

**AGENDA ROXBORO CITY COUNCIL MEETING  
TUESDAY DECEMBER 12, 2017, 7:00 P.M.  
CITY HALL COUNCIL CHAMBER**

<b>CALL TO ORDER</b>	Mayor Marilyn P. Newell
<b>INVOCATION:</b>	Public Services Director Andy Oakley
<b>PLEDGE OF ALLEGIANCE:</b>	Mayor Marilyn P. Newell
<b>AGENDA ADOPTION:</b>	Mayor Marilyn P. Newell
<b>CONSENT AGENDA</b>	Mayor Marilyn P. Newell
Minutes	
Fire Department	
Police Department	
Public Services	
Fuel Expenditures	
Planning/RDG Report	
<b>ORGANIZATIONAL MEETING MATTERS:</b>	
Mayor Oath of Office	The Honorable Mark E. Galloway
Council Members Oath of Office	The Honorable Mark E. Galloway
Election of Mayor Pro Tempore	Mayor Marilyn P. Newell
Rules of Procedure	Mayor Marilyn P. Newell
Code of Ethics Resolution	Mayor Marilyn P. Newell
<b>RECOGNITION:</b>	
<b>PUBLIC COMMENT:</b> <i>(5 minutes per Citizen)</i>	Mayor Marilyn P. Newell
<b>PUBLIC HEARINGS AND ORDINANCE MATTERS:</b>	
1. Text Amendment – Ordinances 151 – 152	Planning Director Lauren Wrenn
2. Resolution to Close – Winhaven Street – Public Hearing	Assistant Manager Tommy Warren
<b>OLD BUSINESS:</b>	
<b>NEW BUSINESS:</b>	
3. 2018 Holiday Schedule	City Manager Brooks Lockhart
4. City Council Meeting Schedule 2018	City Manager Brooks Lockhart
5. Planning Board – Board Appointments	Planning Director Lauren Wrenn
6. Board of Adjustment – Board Appointments	Planning Director Lauren Wrenn
7. Resolution to Declare Surplus – Firearm	Police Chief David Hess
8. 2018 Chemical Bids	Assistant Manager Tommy Warren
9. North Ridge Water Line Maintenance	Assistant Manager Tommy Warren
<b>COMMITTEE REPORTS</b>	Mayor Marilyn P. Newell
<b>ADMINISTRATIVE REPORTS:</b>	
10. Financial & Tax Report	Finance Director Dan Craig
11. Assistant Manager’s Report	Assistant Manager Tommy Warren
12. Manager’s Report	City Manager Brooks Lockhart
<b>COUNCIL DISCUSSION:</b>	
<b>CLOSED SESSION:</b> NCGS 143-318.11(a)(1) Attorney/Client Privilege	
<b>ADJOURNMENT:</b> Motion	Second

# Consent Agenda

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

The Regular meeting of the Roxboro City Council was held in the Council Chamber of City Hall at 7:00 p.m. Tuesday, December 12, 2017.

The following members of the Roxboro City Council were present:

The following members of the Roxboro City Council were absent:

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

- Minutes of November 20, 2017 Local Government Day (*Regular Meeting*)
- Fire/EMS Monthly Report (*November 2017*)
- Police Dept. Monthly Report (*November 2017*)
- Public Services Monthly Report (*November 2017*)
- Fuel Expenditures Monthly Report (*November 2017*)
- Planning/RDG Monthly Report (*November 2017*)

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Trevie Adams, MMC/NCCMC  
City Clerk

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

**MINUTES/MEETING OF THE ROXBORO CITY COUNCIL  
MONDAY NOVEMBER 20, 2017 – 9:00 A.M. LOCAL GOVERNMENT DAY  
CITY HALL IN THE COUNCIL CHAMBERS - ROXBORO, NC**

**Members Present:** Mayor Marilyn P. Newell  
Mayor Pro Tem William Davis  
Council Member Henry Daniel  
Council Member Byrd Blackwell  
Council Member Sandy Stigall  
Council Member Mark Phillips

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

**Members Absent:**

**CALL TO ORDER:**

**Mayor Marilyn P. Newell** called the meeting to order at 9:00 a.m. welcoming everyone in attendance with a special welcome for the students and teachers of Person High School in observance of Local Government Day. **Council Member Byrd Blackwell** delivered the invocation.

**PLEDGE OF ALLEGIANCE:**

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

**AGENDA ADOPTION:**

**Mayor Marilyn P. Newell** presented the agenda, asking that item #2 be tabled for a later date. Mayor Pro Tem William Davis **offered a motion to approve the agenda tabling item #2 as requested with a second by Council Member Sandy Stigall** and upon being put to a vote was carried unanimously.

**CONSENT AGENDA ADOPTION:**

**Mayor Newell** presented the consent agenda and asked for any comments or corrections explaining to the students that the consent agenda is comprised of staff reports and minutes and may be voted on with one motion. **Council Member Mark Phillips offered a motion to approve the consent agenda as presented with a second by Mayor Pro Tem William Davis** and upon being put to a vote was carried unanimously.

**RECOGNITION:**

**Mayor Marilyn P. Newell** appointed Ms. Connie Dickens McCain and Ms. Charlene Wilson to the Roxboro Housing Authority Board.

**PUBLIC COMMENT:**

**Mayor Newell** invited anyone interested in addressing Council to sign-up for the public record and to limit his or her comments to five minutes. The students that were present had prepared some questions and Mayor Newell stated that she would address each question as it was addressed during the meeting.

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

### **1. Budget Amendment**

**Finance Director Dan Craig** presented Council with Budget Amendment #2. **After a brief discussion, Council Member Mark Phillips offered a motion to approve Budget Amendment #2 as presented with a second by Council Member Byrd Blackwell and upon being put to a vote was carried unanimously. Clerk's Note: A copy of said budget amendment #2 is hereby incorporated into the minutes of this meeting.**

### **2. Resolution to Close – Winhaven Street**

Item tabled to a later date.

### **3. Text Amendment – Ordinance 151 & 152 – *Public Hearing***

**Mayor Marilyn P. Newell** opened the Public Hearing at 9:56 a.m. Planning Director Lauren Wrenn presented the Mayor and Council with a Text Amendment for Ordinance 151 & 152. Mayor Newell asked for any public comment at this time and there being none, closed the Public Hearing at 10:01 a.m. The text amendment will be brought back to Council at the December meeting for a vote.

## **NEW BUSINESS:**

### **4. Transfer of Desert Sand Deed**

**Planning Director Lauren Wrenn** reported to the Mayor and Council that at the August 2017 meeting, City Council approved the use of the Downtown Revitalization Grant funding to make renovations to the property located at 208 N. Main Street. After receiving approval from the State Department of Commerce for said use of these funds, the Roxboro Development Group voted to gift the property to the City of Roxboro for development. In order to be eligible for the grant, the project must be public. This means the property cannot be owned by a private entity. Furthermore, it is the best interest of the City to retain ownership of the property in which it is investing, in order to ensure the maintenance and upkeep of the area for the future. After a brief discussion, **Council Member Byrd Blackwell offered a motion to approve the transfer of the Desert Sand Deed from the Roxboro Development Group to the City of Roxboro with a second by Council Member Mark Phillips** and upon being put to a vote was carried unanimously.

### **5. Resolution to Approve Records and Retentions**

City Manager Brooks Lockhart presented Council with the Resolution to Approve the amendments and additions to the North Carolina Archives Records and Retentions Resolution. After a brief discussion, **Council Member Mark Phillips offered a motion to approve the Resolution to Approve Records and Retentions with a second by Council Member Byrd Blackwell** and upon being put to a vote was carried unanimously.

### **6. Audit Draft**

**Finance Director Dan Craig** presented the Mayor and Council with the annual Audit Report Draft for fiscal year 2016 – 2017. Mr. Craig presented this information to Council as an update and for any questions.

## **OLD BUSINESS:**

### **7. Increase Police Enforcement – Windsor Drive**

**Police Chief David Hess** informed the Mayor and Council on November 3, 2017, the Roxboro Police Department stopped nine vehicles in fifteen minutes for speeding, stop sign violations, etc. Chief Hess stated that this area is still being policed and their hope is for the violations to be reduced soon.

**COMMITTEE REPORTS: Council Member Mark Phillips** attend the Chief's Association meeting and heard concerns from Volunteer Fire Fighters regarding funding for the upcoming year. **Mayor Marilyn P. Newell** reported that some news should be forthcoming regarding Economic Development in the near future.

#### **ADMINISTRATIVE REPORTS:**

##### **8. Financial & Tax Report**

**Interim Finance Director Dan Craig** presented Council with the Financial Statement ending September 30, 2017 and the tax report ending October 31, 2017. **Clerk's Note: A copy of said Financial and Tax Report are hereby incorporated into the minutes of this meeting.**

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

**Assistant Manager Tommy Warren** reported to the Mayor and Council that it is the time of year when the leaves begin to fall and start piling on the curbs. Mr. Warren reminded Council that staff will be following the established routes for collection, which is the same as garbage collection. When the bulk of leaves are placed on the street, staff cannot complete the route in one day and each daily route will be completed before starting the next day's route.

Continuing, Mr. Warren reported that on Sunday, November 12, 2017, the 16" water main between the water plant and the 2-million-gallon tank on Hill Street broke. When crews arrived they found a 3" hole in the pipe. The hole was about 1" from a bell joint. A standard wrap around the clamp would not completely stop the leak and would need to be replaced. This leak did cause some parts of Roxboro to loose water pressure. To make the correct repair, a section of pipe had to be cut out and replace. The break in the pipe occurred behind Snipes Oil Company and it was beside two large pine trees that had to be removed to complete the repair.

Mr. Warren explained that when you have a major water line break, there can be additional breaks in the system due to water hammer. On Monday, November 13, 2017, the crews responded to three additional water line breaks that resulted from the break on the 12<sup>th</sup> and these breaks were repaired in a timely matter.

##### **10. Manager's Report**

**City Manager Brooks Lockhart** noted some dates of interest that included the City Offices will be closed in observance of Thanksgiving, November 23<sup>rd</sup> and 24<sup>th</sup>, the EDC/PCBIC meetings will be November 28<sup>th</sup> at 4:00 p.m. at the Person County Tax Office, Angel Tree Ceremony, December 1<sup>st</sup>, 6:00 p.m. at Palace Pointe, Good Morning Coffee Hour will be December 6<sup>th</sup> at Golden Corral hosted by H&R Block, Jingle on Main will be December 7<sup>th</sup> in Uptown Roxboro and City Offices will be closed in observance of the Christmas Holiday, December 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup>.

In October, it was reported that our legal counsel was preparing a proposal for revising the City Ordinance Title XI: Business Regulations. This section details regulations for various business activities within the City of Roxboro. The section needs to be revisited to reflect current practice on privilege license, cable franchises and other business regulations. The scope of the proposal for revisions will be discussed with Council during a January work session.

Fiscal management software implementation is underway. Early data pulls were performed for Utility Billing for November. Staff is currently being told complete transition can be completed in July 2018. Staff has performed evaluations on the present hardware and working to create a listing of required hardware purchases; this will likely lead to a budget amendment request in December or January.

City Staff has supplied a draft of the completed 2017 Annual Audit to USDA Rural Development. The engineering firm is working to complete additional requested information and anticipates submission prior to Thanksgiving. These unanticipated delays have led to the project deviating from the projected timeline for completion; staff does not anticipate these delays creating a compliance issue as staff can point to adequate process. The City should be receiving the conditional offer letter from USDA RD and at that point the City will need to put the Wastewater Treatment Plant Upgrade Project out for bid. After receiving bid numbers, the City will be able to submit the application to appear before the Local Government Commission at their next meeting. The purpose of the LGC meeting will be to allow the City to seek potential future debt for the construction of the Wastewater Treatment Plant Upgrades.

**COUNCIL DISCUSSION:**

No discussion at this time.

**ADJOURNMENT:**

There being no further business to discuss, **A motion was offered by Council Member Mark Phillips with a second by Council Member Sandy Stigall to adjourn this meeting** and upon being put to a vote, was carried unanimously. Meeting adjourned at 10:55 a.m

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Mayor Marilyn P. Newell

ATTEST:

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Trevie Adams, MMC/NCCMC  
City Clerk

November 20, 2017

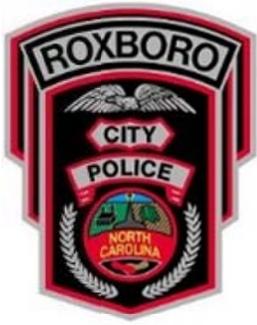


**City of Roxboro  
Fire and Rescue Department**

**Date:** December 12, 2017  
**To:** Mayor Newell  
Roxboro City Council  
**From:** Kenneth M. Torain, Fire Chief

**Highlight**

- **Responses** - During the month of November the City of Roxboro Fire Department responded to 28 fire calls within the city limits, and 25 fire calls outside the city limits. Also, the department responded to 74 first responder calls within the city, and 35 first responder calls in our county response district. Over the course of November, we had to call back off-duty personnel and auxiliary personnel for a total of 3 full alarms. Roxboro Fire Department responded to 176 dispatched calls this month.
- **Roxboro fire department had all of the ladders tested in the month of November. All the ladders passed including the Aerial ladder.**
- **Roxboro Fire Department participated in the Person high career day. During the event we took names and phone numbers of interested students in our field. We have had one student follow up and has applied to be a volunteer with the department.**
- **Roxboro fire department and several of the firefighter rode in support of the Toys for Tots motorcycle ride. This year they raised over 14,000 dollars and 3 enclosed trailer full of toys. We had 300 motorcycles in the event which was more that any years past.**
- **We are currently working on several fire investigation cases throughout the county with several of them being in the city.**
- **Roxboro fire department put up the Christmas decoration uptown on Thanksgiving Day. We blocked several of the street during the event due to safety issues. Several of the snowflakes had been hit last year and needs to be replaced. Also we raise the bracket on several of them to be out of reach of normal traffic.**



# ROXBORO POLICE DEPARTMENT



109 North Lamar Street  
Roxboro, North Carolina 27573

Office 336 599 8345

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

## City Council Report

November 2017

### Patrol Division

#### Highlighted Events

- The replacement vehicle approved by council last month was purchased. The vehicle is expected to be equipped and on the street by mid December. Thank you for your support.
- Lt. Hawkins, Sgt. Ford and Ofc. Lynch attended a NCGHSP DWI Task Force meeting.

#### Community Policing

- Lt. Hughes assisted a citizen with a vehicle mechanical failure.
- Lt. Hughes, Det. Gil, and Det. Howe presented various classes during CPA.
- The department participated in Career Day at Person High School.
- Provided Black Friday and Cyber Monday shopping safety tips on Social Media.
- Sgt. Walker facilitated tours of the department for students during Local Government day.
- The Police Department's youth football team hosted their end of the season awards party.
- Sgt. Cash checked on an elderly citizen who lives alone.
- Cpl. Mills, Ofc. Brown and Ofc. Gray attended an outreach event at Weatherly Heights and meet some really cool kids!
- Sgt. Horton repaired a child's bicycle while he was patrolling a neighborhood.
- Chief Hess was the guest speaker for Chapel at Roxboro Christian Academy.
- Lt. Dickerson participated as a judge for Youth Public Speaking event at Old Mt. Zion Church.
- The 10<sup>th</sup> Session of the Citizens Police Academy graduated on November 28<sup>th</sup>. The program now has 160 graduates!



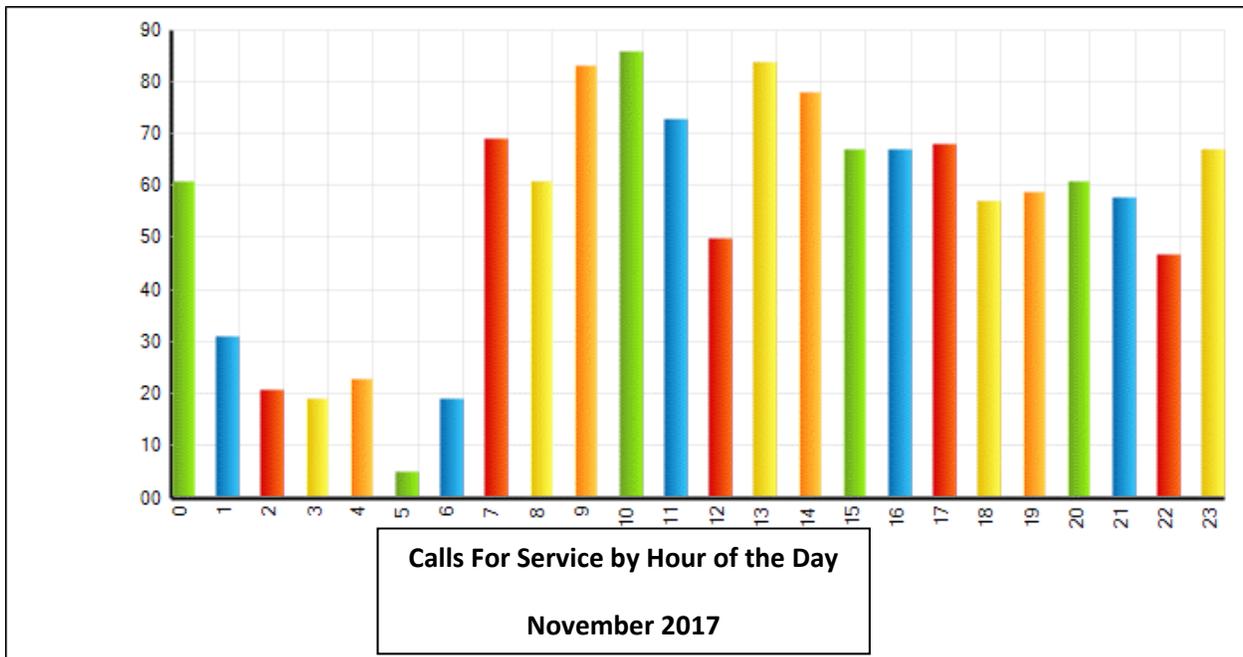
\*\*The staff of the police department extends their heartfelt sympathies to the family and law firm employees of Charlie Hubbard. His smile, care for his fellowman, and impact to our community leaves a lasting legacy fitting of his character and heart.\*\*



**Monthly Activities**

**Calls for Service: 1286**  
**Traffic Enforcement Requests: 26**  
**Traffic Crashes: 60**  
**Total Arrests: 51**  
**Directed/Foot Patrol: 51**

**Incident Reports: 282**  
**Traffic Stops: 374**  
**Citations Issued: 100**  
**Warnings: 57**



### Criminal Investigations Division

- Detectives are working to complete background investigations for potential new hires.
- Lt. Hughes hosted a division breakfast to build comradery.
- Det. Sgt. Furstenau was awarded her Advanced Law Enforcement Certificate from the Department of Justice Training and Standards Education Commission.
- Lt. Hughes facilitated a leadership presentation for new hire telecommunicators.
- CID covered patrol calls for service during the months while patrol received state mandated in-service training.

### Total Numbers for the Month

**Cases Assigned: 23**

**Hours Completing Paperwork: 78**

**Call Outs: 7**

**Felony Warrants Obtained: 6**

**Total Arrests: 3**

**Cases Closed: 12**

**Background Investigations for New Hires: 4**

**Follow Up Hours in the Field: 138**

**Follow Up Hours by Phone: 39**

**Out of Town Follow Ups: 3**

**Misdemeanor Warrants Obtained: 1**

**Interviews Conducted: 29**

**Total Forensics Cases:**

### Street Crimes Unit

- Several active cases working with informants.
- Working with an outside agency on an ongoing case.

### Administrative Services Unit

- Throughout the month the division has worked with Human Resources to conduct five oral board panel interviews for perspective new hire candidates. All five were selected to continue the hiring process. As of November 30<sup>th</sup>, four accepted conditional offers of employment. A fifth is expected. Three of the five will need to attend BLET.
- Evidence Custodian Tanya Thomas completed court order evidence disposition orders for all adjudicated cases in 2016. A total of 404 court orders have been completed. This is a testament to her attention to detail, case oversight, and reducing liability to the agency by disposing of evidence in accordance with state law in an efficient manner.
- The department was awarded \$2,500 grant from Wal Mart for Shop with a Cop! This is the second consecutive year the department received the grant thanks to Lt. Hawkins.

## Administration

### Meetings

- Met with concerned citizens
- Meeting with City Manager, HR and City Attorney to discuss personnel matters and final vetting of drafted police department policies.
- Attended Rotary, American Legion, Good Morning Coffee Hour, United States Attorney Office, North Carolina Chiefs of Police Association, Sheriff Jones, DA Perez.
- Scheduled a safety tour of Eaton Corporation.

### Highlighted Events

Chief Hess facilitated a Church Safety presentation to 45 area pastors or church leaders. The presentation incorporated suggested worship center practices from FEMA, Southern Baptist Convention, relevant North Carolina statutes, insurance liability considerations, civil and criminal liabilities, a biblical worldview perspective to using a ministry approach, and concluded with a roundtable discussion. The department has been asked to present the topic again after the first of the year. Chief Hess thanks elected officials Mayor Newell, Councilman Blackwell, and Councilman Elect Chandler, for attending the presentation.





**THANK YOU FOR YOUR CONTINUED SUPPORT**

## Public Services Department Monthly Report



# City of Roxboro

**November 2017**

<b>Public Utilities Department</b>	<b>Public Works Department</b>																																																									
<table style="width: 100%; border-collapse: collapse;"> <tr><td style="padding-left: 20px;">Water Repairs:</td><td style="text-align: right;">35</td></tr> <tr><td>Hydrant Repairs and Maint:</td><td style="text-align: right;">0</td></tr> <tr><td style="padding-left: 20px;">Meters Changed:</td><td style="text-align: right;">97</td></tr> <tr><td style="padding-left: 20px;">New Water Services:</td><td style="text-align: right;">0</td></tr> <tr><td style="padding-left: 20px;">Broken Meters Replaced:</td><td style="text-align: right;">4</td></tr> <tr><td colspan="2"> </td></tr> <tr><td style="padding-left: 20px;">Sewer Repairs:</td><td style="text-align: right;">5</td></tr> <tr><td style="padding-left: 20px;">Sewer Blockages:</td><td style="text-align: right;">29</td></tr> <tr><td style="padding-left: 20px;">New Sewer Services:</td><td style="text-align: right;">0</td></tr> <tr><td colspan="2"> </td></tr> <tr><td style="padding-left: 20px;">Locate Services Provided:</td><td style="text-align: right;">97</td></tr> <tr><td></td><td style="text-align: right;">48 Hrs</td></tr> </table> <p>Remarks:</p>	Water Repairs:	35	Hydrant Repairs and Maint:	0	Meters Changed:	97	New Water Services:	0	Broken Meters Replaced:	4			Sewer Repairs:	5	Sewer Blockages:	29	New Sewer Services:	0			Locate Services Provided:	97		48 Hrs	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="padding-left: 20px;">Commercial Garbage:</td><td style="text-align: right;">408.51</td><td style="text-align: right;">tons</td></tr> <tr><td style="padding-left: 20px;">Residential Garbage:</td><td style="text-align: right;">229.26</td><td style="text-align: right;">tons</td></tr> <tr><td style="padding-left: 40px;">Brush Collected:</td><td style="text-align: right;">28.8</td><td style="text-align: right;">tons</td></tr> <tr><td style="padding-left: 40px;">Leaves Collected:</td><td style="text-align: right;">196</td><td style="text-align: right;">tons</td></tr> <tr><td colspan="3"> </td></tr> <tr><td style="padding-left: 20px;">Potholes Repaired:</td><td style="text-align: right;">5</td><td></td></tr> <tr><td style="padding-left: 40px;">Asphalt:</td><td style="text-align: right;">10.09</td><td style="text-align: right;">tons</td></tr> <tr><td style="padding-left: 40px;">Concrete:</td><td style="text-align: right;">0</td><td style="text-align: right;">yards</td></tr> <tr><td colspan="3"> </td></tr> <tr><td style="padding-left: 20px;">Vehicle Repairs:</td><td style="text-align: right;">42</td><td></td></tr> <tr><td style="padding-left: 20px;">Garage Materials:</td><td style="text-align: right;">\$9,618.42</td><td></td></tr> </table> <p>Remarks:</p>	Commercial Garbage:	408.51	tons	Residential Garbage:	229.26	tons	Brush Collected:	28.8	tons	Leaves Collected:	196	tons				Potholes Repaired:	5		Asphalt:	10.09	tons	Concrete:	0	yards				Vehicle Repairs:	42		Garage Materials:	\$9,618.42	
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City of Roxboro, Nori LM  
 Distribution of Gas T WD  
 31-Oct-17 CS  
 GC

Shell  
 Account Number: 80-001-3945-4

Gas 0.5260  
 Diesel 0.5860

0.04 per gallon  
 2.00% Discount  
 2.00% Discount

Average Cost Per Gallon

Card Number	Dept Number	Make	Gallons	Total Cost	Tax Adjust	per gallon Discount	2.00% Discount	Net Cost	Average Cost Per Gallon
<b>Summary</b>									
1	4120	City Hall	39.92	92.73	21.00	1.60	0.80	69.34	2.323
2	4130	Finance	-	-	-	-	-	-	#DIV/0!
3	4160	Public Buildings	168.42	412.07	88.59	6.74	3.37	313.38	2.447
4	4180	Purchasing	-	-	-	-	-	-	#DIV/0!
17	4910	Planning & Zoning	-	-	-	-	-	-	#DIV/0!
		<b>Total Administrative</b>	<b>208.34</b>	<b>504.80</b>	<b>109.59</b>	<b>8.33</b>	<b>4.17</b>	<b>382.71</b>	<b>2.423</b>
5	4310	Police	1,966.90	4,557.57	1,034.59	78.68	39.34	3,404.97	2.317
6	4311	CID	205.09	472.98	107.88	8.20	4.10	352.80	2.306
26	4312	Narcotics	-	-	-	-	-	-	#DIV/0!
9	4380	Animal Control	-	-	-	-	-	-	#DIV/0!
		<b>Total Police</b>	<b>2,171.99</b>	<b>5,030.55</b>	<b>1,142.47</b>	<b>86.88</b>	<b>43.44</b>	<b>3,757.76</b>	<b>2.316</b>
7	4340	Fire	1,386.52	3,356.37	782.42	55.46	27.73	2,490.76	2.421
8	4341	Fire Inspections	54.43	124.79	28.63	2.18	1.09	92.89	2.293
		<b>Total Fire Dept.</b>	<b>1,440.95</b>	<b>3,481.16</b>	<b>811.05</b>	<b>57.64</b>	<b>28.82</b>	<b>2,583.65</b>	<b>2.416</b>
10	4510	Public Services	148.32	337.65	78.02	5.93	2.97	250.73	2.276
11	4511	Streets	417.19	1,031.31	230.66	16.69	8.34	778.37	2.472
12	4512	Street Cleaning	-	-	-	-	-	-	#DIV/0!
13	4513	Garage	30.78	79.00	18.04	1.23	0.62	59.12	2.567
14	4710	Residential Garbage	906.35	2,335.62	531.12	36.25	18.13	1,750.12	2.577
15	4711	Commercial Garbage	898.44	2,326.95	526.49	35.94	17.97	1,746.56	2.590
16	4740	Cemetery	106.80	332.91	56.18	4.27	2.14	270.33	3.117
		<b>Total Public Services</b>	<b>2,507.88</b>	<b>6,443.44</b>	<b>1,440.50</b>	<b>100.32</b>	<b>50.16</b>	<b>4,855.22</b>	<b>2.569</b>
		<b>Total General Fund</b>	<b>6,329.16</b>	<b>15,459.95</b>	<b>3,503.61</b>	<b>253.17</b>	<b>126.58</b>	<b>11,579.35</b>	<b>2.443</b>
18	7112	Meter Reading	193.84	453.64	101.96	7.75	3.88	340.05	2.340
19	7114	Lake Warden	46.98	107.90	24.71	1.88	0.94	80.37	2.297
25	7118	Pump Stations	255.06	594.01	134.16	10.20	5.10	444.54	2.329
20	7120	Water Plant	160.12	377.31	84.22	6.40	3.20	283.48	2.356
21	7121	Water Line Maintenanc	207.26	509.01	113.58	8.29	4.15	382.99	2.456
22	7130	WWTP	36.37	89.89	19.13	1.45	0.73	68.58	2.472
23	7131	Sewer Line Maintenanr	433.94	1,034.28	233.31	17.36	8.68	774.93	2.383
24	7132	WWTP II	76.29	187.65	40.13	3.05	1.53	142.94	2.460
		<b>Total Enterprise Fund</b>	<b>1,409.86</b>	<b>3,353.69</b>	<b>751.21</b>	<b>56.39</b>	<b>28.20</b>	<b>2,517.89</b>	<b>2.379</b>
		<b>Total All Funds</b>	<b>7,739.02</b>	<b>18,813.64</b>	<b>4,254.82</b>	<b>309.56</b>	<b>154.78</b>	<b>14,097.24</b>	<b>2.431</b>



December 5, 2017

To: Mayor Newell  
Roxboro City Council

From: Lauren Wrenn, Planning & Development Director

Subject: December Council Report

**Uptown Development/Roxboro Development Group:**

- Jingle On Main: As has been the case for many years now, RDG participated with Directors' RoundTable during the Jingle On Main event. New elements have been added, including a tiny-tot costume contest, photos with "The Grinch" and his "reindeer," and additional performers in front of the Person County Courthouse. The snow and tree lighting are still two of the biggest hits of the event, with much excitement also surrounding the horse-drawn wagon rides and free activities throughout Uptown. Local merchants were happy to participate in the event, many even purchasing a lit candy cane decoration to display their business name with a holiday greeting. The group is excited about the growth of this event, and look forward to planning even more new items for 2018!
- Small Business Saturday: In the largest concerted effort for Small Business Saturday ever, RDG partnered with the Roxboro Area Merchants Association, and PCC B.D.E.C. to advertise and promote Small Business Saturday. More than 20 Uptown merchants participated in the day, many boasting record sales. To encourage shoppers to visit Uptown, RDG hosted a promotional contest wherein each individual that made a retail purchase Uptown on Small Business Saturday received an entry for a \$50 Chamber Gift Check. Based on the number of entries, it is estimated that nearly 400 transactions took place Uptown on this single Saturday. It is also worth noting that this did not include restaurant/food transactions, so it is safe to assume the number would be even higher were those transactions of record as well. RDG is very pleased with these results for the first year of truly pushing a Small Business Saturday event, and looks forward to even more success in 2018.
- Other Highlights:
  - Uptown Window Decoration Competition will take place from Dec. 1 – Dec.16. Over a dozen Uptown businesses participating in the first year of this new, annual event.
  - RDG Executive Board appointments will take place at the December 20<sup>th</sup> meeting.
  - RDG Workplan adoption to take place at December 20<sup>th</sup> meeting, as well.
  - Thanks to assistance from the RFD in providing snow for Jingle On Main.
  - Ribbon Cutting for Savannah Jack's Café (formerly Touffie's) on December 8<sup>th</sup>.
  - Program Assessment due to the NC Main Street Program by January 5<sup>th</sup> at 5pm.



## **Planning & Development:**

- Nuisance Abatement and Land Use Ordinance Revisions: Draft documents are in Council packets for review this month. Chapters 151 and 152 were reviewed during a Public Hearing last month. The two chapters were condensed for clarity and revised to be in-line with current General Statutes and legislation changes.
- Code Enforcement: N Focus Planning Services' contract with the City of Roxboro will terminate on December 31, 2017. The new company, State Code Enforcement will handle Code Enforcement for the City of Roxboro effective January 1, 2018. This change will hopefully provide the City with faster, and more efficient, notification of violations. The new company employs a more technologically base approach that will allow for faster reporting, better communication of information, and reduced cost to the City. Staff intends to complete a trial period of six months with SCE, at which time a more long-term contract can be discussed.
- City Board Appointments and Meeting Dates: Due to the resignation of individuals from the City Planning Board and Board of Adjustment, two vacancies exist. Council has two applications to consider for each of these appointments, as well as the list of meeting dates for each Board, as approved by their respective members.
- Other Highlights:
  - Implementing new permit processing procedures
  - Reviewed various permits and applications
  - Nearing completion of application updating procedure
  - Making arrangements for improvements for inner-office organization

CONSENT AGENDA IS SHORTENED THIS MONTH AS A RESULT OF THE  
LATE COUNCIL MEETING IN NOVEMBER

# Organizational Meeting Matters

ROXBORO CITY COUNCIL  
MEETING RULES  
OF PROCEDURES

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At a meeting of the Roxboro City Council, held on Tuesday, December 12, 2017 a motion was offered by \_\_\_\_\_, seconded by \_\_\_\_\_ to adopt the Rules of Procedures as presented to take effect December 12, 2017 and, upon being put to a vote, was carried unanimously.

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Trevie Adams, MMC/NCCMC  
City Clerk

## **Roxboro City Council Meeting Rules of Procedure**

### **Rule 1. Regular Meetings**

Council shall hold a regular meeting on the second Tuesday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on another day as determined by Council. The meeting shall be held at Roxboro City Hall and shall begin at 7:00 p.m. A copy of the Council's current meeting schedule shall be filed with the City Clerk.

### **Rule 2. Special, Emergency, and Recessed (or Adjourned) Meetings**

- (a) **Special Meetings.** The Mayor, or three Council Members may at any time call a special council meeting provided that all council members shall be notified in advance of the time set for the meeting. In accordance to the Open Meetings Law, at least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and purpose to be considered shall be (1) provided to the mayor and each council member or left at his or her usual dwelling place; (2) posted on Council Chamber's door at city hall and (3) mailed, faxed or delivered to each newspaper, wire service, radio station, television station, and person who has filed an annual written request for notice with the city clerk.

A special meeting may also be called or scheduled by council vote in open session during another called meeting. The motion or resolution scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on Council Chamber door in city hall; and (2) mailed, faxed or delivered to each newspaper, wire service, radio station, television station, and person who has filed an annual written request for notice with the city clerk.

- (b) **Emergency Meetings.** City Council emergency meetings may be called only because of generally unexpected circumstances that require immediate council consideration. Only business connected with the emergency may be considered at an emergency meeting. One of the following two procedures must be followed when calling an emergency meeting: (1) The mayor or three Council Members may at any time call an emergency council meeting by providing notice stating the time and place of the meeting and purpose. The notice shall be provided to the mayor and each council member or left at his or her usual dwelling place in advance of the meeting. (2) An emergency meeting may be held at any time when a quorum of the council are present and consent thereto, but only when council complies with the notice provisions of the next paragraph.

Notice of an emergency meeting under (1) or (2) shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed an annual written emergency meeting notice request, which includes the newspapers, wire services, or stations telephone/fax number with the city clerk. This notice shall be given either by telephone, fax or by the same method used to notify the mayor and the council members and shall be given at the expense of the party notified.

- (c) **Recessed (or Adjourned) Meetings.** A properly called regular, special, or emergency meeting may be recessed or adjourned to a time and place certain by a procedural motion made and adopted as provided in Rule 18, Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of a recessed or adjourned session of a properly called regular, special, or emergency meeting.

### **Rule 3. Organizational Meeting**

On the date and at the time of the first regular December meeting following a general election in which Council Members are elected, or at an earlier date, if any, set by the incumbent council, the newly elected members shall take and subscribe the oath of office as the first order of business. As the second order of business, the council shall elect a mayor pro

tempore. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published in accordance with Subchapter IX of Chapter 163 of the North Carolina General Statutes.

#### **Rule 4. Agenda**

- (a) **Proposed Agenda.** The city clerk shall, under the direction of the City Manager, prepare a proposed agenda for each meeting. A citizen and/or organization request to have an item of business placed on the agenda must be received in writing stating the purpose of issue, by noon, seven days preceding the meeting. Any Council Member may, by a timely request have an item placed on the proposed agenda. A copy of all proposed ordinances shall be attached or referenced in the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each Council Member shall receive a copy of the proposed agenda and agenda package and they shall be available for public inspection, distribution or copying when they are distributed to the council members.
- (b) **Adoption of the Agenda.** As its first order of each meeting other than the organizational meeting, the Council shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. If items are proposed to be added to the agenda of a meeting, the Council may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all Council Members.

The Council may by majority vote add items or subtract items from the proposed agendas, except that (a) the Council may not subtract items from the proposed agenda stated in the notice of a special meeting called by the Mayor, or three Council Members unless those calling the meeting consent to the deletion, (b) the Council may not add items to the proposed agenda stated in the notice of a special meeting called by the Mayor, or three Council Members, unless all members are present and (c) only business connected with the emergency may be considered at an emergency meeting. The Council may add items to the proposed agenda of a special meeting only if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

- (c) **Consent Agenda.** The Council may designate a part of the agenda as the "consent agenda". Those preparing the proposed agenda if they are judged to be noncontroversial or routine shall place items on the consent agenda. Any member may remove an item from the consent agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote on each item.
- (d) **Open Meetings Requirements.** The Council shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number, or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the Council to understand what is being deliberated, voted, or acted on. The Council may, however, deliberate, vote or otherwise take action by reference to an agenda, if copies of the agenda – sufficiently worked to enable the public to understand what is being deliberated, voted, or acted on – are available for public inspection at the meeting.

#### **Rule 5. Public Address to the Council**

If any citizen, organization or group wishes to address council during a regular scheduled meeting, they may do so by signing up with the city clerk prior to the meeting. The Mayor shall recognize them at an appropriate time during the regular meeting and restrict their comments and questions to less than five minutes. If there are a number of citizens or groups expressing the same issue/concern, the Mayor reserves the right to ask that a speaker be appointed from the group to make the presentation. Council also reserves its right to not act on requests first presented at the same meeting. In regards to a special, emergency or other called meeting, such as work sessions, it will be up to the majority of Council to decide if a citizen, group or organization that is not already part of such meeting's agenda's called purpose be permitted to address council.

## **Rule 6. Order of Business**

Items are to be placed on the agenda according to the order of business. The order of business for a regular meeting follows:

- *Meeting Agenda Adoption*
- *Consent Agenda and Minute discussion and approval*
- *Informal Discussion and Public Comment*
- *Public Hearings & Ordinance Matters*
- *Administrative Business/Reports*
- *Unfinished/Old Business*
- *New Business*

By general consent of the Council, items may be considered out of order.

## **Rule 7. Mayor Meeting Responsibilities**

The Mayor presides at all Council meetings and has the right to vote only when there is a tie. In order to address the Council a member, citizen, or organization must be recognized by the Mayor.

The Mayor or other presiding officer shall have the following authority:

- (a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes.
- (b) To determine whether a speaker has gone beyond reasonable standards of courtesy in his/her remarks and to entertain and rule on objections from other members on this ground.
- (c) To entertain and answer questions of parliamentary law or procedure.
- (d) To call a brief recess at any time.
- (e) To adjourn in an emergency.

A decision by the presiding officer under (a), (b), or (c) may be Council appealed upon a motion of any member, pursuant to Rule 18(b), Motion 1. Such motion is in order immediately after a decision under (a), (b), or (c) is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.

## **Rule 8. Mayor Pro Tempore Meeting Responsibilities**

At the organizational meeting, the Council shall elect from among its members a Mayor Pro Tempore to serve at the Council's pleasure. A Council Member who serves as Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a Council Member for all purposes, including the determination of whether a quorum is present. In the Mayor's absence, the Council may confer on the Mayor Pro Tempore any of the Mayor's powers and duties. If the Mayor should become physically or mentally unable to perform the duties of his or her office, the Council may by unanimous vote declare that the Mayor is incapacitated and confer any of the Mayor's powers and duties on the mayor Pro Tempore. When a Mayor declares that he or she is no longer incapacitated, and a majority of the Council concurs, the Mayor shall resume the exercise of his or her powers and duties. If both the Mayor and Mayor pro Tempore are absent from a meeting, the Council may elect from among its members a temporary chairman to preside at the meeting.

## **Rule 9. When the Presiding Officer is in Active Debate**

If the Mayor or other presiding officer becomes actively engaged in debate on a particular proposal, either Council by majority vote or the Mayor may designate another Council Member to preside over the debate. The Mayor or other presiding officer shall resume presiding as soon as action on the matter is concluded.

**Rule 10. Action by the Council**

The Council shall proceed by motion, except as otherwise provided for in Rule 4 and in Rule 31. Any Council Member may make a motion.

**Rule 11. Second to Motion**

A motion shall require a second from another Council member.

**Rule 12. One Motion at a Time**

A member may make only one motion at a time.

**Rule 13. Substantive Motions**

A substantive motion is out of order while another substantive motion is pending.

**Rule 14. Adoption by Majority Vote**

A motion that has been duly second shall be adopted by a majority of the votes cast, a quorum as defined in Rule 27 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is three members of Council.

**Rule 15. Voting by Written Ballot**

The Council may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the meeting minutes shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the city clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

**Rule 16. Debate**

The mayor shall state the motion and then open the floor to debate on it. The Mayor shall preside over the debate according to the following general principles:

- (a) The maker of the motion is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- (c) To the extent possible, the debate shall alternate between proponents and opponents of the measure.

**Rule 17. Ratification of Actions**

To the extent permitted by law, Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

**Rule 18. Procedural Motions**

(a) **Certain Motions Allowed.** In addition to substantive proposals, the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

(b) **Order of Priority of Motions.** In order of priority (if applicable), the procedural motions are as follows:

**Motion 1. To Appeal a Procedural Ruling of the Presiding Officer.** A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his/her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

**Motion 2. To Adjourn.** This motion may be made only at the conclusion of Council consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess or adjourn to a time and place certain shall also comply with the requirements of Rule 2(c).

**Motion 3. To Take a Brief Recess.** This motion may be made at a reasonable opportunity and the length of recess determined by the Mayor.

**Motion 4. Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

**Motion 5. To Suspend the Rules.** The council may not suspend provisions of the rules that state requirements imposed by law on the Council. For adoption, the motion and second, requires a vote equal to two-thirds of the actual membership of the Council, excluding the Mayor, and vacant seats.

**Motion 6. To Go Into Closed Session.** Consistent with the provisions of Rule 25 the Council may go into closed session for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(3) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the Council expects to receive advice during the closed session, if in fact such advice is to be received.

**Motion 7. To Leave Closed Session.** To be made in open session.

**Motion 8. To divide a Complex Motion and Consider It by Paragraph.** The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

**Motion 9. To Defer Consideration.** The Council may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 90 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion (Rule 18(b), Motion 14), or else move to suspend the rules (Rule 18(b), Motion 5).

**Motion 10. Motion for the Previous Question.** The motion is not in order until every member has had an opportunity to speak once.

**Motion 11. To Postpone to a Certain Time or Day.** If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules (Rule 18(b), Motion 5).

**Motion 12. To Refer a Motion to a Committee.** The Council may vote to refer a substantive motion to a committee for its study and recommendations. Forty-five days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire Council, whether or not the committee has reported the matter to the Council.

**Motion 13. To Amend.** (a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be

treated as a motion to amend. (b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

**Motion 14. To Revive Consideration.** The board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 18(b). The motion is in order at any time within 90 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 90 days after the deferral unless a motion to revive consideration is adopted.

**Motion 15. To Reconsider.** The council may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "no's" prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through recess (or adjournment) to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

**Motion 16. To Rescind or Repeal.** The Council may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

**Motion 17. To Prevent Reintroduction for 180 Days.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the actual membership of the Council excluding the Mayor and vacant seats. If adopted, the restriction imposed by the motion remains in effect for 180 days or until the next organizational meeting of the Council, whichever occurs first.

**Rule 19. Renewal of Motion**

A defeated motion may be renewed at any later meeting unless a motion to prevent reintroduction has been adopted.

**Rule 20. Withdrawal of Motion**

The introducer may withdraw a motion at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.

**Rule 21. Duty to Vote**

Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his or her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the Council Chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

**Rule 22. Introduction of Ordinances**

A proposed ordinance shall be deemed introduced on the date the subject matter is first voted on by the Council.

**Rule 23. Adoption of Ordinances and Approval of Contracts**

- (a) Generally. An affirmative vote equal to a majority of all the members of the Council not excused from voting on the question in issue (including the Mayor's vote in case of an equal division) shall be required to adopt an ordinance, to take any action that has the effect of an ordinance, or to make, ratify, or authorize any contract on behalf of the City. In addition, no ordinance or action that has the effect of an ordinance may be finally adopted on the date on which it is first introduced except by an affirmative vote of four Council Members, unless Council has first conducted a public hearing on the ordinance.
- (b) Zoning Protest Petitions. An affirmative vote equal to three-fourths of all the members of the City Council shall be required for an ordinance making a change in a zoning regulation, restriction, or boundary to become effective, if a

valid protest petition is received in accordance with the requirements set out in G.S. 160A-385(a) and G.S. 160A-386. This rule shall not apply in those cases excepted by G.S. 160A-385(a).

#### **Rule 24. Adoption of the Budget Ordinance**

Notwithstanding the provisions of any city charter, general law or local act.

- (1) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the Council by a simple majority of those present and voting, a quorum being present.
- (2) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Council; and
- (3) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any city charter or local act concerning initiative or referendum.

Pursuant to G.S. 159-11, referencing budget submission schedule to Council and per G.S. 159-13 ending with Council's adoption of the budget ordinance, the Council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as (a) each member of the board has actual notice of each special meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken up. This rule does not allow, and may not be construed to allow, the holding of closed meetings or executive sessions by the council if it is otherwise prohibited by law from holding such a meeting or session.

#### **Rule 25. Closed Sessions**

The Council may hold closed sessions as provided by law. Council shall only commence a closed session after a motion and second to go into closed session has been made and adopted during an open meeting. The motion shall state the closed session's purpose. If the motion is based on G.S. 143-318.11(a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by the majority vote of those present and voting. The Council shall terminate the closed session by a majority vote.

Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session.

#### **Rule 26. Quorum**

Three members of Council shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

#### **Rule 27. Public Hearings**

Public hearings required by law or deemed advisable by Council shall be organized by a special order (adopted by a majority vote) that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to Council Meetings shall also apply to public hearings at which a majority of the Council is present, such a hearing is considered to be part of a regular or special meeting of Council. These requirements also apply to hearings conducted by appointed or elected Council Committees, if a majority of the committee is present. A public hearing for which any notices required by the open meetings law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2<sup>o</sup> shall be followed in continuing a hearing at which a majority of the Council is present.

The Council may vote to delegate to City Staff members, as appropriate, the authority to schedule, call, and give notice of public hearings required by law or the Council. The Council shall provide adequate guidelines to assist staff members in fulfilling this responsibility, and it shall not delegate the responsibility in cases where the Council itself is required by law to call, schedule, or give notice of the hearing.

At the time appointed for the hearing, the Mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

#### **Rule 28. Quorum at Public Hearings**

A quorum of the Council shall be required at all public hearings required by state law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular council meeting without further advertisement.

#### **Rule 29. Minutes**

The City Clerk shall keep full and accurate minutes of the council proceedings, including closed sessions. The board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to public inspection, except as otherwise provided in this rule. The exact working of each motion and the results of each vote shall be recorded in the minutes, and on the request of any Council Member, the "ayes" and "no's" upon any question shall be taken. Members' and other persons' comments may be included in the minutes if the Council approves.

Minutes and general accounts of closed sessions may be sealed by action of the Council. Such sealed minutes and general accounts may be withheld from the public inspection so long as public inspection would frustrate the purpose of the closed session.

#### **Rule 30. Appointments**

The Council may consider and make appointments to other bodies, including its own committees, if any, only in open session. The Council may not consider or fill a vacancy among its own membership except in open session. The Mayor shall not have a right to vote on appointments that come before the Council.

Rather than proceeding by motion, the Council shall use the following procedure to make appointments to various other boards and offices. The Mayor shall open the floor for nominations, whereupon the names of possible appointees may be put forward by the Council Members. The names submitted by individual Council Members shall be debated. When the debate ends, the Mayor shall call the roll of the members, and each member shall cast his or her vote.

The voting shall continue until one nominee receives a majority of the votes cast, whereupon he or she shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes in each balloting as there are slots to be filled, and votes from a majority of the members voting shall be required for appointment. During each balloting, a member may cast all of his or her votes or fewer than all of them, but he or she shall not cast more than one vote for a single candidate.

**Rule 31. Committee and Boards**

- (a) **Establishment and Appointment.** The Council or the Mayor, if the Mayor is delegated that power by the Council, may establish and appoint members for such temporary and standing city committees and boards as are needed to help carry on the work of city government. Any specific provisions of law relating to particular committees and boards shall be followed.
- (b) **Open Meetings Law.** The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of the City that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi judicial, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among the city's professional staff.

**Rule 32. Amendment of the Rules**

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with the City Charter, general law, and generally accepted principles of parliamentary procedure. Adoption of an amendment shall require an affirmative vote equal to or greater than two-thirds of all the actual membership of the Council, excluding vacant seats, and not including the Mayor on all questions before the Council.

**Rule 33. Reference to *Robert's Rules of Order Newly Revised***

To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the Council shall refer to *Robert's Rules of Order Newly Revised*, to answer unresolved procedural questions.

**RESOLUTION ADOPTING A CODE OF ETHICS FOR THE  
GOVERNING BODY OF THE CITY OF ROXBORO**

**WHEREAS**, the proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; and

**WHEREAS**, government decisions and policy must be made in proper channels of the governmental structure; and

**WHEREAS**, the public office must not be used for personal gain; and

**WHEREAS**, the public must have confidence in the integrity of its government; and in recognition of these goals; and

**WHEREAS**, the General Assembly of North Carolina ratified House Bill 1452 on the 28<sup>th</sup> day of July, 2009 requiring that all members of governing boards covered by this act shall receive a minimum of two clock hours of ethics education within 12 months after initial election or appointment to the office and again within 12 months after each subsequent election or appointment to the office in accordance with N.C.G.S. 160A-84.

**BE IT HEREBY RESOLVED** by the City Council of the City of Roxboro in Roxboro, North Carolina that the following is adopted:

**CODE OF ETHICS  
FOR THE MAYOR AND CITY COUNCIL**

The stability and proper operation of democratic representative government depends upon the continuing consent of the governed, upon the public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people. Government decisions and policy must be made and implemented through proper channels and processes of the governmental structure. The purpose of this code is to establish guidelines for ethical standards of conduct for the Mayor and City Council and all references herein to the City Council shall be understood to include the Mayor. It should not be considered a substitute for the law or a City Council member's best judgment.

City Council members must be able to act in a manner to maintain their integrity and independence yet must be responsive to the interests and needs of those they represent. City Council members serve in an important advocacy capacity in meeting the needs of their

citizens and should recognize the legitimacy of this role as well as the intrinsic importance of this function to the proper functioning of representative government. At the same time, City Council members must, at times, act in an adjudicatory or administrative capacity and must, when doing so, act in a fair and impartial manner. City Council members must know how to distinguish these roles and when each role is appropriate and they must act accordingly. City Council members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each Council member must find within his or her own conscience the touchstone on which to determine appropriate conduct.

### **One**

#### **A City Council Member Shall Obey the Law**

City Council members shall support the Constitution of the United States, the Constitution of North Carolina and the laws enacted by the Congress of the United States and the General Assembly pursuant thereto. Members specifically acknowledge and agree to comply with the requirements of NCGS §14-234 entitled "Public officers or employees benefiting from public contracts; exceptions."

### **Two**

#### **A City Council Member Should Uphold the Integrity and Independence of His or Her Office**

City Council members should demonstrate the highest standards of personal integrity, truthfulness, honesty and fortitude in all their public activities in order to inspire public confidence and trust in town government. City Council members should participate in establishing, maintaining, and enforcing, and should themselves observe, high standards of conduct so that the integrity and independence of their office may be preserved. The provisions of this Code should be construed and applied to further these objectives.

### **Three**

#### **A City Council Member Should Avoid Impropriety and the Appearance of Impropriety in All His or Her Activities**

It is essential that city government attract those citizens best-qualified and willing to serve. City Council members have legitimate interests-economic, professional and vocational-of a private nature. City Council members should not be denied, and should not deny to other City Council members or citizens, the opportunity to acquire, retain and pursue private interests, economic or otherwise, except when conflicts with their responsibility to the public cannot be avoided. City Council members must exercise their best judgment to determine when this is the case.

City Council members should respect and comply with the law and should conduct themselves at all times in a manner that promotes public confidence in the integrity of the office of City Council and of City government.

City Council members should not allow family, social, or other relationships to unduly influence their conduct or judgment and should not lend the prestige of the office of City Council to advance the private interests of others; nor should they convey or permit others to convey the impression that they are in a special position to influence them. City Council

members shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

The Mayor or any member of the City Council who has an interest in any official act or action before the Council shall publicly disclose on the record of the Council the nature and extent of such interest and shall withdraw from any consideration of the matter if excused by the Council pursuant to NCGS §160A-75.

**Four**  
**A City Council Member Should Perform the Duties of the**  
**Office Diligently**

City Council members should, while performing the duties of the office as prescribed by law, give precedence to these duties over other activities. In the performance of these duties, the following standards should apply:

**A. Legislative Responsibilities**

1. City Council members should actively pursue policy goals they believe to be in the best interests of their constituents within the parameters of orderly decision-making, rules of the City Council and open government.
2. City Council members should respect the legitimacy of the goals and interests of other City Council members and should respect the rights of others to pursue goals and policies different from their own.

**B. Adjudicative Responsibilities**

1. City Council members should be faithful to the general and local laws pertaining to the office and strive for professional competence in them. They should be unswayed by partisan interests, public clamor, or fear of criticism.
2. City Council members should demand and contribute to the maintenance of order and decorum in proceedings before the City Council.
3. City Council members should be honest, patient, dignified and courteous to those with whom they deal in their official capacity, and should require similar conduct of their staff and others subject to their direction and control.
4. City Council members should accord to every person who is legally interested in a proceeding before the Council full right to be heard according to law.
5. City Council members should dispose promptly of the business of the city for which they are responsible.

**C. Administrative Responsibilities**

1. City Council members should clearly distinguish legislative, adjudicatory and administrative responsibilities and should refrain from inappropriate interference in the impartial administration of city affairs by city employees. City Council members should diligently discharge those administrative responsibilities that are appropriate, should maintain professional competence in the administration of these duties and should facilitate the diligent discharge of the administrative responsibilities of fellow City Council members and other town officials.

2. City Council members should conserve the resources of the city in their charge. They should employ city equipment property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
3. City Council members should require city employees subject to their direction and control to observe the standards of fidelity and diligence that apply to City Council members as well as those appropriate for employees.
4. City Council members who become aware of improper conduct by a city employee should promptly inform the City Manager, or, in the case of a city employee who reports directly to the Council, initiate appropriate disciplinary measures.
5. City Council members should not employ or recommend the appointment of unnecessary employees and should exercise the power of employment only on the basis of merit, avoid favoritism and refrain from illegal discrimination and nepotism. They should not approve compensation of employees beyond the fair value of services rendered.

### **Five**

#### **A Council Member Should Conduct the Affairs of the City Council in an Open and Public Manner**

City Council Members should be aware of the letter and intent of the State's Open Meetings Law, should conduct the affairs of the City Council consistent with the letter and spirit of that law and consistent with the need to inspire and maintain public confidence in the integrity and fairness of town government and the office of City Council. Consistent with this goal of preserving public trust, City Council members should be aware of the need for discretion in deliberations when the lack of discretion would pose a threat to the resources of the town, to the reputation of current or potential town employees, to orderly and responsible decision making, to the integrity of other governmental processes or to other legitimate interests of the town.

### **Six**

#### **A City Council Member Should Regulate His or Her Extra Governmental Activities to Minimize the Risk of Conflict with His or Her Official Duties**

1. City Council members should inform themselves concerning campaign finance, conflict of interest and other appropriate state and federal laws and should scrupulously comply with the provisions of such laws.
2. City Council members should refrain from financial and business dealings that tend to reflect adversely on the Council or on city government or to interfere with the proper performance of official duties.
3. City Council members should manage their personal financial interests to minimize the number of cases in which they must abstain from voting on matters coming before the Council.
4. Information acquired by City Council members in their official capacity should not be used or disclosed in financial dealings or for any other purpose not related to official duties.

## **Seven**

### **A Council Member Should Refrain from Political Activity Inappropriate to His or Her Office**

1. City Council members have a civic responsibility to support good government by every available means, to continue to inform and educate the citizens about the affairs and processes of city government, and to make themselves available to citizens of the city so that they may ascertain and respond to the needs of the community. In doing so, City Council members may and should join or affiliate with civic organizations whether partisan or non-partisan, may and should attend political meetings, may and should advocate and support the principles or policies of civic or political organizations consistent with the Constitution and laws of the United States and North Carolina.
  
2. Candidates for the office of City Council, including incumbents:
  - A. Should inform themselves concerning the laws of this state with regard to campaigns and relevant disclosure requirements and should scrupulously comply with the provisions of such laws;
  - B. Should maintain the dignity appropriate to the office, and should encourage members of their families to adhere to the same standards of political conduct that apply to City Council;
  - C. Should not make pledges or promises of conduct in office that they will not or cannot perform or would be illegal if it were performed;
  - D. Should not misrepresent their identity, qualifications present position, or other fact; and
  - E. Should avoid pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office.

## **Eight**

### **A City Council Member Shall Attend Ethics Education Training**

All members of governing boards shall receive a minimum of two clock hours of ethics education within 12 months after initial election or appointment to the office, and again within 12 months after each subsequent election or appointment to the office in accordance with N.C.G.S. 160A-84. The ethics education shall cover laws and principles that govern conflicts of interest and ethical standards of conduct at the local government level. The ethics education may be provided by various qualified sources, including the NC League of Municipalities and UNC School of Government, or other qualified sources of the Council's choosing. The Clerk to the governing board shall maintain a record verifying receipt of the ethics education by each member of the City Council.

#### **BE IT FURTHER RESOLVED** that:

1. A violation of this Code of Ethics may subject a Mayor/Commissioner to a censure Resolution by the Roxboro City Council; however, no such censure resolution shall be adopted until the person alleged to have committed the violation has been given notice of the alleged violation and provided with the opportunity to appear before the Council and be heard regarding the allegation.
2. When a Mayor/Commissioner has a question as to the applicability of this code to a particular situation, he or she may apply, orally or in writing, to the City Attorney for

advisory guidance. Upon receipt of a request for advisory guidance and based only upon the information given to the City

Attorney, the City Attorney will provide advisory guidance to the Mayor/Commissioner. In the City Attorney’s discretion, he may retain outside legal counsel to advise him in connection with any request for advisory guidance. In no event will the City Attorney’s advisory guidance excuse a Mayor/Commissioner from complying with the Code of Ethics or other applicable law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

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

\_\_\_\_\_  
Council Member Timothy Chandler

\_\_\_\_\_  
Council Member Sandy Stigall

\_\_\_\_\_  
Council Member Reginald Horton

\_\_\_\_\_  
Council Member Mark Phillips

\_\_\_\_\_  
Council Member Byrd Blackwell

ATTEST:

\_\_\_\_\_  
Trevie Adams, MMC/NCCMC  
City Clerk

(SEAL)

# 1. Text Amendment - Ordinances 151-152

**AN ORDINANCE CONCERNING MINIMUM HOUSING STANDARDS, ABANDONED BUILDINGS and AMENDING CHAPTERS 151 and 152 of THE CODE OF ORDINANCES OF THE CITY OF ROXBORO**

**WHEREAS**, Article 8, Delegation and Exercise of the General Police Power of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-174, et seq., delegates to municipalities the authority to exercise the general police power; and

**WHEREAS**, Part 6, Minimum Housing Standards of Article 19 of the North Carolina General Statutes, N.C.G.S. 160A-441, et seq., authorizes municipalities to provide for the repair, closing or demolition of dwellings, buildings or structures used or intended for human habitation;

**WHEREAS**, Part 6 of Article 19 of the North Carolina General Statutes, N.C.G.S. 160A-439, authorizes municipalities to provide for the repair, closing or demolition of Non-Residential buildings or structures;

**WHEREAS**, N.C.G.S. 160A-193 authorizes municipalities to summarily remedy, abate or remove public health nuisances; and

**WHEREAS**, the City of Roxboro City Council finds that it is in the public interest to amend the City's Code of Ordinances to provide more specificity as to the requirements for regulating dwellings, buildings or structures used or intended for human habitation and/or for regulating non-residential buildings and structures; and

**WHEREAS**, the City of Roxboro City Council, after due notice, conducted a public hearing on the \_\_\_\_\_ day of \_\_\_\_\_ 2017, upon the question of enacting a City Ordinance in this respect.

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

**PART ONE.** That Chapter 151, the Minimum Housing Standards Ordinance, of the City of Roxboro, North Carolina, is hereby amended and rewritten in its entirety to read as follows:

**“CHAPTER 151 HOUSING and BUILDING CODE**

**DIVISION I. GENERAL PROVISIONS**

**Section 151.01 How chapter known and cited.**

This Ordinance shall be known, and cited as, as the “minimum housing and unsafe building code” and may be referred to herein as “this Ordinance”.

**Section 151.02 Intent and Findings of the City Council**

It is hereby found and declared that the existence and occupation of dwellings in this City's jurisdiction that are unfit for human habitation are inimical to the welfare and dangerous and injurious to the health, safety and morals of the people of this City and County, and that a public necessity exists for the repair, closing or demolition of such dwellings. Whenever this City finds that there exists in the City dwellings that are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering the dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the City; and

It is hereby found that when there exists within the City's jurisdiction structures which the City Council find to be hazardous to the health, safety and welfare of the residents of the City due to the attraction of insects and/or snakes and/or rodents or conditions creating a fire hazard, dangerous conditions constituting a threat to children or conditions creating a fire hazard, dangerous conditions constituting a threat to children or conditions creating frequent use by vagrants as living quarters in the absence of sanitary facilities.

The City Council is authorized by N.C. Gen. Stat. §§ 160A-439 and 160A-441 to exercise its police powers to repair, close or demolish the dwellings in the manner herein provided; and pursuant to the authority granted by N.C. Gen. Stat. §§ 160A-193, 160A-439 and 160A-441, it is the further intent of this ordinance to provide for the repair, closing or demolition of any such unsafe or unsanitary dwellings, and abandoned structures in accordance with the provisions as are set forth in this ordinance for the repair, closing or demolition of dwellings and/or structures, and to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation.

### **Section 151.03 Purpose and Scope**

The purpose of this Ordinance is to stop, remedy and prevent the decay and deterioration of places of habitation and to eliminate blighted neighborhoods by providing minimum requirements for dwellings for the protection of life, health, safety, welfare and property of the owners and occupants of dwellings and the general public.

Additionally, the purpose of this Ordinance is to stop, remedy and prevent the decay and deterioration of places of non-residential buildings and structures for the protection of life, health, safety, welfare and property of the owners and occupants of non-residential buildings and the general public.

The provisions of this Ordinance apply to all residential buildings, and their accessory structures, all non-residential buildings and non-residential structures within the City as now or may later be fixed. Demountable buildings or structures when used, or intended to be used, for human habitation, shall be subject to the applicable provisions of this Ordinance.

### **Section 151.04 Owner's Responsibilities Generally**

An owner remains liable for duties imposed by the Chapter even though:

- (A) An obligation is also imposed on the occupants, or
- (B) The owner has, by agreement, imposed on the occupant(s) the duty of furnishing required equipment or complying with this Ordinance.
- (C) Public Areas. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public area of the dwelling and premises thereof.
- (D) In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.

It shall be a defense to sections 152.21 *et seq.* that violations of this Ordinance were caused solely by a tenant(s) or tenants' guests. Owner(s) are responsible for ensuring that the dwelling or building is brought into compliance with this Ordinance.

#### **Section 151.05 Occupants' Responsibilities Generally**

Every occupant of a dwelling unit shall:

- (A) Cleanliness. Keep that part of his or her dwelling and dwelling unit and premises thereof which he or she occupies and controls in a clean and sanitary condition.
- (B) Rubbish and Garbage. Dispose of all his or her rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities.
- (C) Supplied Plumbing Fixtures. Keep all supplied plumbing fixtures therein in a sanitary condition and be responsible for the exercise of reasonable care in the proper use and operation of same.
- (D) Care of Facilities, Equipment and Structure. Not destroy, deface, or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.

#### **151.06 Conditions rendering residential buildings unfit for human habitation;**

- (A) Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation shall comply with all of the minimum standards of fitness for human habitation and all other applicable requirements of this Ordinance.
- (B) No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation any dwelling or dwelling unit which does not comply with all of the

minimum standards of fitness for human habitation and all other applicable requirements of this Ordinance.

- (C) The following standards shall constitute the minimum standards for structural condition of a dwelling or dwelling unit. The inspector will determine that a residential building is unfit for human habitation if any of the following conditions exist:
- (1) Walls or partitions or supporting members, sills, joists, rafters, or other structural members list, lean or buckle, and/or are rotten, deteriorated, or damaged, and / or have holes or cracks which might admit rodents. Supporting members are not adequate if thirty-three per cent (33%) or more are damaged or deteriorated. Non-supporting, enclosing or outside walls or coverings are not adequate if fifty-five per cent (55%) or more are damaged or deteriorated.
  - (2) Floors or roofs have inadequate supporting members and strength to be reasonably safe for the purpose used. Supporting members are not adequate if thirty-three per cent (33%) or more are damaged or deteriorated. Non-supporting, enclosing or outside walls or covering are not adequate if fifty-five per cent (55%) or more are damaged or deteriorated.
  - (3) Foundations, foundation walls, piers or other foundation supports are deteriorated or damaged.
  - (4) Steps, stairs, landings, porches, or other parts and appurtenances are maintained in such condition that they will fail or collapse.
  - (5) Adequate facilities for egress in case of fire or panic are not provided.
  - (6) Interior walls and ceilings of all rooms, closets, and hallways are not furnished of suitable materials, which will by use of reasonable household methods promote sanitation and cleanliness, and are not maintained in such manner so as to enable the occupants to maintain reasonable privacy between various spaces.
  - (7) The roof, flashing, exterior walls, floors, and all doors and windows exposed to the weather are not constructed and maintained so as to be weather and watertight.
  - (8) Chimneys or parts thereof are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.
  - (9) The ground is used for floors, or wood floors are on the ground.

- (D) Irrespective of Section (A) above, the enforcing agent shall find residential dwelling units to be unfit for human habitation if a dwelling unit contains more than five separate types of violations of any of the minimum standards set forth in this Ordinance.

**151.07 Declaration of unsafe non-residential building or structure.**

- (A) Every structure within the City's jurisdiction shall be deemed in violation of this Ordinance whenever such structure constitutes a hazard to the health, safety or welfare of the City citizens. The enforcing agent may declare a non-residential structure or building to be unsafe as a result of:

- (1) Vacancy or abandonment;
- (2) Dilapidated conditions causing or contributing to blight, disease and /or safety hazards;
- (3) The attraction of insects and/or rodents and/or snakes including the collection of garbage or rubbish in or near the structure which might attract rodents and/or snakes and/or insects or become breeding places for rodents and/or snakes and/or insects;
- (4) Conditions creating a fire hazard;
- (5) Dangerous conditions constituting a threat to children, such as the use of such structure or nearby grounds or facilities by children as a play area, or violations of the State Building Code which might result in danger to children using the structure or facilities as a play area;
- (6) Repeated use of such structure in the absence of sanitary facilities, for living, sleeping, cooking or eating
- (7) In violation of the State Building Code, or the State Electrical Code or the Fire Prevention Code which constitutes a fire hazard in such structure or the International Property Management Code as adopted by the City in section 152.40.
- (8) Violation of the standards established by the City in this Ordinance

**151.08 Unlawful to rent or occupy property after expiration of time limits under any orders issued pursuant to this Ordinance.**

- (A) If any order issued and served in accordance with this Ordinance requires that a dwelling or dwelling unit be closed and vacated and said order is not complied with within the time specified therein, it shall be unlawful for any person that had knowledge of the issuance of the order to occupy any portion of the building

under order for any purpose.

- (B) When the enforcing agent finds that a building is unfit for human habitation within the meaning of this Ordinance and has notified the owner to such effect and the time limit set by the inspector for the correction of defects and vacating same has expired, it shall be unlawful for any person (including, but not limited to, owner or owner's agent) to receive rentals, offer for rent, or occupy said building/dwelling unit for any purpose.

#### **151.09 Unauthorized removal of orders, notices**

No person, without the written consent of the inspector, shall remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of this Ordinance.

#### **151.10 Definitions**

The following definitions shall apply in the interpretation and enforcement of this ordinance.

(A) Basement shall mean a portion of a dwelling which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

(B) Cellar shall mean a portion of a dwelling which is located partly or wholly underground having an adequate access to light and air from windows located partly or wholly below of the adjoining ground.

(C) Deteriorated shall mean that a dwelling may be unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this ordinance at a cost not in excess of fifty percent (50%) of its value, as determined by the inspector.

(D) Dilapidated shall mean that a dwelling is unfit for human habitation and cannot be improved, repaired, or altered to comply with all of the minimum standards established by this ordinance except at a cost in excess of fifty (50%) percent of its value, as determined by the inspector.

(E) Dwelling shall mean any building, structure, manufactured home or mobile home or part thereof which is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home of health care home which is used solely for a seasonal vacation purpose. Temporary housing, except for Temporary Family Health Care Structures as defined below, shall not be regarded as a dwelling. The term dwelling shall include within its meaning the terms rooming house and rooming unit, as hereinafter defined.

(F) Dwelling Unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

(G) Extermination shall mean the control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination methods approved by the inspector.

(H) Garbage shall mean the waste resulting from the handling, preparation, cooking, and consumption of food.

(I) Gender shall mean words having a masculine gender shall include the feminine and neuter gender.

(J) Habitable Room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathroom, water closet compartments, laundries, heater rooms, foyers, or communication corridors, closets and storage spaces.

(K) Infestation shall mean the presence, within or around a dwelling, or any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or the public.

(L) Inspector shall mean the Roxboro City Manager or his or her designee or agent. "Inspector" shall be synonymous with "public officer," as that term is used in N.C. Gen. Stat. Chpt. 160A, Art. 19, Part 6.

(M) Multiple Dwellings shall mean any dwelling containing more than two dwelling units.

(N) Occupancy shall mean any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit or rooming unit.

(O) Operator shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

(P) Owner shall mean any person who alone, jointly, or severally with others: (1) shall have title to any dwelling, dwelling unit or rooming unit, with or without accompanying actual possession thereof; or (2) shall be a mortgagee of record for any dwelling, dwelling unit or rooming unit; or (3) shall have charge, care, or control of any dwelling, dwelling unit or rooming unit, as owner or agent of the actual owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the actual owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

(Q) Party or Parties-in-Interest shall mean all individuals, associations and corporations who have interests of record in a non-residential building or structure, dwelling, dwelling unit or rooming unit and any persons who are in possession thereof.

(R) Person shall mean any individual, corporation, firm, partnership, association, organization or other legal entity.

(S) Plumbing shall mean and include all of the following supplied facilities and equipment; gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units, (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

(T) Public Authority shall mean any officer who is in charge of any department or branch of the government of the City of Carthage or Person County, or the State of North Carolina relating to health, fire, building regulations or other activities concerning dwellings in the City.

(U) Rooming House shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to four or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.

(V) Rooming Unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living or sleeping but not for cooking or eating purposes.

(W) Rubbish shall mean non-food waste materials. The term shall include items such as: paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral, glass and dust.

(X) Supplied shall mean paid for, furnished, or provided by, or under the control of, the owner or operator.

(Y) Temporary Family Health Care Structure shall mean a transportable residential structure as authorized by N.C. Gen. Stat. § 160A-383.5, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that is (i) primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and N.C. Gen. Stat. §143-139.1(b). These structures are deemed to be permitted accessory structures by State Law.

(Z) Temporary Housing shall mean any tent, trailer or other structure used for human shelter, which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities on the same premises for more than thirty (30) consecutive days.

(AA) Unfit for Human Habitation shall mean that conditions exist in a dwelling, dwelling unit, rooming house, or rooming unit which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this ordinance.

(BB) Vacant industrial warehouse means any building or structure designed for the storage of goods or equipment in connection with manufacturing processes, which has not been used for that purpose for at least one year and has not been converted to another use.

(CC) Vacant manufacturing facility means any building or structure previously used for the lawful production or manufacturing of goods, which has not been used for that purpose for at least one year and has not been converted to another use.

(DD) Words having certain meaning shall mean whenever the words “Dwelling, dwelling unit, rooming house, rooming unit, or premises” are used in this ordinance, they shall be construed as though they were followed by the words “or any part thereof.”

#### **151.11 Chapter Supplemental; Alternative Remedies**

This Ordinance shall not be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this Ordinance by criminal process as authorized by N.C. Gen. Stat. §14-4 or to enforce this ordinance by civil action pursuant to N.C. Gen. Stat. § 160A-175. The enforcement of any remedy provided in this Ordinance shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

**151.12 through 151.19 Reserved.**

### **DIVISION II ADMINISTRATION and ENFORCEMENT**

#### **151.20 Duties and Powers of Enforcing Agent(s)**

- (A) The inspector is hereby designated as the officer to enforce the provisions of this Ordinance. It shall be the duty of the inspector to:
- (1) Locate abandoned structures within the City and its extraterritorial jurisdiction and determine which structures are in violation of this Ordinance;
  - (2) Take such action pursuant to this Ordinance as may be necessary to provide for the repair, closing or demolition of such structures;
  - (3) Keep an accurate record of all enforcement proceedings begun pursuant to the provisions of this Ordinance and to keep a record of the results of inspections made under this ordinance and an

inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed;

- (4) Perform such other duties as may be prescribed in this Ordinance or assigned to him or her by the Roxboro City Council.

(B) The inspector is granted and permitted such powers as may be necessary to carry out the intent and the provisions of this Ordinance, including the following powers in addition to others granted in this Ordinance:

- (1) To investigate the conditions of buildings within the City and its extraterritorial jurisdiction in order to determine which structures are abandoned and in violation of this Ordinance; and
- (2) To obtain administrative search warrant(s) pursuant to N.C. Gen. Stat. § 15-27.2.
- (3) To enter upon premises for the purpose of making inspections; and
- (4) To administer oaths and affirmations, examine witnesses and receive evidence; and
- (5) To designate such other officers, agents and employees of the City as he or she deems necessary to carry out the provisions of this Ordinance.
- (6) To investigate the conditions, and to inspect dwellings and dwelling units located in the City of Carthage, in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this Ordinance with respect to such dwellings and dwelling units;
- (7) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated;

#### **151.21 Preliminary Investigation; Issuance of Complaint; Hearing**

Whenever the inspector finds any building or structure or portion thereof to be hazardous to the health, safety and welfare of the residents of the City as defined in in this ordinance, or if a petition is filed with the office of the inspector by at least five residents of the City charging that any structure exists in violation of this Ordinance, or whenever it appears to the inspector , upon inspection, that any structure exists in violation hereof, he shall, if his preliminary investigation disclosed a basis for such charges, issue and cause to be served upon the owner of and parties-in-interest in such structure a complaint. Such complaint shall state the charges and contain a notice that a hearing will be held before the inspector at the location of the property subject to the

complaint, or at another location within the City limits not less than ten (10) days nor more than thirty (30) days after the serving of the complaint. The owner or any party-in-interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall be not controlling in these hearings.

### **151.22 Methods of Service of Complaints and Orders**

(A) Complaints or orders issued by the inspector pursuant to this Ordinance shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order will also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(B) If the whereabouts of such persons are unknown and cannot be ascertained by the inspector in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, and the inspector shall make an affidavit to that effect, and the serving of such complaint, ordinance or order upon such person may be made by publication in a newspaper having general circulation in the City at least once, no later than the time at which personal service is required. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

(C) That whenever a determination is made pursuant to section 151.23 of this ordinance that a dwelling must be vacated and closed, or removed or demolished, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the inspector, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The inspector or City Clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the inspector to wait 45 days before causing removal or demolition.

### **151.23 Determination, Issuance of Order After Hearing**

(A) Determination for Dwellings: After such notice and hearing as provided in section 151.21, if the inspector finds that the dwelling under consideration is unfit for human habitation he or she shall state in writing his/her findings of fact in support of that determination. The inspector shall issue and cause to be served upon the

owner thereof an order to repair, alter and improve such structure or remove or demolish the same within a specified period of time not to exceed 60 days.

(B) Determination for All other Buildings and Structures: If, after notice and hearing, the inspector determines that the non-residential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by this Ordinance, the inspector shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order.

(C) Limitations on Order:

(1) If the repair, alteration or improvement of the dwelling or abandoned structure can be made at a cost of no more than fifty per cent of the value of the dwelling or building as determined and published most recently by the Person County Tax Assessor, the order may require the owner, within the time specified, to repair, alter or improve the building, structure or dwelling in order to render it fit for human habitation or, in the case of non-residential buildings to bring it into compliance with the standards of this Ordinance within 90 days. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under section 151.25 or

(2) If the repair, alteration or improvement of the dwelling, building or structure cannot be made at a cost of less than fifty per cent of the value of the dwelling or building as determined and published most recently by the Person County Tax Assessor, the order may require the owner, within the time specified, to remove or demolish the structure or dwelling within 90 days.

(a) Historic Exception: However, notwithstanding any other provision of law and this ordinance, if the building, structure or dwelling is located in the Historic Landmarks and Preservation Overlay district and the Historic Preservation Commission (if any) determines, after a public hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may

require that the dwelling be vacated and closed consistent with N.C. Gen. Stat. § 160A-400.14(a).

- (3) General Exception for Vacant Manufacturing or Industrial Facilities: An order may not require repairs, alterations, or improvements to be made to vacant manufacturing facilities or vacant industrial warehouse facilities to preserve the original use. The order may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

**151.24 Failure to Comply With Order; Council May Consider Ordinance Enforcing Order**

- (A) Remedy. If the owner of any unsafe, unfit or abandoned dwelling, building structure as defined in this ordinance shall fail to comply with an order of the inspector to repair, alter, or improve, vacate and close the same within the time specified therein, the inspector may either request an emergency meeting with the City Council or place the matter on the agenda of the next scheduled Council meeting. At the meeting the Council may consider an ordinance finding that failure to comply with the order jeopardized the public health safety and welfare of the general public and/or the occupants of the building structure or dwelling. If the Council finds that the public or occupant's health and safety are jeopardized, the Council shall adopt an ordinance:
- (1) Describing the property, and
  - (2) Listing the Council's findings, and
  - (3) Directing that the Ordinance be recorded in the Person County Registry and indexed in the grantor index in the name of the property owner(s), and
  - (4) Directing that the inspector cause the building or dwelling to be repaired, altered and repaired or vacated and closed. If the building or dwelling is to be closed the ordinance will direct the inspector to post the property with a placard reading:
    - (i) For Non-Residential Buildings: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful."
    - or
    - (ii) For Dwellings: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."
- (B) Any person who occupies or knowingly allows the occupancy of a non-residential building or structure so posted shall be guilty of a Class 3 misdemeanor. Any person

who occupies or knowingly allows the occupancy of a dwelling so posted shall be guilty of a Class 1 misdemeanor

(C) Further in Rem Remedy - Demolition: If the City Council has adopted an ordinance ordering a dwelling to be repaired, vacated or closed under section 151.24 (A), and if the owner fails to comply with that ordinance in regard to a residence in one year or a two years in the case of non-residential buildings or structures, the Council may consider another ordinance if the Council finds that: the owner has abandoned the intent and purpose to repair, alter or improve the building, structure or dwelling in order to render it fit for human habitation or, for non-residential buildings, to have abandoned the intention to repair and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of Carthage in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in the City. Any ordinance enacted shall set forth the following:

- (1) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the building, structure or dwelling within 90 days; or
- (2) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the building, structure or dwelling within 90 days.
- (3) Any ordinance so adopted shall be served on the owner of the property and recorded in the Person County Office of the Register of Deeds and shall be indexed in the name of the property owner in the grantor index.
- (4) If the owner fails to comply with this ordinance, the inspector shall effectuate the purpose of the ordinance.

**151.25 Remedies; Appeal by Owner to Superior Court.**

- (A) The City Council shall also hear any appeals from any decision or order of the inspector.
- (B) An appeal from any decision or order of the inspector may be taken to the Council by any person aggrieved thereby or by any officer, Council or commission of the City.

Any appeal from the inspector shall be taken within 10 days from the rendering of the decision or service of the order by filing with the office of the inspector, a notice of appeal to the Council which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the inspector shall forthwith transmit to the Council all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Council, unless the inspector certifies to the Council, after the notice of appeal is filed with him, that because of facts stated in the certificate (a copy of which shall be furnished the person making the appeal), a suspension of his requirement would cause imminent peril to life or property. In that case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the inspector by the Council, or by a court of record upon petition made pursuant to subsection (f) of this section.

- (C) The Council shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Council may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and to that end it shall have all the powers of the inspector. The Council shall have power also in passing upon appeals, when practical difficulties or unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (D) Every decision of the Council shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Council, but not otherwise.
- (E) Any person aggrieved by an order issued by the inspector or a decision rendered by the Council may petition the superior court for an injunction restraining the inspector City from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the inspector pending a final disposition of the cause. The petition shall be filed within 30 days after issuance of the order or rendering of the decision. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It shall not be necessary to file bond in any amount before obtaining a temporary injunction under this subsection.

- (F) If any building, structure or dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this ordinance or any valid order or decision of the inspector or Council made pursuant to any ordinance or code adopted under authority of this ordinance or the General Statutes, the inspector or Council may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration or use, to restrain, correct or abate the violation, to prevent the occupancy of the building, structure or dwelling, or to prevent any illegal act, conduct or use in or about the premises.

#### **151.26 Summary Ejectment if Occupants Fail to Obey Order or Ordinance to Vacate**

- (A) Notice Before Ejectment from Dwellings Only An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the Council has ordered the inspector to proceed to exercise his duties under section 151.24 of this ordinance to vacate and close or remove and demolish the dwelling.
- (B) Ejectment Procedure for Residential and Non-residential Buildings and Structures: If any occupant fails to comply with an order to vacate a dwelling, the inspector may file a civil action in the name of the City to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in N.C. Gen. Stat. § 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the inspector produces a certified copy of an ordinance adopted by the governing body pursuant to section 151.24 authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under N.C. Gen. Stat. §42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in N.C. Gen. Stat. §7A-228, and the execution of such judgment may be stayed as provided in N.C. Gen. Stat. §7A-227.

#### **151.27 Emergency Enforcement**

The decision of the inspector pursuant to this Ordinance shall be final in cases of emergency, which, in his opinion, involve imminent danger to human life or health. The inspector shall promptly cause such building, structure or portion thereof to be made safe or abated. For this purpose, the inspector may at once enter such structure or land on which it stands, or abutting land or structure, with such assistance and at such cost as he may deem necessary. The inspector may vacate adjacent structures and protect the public by appropriate fences or such other means as may be necessary, and for this purpose, may close a public or private way.

### **151.28 Penalties and Fees**

- (A) Civil Citations: If the violation continues after the deadline to correct a violation established after the violation hearing by the order requiring removal or correction of a violation, and no appeal has been filed with the office of the inspector, then the inspector may issue a civil citation with a fine in an initial amount of \$100.00 against the violator. Thereafter, upon issuing a second civil citation that each day the violation continues is an additional separate and distinct offense and that additional citations with additional fines of \$100.00 shall apply each day the violation continues. Any unpaid citations and delinquency charges shall be cumulative and shall be recovered in a civil action in the nature of debt as well as any attorney fees incurred by the City incident thereto.
- (B) Criminal Citations: If the violation continues after the deadline to correct a violation established after the violation hearing by the order requiring removal or correction of a violation, and no appeal has been filed with the office of the inspector, then the Police may issue a criminal citation with a fine of up to \$500.00 against the violator.
- (C) Multiple Notices Not Required: A hearing is not required for issuance of consequent civil citations with fines after the issuance of the first citation. This ordinance may be enforced by the simultaneous issuance of both civil citation(s) and a criminal citation, in addition to any other remedies provided in this Ordinance. See N.C. Gen. Stat. §§160A-175, 160A-193.

### **151.29 Collection of Costs**

- (A) The expense of the action shall be paid by the person in default. If the expense is not paid, it is a lien on the land or premises where the nuisance occurred. A lien established pursuant to this subsection shall have the same priority and be collected as unpaid ad valorem taxes.
- (B) Liens on Residential and Non-Residential Buildings: The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the inspector shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in N.C. Gen. Stat. Chapter 160A, Article 10.

- (C) Additional Lien Created in Actions About Residential Buildings: Where the original action was brought against a dwelling(s), the expense of the action is also a lien on any other real property owned by the person in default within the City limits or within one mile of the City limits, except for the person's primary residence. A lien established pursuant to this subsection is inferior to all prior liens and shall be collected as money judgment. This subsection shall not apply if the person in default can show that the nuisance was created solely by the actions of another. (See N.C. Gen. Stat. §160A-193.)
- (D) The inspector will notify the City Attorney to write a notice of lien and cause it to be recorded in the County registry and/or judgments.
- (E) Cost Recovery in the Case of Actions Against Non-Residential Buildings: If the dwelling is removed or demolished by the inspector, shall sell the materials of the dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the inspector, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

**151.30 through 151.39 RESERVED**

### **ARTICLE III. MINIMUM STANDARDS**

#### **151.40 International Property Maintenance Code-Certain chapters and index adopted as minimum standards.**

The following chapters and index of the 2015 International Property Maintenance Code, as copyrighted by the International Code Council, Inc. shall be applicable to those buildings and structures, residential and non-residential, as if fully set forth in this article, with any additions, insertions, deletions and changes, if any, prescribed in this article.

Chapter 3 General Requirements

Chapter 4 Light, Ventilation and Occupancy Limitations

Chapter 5 Plumbing Facilities and Fixture Requirements

Chapter 6 Mechanical and Electrical Requirements

Chapter 7 Fire Safety Requirements

Chapter 8 Referenced Standards

Index

Amendments to the International Property Maintenance Code which are adopted and published by the International Code Council, Inc., from time to time, shall be effective as to this Ordinance 105 on the effective date prescribed by the International Code Council, Inc.”

**PART TWO.** That Chapter 152, Non-Residential Buildings and Structure Standards is hereby repealed.

**PART THREE.** That all ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**PART FOUR.** That this Ordinance shall become effective upon its adoption by the City Council of the City of Roxboro, North Carolina.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

ATTEST:

Approved as to form:

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

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

## 2. Resolution to Close - Winhaven Street Public Hearing

## **Winhaven Street Closing**

At the November Council meeting, the Winhaven Street closing was removed from the agenda after a request from the heirs of the Katherine Craven Estate to withdraw the dedication of right of way as allowed for in G.S. 136-96 was received.

Al Benshoff, with the Brough Law Firm, reviewed the North Carolina General Statutes and concluded that GS 136-96 does apply and that G.S. 160A-299 references that G.S. 136-96 allows for the withdrawal of dedication.

Further, GS 136-96 states that the City shall adopt a resolution that the dedication is not part of the street plan as adopted under G.S.136-66.2.

Also, Mr. Benshoff indicated that a public hearing is not required to adopt the resolution but that the City could schedule one if it desired.

Included is a resolution as required by G.S. 136-96.



## City of Roxboro

### RESOLUTION

#### Winhaven Street Right of Way

#### A Resolution Affirming That Winhaven Street is Not Part of the City Street Plan

WHEREAS, on November 15, 2017 a Declaration of Withdrawal of Dedication of Street Right of Way as provided for in G.S. § 136-96 was received for the section of Winhaven Street as shown on the plat entitled "Winstead Park" dated May, 1951 and recorded in Plat Book 5, Page 30, Person County Registry; and

WHEREAS, this section of Winhaven Street is not part of a street plan adopted by the City of Roxboro pursuant to G.S. § 136-66.2; and

WHEREAS, the withdrawal of the dedication of right of way will not impede the convenient ingress or egress to any lot or parcel, and said street has not been opened and used by the public within 15 years from and after the dedication thereof, and

NOW THEREFORE, Roxboro City Council does affirm that the right of way of Winhaven Street as shown on the plat entitled "Winstead Park" dated May, 1951 and recorded in Plat Book 5, Page 30, Person County Registry, is not a part of the street plan adopted pursuant to provision of G. S. § 136-66.2

Upon motion duly made by Council Member \_\_\_\_\_ and duly seconded by Council Member \_\_\_\_\_, the above resolution was duly adopted by Roxboro City Council at a meeting held on December 12, 2017 in the Roxboro Council Chamber located in Roxboro City Hall

Upon calling for a vote, the following Council Members voted in the affirmative:

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The following Council Members voted in the negative:

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This the \_\_\_\_\_ day of December, 2017

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

Attest:

\_\_\_\_\_  
Trevie Adams, MMC/NCMC  
City Clerk

### 3. 2018 Holiday Schedule

## Memorandum

To: Mayor, City Council Members, and Employees  
CC: Brooks Lockhart, City Manager  
Re: Holiday Closings for 2018

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Listed below are the holidays that the City will observe in 2018:

January 1, 2018	New Year's Day
January 15, 2018	Martin Luther King's Birthday
March 30, 2018	Good Friday
May 28, 2018	Memorial Day
July 4, 2018	Independence Day
September 3, 2018	Labor Day
November 12, 2018	Veteran's Day
November 22 & 23, 2018	Thanksgiving Days
December 24, 25, & 26, 2018	Christmas Days

## 4. 2018 Council Meeting Schedule

**REGULAR MEETING SCHEDULE  
ROXBORO CITY COUNCIL  
January through December 2018**

The City Council meets on the second Tuesday (unless otherwise noted) of each month at 7:00 p.m. Meetings are held in the City Council Chambers, City Hall 105 S. Lamar St., Roxboro, NC 27573.

**CITY COUNCIL MEETING DATE**

January 9, 2018

February 13, 2018

March 19, 2018 (Local Government Day)

April 10, 2018

May 8, 2018

June 12, 2018

July 10, 2018

August 14, 2018

September 11, 2018

October 9, 2018

November 19, 2018 (Local Government Day)

December 11, 2018

\* Regular Meeting Date falls on a Holiday –Tentative New Meeting Date to be confirmed with the Council.

By offer of a motion from \_\_\_\_\_, seconded by \_\_\_\_\_, the above 2018 monthly schedule for regular meetings of the Roxboro City Council was approved as presented and, upon being put to a vote, was carried.

Trevie Adams, MMC/NCCMC  
City Clerk

5. Planning Board - Board Appointment
6. Board of Adjustment - Board Appointment

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

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

**PERSONAL INFORMATION**

Name: TONY R COLE

Home Address: 1221 DOVER ST

City, State, Zip: ROXBORO NC 27573

Home Phone: 336-599-1448 Work/Day Time Phone: \_\_\_\_\_

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

**BOARD/COMMISSION APPLYING FOR**

Choice #1: PLANNING BOARD

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

Additional Comments: \_\_\_\_\_

**EMPLOYMENT**

Current Occupation/Title: RETIRED - PART TIME FURNITURE MANT

Employer Name: LARRY COLE

Employer Address: 740 N MADISON BLVD

City, State, Zip: ROXBORO NC 27573

Supervisor's Name: —

Name of School	Education Year Graduated	Degree
High School: <u>ROXBORO HIGH</u>	<u>1969</u>	_____
College: _____	_____	_____
Graduate School: _____	_____	_____
Other: _____	_____	_____

Please describe community services, include membership on other public boards, experience and interest in serving: I HAVE BEEN A CERTIFIED

LAY SPEAKER FOR SEVERAL YEARS, LEAD  
PRISON ministry for 2 years. WOULD LIKE  
TO SEE ROXBORO EMPLOYMENT OPPORTUNITIES  
TO INCREASE

PERSONAL REFERENCES

Name: REGGIE HORTON Daytime phone: 336 599 6901

Address: 310 BROAD ST Relationship: FRIEND

City, State, Zip: ROXBORO NC 27573

Name: KENNETH HICKS Daytime phone: 336 503 2170

Address: 35 MANCHESTER DR Relationship: FRIEND

City, State, Zip: ROXBORO NC 27573

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

Explain:

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

Please return completed application to:

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

CITY OF ROXBORO  
APPLICATION FOR CITIZEN ADVISORY BOARDS

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

PERSONAL INFORMATION

Name: Gerald Jermaine Wallace

Home Address: 54 Wisteria Drive

City, State, Zip: Roxboro, NC 27573

Home Phone: \_\_\_\_\_ Work/Day Time Phone: 919-270-1131

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

BOARD/COMMISSION APPLYING FOR

Choice #1: Planning Board

Choice #2: Board of Adjustments

Additional Comments: \_\_\_\_\_

EMPLOYMENT

Current Occupation/Title: Funeral Associate

Employer Name: Steven L. Lyons Funeral Home

Employer Address: 1515 New Bern Ave

City, State, Zip: Roxboro, <sup>Raleigh</sup> NC 27610

Supervisor's Name: Dr. Steven L. Lyons

<u>Name of School</u>	<u>Education Year Graduated</u>	<u>Degree</u>
High School: _____	_____	_____
College: _____	_____	_____
Graduate School: _____	_____	_____
Other: <u>Piedmont Community College</u>	<u>2013</u>	<u>GED</u>

Please describe community services, include membership on other public boards, experience and interest in serving: \_\_\_\_\_

NAACP

Mothers Against Drunk Driving (MADD)

President of Board (Windridge Apartments)

PERSONAL REFERENCES

Name: Tracey Kendrick Daytime phone: 919-815-3119

Address: \_\_\_\_\_ Relationship: Mentor

City, State, Zip: Roxboro, NC 27573

Name: Alisa Mitchell Black Daytime phone: 336-504-2481

Address: \_\_\_\_\_ Relationship: Mentor

City, State, Zip: Hurdle Mills, NC

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

Explain:

Assault on a female (2014) Community Service / Court Cost

Please return completed application to:

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

## 7. Resolution to Declare Surplus - Firearm

**RESOLUTION AUTHORIZING THE PRIVATE SALE  
OF CERTAIN SURPLUS PERSONAL PROPERTY**

**WHEREAS,** the City Council of the City of Roxboro, NC has possession of one (1) item of personal property, which is surplus to its needs, and desires to dispose of same.

(1) The following described property is hereby declared to be surplus to the needs of the City:

*1-Glock 23    Serial #: PET564*

(2) The City Clerk shall publish notice summarizing this Resolution in accordance with GS 160A-271.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Roxboro that David Hess, Roxboro Police Chief, pursuant to the provisions of G.S. 160A-267, is hereby authorized to dispose of the personal property listed for private sale at a negotiated price and that said Police Chief be further authorized and directed to execute necessary documents, transfer title and perform all necessary functions associated with the sale.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

Attest:

\_\_\_\_\_  
Trevie Adams, MMC/NCCMC  
City Clerk

# 8. 2018 Chemical Bids

## **2018 Chemical Bid Results**

Bids were received and opened on December 5, 2017 for chemicals to be used at the water and wastewater treatment plants for the year 2018. Ten bids were received. Nine different chemicals were being bid. No one company bid on all nine chemicals. However, a bid was received for each chemical.

This year, two chemical went up in price, four came down, and three remained the same. Unfortunately, caustic soda had a major increase and it is one of the chemicals the water plant uses the most. Overall, the cost of chemicals will increase approximately \$6,000. The prices highlighted in red went up in price, the green ones came down and the yellow stayed the same.

It is recommended that the bid be awarded to the low bidder for each chemical for the year 2018.

2018 Chemical Bid Preliminary City of Roxboro

	Aluminum Chloride Ton	Caustic Soda ton	Hydrofluosilicic Acid Ton	Blended Orthophosphate gal	Sodium Hypochlorite gal Tote	Sodium Hypochlorite gal Bulk	Liquid Sodium Permanganate gal	Calcium Thiosulfate gal	Industrial Solar Salt
Amerochem									
Pencco			\$237.00/ton						
Carus				\$0.249/lb (\$2.57/gal)					
USALCO	\$220.00/wet ton								
Waterguard			\$319.00/ton	\$2.68/gal	\$0.99/gal	\$0.625/ gal	\$8.00/gal	\$3.20/gal	
Gulbrandsen	\$224.80/ton								
JCI Jones		\$687.00/ dry ton				\$0.83/gal			
Sterling Water									
Univar USA		\$645.00/ dry ton	\$268.00 wet ton		\$0.5963/gal				\$169.00/ton
Brenntag		\$675.00/dry ton	\$0.1395/lb (\$279.00/ton)		\$1.19/gal	2,000-2,999g \$0.92/gal 3,000- 3,999g \$0.80/gal			
Chemtrade	\$470.00/ton								
2017 Bids	\$208.00/ton	\$505.00/ton	\$337.21/ ton	\$2.84/gal	\$1.01/gal	\$0.639/gal	\$8.00/gal	\$3.20/ga	\$169.00/ton

## 9. North Ridge Water Line Maintenance

## **North Ridge Waterline Maintenance Request**

On November 7, 2017, a request was received from North Ridge Subdivision for the City of Roxboro to assume responsibility and maintenance for the water lines in the development. North Ridge currently has a private water distribution system.

In 1991, the City started the Triple Tier Program to replace the private water lines with new lines that met city standards. To offset the cost of replacement, the areas with the private line were placed on the Triple Tier Program, where the water users were billed a third tier on their water bills. These funds were used to pay for the cost of installation of new lines.

As part of the Triple Tier Program, subdivisions were offered an option. The option was for the subdivisions to maintain responsibility for the maintenance and upkeep of the private water lines within their development. North Ridge was the only subdivision to accept this option.

The Triple Tier Program was approved by City Council in May 1991 with an effective date of July 1991. The program ended in 2009. To end the program, City Council borrowed funds to finish the remaining private water lines then stopped charging the triple tier rate when construction was completed. The subdivisions were charged a triple tier rate for 18 years.

North Ridge subdivision did not pay a triple rate during the time of the program and has been responsible for the maintenance of the water lines within the subdivision. As part of North Ridge's request, they are willing to pay the triple tier rate for a period of time.

North Ridge has approximately 2,000' of 6" water line and 3,800' of 2" water line. Estimated cost to replace the entire water line is approximately \$400,000. The breakdown in cost is \$200,000 to replace the 2" line and \$200,000 for the 6" line.

There are 36 residential homes in North Ridge. The average monthly water usage is 3,800 gallons per home. This is a \$12 per month per home increase on

average. This will equate to, based upon the current water rate, approximately \$93,000 over 18 years for the entire subdivision.

If City Council is willing to accept the water lines into the city system for maintenance and replacement, I recommend that North Ridge pay the triple tier rate for 18 years. This is the same length of time the other subdivisions paid into the program. While this will not cover the full cost of replacement, the original program also did not cover the full cost. This payment term would equal the time frame that residents of North Ridge would have paid triple rates if they had joined the original triple tier program.

If the North Ridge water lines are accepted into the City's system, it is recommended that the City perform routine maintenance on the lines as needed and replace them after they have reached the end of their useful life and it becomes more economical to replace them than repair them.

November 7, 2017

Tommy Warren: Assistant City Manager

The North Ridge Subdivision requests that the City of Roxboro assume responsibility and maintenance for the water lines in our development (up to and including the meters), including North Ridge Circle, Stone Ridge and Rocky Ridge.

We understand that our lines will be brought up to standard and maintained by the City of Roxboro. This will require our water bills to be assessed on the 3-tier level for a period of time to be determined by the city to recoup its expenditures.

We look forward to hearing from you.

Regards,

The North Ridge Road Committee

Terry Rippy, President

361 N. Ridge Circle

Roxboro, NC 27574

336-599-2434

## 10. Financial & Tax Report

**City of Roxboro, North Carolina**  
**Financial Statement - Unadjusted**  
**Modified Accrual Basis**  
**For the Four Months Ended October 31, 2017**

	Original Budget	Amended Budget	Actual	Annual Variance Favorable (Unfavorable)	Annual 33.33% Percent of Budget
<b>General Fund (10)</b>					
Ad Valorem Taxes	\$ 4,725,597	\$ 4,725,597	\$ 1,019,181.37	\$ (3,706,415.63)	21.57%
Local Option Sales Tax	1,585,466	1,585,466	579,978.50	(1,005,487.50)	36.58%
Other Taxes and Licenses	12,000	12,000	5,092.17	(6,907.83)	42.43%
Unrestricted Intergovernmental	983,648	983,648	198,077.65	(785,570.35)	20.14%
Restricted Intergovernmental	637,276	637,276	240,929.12	(396,346.88)	37.81%
Permits and Fees	7,000	7,000	2,130.00	(4,870.00)	30.43%
Sales and Services	667,120	667,120	221,602.05	(445,517.95)	33.22%
Miscellaneous	21,000	41,000	44,255.37	3,255.37	107.94%
Investment Earnings	2,500	2,500	2,144.04	(355.96)	85.76%
Interfund Transfers	1,131,557	1,165,877	328,852.00	(837,025.00)	28.21%
Sale of Fixed Assets	15,000	15,000	1,462.31	(13,537.69)	9.75%
<b>Total Revenues</b>	<b>9,788,164</b>	<b>9,842,484</b>	<b>2,643,704.58</b>	<b>(7,198,779.42)</b>	<b>26.86%</b>
<b>Expenditures:</b>					
Governing Body - City Council	207,026	207,026	125,388.26	81,637.74	60.57%
City Hall Administration	566,487	600,807	229,767.73	371,039.27	38.24%
Finance	255,152	255,152	101,077.83	154,074.17	39.61%
Sales Tax	88,100	88,100	28,044.48	60,055.52	31.83%
Tax Collections	64,194	64,194	13,170.88	51,023.12	20.52%
Buildings & Grounds	266,923	266,923	55,718.31	211,204.69	20.87%
Safety / Purchasing	22,625	22,625	11,686.30	10,938.70	51.65%
Police	3,127,834	3,169,084	1,068,728.92	2,100,355.08	33.72%
Fire	2,003,748	2,003,748	665,505.12	1,338,242.88	33.21%
Emergency Communications 911	95,800	95,800	856.65	94,943.35	0.89%
Transportation - Streets	1,986,644	1,986,644	467,176.38	1,519,467.62	23.52%
Environmental Protection	1,079,582	1,079,582	257,732.50	821,849.50	23.87%
Economic Development	259,281	259,281	74,195.64	185,085.36	28.62%
Cultural & Recreational	500	500	-	500.00	0.00%
Debt Service	539,120	539,120	97,304.69	441,815.31	18.05%
Interfund Transfers	75,000	75,000	-	75,000.00	0.00%
<b>Total Expenditures</b>	<b>10,638,016</b>	<b>10,713,586</b>	<b>3,196,353.69</b>	<b>7,517,232.31</b>	<b>29.83%</b>
<b>Excess of Revenues Over (Under) Expenditures</b>	<b>(849,852)</b>	<b>(871,102)</b>	<b>(552,649.11)</b>	<b>318,452.89</b>	
<b>Other Financing Sources</b>					
Proceeds of Capital Lease	583,392	583,392	-	(583,392.00)	0.00%
Fund Balance Appropriated	266,460	287,710	-	(287,710.00)	0.00%
<b>Total Other Financing Sources</b>	<b>849,852</b>	<b>871,102</b>	<b>-</b>	<b>(871,102.00)</b>	<b>0.00%</b>
<b>Excess of Revenues Over (Under) Expenditures</b>	<b>\$ -</b>	<b>\$ -</b>	<b>(552,649.11)</b>	<b>\$ (552,649.11)</b>	
<b>Fund Balance Beginning of Year</b>			<b>4,702,534.97</b>		
<b>Fund Balance Current Period</b>			<b>\$ 4,149,885.86</b>		

**City of Roxboro, North Carolina**  
**Financial Statement - Unadjusted**  
**Modified Accrual Basis**  
**For the Four Months Ended October 31, 2017**

	Original Budget	Amended Budget	Actual	Annual Variance Favorable (Unfavorable)	33.33% Percent of Budget
<b>Enterprise Funds</b>					
<b>Revenues:</b>					
<b>Water &amp; Sewer Fund 60</b>					
Charges for Services	\$ 5,236,752	\$ 5,236,752	\$ 1,759,639.20	\$ (3,477,112.80)	33.60%
Assessments	-	-	-	-	#DIV/0!
Tapping Fees	20,000	20,000	14,040.56	(5,959.44)	70.20%
Other Operating Revenues	35,475	35,475	7,175.82	(28,299.18)	20.23%
Nonoperating Revenues	500	500	103.02	(396.98)	20.60%
Interfund Transfers-MERP	-	7,490	-	-	-
Interfund Transfers	924,719	924,719	-	(924,719.00)	0.00%
Sale of Fixed Assets	15,000	15,000	120.00	(14,880.00)	0.80%
<b>Total Water &amp; Sewer Fund 60</b>	<b>6,232,446</b>	<b>6,239,936</b>	<b>1,781,078.60</b>	<b>(4,451,367.40)</b>	<b>28.54%</b>
<b>Triple Tier Fund 61</b>					
Operating Revenues	6,965	6,965	2,711.95	(4,253.05)	38.94%
Nonoperating Revenues	100	100	11.23	(88.77)	11.23%
Rural Center Engineering Grant	-	-	-	-	#DIV/0!
<b>Capital Reserve Fund 69</b>					
Operating Revenues	704,247	704,247	265,779.05	(438,467.95)	37.74%
Nonoperating Revenues	1,500	1,500	367.09	(1,132.91)	24.47%
Interfund Transfers	-	-	-	-	#DIV/0!
<b>Total Revenues</b>	<b>6,945,258</b>	<b>6,952,748</b>	<b>2,049,947.92</b>	<b>(4,895,310.08)</b>	<b>29.48%</b>
<b>Expenditures:</b>					
Public Utilities: Administration	-	-	-	-	#VALUE!
Sales Tax	-	-	-	-	#DIV/0!
Billing & Collection	171,938	171,938	40,339.49	131,598.51	23.46%
Meter Section	281,863	281,863	60,458.04	221,404.96	21.45%
Raw Water Supply	58,294	58,294	22,633.22	35,660.78	38.83%
Water Plant	1,400,199	1,401,489	455,036.07	946,452.93	32.47%
Water Maint and Construction	647,114	650,914	178,774.84	472,139.16	27.47%
Wastewater Plant II	127,955	127,955	31,766.62	96,188.38	24.83%
Wastewater Plant	1,194,179	1,194,529	322,684.27	871,844.73	27.01%
Pump Stations	417,978	417,978	114,232.60	303,745.40	27.33%
Wastewater Maint & Construction	436,882	438,932	115,297.19	323,634.81	26.27%
Debt Service	479,487	479,487	470,824.08	8,662.92	98.19%
Interfund Transfers-MERP	-	-	-	-	-
Interfund Transfers	1,016,557	1,016,557	328,852.00	687,705.00	32.35%
<b>Total Water &amp; Sewer Fund 60</b>	<b>6,232,446</b>	<b>6,239,936</b>	<b>2,140,898.42</b>	<b>4,099,037.58</b>	<b>34.31%</b>
Triple Tier Fund 61	7,065	7,065	-	7,065.00	0.00%
Capital Reserve Fund 69	705,747	705,747	-	705,747.00	0.00%
<b>Total Expenditures</b>	<b>6,945,258</b>	<b>6,952,748</b>	<b>2,140,898.42</b>	<b>4,811,849.58</b>	<b>30.79%</b>
<b>Excess of Revenues Over (Under) Expenditures</b>	<b>-</b>	<b>-</b>	<b>(90,950.50)</b>	<b>(83,460.50)</b>	
<b>Other Financing Sources</b>					
Proceeds of Capital Lease	-	-	-	-	#DIV/0!
Interfund Transfers 61 TT	-	-	-	-	#DIV/0!
Fund Balance Appropriated 60 WS	-	-	-	-	#DIV/0!
Fund Balance Appropriated 61 TT	-	-	-	-	#DIV/0!
Fund Balance Appropriated 69 CR	-	-	-	-	#DIV/0!
<b>Total Other Financing Sources</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>#DIV/0!</b>
<b>Excess of Revenues Over (Under) Expenditures</b>	<b>\$ -</b>	<b>\$ -</b>	<b>(90,950.50)</b>	<b>\$ (83,460.50)</b>	
<b>Fund Balance Beginning of Year</b>			<b>2,262,190.12</b>		
<b>Fund Balance Current Period</b>			<b>\$ 2,171,239.62</b>		

**City of Roxboro, North Carolina  
Financial Statement - Unadjusted  
Modified Accrual Basis  
For the Four Months Ended October 31, 2017**

	<b>Original Budget</b>	<b>Amended Budget</b>	<b>Actual</b>	<b>Variance Favorable (Unfavorable)</b>	<b>Annual 33.33% Percent of Budget</b>
<b><u>Central Depository</u></b>					
Cash		11100000	1,489,093.51		
BB&T MMA		11100001	128,174.93		
NCCMT		11100002	701,529.99		
Flexible Spending Account AFLAC		11100003	44,914.55		
Roxboro Savings Bank		11100004	518,122.41		
Gateway Bank MMA Finistar CD's		11100005 11130000	- -		
<b>Total Cash and Investments</b>			<b>\$ 2,881,835.39</b>		<b>\$2,881,835.39</b>
<b><u>Breakdown by Fund:</u></b>					
General		10	\$ 3,338,863.97		
CDBG-Revolving Loan Fund		13	95,993.13		
Vehicle Special Revenue		26	3,699.85		
Ridge Road Capital Project		30	(589,384.44)		
Stormwater Capital Fund		50	104,956.83		
Enterprise		60	(254,711.80)		
Triple Tier Water		61	18,605.83		
Capital Reserve		69	668,229.50		
Wastewater Plant Capital Project		71	(828,966.78)		
Annexation Area Capital Project		73	198,409.06		
Christmas Club / Flex Fund		75	51,503.12		
LEO Pension Trust Fund		79	74,637.12		
Reserve for Interest Earned			-		
<b>Total of Fund's Cash and Investments</b>			<b>\$ 2,881,835.39</b>		<b>\$2,881,835.39</b>

**Fund Balance  
General Fund  
As of October 31, 2017**

<b>General Fund</b>				
	<b>31-Oct-17 Fund Balances</b>	<b>Percentage of Total Fund Balance</b>	<b>Percentage of Fiscal Year 2018 Budget</b>	<b>Percentage of Prior Year Actual Expenditures</b>
<b>Fund Balances</b>				
<b>Reserved</b>				
Reserved for inventories	\$ 45,118	1.09%	0.42%	0.44%
Reserved by state statute	653,781	15.75%	6.10%	6.33%
Reserved for streets - Powell Bill	287,458	6.93%	2.68%	2.78%
Reserved for cemetery	30,269	0.73%	0.28%	0.29%
Reserved for drug enforcement	-	0.00%	0.00%	0.00%
Reserved for public safety	<u>134,988</u>	<u>3.25%</u>	<u>1.26%</u>	<u>1.31%</u>
Total fund balance reserved	<u>1,151,614</u>	<u>27.75%</u>	<u>10.75%</u>	<u>11.14%</u>
<b>Unreserved</b>				
Designated by Council	-	0.00%	0.00%	0.00%
Designated for subsequent year's expenditures	-	0.00%	0.00%	0.00%
Undesignated	<u>2,998,272</u>	<u>72.25%</u>	<u>27.99%</u>	<u>29.02%</u>
Total fund balance unreserved	<u>2,998,272</u>	<u>72.25%</u>	<u>27.99%</u>	<u>29.02%</u>
Total equity and other credits	<u>\$ 4,149,886</u>	<u>100.00%</u>	<u>38.73%</u>	<u>40.16%</u>
Budget Ordinance for June 30, 2018, as Amended			\$ 10,713,586	
Prior Year Expenditures				\$ 10,333,189

**City of Roxboro, North Carolina  
Fund Balance  
Enterprise Fund  
As of October 31, 2017**

	<u>Enterprise Fund</u>			
	<u>31-Oct-17 Fund Balances</u>	<u>Percentage of Total Fund Balance</u>	<u>Percentage of Fiscal Year 2017 Budget</u>	<u>Percentage of Prior Year Actual Expenditures</u>
<b>Fund Balances</b>				
Reserved				
Reserved for encumbrances	\$ 14,267	0.66%	0.27%	0.28%
Reserved by state statute	422,861	19.48%	8.10%	8.26%
Reserved for capital outlay (C89 + C91)	<u>1,784,478</u>	<u>82.19%</u>	<u>34.16%</u>	<u>34.85%</u>
Total fund balance reserved	2,221,606	102.32%	42.53%	43.39%
Unreserved				
Designated for subsequent year's expenditures	-	0.00%	0.00%	0.00%
Undesignated	<u>(50,366)</u>	<u>-2.32%</u>	<u>-0.96%</u>	<u>-0.98%</u>
Total fund balance unreserved	<u>(50,366)</u>	<u>-2.32%</u>	<u>-0.96%</u>	<u>-0.98%</u>
Total equity and other credits	<u>\$ 2,171,240</u>	<u>100.00%</u>	<u>41.57%</u>	<u>42.40%</u>
Budget Ordinance for June 30, 2017, as Amended			\$ 5,223,379	
Prior Year Expenditures				\$ 5,120,360

**City of Roxboro  
Tax Collection Report  
For the Month Ended  
30-Nov-17**

	<b>2017 Tax Levy</b>	<b>2016 Tax Levy</b>	<b>2015 Tax Levy</b>
<b>Original Levy</b>	<b>\$ 4,350,663.68</b>	<b>\$ 4,342,813.89</b>	<b>\$ 4,197,916.89</b>
<b>Motor Vehicles Added to Levy</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Motor Vehicles Added to Levy-DMV</b>	<b>191,020.13</b>	<b>493,114.72</b>	<b>340,607.97</b>
<b>Public Utilities</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Adjusted Original Levy</b>	<b>4,541,683.81</b>	<b>4,835,928.61</b>	<b>4,538,524.86</b>
<b>+Discoveries</b>	<b>104,276.38</b>	<b>123,960.93</b>	<b>439,665.94</b>
<b>Levy</b>	<b>4,645,960.19</b>	<b>4,959,889.54</b>	<b>4,978,190.80</b>
<b>-Releases</b>	<b>10,325.13</b>	<b>5,990.49</b>	<b>24,411.69</b>
<b>Current Levy</b>	<b>4,635,635.06</b>	<b>4,953,899.05</b>	<b>4,953,779.11</b>
<b>Collection year-to-date</b>	<b>\$ 1,320,235.97</b>	<b>\$ 4,909,089.85</b>	<b>\$ 4,933,729.59</b>
<b>Uncollected</b>	<b>\$ 3,315,399.09</b>	<b>\$ 44,809.20</b>	<b>\$ 20,049.52</b>
<b>Collection % of Current Levy</b>	<b>28.48%</b>	<b>99.10%</b>	<b>99.60%</b>
<b>Property Tax Rate Per \$100</b>	<b>\$ 0.670</b>	<b>\$ 0.670</b>	<b>\$ 0.660</b>

## 11. Assistant City Manager's Report

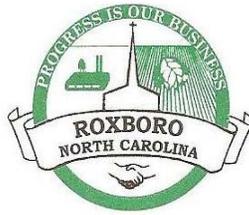
## **Assistant City Manger's Report**

**Lake Levels:** City Lake has dropped 24" again. The gates at Lake Roxboro have been opened and pumping will start On Thursday Dec 7, 2017. It will take about a month of pumping to refill City Lake. Lake Roxboro is currently 2' low. Overall the city is still in good shape with its raw water supply.

**Winter Weather:** As of Thursday, December 7, a chance of snow for the weekend is in the forecast. The city crews have the equipment prepped for winter weather. Currently, based upon the information available, we do not plan on putting out any brine. We will continue to follow the forecast and if it changes we will respond accordingly.

**Water Plant Wastewater Discharge Permit:** The water plant has a wastewater treatment facility on site for treating the backwash water from the water plant. The discharge permit has to renewed every five years. The major changes in the proposed permit are a new copper limit and a whole effluent toxicity evaluation. On the new copper limits, the plant will have to submit within one year a Corrective Action Plan outlining who the plant will meet the new limit. The plant has five years to come into compliance with the new limits. A study will need to be performed on the water treatment process to determine where the copper is coming from. The effluent from the wastewater treatment plant at the water plant has failed the toxicity test on occasion. Never more than once a year. This is a quarterly test. The whole effluent toxicity evaluation will have to include alternative discharge evaluations. This will require the City to hire a consultant to complete the evaluation. There are several other minor changes to the permit which we think are not necessary. We have responded to the draft permit with concerns we have with the permit and asking them to consider our request. The whole effluent toxicity evaluation has the potential to become a major expense for the city in five years.

## 12. Manager's Report



## City of Roxboro

### MEMORANDUM

TO: Mayor Newell and City Council  
FROM: Brooks Lockhart  
SUBJECT: Manager's Report  
DATE: December 12<sup>th</sup>, 2017

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- Please take note of several upcoming dates.
  - City Offices Closed in Observance of Christmas, December 25<sup>th</sup>, 26<sup>th</sup>, and 27<sup>th</sup>
  - City Offices Closed in Observance of New Year's Day, January 1<sup>st</sup>
  - City Council Work session, to be scheduled in January
  - City Council Meeting, January 9<sup>th</sup>, 7pm at City Hall
  - Roxboro Area Chamber of Commerce Annual Banquet, January 18<sup>th</sup> at Palace Pointe
- At our most recent meeting, it was recommended that we schedule a Council work session in January for goal setting for the year with the newly appointed Council. January 17-19<sup>th</sup> conflict with key staff training meetings, January 25-26<sup>th</sup> are the dates of the Essentials of Municipal Government Class; so those dates should not be considered. Staff has a considerable amount of information to present to council.
- As reported last month, staff has performed evaluations on our hardware and is working to create a listing of required hardware purchases for the new fiscal management software. This will hopefully lead to a budget amendment request in January. Some staff will begin training with the new software soon. Full implementation is anticipated between June 2018 and July 2018. Staff will continue to keep Council informed on the status of this project.
- City Staff has no additional updates on the status of the USDA RD application. We anticipate a conditional offer letter from USDA RD should be issued soon. At that point, we will need to put our WWTP Upgrade Project out for bid. After receiving bid numbers, we will be able to submit our application to appear before the Local Government Commission at their next meeting. The purpose of the LGC meeting will be to allow the City to seek potential future debt for the construction of the Waste Water Treatment Plant Upgrades. We anticipate updating Council on this status in December.
- I would like to thank the Director's Roundtable, City Staff, Radio Roxboro, Event Sponsors, John Williford, Citizens, and (most importantly) the Uptown Business Community for the successful Jingle on Main Event. Additionally, I would like to extend a special thank you to Phillip Fish and the Roxboro Fire Department for the special assistance they provided during the Tree Lighting Event. If anyone has high resolution photos of the event please share them with City Staff for potential use on the City of Roxboro website.