



Town of Clayton
Regular Town Council Meeting Agenda
Monday, December 20, 2021 @ 6:00 PM
Council Chambers

THE PUBLIC MAY VIEW THE LIVE COUNCIL MEETING ON
THE TOWN'S YOU TUBE CHANNEL:
<https://www.youtube.com/TownofClaytonNC>

BELOW PLEASE FIND ADDITIONAL INFORMATION REGARDING PROCEDURES FOR IN-PERSON MEETINGS:

- ALL persons attending must wear a mask.
- We will be following proper social distancing at all times.
- All council/board members will be socially distanced in the council chambers and wearing face masks.*
- All staff and visitors will be socially distanced while within the council chambers. Face masks will be worn.*
- Hand sanitizer will be available, both in the lobby and council chambers.
- Podium/microphone will be sanitized after each speaker.

**Masks may be lowered when speaking.*

1. CALL TO ORDER

Pledge of Allegiance and Invocation

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

- a. December 6, 2021 DRAFT Minutes
[December 6 2021 DRAFT Minutes](#)

POTENTIAL ACTION:

Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. New Employee Introduction
Presenter: Jonathan Jacobs, Asst. Town Engineer
- Michael Worner - Construction Project Administrator

- b. 2021 Employee of the Year
Presenters: Greg Tart, Police Chief & Rich Cappola, Interim Town Manager
- c. FR6004 FX Robotics Team Presentation
Presenter: Joy Garretson, Library Director
[Cover](#)
- d. Clayton Chamber of Commerce / Town of Clayton / Development Forum
Presenter: Jim Perricone, Clayton Chamber of Commerce - Economic Development Committee Chair
[Clayton Chamber of Commerce Proposal](#)
- e. Preview of New Town of Clayton Website
Presenter: Nathanael Shelton, Communications Director
[Cover](#)

6. PUBLIC HEARINGS

- a. 2021-108-ANX - Sams Xpress - Annexation
Presenter: Ben Howell, Planning Director
[Cover](#)
[Application](#)
[Legal Description](#)
[Annexation Plat](#)
[Newspaper Ad](#)
[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2021-12-04

7. OLD BUSINESS

- a. Reconsideration of 2021-126-OA - Resource Conservation Area - Steep Slopes -Text Amendment
Presenter: Ben Howell, Planning Director
[Cover](#)
[Staff Report](#)
[CURRENT UDC Text Following November 15 2021 Adoption](#)
[PRIOR UDC Text to November 15 2021 Adoption](#)
[Text Amendment Option 1](#)
[Text Amendment Option 2](#)
[Text Amendment Option 3](#)
[Text Amendment Option 4](#)
[Map of Slope Areas in Clayton Planning Jurisdiction](#)

POTENTIAL ACTION: Provide Direction to Staff

8. NEW BUSINESS

- a. 2021 Record Retention Schedule

Presenter: Kimberly Moffett, Town Clerk

[Cover](#)

[2021 Record Retention Schedule Approval Document](#)

POTENTIAL ACTION: Adoption of 2021 General Record Retention Schedule for Local Government

9. STAFF REPORTS

- a. Town Manager
- b. Town Attorney
- c. Town Clerk
- d. Other Staff

- Library Fee Update

Presenter: Joy Garretson, Library Director

10. OTHER BUSINESS

- a. Informal Discussion & Public Comment
- b. Council Comments

11. ADJOURNMENT

Quasi-Judicial (evidentiary) – These hearings are different from other public hearings in that they resemble a court hearing where testimony is presented and the Town Council acts like a court of law. During evidentiary hearings, the Town Council receives only sworn testimony and other credible evidence. In addition, the Town Council must make findings of fact based upon the evidence presented. Citizens may give testimony in an evidentiary hearing after they have taken an oath.



Town of Clayton
Regular Town Council Meeting Minutes
Monday, December 6, 2021 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:

Mayor McLeod
Mayor Pro Tem Thompson
Council Member Holder
Council Member Grannis
Council Member Bunn
Council Member Everett
Council Member Archer
Council Member Casey
Council Member Sims

COUNCIL ABSENT:

STAFF PRESENT:

Rich Cappola, Interim Town Manager
Dolores Gill, D/Town Manager
Jim Cauley, Town Attorney
Kimberly Moffett, Town Clerk
Heidi Holland, Deputy Town Clerk
Joshua Baird, Town Engineer
Robert McKie, Finance Director
Ben Howell, Planning Director

1 CALL TO ORDER

- a) Call to Order
Mayor Jody McLeod

Mayor McLeod called the meeting to order at 6:00 p.m.

- b) Honor Guard & Pledge of Allegiance
Clayton Fire Department

The Clayton Fire Department provided the Honor Guard and led everyone in the Pledge of Allegiance.

- c) Invocation
Mayor Jody McLeod

Mayor McLeod offered the Invocation.

2 ADJUSTMENT OF THE AGENDA

- a) Council Member Holder requested that Item 3d be moved to Old Business
.It was requested that agenda be amended to include appointment of

Michael Sims as Council Ex-Officio to the Clayton Community Recreation Foundation Board.

3 CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

- a) Draft Minutes
 - November 15, 2021 DRAFT Minutes
- b) Certification - 2021 Municipal Election
- c) Warranty Acceptance
 - Gordon Park, Phase 8
- d) ~~Code of Ordinance Amendment - Chapter 91.05 - Chickens~~
**This item was moved to Old Business*

ACTION: Adoption of Consent Agenda as Presented

Motion: Council Member Holder

Second: Council Member Everett

Vote: Unanimous

4 ADMINISTRATIVE ITEMS

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Presentation of The Larry Bailey Award
Presenter(s): Clayton Community Recreation Foundation Board Member(s)

Mr. Michael Sims stated this award is a community award and presented on behalf of the Clayton Community Recreation Foundation. He stated the recipient has been a member of Foundation for over 15 years and the forerunner in the creation of the Harmony Playground. He stated the recipient not only had shown leadership but assisted with the financials. He stated he would like to present this award to Mr. Dean Penny. Mr. Penny stated he was truly appreciative, speechless and offered his thanks to everyone.

6 OLD BUSINESS

- a) Code of Ordinance Amendment - Chapter 91.05 - Chickens

Council Member Holder stated he would like to see a slight language amendment to state there would be no slaughter of chickens in open view.

ACTION: Adoption of Ordinance #2021-12-01 with Amendment

Motion: Council Member Holder
Second: Mayor Pro Tem Thompson
Vote: Unanimous

- b) Award Construction Contract - East Clayton Park
Presenter: Joshua Baird, Town Engineer

Mr. Baird was present and provided background information on this item. It was requested bid be awarded to JM Thompson, who was the lowest bidder. JM Thompson had a base bid of \$3,741,000.00, alternate 1 of \$278,000, alternate 2 of \$190,642.00, alternate 3 of \$228,000.00, alternate 4 of \$113,000 and alternate 5 of \$29,600.00.

ACTION: Adoption of Resolution #2021-63 & Authorize Staff to Execute Contract & Any Change Order Required

Motion: Council Member Everett
Second: Council Member Bunn
Vote: Unanimous

- c) Budget Ordinance
Presenter: Robert McKie, Finance Director

Mr. McKie provided details information about the Capital Budget regarding the above project.

ACTION: Adoption of Ordinance #2021-12-02

Motion: Council Member Everett
Second: Council Member Holder
Vote: Unanimous

- d) Employee One Time Bonus

Council Member Bunn stated during budget season there had been discussion on providing employees with a mid-year raise. He stated we are at that point now and a percentage has not been settled on. He stated he would like to make a motion that the Town mimics what the State has done for their employees by issuing any employee that makes less than \$75,000

a one-time bonus of \$1,500 and any employee earning over \$75,000 would receive a one-time bonus of \$1,000.

Interim Town Manager Mr. Cappola thanked Council Member Bunn confirmed this he would like this to happen before the holiday break. Council Member Bunn confirmed that.

ACTION: Issue One Time Bonus to Employees as Listed Above

Motion: Council Member Bunn
Second: Council Member Grannis
Vote: Unanimous

7 ORGANIZATIONAL MEETING

a) Recognition of Outgoing Council Members

Presenter: Jody McLeod, Mayor

- Michael Grannis - *Served as Council Member 2005-2021*
- Art Holder - *Served as Council Member 2009-2021*
- Bobby Bunn - *Served as Council Member 2017-2021*

Michael Grannis offered his thanks to all the employees. He stated he had learned a lot through the years. He stated his time on the council was very rewarding. He offered his thanks to all council members he had served with through the years. He stated while they weren't always easy, he always made best decision for the town. He offered his thanks to the citizens. He stated he always wanted to make a difference and it had always been about how he could help to make the town better. He stated any mistakes made along the way were learned lesson. He offered his heartfelt thanks to his wife, Betsy, who is his rock, an excellent source of support and his love. He offered congratulations to incoming council members and further said he was extremely proud of all three.

Bobby Bunn stated this was hardest job you will ever love. He said he was excited about the new council members and said the most important thing to remember is "leave it better than you found it". He offered his sincere thanks to numerous employees for their outstanding dedication and hard work to include; Kimberly Moffett, Heidi Holland, Lee Barbee, Greg Tart, Ann Game, Robert McKie, Patrick Pierce, Joshua Baird, Scott Barnard, Joy Garretson, Dolores Gill and the Downtown Development Advisory Board. He offered thanks to Adam Lindsay, JD Solomon and Rich Cappola. He also thanked thanks to Jim Cauley for keeping everyone out of jail. He offered

thanks to the citizens, past council members Bob Satterfield & Butch Lawter as well as all current council members.

Art Holder offered his thanks to employees, citizens and council members. Offered congratulations to incoming council members. He shared his concern about new growth regarding low and medium density development. He spoke about council considering set of districts (five). Currently 2 mile ETJ, feels we should seek 3 mile ETJ. Urged council to keep eye on fund balance and ensure that significant reserve be maintained. He spoke about quarterly reports being provided to council from Finance. Spoke about future of property assessment. He spoke about items like schools and streets that are not part of the town's responsibility. He stated we need a strong voice on CAMPO. He spoke about Little Creek Church Road and possibly selling that property for use as town homes. Recommended putting only 5 items on one year council retreat list. Spoke about need for new larger library. Offered his thanks for being able to serve the town for the last 12 years. He further stated that if anyone would like a copy of this speech they can obtain it from the Town Clerk.

b) Swearing-In of Newly Elected Council Members

- Andria Archer - Oath to be issued by Donna White - NC Representative (House District 26)
- Porter Casey - Oath to be Issued by Craig Olive - Johnston County Register of Deeds
- Michael Sims - Oath to be Issued by Jody McLeod - Town of Clayton Mayor

Representative White issued the Oath of Office via affirmation to Andria Archer. Ms. Archer was accompanied by her daughter. Ms. Archer stated she was here to give back to the town and offered her appreciation for those who have supported her. She wants to turn challenges into opportunities. She offered her thanks to the newest council members as well as outgoing council members for their leadership and service. She offered her thanks to Donna White and Mayor McLeod. She offered thanks to the town employees and stated she looked forward to working with everyone. She stated each citizen of the town is important and she will always make time and is ready to get to work.

Johnson County Register of Deeds Craig Olive issued the Oath of Office to Mr. Casey. Mr. Olive stated he was very proud of him and knows that the Town of Clayton is at the core of his heart. Mr. Casey offered his thanks to Mr. Olive. He offered his thanks to the town staff, citizens, outgoing council

members and his family. He stated being a life-long resident he has seen much change and looked forward to serving and will listen to everyone. He stated all his choices will be made based on his love for the town and what is best for the town. He asked that everyone be active in the community. He stated he is looking forward to the journey.

Clayton Mayor Jody McLeod issued the Oath of Office to Michael Sims. Mr. Sims offered his thanks to everyone for electing him to office. He offered his sincere thanks to his wife. He stated everyone needs to be involved for the better of Clayton. He again offered his thanks.

8 RECESS & RECEPTION

a) Recess the Meeting

Mayor McLeod stated during the reception the Fire Department's new ladder truck would be on display in parking lot.

The meeting was recessed at 7:05 p.m.

b) Return to Regular Session

New Council Members were seated and Mayor McLeod called meeting back to order at 7:42 p.m.

Mayor McLeod offered his appreciation to the newly seated council.

9 MAYOR PRO TEM SELECTION AND COUNCIL APPOINTMENTS

a) Nomination and Selection of Mayor Pro Tem

Council Member Archer nominated Jason Thompson to serve as Mayor Pro Tem.

ACTION: Nomination and Approval of Jason Thompson as Mayor Pro Tem

Motion: Council Member Archer

Second: Council Member Everett

Vote: Unanimous

b) Council Liaison to Advisory Board and Committee Assignments

Presenter: Jody McLeod, Mayor

- *Board of Adjustment - Avery Everett - Council Liaison*
- *Planning Board - Andria Archer - Council Liaison*
- *Parks & Recreation Advisory Board - Avery Everett - Council Liaison*
- *Public Art Advisory Board - Jody McLeod - Council Liaison*
- *Fire Department Advisory Board - Jason Thompson - Council Liaison*
- *Library Advisory Board - Michael Sims - Council Liaison*
- *Downtown Development Advisory Board - Porter Casey - Council Liaison*
- *Clayton Community Recreation Foundation Board - Michael Sims - Council Ex-Officio*
- *CAMPO - Primary & 2 Alternates*
 - *Porter Casey - Primary*
 - *Andria Archer - 1st Alternate*
 - *Avery Everett - 2nd Alternate*
- *Electricities - Delegate & Alternate*
 - *Michael Grannis - Delegate*
 - *Patrick Pierce - Alternate*
- *NC League of Municipalities - Jody McLeod - Delegate*
- *Triangle J COG - Delegate & Alternate*
 - *Jason Thompson - Delegate*
 - *Michael Sims - Alternate*

10 PUBLIC HEARINGS

- a) 2021-125-ANX - Lumen
Presenter: Ben Howell, Planning Director

Mr. Howell was present and provided details regarding request to annex the project formerly known as Lumen.

With no one wishing to speak, this hearing was closed and the item turned over to council for their deliberation at 7:48 p.m.

Mayor Pro Tem Thompson asked about roads being included. Mr. Howell stated he would be in contact with the NC Secretary of State to ensure that is clarified.

Council Member Archer confirmed effective date of annexation is January 1, 2022. Mr. Howell stated that was correct.

ACTION: Adoption of Ordinance #2021-12-03

Motion: Council Member Casey
Second: Council Member Sims
Vote: Unanimous

- b) Sam's Xpress Car Wash - Annexation
Presenter: Ben Howell, Planning Director

ACTION: Continued to December 20, 2021

11 NEW BUSINESS

- a) NCDOT Agreement - U6233 Utility Design Agreement
Presenter: Joshua Baird, Town Engineer

Mr. Baird was present and provided details about this agreement, known as the Ranch Road project. He stated this is strictly a transportation project. The Town has been working with NCDOT to discuss a partnership where a water line is designed and also constructed as part of the road project.

ACTION: Authorize Execution of Agreement

Motion: Council Member Everett
Second: Council Member Thompson
Vote: Unanimous

12 STAFF REPORTS

- a) Town Manager

Mr. Cappola offered his welcome to everyone.

- b) Town Attorney

Mr. Cauley offered his welcome to new council.

- c) Town Clerk
d) Other Staff

13 OTHER BUSINESS

- a) Informal Discussion & Public Comment
b) Council Comments

Mayor Pro Tem Thompson stated he would like the Steep Slope ordinance brought back to the December 20, 2021 agenda. He stated he would also like council to revisit the library fees.

Mayor McLeod offered thanks for the wonderful reception.

14 ADJOURNMENT

- a) With there being nothing further, the meeting was adjourned at 7:57 p.m.

ACTION: Adjourn the Meeting

Motion: Council Member Archer

Second: Council Member Everett

Vote: Unanimous

Duly adopted this the 20th day of December 2021 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

December 20, 2021

Agenda Location

Introductions & Special Presentations

Item Title

FRC Team 6004 fx Robotics Special Presentation

Presenter: Joy Garretson (intro)

FRC Team 6004 fx Robotics, Sloane Mann

Summary/Description

This robotics team will give a brief presentation regarding their team, ongoing projects, and upcoming programs in Johnston County

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet**Meeting Timeline**

Click or tap here to enter text.



Town of Clayton – Developers Collaboration Forum

Johnston is the fastest growing County in North Carolina and Clayton is the fastest growing municipality in the County. This growth is expected to continue over the coming decade. Growth provides opportunities for existing and new businesses and housing in our community and in turn, more choices for our residents leading to a better quality of life. To ensure growth is well planned and managed, it is imperative the Town (elected leaders and staff) and the development community work together in a collaborative manner. To that end, the Clayton Chamber of Commerce is proposing an ongoing forum for collaboration between Town Staff and developers, with the specifics as follows.

Sponsor & Host. Clayton Chamber of Commerce (“CCOC”)

Facilitation & Oversight. CCOC Economic Development Committee (“EDC”)

Participants.

Town of Clayton: staff representing Town Manager, Economic Development, Planning, Engineering, Public Services, Inspections and Fire.

Developers: developers and adjunct professionals involved in development by both invitation and request.

Communications. Agendas will be provided in advance of meetings and Minutes will be kept, with copies to participants, Mayor and Town Council, CCOC Board and CCOC EDC. All participants shall have the ability to recommend topics for the agenda, with the Host prioritizing and setting the agenda for each meeting.

Meeting Frequency. Monthly to begin and as needed and agreed upon by participants thereafter.

Meeting Location. TBD

Purpose. To provide a setting for the open discussion of issues resulting from requirements and processes that negatively impact time or costs (including opportunity cost) for developers and/or the Town with the objective of modifying policies, codes and processes within the Town’s purview and developer practices, while ensuring compliance with all State and Federal requirements. The ultimate test of success will be an increase in public benefit and/or a reduction in public cost. The former shall include but not be limited to protecting public interest and increasing public choice. The latter shall include but not be limited to a reduction in cost of Town operations, a reduction in opportunity cost to both the Town and developers, and a reduction in the cost to the end users of developments.

Goal. Reasonable and clear requirements, administered through consistent, reliable, and understandable processes (mapped via flow charts), which define good practices for the developer community to ensure reliable outcomes.

Timelines.

Short-Term: to identify, prioritize and recommend modifications which repeatedly have been creating issues across multiple projects.

Long-Term: to identify, prioritize and recommend modifications which the participants agree are best addressed as part of major changes. This shall include this forum functioning as key stakeholders in the review and rewrite of the Uniform Development Code.

Impact Assessment and Accountability. For each recommended improvement, measurable results including time frames for implementation will be created, monitored, and results reported back to all stakeholders. This is to ensure goals are met or improvements are revised to meet goals.

Stipulations. In keeping with the purpose of the forum to improve requirements, processes, and practices impacting development, the forum will focus on improving the system going forward and not rehashing past problems. Further, it will be issues and not person based, and include clear rationale and benefit to support either changes or adherence to existing requirements, processes, and practices. The Host reserves the right to remove any participant for failure to comply with these stipulations.



Town Council Agenda Cover Sheet

Meeting Date

December 20, 2021

Agenda Location

Introductions & Special Presentations

Item Title

Launch of New Town of Clayton Website

Presenter: Nathanael Shelton, Communication Director

Summary/Description

The Town of Clayton has updated its website. The Town entered into a 4-year contract with CivicPlus in 2020 to replace our existing site with a more modern website. We have followed a strict project development timeline in order to bring the new site to life on Dec. 20, 2021.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: \$72,877.16 (Total Contract Cost) **Yes** ☒ **No** ☐

YEAR 1	YEAR 2	YEAR 3	YEAR 4	4-YEAR TOTAL
\$44,407.16	\$9,490.00	\$9,490.00	\$9,490.00	\$72,877.16

Additional Documents to be Included in Agenda Packet

N/A

Meeting Timeline

N/A



Town Council Agenda Cover Sheet

Meeting Date

December 20, 2021

Agenda Location

Public Hearings

Item Title

Sam's Xpress Annexation

Presenter

Ben Howell, AICP, CZO – Planning Director

Summary/Description

Annexation of Real Property – Approximately 3.42 acres of land into the town limits of Clayton

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Annexation Application
Metes and Bounds Description
Annexation Plat
Newspaper Ad

Meeting Timeline

Click or tap here to enter text.



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are due by 5pm on the first working day of each month.

REQUEST INFORMATION

☒ **Contiguous Annexation**

☐ **Non-Contiguous Annexation**

The following items must accompany an annexation petition:

To be completed by the applicant:	Included?	
	Yes	No
1. Petition for Annexation with original signatures	☐	☐
2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet).	☐	☐
3. Legal Description (metes and bounds)	☐	☐

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.

**PETITION FOR VOLUNTARY ANNEXATION APPLICATION – PROPERTY INFORMATION
COMPLETE IF A PARTNERSHIP**

Submittal Date: 3/20/20

Petition No.: _____

To the Town Council of the Town of Clayton, North Carolina:

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

*If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

2. The area to be annexed is ☒ contiguous, _____ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total acreage to be annexed: _____

3.75

Existing housing units: _____

n/a

Population of acreage to be annexed: _____

Existing Zoning District*: _____

B3 Highway Business

Proposed Town Zoning District*: _____

B3 Highway Business

Reason for petitioner to annex: _____

☒ Receive Town Services

Other (please specify): _____

5. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

In witness whereof, SXCW properties, LLC a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 9 day of March, 2020.

Name of Partnership: _____

SXCW properties, LLC

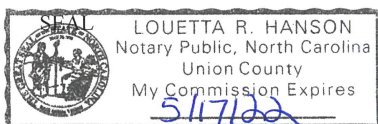
By: _____

[Signature]
Signature of General Partner

STATE OF NORTH CAROLINA

COUNTY OF ~~JOHNSTON~~ mecklenburg

Sworn and subscribed before me, Louetta R. Hanson, a Notary Public for the above State and County, this 9 day of March, 2020.



[Signature]
Notary Public

My Commission Expires: 5/17/22

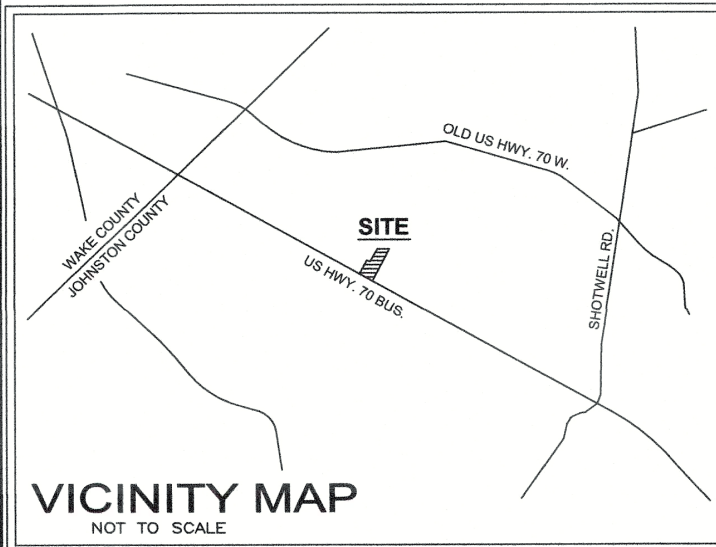
VOLUNTARY ANNEXATION PLAT CHECKLIST

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	The following certification must be placed on the map near a border to allow the map to be sealed: Annexation # _____ I, Samantha Wullenwaber, MPA, Planning Director, Clayton, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, _____, by the Town Council. I set my hand and seal to the Town of Clayton, _____. Day/Month/Year _____ Samantha Wullenwaber, MPA
14.	Leave 2 inch by 2 inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

Being a portion of the property conveyed to SXCW Properties II, LLC in Deed Book 5524, Page 517 of the Johnston County Registry, lying and being situate in Clayton Township, Johnston County, North Carolina, and being more particularly described as follows:

Description of Annexation Area

Beginning at a point, said point being an existing iron pipe located at the northeast corner of the above-said SXCW Properties II, LLC tract being Lot 1 as shown on a map recorded in Plat Book 91, Page 97 in said registry, said point also being at the northernmost corner of the McLaurins Funeral Home, Inc. tract as recorded in Book 1355, Page 758 in said registry and having North Carolina State Plane coordinates of N=698,101.16 and E=2,149,931.75; Thence, S21°27'48"W, 401.55 feet to a point, said point being and existing iron pipe at the southwest corner of said McLaurins Funeral Home, Inc. tract and at the northwest corner of the McLaurins Funeral Home, Inc. tract as recorded in Book 755, Page 300 in said registry; Thence, S28°55'53"W, 332.21 feet to a point, said point being an existing iron pipe at the southernmost corner of said Lot 1, said point also being on the northern right of way margin of US Highway 70 Business; Thence, along said right of way N60°58'39"W, 206.63 feet to an existing iron pipe; Thence, N60°31'20"W, 14.95 feet to an existing iron pipe; Thence, leaving said right of way N27°32'24"E, 300.10 feet to a point, said point being an existing iron pipe at the southernmost corner of the Mohamed & Sons, Inc. tract as recorded in Book 2977, Page 750 in said registry; Thence, along the common line of said Lot 1 and said Mohamed & Sons, Inc. tract N27°30'04"E, 334.68 feet to a point, said point being at the northwest corner of said Lot 1; Thence, along the northern line of said Lot 1 S88°20'31"E, 35.93 feet to an existing iron pipe; Thence, S88°18'36"E, 172.19 feet to the Place and Point of Beginning, containing an area of 149,011 square feet or 3.42 acres, more or less.



REFERENCES:

DEED BOOK 5524, PAGE 517
BOOK OF MAPS 65, PAGE 451
BOOK OF MAPS 91, PAGE 97
*OTHERS SHOWN HEREON

NOTES:

- 1) All distances are horizontal ground distances in u.s. survey feet unless otherwise noted.
- 2) This survey does not include nor depict any environmental evaluations.
- 3) Field survey performed September 30, 2019.
- 4) Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose.
- 5) The locations of underground utilities as shown hereon (if any) are based on aboveground structures and aboveground visual evidence only. Locations of underground utilities/structures may vary from location shown hereon. Additional buried utilities/structures may be encountered. No excavations were made during the progress of this survey to locate buried utilities/structures nor any utility locate tickets called in for marking of said utilities.
- 6) Subject properties ARE NOT located within a special flood hazard zone per FEMA Flood Insurance Rate Map (FIRM) #3720164900K, effective date December 2, 2005.
- 7) The State Plane Coordinates for this project were produced with RTK GPS observations and processed using the North Carolina VRS network. The network positional accuracy of the derived positional information is $\pm 0.07'$.

Horizontal Datum = NAD 83/2011
Vertical Datum = NAVD 88

POSITIONAL ACCURACY CERTIFICATION:

I, Justin L. Luther, certify that this map was drawn under my supervision from an actual GPS survey made under my supervision and the following information was used to perform the survey:

- (1) Class of survey: Urban Land Class (A)
- (2) Positional accuracy: 0.07"
- (3) Type of GPS field procedure: Real-time Kinematic network
- (4) Date(s) of survey: September 30, 2019
- (5) Datum / Epoch: NAD 83 (NSRS 2011)
- (6) Published / Fixed-control used: NC Real-time Kinematic network
- (7) Geoid model: Geoid 12B
- (8) Combined grid factor(s): 0.99988725
- (9) Units: U.S. Survey Feet

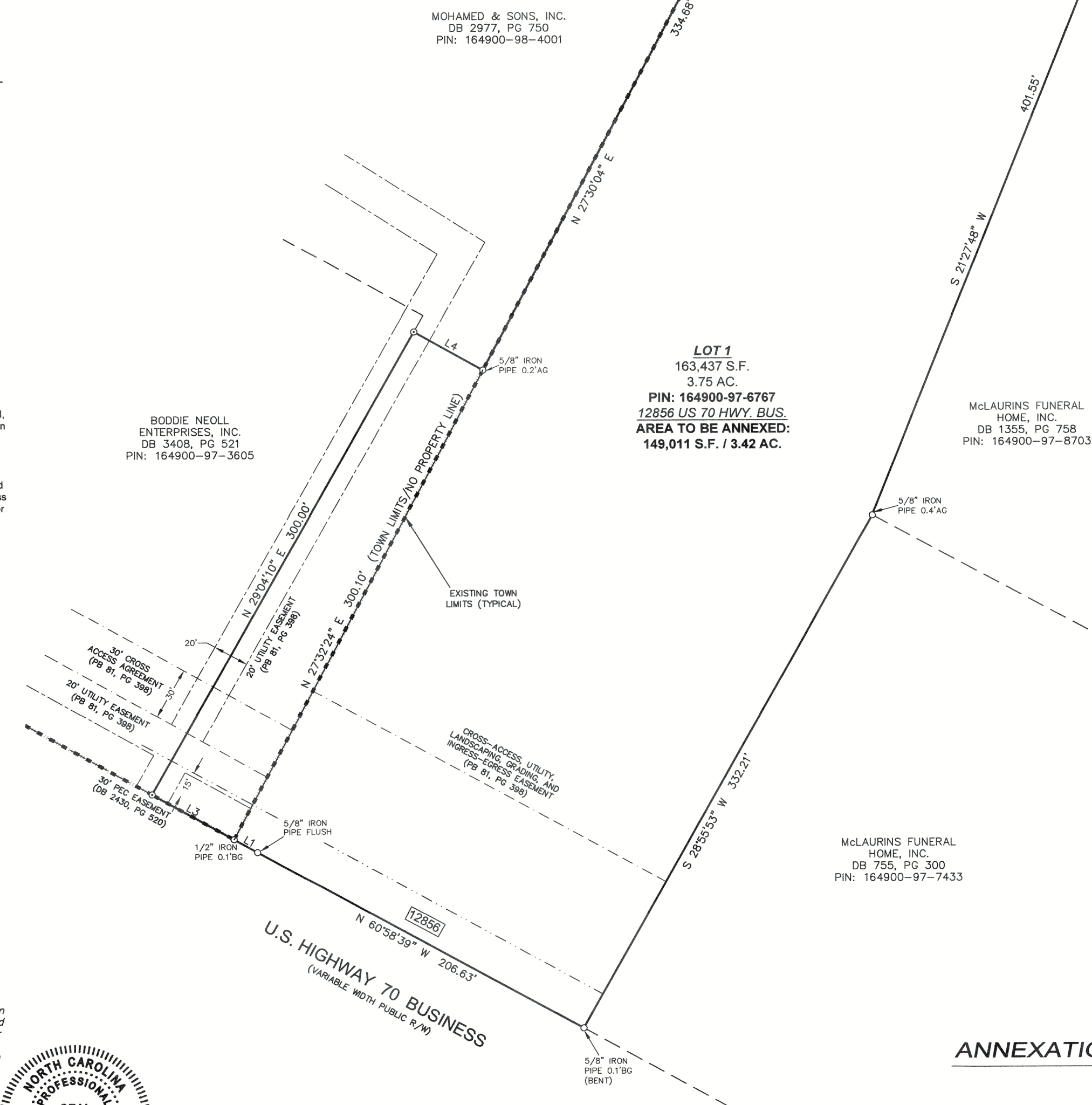
THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

I, Justin L. Luther, certify that this plat was drawn under my supervision from an actual survey made under my supervision from references as noted on said plat; that the boundaries not surveyed are clearly indicated as drawn from information as indicated under references; that the ratio of precision or positional accuracy as calculated is greater than 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended.

Witness my original signature, license number and seal this 13th day of OCTOBER, 2021.

Professional Land Surveyor (L-5107)

- LEGEND
- Ex. iron pipe/rod or nail
 - Ex. concrete monument
 - New iron pipe
 - Calculated point
 - DB Deed Book
 - PB or BM Plat Book / Book of Maps
 - N/F Now or formerly
 - Pg. Page
 - SF Square feet
 - Ac. Acres
 - R/W Right-of-way
 - NCSR North Carolina State Route
 - AG Above ground
 - BG Below ground
 - [12856] Address



LINE TABLE		
LINE	LENGTH	BEARING
L1	14.95	N 60°31'20" W
L2	35.93	S 88°20'31" E
L3	52.10	N 60°31'20" W
L4	44.09	S 60°26'28" E

ANNEXATION #

I, _____, Planning Director, Clayton, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, by the Town Council. I set my hand and seal to the Town of Clayton,

Planning Director, Town of Clayton

ANNEXATION MAP FOR THE TOWN OF CLAYTON

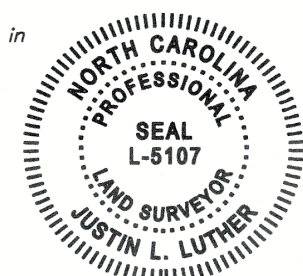
PROPERTY OF
SXCW PROPERTIES II, LLC
CLAYTON TOWNSHIP JOHNSTON COUNTY NORTH CAROLINA

50 25 0 50 100
SCALE: 1"=50'

NC GRID NORTH
(NAD 83/2011)

JOB NO.: 197465
FILE NAME: RWANNEX
PLOT DATE: 10/13/21

NEWCOMB land surveyors, pllc, 7008 Harps Mill Road, Ste. 105, Raleigh, NC 27615, (919) 847-1800, NC License #P-0203





INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Johnstonian News** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(919) 284-2295**.

Notice ID: Afywq6LkCvrxHIG5xaLy | **Proof Updated: Nov. 23, 2021 at 09:48am EST**
Notice Name: Sams Express Annexation

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

Kimberly Moffett
kmoffett@townofclaytonnc.org

FILING FOR

Johnstonian News

Columns Wide: 1

Ad Class: Legals

12/08/2021: Other	76.95
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Subtotal	\$76.95
Tax %	0.00
Processing Fee	\$7.70
Total	\$84.65

The Clayton Town Council has called a public hearing at 6:00 PM on December 20, 2021, at Town Hall, 111 E. Second Street, on the question of annexing the following described contiguous area, requested by annexation petition 2021-108-ANX SXCW Properties II, LLC/Sam's Xpress Car Wash Annexation filed pursuant to G.S. 160A-31:

The area proposed for annexation is described as the following: Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at a point, said point being an existing iron pipe located at the northeast corner of the above-said SXCW Properties II, LLC tract being Lot 1 as shown on a map recorded in Plat Book 91, Page 97 in said registry, said point also being at the northernmost corner of the McLaurins Funeral Home, Inc. tract as recorded in Book 1355, Page 758 in said registry and having North Carolina State Plane coordinates of N=698,101.16 and E=2,149,931.75; Thence, S21°27'48"W, 401.55 feet to a point, said point being and existing iron pipe at the southwest corner of said McLaurins Funeral Home, Inc. tract and at the northwest corner of the McLaurins Funeral Home, Inc. tract as recorded in Book 755, Page 300 in said registry; Thence, S28°55'53"W, 332.21 feet to a point, said point being an existing iron pipe at the southernmost corner of said Lot 1, said point also being on the northern right of way margin of US Highway 70 Business; Thence, along said right of way N60°58'39"W, 206.63 feet to an existing iron pipe; Thence, N60°31'20"W, 14.95 feet to an existing iron pipe; Thence, leaving said right of way N27°32'24"E, 300.10 feet to a point, said point being an existing iron pipe at the southernmost corner of the Mohamed & Sons, Inc. tract as recorded in Book 2977, Page 750 in said registry; Thence, along the common line of said Lot 1 and said Mohamed & Sons, Inc. tract N27°30'04"E, 334.68 feet to a point, said point being at the northwest corner of said Lot 1; Thence, along the northern line of said Lot 1 S88°20'31"E, 35.93 feet to an existing iron pipe; Thence, S88°18'36"E, 172.19 feet to the Place and Point of Beginning, containing an area of 149,011 square feet or 3.42 acres, more or less.

This is an open meeting and the public is invited to attend.

Kimberly A. Moffett, CMC, NCCMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004
The Johnstonian
December 8, 2021

ANNEXATION PETITION 2021-108-ANX

Sam's Xpress Car Wash
12856 US Highway 70 Business
Pin# 164900-97-6767
Owners: SXCW Properties, LLC
Contiguous; 3.75 +/- acres

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF CLAYTON, NORTH CAROLINA**

WHEREAS, the Town of Clayton has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Town of Clayton has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Town Hall at 6:00 PM on December 20, 2021 with due notice of publication on December 8, 2021.

WHEREAS, the Town of Clayton finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Clayton, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Clayton as of December 20, 2021.

Beginning at a point, said point being an existing iron pipe located at the northeast corner of the above-said SXCW Properties II, LLC tract being Lot 1 as shown on a map recorded in Plat Book 91, Page 97 in said registry, said point also being at the northernmost corner of the McLaurins Funeral Home, Inc. tract as recorded in Book 1355, Page 758 in said registry and having North Carolina State Plane coordinates of N=698,101.16 and E=2,149,931.75; Thence, S21°27'48"W, 401.55 feet to a point, said point being an existing iron pipe at the southwest corner of said McLaurins Funeral Home, Inc. tract and at the northwest corner of the McLaurins Funeral Home, Inc. tract as recorded in Book 755, Page 300 in said registry; Thence, S28°55'53"W, 332.21 feet to a point, said point being an existing iron pipe at the southernmost corner of said Lot 1, said point also being on the northern right of way margin of US Highway 70 Business; Thence, along said right of way N60°58'39"W, 206.63 feet to an existing iron pipe; Thence, N60°31'20"W, 14.95 feet to an existing iron pipe; Thence, leaving said right of way N27°32'24"E, 300.10 feet to a point, said point being an existing iron pipe at the southernmost corner of the Mohamed & Sons, Inc. tract as recorded in Book 2977, Page 750 in said registry; Thence, along the common line of said Lot 1 and said Mohamed & Sons, Inc. tract N27°30'04"E, 334.68 feet to a point, said point being at the northwest corner of said Lot 1; Thence, along the northern line of said Lot 1 S88°20'31"E, 35.93 feet to an existing iron pipe; Thence, S88°18'36"E, 172.19 feet to the Place and Point of Beginning, containing an area of 149,011 square feet or 3.42 acres, more or less.

Section 2: Upon and after December 20, 2021 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of Johnston County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Duly adopted this the 20th day of December 2021 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

**NORTH CAROLINA
JOHNSTON COUNTY**

This the _____ day of _____, 2021 _____ personally appeared before me, Kimberly A. Moffett, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Kimberly A. Moffett, signed her name in attestation of said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written.

(SEAL)

Notary Public - Signature

Notary Public – Printed Name

Commission Expires: _____

County of Commission: _____



Town Council Agenda Cover Sheet

Meeting Date

December 20, 2021

Agenda Location

Public Hearings

Item Title

Reconsideration/Information: 2021-126-OA Resource Conservation Area - Steep Slopes Text Amendment

Presenter: Ben Howell, Planning Director

Summary/Description

Town Council has requested to reconsider the previously-approved Steep Slopes Text Amendment. Staff will provide additional information and request guidance from Council on moving forward with a new text amendment to include protections for steep slopes.

Requested Action

Provide Direction to Staff

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Staff Report
Existing UDC Text Section 155-500
Text Amendment Option 1
Text Amendment Option 2 (Planning Board Recommended Option)
Text Amendment Option 3
Text Amendment Option 4
Text Amendment Option 5
Map of Steep Slope Areas in Clayton Planning Jurisdiction

Meeting Timeline

Planning Board Review and Recommendation - October 25, 2021
Town Council Public Hearing and Action - November 15, 2021
Town Council Reconsideration and Information - December 20, 2021
Planning Board Review and Recommendation - December 21, 2021
Town Council Public Hearing and Potential Action - January 3, 2021



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

*Planning Board, October 25, 2021
Town Council Public Hearing, November 15, 2021*

STAFF REPORT

Application Number: 2021-126-OA

Project Name: Resource Conservation Area – Steep Slopes Text Amendment

Applicant: Town of Clayton

Public Noticing:

Newspaper ad for Town Council Public Hearing published November 3rd and November 10th

REQUEST: Request to amend the Unified Development Code Title XV, §155.502. This amendment seeks to revise the Resource Conservation Area section of the Unified Development Code regarding steep slopes. Staff has provided five different text amendment options for the Planning Board to consider.

SECTIONS PROPOSED FOR AMENDMENT:

The following section of Title XV, Chapter 155, is proposed for amendment:

- Article V, Section 500 – Resource Conservation Areas

STAFF ANALYSIS AND COMMENTARY:

Overview

The proposed text amendment(s) would modify the definition and requirement for protection of Steep Slopes as Resource Conservation Areas in the Unified Development Code. As currently written, the definition and requirement for protection of steep slopes can be difficult to administer, and there have been two variances recently submitted for projects related to the protection of steep slopes. Engineering staff have reviewed the section and the requirements, and have provided several text options for amending this section to clarify the requirements or even remove the requirement altogether. All text amendment options would reorganize and provide minor clarifications throughout the Resource Conservation Areas section of the Unified Development Code. Other changes are listed below:

- Option 1: Minor revisions to clarify steep slope definition;

- Option 2: Require steep slopes to be protected if directly connected to 100-year floodplain, wetlands or stream buffer(s) and at least 5,000 square feet of contiguous area in size;
- Option 3: Require steep slopes to be protected if within 100 feet of 100-year floodplain, wetlands or stream buffer(s);
- Option 4: Require steep slopes to be protected if directly connected to 100-year floodplain, wetlands or stream buffer(s) by a width of at least 20 feet;
- Option 5: Remove steep slopes from Resource Conservation Areas (no protection required)

The five options are provided as Attachments 1-5, with changes shown in underline and ~~striketrough~~. A map has also been provided as Attachment 6 showing the areas in the Town of Clayton Planning Jurisdiction where there are 25% or greater slopes.

Approval Criteria:

- **Consistency with remainder of the Chapter**
The request is consistent with the remainder of Chapter 155.
- **Novelty of the request**
The request does not represent novel changes to the Code. The code is being revised to clarify and/or revise requirements around protection of steep slopes.

CONSIDERATIONS

The Town Council should take the following criteria into consideration when reviewing the proposed text amendment:

- The extent to which the proposed text amendment is consistent with the remainder of the chapter, including, specifically, any purpose and intent statements, and must adopt a statement describing whether the action is consistent or inconsistent with approved plans;
- The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time;
- Whether or not the proposed text amendment corrects an error in the chapter; and
- Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law; and
- Any adopted plans of the Town.

In deciding whether to adopt a proposed text amendment to this chapter, the central issue before the Town Council is whether the proposed amendment advances the public health, safety or welfare and is consistent with the adopted plans and policies of the Town and the specific intent of this chapter.

STAFF RECOMMENDATION:

Staff recommended that the Planning Board recommend one of the 5 text amendment options to the Town Council for Public Hearing. The Planning Board reviewed and discussed the options at their meeting on October 25, 2021.

PLANNING BOARD RECOMMENDATION:

The Planning Board reviewed the proposed UDC text amendment options at their meeting on October 25, 2021. After discussion, the Planning Board recommended the Council approve Text Amendment Option 2: Require steep slopes to be protected if directly connected to 100-year floodplain, wetlands or stream buffer(s) and at least 5,000 square feet of contiguous area in size, provided as Attachment 2 in the Council Packet.

ATTACHMENTS:

- 1) Existing UDC Text: 155.500 – Resource Conservation Areas
- 2) Planning Board Recommended Text Amendment Option 2
- 3) Strikethrough Text Amendment Option 1
- 4) Strikethrough Text Amendment Option 3
- 5) Strikethrough Text Amendment Option 4
- 6) Strikethrough Text Amendment Option 5
- 7) Map of Slope Areas in Clayton Planning Jurisdiction
- 8) Town Council Public Hearing Newspaper Ad

**TOWN OF CLAYTON
AMENDMENT TO THE CODE OF ORDINANCES
AMENDING CHAPTER 155**

BE IT HEREBY ADOPTED THAT THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA amend the Clayton Code of Ordinances Chapter 155.500 to read as follows:

§ 155.500 RESOURCE CONSERVATION AREAS

(A) DETERMINATION OF RESOURCE CONSERVATION AREAS

The following are considered resource conservation areas and shall be unoccupied by buildings or other impervious surfaces unless permitted below.

- (1) The 100-year floodplain
- (2) Stream buffer areas; and
- (3) Jurisdictional wetlands under federal law that meet the definition applied by the United States Army Corps of Engineers.

(B) DEFINED

- (4) Resource conservation areas shall be identified on plats as being permanently set aside from development, except passive uses pursuant to this Ordinance. No resource conservation area shall be counted towards lot area required by §§ 155.200 through 155.204, with the exceptions for stream buffers pursuant to G.S. §143-214.23A. This shall not preclude the platting of lots in such areas, provided that adequate lot area outside the resource conservation area is provided to meet the minimum lot area requirements of §§ 155.200 through 155.204.
 - (a) No resource conservation area shall be counted towards the recreation and open space requirements as set forth in §§ 155.200 through 155.204, with the exceptions for stream buffers pursuant to G.S. §143-214.23A; developed greenway, greenway-access or water-access facilities may be counted provided they are developed to the standards of this Ordinance.

(C) **RESOURCE CONSERVATION AREAS SHOWN ON PLAT**

All resource conservation areas shall be shown on any preliminary or final plat approved after January 1, 2006.

(D) **PERMITTED USES OF RESOURCE CONSERVATION AREAS**

Uses of resource conservation areas may include the following:

- (5) Conservation areas for natural, archeological or historical resources;
 - (b) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
 - (c) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
 - (d) Walking or bicycle trails;
 - (e) Easements for drainage, access, and underground utility lines;
 - (f) Other conservation-oriented uses compatible with the purposes of this chapter;
 - (g) Public infrastructure projects and supporting facilities.

(E) **PROHIBITED USES OF RESOURCE CONSERVATION AREAS**

Use of resource conservation areas may not include the following:

- (6) Stormwater Control Measures
 - (h) Roads, parking lots and impervious surfaces, except as specifically authorized through the appropriate governing body (DEQ, USACE, ect); and
 - (i) Golf courses, agricultural and forestry activities not conducted according to accepted best management practices.

(F) **OWNERSHIP AND MAINTENANCE**

(7) **Ownership**

Resource conservation areas shall be accepted and owned by one of the following entities:

- 1. Land conservancy or land trust. The responsibility for maintenance shall be borne by a land conservancy or land trust.

2. Homeowners association. A homeowners association representing residents of the subdivision shall own the resource conservation areas. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintenance shall be borne by the homeowner's association.
3. Private landowner. A private landowner may retain ownership of the resource conservation areas. The responsibility for maintenance shall be borne by the private landowner.

(j) **Maintenance**

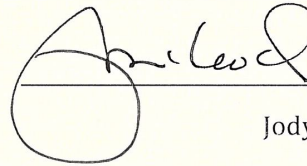
Resource conservation area maintenance is limited to removal of litter, dead tree and plant materials and brush. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels. Unless otherwise specified by the Town Council, maintenance is limited to insuring that there exist no hazards, nuisances or unhealthy conditions.

(k) **Legal Instrument for Permanent Protection**

- (a) Resource conservation areas shall be protected in perpetuity by a binding legal instrument that is recorded with the deed.
4. The instrument for permanent protection shall include clear restrictions on the use of the of resource conservation area. These restrictions shall include all restrictions contained in this section, as well as any further restrictions the applicant chooses to place on the use of the resource conservation areas. Where appropriate, the instrument shall allow for stream or habitat restoration.

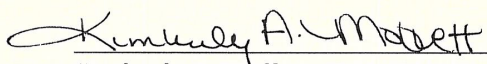
(Ord. 2005-11-02, passed 11-21-05)

Duly adopted this the 15th day of November 2021, while in regular session.

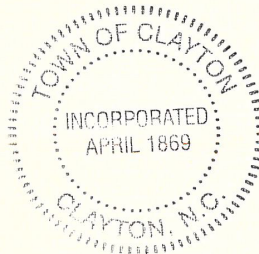


Jody McLeod
Mayor

ATTEST:



Kimberly A. Moffett, CMC, NCCMC
Town Clerk



ARTICLE 5: NATURAL RESOURCE PROTECTION

CONTENTS:

§ 155.500 RESOURCE CONSERVATION AREAS..... 1
§ 155.501 WATERSHED PROTECTION 4
§ 155.502 STREAM BUFFERS..... 8

§ 155.500 RESOURCE CONSERVATION AREAS

(A) DEFINED

- (1) All resource conservation areas shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces. Unoccupied or predominately unoccupied by buildings or other impervious surfaces shall mean that not more than 5% of the area of any resource conservation area shall be occupied by such surfaces.
- (2) Resource conservation areas shall be identified on plats as being permanently set aside from development, except passive uses pursuant to this Ordinance. No resource conservation area shall be counted towards lot area required by §§ 155.200 through 155.204, with the exceptions for stream buffers pursuant to G.S. §143-214.23A. This shall not preclude the platting of lots in such areas, provided that adequate lot area outside the resource conservation area is provided to meet the minimum lot area requirements of §§ 155.200 through 155.204.
- (3) No resource conservation area shall be counted towards the recreation and open space requirements as set forth in §§ 155.200 through 155.204, with the exceptions for stream buffers pursuant to G.S. §143-214.23A, except developed greenway or greenway-access or water-access facilities may be counted provided they are developed to the standards of this Ordinance.

(B) DETERMINATION OF RESOURCE CONSERVATION AREAS

The following are considered resource conservation areas and shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces.

- (1) The 100-year floodplain
- (2) Stream buffer areas
- (3) Slopes above 25% of at least 5,000 square feet contiguous area; and
- (4) Jurisdictional wetlands under federal law () that meet the definition applied by the United States Army Corps of Engineers.

RESOURCE CONSERVATION AREAS SHOWN ON PLAT

All resource conservation areas shall be shown on any preliminary or final plat approved after January 1, 2006.

(C) **PERMITTED USES OF RESOURCE CONSERVATION AREAS**

Uses of resource conservation areas may include the following:

- (1) Conservation areas for natural, archeological or historical resources;
- (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- (3) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
- (4) Walking or bicycle trails;
- (5) Easements for drainage, access, and underground utility lines;
- (6) Other conservation-oriented uses compatible with the purposes of this chapter;
- (7) Public infrastructure projects and supporting facilities.

(D) **PROHIBITED USES OF RESOURCE CONSERVATION AREAS**

Use of resource conservation areas may not include the following:

- (1) L; Stormwater Control Measures
- (2) Roads, parking lots and impervious surfaces, except as specifically authorized; and
- (3) Golf courses, agricultural and forestry activities not conducted according to accepted best management practices.

(E) **OWNERSHIP AND MAINTENANCE**

(1) **Ownership**

Resource conservation areas shall be accepted and owned by one of the following entities:

- (a) Land conservancy or land trust. The responsibility for maintenance shall be borne by a land conservancy or land trust.
- (b) Homeowners association. A homeowners association representing residents of the subdivision shall own the resource conservation areas. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their

successors. The homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintenance shall be borne by the homeowner's association.

- (c) Private landowner. A private landowner may retain ownership of the resource conservation areas. The responsibility for maintenance shall be borne by the private landowner.

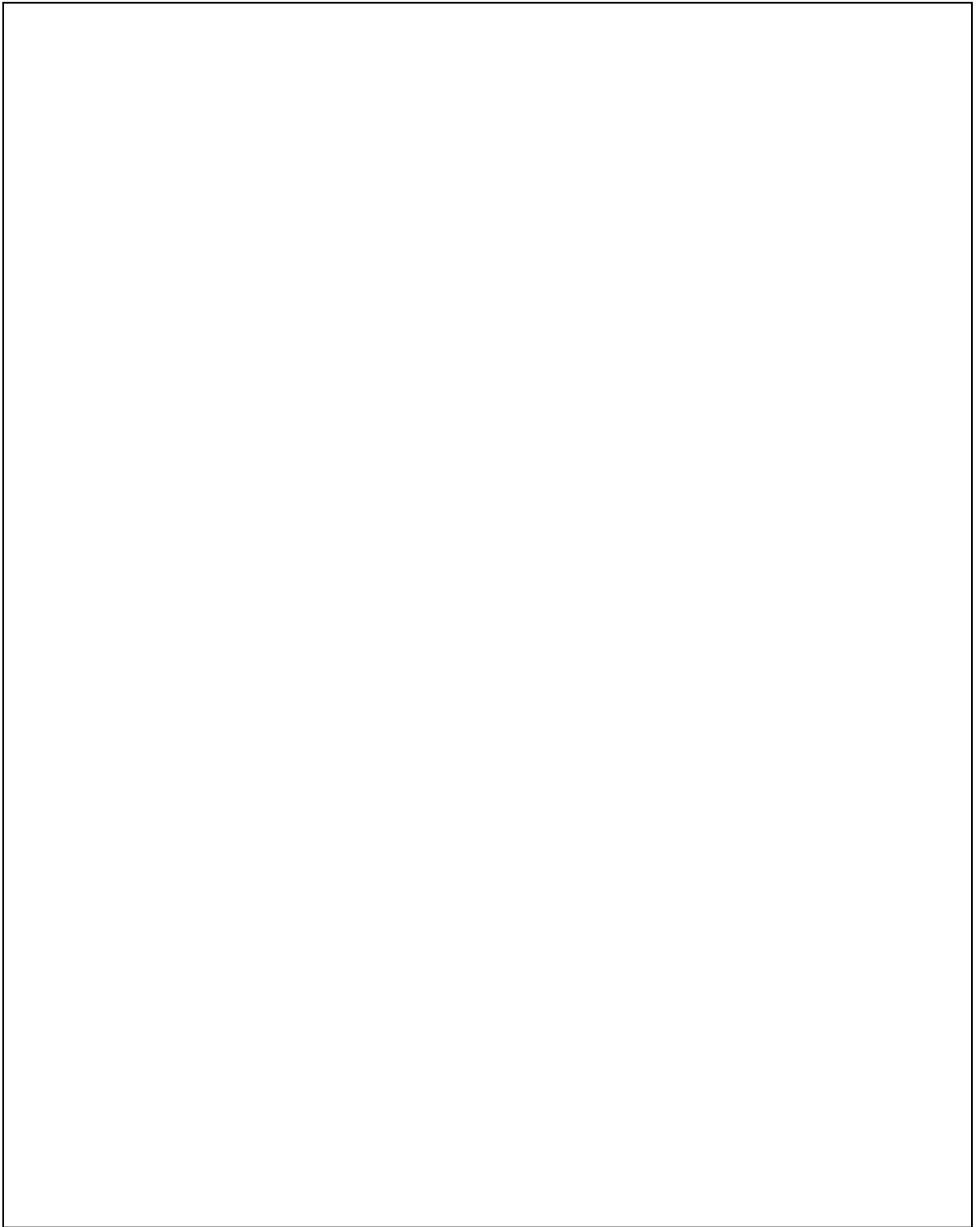
(2) Maintenance

Resource conservation area maintenance is limited to removal of litter, dead tree and plant materials and brush. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels. Unless otherwise specified by the Town Council, maintenance is limited to insuring that there exist no hazards, nuisances or unhealthy conditions.

(3) Legal Instrument for Permanent Protection

- (a) Resource conservation areas shall be protected in perpetuity by a binding legal instrument that is recorded with the deed.
- (b) The instrument for permanent protection shall include clear restrictions on the use of the of resource conservation area. These restrictions shall include all restrictions contained in this section, as well as any further restrictions the applicant chooses to place on the use of the resource conservation areas. Where appropriate, the instrument shall allow for stream or habitat restoration.

(Ord. 2005-11-02, passed 11-21-05)



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ARTICLE 5: NATURAL RESOURCE PROTECTION

CONTENTS:

§ 155.500 RESOURCE CONSERVATION AREAS..... 1

§ 155.501 WATERSHED PROTECTION Error! Bookmark not defined.4

§ 155.502 STREAM BUFFERS..... Error! Bookmark not defined.9

§ 155.500 RESOURCE CONSERVATION AREAS

(A) DETERMINATION OF RESOURCE CONSERVATION AREAS

~~The following are considered resource conservation areas and shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces unless permitted below.~~

- ~~(1) The 100-year floodplain~~
- ~~(2) Stream buffer areas~~
- ~~(3) Natural steep slopes defined as slopes 25% (4:1) or greater above 25% of at least 5,000 square feet contiguous area; and~~
- ~~(4) Jurisdictional wetlands under federal law that meet the definition applied by the United States Army Corps of Engineers.~~

~~(A)~~(B) DEFINED

- ~~(1) All resource conservation areas shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces. Unoccupied or predominately unoccupied by buildings or other impervious surfaces shall mean that not more than 5% of the area of any resource conservation area shall be occupied by such surfaces.~~
- ~~(2)~~(1) Resource conservation areas shall be identified on plats as being permanently set aside from development, except passive uses pursuant to this Ordinance. No resource conservation area shall be counted towards lot area required by §§ 155.200 through 155.204, with the exceptions for stream buffers pursuant to G.S. §143-214.23A. This shall not preclude the platting of lots in such areas, provided that adequate lot area outside the resource conservation area is provided to meet the minimum lot area requirements of §§ 155.200 through 155.204.
- ~~(3)~~(2) No resource conservation area shall be counted towards the recreation and open space requirements as set forth in §§ 155.200 through 155.204, with the exceptions for stream buffers pursuant to G.S. §143-214.23A; ~~except~~ developed ~~greenway~~ ~~or~~ ~~greenway-access~~ or

water-access facilities may be counted provided they are developed to the standards of this Ordinance.

~~(B)~~(A) DETERMINATION OF RESOURCE CONSERVATION AREAS

~~The following are considered resource conservation areas and shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces.~~

~~(4)(1) The 100-year floodplain~~

~~(5)(1) Stream buffer areas~~

~~(6)(1) Slopes above 25% of at least 5,000 square feet contiguous area; and~~

~~(7)(1) Jurisdictional wetlands under federal law () that meet the definition applied by the United States Army Corps of Engineers.~~

(C) RESOURCE CONSERVATION AREAS SHOWN ON PLAT

All resource conservation areas shall be shown on any preliminary or final plat approved after January 1, 2006.

~~(C)~~(D) PERMITTED USES OF RESOURCE CONSERVATION AREAS

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- (1) Conservation areas for natural, archeological or historical resources;
- (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- (3) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
- (4) Walking or bicycle trails;
- (5) Easements for drainage, access, and underground utility lines;
- (6) Other conservation-oriented uses compatible with the purposes of this chapter;
- (7) Public infrastructure projects and supporting facilities.

~~(D)~~(E) PROHIBITED USES OF RESOURCE CONSERVATION AREAS

Use of resource conservation areas may not include the following:

- (1) ~~↳~~ Stormwater Control Measures

- (2) Roads, parking lots and impervious surfaces, except as specifically authorized through the appropriate governing body (DEQ, USACE, ect); and
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(1) Ownership

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- (a) Land conservancy or land trust. The responsibility for maintenance shall be borne by a land conservancy or land trust.
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- (c) Private landowner. A private landowner may retain ownership of the resource conservation areas. The responsibility for maintenance shall be borne by the private landowner.

(2) Maintenance

Resource conservation area maintenance is limited to removal of litter, dead tree and plant materials and brush. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels. Unless otherwise specified by the Town Council, maintenance is limited to insuring that there exist no hazards, nuisances or unhealthy conditions.

(3) Legal Instrument for Permanent Protection

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- (b) The instrument for permanent protection shall include clear restrictions on the use of the of resource conservation area. These restrictions shall include all restrictions contained in this section, as well as any further restrictions the applicant chooses to place on the use of the resource conservation areas. Where appropriate, the instrument shall allow for stream or habitat restoration.

(Ord. 2005-11-02, passed 11-21-05)

ARTICLE 5: NATURAL RESOURCE PROTECTION

CONTENTS:

§ 155.500 RESOURCE CONSERVATION AREAS..... 1

§ 155.501 WATERSHED PROTECTION **Error! Bookmark not defined.**4

§ 155.502 STREAM BUFFERS..... **Error! Bookmark not defined.**9

§ 155.500 RESOURCE CONSERVATION AREAS

(A) DETERMINATION OF RESOURCE CONSERVATION AREAS

~~The following are considered resource conservation areas and shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces unless permitted below.~~

- ~~(1) The 100-year floodplain~~
- ~~(2) Stream buffer areas~~
- ~~(3) Natural steep slopes defined as slopes 25% (4:1) or greater above 25% that are directly connected to one of the above features and with a contiguous area of at least 5,000 square feet-contiguous area; and~~
- ~~(4) Jurisdictional wetlands under federal law that meet the definition applied by the United States Army Corps of Engineers.~~

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- ~~(1) All resource conservation areas shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces. Unoccupied or predominately unoccupied by buildings or other impervious surfaces shall mean that not more than 5% of the area of any resource conservation area shall be occupied by such surfaces.~~
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- (1) ~~↳~~ Stormwater Control Measures

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(2) **Maintenance**

Resource conservation area maintenance is limited to removal of litter, dead tree and plant materials and brush. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels. Unless otherwise specified by the Town Council, maintenance is limited to insuring that there exist no hazards, nuisances or unhealthy conditions.

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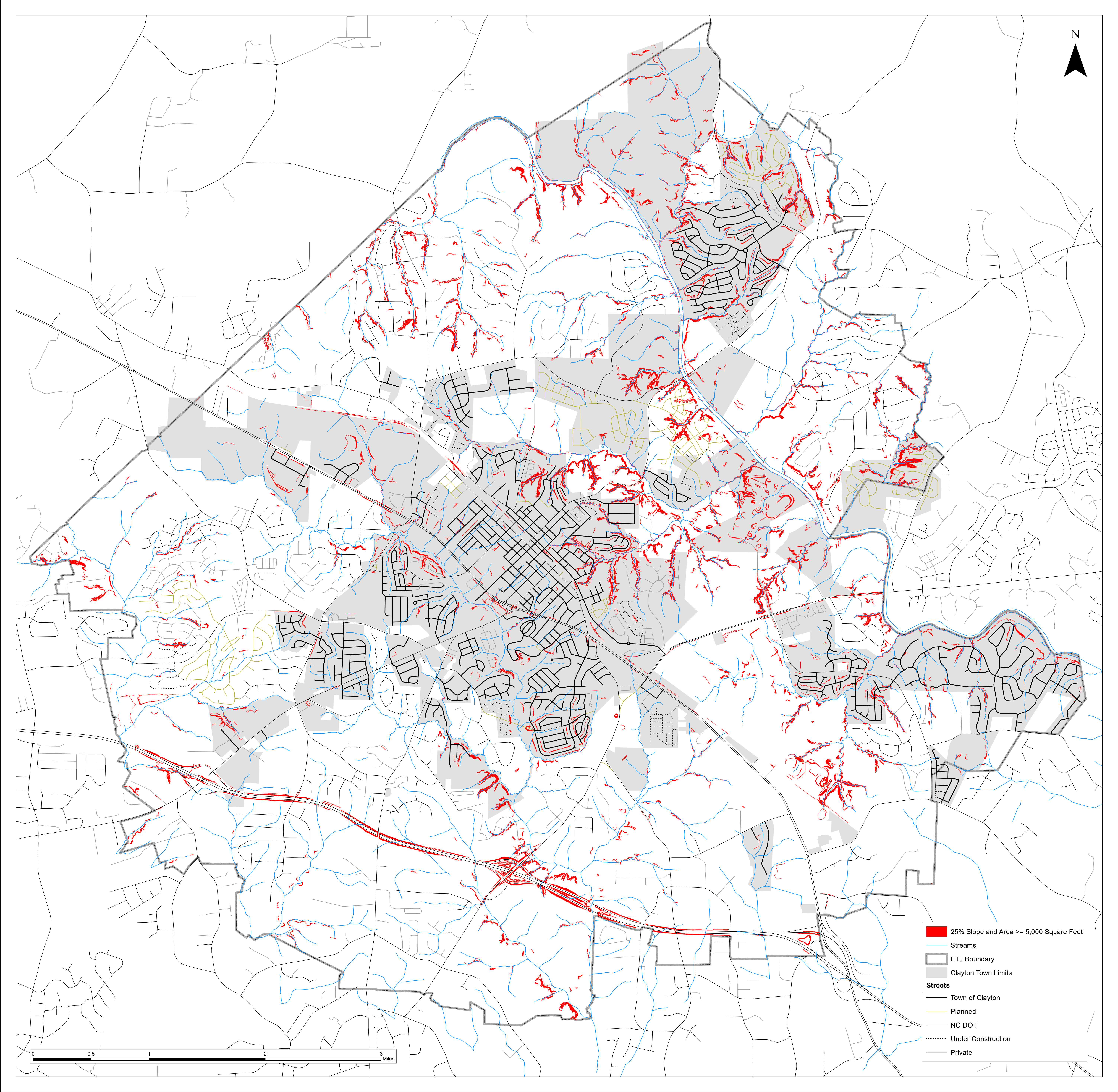
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(Ord. 2005-11-02, passed 11-21-05)





Town Council Agenda Cover Sheet

Meeting Date

December 20, 2021

Agenda Location

New Business

Item Title

2021 Local Government Record Retention Schedule

Presenter:

Kimberly A. Moffett, Town Clerk

Summary/Description

The 2021 General Records Schedule for Local Government Agencies was recently approved. This updated schedule for local governments provides guidance regarding record retention. Some of the improvements to this schedule include the indication of a lock next to items that are considered confidential and not subject to the public records law. Each municipality is requested to adopt this latest schedule version.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Approval Document

Meeting Timeline

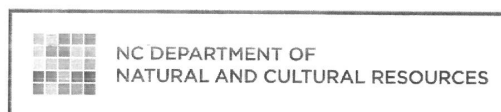
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RECORDS RETENTION AND DISPOSITION SCHEDULE

GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Issued By:



North Carolina Department of Natural and Cultural Resources
Division of Archives and Records
Government Records Section

October 1, 2021

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2021 General Records Schedule: Local Government Agencies

The records retention and disposition schedules and retention periods governing the records series listed herein are hereby approved. This approval extends to and includes the following standards in the **2021 General Records Schedule: Local Government Agencies**:

1. Administration and Management Records
2. Budget, Fiscal, and Payroll Records
3. Geographic Information System Records
4. Human Resources Records
5. Information Technology Records
6. Legal Records
7. Public Relations Records
8. Risk Management Records
9. Workforce Development Records

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

Destructions

G.S. § 121-5 authorizes the Department of Natural and Cultural Resources to regulate the destruction of public records. Furthermore, the local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. The North Carolina Administrative Code states:

“(a) Paper records which have met their required retention requirements and are not subject to legal or other audit holds should be destroyed in one of the following ways:

1. burned, unless prohibited by local ordinance;
2. shredded, or torn up so as to destroy the record content of the documents or material concerned;
3. placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned; or
4. sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.”

All local government agencies should maintain logs of their destructions either in the minutes of their governing board or in their Records Management file. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed.

Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.

Audits and Litigation Actions

Records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

Electronic Records

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

Local government agencies should consider retention requirements and disposition authorities when designing and implementing electronic records management systems. Any type of electronically-created or electronically-stored information falls under the North Carolina General Assembly's definition of public records cited above. For example, e-mail, text messages, blog posts, voicemails, websites, word processing documents, spreadsheets, databases, and PDFs all fall within this definition of public records. In addition, G.S. § 132-6.1(a) specifies:

"Databases purchased, leased, created, or otherwise acquired by every public agency containing public records shall be designed and maintained in a manner that does not impair or impede the public agency's ability to permit the public inspection and examination of public records and provides a means of obtaining copies of such records. Nothing in this subsection shall be construed to require the retention by the public agency of obsolete hardware or software."

Local government agencies may scan any paper record and retain it electronically for ease of retrieval. If an agency wishes to destroy the original paper records before their assigned retention periods have been met, the agency must establish an electronic records policy, including putting into place procedures for quality assurance and documentation of authorization for records destructions approved by the Government Records Section. This electronic records policy and releases for destruction of records must be approved by the Government Records Section. Agencies should be aware that for the purpose of any audit, litigation, or public records request, they are considered the records custodian obligated to produce requested records, even if said records are being maintained electronically by an outside vendor. Therefore, contracts regarding electronically stored information should be carefully negotiated to specify how records can be exported in case a vendor goes out of business or the agency decides to award the contract to a different vendor.

Reference Copies

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when "*reference value ends*." All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "*destroy when reference value ends*." If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction "*destroy when reference value ends*."

Record Copy

A record copy is defined as "The single copy of a document, often the original, that is designated as the official copy for reference and preservation."¹ The record copy is the one whose retention and disposition is mandated by this schedule; all additional copies are considered reference or access copies and can be destroyed when their usefulness expires. In some cases, postings to social media may be unofficial copies of information that is captured elsewhere as a record copy (e.g., a press release about an upcoming agency event that is copied to various social media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to

¹ Society of American Archivists, *Dictionary of Archives Terminology*.

designate clearly what position or office is required to maintain an official record for the duration of its designated retention period.

Transitory Records

Transitory records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.”²

North Carolina has a broad definition of public records. However, the Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called transitory records. They may be disposed of according to the guidance below. However, all public employees should be familiar with their appropriate retention schedule and any other applicable guidelines for their office. If there is a required retention period for these records, that requirement must be followed. When in doubt about whether a record is transitory or whether it has special significance or importance, retain the record in question and seek guidance from a DNCR records analyst.

Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed. Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails and calendar invites) have minimal value once the official action these records are supporting has been completed and documented. These records may be destroyed or otherwise disposed of once the action has been resolved.

Drafts and working papers, including notes and calculations, are materials gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of Chapter 132 of the General Statutes, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents that may be destroyed after final approval include:

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports;
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that is already formally documented.

Forms used solely to create, update, or modify records in an electronic medium may be destroyed in office after completion of data entry and after all verification and quality control procedures, so long as these records are not required for audit or legal purposes. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g., a signature or notary’s seal), they must be retained according to the disposition instructions for the records series encompassing the forms’ function.

² Ibid.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes previous versions of this schedule and any localized amendments; it is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED

Municipal/County Clerk or Manager
Title: _____

Sarah E. Koonts
Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Head of Governing Body
Title: _____

D. Reid Wilson
D. Reid Wilson, Secretary
Department of Natural and Cultural
Resources

Municipality/County: _____

Effective: October 1, 2021