

AGENDA ROXBORO CITY COUNCIL MEETING
TUESDAY, JUNE 11, 2019 at 7:00 P.M.
CITY HALL COUNCIL CHAMBER

CALL TO ORDER	Mayor Marilyn P. Newell
INVOCATION:	Council Member Mark Phillips
PLEDGE OF ALLEGIANCE:	Mayor Marilyn P. Newell
AGENDA ADOPTION:	Mayor Marilyn P. Newell
CONSENT AGENDA	Mayor Marilyn P. Newell
Minutes	
Fire Department	
Police Department	
Fuel Expenditures	
Planning/URG Report	
RECOGNITIONS: Resolution – In Memory of Mr. Byrd Blackwell	
PUBLIC COMMENT: (5 minutes per Citizen)	Mayor Marilyn P. Newell
PUBLIC HEARINGS AND ORDINANCE MATTERS:	
1. Budget Amendment	Finance Director Dan Craig
2. Rezoning – 31 Patterson Drive – <i>Public Hearing</i>	Planning Director Lauren Johnson
3. Rezoning – 110 Carver Drive – <i>Public Hearing</i>	Planning Director Lauren Johnson
4. Text Amendment – City Code of Ordinances – Chapters 95 & 96	Planning Director Lauren Johnson
5. Text Amendment – City Code of Ordinances – Chapter 76 – <i>Public Hearing</i>	City Manager Brooks Lockhart
6. Proposed Budget 2019-2020 – <i>Public Hearing</i>	City Manager Brooks Lockhart
NEW BUSINESS:	
7. Auditor's Contract	Finance Director Dan Craig
8. Loan Approval	Finance Director Dan Craig
9. Resolution of Surplus Items	Public Services Director Andy Oakley
10. Resolution of Governing Body of Recipient	Public Services Director Andy Oakley
OLD BUSINESS:	
COMMITTEE REPORTS	Mayor Marilyn P. Newell
ADMINISTRATIVE REPORTS:	
11. Financial & Tax Report	Finance Director Dan Craig
12. Assistant Manager's Report	Assistant Manager Tommy Warren
13. Manager's Report	City Manager Brooks Lockhart
COUNCIL DISCUSSION:	
CLOSED SESSION: Per NCGS 143.318.11(a)(1) Attorney/Client Privilege	
ADJOURNMENT: Motion	Second

Consent Agenda

CITY OF ROXBORO, NC Consent Agenda

The Regular meeting of the Roxboro City Council was held in the Council Chamber of City Hall at 7:00 p.m. Tuesday, June 11, 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 May 14, 2019 (*Regular Meeting*)
- Fire/EMS Monthly Report (*May 2019*)
- Police Dept. Monthly Report (*May 2019*)
- Fuel Expenditures Monthly Report (*May 2019*)
- Planning/RDG Monthly Report (*May 2019*)

Trevie Adams, MMC/NCCMC
City Clerk

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

**MINUTES/MEETING OF THE ROXBORO CITY COUNCIL
TUESDAY, MAY 14, 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 Reggie Horton

Members Absent: Council Member Byrd Blackwell
Council Member Sandy Stigall

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 asking for any changes or additions. There being none, **Council Member Mark Phillips offered a motion to approve the agenda as presented with a second by Council Member Reggie Horton** 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 Mark Phillips to approve the consent agenda as presented with a second by Mayor Pro Tem Tim Chandler**, and upon being put to a vote, was carried unanimously.

RECOGNITIONS: **Mayor Marilyn P. Newell** read a Proclamation for the Chi Chapter Day and a Resolution recognizing Peace Officers Week.

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.

1) Ms. Cathy D. Dillehay of 59 Gates Street, Roxboro, N.C. spoke to the Mayor and Council with concerns of drainage problems at her property. Ms. Dillehay stated that she had spoken with the Public Services and they stated they would fix, however, nothing has been done to date.

PUBLIC HEARINGS & ORDINANCE MATTERS:

1. Budget Amendment

Finance Director Dan Craig presented Council with Budget Amendment #6. **After a brief discussion, Mayor Pro Tem Tim Chandler offered a motion to approve Budget Amendment #6 as presented with a second by Council Member Mark Phillips and upon being put to a vote was carried unanimously. Clerk's Note: A copy of said budget amendment is hereby incorporated into the minutes of this meeting.**

2. Text Amendment – Parking – Set Public Hearing

City Manager Brooks Lockhart stated that on April 25, 2019, City Staff met with the Christian Help Center Executive Director Cynthia Wilson to discuss the parking concerns brought before Council during a public comment. The primary concerns of the Center were focused on two issues. First, they requested additional handicap parking towards the east side (Depot Street) of the North Main Parking Lot. Second, they expressed concerns over optimal customer parking being monopolized by all day parking. Mr. Lockhart would like to set a Public Hearing for the June 11, 2019 meeting. After a brief discussion, **Mayor Pro Tem Tim Chandler offered a motion to set the Public Hearing for June 11, 2019 with a second by Council Member Reggie Horton** and upon being put to a vote, was carried unanimously.

3. Demolition Ordinance – 122 Main Circle – *Public Hearing*

Mayor Marilyn P. Newell opened the Public Hearing at 7:19 p.m. Planning Director Lauren Johnson reported to Council that since the Public Hearing was set in April, the family and heirs to 122 Main Circle have contacted her to do a remediation plan. Ms. Johnson received an e-mail from Mr. Jonathan Chapman (one of the heirs to the property) spelling out the steps that the family will be doing to the property. Some of these included:

- Contacting local demolition contractors for bids.
- Have the property demolished within 30 days of receiving the bids and will notify the City.
- Enter into a financial agreement with the City/County to catch up all past due taxes.

Mayor Newell closed the Public Hearing at 7:39 p.m.

After a brief discussion, **Mayor Pro Tem Tim Chandler offered a motion to table this matter tonight and ask Mrs. Johnson and Mr. Lockhart to contact Mr. Chapman to move up the time line to and negotiate the specifics to abate this property in a more timely manner, then bring back to Council with a second by Council Member Reggie Horton** and upon being put to a vote was carried unanimously.

4. Special Activity Ordinance– Set Public Hearing

Planning Director Lauren Johnson reported to the Mayor and Council that based on requests from local business owners, Planning Staff has prepared a draft of revisions to Chapters 95 and 96 of the City Code of Ordinances to allow for administrative approval of some special business activities and sidewalk encroachments. After a brief discussion, **Council Member Mark Phillips offered a motion to set the Public Hearing for revisions to Chapters 95 and 96 of the City Code of Ordinances to Tuesday, June 11, 2019 with a second by Council Member Reggie Horton** and upon being put to a vote was carried unanimously.

NEW BUSINESS:

5. Satterfield Farm Sub-division

Planning Director Lauren Johnson stated that Summit Design & Engineering requests approval for the preliminary site plan for the “Satterfield Farm” development off 501 South, near the intersection with Bessie Daniel Road. The proposal covers a 172.2 acre tract of land, which can be accessed from Durham Road to the west and Lucy Garrett Road to the north-east. Zoned R-8 for residential development, the parcel is surrounded by a mixture of commercial and residential parcels.

Ms. Johnson stated that after review of the submitted proposal, staff recommends the boards (Planning Board and City Council) require corrections to the submitted proposal as a condition of approval of the overall site plan, in addition to submittal of all necessary materials for Stormwater approval, construction drawings, etc.

Some concerns discussed by Council were the road connection to 501 South has not had DOT approval and that the road on the City side would not be wide enough according to the plans submitted and would not meet the City’s specifications

Mr. Jim Parker of 1908 Terry Road in Orange County addressed the Mayor and Council stating that they just needed an approval of the preliminary plan to begin construction and that a final plan would be presented to Council and the Planning Board for approval. By that time all concerns would be resolved.

After some further discussion, Council Member Mark Phillips offered a motion to approve the preliminary plan for the sub-division, with updates presented to Council in the Consent Agenda each month with a second by Mayor Pro Tem Tim Chandler and upon being put to a vote was carried unanimously.

6. Resolution Local Water Supply Plan

Public Services Director Andy Oakley presented Council with the Resolution for Approving Local Water Supply Plan that will be submitted to the Department of Environmental Quality, Division of Water Resources. After a brief discussion, **Council Member Mark Phillips offered a motion to approve the Resolution Local Water Supply Plan as presented with a second by Council Member Reggie Horton** and upon being put to a vote, was carried unanimously. **Clerk’s Note: A copy of said Resolution shall be incorporated into the minutes of this meeting.**

7. Request for Memorial

City Manager Brooks Lockhart presented the Mayor and Council with a letter from Mr. David Peninger, Owner of Peninger Landscaping, LLC requesting permission to install a flag pole at Merritt Commons to honor the memory of Bruce E. Wrenn.

The scope of the work being proposed provide for a 40-foot flag pole, United States flag and up-lighting on the flagpole, landscaped area around the pole and a dedication plaque. The cost of materials, labor and installation have been attained by Peninger Landscaping, Tommy Lawrence, and Legacy Building.

After some discussion, Council asked that Mr. Peninger work with staff about details regarding the size and placement of the memorial. **Mayor Pro Tem Tim Chandler offered a motion to approve the request, with staff approval and overseeing this project, with a second by Council Member Mark Phillips** and upon being put to a vote was carried unanimously.

OLD BUSINESS:

8. Revision of the Dan River Local Agreement

City Manager Brooks Lockhart presented the Mayor and Council with some minor revisions to the standing Dan River Interlocal Agreement.

The purpose and intent of these minor revisions are to enable the Town of Yanceyville, should they acquire federal funding, to move forward with the construction of the Dan River intake structure while protecting the interests of the City of Roxboro and Person County. The documents have been reviewed by legal counsel and staff.

After a brief discussion, **Council Member Mark Phillips offered a motion to approve the modification and side agreement as presented with a second by Mayor Pro Tem Tim Chandler** and upon being put to a vote was carried unanimously.

Committee Reports:

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

- Council Member Mark Phillips attended the Chief’s meeting, stating that Fire Chief Kenneth Torain met with the Person County Schools superintendent to try to get more young volunteers.
- Mayor Pro Tem Tim Chandler reported that United Way allocations are complete. Six applications were received and all will get some allocations.
- Council Member Reggie Horton reported that he participated in a conference call with Kerr Tar regarding a revolving loan matter.
- Mayor Marilyn P. Newell reported that she attended a program at the Person County Airport hosted by Industrial Relations.

ADMINISTRATIVE REPORTS

9. Financial & Tax Report

Finance Director Dan Craig presented Council with Financial reports for months ending March 31, 2019 and tax reports for April 30, 2019. **Clerk’s Note: A copy of said financial and tax report is hereby incorporated into the minutes of this meeting.**

10. Assistant Manager’s Report

Assistant Manager Tommy Warren reported to the Mayor and Council that the crosswalk has been installed on South Main Street. The purpose of the crosswalk is to improve pedestrian safety around the library.

All-way stop signs at Crestwood Drive and Gordon Street have been installed. The stop signs have been bagged and the Police Department is conducting a public information program about the new traffic pattern prior to the all-way stop being placed in use.

Work continues on the oxidation ditch as the contractor is pouring wall sections at the Wastewater Treatment Plant. There will be a total of 25 concrete pours for the walls. The masons have started work on the block walls for the office/lab. Mr. Warren also provided the Mayor and Council with a filmed progress report.

The new wash bay at Public Works is under construction. The old wash bay will be used for equipment storage.

Mr. Warren also reported that the North Carolina Department of Transportation (NCDOT) is replacing the handicapped ramps on the sidewalks along NCDOT streets in the City. Work is presently being don on Reams Avenue and Chub Lake Street.

11. Manager's Report

Please take note of several upcoming dates.

- Safety Awards Banquet, Thursday, May 30, 2019 at the Homestead Steakhouse
- Open Enrollment at City Hall May 21st and May 22nd, 2019
- Budget Work Session #2, 6:00 pm Tuesday, May 21, 2019 at City Hall
- Budget Work Session #3, 6:30 pm Tuesday, May 23, 2019 at City Hall

Utility Billing Staff has noticed an increase in point of sale customers on the 15th of the month. Staff has begun an analysis to uncover a root cause for the increased foot traffic and to develop potential enhancements to the business model to decrease customer wait times.

Finance Director Dan Craig and Mr. Lockhart will be meeting with Petway, Mills, and Pearson to work on the audit contract for 2019-2020. The contract will be presented to the Mayor and Council at the June meeting for approval.

Mr. Lockhart reminded Council of the upcoming budget sessions and asked that if anyone had any questions or concerns to please feel free to contact him.

COUNCIL DISCUSSION:

Mayor Merilyn P. Newell read a thank you note from Mrs. Vickie Wrenn.

CLOSED SESSION:

Council Member Reggie Horton offered a motion to enter into closed session per NCGS 143.318.11(a)(1) Attorney/Client Privilege and with a second by Council Member Mark Phillips and upon being put to a vote was carried unanimously.

Mayor Pro Tem Tim Chandler offered a motion to re-enter into open session with a second by Council Member Mark Phillips and upon being put to a vote was carried unanimously.

ADJOURNMENT:

There being no further business to discuss, **A motion was offered by Council Member Mark Phillips with a second by Council Member Reggie Horton to adjourn this meeting** and, upon being put to a vote, was carried unanimously. Meeting adjourned at 9:47 p.m.

Submitted by:

Trevie Adams, MMC/NCCMC
City Clerk

May 14, 2019

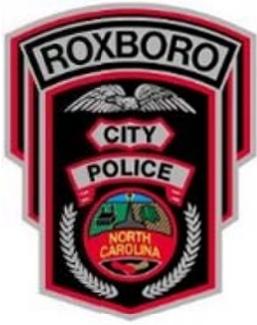


City of Roxboro
Fire and Rescue Department

Date: June 8, 2019
To: Mayor Newell
Roxboro City Council
From: Kenneth M. Torain, Fire Chief

Highlight

- **Responses** - During the month of May the City of Roxboro Fire Department responded to 13 fire calls and 91 ems calls. During the month we also responded to 9 hazardous Conditions and 12 service calls. Over the course of May we responded to 108 calls in the city and 33 in county plus 15 mutual aid calls. Nineteen percent of the time we had two or more calls going at the same time with a total of 2 full alarms.
- **Honor Guard** Battalion Chief Wrenn and Dustin Grinstead traveled to Halifax VA. To help with a firefighters funeral. Gary Slagle the son of Jack Slagle who owns Slagle fire equipment had planned before his death to have Roxboro Honor Guard perform at the service.
- **Mental health Training** Roxboro Fire department hosted the mental health training that was performed for all the agencies that wanted to attend. It was a great training to help start the conversation on what is the answer to the suicide in our field of work.
- **Structure Fire** Roxboro fire Department responded to a fire alarm at P&A on North Main Street. Upon arrival of Chief Torain he observed smoke coming from the roof of the building and called for off duty firefighters to respond. After entering the side door of the building he found the fire inside the plant with fire moving toward the ceiling. Crews forced the side door and made entry into the commercial building and extinguished the fire. Owner of the company came to the station the next day with food and cars of thanks. He advised we safed the business and 55 families in the process.
- **Hurricane Season** Roxboro fire department along with a large business in Roxboro is working on a hurricane awareness.



ROXBORO POLICE DEPARTMENT



109 North Lamar Street
Roxboro, North Carolina 27573

Office 336 599 8345

www.cityofroxboro.com

City Council Report

May 2019

Patrol Division

Highlighted Events

- Radar sign data from May 7-15th on N. Main Street near Barden Street: Total vehicles 15,168. Average Speed 33 mph posted 20 mph zone.
- Patrol assisted investigations with the execution of a search warrant at a residence where two wanted suspects from a March armed robbery were hiding. The suspects were arrested related to a robbery in Brookstone.
- Patrol caught a B&E suspect in the act. K-9 Kilo located the victim's property stolen during the crime!
- Outstanding job by patrol and investigations arresting two suspects in the East Roxboro string of B&E's and recovery of a stolen firearm!
- Chief Hess, Corporal Lynch and Officer Solomon attended Mooresville Police Officer Sheldon's funeral.
- Corporal Lynch's daughter was selected by Arlington National Cemetery to place a wreath during a wreath laying ceremony with the Soldiers of the Tomb of the Unknown Soldier at Arlington National Cemetery.

Community Policing

- Coffee with a Cop.
- Barbershop Uncut.
- Strut Master's community event.
- EATON Corporation Family Fun day.
- K9 Officer Solomon received public appreciation for helping a Veteran during an event at Canterbury House.



- Corporal Brown stopped a 4-year old driving a Powerwheel vehicle on his birthday. A video of the adorable encounter was posted on the PD's Facebook. The video was viewed nearly 11K times and was featured on WRAL.

January 2019 Monthly Activities

Calls for Service: 2069

Incident Reports: 200

Traffic Enforcement Requests: 31

Traffic Stops: 477

Traffic Crashes: 51

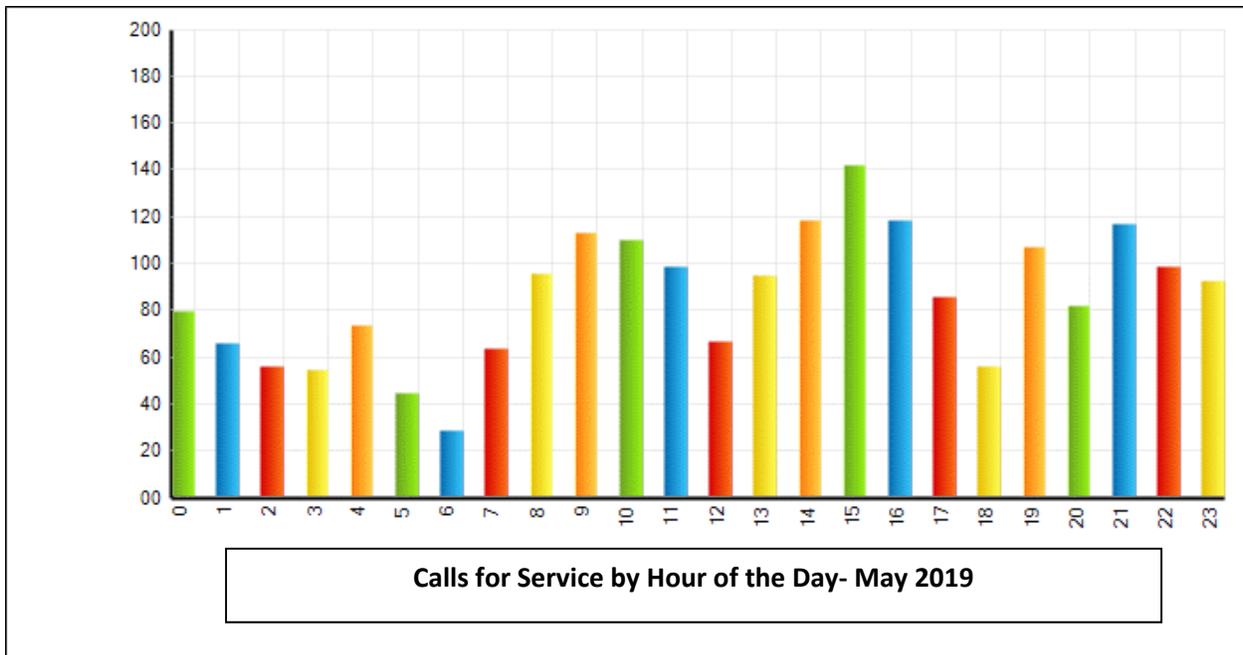
Citations Issued: 230

Total Arrests: 88

Warnings: 125

Directed/Foot Patrol: 540

K-9 Utilizations: 9 & 3 Demos



Criminal Investigations Division

- CID closed out (15) felony B&E cases, arresting five suspects.
- CID has a suspect in several open B&E investigations on the west side of the City.

Total Numbers for the Month

Cases Assigned: 19

Call Outs: 5

Felony Warrants Obtained: 15

Total Arrests: 5

Cases Closed: 13

Court Hours: 8

Out of Town Follow Ups: 5

Search Warrants Executed: 1

Misdemeanor Warrants Obtained: 0

Interviews Conducted: 23

Total Forensics Cases: 8

Total Forensics Hours: 18

Street Crimes Unit

- SCU executed two search warrants yielding several drug seizure and felony charges. These arrests are part of an on-going covert operation.
- SCU has active investigations on several suspects.
- Submitted a recent case to ATF for Federal adoption and prosecution.

Administrative Services Unit

- Community events: Coffee with a Cop; Strut Masters Community Day; EATON Corporation Family Fun day; Attended Safety Awards Banquet;
- Attended GHSP event in Raleigh. The event highlighted the fatal decision of not wearing a seat belt. Two vehicles were crashed head on at 45 mph. Unrestrained crash dummies were partially ejected.
- Most of the department's staff has completed state mandatory In-Service training.
- The police department hired Nicholas Reed as a police recruit. He begins Basic Law Enforcement Training at Vance Granville Community College in July.

Administration

Meetings

- Daily meetings with Command Staff.
- Completed monthly Risk Management Accreditation review.
- Meetings: City Manager; Finance Director; Human Resources; PAAL Board; DA's Office; Sheriff Jones; NCDNJ Job Task Analysis committee; Various NC Chiefs Association business; Courier Times; County Manager; Planning session for future live-scale training event; Four concerned citizens; Budget Planning; Department Head; Staff meeting; Personality planning; Owner of Henry's Quick Stop related to Gaming Machine ordinance; PATS Director; Chief attended the Chief's Association Legislative Day in Raleigh;
- Community Engagement: Participated in the National DEA Drug Take Back event. We received 31 lbs and 11 oz of unused/expired prescriptions pills; Hosted Coffee with a Cop; Hosted NC Gang Investigators Association regional meeting; Attended Aviyon Partridge funeral with four of the PD's Youth Baseball players.

****Upcoming Events****

- Wal-Mart Safety Day: Saturday, June 29th from 11-3 PM.
- Stop the Violence Rally: Saturday, June 29th 11:30 AM-2 PM. A collaborative community effort event to draw attention to violent crime. Organized by Keita Faulkner and “Rooted from the Soul” group. Community partner booths and music. Mrs. Faulkner will read the names of all decedents of violence in Person County over the past ten+ years.
- Next Barbershop Uncut series: Monday, July 1st form 6-7 PM at Miracles Barbershop.



Memorial Day 2019 Department Photo



THANK YOU FOR YOUR CONTINUED SUPPORT

City of Roxboro, North C LM
 Distribution of Gas Tick€ WD
 30-Apr-19

Lawn Mowers
 Weed Eaters
 Chain Saws
 Gas Cans, ETC.

Shell
 Account Number:

80-001-3945-4

Gas Diesel 0.5580
 0.6200

Card Number	Dept Number	Make	Model	Gallons	Total Cost	Tax Adjust	0.05 per gallon Discount	2.00% 2.00% Discount	Net Cost	Average Cost Per Gallon
Summary										
1	4120	City Hall		44.23	126.88	25.01	2.09	0.88	98.90	2.869
2	4130	Finance		-	-	-	-	-	-	#DIV/0!
3	4160	Public Buildings		119.42	342.57	67.52	5.65	2.39	267.02	2.869
4	4180	Purchasing		-	-	-	-	-	-	#DIV/0!
17	4910	Planning & Zoning		-	-	-	-	-	-	#DIV/0!
		Total Administrative		163.66	469.46	92.53	7.74	3.27	365.91	2.869
5	4310	Police		2,567.11	7,363.87	1,451.36	121.45	51.34	5,739.72	2.869
6	4311	CID		130.83	375.30	73.97	6.19	2.62	292.53	2.869
26	4312	Narcotics		-	-	-	-	-	-	#DIV/0!
9	4380	Animal Control		-	-	-	-	-	-	#DIV/0!
		Total Police		2,697.94	7,739.17	1,525.33	127.64	53.96	6,032.25	2.869
7	4340	Fire		1,604.65	4,603.02	907.22	75.92	32.09	3,587.79	2.869
8	4341	Fire Inspections		77.35	221.87	43.73	3.66	1.55	172.94	2.869
		Total Fire Dept.		1,682.00	4,824.90	950.95	79.58	33.64	3,760.73	2.869
10	4510	Public Services		100.19	287.40	56.64	4.74	2.00	224.01	2.869
11	4511	Streets		469.89	1,347.92	265.66	22.23	9.40	1,050.62	2.869
12	4512	Street Cleaning		29.51	84.64	16.68	1.40	0.59	65.98	2.869
13	4513	Garage		33.69	96.64	19.05	1.59	0.67	75.33	2.869
14	4710	Residential Garbage		1,634.29	4,688.03	923.97	77.32	32.69	3,654.06	2.869
15	4711	Commercial Garbage		1,063.58	3,050.94	601.32	50.32	21.27	2,378.03	2.869
16	4740	Cemetery		200.58	575.37	113.40	9.49	4.01	448.47	2.869
		Total Public Services		3,531.73	10,130.94	1,996.73	167.09	70.64	7,896.49	2.869
		Total General Fund		8,075.33	23,164.47	4,565.53	382.04	161.51	18,055.39	2.869
18	7112	Meter Reading		325.25	933.00	183.89	15.39	6.51	727.22	2.869
19	7114	Lake Warden		85.82	246.17	48.52	4.06	1.72	191.87	2.869
25	7118	Pump Stations		-	-	-	-	-	-	#DIV/0!
20	7120	Water Plant		126.58	363.10	71.56	5.99	2.53	283.02	2.869
21	7121	Water Line Maintenance		1,072.09	3,075.33	606.12	50.72	21.44	2,397.05	2.869
22	7130	WWTP		70.57	202.42	39.90	3.34	1.41	157.77	2.869
23	7131	Sewer Line Maintenance		700.74	2,010.11	396.18	33.15	14.02	1,566.77	2.869
24	7132	WWTP II		131.01	375.81	74.07	6.20	2.62	292.92	2.869
		Total Enterprise Fund		2,512.05	7,205.94	1,420.23	118.85	50.24	5,616.62	2.869
		Total All Funds		10,587.38	30,370.41	5,985.76	500.89	211.75	23,672.01	2.869



June 5, 2019

To: Mayor Newell
Roxboro City Council

From: Lauren Johnson, Planning & Development Director

Subject: June Council Report

Uptown Development Group:

- Rox N' Roll Cruise-In Series: We has a successful first cruise-in with at least 168 cars participating! Dreamworks Motorsports has been a great Title Sponsor this year, sharing information on their website and social media and making eye-catching sponsorship signage for us.
- 2019 Sponsorship Drive: The sponsorship campaign for program support continues. We appreciate Council's continued support. Business, organizations, and individuals are encouraged to contact Lynda Clayton to pledge their support for Uptown Roxboro this year.
- Uptown Events: Approximately \$1000 was successfully raised through the BBQ fundraiser to support the Roxboro Fireworks. Funds have been transferred from Directors Roundtable to the Uptown Roxboro Group. The URG Board continues to work with the parties originally involved with DRT to coordinate the 4th of July Parade on Main & Jingle on Main in December.
- Uptown Developments:
 - The Barnett's continue to work to improve their buildings in Uptown Roxboro. They have submitted an Uptown Rehabilitation Incentive Grant Application for the façade of Russell's Ltd. Working together, we have submitted a design request through the NC Main Street Design Center.
 - The "Pub" located beside Black Creek Brewery has opened up and offers an added lounge space. With the schedule of food trucks, this business continues to draw people to our commercial district.
 - 1792 Beer Company is now offering a variety of art projects monthly.
 - Uptown Roxboro Group continues to work closely with the Chamber of Commerce & Tourism to provide additional information on our area. We have had discussions on how to collaborate and make a "welcome packet".



Planning & Development:

- National Floodplain Insurance Program Update: Staff received notification from the NC Department of Public Safety, Risk Management Division, that Person County and the City of Roxboro will have new FIRM (Flood Insurance Risk Maps), as of June 6, 2019. Both local governments will need to formally adopt the new FIS/FIRM before December 6 of this year. Staff is required to attend an Ordinance Workshop with the Department of Public Safety to learn the requirements for this process. The workshop will be held June 7th in Granville County.
- Adult Gaming Establishments: On June 1, the ordinance passed by the Council went into effect. To date, eight applications have been submitted request zoning permits for such an establishment. Staff continues to work with the Building Inspections and Fire Department to ensure the locations for each proposed site will meet all code requirements. Staff also received one rezoning application for a convenience store that currently has the machines in place. Staff, City Manager Lockhart, Police Chief Hess, and the City Attorney are working on the particulars of ensuring all locations are compliant with the regulations.
- Minimum Housing Cases: Staff continues to work on the required processes for demolishing the property at 146 Clayton Street. Barring no major interruptions to the schedule, the demolition should take place around June 19th. The property owner will be notified of the start date once it is decided, weather pending, and will be notified of the final total for all services rendered for the abatement. Staff is also working with SCEI to determine which properties will be next for consideration, and hopes to have those ordinances prepared for the Council's review in July.
- Madison Boulevard Project Update: Robert Boot, project manager, for the median upgrade to 501/Madison Boulevard has indicated the first public meeting on the project will take place in mid-late July. A date has been tentatively scheduled with staff, but will be released to the public once it has been approved by NCDOT. New maps, reflecting any changes to the proposed project, will be shared with the public during this meeting. Details will be relayed to Council as soon as they become available.

Additional Updates:

- Attended Council budget sessions May 21 and May 28.
- Attended RPO Meeting at the Kerr-Tar COG in Henderson May 23.
- Worked to obtain applications for pending advisory board appointments.
- Fielded more than two dozen calls and at least a dozen visits from individuals regarding adult gaming establishment questions and planning.
- Worked with other departments on a multitude of issues in a small neighborhood, hoping to resolve some on-going quality of life problems for the residents.

1. Budget Amendment

**CITY OF ROXBORO
BUDGET AMENDMENT
FISCAL YEAR 2018-2019 BUDGET**

The following budget amendment is hereby requested:

Budget Amendment Number:

7

Fund 10 & 60 - General & Water Funds			INCREASE	DECREASE
Revenues	10-3231-100	Sales Tax	50,000.00	
	10-3209-120	Property taxes-DMV collections	53,840.00	
	60-3835-820	Sales of Fixed Assets	20,000.00	
			123,840.00	-
	Net Increase (Decrease) in Revenues		123,840.00	
Expenditures	10-4119-183	Medical Insurance	19,000.00	
	10-4120-190	Professional and consulting fee	10,000.00	
	10-4130-190	Professional and consulting fee	30,000.00	
	10-4180-183	Medical Insurance		13,560.00
	10-4310-190	Professional fees		4,000.00
	10-4310-500	Capital Outlay	4,000.00	
	10-4310-121	Salaries	30,000.00	
	10-4312-121	Salaries		50,000.00
	10-4311-121	Salaries	20,000.00	
	10-4311-182	Retirement		15,000.00
	10-4312-182	Retirement	10,000.00	
	10-4311-182	Retirement	5,000.00	
	10-4710-195	Tipping fees	10,000.00	
	10-4711-195	Tipping fees	15,000.00	
	10-4920-705	Piedmont Community College	5,000.00	
	10-4920-705	EDC position	7,500.00	
	10-9100-434	Debt service-fire	20,900.00	
	60-711-311	Training	25,000.00	
	60-711-190	Professional and consulting fees		5,000.00
	60-7114-200	Supplies	800.00	
	60-7118-333	Electricity	6,000.00	
	60-7120-333	Electricity		6,000.00
	60-7121-245	Gas and oil	15,000.00	
	60-7131-245	Gas and oil	3,000.00	
	60-7118-245	Gas and oil		7,000.00
	60-7118-250	Auto Supplies		8,000.00
	60-7112-200	Supplies		3,800.00
	Net Increase (Decrease) in Expenses		236,200.00	112,360.00
			123,840.00	

Justification:

To appropriate additional revenue based on collections

To appropriate additional expenditures and allocations of departmental expenditures

**CITY OF ROXBORO
BUDGET AMENDMENT
FISCAL YEAR 2018-2019 BUDGET**

The following budget amendment is hereby requested:

Budget Amendment Number: **7**

Requested By: _____ DC _____ Date: _____ 6/6/2019

Approved to
Submit to Council: _____ Date: _____

Approved by
Council: _____ Date: _____

Posted to Computer: _____ Date: _____

2. Rezoning - 31 Patterson Drive - Public Hearing

Memo



To: Mayor Newell and Roxboro City Council
From: Lauren Johnson/ Planning & Development Director
cc: Trevie Adams City Clerk (for City Records)
Date: June 6, 2019
Re: Recommendation from Planning Board Regarding Rezoning Request for
31 Patterson, TM 107 57, 107 59, 107 69

Madam Mayor and Council,

Please be advised that the City of Roxboro Planning Board met on May 6, 2019 to review a request for a Rezoning for three parcels of land identified as Tax Map 107 Parcels 57, 59, and 69. This tract is at the corner of Patterson Drive and 501 S/Durham Road, near the Handi Cupboard Service Station, and is addressed as 31 Patterson Drive. It is approximately .64 acres in size.

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

Application for

Official Zoning Map Amendment



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

TO THE PLANNING BOARD AND THE CITY COUNCIL:

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

Petitioner(s): Nghia Thach

Address: 31 Patterson Dr Roxboro NC 27573

Telephone Number: 919 491 4470 Fax Number: _____

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

Property Information:

Address: 31 Patterson, (3 parcels)

Watershed: Falls Lot Size: .64 acres

Township: Cloy Tax Map/Lot #: 107 69

Current Use: Residential 107 39
107 57

Available Utilities: (check all that apply)

City Water City Sewer Well Septic System None

Zoning Map Amendment:

Current Zoning Classification: R-12

Requested Zoning Classification: B-1

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

[Signature]
Applicant Signature

3/11/19
Date

Staff Use Only:

Date Received:
3/11/2019

Docket #:
RX2019-03

Planning Board Meeting Date:
5/6/2019

City Council Meeting Date:
6/11/2019

ch#1202
r# 40090

- Parcel 102 46
Barrett Cleo A Estate
5715 Greenbay Dr
Durham, NC 27712
- Parcel 102 1
Oakley John E & Ford Linda O
624 Hillhaven Ter
Roxboro, NC 27573
- Parcel 102 12
Oakley John E & Ford Linda O
624 Hillhaven Ter
Roxboro, NC 27573
- Parcel 107 58
DBSS Services LLC
9018 NC Highway 157
Rougemont, NC 27572

FILED
Person County
Russell Jones
Tax Administrator

Issued Jun 15, 2012
\$90.00
State Of North Carolina
Person County
Real Estate Excise Tax
342136

FILED in PERSON County, NC
on Jun 15, 2012 at 03:45:45 PM
by: AMANDA W. GARRETT
REGISTER OF DEEDS
Book 808 Page 134


GENERAL WARRANTY DEED

PREPARED BY: Daniel R. Long, Jr., Attorney at Law Excise Tax: \$ 90.00

Tax Map 107, Lots 59 & 69

This is not the primary residence of Grantor.

NORTH CAROLINA
PERSON COUNTY

THIS DEED, made this 15th day of June, 2012, by and between:

**GRANTOR: HAROLD NEWMAN GUNTER, SR. and wife, PATRICIA M. GUNTER;
RITA GUNTER EGGLESTON and husband, TOMMY EGGLESTON;
LEON D. GUNTER (Unmarried); JACKIE D. GUNTER and wife, TRUDY
E. GUNTER,
Address: 775 Prospect Church Road, Mebane, North Carolina 27302
hereinafter the "Grantor;"**

and

**GRANTEE: NGHIA THACH,
Address: 87 Primrose Lane, Roxboro, North Carolina 27573
hereinafter the "Grantee;"**

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain real property being more particularly described as follows:

BEING those certain lots or parcels of land lying in Roxboro Township, Person County, North Carolina, adjoining and lying to the South of the centerline of the right of way of S.R. 1148 (Patterson Drive), and being all of what is shown, depicted and described as **LOT NUMBER "1," containing "0.27 AC.," and LOT NUMBER "2," containing "0.31 AC.,"** on that plat of physical survey entitled "**NGHIA THACH**" as surveyed and prepared by Hamlett-Jennings and Associates under the supervision of John J. Jennings, P.L.S. #3052, dated June, 2012; which plat, of record in **Plat Cabinet 16, Hanger 251, Person County Registry**, is hereby specifically incorporated by reference as an integral part of this description for more particularity as to metes and bounds, courses and distances.

Said lots or parcels of land are subject to those matters and things shown and depicted on the above-referenced plat of survey, including, but not limited to, the right of way of S.R. 1148 (Patterson Drive).

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances except those herein set forth, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set his/her/their hand(s) and seal(s) the day and year first above written.

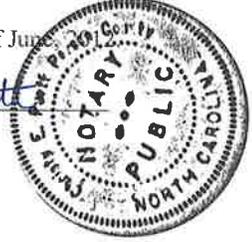
<u>Harold Newman Gunter</u> (SEAL) Harold Newman Gunter, Sr.	<u>Patricia M. Gunter</u> (SEAL) Patricia M. Gunter
<u>Rita Gunter Eggleston</u> (SEAL) Rita Gunter Eggleston	<u>Tommy A. Eggleston</u> (SEAL) Tommy A. Eggleston
<u>Jackie D. Gunter</u> (SEAL) Jackie D. Gunter	<u>Trudy E. Gunter</u> (SEAL) Trudy E. Gunter
<u>Leon D. Gunter</u> (SEAL) Leon D. Gunter	

STATE OF NORTH CAROLINA
COUNTY OF PERSON

I, Christy E. Puett, a Notary Public of the jurisdiction aforesaid, certify that **Harold Newman Gunter, Sr. and Patricia M. Gunter** personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 15th day of June, 2012.

Christy E. Puett
Notary Public



My com. expires: 11.30.2012

STATE OF NORTH CAROLINA
COUNTY OF PERSON

I, Christy E. Puett, a Notary Public of the jurisdiction aforesaid, certify that **Rita Gunter Eggleston and Tommy A. Eggleston** personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 14th day of June, 2012.

Christy E. Puett
Notary Public



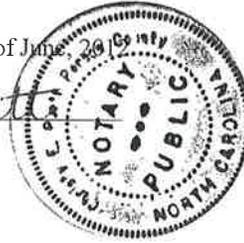
My com. expires: 11.30.2012

STATE OF NORTH CAROLINA
COUNTY OF PERSON

I, Christy E Pruitt, a Notary Public of the jurisdiction
aforesaid, certify that **Jackie D. Gunter and Trudy E. Gunter** personally appeared before me
this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 8th day of June, 2012

Christy E Pruitt
Notary Public



My com. expires: 11-30-2012

STATE OF NORTH CAROLINA
COUNTY OF PERSON

I, Christy E Pruitt, a Notary Public of the jurisdiction
aforesaid, certify that **Leon D. Gunter** personally appeared before me this day and acknowledged
the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 15th day of June, 2012

Christy E Pruitt
Notary Public



My com. expires: 11-30-2012

Document shows proof /acknowledgement before
officer authorized to take proof /acknowledgement;
acknowledgement includes officer's signature,
commission expiration date, official seal, if required.

Amanda W. Garrett, Person County Register of Deeds

FILED in PERSON County, NC
on Jun 01, 2017 at 03:16:50 PM
by: TONYA R. WILSON
REGISTER OF DEEDS
Book 954 Page 31


Issued Jun 01, 2017
\$124.00
State Of North Carolina
Person County
Real Estate Excise Tax
370796

GENERAL WARRANTY DEED

PREPARED BY: Daniel R. Long, Jr., Attorney at Law Excise Tax: \$ 124.00

Pursuant to N.C.G.S. §105-317.2, this is not the primary residence of Grantor.

Tax Map 107, Lot 51-1

NORTH CAROLINA
PERSON COUNTY

THIS DEED, made this ~~1st~~ day of June, 2017, by and between:

GRANTOR: JOYCE DARLENE BUTNER, individually and as Executrix of the Estate of Richard Lester Harris (a/k/a Richard L. Harris, Sr.); DENNIS DUANE BUTNER, husband of Joyce Darlene Butner; RICHARD LESTER HARRIS, JR. by and through his true and lawful Attorney-in-Fact, JOYCE DARLENE BUTNER; and MICHELLE WEAVER, wife of Richard Lester Harris, Jr.,
Address: 1673 Charlie Long Road, Hurdle Mills, NC 27541
(hereinafter the "Grantor");

and

GRANTEE: NGHIA NGOC THACH,
Address: 31 Patterson Drive, Roxboro, NC 27573
(hereinafter the "Grantee").

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

WITNESSETH:

THAT WHEREAS, Richard Lester Harris died testate on December 2, 2016, vested with fee simple ownership of the property herein conveyed. The Last Will and Testament of Richard Lester Harris was duly probated in File #2017 E 1 in the Office of the Clerk of Superior Court of Person County, North Carolina, and Joyce Darlene Butner was duly qualified as Executrix of said Estate on January 3, 2017.

AND WHEREAS, subsequent to such qualification, notification to the potential creditors of such estate was duly published pursuant to §28A-14-1 of the General Statutes of North Carolina.

AND WHEREAS, ARTICLE III of the Last Will and Testament of Richard Lester Harris devised all of the real property described herein unto his two children, Joyce Darlene Butner and Richard Lester Harris, Jr.

NOW, THEREFORE, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, that certain real property, being more particularly described as follows:

Being that certain lot or parcel of land lying in Roxboro Township, Person County, North Carolina, adjoining and lying to the South of the centerline of the right of way of Patterson Drive and being all of what is shown, depicted and described as LOT NUMBER "1" on that plat of survey entitled "property of CLIFTON D. PATTERSON" as surveyed and prepared by Phillip J. Hall, R.L.S. #1378, dated August, 1973; which plat, of record in Deed Book 131, Page 275, Person County Registry, is hereby specifically incorporated by reference as an integral part of this description for more particularity as to metes and bounds, courses and distances.

For chain of title, reference is made to that deed of record in Deed Book 136, Page 38, Person County Registry.

TO HAVE AND TO HOLD the aforesaid land and all privileges and appurtenances thereto belonging to the Grantee in fee simple subject to all easements, rights of way and restrictions of record which encumber such land.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set his/her/their hand(s) and seal(s) the day and year first above written.

Joyce Darlene Butner (SEAL)
Joyce Darlene Butner

Dennis Duane Butner (SEAL)
Dennis Duane Butner

Michelle Weaver (SEAL)
Michelle Weaver

RICHARD LESTER HARRIS, JR.

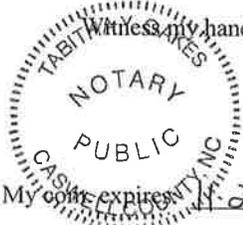
BY: Joyce Darlene Butner (SEAL)
Joyce Darlene Butner, Attorney-in-Fact

ESTATE OF RICHARD LESTER HARRIS

BY: Joyce Darlene Butner (SEAL)
Joyce Darlene Butner, Executrix

STATE OF NORTH CAROLINA
COUNTY OF Caswell

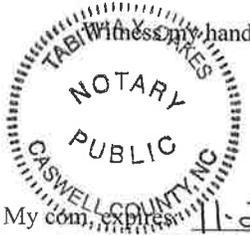
I, Tabitha Y. Oakes, a Notary Public of the jurisdiction aforesaid, certify that **Joyce Darlene Butner** personally appeared before me this day both individually and in her capacity as Executrix of the Estate of Richard Lester Harris and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 1st day of June, 2017.
 My com. expires: 11-20-2018

Tabitha Y. Oakes
Notary Public

STATE OF NORTH CAROLINA
COUNTY OF Caswell

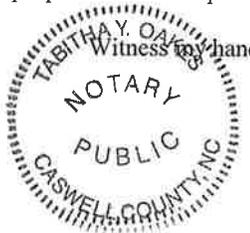
I, Tabitha Y. Oakes, a Notary Public of the jurisdiction aforesaid, certify that **Dennis Duane Butner and Michelle Weaver** before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 31st day of May, 2017.
 My com. expires: 11-20-2018

Tabitha Y. Oakes
Notary Public

STATE OF NORTH CAROLINA
COUNTY OF Caswell

I, Tabitha Y. Oakes, a Notary Public of the County and State aforesaid, do hereby certify that **Joyce Darlene Butner** personally appeared before me this date and, being by me duly sworn, say that she executed the foregoing and annexed instrument for and on behalf of **Richard Lester Harris, Jr.** and that her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the Office of the Register of Deeds of Person County, North Carolina, in **Deed Book 954, Page 29**, on the 1st day of June, 2017, and that this instrument was executed under and by virtue of the authority given by said instrument granting power of attorney; that **Joyce Darlene Butner** acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and on behalf of the said **Richard Lester Harris, Jr.**

Witness my hand and notarial seal, this the 1st day of June, 2017.
 My com. expires: 11-20-2018

Tabitha Y. Oakes
Notary Public

Document shows proof /acknowledgement before officer authorized to take proof /acknowledgement; acknowledgement includes officer's signature, commission expiration date, official seal, if required.

Tonya R. Wilson, Person County Register of Deeds

FILED in PERSON County, NC
on Sep 13, 2012 at 02:35:31 PM
by: AMANDA W. GARRETT
REGISTER OF DEEDS
Book 815 Page 791


Issued Sep 13, 2012
\$4.00
State Of North Carolina
Person County
Real Estate Excise Tax
343611

GENERAL WARRANTY DEED

PREPARED BY: Daniel R. Long, Jr., Attorney at Law Excise Tax: \$ 4.00
P. O. Box 1038, Roxboro, NC 27573

Tax Map 107, Lot 57

This is not the primary residence of Grantor.

NORTH CAROLINA
PERSON COUNTY

THIS DEED, made this 28th day of August, 2012, by and between:

GRANTOR: BETTY S. REYNOLDS (Widow)
Address: 1950 Silverleaf Circle, Apt. #330, Carlsbad, California 92009
hereinafter the "Grantor;"

and

GRANTEE: NGHIA THACH,
Address: 87 Primrose Lane, Roxboro, North Carolina 27573
hereinafter the "Grantee;"

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain real property being more particularly described as follows:

BEING that certain lot or parcel of land in Roxboro Township, Person County, North Carolina, adjoining and lying to the South of the right of way of S. R. 1148 (Patterson Drive), and being all of what is shown and designated as **LOT "C", containing "2,433 SQ. FT."**, on that plat of survey entitled "**W & S PROPERTIES**" as surveyed by Hamlett-Jennings & Associates under the supervision of Neal C. Hamlett, R.L.S. #2465, dated August, 1994; which plat, of record in **Plat Cabinet 9, Hanger 27-1, Person County Registry**, is incorporated by reference as an integral part of this description for more particularity as to metes and bounds, courses and distances.

For chain of title, see that deed of record in **Deed Book 243, Page 607, Person County Registry**.

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances except those herein set forth, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever.

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

Betty S. Reynolds (SEAL)
Betty S. Reynolds

STATE OF CALIFORNIA
COUNTY OF _____

I, _____, a Notary Public of the jurisdiction aforesaid, certify that **Betty S. Reynolds** personally appeared before me this day and acknowledged the execution of the foregoing instrument.

SEE ATTACHED

Witness my hand and official stamp or seal, this _____ day of August, 2012.

Notary Public

My com. expires: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

On 8/28/12 before me,

KATHLEEN OWEN
Here Insert Name and Title of the Officer

personally appeared

BETTY REYNOLDS
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Kathleen Owen
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: General Warranty Deed
Document Date: 8/28/2012 Number of Pages: -2-

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
<input type="checkbox"/> Corporate Officer — Title(s): _____	<input type="checkbox"/> Corporate Officer — Title(s): _____
<input type="checkbox"/> Individual	<input type="checkbox"/> Individual
<input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General	<input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General
<input type="checkbox"/> Attorney in Fact	<input type="checkbox"/> Attorney in Fact
<input type="checkbox"/> Trustee	<input type="checkbox"/> Trustee
<input type="checkbox"/> Guardian or Conservator	<input type="checkbox"/> Guardian or Conservator
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
Signer Is Representing: _____	Signer Is Representing: _____

Required by law, this acknowledgement before an officer authorized to take proof of acknowledgement includes officer's signature, commission expiration date, official seal, if required.
Amanda W. Garrett, Person County Register of Deeds

SR 1148 60' R/W

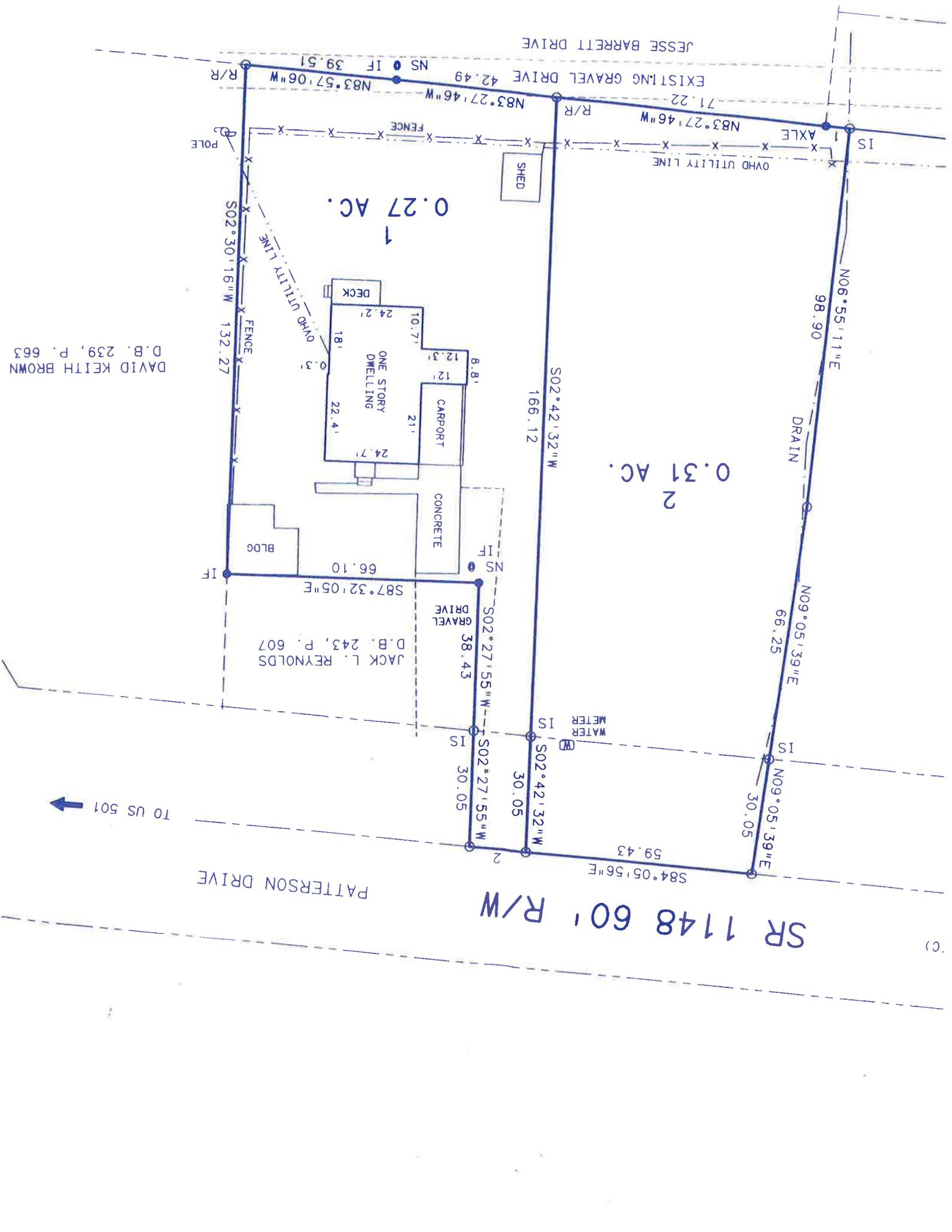
PATTERSON DRIVE

TO US 501



DAVID KEITH BROWN
D.B. 239, P. 663

JACK L. REYNOLDS
D.B. 243, P. 607



JESSE BARRETT DRIVE

EXISTING GRAVEL DRIVE

NS 0 IF 39.51

N83°57'06"W

42.49

71.22

N83°27'46"W

AXLE

IS

OHV UTILITY LINE

SHED

0.27 AC.

DECK

ONE STORY DWELLING

CARPORIT

CONCRETE

FENCE

OHV UTILITY LINE

FENCE

POLE

NS 0 IF

WATER METER

IS

DRAIN

IS



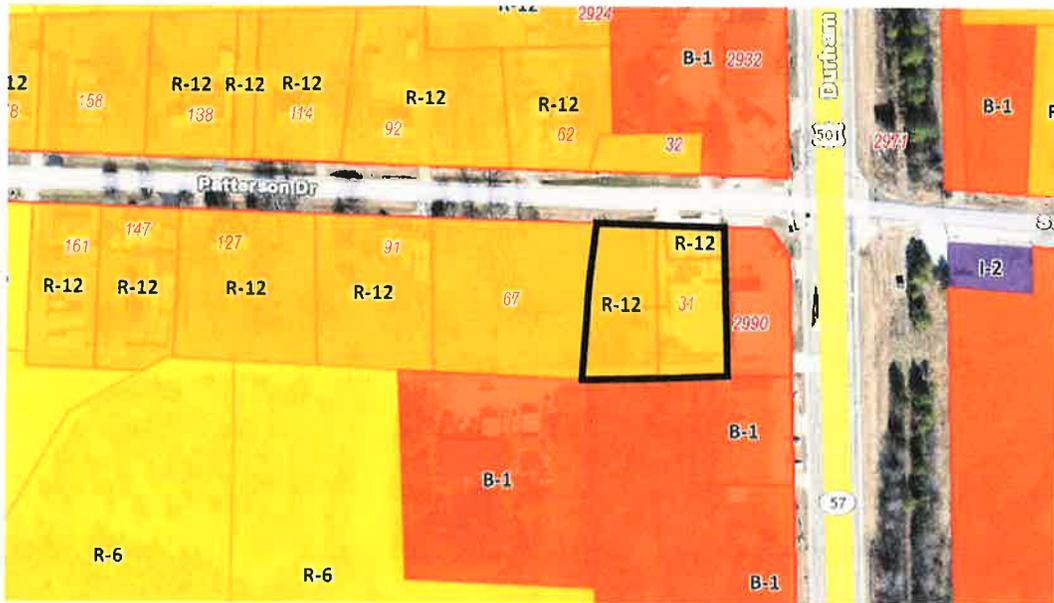
CITY OF ROXBORO STAFF REPORT

Prepared by: Lauren Johnson, Planning & Development Director

Meeting Dates: Planning Board: May 6, 2019 City Council: June 11, 2019	Request: <input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Special Use Permit
Property Location: 31 Patterson Drive	Current Zoning: R-12 (Residential)
Tax Map#: 107 69, 107 59, 107 57	Proposed Zoning: B-1 (Highway Commercial)
Applicant Information: Nghia Thach 31 Patterson Drive Roxboro, NC 27573 919-491-4470	Future Land Use Map Classification: Commercial

Summary:

Mr. Nghia Thach requests a rezoning for the property located at 31 Patterson Drive. Comprised of three parcels, the area includes Tax Map and Lot numbers 107 69, 107 59, and 107 57, which constitutes a .64 acre tract of land along Patterson Drive, at the intersection of Highway 501. The property is currently zoned R-12, Residential. The applicant would like the property rezoned to B-1, Highway Commercial, for commercial use.



The surrounding properties are zoned R-12 (Residential) & B-1 (Commercial).

Conformity to the Land Use Plan (LUP):

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

- A Land Use Goal directs the City to promote an orderly and efficient land use pattern, which allows for a variety of land uses while being sensitive to environmental concerns (pg. 69).
- An Implementation Strategy for meeting the economic development goals of the City, encourages new development and redevelopment be compatible with the established character and community vision (pg. 71).
- A Transportation Goal directs the City to provide for orderly development along existing and proposed major transportation routes (pg. 71).

Future Land Use Map Classification: Commercial

Commercial (LUP, pg. 79):

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

Staff Remarks:

It is staff's opinion that this rezoning is consistent with the Future Land Use Plan, as there are a number of commercially zoned and utilized parcels in the same vicinity as these. Furthermore, because of the proximity to the commercial building to the west of this property, it may be that this parcel is better suited for commercial use, as opposed to residential.

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

Section 3. Goals and Implementation Strategies

The purpose of this section of the Land Use Plan is to establish goals for future land development within the City and to identify implementation strategies that will help achieve the stated goals. Goals are intended to provide broad direction for future development, and implementation strategies detail ways to achieve stated goals.

This section is organized by the following topics: land use, housing, economic development, infrastructure, transportation, community facilities and services, community character and appearance, open space and recreation, and conservation/environmentally sensitive areas.

Overall development goals can not be achieved without continued cooperation and coordination between the various City government departments and with Person County. Cooperation among governments will help ensure that future development contributes to the overall economic vitality and quality of life of both the City of Roxboro and Person County.

A. Land Use

1. Land Use Goal:

Promote an orderly and efficient land use pattern, which allows for a variety of land uses while being sensitive to environmental concerns.

2. Land Use Goal Implementation Strategies:

- a) Develop an effective, area-wide land use regulatory program in cooperation with the Person County.
- b) Develop a Unified Development Ordinance to address goals and objectives of the land use plan (incorporating new Zoning, Subdivision, Watershed Protection, and Floodplain provisions into one document).
- c) Minimize conflicts between incompatible land uses (existing buffering requirements between incompatible uses are not adequate).
- d) Provide for a variety of housing types, densities and price ranges.
- e) Encourage infill development within existing Roxboro corporate limits.

up fees for new development within areas already served by city services.

- h) Identify appropriate locations/criteria for siting manufacturing housing parks/developments.

C. Economic Development

1. Economic Development Goal:

Provide a strong local planning environment that supports and enhances the economic growth potential of the City of Roxboro.

2. Implementation Strategies:

- a) Promote continued economic investment through retention and expansion of existing industrial concerns and the recruitment of new industries and commercial businesses.
- b) Encourage well-planned commercial establishments to provide necessary goods and services to area employers and residents.
- c) Encourage industrial and commercial growth in appropriate locations within Roxboro's corporate limits and in selected areas within Person County.
- d) Discourage the intermingling of residential land uses in commercial or industrial areas that often results in conflicting land use problems.
- e) Explore feasibility of establishing service road parallel to inactive railroad corridors to promote economic development along major/minor thoroughfares.
- f) Develop regulations/guidelines that would ensure new development or redevelopment is compatible with established character and community vision.

D. Transportation

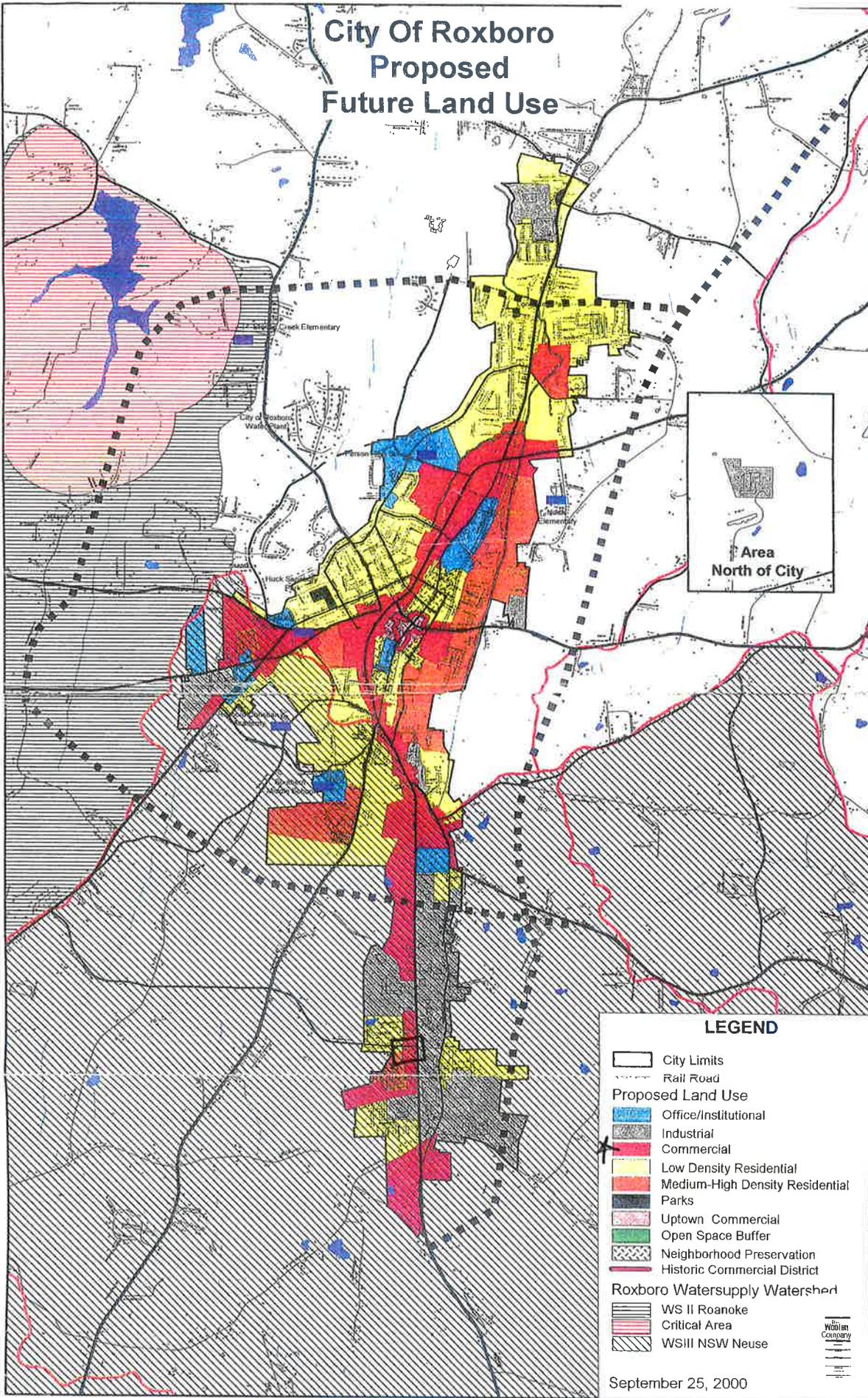
1. Transportation Goal 1:

Provide for orderly development along existing and proposed major transportation routes to minimize disruption to free flow of traffic.

2. Transportation Goal 1 Implementation Strategies:

- a) Protect major transportation corridors (Highways 501, 49, 157, 57) as community gateways by establishing appropriate regulations to control access to these corridors.

City Of Roxboro Proposed Future Land Use



Map 4 - 6. Roxboro, North Carolina
Proposed Future Land Use

September 25, 2000



COPY

Somerset Church Rd

Durham Rd

501 57

57

501

Patterson Dr

Barrett Rd



**Planning Board Motion Format Guide & Proposed Consistency Statement
For Rezoning Request:**

I make a motion that we recommend approval of the rezoning request presented in Docket #RZ2019-03 and, in doing so, adopt the plan consistency statement as presented below:

“The proposed amendment is consistent with the City’s Comprehensive Land Use Plan in that it;

- Promotes an orderly and efficient land use pattern, which allows for a variety of land uses while being sensitive to environmental concerns,
- Is redevelopment compatible with the established character and community vision, and
- Allows for development along existing and proposed major transportation routes.

Furthermore, this decision is in the public interest of the City of Roxboro because it adds to the uniform use of properties along the major transportation corridor.”

Motion made by: Tony Cole

Seconded by: Julie Jeffreys

Approved: 6-0

This report reflects the recommendation of the Planning Board on the 6th day of May, 2019.

Attest:

Robert Trotter

Planning Board Representative, Chairman Robert Trotter

Lauren W. Johnson

Lauren W. Johnson, Planning Director

CITY OF ROXBORO, NORTH CAROLINA
Planning Board

May 6, 2019
6:00 p.m.

MEMBERS PRESENT: Tony Cole, Benji Gault, Danny Cultra, Julie Jeffreys, Margaret Kay, and Robert Trotter.

STAFF: Lauren Johnson, Planning Director

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

Vice-Chair, Danny Cultra, motioned to approve the minutes from the April 1, 2019 meeting. Board Member, Tony Cole, seconded. Motion carried.

REPORTS OF COMMITTEES

None.

OLD BUSINESS

None.

NEW BUSINESS

Rezoning Request for 31 Patterson Drive, TM 107 69, 107 59, 107 57:

Chairman Trotter asked the Ms. Johnson to go over the request. Ms. Johnson began summarized the application to change three parcels of land from the current R-12, Residential zoning to B-1, Highway Commercial zoning.

She outlined the area under review and informed the Board of the types of structures surrounding the use, which include a bar/pool hall to the immediate east of the residential structure.

Ms. Johnson also referenced the Future Land Use Plan goals and implementation strategies, concluding that staff felt this request was consistent with the FLUP, given that the map designates these lots for future commercial use.

Chairman Trotter asked for some clarification about the parcels and if the actual house was included in the request for rezoning. Ms. Johnson directed him to the plat the applicant submitted and the three lots it references. Chairman Trotter advised this clarified everything for him.

Chairman Trotter asked if there was anyone present that wished to speak for or against the request. There were none.

Ms. Johnson did advise the Board she received a few phone calls regarding the parcel, primarily from immediately adjacent property owners wanting to know how they would be affected. She also indicated there were some that just wanted to confirm this action would not change the zoning of their parcels.

Board Member, Tony Cole made a motion to recommend approval of the request. Julie Jeffreys seconded the motion. Motion carried unanimously.

Rezoning Request for 110 Carver Drive, TM 7 27: Chairman Trotter asked Ms. Johnson to present. Ms. Johnson began with a summary of the application and request to rezone the property from I-1, Light Industrial, to B-1, Highway Commercial.

Ms. Johnson directed the Board to the map in her staff report and outlined the zoning of surrounding properties, which includes a mix of I-1 and B-1 properties. She also pointed out that the FLUP map does classify the property for commercial use.

Chairman Trotter asked if there was anyone wishing to speak for or against the request. Ronnie Dunevant, who owns property in the immediate vicinity of the space. He also stated that as a member of the Board for Habitat for Humanity, he could share the Board's intention to use the building for the Habitat Yard Sales. Mr. Dunevant also stated that while he would not speak for the other neighbor, he had discussed the request with said neighbor and they did not object.

Chairman Trotter asked if there was anyone else who wanted to come forward. There was not.

Chairman Trotter stated he was very familiar with the property and it seemed to him that this request was in-line with the surrounding uses. He also felt it was good to see this vacant property be used for something. There being no other discussion from the members of the Board, Chairman Trotter asked if there was a motion.

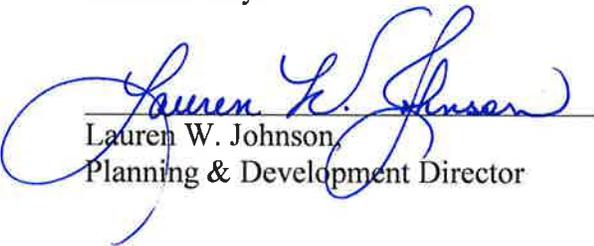
Vice-Chair Danny Cultra made a motion the Board recommend approval of the request as it is consistent with the Future Land Use Plan, outlining the items referenced in the staff report. Board Member Benji Gault seconded the motion. Motion carried unanimously.

Ms. Johnson thanked the Board and reminded them of the pending considerations for Advisory Board members and asked them to share information with anyone they thought may be a good fit for either board.

ADJOURNMENT

There being no other business for the Board, the meeting was adjourned at 6:14pm.

Submitted by:


Lauren W. Johnson
Planning & Development Director

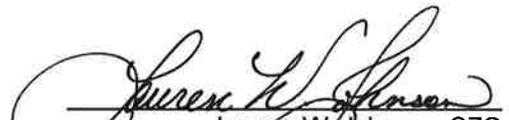


Memo

To: Mayor Newell, Roxboro City Councilmen
From: Lauren Johnson
cc: City Clerk, Trevie Adams
Date: May 17, 2019
Re: Certification of Written Notice

Please be advised letters were mailed First Class to the following property owners notifying same of the pending Rezoning Request, Docket #: RZ2019-03, for the parcel identified as Tax Map and Lot Numbers 107 57, 107 59, and 107 69 on today's date. This list includes all property owners with land adjacent to the parcels within 200 feet, as well as the listed owners of the property under consideration.

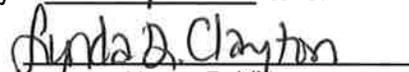
1. DBJS Services, LLC.
2. John & Linda Oakley
3. Cleo A Barrett Estate
4. Nghia Thach
5. Arnold Ashley
6. Dorothy Clayton
7. Barbara Arlene Fox
8. Nora Neel



Lauren W. Johnson, CZO
Planning & Development Director

ATTEST:

Witness my hand and notarial seal, this 29 day of May 2019.



Notary Public

My Commission Expires: 6/25/2022





City of Roxboro
May 17, 2019

NOTICE OF PUBLIC HEARING



Nghia Thach
31 Patterson Drive
Roxboro, NC 27573

Dear Property Owner,

This letter is to inform you that your rezoning request will be reviewed by the City of Roxboro City Council on Tuesday, June 11, 2019 at 7pm, in the Council Chambers at 105 South Lamar Street in Roxboro. This meeting is open to the public, and anyone wishing to speak to the matter will be given the opportunity to do so during the public hearing. Comments made by the public may be considered by the Board when making their decision.

If you have any questions regarding this matter, or wish to review the case file, please contact the Roxboro Planning and Development Office at 336.322.6018.

Respectfully,

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



City of Roxboro
May 17, 2019

NOTICE OF PUBLIC HEARING



DBJS Services, LLC.
9018 NC Highway 157
Rougemont, NC 27572

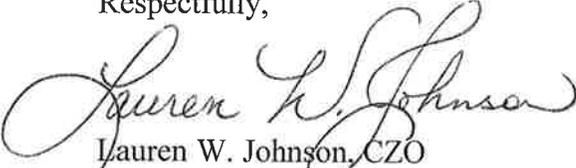
Dear Property Owner,

This letter is to inform you our office received an application requesting a change to the zoning of a .62 acre tract of land located at 31 Patterson Drive (identified by Tax Map and Lot numbers 107 57, 107 59, and 107 69). The applicant has requested the property be rezoned from R-12 Residential to B-1 Highway Commercial. You have been identified, through the Person County tax records, as owning property within 200 feet of this location. Enclosed is a map of the property, for your convenience.

The request will be reviewed by the Roxboro City Council on Tuesday, June 11th, 2019 at 7pm, in the Council Chambers at 105 South Lamar Street in Roxboro. This meeting is open to the public, and anyone wishing to speak to the matter will be given the opportunity to do so during the comment period. Comments made by the public may be considered by the Board when making their decision.

If you have any questions regarding this matter, or wish to review the case file, please contact the Roxboro Planning and Development Office at 336.322.6018.

Respectfully,


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

Enclosure

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.

Consistency Statement:

I make a motion that we approve the rezoning request presented in Docket #RZ2019-03 and, in doing so, adopt the plan consistency statement as presented below:

“The proposed amendment is consistent with the City’s Comprehensive Land Use Plan in that it;

- Promotes an orderly and efficient land use pattern, which allows for a variety of land uses while being sensitive to environmental concerns,
- Is redevelopment compatible with the established character and community vision, and
- Allows for development along existing and proposed major transportation routes.

Furthermore, this decision is in the public interest of the City of Roxboro because it adds to the uniform use of properties along the major transportation corridor.”

Motion To Adopt Made by: _____

Seconded by: _____

Approved: ____ to ____

Attest:

Marilyn P. Newell, Mayor

Trevie Adams, City Clerk



City of Roxboro

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

The City Council has received and reviewed the application of Nghia Thach to amend the City of Roxboro's Zoning Map as follows:

Tax Map	Present Zoning	Proposed Zoning	Deed BK/PG	Acreage
107 57	R-12 Low-Density	B-1 Highway	815/791	.64
107 59	Residential	Commercial	808/134	
107 69			808/134	

WHEREAS, the Roxboro City Council of the City of Roxboro, North Carolina, after due notices, conducted a public hearing on the 11th day of June, 2019 concerning the adoption amending the City of Roxboro's Zoning Map pursuant to G.S. 160-364; and

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

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

Duly adopted by the Council of the City of Roxboro this 11th day of June, 2019.

Mayor Merilyn P. Newell

ATTEST:

Trevie Adams,
City Clerk

3. Rezoning - 110 Carver Drive - Public Hearing

Memo



To: Mayor Newell and Roxboro City Council
From: Lauren Johnson/ Planning & Development Director
cc: Trevie Adams City Clerk (for City Records)
Date: June 6, 2019
Re: Recommendation from Planning Board Regarding Rezoning Request for
110 Carver Drive, TM 7 27

Madam Mayor and Council,

Please be advised that the City of Roxboro Planning Board met on May 6, 2019 to review a request for a Rezoning for the parcel of land identified as Tax Map 7, Parcel 27. This tract is at the corner of N Main Street and Carver Drive, near the Roxboro Stor N Lock, and is addressed as 110 Carver Drive. It is approximately 1.71 acres in size.

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

Application for
Official Zoning Map Amendment



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

TO THE PLANNING BOARD AND THE CITY COUNCIL:

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

Petitioner(s): City of Roxboro, City Manager

Address: 105 S Lamar Street, Roxboro NC 27573

Telephone Number: 336-322-6010 Fax Number: _____

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

Property Information:

Address: 110 Carver Drive

Watershed: Roanoke Lot Size: 1.71

Township: CROX Tax Map/Lot #: 7 27

Current Use: Warehouse/Storage

Available Utilities: (check all that apply)

City Water City Sewer Well Septic System None

Zoning Map Amendment:

Current Zoning Classification: I-1

Requested Zoning Classification: B-1

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

[Signature]
 Applicant Signature

03/12/2019
 Date

Staff Use Only:

Date Received:
3/12/2019

Docket #:
RZ 2019-04

Planning Board Meeting Date:
5/6/2019

City Council Meeting Date:
6/11/2019

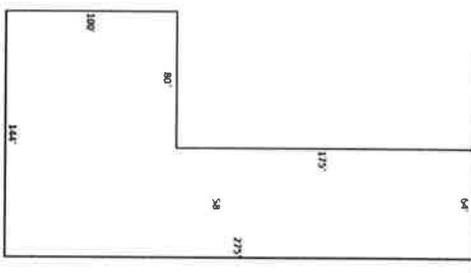
Required Submittal Items:

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

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

04/25/2019 01:17 OWNERSHIP 66756105
SOMERSET MILLS LLC
 1803 N MAIN ST
 ROXBORO, NC 27573-4047
 DEED: 585 2 5/1/2006 \$490,000

PROPERTY DESCRIPTION 110 CARVER DR WAREHOUSE
TAX DESCRIPTION ROXBORO
MAP NUMBER 7 27
CARD# 1 / 1
 PLATBOOK/PAGE/DATE: 1 14
 NB: 00000 00000
 110 CARVER ROXBORO
 ROXBORO
 RECORD NUMBER: 15957
 ROUTE: RC 144 007
 LISTER: CLC 8/27/2015
 REVIEWER: CLC 9/4/2015

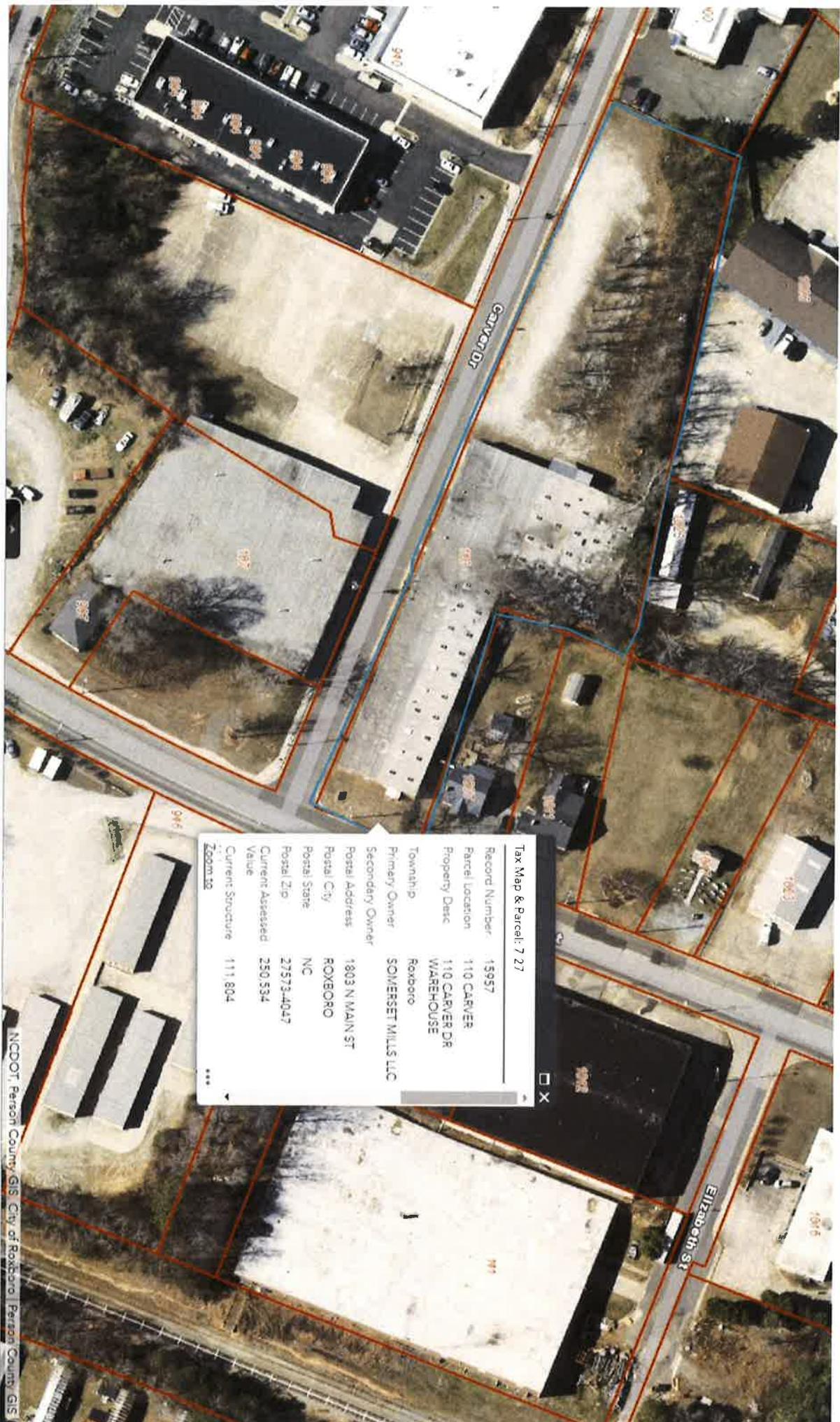


TOPO	STREET	NOTES	LT	NBHD				
		48 FIXTURES/N AMER DYNMCS F16 HTR REPLACED F/10 NCIV	1.0000	4.0000				
#	LAND CLASS	SIZE	BASERATE	* ACY	* ADJ	= ADJ RATE	* UNITS	= LNDVALUE
1	71NFF COMM1	82.000	250	1.20	1.00	300	82.000	24600
2	71NFF COMM1	404.000	250	1.13	1.00	283	404.000	114130
ACREAGE FACTOR:		0	FRONTAGE FACTOR:		1	LAND VALUE		
138730								
#	OTHER FEATURES	SIZE	BASERATE	COND	ADJ RATE	UNITS	VALUE	
OTHER FEATURES VALUE: 0								
FOUNDATION	XTR_XTRNISH	ROOF TYPE	ROOF MTRL	SIZE/QTY				
BRICK	BRICK	FLAT	ROLLROOF	1.0000 SHTH 0 BDRM				
WALL FINISH	FLOORS	HEAT&AIR	HEAT FUEL	BLDING #				
UNFINISH	CONCRETE	NONE	WOOD	1				

IMPROVEMENT TYPE: Commercial
GRADE: C **AVB:** 1962 **EVB:** 1965 **CONDITION:** P
DIMENSIONS: 58=N100E80N175E64S275W144A:Area:25600;96=Area:25600;TotalArea:51200

STRUCTURE	SKETCH-SF *	STHT =	AREA	RATE *	GRDE +	HEAT +	EXWL *	WLHT =	ADJRATE *	AREA	=	RPCN *	DEPF *	CNDF =	STR-VALUE
58 58 LINDUST	25600	1.00	25600	28.17	C	(1.00)	2.25	1.00	29.42	25600	753152	0.25	0.5500	103558	
8 FIXTURES	0		0						1320.00	0	10560	0.25	0.5500	1452	
96 96 SPRINKLE	25600	1.00	25600	1.93	C			1.00	1.93	25600	49408	0.25	0.5500	6794	
51200 TSF											RPCN- 31.76/HSF		111804		
STRUCTURE VALUE											813120 VALU-4.37/HSF		111804		

VALUATION	THIS CARD	+	OTHER CARD	=	VALUE	PREV-VAL	P-N%	OTHER CARDS VALUE	CARD 1 VALUE
LAND	138730				138730	166476	1.20		250534
OTHER FEAT	0				0	0	0.00		250534
STRUCTURE	111804				111804	111050	0.99		250534
TOTAL	250534				250534	277526	0.90		250534
Person County, NC		TAX YEAR: 2019		DEFERRED VALUE		0		APPRAISED VALUE	
		REVAL YEAR: 2013						TAXABLE VALUE	
								250534	
								250534	



Tax Map & Parcel: 7 27

Record Number	15957
Parcel Location	110 CARVER
Property Desc	110 CARVER DR WAREHOUSE
Township	Roxboro
Primary Owner	SOMERSET MILLS LLC
Secondary Owner	
Postal Address	1803 N MAIN ST
Postal City	ROXBORO
Postal State	NC
Postal Zip	27573-4047
Current Assessed Value	250,534
Current Structure	111,804

Zoom 10

X



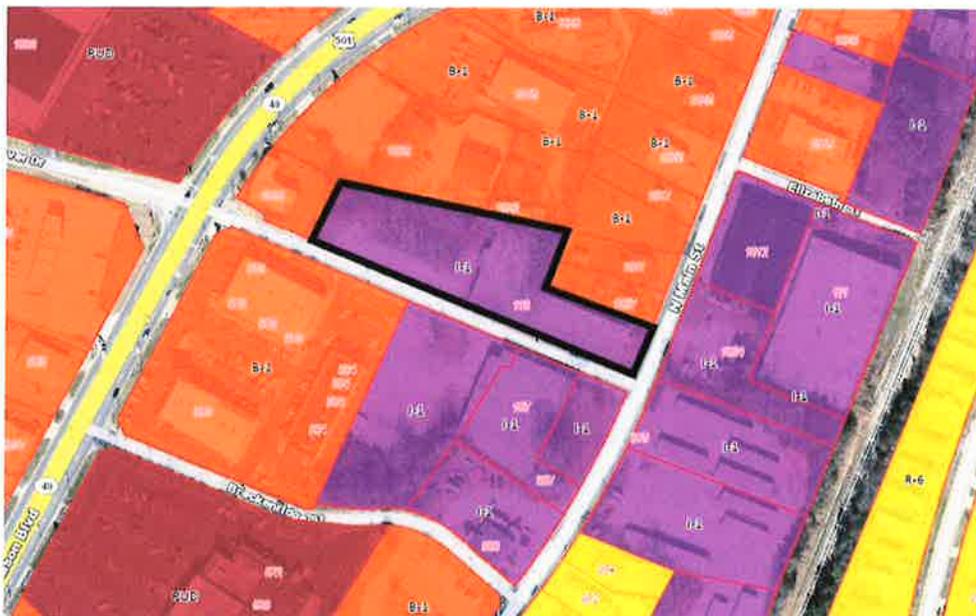
CITY OF ROXBORO STAFF REPORT

Prepared by: Lauren Johnson, Planning & Development Director

Meeting Dates: Planning Board: May 6, 2019 City Council: June 11, 2019	Request: <input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Special Use Permit
Property Location: 110 Carver Drive	Current Zoning: I-1 (Light Industrial)
Tax Map#: 7 27	Proposed Zoning: B-1 (Highway Commercial)
Applicant Information: City of Roxboro PO Box 128 Roxboro, NC 27573 336-599-3116	Future Land Use Map Classification: Commercial

Summary:

The City of Roxboro has initiated a rezoning review for the property located at 110 Carver Drive. The property, otherwise identified by Tax Map 7 27, is 1.71 acres in size and is located at the corner of Carver Drive and N Main Street. The property is currently zoned I-1, Light Industrial. The applicant would like the property rezoned to B-1, Highway Commercial, for commercial use.



The surrounding properties are zoned I-1 (Light Industrial) & B-1 (Highway Commercial).

Conformity to the Land Use Plan (LUP):

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

- An Implementation Strategy for meeting the land use goals of the City, encourages the minimizing of conflicts between incompatible land uses and encouraging infill development(pg. 69).
- An Implementation Strategy for meeting the economic development goals of the City, directs the city to promote continued economic investment through retention and expansion of existing industrial, as well as recruitment of new industries and commercial businesses, and encourages industrial and commercial growth in appropriate locations within the corporate limits (pg. 71).

Future Land Use Map Classification: Commercial

Commercial (LUP, pg. 79):

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

Staff Remarks:

Due to the location of this parcel near both industrial and commercial properties, it seems that either could be an appropriate zone for this lot. All parcels that share a property line with this lot are zoned B-1, so it could be argued that B-1 would be the more appropriate. However, the type of structure on this lot is also conducive to an industrial use. The Future Land Use Map classification for this parcel is "Commercial." As such, it is staff's opinion that while either zoning would be appropriate, B-1 is the option most consistent with the Future Land Use Plan.

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

Section 3. Goals and Implementation Strategies

The purpose of this section of the Land Use Plan is to establish goals for future land development within the City and to identify implementation strategies that will help achieve the stated goals. Goals are intended to provide broad direction for future development, and implementation strategies detail ways to achieve stated goals.

This section is organized by the following topics: land use, housing, economic development, infrastructure, transportation, community facilities and services, community character and appearance, open space and recreation, and conservation/environmentally sensitive areas.

Overall development goals can not be achieved without continued cooperation and coordination between the various City government departments and with Person County. Cooperation among governments will help ensure that future development contributes to the overall economic vitality and quality of life of both the City of Roxboro and Person County.

A. Land Use

1. Land Use Goal:

Promote an orderly and efficient land use pattern, which allows for a variety of land uses while being sensitive to environmental concerns.

2. Land Use Goal Implementation Strategies:

- a) Develop an effective, area-wide land use regulatory program in cooperation with the Person County.
- b) Develop a Unified Development Ordinance to address goals and objectives of the land use plan (incorporating new Zoning, Subdivision, Watershed Protection, and Floodplain provisions in one document).
- c) Minimize conflicts between incompatible land uses (existing buffering requirements between incompatible uses are adequate).
- d) Provide for a variety of housing types, densities and price ranges.
- e) Encourage infill development within existing Roxboro corporate limits.

up fees for new development within areas already served by city services.

- h) Identify appropriate locations/criteria for siting manufacturing housing parks/developments.

C. Economic Development

1. Economic Development Goal:

Provide a strong local planning environment that supports and enhances the economic growth potential of the City of Roxboro.

2. Implementation Strategies:

- a) Promote continued economic investment through retention and expansion of existing industrial concerns and the recruitment of new industries and commercial businesses.
- b) Encourage well-planned commercial establishments to provide necessary goods and services to area employers and residents.
- c) Encourage industrial and commercial growth in appropriate locations within Roxboro's corporate limits and in selected areas within Person County.
- d) Discourage the intermingling of residential land uses in commercial or industrial areas that often results in conflicting land use problems.
- e) Explore feasibility of establishing service road parallel to inactive railroad corridors to promote economic development along major/minor thoroughfares.
- f) Develop regulations/guidelines that would ensure new development or redevelopment is compatible with established character and community vision.

D. Transportation

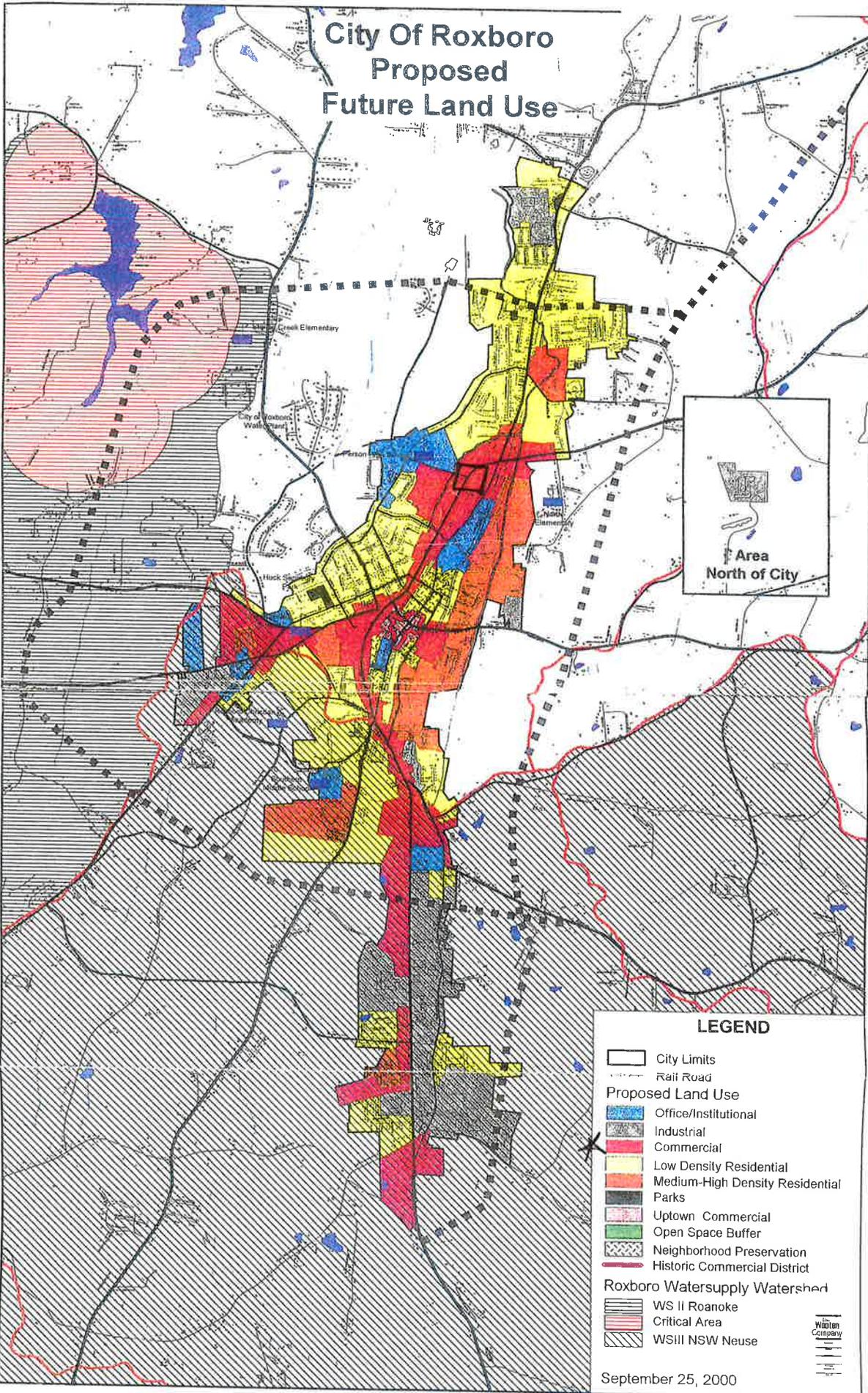
1. Transportation Goal 1:

Provide for orderly development along existing and proposed major transportation routes to minimize disruption to free flow of traffic.

2. Transportation Goal 1 Implementation Strategies:

- a) Protect major transportation corridors (Highways 501, 49, 157, 57) as community gateways by establishing appropriate regulations to control access to these corridors.

City of Roxboro Proposed Future Land Use



LEGEND

- City Limits
- Rail Road
- Proposed Land Use**
- Office/Institutional
- Industrial
- Commercial
- Low Density Residential
- Medium-High Density Residential
- Parks
- Uptown Commercial
- Open Space Buffer
- Neighborhood Preservation
- Historic Commercial District
- Roxboro Watersupply Watershed**
- WS II Roanoke
- Critical Area
- WSIII NSW Neuse



September 25, 2000

Map 4 - 6. Roxboro, North Carolina
Proposed Future Land Use



**Planning Board Motion Format Guide & Proposed Consistency Statement
For Rezoning Request:**

I make a motion that we recommend approval of the rezoning request presented in Docket #RZ2019-03 and, in doing so, adopt the plan consistency statement as presented below:

“The proposed amendment is consistent with the City’s Comprehensive Land Use Plan in that it;

- Would minimize conflicts between adjacent land uses (pg. 69), and
- Encourages industrial and commercial growth in appropriate locations within the corporate limits (pg. 71).

Furthermore, this decision is in the public interest of the City of Roxboro because it adds to the uniform use of properties along the major transportation corridor.”

Motion made by: Danny Cultra

Seconded by: Benji Gault

Approved: 6-0

This report reflects the recommendation of the Planning Board on the 6th day of May, 2019.

Attest:

Robert Trotter
Planning Board Representative, Chairman Robert Trotter

Lauren W. Johnson
Lauren W. Johnson, Planning Director

CITY OF ROXBORO, NORTH CAROLINA
Planning Board

May 6, 2019
6:00 p.m.

MEMBERS PRESENT: Tony Cole, Benji Gault, Danny Cultra, Julie Jeffreys, Margaret Kay, and Robert Trotter.

STAFF: Lauren Johnson, Planning Director

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

Vice-Chair, Danny Cultra, motioned to approve the minutes from the April 1, 2019 meeting. Board Member, Tony Cole, seconded. Motion carried.

REPORTS OF COMMITTEES

None.

OLD BUSINESS

None.

NEW BUSINESS

Rezoning Request for 31 Patterson Drive, TM 107 69, 107 59, 107 57:

Chairman Trotter asked the Ms. Johnson to go over the request. Ms. Johnson began summarized the application to change three parcels of land from the current R-12, Residential zoning to B-1, Highway Commercial zoning.

She outlined the area under review and informed the Board of the types of structures surrounding the use, which include a bar/pool hall to the immediate east of the residential structure.

Ms. Johnson also referenced the Future Land Use Plan goals and implementation strategies, concluding that staff felt this request was consistent with the FLUP, given that the map designates these lots for future commercial use.

Chairman Trotter asked for some clarification about the parcels and if the actual house was included in the request for rezoning. Ms. Johnson directed him to the plat the applicant submitted and the three lots it references. Chairman Trotter advised this clarified everything for him.

Chairman Trotter asked if there was anyone present that wished to speak for or against the request. There were none.

Ms. Johnson did advise the Board she received a few phone calls regarding the parcel, primarily from immediately adjacent property owners wanting to know how they would be affected. She also indicated there were some that just wanted to confirm this action would not change the zoning of their parcels.

Board Member, Tony Cole made a motion to recommend approval of the request. Julie Jeffreys seconded the motion. Motion carried unanimously.

Rezoning Request for 110 Carver Drive, TM 7 27: Chairman Trotter asked Ms. Johnson to present. Ms. Johnson began with a summary of the application and request to rezone the property from I-1, Light Industrial, to B-1, Highway Commercial.

Ms. Johnson directed the Board to the map in her staff report and outlined the zoning of surrounding properties, which includes a mix of I-1 and B-1 properties. She also pointed out that the FLUP map does classify the property for commercial use.

Chairman Trotter asked if there was anyone wishing to speak for or against the request. Ronnie Dunevant, who owns property in the immediate vicinity of the space. He also stated that as a member of the Board for Habitat for Humanity, he could share the Board's intention to use the building for the Habitat Yard Sales. Mr. Dunevant also stated that while he would not speak for the other neighbor, he had discussed the request with said neighbor and they did not object.

Chairman Trotter asked if there was anyone else who wanted to come forward. There was not.

Chairman Trotter stated he was very familiar with the property and it seemed to him that this request was in-line with the surrounding uses. He also felt it was good to see this vacant property be used for something. There being no other discussion from the members of the Board, Chairman Trotter asked if there was a motion.

Vice-Chair Danny Cultra made a motion the Board recommend approval of the request as it is consistent with the Future Land Use Plan, outlining the items referenced in the staff report. Board Member Benji Gault seconded the motion. Motion carried unanimously.

Ms. Johnson thanked the Board and reminded them of the pending considerations for Advisory Board members and asked them to share information with anyone they thought may be a good fit for either board.

ADJOURNMENT

There being no other business for the Board, the meeting was adjourned at 6:14pm.

Submitted by:


Lauren W. Johnson,
Planning & Development Director



Memo

To: Mayor Newell, Roxboro City Councilmen
From: Lauren Johnson
cc: City Clerk, Trevie Adams
Date: May 17, 2019
Re: Certification of Written Notice

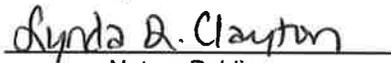
Please be advised letters were mailed First Class to the following property owners notifying same of the pending Rezoning Request, Docket #: RZ2019-04, for the parcel identified as Tax Map 7 Lot Number 27 on today's date. This list includes all property owners with land adjacent to the parcels within 200 feet, as well as the listed owners of the property under consideration.

1. Ronald Dunnevant
2. Marshall & WD Slaughter
3. Marshall A. Slaughter
4. Richard Clayton Estate
5. Ramanbhai & Lilaben Patel
6. JD Garrett Enterprises
7. Madison Holdings, LLC.
8. Roxboro Star Properties, LLC.
9. Jerry & Barbara Hawkins
10. Christopher & Kimberly Jacobs
11. Roxboro Stor N Lock, Inc.
12. Wake Monument Co.
13. Alf & Karen Sjoberg
14. Wise Investments Ltd. Partnership
15. Roxboro Refrigeration, Inc.
16. City of Roxboro
17. Somerset Mills, LLC.


Lauren W. Johnson, CZO
Planning & Development Director

ATTEST:

Witness my hand and notarial seal, this 29th day of May 2019.


Lynda D. Clayton
Notary Public

My Commission Expires: 6/25/2022





City of Roxboro

May 17, 2019

NOTICE OF PUBLIC HEARING



Ronald Dunnevant
1007 N Main Street
Roxboro, NC 27573-4503

Dear Property Owner,

This letter is to inform you our office received an application requesting a change to the zoning of a 1.71 acre tract of land located at 110 Carver Drive (identified by Tax Map and Lot number 7 27). The applicant has requested the property be rezoned from I-1 Light Industrial to B-1 Highway Commercial. You have been identified, through the Person County tax records, as owning property within 200 feet of this location. Enclosed is a map of the property, for your convenience.

The request will be reviewed by the Roxboro City Council on Tuesday, June 11, 2019 at 7pm, in the Council Chambers at 105 South Lamar Street in Roxboro. This meeting is open to the public, and anyone wishing to speak to the matter will be given the opportunity to do so during the public hearing. Comments made by the public may be considered by the Board when making their decision.

If you have any questions regarding this matter, or wish to review the case file, please contact the Roxboro Planning and Development Office at 336.322.6018.

Respectfully,

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

Enclosure



City of Roxboro

May 17, 2019

NOTICE OF PUBLIC HEARING



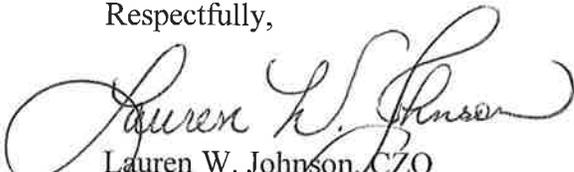
Somerset Mills, LLC.
1803 N Main Street
Roxboro, NC 27573-4047

Dear Property Owner,

This letter is to inform you that the rezoning request for your property at 110 Carver Drive (Tax Map and Lot Number 7 27) will be reviewed by the City of Roxboro City Council on Tuesday, June 11th, 2019, in the Council Chambers at 105 South Lamar Street in Roxboro. This meeting is open to the public, and anyone wishing to speak to the matter will be given the opportunity to do so during the public hearing. Comments made by the public may be considered by the Board when making their decision.

If you have any questions regarding this matter, or wish to review the case file, please contact the Roxboro Planning and Development Office at 336.322.6018.

Respectfully,


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



City of Roxboro

May 17, 2019

NOTICE OF PUBLIC HEARING



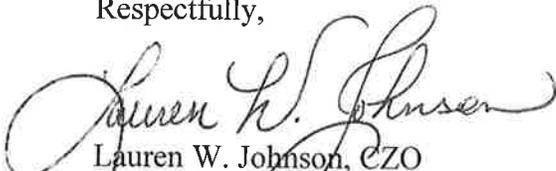
City of Roxboro
PO Box 128
Roxboro, NC 27573

Dear Applicant,

This letter is to inform you that your rezoning request will be reviewed by the City of Roxboro City Council on Tuesday, June 11th, 2019 at 7pm, in the Council Chambers at 105 South Lamar Street in Roxboro. This meeting is open to the public, and anyone wishing to speak to the matter will be given the opportunity to do so during the public hearing. Comments made by the public may be considered by the Board when making their decision.

If you have any questions regarding this matter, or wish to review the case file, please contact the Roxboro Planning and Development Office at 336.322.6018.

Respectfully,


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

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.

Consistency Statement:

I make a motion that we approve the rezoning request presented in Docket #RZ2019-04 and, in doing so, adopt the plan consistency statement as presented below:

“The proposed amendment is consistent with the City’s Comprehensive Land Use Plan in that it;

- Would minimize conflicts between adjacent land uses, and
- Encourages industrial and commercial growth in appropriate locations within the corporate limits.

Furthermore, this decision is in the public interest of the City of Roxboro because it adds to the uniform use of properties along the major transportation corridor.”

Motion To Adopt Made by: _____

Seconded by: _____

Approved: ____ to ____

Attest:

Marilyn P. Newell, Mayor

Trevie Adams, City Clerk



City of Roxboro

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

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

Tax Map	Present Zoning	Proposed Zoning	Deed BK/PG	Acreage
7 27	I-1 Light Industrial	B-1 Highway Commercial	585/2	1.71

WHEREAS, the Roxboro City Council of the City of Roxboro, North Carolina, after due notices, conducted a public hearing on the 11th day of June, 2019 concerning the adoption amending the City of Roxboro's Zoning Map pursuant to G.S. 160-364; and

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

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

Duly adopted by the Council of the City of Roxboro this 11th day of June, 2019.

Mayor Marilyn P. Newell

ATTEST:

Trevie Adams,
City Clerk

4. Special Activity Ordinance - Public Hearing



June 6, 2019

To: Mayor Newell
Roxboro City Council

From: Lauren Johnson, Planning & Development Director

Subject: Public Hearing for Consideration of Revisions to City Code of Ordinances:
Chapters 95 and 96, regarding sidewalk encroachment and special business activities.

Per the decision of the City of Roxboro City Council, based on requests from local business owners, Planning staff has prepared a draft of revisions to Chapters 95 and 96 of the City Code of Ordinances to allow for administrative approval of some special business activities and sidewalk encroachments.

GENERAL REGULATIONS

§ 96.001 ENCROACHMENTS.

Unless expressly allowed by a permit issued pursuant to Chapter 95, or as a part of regular business operations for appropriately permitted businesses (i.e. flower pots, tables and chairs for dining on the sidewalk, etc.), no person shall encroach upon the streets or sidewalks of the city by erecting or placing any structure, device or equipment of either temporary or permanent nature. Businesses utilizing a portion of the sidewalk for planters, tables, chairs, benches, or similar items must maintain a 36-inch unobstructed area from the face of the curb and the encroaching object (i.e. table, chair, etc.) at all times. The area of the sidewalk used shall be limited to the frontage of the business utilizing the sidewalk, and areas for outdoor dining or drinking must be designated with a rope, fence, or other similar item.

('90 Code, § 18-1) (Am. Ord. passed 8-9-05) Penalty, see § 96.999

§ 96.002 DISPLAY, SALE OF MERCHANDISE.

Unless expressly allowed by a permit issued pursuant to Chapter 95, or as a part of regular business operations for appropriately permitted businesses (i.e. sidewalk sale), no person shall store, display, sell or exhibit for sale on any street or sidewalk within the city any good, wares or merchandise, nor shall any person place or use any equipment for the display, storage or vending of any goods, wares, or merchandise upon any street or sidewalk. However upon approval of the City Manager, a portion of the sidewalk may be utilized by the business fronting on said sidewalk, provided that a 36-inch unobstructed area is maintained from the face of the curb and any encroaching object at all times, without obtaining a permit issued pursuant to Chapter 95, and provided that the portion of the sidewalk utilized is not detrimental to the public health or safety. The area of the sidewalk used shall be limited to the frontage of the business utilizing the sidewalk. Such displays are permissible only during the regular hours of operation for the business conducting the sale, and must be removed from the sidewalk at the close of business each day.

('90 Code, § 18-2) (Am. Ord. passed 8-9-05; Am. Ord. passed 11-19-12) Penalty, see § 96.999

§ 96.003 SIGNS OVER SIDEWALKS OR CURBS.

Any sign hung, suspended, projected or otherwise placed over or across, or partly over any sidewalk or curbing shall have its lower edge not less than eight feet above the sidewalk or curbing, and the owner shall keep it in such condition that the public will not be exposed to danger therefrom. The Building Inspector shall periodically inspect all such signs and, if any are found to be in an unsafe condition, he or she shall report the same to the City Manager and shall also notify the person owning or maintaining the signs to either remove the same or make such alterations or repairs forthwith as to make the same conform to the provisions of this section.

('90 Code, § 18-3)

GENERAL PROVISIONS

§ 95.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPEALS OFFICIAL. The City Manager, or his or her designee who shall be an Assistant City Manager.

ATHLETIC EVENT. Any event involving the conduct of exercises, sports or games.

BUSINESS DAYS. Those days in which city offices are open for conducting city business.

CHIEF OF POLICE. The Chief of Police of the city, or his or her designee.

FESTIVAL. A concert, fair, exhibition, promotion, community event, block party, or similar event.

PARADE. Any athletic event, ceremony, pageant, march, picket, procession, motorcade or other similar activity consisting of persons, animals, vehicles or things, or a combination thereof proceeding along any sidewalk or along the traveled portion of any street within the city in such a manner as to interfere with the normal flow of vehicular or pedestrian traffic upon such sidewalk or street, and which activity is not intended, in whole or in part, to exercise freedom protected under the First Amendment of the United States Constitution. A procession in which individuals move single-file along a sidewalk shall not be regarded as interfering with the normal flow of pedestrian traffic along such sidewalk.

PUBLIC ASSEMBLY PERMIT. A permit as required by this chapter in order to conduct a public street or sidewalk assembly regulated by this chapter.

PICKET or PICKETING. The stationing of one or more persons by standing, walking, lying, sitting, kneeling, bending, or in any other similar manner, at a particular place within the city with the purpose of persuading or otherwise influencing another person's actions or conduct or of apprising the public of any opinion or message, excluding purely casual, random, or other everyday forms of communication or conduct.

PUBLIC ASSEMBLY.

(1) Any gathering held generally in one location upon any sidewalk or upon the traveled portion of any street within the city in such a manner as to interfere with the normal flow of vehicular or pedestrian traffic upon such sidewalk or street, and which activity is intended, in whole or in part, to exercise freedom protected under the First Amendment of the United States or North Carolina Constitutions; or

(2) Any organized company of persons, or a picket, for a common purpose as a result of prior planning that is collected together generally in one location upon any sidewalk or upon the traveled portion of any street within the city in such a manner as to interfere with the normal flow of vehicular or pedestrian traffic upon such sidewalk or street, and which activity is

intended, in whole or in part, to exercise freedom protected under the First Amendment of the United States or North Carolina Constitutions. An organized company of persons or a picket in which the participants do not obstruct or occupy more than one-half of a sidewalk, such that other pedestrians may use the sidewalk for its intended purpose, shall not be regarded as interfering with the normal flow of pedestrian traffic along such sidewalk. For purposes of this definition, the phrase "held generally in one location" or "collected together generally in one location" means that such festival or activity is conducted generally in a fixed area as opposed to proceeding along the street or sidewalk in such a manner as to constitute a march or parade.

SIDEWALK. That portion of the street right-of-way that is designated for the use of pedestrians and that is paved.

SPECIAL BUSINESS ACTIVITY. Any activity conducted in whole, or in part, by an appropriately permitted business, which takes place on the sidewalk, alley, or parking lot directly adjacent to said business. Such activities may not exceed 1,500 square feet in area, utilize more than 5 public parking spaces, block any entrance to another business or building, nor last for more than 8 hours. This does not include any activity which temporarily closes or obstructs any portion of a public street.

SPECIAL EVENT. All street fairs, festivals, athletic events, carnivals, parades, marches, rallies, or other similar activities or public events not intended in whole or in part to exercise freedom protected under the First Amendment of the United States and/or North Carolina Constitutions, and that require the temporary closing or obstruction of a street, sidewalk, or other public right-of-way or any segment thereof or that otherwise substantially hinders or prevents the normal flow of vehicular or pedestrian traffic along any street or other public right-of-way.

STREET. Any place or way set aside or open to the general public for purposes of vehicular traffic, including any curb, berm, shoulder, right-of-way, or median strip, but not including the sidewalk.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.02 REGULATIONS FOR PICKETS AND PICKETING.

(A) For purposes of this section, the following definitions shall apply:

(1) **PRIVATE RESIDENCE.** A single-family dwelling, duplex, or multi-family dwelling within the city;

(2) **DIRECTED, FOCUSED, or TARGETED AT.** A particular private residence is being made the sole object of picketing, and the picketing takes place solely on that portion of the street or sidewalk that abuts on the property upon which the targeted residence is located or solely on that portion of any street or sidewalk that abuts on property within 50 feet (measured from the lot line) of the property upon which the particular private residence is located, except the sidewalk on the opposite side of the street from the targeted residence.

(B) It shall be unlawful for any person to engage in picketing that is directed, focused, or targeted at a particular private residence.

(C) It shall be unlawful for any person participating in any picket to carry or possess any staff or pole for purposes of displaying any sign, poster, flag, banner, plaque or notice unless the staff or pole: (1) is made of corrugated material, plastic, or wood (and not made of metal or metal alloy); (2) is less than 41 inches in length; (3) is 1/4-inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, does not exceed 3/4-inch in its thickest dimension; and (4) is blunt at both ends.

(D) It shall be unlawful for any person participating in any picket to carry or possess any sign, poster, flag, banner, plaque or notice, whether or not mounted on a length of material as specified in division (C) of this section, unless such sign, poster, flag, banner, plaque, or notice is constructed or made of a cloth, paper, cardboard, rubber, or plastic material.

(E) Picketers, pickets, and picketing shall be subject to all other applicable local, state and federal laws.

(F) Picketers, pickets, and picketing shall not take place in any street or road used by vehicular traffic, any highway, road or street median, or any "safety zone" as defined in G.S. § 20-4.01(39), unless a parade or public assembly permit has been obtained under § 95.03 below.

(G) A picket or picketing that is not prohibited by this section and that otherwise fits the definition of a parade or public assembly shall be subject to the regulations for parades and public assemblies in §§ 95.03 through 95.15 of this chapter.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.03 PERMIT REQUIRED FOR PUBLIC ASSEMBLIES.

(A) No public assembly is permitted unless a permit has been first obtained from the Chief of Police allowing the public assembly pursuant to this chapter.

(B) A person seeking to obtain an assembly permit shall file an application with the Chief of Police at least 72 hours before the time for which the public assembly is proposed to commence. Notwithstanding the preceding sentence, the Chief of Police shall consider an application for an assembly permit which is filed within any shorter time-frames from those prescribed above where the purpose of the public assembly is a spontaneous response to a current event, or where other good and compelling causes are shown.

(C) The application for an assembly permit shall include the following:

(1) The name, address, and telephone number (and pager number, facsimile number and email address, if available) of the person seeking to conduct the public assembly, and the name, address, and telephone number (and facsimile number and email address, if available) of the organization with which the person is affiliated or on whose behalf the person is applying to conduct the public assembly (collectively "Applicant");

(2) The name, address, and telephone number (and pager number, facsimile number, and email address, if available) for an individual who shall be designated as the "responsible planner and on-site manager" of the public assembly;

(3) The requested date, time, place, and route (from starting point to ending point) of the public assembly, including the location where and time when the public assembly will assemble and disband, and any requested sidewalk or street closings;

(4) The anticipated number of persons, vehicles and things that will constitute the public assembly (including the basis on which this estimate is made), and a description of the vehicles and things that will be part of the public assembly;

(5) A list of the number and type of animals that will be part of the public assembly;

(6) A description of the extent to which the public assembly will occupy all or a portion of any street or sidewalk;

(7) A general description of the activities planned during the public assembly, including whether any alcoholic beverages will be sold or consumed;

(8) A general description of any recording equipment and sound amplification equipment, along with a general description of the size and composition of any banners, signs, flags, or other attention-getting devices to be used in connection with the public assembly;

(9) Arrangements for additional police protection, and/or additional emergency medical services, and/or liability insurance, if required under § 95.04;

(10) The approximate number of anticipated spectators of the public assembly; and

(11) Any additional information, attachments and submissions that are requested on the application form.

(D) An assembly permit issued under this chapter shall include the information set out in division (C) of this section, which information shall constitute conditions of the permit to the extent such information sets out the time, place, and manner of the public assembly.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.04 POLICE PROTECTION.

(A) The Chief of Police shall determine whether and to what extent additional police protection (including additional emergency medical services) may reasonably be necessary for the public assembly for traffic control and public health and safety. The Chief of Police shall make this determination based on an objective consideration of the following factors (and in no case upon the speech content of the proposed public assembly or upon any anticipated public reaction to such speech content):

(1) The size, location, duration, time and date, composition, format, configuration, and number of anticipated participants in and anticipated spectators of the proposed public assembly;

(2) The expected sale of goods or services at the proposed public assembly;

(3) The extent to which the public assembly requires the closing of any street or sidewalk or portion thereof, taking into account the general traffic conditions in the area and existing traffic control devices;

- (4) The need to detour, reroute, or otherwise preempt normal vehicular or pedestrian traffic upon any street or sidewalk or portion thereof to accommodate the proposed public assembly;
- (5) The anticipated weather conditions at the time of the proposed public assembly; and
- (6) The extent to which the proposed public assembly is reasonably likely to require emergency medical services or police protection in areas contiguous to or in the surrounding vicinity of the proposed public assembly.

(B) Persons engaging in public assemblies conducted solely and entirely for the purpose of freedoms protected under the First Amendment are not required to pay for additional police protection or additional emergency medical services, or to provide insurance.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.05 PERMITTING CRITERIA.

The Chief of Police shall issue a public assembly permit when, from a consideration of the application and from such other information as may otherwise be obtained, he/she makes all of the following findings:

(A) The conduct of the public assembly will not substantially or unnecessarily interfere with the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location; and, if such interference is likely to occur, that there are available at the time of the public assembly sufficient police resources to mitigate the interference;

(B) There will be available at the time of the public assembly a sufficient number of police officers and traffic control aids to police and protect participants and non-participants at the public assembly and in areas contiguous to the event from traffic-related hazards in light of other demands for police protection in the city at the time of the proposed public assembly;

(C) The concentration of persons, animals, vehicles, or things at the public assembly will not prevent proper fire and police protection or emergency medical services at the event or in areas contiguous to the public assembly;

(D) The public assembly will not interfere with the use of a sidewalk or street requested by another applicant to whom a valid assembly or special event permit application has already been granted or has been received and will be granted;

(E) No public assembly permit application for the same time but at a different location has already been granted or has been received and will be granted, and the police resources required for the prior public assembly are not so great that, in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the health or safety of persons or property;

(F) No other public event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed public assembly would have an immediate and adverse effect upon the health or safety of persons or property; and

(G) The application is fully and completed and executed; and

(H) The application contains no material falsehood or misrepresentation.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.06 NON-DISCRIMINATION.

Applications for assembly permits shall be processed and decided upon on a first-in-time basis, and the Chief of Police shall consider each application upon its merits and shall not discriminate in granting or denying any permit based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds, or upon the content of any speech protected by the First Amendment or upon any anticipated public reaction to such speech content.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.07 NOTICE OF DECISION ON APPLICATION.

(A) The Chief of Police shall make his/her written decision granting or denying a fully completed and executed assembly permit application (or granting an alternative permit under § 95.08 within three business days after the application has been received by him/her, but in no event less than 24 hours before the time for which the public assembly is proposed to commence. If the application under § 95.03 is filed within any shorter time-frames than those prescribed in § 95.03, then the Chief of Police shall make a decision on the application before the time for which the public assembly is proposed to commence.

(B) As soon as practicable after the written decision on the permit application has been made, the Chief of Police shall notify the applicant of the decision: (1) by the most expeditious means practicable (i.e., by telephone, facsimile, or email); and (2) by mailing a copy of the decision to the applicant by registered or certified mail, return receipt requested, which mailing shall be posted no later than the first business day after the decision has been made. If the decision is to deny the application or grant an alternative permit, the notification to the applicant shall include the written reasons for the denial of the permit or for the grant of an alternative permit.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.08 ALTERNATIVE PERMIT.

(A) If the Chief of Police denies an application for an assembly permit because he/she decides against one or more of the required findings in § 95.05(A) through (H), the Chief of Police shall authorize the conduct of a public assembly on a date, at a time, at a location or over a different route from that named by the applicant. This alternative permit shall, to the extent practicable, authorize a public assembly that will have comparable public visibility and a similar date, time, location, or route to that of the proposed event. An applicant desiring to accept an alternative assembly permit shall, within at least 24 hours before the time for which the alternative public assembly will commence, file a written notice of acceptance with the Chief of Police.

(B) An alternative assembly permit shall contain the information called for in § 95.03(C), which information shall constitute conditions of the alternative assembly permit to the extent such information sets out the time, place, and manner of the alternative public assembly.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.09 SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES.

No alcoholic beverages may be sold or consumed during Article One public assemblies.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.10 APPEAL PROCEDURE.

(A) An applicant may appeal the denial of an assembly permit in writing to the City Manager's office within ten business days after notice of the denial has been received by the applicant. Within five business days (or such longer period of time agreed to by the applicant) after the city has received the written appeal, the appeals official shall hold a quasi-judicial hearing on whether to issue the permit or uphold the denial. The applicant shall have the right to present evidence at this hearing. The decision to issue the permit or uphold the denial shall be based solely on the approval criteria set forth in § 95.05, and the burden of proof to uphold the denial shall be on the Chief of Police by a preponderance of the evidence. The appeals official shall render a written decision on the appeal within five business days after the date of the hearing. Where the purpose of the proposed public assembly is a spontaneous response to a current event, or where other good and compelling causes are shown, the appeals official shall reasonably attempt to conduct the hearing and render a decision on the appeal as expeditiously as is practicable.

(B) The decision of the appeals official is subject to review in the Superior Court of Person County by proceedings in the nature of certiorari. Any petition for writ of certiorari for review shall be filed with the Clerk of Superior Court within 30 days after the applicant has received notice of the decision of the appeals official. Unless good cause exists to contest a petition for writ of certiorari, the city shall stipulate to certiorari no later than five business days after the petitioner requests such a stipulation. The city shall transmit the record to the court no later than five business days after receiving the order allowing certiorari. Notwithstanding the provisions of any local rule of the reviewing court that allows for a longer time period, the city shall serve its brief upon the petitioner within 15 days after it is served with the petitioner's brief. If the petitioner serves his or her brief by mail, the city shall add three days to this time limit, in accordance with G.S. § 1A-1, Rule 5. If the local rule is subsequently amended to provide for a shorter time period for serving any brief, then the shorter time period shall control.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.11 DUTIES OF APPLICANT AND RESPONSIBLE PLANNER AND ON-SITE MANAGER.

(A) The applicant and responsible planner and on-site manager of the public assembly shall comply with all conditions of the public assembly permit issued pursuant to this chapter and with all other applicable local, state, and federal laws.

(B) The individual designated as the responsible planner and on-site manager of the public assembly shall carry the assembly permit upon his or her person during the conduct of the public assembly.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.12 PROHIBITIONS.

The following prohibitions shall apply to all public assemblies:

(A) It shall be unlawful for any person to stage, present, or conduct any public assembly without first having obtained a permit under this chapter.

(B) It shall be unlawful for any person to participate in a public assembly for which the person knows a permit has not been granted.

(C) It shall be unlawful for any participant in a public assembly to knowingly fail to comply with any conditions of the assembly permit.

(D) It shall be unlawful for any person participating in any public assembly to carry or possess any staff or pole for purposes of displaying any sign, poster, flag, banner, plaque or notice unless the staff or pole: (1) is made of corrugated material, plastic, or wood (and not made of metal or metal alloy); (2) is less than 41 inches in length; (3) is 1/4-inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, does not exceed 3/4-inch in its thickest dimension; and (4) is blunt at both ends.

(E) It shall be unlawful for any person participating in any public assembly to carry or possess any sign, poster, flag, banner, plaque or notice, whether or not mounted on a length of material as specified in division (D) of this section, unless such sign, poster, flag, banner, plaque, or notice is constructed or made of a cloth, paper, cardboard, rubber, or plastic material.

(F) It shall be unlawful to assign or sell any assembly permit granted under this chapter.

(G) All participants in any public assembly shall be subject to all other applicable local, state and federal laws.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.13 PUBLIC CONDUCT DURING PUBLIC ASSEMBLIES.

(A) No person shall unreasonably hamper, obstruct, impede, or interfere with any public assembly or with any person, vehicle, animal, or thing participating or used in a public assembly.

(B) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a public assembly. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation of such signs.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.14 REVOCATION OF PERMIT.

(A) The Chief of Police shall have the authority to revoke a public assembly permit instantly upon violation of any conditions of the permit or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the public assembly would have an immediate and adverse effect upon the health or safety of persons or property.

(B) After a permit is revoked under division (A) of this section, the Chief of Police shall notify the applicant of the reasons for the revocation in writing by mailing a copy of the revocation to the applicant by registered or certified mail, return receipt requested, which mailing shall be posted no later than the first business day after the revocation.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

SPECIAL EVENTS

§ 95.25 SPECIAL EVENTS.

(A) This subchapter applies to all street fairs, festivals, athletic events, carnivals, parades, marches, rallies, or other similar activities or public events not intended in whole or in part to exercise freedom protected under the First Amendment of the United States Constitution, and that require the temporary closing or obstruction of a street, sidewalk, or other public right-of-way or any segment thereof or that otherwise substantially hinder or prevent the normal flow of vehicular or pedestrian traffic along any street or other public right-of-way. Any such activity covered by this subchapter shall hereafter be referred to as a "special event." These regulations shall not apply to activities falling under the definition of "Special Business Activity."

(B) This subchapter shall not apply to:

(1) An activity occurring entirely on property owned by person, county or another unit of government;

(2) Funeral processions;

(3) Students going to and from school or participating in an educational activity where such activity is under the immediate supervision and direction of proper school authorities;

(4) A governmental agency acting within the scope of its functions; or

(5) Special events substantially administered by the City of Roxboro, or an authorized agent of the city, provided the special event is insured against accidents and liabilities by the city or by the entity acting on behalf of the city.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.26 PERMIT REQUIRED.

No person may run, operate, or sponsor any special event in any public street, parking lot, or right-of-way without a permit obtained from the city in accordance with this subchapter.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.27 SPECIAL EVENT PERMIT.

(A) A person seeking to obtain a special event permit shall file an application with the City Manager, or his/her designee, on a form provided by the Manager no less than 60 days before the date the special event activity will commence, if said event requires a public hearing. If the event does not require a public hearing, see § 95.30 (B), applications must be filed no less than 30 days

before the date the special event activity will commence. The following information shall be contained in the application:

- (1) The name, address, and telephone number (and pager number, facsimile number, and email address, if available) of the person seeking to conduct the special event, and the name, address, and telephone number (and facsimile number and email address, if available), of the organization with which the person is affiliated or on whose behalf the person is applying to conduct the special event (collectively "Applicant");
 - (2) The name, address, and telephone number (and pager number, facsimile number, and email address, if available) for an individual who shall be designated as the "person in charge" or "responsible planner and on-site manager" of the special event;
 - (3) The requested date, time, place, and route (from starting point to ending point) of the special event, including the location where and time when the special event will assemble and disband, and any requested sidewalk or street closings;
 - (4) The anticipated number of persons, vehicles, and things that will constitute the special event (including the basis on which this estimate is made), and a description of the vehicles and things that will be part of the special event;
 - (5) A list of the number and type of animals that will be a part of the special event;
 - (6) Any barriers or traffic control devices that will be erected; and the location of fire hydrants and electrical hook-ups, as well as the location of proposed concession stands, booths, platforms, benches or bleachers, toilet facilities and garbage facilities;
 - (7) A description of the extent to which the special event will occupy all of a portion of any street or sidewalk;
 - (8) A general description of the activities planned during the special event, including whether any alcoholic beverages will be sold or consumed, and a sketch map of where such beverages will be sold and consumed.
 - (9) A general description of any recording equipment and sound amplification equipment, along with a general description of the size and composition of any banners, signs, flags, or other attention-getting devices to be used in connection with the special event;
 - (10) Arrangements for additional police protection, and/or additional emergency medical services and/or liability insurance, if required under §§ 95.19 and 95.24;
 - (11) The approximate number of anticipated spectators of the special event;
 - (12) Any additional information, attachments and submissions that are requested on the application form.
- (B) A special event permit issued under this article shall include the information set out in division (A) of this section, which information shall constitute conditions of the permit to the extent such information sets out the time, place, manner and conditions of the special event.

(C) The sponsor of a special event that consists of a series of activities spread over more than one day shall be required to obtain only one permit, which will cover the entire duration of the special event. This subsection applies only to special event activities lasting four months or less.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.28 COSTS INCURRED BY THE CITY.

(A) If the city is required to provide additional police protection and/or additional emergency medical services or any other extraordinary services or equipment or if the City Manager otherwise determines that such additional police/emergency medical services or other extraordinary services or equipment should be provided for reasons related to public health or safety, the city shall take whatever action is necessary under the Local Government Budget and Fiscal Control Act to make available the necessary funds for the provision of such services or equipment.

(B) The city may require the sponsor to provide additional police/emergency medical services or to pay the city a fee sufficient to reimburse the city for providing additional police/emergency medical services or for providing the costs of any extraordinary services or equipment provided by the city.

(Am. Ord. passed 12-13-16)

§ 95.29 STAFF REVIEW.

Under receipt of the permit application and applicable fees (if any are required), the City Manager, or designee when deemed appropriate, shall circulate it to the Planning and Development Director, Public Services Director, Environmental Health Director, Fire Chief, Chief of Police and any other appropriate persons for their comment. The City Manager may arrange to have a conference on the application with the sponsor and/or applicant and one or more of the department heads listed above.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.30 NOTICE AND PUBLIC HEARING.

(A) The City Council shall consider all completed applications for special event permits.

(B) Public hearings are not required for special events: (i) observing national holidays; or (ii) special events recurring annually and which are scheduled to last no more than two hours and for which no admission fee is charged.

(C) The City Council will hold a public hearing on any special event permit application, excepting those described in division (B) above. This hearing may be held at any regular meeting of the Council.

(D) Notice of any public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten days, nor more than 25 days, before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing

shall be included. The notice shall also be posted on the City's website one week before the public hearing.

(E) The City Council may attach any reasonable conditions to the issuance of a permit; and any special event conducted pursuant to a permit issued under this subchapter shall be conducted strictly in accordance with the terms of the permit, including any conditions attached to the permit.

(Am. Ord. passed 12-13-16)

§ 95.31 STANDARDS FOR ISSUANCE OF PERMIT.

(A) The city shall issue the permit authorizing the requested special event activity unless it finds that:

(1) The conduct of the activity will require the assignment of so many police officers that the remainder of the city cannot adequately be protected;

(2) The activity will interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be adequately provided throughout the city; or

(3) Allowing the activity to be held would constitute a clear and present danger to the public health or safety;

(4) The activity, if held at the time or location proposed, will cause an unreasonable and unwarranted disruption to vehicular or pedestrian traffic;

(5) The activity will work a severe hardship on property owners or property occupants near the special event location as a result of the denial of access to their properties or for other substantial reasons;

(6) The person in charge and/or the sponsor of the activity has failed to obtain or does not intend to obtain any and all necessary permits or licenses, including but not limited to building permits, privilege licenses, and alcohol permits, or the application is otherwise in violation of any provision of the Roxboro Code of Ordinances or other applicable law; or

(7) If permitted, the activity will conflict with any other activity previously permitted under this chapter by covering any part of substantially the same area or route during substantially the same time frame as allotted to the previously permitted activity.

(B) The city may attach any reasonable conditions to the issuance of a permit; and any special event conducted pursuant to a permit issued under this subchapter shall be conducted strictly in accordance with the terms of the permit, including any conditions attached to the permit.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.32 MODIFICATION; ALTERNATE PERMIT.

(A) If the city finds that it cannot issue the permit for any reason specified in § 95.31 of this subchapter, it may request that the applicant modify its application to remove said objection(s) to the issuance of the permit, and the applicant may do so without further notice or hearing.

(B) If the city finds that it cannot issue the permit for any reason specified in § 95.31 of this subchapter and if modification of the permit does not appear possible, the city may, in its discretion, issue a permit specifying an alternative, location, route or time for special event activity.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.33 INSURANCE.

The city may require as a condition to the issuance of a permit that the sponsor obtain a comprehensive general liability insurance policy or comparable liability insurance coverage that includes the entire area or route of the special event activity. If such policy is required, the city shall be named as an additional insured on the policy. The limits of such policy shall not be less than the following, and the city may require higher limits if it finds that the risks associated with the activity warrant such higher limits:

Property damage	\$50,000 for each occurrence.
Bodily injury or death	\$100,000 for each person, \$300,000 for each occurrence

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.34 CITY INDEMNIFIED.

Any sponsor obtaining a permit pursuant to this chapter agrees as a condition of the permit to indemnify the city and hold the city harmless from any expenses, including but not limited to attorney's fees, litigation costs and judgments, incurred as a result of claims made for damages arising out of the permitted activity.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.35 STREET CLOSINGS.

(A) The City Council may close city-maintained streets in conjunction with issuing a permit for a special event.

(B) Streets maintained by the N.C. Dept. of Transportation shall be closed as provide in G.S. § 20-169 "Powers of local authorities" and the "NC DOT Parades Events Guidelines."

(C) No person may operate, or park, any vehicle contrary to the traffic control devices installed in accordance with this section. In the event that any such vehicle(s) remains in an otherwise closed area designated "no parking" as a part of an approved special event, the Chief of Police may issue citations or remove said vehicle(s) at the owner's expense.

(D) Within seven days prior to the start of any special event activity, the City Manager, or his/her designee shall cause written notice to be provided to the occupants, or if they are unavailable the owners, of each property abutting the street(s) to be closed pursuant to the approval a special event permit in this section. For activities that are scheduled to occur less than seven days after the permit application has been submitted, the City Manager, or his/her designee need only provide such notice as is reasonably possible. (Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.36 PERSON IN CHARGE/ RESPONSIBLE PLANNER AND ON-SITE MANAGER.

(A) The person in charge shall be the person primarily responsible for complying with the requirements of this subchapter; for obtaining all required permits and/or approvals prior to the start of the special event activity, and for setting up, conducting, and cleaning up after the activity.

(B) The person in charge shall have the permit issued pursuant to this subchapter, as well as any other required permits or approvals necessary for the activity, available at all times for inspection by city staff during the special event activity.

(C) The person in charge shall be responsible for cleaning up any litter caused by the special event activity; removing any temporary signs or structures erected by the sponsor or other individuals or organizations participating in the activity; and in returning the area where the activity takes place to the condition that existed prior to the activity.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.37 SPECIAL EVENTS INVOLVING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES.

(A) For any special event where alcoholic beverages will be sold and consumed, the person in charge of the event shall ensure that an area within the special event area is designated for the sale and consumption of alcoholic beverages. The perimeters of the area shall be clearly marked, and the entrance to the area shall be constructed so as to allow ready control of patrons, including the viewing of identification to prevent underage persons from being permitted into the area.

(B) Any area designated for the sale and consumption of alcoholic beverages as a part of a special event shall be located at least 150 feet from any church, mosque, synagogue or other place of worship.

(C) No alcoholic beverages may be sold or consumed as a part of a special event outside of the designated area for such sale or consumption.

(D) Prior to the beginning of the special event, the person in charge shall ensure that all necessary state or other permits relating to the sale and consumption of alcoholic beverages have been secured.

(E) All persons lawfully selling, purchasing and consuming alcoholic beverages within a designated area during a special event are exempt from the requirements of § 111.01(A).

(F) Nothing in this subchapter shall prevent the City Council from prohibiting the sale and/or consumption of alcoholic beverages at any special event if the Council determines that such sale or consumption is not in the best interests of the health, safety and welfare of the city.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.38 PROHIBITIONS.

The following prohibitions shall apply to all special events:

(A) It shall be unlawful for any person to stage, present, or conduct any special event without first having obtained a permit under this subchapter.

(B) It shall be unlawful for any person to participate in a special event for which the person knows a permit has not been granted.

(C) It shall be unlawful for any participant in a special event to knowingly fail to comply with any conditions of the special event permit.

(D) It shall be unlawful to assign or sell any special event permit granted under this subchapter.

(E) All participants in any special event shall be subject to all other applicable local, state and federal laws.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.39 PUBLIC CONDUCT DURING SPECIAL EVENTS.

(A) No person shall unreasonably hamper, obstruct, impede, or interfere with any person, vehicle, animal, or thing participating or used in any special event.

(B) As is specified in § 95.35(C), the Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a special event.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.40 REVOCATION OF PERMIT.

(A) The City Council, the City Manager, or the Chief of Police shall have the authority to revoke a special event permit instantly upon a violation of any conditions of the permit or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the special event would have an immediate and adverse effect upon the health or safety of persons or property.

(B) After a permit is revoked under division (A) this section, the City Manager, or his/her designee, shall notify the applicant of the reasons for the revocation in writing by mailing a copy of the revocation to the applicant by registered or certified mail, return receipt requested, which mailing shall be posted no later than the first business day after the revocation.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

SPECIAL BUSINESS ACTIVITY

95.50 SPECIAL BUSINESS ACTIVITY

(A) This subchapter applies to any activity hosted in whole, or in part, by an appropriately permitted business, and which takes place outside the physical building of said business, and which may utilize a portion of a public sidewalk, alley, or parking lot as a part of a business related event. Such activities may include small outdoor performances or demonstrations, fundraisers for a designated cause or non-profit, or similar activity.

(Ord. passed ?)

95.51 PERMIT REQUIRED

No person or business may host, sponsor, or operate any such special business activity on any public sidewalk, parking lot, or alley without a permit obtained from the city in accordance with this subchapter.

(Ord passed ?)

95.52 SPECIAL BUSINESS ACTIVITY PERMIT

(A) A person seeking to obtain a special business activity permit shall file an application with the City Manager, or his/her designee, on a form provided by the Manager, no less than 30 days before the date the special business activity will commence. The following information shall be contained in the application:

- (1) The name, address, and telephone number (an email address if available) of the person authorized to represent the business seeking to conduct the special business activity, and the name of the business which will be sponsoring/hosting said activity.
- (2) The name, address, and telephone number (and email address if available) of the individual designated as the "person in charge" or "responsible planner or on-site manager" of the special business activity.
- (3) The proposed date(s), time, and location of the special business activity, including specific identification of the public sidewalk, parking lot, or alley to be utilized as a part of the activity.
- (4) The anticipated number of persons attending, or participating in, the activity.
- (5) A description of the requested or provided barriers to be utilized during the special business activity and a map designating the location of same.
- (6) A general description of the planned activity, including whether any alcoholic beverages will be sold or consumed, the use of any recording or sound amplification equipment, and/or any stages, dancefloors, or similar structures to be utilized as a part of the activity. All such items shall be designated on the location map.

(7) Any necessary request for additional police protection, and/or any additional emergency medical services as determined by the City Manager, based upon the description of the planned activity.

(8) Any additional information, attachments, and submissions that are requested on the application form.

(Ord. passed ?)

95.53 COSTS INCURRED BY THE CITY

(A) If the city is required to provide additional police protection and/or additional emergency medical services or any other extraordinary services or equipment or if the City Manager otherwise determines that such additional police/emergency medical services or other extraordinary services or equipment should be provided for reasons related to public health or safety, the city shall take whatever action is necessary under the Local Government Budget and Fiscal Control Act to make available the necessary funds for the provision of such services or equipment.

(B) The city may require the sponsor to provide additional police/emergency medical services or to pay the city a fee sufficient to reimburse the city for providing additional police/emergency medical services or for providing the costs of any extraordinary services or equipment provided by the city.

(Ord passed ?)

95.54 STAFF REVIEW

Under receipt of the permit application and applicable fees (if any are required), the City Manager, or designee, shall circulate it to the Planning & Development Director, Public Services Director, Environmental Health Director, Fire Chief, Chief of Police, and any other appropriate persons for their comment. The City Manager may arrange to have a conference on the application with the sponsor and/or applicant and one or more of the department heads listed above.

(Ord. passed ?)

95.55 STANDARDS FOR ISSUANCE OF A PERMIT

(A) The city shall issue the permit authorizing the request special business activity, unless it finds that:

(1) The conduct of the activity falls outside the definition for "special business activity" as outlined in Section 95.01;

(2) The activity will interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided to the neighboring businesses or residences;

(3) Allowing the activity would constitute a clear and present danger to the public health or safety;

(4) The activity, if held at the time or location proposed, would cause an unreasonable and unwarranted disruption to the regular operations of adjacent businesses, or result in a severe hardship on property owners or occupants near the special activity location as a result of the denial of access to their properties;

(5) The person in charge and/or the sponsoring business of the activity has failed to obtain or does not intend to obtain any and all necessary permits or licenses, including but not limited to building permits, zoning compliance permits, alcohol permits, or the application is otherwise in violation of any provision of the Roxboro Code of Ordinances or other applicable law; or

(6) If permitted, the activity will conflict with any other activity previously permitted under this chapter by covering any part of substantially the same area during substantially the same time frame as allotted to the previously permitted activity.

(B) The city may attach any reasonable conditions to the issuance of a permit; and any special business activity conducted pursuant to a permit issued under this subchapter shall be conducted strictly in accordance with the terms of the permit, including any conditions attached to the permit.

(Ord. passed ?)

95.56 MODIFICATION' ALTERNATE PERMIT

(A) If the city finds that it cannot issue the permit for any reason specified in §95.55 of this subchapter, it may request that the applicant modify its application to remove said objection(s) to the issuance of the permit, and the applicant may do so without further notice or hearing.

(B) If the city finds that it cannot issue the permit for any reason specified in §95.55 of this subchapter and if modification of the permit does not appear possible, the city may, in its discretion, issue a permit specifying an alternative, location, route or time for the special business activity.

(Ord. passed ?)

95.57 CITY INDEMNIFIED

Any sponsor obtaining a permit pursuant to this chapter agrees as a condition of the permit to indemnify the city and hold the city harmless from any expenses, including but not limited to attorney's fees, litigation costs and judgments, incurred as a result of claims made for damages arising out of the permitted activity.

(Ord. passed ?)

95.58 PERSON IN CHARGE/RESPONSIBLE PLANNER/ON-SITE MANAGER

(A) The person in charge shall be the person primarily responsible for complying with the requirements of this subchapter; for obtaining all required permits and/or approvals prior to the start of the special event activity, and for setting up, conducting, and cleaning up after the activity.

(B) The person in charge shall have the permit issued pursuant to this subchapter, as well as any other required permits or approvals necessary for the activity, available at all times for inspection by city staff during the special event activity.

(C) The person in charge shall be responsible for cleaning up any litter caused by the special event activity; removing any temporary signs or structures erected by the sponsor or other individuals or organizations participating in the activity; and in returning the area where the activity takes place to the condition that existed prior to the activity.

(Ord. passed ?)

95.59 SPECIAL EVENTS INVOLVING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES

(A) For any special business activity where alcoholic beverages will be sold and consumed, the person in charge of the event shall ensure that an area within the special business activity area is designated for the sale and consumption of alcoholic beverages. The perimeters of the area shall be clearly marked, and the entrance to the area shall be constructed so as to allow ready control of patrons, including the viewing of identification to prevent underage persons from being permitted into the area.

(B) Any area designated for the sale and consumption of alcoholic beverages as a part of a special business activity shall be located at least 150 feet from any church, mosque, synagogue or other place of worship.

(C) No alcoholic beverages may be sold or consumed as a part of a special business activity outside of the designated area for such sale or consumption.

(D) Prior to the beginning of the special business activity, the person in charge shall ensure that all necessary state or other permits relating to the sale and consumption of alcoholic beverages have been secured.

(E) All persons lawfully selling, purchasing and consuming alcoholic beverages within a designated area during a special business activity are exempt from the requirements of § 111.01(A).

(F) Nothing in this subchapter shall prevent the City Council from prohibiting the sale and/or consumption of alcoholic beverages at any special business activity if the Council determines that such sale or consumption is not in the best interests of the health, safety and welfare of the city.

(Ord. passed ?)

95.60 PROHIBITIONS

The following prohibitions shall apply to all special business activities:

(A) It shall be unlawful for any person to stage, present, or conduct any special business activity without first having obtained a permit under this subchapter.

(B) It shall be unlawful for any person to participate in a special business activity for which the person knows a permit has not been granted.

(C) It shall be unlawful for any participant in a special event to knowingly fail to comply with any conditions of the special event permit.

(D) It shall be unlawful to assign or sell any special event permit granted under this subchapter.

(E) All participants in any special event shall be subject to all other applicable local, state and federal laws.

(Ord. passed ?)

95.61 PUBLIC CONDUCT DURING SPECIAL BUSINESS ACTIVITIES

(A) No person shall unreasonably hamper, obstruct, impede, or interfere with any person, vehicle, animal, or thing participating or used in any special business activity.

(Ord. passed ?)

95.62 REVOCATION OF PERMIT

(A) The City Council, the City Manager, or the Chief of Police shall have the authority to revoke a special event permit instantly upon a violation of any conditions of the permit or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the special event would have an immediate and adverse effect upon the health or safety of persons or property.

(B) After a permit is revoked under division (A) this section, the City Manager, or his/her designee, shall notify the applicant of the reasons for the revocation in writing by mailing a copy of the revocation to the applicant by registered or certified mail, return receipt requested, which mailing shall be posted no later than the first business day after the revocation.

(Ord. passed ?)

§ 95.99 PENALTY.

A violation of any section or subchapter of this chapter shall be subject to a civil penalty of \$500 to be recovered in the nature of a debt or by a misdemeanor punishable by up to a \$500 fine as provided in G.S. § 14-4.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

**AN ORDINANCE REGULATING PICKETS, PARADES, ASSEMBLIES, AND SPECIAL
EVENTS; AMENDING CHAPTER 95
THE CODE OF ORDINANCES OF THE CITY OF ROXBORO**

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 City Code in this respect.

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

PART ONE. That Title IX, General Regulations, Chapter 95: Pickets, Parades, Assemblies, and Special Events; of the Code of Ordinances of the City of Roxboro, North Carolina, is hereby amended and rewritten in its entirety to read as follows:

“CHAPTER 95, PICKETS, PARADES, ASSEMBLIES, AND SPECIAL EVENTS

§ 95.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPEALS OFFICIAL. The City Manager, or his or her designee who shall be an Assistant City Manager.

ATHLETIC EVENT. Any event involving the conduct of exercises, sports or games.

BUSINESS DAYS. Those days in which city offices are open for conducting city business.

CHIEF OF POLICE. The Chief of Police of the city, or his or her designee.

FESTIVAL. A concert, fair, exhibition, promotion, community event, block party, or similar event.

PARADE. Any athletic event, ceremony, pageant, march, picket, procession, motorcade or other similar activity consisting of persons, animals, vehicles or things, or a combination thereof proceeding along any sidewalk or along the traveled portion of any street within the city in such a manner as to interfere with the normal flow of vehicular or pedestrian traffic upon such sidewalk or street, and which activity is not intended, in whole or in part, to exercise freedom protected under the First Amendment of the United States Constitution. A procession in which individuals move single-file along a sidewalk shall not be regarded as interfering with the normal flow of pedestrian traffic along such sidewalk.

PUBLIC ASSEMBLY PERMIT. A permit as required by this chapter in order to conduct a public street or sidewalk assembly regulated by this chapter.

PICKET or PICKETING. The stationing of one or more persons by standing, walking, lying, sitting, kneeling, bending, or in any other similar manner, at a particular place within the city with the purpose of persuading or otherwise influencing another person's actions or conduct or of apprising the public of any opinion or message, excluding purely casual, random, or other everyday forms of communication or conduct.

PUBLIC ASSEMBLY.

(1) Any gathering held generally in one location upon any sidewalk or upon the traveled portion of any street within the city in such a manner as to interfere with the normal flow of vehicular or pedestrian traffic upon such sidewalk or street, and which activity is intended, in whole or in part, to exercise freedom protected under the First Amendment of the United States or North Carolina Constitutions; or

(2) Any organized company of persons, or a picket, for a common purpose as a result of prior planning that is collected together generally in one location upon any sidewalk or upon the traveled portion of any street within the city in such a manner as to interfere with the normal flow of vehicular or pedestrian traffic upon such sidewalk or street, and which activity is intended, in whole or in part, to exercise freedom protected under the First Amendment of the United States or North Carolina Constitutions. An organized company of persons or a picket in which the participants do not obstruct or occupy more than one-half of a sidewalk, such that other pedestrians may use the sidewalk for its intended purpose, shall not be regarded as interfering with the normal flow of pedestrian traffic along such sidewalk. For purposes of this definition, the phrase "held generally in one location" or "collected together generally in one location" means that such festival or activity is conducted generally in a fixed area as opposed to proceeding along the street or sidewalk in such a manner as to constitute a march or parade.

SIDEWALK. That portion of the street right-of-way that is designated for the use of pedestrians and that is paved.

SPECIAL BUSINESS ACTIVITY. Any activity conducted in whole, or in part, by an appropriately permitted business, which takes place on the sidewalk, alley, or parking lot directly adjacent to said business. Such activities may not exceed 1,500 square feet in area, utilize more than 5 public parking spaces, block any entrance to another business or building, nor last for more than 8 hours. This does not include any activity which temporarily closes or obstructs any portion of a public street.

SPECIAL EVENT. All street fairs, festivals, athletic events, carnivals, parades, marches, rallies, or other similar activities or public events not intended in whole or in part to exercise freedom protected under the First Amendment of the United States and/or North Carolina Constitutions, and that require the temporary closing or obstruction of a street, sidewalk, or other public right-of-way or any segment thereof or that otherwise substantially hinders or prevents the normal flow of vehicular or pedestrian traffic along any street or other public right-of-way.

STREET. Any place or way set aside or open to the general public for purposes of vehicular traffic, including any curb, berm, shoulder, right-of-way, or median strip, but not including the sidewalk.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16; Am. Ord. passed 6-11-19)

§ 95.02 REGULATIONS FOR PICKETS AND PICKETING.

(A) For purposes of this section, the following definitions shall apply:

(1) **PRIVATE RESIDENCE.** A single-family dwelling, duplex, or multi-family dwelling within the city;

(2) **DIRECTED, FOCUSED, or TARGETED AT.** A particular private residence is being made the sole object of picketing, and the picketing takes place solely on that portion of the street or

sidewalk that abuts on the property upon which the targeted residence is located or solely on that portion of any street or sidewalk that abuts on property within 50 feet (measured from the lot line) of the property upon which the particular private residence is located, except the sidewalk on the opposite side of the street from the targeted residence.

(B) It shall be unlawful for any person to engage in picketing that is directed, focused, or targeted at a particular private residence.

(C) It shall be unlawful for any person participating in any picket to carry or possess any staff or pole for purposes of displaying any sign, poster, flag, banner, plaque or notice unless the staff or pole: (1) is made of corrugated material, plastic, or wood (and not made of metal or metal alloy); (2) is less than 41 inches in length; (3) is 1/4-inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, does not exceed 3/4-inch in its thickest dimension; and (4) is blunt at both ends.

(D) It shall be unlawful for any person participating in any picket to carry or possess any sign, poster, flag, banner, plaque or notice, whether or not mounted on a length of material as specified in division (C) of this section, unless such sign, poster, flag, banner, plaque, or notice is constructed or made of a cloth, paper, cardboard, rubber, or plastic material.

(E) Picketers, pickets, and picketing shall be subject to all other applicable local, state and federal laws.

(F) Picketers, pickets, and picketing shall not take place in any street or road used by vehicular traffic, any highway, road or street median, or any "safety zone" as defined in G.S. § 20-4.01(39), unless a parade or public assembly permit has been obtained under § 95.03 below.

(G) A picket or picketing that is not prohibited by this section and that otherwise fits the definition of a parade or public assembly shall be subject to the regulations for parades and public assemblies in §§ 95.03 through 95.15 of this chapter.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.03 PERMIT REQUIRED FOR PUBLIC ASSEMBLIES.

(A) No public assembly is permitted unless a permit has been first obtained from the Chief of Police allowing the public assembly pursuant to this chapter.

(B) A person seeking to obtain an assembly permit shall file an application with the Chief of Police at least 72 hours before the time for which the public assembly is proposed to commence. Notwithstanding the preceding sentence, the Chief of Police shall consider an application for an assembly permit which is filed within any shorter time-frames from those prescribed above where the purpose of the public assembly is a spontaneous response to a current event, or where other good and compelling causes are shown.

(C) The application for an assembly permit shall include the following:

(1) The name, address, and telephone number (and pager number, facsimile number and email address, if available) of the person seeking to conduct the public assembly, and the name, address, and telephone number (and facsimile number and email address, if available) of the organization with which the person is affiliated or on whose behalf the person is applying to conduct the public assembly (collectively "Applicant");

(2) The name, address, and telephone number (and pager number, facsimile number, and email address, if available) for an individual who shall be designated as the "responsible planner and on-site manager" of the public assembly;

(3) The requested date, time, place, and route (from starting point to ending point) of the public assembly, including the location where and time when the public assembly will assemble and disband, and any requested sidewalk or street closings;

(4) The anticipated number of persons, vehicles and things that will constitute the public assembly (including the basis on which this estimate is made), and a description of the vehicles and things that will be part of the public assembly;

(5) A list of the number and type of animals that will be part of the public assembly;

(6) A description of the extent to which the public assembly will occupy all or a portion of any street or sidewalk;

(7) A general description of the activities planned during the public assembly, including whether any alcoholic beverages will be sold or consumed;

(8) A general description of any recording equipment and sound amplification equipment, along with a general description of the size and composition of any banners, signs, flags, or other attention-getting devices to be used in connection with the public assembly;

(9) Arrangements for additional police protection, and/or additional emergency medical services, and/or liability insurance, if required under § 95.04;

(10) The approximate number of anticipated spectators of the public assembly; and

(11) Any additional information, attachments and submissions that are requested on the application form.

(D) An assembly permit issued under this chapter shall include the information set out in division (C) of this section, which information shall constitute conditions of the permit to the extent such information sets out the time, place, and manner of the public assembly.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.04 POLICE PROTECTION.

(A) The Chief of Police shall determine whether and to what extent additional police protection (including additional emergency medical services) may reasonably be necessary for the public assembly for traffic control and public health and safety. The Chief of Police shall make this determination based on an objective consideration of the following factors (and in no case upon the speech content of the proposed public assembly or upon any anticipated public reaction to such speech content):

(1) The size, location, duration, time and date, composition, format, configuration, and number of anticipated participants in and anticipated spectators of the proposed public assembly;

(2) The expected sale of goods or services at the proposed public assembly;

(3) The extent to which the public assembly requires the closing of any street or sidewalk or portion thereof, taking into account the general traffic conditions in the area and existing traffic control devices;

(4) The need to detour, reroute, or otherwise preempt normal vehicular or pedestrian traffic upon any street or sidewalk or portion thereof to accommodate the proposed public assembly;

(5) The anticipated weather conditions at the time of the proposed public assembly; and

(6) The extent to which the proposed public assembly is reasonably likely to require emergency medical services or police protection in areas contiguous to or in the surrounding vicinity of the proposed public assembly.

(B) Persons engaging in public assemblies conducted solely and entirely for the purpose of freedoms protected under the First Amendment are not required to pay for additional police protection or additional emergency medical services, or to provide insurance.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.05 PERMITTING CRITERIA.

The Chief of Police shall issue a public assembly permit when, from a consideration of the application and from such other information as may otherwise be obtained, he/she makes all of the following findings:

(A) The conduct of the public assembly will not substantially or unnecessarily interfere with the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location; and, if such interference is likely to occur, that there are available at the time of the public assembly sufficient police resources to mitigate the interference;

(B) There will be available at the time of the public assembly a sufficient number of police officers and traffic control aids to police and protect participants and non-participants at the public assembly and in areas contiguous to the event from traffic-related hazards in light of other demands for police protection in the city at the time of the proposed public assembly;

(C) The concentration of persons, animals, vehicles, or things at the public assembly will not prevent proper fire and police protection or emergency medical services at the event or in areas contiguous to the public assembly;

(D) The public assembly will not interfere with the use of a sidewalk or street requested by another applicant to whom a valid assembly or special event permit application has already been granted or has been received and will be granted;

(E) No public assembly permit application for the same time but at a different location has already been granted or has been received and will be granted, and the police resources required for the prior public assembly are not so great that, in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the health or safety of persons or property;

(F) No other public event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed public assembly would have an immediate and adverse effect upon the health or safety of persons or property; and

(G) The application is fully and completed and executed; and

(H) The application contains no material falsehood or misrepresentation.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.06 NON-DISCRIMINATION.

Applications for assembly permits shall be processed and decided upon on a first-in-time basis, and the Chief of Police shall consider each application upon its merits and shall not discriminate in granting or denying any permit based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds, or upon the content of any speech protected by the First Amendment or upon any anticipated public reaction to such speech content.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.07 NOTICE OF DECISION ON APPLICATION.

(A) The Chief of Police shall make his/her written decision granting or denying a fully completed and executed assembly permit application (or granting an alternative permit under § 95.08 within three business days after the application has been received by him/her, but in no event less than 24 hours before the time for which the public assembly is proposed to commence. If the application under § 95.03 is filed within any shorter time-frames than those prescribed in § 95.03, then the Chief of Police shall make a decision on the application before the time for which the public assembly is proposed to commence.

(B) As soon as practicable after the written decision on the permit application has been made, the Chief of Police shall notify the applicant of the decision: (1) by the most expeditious means practicable (i.e., by telephone, facsimile, or email); and (2) by mailing a copy of the decision to the applicant by registered or certified mail, return receipt requested, which mailing shall be posted no later than the first business day after the decision has been made. If the decision is to deny the application or grant an alternative permit, the notification to the applicant shall include the written reasons for the denial of the permit or for the grant of an alternative permit.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.08 ALTERNATIVE PERMIT.

(A) If the Chief of Police denies an application for an assembly permit because he/she decides against one or more of the required findings in § 95.05(A) through (H), the Chief of Police shall authorize the conduct of a public assembly on a date, at a time, at a location or over a different route from that named by the applicant. This alternative permit shall, to the extent practicable, authorize a public assembly that will have comparable public visibility and a similar date, time, location, or route to that of the proposed event. An applicant desiring to accept an alternative assembly permit shall, within at least 24 hours before the time for which the alternative public assembly will commence, file a written notice of acceptance with the Chief of Police.

(B) An alternative assembly permit shall contain the information called for in § 95.03(C), which information shall constitute conditions of the alternative assembly permit to the extent such information sets out the time, place, and manner of the alternative public assembly.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.09 SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES.

No alcoholic beverages may be sold or consumed during Article One public assemblies.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.10 APPEAL PROCEDURE.

(A) An applicant may appeal the denial of an assembly permit in writing to the City Manager's office within ten business days after notice of the denial has been received by the applicant. Within five business days (or such longer period of time agreed to by the applicant) after the city has received the written appeal, the appeals official shall hold a quasi-judicial hearing on whether to issue the permit or uphold the denial. The applicant shall have the right to present evidence at this hearing. The decision to issue the permit or uphold the denial shall be based solely on the approval criteria set forth in § 95.05, and the burden of proof to uphold the denial shall be on the Chief of Police by a preponderance of the evidence. The appeals official shall render a written decision on the appeal within five business days after the date of the hearing. Where the purpose of the proposed public assembly is a spontaneous response to a current event, or where other good and compelling causes are shown, the appeals official shall reasonably attempt to conduct the hearing and render a decision on the appeal as expeditiously as is practicable.

(B) The decision of the appeals official is subject to review in the Superior Court of Person County by proceedings in the nature of certiorari. Any petition for writ of certiorari for review shall be filed with the Clerk of Superior Court within 30 days after the applicant has received notice of the decision of the appeals official. Unless good cause exists to contest a petition for writ of certiorari, the city shall stipulate to certiorari no later than five business days after the petitioner requests such a stipulation. The city shall transmit the record to the court no later than five business days after receiving the order allowing certiorari. Notwithstanding the provisions of any local rule of the reviewing court that allows for a longer time period, the city shall serve its brief upon the petitioner within 15 days after it is served with the petitioner's brief. If the petitioner serves his or her brief by mail, the city shall add three days to this time limit, in accordance with G.S. § 1A-1, Rule 5. If the local rule is subsequently amended to provide for a shorter time period for serving any brief, then the shorter time period shall control.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.11 DUTIES OF APPLICANT AND RESPONSIBLE PLANNER AND ON-SITE MANAGER.

(A) The applicant and responsible planner and on-site manager of the public assembly shall comply with all conditions of the public assembly permit issued pursuant to this chapter and with all other applicable local, state, and federal laws.

(B) The individual designated as the responsible planner and on-site manager of the public assembly shall carry the assembly permit upon his or her person during the conduct of the public assembly.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.12 PROHIBITIONS.

The following prohibitions shall apply to all public assemblies:

(A) It shall be unlawful for any person to stage, present, or conduct any public assembly without first having obtained a permit under this chapter.

(B) It shall be unlawful for any person to participate in a public assembly for which the person knows a permit has not been granted.

(C) It shall be unlawful for any participant in a public assembly to knowingly fail to comply with any conditions of the assembly permit.

(D) It shall be unlawful for any person participating in any public assembly to carry or possess any staff or pole for purposes of displaying any sign, poster, flag, banner, plaque or notice unless the staff or pole: (1) is made of corrugated material, plastic, or wood (and not made of metal or metal alloy); (2) is less than 41 inches in length; (3) is 1/4-inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, does not exceed 3/4-inch in its thickest dimension; and (4) is blunt at both ends.

(E) It shall be unlawful for any person participating in any public assembly to carry or possess any sign, poster, flag, banner, plaque or notice, whether or not mounted on a length of material as specified in division (D) of this section, unless such sign, poster, flag, banner, plaque, or notice is constructed or made of a cloth, paper, cardboard, rubber, or plastic material.

(F) It shall be unlawful to assign or sell any assembly permit granted under this chapter.

(G) All participants in any public assembly shall be subject to all other applicable local, state and federal laws.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.13 PUBLIC CONDUCT DURING PUBLIC ASSEMBLIES.

(A) No person shall unreasonably hamper, obstruct, impede, or interfere with any public assembly or with any person, vehicle, animal, or thing participating or used in a public assembly.

(B) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a public assembly. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation of such signs.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.14 REVOCATION OF PERMIT.

(A) The Chief of Police shall have the authority to revoke a public assembly permit instantly upon violation of any conditions of the permit or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the public assembly would have an immediate and adverse effect upon the health or safety of persons or property.

(B) After a permit is revoked under division (A) of this section, the Chief of Police shall notify the applicant of the reasons for the revocation in writing by mailing a copy of the revocation to the applicant by registered or certified mail, return receipt requested, which mailing shall be posted no later than the first business day after the revocation.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

SPECIAL EVENTS

§ 95.25 SPECIAL EVENTS.

(A) This subchapter applies to all street fairs, festivals, athletic events, carnivals, parades, marches, rallies, or other similar activities or public events not intended in whole or in part to exercise freedom protected under the First Amendment of the United States Constitution, and that require the temporary closing or obstruction of a street, sidewalk, or other public right-of-way or any segment thereof or that otherwise substantially hinder or prevent the normal flow of vehicular or pedestrian traffic along any street or other public right-of-way. Any such activity covered by this subchapter shall hereafter be referred to as a "special event." These regulations shall not apply to activities falling under the definition of "Special Business Activity."

(B) This subchapter shall not apply to:

(1) An activity occurring entirely on property owned by person, county or another unit of government;

(2) Funeral processions;

(3) Students going to and from school or participating in an educational activity where such activity is under the immediate supervision and direction of proper school authorities;

(4) A governmental agency acting within the scope of its functions; or

(5) Special events substantially administered by the City of Roxboro, or an authorized agent of the city, provided the special event is insured against accidents and liabilities by the city or by the entity acting on behalf of the city.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16; Am. Ord. passed 6-11-19)

§ 95.26 PERMIT REQUIRED.

No person may run, operate, or sponsor any special event in any public street, parking lot, or right-of-way without a permit obtained from the city in accordance with this subchapter.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.27 SPECIAL EVENT PERMIT.

(A) A person seeking to obtain a special event permit shall file an application with the City Manager, or his/her designee, on a form provided by the Manager no less than 60 days before the date the special event activity will commence, if said event requires a public hearing. If the event does not require a public hearing, see § 95.30 (B), applications must be filed no less than 30 days before the date the special event activity will commence. The following information shall be contained in the application:

(1) The name, address, and telephone number (and pager number, facsimile number, and email address, if available) of the person seeking to conduct the special event, and the name, address, and telephone number (and facsimile number and email address, if available), of the organization with

which the person is affiliated or on whose behalf the person is applying to conduct the special event (collectively "Applicant");

(2) The name, address, and telephone number (and pager number, facsimile number, and email address, if available) for an individual who shall be designated as the "person in charge" or "responsible planner and on-site manager" of the special event;

(3) The requested date, time, place, and route (from starting point to ending point) of the special event, including the location where and time when the special event will assemble and disband, and any requested sidewalk or street closings;

(4) The anticipated number of persons, vehicles, and things that will constitute the special event (including the basis on which this estimate is made), and a description of the vehicles and things that will be part of the special event;

(5) A list of the number and type of animals that will be a part of the special event;

(6) Any barriers or traffic control devices that will be erected; and the location of fire hydrants and electrical hook-ups, as well as the location of proposed concession stands, booths, platforms, benches or bleachers, toilet facilities and garbage facilities;

(7) A description of the extent to which the special event will occupy all of a portion of any street or sidewalk;

(8) A general description of the activities planned during the special event, including whether any alcoholic beverages will be sold or consumed, and a sketch map of where such beverages will be sold and consumed.

(9) A general description of any recording equipment and sound amplification equipment, along with a general description of the size and composition of any banners, signs, flags, or other attention-getting devices to be used in connection with the special event;

(10) Arrangements for additional police protection, and/or additional emergency medical services and/or liability insurance, if required under §§ 95.19 and 95.24;

(11) The approximate number of anticipated spectators of the special event;

(12) Any additional information, attachments and submissions that are requested on the application form.

(B) A special event permit issued under this article shall include the information set out in division (A) of this section, which information shall constitute conditions of the permit to the extent such information sets out the time, place, manner and conditions of the special event.

(C) The sponsor of a special event that consists of a series of activities spread over more than one day shall be required to obtain only one permit, which will cover the entire duration of the special event. This subsection applies only to special event activities lasting four months or less.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.28 COSTS INCURRED BY THE CITY.

(A) If the city is required to provide additional police protection and/or additional emergency medical services or any other extraordinary services or equipment or if the City Manager otherwise

determines that such additional police/emergency medical services or other extraordinary services or equipment should be provided for reasons related to public health or safety, the city shall take whatever action is necessary under the Local Government Budget and Fiscal Control Act to make available the necessary funds for the provision of such services or equipment.

(B) The city may require the sponsor to provide additional police/emergency medical services or to pay the city a fee sufficient to reimburse the city for providing additional police/emergency medical services or for providing the costs of any extraordinary services or equipment provided by the city.

(Am. Ord. passed 12-13-16)

§ 95.29 STAFF REVIEW.

Under receipt of the permit application and applicable fees (if any are required), the City Manager, or designee when deemed appropriate, shall circulate it to the Planning and Development Director, Public Services Director, Environmental Health Director, Fire Chief, Chief of Police and any other appropriate persons for their comment. The City Manager may arrange to have a conference on the application with the sponsor and/or applicant and one or more of the department heads listed above.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.30 NOTICE AND PUBLIC HEARING.

(A) The City Council shall consider all completed applications for special event permits.

(B) Public hearings are not required for special events: (i) observing national holidays; or (ii) special events recurring annually and which are scheduled to last no more than two hours and for which no admission fee is charged.

(C) The City Council will hold a public hearing on any special event permit application, excepting those described in division (B) above. This hearing may be held at any regular meeting of the Council.

(D) Notice of any public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten days, nor more than 25 days, before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. The notice shall also be posted on the City's website one week before the public hearing.

(E) The City Council may attach any reasonable conditions to the issuance of a permit; and any special event conducted pursuant to a permit issued under this subchapter shall be conducted strictly in accordance with the terms of the permit, including any conditions attached to the permit.

(Am. Ord. passed 12-13-16)

§ 95.31 STANDARDS FOR ISSUANCE OF PERMIT.

(A) The city shall issue the permit authorizing the requested special event activity unless it finds that:

(1) The conduct of the activity will require the assignment of so many police officers that the remainder of the city cannot adequately be protected;

(2) The activity will interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be adequately provided throughout the city; or

(3) Allowing the activity to be held would constitute a clear and present danger to the public health or safety;

(4) The activity, if held at the time or location proposed, will cause an unreasonable and unwarranted disruption to vehicular or pedestrian traffic;

(5) The activity will work a severe hardship on property owners or property occupants near the special event location as a result of the denial of access to their properties or for other substantial reasons;

(6) The person in charge and/or the sponsor of the activity has failed to obtain or does not intend to obtain any and all necessary permits or licenses, including but not limited to building permits, privilege licenses, and alcohol permits, or the application is otherwise in violation of any provision of the Roxboro Code of Ordinances or other applicable law; or

(7) If permitted, the activity will conflict with any other activity previously permitted under this chapter by covering any part of substantially the same area or route during substantially the same time frame as allotted to the previously permitted activity.

(B) The city may attach any reasonable conditions to the issuance of a permit; and any special event conducted pursuant to a permit issued under this subchapter shall be conducted strictly in accordance with the terms of the permit, including any conditions attached to the permit.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.32 MODIFICATION; ALTERNATE PERMIT.

(A) If the city finds that it cannot issue the permit for any reason specified in § 95.31 of this subchapter, it may request that the applicant modify its application to remove said objection(s) to the issuance of the permit, and the applicant may do so without further notice or hearing.

(B) If the city finds that it cannot issue the permit for any reason specified in § 95.31 of this subchapter and if modification of the permit does not appear possible, the city may, in its discretion, issue a permit specifying an alternative, location, route or time for special event activity.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.33 INSURANCE.

The city may require as a condition to the issuance of a permit that the sponsor obtain a comprehensive general liability insurance policy or comparable liability insurance coverage that includes the entire area or route of the special event activity. If such policy is required, the city shall be named as an additional insured on the policy. The limits of such policy shall not be less than the following, and the city may require higher limits if it finds that the risks associated with the activity warrant such higher limits:

Property damage	\$50,000 for each occurrence.
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Bodily injury or death	\$100,000 for each person, \$300,000 for each occurrence
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(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.34 CITY INDEMNIFIED.

Any sponsor obtaining a permit pursuant to this chapter agrees as a condition of the permit to indemnify the city and hold the city harmless from any expenses, including but not limited to attorney's fees, litigation costs and judgments, incurred as a result of claims made for damages arising out of the permitted activity.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.35 STREET CLOSINGS.

(A) The City Council may close city-maintained streets in conjunction with issuing a permit for a special event.

(B) Streets maintained by the N.C. Dept. of Transportation shall be closed as provide in G.S. § 20-169 "Powers of local authorities" and the "NC DOT Parades Events Guidelines."

(C) No person may operate, or park, any vehicle contrary to the traffic control devices installed in accordance with this section. In the event that any such vehicle(s) remains in an otherwise closed area designated "no parking" as a part of an approved special event, the Chief of Police may issue citations or remove said vehicle(s) at the owner's expense.

(D) Within seven days prior to the start of any special event activity, the City Manager, or his/her designee shall cause written notice to be provided to the occupants, or if they are unavailable the owners, of each property abutting the street(s) to be closed pursuant to the approval a special event permit in this section. For activities that are scheduled to occur less than seven days after the permit application has been submitted, the City Manager, or his/her designee need only provide such notice as is reasonably possible. (Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

§ 95.36 PERSON IN CHARGE/ RESPONSIBLE PLANNER AND ON-SITE MANAGER.

(A) The person in charge shall be the person primarily responsible for complying with the requirements of this subchapter; for obtaining all required permits and/or approvals prior to the start of the special event activity, and for setting up, conducting, and cleaning up after the activity.

(B) The person in charge shall have the permit issued pursuant to this subchapter, as well as any other required permits or approvals necessary for the activity, available at all times for inspection by city staff during the special event activity.

(C) The person in charge shall be responsible for cleaning up any litter caused by the special event activity; removing any temporary signs or structures erected by the sponsor or other individuals or organizations participating in the activity; and in returning the area where the activity takes place to the condition that existed prior to the activity.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.37 SPECIAL EVENTS INVOLVING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES.

(A) For any special event where alcoholic beverages will be sold and consumed, the person in charge of the event shall ensure that an area within the special event area is designated for the sale and consumption of alcoholic beverages. The perimeters of the area shall be clearly marked, and the entrance to the area shall be constructed so as to allow ready control of patrons, including the viewing of identification to prevent underage persons from being permitted into the area.

(B) Any area designated for the sale and consumption of alcoholic beverages as a part of a special event shall be located at least 150 feet from any church, mosque, synagogue or other place of worship.

(C) No alcoholic beverages may be sold or consumed as a part of a special event outside of the designated area for such sale or consumption.

(D) Prior to the beginning of the special event, the person in charge shall ensure that all necessary state or other permits relating to the sale and consumption of alcoholic beverages have been secured.

(E) All persons lawfully selling, purchasing and consuming alcoholic beverages within a designated area during a special event are exempt from the requirements of § 111.01(A).

(F) Nothing in this subchapter shall prevent the City Council from prohibiting the sale and/or consumption of alcoholic beverages at any special event if the Council determines that such sale or consumption is not in the best interests of the health, safety and welfare of the city.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.38 PROHIBITIONS.

The following prohibitions shall apply to all special events:

(A) It shall be unlawful for any person to stage, present, or conduct any special event without first having obtained a permit under this subchapter.

(B) It shall be unlawful for any person to participate in a special event for which the person knows a permit has not been granted.

(C) It shall be unlawful for any participant in a special event to knowingly fail to comply with any conditions of the special event permit.

(D) It shall be unlawful to assign or sell any special event permit granted under this subchapter.

(E) All participants in any special event shall be subject to all other applicable local, state and federal laws.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.39 PUBLIC CONDUCT DURING SPECIAL EVENTS.

(A) No person shall unreasonably hamper, obstruct, impede, or interfere with any person, vehicle, animal, or thing participating or used in any special event.

(B) As is specified in § 95.35(C), the Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a special event.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16) Penalty, see § 95.99

§ 95.40 REVOCATION OF PERMIT.

(A) The City Council, the City Manager, or the Chief of Police shall have the authority to revoke a special event permit instantly upon a violation of any conditions of the permit or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the special event would have an immediate and adverse effect upon the health or safety of persons or property.

(B) After a permit is revoked under division (A) this section, the City Manager, or his/her designee, shall notify the applicant of the reasons for the revocation in writing by mailing a copy of the revocation to the applicant by registered or certified mail, return receipt requested, which mailing shall be posted no later than the first business day after the revocation.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

SPECIAL BUSINESS ACTIVITY

95.50 SPECIAL BUSINESS ACTIVITY

(A) This subchapter applies to any activity hosted in whole, or in part, by an appropriately permitted business, and which takes place outside the physical building of said business, and which may utilize a portion of a public sidewalk, alley, or parking lot as a part of a business related event. Such activities may include small outdoor performances or demonstrations, fundraisers for a designated cause or non-profit, or similar activity.

(Ord. passed 6-11-19)

95.51 PERMIT REQUIRED

No person or business may host, sponsor, or operate any such special business activity on any public sidewalk, parking lot, or alley without a permit obtained from the city in accordance with this subchapter.

(Ord. passed 6-11-19)

95.52 SPECIAL BUSINESS ACTIVITY PERMIT

(A) A person seeking to obtain a special business activity permit shall file an application with the City Manager, or his/her designee, on a form provided by the Manager, no less than 30 days before the date the special business activity will commence. The following information shall be contained in the application:

(1) The name, address, and telephone number (an email address if available) of the person authorized to represent the business seeking to conduct the special business activity, and the name of the business which will be sponsoring/hosting said activity.

- (2) The name, address, and telephone number (and email address if available) of the individual designated as the “person in charge” or “responsible planner or on-site manager” of the special business activity.
- (3) The proposed date(s), time, and location of the special business activity, including specific identification of the public sidewalk, parking lot, or alley to be utilized as a part of the activity.
- (4) The anticipated number of persons attending, or participating in, the activity.
- (5) A description of the requested or provided barriers to be utilized during the special business activity and a map designating the location of same.
- (6) A general description of the planned activity, including whether any alcoholic beverages will be sold or consumed, the use of any recording or sound amplification equipment, and/or any stages, dancefloors, or similar structures to be utilized as a part of the activity. All such items shall be designated on the location map.
- (7) Any necessary request for additional police protection, and/or any additional emergency medical services as determined by the City Manager, based upon the description of the planned activity.
- (8) Any additional information, attachments, and submissions that are requested on the application form.

(Ord. passed 6-11-19)

95.53 COSTS INCURRED BY THE CITY

(A) If the city is required to provide additional police protection and/or additional emergency medical services or any other extraordinary services or equipment or if the City Manager otherwise determines that such additional police/emergency medical services or other extraordinary services or equipment should be provided for reasons related to public health or safety, the city shall take whatever action is necessary under the Local Government Budget and Fiscal Control Act to make available the necessary funds for the provision of such services or equipment.

(B) The city may require the sponsor to provide additional police/emergency medical services or to pay the city a fee sufficient to reimburse the city for providing additional police/emergency medical services or for providing the costs of any extraordinary services or equipment provided by the city.

(Ord. passed 6-11-19)

95.54 STAFF REVIEW

Under receipt of the permit application and applicable fees (if any are required), the City Manager, or designee, shall circulate it to the Planning & Development Director, Public Services Director, Environmental Health Director, Fire Chief, Chief of Police, and any other appropriate persons for their comment. The City Manager may arrange to have a conference on the application with the sponsor and/or applicant and one or more of the department heads listed above.

(Ord. passed 6-11-19)

95.55 STANDARDS FOR ISSUANCE OF A PERMIT

(A) The city shall issue the permit authorizing the request special business activity, unless it finds that:

(1) The conduct of the activity falls outside the definition for “special business activity” as outlined in Section 95.01;

(2) The activity will interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided to the neighboring businesses or residences;

(3) Allowing the activity would constitute a clear and present danger to the public health or safety;

(4) The activity, if held at the time or location proposed, would cause an unreasonable and unwarranted disruption to the regular operations of adjacent businesses, or result in a severe hardship on property owners or occupants near the special activity location as a result of the denial of access to their properties;

(5) The person in charge and/or the sponsoring business of the activity has failed to obtain or does not intend to obtain any and all necessary permits or licenses, including but not limited to building permits, zoning compliance permits, alcohol permits, or the application is otherwise in violation of any provision of the Roxboro Code of Ordinances or other applicable law; or

(6) If permitted, the activity will conflict with any other activity previously permitted under this chapter by covering any part of substantially the same area during substantially the same time frame as allotted to the previously permitted activity.

(B) The city may attach any reasonable conditions to the issuance of a permit; and any special business activity conducted pursuant to a permit issued under this subchapter shall be conducted strictly in accordance with the terms of the permit, including any conditions attached to the permit.

(Ord. passed 6-11-19)

95.56 MODIFICATION’ ALTERNATE PERMIT

(A) If the city finds that it cannot issue the permit for any reason specified in §95.55 of this subchapter, it may request that the applicant modify its application to remove said objection(s) to the issuance of the permit, and the applicant may do so without further notice or hearing.

(B) If the city finds that it cannot issue the permit for any reason specified in §95.55 of this subchapter and if modification of the permit does not appear possible, the city may, in its discretion, issue a permit specifying an alternative, location, route or time for the special business activity.

(Ord. passed 6-11-19)

95.57 CITY INDEMNIFIED

Any sponsor obtaining a permit pursuant to this chapter agrees as a condition of the permit to indemnify the city and hold the city harmless from any expenses, including but not limited to

attorney's fees, litigation costs and judgments, incurred as a result of claims made for damages arising out of the permitted activity.

(Ord. passed 6-11-19)

95.58 PERSON IN CHARGE/RESPONSIBLE PLANNER/ON-SITE MANAGER

(A) The person in charge shall be the person primarily responsible for complying with the requirements of this subchapter; for obtaining all required permits and/or approvals prior to the start of the special event activity, and for setting up, conducting, and cleaning up after the activity.

(B) The person in charge shall have the permit issued pursuant to this subchapter, as well as any other required permits or approvals necessary for the activity, available at all times for inspection by city staff during the special event activity.

(C) The person in charge shall be responsible for cleaning up any litter caused by the special event activity; removing any temporary signs or structures erected by the sponsor or other individuals or organizations participating in the activity; and in returning the area where the activity takes place to the condition that existed prior to the activity.

(Ord. passed 6-11-19)

95.59 SPECIAL EVENTS INVOLVING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES

(A) For any special business activity where alcoholic beverages will be sold and consumed, the person in charge of the event shall ensure that an area within the special business activity area is designated for the sale and consumption of alcoholic beverages. The perimeters of the area shall be clearly marked, and the entrance to the area shall be constructed so as to allow ready control of patrons, including the viewing of identification to prevent underage persons from being permitted into the area.

(B) Any area designated for the sale and consumption of alcoholic beverages as a part of a special business activity shall be located at least 150 feet from any church, mosque, synagogue or other place of worship.

(C) No alcoholic beverages may be sold or consumed as a part of a special business activity outside of the designated area for such sale or consumption.

(D) Prior to the beginning of the special business activity, the person in charge shall ensure that all necessary state or other permits relating to the sale and consumption of alcoholic beverages have been secured.

(E) All persons lawfully selling, purchasing and consuming alcoholic beverages within a designated area during a special business activity are exempt from the requirements of § 111.01(A).

(F) Nothing in this subchapter shall prevent the City Council from prohibiting the sale and/or consumption of alcoholic beverages at any special business activity if the Council determines that such sale or consumption is not in the best interests of the health, safety and welfare of the city.

(Ord. passed 6-11-19)

95.60 PROHIBITIONS

The following prohibitions shall apply to all special business activities:

(A) It shall be unlawful for any person to stage, present, or conduct any special business activity without first having obtained a permit under this subchapter.

(B) It shall be unlawful for any person to participate in a special business activity for which the person knows a permit has not been granted.

(C) It shall be unlawful for any participant in a special event to knowingly fail to comply with any conditions of the special event permit.

(D) It shall be unlawful to assign or sell any special event permit granted under this subchapter.

(E) All participants in any special event shall be subject to all other applicable local, state and federal laws.

(Ord. passed 6-11-19)

95.61 PUBLIC CONDUCT DURING SPECIAL BUSINESS ACTIVITIES

(A) No person shall unreasonably hamper, obstruct, impede, or interfere with any person, vehicle, animal, or thing participating or used in any special business activity.

(Ord. passed 6-11-19)

95.62 REVOCATION OF PERMIT

(A) The City Council, the City Manager, or the Chief of Police shall have the authority to revoke a special event permit instantly upon a violation of any conditions of the permit or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the special event would have an immediate and adverse effect upon the health or safety of persons or property.

(B) After a permit is revoked under division (A) this section, the City Manager, or his/her designee, shall notify the applicant of the reasons for the revocation in writing by mailing a copy of the revocation to the applicant by registered or certified mail, return receipt requested, which mailing shall be posted no later than the first business day after the revocation.

(Ord. passed 6-11-19)

§ 95.99 PENALTY.

A violation of any section or subchapter of this chapter shall be subject to a civil penalty of \$500 to be recovered in the nature of a debt or by a misdemeanor punishable by up to a \$500 fine as provided in G.S. § 14-4.

(Ord. passed 9-12-06; Am. Ord. passed 12-13-16)

PART TWO. Sections 95.01 through 95.62 are hereby repealed and replaced.

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

PART FOUR. 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 FIVE. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

PART SIX. This ordinance shall be in full force and effect from and after the date of its adoption. Adopted this _____ day of _____, 2019.

Marilyn P. Newell, Mayor

ATTEST: Approved as to form:

Trevie Adams, City Clerk

Nick Herman, City Attorney

**AN ORDINANCE DECLARING PUBLIC NUISANCES, UNLAWFUL CONDITIONS ON
PRIVATE PROPERTY; AMENDING CHAPTER 95
THE CODE OF ORDINANCES OF THE CITY OF ROXBORO**

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 City Code in this respect.

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

PART ONE. That Title IX, General Regulations, Chapter 96: Streets and Sidewalks; of the Code of Ordinances of the City of Roxboro, North Carolina, is hereby amended and rewritten in its entirety to read as follows:

“CHAPTER 96: STREETS AND SIDEWALKS

§ 96.001 ENCROACHMENTS.

Unless expressly allowed by a permit issued pursuant to Chapter 95, or as a part of regular business operations for appropriately permitted businesses (i.e. flower pots, tables and chairs for dining on the sidewalk, etc.), no person shall encroach upon the streets or sidewalks of the city by erecting or placing any structure, device or equipment of either temporary or permanent nature. Businesses utilizing a portion of the sidewalk for planters, tables, chairs, benches, or similar items must maintain a 36-inch unobstructed area from the face of the curb and the encroaching object (i.e. table, chair, etc.) at all times. The area of the sidewalk used shall be limited to the frontage of the business utilizing the sidewalk, and areas for outdoor dining or drinking must be designated with a rope, fence, or other similar item.

(’90 Code, § 18-1) (Am. Ord. passed 8-9-05; Am. Ord. passed 6-11-19) Penalty, see § 96.999

§ 96.002 DISPLAY, SALE OF MERCHANDISE.

Unless expressly allowed by a permit issued pursuant to Chapter 95, or as a part of regular business operations for appropriately permitted businesses (i.e. sidewalk sale), no person shall store, display, sell or exhibit for sale on any street or sidewalk within the city any good, wares or merchandise, nor shall any person place or use any equipment for the display, storage or vending of any goods, wares, or merchandise upon any street or sidewalk. However upon approval of the City Manager, a portion of the sidewalk may be utilized by the business fronting on said sidewalk, provided that a 36-inch unobstructed area is maintained from the face of the curb and any encroaching object at all times, without obtaining a permit issued pursuant to Chapter 95, and provided that the portion of the sidewalk utilized is not detrimental to the public health or safety. The area of the sidewalk used shall be limited to the frontage of the business utilizing the sidewalk. Such displays are permissible only during the regular hours of operation for the business conducting the sale, and must be removed from the sidewalk at the close of business each day.

(’90 Code, § 18-2) (Am. Ord. passed 8-9-05; Am. Ord. passed 11-19-12; Am. Ord. passed 6-11-19) Penalty, see § 96.999

PART TWO. Sections 96.001 through 96.002 are hereby repealed and replaced.

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

PART FOUR. 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 FIVE. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

PART SIX. This ordinance shall be in full force and effect from and after the date of its adoption. Adopted this _____ day of _____, 2019.

Marilyn P. Newell, Mayor

ATTEST: Approved as to form:

Trevie Adams, City Clerk

Nick Herman, City Attorney

5. Text Amendment Chapter 76 - Parking - Public Hearing

Text Amendment Public Hearing
City Code of Ordinances- Chapter 76: Parking Schedules

On April 25th, City Staff met with the Christian Help Center Executive Director Cynthia Wilson to discuss the parking concerns brought before Council during a public comment. The primary concerns of the Center were focused on two issues. First, they requested additional handicap parking towards the east side (Depot Street) of the North Main Parking Lot. Second, they expressed concerns over optimal customer parking being monopolized by all day parking.

After discussions, Staff proposed the following two potential solutions:

- Make all spaces in the North Main Parking Lot facing and immediately adjacent to Depot Street 2 hour duration parking Monday-Friday 8am-5pm. This would create 14 time restricted parking spaces. Please see the photo below for your reference.



Staff feels the two hour limitation is consistent with our overall parking strategy. The Council last updated the Uptown Parking through the recommendations of a study committee in Spring 2016.

All on-street parking in the Uptown Area, is limited to two hours (M-F, 9-5) unless posted otherwise. The two hour duration would enable for ease of enforcement as it would be consistent with other areas of enforcement. Additionally, it should drive the traffic of recent concern to consider other parking options. Should this not address the overall concern of customer parking, Council could consider additional restrictions in the future.

Council approving this restriction on the 14 spaces, would become active as of posting and no text amendment would be required.

- Add two handicap parking spaces (this will remove three regular spaces). These would be located between the Christian Help Center and Schewel’s Warehouse Buildings, the spaces directly face the Schewel’s Warehouse Building. As you can see from the photo, one of the spaces in question is often not used due to distressed pavement. As part of the conversion to handicap spaces, this space would be repaired.



As shown in **Chapter 76, Schedule IV. Special Parking Restrictions**, we would update the table to reflect “Four” where it was previously “Two.”

City parking lot located at N. Main Street (next to Long Memorial Church)	NE	Two parking spaces at the bottom of the lot (next to Christian Help Center) shall be reserved for “Handicapped Parking”
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6. Proposed Budget 2019/2020 - Public Hearing

**City of Roxboro, North Carolina
 Adopted Annual Budget Ordinance
 Projected Revenues and Expenditures
 For the Fiscal Year Ending June 30, 2020**

BE IT ORDAINED by the City Council of Roxboro, North Carolina

Section 1: That there is hereby levied the following rates of tax on each one hundred dollars (\$100) valuation of taxable property as listed for taxes as of January 1, 2019 for the purpose of raising the revenue from current years' property tax to finance the following appropriations:

General Fund	\$	0.670
Total Rate per \$100 of valuation of taxable property	\$	0.670

It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

General Fund - Fund 10:

Revenues:

Ad-valorem taxes	\$	4,773,036
Local Option Sales Tax		1,789,072
Other taxes and licenses		12,000
Unrestricted intergovernmental revenues		1,022,781
Restricted intergovernmental revenues		703,968
Permits and fees		7,000
Sales and services		672,120
Investment earnings		4,500
Miscellaneous		34,233

Other Financing Sources:

Sale of fixed assets		15,000
Proceeds of capital lease		603,672
Operating transfers in		254,000
Reimbursement from Enterprise Fund		982,264

Fund Balance Appropriated

Unreserved		660,000
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Total revenues and other financing sources	\$	11,533,646
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The following amounts are hereby appropriated in the General Fund for the operation of the City of Roxboro and its activities for the fiscal year beginning July 1, 2019, and ending June 30, 2020 in accordance with the chart of accounts heretofore established by the City.

**City of Roxboro, North Carolina
 Adopted Annual Budget Ordinance
 Projected Revenues and Expenditures
 For the Fiscal Year Ending June 30, 2020**

General Fund - Fund 10:

Expenditures:

General government		
Governing Body	\$	239,215
City Hall Administration		600,105
Finance		277,046
Tax Collection		65,000
Sales Tax		88,100
Buildings and Grounds		464,704
Purchasing		16,149
Public safety		
Police		3,292,783
Fire		2,165,371
Emergency communications 911		95,800
Public works		
Transportation		1,840,936
Environmental protection		1,214,105
Cultural and recreational		-
Economic development		631,287
Debt service		468,044
Other Financing Uses:		
Operating transfers out		<u>75,000</u>
Total expenditures and other financing uses	\$	<u>11,533,646</u>

Section 2: It is estimated that the following revenues will be available in the Water and Sewer Fund for the fiscal year beginning July 1, 2019, and ending June 30, 2020. The water sales and sewer use charges were estimated based on the water and sewer rates included in the revenue section and adopted as part of this proposed budget ordinance.

**City of Roxboro, North Carolina
 Adopted Annual Budget Ordinance
 Projected Revenues and Expenditures
 For the Fiscal Year Ending June 30, 2020**

Water and Sewer Fund - Fund 60:

Revenues:

Operating Revenues:

Charges for services - water and sewer fund	\$ 5,379,927
Tapping fees	20,000
Other operating revenues	35,475

Non-Operating Revenues:

Investment earnings	500
Federal and State grants	-

Other Financing Sources:

Operating transfers in	670,000
Local option sales tax - transferred from General Fund	-
Sale of fixed assets	5,000
Proceeds of capital lease	-

Fund Balance Appropriated

-

Total revenues and other financing sources	\$ <u>6,110,902</u>
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The following amounts are hereby appropriated in the Water and Sewer Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

Expenditures:

Administration

Billing and Collections	\$ 137,392
Sales Tax	-

Water and Sewer Lines

Meter Section	275,016
Pump Stations	294,756
Water Line Maintenance	621,315
Sewer Line Maintenance	371,364

Water Supply and Treatment

Raw Water Supply	69,547
Water Treatment Plant	1,505,536
Waste Water Treatment Plant II	149,631

Waste Water Treatment

Waste Water Treatment Plant	1,154,343
Debt Service	519,737

Other Financing Uses:

Transfer to fund balance	-
Operating transfers out	<u>1,012,264</u>

Total expenditures and other financing uses	\$ <u>6,110,902</u>
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**City of Roxboro, North Carolina
 Adopted Annual Budget Ordinance
 Projected Revenues and Expenditures
 For the Fiscal Year Ending June 30, 2020**

Special Revenue Funds:

Section 3: It is estimated that the following revenues will be available in the CDBG - Revolving Loan Fund for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

CDBG Revolving Loan Fund - Fund 13:

Revenues:

Restricted intergovernmental revenues	\$	34,000
Investment earnings		100

Other Financing Sources:

Operating transfers in		-
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Fund Balance Appropriated

Total revenues and other financing sources	\$	<u>34,100</u>
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The following amounts are hereby appropriated in the CDBG - Revolving Loan Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

Expenditures:

Economic development		
Legal assistance	\$	2,000
Building renovation loans		30,000

Other Financing Uses:

Transfer to Fund Balance		<u>2,100</u>
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Total expenditures	\$	<u>34,100</u>
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Section 4: It is estimated that the following revenues will be available in the Vehicle Special Revenue Fund for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

Vehicle Special Revenue Fund - Fund 26:

Revenues:

Other taxes and licenses	\$	160,548
Investment earnings		50

Fund Balance Appropriated

	<u>-</u>
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Total revenues and other financing sources	\$	<u>160,598</u>
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**City of Roxboro, North Carolina
 Adopted Annual Budget Ordinance
 Projected Revenues and Expenditures
 For the Fiscal Year Ending June 30, 2020**

The following amounts are hereby appropriated in the Vehicle Special Revenue Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

Expenditures:

General government					
Person County tax collection		\$		15,598	

Other Financing Uses:

Operating transfers out				145,000	
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Total expenditures and other financing uses		\$		160,598	
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Enterprise Funds:

Section 5: It is estimated that the following revenues will be available in the Triple Tier Water Fund for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

Triple Tier Water Fund - Fund 61:

Revenues:

Operating Revenues:					
Charges for services		\$		6,965	

Non-Operating Revenues:					
Investment earnings				100	

Other Financing Sources:

Proceeds of capital lease				-	
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Fund Balance Appropriated				-	
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Total revenues		\$		7,065	
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The following amounts are hereby appropriated in the Triple Tier Water Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

Other Financing Uses:

Sales Tax		\$		-	
Transfer to Water Fund				-	
Transfer to Fund Balance				7,065	

Total expenditures and other financing uses		\$		7,065	
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**City of Roxboro, North Carolina
 Adopted Annual Budget Ordinance
 Projected Revenues and Expenditures
 For the Fiscal Year Ending June 30, 2020**

Section 6: It is estimated that the following revenues will be available in the Capital Reserve Fund for the fiscal year beginning July 1, 2017, and ending June 30, 2018.

Capital Reserve Fund - Fund 69:

Revenues:

Operating Revenues:

Charges for services	\$	742,040
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Non-Operating Revenues:

Investment earnings		1,500
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Fund Balance Appropriated		-
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Total revenues and other financing sources	\$	743,540
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The following amounts are hereby appropriated in the Capital Reserve Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

Other Financing Uses:

Operating transfers out	\$	670,000
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Water Fund		-
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Transfer to fund balance		73,540
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Total expenditures and other financing uses	\$	743,540
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Section 7: It is estimated that the following revenues will be available in the Pension Trust Fund for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

Trust and Agency Funds:

Pension Trust Fund - Fund 79:

Revenues:

Investment earnings		300
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Other Financing Sources:

Operating transfers in	\$	-
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Total revenues and other financing sources	\$	300
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The following amounts are hereby appropriated in the Pension Trust Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

Other Financing Uses:

Transfer to fund balance	\$	300
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Total expenditures and other financing uses	\$	300
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**City of Roxboro, North Carolina
 Adopted Annual Budget Ordinance
 Projected Revenues and Expenditures
 For the Fiscal Year Ending June 30, 2020**

Section 8: The Grand Totals of estimated revenues and other financing sources and expenditures and other financing uses for all funds for the fiscal year beginning July 1, 2019 and ending June 30, 2020 are shown below:

Grand Totals - All Funds:

Revenues	\$	15,400,215
Other Financing Sources:		
Operating transfers in		1,906,264
Proceeds of capital leases		603,672
Sale of fixed assets		20,000
Fund balance appropriated		660,000
Total revenues and other financing sources	\$	18,590,151
Expenditures	\$	16,650,882
Other Financing Uses:		
Operating transfers out		1,856,264
Transfer to fund balance		83,005
Total expenditures and other financing uses	\$	18,590,151

Section 9: The City Manager shall have the authority to make transfers as necessary up to a maximum of \$2,500. All transfers must be in accordance with the North Carolina General Statutes. The City Manager shall not have any authority to appropriate fund balance or to increase total appropriations.

Upon introduction of the Ordinance by Council member _____, and second by Council member _____, this ordinance is adopted on this the _____ st day of June, 2019.

Ayes:

Nayes:

ATTEST:

 Trevie Adams, City Clerk

Public Notice

Budget Ordinance Advertisement

Special Meeting of the City Council

The proposed budget ordinance for the City of Roxboro, North Carolina for the fiscal year beginning July 1, 2017 and ending June 30, 2020, is available for public inspection at the office of the City Clerk in the Roxboro City Hall at 105 S. Lamar St. from 9:00 a.m. to 5:00 p. m. Monday through Friday.

A public hearing will be held on June 12, 2019, at 7:00 p.m. at the Roxboro Municipal Building located at 105 S. Lamar Street, for the purpose of discussing the proposed budget ordinance. The final budget ordinance will be adopted on June 27, 2019 at a special meeting of the City Council at 7:00 pm at the Roxboro Municipal Building at 105 S. Lamar Street, Roxboro. The proposed budget ordinance summary is as follows:

General Fund Revenues:

Ad-valorem taxes	\$4,773,036
Local Option Sales Tax	1,789,072
Other taxes and licenses	12,000
Unrestricted intergovernmental	1,022,781
Restricted intergovernmental	703,968
Permits and fees	7,000
Sales and services	672,120
Investment earnings	4,500
Miscellaneous	34,233
Sale of fixed assets	15,000
Proceeds of capital lease	603,672
Operating transfers in	254,000
Reimbursement - Enterprise Fund	982,264
Fund balance appropriated	<u>660,000</u>
Total General Fund	<u>11,533,646</u>

Enterprise Fund Revenues:

Operating revenues	6,184,407
Non-operating revenues	2,100
Operating transfers in	-
Sale of fixed assets	5,000
Proceeds of capital lease	-
Fund balance appropriated 60	-
Fund balance appropriated 69	<u>-</u>
Total Enterprise Fund	<u>6,191,507</u>

Other Funds Revenues:

Revolving loan fund	34,100
Vehicle tags fund	160,598
Pension fund - LEO	<u>300</u>
Total Other Funds	<u>194,998</u>

Total revenues **\$ 17,920,151**

General Fund Expenditures:

General government	\$1,750,320
Police	3,292,783
Fire	2,165,371
Emergency communications	95,800
Transportation	1,840,936
Environmental protection	1,214,105
Parks and recreation	-
Economic development	631,287
Debt service	468,044
Operating transfers out	<u>75,000</u>
Total General Fund	<u>11,533,646</u>

Enterprise Fund Expenditures:

Administration	137,392
Water and sewer lines	1,562,451
Water supply and treatment	1,724,715
Waste water treatment	1,154,343
Debt service	519,737
Operating transfers out	1,012,264
Triple Tier Lines	-
Transfer to Fund Balance	-
Transfer to Triple Tier FB	7,065
Transfer to Capital Reserve I	<u>73,540</u>
Total Enterprise Fund	<u>6,191,507</u>

Other Fund Expenditures:

Revolving loan fund	34,100
Vehicle tags fund	160,598
Pension fund - LEO	<u>300</u>
Total Other Funds	<u>194,998</u>

Total expenditures **\$ 17,920,151**

The proposed budget includes a property tax rate of \$0.67 per \$100 of assessed property valuation.

7. Audit Contract

The	Governing Board Board of Commissioners
of	Primary Government Unit City of Roxboro
and	Discretely Presented Component Unit (DPCU) (if applicable) N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name Petway Mills & Pearson, PA
	Auditor Address 806 N. Arendell Ave Zebulon, NC 27597

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/19	Audit Report Due Date 10/31/19
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Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit performed under the requirements found in Subpart F of the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

County and Multi-County Health Departments: The Office of State Auditor will require Auditors of these Governmental Units to perform agreed upon procedures (AUPs) on eligibility determination on certain programs. Both Auditor and Governmental Unit agree that Auditor shall complete and report on these AUPs on

eligibility determination as required by OSA and in accordance with the instructions and timeline provided by OSA.

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC staff within four months of fiscal year end. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.

9. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 12).

10. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

12. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

13. The Auditor shall submit the report of audit in PDF format to LGC Staff when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit Report Reissued Form (available on the Department of State Treasurer website). These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC staff.

If the OSA designates certain programs to be audited as major programs, as discussed in Item 2, a turnaround document and a representation letter addressed to the OSA shall be submitted to LGC Staff.

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

15. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to charter schools). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

16. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 26 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

17. Special provisions should be limited. Please list any special provisions in an attachment.

18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the parent government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

19. The contract shall be executed, pre-audited (pre-audit requirement does not apply to charter schools), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

20. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

21. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

22. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

23. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

24. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

25. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

26. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 16 for clarification).

27. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>.

28. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

FEEES FOR AUDIT SERVICES

For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Governmental Auditing Standards* (as applicable). Bookkeeping and other non-attest services necessary to perform the audit shall be included under this contract. However, bookkeeping assistance shall be limited to the extent that the Auditor is not auditing his or her own work or making management decisions. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience necessary to oversee the services and accept responsibility for the results of the services. Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. The Auditor shall maintain written documentation of his or her compliance with these standards in the audit work papers.

Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter, but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8, 9, and 12 for details on other allowable and excluded fees.

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees below. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee. Should the 75% cap provided below conflict with the cap calculated by LGC staff based on the prior year audit fee on file with the LGC, the LGC calculation prevails.

20 NCAC 03 .0505: All invoices for services rendered in an audit engagement as defined in 20 NCAC 3 .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law.

PRIMARY GOVERNMENT FEES

Primary Government Unit	City of Roxboro
Audit	\$ 26,200
Writing Financial Statements	\$ 2,000
All Other Non-Attest Services	\$ 0
75% Cap for Interim Invoice Approval	\$ 21,150.00

DPCU FEES (if applicable)

Discretely Presented Component Unit	N/A
Audit	\$ N/A
Writing Financial Statements	\$ N/A
All Other Non-Attest Services	\$ N/A
75% Cap for Interim Invoice Approval	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm Petway Mills & Pearson, PA	
Authorized Firm Representative (typed or printed) Phyllis M. Pearson, CPA	Signature <i>Phyllis M Pearson, CPA</i>
Date 05/01/19	Email Address ppearson@pmppca.com

GOVERNMENTAL UNIT

Governmental Unit City of Roxboro	
Date Primary Government Unit Governing Board Approved Audit Contract (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
Mayor/Chairperson (typed or printed)	Signature
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE
(Pre-audit certificate not required for charter schools)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer (typed or printed)	Signature
Date of Pre-Audit Certificate	Email Address

**SIGNATURE PAGE – DPCU
(complete only if applicable)**

DISCRETELY PRESENTED COMPONENT UNIT

DPCU N/A	
Date DPCU Governing Board Approved Audit Contract (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)	Signature
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

(Pre-audit certificate not required for charter schools)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)	Signature
Date of Pre-Audit Certificate	Email Address

Remember to print this form, and obtain all required signatures prior to submission.

PRINT

May 1, 2019

**PETWAY
MILLS &
PEARSON, PA***CERTIFIED PUBLIC ACCOUNTANTS*C. Briggs Petway, Jr.
Phyllis M. Pearson*Zebulon Office*
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9121 Anson Way
Suite 200
Raleigh, NC 27615
919.781.1047

www.pmpcpa.com

Members of the Board of Commissioners
City of Roxboro, North Carolina

We are pleased to confirm our understanding of the services we are to provide the City of Roxboro for the year ended June 30, 2019. We will audit the financial statements of the governmental activities, the business-type activities, and each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the City of Roxboro as of and for the year ended June 30, 2019. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City of Roxboro's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City of Roxboro's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Pension Schedules

We have also been engaged to report on supplementary information other than RSI that accompanies the City of Roxboro's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements]:

- 1) Budgetary Comparison Schedules
- 2) Combining individual fund financial statements
- 3) Property Tax Schedules
- 4) Schedule of Expenditures of Federal and State Awards

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in

*Memberships:*North Carolina
Association of
Certified Public
AccountantsAmerican Institute
of Certified Public
Accountants

accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of the City of Roxboro and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of the City of Roxboro's financial statements. Our report will be addressed to the governing board of the City of Roxboro. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that the City of Roxboro is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. As part of the audit, we will assist with preparation of your financial statements and related notes and potentially propose journal entries. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Management is responsible for (1) designing, implementing, establishing, and maintaining effective internal controls, including internal controls over federal awards and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is a reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection

and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts or grant agreements, or abuse that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review on July 1, 2019.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon OR make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of

measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all

transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material weakness. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Roxboro's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the OMB Compliance Supplement for the types of compliance requirements that could have a direct and material effect on each of City of Roxboro's major programs. The purpose of these procedures will be to express an opinion on City of Roxboro's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Other Services

We will also assist in preparing the financial statements and related notes of City of Roxboro in conformity with U.S. generally accepted accounting principles based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgement, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the City of Roxboro; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Petway Mills & Pearson, PA and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the Office of the State Auditor or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Petway Mills & Pearson, PA personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of seven years after the report release date or for any additional period requested by the Office of the State Auditor. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately June 1, 2019 and to issue our reports no later than October 31, 2019. Phyllis M. Pearson, CPA is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will be \$28,200. Our invoices for these fees will be rendered at the end of the engagement. In accordance with our firm policies, work may be suspended if your account becomes 90 days or more overdue and may not be resumed

until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any subsequent reports received during the contract period. Accordingly, our 2018 peer review report accompanies this letter.

We appreciate the opportunity to be of service to the City of Roxboro and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Petway Mills & Pearson, PA

Petway Mills & Pearson, PA

RESPONSE:

This letter correctly sets forth the understanding of the City of Roxboro.

By: _____

Title: _____

Date: _____



Bernard Robinson & Company, L.L.P.

Report on the Firm's System of Quality Control

February 26, 2018

To the Partners of Petway Mills & Pearson, PA
and the Peer Review Committee of the North Carolina
Association of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Petway Mills & Pearson, PA (the firm) in effect for the year ended September 30, 2017. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included an engagement performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act and audits of employee benefit plans.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

1501 Highwoods Blvd., Ste. 300 (27410)
P.O. Box 19608 | Greensboro, NC 27419
P: 336-294-4494 • F: 336-294-4495

brccpa.com



Petway Mills & Pearson, PA

February 26, 2018

Page 2

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Petway Mills & Pearson, PA in effect for the year ended September 30, 2017, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Petway Mills & Pearson, PA has received a peer review rating of *pass*.

Bernard Robinson & Company, L.L.P.

BERNARD ROBINSON & COMPANY, L.L.P.

8. Loan Approval

June 6, 2019

To: City Council

From: Daniel Craig, Finance Director

RE:Capital Lease funding for the 2018-2019 fiscal year

The City intends to borrow funds for the purchase of police vehicles in the amount of \$103,000 and for the purchase of a Backhoe in the approximate amount of \$155,000. These amounts were approved to be financed with the original adoption of the 2018-2019 fiscal year budget. The details of these capital leases will not be finalized as of the City Council meeting on June 11, 2019.

In order for the financing of these purchases be completed by June 30, 2019, it is requested that Daniel Craig, Finance Director and Brooks Lockhart, City Manager be authorized to complete the financing arrangements on behalf of the City with the details to be reported to City Council at the June 27, 2019 meeting.

9. Resolution of Surplus Items

INTEROFFICE MEMO

June 11, 2019

To: Mayor and City Council

From: Andrew M. Oakley, Public Services Director

Subject: Surplus Property

The City of Roxboro's policy concerning the sale of surplus property requires that items expected to bring more than \$5,000 be brought before City Council for approval. Attached are three items with estimated proceeds in excess of \$5,000.

Staff recommends authorization for Phillip Fish to post these items to GovDeals for auction.

City of Roxboro

SALE OF CITY PROPERTY AUTHORIZATION

EXHIBIT D

The Department Head is required to obtain authorization from the City Manager **prior** to the sale or disposal of any City Property, regardless of value. Include any additional relevant information necessary. Please attach a photo of the item sold if available.

Complete the table below prior to the disposal of property:

PROPERTY SOLD	2011 GSP Garbage Truck	SALE PROCEEDS ESTIMATE	Over \$5000
PROPERTY CONDITION	Fair	DEPT/BUDGET WHICH MADE THE ORIGINAL PURCHASE	Public Works
YEAR	2011	CITY I.D. #	
MILEAGE	56064	VIN / SERIAL #	1FVHCYBS2CHBK3805
MAKE	GSP Marketing Inc. Freightliner	LISENCE PLATE#	
MODEL	GSP		

Other description, notes:

Department Head Signature: _____ Date: ____/____/____

City Manager Signature: _____ Date: ____/____/____

Complete the table below after the disposal of property:

NAME OF INDIVIDUAL OR BUSINESS THAT PROPERTY WAS SOLD TO:		DATE PAYMENT RECEIVED BY CITY:	
SALE PROCEEDS ACTUAL	\$	SIGNATURE OF CITY EMPLOYEE RECEIVING PAYMENT:	

This completed/ signed and authorized form must be submitted to the Finance Department along with the proceeds of any sale of property. If an item is scrapped or disposed of with no proceeds

City of Roxboro

SALE OF CITY PROPERTY AUTHORIZATION

EXHIBIT D

The Department Head is required to obtain authorization from the City Manager **prior** to the sale or disposal of any City Property, regardless of value. Include any additional relevant information necessary. Please attach a photo of the item sold if available.

Complete the table below prior to the disposal of property:

PROPERTY SOLD	2000 New Holland Backhoe	SALE PROCEEDS ESTIMATE	Over/under \$5000
PROPERTY CONDITION	Fair	DEPT/BUDGET WHICH MADE THE ORIGINAL PURCHASE	Water plant
YEAR	2000	CITY I.D. #	
MILEAGE	4440	VIN / SERIAL #	31029140
MAKE	New Holland	LISENCE PLATE#	
MODEL	LB90		

Other description, notes:

Department Head Signature: _____ Date: ____/____/____

City Manager Signature: _____ Date: ____/____/____

Complete the table below after the disposal of property:

NAME OF INDIVIDUAL OR BUSINESS THAT PROPERTY WAS SOLD TO:		DATE PAYMENT RECEIVED BY CITY:	
SALE PROCEEDS ACTUAL	\$	SIGNATURE OF CITY EMPLOYEE RECEIVING PAYMENT:	

This completed/ signed and authorized form must be submitted to the Finance Department along with the proceeds of any sale of property. If an item is scrapped or disposed of with no proceeds

City of Roxboro

SALE OF CITY PROPERTY AUTHORIZATION

EXHIBIT D

The Department Head is required to obtain authorization from the City Manager **prior** to the sale or disposal of any City Property, regardless of value. Include any additional relevant information necessary. Please attach a photo of the item sold if available.

Complete the table below prior to the disposal of property:

PROPERTY SOLD	1994 Ford F-800 with leaf box	SALE PROCEEDS ESTIMATE	Over \$5000
PROPERTY CONDITION	Fair	DEPT/BUDGET WHICH MADE THE ORIGINAL PURCHASE	Public Works
YEAR	1994	CITY I.D. #	
MILEAGE	116564	VIN / SERIAL #	1FDNF80CXVA03356
MAKE	Ford	LISENCE PLATE#	
MODEL	F-800		

Other description, notes:

Department Head Signature: _____ Date: ____/____/____

City Manager Signature: _____ Date: ____/____/____

Complete the table below after the disposal of property:

NAME OF INDIVIDUAL OR BUSINESS THAT PROPERTY WAS SOLD TO:		DATE PAYMENT RECEIVED BY CITY:	
SALE PROCEEDS ACTUAL	\$	SIGNATURE OF CITY EMPLOYEE RECEIVING PAYMENT:	

This completed/ signed and authorized form must be submitted to the Finance Department along with the proceeds of any sale of property. If an item is scrapped or disposed of with no proceeds this completed/ signed and authorized form must be submitted to the Finance Department within 5 days of the disposition of property.

RESOLUTION
Declaring Certain Personal Property Surplus

WHEREAS, the City Council of the City of Roxboro, NC desires to dispose of certain surplus property of the City.

NOW, THEREFORE, BE IT RESOLVED by the Roxboro City Council that:

The following described property is hereby declared to be surplus to the needs of the City:

<u>Public Services Department</u>		
<i>2011 GSP Garbage Truck</i>	<i>Mileage 56064</i>	<i>Vin# 1FVHCYBS2CHBK3805</i>
<i>2000 New Holland Backhoe</i>	<i>Mileage 4440</i>	<i>Vin# 31029140</i>
<i>1994 Ford F-800 with Leaf Box</i>	<i>Mileage 116564</i>	<i>Vin# 1FDNF80CXSA03356</i>

WHEREAS, the Roxboro City Council hereby appoints Phillip Fish, the authorized agent to dispose and receive bids on the above referenced personal property; and

WHEREAS, the Roxboro City Council directs Phillip Fish to first conduct by way of NCGS 160A-270(c) and proceed to dispose of said property through Electronic Auction; and

WHEREAS, if it is in Phillip Fish's opinion that a fair and reasonable offer cannot be obtained by the Electronic Auction method, then Mr. Fish shall be authorized to pursue disposal by way of NCGS 160A-267 (*private sale*).

NOW, THEREFORE, BE IT RESOLVED by the Roxboro City Council hereby approves this Resolution and directs City Clerk Trevie Adams to cause notice of this action to be published in accordance with NCGS 160A-270(c)-Electronic Auction and/or NCGS 160A-267-Private Sale at least once and not less than 10-days before the date of the sale.

This the ____ of _____, 2019 .

Mayor Marilyn P. Newell

Attest:

Trevie Adams, MMC/NCCMC
City Clerk

10. Resolution for Grant

INTEROFFICE MEMO

June 11, 2019

To: Mayor and City Council

From: Andrew M. Oakley, Public Services Director

Subject: Wastewater Asset Inventory and Assessment Grant

As City Council is aware, staff applied for a grant to assess our sewer in the northern half of Roxboro for inflow and Infiltration. We were approved for the grant and the state has asked that Council adopt a resolution accepting the grant. The City will be required to match 5% of the \$150,000 (\$7,500) and pay the grant fee of 1.5% (\$2,250).

Attached are the letter of award, the resolution and supporting paperwork.

Staff request that Council adopt the resolution and allow Brooks Lockhart, Tommy Warren and Andy Oakley to act as authorized agents for this grant.



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

Kim H. Colson
Director

May 15, 2019

Mr. Andrew Oakley, Public Services Director
City of Roxboro
779 Mountain Road
Roxboro, NC 27573

SUBJECT: Offer and Acceptance for a State Grant
Project No. E-AIA-W-19-0180
Wastewater Asset Inventory & Assessment

Dear Mr. Oakley:

The City of Roxboro has been approved for a Wastewater Asset Inventory and Assessment Grant from the Water Infrastructure Fund in the amount of \$150,000.00.

Enclosed are two (2) copies of an Offer and Acceptance Document extending a State Grant in the amount of \$150,000.00. This offer is made subject to the conditions set forth in the Offer and Acceptance Document. Please submit the following items to the Division of Water Infrastructure, 1633 Mail Service Center, Raleigh, North Carolina 27699-1633 within forty-five (45) days of receipt.

1. A resolution adopted by the governing body accepting the grant offer and making the applicable assurances contained therein. (Sample copy attached)
2. One (1) copy of the original Offer and Acceptance Document executed by the authorized representative for the project. Retain the other copy for your files.

All work associated with the Asset Inventory and Assessment project must be completed within 24 months of the date of this letter. The documentation described in the standard conditions of the grant offer should be submitted to this office within 24 months, as well. Any work performed prior to the date of the Letter of Intent to Fund may not be eligible for reimbursement.



Mr. Andrew Oakley, Public Services Director
May 15, 2019
Page 2

In addition, the enclosed pay request form must be used for all reimbursement requests. You may make additional copies as needed. Also, enclosed is a memorandum requesting your Federal Identification Number. Please note that your project will be audited in accordance with the General Statutes.

On behalf of the Department of Environmental Quality, I am pleased to make this offer of State Grant funds made available by North Carolina Water Infrastructure Fund.

Sincerely,



Kim H. Colson, P.E., Director
Division of Water Infrastructure, NCDEQ

Enclosures:

Grant Offer and Acceptance Document (2 copies)
Reimbursement Request form
Fed ID Request Form
Resolution to accept Grant Offer (suggested format)
Grant Fee Invoice

cc: Mr. Brandon Sykes, P.E., Hydrostructures, Pittsboro
Pam Whitley
AIA



**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE**

Funding Offer and Acceptance

Legal Name and Address of Award Recipient **Project Number:** E-AIA-W-19-0180

City of Roxboro
779 Mountain Road
Roxboro, NC 27573

Drinking Water	<input type="checkbox"/>	Additional Amount for	Previous Total	Total Offered
Wastewater	<input checked="" type="checkbox"/>	Funding Increases		
State Revolving Fund (SRF)	<input type="checkbox"/>			
State Reserve Loan (SRP)	<input type="checkbox"/>			
State Reserve Grant (SRP)	<input type="checkbox"/>			
State Emergency Loan (SEL)	<input type="checkbox"/>			
Asset Inventory & Assessment Grant (AIA)	<input checked="" type="checkbox"/>			\$150,000
Merger/Regionalization Feasibility Grant (MRF)	<input type="checkbox"/>			

Project Description:

Asset Inventory Assessment Study

Total Financial Assistance Offer: **\$ 150,000**

Match Percentage 5%
Grant Fee* (1.5 %): \$2250.00

**Grant fee calculated based on grant amount.*

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under State law,
- The project is eligible under State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance,

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina: **Kim H. Colson, P.E., Director, Division of Water Infrastructure**
North Carolina Department of Environmental Quality

 Signature	5/14/19 Date
--	-----------------

On Behalf of: _____
 Name of Representative in Resolution: _____
 Title (Type or Print): _____

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the Assurances and the Standard Conditions.

_____ Signature	_____ Date
--------------------	---------------

STANDARD CONDITIONS FOR ASSET INVENTORY AND ASSESSMENT GRANTS

1. The recipient acknowledges that no disbursements will be made until the grant fee has been received by the Division of Water Infrastructure.
2. The recipient acknowledges that no disbursements will be made until applicable service agreements or contracts are submitted. The description of work listed on invoices must be included in the scope of work shown on the agreements or contracts.
3. The required grant match must be documented to receive the full amount of this financial assistance offer. The grant match is a percentage of the financial assistance offer amount.
4. All funds provided pursuant to North Carolina General Statute 159G shall be expended solely for carrying out the approved project and an audit shall be performed in accordance with G.S. 159-34, as amended. **The recipient will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State.** Please note that the State is not a party to any contract(s) and the grant recipient is expected to uphold its contract obligations regarding timely payment.
5. Partial disbursements will be made promptly upon request, subject to adequate documentation of incurred eligible costs and grant match, and subject to the recipient's compliance with the conditions of this grant. Requests for reimbursement must be made using the Division of Water Infrastructure's reimbursement form.
6. The recipient must provide a digital copy of the Asset Inventory and Assessment products in a universally readable format.
7. The recipient must provide an executive level summary of the work performed, any conclusions made, and the next steps to be taken as a result of this work.
8. The recipient must provide approved minutes or a resolution confirming the completed Asset Inventory and Assessment work has been presented to the recipient's governing board.
9. A maximum of 95% of the grant will be paid prior to receipt of the documentation described in Standard Condition Nos. 6, 7, and 8. After receipt of this documentation, final payment will be made once it is requested.

Date: May 15, 2019

INVOICE

NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

Payable to: NC/DEQ-DWI

Mail to: *Attention: Ms. Jackie Moore*
Division of Water Infrastructure
1633 Mail Service Center
Raleigh, NC 27699-1633

Bill To: City of Roxboro
779 Mountain Road
Roxboro, NC 27573

Item: 1.5 percent closing fee for AIA Project E-AIA-W-19-0180

Grant Amount: \$150,000.00

Grant Fee Amount: \$2,250.00

d

FOR USE OF DIVISION OF WATER INFRASTRUCTURE

Deposit to Fund _____ Amount Paid _____

FEDERAL ID & DUNS # REQUEST MEMO

TO: All Loan and Grant Recipients

SUBJECT: Federal Identification Number

Please be advised that all local government units receiving grant or loan funds from the State of North Carolina must supply their Federal Identification Number to this office upon acceptance of your loan/grant offer. Therefore, please provide the information below and return to:

Division of Water Infrastructure
1633 Mail Service Center
Raleigh, North Carolina 27699-1633

RECIPIENT:

PROJECT NUMBER:

FEDERAL IDENTIFICATION NUMBER:

DUNS NUMBER:

REIMBURSEMENT REQUEST FORM

Division of Water Infrastructure

Project No. _____

Period Covered by this Report:

From _____

Grant Amount = _____

Match % Required = _____

Match amount = \$ _____

Recipient Organization

Name: Town, City or County etc.

Payment No. _____

Address:

Page No. _____

City, State & Zip:

<i>Use additional sheets if needed. Use a "Misc." column if needed.</i>				
	<i>Consultant Name</i>	<i>Consultant Name</i>	<i>Consultant Name</i>	<i>Consultant Deductions towards Match, if In-Kind or Grant Fee see below</i>

Classification of	A	B	C	D	Total
<i>Cumulative Totals</i>					\$ -
					\$ -
					\$ -
Total Cumulative to date	\$ -	\$ -	\$ -	\$ -	\$ -
Previously Received					\$ -
Amount Requested	\$ -	\$ -	\$ -	\$ -	\$ -

<i>In-Kind Contribution</i>				
<i>Grant Fee</i>				
Total Match *				\$ -
Percent Complete				

Certification

I certify that to the best of my knowledge and belief the billed costs or disbursements are in accordance with terms of the project and that this request represents the monies due which have not been previously received and that an inspection has been performed and all work is in accordance with the terms and conditions of the award.

For applicable SRF projects, the project remains in compliance with Davis-Bacon and American Iron and Steel conditions or is the process of remediating noncompliance.

You must check ONE of the boxes below or your payment will not be processed:

The funds requested above have already been paid to the respective vendors, consultants & contractors by the award recipient.

OR

The funds requested above have not been paid to the respective vendors, consultants & contractors.

Funds received from the State will be disbursed to these entities within three (3) banking days.

Recipient

Signature of Authorized Representative

Date

Type or Print Name and Title

DWI comments

11. Financial & Tax Reports

City of Roxboro, North Carolina
Financial Statement - Unadjusted
Modified Accrual Basis
For the Ten Months Ended April 30, 2019

	Original Budget	Amended Budget	Actual	Annual Variance Favorable (Unfavorable)	Annual 83.33% Percent of Budget
General Fund (10)					
Ad Valorem Taxes	\$ 4,768,851	\$ 4,773,851	\$ 4,958,142.35	\$ 184,291.35	103.86%
Local Option Sales Tax	1,721,816	1,721,816	1,495,883.51	(225,932.49)	86.88%
Other Taxes and Licenses	12,000	12,000	13,084.39	1,084.39	109.04%
Unrestricted Intergovernmental	973,408	993,408	666,660.59	(326,747.41)	67.11%
Restricted Intergovernmental	637,276	637,396	550,050.07	(87,345.93)	86.30%
Permits and Fees	7,000	7,000	8,552.53	1,552.53	122.18%
Sales and Services	667,120	667,120	536,795.55	(130,324.45)	80.46%
Miscellaneous	20,247	60,107	80,291.40	20,184.40	133.58%
Investment Earnings	2,500	20,500	25,000.49	4,500.49	121.95%
Interfund Transfers	1,206,817	1,263,822	826,514.20	(437,307.80)	65.40%
Sale of Fixed Assets	15,000	15,000	6,062.88	(8,937.12)	40.42%
Total Revenues	10,032,035	10,172,020	9,167,037.96	(1,004,982.04)	90.12%
Expenditures:					
Governing Body - City Council	177,805	217,805	206,503.10	11,301.90	94.81%
City Hall Administration	544,510	601,515	522,863.57	78,651.43	86.92%
Finance	278,083	278,083	237,296.10	40,786.90	85.33%
Sales Tax	88,100	108,100	86,933.97	21,166.03	80.42%
Tax Collections	64,843	69,843	66,240.51	3,602.49	94.84%
Buildings & Grounds	220,644	395,644	130,972.43	264,671.57	33.10%
Safety / Purchasing	34,275	34,275	10,826.23	23,448.77	31.59%
Police	3,209,292	3,245,042	2,704,205.41	540,836.59	83.33%
Fire	2,218,717	2,220,827	1,797,687.58	423,139.42	80.95%
Emergency Communications 911	95,800	95,800	59,615.26	36,184.74	62.23%
Transportation - Streets	1,836,440	1,836,440	1,175,186.04	661,253.96	63.99%
Environmental Protection	1,142,526	1,142,526	876,034.35	266,491.65	76.68%
Economic Development	399,580	399,580	229,449.16	170,130.84	57.42%
Cultural & Recreational	750	750	-	750.00	0.00%
Debt Service	531,420	531,420	311,039.69	220,380.31	58.53%
Interfund Transfers	75,000	325,000	250,000.00	75,000.00	76.92%
Total Expenditures	10,917,785	11,502,650	8,664,853.40	2,837,796.60	75.33%
Excess of Revenues Over (Under) Expenditures	(885,750)	(1,330,630)	502,184.56	1,832,814.56	
Other Financing Sources					
Proceeds of Capital Lease	488,750	488,750	100,000.00	(388,750.00)	20.46%
Fund Balance Appropriated	397,000	841,880	-	(841,880.00)	0.00%
Total Other Financing Sources	885,750	1,330,630	100,000.00	(1,230,630.00)	7.52%
Excess of Revenues Over (Under) Expenditures	\$ -	\$ -	602,184.56	\$ 602,184.56	
Fund Balance Beginning of Year			4,702,534.97		
Fund Balance Current Period			\$ 5,304,719.53		

**City of Roxboro, North Carolina
Financial Statement - Unadjusted
Modified Accrual Basis
For the Ten Months Ended April 30, 2019**

	Original Budget	Amended Budget	Actual	Annual Variance Favorable (Unfavorable)	83.33% Percent of Budget
Enterprise Funds					
Revenues:					
Water & Sewer Fund 60					
Charges for Services	\$ 5,383,752	\$ 5,383,752	\$ 3,988,764.97	\$ (1,394,987.03)	74.09%
Assessments	-	-	-	-	#DIV/0!
Tapping Fees	20,000	20,000	29,730.00	9,730.00	148.65%
Other Operating Revenues	35,519	35,519	29,792.84	(5,726.16)	83.88%
Nonoperating Revenues	500	500	-	(500.00)	0.00%
Interfund Transfers-MERP	-	-	-	-	-
Interfund Transfers	1,082,589	1,096,519	-	(1,096,519.00)	0.00%
Sale of Fixed Assets	15,000	15,000	26,366.00	11,366.00	175.77%
Total Water & Sewer Fund 60	6,537,360	6,551,290	4,074,653.81	(2,476,636.19)	62.20%
Triple Tier Fund 61					
Operating Revenues	6,965	6,965	1,944.38	(5,020.62)	27.92%
Nonoperating Revenues	100	100	154.00	54.00	154.00%
Rural Center Engineering Grant	-	-	-	-	#DIV/0!
Capital Reserve Fund 69					
Operating Revenues	742,040	742,040	610,898.36	(131,141.64)	82.33%
Nonoperating Revenues	1,500	1,500	7,179.99	5,679.99	478.67%
Interfund Transfers	-	-	-	-	#DIV/0!
Total Revenues	7,287,965	7,301,895	4,694,830.54	(2,607,064.46)	64.30%
Expenditures:					
Public Utilities: Administration	-	-	-	-	#VALUE!
Sales Tax	-	-	-	-	#DIV/0!
Billing & Collection	131,911	131,921	119,948.15	11,972.85	90.92%
Meter Section	258,720	258,720	197,695.52	61,024.48	76.41%
Raw Water Supply	62,813	66,973	59,313.81	7,659.19	88.56%
Water Plant	1,568,915	1,569,385	1,266,164.82	303,220.18	80.68%
Water Maint and Construction	838,830	847,755	503,764.82	343,990.18	59.42%
Wastewater Plant II	149,664	149,664	88,053.61	61,610.39	58.83%
Wastewater Plant	1,163,705	1,164,070	935,267.88	228,802.12	80.34%
Pump Stations	337,268	337,268	292,506.55	44,761.45	86.73%
Wastewater Maint & Construction	593,506	593,506	382,474.29	211,031.71	64.44%
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	826,514.20	445,302.80	64.99%
Total Water & Sewer Fund 60	6,856,636	6,870,566	5,142,527.73	1,728,038.27	74.85%
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%
Total Expenditures	7,607,241	7,621,171	5,142,527.73	2,478,643.27	67.48%
Excess of Revenues Over (Under) Expenditures	(319,276)	(319,276)	(447,697.19)	(128,421.19)	
Other Financing Sources					
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!
Total Other Financing Sources	319,276	319,276	-	(319,276.00)	0.00%
Excess of Revenues Over (Under) Expenditures	\$ -	\$ -	(447,697.19)	\$ (447,697.19)	
Fund Balance Beginning of Year			2,262,190.12		
Fund Balance Current Period			\$ 1,814,492.93		

City of Roxboro, North Carolina
Financial Statement - Unadjusted
Modified Accrual Basis
For the Ten Months Ended April 30, 2019

Original Budget	Amended Budget	Actual	Annual Variance Favorable (Unfavorable)	83.33% Percent of Budget
<u>Central Depository</u>				
Cash	11100000	2,150,170.11		
BB&T MMA	11100001	128,366.82		
NCCMT	11100002	4,166,829.69		
Flexible Spending Account AFLAC	11100003	10,621.85		
Roxboro Savings Bank	11100004	521,341.86		
Gateway Bank MMA Finistar	11100005	-		
CD's	11130000	-		

Total Cash and Investments		\$ 6,977,330.33		\$6,977,330.33
<u>Breakdown by Fund:</u>				
General	10	\$ 4,584,921.17		
CDBG-Revolving Loan Fund	13	63,565.46		
Old Durham Road Project Fund	20	359.95		
Vehicle Special Revenue	26	4,945.21		
Ridge Road Capital Project	30	-		
Stormwater Capital Fund	50	197,984.34		
Enterprise	60	(210,044.55)		
Triple Tier Water	61	2,011.57		
Capital Reserve	69	2,240,258.69		
Wastewater Plant Capital Project	71	7,460.00		
Annexation Area Capital Project	73	-		
Christmas Club / Flex Fund	75	10,621.85		
LEO Pension Trust Fund	79	75,246.64		
Reserve for Interest Earned		-		

Total of Fund's Cash and Investments		\$ 6,977,330.33		\$6,977,330.33

City of Roxboro, North Carolina
Fund Balance
General Fund
As of April 30, 2019

	General Fund			
	30-Apr-19 Fund Balances	Percentage of Total Fund Balance	Percentage of Fiscal Year 2019 Budget	Percentage of Prior Year Actual Expenditures
Fund Balances				
Reserved				
Reserved for inventories	\$ 45,118	0.85%	0.39%	0.44%
Reserved by state statute	653,781	12.32%	5.68%	6.33%
Reserved for streets - Powell Bill	287,458	5.42%	2.50%	2.78%
Reserved for cemetery	30,269	0.57%	0.26%	0.29%
Reserved for drug enforcement	-	0.00%	0.00%	0.00%
Reserved for public safety	<u>134,988</u>	<u>2.54%</u>	<u>1.17%</u>	<u>1.31%</u>
Total fund balance reserved	<u>1,151,614</u>	<u>21.71%</u>	<u>10.01%</u>	<u>11.14%</u>
Unreserved				
Designated by Council	-	0.00%	0.00%	0.00%
Designated for subsequent year's expenditures	-	0.00%	0.00%	0.00%
Undesignated	<u>4,153,106</u>	<u>78.29%</u>	<u>36.11%</u>	<u>40.19%</u>
Total fund balance unreserved	<u>4,153,106</u>	<u>78.29%</u>	<u>36.11%</u>	<u>40.19%</u>
Total equity and other credits	<u>\$ 5,304,720</u>	<u>100.00%</u>	<u>46.12%</u>	<u>51.34%</u>
Budget Ordinance for June 30, 2019, as Amended			\$ 11,502,650	
Prior Year Expenditures				\$ 10,333,189

City of Roxboro, North Carolina
Fund Balance
Enterprise Fund
As of April 30, 2019

	Enterprise Fund			
	30-Apr-19 Fund Balances	Percentage of Total Fund Balance	Percentage of Fiscal Year 2019 Budget	Percentage of Prior Year Actual Expenditures
Fund Balances				
Reserved				
Reserved for encumbrances	\$ 14,267	0.79%	0.25%	0.28%
Reserved by state statute	422,861	23.30%	7.55%	8.26%
Reserved for capital outlay (C89 + C91)	<u>1,784,478</u>	<u>98.35%</u>	<u>31.87%</u>	<u>34.85%</u>
Total fund balance reserved	2,221,606	122.44%	39.68%	43.39%
Unreserved				
Designated for subsequent year's expenditures	-	0.00%	0.00%	0.00%
Undesignated	<u>(407,113)</u>	<u>-22.44%</u>	<u>-7.27%</u>	<u>-7.95%</u>
Total fund balance unreserved	<u>(407,113)</u>	<u>-22.44%</u>	<u>-7.27%</u>	<u>-7.95%</u>
Total equity and other credits	<u>\$ 1,814,493</u>	<u>100.00%</u>	<u>32.41%</u>	<u>35.44%</u>
Budget Ordinance for June 30, 2019, as Amended			\$ 5,598,749	
Prior Year Expenditures				\$ 5,120,360

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

	2018 Tax Levy	2017 Tax Levy	2016 Tax Levy
Original Levy	\$ 4,229,715.40	\$ 4,350,663.68	\$ 4,342,813.89
Motor Vehicles Added to Levy	0.00	0.00	0.00
Motor Vehicles Added to Levy-DMV	553,096.84	499,691.97	493,114.72
Public Utilities	-	-	-
Adjusted Original Levy	4,782,812.24	4,850,355.65	4,835,928.61
+Discoveries	182,028.95	106,561.33	123,960.93
Levy	4,964,841.19	4,956,916.98	4,959,889.54
-Releases	6,775.88	11,095.95	6,004.54
Current Levy	4,958,065.31	4,945,821.03	4,953,885.00
Collection year-to-date	\$ 4,879,357.29	\$ 4,904,068.13	\$ 4,932,036.52
Uncollected	\$ 78,708.02	\$ 41,752.90	\$ 21,848.48
Collection % of Current Levy	98.41%	99.16%	99.56%
Property Tax Rate Per \$100	\$ 0.670	\$ 0.670	\$ 0.670

12. Assistant City Manager's Report

Assistant City Manager's Report

Storm Drain Replacement – Last week Council was notified that Forest Street and Edgewood Drive intersection would be closed for storm drain repair. The problem has been repaired and the street patched and reopened. A new storm pipe was installed across the street.



Wastewater Treatment Plant Upgrade- Progress is continuing on the upgrade at the wastewater treatment plant. They continue to pour the concrete walls for the oxidation ditch and lay the block walls for the office/lab building. In addition, they are installing the underground piping to the oxidation ditch.

NCDOT Handicap Ramps – NCDOT is replacing the handicap ramps on sidewalks adjacent to NCDOT maintained streets in the city. One ramp in particular, at the intersection of Depot Street and Foushee Street, may be a trip hazard. There is a concrete area next to the sidewalk and handicap ramp. When the new ramp was

constructed, they installed a curb at the back of the sidewalk. This leaves a 6" drop from the existing concrete to the new sidewalk. Again, this is a NCDOT project and if there are claims for injuries, we need to remember it is their responsibility.



Source Water Protection Planning Rule – The NC Division of Water Resources has adopted a new rule, 15A NCAC 18C-.1305, to “protect public health by increasing the awareness and resiliency of public water systems treating surface water.” The City has to create and implement a Source Water Protection Plan. The plan has to cover potential contaminants in the entire watershed for each of our lakes. The City has until January 1, 2023 to complete the plan. The State is in the process of developing a template to follow. The plan will have to updated every three years. After the template is published and staff has attended the proposed training session, we will know if it can be done in-house or if a consultant will be needed. A copy of the notification is attached. There is a concern about some of the information required in the report and the fact that it will be a public record.

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
LINDA CULPEPPER
Director



NORTH CAROLINA
Environmental Quality

May 24, 2019

NC0273010
ROXBORO, CITY OF
ROXBORO, CITY OF
PO BOX 128
ROXBORO, NC 27573

ATTENTION REQUIRED FOR SURFACE WATER SYSTEMS

Source Water Protection Planning Rule – *Effective Jan. 1, 2019*

The Public Water Supply Section (PWS Section) has supported adoption of a new rule to comply with North Carolina General Statute 130A-320. The Source Water Protection Planning Rule (15A NCAC 18C .1305) has elements in it that require your attention. This new rule can be viewed on our website at: <https://files.nc.gov/ncdeq/Water%20Resources/files/rulesregs/15A-NCAC-18C-.1305.pdf>.

Overview: The Source Water Protection (SWP) Planning Rule aims to protect public health by increasing the awareness and resiliency of public water systems treating surface water. Prior to January 1, 2019 source water protection plans were voluntary. Now all public water systems treating surface water are required to complete a plan by the schedule outlined in section (a) of the rule. A list of water systems with their respective compliance schedules can also be found on our website at: <https://files.nc.gov/ncdeq/Water%20Resources/files/pws/swp/Drinking-Water-Protection-Plans-Schedule.pdf>.

Key provisions of the SWP Planning Rule include the following:

.1305 (a)

Public water systems treating and furnishing water from surface water sources must create and implement a Source Water Protection Plan (SWPP) according to the schedule outlined in this section.

.1305 (b)

All systems required to submit a SWPP will review and update the plan every three years.



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1634 Mail Service Center | Raleigh, North Carolina 27699-1634
919.707.9000

.1305 (c)

Each SWPP shall contain the following elements:

- A list of potential contaminant sources.
- A contingency strategy that outlines the response activities associated with a contamination or emergency event that affects its water source(s).
- An evaluation of a water system's ability to take specific actions including, close its intake(s), divert contaminated water from its intake, reduce demand by implementing conservation measures, and meet demand using alternate sources of supply.
- Verification of outreach communication efforts to potential contaminant source owners.
- A description of proactive efforts by the water system to protect its sources from contamination.
- A description of public awareness efforts including publishing information in the system's Consumer Confidence Report and providing contingency plan information to any directly connected water systems.

.1305 (d)

A copy of the SWPP will be kept onsite at each water treatment facility and be made available to the PWS Section upon request.

.1305 (e)

The supplier of water shall certify that a SWPP has been created and implemented and that the governing body has been advised as such.

.1305 (f)

The supplier of water shall certify that a SWPP has been revised and that the governing body has been made aware of the revision.

We are currently developing additional resources, guidance materials and templates for implementation of the SWP Planning Rule. They will be available on our website in the upcoming months. Additionally, we will provide technical assistance and are in the process of organizing training workshops to help you comply with this rule. If you have any questions regarding the SWP Planning Rule, please contact Rebecca Sadosky at rebecca.sadosky@ncdenr.gov.

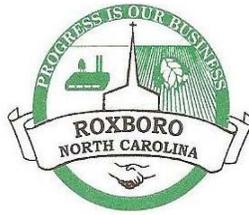
Sincerely,



Jay Frick
Enforcement and Protection Branch Head
Public Water Supply Section
Division of Water Resources, NCDEQ

CC: YARBORO, SAMMY
RALEIGH REGIONAL OFFICE

13. Manager's Report



City of Roxboro

MEMORANDUM

TO: Mayor Newell and City Council
FROM: Brooks Lockhart
SUBJECT: Manager's Report
DATE: June 11th, 2019

- Please take note of several upcoming dates.
 - Rox N' Roll will be held Uptown at 6pm on June 21st
 - Budget Meeting for Year-End Budget Amendments and FY 2019-2020 Budget Adoption, Date to be determined at June 11th Council Meeting
 - City Offices will be closed on July 4th observance of Independence Day
 - City Council Meeting, 7pm Tuesday July 9th at City Hall
- City Staff has reached out to our legal counsel regarding the practical implications of a 4th Circuit decision pertaining to social media. Our current practice is to treat our social media as a public forum. Our website, which provides no public forum, is viewed as strictly informational and is in compliance with best practices. Our overall question is can individual posts be treated as informational (having comments disabled) while others function as public forums. The guidance provide by our legal counsel will have practical implications to how we wield electronic communications in the near future.
- Staff has continued discussions with granting agencies regarding Residential Curbside Recycling. Rob Taylor from *The Recycling Partnership* has been very helpful. Mr. Taylor previously worked at DEQ and had worked with the City Staff last time recycling was discussed. The Recycling Partnership has the ability to fund \$15 per cart, provide technical assistance, and funding for marketing including materials with design. The program presented by staff in the feasibility analysis would qualify to apply for these funds. The position with the DEQ in the Recycling and Materials Management Section is held by Matt James who served as an intern at the City of Roxboro in 2014. Finally, staff will be reaching out again to the Closed Loop Foundation for an application to receive zero interest funding for any related capital expenses not offset by grants.
- City Staff has spent a large amount of time over the last two weeks working with the Adult Gaming applicants. At this point staff has not issued any permits, but anticipates issuing a handful soon. Most of non-compliant businesses have made efforts to comply with the intent of the Ordinance. The City has been contacted by legal counsel for a machine owner with machines located in two businesses. There has been and will continue to be an educational component to implementation as we work with businesses that might not understand Land Use Planning and Zoning concepts.