



**Town of Clayton
Regular Town Council Meeting Agenda
Monday, December 3, 2018 @ 6:00 PM
Council Chambers**

1. CALL TO ORDER

Pledge of Allegiance and Invocation

2. ADJUSTMENT OF THE AGENDA

3. COUNCIL VACANCY

a. Discussion - Town Council Vacancy

Presenter: Jody McLeod, Mayor

[Cover](#)

POTENTIAL ACTION: Discussion and Possible Appointment

4. 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. Warranty Acceptance

Bristol at Cobblestone, Phase 2 FINAL

[Bristol at Cobblestone Phase 2](#)

b. NCDOT - Municipal Declaration - Speed Limit Reduction from 35 MPH to 25 MPH

- SR 1004 - Main Street (from 0.103 miles north of US 70 Business to Second Street)

[NCDOT Correspondence - Speed Reduction Portion of Main Street](#)

c. Certificate of Sufficiency - 2018-207-ANX - Walton Farm @ RWAC

[Certificate of Sufficiency](#)

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

5. ADMINISTRATIVE ITEMS

a. Warranty Acceptance

- Spring Branch, Lot 12

[Spring Branch Lot 12](#)

POTENTIAL ACTION: Place on December 17, 2018 Consent Agenda

6. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Introductions of New Employees:

Presenters: Nancy Medlin, Deputy Town Manager & Jimmy Bradley, Athletic Program Supervisor

- Scott Barnard - Parks & Recreation Director
- Joseph Boettger - Parks Maintenance Specialist
- Bobby Henn - Parks Maintenance Specialist

7. PUBLIC HEARINGS

- a. 2018-191-SUP - Sunbelt Rentals - Special Use Permit Modification (Quasi-Judicial)

Presenter: Planning Department

[Cover](#)

[Application](#)

[Adj Property Letter](#)

[Neighborhood Meeting Materials](#)

[Newspaper Ad](#)

[Site Plan](#)

[Updated Staff Report](#)

[Motion Form](#)

POTENTIAL ACTION: Approval/Denial of 2018-191-SUP

- b. 2018-192-SP - Sunbelt Rental - Site Plan Major Modification

Presenter: Planning Department

[Cover](#)

[Application - Revision 10-3-18](#)

[Neighborhood Meeting Materials](#)

[Site Plan](#)

[Staff Report](#)

POTENTIAL ACTION: Approval/Denial 2018-192-SUP

- c. Water & Sewer Rates / Wastewater Capacity Study

Presenter: Adam Lindsay, Town Manager

[Cover](#)

POTENTIAL ACTION: Receive Information / Public Input

8. OLD BUSINESS

9. NEW BUSINESS

- a. 2018-207-ANX - Walton Farm @ RWAC

Presenter: Planning Department

[Cover](#)

[Application](#)

[Public Notice](#)

[Resolution Setting Public Hearing](#)

POTENTIAL ACTION: Set Public Hearing for December 17, 2018

- b. Inspection Code Updates

Presenter: Rich Cappola, Inspections & Engineering Director

[Chapter 150 Red Line Version](#)

[Chapter 150 with changes accepted](#)
[Chapter 95 Red Line Version](#)
[Chapter 95 with changes accepted](#)
[Proposed Ordinance](#)

POTENTIAL ACTION: Place on December 17, 2018 Consent Agenda

- c. Budget Amendments
Presenter: Robert McKie, Finance Director
- Capital Project - LED Changeover
 - Electric Fund - Transfer
 - General Fund - Planning Staff Cube System

[Cover](#)
[Capital Project Budget Ordinance - LED Changeover Project](#)
[Electric Fund Budget Amendment - Transfer to LED Capital Project Fund](#)
[General Fund Budget Amendment - Planning Staff Cube System](#)

POTENTIAL ACTION: Adoption of Ordinances # 2018-12-01 # 2018-12-02 and # 2018-12-03

10. STAFF REPORTS

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

11. OTHER BUSINESS

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

12. ADJOURNMENT



Town Council Agenda Cover Sheet

Meeting Date

December 3 2018

Agenda Location

Other

Item Title

Council Vacancy

Presenter

Jody McLeod, Mayor

Summary/Description

Clayton Town Council will discuss filling a current vacancy created with the departure of Council Member Lawter, who was recently elected to the Johnston County Board of Commissioners.

Pursuant to NCGS 160A-63, any vacancy that occurs in an elective office shall be filled by appointment of the council. The appointment serves until the next election (November 2019). In an open meeting, a member may make a motion naming someone to fill the vacancy. Should motion receive majority of affirmative votes, the person named would fill the vacancy. If majority vote is not received, a new motion is required.

Requested Action

Other – Discussion & Possible Appointment

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
Engineering & Inspections
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Danny Blackburn, Blackburn Consulting
Karen Durham, Engineering & Inspections Coordinator

Date: November 5, 2018

Subject: Bristol at Cobblestone, Phase 2

Please place a final acceptance request for the subject public water, sewer, associated storm drainage utilities, roadway sections, and all pertinent easements on the next available agenda. A final inspection was performed with all noted items corrected. Following acceptance, the Town will assume operational and maintenance duties.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

November 7, 2018

Ms. Kimberly A. Moffett, CMC
Town Clerk
Town of Clayton
P.O. Box 879
Clayton, North Carolina 27528

Dear Ms. Moffett:

The North Carolina Department of Transportation has reviewed a section of SR 1004 (Main Street) for reducing the speed limit from 35mph to 25mph and concurs with the Town's recent request to lower the speed limit. Enclosed you will find a municipal certificate that the Town will need to complete and submit to us. The original must be mail to our office with no erasures or correction marks on the form.

Your cooperation with this matter will be greatly appreciated. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Todd Lewis".

Todd Lewis, PE
Division Incident Management Engineer

CTL/

Enclosures

Cc: Mr. A.H. Brown, PE; Mr. P.H. Daughtry, III, PE

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION 4 TRAFFIC SERVICES
PO BOX 3165
WILSON, NC 27895-3165

Telephone: (252) 237-6164
Fax: (252) 234-6174
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
509 WARD BLVD.
WILSON, NC 27893

**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1074434

Division: 4 County: JOHNSTON

Municipality: CLAYTON

Type: Municipal Speed Zones

Road: SR 1004

Car: 25 MPH

Truck: 25 MPH

Description: SR 1004 (Main Street) from 0.103 mile north of US 70 Business to Second Street.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance Number: _____

In witness whereof, I have hereunto set my

hand and the municipal seal this _____ day

of _____, 20_____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

ANNEXATION PETITION 2018-207-ANX
FSC Ranch, LLC
Parcel: Portion of 16103027
Owners: FSC Ranch, LLC
Contiguous; 47.09 +/- acres

CERTIFICATE OF SUFFICIENCY

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

I, Kimberly A. Moffett, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Clayton, this 3rd day of December, 2018.

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Jonathan Barnes, Dalton Engineering
Karen Durham, Engineering & Inspections Coordinator

Date: November 26, 2018

Subject: Spring Branch, Lot 12

Please place a warranty acceptance request for the subject public water and sewer utilities along with all pertinent easements on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the utilities will be subject to a one-year warranty period. Following expiration of the warranty, a final inspection will be done with all deficient items corrected by the developer prior to final acceptance. All street sections within this project are private.



Town Council Agenda Cover Sheet

Meeting Date

December 3 2018

Agenda Location

Public Hearings

Item Title

2018-191-SUP Sunbelt Rentals Addition Major Modification, Special Use Permit

Presenter

Haley Hogg, Planner

Summary/Description

Request for a Major Modification to a previously approved Special Use Permit to develop a 1,500 square foot addition to a previously approved 10,500 square foot building. The addition is proposed in the rear of the previously approved building, to add an additional loading bay. The previous Special Use Permit for Sunbelt Rentals was approved in early 2018 in order to allow the use of Vehicle (equipment) sales and rental on the subject property. Per UDC requirements, an increase in 5% or more of the approved floor area is considered to be a substantial deviation for a Special Use Permit and requires Town Council review. A major modification to the previously approved Major Site Plan is running concurrently with this request. The property is located at 7635 US HWY 70 BUS.



Requested Action

Approval/Denial

Additional Documents to be Included in Agenda Packet

Staff Report

Application

Staff Report Map

Associated Site Plan

Neighborhood Meeting Materials

Public Notice- Adj. Property Letter

Public Notice- Newspaper Ad

Meeting Timeline

November 19, 2018- Set a public hearing (Town Council)

December 3, 2018- Public Hearing (Town Council)



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

SPECIAL USE PERMIT APPLICATION COVER SHEET

Name of Project: _____ **Date:** _____

Applicant Name: _____

The following checklist to be completed by applicant:

- ☐ Pre-Application Meeting on: _____
- ☐ Application Review fee
- ☐ Advertisement Fee

11 copies of the following:

- ☐ Completed Application
- ☐ Owner's Consent Form
- ☐ Adjacent Property Owner's List
- ☐ Neighborhood Meeting Notice Letter (1 copy)
- ☐ Wastewater Allocation Request Form (if applicable)
- ☐ Set of stamped, addressed, empty envelopes for adjacent property owner notification
- ☐ Associated Site Plan (separate application required for major site plans, must be submitted concurrently)

Reviewed by: _____



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

SPECIAL USE PERMIT APPLICATION

Application Fee: \$400.00
Advertisement Fee: \$200.00

☐ New Special Use Permit

☐ Major Modification to an approved SUP
Permit Modified: _____

SITE INFORMATION

Name of Project: _____

Acreage of Property: _____ Zoning District: _____

County Tag #: _____ NC Pin #: _____

Address/Location: _____

Existing Use: _____ Proposed Use: _____

Is project within a Planned Development? ☐ Yes ☐ No If yes, which: _____

Is project within an Overlay District? ☐ Yes ☐ No If yes, which: _____

APPLICANT INFORMATION

Applicant: _____

Mailing Address: _____

Phone Number: _____ Fax: _____

Contact Person: _____

Email Address: _____

OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ File Number: _____

2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.

At the time of site plan submission, the proposed site use will be designed to the sound land use standards and the Town's UDO.

3. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

At the time of this submission, the proposed use and improvements are anticipated to increase the value of the subject property and surrounding properties. The proposed use and rezoning is consistent with the zoning and uses of the adjacent parcels to the north of the subject parcel.

4. That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

The site shall be developed according to the plans and policies of the Town of Clayton. Also, neighboring properties to the north have similar zoning and uses. The adjacent parcels to the rear (west) and south are agricultural. The proposed improvements shall incorporate adequate buffers to provide separation between the proposed use and the adjacent properties, per the Town of Clayton UDO.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to approve the subject Special Use Permit. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Clayton, North Carolina, and will not be returned.

Craig T. Moffat

Print Name



Signature of Applicant

10.03.18

Date



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

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: _____ **Address or PIN #:** _____

AGENT/APPLICANT INFORMATION:

(Name - type, print clearly)

(Address)

(City, State, Zip)

I hereby give **CONSENT** to the above referenced agent/applicant to act on my behalf, to submit applications and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the following processes (*list applicable requests*):

Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER AUTHORIZATION:

(Name - type, print clearly)

(Address)

(Owner's Signature)

(City, State, Zip)

STATE OF _____
COUNTY OF _____

Sworn and subscribed before me _____, a Notary Public for the above State and County, this
the _____ day of _____, 20____.

SEAL

Notary Public

My Commission
Expires: _____

July 2018

10 of 10



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

OWNER'S CONSENT FORM

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(Address)

(City, State, Zip)

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I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER AUTHORIZATION:

Craig Moffat
(Name - type, print clearly)

4901 Union Dr
(Address)

[Signature]
(Owner's Signature)

WAKE Forest NC 27587
(City, State, Zip)

STATE OF NC
COUNTY OF Wake

Sworn and subscribed before me Katherine H. Jackson, a Notary Public for the above State and County, this the 3 day of October, 2018.



Katherine H. Jackson
Notary Public
My Commission
Expires: 8/8/21

Page 9 of 9



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

November 20, 2018

NOTICE

SUBJECT: **Project:** 2018-191-SUP Sunbelt Rentals Addition Special Use Permit
 Address: 7635 US HWY 70 BUS
 PIN #s: 167700-36-0370 / 05I05035A
 Applicant: Moffat Properties, LLC

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold an evidentiary hearing on **Monday, December 3, 2018 at 6:00 PM** at Town Hall, 111 E Second Street, to consider the above referenced Special Use Permit application. The applicant is requesting a Major Modification to a previously approved Special Use Permit to add a 1,500 square foot addition to the rear of the previously approved building. The previous Special Use Permit was approved for the use of Vehicle Sales and Rentals. Per the Unified Development Code, any increase in 5% or more of the approved floor area for a Special Use Permit requires approval from Town Council in order to be permitted. A Major Site Plan modification is running concurrently with this application as well. The property is located off US HWY 70 and is zoned Highway-Business (B-3); please see the map on the back of this letter.

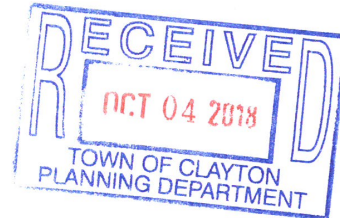
Based upon records in the Johnston County Tax Office, you are the owner of property that is within 100 feet of this request. You are invited to attend this meeting. During an evidentiary hearing, the Town Council must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath. This is an open meeting and interested persons are invited to attend.

If you should need additional assistance or information, please contact the Planning Department at (919) 553-5002 or email at hhogg@townofclaytonnc.org.

Sincerely,

Haley Hogg, CZO





October 4, 2018

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed with the Town of Clayton for a modification to the approved Special Use Permit involving property adjacent to, or in close proximity to, property shown in your ownership by Johnston County tax records. Per Town of Clayton regulations, a Neighborhood Meeting will be held to provide information to area residents about the nature of the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: October 23, 2018 **Meeting Time:** 7:00 pm

Meeting Location: The Clayton Center – York Room (111 East 2nd Street, Clayton)

Type of Application: Special Use Modification

Project/Proposal Address: 7635 US Highway 70 W Business, Clayton, North Carolina, 27520

Description of project/proposal: The proposed project consists of developing approximately 6.22 acres of the 23+ acre parcel for use as an equipment sales and rental facility. Similar facilities exist on the US Hwy 70 corridor and have been found to be appropriate for this overlay district. The adjacent parcels to the north and south are zoned B-3, which has been found in harmony with surrounding parcels. The purpose of this modification to the Special Use Permit is to add 25 feet to the rear of the building.

At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

1. A copy of the project application.
2. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

If you have any questions prior to or after this meeting, you may contact us at 919-779-6851. You may also contact the Planning Department at 919-553-5002.

Sincerely,

A handwritten signature in blue ink, appearing to be 'CJ' or similar, written over a horizontal line.

Moffat Properties, LLC. (Owner & Developer)
4901 Unicon Drive, Wake Forest, North Carolina 27587
(919) 669-7469

Red Line Engineering, P.C. (Engineer)
1401 Aversboro Road, Garner, North Carolina 27529
(919) 779-6851

1401 Aversboro Road, Suite 210 ■ Garner, NC 27529 ■ Office: (919)779-6851 ■ www.rle-pc.com

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: _____

Application: _____

Location/Date: _____

	NAME	ADDRESS
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ADJACENT PROPERTY OWNERS LIST

Project Name: _____

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: _____

Application: _____

Location/Date: _____

	NAME	ADDRESS
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Raleigh, NC 27601

Order Confirmation

Customer

TOWN OF CLAYTON

Customer Account

106263

Customer Address

PO BOX 879
CLAYTON NC 275280879 USA

Customer Phone

919-553-5002

Customer Fax

Sales Rep

poleniczak@newsobserver.com

Payor Customer

TOWN OF CLAYTON

Payor Account

106263

Payor Address

PO BOX 879
CLAYTON NC 275280879 USA

Payor Phone

919-553-5002

Customer EMail

kmoffett@townofclaytonnc.org

Order Taker

boverton@newsobserver.com

PO Number

Payment Method

Invoice

Blind Box

Tear Sheets

0

Proofs

0

Affidavits

1

Net Amount

\$169.00

Tax Amount

\$0.00

Total Amount

\$169.00

Payment Amount

\$0.00

Amount Due

\$169.00

Ad Order Number

0003962393

Order Source

Ordered By

Special Pricing

Invoice Text

2018-191-SUP - Sunbelt Rentals SUP

Promo Type

Package Buy

Materials

Ad Order Information

Ad Number 0003962393-01	Ad Type RAL-Legal Liner	Production Method AdBooker	Production Notes	
External Ad Number	Ad Attributes	Ad Released No	Pick Up 0003229076	
Ad Size 1 X 25 li	Color			
Product RAL-News & Observer	Placement 0300 - Legals Classified	Times Run 2	Schedule Cost \$169.00	
Run Schedule Invoice Text 2018-191-SUP - Sunbelt Rentals SUP	Position 0301 - Legals & Public Notices			
Run Dates 11/23/2018, 11/30/2018				

PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold an evidentiary hearing on **Monday, December 3, 2018**, at 6 PM at Town Hall, 111 East Second Street, to consider 2018-191-SUP Sunbelt Rentals special Use Permit modification, along with an associated major site plan modification 2018-192-SP; requests to add an addition to a previously approved building. Properties are located at 7635 US HWY 70 BUS; PIN # 167700-36-0370.

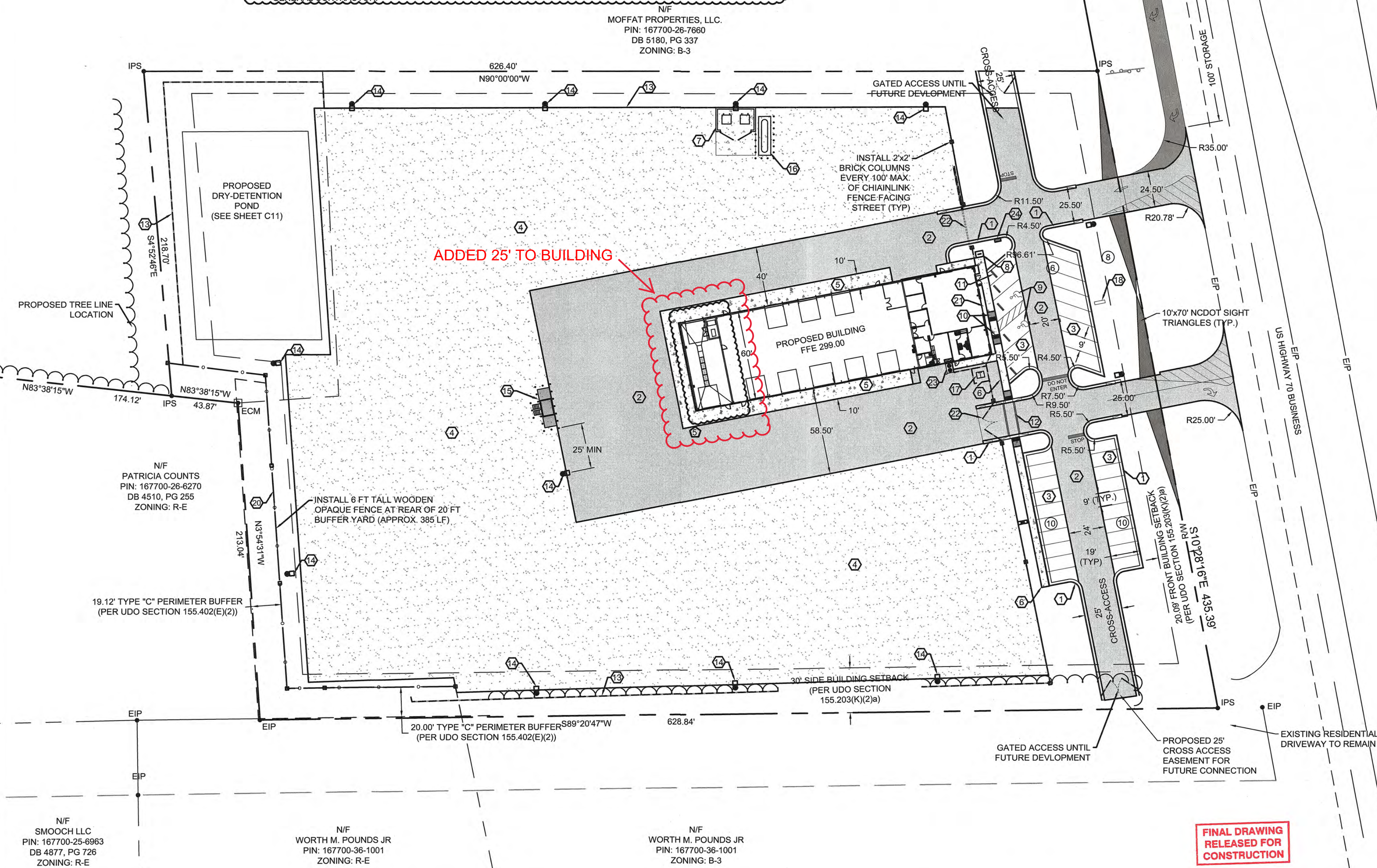
During an evidentiary hearing, the Clayton Town Council must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath.

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

Haley Hogg, Planner 919-553-5002

N&O: November 23, 30, 2018

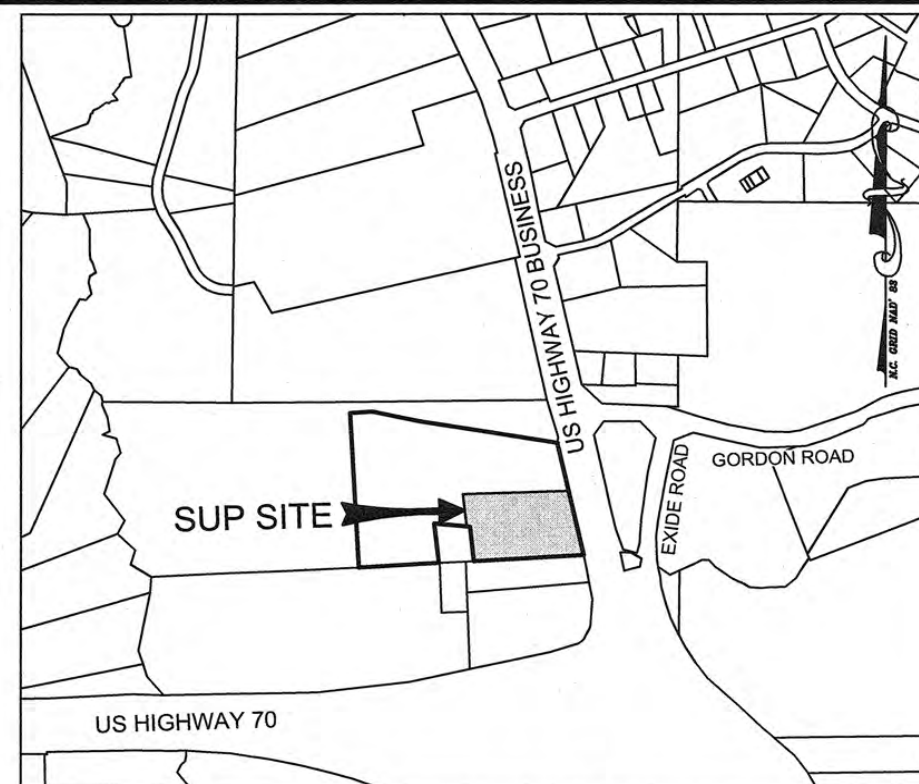
- # SITE NOTES
1. INSTALL 24" CONCRETE CURB AND GUTTER AS SHOWN (APPROX. 991 LF TOTAL).
 2. INSTALL HEAVY DUTY ASPHALT IN DRIVE AISLES AND REAR SERVICE YARD AS SHOWN (TYPICAL - 8" ABC & 4" ASPHALT).
 3. INSTALL LIGHT DUTY ASPHALT IN VEHICULAR PARKING SPACES (TYPICAL - 6" ABC STONE & 2" ASPHALT).
 4. INSTALL 8" ABC STONE IN REAR GRAVEL STORAGE YARD AS SHOWN.
 5. INSTALL 10' WIDE HEAVY DUTY CONCRETE APRON ADJACENT TO BUILDING NEAR SERVICE BAY DOORS @ 1/4" PER FOOT AWAY FROM BUILDING.
 6. INSTALL APPROX. 6' WIDE CONCRETE TURNDOWN SIDEWALK AROUND FRONT OF PROPOSED BUILDING.
 7. PROPOSED DUMPSTER ENCLOSURE TO MATCH COLOR AND MATERIAL OF BUILDING.
 8. INSTALL 2 BICYCLE PARKING SPACES (1 "U" SHAPED RACK).
 9. INSTALL 12.5' X 19' ADA COMPLIANT PARKING SPACE WITH 5' STRIPED AISLE AND SIGNAGE AS SHOWN (PER TOWN OF CLAYTON STANDARDS).
 10. INSTALL ADA COMPLIANT WHEELCHAIR RAMP WITH DETECTABLE DOMES (TYP.) CURB TAPERS SHALL BE PAINTED YELLOW.
 11. INSTALL CONCRETE WHEELSTOPS 30" FROM FACE OF SIDEWALK TO WHEEL FACE (TYP.)
 12. INSTALL STANDARD NCDOT STRIPED CROSSWALK.
 13. INSTALL 6' TALL BLACK VINYL COATED (COMMERCIAL GRADE) CHAIN-LINK FENCE AROUND THE PERIMETER OF THE PROPOSED SERVICE YARD (APPROX. 1,500 LF TOTAL). PROVIDE 2'X2'X8" MASONRY COLUMNS ALONG THE FRONT OR LANDSCAPE MATERIAL EVERY 100' MAX ON THE SIDES AND REAR AS VISUAL BREAKS IN THE FENCE LINE. VINYL SLATS SHALL BE INSTALLED ON THE FRONT STREET-FACING FENCE.
 14. INSTALL PROPOSED LIGHT POLES AND FIXTURES (BY OTHERS). CONTRACTOR SHALL PROVIDE A 2" PVC (SCH 80) CONDUITS TO EACH LIGHT POLE. SEE SHEET C4 FOR DETAILS.
 15. PROPOSED LOCATION OF 26'X8'X8" FUEL ISLAND REINFORCED CONCRETE SLAB WITH 6" CONCRETE FILLED PIPE BOLLARDS @ 4' O.C. PROVIDE 2" CONDUITS PER SHEET C4.
 16. PROPOSED LOCATION OF 26'X8' LIQUID PROPANE TANK (BY OTHERS) WITH 6" CONCRETE FILLED PIPE BOLLARDS @ 4' O.C. PROVIDE 2" CONDUITS PER SHEET C4.
 17. PROPOSED LOCATION OF TRANSFORMER SECURED WITH FENCE (BY OTHERS).
 18. PROPOSED LOCATION OF MONUMENT SIGN (BY OTHERS).
 19. INSTALL DECELERATION LANE PER NCDOT STANDARDS, DETAILS, AND SPECIFICATIONS. (MAINTAIN ROAD CROWN OF 2%).
 20. INSTALL 6' TALL WOODEN OPAQUE FENCE AT REAR OF 20' TYPE "C" BUFFER (APPROX. 385 LF TOTAL). PROVIDE 2'X2'X8" MASONRY COLUMNS OR LANDSCAPE MATERIAL EVERY 100' MAX AND AT CORNERS AS VISUAL BREAKS IN THE FENCE LINE.
 21. INSTALL 4' LANDSCAPED AREA BETWEEN PROPOSED BUILDING AND SIDEWALK SLOPED DOWN AWAY FROM BUILDING AT 2% MIN.
 22. INSTALL AUTOMATED CANTILEVER TYPE GATE ON ENTRANCE TO STORAGE YARD AND DOUBLE-LEAF SWING GATE AT EXIT.
 23. PROPOSED LOCATION OF HVAC UNITS (BY OTHERS).
 24. HIGHLOW FENCE ACCESS KEYPAD (BY OTHERS). FENCE CONTRACTOR SHALL COORDINATE LOCATION WITH OWNER AND GENERAL CONTRACTOR.



NOTE: CONTRACTOR SHALL NOTIFY ARCHITECT/ENGINEER IMMEDIATELY IF ANY CONFLICTS, INCONSISTENCIES OR AMBIGUITIES EXIST BETWEEN ARCHITECTURAL, P.M.E., STRUCTURAL & CIVIL DRAWINGS & SPECIFICATIONS. IF HIDDEN SITE CONDITIONS ARE DISCOVERED DURING CONSTRUCTION/DEMOLITION, CONTRACTOR SHALL OBTAIN WRITTEN RESOLUTION PRIOR TO PROCEEDING WITH CONSTRUCTION. OTHERWISE, CONTRACTOR PROCEEDS AT THEIR OWN RISK.

NOTE: ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH TOWN OF CLAYTON, JOHNSTON COUNTY, NCDOT, AND STATE OF NORTH CAROLINA STANDARDS AND SPECIFICATIONS

ALL PROPOSED WHEELCHAIR RAMPS (WCR) SHALL BE BUILT IN ACCORDANCE WITH NCDOT STANDARD DRAWINGS 948.05 & 948.06



VICINITY MAP
SCALE: 1"=1,000'

SITE PLAN INFORMATION:

- | | |
|--|--|
| 1. NAME: | SUNBELT GENERAL TOOLS |
| 2. STREET ADDRESS: | 7635 US HIGHWAY 70 BUSINESS
CLAYTON, NORTH CAROLINA 27520 |
| 3. P.I.N.: | 167700-26-7660 |
| 4. LAND USE (EXISTING/PROPOSED): | VACANT/ EQUIPMENT SALE & RENTAL |
| 5. TOTAL NUMBER OF LOTS: | 1 |
| 6. PROPOSED SPECIAL USE AREA: | 271,061 SF / 6.22 ACRES |
| 7. DISTURBED AREA: | 258,382 SF / 5.93 ACRES |
| 8. CURRENT/PROPOSED ZONING: | B-3 |
| 9. PROPOSED BUILDING LOT COVERAGE: | 4.02% |
| 12. BUILDING SETBACKS: | FRONT - 20 FT.
SIDE - 15 FT / 30 FT. (ADJACENT RESIDENTIAL)
REAR - 30 FT. |
| 13. INSIDE TOWN LIMITS: | NO (ETJ) |
| 14. INSIDE FLOOD HAZARD BOUNDARY: | NO (PER FEMA MAP #3720167700J)
EFFECTIVE DATE: DECEMBER 2, 2005 |
| 15. BUILDING SQUARE FOOTAGE & USE: | 3,000 SF OFFICE
7,500 SF SERVICE BAYS (9 TOTAL)
12,000 SF TOTAL |
| 16. PROPOSED PARKING REQUIREMENTS: | OFFICE
(1 SPACE / 250 SF)
X (3,000 SF)
12 SPACES REQUIRED

VEHICLE SALES / RENTAL
(2 SPACES / SERVICE BAY)
X (9 BAYS)
18 SPACES REQUIRED

TOTAL SPACES REQUIRED
TOTAL SPACES PROVIDED
30 SPACES TOTAL
34 SPACES PROPOSED (2 H.C. + 32 REG.) |
| 17. PROPOSED BICYCLE PARKING REQUIRED: | VEHICLE SALES OR RENTAL
1 RACK REQUIRED (2 SPACES)
PER UDO SECTION 155.401(C)(2) |
| 18. IMPERVIOUS SURFACE AREA: | EXISTING:
PROPOSED:
TOTAL:
81,198 SF / 1.86 ACRES (30.0%)
117,743 SF / 2.70 ACRES (43.4%)
198,941 SF / 4.57 ACRES (73.4%) |
| 19. PROPOSED WATER PROVIDER: | TOWN OF CLAYTON / JOHNSTON COUNTY |
| 20. PROPOSED SEWER PROVIDER: | TOWN OF CLAYTON / JOHNSTON COUNTY |
| 21. OWNER / DEVELOPER: | MOFFAT PROPERTIES
4901 UNICOM DRIVE
WAKE FOREST, NORTH CAROLINA 27587 |

CONDITIONS OF SPECIAL USE APPROVAL

1. THE SPECIAL USE PERMIT THAT ALLOWS THE USE OF "VEHICLE SALES AND RENTAL" SHALL BE RESTRICTED TO ONLY 6.22 ACRES IN THE ASSOCIATED SITE PLAN (2018-02-SP).
2. PRIOR TO BUILDING PERMIT ISSUANCE, A MINOR SUBDIVISION APPLICATION SHALL BE REQUIRED TO SEPARATE THE 6.22 ACRES OF THE SPECIAL USE PERMIT AREA FROM THE REMAINDER OF THE TRACT.
3. THE DEVELOPMENT OF THE SITE IS LIMITED TO THE SITE DESIGN AND USES APPROVED BY THE PLANNING BOARD AND TOWN COUNCIL OF THE ASSOCIATED SITE PLAN (2018-2-SP) AND SPECIAL USE PERMIT (2017-209-SUP). MODIFICATIONS TO THE APPROVED SITE PLAN OR SPECIAL USE PERMIT SHALL REQUIRE REVIEW AND APPROVAL IN ACCORDANCE WITH THE PROVISIONS OF THE UNIFIED DEVELOPMENT CODE.
4. PER THE NOTE ON THE PLANS, A FEE-IN-LIEU SHALL BE PAID FOR THE REQUIRED CURB AND GUTTER AND SIDEWALK FOR THE FRONTAGE ALONG THE PUBLIC RIGHT-OF-WAY. THIS SHALL BE PAID PRIOR TO OR AT BUILDING PERMIT ISSUANCE.
5. ANNEXATION INTO THE TOWN MUNICIPAL LIMITS IS REQUIRED AND SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
6. A CROSS-ACCESS AGREEMENT SHALL BE RECORDED AND PROVIDED TO THE PLANNING DEPARTMENT PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
7. CROSS-ACCESS DRIVES SHALL BE PAVED TO THE PROPERTY LINE. WHERE CROSS ACCESS STOPS SHORT OF THE PROPERTY LINE, AND EASEMENT SHALL BE RECORDED FOR FUTURE CROSS ACCESS, AND THAT AREA SHALL BE PAVED WHEN THE ADJACENT PROPERTY DEVELOPS.

NOTE: A FEE-IN-LIEU IS PROPOSED FOR THE REQUIRED CURB AND GUTTER AND SIDEWALK ALONG THE PUBLIC RIGHT-OF-WAY FOR THE PROPERTY FRONTAGE ON US HWY. 70 BUSINESS, WHICH WILL BE REVIEWED PRIOR TO CONSTRUCTION DRAWINGS APPROVAL. THE DEVELOPER RETAINS THE RIGHT TO INSTALL THE REQUIRED IMPROVEMENTS OR PAY THE FEE-IN-LIEU.



THIS ORIGINAL SHEET IS 24"X36". OTHER DIMENSIONS INDICATE IF HAS BEEN ALTERED. ALL INFORMATION REPRESENTED ON THIS SHEET IS THE PROPERTY OF RED LINE ENGINEERING, P.C. UNDER PENALTY OF LAW, THIS INFORMATION SHALL NOT BE DUPLICATED IN PART OR IN WHOLE WITHOUT PRIOR WRITTEN AUTHORIZATION FROM RED LINE ENGINEERING, P.C. 2018 ©



SUNBELT GENERAL TOOLS

7635 US HWY 70 BUSINESS
CLAYTON, NORTH CAROLINA 27520

PROPOSED SITE PLAN

REVISIONS:	DATE:
1. PER OWNER	7/16/18
2. PER JCPU	7/16/18
3. PER JCPU SW/EC	8/21/18
4. PER TOC	9/7/18
5. ADD 25' TO BUILDING	9/12/18
ISSUED FOR:	DATE:
REVIEW / PERMIT	6/28/18

PROJECT NO.: 17-014
DRAWN BY: CSB
REVIEWED BY: GJM

SHEET NUMBER:

C3

OF 17 SHEETS



Know what's below.
Call before you dig.



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

*Town Council
December 3, 2018*

STAFF REPORT

Application Number: 2018-191-SUP
Project Name: Sunbelt Rental, Special Use Permit Modification

NC PIN / Tag #: 167700-36-0370 / 05I05035A
Town Limits/ETJ: Town Limits
Applicant: Moffat Properties, LLC
Owner: Moffat Properties, LLC
Location: The property is located at 7635 US Hwy 70 BUS

Public Noticing:

- Neighborhood meeting held on October 23, 2018
- Site posted prior to November 23, 2018
- Adjacent Property Letters sent November 20, 2018
- Newspaper Ad published November 23, 2018 and November 30, 2018

REQUEST: Major modification request to a previously approved special use permit (2017-209-SUP) to add a 1,500 square foot addition to the rear of the building. A major modification to the previously approved major site plan is running concurrently with this request (2018-192-SP).



SITE DATA:

Acreage: 6.22 acres
Existing Use: Vacant (under construction to develop previously approved portion of Sunbelt Rentals; equipment sales and rentals)
Proposed use: Vehicle (Equipment) Sales and Rental

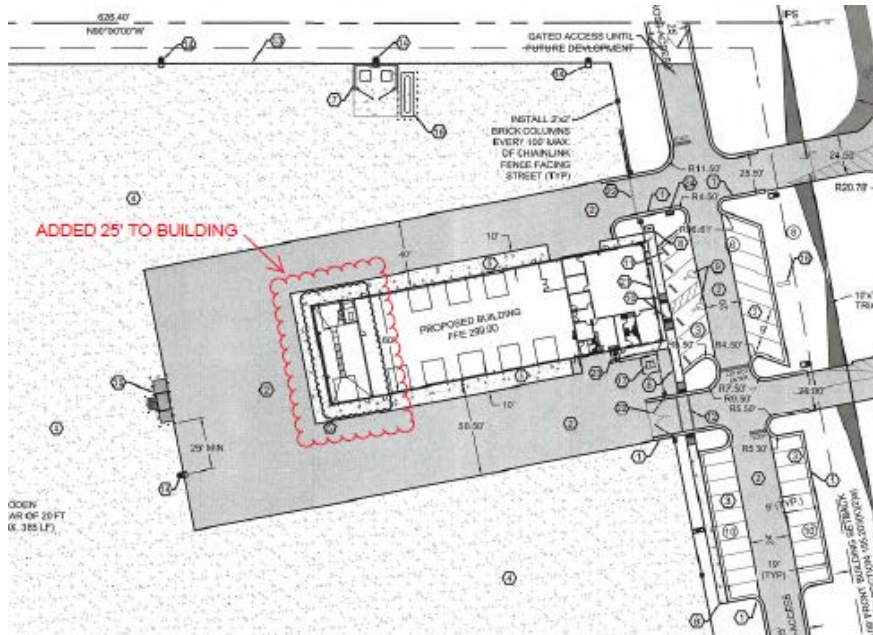
DEVELOPMENT DATA:

Proposed Uses: Equipment rental facility (Sunbelt Rentals)
Building(s): 1 building (12,000 square feet, includes 1,500 proposed addition) with associated fueling station
Height: 24' proposed; max. height of 60 feet allowed
Impervious Surface: 73.4% (75% maximum); no additional impervious surface is proposed as a part of this modification
Parking: 34 spaces provided (34 required)
Fire Protection: Town of Clayton
Access/Streets: One access point will be provided directly off US Hwy 70 Bus., with a one-way ingress and one-way egress; no changes are proposed to the access points as a part of this modification.
Water/Sewer Provider: Town of Clayton

STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting a major modification to a previously approved special use permit to develop a 1,500 square foot addition to the previously approved building. The building was previously approved to be 10,500 square feet. The applicant is proposing this addition to be located in the rear of the previously approved structure in order to provide an additional loading bay. The addition will not add any additional impervious surface coverage to the site, since it will be located in an area that was previously designated to be gravel. No other modifications are proposed as a part of this application.

Per UDC requirements, an increase in 5% or more of the approved floor area is considered to be a substantial deviation for a special use permit and requires Town Council approval. A major modification to the previously approved major site plan is running concurrently with this request (2018-192-SP).



Associated Site Plan

An associated Major Site Plan 2018-192-SP is running concurrently with this request. The only change proposed to the previously approved site plan is to add a 1,500 square foot building addition to the rear of the previously approved building. No other changes are proposed as a part of the application. There will be no increase to the impervious surface coverage, as the area that the addition is proposed to be located was previously approved to consist of gravel. The site also meets all parking requirements with the proposed addition.

Staff does recommend an additional condition of approval be placed upon this special use permit to require the building addition be constructed of the same materials as the original design approved as a part of 2018-02-SP (see condition #8).

FINDINGS

When considering a Special Use Permit application, the Town Council shall consider specific Findings of Fact. These Findings have been addressed by the applicant in the application. These Findings are outlined in Chapter 155.711(l) of the UDC. These applicant's response to these Findings have been outlined below, along with commentary from Staff.

1. That the application will not materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.

Applicant Response: "At the time of site plan submission, the proposed site use will be designed to ensure no negative effect on the public health or safety as approved by a licensed engineer."

Staff Commentary: Staff is comfortable with the applicant's response, since the proposed Special Use Permit is only a modification to a use that has previously been approved and reviewed by the Town Council. The applicant could provide additional details though to explain how the proposed expansion will not have a negative impact on the public health or safety.

2. *That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.*

Applicant Response: "At the time of site plan submission, the proposed site use will be designed to the sound land use standards and the Town's UDO."

Staff Commentary: Staff agrees that the application meets the requirements of the Town Code of Ordinances, as it has been reviewed and certified by the Technical Review Committee.

3. *That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.*

Applicant Response: "At the time of this submission, the proposed use and improvements are anticipated to increase the value of the subject property and surrounding properties. The proposed use and rezoning is consistent with the zoning and uses of the adjacent parcels to the north of the parcel."

Staff Commentary: The applicant could provide additional details on how the proposed modification and improvements would increase (or not be detrimental) to the adjacent properties. It is worth mentioning though that the proposed Special Use Permit is only for an expansion of a previously approved use, not an entirely new use.

4. *That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.*

Applicant Response: "The site shall be developed according to the plans and policies of the Town of Clayton. Also, neighboring properties to the north have similar zoning and uses. The adjacent parcels to the rear (west) and south are agricultural. The proposed improvements shall incorporate adequate buffers to provide separation between the proposed use and the adjacent properties, per the Town of Clayton UDCO."

Staff Commentary: Staff agrees that the proposed Special Use Permit Modification does not affect the adopted plans and policies of the Town, as it is consistent with the UDC and the Comprehensive Plan 2040.

CONSIDERATIONS:

- The Town Council makes a decision regarding Special Use Permits.
-

RECOMMENDED CONDITIONS OF APPROVAL:

If approved, staff recommends the following conditions of approval. All conditions from the previous 2017-209-SUP special use permit approval have been carried over. Staff is recommending one new condition of approval as a part of this request (condition #8).

1. The special use permit that allows the use of "Vehicle Sales and Rental" shall be restricted to only the 6.22 acres in the associated site plan (2018-02-SP).
2. Prior to building permit issuance, a minor subdivision application shall be required to separate the 6.22 acres of the special use permit area from the remainder of the tract.
3. The development of the site is limited to the site design and uses approved by the Planning Board and Town Council of the associated site plan (2018-2-SP) and special use permit (2017-209-SUP). Modifications to the approved site plan or special use permit shall require review and approval in accordance with the provisions of the Unified Development Code.
4. Per the note on the plans, a fee-in-lieu shall be paid for the required curb-and-gutter and sidewalk for the frontage along the public right-of-way. This shall be paid prior to or at building permit issuance.
5. Annexation into the Town municipal limits is required and shall be completed prior to the issuance of a Certificate of Occupancy.
6. A cross-access agreement shall be recorded and provided to the Planning Department prior to the issuance of a Certificate of Occupancy.
7. Cross-access drives shall be paved to the property line. Where cross access stops short of the property line, an easement shall be recorded for future cross access, and that area shall be paved when the adjacent property develops.
8. The proposed addition to the rear of the building shall be architecturally consistent with the rest of the building in terms of design and materials. Prior to stamping the final three sets of plans, staff shall review the architectural elevations to ensure the addition meets this requirement.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Map
- 3) Associated Site Plan
- 4) Neighborhood Meeting Materials
- 5) Public Notice- Adjacent Property Letter
- 6) Public Notice- Newspaper Ad

**Town of Clayton
Town Council
SUP Motion Sheet**

After considering the competent, material, and substantial evidence presented, including the application and materials of record, I move to (PICK ONE):

- ☐ Approve
- ☐ Deny
- ☐ Approve with Conditions

SUP Application **2018-191-SUP.**

This motion is based on the following findings:

1. The application **WILL NOT** materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.

OR

The application **WILL** materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved. (State evidence supporting finding.)

2. The application **MEETS** all required specifications and **CONFORMS** to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations.

OR

The application **DOES NOT MEET** all required specifications and **DOES NOT CONFORM** to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations. (State evidence supporting finding.)

Motion Form
2018-191-SUP – Sunbelt Rentals
Item 7a

3. The application **WILL NOT** substantially injure the value of adjoining or abutting property, and **WILL NOT** be detrimental to the use or development of adjacent properties or other neighborhood uses.

OR

The application **WILL** substantially injure the value of adjoining or abutting property, and **WILL** be detrimental to the use or development of adjacent properties or other neighborhood uses. (State evidence supporting finding).

4. The application **WILL NOT** adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

OR

The application **WILL** adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties. (State evidence supporting finding.)

[If approved with conditions] The applicant meets the above findings subject to the following conditions:



Town Council Agenda Cover Sheet

Meeting Date

December 3 2018

Agenda Location

Public Hearings

Item Title

2018-192-SP Sunbelt Rentals Addition Major Modification, Major Site Plan

Presenter

Haley Hogg, Planner

Summary/Description

Request for a Major Modification to a previously approved Major Site Plan to develop a 1,500 square foot addition to a previously approved 10,500 square foot building. The addition is proposed in the rear of the previously approved building, to add an additional loading bay. The previous Major Site Plan for Sunbelt Rentals was approved in early 2018 by Planning Board. Per UDC requirements, an increase in 5% or more of the approved floor area is considered to be a substantial deviation for a Major Site Plan. Since this application is associated with a Special Use Permit, the Major Site Plan modification requires Town Council review. A major modification to the previously approved Special Use Permit is running concurrently with this request. The property is located at 7635 US HWY 70 BUS.



Requested Action

Approval/Denial

Additional Documents to be Included in Agenda Packet

Staff Report

Application

Staff Report Map

Site Plan

Neighborhood Meeting Materials

Meeting Timeline

November 19, 2018- Set a public hearing (Town Council)

December 3, 2018- Public Hearing (Town Council)



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

MAJOR SITE PLAN APPLICATION

Pursuant to Article 7, Section 155.707 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Planning Board to approve a Major Site Plan application. Please complete all fields in this application and submit to the Planning Department with all required materials.

Application fee: \$500.00 + \$5.00 per acre. *All fees are due when the application is submitted.*

SITE INFORMATION

☐ New Major Site Plan

☐ Major Modification to an approved site plan
Project Modified: _____

Name of Project: _____ Acreage of Property: _____

County Tag #: _____ NC PIN: _____

Address/Location: _____

Existing Use: _____ Proposed Use: _____

Zoning District: _____

Is project within a Planned Development?

☐ No

☐ Yes (list): _____

Is project within an Overlay District?

☐ No

☐ Yes (list): _____

FOR OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ File Number: _____

PROPERTY OWNER INFORMATION

Name: _____

Mailing Address: _____

Phone Number: _____ Fax: _____

Email Address: _____

APPLICANT INFORMATION

Applicant: _____

Mailing Address: _____

Phone Number: _____ Fax: _____

Contact Person: _____

Email Address: _____

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Major Site Plan application.

To be completed by the applicant:			To be completed by staff:		
<i>Submit 9 copies of all materials unless otherwise noted or directed by staff</i>	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>10/3/18</u>	☐	☐			
2. I have referenced the <i>Plan Requirements Checklist</i> and used this as a guide	☐				
3. Site Plan Review Fee (\$500 + \$5/acre)	☐				
4. Completed application	☐				
5. Owner's Consent Form	☐	☐			
6. Plan sets meeting the requirements listed in the <i>Plan Requirements Checklist</i>	☐	☐			
7. Copy of plan sets in .PDF on USB flash drive (CD)	☐	☐			
8. Adjacent property owners list	☐	☐			
9. Wastewater allocation request OR verification of wastewater allocation	☐	☐			
10. Signed and sealed traffic impact analysis (2 copies) (required for projects which generate at least 100 vehicle trips at peak hour. See §155.708 of the UDC)	☐	☐			
11. Neighborhood meeting notice letter (1 copy)* <i>See sample letter and meeting requirements included in this packet</i> <i>*Not required for subdivisions that are part of an approved planned development</i>	☐	☐			
12. Neighborhood meeting summary form (1 copy) * <i>Included in this packet</i> <i>*Not required for subdivisions that are part of an approved planned development</i>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				

EXPLANATION OF PROJECT

Please provide detailed information concerning all requests. Attach additional sheets if necessary.

The purpose of this application is to modify an existing approved Site Plan for Sunbelt General Tools.

The applicant is requesting to add 25 feet to the rear of the building. This addition will not change the existing approved stormwater and erosion control permit from Johnston County.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Planning Board of the Town of Clayton to approve the subject Major Site Plan. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Clayton, North Carolina, and will not be returned.

Craig T. Moffat

Print Name


Signature of Applicant

10.3.18
Date

NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the Neighborhood Meeting is to inform the surrounding property owners of the nature of the proposed land use and/or development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The meeting must be held at least ten (10) calendar days prior to the Planning Board meeting.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request. The meeting space must be able to comfortably accommodate everyone that receives an invitation.

Meeting Notice Mailing requirements:

1. The applicant must contact all adjacent property owners via first class mailing (see sample letter).
2. The mailing must include all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property.
3. The notice must be mailed at least ten (10) calendar days but not more than twenty-five (25) days prior to the date of the Neighborhood Meeting.

Information provided at the Neighborhood Meeting:

At a minimum, the following materials must be present for inspection at a Neighborhood Meeting:

1. A copy of the project application.
2. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined. Planning staff may attend the Neighborhood Meeting to answer process/code questions.

Deliver the following items to the Planning Department at least ten (10) calendar days prior to the Planning Board meeting in electronic or hard copy format:

- ☐ Adjacent Property Owner's List (aka "mailing list")
- ☐ Copy of the letter mailed
- ☐ Attendance Roster (aka "sign-in sheet")
- ☐ Neighborhood Meeting Summary Form with minutes (see below)

ADJACENT PROPERTY OWNERS LIST

Project Name: _____

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS

SAMPLE NEIGHBORHOOD MEETING LETTER

(PLACE ON AGENT'S OR OWNER'S LETTERHEAD)

<Date>

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed with the Town of Clayton for a land use change or development proposal involving property adjacent to, or in close proximity to, property shown in your ownership by Johnston County tax records. Per Town of Clayton regulations, a Neighborhood Meeting will be held to provide information to area residents about the nature of the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: _____ Meeting Time: _____

Meeting Location: _____

Type of Application: _____

Project/proposal property address: _____

Description of project/proposal: _____

Upcoming public meetings for this application (Planning Board and/or Town Council): _____

At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

1. A copy of the project application.
2. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

If you have any questions prior to or after this meeting, you may contact us at **<Insert phone number of applicant>**. You may also contact the Planning Department at 919-553-5002.

Sincerely,

<Applicant>

Cc: Town of Clayton Planning Dept.

October 2017

Page 6 of 9

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: _____

Application: _____

Location/Date: _____

	NAME	ADDRESS
1		
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TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: _____ **Address or PIN #:** _____

AGENT/APPLICANT INFORMATION:

(Name - type, print clearly)

(Address)

(City, State, Zip)

I hereby give **CONSENT** to the above referenced agent/applicant to act on my behalf, to submit applications and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the following processes (*list applicable requests below*):

Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER AUTHORIZATION:

(Name - type, print clearly)

(Address)

(Owner's Signature)

(City, State, Zip)

STATE OF _____
COUNTY OF _____

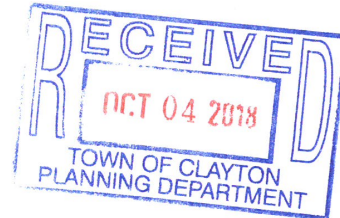
Sworn and subscribed before me _____, a Notary Public for the above State and County, this
the _____ day of _____, 20_____.

SEAL

Notary Public
My Commission
Expires: _____

October 2017

Page 9 of 9



October 4, 2018

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed with the Town of Clayton for a modification to the approved Special Use Permit involving property adjacent to, or in close proximity to, property shown in your ownership by Johnston County tax records. Per Town of Clayton regulations, a Neighborhood Meeting will be held to provide information to area residents about the nature of the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: October 23, 2018 **Meeting Time:** 7:00 pm

Meeting Location: The Clayton Center – York Room (111 East 2nd Street, Clayton)

Type of Application: Special Use Modification

Project/Proposal Address: 7635 US Highway 70 W Business, Clayton, North Carolina, 27520

Description of project/proposal: The proposed project consists of developing approximately 6.22 acres of the 23+ acre parcel for use as an equipment sales and rental facility. Similar facilities exist on the US Hwy 70 corridor and have been found to be appropriate for this overlay district. The adjacent parcels to the north and south are zoned B-3, which has been found in harmony with surrounding parcels. The purpose of this modification to the Special Use Permit is to add 25 feet to the rear of the building.

At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

1. A copy of the project application.
2. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

If you have any questions prior to or after this meeting, you may contact us at 919-779-6851. You may also contact the Planning Department at 919-553-5002.

Sincerely,

A handwritten signature in blue ink, appearing to be 'CJ' or similar, written over a horizontal line.

Moffat Properties, LLC. (Owner & Developer)
4901 Unicon Drive, Wake Forest, North Carolina 27587
(919) 669-7469

Red Line Engineering, P.C. (Engineer)
1401 Aversboro Road, Garner, North Carolina 27529
(919) 779-6851

1401 Aversboro Road, Suite 210 ■ Garner, NC 27529 ■ Office: (919)779-6851 ■ www.rle-pc.com

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: _____

Application: _____

Location/Date: _____

	NAME	ADDRESS
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ADJACENT PROPERTY OWNERS LIST

Project Name: _____

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: _____

Application: _____

Location/Date: _____

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

*Town Council
December 3, 2018*

STAFF REPORT

Application Number: 2018-192-SP

Project Name: Sunbelt Rental, Major Site Plan Modification

NC PIN / Tag #: 167700-36-0370 / 05i05035a
Town Limits/ETJ: Town Limits
Applicant: Moffat Properties, LLC
Owner: Moffat Properties, LLC
Location: The property is located at 7635 US Hwy 70 BUS

Public Noticing:

- Neighborhood meeting held on October 23, 2018
- Site posted prior to November 23, 2018

REQUEST: Major modification request to a previously approved major site plan (2018-02-SP) to add a 1,500 square foot addition to the rear of the building. A major modification to the previously approved Special Use Permit is running concurrently with this request (2018-191-SUP).



SITE DATA:

Acreage: 6.22 acres
Existing Use: Vacant (under construction to develop previously approved portion of Sunbelt Rentals; equipment sales and rentals)
Proposed use: Vehicle (Equipment) Sales and Rental

DEVELOPMENT DATA:

Proposed Uses: Equipment rental facility (Sunbelt Rentals)
Building(s): 1 building (12,000 square feet, includes 1,500 proposed addition) with associated fueling station
Height: 24' proposed; max. height of 60 feet allowed
Impervious Surface: 73.4% (75% maximum); no additional impervious surface is proposed as a part of this modification
Parking: 34 spaces provided (34 required)
Fire Protection: Town of Clayton
Access/Streets: One access point will be provided directly off of US Hwy 70 Bus., with a one-way ingress and one-way egress; no changes are proposed to the access points as a part of this modification.
Water/Sewer Provider: Town of Clayton

STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting a major site plan modification to develop a 1,500 square foot addition to the previously approved building, which was originally approved to be 10,500 square feet. The applicant is proposing this addition to be located in the rear of the previously approved structure in order to provide an additional loading bay. The addition will not add any impervious surface coverage to the site, since it will be located in an area that was previously designated to be gravel. No other changes are proposed to the previously approved site plan.

A major modification to the previously approved special use permit (2018-191-SUP) is running concurrently with this request. This site plan modification shall be subject to approval of the associated special use permit.

Landscaping

No changes are proposed to be made to the previously approved landscaping plan. Existing vegetation will be utilized to count towards the required site interior landscaping. Street trees and landscaping associated with the Thoroughfare Overlay District are proposed along US HWY 70 BUS. A Class "C" buffer will be provided in the rear of the site, adjacent to residentially-zoned properties.

Access/Streets

No changes are proposed to be made to the previously approved access points. A one-way ingress and one-way egress off US Hwy 70 BUS will be provided.

Garbage / Recycling

No changes are proposed to be made to the trash collection. An enclosure will be provided on the north side of the property, which will be screened from view as required by the UDC.

Architecture

No changes are proposed to be made to the architectural elevations in regards to materials. The building materials will consist of split face concrete block on the front façade, with green EIFS veneer, which has an appearance similar to stucco. These materials will wrap around the sides up to enclose the office area. The sides and rear of the building where the loading bays are will be metal, with some additional concrete split face block on the bottom of the rear of the building.

Staff has recommended an additional condition of approval be placed upon the associated Special Use Permit 2018-191-SUP to ensure that the addition is architecturally consistent with the remainder of the building. For consistency, this condition is also recommended to be added to this application (see condition #7).

APPROVAL CRITERIA

When considering a Site Plan application, the Town Council shall consider specific Approval Criteria, as outlined in §155.707(F). These criteria include the following:

1. Consistency with the adopted plans and polices of the Town;
 2. Compliance with all applicable requirements of this chapter;
 3. Site design and development intensity is appropriate for and tailored to the unique natural characteristics of the site, such as significant wooded areas, specimen trees, wetlands, steep slopes, and floodplains;
 4. For nonresidential and multifamily projects, the site plan displays the location of trash handling, recycling, grease bins, and other waste-related facilities employed in the normal operation of the use;
 5. Adequacy and location of parking areas and pedestrian and vehicular access points;
 6. Compliance with site construction specifications;
 7. Adequacy of stormwater facilities, water supply, sanitary sewer service, fire protection, street signs, and street lighting as evidenced by conformance with department standards, specifications and guidelines;
 8. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses;
 9. Compliance with requirements for easements or dedications;
 10. Compliance with any applicable subdivision improvements; and
 11. If applicable, compliance with the approved planned development master plan.
 12. Building design and materials uphold and promote high quality development in the Town and are compatible with other uses in the surrounding neighborhood.
-

CONSIDERATIONS:

- The Town Council approves Major Site Plans associated with a Special Use Permit.
 - Major Site Plan approval is contingent upon the associated Special Use Permit approval.
-

RECOMMENDATION:

Staff recommends **approval with conditions**. These conditions are carried over from the previous major site plan approval 2018-02-SP. Condition #7 was added as a part of this application.

RECOMMENDED CONDITIONS OF APPROVAL:

1. The development of the site is limited to the site design and uses approved by the Town Council of the site plan (2018-192-SP) and associated special use permit (2018-209-SUP). Modifications to the approved site plan or special use permit shall require review and approval in accordance with the provisions of the Unified Development Code.
 2. All conditions of approval for the site plan and the associated special use permit shall be recorded on the cover sheet of the site plan.
 3. Per the note on the plans, a fee-in-lieu shall be paid for the required curb-and-gutter and sidewalk for the frontage along the public right-of-way. This shall be paid prior to or at building permit issuance.
 4. Annexation into the Town municipal limits is required and shall be completed prior to the issuance of a Certificate of Occupancy.
 5. The landscaping requirements of the Thoroughfare Overlay District shall be met, per §155.204(A)(6). Calculations show that 8 trees and 36 shrubs shall be provided in the street yard along US Hwy 70 Bus., of which at least half of the trees and shrubs shall be evergreen.
 6. A Class C landscaping buffer shall be provided along property lines that abut all residentially zoned properties, per §155.402(E)(2)(c).
 7. The proposed addition to the rear of the building shall be architecturally consistent with the rest of the building in terms of design and materials. Prior to stamping the final three sets of plans, staff shall review the architectural elevations to ensure the addition meets this requirement.
-

ATTACHMENTS:

- 1) Application
- 2) Staff Report Map
- 3) Site Plan
- 4) Neighborhood Meeting Materials



Town Council Agenda Cover Sheet

Meeting Date

December 3 2018

Agenda Location

Public Hearings

Item Title

Water & Sewer Rates/Wastewater Capacity Study Public Hearing

Presenter

Town Manager Adam Lindsay

Summary/Description

This is a continuation of the public hearing opened on November 19th. The Town of Clayton continues to plan for the replacement of the Town's wastewater treatment plant, which serves our residential, commercial and industrial customers. The plant is 54 years old and lies in a flood hazard area. Plans to replace the plant date back decades. In the mid-90's, Town leaders purchased land to build a new wastewater treatment plant near the Neuse River. In the mid-2000s, Town leaders began planning for the cost and construction of a new plant, but those plans were shelved when the country hit the Great Recession, the biggest economic downturn since the Great Depression. Unclear on the timeline for economic recovery and growth, Town leaders began to explore intermediary methods of accommodating our sewer needs. We reached agreements to connect and send wastewater flow to the City of Raleigh and Johnston County – and those increased capacities have served Clayton to this day. The City of Raleigh flow agreement, however, is not permanent.

This critical topic is on many municipal and county agendas, as Raleigh, Johnston County, Smithfield and Selma are also in the processes of wastewater capacity and water/sewer rate studies and analyses. On Oct. 22, the Town Council invited the utility consultants to present their study findings, which included slides on water and sewer rates and wastewater capacity. At the Nov. 19th presentation/public hearing, the engineers from the Wooten Company reviewed that capacity needs again and presented options for Council to consider. Council advised the consultants to bring back options to build the wastewater treatment plant in phases based on the baseline recommendation.

Original baseline calculations call for building a new plant within 4 years on that designated piece of land, and to pay for the project by raising sewer fees and rates for most homeowners an average of about \$15 a month starting July 1, 2019. The study also calls for annual 30% sewer rate and 2% water rate increases for the following three years.

Since the last meeting, the consultants have been revisiting growth forecasts as they tie into the schedule and scope of needed wastewater solutions. The consultants are continuing that work and will not be attending this meeting. The Town Manager will update Council on that progress and the status of updating the options to partner with regional and private entities, operate two facilities, and/or operate a single facility.

Requested Action

Open Public Hearing and Continue Public Hearing to Dec. 17th Town Council Meeting

Additional Documents to be Included in Agenda Packet

Meeting Timeline

Public Hearing Continued to Dec. 17th Town Council meeting



Town Council Agenda Cover Sheet

Meeting Date

December 3 2018

Agenda Location

New Business

Item Title

2018-207-ANX FSC Ranch, LLC

Presenter

Planning Department

Summary/Description

Annexation of a portion of Parcel Number 16103027 48.09 acres, Walton Farm at Riverwood Athletic Club. Property owner is FSC Ranch, LLC.

Requested Action

Set Public Hearing

Additional Documents to be Included in Agenda Packet

[Click or tap here to enter text.](#)

Meeting Timeline

[Click or tap here to enter text.](#)

2018-2017-ANY



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

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.

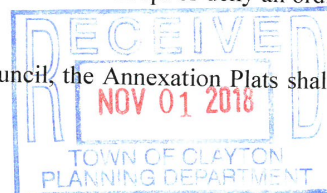
Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

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 LIMITED LIABILITY COMPANY:

Submittal Date:

NOV 01 2018

Petition No.:

2018-207-ANX

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 X 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:

47.088 AC

Existing housing units:

0

Population of acreage to be annexed:

0 VACANT AT THIS TIME

Existing Zoning District*:

PD-B

Proposed Town Zoning District*:

PD-B

Reason for petitioner to annex:

☒ Receive Town Services

☐ Other (please specify):

THIS IS AN EXTENSION OF RWAC SUBD. WHICH IS IN TOWN LIMITS.

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, FSC Ranch a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 16th day of October, 2019.

Name of Limited Liability Company:

FSC RANCH, LLC

By:

Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Brian K Strickland, a Notary Public for the above State and County, this 16th day of October, 2018.

SEAL

BRIAN K STRICKLAND
NOTARY PUBLIC
Johnston County, North Carolina
My Commission Expires August 1, 2021

Notary Public

My Commission Expires:

8/1/21

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 or 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, _____. _____ 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.

PUBLIC NOTICE

The Clayton Town Council has called a public hearing at 6:00 PM on Monday, December 17, 2018, at Town Hall, 111 E. Second Street, on the question of annexing the following described contiguous area, requested by annexation petition 2018-207-ANX filed pursuant to G.S. 160A-31:

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

Beginning at an existing iron pipe on the northern right-of-way of NCSR 1700, said point also being a common corner with Larry and Connie Mills. Thence along the northern right-of-way of NCSR 1700 S42-19-01W 835.16' to an existing iron pipe, thence continuing along said right-of-way along a curve to the right having a radius of 1570.00' an arc length of 294.16' and a chord bearing and distance of S47-41-05W 293.73' to an existing iron pipe, thence continuing along said right-of-way S53-03-08W 468.32' to an existing iron pipe, thence continuing along said right-of-way S53-35-10W 51.97' to an existing concrete monument, said point also being a common corner with Johnny and Sherry House, thence leaving said right-of-way along a line in common with Johnny and Sherry House N38-37-00W 218.21' to an existing concrete monument a common corner with Johnny and Sherry House and Mavis C. House, thence along a line in common with Mavis C. House N38-37-00W 1556.82' to a point in or near the center of a creek, thence following said creek and a common line with Ravens Ridge Subdivision Open Space the following 32 calls: Thence N39-09-07E 45.57' to a point; Thence N52-50-58E 55.12' to a point; Thence S63-00-45E 7.96' to a point; Thence S76-35-56E 34.94' to a point; Thence S76-59-21E 46.36' to a point; Thence S41-23-39E 60.22' to a point; Thence S17-04-50E 46.26' to a point; Thence S63-12-13E 18.44' to a point; Thence N82-20-15E 28.96' to a point; Thence N39-37-37E 32.83' to a point; Thence N14-52-12W 46.80' to a point; Thence N79-11-37E 13.31' to a point; Thence N45-40-48E 36.02' to a point; Thence N16-51-04E 32.42' to a point; Thence N68-22-17E 14.36' to a point; Thence S66-31-04E 16.62' to a point; Thence S89-00-07E 95.16' to a point; Thence S42-43-47E 63.58' to a point; Thence S83-37-34E 17.51' to a point; Thence S61-53-55E 30.85' to a point; Thence S18-41-05E 34.83' to a point; Thence S64-54-16E 30.49' to a point; Thence N77-59-48E 182.00' to a point; Thence N33-30-09E 62.93' to a point; Thence N89-11-36E 71.24' to a point; Thence S57-28-44E 33.81' to a point; Thence S34-47-49W 48.50' to a point; Thence S64-47-16E 63.29' to a point; Thence N69-12-07E 38.34' to a point; Thence N33-22-10E 22.06' to a point; Thence N39-32-48E 18.66' to a point; Thence N1-27-10-W 30.21' to a point, thence leaving said creek the following 16 calls: Thence S75-31-18E 134.25' to a point; Thence S75-11-38E 70.59' to a point; Thence S85-39-01E 97.62' to a point; Thence N85-08-36E 50.00' to a point; Thence N76-38-09E 86.45' to a point; Thence N66-42-11-E 72.83' to a point; Thence N57-52-09E 70.18' to a point; Thence N54-36-21E 171.00' to a point; Thence N52-37-12E 67.05' to a point; Thence N44-18-15E 72.83' to a point; Thence N35-30-30E 69.88' to a point; Thence N32-22-38-E 72.45' to a point; Thence N35-44-14E 54.96' to a point; Thence N52-05-08E 45.60' to a point; Thence N65-31-57E 52.60' to a

point; Thence N66-35-19E 125.21' to a point in a common line with FSC III, LLC, thence continuing along said line S39-10-59E 298.69' to an existing concrete monument, said point also being a common corner with Hampton Langdon and Leanne Murdoch, thence along a common line with Hampton Langdon and Leanne Murdoch S36-39-56E 16.48' to an existing iron pipe said point also being a common corner with Larry and Connie Mills, thence along a line in common with Larry and Connie Mills the following 4 calls: Thence S42-44-07W 228.43' to an existing iron pipe, thence S10-29-03E 260.68' to an existing iron pipe, thence S42-33-22E 83.53' to an existing iron pipe, thence S50-04-52E 104.51' to the point and place of beginning and containing 47.088 acres, more or less.

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

Kimberly A. Moffett, CMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004

News & Observer – Clayton

Please advertise on the following date:

December 7, 2018

Affidavit of publication required.

ANNEXATION PETITION 2018-207-ANX
FSC Ranch, LLC
Parcel: Portion of 16I03027
Owners: FSC Ranch, LLC
Contiguous; 47.09 +/- acres

**TOWN OF CLAYTON
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S.160A-31**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

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

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held at Town Hall at 6:00 PM on Monday, December 17, 2018.

Section 2. Lying and being in Wilders Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at an existing iron pipe on the northern right-of-way of NCSR 1700, said point also being a common corner with Larry and Connie Mills. Thence along the northern right-of-way of NCSR 1700 S42-19-01W 835.16' to an existing iron pipe, thence continuing along said right-of-way along a curve to the right having a radius of 1570.00' an arc length of 294.16' and a chord bearing and distance of S47-41-05W 293.73' to an existing iron pipe, thence continuing along said right-of-way S53-03-08W 468.32' to an existing iron pipe, thence continuing along said right-of-way S53-35-10W 51.97' to an existing concrete monument, said point also being a common corner with Johnny and Sherry House, thence leaving said right-of-way along a line in common with Johnny and Sherry House N38-37-00W 218.21' to an existing concrete monument a common corner with Johnny and Sherry House and Mavis C. House, thence along a line in common with Mavis C. House N38-37-00W 1556.82' to a point in or near the center of a creek, thence following said creek and a common line with Ravens Ridge Subdivision Open Space the following 32 calls: Thence N39-09-07E 45.57' to a point; Thence N52-50-58E 55.12' to a point; Thence S63-00-45E 7.96' to a point; Thence S76-35-56E 34.94' to a point; Thence S76-59-21E 46.36' to a point; Thence S41-23-39E 60.22' to a point; Thence S17-04-50E 46.26' to a point; Thence S63-12-13E 18.44' to a point; Thence N82-20-15E 28.96' to a point;

Thence N39-37-37E 32.83' to a point; Thence N14-52-12W 46.80' to a point; Thence N79-11-37E 13.31' to a point; Thence N45-40-48E 36.02' to a point; Thence N16-51-04E 32.42' to a point; Thence N68-22-17E 14.36' to a point; Thence S66-31-04E 16.62' to a point; Thence S89-00-07E 95.16' to a point; Thence S42-43-47E 63.58' to a point; Thence S83-37-34E 17.51' to a point; Thence S61-53-55E 30.85' to a point; Thence S18-41-05E 34.83' to a point; Thence S64-54-16E 30.49' to a point; Thence N77-59-48E 182.00' to a point; Thence N33-30-09E 62.93' to a point; Thence N89-11-36E 71.24' to a point; Thence S57-28-44E 33.81' to a point; Thence S34-47-49W 48.50' to a point; Thence S64-47-16E 63.29' to a point; Thence N69-12-07E 38.34' to a point; Thence N33-22-10E 22.06' to a point; Thence N39-32-48E 18.66' to a point; Thence N1-27-10-W 30.21' to a point, thence leaving said creek the following 16 calls: Thence S75-31-18E 134.25' to a point; Thence S75-11-38E 70.59' to a point; Thence S85-39-01E 97.62' to a point; Thence N85-08-36E 50.00' to a point; Thence N76-38-09E 86.45' to a point; Thence N66-42-11-E 72.83' to a point; Thence N57-52-09E 70.18' to a point; Thence N54-36-21E 171.00' to a point; Thence N52-37-12E 67.05' to a point; Thence N44-18-15E 72.83' to a point; Thence N35-30-30E 69.88' to a point; Thence N32-22-38-E 72.45' to a point; Thence N35-44-14E 54.96' to a point; Thence N52-05-08E 45.60' to a point; Thence N65-31-57E 52.60' to a point; Thence N66-35-19E 125.21' to a point in a common line with FSC III, LLC, thence continuing along said line S39-10-59E 298.69' to an existing concrete monument, said point also being a common corner with Hampton Langdon and Leanne Murdoch, thence along a common line with Hampton Langdon and Leanne Murdoch S36-39-56E 16.48' to an existing iron pipe said point also being a common corner with Larry and Connie Mills, thence along a line in common with Larry and Connie Mills the following 4 calls: Thence S42-44-07W 228.43' to an existing iron pipe, thence S10-29-03E 260.68' to an existing iron pipe, thence S42-33-22E 83.53' to an existing iron pipe, thence S50-04-52E 104.51' to the point and place of beginning and containing 47.088 acres, more or less.

Section 3. Notice of the public hearing shall be published once in the News & Observer (Clayton), a newspaper having general circulation in the Town of Clayton, at least ten days prior to the date of the public hearing.

Duly adopted this 3rd day of December 2018 while in regular session.

Jody L. McLeod,
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

CHAPTER 150: BUILDING REGULATIONS

Section

General Provisions

- 150.001 Building Code adopted by reference
- 150.002 Residential Building Code adopted by reference
- 150.003 Existing Buildings Code adopted by reference
- 150.0043 Plumbing Code adopted by reference
- 150.0054 Electrical Code adopted by reference
- 150.006 Energy Conversation Code adopted by reference
- 150.007 Accessibility Provision Code adopted by reference
- 150.008 Mechanical Code adopted by reference
- 150.009 Fuel Gas Code adopted by reference
- 150.01005 Amendments to codes
- 150.01106 Compliance required
- 150.01207 Unlawful use of buildings or structures
- 150.01308 Copies of codes filed with Town Clerk

§ 150.001 BUILDING CODE ADOPTED BY REFERENCE.

The most current edition of the North Carolina State Building Code, ~~Volume I, General Construction~~, as adopted by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth herein as the building code of the town to the extent this code is applicable for safe and stable design, methods of construction, minimum standards, and use of materials in buildings or structures hereafter erected, enlarged, altered, repaired, or otherwise constructed or reconstructed.

('71 Code, § 4-14) (Ord. passed 3-2-64)

§ 150.002 RESIDENTIAL BUILDING CODE ADOPTED BY REFERENCE.

The most current edition of the North Carolina ~~Uniform~~ Residential Building Code, as adopted ~~by the North Carolina Building Inspectors Association~~, and ~~as~~ published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the residential building code for one- and two-family residential buildings in the town.

('71 Code, § 4-15) (Ord. passed 3-2-64)

§ 150.003 EXISTING BUILDING CODE ADOPTED BY REFERENCE

The most current edition of the North Carolina Existing Buildings Code as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the existing buildings code of the town.

§ 150.0043 PLUMBING CODE ADOPTED BY REFERENCE.

(A) The most current edition of the North Carolina Plumbing Code (~~North Carolina State Building Code, Volume II, Plumbing~~), as adopted and published by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth herein as the plumbing code of the town.

(B) Whenever the provisions of the North Carolina Plumbing Code and the provisions of this chapter are in conflict, the more restrictive provisions shall govern.

('71 Code, § 4-64)

§ 150.0054 ELECTRICAL CODE ADOPTED BY REFERENCE.

The most current edition of the North Carolina Electrical Code as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the electrical code of the town. ~~Volume IV of the North Carolina State Building Code, which consists of the most current edition of the National Electrical Code of the National Fire Protection Association (NFPA No. 70, ASA C1-1965), is hereby adopted by reference as fully as though set forth herein as a part of the electrical code of the town.~~ Whenever the provisions of the electrical code and the provisions of this chapter are in conflict, the more restrictive provisions shall govern.

§ 150.006 ENERGY CONSERVATION ADOPTED BY REFERENCE.

The most current edition of the North Carolina Energy Conservation Code as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the energy conservation code of the town.

('71 Code, § 4-40)

§ 150.007 ACCESSIBILITY PROVISIONS ADOPTED BY REFERENCE.

The most current edition of the North Carolina Accessibility Provisions as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the accessibility provision code of the town.

§ 150.008 MECHANICAL CODE ADOPTED BY REFERENCE.

The most current edition of the North Carolina Mechanical Code as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the mechanical code for the town.

§ 150.009 FUEL GAS CODE ADOPTED BY REFERENCE

The most current edition of the North Carolina Fuel Gas Code as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the fuel gas code for the town.

§ 150.01005 AMENDMENTS TO CODES.

Amendments to the regulatory codes adopted by reference in this subchapter, which are from time to time adopted and published by the agencies or organizations referred to herein, shall be effective in the town at the time such amendments are filed with the Town Clerk as provided in § 150.01308.

§ 150.01106 COMPLIANCE REQUIRED.

(A) No building or structure shall be constructed, altered, repaired, or removed, nor shall the equipment of a building, structure, or premises be constructed, installed, altered, repaired, or removed, except in conformity with the provisions of this chapter.

(B) No building or structure shall be altered in any manner that would be in violation of the provisions of this chapter or of any authorized rule or approval made and issued thereunder.

(C) Nothing in this chapter shall prohibit the raising or lowering of a building to meet a change of grade in the street on which it is located, provided that the building is not otherwise altered.

('71 Code, § 4-1)

(D) All buildings or structures which are hereafter constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished, or moved shall conform to the requirements, minimum standards, and other provisions of either the most updated North Carolina State Building Code either the State Building Code, General Construction, Volume I, or the Uniform Residential Building Code, whichever is applicable, or of both, if both are applicable.

('71 Code, § 4-16)

(E) Every building or structure intended for human habitation, occupancy, or use shall have plumbing, plumbing systems, or plumbing fixtures installed, constructed, altered, extended, repaired, or reconstructed in accordance with the minimum standards, requirements, and other provisions of the most updated North Carolina Plumbing Code (North Carolina State Building Code, Volume II, Plumbing).

(F) All electrical wiring, installations, and appurtenances shall be erected, altered, repaired, used, and maintained in accordance with the minimum standards, requirements, and other provisions of the most updated North Carolina Electrical Code (North Carolina State Building Code, Volume IV, Electrical).

Penalty, see § 150.999

§ 150.01207 UNLAWFUL USE OF BUILDINGS OR STRUCTURES.

It shall be unlawful to maintain, occupy, or use a building or structure, or part thereof, that has been erected or altered in violation of the provisions of this chapter.

('71 Code, § 4-2) Penalty, see § 150.999

§ 150.01308 COPIES OF CODES FILED WITH TOWN CLERK.

An official copy of each regulatory code adopted in this subchapter, and official copies of all amendments thereto, shall be kept on file in the office of the Town Clerk. These copies shall be the official copies of the codes and the amendments.

PERMITS

§ 150.020 PERMITS REQUIRED; APPLICATION.

(A) (1) Except as provided in subsection (B) of this section, no person shall commence or proceed with any of the following without first securing from the Inspection Department with jurisdiction over the site of the work any and all permits required by the State Building Code and any other state or local laws applicable to the work:

(a) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building or structure.

(b) The installation, extension, or general repair of any plumbing system except that in any one- or two-family dwelling unit a permit shall not be required for the connection of a water heater that is being replaced, provided that the work is performed by a person licensed under G.S. § 87-21, who personally examines the work at completion and ensures that a leak test has been performed on the gas piping, and provided the energy use rate or thermal input is not greater than that of the water heater which is being replaced, there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping, and the replacement is installed in accordance with the current edition of the State Building Code.

(c) The installation, extension, alteration, or general repair of any heating or cooling equipment system.

(d) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment except that in any one- or two-family dwelling unit a permit shall not be required for repair or replacement of electrical lighting fixtures or devices, such as receptacles and lighting switches, or for the connection of an existing branch circuit to an electric water heater that is being replaced, provided that all of the following requirements are met:

1. With respect to electric water heaters, the replacement water heater is placed in the same location and is of the same or less capacity and electrical rating as the original.

2. With respect to electrical lighting fixtures and devices, the replacement is with a fixture or device having the same voltage and the same or less amperage.

3. The work is performed by a person licensed under G.S. § 87-43.

4. The repair or replacement installation meets the current edition of the State Building Code, including the State Electrical Code.

(2) However, a permit is not required for the installation, maintenance, or replacement of any load control device or equipment by an electric power supplier, as defined in G.S. § 62-133.8, or an electrical contractor contracted by the electric power supplier, so long as the work is subject to supervision by an electrical contractor licensed under Article 4 of Chapter 87 of the General Statutes. The electric power supplier shall provide such installation, maintenance, or replacement in accordance with an activity or program ordered, authorized, or approved by the North Carolina Utilities Commission pursuant to G.S. § 62-133.8 or G.S. § 62-133.9 or a similar program undertaken by a municipal electric service provider, whether the installation, modification, or replacement is made before or after the point of delivery of electric service to the customer. The exemption under this subdivision applies to all existing installations.

(3) A permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable State and local laws. Nothing in this section shall require the city to review and approve residential building plans submitted to the city pursuant to Section R-110 of Volume VII of the North Carolina State Building Code; provided that the city may review and approve such residential building plans as it deems necessary. No permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a registered architect or registered engineer, no permit shall be issued unless the plans and specifications bear the North Carolina seal of a registered architect or of a registered engineer. When any provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless the work is to be performed by such a duly licensed contractor. No permit issued under Articles 9 or 9C of Chapter 143 shall be required for any construction, installation, repair, replacement, or alteration costing \$5,000 or less in any single family residence or farm building unless the work involves: the addition, repair or replacement of load bearing structures; the addition (excluding

replacement of same size and capacity) or change in the design of plumbing; the addition, replacement or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade of fire resistance) of roofing. Violation of this section shall constitute a Class 1 misdemeanor.

(B) A city shall not require more than one permit for the complete installation or replacement of any natural gas, propane gas, or electrical appliance on an existing structure when the installation or replacement is performed by a person licensed under G.S. § 87-21 or G.S. § 87-43. The cost of the permit for such work shall not exceed the cost of any one individual trade permit issued by that city, nor shall the city increase the costs of any fees to offset the loss of revenue caused by this provision.

(C) No permit shall be issued pursuant to division (A) of this section for any land-disturbing activity, as defined in G.S. § 113A-52(6), for any activity covered by G.S. § 113A-57, unless an erosion and sedimentation control plan has been approved by the Sedimentation Pollution Control Commission pursuant to G.S. § 113A-54(d)(4) or by a local government pursuant to G.S. § 113A-61 for the site of the activity or a tract of land including the site of the activity.

(D) No permit shall be issued pursuant to division (A) of this section for any land-disturbing activity that is subject to, but does not comply with, the requirements of G.S. § 113A-71.

(E) No permit shall be issued pursuant to division (A)(1) of this section where the cost of the work is \$30,000 or more, other than for improvements to an existing single-family residential dwelling unit as defined in G.S. § 87-15.5(7) that the owner occupies as a residence, or for the addition of an accessory building or accessory structure as defined in the North Carolina Uniform Residential Building Code, the use of which is incidental to that residential dwelling unit, unless the name, physical and mailing address, telephone number, facsimile number, and electronic mail address of the lien agent designated by the owner pursuant to G.S. § 44A-11.1(a) is conspicuously set forth in the permit or in an attachment thereto. The building permit may contain the lien agent's electronic mail address. The lien agent information for each permit issued pursuant to this subsection shall be maintained by the inspection department in the same manner and in the same location in which it maintains its record of building permits issued.

(F) No city may withhold issuing a building permit or certificate of occupancy that otherwise would be eligible to be issued under this section to compel, with respect to another property or parcel, completion of work for a separate permit or compliance with land use regulations under this section unless otherwise authorized by law or unless the city reasonably determines the existence of a public safety issue directly related to the issuance of a building permit or certificate of occupancy.

(G.S. §160A-417)

(G) A city may by ordinance provide that a permit may not be issued under divisions (A) and (B) of this section to a person who owes delinquent property taxes, determined under G.S. § 105-360, on property owned by the person. The ordinance may provide that a building permit may be issued to a person protesting the assessment or collection of property taxes.

Penalty, see § 150.999

§ 150.021 PLANS AND SPECIFICATIONS.

Detailed plans and specifications shall accompany each application for a permit when the estimated total cost of the building or structure is in excess of \$20,000 and for any other building or structure where plans and specifications are deemed necessary by the appropriate inspector in order for him to determine whether the proposed work complies with the appropriate regulatory codes. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed, and the plans and specifications together shall contain information sufficient to indicate that the work proposed will conform to the provisions of this chapter and the appropriate regulatory codes. Where plans and specifications are required, a copy of the same shall be kept at the work until all authorized operations have been completed and approved by the appropriate inspector.

Penalty, see § 150.999

§ 150.022 ISSUANCE; LIMITATIONS.

(A) *Issuance.* When proper application for a permit has been made and the appropriate inspector is satisfied that the application and the proposed work comply with the provisions of this chapter and the appropriate regulatory codes, he shall issue such permit, upon payment of the proper fee provided in § 150.023.

(B) *Limitations on issuance.*

(1) No building permit shall be issued for any building or structure, the estimated total cost of which is more than \$30,000, unless the work is to be performed by a licensed general contractor.

(2) If state law requires that plans for certain types of work be prepared only by a registered architect or registered engineer, no building permit shall be issued for any building or structure, unless the plans and specifications bear the state seal of a registered architect or a registered engineer.

(3) Where any provision of the General Statutes of North Carolina or of any provision of this code or other ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for such work shall be issued, unless it is to be performed by such licensed specialty contractor.

(4) Where detailed plans and specifications are required under this chapter, no building permit shall be issued, unless such plans and specifications have been provided.

Penalty, see § 150.999

§ 150.023 FEES.

Fees for permits shall be based upon the total estimated cost of the proposed work, including all subcontracts, if any, but in no case shall the total estimated cost be less than the market value of similar completed work in the town, as determined by the appropriate inspector. Permit fees shall be as established from time to time by the Town Council. Schedules of such fees shall be maintained on file in the offices of the appropriate inspectors.

§ 150.024 TIME LIMITATIONS ON VALIDITY.

All permits issued under this chapter shall expire by limitation six months after the date of issuance, if the work authorized by the permit has not been commenced. If, after commencement, the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any permit which has expired shall thereafter be performed, until a new permit therefor has been secured.

(G.S. § 160A-418) Penalty, see § 150.999

§ 150.025 CHANGES IN WORK AFTER ISSUANCE.

After a permit has been issued, no changes or deviations from the terms of the application, plans and specifications, or permit, except where changes or deviations are clearly permissible under the state building code, shall be made, until specific written approval of such changes or deviations has been obtained from the Inspection Department.

(G.S. § 160A-419) Penalty, see § 150.999

§ 150.026 REVOCATION.

The appropriate inspector may revoke and require the return of any permit by notifying the permit holder in writing, stating the reason for such revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with requirements of this chapter, any applicable state law and/or any appropriate regulatory codes; or for false statements or misrepresentations made in securing such permits. Any permit mistakenly issued in violation of any applicable state or local law may also be revoked.

(G.S. § 160A-422)

UNSAFE BUILDINGS

§ 150.040 INSPECTION; NOTICE TO OWNER TO CORRECT.

When the Inspector finds any defects in a building, or finds that the building has not been constructed in accordance with the applicable state and local laws, or that a building because of its condition is dangerous or contains fire hazardous conditions, it shall be his duty to notify the owner or occupant of the building of its defects, hazardous conditions, or failure to comply with law. The owner or occupant shall each immediately remedy the defects, hazardous conditions, or violations of law in the property he owns.

(G.S. § 160A-425) Penalty, see § 150.999

§ 150.041 CONDEMNATION OF ESPECIALLY DANGEROUS BUILDINGS.

(A) *Residential building and nonresidential building or structure.* Every building that shall appear to the inspector to be especially dangerous to life because of its liability to fire or because of bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes, shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of the building.

(B) *Nonresidential building or structure.* In addition to the authority granted in division (A) of this section, an inspector may declare a nonresidential building or structure within a community development

target area to be unsafe if it meets both of the following conditions:

- (1) It appears to the inspector to be vacant or abandoned.
- (2) It appears to the inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities that would constitute a public nuisance.

(C) If an inspector declares a nonresidential building or structure to be unsafe under division (B) of this section, the inspector must affix a notice of the unsafe character of the structure to a conspicuous place on the exterior wall of the building. For the purposes of this section, the term **COMMUNITY DEVELOPMENT TARGET AREA** means an area that has characteristics of a development zone under G.S. § 160A-129.3A, a nonresidential redevelopment area under G.S. § 160A-503(10), or an area with similar characteristics designated by the Town Council as being in a special need of revitalization for the benefit and welfare of its citizens.

(G.S. § 160A-426)

(D) A municipality may expand divisions (B) and (C) of this section to apply to residential buildings by adopting an ordinance. Before adopting such an ordinance, a municipality shall hold a public hearing and shall provide notice of the hearing at least ten days in advance of the hearing. (G.S. § 160A-426)

(E) (1) If any person shall remove any notice that has been affixed to any building or structure by the Inspector that states the dangerous character of the building or structure, he shall be guilty of a misdemeanor.

(2) (Effective October 1, 1994). If any person shall remove any notice that has been affixed to any building or structure by a local inspector and that states the dangerous character of the building or structure, he shall be guilty of a Class 1 misdemeanor.

(G.S. § 160A-427)

Penalty, see § 150.999

§ 150.042 FAILURE OF OWNER TO TAKE CORRECTIVE ACTION.

(A) If the owner of a building or structure that has been condemned as unsafe pursuant to § 150.041(A) shall fail to take prompt corrective action, the Inspector shall give him written notice, by certified or registered mail to his last known address or by personal service:

- (1) That the building or structure is in a condition that appears to; meet one of the following:
 - (a) Constitutes a fire or safety hazard.
 - (b) Is dangerous to life, health, or other property.
 - (c) Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.
 - (d) Has a tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance.
- (2) That a hearing will be held before the Inspector at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
- (3) That following the hearing, the Inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate.

(B) If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least ten days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the town at least once not later than one week prior to the hearing. (G.S. § 160A-428)

(C) If, upon a hearing held pursuant to the notice prescribed in divisions (A) and (B) above, the Inspector shall find that the building or structure is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health, or other property, he shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy the defective conditions by repairing, closing, vacating, or demolishing the building or structure or taking other necessary steps, within a period, not less than 60 days, that the Inspector may prescribe. However, where the Inspector finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible. (G.S. § 160A-429)

Penalty, see § 150.999

§ 150.043 APPEAL BY OWNER.

Any owner who has received an order under § 150.042(C) may appeal from the order to the Town Council

by giving notice of appeal in writing to the Inspector and to the Town Clerk within ten days following issuance of the order. In the absence of an appeal, the order of the Inspector shall be final. The Town Council shall hear and render a decision in an appeal within a reasonable time. The Town Council may affirm, modify and affirm, or revoke the order.

(G.S. § 160A-430)

§ 150.044 ENFORCEMENT PROCEDURES AGAINST OWNER.

(A) If the owner of a building or structure fails to comply with an order issued pursuant to § 150.042(C) from which no appeal has been taken, or fails to comply with an order of the Town Council following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

(B) (Effective October 1, 1994). If the owner of a building or structure fails to comply with an order issued pursuant to § 150.042(C) from which no appeal has been taken, or fails to comply with an order of the Town Council following an appeal, he shall be guilty of a Class 1 misdemeanor.

(G.S. § 160A-431) Penalty, see § 150.999

INSPECTION DEPARTMENT

§ 150.060 ORGANIZATION.

(A) The Inspection Department shall consist of a Building Inspector, a Plumbing Inspector, an Electrical Inspector, and such other inspectors or deputy or assistant inspectors as may be authorized by the Town Council. The Town Council may, in its discretion, designate a Department Head.

(B) On and after the applicable date set forth in the schedule in G.S. § 160A-411, no town shall employ an inspector to enforce the State Building Code as a member of the town Inspection Department who does not have one of the following types of certificates issued by the North Carolina Code Officials Qualification Board attesting to his qualifications to hold such position:

- (1) A probationary certificate, valid for one year only;
- (2) A standard certificate; or
- (3) A limited certificate which shall be valid only as an authorization for him to continue in the position held on the date specified in G.S. § 143-151.13(c) and which shall become invalid if he does not successfully complete in-service training specified by the Qualification Board within the period specified in G.S. § 143-151.13(c).

(C) An inspector holding one of the above certificates can be promoted to a position requiring a higher level certificate only upon issuance by the Qualification Board of a standard certificate or probationary certificate appropriate for such new position.

(G.S. § 160A-411.1)

Statutory reference:

Inspection Department, see G.S. § 160A-411

§ 150.061 DUTIES AND POWERS OF INSPECTORS.

(A) It shall be the duty of the Inspection Department to enforce all of the provisions of this chapter and of the regulatory codes adopted herein, and to make all inspections necessary to determine whether or not the provisions of this chapter and such codes are being met. The North Carolina State Building Code, Volume I, General Construction, and the North Carolina Uniform Residential Building Code shall be enforced by the Building Inspector. The North Carolina Plumbing Code shall be enforced by the Plumbing Inspector. The North Carolina State Electrical Code shall be enforced by the Electrical Inspector.

(B) (1) Other duties and responsibilities of the Inspection Department and of the inspectors therein shall be to enforce within the town, state, and local laws relating to:

- (a) The construction of buildings and other structures;
- (b) The installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems, and air-conditioning systems;
- (c) The maintenance of buildings and other structures in a safe, sanitary, and healthful condition; and
- (d) Other matters that may be specified by the Town Council.

(2) These duties shall include the receipt of applications for permits and the issuance or denial of permits, the making of any necessary inspections in a timely manner, the issuance or denial of certificates of compliance, the issuance of orders to correct violations, the bringing of judicial actions against actual or threatened violations, the keeping of adequate records, and any other actions that may be required in order adequately to enforce those laws. The Town Council shall have the authority to enact reasonable and appropriate provisions governing the enforcement of those laws.

(3) Except as provided in G.S. § 160A-424, the town may not adopt or enforce a local ordinance or resolution or any other policy that requires regular, routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One and Two-Family Dwellings in addition to the specific inspections required by the North Carolina Building Code without first obtaining approval from the North Carolina Building Code Council. The North Carolina Building Code Council shall review all applications for additional inspections requested by the town and shall, in a reasonable manner, approve, or disapprove the additional inspections. This division does not limit the authority of the town to require inspections upon unforeseen or unique circumstances that require immediate action. In performing the specific inspections required by the North Carolina Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection visit. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected is incomplete or otherwise fails to meet the requirements of the North Carolina Residential Code for one- and two-family dwellings. (G.S. § 160A-412(b))

(C) Inspectors are also authorized, empowered, and directed to enforce all the provisions of this chapter and the regulatory codes herein adopted.

(D) *Right of entry.* Inspectors shall have the right of entry on any premises within the jurisdiction of the Inspection Department, at all reasonable hours, for the purpose of inspection or other enforcement action, upon presentation of proper credentials. If a permit has been obtained by an owner exempt from licensure under G.S. 87-1(b)(2), no inspection shall be conducted without the owner being personally present, unless the plans for the building were drawn and sealed by an architect licensed pursuant to G.S. Ch. 83A. (G.S. § 160A-420)

(E) *Stop orders.*

(1) Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner or in substantial violation of any state or town building law, or in a manner that endangers life or property, the appropriate inspector may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped. Such stop order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons therefor, and the conditions under which the work may be resumed.

(2) The owner or builder may appeal from a stop order involving alleged violation of the State Building Code or any approved local modification thereof to the North Carolina Commissioner of Insurance or his designee within five days after the day the order is issued. The owner or builder shall give to the Commissioner of Insurance or his designee written notice of appeal, with a copy to the Town Inspector. The Commissioner of Insurance or his designee shall as expeditiously as possible provide a written statement of the decision setting forth the facts found, the decision reached, and the reasons for the decision. Pending the ruling by the Commissioner of Insurance or his designee on an appeal, no further work may take place in violation of a stop order. In the event of dissatisfaction with the decision, the person affected shall have the options of:

(a) Appealing to the Building Code Council; or

(b) Appealing to the Superior Court as provided in G.S. § 143-141.

(3) The owner or builder may appeal from a stop order involving violation of a local zoning ordinance by giving notice of appeal in writing to the Board of Adjustment. The appeal shall be heard and decided within the period established by the ordinance, or if none is specified, within a reasonable time. No further work shall take place in violation of a stop order pending a ruling.

(4) (a) Violation of a stop order shall constitute a misdemeanor. (Effective until October 1, 1994).

(b) Violation of a stop order shall constitute a Class 1 misdemeanor. (Effective October 1, 1994).

(G.S. § 160A-421)

Statutory reference:

Duties and responsibilities, see G.S. § 160A-412

Failure to perform, see G.S. § 160A-416

§ 150.062 CONFLICTS OF INTEREST.

(A) No member of the Inspection Department shall be financially interested or employed by a business that is financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of any building within the town's jurisdiction or any part or system thereof, or in the making of plans or specifications therefor, unless he is the owner of such building. No member of the Inspection

Department or other individual or an employee of a company contracting with the town to conduct inspections shall engage in any work which is inconsistent with his or her duties or with the interests of the town, as determined by the town.

(B) The town must find a conflict of interest if any of the following is the case:

(1) If the individual, company, or employee of a company contracting to perform inspections for the town has worked for the owner, developer, contractor, or project manager of the project to be inspected within the last two years.

(2) If the individual, company, or employee of a company contracting to perform inspections for the town is closely related to the owner, developer, contractor, or project manager of the project to be inspected.

(3) If the individual, company, or employee of a company contracting to perform inspections for the town has a financial or business interest in the project to be inspected.

(G.S. § 160A-415) Penalty, see § 150.999

§ 150.063 RECORDS AND REPORTS.

The Inspection Department shall keep complete and accurate records in convenient form of all applications received, permits issued, inspections and re-inspections made, defects found, certificates of compliance granted, and all other work and activities of the Inspection Department. These records shall be kept in the manner and for the periods prescribed by the State Department of Cultural Resources. Periodic reports shall be submitted to the Town Council and to the State Commissioner of Insurance as they shall by ordinance, rule, or regulation require.

(G.S. § 160A-433) Penalty, see § 150.999

§ 150.064 INSPECTION PROCEDURE.

(A) *Inspections of work in process.* The Inspection Department shall inspect all buildings and structures and work therein for which a permit of any kind has been issued as often as necessary in order to determine whether the work complies with this chapter and the appropriate codes. When deemed necessary by the appropriate inspector, materials and assemblies may be inspected at the point of manufacture or fabrication, or inspections may be made by approved and recognized inspection organizations. However, no approval shall be based upon reports of such organizations, unless the same are in writing and certified by a responsible officer of such organization. All holders of permits, or their agents, shall notify the Inspection Department and the appropriate inspector at each of the following stages of construction, so that approval may be given before work is continued:

(1) *Foundation inspection.* To be made after trenches are excavated and the necessary reinforcement and forms are in place, and before concrete is placed. Drilled footings, piles, and similar types of foundations shall be inspected as installed.

(2) *Framing inspection.* To be made after all structural framing is in place and all roughing-in of plumbing and electrical and heating has been installed, after all fire blocking, chimneys, bracing and vents are installed, but before any of the structure is enclosed or covered. Poured-in-place concrete structural elements shall be inspected before each pour of any structural member.

(3) *Fireproofing inspection.* To be made after all areas required to be protected by fireproofing are lathed, but before the plastering or other fireproofing is applied.

(4) *Final inspection.* To be made after the building or structure has all doors hung and fixtures set and is ready for occupancy, but before the building is occupied.

(B) *Calls for inspection.* Request for inspections may be made to the office of the Inspection Department or to the appropriate inspector. The Inspection Department shall make inspections as soon as practicable after requests are made therefor, provided such work is ready for inspection at the time the request is made.

(1) Re-inspections may be at the convenience of the inspector. No work shall be inspected until it is in proper and completed condition ready for inspection. All work which has been concealed before the inspection and approval shall be uncovered at the request of the inspector and placed in condition for proper inspection. Approval or rejection of the work shall be furnished by the appropriate inspector in the form of a notice posted on the building or given to the permit holder or his agent.

(2) Failure to call for inspections or proceeding without approval at each stage of construction shall be deemed a violation of this chapter.

(C) *Street or alley lines.* Where the applicant for a permit proposes to erect any building or structure on the line of any street, alley, or other public place, he shall secure a survey of the line of the street, alley, or

other public place adjacent to the property upon which the building or structure is to be erected, before proceeding with construction of the building or structure. It shall be the duty of the Building Inspector to see that the building does not encroach upon the street, alley, or other public place.

(D) *Certificates of compliance.* At the conclusion of all work done under a permit, the appropriate inspector shall make a final inspection, and if he finds that the completed work complies with all applicable state and local laws and with the terms of the permit, he shall issue a certificate of compliance. No new building or part thereof may be occupied, no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or moved may be occupied, until the Inspection Department has issued a certificate of compliance. A temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building that the inspector finds may safely be occupied prior to final completion of the entire building. Violation of this section shall constitute a class 1 misdemeanor.

(G.S. § 160A-423)

(E) *Periodic inspections.* The Inspection Department shall make periodic inspections, subject to the Board of Commissioner's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in structures within its territorial jurisdiction. In addition, it shall make inspections when it has reason to believe that such conditions may exist in a particular structure. In exercising this power, members of the Department shall have a right to enter on any premises within the jurisdiction of the Department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials.

(G.S. § 160A-424)

Statutory reference:

Inspection of work in process, see G.S. § 160A-420

Certificates of compliance, see G.S. § 160A-423

§ 150.065 VIOLATIONS OF REGULATIONS NOT LEGALIZED BY OVERSIGHT OF INSPECTOR.

No oversight or dereliction of duty on the part of any inspector or other official or employee of the Inspection Department shall be deemed to legalize the violation of any provision of this chapter or any provision of any regulatory code herein adopted.

ELECTRICAL REGULATIONS

§ 150.080 WIRING OF PERMANENT BUILDINGS OR STRUCTURES.

(A) *Structures within a first fire district.* All wiring on or in permanent buildings or structures located within a defined first (number or primary) fire district shall utilize approved raceway or metal jacketed cables such as MI, ALS, CS, or metal-clad Type MC (Type AC not allowed) where permitted by the National Electrical Code.

(B) *Structures where Type I emergency power source required.* All wiring on or in permanent buildings or structures, wherever situated, which are required to have a Type I emergency power source as listed in Table 1125 of the State Building Code shall utilize approved raceways or metal-jacketed cables such as CS, MI, ALS, or metal-clad Type MC (Type AC not allowed) where permitted by the National Electrical Code; except that all portions of the required emergency lighting system for the entire building and all power and lighting wiring within an assembly area of 1,500 square feet or more shall be wired in metal raceway, Type ALS, Type MI, Type CS, or Type MC cable where permitted by the National Electrical Code. The total area of any specific place of assembly shall include the area of connecting rooms with movable partitions and balconies.

(C) *Structures where Type II emergency power source required.*

(1) All permanent buildings, wherever situated, which are required to have a Type II emergency power source as listed in Table 1125 of the State Building Code, shall have the service entrance conductors enclosed in approved raceway, and in addition to the above, all portions of the required emergency lighting system for the entire building and all power and lighting wiring within an assembly area of 1,500 square feet or more shall be wired in metal raceway, Type ALS, Type MI, Type CS, or Type MC cable where permitted by the National Electrical Code. The total area of any specific place of assembly shall include the area of connecting rooms with movable partitions and balconies.

(2) *Exception.* Nonmetallic sheathed cable, Type AC metal clad cable, and rigid nonmetallic conduit shall be permitted for feeders and branch circuits of power and lighting other than emergency when the

assembly area is 5,000 square feet or less, and is in a building of single-story construction.

(D) *Approved raceways and the like required for all structures.*

(1) All permanent buildings or structures, wherever situated, utilizing voltage exceeding 250 volts to ground for power and lighting systems (services, feeders, branch circuits, and the like) shall require in all systems, regardless of voltage, the use of approved raceways or metal-jacketed cables such as MI, ALS, CS, or metal-clad Type MC, where permitted by the National Electrical Code.

(2) *Exceptions.* Sound equipment, communication circuits, Class 2 and Class 3 remote control and signal circuits, and fire protection signaling circuits shall be as permitted in the National Electrical Code. ('71 Code, § 4-42) (Ord. passed 6-30-76) Penalty, see § 150.999

§ 150.081 GASOLINE PUMPS OR DISPENSERS AND THE LIKE.

Each individual gasoline pump, dispenser, lighting standard, or other electrical device located where gasoline or other volatile flammable liquid or liquefied flammable gases are transferred to the fuel tank of any motor vehicle shall be supplied through an individual rigid metal conduit. The above is not intended to prohibit the consolidation of such individual conduits outside of the hazardous areas, or consolidation within an approved junction box flush with the dispensing island surface.

('71 Code, § 4-42) (Ord. passed 6-30-76) Penalty, see § 150.999

§ 150.082 PANELBOARDS.

All panelboards which have spare pole space, or spare over-current devices and are set flush in masonry or finished walls shall be provided with at least one 1-inch approved raceway or other equivalent provision for future extension. These raceways, when required, shall be installed to the basement, crawl space, accessible ceiling space, or attic, or to a junction box in ceiling or side wall at ceiling line.

('71 Code, § 4-42) (Ord. passed 6-30-76) Penalty, see § 150.999

§ 150.083 SERVICE EQUIPMENT.

Service equipment shall not be located in any attic, clothes closet, kitchen storage cabinet, bathroom, toilet room, or coal or trash bin.

('71 Code, § 4-42) (Ord. passed 6-30-76) Penalty, see § 150.999

PLUMBING REGULATIONS

§ 150.095 STATE EXAMINATION PREREQUISITE TO LICENSE AS PLUMBER.

Any person desiring to engage in the business of plumbing as a master in the town shall first show evidence that he has passed the examination of the State Board of Examiners of Plumbing and Heating Contractors. Upon such evidence, the town shall issue a town license for the practice of plumbing.

('71 Code, § 4-63) Penalty, see § 150.999

Statutory reference:

State licensing and examination of plumbing contractors, see G.S. § 87-16 et seq.

§ 150.096 WORK TO BE DONE BY LICENSED PLUMBERS; EXCEPTION.

(A) All plumbing installations, alterations, repairs, and maintenance to plumbing systems in the town shall be done by a licensed plumber.

(B) Superintendents of buildings, firefighters, porters, or general workmen around hotels, factories, or other buildings shall not do any plumbing work except the repairing of leaks or unstopping of pipes where it is not necessary to remove any part of the work or fixtures.

('71 Code, § 4-63) Penalty, see § 150.999

INSULATION CONTRACTORS

§ 150.110 STATUTORY AUTHORIZATION.

This subchapter is adopted pursuant to Chapter 703, North Carolina Session Laws of 1977, and G.S. § 160A-194.

('71 Code, § 4-80) (Ord. passed 12-5-77)

§ 150.111 LICENSE AND PERMIT REQUIRED; PERMIT FEE.

(A) No person, firm, or corporation may for a consideration install, alter, or restore within the town any insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code requirements for insulation and energy utilization standards who is not either licensed as a contractor to do the proposed work under G.S. Chapter 87; working under the supervision of a registered architect or professional engineer; an owner working upon his own building; or licensed under this subchapter.

('71 Code, § 4-81)

(B) No person, firm, or corporation licensed under this subchapter may for a consideration install, alter, or restore any insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code requirements for insulation and energy utilization without first securing a permit from the Building Inspector for each item of work. There shall be a fee of \$0.01 per square foot, with a minimum of \$10 for each permit issued.

('71 Code, § 4-91)

(Ord. passed 12-5-77) Penalty, see § 150.999

Statutory reference:

When permits required, see G.S. § 143-151.31

§ 150.112 LICENSE APPLICATION; FEE.

Every person desiring a license under this subchapter shall submit an application for a license to the Building Inspections Department conforming to the following requirements:

(A) *Form of application.* Each application shall be a written statement upon forms provided by the Town Clerk's office.

(B) *Contents of application.* Each application shall contain the following information:

(1) Name and home address of the applicant, if an individual, or home office address, if a corporation or partnership;

(2) Names and home addresses of the partners, if a partnership;

(3) Names and home addresses of the officers and directors, if a corporation;

(4) Place where the proposed business is to be located;

(5) Complete record of all convictions of felonies or acts involving dishonesty, fraud, or deceit by the applicant or any employee, partner, officer, or director of the applicant, whether in this or any other state or jurisdiction;

(6) Complete record of all licenses held by the applicant or any employee, partner, officer, or director of the applicant authorizing activities of the type authorized herein or other activities involving construction, alteration, or modification of buildings and structures; and

(7) Information as to the circumstances in which any local, state, or federal government or agency has refused, suspended, or revoked a license of the type described in division (B)(6) above to the applicant or any employee, partner, officer, or director of the applicant.

(C) *Fees.* Each application shall be accompanied by a fee in the amount of \$20 for the license, this amount to be for the fiscal year and prorated by quarters to the end of such year.

(D) *False statements.* False statements on any application for a license shall be grounds for immediate revocation or denial of the license.

('71 Code, § 4-82) (Ord. passed 12-5-77)

§ 150.113 ISSUANCE.

(A) Each application received by the Building Inspections Department shall be promptly forwarded to the Town's Consulting Engineer for review, who shall promptly make any comments and recommendations pertaining to the application and return them to the Building Inspections Department.

(B) The application and any comments or recommendations relating thereto shall be considered by the Building Inspections Department, which shall then issue or deny the license pursuant to the following standards.

(C) The Building Inspections Department shall issue the license unless it shall find that the applicant or any employee, partner, officer, or director of the applicant has:

(1) Been convicted within the last three years of a felony or an act involving dishonesty, fraud, or deceit, whether in this or any other state or jurisdiction;

(2) Been refused a license to do the type of work authorized herein or has had such a license suspended or revoked by any local, state, or federal government or agency and that government or agency has not subsequently granted or restored the license;

(3) Knowingly made a false statement in the application; or

(4) Failed to post the bond or other security required by § 150.114.

('71 Code, § 4-86) (Ord. passed 12-5-77)

§ 150.114 INDEMNIFICATION REQUIREMENT.

The contractor shall be available to indemnify any person for any damage which may accrue by reason of the applicant's failure to properly provide or install insulation, energy utilization equipment, or other

materials designed or intended to meet the State Building Code standards for insulation and energy utilization.

('71 Code, § 4-87) (Ord. passed 12-5-77)

§ 150.115 RENEWAL.

All licenses issued under this subchapter shall terminate on the last day of the fiscal year for which issued. Renewal of these licenses shall be pursuant to the same procedures and requirements set forth for initial issuance.

('71 Code, § 4-88) (Ord. passed 12-5-77)

§ 150.116 SUSPENSION; REVOCATION.

(A) The Building Inspections Department may suspend or revoke any license issued hereunder at any time upon a showing that the applicant or any employee, partner, officer, or director of the applicant has:

- (1) Knowingly made a false statement in the application for a license;
- (2) Violated the State Building Code requirements as to insulation or energy utilization equipment or materials, whether in this or any other jurisdiction; or
- (3) Been convicted of an act involving dishonesty, fraud, or deceit with respect to any contract entered into for work requiring this license.

(B) Any licensee whose license is suspended or revoked may appeal the suspension or revocation to the town. After reasonable notice to the licensee, the town shall afford the licensee an opportunity to show why its license should not be suspended or revoked.

('71 Code, § 4-89) (Ord. passed 12-5-77)

Statutory reference:

License revocation, see G.S. § 143-151.35

§ 150.117 CHANGE OF LOCATION.

The location of any licensed business may be changed, provided ten days notice thereof is given to the Building Inspector, and operation at the new location does not violate any applicable state or local law, ordinance, or regulation.

('71 Code, § 4-90) (Ord. passed 12-5-77) Penalty, see § 150.999

§ 150.997 GENERAL RIGHT TO APPEAL.

Unless otherwise provided by law, appeals from any order, decision, or determination by a member of the Inspection Department pertaining to the State Building Code or other state building laws shall be taken to the Commissioner of Insurance or his designee or other official specified in G.S. § 143-139, by filing a written notice with him and with the Inspection Department within a period of ten days after the order, decision, or determination. Further appeals may be taken to the State Building Code Council or to the courts as provided by law.

(G.S. § 160A-434)

§ 150.998 REMEDIES.

(A) Whenever any violation is denominated a misdemeanor under the provisions of this chapter, the town, either in addition to or in lieu of other remedies, may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate the violation or to prevent the occupancy of the building or structure involved.

(B) Removal of building. In the case of building or structure declared unsafe under G.S. § 160A-426 or an ordinance adopted pursuant to G.S. § 160A-426, a town may, in lieu of taking action under division (A), cause the building or structure to be removed or demolished. The amounts incurred by the town in connection with the removal or demolition shall be lien against the real property upon which the cost was incurred. The liens shall be filed, have the same priority, and be collected in the same manner as liens for special assessments provided in G.S. § 160A-432.10. If the building or structure is removed or demolished by the town, the town shall sell the usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building. The town shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining from the sale shall be deposited with the Clerk of Superior Court of the county where the property is located and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court.

(C) The amounts incurred by the town in connection with the removal or demolition shall also be a lien against any other real property owned by the owner of the building or structure and located within the town limits or within one mile of the town limits, except for the owner's primary residence. The provisions of

division (B) of this section apply to this additional lien, except that this additional lien is inferior to all prior liens and shall be collected as a money judgement.

(D) Nothing in this section shall be construed to impair or limit the power of the town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(G.S. § 160A-432)

§ 150.999 PENALTY.

Whoever violates any provision of this chapter shall be subject to the penalties provided in § 10.99.

CHAPTER 150: BUILDING REGULATIONS

Section

General Provisions

150.001	Building Code adopted by reference
150.002	Residential Building Code adopted by reference
150.003	Existing Buildings Code adopted by reference
150.004	Plumbing Code adopted by reference
150.005	Electrical Code adopted by reference
150.006	Energy Conservation Code adopted by reference
150.007	Accessibility Provision Code adopted by reference
150.008	Mechanical Code adopted by reference
150.009	Fuel Gas Code adopted by reference
150.010	Amendments to codes
150.011	Compliance required
150.012	Unlawful use of buildings or structures
150.013	Copies of codes filed with Town Clerk

§ 150.001 BUILDING CODE ADOPTED BY REFERENCE.

The most current edition of the North Carolina State Building Code, as adopted by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth herein as the building code of the town to the extent this code is applicable for safe and stable design, methods of construction, minimum standards, and use of materials in buildings or structures hereafter erected, enlarged, altered, repaired, or otherwise constructed or reconstructed.

('71 Code, § 4-14) (Ord. passed 3-2-64)

§ 150.002 RESIDENTIAL BUILDING CODE ADOPTED BY REFERENCE.

The most current edition of the North Carolina Residential Building Code, as adopted by the North Carolina Building and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the residential building code for one- and two-family residential buildings in the town.

('71 Code, § 4-15) (Ord. passed 3-2-64)

§ 150.003 EXISTING BUILDINGS CODE ADOPTED BY REFERENCE

The most current edition of the North Carolina Existing Buildings Code as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the existing buildings code of the town.

§ 150.004 PLUMBING CODE ADOPTED BY REFERENCE.

(A) The most current edition of the North Carolina Plumbing Code as adopted and published by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth herein as the plumbing code of the town.

(B) Whenever the provisions of the North Carolina Plumbing Code and the provisions of this chapter are in conflict, the more restrictive provisions shall govern.

('71 Code, § 4-64)

§ 150.005 ELECTRICAL CODE ADOPTED BY REFERENCE.

The most current edition of the North Carolina Electrical Code as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the electrical code of the town. Whenever the provisions of the electrical code and the provisions of this chapter are in conflict, the more restrictive provisions shall govern.

§ 150.006 ENERGY CONSERVATION ADOPTED BY REFERENCE.

The most current edition of the North Carolina Energy Conservation Code as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the energy conservation code of the town.

('71 Code, § 4-40)

§ 150.007 ACCESSIBILITY PROVISIONS ADOPTED BY REFERENCE.

The most current edition of the North Carolina Accessibility Provisions as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the accessibility provision code of the town.

§ 150.008 MECHANICAL CODE ADOPTED BY REFERENCE.

The most current edition of the North Carolina Mechanical Code as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the mechanical code for the town.

§ 150.009 FUEL GAS CODE ADOPTED BY REFERENCE

The most current edition of the North Carolina Fuel Gas Code as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the fuel gas code for the town.

§ 150.010 AMENDMENTS TO CODES.

Amendments to the regulatory codes adopted by reference in this subchapter, which are from time to time adopted and published by the agencies or organizations referred to herein, shall be effective in the town at the time such amendments are filed with the Town Clerk as provided in § 150.013.

§ 150.011 COMPLIANCE REQUIRED.

(A) No building or structure shall be constructed, altered, repaired, or removed, nor shall the equipment of a building, structure, or premises be constructed, installed, altered, repaired, or removed, except in conformity with the provisions of this chapter.

(B) No building or structure shall be altered in any manner that would be in violation of the provisions of this chapter or of any authorized rule or approval made and issued thereunder.

(C) Nothing in this chapter shall prohibit the raising or lowering of a building to meet a change of grade in the street on which it is located, provided that the building is not otherwise altered.

('71 Code, § 4-1)

(D) All buildings or structures which are hereafter constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished, or moved shall conform to the requirements, minimum standards, and other provisions of either the most updated North Carolina State Building Code or the Uniform Residential Building Code, whichever is applicable, or of both, if both are applicable.

('71 Code, § 4-16)

(E) Every building or structure intended for human habitation, occupancy, or use shall have plumbing, plumbing systems, or plumbing fixtures installed, constructed, altered, extended, repaired, or reconstructed in accordance with the minimum standards, requirements, and other provisions of the most updated North Carolina Plumbing Code (North Carolina State Building Code).

(F) All electrical wiring, installations, and appurtenances shall be erected, altered, repaired, used, and maintained in accordance with the minimum standards, requirements, and other provisions of the most updated North Carolina Electrical Code (North Carolina State Building Code).

Penalty, see § 150.999

§ 150.012 UNLAWFUL USE OF BUILDINGS OR STRUCTURES.

It shall be unlawful to maintain, occupy, or use a building or structure, or part thereof, that has been erected or altered in violation of the provisions of this chapter.

('71 Code, § 4-2) Penalty, see § 150.999

§ 150.013 COPIES OF CODES FILED WITH TOWN CLERK.

An official copy of each regulatory code adopted in this subchapter, and official copies of all amendments thereto, shall be kept on file in the office of the Town Clerk. These copies shall be the official copies of the codes and the amendments.

CHAPTER 95: FIRE PREVENTION

Fire protection, see G.S. §§ 160A.291 - 160A.294

FIRE PREVENTION CODE

§ 95.01 ADOPTION.

~~—There is hereby adopted by the town for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code (most current edition) recommended by the North Carolina Department of Insurance. Not less than one copy shall be on file in the office of the Town Clerk. This code is hereby adopted and incorporated as fully as if set out at length herein, and the provision thereof shall be controlling within the limits of the town, and the town's E.T.J.~~

The most current edition of the North Carolina State Fire Prevention Code, as adopted by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth herein as the fire prevention code of the town to the extent this code prescribes regulations governing conditions hazardous to life and property from fire or explosion. Further, not less than one copy shall be on file in the office of the Town Clerk. This code is hereby adopted and incorporated as fully as if set out at length herein, and the provision thereof shall be controlling within the limits of the town, and the town's E.T.J.

CHAPTER 95: FIRE PREVENTION

Fire protection, see G.S. §§ 160A.291 - 160A.294

FIRE PREVENTION CODE

§ 95.01 ADOPTION.

The most current edition of the North Carolina State Fire Prevention Code, as adopted by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth herein as the fire prevention code of the town to the extent this code prescribes regulations governing conditions hazardous to life and property from fire or explosion. Further, not less than one copy shall be on file in the office of the Town Clerk. This code is hereby adopted and incorporated as fully as if set out at length herein, and the provision thereof shall be controlling within the limits of the town, and the town's E.T.J.

**BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR
THE TOWN OF CLAYTON, NORTH CAROLINA,** Chapters 95
and 150, will be amended to read as follows:

Chapter 95 – Fire Prevention

§ 95.01 ADOPTION.

The most current edition of the North Carolina State Fire Prevention Code, as adopted by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth herein as the fire prevention code of the town to the extent this code prescribes regulations governing conditions hazardous to life and property from fire or explosion. Further, not less than one copy shall be on file in the office of the Town Clerk. This code is hereby adopted and incorporated as fully as if set out at length herein, and the provision thereof shall be controlling within the limits of the town, and the town's E.T.J.

Chapter 150 – Building Regulations

Section

General Provisions

150.001	Building Code adopted by reference
150.002	Residential Building Code adopted by reference
150.003	Existing Buildings Code adopted by reference
150.004	Plumbing Code adopted by reference
150.005	Electrical Code adopted by reference
150.006	Energy Conservation Code adopted by reference
150.007	Accessibility Provision Code adopted by
reference	
150.008	Mechanical Code adopted by reference
150.009	Fuel Gas Code adopted by reference
150.010	Amendments to codes
150.011	Compliance required
150.012	Unlawful use of buildings or structures
150.013	Copies of codes filed with Town Clerk

§ 150.001 BUILDING CODE ADOPTED BY REFERENCE.

The most current edition of the North Carolina State Building Code, as adopted by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth herein as the building code of the town to the extent this code is applicable for safe and stable design, methods of

construction, minimum standards, and use of materials in buildings or structures hereafter erected, enlarged, altered, repaired, or otherwise constructed or reconstructed.

('71 Code, § 4-14) (Ord. passed 3-2-64)

§ 150.002 RESIDENTIAL BUILDING CODE ADOPTED BY REFERENCE.

The most current edition of the North Carolina Residential Building Code, as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the residential building code for one- and two-family residential buildings in the town.

('71 Code, § 4-15) (Ord. passed 3-2-64)

§ 150.003 EXISTING BUILDING CODE ADOPTED BY REFERENCE

The most current edition of the North Carolina Existing Buildings Code as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the existing buildings code of the town.

§ 150.004 PLUMBING CODE ADOPTED BY REFERENCE.

(A) The most current edition of the North Carolina Plumbing Code as adopted and published by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth herein as the plumbing code of the town.

(B) Whenever the provisions of the North Carolina Plumbing Code and the provisions of this chapter are in conflict, the more restrictive provisions shall govern.

('71 Code, § 4-64)

§ 150.005 ELECTRICAL CODE ADOPTED BY REFERENCE.

The most current edition of the North Carolina Electrical Code as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the electrical code of the town. Whenever the provisions of the electrical code and the provisions of this chapter are in conflict, the more restrictive provisions shall govern.

§ 150.006 ENERGY CONSERVATION ADOPTED BY REFERENCE.

The most current edition of the North Carolina Energy Conservation Code as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the energy conservation code of the town.

('71 Code, § 4-40)

§ 150.007 ACCESSIBILITY PROVISIONS ADOPTED BY REFERENCE.

The most current edition of the North Carolina Accessibility Provisions as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the accessibility provision code of the town.

§ 150.008 MECHANICAL CODE ADOPTED BY REFERENCE.

The most current edition of the North Carolina Mechanical Code as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the mechanical code for the town.

§ 150.009 FUEL GAS CODE ADOPTED BY REFERENCE

The most current edition of the North Carolina Fuel Gas Code as adopted and published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the fuel gas code for the town.

§ 150.010 AMENDMENTS TO CODES.

Amendments to the regulatory codes adopted by reference in this subchapter, which are from time to time adopted and published by the agencies or organizations referred to herein, shall be effective in the town at the time such amendments are filed with the Town Clerk as provided in § 150.013.

§ 150.011 COMPLIANCE REQUIRED.

(A) No building or structure shall be constructed, altered, repaired, or removed, nor shall the equipment of a building, structure, or premises be constructed, installed, altered, repaired, or removed, except in conformity with the provisions of this chapter.

(B) No building or structure shall be altered in any manner that would be in violation of the provisions of this chapter or of any authorized rule or approval made and issued thereunder.

(C) Nothing in this chapter shall prohibit the raising or lowering of a building to meet a change of grade in the street on which it is located, provided that the building is not otherwise altered.

('71 Code, § 4-1)

(D) All buildings or structures which are hereafter constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished, or moved shall conform to the requirements, minimum standards, and other provisions of either the most current North Carolina State Building Code or the Uniform Residential Building Code, whichever is applicable, or of both, if both are applicable.

('71 Code, § 4-16)

(E) Every building or structure intended for human habitation, occupancy, or use shall have plumbing, plumbing systems, or plumbing fixtures installed, constructed, altered,

extended, repaired, or reconstructed in accordance with the minimum standards, requirements, and other provisions of the most current North Carolina Plumbing Code (North Carolina State Building Code).

(F) All electrical wiring, installations, and appurtenances shall be erected, altered, repaired, used, and maintained in accordance with the minimum standards, requirements, and other provisions of the most current North Carolina Electrical Code (North Carolina State Building Code).

Penalty, see § 150.999

§ 150.012 UNLAWFUL USE OF BUILDINGS OR STRUCTURES.

It shall be unlawful to maintain, occupy, or use a building or structure, or part thereof, that has been erected or altered in violation of the provisions of this chapter.

('71 Code, § 4-2) Penalty, see § 150.999

§ 150.013 COPIES OF CODES FILED WITH TOWN CLERK.

An official copy of each regulatory code adopted in this subchapter, and official copies of all amendments thereto, shall be kept on file in the office of the Town Clerk. These copies shall be the official copies of the codes and the amendments.

Duly adopted this the 17th day of December, 2018 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

December 3 2018

Agenda Location

New Business

Item Title

Budget Amendments

Presenter

Robert McKie, Finance Director

Summary/Description

The Planning Department is requesting approval to utilize lapsed salary to procure an office cube system for operational efficiency and staff cohesiveness purposes. Two staff members are currently located across the hallway from Planning.

The Electric Department has requested a Capital Project Budget Ordinance for implementation of the LED Lighting Changeover Project. The project will be funded by a \$881,741 fund balance appropriation from the Electric Fund.

Requested Action

Approval

Funding Source (If Applicable):

LED Project - Fund Balance Appropriation

Cost: \$881,741 **Yes** ☒ **No** ☐

Additional Documents to be Included in Agenda Packet

Planning Department Budget Amendment
Electric System Fund Balance Appropriation Budget Amendment
LED Changeover Capital Project Budget Ordinance

Meeting Timeline

Click or tap here to enter text.

**TOWN OF CLAYTON
LED CHANGEOVER PROJECT
CAPITAL PROJECT BUDGET ORDINANCE**

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following ordinance shall be established for the changeover to LED lighting fixtures for operational efficiencies:

Revenues

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
663-49 82	Due from Electric Fund	\$881,741
	Total	\$881,741

Expenditures

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
663-58 00	Capital Projects	\$881,741
	Total	\$881,741

Duly adopted this ____ day of _____, 2018 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett
Town Clerk

Town of Clayton
Amendment to the FY 18-19 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 18-19 Budget:

Fund: General Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Revenue			
310-57-00-48 99	Fund Balance Appropriated \$434,272	+881,741	\$1,316,013
Expenditures			
310-57-00-59 23	Transfer to Capital Project Fund \$0	+881,741	\$881,741

Amendment to appropriate fund balance to transfer monies to the LED Changeover Capital Project Fund to procure and install new LED fixtures, which is required for compliance with G.S. 159-15.

Duly adopted this ____ day of _____, 2018 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett
Town Clerk

Town of Clayton
Amendment to the FY 18-19 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 18-19 Budget:

Fund: General Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Expenditures			
100-42-16-50-00	Salaries Full Time \$96,801	-5,000	\$91,801
100-42-15-52-60	Equipment \$1,659	+5,000	\$6,659

Amendment necessary to realign the budget to utilize lapsed salary to procure an office cube system for operational efficiency and staff cohesiveness in Planning. This amendment is required for compliance with G.S. 159-15:

Duly adopted this ____ day of _____, 2018 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett
Town Clerk