 22 B	1-15	Terrorism Risk Insurance Program Reauthorization Act Disclosure Endorsement
WC 00 04 24	1-17	Audit Noncompliance Charge Endorsement
WC 32 03 01 C	1-14	North Carolina Amended Coverage Endorsement
WC 32 06 02	1-10	Pro-Rata Cancellation Endorsement

Insured: GREATER CLEGG'S CHAPEL COMMUNITY MISSIONARY  
Policy Number: 0094661 07-097421  
Effective Date: 05/18/2018

A	B	C	D	E	F
1		Name of Applicant	Location	Type of License	
2		501 Rox Billiards	2990 Durham Rd	Beer On Premises	J S Enterprises of Roxboro NC LLP/Bennett Jewett
3		1792 Beer Company	106-A N Main st	Beer & Wine On And Off Premises	Zachary A. Wynne
4		Black Creek Brewery	111-113 Depot St	Beer & Wine On Premises	Daniel Lagaly/Lagaly Enterprises LLC
5		Brookland Eats	333 Old Durham Rd Suite 100	Beer & Wine On Premises	David Gaydeski / Brookland Group LLC
6		Cash Store /Moes 1 Inc	416 Chub Lake Street	Beer & Wine Off Premises	Bahaa Heneen / Martyr St George LLC
7		Clarksville Station Restaurant	4080 Durham Rd	Beer & Wine On & Off Premises	Wolfe T. & Paula Adler/KMJA of Person Co.
8		Colony Mart 2	730 Durham Rd	Beer & Wine Off Premises	St. Karas Inc./ Esmat Mena & Amgad Besada
9		Colony Mini Mart	725 N Madison Blvd	Beer & Wine Off Premises	Hee Kim/Jay Kim Enterprise Inc
10		Cruz In	631 S Madison Blvd	Beer & Wine Off Premises	Rajeshkumar A Patel /Sri Santram Corp
11		Dalton's Sportsbar & Grille	30 Court St	Beer & Wine On Premises	Daltons Sportsbar and Grille LLC/Brian Pulliam
12		DolgenCorp/Dollar General#9757	186 Weeks Dr.	Beer & Wine Off Premises	Dolgen corp LLC
13		DolgenCorp/Dollar General#9758	1016 North Madison Blvd	Beer & Wine Off Premises	Dolgen corp LLC
14		Fas Mart # 105	3326 Durham Rd	Beer & Wine Off Premises	G P M 1 LLC/GPM Investments LLC
15		Fast Stop 4	1030 North Main St	Beer & Wine Off Premises	A & D 2017 LLC
16		Food Lion #436	2828 Durham Rd	Beer & Wine Off Premises	Food Lion LLC
17		Food Lion #67	1005 N Madison Blvd	Beer & Wine Off Premises	Food Lion LLC
18		Food Mart #1	308 Depot Street	Beer & Wine Off Premises	St. Marina Inc./ Mechiel Girgis, Ashraf Kamel
19		Golden Grill Asian Bistro	813 N Madison Blvd	Beer & Wine On Premises	Jing ge Lan Inc /Zhi Dong
20		Handi Cupboard	2932 Durham Rd	Beer & Wine On Premises	James Arnold Ashley / Jean Ashley
21		Heirloom, A Poppa Paul Kitchen	117 Depot St	Beer & Wine On Premises	Ronald Kyle Wilkerson & Candace Crank
22		Henry's Quick Stop	723 Durham Road	Beer & Wine Off Premises	Jessup Umar LLC/Rebecca Jessup, Malik Umar
23		L W's Tavern	903 North Main St	Beer On & Off Premises	Donald Lee Wallace Jr
24		La Cocina Mexican Restaurant	241 S Madison Avenue	Beer & Wine On And Off Premises	La Cocina 4 Inc./ Armando,Israel,Luis Villalpando
25		La Piazza Italian Restaurant	35 Abbutt Street	Beer & Wine On & Off Premises	Giovanni Scotti D'Abbusco
26		Morristown BBQ Pit 2	715 Ridge Road	Beer On Premises	Backyard Barbeque/ Fabianne Simmons
27		NC CVS Pharmacy LLC #3531	900 N Madison Blvd	Beer & Wine Off Premises	NC CVS Pharmacy LLC
28		North Main IGA/Foodliner	1124 N Main St	Beer Off Premises	B and K Enterprises Inc./Robert Dixon & Carl Small
29		Oak Street Tavern	207 Oak Street	Beer On Premises	Robert Flath
30		O'Neil's Quick Stop	501 South Morgan St.	Beer & Wine Off Premises	O'neils Quick Stop Inc/Maher Barsourm & Hany Marzok
31		Pizza Hut of Roxboro	234 South Madison Blvd	Beer On Premises	Mid Atlantic Pizza Huts
32		Quality Discount	1251 North Main Street	Beer & Wine Off Premises	Bakr Moazeb
33		Quality Mart #14	207 Madison Blvd	Beer & Wine Off Premises	Quality Oil Company LLC
34		Rite Aid # 11382/Walgreen Comp.	304 N Madison Blvd	Beer & Wine Off Premises	Walgreen Company
35		Roxboro Elks Lodge 2005	408 Leasburg Rd	Beer On Premises	William Bullock /B P O E
36		Roxboro Fuel Time	1528 N Main St	Beer & Wine Off Premises	Abdulghani Moazeb / Roxboro Express Inc
37		Roxboro Moose Lodge 2005	480 Burlington Rd	Beer On Premises	Loyal Order of Moose
38		Scoot Thru/Breeze Thru	3104 Durham Rd	Beer & Wine Off Premises	Breeze Thru LLC
39		Sheetz 539	9175 North Madison Blvd	Beer & Wine Off Premises	Sheetz of NC LLC
40		Southern Food Mart	1274 Hurdle Mills Rd	Beer & Wine Off Premises	Devshanti Inc /Bhaumikumar Patel
41		Stop N Shop	1810 N Main St	Beer & Wine Off Premises	Vinayak Yogi of Roxboro/Bhaves Patel,Krishnakant Patel
42		Tienda Mexicana La Veracruzana	722-C Durham Rd	Beer Off Premises	Esdrella Inc/Martin Hernandez, Maria Murrieta
43		Torero's Mexican Restaurant	904 N Madison Blvd G-1	Beer & Wine On & Off Premises	Toreros III Inc /Jose Arias, Narciso Rodriguez
44		Trangs Mini Mart and Grill	3354 Durham Rd	Beer & Wine On & Off Premises	Trangs Mini Mart and Grill Inc.
45		Troy's Place	1229 N Main St	Beer On Premises	Troy Gregory
46		Vesuvio's Italian Restaurant	1049 Durham Road Suite H	Beer & Wine On & Off Premises	Luigi DiScioarro
47		Wal-Mart Supercenter #1288	1049 Durham Road	Beer & Wine Off Premises	Wal-Mart Stores East LP
48		Wine A Little At Southern Treasure	719-B Durham Rd	Beer & Wine On & Off Premises	Wallace & Bettie Yarboro Jackson
49		Winners Food Mart/Metro Retail	401 N Madison Blvd	Beer & Wine Off Premises	Metro Retail Holdings LLC

# 1. Text Amendment - Stormwater Ordinance - PH

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INTEROFFICE MEMO

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February 12, 2019

To: Mayor and City Council

From: Andrew M. Oakley, Public Services Director

Subject: NPDES/Falls Lake Stormwater Ordinance Revision

The City of Roxboro's NPDES MS4 Permit for Stormwater Management was renewed in February 2018. As part of the renewal process, some minor revisions to our ordinance were noted.

Most of the changes to our ordinance reflect minor discrepancies that were noted over the past 7 years of use. The only significant change was from a legislative provision from December that required the following paragraph be inserted on page 9:

This ordinance shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment.

City Council's adoption of this revised ordinance will keep Roxboro in compliance with our NPDES Stormwater Permit and Falls Lake Watershed Regulations.

**Falls Lake Watershed, Water Supply Watershed,  
and NPDES Phase II  
Stormwater Ordinance for New Development and  
Illicit Discharge Detection and Elimination Ordinance**

**Adopted February 12, 2019**

## Table of Contents

<b>SECTION 1: GENERAL PROVISIONS</b> .....	7
<b>53-101 Title</b> .....	7
<b>53-102 Authority</b> .....	7
<b>53-103 Findings</b> .....	7
<b>53-104 Purpose</b> .....	8
<b>53-105 Applicability and Jurisdiction</b> .....	9
<b>(A) General</b> .....	9
<b>(B) Exemptions</b> .....	9
<b>(C) No Development or Redevelopment Until Compliance and Permit</b> .....	10
<b>(D) Map</b> .....	10
<b>53-106 Interpretation</b> .....	10
<b>(A) Meaning and Intent</b> .....	10
<b>(B) Text Controls in Event of Conflict</b> .....	10
<b>(C) Authority for Interpretation</b> .....	10
<b>(D) References to Statutes, Regulations, and Documents</b> .....	11
<b>(E) Computation of Time</b> .....	11
<b>(F) Delegation of Authority</b> .....	11
<b>(G) Usage</b> .....	11
<b>(H) Measurement and Computation</b> .....	11
<b>53-107 Design Manual</b> .....	12
<b>(A) Reference to Design Manual</b> .....	12
<b>(B) Relationship of Design Manual to Other Laws and Regulations</b> .....	12
<b>(C) Changes to Standards and Specifications</b> .....	12
<b>(D) Amendments to Design Manual</b> .....	12
<b>(E) Design Manual vs. NC DENR BMP Manual</b> .....	12
<b>53-108 Relationship to Other Laws, Regulations and Private Agreements</b> .....	12
<b>(A) Conflict of Laws</b> .....	12
<b>(B) Private Agreements</b> .....	13
<b>53-109 Severability</b> .....	13
<b>53-110 Effective Date and Transitional Provisions</b> .....	13
<b>(A) Effective Date</b> .....	13
<b>(B) Final Approvals, Complete Applications</b> .....	13

(C)	Violations Continue .....	14
<b>SECTION 2: ADMINISTRATION AND PROCEDURES.....</b>		<b>15</b>
<b>53-201</b>	<b><i>Review and Decision-Making Entities .....</i></b>	<b>15</b>
(A)	Stormwater Administrator .....	15
<b>53-202</b>	<b><i>Review Procedures .....</i></b>	<b>15</b>
(A)	Permit Required; Must Apply for Permit .....	15
(B)	Effect of Permit .....	16
(C)	Authority to File Applications .....	16
(D)	Establishment of Application Requirements, Schedule, and Fees .....	16
(E)	Submittal of Complete Application.....	17
(F)	Review .....	17
<b>53-203</b>	<b><i>Applications for Approval.....</i></b>	<b>18</b>
(A)	Concept Plan and Consultation Meeting .....	18
(B)	Stormwater Management Permit Application.....	19
(C)	As-Built Plans and Final Approval .....	19
(D)	Other Permits .....	19
<b>53-204</b>	<b><i>Approvals.....</i></b>	<b>20</b>
(A)	Effect of Approval.....	20
(B)	Time Limit/Expiration.....	20
<b>53-205</b>	<b><i>Appeals .....</i></b>	<b>20</b>
(A)	Right of Appeal .....	20
(B)	Filing of Appeal and Procedures .....	20
(C)	Review by Superior Court.....	20
<b>SECTION 3: STANDARDS .....</b>		<b>22</b>
<b>53-301</b>	<b><i>General Standards.....</i></b>	<b>22</b>
<b>53-302</b>	<b><i>PHASE II Standards.....</i></b>	<b>22</b>
(A)	Development Standards for Low-Density Projects.....	22
(B)	Development Standards for High-Density Projects.....	23
<b>53-303</b>	<b><i>Falls Lake Watershed Standards.....</i></b>	<b>24</b>
(A)	Nitrogen and Phosphorus loading .....	24
(B)	Nitrogen and Phosphorus standard is supplemental.....	24
(C)	TSS Removal for High Density Projects.....	24
(D)	Partial Offset of Nutrient Control Requirements .....	24

<b>53-304</b>	<b><i>Water Supply Watershed Standards</i></b> .....	<b>25</b>
<b>(A)</b>	<b>Exemptions from Water Supply Watershed Standards</b> .....	<b>25</b>
<b>(B)</b>	<b>General</b> .....	<b>25</b>
<b>(C)</b>	<b>Subdivision Application, Standards and Required Improvements</b> .....	<b>25</b>
<b>(D)</b>	<b>Construction Procedures</b> .....	<b>26</b>
<b>(E)</b>	<b>Penalty for Transferring Lots in Unapproved Subdivisions</b> .....	<b>26</b>
<b>(F)</b>	<b>Watershed Areas Described; WS-III-BW (Balance of Watershed) with Low Density Option</b> .....	<b>27</b>
<b>(G)</b>	<b>Watershed Areas Described; WS-III-BW (Balance of Watershed) with High Density Options</b> .....	<b>27</b>
<b>(H)</b>	<b>Cluster Development</b> .....	<b>28</b>
<b>(I)</b>	<b>Water Supply Watershed Buffers</b> .....	<b>28</b>
<b>(J)</b>	<b>Watershed Area Boundaries</b> .....	<b>29</b>
<b>(K)</b>	<b>Existing Development for Water Supply Watershed</b> .....	<b>29</b>
<b>(L)</b>	<b>Application of Regulations</b> .....	<b>30</b>
<b>(M)</b>	<b>General Public Health</b> .....	<b>30</b>
<b>53-305</b>	<b><i>Control and Treatment of Runoff Volume</i></b> .....	<b>30</b>
<b>53-306</b>	<b><i>Water Quantity reduction</i></b> .....	<b>30</b>
<b>53-307</b>	<b><i>Evaluation of Standards for Stormwater Control Measures</i></b> .....	<b>31</b>
<b>(A)</b>	<b>Evaluation According to Contents of Design Manual</b> .....	<b>31</b>
<b>(B)</b>	<b>Determination of Adequacy; Presumptions and Alternatives</b> .....	<b>31</b>
<b>53-308</b>	<b><i>Dedication of BMPS, Facilities &amp; Improvements</i></b> .....	<b>31</b>
<b>53-309</b>	<b><i>Variances</i></b> .....	<b>31</b>
	<b>SECTION 4: MAINTENANCE</b> .....	<b>33</b>
<b>53-401</b>	<b><i>General Standards for Maintenance</i></b> .....	<b>33</b>
<b>(A)</b>	<b>Function of BMPs As Intended</b> .....	<b>33</b>
<b>(B)</b>	<b>Annual Maintenance Inspection and Report</b> .....	<b>33</b>
<b>53-402</b>	<b><i>Operation and Maintenance Agreement</i></b> .....	<b>33</b>
<b>(A)</b>	<b>In General</b> .....	<b>33</b>
<b>(B)</b>	<b>Operation and Maintenance Agreement</b> .....	<b>34</b>
<b>53-403</b>	<b><i>Inspection Program</i></b> .....	<b>36</b>
<b>53-404</b>	<b><i>Performance Security for Installation and Maintenance</i></b> .....	<b>36</b>
<b>(A)</b>	<b>May Be Required</b> .....	<b>36</b>

(B)	Amount.....	37
(C)	Uses of Performance Security .....	37
53-405	<i>Notice to owners</i> .....	38
(A)	Deed Recordation and Indications On Plat .....	38
(B)	Signage .....	38
53-406	<i>Records of Installation and Maintenance Activities</i> .....	38
53-407	<i>Nuisance</i> .....	38
53-408	<i>Maintenance Easement</i> .....	38
<b>SECTION 5: ENFORCEMENT AND VIOLATIONS</b> .....		<b>39</b>
53-501	<i>General</i> .....	39
(A)	Authority to Enforce.....	39
(B)	Violation Unlawful .....	39
(C)	Each Day a Separate Offense.....	39
(D)	Responsible <i>Persons/Entities</i> .....	39
53-502	<i>Remedies and Penalties</i> .....	40
(A)	Remedies .....	40
(B)	Civil Penalties .....	41
(C)	Criminal Penalties.....	41
53-503	<i>Procedures</i> .....	41
(A)	Initiation/Complaint .....	41
(B)	Inspection.....	41
(C)	Notice of Violation and Order to Correct.....	41
(D)	Extension of Time .....	42
(E)	Enforcement After Time to Correct.....	42
(F)	Emergency Enforcement .....	42
<b>SECTION 6: DEFINITIONS</b> .....		<b>43</b>
53-601	<i>Terms Defined</i> .....	43
	Built-upon area (BUA) .....	43
	Department.....	43
	Design Manual.....	43
	Development .....	43
	Division.....	43
	Engineered stormwater control .....	43

<b>Land disturbing activity .....</b>	<b>44</b>
<b>Larger common plan of development or sale .....</b>	<b>44</b>
<b>1-year, 24-hour storm .....</b>	<b>44</b>
<b>10-year, 24-hour storm .....</b>	<b>44</b>
<b>100-year, 24-hour storm .....</b>	<b>44</b>
<b>Outfall .....</b>	<b>45</b>
<b>Owner.....</b>	<b>45</b>
<b>Person.....</b>	<b>45</b>
<b>Redevelopment .....</b>	<b>45</b>
<b>Substantial progress.....</b>	<b>45</b>
<b><i>SECTION 7: Illicit Discharge Detection and Elimination .....</i></b>	<b><i>49</i></b>
<b><i>53-701 Illicit Discharges and Connections .....</i></b>	<b><i>49</i></b>
<b>(A) Illicit Discharges.....</b>	<b>49</b>
<b>(B) Illicit Connections .....</b>	<b>49</b>
<b>(C) Spills .....</b>	<b>50</b>
<b>(D) Industrial or Construction Activity Discharges .....</b>	<b>50</b>
<b><i>53-702 Right of entry.....</i></b>	<b><i>50</i></b>
<b>(A) Authority to Inspect.....</b>	<b>50</b>
<b>(B) Authority to Sample, Establish Sampling Devices, and Test.....</b>	<b>51</b>
<b><i>53-703 Enforcement.....</i></b>	<b><i>51</i></b>
<b>(A) Notice of Violation.....</b>	<b>51</b>
<b>(B) Violations Deemed a Public Nuisance .....</b>	<b>51</b>
<b><i>53-704 Definitions .....</i></b>	<b><i>51</i></b>

## SECTION 1: GENERAL PROVISIONS

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### 53-101 TITLE

This ordinance shall be officially known as “The Falls Watershed, Water Supply Watershed and NPDES Phase II Stormwater Ordinance for New Development.” It is referred to herein as “this ordinance.”

### 53-102 AUTHORITY

The City of Roxboro is authorized to adopt this ordinance pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; North Carolina General Statutes Chapter 143-214.7 and rules promulgated by the Environmental Management Commission thereunder; Chapter 143-215.6A; Chapter 153A-454; Chapter 160A, §§ 174, 185, 459; as well as Chapter 113A, Article 21, Part 6, Floodway Regulation.

### 53-103 FINDINGS

It is hereby determined that:

*Development* and *redevelopment* alter the hydrologic response of local watersheds and increases stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge;

These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment; and

These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from *development* sites.

Further, the *Commission* has identified Falls of Neuse reservoir, a water supply reservoir, as nutrient sensitive waters; has identified all or a portion of the reservoir as impaired waters under the federal Clean Water Act due to exceedances of the chlorophyll a standard; and has promulgated rules (the “Falls Rules”) to reduce the average annual loads of nitrogen and phosphorus delivered to Falls Reservoir from all point and nonpoint sources of these nutrients located within its watershed, including stormwater from new development in this jurisdiction;

Further, the Federal Water Pollution Control Act of 1972 (“Clean Water Act”) and federal Phase II Stormwater Rules promulgated under it, as well as rules of the North Carolina Environmental Management Commission promulgated in response to federal Phase II requirements, compel certain urbanized areas, including this jurisdiction, to adopt the minimum stormwater controls such as those included in this ordinance.

Therefore, the City of Roxboro City Council establishes this set of water quality and quantity regulations to meet the requirements of state and federal law regarding control of stormwater runoff and discharge for *development*.

## 53-104 PURPOSE

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased stormwater runoff, nitrogen and phosphorus in stormwater runoff and nonpoint and point source pollution associated with new *development* and *redevelopment* in the City of Roxboro corporate limits. It has been determined that proper management of construction-related and post-*development* stormwater runoff will minimize damage to public and private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources.

This ordinance seeks to meet its general purpose through the following specific objectives and means:

1. Establishing decision-making processes for *development* that protects the integrity of watersheds and preserve the health of water resources;
2. Requiring that new *development* and *redevelopment* maintain the pre-*development* hydrologic response in their post-*development* state for the applicable design storm to reduce flooding, streambank erosion, nonpoint and point source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;
3. Establishing minimum post-*development* stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
4. Establishing design and review criteria for the construction, function, and use of *structural stormwater BMPs* that may be used to meet the minimum post-*development* stormwater management standards;
5. Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for stormwater and the preservation of greenspace, riparian buffers and other conservation areas to the maximum extent practicable;
6. Establishing provisions for the long-term responsibility for and maintenance of *structural and nonstructural stormwater BMPs* to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety;
7. Establishing administrative procedures for the submission, review, approval and disapproval of *stormwater management plans*, for the inspection of approved projects, and to assure appropriate long-term maintenance.
8. Controlling illicit discharges into the municipal separate *stormwater system*.

53-105 APPLICABILITY AND JURISDICTION

(A) **General**

Beginning with and subsequent to its effective date, this ordinance shall be applicable to all *development* and *redevelopment*, including, but not limited to, site plan applications, subdivision applications, and grading applications, within the corporate and extra territorial jurisdictional limits unless exempt pursuant to this ordinance.

(B) **Exemptions**

Single family and duplex residential and recreational *development* and *redevelopment* that cumulatively disturbs less than one half acre in the Falls Lake Watershed or one (1) acre within the rest of the City's jurisdiction or does not increase the built upon area of the site and is not part of a *larger common plan of development or sale* is exempt from the provisions of this ordinance. This exemption does not exist for the Water Supply Watershed Standards within the City's jurisdiction.

Commercial, industrial, institutional, multifamily residential or local government *development* and *redevelopment* that cumulatively disturbs less than 12,000 square feet in the Falls Lake Watershed or one (1) acre within the rest of the City's jurisdiction or does not increase the built upon area of the site and is not part of a *larger common plan of development or sale* is exempt from the provisions of this ordinance. This exemption does not exist for the Water Supply Watershed Standards within the City's jurisdiction.

*Development* and *redevelopment* that disturbs less than the above thresholds are not exempt if such activities are part of a *larger common plan of development or sale* and the larger common plan exceeds the relevant threshold, even though multiple, separate or distinct activities take place at different times on different schedules.

*Development* that is exempt from permit requirements of Section 404 of the federal Clean Water Act as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from the provisions of this ordinance.

*Redevelopment* projects that are exempt from this ordinance must provide equal or greater stormwater control than the previous development.

This ordinance shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment.

All subdivisions must be reviewed by the Stormwater Administrator prior to recording by the Register of Deeds to determine whether or not the property/project is subject to this ordinance.

**(C) No Development or Redevelopment Until Compliance and Permit**

No *development* or *redevelopment* shall occur except in compliance with the provisions of this ordinance or unless exempted. No *development* or *redevelopment* for which a permit is required pursuant to this ordinance shall occur except in compliance with the provisions, conditions, and limitations of the permit.

**(D) Map**

The provisions of this ordinance shall apply within the areas designated on the map titled "Stormwater Map of City of Roxboro, North Carolina" ("the Stormwater Map"), which is adopted simultaneously herewith. The Stormwater Map and all explanatory matter contained thereon accompanies and is hereby made a part of this ordinance. The Stormwater Map will contain two different designations, within Falls Lake watershed and outside of Falls Lake Watershed. Falls Lake and Water Supply Watershed standards will apply within the Falls Lake watershed and the Phase II standards will apply to all areas of the map.

The Stormwater Map shall be kept on file by the Stormwater Administrator and shall be updated to take into account changes in the land area covered by this ordinance and the geographic location of all *engineered stormwater controls* permitted under this ordinance. In the event of a dispute, the applicability of this ordinance to a particular area of land or BMP shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances.

**53-106 INTERPRETATION**

**(A) Meaning and Intent**

All provisions, terms, phrases, and expressions contained in this ordinance shall be construed according to the general and specific purposes set forth in Section 104, Purpose. If a different or more specific meaning is given for a term defined elsewhere in the City of Roxboro Code of Ordinances, the meaning and application of the term in this ordinance shall control for purposes of application of this ordinance.

**(B) Text Controls in Event of Conflict**

In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

**(C) Authority for Interpretation**

The Stormwater Administrator has authority to determine the interpretation of this ordinance. Any *person* may request an interpretation by submitting a written request to the Stormwater Administrator, who shall respond in writing within 30 days. The Stormwater Administrator shall keep on file a record of all written interpretations of this ordinance.

**(D) References to Statutes, Regulations, and Documents**

Whenever reference is made to a resolution, ordinance, statute, regulation, manual (including the *Design Manual*), or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.

**(E) Computation of Time**

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City of Roxboro, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the City of Roxboro. References to days are calendar days unless otherwise stated.

**(F) Delegation of Authority**

Any act authorized by this Ordinance to be carried out by the Stormwater Administrator of City of Roxboro may be carried out by his or her designee.

**(G) Usage**

**(1) Mandatory and Discretionary Terms**

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

**(2) Conjunctions**

Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows: The word “and” indicates that all connected items, conditions, provisions and events apply. The word “or” indicates that one or more of the connected items, conditions, provisions or events apply.

**(3) Tense, Plurals, and Gender**

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

**(H) Measurement and Computation**

Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot or site.

## 53-107 DESIGN MANUAL

### (A) Reference to Design Manual

The Stormwater Administrator shall use the policy, criteria, and information, including technical specifications and standards, in the *Design Manual* as the basis for decisions about stormwater permits and about the design, implementation and performance of *engineered stormwater controls* and other practices for compliance with this ordinance.

The *Design Manual* includes a list of acceptable stormwater treatment practices, including specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of the Falls Rules.

### (B) Relationship of Design Manual to Other Laws and Regulations

If the specifications or guidelines of the *Design Manual* are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the *Design Manual*.

### (C) Changes to Standards and Specifications

If the standards, specifications, guidelines, policies, criteria, or other information in the *Design Manual* are amended subsequent to the submittal of an application for approval pursuant to this ordinance but prior to approval, the new information ~~shall~~ may control and ~~shall~~ may be utilized in reviewing the application and in implementing this ordinance with regard to the application. This decision will be made by the Stormwater Administrator.

### (D) Amendments to Design Manual

The *Design Manual* may be updated and expanded from time to time, based on advancements in technology and engineering, improved knowledge of local conditions, or local monitoring or maintenance experience.

Prior to amending or updating the *Design Manual*, proposed changes shall be generally publicized and made available for review, and an opportunity for comment by interested *persons* shall be provided.

### (E) Design Manual vs. NC DENR BMP Manual

The Design Manual shall be as stringent or more so than the North Carolina Department of Environment and Natural Resources-Division of Water Quality's Manual of Stormwater Best Management Practices.

## 53-108 RELATIONSHIP TO OTHER LAWS, REGULATIONS AND PRIVATE AGREEMENTS

### (A) Conflict of Laws

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in

addition to the requirements of any other ordinance, rule, regulation or other provision of law. Where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

**(B) Private Agreements**

This ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such an easement, covenant, or other private agreement, the requirements of this ordinance shall govern. Nothing in this ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to comply with this ordinance. In no case shall City of Roxboro be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

**53-109 SEVERABILITY**

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

**53-110 EFFECTIVE DATE AND TRANSITIONAL PROVISIONS**

**(A) Effective Date**

This Ordinance shall take effect on July 1, 2012.

**(B) Final Approvals, Complete Applications**

All *development* and *redevelopment* projects for which complete and full applications were submitted and approved by the City of Roxboro prior to the effective date of this ordinance and which remain valid, unexpired, unrevoked and not otherwise terminated at the time of *development* shall be exempt from complying with all provisions of this ordinance dealing with the control and/or management of stormwater.

A phased development plan shall be deemed approved prior to the effective date of this ordinance if it has been approved by all necessary government units, it remains valid, unexpired, unrevoked and not otherwise terminated, and it shows:

1. For the initial or first phase of *development* or *redevelopment*, the type and intensity of use for a specific parcel or parcels, including at a minimum, the boundaries of the project and a subdivision plan that has been approved.
2. For any subsequent phase of *development* or *redevelopment*, sufficient detail so that implementation of the requirements of this ordinance to that phase of *development* would require a material change in that phase of the plan.

**(C) Violations Continue**

Any violation of provisions existing on the effective date of this ordinance shall continue to be a violation under this ordinance and be subject to penalties and enforcement under this ordinance unless the use, *development*, construction, or other activity complies with the provisions of this ordinance.

## SECTION 2: ADMINISTRATION AND PROCEDURES

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### 53-201 REVIEW AND DECISION-MAKING ENTITIES

#### (A) Stormwater Administrator

##### (1) Designation

A Stormwater Administrator shall be designated by the City of Roxboro City Manager to administer and enforce this ordinance.

##### (2) Powers and Duties

In addition to the powers and duties that may be conferred by other provisions of the City of Roxboro Code of Ordinances and other laws, the Stormwater Administrator shall have the following powers and duties under this ordinance:

- a. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to this ordinance.
- b. To make determinations and render interpretations of this ordinance.
- c. To establish application requirements and schedules for submittal and review of applications and appeals, to review and make recommendations to the City of Roxboro City Council on applications for *development* or *redevelopment* approvals.
- d. To enforce the provisions of this ordinance in accordance with its enforcement provisions.
- e. To maintain records, maps, forms and other official materials as relate to the adoption, amendment, enforcement, and administration of this ordinance.
- f. To provide expertise and technical assistance to the City of Roxboro City Council, upon request.
- g. To designate appropriate other *person(s)* who shall carry out the powers and duties of the Stormwater Administrator.
- h. To take any other action necessary to administer the provisions of this ordinance.
- i. To keep records of all reviews and actions generated by and associated with this ordinance.

### 53-202 REVIEW PROCEDURES

#### (A) Permit Required; Must Apply for Permit

A stormwater permit is required for all *development* and *redevelopment* unless exempt pursuant to this ordinance. A permit may only be issued subsequent to a properly

submitted and reviewed permit application, pursuant to this section. A permit is required prior to a certificate of occupancy being issued and executed on a property.

**(B) Effect of Permit**

A stormwater permit shall govern the design, installation, and construction of stormwater management and control practices on the site, including *engineered stormwater controls* and elements of site design for stormwater management other than *engineered stormwater controls*.

The permit is intended to provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of stormwater for the *development* or *redevelopment* site consistent with the requirements of this ordinance, whether the approach consists of *engineered stormwater controls* or other techniques such as low-impact or low-density design. The permit does not continue in existence indefinitely after the completion of the project; rather, compliance after project construction is assured by the maintenance provisions of this ordinance.

**(C) Authority to File Applications**

All applications required pursuant to this Code shall be submitted to the Stormwater Administrator by the land *owner* or the land *owner's* duly authorized agent.

**(D) Establishment of Application Requirements, Schedule, and Fees**

**(1) Application Contents and Form**

The Stormwater Administrator shall establish requirements for the content and form of all applications and shall amend and update those requirements from time to time. At a minimum, the stormwater permit application shall describe in detail how post-*development* stormwater runoff will be controlled and managed, the design of all stormwater facilities and practices, and how the proposed project will meet the requirements of this ordinance.

**(2) Submission Schedule**

The Stormwater Administrator shall establish a submission schedule for applications. The schedule shall establish deadlines by which complete applications must be submitted for the purpose of ensuring that there is adequate time to review applications; and that the various stages in the review process are accommodated.

**(3) Permit Review Fees**

The City of Roxboro shall establish permit review fees as well as policies regarding refund of any fees upon withdrawal of an application, and may amend and update the fees and policies from time to time.

#### **(4) Administrative Manual**

For applications required under this Code, the Stormwater Administrator shall compile the application requirements, submission schedule, fee schedule, a copy of this ordinance, and information on how and where to obtain the Design Manual in an Administrative Manual, which shall be made available to the public.

#### **(E) Submittal of Complete Application**

Applications shall be submitted to the Stormwater Administrator pursuant to the application submittal schedule in the form established by the Stormwater Administrator, along with the appropriate fee established pursuant to this section.

An application shall be considered as timely submitted only when it contains all elements of a complete application pursuant to this ordinance, along with the appropriate fee. If the Stormwater Administrator finds that an application is incomplete, the applicant shall be notified of the deficient elements and shall be provided with an opportunity to submit a complete application. However, the submittal of an incomplete application shall not suffice to meet a deadline contained in the submission schedule established above.

#### **(F) Review**

Within **15** working days after a complete application is submitted, the Stormwater Administrator shall review the application and determine whether the application complies with the standards of this ordinance.

##### **(1) Approval**

If the Stormwater Administrator finds that the application complies with the standards of this ordinance, the Stormwater Administrator shall approve the application. The Stormwater Administrator may impose conditions of approval as needed to ensure compliance with this ordinance. The conditions shall be included as part of the approval.

##### **(2) Fails to Comply**

If the Stormwater Administrator finds that the application fails to comply with the standards of this ordinance, the Stormwater Administrator shall notify the applicant and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application.

##### **(3) Revision and Subsequent Review**

A complete revised application shall be reviewed by the Stormwater Administrator within **15** working days after its re-submittal and shall be approved, approved with conditions or disapproved.

If a revised application is not re-submitted within thirty (30) calendar days from the date the applicant was notified, the application shall be considered

withdrawn, and a new submittal for the same or substantially the same project shall be required along with the appropriate fee for a new submittal.

One re-submittal of a revised application may be submitted without payment of an additional permit review fee. Any re-submittal after the first re-submittal shall be accompanied by a permit review fee additional fee, as established pursuant to this ordinance.

## 53-203 APPLICATIONS FOR APPROVAL

### (A) Concept Plan and Consultation Meeting

Before a stormwater management permit application is deemed complete, the Stormwater Administrator or developer may request a consultation on a concept plan for the post-construction stormwater management system to be utilized in the proposed *development* project. This consultation meeting should take place at the time of the preliminary plan of subdivision or other early step in the *development* process. The purpose of this meeting is to discuss the stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential approaches to stormwater management designs before formal site design engineering is commenced. Local watershed plans and other relevant resource protection plans should be consulted in the discussion of the concept plan.

To accomplish this goal, the following information should be included in the concept plan, which should be submitted in advance of the meeting:

#### (1) Existing Conditions / Proposed Site Plans

Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (if available); stream and other buffers and features used in designing buffers and meeting any applicable buffer requirements; boundaries of existing predominant vegetation; proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

#### (2) Natural Resources Inventory

A written or graphic inventory of natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for *development* and stormwater management.

### **(3) Stormwater Management System Concept Plan**

A written or graphic concept plan of the proposed post-*development* stormwater management system including: preliminary selection and location of proposed *engineered stormwater controls*; low-impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of any proposed stream channel modifications, such as bridge or culvert crossings.

### **(B) Stormwater Management Permit Application**

The stormwater management permit application shall detail how post-*development* stormwater runoff will be controlled and managed and how the proposed project will meet the requirements of this ordinance, including Section 3, Standards. All such plans shall be prepared by a qualified registered North Carolina professional engineer, surveyor, soil scientist or landscape architect, and the engineer, surveyor, soil scientist or landscape architect shall perform services only in their area of competence, and shall verify that the design of all stormwater management facilities and practices meets the submittal requirements for complete applications, that the designs and plans are sufficient to comply with applicable standards and policies found in the *Design Manual*, and that the designs and plans ensure compliance with this ordinance.

The submittal shall include all of the information required in the submittal checklist established by the Stormwater Administrator. Incomplete submittals shall be treated pursuant to Section 53-202(D).

### **(C) As-Built Plans and Final Approval**

The plans shall show the final design specifications for Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual “as built” plans for all stormwater management facilities or practices after final construction is completed.

The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this ordinance. A final inspection and approval by the Stormwater Administrator shall occur before the release of any performance securities.

### **(D) Other Permits**

No certificate of compliance or occupancy shall be issued by the City of Roxboro without final as-built plans and a final inspection and approval by the Stormwater Administrator, except where multiple units are served by the stormwater practice or facilities, in which case the City of Roxboro may elect to withhold a percentage of

permits or certificates of occupancy until as-built plans are submitted and final inspection and approval has occurred.

#### 53-204 APPROVALS

**(A) Effect of Approval**

Approval authorizes the applicant to go forward with only the specific plans and activities authorized in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.

**(B) Time Limit/Expiration**

An approved plan shall become null and void if the applicant fails to make *substantial progress* on the site within one year after the date of approval. The Stormwater Administrator may grant a single, one-year extension of this time limit, for good cause shown, upon receiving a written request from the applicant before the expiration of the approved plan.

In granting an extension, the Stormwater Administrator may require compliance with standards adopted since the original application was submitted unless there has been substantial reliance on the original permit and the change in standards would infringe the applicant's vested rights.

#### 53-205 APPEALS

**(A) Right of Appeal**

Any aggrieved *person* affected by any decision, order, requirement, or determination relating to the interpretation or application of this ordinance made by the Stormwater Administrator, may file an appeal to the Board of Adjustment within 30 days. Appeals of variance requests shall be made as provided in the section on Variances. In the case of requests for review of proposed civil penalties for violations of this ordinance, the Board of Adjustment shall make a final decision on the request for review within 90 days of receipt of the date the request for review is filed.

**(B) Filing of Appeal and Procedures**

Appeals shall be taken within the specified time period by filing a notice of appeal and specifying the grounds for appeal on forms provided by City of Roxboro. The Stormwater Administrator shall transmit to the Board of Adjustment all documents constituting the record on which the decision appealed from was taken.

The hearing conducted by the Board of Adjustment shall be conducted in the nature of a quasi-judicial proceeding with all findings of fact supported by competent, material evidence.

**(C) Review by Superior Court**

Every decision of the Board of Adjustment shall be subject to Superior Court review by proceedings in the nature of certiorari. Petition for review by the Superior

Court shall be filed with the Clerk of Superior Court within thirty (30) days after the latter of the following:

- (1) The decision of the Board of Adjustment is filed; or
- (2) A written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the Chairman of the Board of Adjustment at the time of its hearing of the case.

## SECTION 3: STANDARDS

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### 53-301 GENERAL STANDARDS

All *development* and *redevelopment* to which this ordinance applies shall comply with the standards of this section. The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future *development* and *redevelopment* maintains the site consistent with the approved project plans.

Three types of standards exist in this ordinance: Phase II standards that apply to the areas within the City of Roxboro that are not within the Falls Lake Watershed; Falls Lake Watershed standards and Water Supply Watershed standards that only apply to the areas within the Falls Lake Watershed. Compliance with the Water Supply Watershed Standards within the Falls Lake Watershed is considered, by law, compliance with the NPDES Phase II standards. See the Stormwater Map to determine which standards apply to specific properties. Where standards within this ordinance overlap the most stringent standard shall be applied.

### 53-302 PHASE II STANDARDS

#### (A) Development Standards for Low-Density Projects

Low-density projects (no more than two dwelling units per acre or twenty-four percent built-upon area for all residential and non-residential development) shall comply with each of the following standards:

##### (1) Stormwater Conveyance

Stormwater runoff from the development shall be transported from the development by vegetated conveyances to the maximum extent practicable.

##### (2) Stream Buffers

All built-upon area shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters. A perennial or intermittent surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a) or similar site-specific determination made using Division-approved methodology.

##### (3) Density Provision

A project with an overall density at or below the low-density thresholds, but containing areas with a density greater than the overall project density, may be considered low density as long as the project meets or exceeds the post-construction model practices for low-density projects and locates the higher density in upland areas and away from surface waters and drainageways to the maximum extent practicable.

**(4) Restrictions on Property Use**

The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

**(B) Development Standards for High-Density Projects**

High-density projects (any project that exceeds the low density thresholds for dwelling units per acre or built-upon area) shall implement structural stormwater management systems that comply with each of the following standards:

**(1) Treatment Volume**

The measures shall be designed to control and treat the stormwater run-off generated by the 1” (one inch) of rain;

**(2) Drawdown Time**

Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours;

**(3) Post-Development Flows**

Stormwater shall not leave the project site at a rate greater than the predevelopment discharge rate for the ten-year, 24-hour storm;

**(4) Total Suspended Solids Removal**

All structural stormwater treatment systems used to meet the requirements of the program shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids (TSS);

**(5) General Design Criteria**

General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c), as explained in the Design Manual;

**(6) Stream Buffers**

All built-upon area shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters. A surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a) or similar site-specific determination made using Division-approved methodology.

**(7) Restrictions on Property Use**

The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

53-303 FALLS LAKE WATERSHED STANDARDS

**(A) Nitrogen and Phosphorus loading**

- (a) Nitrogen and phosphorus loads contributed by the proposed new *development* shall not exceed the following unit-area mass loading rates: 2.2 and 0.33 pounds per acre per year for nitrogen and phosphorus, respectively.
- (b) Notwithstanding 15A NCAC 2B.104(q), *redevelopment* subject to this ordinance that would replace or expand existing structures or improvements and would result in a net increase in *built-upon area* shall have the option of either meeting the loading standards identified in subsection (a) or meeting a loading rate that achieves the following nutrient loads compared to the *existing development*: 40 percent and 77 percent reduction for nitrogen and phosphorus, respectively.
- (c) The developer shall determine the need for engineered stormwater controls to meet these loading rate targets by using the *approved accounting tool*.

**(B) Nitrogen and Phosphorus standard is supplemental**

The nitrogen and phosphorus loading standards in this ordinance are supplemental to, not replacements for, stormwater standards otherwise required by federal, state or local law, including without limitation any riparian buffer requirements applicable to the location of the *development*. This includes, without limitation, the riparian buffer protection requirements of 15A NCAC 2B.0233 and .0242.

**(C) TSS Removal for High Density Projects**

Projects that exceed two dwelling units per acre or twenty four percent built upon area for all residential and non-residential development are considered high density projects and all structural stormwater treatment systems used to meet the requirement of the program shall comply with each of the following additional standards:

**(1) Total Suspended Solids Removal**

All structural stormwater systems shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids (TSS) on site;

**(2) Drawdown Time**

Runoff Volume drawdown time shall be a minimum of 48 hours, but not more than 120 hour;

**(D) Partial Offset of Nutrient Control Requirements**

*Development* subject to this ordinance shall attain nitrogen and phosphorus loading rate reductions on-site that meet the following criteria prior to using an offsite offset measure:

- 30 percent or more reduction in both nitrogen and phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing one half acre but less than one acre.
- 50 percent or more reduction in both nitrogen and phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing more than one acre.

- 30 percent or more reduction in both nitrogen and phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing 12,000 square feet but less than one acre.
- 50 percent or more reduction in both nitrogen and phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing more than one acre.
- 30 percent or more reduction in both nitrogen and phosphorus loading from the untreated condition for proposed redevelopment activities in a designated downtown area that would replace or expand structures or improvements that existed as of December 2006.

A developer subject to this ordinance may achieve the additional reductions in nitrogen and phosphorus loading required by this ordinance by making offset payments to the NC Ecosystem Enhancement Program contingent upon acceptance of payments by that Program. A developer may use an offset option provided by the City of Roxboro. A developer may propose other offset measures to the City of Roxboro, including providing his or her own offsite offset or utilizing a private seller. All offset measures permitted by this ordinance shall meet the requirements of 15A NCAC 02B .0282 and 15A NCAC 02B .0240.

**53-304 WATER SUPPLY WATERSHED STANDARDS**

**(A) Exemptions from Water Supply Watershed Standards**

- a. Existing Development for Water Supply Watershed Standards, as defined in this ordinance, is not subject to the requirements of the Water Supply Watershed Standards. Expansion to structures classified as existing development must meet the requirements of this section; however, the built-upon area of the existing development is not required to be included in the density calculations for water supply watershed standards.
- b. A pre-existing lot owned by an individual prior to the effective date of this chapter, regardless of whether or not a vested right has been established, may be developed for single-family residential purposes without being subject to the restrictions of the water supply watershed standards.

**(B) General**

- a. No subdivision plat of land within the City’s jurisdiction shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of this ordinance. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of the plat would be in conflict with this ordinance.
- b. The approval of a plat does not constitute or effect the acceptance by the city or the public of the dedication of any street or other ground, easement, right-of-way, public utility line or other public facility shown on the plat, and shall not be construed to do so.

**(C) Subdivision Application, Standards and Required Improvements**

- a. All proposed subdivisions shall be reviewed by the Stormwater Administrator prior to recording with the Register of Deeds to determine if the property is subject to this

ordinance. Subdivisions that are not subject to this ordinance may be recorded, provided the Stormwater Administrator initials the plat. Subdivisions that are subject to this ordinance must comply with the provisions of this ordinance.

- b. All subdivisions shall conform with the mapping requirements contained in G.S. §47-30.
- c. All subdivisions of land within the jurisdiction of the city after the effective date of this chapter shall require a plat to be prepared, approved and recorded pursuant to this ordinance.
- d. All subdivision plats shall comply with the requirements for recording of the County Register of Deeds.
- e. The subdivider shall provide the watershed administrator with evidence that the plat has been recorded with the Register of Deeds within five working days of its being recorded.
- f. If the Stormwater Administrator approves the application, the approval shall be indicated on the plat by a certification and the signature of the Stormwater Administrator.
- g. If the Stormwater Administrator disapproves or approves conditionally the application, the reason for the action shall be stated in writing for the applicant. The subdivider may make changes and submit a revised plan which shall constitute a separate request for the purpose of review.
- h. All lots shall provide adequate building space in accordance with the development standards contained within this chapter. Lots which are smaller than the minimum required for residential lots shall be identified on the plat as, "Not for residential purposes."
- i. For the purpose of calculating built upon area, total project area shall include total acreage in the tract on which the project is to be developed.
- j. Where possible, roads shall be located outside of critical areas and watershed buffer areas. Roads constructed within these areas shall be designed and constructed so as to minimize their impact on water quality.

**(D) Construction Procedures**

- a. No construction or installation of improvements shall commence in a proposed subdivision until a subdivision plat has been approved by the Stormwater Administrator.
- b. No building or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this chapter until all requirements of this chapter have been met. The subdividers, prior to commencing any work within the subdivision, shall make arrangements with the Stormwater Administrator to provide for adequate inspection.

**(E) Penalty for Transferring Lots in Unapproved Subdivisions**

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the city, thereafter subdivides his or her land in violation of this chapter or

transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this chapter and recorded in the office of the Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The city may bring an action for injunction of any illegal subdivision transfer, conveyance or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this chapter.

**(F) Watershed Areas Described; WS-III-BW (Balance of Watershed) with Low Density Option**

a. Allowed Uses:

1. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990;
2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15A NCAC 11.6101.0209);
3. Residential Development;
4. Nonresidential Development, excluding discharging landfills and the storage of toxic and hazardous materials unless a spill containment plan is implemented.
5. Nondischarge landfills and sludge application sites are allowed.

b. Density and Built-Upon Limits:

1. Single family residential development shall not exceed two dwelling units per acre or 24% built-upon area, as defined on a project by project basis.
2. Low Density Projects shall comply with the Phase II Standards for Low-Density Projects found in Section 53-302.
3. All other residential and non-residential development shall not exceed 24% built-upon area on a project by project basis.

**(G) Watershed Areas Described; WS-III-BW (Balance of Watershed) with High Density Options**

Projects exceeding 24% Built Upon Area shall either be restricted to 50% Built Upon Area or be included within the 10% of the watershed that may be developed for nonresidential uses up to 70% Built Upon Area.

c. Allowed Uses:

1. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990;
2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15A NCAC 11.6101.0209);

3. Residential Development;
  4. Nonresidential Development, excluding discharging landfills and the storage of toxic and hazardous materials unless a spill containment plan is implemented.
- d. Density and Built-Upon Limits:
1. Where new development exceeds either 2 dwelling units per acre or 24% built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 50% built-upon area.
  2. Projects that exceed 50% Built Upon Area may occupy up to 10% of the watershed for nonresidential uses up to 70% built-upon area on a project by project basis when approved as a special nonresidential intensity allocation (SNIA). For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed. The Stormwater Administrator is authorized to approve SNIA's consistent with the provisions of this ordinance.
  3. All High Density Projects shall comply with the Phase II Standards for High Density Projects found in Section 53-302 (B).

**(H) Cluster Development**

- a. Clustering of development is allowed in the WS-III-BW watershed area.
- b. Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single-family detached developments within the above section on density.
- c. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
- d. The remainder of the tract shall remain in a vegetative or natural state. This area will be maintained through a maintenance agreement between the City and the property owner (s) or property owners association.

**(I) Water Supply Watershed Buffers**

- a. A minimum 100-foot vegetative buffer is required for all new development activities that exceed the low-density option is required along all perennial and intermittent waters located on the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS), on the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture, or as determined by local government studies.
- b. The above buffer requirement is in addition to buffer requirements enforced by the NC Division of Water Quality that regulates uses within the first 50' along perennial and intermittent streams.

- c. No new development is allowed within the buffer except for water dependent structures and uses listed as exempt, allowable, and allowable with mitigation on the NC DWQ allowable uses buffer chart as listed in 15A NCAC 02B .0233.

**(J) Watershed Area Boundaries**

Where uncertainty exists as to the boundaries of the watershed areas as shown on the Watershed Map, the following rules apply:

- a. Where area boundaries are indicated as approximately following the street, alley, railroad or highway lines or centerlines thereof, the lines shall be construed to be the boundaries.
- b. Where area boundaries are indicated as approximately following lot lines, the lot lines shall be construed to the boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the city as evidence that or more properties along these boundaries do not lie within the watershed area.
- c. If further uncertainty exists, the Stormwater Administrator shall interpret the Watershed Map as to the location of the boundaries.

**(K) Existing Development for Water Supply Watershed**

Any existing development as defined in this chapter may be continued and maintained subject to the provisions provided herein. Expansion to structures classified as existing developments must meet the requirements of this chapter; however the built-upon area of the existing development is not required to be included in the density calculations for the water supply watershed density calculation. Calculations for density for the Phase II Standards within this ordinance are to be done separately from the Water Supply Watershed Standards calculation.

- a. Vacant Lots: Lots that are not built on but have been recorded in the office of the County Register of Deeds. Lots may be used for any of the uses allowed in the watershed area in which it is located.
- b. Occupied Lots: This category consists of lots occupied for residential purposes at the time of the adoption of this chapter.
- c. Uses of Land: This category consists of uses existing at the time of adoption of this chapter where the use of the land is not permitted to be established hereafter in the watershed area in which it is located. The uses may be continued, except as follows:
  - i. When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.
  - ii. Such use of land shall be changed only to an allowed use.
  - iii. When such uses ceases for a period of at least one year, it shall not be re-established.
- d. Reconstruction of buildings or built-upon areas: Any existing building or built-upon area not in conformance with the restrictions of this chapter that has been damaged or

removed may be repaired and/or reconstructed, except that there are no restriction on single-family residential development, provided:

- i. Repairs or reconstruction is initiated within 12 months and completed within two years of the damage.
- ii. The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

**(L) Application of Regulations**

- a. No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.
- b. No area required for the purpose of complying with the provisions of the water supply watershed standards shall be included in the area required for another building.
- c. Every residential building hereafter erected, moved or structurally altered shall be located on a lot which conforms to the regulations herein specified, except those designated as existing development.
- d. If a use or class of use is not specifically indicated as being allowed in a watershed area, the use or class of use is prohibited.

**(M) General Public Health**

No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety, and welfare of the public. These conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

**53-305 CONTROL AND TREATMENT OF RUNOFF VOLUME**

*Stormwater systems* shall be designed to control and treat the runoff generated from all surfaces by one inch of rainfall. The treatment volume shall be drawn down pursuant to standards specific to each practice as provided in the *Design Manual*. To ensure that the integrity and nutrient processing functions of receiving waters and associated riparian buffers are not compromised by erosive flows, stormwater flows from the *development* shall not contribute to degradation of waters of the State. At a minimum, the *development* shall not result in a net increase in peak flow leaving the site from pre-development conditions for the ~~one~~ *ten-year, 24-hour storm* event.

**53-306 WATER QUANTITY REDUCTION**

In the event that development has, in the opinion of the Stormwater Administrator or his designee, the potential to cause increased downstream flooding and erosion, a structural stormwater management system may be required that does not allow stormwater to leave the

project site at a rate greater than the predevelopment discharge rate for up to the 100-year, 24 hour storm.

**53-307 EVALUATION OF STANDARDS FOR STORMWATER CONTROL MEASURES**

**(A) Evaluation According to Contents of Design Manual**

All stormwater control measures, *stormwater systems* and stormwater treatment practices (also referred to as Best Management Practices, or BMPs) required under this ordinance shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the *Design Manual*. The Stormwater Administrator shall determine whether proposed BMPs will be adequate to meet the requirements of this ordinance.

**(B) Determination of Adequacy; Presumptions and Alternatives**

Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the *Design Manual* and the *approved accounting tool* will be presumed to meet the minimum water quality and quantity performance standards of this ordinance. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the *Design Manual*, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this ordinance. The Stormwater Administrator may require the applicant to provide the documentation, calculations, and examples necessary for the Stormwater Administrator to determine whether such an affirmative showing is made.

**53-308 DEDICATION OF BMPS, FACILITIES & IMPROVEMENTS**

The City of Roxboro may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this ordinance and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

**53-309 VARIANCES**

(A) Any *person* may petition the City of Roxboro for a variance granting permission to use the *person's* land in a manner otherwise prohibited by this ordinance. For all proposed *major* and *minor variances* from the requirements of this ordinance, the local Watershed Review Board shall make findings of fact showing that:

- (1) There are practical difficulties or unnecessary hardships that prevent compliance with the strict letter of the ordinance;
- (2) The hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property.
- (3) The hardships did not result from actions taken by the petitioner.
- (4) The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit; and
- (5) In granting the variance, the public safety and welfare have been assured and substantial justice has been done.

(B) In the case of a request for a *minor variance* (or a *major variance of the Phase II standards*), the City of Roxboro may vary or modify any of the regulations or provisions of the ordinance so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done may impose reasonable and appropriate conditions and safeguards upon any variance it grants.

(C) The City of Roxboro may attach conditions to the *major* or *minor variance* approval that support the purpose of this ordinance. If the variance request qualifies as a *major variance* (*only for Falls Lake Watershed and Water Supply Watershed standards*), and the City of Roxboro decides in favor of granting the *major variance*, the Board shall then prepare a preliminary record of the hearing and submit it to the *Commission* for review and approval. If the *Commission* approves the *major variance* or approves with conditions or stipulations added, then the *Commission* shall prepare a *Commission* decision which authorizes City of Roxboro to issue a final decision which would include any conditions or stipulations added by the *Commission*. If the *Commission* denies the major variance, then the *Commission* shall prepare a decision to be sent to City of Roxboro. The City of Roxboro shall prepare a final decision denying the major variance.

(D) Appeals from the local government decision on a *major* or *minor variance* request are made on certiorari to the local Superior Court. Appeals from the *Commission* decision on a *major variance* request are made on judicial review to Superior Court.

## SECTION 4: MAINTENANCE

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### 53-401 GENERAL STANDARDS FOR MAINTENANCE

#### (A) Function of BMPs As Intended

The *owner* of each *engineered stormwater control* installed pursuant to this ordinance shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the *engineered stormwater control* was designed.

#### (B) Annual Maintenance Inspection and Report

The *person* responsible for maintenance of any *engineered stormwater control* installed pursuant to this ordinance shall submit to the Stormwater Administrator an inspection report from one of the following *persons* performing services only in their area of competence: a qualified registered North Carolina professional engineer, surveyor, landscape architect, soil scientist, aquatic biologist, or *person* certified by the North Carolina Cooperative Extension Service for stormwater treatment practice inspection and maintenance. The inspection report shall contain all of the following:

- (1) The name and address of the land *owner*;
- (2) The recorded book and page number of the lot of each *engineered stormwater control*;
- (3) A statement that an inspection was made of all *engineered stormwater controls*;
- (4) The date the inspection was made;
- (5) A statement that all inspected *engineered stormwater controls* are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this ordinance; and
- (6) The original signature and seal of the engineer, surveyor, or landscape architect.

All inspection reports shall be on forms supplied by the Stormwater Administrator. An original inspection report shall be provided to the Stormwater Administrator beginning one year from the date of as-built certification and each year thereafter on or before the date of the as-built certification.

### 53-402 OPERATION AND MAINTENANCE AGREEMENT

#### (A) In General

Prior to the conveyance or transfer of any lot or building site to be served by a *engineered stormwater control* pursuant to this ordinance, and prior to issuance of any permit for *development* requiring a *engineered stormwater control* pursuant to this ordinance, the applicant or *owner* of the site must execute an operation and maintenance agreement that shall be binding on all subsequent *owners* of the site,

portions of the site, and lots or parcels served by the *engineered stormwater control*. Until the transference of all property, sites, or lots served by the *engineered stormwater control*, the original *owner* or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement.

The operation and maintenance agreement shall require the *owner* or *owners* to maintain, repair and, if necessary, reconstruct the *engineered stormwater control*, and shall state the terms, conditions, and schedule of maintenance for the *engineered stormwater control*. In addition, it shall grant to the City of Roxboro a right of entry in the event that the Stormwater Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the *engineered stormwater control*; however, in no case shall the right of entry, of itself, confer an obligation on City of Roxboro to assume responsibility for the *engineered stormwater control*.

The operation and maintenance agreement must be approved by the Stormwater Administrator prior to plan approval, and it shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval by the recorder of the final plat. A copy of the recorded maintenance agreement shall be given to the Stormwater Administrator within fourteen (14) days following its recordation.

## **(B) Operation and Maintenance Agreement**

For all *engineered stormwater controls* required pursuant to this ordinance, the required operation and maintenance agreement shall include all of the following provisions:

1. Acknowledgment that the owner or association shall continuously operate and maintain the stormwater control and management facilities.
2. The OWNER, its successors and assigns, including any homeowners association, shall adequately maintain the structural stormwater BMP facilities in accordance with the approved Operation and Maintenance Plan or Manual(s). This includes all pipes and channels built to convey stormwater to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working condition so that these facilities are performing their design functions.
3. The OWNER, its successors and assigns, shall ensure the structural stormwater BMP facility is inspected by a qualified professional and shall submit an annual inspection report to the City of Roxboro. The inspection report shall be due annually 30 days from the date of the final structural stormwater Management facilities construction inspection. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facilities, berms, outlet structure, pond areas, access roads, etc. Deficiencies shall be noted in the inspection report.
4. The OWNER, its successors and assigns, hereby grant permission to the City of Roxboro its authorized agents and employees, to enter upon the Property and to inspect the structural stormwater Management facilities whenever the City of Roxboro deems necessary. The purpose of inspection is to follow-up on reported deficiencies and/or to respond to citizen complaints. The City of

Roxboro shall provide the OWNER, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary.

5. Before the City of Roxboro shall approve the completed facility and issue final certificates of occupancy, the Owner and/or maintaining entity shall furnish the City of Roxboro with a financial guarantee insuring future maintenance, operation, and repair of the facility. The financial guarantee shall be in the form of cash or an irrevocable letter of credit and made payable to the City of Roxboro. The amount of guarantee shall be 40% of the total cost of constructing the facility based on actual contract prices for said facility.

The initial duration of the financial guarantee shall be for 20 years. At the end of that period, the City of Roxboro may extend such periods of guarantee as the City of Roxboro deems appropriate. The financial guarantee may be dissolved at any time by mutual agreement when the need for such guarantee no longer exists. Any funds remaining from such guarantee will be returned to the appropriate entity.

6. In the event the OWNER, its successors and assigns, fails to maintain the structural stormwater Management facilities in good working condition acceptable to the City of Roxboro or that maintenance and repairs are not being made as required or that any action is not being done in accordance with this agreement, the City of Roxboro shall notify the responsible entity who shall be given a reasonable time to correct such deficiencies. Should the responsible entity fail to act in a timely manner, or otherwise fail to correct the deficiencies, the City of Roxboro will institute appropriate action to obtain compliance including criminal or civil penalties, or both. In addition, the City of Roxboro may declare the responsible entity in default of this agreement and financial guarantee and use part or all of such guarantee funds to correct the deficiencies and may assume actual operation and maintenance. Default of this agreement does not release the responsible entity from liability/responsibility for the deficiencies, nor release the entity from this agreement. Likewise, default of this agreement does not prevent the City of Roxboro from taking action against the responsible entity to recover the cost of such actions to correct the deficiencies.
7. For all structural stormwater Management facilities which are to be or are owned and maintained by a property owner's association or similar entity, the OWNER also agrees to the following provisions:
  - a. Acknowledgment that the association shall continuously operate and maintain the structural stormwater Management facilities.
  - b. Establish adequate owner/property association dues which are to be spent solely for sediment removal, structural, biological or vegetative replacement, major repair, or reconstruction of the stormwater control measures and devices of the particular site plan or subdivision.
  - c. Granting to the City of Roxboro a right of entry to inspect, monitor, maintain, repair, and reconstruct structural stormwater Management facilities.
  - d. Allow the City of Roxboro to recover from the association and its members any and all costs the City of Roxboro may expend to maintain or repair the stormwater control and management facility or to correct any operational

deficiencies as a result of default by the Owner/association/responsible entity. Failure to pay to the City of Roxboro all of its expended costs, after thirty (30) days written notice, shall constitute a breach of the agreement. The City of Roxboro shall thereafter be entitled to bring an action against the association and its members to pay, or foreclose upon the lien herein authorized by the agreement against the property, or both in the case of a deficiency. Interest, collection costs, and attorney fees shall be added to the recovery.

8. The OWNER, its successors and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the structural stormwater Management facilities (including sediment removal) is outlined on the approved plans, the schedule will be followed.
9. In the event the City of Roxboro, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the OWNER, its successors and assigns, shall reimburse the City of Roxboro upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City of Roxboro hereunder.
10. This Agreement imposes no liability of any kind whatsoever on the City of Roxboro and the OWNER agrees to hold the City of Roxboro harmless from any liability in the event the structural stormwater Management facilities fail to operate properly.

#### **53-403 INSPECTION PROGRAM**

Inspections and inspection programs by City of Roxboro may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of BMPs.

If the *owner* or occupant of any property refuses to permit such inspection, the Stormwater Administrator shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor. No *person* shall obstruct, hamper or interfere with the Stormwater Administrator while carrying out his or her official duties.

#### **53-404 PERFORMANCE SECURITY FOR INSTALLATION AND MAINTENANCE**

##### **(A) Shall Be Required**

The City of Roxboro shall require the submittal of a performance security or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement prior to issuance of a permit in order to ensure that the *engineered stormwater controls* are

(1) installed by the permit holder as required by the approved stormwater management plan, and/or

(2) maintained by the *owner* as required by the operation and maintenance agreement.

**(B) Amount**

**(1) Installation**

The amount of an installation performance security shall be the total estimated construction cost of the BMPs approved under the permit, plus 25%.

**(2) Maintenance**

The amount of a maintenance performance security shall be in the form of cash or an irrevocable letter of credit and made payable to the City of Roxboro. The amount of guarantee shall be 40% of the total cost of constructing the facility based on actual contract prices for said facility

**(C) Uses of Performance Security**

**(1) Forfeiture Provisions**

The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or *owner* in accordance with this ordinance, approvals issued pursuant to this ordinance, or an operation and maintenance agreement established pursuant to this ordinance.

**(2) Default**

Upon default of the *owner* to construct, maintain, repair and, if necessary, reconstruct any *engineered stormwater control* in accordance with the applicable permit or operation and maintenance agreement, the Stormwater Administrator shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the *owner* to comply with the permit or maintenance agreement. In the event of a default triggering the use of installation performance security, the City of Roxboro shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.

**(3) Costs in Excess of Performance Security**

If the City of Roxboro takes action upon such failure by the applicant or *owner*, the City of Roxboro may collect from the applicant or *owner* the difference between the amount of the reasonable cost of such action and the amount of the security held, in addition to any other penalties or damages due.

**(4) Refund**

Within sixty days of the final approval, the installation performance security shall be refunded to the applicant or terminated, except any amount attributable to the cost (plus 25%) of landscaping installation and ongoing maintenance associated with the BMPs covered by the security. Any such landscaping shall be inspected one (1) year after installation with replacement for compliance with the approved plans and specifications and, if in compliance, the portion of the financial security attributable to landscaping shall be released.

**53-405 NOTICE TO OWNERS**

**(A) Deed Recordation and Indications On Plat**

The applicable operations and maintenance agreement, conservation easement, or dedication and acceptance into public maintenance (whichever is applicable) pertaining to every *engineered stormwater control* shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement[, conservation easement, or dedication and acceptance into public maintenance, whichever is applicable] shall be recorded with the county Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.

**(B) Signage**

Where appropriate in the determination of the Stormwater Administrator to assure compliance with this ordinance, *engineered stormwater controls* shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be maintained so as to remain visible and legible.

**53-406 RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES**

The *owner* of each *engineered stormwater control* shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Stormwater Administrator.

**53-407 NUISANCE**

The *owner* of each stormwater BMP, whether *engineered stormwater control* or *non-engineered stormwater control*, shall maintain it so as not to create or result in a nuisance condition.

**53-408 MAINTENANCE EASEMENT**

Every *engineered stormwater control* installed pursuant to this ordinance shall be made accessible for adequate maintenance and repair by a maintenance easement. The easement shall be recorded and its terms shall specify who may make use of the easement and for what purposes

## SECTION 5: ENFORCEMENT AND VIOLATIONS

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### 53-501 GENERAL

#### (A) Authority to Enforce

The provisions of this ordinance shall be enforced by the Stormwater Administrator, his or her designee, or any authorized agent of City of Roxboro. Whenever this section refers to the Stormwater Administrator, it includes his or her designee as well as any authorized agent of City of Roxboro.

#### (B) Violation Unlawful

Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this ordinance, or the terms or conditions of any permit or other *development* approval or authorization granted pursuant to this ordinance, is unlawful and shall constitute a violation of this ordinance.

#### (C) Each Day a Separate Offense

Each day that a violation continues shall constitute a separate and distinct violation or offense.

#### (D) Responsible *Persons/Entities*

Any *person* who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair or maintain any structure, BMP, *engineered stormwater control*, practice, or condition in violation of this ordinance shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section. *Persons* subject to the remedies and penalties set forth herein may include any architect, engineer, builder, contractor, developer, agency, or any other *person* who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists; or an *owner*, any tenant or occupant, or any other *person*, who has control over, or responsibility for, the use or *development* of the property on which the violation occurs.

For the purposes of this article, responsible *person(s)* shall include but not be limited to:

##### (1) *Person Maintaining Condition Resulting In or Constituting Violation*

An architect, engineer, builder, contractor, developer, agency, or any other *person* who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists.

##### (2) *Responsibility For Land or Use of Land*

The *owner* of the land on which the violation occurs, any tenant or occupant of the property, any *person* who is responsible for stormwater controls or practices

pursuant to a private agreement or public document, or any *person*, who has control over, or responsibility for, the use or *development* of the property.

## 53-502 REMEDIES AND PENALTIES

The remedies and penalties provided for violations of this ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

### (A) Remedies

#### (1) Withholding of Certificate of Occupancy

The Stormwater Administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible *person* has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

#### (2) Disapproval of Subsequent Permits and Development Approvals

As long as a violation of this ordinance continues and remains uncorrected, the Stormwater Administrator or other authorized agent may withhold, and the City of Roxboro may disapprove, any request for permit or *development* approval or authorization provided for by this ordinance or the zoning, subdivision, and/or building regulations, as appropriate for the land on which the violation occurs.

#### (3) Injunction, Abatements, etc.

The Stormwater Administrator, with the written authorization of the City of Roxboro City Manager, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this ordinance. Any *person* violating this ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

#### (4) Correction as Public Health Nuisance, Costs as Lien, etc.

If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by North Carolina G.S. § 160A-193, the Stormwater Administrator, with the written authorization of the City of Roxboro City Manager, may cause the violation to be corrected and the costs to be assessed as a lien against the property.

#### (5) Stop Work Order

The Stormwater Administrator may issue a stop work order to the *person(s)* violating this ordinance. The stop work order shall remain in effect until the *person* has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work

order may be withdrawn or modified to enable the *person* to take the necessary remedial measures to cure such violation or violations.

**(B) Civil Penalties**

The Stormwater Administrator may assess a civil penalty against any person who violates any provision of this ordinance or of a permit or other requirement pursuant to this ordinance. Civil penalties may be assessed up to the full amount of penalty authorized by G.S. 143-215.6A.

**(C) Criminal Penalties**

Violation of this ordinance may be enforced as a criminal matter under North Carolina law.

**53-503 PROCEDURES**

**(A) Initiation/Complaint**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any *person* may file a written complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Stormwater Administrator, who shall record the complaint. The complaint shall be investigated promptly by the Stormwater Administrator.

**(B) Inspection**

The Stormwater Administrator shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this ordinance.

**(C) Notice of Violation and Order to Correct**

When the Stormwater Administrator finds that any building, structure, or land is in violation of this ordinance, the Stormwater Administrator shall notify, in writing, the property *owner* or other *person* violating this ordinance. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. If civil penalties are to be assessed, the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt.

The Stormwater Administrator may deliver the notice of violation and correction order by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.

If a violation is not corrected within a reasonable period of time, as provided in the notification, the Stormwater Administrator may take appropriate action under this ordinance to correct and abate the violation and to ensure compliance with this ordinance.

**(D) Extension of Time**

A *person* who receives a notice of violation and correction order, or the *owner* of the land on which the violation occurs, may submit to the Stormwater Administrator a written request for an extension of time for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the *person* requesting the extension, the Stormwater Administrator may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding 60 days. The Stormwater Administrator may grant 120-day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the *person* violating this ordinance. The Stormwater Administrator may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.

**(E) Enforcement After Time to Correct**

After the time has expired to correct a violation, including any extension(s) if authorized by the Stormwater Administrator, the Stormwater Administrator shall determine if the violation is corrected. The Stormwater Administrator may act to impose one or more of the remedies and penalties authorized by this ordinance whether or not the violation has been corrected.

**(F) Emergency Enforcement**

If delay in correcting a violation would seriously threaten the effective enforcement of this ordinance or pose an immediate danger to the public health, safety, or welfare, then the Stormwater Administrator may order the immediate cessation of a violation. Any *person* so ordered shall cease any violation immediately. The Stormwater Administrator may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this article.

## SECTION 6: DEFINITIONS

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### 53-601 TERMS DEFINED

When used in this Ordinance, the following words and terms shall have the meaning set forth in this section, unless other provisions of this Ordinance specifically indicate otherwise.

***Approved accounting tool***

The accounting tool for nutrient loading approved by the *EMC* for the relevant geography and development type under review.

***Built-upon area (BUA)***

That portion of a *development* project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. “Built-upon area” does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material. The project site or area must exclude any land adjacent to the area disturbed by the project that has been counted as pervious by any other *development* regulated under a federal, state or local stormwater regulation.

***Commission***

The North Carolina Environmental Management Commission, in the *Department*.

***Department***

The North Carolina Department of Environment and Natural Resources.

***Design Manual***

The stormwater design manual approved for use in this part of the Falls Watershed by the *Department* for the proper implementation of the requirements of the Falls Watershed stormwater program. All references herein to the *Design Manual* are to the latest published edition or revision.

***Development***

Any *land-disturbing* activity that increases the amount of *built-upon area* or that otherwise decreases the infiltration of precipitation into the soil.

***Division***

The Division of Water Quality in the *Department*.

***Existing development***

*Development* not otherwise exempted by this ordinance that meets one of the following criteria:

- (a) It either is built or has established a statutory or common-law vested right as of the effective date of this ordinance; or
- (b) It occurs after the effective date of this ordinance, but does not result in a net increase in *built-upon area* and does not decrease the infiltration of precipitation into the soil

***Engineered stormwater control***

A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-*development* hydrology on a developed site; or to achieve any combination of these goals. *Engineered stormwater control* includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. “Engineered stormwater control” is synonymous with “structural practice,” “stormwater control facility,” “stormwater control practice,” “stormwater treatment practice,” “stormwater management practice,” “stormwater control measures,” “structural stormwater treatment systems,” and similar terms used in this ordinance. It is a broad term that may include practices that do not require design by a professionally licensed engineer.

***Land disturbing activity***

Any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation.

***Larger common plan of development or sale***

Any area where multiple separate and distinct construction or *land-disturbing activities* will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

***Major variance***

A variance from the minimum statewide watershed protection or Falls rules that results in the relaxation, by a factor greater than five percent of any buffer, density or built-upon area requirement under the high density option; any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system; or relaxation by a factor greater than 10 percent, of any management requirement under the low density option. For provisions in this ordinance that are more stringent than the state's minimum water supply protection rules and Falls rules, a variance to this ordinance is not considered a *major variance* as long as the result of the variance is not less stringent than the state's minimum requirements.

***Minor variance***

A variance from the minimum standards or Falls rules that results in a relaxation, by a factor of up to five percent of any buffer, density or built-upon area requirement under the high density option (or the Falls Lake standards); or that results in a relaxation by a factor up to 10 percent, of any management requirement under the low density option.

***1-year, 24-hour storm***

The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 12 months and with a duration of 24 hours.

***10-year, 24-hour storm***

The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 10 years and with a duration of 24 hours.

***100-year, 24-hour storm***

The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 100 years and with a duration of 24 hours.

***Outfall***

A point at which stormwater (1) enters surface water or (2) exits the property of a particular *owner*.

***Owner***

The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other *person* or entity holding proprietary rights in the property or having legal power of management and control of the property. “Owner” shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every *person* or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of “owner” under another description in this definition, such as a management entity.

***Person***

Includes, without limitation, individuals, firms, partnerships, associations, institutions, corporations, municipalities and other political subdivisions, and governmental agencies.

***Redevelopment***

Any *development* on previously-developed land. *Redevelopment* of structures or improvements that (i) existed prior to December 2006 and (ii) would not result in an increase in *built-upon area* and (iii) provides stormwater control at least equal to the previous development is not required to meet the nutrient loading targets of this ordinance.

***Stormwater system***

All engineered stormwater controls owned or controlled by a *person* that drain to the same *outfall*, along with the conveyances between those controls. A system may be made up of one or more stormwater controls.

***Substantial progress***

For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. “Substantial progress” for purposes of determining whether an approved plan is null and void is not necessarily the same as “substantial expenditures” used for determining vested rights pursuant to applicable law.

***Best Management Practices (BMP)***

A Structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

***Buffer.***

An area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The **BUFFER** is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

***Building.***

Any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them a building.

***Cluster Developments***

The grouping of buildings in order to conserve land resources and provide for innovations in the design of the project. This term includes nonresidential development as well as single-family residential development subdivisions and multi-family developments that do not involve the subdivision of land

***Composting Facility***

A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations is deposited.

***Critical Area***

The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The ***Critical Area*** is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream of river (run-of-the-river) or the ridge line of watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

***Customary Home Occupations***

Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Provided further, that no mechanical equipment is installed or used except as is normally used for domestic or professional purposes and that not over 50% of the area of one floor of the dwelling is used for the occupation. No home occupation shall be conducted in any accessory building except for the storage and service of a vehicle that is driven off-site, such as a service repair truck and the like.

***Discharge Landfills***

A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment to a receiving stream.

***Dwelling Unit***

A building, or portion thereof, providing complete permanent living facilities for one family.

***Existing Development for Water Supply Watershed Standards***

Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this chapter based on at least one of the following criteria:

- 1) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project;
- 2) Having an outstanding valid building permit as authorized by G.S. § 160A-385.1; or

- 3) Having expended substantial resources (time, labor, money) and having an approved site-specific or phased-development plan as authorized by G.S. § 160A-385.1

***Existing Lot (Lot-of-Record)***

A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds prior to the adoption of this chapter, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this chapter.

***Hazardous Material***

Any substance listed as such in: Superfund Amendments and Reauthorization Act (SARA) § 302, being 42 USC 11002, Extremely Hazardous Substances, Comprehensive Environmental Response Compensation and Liability Act (CERCLA), being 42 USC 9601, or § 311 of the Clean Water Act (CWA), being 33 UCS 1321, Oil and Hazardous Substances.

***Industrial Development***

Any nonresidential development that requires a NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

***Landfill***

A facility for the disposal of solid waste on land in a sanitary manner in accordance with G.S. Chapter 130A, Article 9. For the purpose of this chapter, this term does not include composting facilities .

***Lot***

A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

***Non-Residential Development***

All development other than residential development, agricultural and silviculture.

***Single-Family Residential***

Any development where:

- 1) No building contains more than one dwelling unit.
- 2) Every dwelling unit is on a separate lot; and
- 3) Where no lot contains more than one dwelling unit.

***Street (Road)***

A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

***Structure***

Anything constructed or erected, including, but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

***Subdivider***

Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision location on the land.

***Subdivision***

All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future),

and shall include all divisions of land involving the dedication of a new street or a change in existing streets, but the following shall not be included within this definition, nor be subject to the regulations authorized by this chapter:

- 1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the building, pavement, gravel roads, recreation facilities (for example, tennis courts) and the like. Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.
- 2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- 3) The public acquisition by purchase of strips of land for the widening or opening of streets.
- 4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right of way dedication is involved and where the resultant lots are equal to or exceed the standards of this chapter;
- 5) The division of a tract into plots or lots used as a cemetery.

***Toxic Substance***

Any substance or combination of substances (including disease-causing agents), which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer , genetic mutations, physiological malfunctions, (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

***Water-Dependent Structure***

Any structure for which the use requires access to or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage area are not water dependent structures.

***Watershed***

The entire land area contributing surface drainage to a specific point (for example, the water supply intake.)

## **SECTION 7: ILLICIT DISCHARGE DETECTION AND ELIMINATION**

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### **53-701 ILLICIT DISCHARGES AND CONNECTIONS**

#### **(A) Illicit Discharges**

No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the waters of the State, any liquid, solid, gas, or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality:

- (1) Water line flushing;
- (2) Landscape irrigation;
- (3) Diverted stream flows;
- (4) Rising ground waters;
- (5) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
- (6) Uncontaminated pumped ground water;
- (7) Discharges from potable water sources;
- (8) Foundation drains;
- (9) Air conditioning condensation;
- (10) Irrigation water;
- (11) Springs;
- (12) Water from crawl space pumps;
- (13) Footing drains;
- (14) Lawn watering;
- (15) Individual residential car washing;
- (16) Flows from riparian habitats and wetlands;
- (17) Dechlorinated swimming pool discharges;
- (18) Street wash water; and
- (19) Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina, and provided that any such discharges to the municipal separate storm sewer system shall be authorized by the City of Roxboro.

Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.

#### **(B) Illicit Connections**

- (1) Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in section (a) above, are unlawful. Prohibited connections include, but are not limited to: floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.
- (2) Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this ordinance. However, the one-year grace period shall not apply to

connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.

- (3) Where it is determined that said connection:
  - (a) May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat, or
  - (b) Was made in violation of any applicable regulation or ordinance, other than this section;
- (4) The Stormwater Administrator shall designate the time within which the connection shall be removed. In setting the time limit for compliance, the Stormwater Administrator shall take into consideration:
  - (a) The quantity and complexity of the work,
  - (b) The consequences of delay,
  - (c) The potential harm to the environment, to the public health, and to public and private property, and
  - (d) The cost of remedying the damage.

### **(C) Spills**

Spills or leaks of polluting substances released, discharged to, or having the potential to be released or discharged to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their pre-existing condition.

Persons in control of the polluting substances immediately prior to their release or discharge, and persons owning the property on which the substances were released or discharged, shall immediately notify the Roxboro Fire Department of the release or discharge, as well as making any required notifications under state and federal law. Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by State or other law.

### **(D) Industrial or Construction Activity Discharges**

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Roxboro prior to the allowing of discharges to the MS4.

## **53-702 RIGHT OF ENTRY**

### **(A) Authority to Inspect.**

Whenever necessary to make an inspection to enforce any provision of this Ordinance, or whenever the Stormwater Administrator has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Ordinance, the Stormwater Administrator may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant

refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

**(B) Authority to Sample, Establish Sampling Devices, and Test.**

During any inspection as provided herein, the Stormwater Administrator may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

**53-703 ENFORCEMENT.**

**(A) Notice of Violation.**

Whenever the Stormwater Administrator finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Stormwater Administrator may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the Stormwater Administrator and the expense thereof shall be charged to the violator.

**(B) Violations Deemed a Public Nuisance**

Illicit discharges and illicit connections which exist within the corporate limits are hereby found, deemed, and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed, and declared to be public nuisances and may be summarily abated or restored by the City at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City.

**53-704 DEFINITIONS**

For the purposes of this ordinance, the following shall mean:

***Best Management Practices (BMPs):*** schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**Clean Water Act:** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**Hazardous Materials:** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Illegal Discharge:** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 10-419 of this ordinance.

**Illicit Connections:** An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**Industrial Activity:** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

**Municipal Separate Storm Sewer System (MS4):** Pursuant to 40 CFR 122.26(b)(8) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures or storm drains):

- (i) Owned or operated by a City, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, that discharges to waters of the United States or waters of the State.
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2

**National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit:** means a permit issued by the North Carolina Department of Environment and Natural Resources, Division of Water Quality that authorizes the discharge of pollutants to waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.

**Non-Storm Water Discharge:** Any discharge to the storm drain system that is not composed entirely of storm water.

**Person:** means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

***Pollutant:*** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

***Premises:*** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

***Storm Water:*** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

***Stormwater Pollution Prevention Plan:*** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

***Wastewater:*** means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

## 2. Special Event - Personality - PH



## City of Roxboro Special Event Permit Application

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Special Event Applications shall be submitted to the City of Roxboro no later than sixty (60) days prior to the event date, unless the event does not require a public hearing.\* When a public hearing is unnecessary, applications shall be submitted no later than thirty (30) days prior to the event date. (Incomplete applications may increase the permit processing time.) If a Public Hearing is required for your application, you will be notified of the date, time and location of the hearing. There is a \$50.00 fee for all public hearings.

\*Special Events not requiring a public hearing include (i) observations of national holidays (ii) annually recurring special events, which do not exceed two (2) hours and for which no admission fee is charged, and (iii) events hosted, in-part, by the City of Roxboro.

### I. Applicant Information:

Organization: Roxboro Area Chamber of Commerce  
Address: 211 N. Main St City: Roxboro State: NC Zip Code: 27573  
Daytime Phone Number: 599-8333 Cell Number: \_\_\_\_\_ Email: Chamber@RoxboroNC.com

Primary Contact: Lisa Busjahn  
Address: SAME City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Daytime Phone Number: 599-8333 Cell Number: \_\_\_\_\_ Email: Chamber@RoxboroNC.com

### II. General Event information:

Please provide the common name by which the event is to be known.

Personality Festival

Please select the type of event:

- Parade
- Run/Walk Race
- Concert
- Ceremony
- Festival/Street Fair
- Other \_\_\_\_\_

Are you serving/selling alcohol at your event? Y / N

\*If yes, be sure the perimeters of the area(s) are clearly marked, and the entrance to the area(s) shall be constructed so as to allow ready control of patrons, including the viewing of identification to prevent underage persons from being permitted in the area(s). Area(s) must be located at least 150 feet from any church, mosque, synagogue or other place of worship. Be aware, **no alcoholic beverages may be sold or consumed as a part of a special event outside of the designated area(s).** Prior to the opening of the special event, the person in charge of the event shall ensure that any and all necessary state or other permits relating to the sale and consumption of alcoholic beverages have been secured. Such permits must be available for inspection by City staff at any time. (Keep on site during the Special Event.)

Please indicate which of the following staging items will be used during your event:

- Loud speakers
- Bleachers
- Stage(s)
- Dance Floor
- Microphones
- Live Entertainment
- Other: \_\_\_\_\_

Please indicate the size and location of any signs, banners, flags, or other attention-getting devices for this event:

4' x 8' Sponsor Banner on wood stand near  
stage / DJ station

Please provide copies of the following with the completed application:

- a. Proof of Liability Insurance for event *- Requested from Thurpson - Allen*
- b. ABC permit(s)\*
- c. Person County Environmental Health Department permit(s)/license(s) for on-site food
- d. Sketch Map Showing All of the Following:
  - The area where the event is to take place
  - Any Streets or other rights-of-way to be closed or obstructed.
  - Any barriers or traffic control devices that will be erected.
  - Location of vendor booths, platforms, benches, stages, or bleachers
  - Location of alcohol selling/consumption area
  - Toilet Facilities (i.e., porta johns)
  - Garbage Facilities (dumpsters, roll out carts)

**\*\*Please note the City of Roxboro does NOT provide garbage or waste removal services for the proposed event. The event organizer is responsible for arranging for these services, if necessary.**

Please provide a brief description of the purpose of the proposed event:

1 1/2 day festival with food, craft & business vendors,  
amusement rides, and local entertainment to provide a  
family friendly fun for our community.

Please indicate the following:

- a. Proposed Event Date(s): Friday, August 23 - Saturday, August 24  
b. Proposed Time Period(s) of the Event: Friday 4pm-10pm, Saturday 10am-4pm  
c. Location of Event: Uptown Roxboro  
d. Approximate Number of People to Attend the Event: 10,000 +

Please provide a general description of the activities planned during the event.

Amusement rides, food vendors, booths (crafts, merchandise,  
business - awareness), live entertainment, Little Miss  
Personality

Please list below any request for special services to be provided by the City, such as Police, Fire, Public Service Personnel/Equipment, etc. (any fees are the responsibility of the individual/organizer of said event):

- Police: Security for both days - amount to be  
determined - Placement of barricades  
 Fire: They usually help with water access  
 Public Service (i.e., streets or portions of streets to be closed and for what period, etc.):  
Please see attached  
 Other: \_\_\_\_\_

### III. Venue Details:

Please indicate any streets, parking lots, or public access areas to be closed during this event, as well as the location of any barriers, traffic control devices, etc. (a map showing the event area and all barricades is also required):

Main Street from Kirby Theater to Merritt Commons  
Court and Abbott from Main Street to Lanar Street  
Additional details attached

Specify number of:

100-1 Goods/Food Vendors \_\_\_\_\_ Animals 5+ Recreational equipment (i.e. bounce house, rides, etc.)

Are you serving/selling food at your event?  Yes  No Vendors will be selling / serving

\*If yes, contact the Person County Environmental Health Office to be sure all necessary permits and/or documentation are obtained.

**IV. Cancellation Policy**

The City Manager, Roxboro Police Department, or their designee, has the authority to end the event prior to schedule based on any of the following:

- violation of any section of the permit or City Ordinance,
- security and protection concerns of event participants and the community,
- if the conditions required for approval, including insurance coverage, of the event are not met,
- if any significant change in conditions would, or may adversely affect the public health or safety of the community, or
- for any condition that would place City facilities, grounds, or other natural resources at risk of damage or destruction if the event were permitted to take place.

If an event organizer, for any reason, must cancel their event they must notify the City of Roxboro. Cancellations must be in written form. Fees are non-refundable. (If the event organizer would like to request a rain-date, please indicate this in section II under the "event date(s)."

The undersigned persons certify that all information in this application (including attachments) is complete and accurate to the best of their knowledge, that the information contained in this application form shall constitute conditions of an issued permit, that the City will be notified of any changes or revisions to the event plans as described in this application, and that the undersigned persons have received and reviewed a copy of Chapter 95 of the Roxboro City Code and agree to comply with all permit conditions and understand that failure to comply with any condition, or any violation of law, may result in the immediate cancellation of the event, revocation of the permit, denial of future events, criminal prosecution and/or administrative citations/fines.

**FUTHERMORE**, the undersigned persons hereby authorize the City Manager or designated representative to enter upon the above-referenced activity site for the purpose of inspecting and determining/verifying compliance with the City's ordinance provisions.

Alicia Puyear  
Applicant Signature

Date: 1/9/19

\_\_\_\_\_  
Responsible Planner/On-Site Manager

Date: \_\_\_\_\_

**RELEASE AND HOLD HARMLESS  
AGREEMENT**

**STATE OF NORTH CAROLINA**

**COUNTY OF PERSON**

The undersigned, having received permission from the City of Roxboro to conduct Personality Festival on 8/23 + 8/24, do hereby release and forever hold harmless the City of Roxboro from any personal injuries or property damage related to the permitted use.

**IN TESTIMONY WHEREOF, I have hereunto set my hand and seal:**

This the 9<sup>th</sup> day of January, 2019

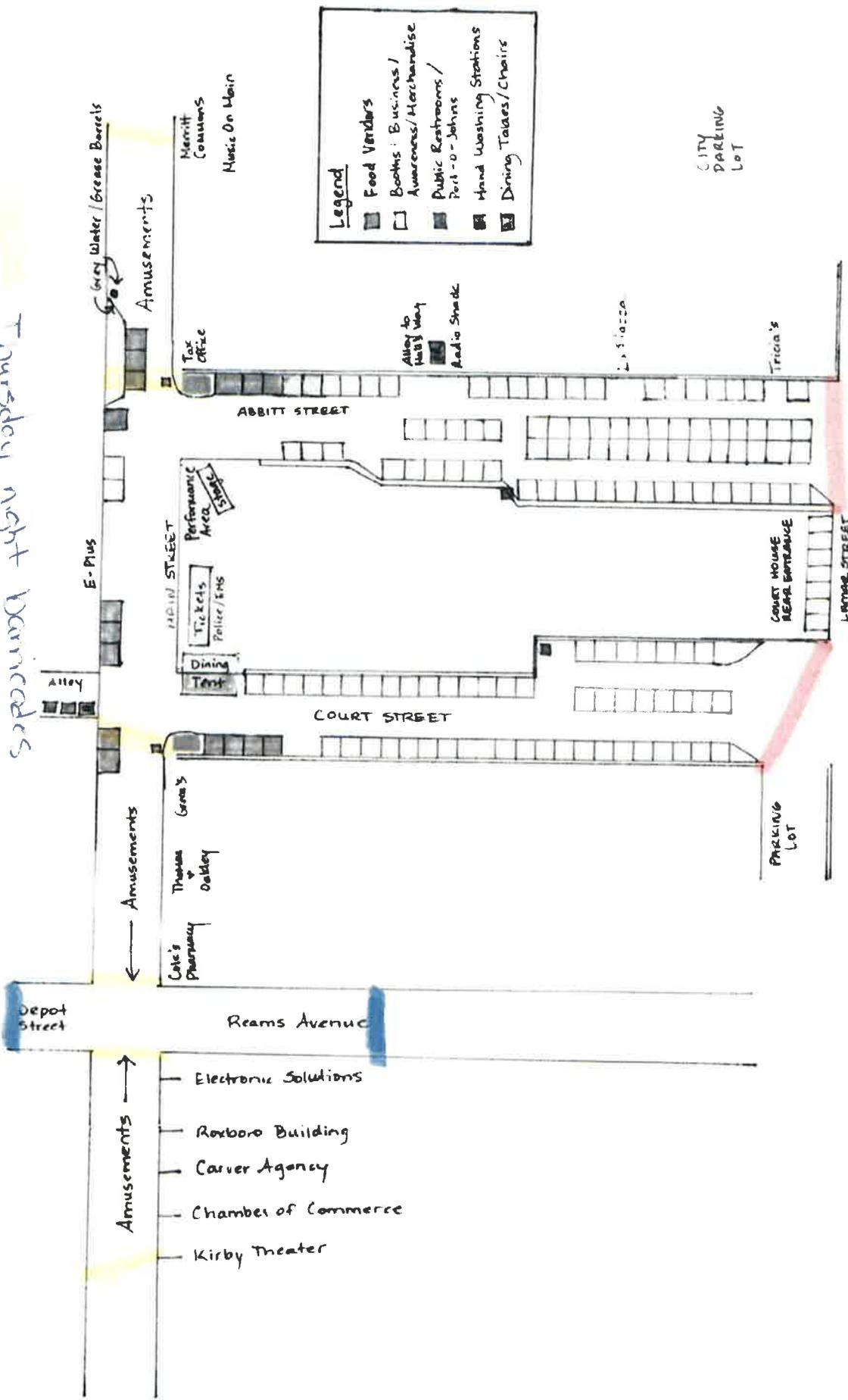
Dana Alicia Puyear  
(Signature)

Notary Witness: Dana S. Flye

MCE: 12-12-2020



Thursday night barricades  
 Friday AM barricades  
 Friday PM barricades



- Amusements →
- Electronic Solutions
  - Roxboro Building
  - Carver Agency
  - Chamber of Commerce
  - Kirby Theater

## Special Events Application

### II. Date, Time, Place, and Route

- a. Proposed Event Date  
August 24 - 25, 2018  
Tentative Rain Date of Sunday, August 27, 2018
- b. Proposed Time Period of the Event  
Friday, August 24 - 4:00 pm - 10:00 pm  
Saturday, August 25 - 10:00 am - 4:00 pm  
Tentative Rain Date Sunday, August 26, 2018 - 1:00 pm - 7:00 pm
- c. Location of Event  
Uptown Roxboro
- d. Approximate Number of People  
Approximately 10,000+ have attended this event in the previous years.

#### **Police, emergency, public services, liability insurance**

**Police** - The Roxboro Police Department will place barriers at each road closing as shown on attached map. Additional police officers will provide security during the event.

**Fire** - We have and will be working very closely with the Roxboro Fire Department to maintain a safe and clear route for them to reach hydrants and businesses.

**Public Services** - See attachment for road closings. Provide a location for grey water disposal. The Chamber will be responsible for the grease container and pickup. Provide truck for moving the bleachers and possible manpower. Clean streets before and after event.

### III. Venue Details

- d. Barriers or Traffic Control Devices - (please see map for location of concession stands, booths, platforms, bleachers, toilet facilities and garbage facilities.)  
Barricades for Friday, August 24<sup>th</sup> and Saturday, August 25<sup>th</sup> should be as follows:  
Thursday from 7pm to Saturday 7pm:
  - a. Close Main Street from stoplight at Reams/Depot to Long Memorial Church Parking Lot Entry near Kirby Theater
  - b. Close Main Street from stoplight at Reams/Depot to corner of Court and Main, Main Street at Gordon and Main Street at Abbitt (keeping ability to drive around the Court House).

Friday from 3:00am until Saturday 7:00pm:

- a. Abbitt Street at Lamar Street
- b. Court Street at Lamar Street
- c. Main Entrance to Yesterday's Interiors

Friday from 3:00pm until Saturday 7:00pm

- a. Depot Street at Old Senior Center Parking Lot
- b. Reams Avenue at First Driveway behind the Roxboro Building

If rain date is utilized the above barricades should apply on Sunday, August 26<sup>th</sup> beginning at 10:00 am until 9:00 pm.

**1. Extent of Activity**

Streets will occupy mechanical rides, vendors and booths. Sidewalks will be open to the public and will also allow Main Street businesses to display and sell their goods on the street. Almost all vendors will be required to use their generators with the rare exception of a couple who may need to utilize the outside outlets overnight at the Tax Office building which the Chamber paid to have installed for this purpose. Vendors, porta-johns and trash containers will be located throughout all the streets. Bleachers will be located on Main Street in front of the Court House as well as a temporary stage for performances. Fire hydrants are located in the area.

**2. General description of activities**

Amusement rides for children of all ages, entertainment provided by different groups, craft booths, awareness booths, and food vendors.

## Lauren Johnson

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**From:** Chamber Events <chamberevents@roxboronc.com>  
**Sent:** Monday, February 04, 2019 11:52 AM  
**To:** Lauren Johnson  
**Subject:** FW: Special Event Permit Application for 2019 Personality Festival

**\*\*\*CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.\*\*\*

Good morning Lauren,

We are asking that Main Street from Cole's Pharmacy to Green's Jewelers be closed until 10pm. Our application requests that area be closed until 7pm. Both intersections could be open at 7pm or as soon as the other amusements are removed. The only business this should impact would be 1792 Beer Company. I have just spoken on the phone with Zach Wynne, one of the owners, and he has no objections to the closure.

Thanks so much for your consideration.  
Melissa

---

**From:** Chamber Events [<mailto:chamberevents@roxboronc.com>]  
**Sent:** Tuesday, January 22, 2019 2:01 PM  
**To:** 'Lauren Johnson'  
**Subject:** RE: Special Event Permit Application for 2019 Personality Festival

Lisa will be addressing the Council.

Thanks  
Melissa

---

**From:** Lauren Johnson [<mailto:lwjohnson@cityofroxboro.com>]  
**Sent:** Tuesday, January 22, 2019 11:56 AM  
**To:** Chamber Events  
**Subject:** RE: Special Event Permit Application for 2019 Personality Festival

Yes, ma'am! I thought I responded the last message...so sorry!

We have you set. Will you, Lisa, or someone else be addressing the Council?

Lauren W. Johnson, CZO  
Director, Planning and Development Department  
City of Roxboro  
P.O. Box 128  
Roxboro, NC 27573  
[336.322.6018](tel:336.322.6018)





**The Cincinnati Specialty Underwriters Insurance Company**  
A Stock Insurance Company

Headquarters: 6200 S. Gilmore Road, Fairfield, OH 45014-5141  
Mailing address: P.O. Box 145496, Cincinnati, OH 45250-5496  
www.cinfin.com ■ 513-870-2000

**COMMON POLICY DECLARATIONS**

POLICY NUMBER: CSU0070322

PREVIOUS POLICY NUMBER: CSU0070322

**NAMED INSURED AND MAILING ADDRESS:**  
Roxboro Area Chamber of Commerce

Refer to Named Insured Schedule CSIA409  
211 N MAIN ST  
ROXBORO NC 27573

**PRODUCER - Your contact for matters pertaining to this policy:** 32-043  
Thompson-Allen, Inc.  
107 N Main St  
Roxboro NC 27573-5534

Broker: 1897317  
CSU Producer Resources, Inc.  
6200 South Gilmore Road  
Fairfield, OH 45014-5141  
Scott Hintze

**Policy Period:** From 01/01/2019 To 01/01/2020 AT 12:01 A.M. STANDARD TIME AT YOUR MAILING ADDRESS SHOWN ABOVE.

**Form of Business:**

Individual  Partnership  Corporation  Joint Venture  Limited Liability Company  Other Non Profit

**Business Description:** Annual Special Event Policy

**IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.**

**THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS INDICATED. THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.**

COVERAGE PARTS	DEPOSIT PREMIUM	PREMIUM
Commercial General Liability	\$	2,700.00
Terrorism Risk Insurance Extension Act		Excluded
	<b>TOTAL POLICY PREMIUM</b>	\$ 2,700.00
<b>CANCELLATION MINIMUM EARNED PREMIUM IS 25.0% OF TOTAL POLICY PREMIUM.</b>		
Broker Fee	\$	35.00
Surplus Lines Taxes	\$	135.00
Stamping Fee	\$	10.80
Other Taxes or Fees		N/A
	<b>TOTAL</b>	\$ 2,880.80

Premium is subject to annual audit:  Yes  No



### 3. Text Amendment - UDO - PH



February 6, 2019

**To:** Mayor Newell  
Roxboro City Council

**From:** Lauren W. Johnson, Planning & Development Director

**Subject:** City of Roxboro *Unified Development Ordinance* Amendments

Please review the enclosed documents, outlining the proposed City of Roxboro *Unified Development Ordinance* amendments as reviewed by the Planning Board at their meeting on February 4, 2019. The Board offered a favorable recommendation, with suggested changes, as outlined in the minutes.

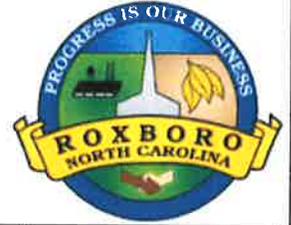
Council may approve all, only some, or none of the amendments, and may also make changes to the proposal. The documents following the original application include a visual of the proposed changes, a consistency statement from the Planning Board for the amendment, and the drafted ordinance for consideration of adoption. You may use the Council Consistency Statement document as a guide to make your motion. Council will need to adopt a statement of consistency, as well as the ordinance itself. This can be done as one motion, referencing each document, or as two separate motions.

Application for

# Unified Development Ordinance Text 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 Text of the Unified Development Ordinance of the City of Roxboro as hereinafter described. (Type or Print Clearly)

Petitioner(s): Zoning Administrator

Address: PO Box 188 Roxboro NC 27573

Telephone Number: 336-322-6018 Fax Number: 336-599-3774

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

### Proposed Amendment:

Type of Change:  Addition OR  Revision

Current Text: See attachment

Proposed Text: See attachment

Reason for Request Change (Attach additional sheets if necessary): Our ordinance does not currently allow for electronic gaming (sweepstakes) and our attorney has advised we should select an zone to allow them w/ regulations

I do hereby certify that all information which I have provided for this application is, to the best of my knowledge, correct.

Kevin W. Johnson  
Applicant Signature

8/13/18  
Date

### Staff Use Only:

Date Received: 8/13/18

Docket #: TA2018-03

Planning Board Meeting Date: 9/10/18

City Council Meeting Date: 2/4/19  
10/9/18  
2/12/19

*\* Brought back to Planning Board for second review after major changes proposed by Council/Legal Counsel.*



## CITY OF ROXBORO STAFF REPORT

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

### **Summary:**

The City of Roxboro Planning Department proposes a Text Amendment to the City's Unified Development Ordinance regarding gaming establishments within the city limits. The specific request is enumerated as follows, with visual representation of the changes to the ordinance attached:

- Remove all reference to “gamerooms,” which will now be addressed by new Gaming Establishment definitions and regulations.
  - Includes: Table of Uses – Article 6, Supplemental Regulations – Article 7, and Definitions – Appendix A
- Remove all reference to “billiards and pool halls,” which will now be addressed by new Gaming Establishment definitions and regulations
  - Includes: Table of Uses – Article 6 and Supplemental Regulations – Article 7
- Add “General Gaming Establishment” and “Adult Gaming Establishment” definitions to UDO, and as uses in the Article 6 - Table of Uses, with supplemental regulations for Adult Gaming Establishments outlined in Section 7.48.

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

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

- Minimizes conflicts between incompatible uses (pg. 69),
- Encourages well-planned commercial establishments to provide necessary goods and services to area employers and residents (pg. 71),
- Encourages commercial growth in appropriate locations, within Roxboro's corporate limits, and
- Includes regulations and guidelines that would ensure new development or redevelopment is compatible with established character and community vision (pg. 71)

### **Staff Remarks:**

It is staff's opinion that this rezoning is consistent with the Future Land Use Plan, based on the above-mentioned implementation strategies and goals. Furthermore, this request is in the public interest as it will allow for various types of gaming establishments, while maintaining regulations that will serve to ensure the safety and security of city residents and visitors.

## ARTICLE 6. ZONING DISTRICTS

P - Permitted Use                      PS - Permitted Use with Supplemental Regulations                      Blank - Not Permitted  
 S - Special Use                      SS - Special Use with Supplemental Regulations

Uses	Zoning Districts										Supplemental Regulations	
	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2		
<del>Gamerooms</del>					PS							<del>Section 7.19</del>
Golf courses	SS	SS	SS		PS			SS				Section 7.20
Golf driving ranges not accessory to golf courses					S							
Horseback riding stables	SS											Section 7.21
Indoor athletic and exercise facilities	S				P							
Indoor tennis and squash courts	S				P							
Miniature golf courses					P							
Movie theaters					P		P					
Outdoor athletic and exercise facilities	S				S	S		S				
Par 3 golf courses					S							
Privately-owned outdoor recreational facilities	S											
Publicly-owned and operated outdoor recreational facilities	P	P	P		P	P	P	P	P	P		
Skateboard parks					S							
Skating rinks					S							
Swimming clubs	S	S	S		S	S		S				
Tennis courts, commercial	S				P	P		P				
Water slides					S							

## ARTICLE 6. ZONING DISTRICTS

P - Permitted Use  
 S - Special Use

PS - Permitted Use with Supplemental Regulations  
 SS - Special Use with Supplemental Regulations

Blank - Not Permitted

Uses	Zoning Districts										Supplemental Regulations	
	R-12	R-8	R-6	PUD	B-1	B-2	B-3	O/I	I-1	I-2		
<b>OFFICES, PROFESSIONAL AND SERVICES (continued)</b>												
Engineering/surveying/architectural services – general					PS	PS	PS	PS				Section 7.18
Insurance office					P	P	P	P				
Interior decorating service					P	P	P	P				
Medical and dental offices/clinics					P	P	P	P				
Medical support offices (testing labs)					P	P	P	P				
Office, clerical, research and services not primarily related to goods and merchandise					P							
Opticians					P	P	P	P				
Real estate office/appraisal					P	P	P	P	P			
<b>RECREATIONAL</b>												
Athletic fields	S	S	S		S			S				
Automobile and motorcycle racing track											S	
<del>Billiards and pool halls</del>					<del>SS</del>		<del>PS</del>					<del>Section 7.19</del>
Bingo					PS							Section 7.19
Bowling alleys					P		S					
Campgrounds					P							
Coliseums, stadiums designed to accommodate more than 1,000 people					P			S	S			
Community centers					P		S	S				
Dance halls					PS							Section 7.19

## **ARTICLE 7. SUPPLEMENTAL REGULATIONS**

### **SECTION 7.18 ENGINEERING/SURVEYING/ARCHITECTURAL SERVICES.**

All outside assembly/storage areas shall comply with the requirements of Article 9, Part I.

### **SECTION 7.19 GAMEROOMS, BINGO, BILLIARDS AND POOL HALLS, DANCE HALLS, BARS, NIGHT CLUBS, AND SOCIAL CLUBS.**

**7.19.1.** Within a B-1 or B-3 zoning district, any location not previously so used prior to the adoption of this Ordinance may not be used for a ~~gameroom, bingo, billiard and pool hall,~~ dance hall, bar, nightclub, or social club (the “enumerated uses”) if it is within fifty (50) feet of a presently licensed, approved, and operating similar activity. Provided, however, all locations used for existing businesses conducting the activities above specified shall be permitted as locations for such activities until said location ceases to be used for such business activity for more than one hundred eighty (180) days or its special use permit is surrendered to or revoked by the city.

**7.19.2.** Enumerated uses as listed above in subsection 7.19.1 shall be subject to special use permit procedures and requirements as set forth in Section 4.9 including those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

## APPENDIX A. DEFINITIONS

### ***Forestland***

Land that is devoted to growing trees for the production of timber, wood, and other forest products.

### ***Forestry***

The professional practice embracing the science, business, and art of creating, conserving, and managing forests and forestland for the sustained use and enjoyment of their resources, materials, or other forest products.

### ***Forestry Activity***

Any activity associated with the growing, managing, harvesting, and related transportation, reforestation, or protection of trees and timber, provided that such activities comply with existing State rules and regulations pertaining to forestry.

## G

### ***Gameroom***

~~An establishment primarily devoted to providing video games or other games, such as air hockey, football, pinball, or the like, for playing for amusement and recreation. More than five (5) such games shall constitute a primary use and shall be allowed only in those zoning districts permitting gamerooms as a listed permitted use or by a special use permit. Five (5) or fewer such games shall constitute an accessory use and may be permitted in any licensed retail business. This use shall not include sweepstakes gaming, gambling, or any similar activity.~~

### ***Garage***

A building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

### ***General Business Office***

A room, group of rooms, or building whose primary use is the conduct of a business that is non-retail or wholesale in nature; including administrative, record keeping, clerical and similar functions. This definition is not meant to include manufacture, processing, repair or storage of materials or products.

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

**February 4, 2019**  
**6:00 p.m.**

**MEMBERS PRESENT:** Tony Cole, Margaret Kay, Benji Gault, and Robert Trotter.

**STAFF:** Lauren Johnson, Planning Director

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**MINUTES**

Chairman Trotter called the meeting to order at 6:00pm and asked everyone to sign in on the sheet passed around.

**APPROVAL OF MINUTES**

Board Member, Tony Cole, motioned to approve the minutes from the January 7, 2019 meeting. Board Member, Margaret Kay, seconded. Motion carried.

**REPORTS OF COMMITTEES**

None.

**NEW BUSINESS**

**UDO Text Amendment – Gaming Establishments within the City of Roxboro:** Chairman Trotter reminded the Board this was an item they've seen once before and asked Ms. Johnson to enlighten the Board on where things currently stood and what action needed to be taken this evening.

Ms. Johnson stated the recommendations of the Planning Board from their previous review of the Text Amendment proposal went to the Council for consideration. The Council, after reviewing the amendment, requested additional information and examples from other jurisdictions. Ms. Johnson then worked with the City attorney and City manager to compile examples from other areas, evaluate and summarize their research to come up with the new proposal before the Board this evening.

Ms. Johnson continued by explaining that part of the reason for the new proposal was to clarify the ordinance. In the previous attempt to add electronic gaming as a use in the UDO, confusion was created regarding the various types of gaming establishments allowed. The attorney felt it best to define the types of gaming

establishments not by describing the games to be played, but by describing the types of prizes to be won. Ms. Johnson explained the suggestion to be allowing “general gaming establishments” and “adult gaming establishments.” She described the difference between the two to be that “general gaming establishments” would be those establishments where the prize to be potentially won would be something of relatively no value (i.e. a stuffed bear or candy), where “adult gaming establishments” would be those establishments where the prize to be potentially won would be money or other items of monetary value.

She continued to say that the text amendment would include the removal of all references to gamerooms, pool halls, and billiards. These uses would now be under the umbrella of one of the two new definitions, and regulations based entirely on the type of prizes to be potentially won, versus the type of game.

Ms. Johnson then continued by outlining the supplemental regulations proposed in the agenda packet.

Chairman Trotter then declared the public comment period open and Ms. Johnson directed those present to the front to sign in and then address the Board.

Mr. Wallace Bradsher was the first to come forward. He thanked the Board for being proactive in addressing gaming as a use in the UDO. He stated that he had seen many superior court decisions come down regarding this use and felt it was good that the Board and the Council were working to be proactive in their stance on the use that was inevitable.

Mr. Bradsher continued that while he thought the hours and prohibition of alcohol sales and consumption were good things from a public safety perspective, however, he did not feel that the ordinance went far enough. Mr. Bradsher stated his concern that convenience stores would be allowed to have one or two machines that would present potential harms to our youth. Mr. Bradsher continued that the ability of law enforcement to monitor and keep up with the one or two machines in a single convenience store, versus having multiple machines in one building dedicated to that use. Mr. Bradsher said his recommendation would be to require a minimum number of machines, instead of a cap on the maximum. Additionally, he requested that the ordinance require security measures on the part of the establishment to regulate the individuals allowed to come into the establishment.

Mr. Bradsher also said that, with the proper restrictions, he did not feel the 200' setback was necessary. He felt that the protection of our youth was paramount, and ensuring that we do not encourage illegal gambling among the youth of Person County. He continued with his thoughts on the potential to increase the age to play to be 21 years of age, similar to the drinking age.

After more elaboration and hypotheticals regarding the new use, Mr. Bradsher summarized his desire for the Board to consider a minimum requirement for

number of terminals, reducing the setback requirement, and changing the age of allowance to 21.

Chairman Trotter then asked if there was anyone else who wished to speak. No one came forward and so the public comment period was closed.

Board member, Margaret Kay, asked for clarification on the difference between general gaming and adult gaming and if there were restrictions on age for both or just the adult gaming.

Ms. Johnson tried to explain. Board Member, Benji Gault, also spoke to the point and stated that all locations with even one machine would require the entire establishment to follow the supplemental regulations of the adult gaming establishment.

There was some discussion about the changes from the original reading of the text amendment and then the proposal now.

Mr. Bradsher inquired of the Board if his understanding was correct regarding the allowance of any gaming terminals as an accessory use in convenience stores or other establishments. Ms. Johnson explained that the wording of this new proposal is actually more restrictive for accessory uses than the original proposal because it would require the entire location to comply with the supplemental regulations (hours of operation, etc.) regardless of the number of machines.

Board Member, Benji Gault, continued that he did not disagree with Mr. Bradsher's thoughts on the minimum requirement of machines. Ms. Johnson explained where the recommendation originated. Board Member, Tony Cole, stated he was in favor of the minimum number of 20 machines, with no cap, because it would require a certain level of investment and commitment on the part of the developer.

There was some more discussion about how this language and the potential change from a maximum allowance to a minimum requirement for the machines actually encourages adult gaming establishments to only exist as the sole use of the property. Ms. Johnson confirmed that this language does direct individuals this way. It would not be impossible to have an accessory use, but that it would certainly be less conducive to a successful business model to do so.

There was then some additional discussion on the setback distance. Ms. Johnson inquired if the Board had interest in making it greater or smaller than the proposed 200'. Board Member, Benji Gault, asked for a point of reference for how far 200' would be. Ms. Johnson said it would roughly be the distance from the Council Chambers to the Police Department across the road. Mr. Gault said this would rule out most of the Uptown. Ms. Johnson stated it would rule out all of Uptown as the use is only permitted in the B-1 district, and not the B-3.

David Newell, Jr. spoke out to ask if he could ask a question. Ms. Johnson advised he would need to sign in and come forward to address the Board. After doing so, he stated the he had concerns with the setback requirements. As a property owner of more than one building on Clayton Avenue, he has one building that could not be utilized because it is within 200' of the residential setback requirement, but that he could go across the street with no real difference but technically would meet the requirement and be a permissible location.

Mr. Newell continued to say that he felt the City needed to consider if this was a use they wanted in their community. He addressed one of the Board members and alluded to the church that he attends, then continued to discuss the proximity to schools, churches, etc.

Mr. Newell continued on to say the agreed with putting a minimum requirement on the number of machines and not allowing single machines in convenience stores. He stressed his concern of the drug dealers and children intermingling with this type of use, then circled back to discussion of his two buildings on Clayton Avenue that could be utilized for the use.

After hearing Mr. Bradsher and Mr. Newell speak, a third member of the audience asked to address the Board. Brenda Crudup, who resides in a neighboring county, has researched the regulations in various areas and is very familiar with the concept. Ms. Crudup said she was in favor of the minimum machine requirement with no cap because she felt that it was a lot of money to invest in this type of use and the minimum would make sure people were committed. She also stated that in the facilities she has previously had experience with, there was security to check people and it was a "legit" setup. She said that she felt there was too much money involved in this type of use to not do things properly and then be shut down. She said she was here this evening to simply learn what the regulations might be in Roxboro, and thanked the Board for their time.

Chairman Trotter asked for clarification on how enforcement would be handled. Ms. Johnson stated that this use was no different from any other use, in that violations of laws would be handled by law enforcement and zoning violations could potentially result in misdemeanors. Ms. Johnson compared this to regulations on bars with state and ABC laws, that the rules of the ordinance do not trump or supersede those regulations.

Board Member, Tony Cole, inquired what the difference in a 100' versus a 200' setback would look like in terms of the number of adult gaming establishments. Ms. Johnson said that while they did not do an exact mapping, she felt there was probably a handful of locations that would be permissible with the 200' setback, reducing the setback to 100' would like result in a doubling of the number of permissible locations. She then offered to do a formal mapping of viable locations, but advised that it would take time.

Board Member, Benji Gault, said the he did not think that was necessarily needed, but wondered if there could be an option for a special case scenario when the property owner also owns all properties within the 200' setback requirement could they be allowed any exceptions. Ms. Johnson said it was not a common practice to regulate by ownership because that can change.

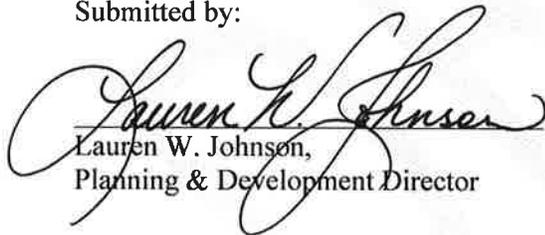
After some discussion, Board Member, Tony Cole, made a motion to recommend the text amendment proposed, with the modification that the maximum number of machines be removed a minimum of 10 machines be required, with no cap, he also suggested reducing the setback from certain establishments be 100' instead of the proposed 200', as it was consistent with the City's Future Land Use Plan in that it allowed for an additional commercial use, but did so in a way that was in the best interest of the City residents and visitors by providing assurances for safety and security. Benji Gault seconded the motion. Motion carried unanimously.

### **UNFINISHED BUSINESS**

### **ADJOURNMENT**

There being no other business for the Board, the meeting was adjourned at 6:46pm.

Submitted by:



Lauren W. Johnson,  
Planning & Development Director

**Planning Board Consistency Statement:**

Board Member Tony Cole motioned the Board recommend approval of the text amendment presented in Docket #TA2018-03, because the amendment is consistent with the City's Comprehensive Land Use Plan in that it provides for additional commercial uses within the City of Roxboro.

Furthermore, this decision is in the public interest of the City of Roxboro because it provides for security and safety measures that protect residents and citizens.

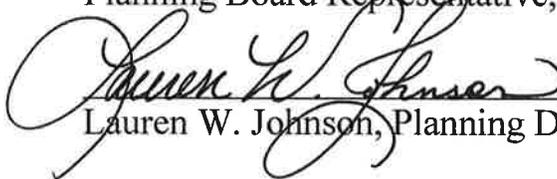
Motion seconded by Benji Gault.

Approved: 4 to 0

This report reflects the recommendation of the Planning Board on the 4th day of February, 2019.

Attest:

  
\_\_\_\_\_  
Planning Board Representative, Chairman Robert Trotter

  
\_\_\_\_\_  
Lauren W. Johnson, Planning Director

**Motion Format Requirements:**

Per NCGS 153A-341, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt one of the following statements regarding plan consistency, which shall not be subject to a judicial review.

A) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.

B) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.

C) A statement approving the zoning amendment and containing at least all of the following:

1. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.

2. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.

3 Why the action was reasonable and in the public interest.

The Planning Board shall advise and comment on whether the proposed amendment is consistent with a comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses comprehensive plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with a comprehensive plan shall not preclude consideration or approval of the proposed amendment by the City Council.

**AN ORDINANCE TO REGULATE GENERAL AND ADULT GAMING  
ESTABLISHMENTS BY AMENDMENTS TO  
THE CITY OF ROXBORO UNIFIED DEVELOPMENT ORDINANCE**

**WHEREAS**, the City Council of the City of Roxboro finds that it is in the public interest to regulate certain gaming establishments in the City's Unified Development Ordinance (UDO) to provide for better clarity and understanding of those uses; and

**WHEREAS**, the City Council of the City of Roxboro, after due notice, conducted a public hearing on the \_\_\_\_\_ day of \_\_\_\_\_ 2019, upon the question of amending the UDO in this respect.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROXBORO, NORTH CAROLINA:**

**PART ONE.** Appendix A of the UDO is amended to add in alphabetical order definitions for GENERAL GAMING ESTABLISHMENT and ADULT GAMING ESTABLISHMENT as follows:

General Gaming Establishment

Any establishment, excluding adult gaming establishments, whose principal use is to provide entertainment services to the general public in the form of electronic or conventional gaming units which provide either no reward to patrons or the possibility of rewards of limited value such as children's toys, games, or novelties when all rewards can be legally obtained and used by all ages and are not redeemable for cash or any other kind of compensation or services on or off premises, including on-line redemptions. Examples include, but are not limited to, traditional video game arcades and children's and family game centers, whether stand-alone or in conjunction with a restaurant or other permissible uses. This shall be considered a principal use when occupying more than fifty percent of the gross floor area of an establishment or being used by more than fifty percent of the patrons at any time or representing more than fifty percent of the total sales of the establishment.

Adult Gaming Establishment

Any establishment featuring one or more stand-alone electronic or conventional gaming units, skill-based or otherwise, or serving one or more patrons in such capacity at any one time, which also rewards patrons, or provides the possibility of rewards, with cash or other monetary payments, goods or certificates for services which are redeemable for cash or other monetary payment on or off premises and including on-line redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors. Any use meeting this definition shall be considered a principal use regardless of association or location in conjunction with other permissible principal uses. This does not include any lottery approved by the State of

North Carolina or any non-profit establishment that is otherwise lawful under State law (for example, church or civic organization fundraisers).

**Furthermore**, Appendix A of the UDO is amended to remove the term “Gamerooms” and the listed definition of same.

**PART TWO.** The subheading for “Recreational” uses in Section 6.4 of the UDO is amended to add, in alphabetical order: the use for General Gaming Establishment, which shall be a permitted use in the B-1 and B-3 zoning districts; and the use for Adult Gaming Establishment, which shall be a permitted use with supplemental regulations in the B-1 zoning districts.

**Furthermore**, The table of uses in Section 6.4 of the UDO is amended to remove the uses “gamerooms” and “billiards and pool halls” in all zoning districts.

**PART THREE.** Article 7, Section 7.48 of the UDO is amended to add the following:

**Section 7.48 Adult Gaming Establishments.**

Adult gaming establishments are subject to the following supplemental regulations:

**7.48.1**

Adult gaming establishments may operate from 10:00am until 9:00pm, Mondays through Saturdays.

**7.48.2**

Adult gaming establishments shall not be located in the same building or on the same property where any public or private education facility, church, synagogue, temple, or any other religious building, bar, child care center, all residential dwellings, any general gaming establishment as a principal use, or any other existing adult gaming establishment is located. Adult gaming establishments shall also not be placed on properties within 200 feet of any of the aforementioned uses, measured from the closest point between the building housing the adult gaming establishment and the building housing the use from which the establishment must be distanced.

**7.48.3** Adult gaming establishments are prohibited in or as a part of any check cashing facility.

**7.48.4** All alcohol sales and consumption of alcohol is prohibited.

**7.48.5** No adult gaming establishment shall permit any person under the age of 18 to conduct games in the establishment or to supervise games in the establishment.

**7.48.6** The maximum number of terminals/computers/machines/gaming terminals and the maximum number of patrons using the electronic machines at one time shall be 20.

**7.48.7** The parking requirements for Recreation/Entertainment shall apply to all adult gaming establishments.

**Furthermore**, Article 7, Section 7.19 is amended to remove all reference to the terms “gamerooms” and “billiards and pool halls.”

**PART FOUR.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**PART FIVE.** If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

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

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

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

ATTEST: Approved as to form:

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

\_\_\_\_\_  
Nick Herman, City Attorney

**Council Motion Format For Rezoning Request:**

I make a motion that we recommend (approval or denial) of the requested text amendment presented in Docket #TA2018-03, because the amendment is (consistent or inconsistent) with the City's Comprehensive Land Use Plan in that it;

(state reasons)

Furthermore, this decision is in the public interest of the City of Roxboro because it (explain).

## 4. Ordinance Text Amendment - Chapter 112 - PH

### **Ordinance Text Amendment- Chapter 112- *Public Hearing***

Over the course of the last year the City Council undertook revisions to Title XI: Business Regulations to update and modernize the Ordinances while creating consistency with the newly adopted Unified Development Ordinance.

Chapter 112 has traditionally been the section of our ordinance that regulated the licensing of Game Rooms, Pool Halls and Billiards. The licensing in place was to regulate the hours of operation and to ensure such businesses operated in a manner consistent with the values of the day. Council considered potential revisions to this Ordinance in August 2018 and ultimately tabled the matter due to clarity regarding sweepstakes.

During further discussions with City Council and legal counsel, staff had considered utilizing Chapter 112 to regulate night life and sweepstakes gaming facilities. The conversations evolved further which lead to two types of Gaming Establishments being clearly defined and regulated within the UDO. Ultimately, the modernization of the UDO eliminates the need for additional regulation surrounding Game Rooms.

Chapter 112 has been revised to address the specific concern of Dance Halls, Night Clubs and Social Clubs.

The Ordinance establishes that the businesses regulated will be required to hold an annual license, will limit the hours of operation, will ban illegal gambling on the premises, will restrict employment to those with conviction of unlawfully selling alcohol or narcotic drugs, and must be managed by a person of 18 years of age.

The Ordinance does not establish a fee for the license. This would be best addressed in the Council's annual budget process under the fee schedule section.

## **CHAPTER 112: DANCE HALLS, NIGHT CLUBS, SOCIAL CLUBS**

### Section

#### **General Provisions**

- 112.01 Definition
- 112.02 License
- 112.03 Fee
- 112.04 Restrictions
- 112.05 Prohibited conduct
- 112.06 Rules for operation
- 112.07 Revocation of license
- 112.08 Application for license
- 112.09 Location
- 112.10 Violation

#### **GENERAL PROVISIONS**

##### **§ 112.01 DEFINITION.**

###### Night Club

An establishment staying open after 10:00pm, and dispensing alcoholic beverages and meals, and in which music, dancing, or entertainment is conducted. Excluded from this definition are those establishments defined elsewhere in the Unified Development Ordinance, such as restaurants, adult establishments, and clubs.

##### **§ 112.02 LICENSE.**

(A) Every operator of a dance hall, night club, or social club shall apply for and obtain a license from the City Council to operate a game room. Application for such a license shall be made upon forms provided by the City Clerk.

(B) It shall be unlawful to operate a dance hall, night club, or social within the city without a license as required by this section.

(`90 Code, § 5-27) (Ord. passed 10-12-82) Penalty, see § 10.99

(C) In addition to a license required under this Chapter, every operator of a dance hall, night club or social club shall obtain a zoning clearance permit as required in the Unified Development Ordinance.

##### **§ 112.03 FEE.**

An application fee shall be paid to and collected by the City Clerk when the application is submitted to cover the cost of administration of this chapter.

(`90 Code, § 5-28) (Ord. passed 10-12-82)

##### **§ 112.04 RESTRICTIONS.**

The City Council shall not issue a license to any applicant who:

(A) Has been convicted of unlawfully selling alcoholic beverages or narcotic drugs;

(B) Fails to meet the requirements of this Ordinance, the UDO or any applicable State statute or rule (`90 Code, § 5-29) (Ord. passed 10-12-82)

##### **§ 112.05 PROHIBITED CONDUCT.**

Licensees under this chapter shall not, and neither shall their employees:

(A) Suffer or permit any illegal gambling on the licensed premises at any time; nor the sale or use of any racing, football or other parlay cards or gambling boards or devices;

(B) Continue to employ any person who has been convicted of unlawfully selling alcoholic beverages or narcotic drugs during the time in which such person has been employed with the business.

('90 Code, § 5-30) (Ord. passed 10-12-82) Penalty, see § 10.99

**§ 112.06 RULES FOR OPERATION.**

The following rules shall be observed by all businesses regulated in this chapter:

(A) All businesses shall observe the hours of operation as set by the North Carolina Alcoholic Beverage Control laws and shall be subject to changes in hours of operation as set by the ABC Board. Current hours of operation are as follows

Opening Time 7:30 a.m.

Closing Time 1:30 a.m.

(B) All buildings shall conform to the State Building Code, and the operator shall acquire a certificate of compliance before operations shall begin.

(C) No noises as defined in Chapter 93.20 and 93.21 shall be allowed to emanate beyond the licensed premises.

(D) There must be an adult 18 years of age or older managing the business during hours of operation. ('90 Code, § 5-31) (Ord. passed 10-12-82) Penalty, see § 10.99

**§ 112.07 REVOCATION OF LICENSE.**

(A) After giving the adequate notice and an opportunity to be heard, as provided in this section, the City Council may revoke the license of any aforementioned business who:

- (1) Violates the provisions of §§ 112.05 or 112.06; or
- (2) Is convicted of unlawfully selling alcoholic beverages or narcotic drugs.

(B) Adequate notice shall mean the mailing of a certified letter, return receipt requested, no less than 15 days before the hearing date, or personal service upon such operator at the place of business no less than 12 days before the hearing. The hearing shall be at any regular or special meeting of the City Council.

('90 Code, § 5-32) (Ord. passed 10-12-82)

**§ 112.08 APPLICATION FOR A LICENSE.**

Every application for a license to operate a dance club, nightclub, and social club shall be in writing and shall be in the following form:

Roxboro, N.C.

(date)

To the Mayor and City Council  
City of Roxboro  
Roxboro, North Carolina

Property Owners Name, Business Address and Contact Information: \_\_\_\_\_

Lessee's or Operators Name, Business Address and Contact Information: \_\_\_\_\_

Name, Registration Number, Date of Issuance and Date of Expiration of all North Carolina, Person County and City of Roxboro licenses held by the Owner(s), Lessee(s) and Operators of the licensed business.

A signed and notarized statement including the following on a form provided by the City:

I (we), do hereby make application for license to operate a \_\_\_\_\_ in the City of Roxboro at the following location:

Accompanying this application is a duly certified bank check or cash in the amount required as a license fee for the current fiscal year as prescribed by the annual budget ordinance.

If said license be granted, I (we) agree to observe all ordinances, rules, and regulations of the city in respect to the operation my business, and I (we) expressly agree and consent to all

provisions contained in the ordinances of said city with respect to granting and revoking a privilege license, and I (we) waive any claim for refund of any part of the money paid by me (us) for license in case the said license should be revoked under the provisions of ordinances passed by the city either heretofore or hereafter.”

Every licensed business shall submit a license application and fee no later than September 1, 2019.

**§ 112.09 LOCATION.**

No business licensed under this Chapter shall be operated at any location in the city except as specified in the application for license and as required by the Unified Development Ordinance.

(`90 Code, § 5-53) Penalty, see § 10.99

**§ 112.10 VIOLATION.**

If any person shall violate any provision of this subchapter, he or she shall forfeit the current year's license fee paid by him or her and, if such person is the owner and shall be in charge thereof as the owner, his or her license shall be liable to revocation. The forfeiture and revocation shall be in addition to the misdemeanor penalty for such violation and the civil penalty described in §10.99

(`90 Code, § 5-52) Penalty, see § 10.99

## 5. Hill Street Street Tower Lease - PH

## **Hill Street Tower Lease – Public Hearing**

As shared in the January Council Meeting, the Hill Street Tower Lease Public Hearing has been moved to the February Agenda. The advertising requirements for the lease of public properties as addressed in NCGS 160A-272 require a 30 day notice and this advertising requirement has been satisfied. Staff has the executable lease documents in hand and they have received a favorable evaluation by our legal counsel.

The terms of this lease of public property are for \$2,000 per month for an initial term of 5 years. This term is automatically renewable for 4 additional 5 year terms with a 5% increase in for each term. Staff has conducted an analysis and has determined this offer to be a fair market value.

Following the Public Hearing, Council can execute the lease document. The terms of the lease will be in effect as of either the 1<sup>st</sup> of the month of installation or June 1, 2019.

As discussed in previous Council meetings, the City owned Tower on Hill Street will require some investment for some modifications to ensure the long term viability of our asset. Our previously designed modifications to the Tower do not take into account the potential impact of the addition of Verizon's equipment to the Tower. Staff has been given a quote of \$4,300 from Tower Engineering Professionals to update our tower loading modification plan to take into account the Verizon equipment. Staff is requesting board approval for this update to our modification plans. Concurrently, staff is working with our counterparts at Person County Government to evaluate equipment on the tower.

Tower Engineering Professionals have given staff a rough approximation outline of potential lead times for the modifications, which are listed below:

- 3 weeks for design
- 6 weeks for materials
- 4 weeks for construction

Following the completion of the revisions to our Tower Modification plans, Council will receive materials to enable the establishment of a new enterprise fund for the Tower and an Enterprise Budget. This will likely be discussed at upcoming budget work sessions.

## 6. Offer to Purchase City Property

## Offer to Purchase City Property

A request was received by staff to purchase a property located on Front Street. The property was the previous site of an old warehouse that was removed by City in the late 1980's; the property is now vacant. The property is approximately 0.69 acres and has listed with a tax value of \$12,265.

The request to purchase has been made by Robert and Diane Moore d/b/a D&R Properties for the amount of \$5,000. D&R currently own 2 of the three adjacent parcels.

Two letters regarding this request, follow this item in the agenda packet. The second letter expresses concerns over the location of infrastructure on the property. On January 28<sup>th</sup>, Assistant Manager Warren and Public Service Director Oakley met with the bidder and walked the site.

Staff is requesting Council approve this request per *NCGS 160A-269 Negotiated Offer, Advertisement and Upset Bid*, with the following stipulation:

"The city will require a minimum 20' easement for the sanitary sewer on the property. The sanitary sewer will remain the property and responsibility of the city. There is an existing rock culvert across the creek in the middle of the property. The existing rock culvert is part of the property and becomes the responsibility of the purchaser. (The rock culvert appears to be an old driveway from one side of the property to the other, across the creek which flows through the property) The purchaser will have to survey the property and have a deed prepared."

Following the acceptance of this offer, staff will advertise in accordance with the upset bid provision of 160A-269, allowing 10 days for an upset offer. If an upset bid is received, it will be advertised and the process starts over. The process continues until no upset bid is received. If the original bid is not upset, City Council, at the April City Council meeting, has the option to accept or reject the bid.

D & R Properties of Roxboro  
949 Flat River Church Rd.  
Roxboro, NC 27574

336-599-8013

City of Roxboro

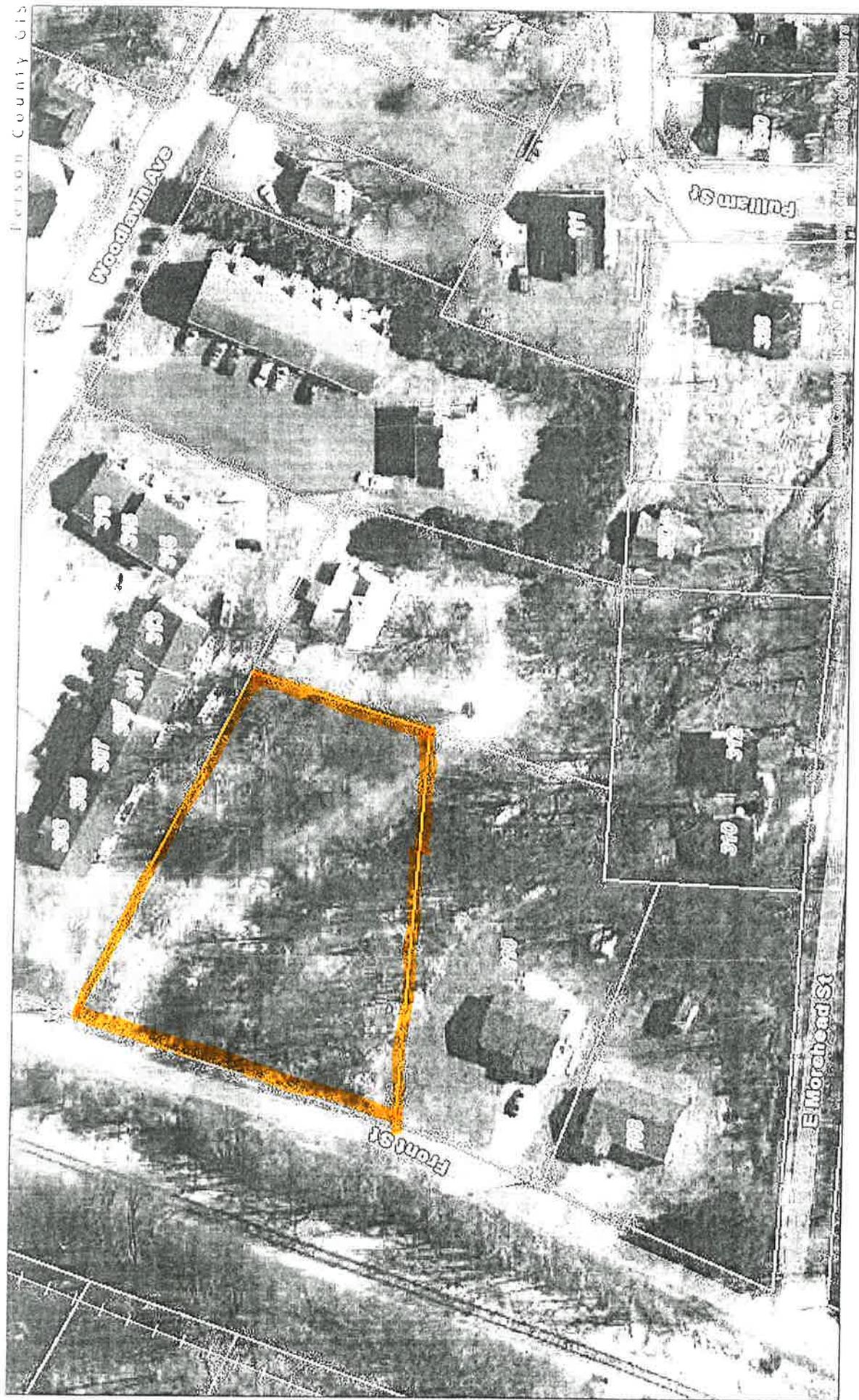
To Whom it May Concern:

We, Robert and Diane Moore, are offering to purchase the property highlighted on the attached copy for the sum of \$5,000.00. We will pay all closing costs.

Thank you for your consideration.

*Diane F. Moore*

*Robert H. Moore*



D & R Properties of Roxboro  
949 Flat River Church Rd.  
Roxboro, NC 27574

336-599-8013

City of Roxboro

To Whom it may Concern:

WE, Robert and Diane Moore, are offering to purchase the property highlighted on the attached copy for the sum of \$5,000.00 We will pay all closing costs.

We walked the lot mentioned above and found a main sewer pipe in the creek that runs through the lot. We will not be responsible for the sewer pipe if it breaks from deterioration of said pipe or storm drain.

Thanks for your consideration;

Robert Moore

Diane F. Moore

NOT FOR LEGAL USE

Person County GIS



Person County GIS, NCDOT, Person County GIS, City of Roxboro

11/28/2018 NOT FOR LEGAL USE

Legend

▼ E-911 Addresses

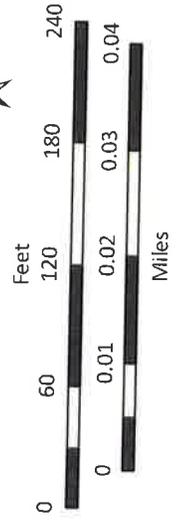
Easements

Conservation

Easement

Utility

All Other



12,265

## 7. Resurfacing Contract Approval

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INTEROFFICE MEMO

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February 12, 2019

To: Mayor and City Council

From: Andrew M. Oakley, Public Services Director

Subject: Street Resurfacing Bids

As Council has been previously informed, the resurfacing of city streets went out for bids. The bids for this project were received on February 5, 2019 at 2:00pm and there were three bidders.

The bids were as follows:

Bidder	Milling Unit Cost	Milling Total Cost	Asphalt Unit Cost	Asphalt Total Cost	Total Bid
Carolina Sunrock LLC	\$6.27/SY	\$45,614.25	\$14.04/SY	\$102,141.00	\$147,755.25
Asphalt Experts Inc	\$8.50/SY	\$61,837.50	\$13.45/SY	\$97,848.75	\$159,686.25
Long Inc	\$9.30/SY	\$67,657.50	\$15.00/SY	\$109,125.00	\$176,782.50

Our total budget for resurfacing was \$175,000.

The list of streets that were include in our estimate are attached. To remain in budget and maximize the funds available, we are proposing to mill and resurface the following:

Lamar Street (Barden Street to Gordon Street)  
Woodlawn Avenue  
Crestwood Drive  
Barden Street  
Henry Street (Portions of)

Gordon Street and Broad Street will be carried into the next resurfacing project.

**Staff Recommends:** Awarding the project to Carolina Sunrock, LLC.

<u>Street Name</u>	<u>Total Length ft</u>	<u>Width ft</u>
Lamar St (Barden St to Gordon St)	1325	30
Woodlawn Ave	635	16
Crestwood Dr	1425	28
Barden St	800	36
Broad St ( Depot to Barnette Ave)	1620	27
Henry St	1500	27
Gordon St (Leasburg Rd to Crestwood	2425	27

## 8. Financial and Tax Report

**City of Roxboro, North Carolina  
Financial Statement - Unadjusted  
Modified Accrual Basis  
For the Six Months Ended December 31, 2018**

	Original Budget	Amended Budget	Actual	Annual Variance Favorable (Unfavorable)	50.00% Percent of Budget
<b>General Fund (10)</b>					
Ad Valorem Taxes	\$ 4,768,851	\$ 4,768,851	\$ 3,969,404.23	\$ (799,446.77)	83.24%
Local Option Sales Tax	1,721,816	1,721,816	898,744.46	(823,071.54)	52.20%
Other Taxes and Licenses	12,000	12,000	7,633.23	(4,366.77)	63.61%
Unrestricted Intergovernmental	973,408	973,408	449,237.71	(524,170.29)	46.15%
Restricted Intergovernmental	637,276	637,396	307,499.78	(329,896.22)	48.24%
Permits and Fees	7,000	7,000	5,450.00	(1,550.00)	77.86%
Sales and Services	667,120	667,120	324,238.03	(342,881.97)	48.60%
Miscellaneous	20,247	24,997	57,136.95	32,139.95	228.58%
Investment Earnings	2,500	2,500	5,505.48	3,005.48	220.22%
Interfund Transfers	1,206,817	1,240,972	495,908.52	(745,063.48)	39.96%
Sale of Fixed Assets	15,000	15,000	187.88	(14,812.12)	1.25%
<b>Total Revenues</b>	<b>10,032,035</b>	<b>10,071,060</b>	<b>6,520,946.27</b>	<b>(3,550,113.73)</b>	<b>64.75%</b>
<b>Expenditures:</b>					
Governing Body - City Council	177,805	177,805	171,302.13	6,502.87	96.34%
City Hall Administration	544,510	578,665	320,454.59	258,210.41	55.38%
Finance	278,083	278,083	158,252.95	119,830.05	56.91%
Sales Tax	88,100	88,100	52,707.72	35,392.28	59.83%
Tax Collections	64,843	64,843	55,670.84	9,172.16	85.85%
Buildings & Grounds	220,644	220,644	71,397.69	149,246.31	32.36%
Safety / Purchasing	34,275	34,275	8,077.66	26,197.34	23.57%
Police	3,209,292	3,234,042	1,742,278.70	1,491,763.30	53.87%
Fire	2,218,717	2,218,717	1,136,400.87	1,082,316.13	51.22%
Emergency Communications 911	95,800	95,800	31,581.10	64,218.90	32.97%
Transportation - Streets	1,836,440	1,836,440	717,888.42	1,118,551.58	39.09%
Environmental Protection	1,142,526	1,142,526	581,345.55	561,180.45	50.88%
Economic Development	399,580	399,580	138,230.68	261,349.32	34.59%
Cultural & Recreational	750	750	-	750.00	0.00%
Debt Service	531,420	531,420	97,304.69	434,115.31	18.31%
Interfund Transfers	75,000	325,000	250,000.00	75,000.00	76.92%
<b>Total Expenditures</b>	<b>10,917,785</b>	<b>11,226,690</b>	<b>5,532,893.59</b>	<b>5,693,796.41</b>	<b>49.28%</b>
<b>Excess of Revenues Over (Under) Expenditures</b>	<b>(885,750)</b>	<b>(1,155,630)</b>	<b>988,052.68</b>	<b>2,143,682.68</b>	
<b>Other Financing Sources</b>					
Proceeds of Capital Lease	488,750	488,750	100,000.00	(388,750.00)	20.46%
Fund Balance Appropriated	397,000	666,880	-	(666,880.00)	0.00%
<b>Total Other Financing Sources</b>	<b>885,750</b>	<b>1,155,630</b>	<b>100,000.00</b>	<b>(1,055,630.00)</b>	<b>8.65%</b>
<b>Excess of Revenues Over (Under) Expenditures</b>	<b>\$ -</b>	<b>\$ -</b>	<b>1,088,052.68</b>	<b>\$ 1,088,052.68</b>	
<b>Fund Balance Beginning of Year</b>			<b>4,702,534.97</b>		
<b>Fund Balance Current Period</b>			<b>\$ 5,790,587.65</b>		

**City of Roxboro, North Carolina  
Financial Statement - Unadjusted  
Modified Accrual Basis  
For the Six Months Ended December 31, 2018**

	Original Budget	Amended Budget	Actual	Annual Variance Favorable (Unfavorable)	50.00% Percent of Budget
<b>Enterprise Funds</b>					
<b>Revenues:</b>					
Water & Sewer Fund 60					
Charges for Services Assessments	\$ 5,383,752	\$ 5,383,752	\$ 2,451,319.80	\$ (2,932,432.20)	45.53%
Tapping Fees	20,000	20,000	20,970.00	970.00	104.85%
Other Operating Revenues	35,519	35,519	2,268.24	(33,250.76)	6.39%
Nonoperating Revenues	500	500	-	(500.00)	0.00%
Interfund Transfers-MERP	-	-	-	-	-
Interfund Transfers	1,082,589	1,093,339	-	(1,093,339.00)	0.00%
Sale of Fixed Assets	15,000	15,000	85.00	(14,915.00)	0.57%
<b>Total Water &amp; Sewer Fund 60</b>	<b>6,537,360</b>	<b>6,548,110</b>	<b>2,474,643.04</b>	<b>(4,073,466.96)</b>	<b>37.79%</b>
Triple Tier Fund 61					
Operating Revenues	6,965	6,965	2,168.43	(4,796.57)	31.13%
Nonoperating Revenues	100	100	34.22	(65.78)	34.22%
Rural Center Engineering Grant	-	-	-	-	#DIV/0!
Capital Reserve Fund 69					
Operating Revenues	742,040	742,040	400,668.20	(341,371.80)	54.00%
Nonoperating Revenues	1,500	1,500	1,601.29	101.29	106.75%
Interfund Transfers	-	-	-	-	#DIV/0!
<b>Total Revenues</b>	<b>7,287,965</b>	<b>7,298,715</b>	<b>2,879,115.18</b>	<b>(4,419,599.82)</b>	<b>39.45%</b>
<b>Expenditures:</b>					
Public Utilities: Administration	-	-	-	-	#VALUE!
Sales Tax	-	-	-	-	#DIV/0!
Billing & Collection	131,911	131,911	61,187.71	70,723.29	46.39%
Meter Section	258,720	258,720	158,608.01	100,111.99	61.30%
Raw Water Supply	62,813	66,973	36,457.51	30,515.49	54.44%
Water Plant	1,568,915	1,569,200	763,501.89	805,698.11	48.66%
Water Maint and Construction	838,830	844,770	296,440.69	548,329.31	35.09%
Wastewater Plant II	149,664	149,664	56,061.09	93,602.91	37.46%
Wastewater Plant	1,163,705	1,164,070	519,701.35	644,368.65	44.65%
Pump Stations	337,268	337,268	175,231.14	162,036.86	51.96%
Wastewater Maint & Construction	593,506	593,506	227,154.51	366,351.49	38.27%
Debt Service	479,487	479,487	470,824.08	8,662.92	98.19%
Interfund Transfers-MERP	-	-	-	-	-
Interfund Transfers	1,271,817	1,271,817	495,908.52	775,908.48	38.99%
<b>Total Water &amp; Sewer Fund 60</b>	<b>6,856,636</b>	<b>6,867,386</b>	<b>3,261,076.50</b>	<b>3,606,309.50</b>	<b>47.49%</b>
Triple Tier Fund 61	7,065	7,065	-	7,065.00	0.00%
Capital Reserve Fund 69	743,540	743,540	-	743,540.00	0.00%
<b>Total Expenditures</b>	<b>7,607,241</b>	<b>7,617,991</b>	<b>3,261,076.50</b>	<b>4,356,914.50</b>	<b>42.81%</b>
<b>Excess of Revenues Over (Under) Expenditures</b>	<b>(319,276)</b>	<b>(319,276)</b>	<b>(381,961.32)</b>	<b>(62,685.32)</b>	
<b>Other Financing Sources</b>					
Proceeds of Capital Lease	319,276	319,276	-	(319,276.00)	0.00%
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>319,276</b>	<b>319,276</b>	<b>-</b>	<b>(319,276.00)</b>	<b>0.00%</b>
<b>Excess of Revenues Over (Under) Expenditures</b>	<b>\$ -</b>	<b>\$ -</b>	<b>(381,961.32)</b>	<b>\$ (381,961.32)</b>	
<b>Fund Balance Beginning of Year</b>			<b>2,262,190.12</b>		
<b>Fund Balance Current Period</b>			<b>\$ 1,880,228.80</b>		

**City of Roxboro, North Carolina**  
**Financial Statement - Unadjusted**  
**Modified Accrual Basis**  
**For the Six Months Ended December 31, 2018**

	Original Budget	Amended Budget	Actual	Annual Variance Favorable (Unfavorable)	50.00% Percent of Budget
<b><u>Central Depository</u></b>					
Cash		11100000	2,657,314.35		
BB&T MMA		11100001	128,324.82		
NCCMT		11100002	735,895.45		
Flexible Spending Account AFLAC		11100003	10,621.85		
Roxboro Savings Bank		11100004	520,564.72		
Gateway Bank MMA Finistar		11100005	-		
CD's		11130000	-		
<b>Total Cash and Investments</b>			<b>\$ 4,052,721.19</b>		<b>\$4,052,721.19</b>
<b><u>Breakdown by Fund:</u></b>					
General		10	\$ 2,405,590.64		
CDBG-Revolving Loan Fund		13	63,130.00		
Old Durham Road Project Fund		20	359.95		
Vehicle Special Revenue		26	4,547.05		
Ridge Road Capital Project		30	-		
Stormwater Capital Fund		50	173,472.60		
Enterprise		60	(672,891.63)		
Triple Tier Water		61	1,994.20		
Capital Reserve		69	2,001,518.42		
Wastewater Plant Capital Project		71	(10,500.00)		
Annexation Area Capital Project		73	-		
Christmas Club / Flex Fund		75	10,621.85		
LEO Pension Trust Fund		79	74,878.11		
Reserve for Interest Earned			-		
<b>Total of Fund's Cash and Investments</b>			<b>\$ 4,052,721.19</b>		<b>\$4,052,721.19</b>

**City of Roxboro, North Carolina  
Fund Balance  
General Fund  
As of December 31, 2018**

	<b>General Fund</b>			
	<b>31-Dec-18 Fund Balances</b>	<b>Percentage of Total Fund Balance</b>	<b>Percentage of Fiscal Year 2019 Budget</b>	<b>Percentage of Prior Year Actual Expenditures</b>
<b>Fund Balances</b>				
<b>Reserved</b>				
Reserved for inventories	\$ 45,118	0.78%	0.40%	0.44%
Reserved by state statute	653,781	11.29%	5.82%	6.33%
Reserved for streets - Powell Bill	287,458	4.96%	2.56%	2.78%
Reserved for cemetery	30,269	0.52%	0.27%	0.29%
Reserved for drug enforcement	-	0.00%	0.00%	0.00%
Reserved for public safety	<u>134,988</u>	<u>2.33%</u>	<u>1.20%</u>	<u>1.31%</u>
Total fund balance reserved	<u>1,151,614</u>	<u>19.89%</u>	<u>10.26%</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>4,638,974</u>	<u>80.11%</u>	<u>41.32%</u>	<u>44.89%</u>
Total fund balance unreserved	<u>4,638,974</u>	<u>80.11%</u>	<u>41.32%</u>	<u>44.89%</u>
Total equity and other credits	<u>\$ 5,790,588</u>	<u>100.00%</u>	<u>51.58%</u>	<u>56.04%</u>
Budget Ordinance for June 30, 2019, as Amended			\$ 11,226,690	
Prior Year Expenditures				\$ 10,333,189

**City of Roxboro, North Carolina  
Fund Balance  
Enterprise Fund  
As of December 31, 2018**

<b>Enterprise Fund</b>				
<b>Fund Balances</b>	<b>31-Dec-18 Fund Balances</b>	<b>Percentage of Total Fund Balance</b>	<b>Percentage of Fiscal Year 2019 Budget</b>	<b>Percentage of Prior Year Actual Expenditures</b>
<b>Reserved</b>				
Reserved for encumbrances	\$ 14,267	0.76%	0.25%	0.28%
Reserved by state statute	422,861	22.49%	7.56%	8.26%
Reserved for capital outlay (C89 + C91)	<u>1,784,478</u>	<u>94.91%</u>	<u>31.89%</u>	<u>34.85%</u>
Total fund balance reserved	2,221,606	118.16%	39.70%	43.39%
<b>Unreserved</b>				
Designated for subsequent year's expenditures	-	0.00%	0.00%	0.00%
Undesignated	<u>(341,377)</u>	<u>-18.16%</u>	<u>-6.10%</u>	<u>-6.67%</u>
Total fund balance unreserved	<u>(341,377)</u>	<u>-18.16%</u>	<u>-6.10%</u>	<u>-6.67%</u>
Total equity and other credits	<u>\$ 1,880,229</u>	<u>100.00%</u>	<u>33.60%</u>	<u>36.72%</u>
Budget Ordinance for June 30, 2019, as Amended			\$ 5,595,569	
Prior Year Expenditures				\$ 5,120,360

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

	<b>2018 Tax Levy</b>	<b>2017 Tax Levy</b>	<b>2016 Tax Levy</b>
<b>Original Levy</b>	<b>\$ 4,229,715.40</b>	<b>\$ 4,350,663.68</b>	<b>\$ 4,342,813.89</b>
<b>Motor Vehicles Added to Levy</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Motor Vehicles Added to Levy-DMV</b>	<b>265,485.76</b>	<b>499,691.97</b>	<b>493,114.72</b>
<b>Public Utilities</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Adjusted Original Levy</b>	<b>4,495,201.16</b>	<b>4,850,355.65</b>	<b>4,835,928.61</b>
<b>+Discoveries</b>	<b>181,104.60</b>	<b>106,561.33</b>	<b>123,960.93</b>
<b>Levy</b>	<b>4,676,305.76</b>	<b>4,956,916.98</b>	<b>4,959,889.54</b>
<b>-Releases</b>	<b>2,668.46</b>	<b>11,006.97</b>	<b>6,001.95</b>
<b>Current Levy</b>	<b>4,673,637.30</b>	<b>4,945,910.01</b>	<b>4,953,887.59</b>
<b>Collection year-to-date</b>	<b>\$ 3,908,162.65</b>	<b>\$ 4,897,012.96</b>	<b>\$ 4,929,941.14</b>
<b>Uncollected</b>	<b>\$ 765,474.65</b>	<b>\$ 48,897.05</b>	<b>\$ 23,946.45</b>
<b>Collection % of Current Levy</b>	<b>83.62%</b>	<b>99.01%</b>	<b>99.52%</b>
<b>Property Tax Rate Per \$100</b>	<b>\$ 0.670</b>	<b>\$ 0.670</b>	<b>\$ 0.670</b>

**City of Roxboro  
Tax Collection Report  
For the Month Ended  
31-Jan-19**

	2018 Tax Levy	2017 Tax Levy	2016 Tax Levy
<b>Original Levy</b>	<b>\$ 4,229,715.40</b>	<b>\$ 4,350,663.68</b>	<b>\$ 4,342,813.89</b>
<b>Motor Vehicles Added to Levy</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Motor Vehicles Added to Levy-DMV</b>	<b>306,754.82</b>	<b>499,691.97</b>	<b>493,114.72</b>
<b>Public Utilities</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Adjusted Original Levy</b>	<b>4,536,470.22</b>	<b>4,850,355.65</b>	<b>4,835,928.61</b>
<b>+Discoveries</b>	<b>181,168.75</b>	<b>106,561.33</b>	<b>123,960.93</b>
<b>Levy</b>	<b>4,717,638.97</b>	<b>4,956,916.98</b>	<b>4,959,889.54</b>
<b>-Releases</b>	<b>2,861.71</b>	<b>11,010.15</b>	<b>6,001.95</b>
<b>Current Levy</b>	<b>4,714,777.26</b>	<b>4,945,906.83</b>	<b>4,953,887.59</b>
<b>Collection year-to-date</b>	<b>\$ 4,482,718.20</b>	<b>\$ 4,897,874.42</b>	<b>\$ 4,930,240.81</b>
<b>Uncollected</b>	<b>\$ 232,059.06</b>	<b>\$ 48,032.41</b>	<b>\$ 23,646.78</b>
<b>Collection % of Current Levy</b>	<b>95.08%</b>	<b>99.03%</b>	<b>99.52%</b>
<b>Property Tax Rate Per \$100</b>	<b>\$ 0.670</b>	<b>\$ 0.670</b>	<b>\$ 0.670</b>

## 9. Assistant Manager's Report

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

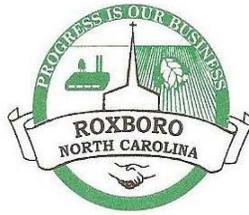
**Wastewater Treatment Plant** – The pace of work has picked up on the construction site since there has been a week without rain. Walls are continuing to go up on the new digester. The foundation of the oxidation ditch is being prepared and rebar is being placed for the first concrete pour. It is currently scheduled for the week of February 18. This will be a large concrete pour.

As part of the project, the 6" backflow preventer on the main waterline entering the plant had to be relocated. The plan was to reuse the existing backflow preventer. After moving it, it malfunctioned. The current backflow preventer is 30 years old. In order to get water back on at the plant, it was rebuilt. The rebuild, while functioning, do not completely solve the issues. A new one is being ordered. The cost of installing a new one is about \$11,000.00.

**Marlowe's Creek Upgrade** – The surveying of Marlowe's Creek Sewer line has started and is 20% complete. Notices were mailed to adjacent property owners prior to the start of surveying. This is the first step to upgrade the sewer outfall and force main that serves Billy Hicks Rd Pump Station and Somerset Pump Station.

**Leaf Vacuum Truck** – The new impeller in the leaf truck was installed and the truck was placed back in service a couple of weeks ago. On Thursday, February 7, 2019, there was an issue with the rear engine and the truck was back in the garage for repairs. At the time of this report, the garage had not diagnosed the problem. As soon as it is repaired it will be back in service.

## 10. Manager's Report



## City of Roxboro

### MEMORANDUM

TO: Mayor Newell and City Council  
FROM: Brooks Lockhart  
SUBJECT: Manager's Report  
DATE: February 12<sup>th</sup>, 2019

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- Please take note of several upcoming dates.
  - City Council Meeting, 9am Monday March 18<sup>th</sup> at City Hall
  - Safety Awards Banquet, Thursday May 30<sup>th</sup> location TBA
  - Council Planning Session, Date TBA
- As noted last month, Staff is continuing to enhance our utility billing operations. Finance Staff has received training on our notification system "TylerNotify." This system will allow the City to text and/or provide automated calls to our customers. Finance staff is still developing details on how this system will be utilized. For example, we could notify customers of past due bills or potential leaks automatically. There is a cost to the City per call or text. Staff will develop policies for this system including the option for customers to opt out. We will need to conduct an information campaign via our local media outlets so we can ensure we have up to date contact information for those interested in participating. The software company is working on an update using Google Maps API to be able to notify residents based on geography, this will be useful for emergencies like gas leaks or disruptions to water services. They anticipate this update to occur in March 2019 at the soonest.
- Staff has been working on an audit of trash collection policies in our B3 Zoning District. The B3 zoning district does not require building setbacks and commercial trash must be considered in this context. Staff has been working to develop a draft policy for Council Review and we anticipate distributing a draft at the February Council Meeting for consideration in March.
- Per request of City Council, staff has begun an evaluation of the City of Roxboro Strategic Plan last updated in January 2013. Once staff compiles information on which strategies have been implemented and their successes and failures, we will need to hold a Council Planning Session. The objective of the Planning Session would be to review those details, to consider the established goals and to modify the document as Council envisions would be most beneficial. I request that Council schedule this work session prior to our March Council meeting. A copy of the current document will be provided to Council at the February Meeting.