



Town of Youngsville
Board of Commissioners
P. O. Box 190 / 134 US 1A South
Youngsville, NC 27596
(919) 925-3401 – Town Hall / (919) 925-3402 – Fax
CustomerService@TownofYoungsville.org
www.townofyoungsville.org

AGENDA
REGULAR MEETING
AUGUST 13, 2020
7:00PM

YOUNGSVILLE COMMUNITY HOUSE
115 E MAIN STREET
(Video and Teleconference are available)

Dial-In-Number: **623-600-3767**
Conference Code: **203137**

Tiny URL: <https://tinyurl.com/boc-2020-08-13>

1. CALL TO ORDER AND INVOCATION
2. APPROVAL OF AGENDA
3. SWEAR IN OF NEW YOUNGSVILLE POLICE DEPARTMENT OFFICERS
4. PUBLIC HEARINGS
 - A. ANNEXATION PETITION – FRANKLIN MCLEOD – 104 TARBORO ROAD
 - i. OPEN HEARING TO THE PUBLIC
 - ii. COMMENTS FROM PUBLIC
 - iii. CONTINUE OR CLOSE HEARING
 - B. PROPOSED AMENDMENT TO SECTION 8.210 (AMPLIFIED SOUND) OF THE TOWN CODE
 - i. OPEN HEARING TO THE PUBLIC
 - ii. COMMENTS FROM PUBLIC
 - iii. CONTINUE OR CLOSE HEARING
5. CITIZEN’S COMMENTS
6. FINANCIAL REPORT
7. CONSENT AGENDA
 - A. MINUTES FROM THE REGULAR BOARD MEETING – JULY 9, 2020
 - B. TAX COLLECTOR’S REPORT
 - C. POLICE DEPARTMENT REPORT
 - D. PLANNING AND ZONING REPORT
 - E. TAX RELEASE – BAYER HEALTHCARE LLC – CORRECT VALUE - \$1,279.22



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ACTION REQUESTED: APPROVE CONSENT AGENDA AS SUBMITTED

8. OLD BUSINESS

- A. CONSIDER AMENDMENT TO SECTION 8.210 (AMPLIFIED SOUND) OF THE TOWN CODE

ACTION REQUESTED: RECEIVE AMENDMENT FOR CONSIDERATION

- B. ANNEXATION ORDINANCE 2020-2 – FRANKLIN MCLEOD – 104 TARBORO ROAD

ACTION REQUESTED: APPROVE ANNEXATION ORDINANCE 2020-2

9. NEW BUSINESS

- A. REVIEW TOWN ATTORNEY'S OPINION ON DEBT ISSUANCE AND DRAFT FINANCING AGREEMENT WITH UNION BANK

ACTION REQUESTED: RECEIVE AS INFORMATION

- B. RESOLUTION APPROVING ISSUANCE OF DEBT FOR PUBLIC WORKS FACILITY CONSTRUCTION AND TOWN HALL REFINANCE AND RENOVATION

ACTION REQUESTED: APPROVE AS PROPOSED

- C. CONSIDER APPLICATION OF BEN RUPERT FOR APPOINTMENT TO THE YOUNGVILLE ABC BOARD

ACTION REQUESTED: RECEIVE APPLICATION FOR CONSIDERATION

- D. CONSIDER AUTHORIZING RELEASE OF REMAINING PORTION OF CASH BOND AND ACCRUED INTEREST IN ESCROW TOTALING \$78,630.14 REQUESTED BY HAMPTON DOWNS OF YOUNGVILLE LLC FOR SATISFACTORY COMPLETION OF PAVEMENT AND SIDEWALK IMPROVEMENTS IN HAMPTON DOWNS OF YOUNGVILLE

ACTION REQUESTED: AUTHORIZE RELEASE OF REMAINING PORTION OF CASH BOND

- E. CONSIDER A REQUEST BY PATTERSON WOODS LLC TO RELEASE SURETY BOND No. 6670431 IN THE AMOUNT OF \$35,000.00 FOR CAMILLE CIRCLE



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Board of Commissioners**

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CONSTRUCTION AT US1A AT THE INTERSECTION OF US1A IN PHASE 2 OF PATTERSON WOODS

ACTION REQUESTED: AUTHORIZE RELEASE OF \$35,000 FROM SURETY BOND No. 6670431

- F. CONSIDER AUTHORIZING STAFF TO ADVERTISE A PUBLIC HEARING FOR 7:00PM ON SEPTEMBER 10, 2020 IN CONSIDERATION OF TEXT AMENDMENTS TO THE YOUNGSVILLE DEVELOPMENT ORDINANCE TO COMPLY WITH N.C.G.S. CHAPTER 160D LEGISLATION

ACTION REQUESTED: SET PUBLIC HEARING AS PROPOSED

10. REPORTS AND OTHER BUSINESS

- i. MAYOR
- ii. TOWN ADMINISTRATOR
- iii. COMMISSIONERS
- iv. PLANNING & ZONING DEPARTMENT
- v. TOWN ATTORNEY
- vi. POLICE CHIEF
- vii. FIRE DEPARTMENT
- viii. PARKS & RECREATION
- ix. TOWN CLERK / TAX COLLECTOR
- x. MAINTENANCE

11. CLOSED SESSION - NONE

12. ADJOURN

This is a public meeting and is subject to North Carolina open meetings and public records law. To preserve the public record and increase transparency, video and audio recordings are performed at all public meetings. Please note these recordings, the clerk's detailed minutes of all meetings, and any documents reviewed during meetings are public domain and may be disclosed to third parties.

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 7:00pm at Youngsville Community House on August 13, 2020, after due notice by publication on July 30, 2020; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Youngsville, North Carolina that:

Section1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Youngsville as of August 31, 2020:

**Legal Description for
"FRANKLIN MCLEOD"**

BEGINNING AT AN EIP IN THE RIGHT OF WAY OF TARBORO ROAD AND THE SMITH BACON TRACT; THENCE S 78°10'35" E A DISTANCE OF 387.99' TO AN EIP IN RIGHT OF WAY; LEAVING SAID RIGHT OF WAY POINT THENCE S 02°49'16" E A DISTANCE OF 607.25' TO AN EIP; THENCE N 84°33'27" W A DISTANCE OF 19.60' TO AN EIP; THENCE N 37°54'17" W A DISTANCE OF 29.89' TO AN EIP; THENCE N 44°30'57" W A DISTANCE OF 64.47' TO A NIP; THENCE N 70°29'45" W A DISTANCE OF 57.78' TO A NIP; THENCE N 67°16' 39" W A DISTANCE OF 54.84' TO AN EIP; THENCE N 86°23'53" W A DISTANCE OF 106.30' TO AN EIP; THENCE N 72°50'19" W A DISTANCE OF 82.71' TO A BENT EIP; THENCE N 54°02'50" W A DISTANCE OF 77.27' TO AN EIP; THENCE N 34°19'28" W A DISTANCE OF 56.88' TO A NIP; THENCE N 65°12'06" W A DISTANCE OF 56.76' TO AN EIP IN THE CENTER OF CREEK; LEAVING SAID POINT IN THE CREEK THENCE N 02°49'14" W A DISTANCE OF 25.98' TO AN EIP; THENCE N 87°10'46" E A DISTANCE OF 130.61' TO AN EIP ON THE CORNER OF A DRAIN FIELD EASEMENT; THENCE N 02°49'14" W A DISTANCE OF 395.00' TO AN EIP INT THE RIGHT OF WAY OF TARBORO ROAD; WHICH IS THE POINT OF BEGINNING.

Section 2. Upon and after August 31, 2020, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Youngsville and shall be entitled to the same privileges and benefits as other parts of the Town of Youngsville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Youngsville.

Adopted this 13th day of August 2020.

Fonzie A Flowers, Mayor

ATTEST:

APPROVED AS TO FORM:

Emily Hurd, Town Clerk

Michael Cohen, Town Attorney



Town of Youngsville

Memorandum

To: Board of Commissioners
From: Emily Hurd, Town Clerk
CC: Staff
Date: 8/10/2020
Re: Proposed Amendment to Section 8.210 (Amplified Sound) of the Town Code

Consider the following amendment to Section 8.210 (Amplified Sound) of the town code (additions underlined, deletions in ~~strikethrough~~):

(a) It shall be unlawful to:

(1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering 60 db(A) or greater between the hours of 9:00 a.m. and 9:00 p.m.; on Sundays through Thursdays, and 9:00 a.m. and 10:00 p.m. on Fridays and Saturdays; or 50 db(A) or greater between 9:00 p.m. and 9:00 a.m.; on Sundays through Thursdays, and 10:00 p.m. and 9:00 a.m. on Fridays and Saturdays; as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the town. To determine if this limit is being exceeded, sounds may be measured at or beyond any property line of the premises covered by the permit.

(2) As to multifamily structures including town homes, apartments, condominiums, or other residential structures or arrangements where property lines cannot readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering 60 db(A) or greater between 9:00 a.m. and 9:00 p.m.; on Sundays through Thursdays, and 9:00 a.m. and 10:00 p.m. on Fridays and Saturdays; or 50 db(A) or greater between the hours of 9:00 p.m. and 9:00 a.m.; on Sundays through Thursdays, and 10:00 p.m. and 9:00 a.m. on Fridays and Saturdays; as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the town.

(3) As to places of public entertainment, including, but not limited to, restaurants, taverns and bars, coffeehouses and private clubs, to operate or allow the operation of any sound amplification equipment so as to create sounds registering more than 65 db(A) between 9:00 a.m. and 9:00 p.m.; on Sundays through Thursdays, and 9:00 a.m. and 10:00 p.m. on Fridays and Saturdays; or 50 db(A) between 9:00 p.m. and 9:00 a.m.; on Sundays through Thursdays, and 10:00 p.m. and 9:00 a.m. on Fridays and

Saturdays; as measured anywhere within the boundary line of the nearest residentially occupied property, hotel, motel, hospital, or rest home, except in accordance with a permit obtained from the town.

...

(5) Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than 60 db(A) at any point 50 feet or more from any electromechanical speaker emitting sound between the hours of 9:00 a.m. and 9:00 p.m.; on Sundays through Thursdays, and 9:00 a.m. and 10:00 p.m. on Fridays and Saturdays; or 50 db(A) 50 feet or more from any electromechanical speaker between the hours of 9:00 p.m. and 9:00 a.m.; on Sundays through Thursdays, and 10:00 p.m. and 9:00 a.m. on Fridays and Saturdays; except in regards to section 14-71 (6).

Decibel Level Table to be used as reference for enforcement of the above section

Use Max dB(A)	Days	Time	
General	Sunday—	9 a.m.—9	60
	Thursday	p.m.	50
	Monday—	9 p.m.—9	<u>60</u>
	Sunday	a.m.	<u>50</u>
	Friday—	<u>9 a.m.—10</u>	
	Saturday	<u>p.m.</u> <u>10 p.m.—9</u> <u>a.m.</u>	
Public entertainment	Sunday—	9 a.m.—9	65
	Thursday	p.m.	50
	Monday—	9 p.m.—9	<u>65</u>
	Sunday	a.m.	<u>50</u>
	Friday—	<u>9 a.m.—10</u>	
	Saturday	<u>p.m.</u> <u>10 p.m.—9</u> <u>a.m.</u>	

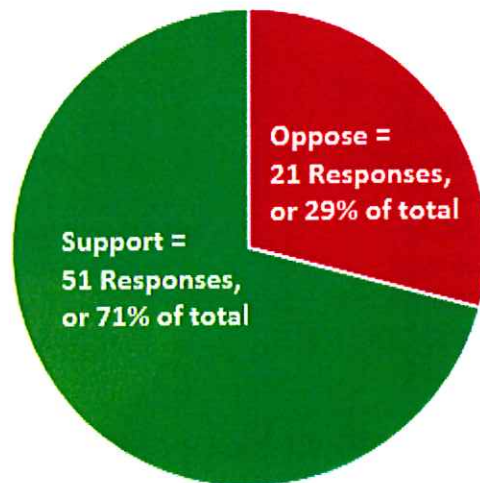


Town of Youngsville Memorandum

From: Phillip Cordeiro, Town Administrator
To: Town Board of Commissioners
Copy to: Emily Hurd, Town Clerk
J. G. Whitley, Chief of Police
Date: July 13, 2020
Subject: Amplified sound ordinance resident survey results
Ref: (a) Town Code Section 8.210 – Amplified Sound

As discussed, please find below a simplified and sanitized version of the summary of responses from the town's amplified sound ordinance resident survey conducted from June 12, 2020 through July 7, 2020. Out-of-town responses have been removed from the dataset.

Amplified Sound Survey Response Summary June 12, 2020 until July 7, 2020



List of households submitting responses in support*†

109 Anderson Park Dr, Youngsville, NC
110 Blue Heron Dr, Youngsville, NC
305 Blue Heron Dr, Youngsville, NC
105 Bonterra Dr, Youngsville, NC
103 Corano Ln, Youngsville, NC
205 Corano Ln, Youngsville, NC
115 E Franklin St, Youngsville, NC
116 E Franklin St, Youngsville, NC
203 E Franklin St, Youngsville, NC

210 E Franklin St, Youngsville, NC
221 E Franklin St, Youngsville, NC
117 E Main St, Youngsville, NC
118 E Main St, Youngsville, NC
119 E Main St, Youngsville, NC
121 E Main St, Youngsville, NC
122 E Main St, Youngsville, NC
217 E Main St, Youngsville, NC
302 E Main St, Youngsville, NC

Town of Youngsville memorandum dated 7/13/2020
AMPLIFIED SOUND ORDINANCE RESIDENT SURVEY RESULTS

118 E Pine St, Youngsville, NC	312 Laurel Oaks Dr, Youngsville, NC
207 E Winston St, Youngsville, NC	313 Laurel Oaks Dr, Youngsville, NC
213 E Winston St, Youngsville, NC	315 Laurel Oaks Dr, Youngsville, NC
400 Forest Glen Dr, Youngsville, NC	104 Laurel Oaks Drive, Youngsville, NC
404 Forest Glen Dr, Youngsville, NC	508 N College St, Youngsville, NC
405 Forest Glen Dr, Youngsville, NC	205 Nassau St . Youngsville, NC
409 Hillsboro St , Youngsville, NC	5240 NC Hwy 96, Youngsville, NC
515 Holden Forest Dr, Youngsville, NC	200 Petal Grove Ct, Youngsville, NC
105 Laurel Oaks Dr, Youngsville, NC	202 Petal Grove Ct, Youngsville, NC
107 Laurel Oaks Dr, Youngsville, NC	519 Richlands Cliff Dr, Youngsville, NC
109 Laurel Oaks Dr, Youngsville, NC	602 Richlands Cliff Dr, Youngsville, NC
203 Laurel Oaks Dr, Youngsville, NC	203 S Nassau St, Youngsville, NC
302 Laurel Oaks Dr, Youngsville, NC	123 SE Railroad St, Youngsville, NC
305 Laurel Oaks Dr, Youngsville, NC	104 W Franklin St, Youngsville, NC
307 Laurel Oaks Dr, Youngsville, NC	35 W Main St, Youngsville, NC
309 Laurel Oaks Dr, Youngsville, NC	108 W Winston St, Youngsville, NC
310 Laurel Oaks Dr, Youngsville, NC	

List of households submitting responses in opposition*†

101 Laurel Oaks Dr, Youngsville, NC	123 E Main St, Youngsville, NC
101 Porter Hill Dr, Youngsville, NC	123 E Franklin St, Youngsville, NC
102 Chipping Sparrow Ct, Youngsville, NC	201 SE Railroad St, Youngsville, NC
109 N Nassau St, Youngsville, NC	216 S Nassau St, Youngsville, NC
110 Great Arbor Ct, Youngsville, NC	224 E Main St, Youngsville, NC
115 E Main St, Youngsville, NC	304 Laurel Oaks Dr, Youngsville, NC
116 E Main St, Youngsville, NC	401 Holden Forest Dr, Youngsville, NC
117 E Winston, , Youngsville, NC	403 Forest Glen Dr, Youngsville, NC
118 Railroad St, , Youngsville, NC	409 Club Center Dr, Youngsville, NC
119 South Cross St, Youngsville, NC	429 Cross St , Youngsville, NC
120 E Main St, Youngsville, NC	

***Note:** Electronic responses coming from the same household were combined into a single response to enhance the quality of data.

†**Note:** Mail-in responses (via door hanger) that did not include a physical address were assumed to come from the downtown area throughout which town staff distributed door hangers. For the sake of expediency, those responses were assigned an address between 120 and 130 E Main Street. Thus, while no business and or residence may correspond with that address, responses with such an address may be confidently assumed to have come from the downtown area.

Amplified Sound Survey Response Summary from June 12, 2020 through July 7, 2020



Legend:
X = Household in Opposition
• = Household in Support



Town of Youngsville

Finance Report

To: Youngsville Board of Commissioners
From: Kari Patton-Motluck, Interim Finance Officer
Date: August 9, 2020
Re: Finance Report – July 2020

During the month of July, there were:

- 81 checks written totaling \$181,633.84
- 28 day sheets recorded totaling \$222,220.90
- Our Current Debt Issuance:
 - Vehicle Loans – total balance \$429,105.83
 - Street Loan – total balance \$178,875.11
 - Town Hall Loan – total balance \$268,812.48
- Town's Anticipated Debt Issuance:
 - The loan application for the new Public Works Facility and Town Hall Renovation has been submitted to the LGC for consideration and is expected to be on their September agenda.
 - Anticipated loan amount is \$2,436,768 million (which includes paying off the remaining town hall loan) with a repayment term of 20-years at a fixed rate of 2.5% through Union Bank.
- Capital Improvements Plan
 - Public Works Facility and Town Hall Renovations – Site work and design work continues. Construction bids are expected to start soon.
 - Community House kitchen remodel – PO Issued to DS Handyman and Remodeling for \$12,300 – the cost of the stove and refrigerator is TBD.
 - Cemetery Fence – PO Issued to Seegars for \$4,974 and we also received a \$500 donation from a community citizen towards the cost.
 - Wayfinding Signs – PO Issued to Daniel Notch Signs totaling \$13,608.94
 - Luddy Park has two capital projects – a PO issued to AO Services for \$5,250 for stairs and First Light Technologies was issued a PO for \$9,693.00 for basketball court lights.
 - Police Department has received a PO for \$5,799.00 to Elan City for two radar speed signs.



Town of Youngville

Post Office Box 190, Youngville, North Carolina 27596
Phone: 919.925.3401 | Fax: 919.925.3402

August 10, 2020

To: Commissioners

From: Kari Patton-Motluck

Re: Financial Statements for month ended July 31, 2020.

Condensed Financial statements for the month ended July 31, 2020 are attached. The financial statements have been prepared on the modified accrual basis of accounting which essentially means that all unpaid bills that have been received as of today's date are included in the expenditures line items.

The financial statements are arranged in the following sequence:

General Fund (#100) Balance sheet
General Fund Budget vs Actual

Powell Bill Fund (#210) Balance Sheet
Powell Bill Budget vs Actual

Capital Projects Ordinance – Pedestrian Plan Grant (#305) Balance sheet
CPO – Pedestrian Plan Grant Budget vs Actual

Debt Set Off (#405) Balance Sheet
Debt Set Off Budget vs Actual

Fixed Assets & Accruals (#500) Balance Sheet

Please feel free to contact me if you have any questions.

Kari Patton-Motluck
Interim Finance Officer
Office: 919.925.3393
kpattonmotluck@townofyoungville.org

"The Gateway to Franklin County"

GL Balance Sheet
Period Ending 7/31/2020

TOWN OF YOUNGSVILLE

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100 GENERAL FUND

Asset

100-110-100 Operating Cash	\$361,187.01
100-110-105 P&R Registration Deposit Account	\$14,211.61
100-110-107 DOJ Checking	\$444.50
100-110-110 Petty Cash	\$100.00
100-110-200 Money Market/Savings Account	\$1,606,281.94
100-110-310 General Accounts Receivable	\$26,730.97
100-110-320 Property Tax Receivable	\$93,409.00
100-110-330 LG Sales Tax Receivable	\$90,190.44
100-110-340 Sales Tax Refund Receivable	\$18,562.49
100-110-351 Due from ABC Store	-\$29,678.81
100-110-360 Garbage & Recycling Receivable	\$23,093.12
100-110-361 Garbage & Rec Allowance for Doubtful Accounts	-\$11,608.72
100-110-390 Due from Funds	\$6,013.02
100-110-392 Due from Debt Set Off	\$4,259.85
100-110-393 Due From NCCMT	\$259,340.15
100-110-394 Due from Capital Projects	\$49,000.00
100-110-400 Other Current Assets	\$1,565.23
100-110-410 Prepaid Expenses	\$12,804.36
100-110-610 Hampton Downs MM Account	\$78,630.41
100-110-620 LMB MM Account	\$136,315.17
100 GENERAL FUND	Asset Total
	\$2,740,851.74

Liability

100-210-100 Accounts Payable	\$38,630.01
100-210-200 Employee Related Accounts Payable	\$17,624.07
100-210-223 Retirement Contribution Payable	-\$402.65
100-210-225 Insurance Deductions Payable	\$3,213.50
100-210-227 State Continuation Payable	-\$1,031.30
100-210-228 Other Deductions Payable	-\$276.40
100-210-310 Community House Deposits	\$1,600.00
100-210-311 Field Rental Deposits	\$260.00
100-210-320 Deferred Revenue	\$19,918.06
100-210-321 Property Tax Prepayments	-\$795.46
100-210-322 Garbage & Recycling Prepayments	\$1,812.72
100-210-610 Hampton Downs Performance Bond	\$78,630.41
100-210-620 LMB Performance Bond	\$136,315.17

GL Balance Sheet
Period Ending 7/31/2020

TOWN OF YOUNGSVILLE
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100-210-910 Reserve for Taxes Receivable	\$93,409.00	
100-210-911 Reserve for PP Taxes	\$498.73	
100-299-500 Fund Balance	\$1,520,105.59	
Current Fund Balance Adjustment	-\$77,906.97	
P/Y Fund Balance Adjustment	\$909,247.26	
100 GENERAL FUND	Liability Total	\$2,740,851.74

Budget vs Actual (Summary)

TOWN OF YOUNGSVILLE

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Period Ending 7/31/2020

100 GENERAL FUND

Description	Budget	Encumbranc	YTD	Variance	Percent
Revenues					
	4,209,198	0.00	187,827.41	(4,021,370.58)	4%
Revenues Totals:	4,209,198	0.00	187,827.41	(4,021,370.58)	4%
Expenses					
BOARD OF COMMISSIONERS / GOVERNING BODY	54,665	18,333.00	2,793.35	33,538.81	39%
ADMINISTATION	574,528	39,810.97	45,208.30	489,508.38	15%
PUBLIC FACILITIES	1,469,001	197,422.62	12,312.80	1,259,265.66	14%
PUBLIC SAFETY	1,521,938	147,329.88	149,847.92	1,224,760.44	20%
PUBLIC WORKS	386,088	155,472.99	29,984.55	200,630.49	48%
PARKS & RECREATION	202,978	10,629.54	25,587.46	166,760.83	18%
Expenses Totals:	4,209,198	568,999.00	265,734.38	3,374,464.61	20%
100 GENERAL FUND Totals:			(77,906.97)		

GL Balance Sheet
Period Ending 7/31/2020

TOWN OF YOUNGSVILLE

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210 POWER BILL

Asset

210-110-106 Operating Cash	\$7,022.58
210-110-210 Savings Account	\$45,265.27
210-110-340 Sales Tax Refund Receivable	\$953.51

210 POWER BILL

Asset Total

\$53,241.36

Liability

210-210-100 Accounts Payable	\$6,644.95
210-299-500 Fund Balance	\$81,090.50
P/Y Fund Balance Adjustment	-\$34,494.09

210 POWER BILL

Liability Total

\$53,241.36

Budget vs Actual (Summary)

TOWN OF YOUNGSVILLE

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Period Ending 7/31/2020

210 POWER BILL

Description	Budget	Encumbranc	YTD	Variance	Percent
Revenues					
	40,000	0.00	0.00	(40,000.00)	
Revenues Totals:	40,000	0.00	0.00	(40,000.00)	
Expenses					
PUBLIC WORKS	40,000	340.00	0.00	39,660.00	1%
Expenses Totals:	40,000	340.00	0.00	39,660.00	
210 POWER BILL Totals:			0.00		

GL Balance Sheet
Period Ending 7/31/2020

TOWN OF YOUNGSVILLE

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305 CAPITAL PROJECTS - PED PLAN GRANT

Asset

305-110-100 Operating Cash \$102,179.34

305-110-220 Savings Account \$3,635.55

305 CAPITAL PROJECTS - PED PLAN GRANT Asset Total \$105,814.89

Liability

305-210-950 Due to General Fund \$55,013.02

Current Fund Balance Adjustment \$50,801.87

305 CAPITAL PROJECTS - PED PLAN GRANT Liability Total \$105,814.89

Budget vs Actual

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Period Ending 7/31/2020

305 CAPITAL PROJECTS - PED PLAN GRANT

Description	Budget	Encumbranc	YTD	Variance	Percent
Revenues					
305-319-000 Intergovernmental - Restricted	0	0.00	0.00	0.00	
305-319-070 Ped Plan Grant Income	1,193,500	0.00	216,867.04	(976,632.96)	18%
305-370-000 Investment Income	0	0.00	0.00	0.00	
305-370-010 Interest Income	0	0.00	79.46	79.46	
305-395-000 Transfers from Funds	0	0.00	0.00	0.00	
305-395-305 GF Fund Appropriation	154,876	0.00	154,875.52	0.00	100%
Revenues Totals:	1,348,376	0.00	371,822.02	(976,553.50)	28%

Budget vs Actual

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Period Ending 7/31/2020

305 CAPITAL PROJECTS - PED PLAN GRANT

Description	Budget	Encumbranc	YTD	Variance	Percent
Expenses					
305-500-000 Pedestrian Plan Project	0	0.00	0.00	0.00	
Expenses					
305-500-200 Project Oversight/Eng Fees	166,322	0.00	170,694.15	(4,372.10)	103%
305-500-310 Miscellaneous Expense	222,396	0.00	2,574.00	219,822.00	1%
305-500-350 Construction Expenses	959,657	0.00	144,787.00	814,870.47	15%
305-500-700 Other Cost	0	0.00	2,965.00	(2,965.00)	
305-500-799 Contingency	0	0.00	0.00	0.00	
PUBLIC FACILITIES Totals:	1,348,376	0.00	321,020.15	1,027,355.37	24%
Expenses Totals:	1,348,376	0.00	321,020.15	1,027,355.37	24%

Budget vs Actual

8/10/2020 7:30:29 PM

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Period Ending 7/31/2020

305 CAPITAL PROJECTS - Totals:
- PED PLAN GRANT

50,801.87

GL Balance Sheet
Period Ending 7/31/2020

TOWN OF YOUNGSVILLE

8/10/2020 6:57 PM

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405 DEBT SET OFF

Asset

405-110-108 Operating Cash	\$1,655.24
405-110-250 Investment in Term Portfolio	\$276,749.51

405 DEBT SET OFF

Asset Total

\$278,404.75

Liability

405-210-950 Due to General Fund	\$263,741.48
405-299-500 Fund Balance	\$10,392.67
P/Y Fund Balance Adjustment	\$4,270.60

405 DEBT SET OFF

Liability Total

\$278,404.75

Budget vs Actual (Summary)

TOWN OF YOUNGSVILLE

8/10/2020 7:01:51 PM

Page 3 Of 3

Period Ending 7/31/2020

405 DEBT SET OFF

Description	Budget	Encumbranc	YTD	Variance	Percent
Revenues					
	2	0.00	0.00	(2.00)	
Revenues Totals:	2	0.00	0.00	(2.00)	
Expenses					
	2	0.00	0.00	2.00	
Expenses Totals:	2	0.00	0.00	2.00	
405 DEBT SET OFF Totals:			0.00		

GL Balance Sheet
 Period Ending 7/31/2020

TOWN OF YOUNGSVILLE
 8/10/2020 6:57 PM

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500 FIXED ASSETS & ACCRUALS

Asset		
500-110-710	Buildings & Property	\$1,587,572.00
500-110-740	Vehicles	\$544,429.00
500-110-750	Equipment	\$179,587.00
500-110-791	Accumulated Depreciation	-\$853,197.00
500	FIXED ASSETS & ACCRUALS	Asset Total
		\$1,458,391.00

Liability		
500-210-211	Accrued Vacation Pay	\$39,092.84
500-210-500	Installment Purchases/Capital Lease Obligations	\$567,894.00
500-210-710	Net Pension Liability - LGERS	\$161,328.00
500-210-720	Net Pension Liability - LEOSSA	\$112,153.00
500-299-500	Fund Balance	\$577,923.16
500	FIXED ASSETS & ACCRUALS	Liability Total
		\$1,458,391.00



Town of Youngsville

Board of Commissioners

P. O. Box 190 / 134 US 1A South

Youngsville, NC 27596

(919) 925-3401 – Town Hall / (919) 925-3402 – Fax

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MINUTES BOARD OF COMMISSIONERS

JULY 9, 2020
7:00PM

REGULAR MEETING

YOUNGVILLE COMMUNITY HOUSE

Mayor Fonzie Flowers called the Board Meeting of the Town of Youngsville Board of Commissioners to order at 7:00pm. Commissioner Hedlund gave invocation. In attendance were Commissioners Cat Redd, Terry Hedlund, Larry Wiggins, and Joseph Johnson (teleconference). Commissioner Scott Brame was not in attendance. Others in attendance were Town Administrator Phillip Cordeiro, Town Clerk / Tax Collector Emily Hurd, Planning and Zoning Administrator Erin Klinger, Police Chief J.W. Whitley, Finance Officer Kari Patton-Motluck, Attorney Daniel Hartzog, Parks and Recreation Director Andrew Smith and Public Works Supervisor Randy Smith.

MOTION: TO APPROVE THE AGENDA AS SUBMITTED

The motion was made by Commissioner Wiggins and was seconded by Commissioner Hedlund. The motion passed unanimously.

The next item on the agenda was citizens' comments. Due to the social distancing restriction for the COVID-19 Virus, citizens attended via web/teleconference. As Scott Turner had not yet called in, he was allowed time later in the meeting.

The next item on the agenda was the Financial Report. Patton-Motluck stated there was nothing significant to report.

The next item on the agenda was the approval of the Consent Agenda. The Consent Agenda consisted of:

- Minutes from the Regular Board Meeting – June 11, 2020
- Tax Collector's Report
- Police Department Report
- Planning and Zoning Report

MOTION: TO APPROVE THE CONSENT AGENDA

The motion was made by Commissioner Hedlund and was seconded by Commissioner Redd. The motion passed unanimously.

The next item on the agenda was Old Business. The first item under Old Business was to continue the discussion on the request to update the Noise Ordinance by the Victorian Youngsville. Mayor Flowers thanked Cordeiro for the information presented, including the map. Cordeiro explained the information included in the map.

Commissioner Hedlund stated he was good with the information Cordeiro collected and Commissioner Redd was pleased with how many responses they received. Commissioner Wiggins expressed concerns about the number of responses from people that did not live in town. Cordeiro stated he could refine the map if needed and separate the town votes from those in the county. He noted there was an overwhelming support of extending hours on weekends. Including votes from county residents, it was twelve to one in favor of extending the hours, inside of town limits was two to one in favor. Cordeiro stated he would provide more detail via email.

Mayor Flowers stated it was good to see how people outside of town would weigh in, especially concerning how they would visit the town. Commissioner Wiggins noted they didn't have to sleep here.

Commissioner Hedlund clarified the current ordinance had a 9pm cutoff and Cordeiro stated that was correct. Commissioner Wiggins stated the Town was currently not enforcing it. Chief Whitley explained the officers were given a directive this week, for either a complaint or observation, to take a decibel reading to get base lines from residences so they can notify the business owners of any violations. This information will be compared with incident reports so they can get a good idea of the number of violations / complaints. Officers will utilize the decibel meter in order to get real data. When asked, Chief Whitley stated they started this week.

Cordeiro noted that unless a citizen made a formal complaint, there was nothing the Town could do about it. He stated there was a lot they can do moving forward to make sure Officers have this on their checklist for observation. Cordeiro stated they will also solicit feedback from the community, so that when violations are occurring, they report it. Commissioner Wiggins expressed concerns about afterhours calls to 911. He stated citizens were being told they didn't take those types of calls. Chief Whitley stated this was the first he was hearing of this problem and noted he would investigate.

Commissioner Hedlund stated the data supported extending the amplified sound until 10pm on Fridays and Saturdays. Support for 11pm was also substantial. Cordeiro stated he would break the information down further to eliminate those outside of town limits.

Mayor Flowers noted they should set a Public Hearing before any changes were made. Cordeiro stated they could hold a Public Hearing to encourage feedback but would need

one for the changes, once they have been proposed. Mayor Flowers noted there was already a lot of feedback. Commissioner Redd wanted to clarify the Board would have to continue discussing the changes and be decisive on the proposed changes, then have the Public Hearing after that or could they have a Public Hearing for more input, then at the following meeting they could make the changes. Cordeiro explained the Public Hearing would require letting the citizens know what changes were proposed. If the Board wished to move forward with a Public Hearing next month, they could direct him to draft the proposed changes. Commissioner Redd worried about the two-month timeframe. Cordeiro noted that if the Public Hearing has been satisfied, the Board can adopt the proposed changes during the Board Meeting unless they wanted to change the proposed amendments. If changes were made, then another Public Hearing would be required. Attorney Hartzog noted adopting the proposed changes the same day would require a higher percentage of votes. Commissioner Wiggins inquired about hosting events during the pandemic and Cordeiro explained several vendors that are stakeholders in this change are exempt from the restrictions of gatherings, such as weddings. Attorney Hartzog stated he didn't think a change like the one proposed would require a Public Hearing. However, if it is a controversial subject, Public Hearings are encouraged. Cordeiro asked the he investigate and get back with him. Cordeiro agreed the Public Hearing may not be necessary but were encouraged for subject matters such as this. Mayor Flowers stated it was good to allow people to have the opportunity to sound off and express their concerns.

Commissioner Hedlund asked if the Public Hearing would have to be held by teleconference and Cordeiro stated it would, based on current mandates. This may change after July 24th. Cordeiro stated he has not received negative feedback over the virtual meetings but noted engaging in person is different than over the phone. Commissioner Redd stated she would like to have a Public Hearing next month. Cordeiro stated he would draft the language for 10pm on weekends.

MOTION: DIRECT TOWN ADMINISTRATOR TO DRAFT PROPOSED AMENDMENT TO NOISE ORDINANCE ALLOWING TO 10PM ON WEEKENDS AND SCHEDULE A PUBLIC HEARING FOR AUGUST 13, 2020

The motion was made by Commissioner Redd and was seconded by Commissioner Hedlund. The motion passed with three ayes and one nay from Commissioner Wiggins.

Scott Turner was permitted to speak for his scheduled Citizens' Comments. Mr. Turner thanked the Board for allowing him to speak. His concern was the Noise Ordinance regarding construction noises. The Noise Ordinance allowed for construction on weekdays from 7am to 8pm and on weekends from 8am to 6pm. Mr. Turner felt this was too much, especially with people now working from home and students taking classes at home. He felt this was hard on the community, especially on weekends. Mr. Turner requested the Board revisit the Noise Ordinance regarding construction considering the pandemic.

Mayor Flowers thanked Mr. Turner for his time. Cordeiro clarified Mr. Turner took issue with the time frames for construction noise as the construction was bothering him and his family. Mr. Turner's proposed modifications were 7am to 5pm on weekdays and 9am to

5pm on Saturdays. Commissioner Redd inquired if this would include decks and Cordeiro stated yes. Commissioner Redd clarified these changes would require a similar process as the request by the Victorian Youngsville and Cordeiro stated that was correct. Attorney Hartzog explained, other than zoning, most ordinance changes do not require a Public Hearing. However, most Boards hold Public Hearings to get feedback before making changes to the ordinances.

Concerns were expressed about limiting one person's rights for another. Commissioner Hedlund remembered when they had updated the Noise Ordinance, updating the allowable hours for construction. As it has been some time since the changes, it might be time to revisit this. Mayor Flowers noted during the summer, the heat was almost unbearable, so he understood having an earlier start time. Commissioner Hedlund wondered if they should change the hours to seasonal.

It was noted Mr. Turner lived in Patterson Woods. Commissioner Wiggins stated he has seen construction companies start as early as 6:30am. Cordeiro noted people are perturbed but we never get formal complaints that allow enforcement procedures. Commissioner Wiggins stated the construction doesn't bother most people unless it gets loud.

Mayor Flowers asked if the Board wanted to act or think on it and discuss it at their next Board Meeting. Commissioner Hedlund stated he wanted more time to think on it. He also wanted to wait to discuss the situation further when everyone was in attendance. Cordeiro stated he would reach out to people in the development community to see if Mr. Turner's proposed changes would adversely affect their business. Mayor Flowers noted that builders were contracted to build these homes within a specified amount of time, noting that weather could also be a factor. He agreed the construction shouldn't start earlier than the allotted time frame but there wasn't a lot the Town could do if the violations weren't reported. Commissioner Redd stated she was not interested in making changes at this time. The Board decided to discuss this further next month.

The next item on the agenda was New Business. The first item under New Business was the 2019 Tax Collector's Settlement Report. Hurd stated the Settlement Report was a yearly summary of tax collections for FYE 2020.

The first Report is the Preliminary Settlement Report. This includes a list of persons still owing both real and personal property tax for 2019.

The second Report is the "Settlement for Current Taxes for FY 2019/2020" that includes all charges (billing, interest, penalties, etc.) and credits (payments, releases, past due taxes, etc.) to the Tax Collector.

The third Report is the "Settlement for Delinquent Taxes for Tax Years 1998 – 2018". This also includes charges and credits to the Tax Collector for all the delinquent accounts from previous tax years. Included in the credits on this Report is the principal amount of taxes determined to be insolvent and allowed as credits by the Board. There is an attached list that contains delinquent personal property taxes that have been due for over five years and are owed by deceased taxpayers, businesses that are no longer in business,

or taxpayers that no longer own the personal property that was taxed. The taxes are not liens upon real estate. There is a Resolution approving the Settlement with the Tax Collector for Insolvents that will need to be adopted as well.

Hurd noted that just because a tax is listed on the Insolvent list does not mean that she cannot collect it if the opportunity arises. If she happens to find someone on this list and can contact them to collect the money, she will. Hurd noted this happened with Debt Setoff earlier this year.

Hurd stated the total 2019 Taxes placed in her hands were \$1,536,059.49. Credits include payments totaling \$1,526,840.76, releases totaling \$604.50, outstanding 2019 real property taxes totaling 8,055.47 and outstanding 2019 personal property totaling \$558.76.

Hurd stated prior year's delinquent taxes included \$105,895.19 placed in her hands. Credits include payments totaling \$82,812.50, releases totaling \$215.69, outstanding real and personal property taxes in the amount of \$21,759.84 and insolvent taxes totaling \$1,107.16. Hurd explained there was a list of insolvents, including the year and reason they are considered uncollectable.

Hurd stated there was a Resolution to approve the Settlement with the Tax Collector for insolvents. She explained the Order of Collection was needed for her to bill the 2020 taxes. Hurd stated that she was working on balancing a preliminary tax scroll but has not yet received the billing tax scroll.

MOTION: ADOPT RESOLUTION APPROVING THE SETTLEMENT WITH THE TAX COLLECTOR FOR INSOLVENTS

The motion was made by Commissioner Hedlund and was seconded by Commissioner Redd. Commissioner Redd noted Hurd was doing an amazing job. The motion passed unanimously.

The second item under New Business was the Order of Collection.

MOTION: APPROVE THE ORDER OF COLLECTION

The motion was made by Commissioner Redd and was seconded by Commissioner Hedlund. The motion passed unanimously.

The third item under New Business was a presentation of Annexation Petition 2020-2 from Franklin McLeod for 104 Tarboro Road. Hurd stated the property was five acres located beside the Dollar General. It will be considered a satellite annexation. As they wish to develop the property, Franklin McLeod had to petition for voluntary annexation based on current policy.

The fourth item under New Business was a Resolution directing the Town Clerk to investigate Annexation Petition 2020-2 from Franklin McLeod for 104 Tarboro Road.

MOTION: APPROVE RESOLUTION DIRECTING TOWN CLERK TO INVESTIGATE ANNEXATION PETITION 2020-2 – FRANKLIN MCLEOD – 104 TARBORO ROAD

The motion was made by Commissioner Hedlund and was seconded by Commissioner Wiggins. The motion passed unanimously. Commissioner Wiggins inquired about the property and Klinger explained it would be a self-storage facility. She explained the Board had approved their high-density watershed permit a few months ago. When asked, Klinger stated this was a new facility and not an expansion of the facility across the street.

The fifth item under New Business was the presentation of the Certificate of Sufficiency for Annexation Petition 2020-2 from Franklin McLeod for 104 Tarboro Road. Hurd stated she received the annexation petition in a timely manner and was able to move forward with her investigation. As everything was in order, she was able to present the Certificate of Sufficiency.

The sixth item under New Business was a Resolution fixing the date of the Public Hearing on the question of annexation pursuant to G.S. 160A-31 for Annexation Petition 2020-2 from Franklin McLeod for 104 Tarboro Road. Hurd stated the Public Hearing would be held during the August 13th Board Meeting.

MOTION: APPROVE THE RESOLUTION FIXING THE DATE OF THE PUBLIC HEARING ON THE QUESTION OF ANNEXATION - ANNEXATION PETITION 2020-2 - FRANKLIN MCLEOD - 104 TARBORO ROAD

The motion was made by Commissioner Wiggins and was seconded by Commissioner Redd. The motion passed unanimously.

The next item on the agenda was Reports and Other Business. Mayor Flowers stated he was ready for the pandemic to be over so everything will get back to normal. He stated the new Keys to the City look great.

Cordeiro stated everything was going well with the new Public Works facility. He noted the design is almost complete and has been turned over to the engineer for construction plans to be drawn. The Town has received environmental approval from the Army Corp of Engineers, and they are still waiting on approval from the State. Cordeiro expected the steel to arrive in late September or early October. They should be able to break ground around the same time. He stated work should be completed by late January or early February.

Cordeiro stated he was still in negotiations with NC DOT for the Main Street Improvements Project (MSIP) for an agreement to reimburse the Town within our set timeframe. This will help the Town proceed as quickly as possible.

Cordeiro summarized Staff was preparing to amend the amplified sounds for 10pm and the Public Hearing would be scheduled for next month.

Cordeiro stated the Town added a new Fleet Mechanic, Dyron Kearny, to staff. Mr. Kearney has already saved the Town money in repairs and felt he would be a good member of the Town team. Cordeiro stated the Police Department has been recruiting as well. They will select for their Administrative Specialist soon out of a high-quality pool of applicants. The Police Officer position also has high-quality candidates. Cordeiro stated they still needed to complete some background information. He noted the competitive compensation, as well as dedicating necessary resources, has helped in the recruiting process. Cordeiro stated these efforts have been appreciated.

Commissioner Hedlund noted there was a pothole across from the one he previously mentioned. He noted NC DOT had repaired the one at the stoplight. Cordeiro stated he continues to work with NC DOT. He noted the new fiscal year had just begun, which may net better results. Commissioner Hedlund stated both potholes were very deep.

Commissioner Hedlund asked for updates on the new building on SW Railroad Street, which is supposed to be an antique store. Klinger stated they were working on getting their final inspections. Commissioner Redd noted one of the owners had been on site earlier in the day. Klinger explained there were some problems with the stormwater drainage as the contractor had installed it on the neighboring property. She stated they were in the process of getting that corrected.

Commissioner Wiggins noted the owners had come before the Board of Adjustment for permission to conduct their business out of their home on Main Street for approximately eighteen months. He stated it has been four years and the materials are still stacked up around their house. Commissioner Wiggins stated they are running a cleaner at least one or two morning each week. Cordeiro asked for clarification on the locations. Mayor Flowers asked Cordeiro and Hurd to investigate. Commissioner Wiggins stated they had added a substantial storage building behind their house. He noted they also have material stored on the old Town Hall property that has been there for years. Klinger stated the storage building was permitted. Commissioner Wiggins stated they have started filling the building with materials.

Commissioner Redd stated Chief Whitley was doing a great job. Everything seems to be going good here in Youngsville. She was happy the Town was able to hire a Fleet Manager. Commissioner Redd stated she has two new neighbors, noting the number of new people moving to Youngsville.

Commissioner Hedlund thanked Mayor Flowers and Jim Moss for their help on the road cleanup a couple of weeks ago. They totaled twenty-eight bags during an extremely hot day. Commissioner Redd thanked everyone for their help in keeping the roads of Youngsville clean. Commissioner Hedlund stated he may need more help soon.

Commissioner Hedlund noted East Woods of Patterson was having the remaining portion of sidewalks installed, which will run the length of Blue Heron Drive.

Klinger read the Planning Report into the record. During June, there were 14 permit applications and 14 permits were issued; six for new homes, four for accessory structures, two for new signs, one for a business upfit and one for a sewer line replacement. There were two site plan submittals; one for a new business (Coolwick Warehouse) at 80 Weathers Street and one for an expansion for Wake Electric at 228 Park Avenue. Three Certificates of Compliance were issued.

Over 50 new signs were identified via the expenditure of eight staff hours during focused sign sweeps. Over 40 illegal signs were immediately removed by town staff during those sweeps. Two notice of violations were mailed for illegal signs. Both were mailed to LGI Homes for off-premises signage; one at US #1 and Holden Road and the other just west of US 1A on Holden Road. The first notice has a correction date of July 13th and the second has a correction date of July 24th. Penalties will be assessed for any illegal signage placed by this company moving forward.

A notice of violation was issued for pallets left in the right of way at 321 N Nassau Street. This violation has been remedied. Two notices of violation were issued for trash and debris with a deadline of July 10th to have the violation removed. A notice of violation was also issued for a junk vehicle with a remediation date of July 10th.

Klinger noted there will be text amendments coming soon regarding the Youngsville Development Ordinance (YDO). She explained Rick Flowe had mentioned these during the YDO process.

Chief Whitley read the Police Department Report into the record. The Youngsville Police Department recorded 422 calls for service during the month of June compared to 277 calls during the same month last year. Of those 287 calls for service, 19 reports were taken, and 117 citations were written. Chief Whitley noted there was not a rise in crime in Youngsville, these numbers just reflect a change in the way they must report to the Federal Government.

During June 2020 the Youngsville Police Department investigated 12 motor vehicle collisions as compared to 13 in the same month last year. There were two hit and runs reported. There were two minor injuries reported this month.

Our agency's traffic safety initiative continued through June with the following enforcement actions taken between June 25 and July 1, 2020.

Speeding >15mph	10
Speeding <15mph	11
Stop Sign Violations	5
Turn Sign Violations	1
No Operator's License	3
Driving While License Revoked	1
Window Tint	1
Expired Registration	1
Total Enforcement Actions	33

There has been a notable decrease in observed violations on our side streets during this campaign, which resulted in officers expanding their efforts to include our primary points of ingress and egress through town.

A geographic breakdown of posted speed limit violations included:

- Holden Road – Officers issued 10 speeding citations and 18 written warnings for speeding. The highest observed speed was 58 MPH.
- NC 96 Highway/S Nassau Street (coming into town) – Officers issued 5 speeding citations and 18 written warnings. The highest observed speed was 53 MPH.
- Youngsville Blvd – Officers issued 3 speeding citations and 18 written warnings. The highest observed speed was 55 MPH

Our participation in community events has been significantly impacted by the Governor's Executive Orders regarding social distancing and public gatherings due to Covid-19; however, our agency's vision to build community trust and partnerships through professional policing has remained constant. Officers have continued to actively visit local businesses to promote community policing as a means of building partnerships and crime prevention.

We are currently scheduled to hold our first National Night Out event on October 4, 2020. National Night Out is a program that partners business owners, citizens and law enforcement to enhance those relationships and promote community interaction. The evening will provide an opportunity for open communication between all involved as well as several fun and educational events.

Officers completed Situational Awareness/ Subject Control training at Wake technical Community College's law enforcement training facility. The course provided officers with highly realistic scenario-based training which focused on the proper application of use of force and de-escalation tactics to mitigate the use of force.

Mayor Flowers noted the change in the town limits sign by Holden Creek Preserve had decreased the speed further out. He inquired if there would be period of leniency and Chief Whitley stated the Officers were issuing warning tickets with the intention to advise when they will start issuing citations.

Commissioner Hedlund expressed concerns about the change in speed on US 1A South heading towards Wake Forest. The change in speed is not properly posted. Commissioner Wiggins clarified the area of concern and Cordeiro stated he would contact NC DOT.

Chief Whitley stated they did stop a man that was going 85MPH heading out of town. This man was arrested later, including other offenses. Mayor Flowers stated the people did speed a lot around here and it was dangerous. Commissioner Wiggins noted N Nassau Street was another high-speed area. He felt that most of them were coming from

the business in that area. Commissioners Wiggins and Hedlund stated they have noticed a decrease in speeders due to the enforcement action of the Police Department.

A Smith stated Kickball Season started this week and noted the first day was a success. He stated they partnered with Chargrill for concessions and it went very well. Isreal Meadows has been contracted to take over regular concessions.

A Smith stated he was working on rescheduling pickle ball classes. He hoped to have these started in August. He stated Fall Baseball registration will start the week of July 20th. They plan on doing adult baseball for the first time. When asked, A Smith stated there was no baseball going at this time. Commissioner Hedlund noted the hills at the Luddy Park were hard to maintain and felt it would make sense to hire a company that has better equipment due to the angle of the hill. R Smith stated it was not easy to maintain. Cordeiro stated he would get with R Smith regarding necessary equipment as he agreed we did not want staff doing anything unsafe.

Mayor Flowers inquired about the basketball courts. A Smith stated the new lights were included in the budget and he was working on getting the gates installed.

R Smith stated their new hire, Dyron Kearney, had 25 years' experience as a mechanic, with numerous certifications. Kearney also has his commercial driver's license (CDL) for heavy equipment. He has been able to help address urgent needs for the Public Works facility and will be instrumental in developing that building. Mr. Kearney was able to save the Town money today on mower repairs that would have cost approximately \$350. He is a very good local speaker and has a lot of potential.

R Smith stated the new uniforms will be a lighter grey, button-up shirt. They do have t-shirts coming in for warmer weather. R Smith stated they will be easily recognizable.

The next item on the agenda was Closed Session. Mayor Flowers stated there was no need for the Board to go into Closed Session.

The meeting adjourned at 8:08pm upon a motion made by Commissioner Wiggins, seconded by Commissioner Hedlund, and approved unanimously.



Town of Youngsville

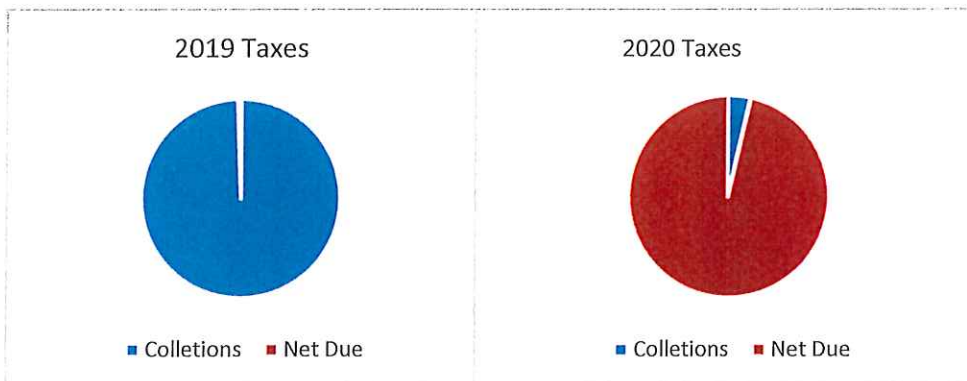
Memorandum

To: Board of Commissioners
From: Emily Hurd, Tax Collector
Date: 8/5/2020
Re: Monthly Tax Collection Report
Encl: Collections Rate Report

Please review and approve the below report of the July 2020 releases, adjustments, refunds, and tax collection report.

- Total release amount for July 2020 - \$0.00
- Total adjustment amount for July 2020 - \$0.00
- Total refund (overages) amount for July 2020 - \$0.00

As of July 31st, we have collected 99.45% of 2019 property taxes. On July 20th, we mailed 2020 Tax Bills in the amount of \$1,576,743.28. We collected 3.48% by the end of July.



We received payments from Franklin County Tax Office for June vehicle taxes in the amount of \$57,564.06.

Please do not hesitate to contact me if you have any questions or need more detailed information.

Collections Rate Report

TOWN OF YOUNGSVILLE

Tax Year	Charges	Collections	Net	Collections Percentage
1998	\$48.49	\$48.49	\$0.00	100.00%
1999	\$43.60	\$43.60	\$0.00	100.00%
2000	\$42.20	\$42.20	\$0.00	100.00%
2001	\$40.79	\$40.79	\$0.00	100.00%
2002	\$39.38	\$39.38	\$0.00	100.00%
2003	\$37.98	\$37.98	\$0.00	100.00%
2004	\$257.09	\$35.18	\$221.91	13.68%
2005	\$430.96	\$195.85	\$235.11	45.45%
2006	\$466.83	\$232.02	\$234.81	49.70%
2007	\$426.64	\$77.49	\$349.15	18.16%
2008	\$485.40	\$41.07	\$444.33	8.46%
2009	\$1,054.01	\$40.08	\$1,013.93	3.80%
2010	\$1,115.44	\$39.25	\$1,076.19	3.52%
2011	\$1,133.40	\$335.88	\$797.52	29.64%
2012	\$1,088.10	\$95.86	\$992.24	8.81%
2013	\$1,158.28	\$298.30	\$859.98	25.75%
2014	\$2,160.57	\$1,040.62	\$1,119.95	48.16%
2015	\$4,651.09	\$2,891.81	\$1,759.28	62.18%
2016	\$28,368.62	\$25,164.22	\$3,204.40	88.70%
2017	\$30,046.54	\$25,400.90	\$4,645.64	84.54%
2018	\$460,812.85	\$455,173.03	\$5,639.82	98.78%
2019	\$1,536,121.47	\$1,527,645.26	\$8,476.21	99.45%
2020	\$1,576,743.28	\$54,907.38	\$1,521,835.90	3.48%
Grand Totals:	\$3,646,773.01	\$2,093,866.64	\$1,552,906.37	57.42%



Youngsville Police Department

Post Office Box 190, Youngsville, North Carolina 27596

Phone: 919.925.3401 | Fax: 919.925.3403

MONTHLY REPORT JULY 2020

CALLS FOR SERVICE

The Youngsville Police Department recorded 511 calls for service during the month of July compared to 285 calls during the same month last year. Officers responded to one critical incident during this reporting period. On July 12, 2020 officers investigated a domestic dispute on Wolfpack Lane. Shortly after leaving the scene, the officers received a 911 call of "shots fired" to the same address, which was tragically the result of a murder and suicide.

MOTOR VEHICLE COLLISIONS

The Youngsville Police Department investigated 8 motor vehicle collisions compared to 6 in the same month last year. The collisions resulted in minor property damage with no injuries reported.

PATROL OPERATIONS

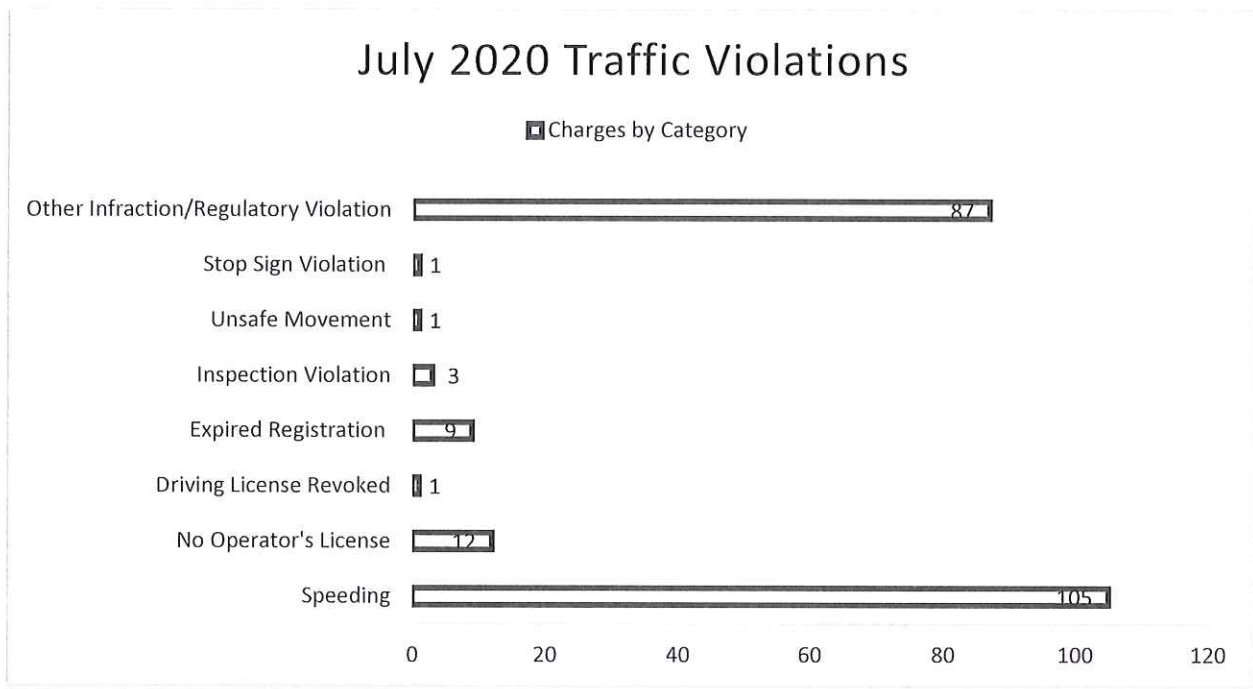
Officers continued their proactive enforcement efforts on our secondary streets and major points of ingress and egress along NC Highway 96, U.S. Route 1, and Youngsville Boulevard. A recent extension of the town wide speed limit of 35 miles per hour (MPH) on Holden Road along with the addition of new traffic control at some of our neighborhood intersections resulted in officers issuing several written warnings. In addition to the in-person notifications given by officers, we posted a Youngsville Police Department Facebook statement to inform our citizens and those traveling through town of these changes.

This month's patrol operations resulted in 81 written warnings and 163 citations issued with 219 charges total. Speeding and regulatory violations continue to account for most of the citations issued; however, these violations are primarily on our major thoroughfares as moving violations on secondary streets decreased significantly following the recent traffic safety campaign. While speeding violations have decreased on our secondary streets, there has been a substantial increase in traffic interdiction on our major thoroughfares as officers shift their patrol focus.



Youngsville Police Department
Post Office Box 190, Youngsville, North Carolina 27596
Phone: 919.925.3401 | Fax: 919.925.3403

Violations of note during this reporting period included officers issuing three citations on Winston Street ranging from 19 to 24 MPH over the posted speed and three citations on Holden Road ranging from 27 to 40 MPH over the posted speed.



The department recently purchased two portable traffic monitoring devices which should arrive in August. The devices will measure traffic volume, prevalence of speeding violations, and peak travel times which will increase the efficiency of our traffic operations and improve community safety. The devices can collect data passively or display motorists' speed in real time, along with a digital message that may be used to caution drivers of the posted speed and associated fines.

COMMUNITY POLICING

We canceled many of our community events because of Covid-19 and the associated social distancing constraints of the Governor's Executive Orders. Assistant Chief Kimball is working with National Night Out program coordinators to plan our department's inaugural event, which is scheduled for October 6, 2020.



Youngsville Police Department

Post Office Box 190, Youngsville, North Carolina 27596

Phone: 919.925.3401 | Fax: 919.925.3403

ADMINISTRATIVE, TRAINING AND OTHER ACTIVITIES

Officer Jason Steinbrunner successfully completed field training on July 16, 2020. Officer Steinbrunner is our first recruit to take part in the department's comprehensive three-phase field training program. A component of the program is a neighborhood portfolio project which requires the recruit to research a community related issue and develop a practical solution to address citizens' concerns. Officer Steinbrunner chose Laurel Oaks subdivision based on traffic-related issues in the neighborhood. Officer Steinbrunner will present his neighborhood project at the Youngsville Community House on August 12, 2020 at 5:00 PM.

Officer Brittany Strother took her Oath of Office on July 16, 2020. Officer Strother has five years of law enforcement experience with the Henderson Police Department, where she served as a field training officer. Ms. Strother has a B.A. in Business Administration from Campbell University. Officer Strother begins field training on August 10, 2020.

Brandon Lemons was the top candidate in our agency's Sergeant assessment center. Mr. Lemons has seventeen years of law enforcement experience with the Durham County Sheriff's Department, Butner Public Safety, NCDMV, and North Carolina Central University. Mr. Lemons has served as an accreditation officer and watch commander as part of the NCCU Police Department's command staff. He has served with the US Army, Army Reserve and NC National Guard since 1997 and holds the rank of Major, Logistical Officer. Mr. Lemons has a B.A. in Exercise and Sports Science from UNC Greensboro and a M.A. in Human Services and Executive Leadership from Liberty University. He has an expected start date of August 24, 2020.

Ashlie Pippin was the top candidate in our agency's Administrative Specialist process. Ms. Pippin has six years of experience with NCSU Police Department where she served as an Emergency Communications Training Officer. Ms. Pippin has an A.L.A. from Mercyhurst College and a B.A. in Criminal Justice from Park Point University. Her start date is on August 10, 2020.



Town of Youngsville

Planning Staff Report

To: Youngsville Board of Commissioners
From: Erin Klinger, Planning and Zoning Administrator
Date: August 10, 2020
Re: Planning Staff Report – July 2020

During the month of July, there were:

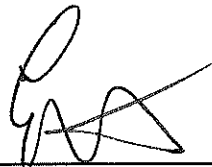
- 11 permit applications submitted and issued; 4 for new homes, 2 for fences, 2 for signs, 1 for an accessory building, 1 for a home occupation, and 1 to add a covered walkway at a church.
- 3 certificates of compliance (COCs) were issued.
- Over 10 illegal signs were immediately removed by town staff during focused sign sweeps.
- Four notices of violation (NOVs) were mailed for illegal signs. Two were for off-premise signs located at the intersection of Holden Road and US-1. These signs have since been removed. The other two were for feather signs at Majestic Marble and Greater Grace Christian Church. Both signs have since been removed.

Bill Release Report

Account Number: 1630
Customer Name: Bayer Healthcare LLC
Transaction Description: Release \$1279.22 to correct value
Transaction Date: 7/31/2020
Operator: 2
User: ehurd
New Bill Balance: \$7,713.77

Bill Date	Customer Name	Due Date	Revenue	Bill Balance	Release Amount
	Bayer Healthcare LLC		Merchant Capital	\$8,992.99	\$1,279.22
			Grand Totals:	\$8992.99	\$1279.22

Signature:



Franklin County Tax Office
 P.O. BOX 503
 Louisburg NC 27549



2020 PROPERTY TAX NOTICE
 IMPORTANT - PLEASE READ
 DUE DATE - 01, 2020
 0.50% dis
 INTEREST - / following mon
 FAILURE TO / collection proc
 wages, and st advertisement;
 INSTALLMENTS Account must money order, i
 ESCROW/MORTI ensuring full p institution, mal date.
 PROPERTY SOL forward this la
 PERSONAL PRG be received will

Handwritten:
 1,372,976
 1,177,674

 195,300
 ÷ 100
 X .655

 1,279.20

Handwritten:
 Send 1630
 revised
 B.N

BAYER HEALTHCARE LLC
 C/O DUCHARME MCMILLEN
 & ASSOCIATES
 P O BOX 80615
 INDIANAPOLIS IN 46280

ACCOUNT NUMBER	BILL NUMBER	PARCEL ID	BILLING DATE
14794	2043421	P66995	07/16/2020
REAL VALUE:	\$0	LOCATION: N/A	
PERSONAL PROPERTY VALUE:	\$1,177,676	ACRE OR LOT: N/A	
DEFERRED VALUE:	\$0		
EXEMPTION:	\$0		
NET TAXABLE VALUE:	\$1,177,676		
Corrected Value			
RETURN CHECK CHARGE: 10% of the amount of the check or \$25.00 whichever is greater will be charged for any check returned for insufficient funds or non-existence of an account. Tax receipts are null and void if payments is made with a check that fails to clear the bank.			
ONLINE: https://ccpaymentservice.com/FranklinTax/ BY PHONE: 919-277-2242 Cards also accepted at counter in office.			
CC Payment Service charges a non-refundable fee for processing payments. The fee is 2.25%, \$2.25 minimum. You will need your tax year, tax account number and bill number in order to make a payment by phone.			
Visit us at www.franklincountync.us/services/tax			
DESCRIPTION OF CHARGES	TAX RATE	AMOUNT DUE	
FRANKLIN COUNTY TAX	0.8050	11,052.46	
YOUNGSVILLE FIRE TAX	0.0900	1,235.68	
TOTAL TAX		12,288.14	
PAYMENTS/CREDITS		-1,747.94	
IF PAID BY AUG 31, PAY THIS AMOUNT		10,487.50	
TOTAL DUE		10,540.20	

OFFICE HOURS: 8:00 AM - 5:00 PM, MONDAY - FRIDAY - WHEN CALLING PLEASE HAVE YOUR ACCOUNT NUMBER AVAILABLE!
 OFFICE ADDRESS: 215 E. Nash Street P.O. BOX 503, Louisburg, NC 27549
 OFFICE PHONE: (919) 496-2172 (Option 2)

Bill Number: 2043421

PLEASE RETURN THIS PORTION WITH YOUR TAX PAYMENT

PARCEL ID: P66995

2020 PROPERTY TAX NOTICE

ACCT #	BILLING DATE	DUE DATE	INT BEGINS	TOTAL AMOUNT DUE
14794	07/16/2020	09/01/2020	01/05/2021	IF PAID BY 08/31/2020
				10,487.50
				TOTAL DUE
				10,540.20
				AMOUNT PAID

BAYER HEALTHCARE LLC
 C/O DUCHARME MCMILLEN & ASSOCIATES
 P O BOX 80615
 INDIANAPOLIS IN 46280

MAKE CHECK OR MONEY ORDER PAYABLE & REMIT TO:
 (Include the account # on your payment)
 Franklin County Tax Office
 P.O. BOX 503
 Louisburg NC 27549

000202020020434217000104875000010487500

HARTZOG LAW GROUP
1903 N. Harrison Avenue
Suite 200
Cary, NC 27513
hartzoglawgroup.com



DAN M. HARTZOG, JR.
Attorney at Law
DIRECT DIAL/FAX: 919-480-2450
dhartzogjr@hartzoglawgroup.com

July 30, 2020

Department of State Treasurer
Local Government Commission
3200 Atlantic Avenue
Raleigh, North Carolina 27604

Re: Town of Youngsville, Financing of Public Works Facility Construction and Town Hall Refinance and Renovation (\$2,436,768) Pursuant to N.C. Gen. Stat. 160A-20

Gentlemen:

We are counsel for the Town of Youngsville, North Carolina, and as such, are familiar with its organization and operation. We are familiar with the official action on the part of its Board of Commissioners in connection with the financing by Town of Youngsville under N.C. Gen. Stat. 160A-20 of the Town of Youngsville's Public Works Facility construction and Town Hall renovation project, including the refinancing of existing debt incurred for the purchase of the Town Hall building and property which is now part of this project.

In connection with this opinion letter, we have examined:

- A. Drafts of the financing documents;
- B. Resolutions of the Board of Commissioners;
- C. Article V of the North Carolina Constitution and the appropriate provisions of Chapters 159 and 160A of the General Statutes; and
- D. Such other documents as we deemed relevant or necessary in rendering this opinion.

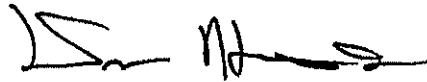
Based upon the examination described above, we are of the opinion:

- (1) That the Town of Youngsville has the power and authority to enter into the transaction to finance the project under the provisions of N.C. Gen. Stat. 160A-20;

- (2) That the appropriate documents have been and/or will be duly authorized by all necessary action on the part of the Board of Commissioners and when duly executed and delivered, will be valid and binding obligations of the Town of Youngsville in accordance with the terms of the documents except that the enforceability may be limited by bankruptcy, insolvency or similar laws affecting creditors' rights generally, as such laws would apply in the event of bankruptcy, insolvency, reorganization or liquidation of, or other similar occurrence with respect to the Town or in the event of any moratorium, temporary injunction or similar occurrence affecting the Town;
- (3) That the proposed undertaking by Town of Youngsville is authorized by laws and does constitute a public purpose under the Constitution of the State of North Carolina;
- (4) That all necessary and appropriate actions by the Board have been and/or will be taken including a public hearing, if required, and that such public hearing as conducted, met/will meet fundamental requirements of the statutes;
- (5) That the Notice for a Public Hearing is, or will be, timely and sufficient to identify the matter (contract) to be considered; and
- (6) That the Town of Youngsville has followed and/or will follow applicable bid law requirements in full compliance with applicable public bid statutes.

We are members of the Bar of the State of North Carolina and we do not purport to express any opinion except as to the laws of the State of North Carolina.

Sincerely,



Dan Hartzog Jr.
Michael B. Cohen

cc: Phillip Cordeiro, Town Administrator
Kari Patton-Motluck, Finance Director

LOAN NUMBER	LOAN NAME	ACCT. NUMBER	NOTE DATE	INITIALS
1511336	TOWN OF YOUNGSVILLE	T0019440	10/01/20	SWH
NOTE AMOUNT	INDEX (w/Margin)	RATE	MATURITY DATE	LOAN PURPOSE
\$2,436,768.00	Not Applicable	2.500%	10/01/41	Commercial
Creditor Use Only				

PROMISSORY NOTE
(Commercial - Draw)

DATE AND PARTIES. The date of this Promissory Note (Note) is October 1, 2020. The parties and their addresses are:

LENDER:

UNION BANK
978 US 1 HWY
Youngsville, NC 27596
Telephone: (919) 554-0824

BORROWER:

TOWN OF YOUNGSVILLE
PO BOX 190
YOUNGSVILLE, NC 27596-0190

1. DEFINITIONS. As used in this Note, the terms have the following meanings:

- A. **Pronouns.** The pronouns "I," "me," and "my" refer to each Borrower signing this Note and each other person or legal entity (including guarantors, endorsers, and sureties) who agrees to pay this Note. "You" and "Your" refer to the Lender, any participants or syndicators, successors and assigns, or any person or company that acquires an interest in the Loan.
- B. **Note.** Note refers to this document, and any extensions, renewals, modifications and substitutions of this Note.
- C. **Loan.** Loan refers to this transaction generally, including obligations and duties arising from the terms of all documents prepared or submitted for this transaction such as applications, security agreements, disclosures or notes, and this Note.
- D. **Loan Documents.** Loan Documents refer to all the documents executed as a part of or in connection with the Loan.
- E. **Property.** Property is any property, real, personal or intangible, that secures my performance of the obligations of this Loan.
- F. **Percent.** Rates and rate change limitations are expressed as annualized percentages.
- G. **Dollar Amounts.** All dollar amounts will be payable in lawful money of the United States of America.

2. PROMISE TO PAY. For value received, I promise to pay you or your order, at your address, or at such other location as you may designate, amounts advanced from time to time under the terms of this Note up to the maximum total principal balance of \$2,436,768.00 (Principal) plus interest from the date of disbursement, on the unpaid outstanding Principal balance until this Note matures or this obligation is accelerated.

All advances made will be made subject to the terms of a separate construction loan agreement and all other terms and conditions of the Loan.

3. INTEREST. Interest will accrue on the unpaid Principal balance of this Note at the rate of 2.500 percent (Interest Rate).

- A. **Interest After Default.** If you declare a default under the terms of the Loan, including for failure to pay in full at maturity, you may increase the Interest Rate payable on the outstanding Principal balance of this Note. In such event, interest will accrue at the variable rate of the Wall Street Journal US Prime Rate (Default Index) plus 5.00% and will change from time to time as the Default Index changes.
- B. **Maximum Interest Amount.** Any amount assessed or collected as interest under the terms of this Note will be limited to the maximum lawful amount of interest allowed by applicable law. Amounts collected in excess of the maximum lawful amount will be applied first to the unpaid Principal balance. Any remainder will be refunded to me.
- C. **Statutory Authority.** The amount assessed or collected on this Note is authorized by the North Carolina usury laws under N.C. Gen. Stat. § 24-1.1.
- D. **Accrual.** Interest accrues using an Actual/360 days counting method.

4. ADDITIONAL CHARGES. As additional consideration, I agree to pay, or have paid, these additional fees and charges.

- A. **Nonrefundable Fees and Charges.** The following fees are earned when collected and will not be refunded if I prepay this Note before the scheduled maturity date.
 - Bank Counsel Fees. A(n) Bank Counsel Fees fee of \$4,000.00 payable from separate funds on or before today's date.
 - Flood Certification. A(n) Flood Certification fee of \$20.00 payable from separate funds on or before today's date.
 - Appraisal. A(n) Appraisal fee of \$5,000.00 payable from separate funds on or before today's date.

5. REMEDIAL CHARGES. In addition to interest or other finance charges, I agree that I will pay these additional fees based on my method and pattern of payment. Additional remedial charges may be described elsewhere in this Note.

- A. **Late Charge.** If a payment is more than 15 days late, I will be charged 4.000 percent of the Amount of Payment. I will pay this late charge promptly but only once for each late payment.

6. PAYMENT. I will make 12 payment(s) of Interest beginning November 1, 2020 and on the 1st day of each month thereafter. I will make 40 payment(s) of Principal and Interest of the lesser of \$78,047.64, or accrued interest and so much of the Note Amount as may be advanced, beginning April 1, 2022 and on the 1st day in each 6th month thereafter.



Payments will be rounded to the nearest \$.01. With the final payment I also agree to pay any additional fees or charges owing and the amount of any advances you have made to others on my behalf. Payments scheduled to be paid on the 29th, 30th or 31st day of a month that contains no such day will, instead, be made on the last day of such month.

Interest only payments will be applied first to any charges I owe other than late charges, then to accrued, but unpaid interest, then to late charges. Principal only payments will be applied first to the amount of the scheduled Principal payment, then to any late charges.

Payments of Principal and interest will be applied first to escrow that is due, then to interest that is due, then to principal that is due, then to late charges that are due, and finally to any charges that I owe other than principal and interest. If you and I agree to a different application of payments, we will describe our agreement on this Note. You may change how payments are applied in your sole discretion without notice to me. The actual amount of my final payment will depend on my payment record.

7. **PREPAYMENT.** If I prepay in full or if I prepay in part, I will pay a prepayment penalty of 1% of the current principal balance prepaid during the first 60 months after the date of this Note. However, the Loan may be prepaid, in full or in part, without a prepayment penalty, if I request, in writing, that the prepayment penalty be waived and, thereafter, a full or partial prepayment of principal is made (i) with funds generated from my cash flow, cash reserves, or other investments, (ii) with the personal funds of any guarantor of the Loan, or (iii) with proceeds from a bona fide sale of any of the Property to an unrelated third party. Funds derived directly or indirectly from proceeds of any loan to me or any guarantor (regardless of the identity of the lender) will not qualify to avoid application of the prepayment penalty. By way of example, but not by way of limitation, the term "unrelated third party" does not include (i) me or any guarantor of the Loan, (ii) any business entity controlled by, under the control of, or under common control with me or any guarantor of the Loan, or (iii) any business entity in which I or any guarantor of the Loan has or is expected to acquire an ownership interest. I will be responsible for establishing the source of funds used to prepay the Loan to your reasonable satisfaction and, if those funds are derived from the sale of any of the Property, establishing to your reasonable satisfaction that the sale is a bona fide sale to an unrelated third party. In the application of this provision, you will act in good faith and in a commercially reasonable manner.

8. **LOAN PURPOSE.** The purpose of this Loan is to finance the construction of a new public works facility, refinance an outstanding loan on town hall and fund renovations to town hall.

9. **ADDITIONAL TERMS.** Borrower represents that it has contributed cash or unencumbered readily marketable assets or has paid development expense out of pocket in an amount equal to at least 15% of the appraised "as completed" value of the project ("Initial Capital"). The appraised "as completed" value shall be determined by an appraisal prepared for the Bank in accordance with the loan commitment. Through the life of the interim construction loan, Borrower agrees that it will continuously maintain the Initial Capital and retain such Initial Capital until this interim construction loan is converted to permanent financing, the project is sold, or this facility is paid in full.

10. **SECURITY.** The Loan is secured by separate security instruments prepared together with this Note as follows:

Document Name	Parties to Document	Date of Security Document
Deed Of Trust - South College Street, Youngsville, NC 27596	TOWN OF YOUNGSVILLE	October 1, 2020
Deed Of Trust - 134 US 1A Hwy, Youngsville, NC 27596	TOWN OF YOUNGSVILLE	October 1, 2020

11. **LIMITATIONS ON CROSS-COLLATERALIZATION.** The Loan is not secured by a previously executed security instrument if a non-possessory, non-purchase money security interest is created in "household goods" in connection with a "consumer loan," as those terms are defined by federal law governing unfair and deceptive credit practices. The Loan is not secured by a previously executed security instrument if you fail to fulfill any necessary requirements or fail to conform to any limitations of the Real Estate Settlement Procedures Act, (Regulation X), that are required for loans secured by the Property or if, as a result, the other debt would become subject to Section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007.

The Loan is not secured by a previously executed security instrument if you fail to fulfill any necessary requirements or fail to conform to any limitations of the Truth in Lending Act, (Regulation Z), that are required for loans secured by the Property.

12. **DEFAULT.** I will be in default if any of the following events (known separately and collectively as an Event of Default) occur:

- A. **Payments.** I fail to make a payment in full when due.
- B. **Insolvency or Bankruptcy.** The death, dissolution or insolvency of, appointment of a receiver by or on behalf of, application of any debtor relief law, the assignment for the benefit of creditors by or on behalf of, the voluntary or involuntary termination of existence by, or the commencement of any proceeding under any present or future federal or state insolvency, bankruptcy, reorganization, composition or debtor relief law by or against me or any co-signer, endorser, surety or guarantor of this Note or any other obligations I have with you.
- C. **Failure to Perform.** I fail to perform any condition or to keep any promise or covenant of this Note.
- D. **Other Documents.** A default occurs under the terms of any other Loan Document.
- E. **Other Agreements.** I am in default on any other debt or agreement I have with you.
- F. **Misrepresentation.** I make any verbal or written statement or provide any financial information that is untrue, inaccurate, or conceals a material fact at the time it is made or provided.
- G. **Judgment.** I fail to satisfy or appeal any judgment against me.
- H. **Forfeiture.** The Property is used in a manner or for a purpose that threatens confiscation by a legal authority.
- I. **Name Change.** I change my name or assume an additional name without notifying you before making such a change.
- J. **Property Transfer.** I transfer all or a substantial part of my money or property.
- K. **Property Value.** You determine in good faith that the value of the Property has declined or is impaired.
- L. **Insecurity.** You determine in good faith that a material adverse change has occurred in my financial condition from the conditions set forth in my most recent financial statement before the date of this Note or that the prospect for payment or performance of the Loan is impaired for any reason.

13. **DUE ON SALE OR ENCUMBRANCE.** You may, at your option, declare the entire balance of this Note to be immediately due and payable upon the creation of, or contract for the creation of, any lien, encumbrance, transfer or sale of all or any part of the Property. This right is subject to the restrictions imposed by federal law, as applicable.

14. **WAIVERS AND CONSENT.** To the extent not prohibited by law, I waive protest, presentment for payment, demand, notice of acceleration, notice of intent to accelerate and notice of dishonor.

A. **Additional Waivers By Borrower.** In addition, I, and any party to this Note and Loan, to the extent permitted by law, consent to certain actions you may take, and generally waive defenses that may be available based on these actions or based on the status of a party to this Note.

- (1) You may renew or extend payments on this Note, regardless of the number of such renewals or extensions.
- (2) You may release any Borrower, endorser, guarantor, surety, accommodation maker or any other co-signer.
- (3) You may release, substitute or impair any Property securing this Note.
- (4) You, or any institution participating in this Note, may invoke your right of set-off.
- (5) You may enter into any sales, repurchases or participations of this Note to any person in any amounts and I waive notice of such sales, repurchases or participations.
- (6) I agree that any of us signing this Note as a Borrower is authorized to modify the terms of this Note or any instrument securing, guarantying or relating to this Note.

B. **No Waiver By Lender.** Your course of dealing, or your forbearance from, or delay in, the exercise of any of your rights, remedies, privileges or right to insist upon my strict performance of any provisions contained in this Note, or any other Loan Document, shall not be construed as a waiver by you, unless any such waiver is in writing and is signed by you.

15. **REMEDIES.** After I default, you may at your option do any one or more of the following.

- A. **Acceleration.** You may make all or any part of the amount owing by the terms of this Note immediately due.
- B. **Sources.** You may use any and all remedies you have under state or federal law or in any Loan Document.
- C. **Insurance Benefits.** You may make a claim for any and all insurance benefits or refunds that may be available on my default.
- D. **Payments Made On My Behalf.** Amounts advanced on my behalf will be immediately due and may be added to the balance owing under the terms of this Note, and accrue interest at the highest post-maturity interest rate.
- E. **Termination.** You may terminate my rights to obtain advances or other extensions of credit by any of the methods provided in this Note.
- F. **Set-Off.** You may use the right of set-off. This means you may set-off any amount due and payable under the terms of this Note against any right I have to receive money from you.

My right to receive money from you includes any deposit or share account balance I have with you; any money owed to me on an item presented to you or in your possession for collection or exchange; and any repurchase agreement or other non-deposit obligation. "Any amount due and payable under the terms of this Note" means the total amount to which you are entitled to demand payment under the terms of this Note at the time you set-off.

Subject to any other written contract, if my right to receive money from you is also owned by someone who has not agreed to pay this Note, your right of set-off will apply to my interest in the obligation and to any other amounts I could withdraw on my sole request or endorsement.

Your right of set-off does not apply to an account or other obligation where my rights arise only in a representative capacity. It also does not apply to any Individual Retirement Account or other tax-deferred retirement account.

You will not be liable for the dishonor of any check when the dishonor occurs because you set-off against any of my accounts. I agree to hold you harmless from any such claims arising as a result of your exercise of your right of set-off.

G. **Waiver.** Except as otherwise required by law, by choosing any one or more of these remedies you do not give up your right to use any other remedy. You do not waive a default if you choose not to use a remedy. By electing not to use any remedy, you do not waive your right to later consider the event a default and to use any remedies if the default continues or occurs again.

16. **COLLECTION EXPENSES AND ATTORNEYS' FEES.** On or after the occurrence of an Event of Default, to the extent permitted by law, I agree to pay all expenses of collection, enforcement or protection of your rights and remedies under this Note or any other Loan Document. Expenses include, but are not limited to, reasonable attorneys' fees not exceeding 15 percent of the outstanding balance of this Note. These expenses are due and payable immediately. If not paid immediately, these expenses will bear interest from the date of payment until paid in full at the highest interest rate in effect as provided for in the terms of this Note. All fees and expenses will be secured by the Property I have granted to you, if any. In addition, to the extent permitted by the United States Bankruptcy Code, I agree to pay the reasonable attorneys' fees incurred by you to protect your rights and interests in connection with any bankruptcy proceedings initiated by or against me.

17. **COMMISSIONS.** I understand and agree that you (or your affiliate) will earn commissions or fees on any insurance products, and may earn such fees on other services that I buy through you or your affiliate.

18. **WARRANTIES AND REPRESENTATIONS.** I have the right and authority to enter into this Note. The execution and delivery of this Note will not violate any agreement governing me or to which I am a party.

19. **APPLICABLE LAW.** This Note is governed by the laws of North Carolina, the United States of America, and to the extent required, by the laws of the jurisdiction where the Property is located, except to the extent such state laws are preempted by federal law.

20. **JOINT AND SEVERAL LIABILITY AND SUCCESSORS.** My obligation to pay the Loan is independent of the obligation of any other person who has also agreed to pay it. You may sue me alone, or anyone else who is obligated on the Loan, or any number of us together, to collect the Loan. Extending the Loan or new obligations under the Loan, will not affect my duty under the Loan and I will still be obligated to pay the Loan. This Note shall inure to the benefit of and be enforceable by you and your successors and assigns and shall be binding upon and enforceable against me and my successors and assigns.

21. **AMENDMENT, INTEGRATION AND SEVERABILITY.** This Note may not be amended or modified by oral agreement. No amendment or modification of this Note is effective unless made in writing. This Note and the other Loan Documents are the complete and final expression of the agreement. If any provision of this Note is unenforceable, then the unenforceable provision will be severed and the remaining provisions will still be enforceable. No present or future agreement securing any other debt I owe you will secure the payment of this Loan if, with respect to this loan, you fail to fulfill any necessary requirements or fail to conform to any limitations of the Truth in Lending Act (Regulation Z) or the Real Estate Settlement Procedures Act (Regulation X) that are required for loans secured by the Property or if, as a result, this Loan would become subject to Section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007.

22. **INTERPRETATION.** Whenever used, the singular includes the plural and the plural includes the singular. The section headings are for convenience only and are not to be used to interpret or define the terms of this Note.

23. **NOTICE, FINANCIAL REPORTS AND ADDITIONAL DOCUMENTS.** Unless otherwise required by law, any notice will be given by delivering it or mailing it by first class mail to the appropriate party's address listed in the DATE AND PARTIES section, or to any other address designated in writing. Notice to one Borrower will be deemed to be notice to all Borrowers. I will inform you in writing of any change in my name, address or other application information. I will provide you any correct and complete financial statements or other information you request. I agree to sign, deliver, and file any additional documents or certifications that you may consider necessary to perfect, continue, and preserve my obligations under this Loan and to confirm your lien status on any Property. Time is of the essence.

24. CREDIT INFORMATION. I agree to supply you with whatever information you reasonably request. You will make requests for this information without undue frequency, and will give me reasonable time in which to supply the information.

25. ERRORS AND OMISSIONS. I agree, if requested by you, to fully cooperate in the correction, if necessary, in the reasonable discretion of you of any and all loan closing documents so that all documents accurately describe the loan between you and me. I agree to assume all costs including by way of illustration and not limitation, actual expenses, legal fees and marketing losses for failing to reasonably comply with your requests within thirty (30) days.

26. SIGNATURES. By signing under seal, I agree to the terms contained in this Note. I also acknowledge receipt of a copy of this Note.

BORROWER:

TOWN OF YOUNGSVILLE

By _____ Date _____ (Seal)
KARI PATTON-MOTLUCK, INTERIM FINANCE DIRECTOR

By _____ Date _____ (Seal)
PHILLIP DOUGLAS CORDEIRO, Town Administrator



Town of Youngsville

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20, AND OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING

WHEREAS, the Town of Youngsville, North Carolina desires to construct a new Public Works Facility on town-owned property on South College Street and to refinance and renovate the Town Hall building located at 134 US-1A South to better serve the citizens of Youngsville; and

WHEREAS, The Town of Youngsville desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract; and

WHEREAS, the Town Administrator has described to the Town of Youngsville Board of Commissioners the desirability of adopting a resolution, as authorized by federal tax law, to facilitate the Town's use of proceeds from tax-exempt financing or taxable debt, or both, to restore the Town's funds when the Town makes capital expenditures (the "Expenditures") prior to closing on the financing; and

WHEREAS, the Town may advance its own funds to pay expenditures related to acquiring capital assets, may borrow funds on a short-term taxable or tax-exempt basis in order to pay such expenditures or may enter into contracts obligating third parties to make certain expenditures relating to the purchase prior to incurring indebtedness and to receive reimbursement for such expenditures from proceeds of tax-exempt obligations or taxable debt, or both;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS OF THE TOWN OF YOUNGSVILLE, MEETING IN REGULAR SESSION ON THE 13TH DAY OF AUGUST 2020, MAKE THE FOLLOWING FINDINGS OF FACT:

Section 1. The project to be financed includes a new Public Works Facility, and Town Hall refinance and renovation.

Section 2. The Town intends to utilize the proceeds of tax-exempt indebtedness, taxable indebtedness, or both, including but not limited to installment finance agreements (the "Indebtedness"), or to incur other debt, which will be used to pay the costs of the Public Works Facility construction and Town Hall renovation, in an amount not currently expected to exceed three million dollars (\$3,000,000) for the proposed construction, improvements and refinancing. This amount is adequate and is not excessive. The design-build bids were received in April 2020. The financing bids were received in August 2020.

Town of Youngsville resolution dated August 13, 2020
A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20, AND OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING

Section 3. That funds in the necessary amount to begin design of the project have been appropriated by this body via the town's adopted fiscal year 2020 and 2021 budgets and are immediately available for the purpose of securing the materials and services necessary to accomplish the foregoing project.

Section 4. That the funds referenced immediately above shall be reimbursed to the town after financing is secured from an approved financial institution and made available to the town.

Section 5. That, after examining the bids for financing submitted to the finance officer, this body directs the finance officer to execute a financing contract (pending approval by the Local Government Commission) with Union Bank for a term of twenty (20) years at an interest rate of two and one-half percent (2.5%) with semi-annual payments beginning on August 1, 2021.

Section 6. Examination of the audit reports for the past three (3) fiscal years of the Town of Youngsville will reflect that the Town's debt management policies are in strict compliance with North Carolina law.

Section 7. It is not expected that any increase in taxes will be needed to fund the debt service requirements.

Section 8. The Town of Youngsville is not in default in any of its debt service obligations.

Section 9. This Resolution constitutes the Town's "official intent," as that term is defined in 26 C.F.R. § 1.150-2, with regard to the Expenditures.

Section 10. The attorney for the Town of Youngsville will render an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the finance officer is hereby authorized to act on behalf of the Town of Youngsville in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 13th day of August 2020.

The motion to adopt this resolution was made by _____,

seconded by _____ and passed by a vote of _____ to _____.

Fonzie Flowers, Mayor

Town of Youngsville resolution dated August 13, 2020
**A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A
FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20,
AND OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING**

ATTEST:

Emily Hurd, Town Clerk

This is to certify that this is a true and accurate copy of Resolution No. _____
adopted by the Town of Youngsville Board of Commissioners on the 13th day of August 2020.

Emily Hurd, Town Clerk

Date

Phil Cordeiro

From: Ben R <brupert@gmail.com>
Sent: Monday, June 29, 2020 8:31 AM
To: Phil Cordeiro
Subject: Re: ABC Board Position
Attachments: Benjamin.Rupert.Resume.pdf

Phil,

First off I would like to thank you for taking time to outline the process to me. I am excited about the prospect to work with the Youngsville ABC Board.

When a friend and neighbor, Rick Houser, approached me with the potential opportunity to serve the town and people of Youngsville as a member of the Youngsville ABC Board, I was thrilled. After serving on the Youngsville Area Kids Soccer League for the last few years, I recognize the greatest way to bring sustainable growth and improve efficiency into any organization is to serve as a volunteer or a board member. Knowing and learning about sales, human resources, cash flow and logistical issues will give me a better understanding of current hurdles that need to be addressed. As a member of the Town of Youngsville ABC Board, I will provide support in the development of new sales strategies and the implementation of the newly adopted strategies. I will work with the in store sales team, board members and customers to ensure the Youngsville ABC store delivers a quality experience and exceeds the expectations of the customer.

When conversing with Rick, he has mentioned the Youngsville ABC is looking into opening a new store and developing the tract of land the current store occupies. My professional background is in civil engineering and construction. I will work directly with the developers, engineers and construction companies in developing a new ABC store and shopping center. I will provide useful industry knowledge and know how to ensure the town of Youngsville receives the best development possibility. I have experiences as a design lead and engineering manager for many mixed used, commercial and residential developments throughout the Raleigh/Durham area. In the role as a team leader, I was able to work with many large-scale developers and build strong relationships through communication, understanding and delivering on promises. In my current role, I put together budgets and manage a team of technical staff for commercial, institutional, health care and governmental capital projects. I am well versed in construction management, construction procedures and local regulations.

My diverse background and community involvement allow me to be relatable to many opinions. I am able to approach situations with compassion and an open mind. I believe I will be a great asset to the Town of Youngsville ABC Board as the town moves through the next phase of growth.

Attached you will find my resume. If you have any questions or concerns, feel free to reach out to me. I look forward to hearing from you in the near future.

Thank you

Ben Rupert

BENJAMIN S. RUPERT

320 Paddy Lane, Youngsville, NC 27596

brupert@gmail.com / (910) 381-1848

PROFILE

- Project and construction management skills
- Results driven
- Mechanically inclined
- Budget minded
- Technical and analytical problem solver
- Goal oriented
- Strong communication, management and interpersonal skills

PROFESSIONAL EXPERIENCE

Faulconer Construction Company, Cary, NC
Estimator/Business Development

April 2018 – Present

- Developed relationships with clients, owners and other trade contractors to feed the pipeline for future growth
- Implemented, analyzed and modified construction crews to reflect the need for different equipment and crews
- Executed production studies with excavators, backhoes, bulldozers, loaders and trucking in order to ensure production is maximized and operations run smoothly
- Directed & advised subcontractors to ensure their quotes did not contain scope gaps, job durations and construction means and methods
- Managed a team that executed earthwork and material take off for projects from 1 Million to 150 Million dollars
- Networked and collaborated with professionals, subcontractors and manufacturing representatives to provide complete and accurate bids

Thalle Construction Company, Hillsborough, NC
Junior Estimator/Engineering Services

May 2016 – April 2018

- Reviewed and analyzed construction design documents and specifications to deliver a comprehensive and detailed construction estimate for production times, resource allocation, materials, equipment utilization and labor required to complete various construction projects
- Organized, quantified and qualified bids received from subcontractors
- Responsible for business development and expanding core competencies
- Performed HCSS Bid Item input, crew and equipment entry

Edens Land, Durham, NC
Project Engineer

November 2014 – May 2016

- Performed due diligence for candidate sites such zoning, utility allocation, protected areas
- Provided field support to contractors to ensure utilities, grading and drainage meet requirements
- Managed a diverse group of engineers that implemented all aspects of residential and commercial land development projects

FDH Engineering, Inc., Raleigh, NC
Project Engineer / Civil Engineering Group

April 2013 – November 2014

- Designed, implemented and managed rehabilitation of rural access road and grading of eroded & raw land sites
- Contacted contractors, surveyors and construction material suppliers
- Prepared bid documents, technical specifications and review bids from contractors
- Fulfilled QA/QC and post construction inspections

Service Technician
Honda of Concord, Concord, NC

April 2005 – September 2011

EDUCATION & CERTIFICATES


B.S., Civil Engineering, University of North Carolina Charlotte, 2012

Automotive Diagnosis and Repair, Universal Technical Institute, 2005



Town of Youngsville

Memorandum

To: Youngsville Board of Commissioners
From: Bob Clark, Planning and Zoning Officer 
CC: Erin Klinger, Planning and Zoning Administrator
Date: August 11, 2020
Re: Final Performance Bond Release – Hampton Downs
Encl: Hampton Downs of Youngsville, LLC Correspondence

Item: Consider authorizing release of remaining portion of cash bond and accrued interest in escrow totaling \$78,630.14 requested by Hampton Downs of Youngsville, LLC for satisfactory completion of pavement and sidewalk improvements in Hampton Downs of Youngsville.

Comments: Hampton Downs of Youngsville (final plat recorded in Bk. 2016, Pg. 225-226) is a 120-unit (60 duplexes) residential subdivision developed off Wolfpack Lane and with extension of Ag Drive, Hannah Lane, Ryleigh Lane, and Massey Drive.

In 2016 Hampton Downs of Youngsville, LLC posted a cash performance bond in the amount of \$278,025.00 to guarantee construction and completion of streets, utilities, and sidewalk to enable final plat recording. Partial releases amounting to \$200,081.25 were made as most of the construction was done in 2016 and 2017.

The remaining principal balance of \$77,943.75 and \$638.39 accrued interest totaling \$78,630.14 being held in escrow is requested by the developer for release following recent completion of the final lift of asphalt and sidewalk improvements. The planning staff and town's consulting engineer find the streets and sidewalk improvements satisfactory and agree with the request.


Action Requested: Consider a motion authorizing the Finance Officer to release the remaining portion of cash bond and accrued interest totaling \$78,630.14 requested by Hampton Downs of Youngsville, LLC for satisfactory completion of pavement and sidewalk improvements in Hampton Downs of Youngsville.

Hampton Downs of Youngsville

Melinda Rose <mrose7@protonmail.com>

Thu 8/6/2020 5:27 PM

To: Bob Clark <bclark@townofyoungsville.org>

 1 attachments (187 KB)

Request for release of funds.pdf;

Good Afternoon Mr. Clark,

Please find attached our formal request to release the funds held for the completion of the Hampton Downs of Youngsville duplex project.

Please call me at 252-567-3569 or Mark Hurt at 252-813-9508 if you have any questions.

We have enjoyed working with the Town during the process and look forward to our next project together.

Thank you,

Melinda

Melinda B Rose, CCIFP
Hampton Downs of Youngsville LLC
201 N Winstead Ave
Suite D
Rocky Mount, NC 27804
252-567-3569
mrose7@protonmail.com

HAMPTON DOWNS OF YOUNGSVILLE, LLC

PO Box 9038
Rocky Mount, NC 27804

July 16 2020

Town of Youngsville
Mr. Bob Clark

Dear Mr. Clark,

This is to formally request the release of deposit held as bond for the Hampton Downs Subdivision Project. All work has been completed.

Please mail the check to:
Hampton Downs of Youngsville LLC
PO Box 9038
Rocky Mount NC 27804

You may reach me at 252-813-9508 if you have any questions.

We thank you and your staff for the Town's cooperation during this project. It is always a pleasure to do business in your community.

Sincerely,

Marcus J Hurt



Town of Youngsville

Memorandum

To: Youngsville Board of Commissioners
From: Bob Clark, Planning and Zoning Officer *BC*
CC: Erin Klinger, Planning and Zoning Administrator
Date: August 10, 2020
Re: Bond No. 6670431 Release --Patterson Woods Phase 2
Encl: Correspondence, bond, and location map

Item: Consider a request by Patterson Woods, LLC to release Surety Bond No. 6670431 in the amount of \$35,000.00 for Camille Street construction at US1A at the intersection of US1A in Phase 2 Patterson Woods subdivision.

Comments: A \$35,000.00 performance bond No. 6670431 guaranteed construction by the Patterson Woods, LLC under contact with S.T. Wooten Corporation for completion of approximately 100 ft+/- of Camille Circle at the southernmost (2nd entrance) to East Woods of Patterson in Phase 2 of the subdivision. The related turn lanes and intersection improvements at its intersection with US1A were completed and accepted by NCDOT. The planning staff is satisfied the construction covered by the bond has been completed in conformance with the construction plans and standards of the town.

Action Requested: Consider a motion releasing Surety Bond No. 6670431 in the amount of \$35,000.00 as requested by Patterson Woods, LLC for Camille Street construction at the intersection of US1A in Phase 2 Patterson Woods subdivision.

Formal request to cancel bond for Patterson Woods and roadway acceptance

Steve Gould <goulddevelopment1@gmail.com>

Sat 7/18/2020 3:42 PM

To: Erin Klinger <eklinger@townofyoungsville.org>; Bob Clark <bclark@townofyoungsville.org>

Cc: Bob Neeb <rwneeb@diazit.com>

Erin,

Patterson Woods, LLC would like to have canceled the performance bond of 35,000.00 for outstanding improvements along 1-A adjacent to second entrances of Patterson Woods phase-2 and Eastwoods of Patterson phase-5.

Patterson Woods has received a letter from DOT for acceptance of work and for maintenance along 1-A . Since both roadway entrances and connection into the subdivision roads for phase-2 and phase-5 have been completed we ask for them to also be accepted by the town. Phase 2-5 has all homes built and should be accepted by the township and if there are minor repairs needed after receiving a list we will be happy to complete to the towns standards.

Thanks,

Stephen C. Gould, partner and manager of Patterson Woods, LLC

919-291-3069

Requested by,
Gould Development Consultants, LLC
833-A Wake Forest Business Park
Wake Forest, NC 27587

THE AMERICAN INSTITUTE OF ARCHITECTS



Bond No. 6670431

AIA Document A312

Performance Bond

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

CONTRACTOR (Name and Address):

S. T. Wooten Corporation
P. O. Box 2408
Wilson, NC 27894-2408

OWNER (Name and Address):

Gould Development Consultants, LLC
833A Wake Forest Business Park
Wake Forest, NC 27587

SURETY (Name and Principal Place of Business):

Safeco Insurance Company of America
6230 Fairview Road, Suite 230
Charlotte, NC 28210

CONSTRUCTION CONTRACT

Date: 11-01-09

Amount: \$70,000.00 Seventy Thousand Dollars and 00/100

Description (Name and Location): Patterson Woods Phase 2, Youngsville, NC - Wake County

BOND

Date (Not earlier than Construction Contract Date):

Amount: \$35,000.00 Thirty Five Thousand Dollars and 00/100

Modifications to this Bond:

[X] None

[] See Page 3

CONTRACTOR AS PRINCIPAL

Company: (Corporate Seal)

S. T. Wooten Corporation

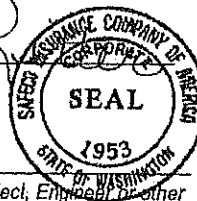
Signature: [Handwritten Signature]
Name and Title: HENRY D. BUTTS, Jr. VP.

SURETY

Company: (Corporate Seal)

Safeco Insurance Company of America

Signature: [Handwritten Signature]
Name and Title: Debra S. Ritter
Attorney-in-Fact



(Any additional signatures appear on page 3)

(FOR INFORMATION ONLY - Name, Address and Telephone)

AGENT or BROKER:

Thomas Rutherford, Inc.
6230 Fairview Road, Suite 230
Charlotte, NC 28210
704-365-6213

OWNER'S REPRESENTATIVE (Architect, Engineer or other party):

THE AMERICAN INSTITUTE OF ARCHITECTS



Bond No. 6670431

AIA Document A311

Labor and Material Payment Bond

THIS BOND IS ISSUED SIMULTANEOUSLY WITH PERFORMANCE BOND IN FAVOR OF THE OWNER CONDITIONED ON THE FULL AND FAITHFUL PERFORMANCE OF THE CONTRACT

KNOW ALL MEN BY THESE PRESENTS: that S. T. Wooten Corporation
(Here insert full name and address or legal title of Contractor)

P. O. Box 2408 Wilson, NC 27894-2408

as Principal, hereinafter called Principal, and, Safeco Insurance Company of America
(Here insert full name and address or legal title of Surety)

6230 Fairview Road, Suite 230, Charlotte, NC 28210

as Surety, hereinafter called Surety, are held and firmly bound unto Gould Development Consultants, LLC
(Here insert full name and address or legal title of Owner)

833A Wake Forest Business Park Wake Forest, NC 27587

as Oblige, hereinafter called Owner, for the use and benefit of claimants as hereinbelow defined, in the

amount of Thirty Five Thousand Dollars and 00/100

(Here insert a sum equal to at least one-half of the contract price)

Dollars (\$ 35,000.00),

for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS,

Principal has by written agreement dated _____, entered into a contract with Owner

for
(Here insert full name, address and description of project)

Patterson Woods Phase 2, Youngsville, NC - Wake County

in accordance with Drawings and Specifications prepared by

(Here insert full name and address or legal title of Architect)

which contract is by reference made a part hereof, and is hereinafter referred to as the Contract.

LABOR AND MATERIAL PAYMENT BOND

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if Principal shall promptly make payment to all claimants as hereinafter defined, for all labor and material used or reasonably required for use in the performance of the Contract, then this obligation shall be void, otherwise it shall remain in full force and effect, subject, however, to the following conditions:

1. A claimant is defined as one having a direct contract with the Principal or with a Subcontractor of the Principal for labor, material, or both, used or reasonably required for use in the performance of the Contract, labor and material being construed to include that part of water, gas, power, light, heat, oil, gasoline, telephone service or rental of equipment directly applicable to the Contract.
2. The above named Principal and Surety hereby jointly and severally agree with the Owner that every claimant as herein defined, who has not been paid in full before the expiration of a period of ninety (90) days after the date on which the last of such claimant's work or labor was done or performed, or materials were furnished by such claimant, may sue on this bond for the use of such claimant, prosecute the suit to final judgment for such sum or sums as may be justly due claimant, and have execution thereon. The owner shall not be liable for the payment of any costs or expenses of any such suit.
3. No suit or action shall be commenced hereunder by any claimant:
 - a) Unless claimant, other than one having a direct contract with the Principal, shall have given written notice to any two of the following: the Principal, the Owner, or the Surety above named, within ninety (90) days after such claimant did or performed the last of the work or labor, or furnished the last of the materials for which said claim is made, stating with substantial accuracy the amount claimed
 - b) and the name of the party to whom the materials were furnished, or for whom the work or labor was done or performed. Such notice shall be served by mailing the same by registered mail or certified mail, postage prepaid, in an envelope addressed to the Principal, Owner or Surety, at any place where an office is regularly maintained for the transaction of business, or served in any manner in which legal process may be served in the state in which the aforesaid project is located, save that such service need not be made by a public officer.
 - c) After the expiration of one (1) year following the date on which principal ceased Work on said Contract, it being understood, however, that if any limitation embodied in this bond is prohibited by any law controlling the construction hereof such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such law.
 - d) Other than in state court of competent jurisdiction in and for the county or other political subdivision of the state in which the Project, or any part thereof, is situated, or in the United States District Court for the district in which the Project, or any part thereof, is situated, and not elsewhere.
4. The amount of this bond shall be reduced by and to the extent of any payment or payments made in good faith hereunder, inclusive of the payment by Surety or mechanics' liens which may be filed of record against said improvement, whether or not claim for the amount of such lien be presented under and against this bond.

Signed and sealed this

day of

ATTEST:

By: _____

(Witness)

S. T. Wooten Corporation

(Principal)

(Seal)

By: 

HENRY D. BUTTS (Title) Jr., Vice President

WITNESS:

By: 

Ramona Fewell

(Witness)



Safeco Insurance Company of America

(Surety)

(Seal)

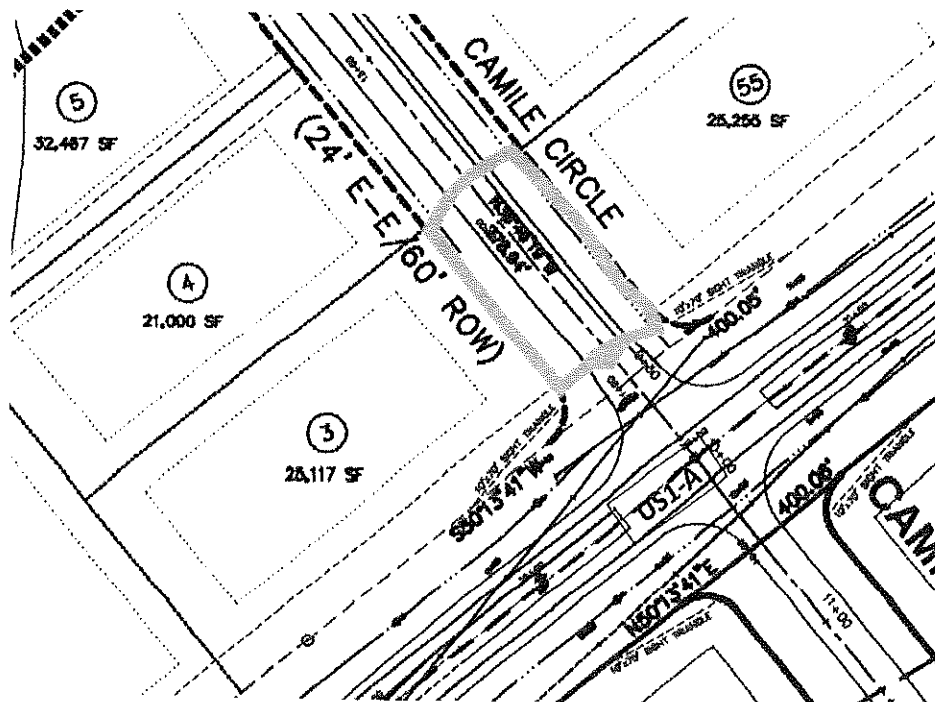
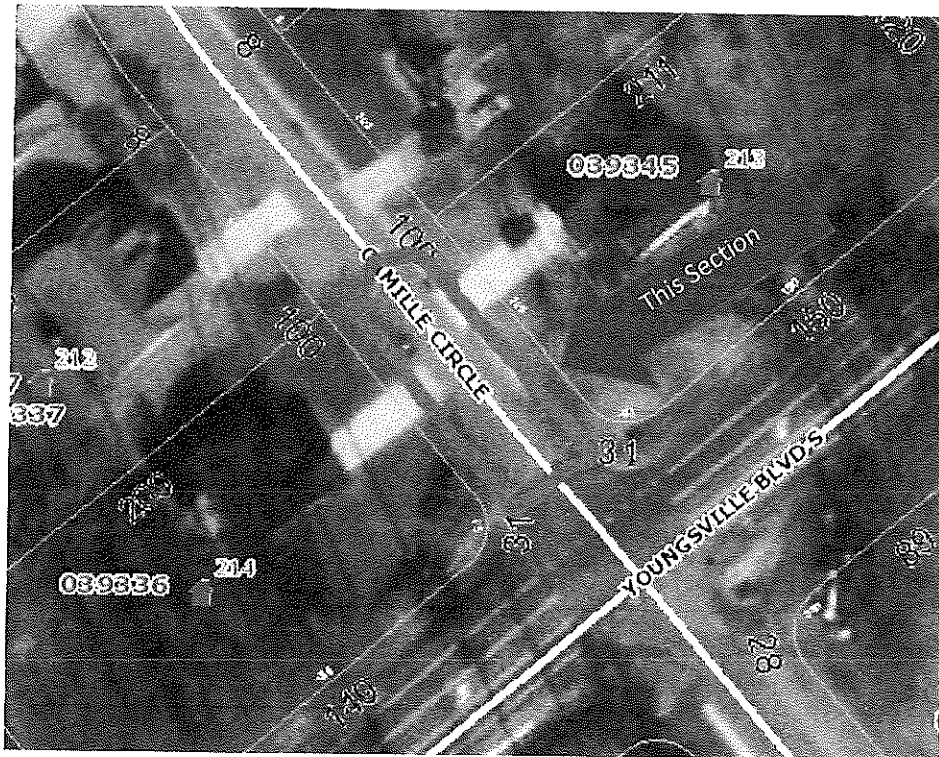
By: 

Debra S. Ritter

(Title) Attorney-in-Fact

Exhibit 3: Bond No. 6670431 Release

100 ft of Camille Circle covered by \$35,000 bond No. 6670431 measured from the US1A- right-of-way. Below is a snip from the construction plans showing the portion of r-o-w and street in Phase 2 Patterson Woods.





Town of Youngsville Memorandum

To: Mayor Fonzie Flowers
Town Board of Commissioners

From: Erin Klinger, Planning and Zoning Administrator

CC: Phil Cordeiro, Town Administrator
Emily Hurd, Town Clerk

Date: August 10, 2020

Re: Schedule Public Hearing to consider text amendments to the Youngsville Development Ordinance to comply with new North Carolina General Statute Chapter 160D legislation.

Action Requested: Consider authorizing staff to advertise a public hearing for 7:00 PM on September 10, 2020, in consideration of text amendments to the Youngsville Development Ordinance, Sections 1.6 – Jurisdiction; 1.7 – Authority; 2.9-3 – Exceptions to height limitation; 2.13-1 – Accessory uses and structures; 2.18-2 – Minimum setbacks along thoroughfares; 2.18-4 – Exceptions; 2.18-5 – Right to Appeal; Article 3 – Definitions; Sections 4.2 – Oath of Office; 4.2-1 – Planning Board Authority; 4.2-2 – Planning Board Membership; 4.3-1 – Board of Adjustment Authority; 4.3-2 – Board of Adjustment Membership; 4.3-5 – Board of Adjustment Conflicts; 5.1 – General; 5.2 – Initiation of Amendments; 5.3-2 – Review by the Youngsville Planning Board; 5.3-3 – Review by the Youngsville Town Board of Commissioners; 5.4-3 – General Requirements; 5.4-4 – Application Procedure; 6.1-2 – Provisions that may not be varied by the Board of Adjustment; 6.1-3 – Application; 6.1-4 – Action by the Board of Adjustment; 6.1-7 – Effective date of decision; 6.2-3 – Parties who may file an appeal; 6.2-7 – Action by the Board of Adjustment; 7.1-1 – Approval required; 7.3-2 – Building permit expiration; New subsection 7.3-3; Sections 7.5-2 – Plan submittal; 7.8 – Special use approvals; 7.13-1 – Purpose; 7.13-6 – Additional restrictions and requirements; 7.13-8 – Permit validity; 7.13-10 – Status at expiration of term; 7.14-2 – Notice of procedure; 7.14-3 – Special notice requirements for telecommunication towers/structures; 7.15-1 – Authorization and applicability; 7.15-2 – Content of development agreement; 7.15-3 – Procedures for entering into development agreements; 7.15-4 – Administration of development agreements and termination for material breach; 8.4 – District development standards and permitted uses listed for each district; 8.5 – Overlay Districts; Article 10 – Uses with additional standards and conditional uses; Sections 11.5-3 – Performance guarantee in lieu of installation of plant materials; 11.8-2 – Penalties; 16.1-2 – Exempt land divisions; 16.1-5 – Approval required; 16.1-9 – Designation of approval agency; 16.1-7 – Violations; 16.1-9 – Required improvements; 17.6 – Exempt signs; 18.1 – Statutory authorization, findings of fact, purpose, and objectives; 19.2 – Purpose and authority; 22.3-1 – Lawfully established nonconforming lots; 22.3-2 – Structures, including signs; 22.4-1 – Discontinuation of nonconforming uses; 23.2 – Establishment and authority; 23.6-5 – Stop work orders; and 23.6-6 – Revocation of permits.

Comments: Attached is a copy of the requested amendments. The Planning Board reviewed these amendments at its regularly scheduled August meeting.

Amendments to Article 1

1.6 Jurisdiction

The provisions of this Ordinance shall apply to all the territory encompassed in the Town of Youngsville, North Carolina, and its extraterritorial jurisdiction as now or hereafter fixed, as depicted on the Town's Official Zoning Map on file at the Youngsville Town Hall. This map is hereby incorporated and made a part of this Ordinance. This Ordinance shall govern the development and use of all land and structures within the Town as provided for by Article ~~19~~ 2, Planning and Development Regulation Jurisdiction Regulation of Development of NCGS 160AD ~~Cities and Towns~~ Local Planning and Development Regulation.

1.7 Authority

This Ordinance is adopted pursuant to portions of one or more of the following authorities in NCGS: ~~Chapter 160A (Cities and Towns)~~ Chapter 160D (Local Planning and Development Regulation), Chapter 113A (Pollution Control and Environment), Chapter 121 (Environmental Controls), Chapter 133 (Public Works), and Chapter 136 (Roads and Highways). This Ordinance may be amended from time to time as required or allowed by subsequent legislative enactments.

~~Upon the effective date of Session Law 2019-111, Part II on January 1, 2021, all references to NCGS 160A shall be deemed to refer to their respective counterparts of NCGS 160D as specified therein and any conflicting content between these statutory provisions shall be interpreted as set forth in the NCGS 160D version(s).~~

Amendments to Article 2

2.9-3 Exceptions to height limitation. The height limitations of this section shall not apply to public utility poles and liens, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, solar panels appurtenant to the ~~principle~~ principal structure, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment

2.13-1 Accessory uses and structures. Accessory uses and structures related and incidental to residential principal structure(s) on the lot shall be setback a minimum of 7.5 feet beyond the front and/or side street-facing façade(s) of the conditioned space, and setback a minimum of four (4) feet from interior side and rear lot line(s). If the accessory structure exceeds the height of the principal structure, it must meet the minimum setback for ~~principle~~ principal structures on interior side and/or rear lot line(s).

2.18-2 Minimum setbacks along thoroughfares. The build-to or setback line for any lot which abuts a thoroughfare classified on the adopted transportation plan for Division ~~10~~ 5 shall be measured from the right-of-way line outlined in the table below (Table 2.18-2) if existing right-of-way is of lesser width. The proposed right-of-way line established for each classification of thoroughfare is as follows.

2.18-4 Exceptions. The standards herein prescribing setbacks from the proposed right-of-way line will not apply to any development for which a preliminary subdivision plan or a ~~conditional~~ special use site plan has been approved prior to the effective date of regulations requiring setbacks from the proposed right-of-way lines along thoroughfares.

2.18-5 Right to Appeal.

(C.) Balancing the public interest in enforcing the setback requirements and the interest of the owner, the grant of relief is required by considerations of justice and equity.

In granting relief, the Board of Adjustment may impose reasonable and appropriate conditions and safeguards to protect the interests of neighboring properties. The Board of Adjustment's decision shall be subject to review by the superior court by proceedings in the nature of certiorari in accordance with N.C.G.S. 160A-388(e) NCGS 160D-406(h).

Amendments to Article 3

ADMINISTRATIVE DECISION. A decision made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards as set forth in this Ordinance.

ADMINISTRATIVE HEARING. A proceeding to gather facts needed to make an administrative decision.

AGRICULTURAL USE. The use of open field land for agricultural production purposes, including farming, dairying, stock watering, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for storing the supplies and products. The term shall include incidental retail sales by the producer of products raised on the farm. Agriculture does include forest management and timber harvesting activities, provided a management plan for that activity has been prepared by a Professional Forester registered in the State of North Carolina. See definition of Forest Land. Also, as defined in NCGS 160A 106-181.1.

BEDROOM. A room for sleeping in that is designated as such on construction plans.

BONA FIDE FARM. A farm used for purposes including the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in NCGS 106-581.1. Activities incidental to the farm include existing or new residences occupied by the owner, lessee, or operator of the farm and other buildings or structures supporting the farm use and operation (see NCGS 160D-903).

BUILDING. Any structure having a roof supported by walls or columns constructed or used for residence, business, industry, or other public or private purposes. Any structure used or intended for supporting or sheltering any use or occupancy (see also *structure*).

CERTIFICATE OF COMPLIANCE. A document that is required by NCGS Chapter 160D to represent that the work, as described in the permit documents, has been completed. This document will be issued by the Planning, Zoning, & Subdivision Administrator at the conclusion of all completed work done under a permit prior to the issuance of a Certificate of Occupancy by Franklin County.

CLOSE FAMILIAL RELATIONSHIP. A spouse, parent, child, brother, sister, grandparent, or grandchild. Includes the step, half, and in-law relationships.

COMPLETED. (4.) permanent velocity controls on the inlet and outlet pipes and channels have been installed.

DETERMINATION. A written, final, and binding order or requirement regarding an administrative decision.

DEVELOPMENT. Any man-made change to improved or unimproved real estate requiring a permit from the Town of Youngsville, including but not limited to buildings or other structures the building, alteration, or demolition of any structure; mining, dredging, filling, grading, paving, excavation, or drilling operations excavation, grading, filling, clearing, or alteration of land; or storage of equipment or materials the subdivision of land as defined in NCGS 160D-802; or a substantial change in the use of land or the intensity of the use of land.

DEVELOPMENT AGREEMENT. An agreement between the Town of Youngsville and a developer pursuant to NCGS ~~160A-400-20~~ 160D-102(13) for a large-scale development with a lengthy build-out period and having a public-private partnership component involving mutual financial interests.

DEVELOPMENT APPROVAL. An approval made in accordance with NCGS Chapter 160D that is written and is required prior to commencing development or undertaking a specific activity, project, or development. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, and variances.

DEVELOPMENT REGULATION. A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or floodplain damage prevention regulation, stormwater control regulation, wireless telecommunication facility regulation, or any other regulation adopted in accordance with NCGS Chapter 160D.

DOWN-ZONING. A zoning ordinance that affects an area of land by either a) decreasing the development density of the land to be less dense than was allowed under its previous usage or b) reducing the permitted uses of land that are specified in a zoning ordinance to fewer uses than were allowed under its previous zoning classification.

DWELLING. Any building, structure, manufactured, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used. This includes any accessory structures, but excludes manufactured homes, mobile homes, or recreational vehicles if used solely for a seasonal vacation purpose.

DWELLING UNIT. One or more rooms, designed, occupied, or intended for occupancy as separate living quarters for one family, with a separate entrance and cooking, sleeping, and sanitary facilities provided therein. Units in dormitories, hotels, motels, shelters for the homeless or other structures designed for transient residents are not dwelling units. (See NCGS ~~160A-390~~ 160D-706.)

EVIDENTIARY HEARING. A hearing to gather competent, material, and substantial evidence to make findings for a quasi-judicial decision as required by this Ordinance.

EXISTING DEVELOPMENT.

(C.) Having an approved site-specific or phased development plan. ~~In compliance with NCGS 160A-385.1.~~

LEGISLATIVE DECISION. The adoption, amendment, or repeal of a regulation under this Ordinance.

LEGISLATIVE HEARING. A hearing to solicit public comment on a proposed legislative decision.

NONCONFORMING USE. Any current legal use of property not otherwise permitted under current zoning regulations. This may include, without limitation, 1) a use legally established under requirements at the time of installation or construction but not now permitted in the zoning district in which it is located or 2) a use conditionally allowed in the zoning districts in which it is located but for which no ~~conditional~~ special use permit has been obtained.

QUASI-JUDICIAL DECISION. A decision involving the findings of fact regarding a specific application of this Ordinance and requires the exercise of discretion when applying the standards of this Ordinance. Quasi-judicial decisions include, but are not limited to, decisions involving variances, special use permits, and appeals of administrative decisions.

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~~SITE-SPECIFIC DEVELOPMENT VESTING PLAN.~~ A plan that has been submitted to the Town by a landowner describing with reasonable certainty the type and intensity of a use for a specific parcel or parcels of property and which establishes vested rights for a specific period of time, per the North Carolina General Statutes. Such plan may be in the form of, but not limited to, any of the following plans or approvals: a subdivision plat, a preliminary or general development plan, a ~~conditional special~~ use permit, a conditional district zoning plan, or any other land-use approval designation as may be utilized by the Town. Such a plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed building and other structures; the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways; and any other information required by the Town for the type of plan or approval requested by the landowner. A variance shall not constitute a site-specific development vesting plan. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specific parcel or parcels of property may constitute a site-specific development vesting plan.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or change in existing streets; except as exempted by NCGS ~~160A-376(a)~~ 160D-802(a) listed in Article 16 of this Ordinance.

USE, ~~CONDITIONAL SPECIAL.~~ A use which is generally compatible with other land uses allowed in a zoning district but which, because of its unique characteristics or potential impacts on the surrounding neighborhood and the Town of Youngsville, requires individual consideration of its location, design, configuration, and/or operation at the particular location proposed.

VESTED RIGHT. A right pursuant to NCGS ~~160A-385.1~~ 160D-102(33) to undertake and complete the development and use of property under the terms and conditions of ~~an approved site development plan~~ an approval secured as specified in NCGS 160D-108 or under common law.

WIRELESS TELECOMMUNICATION FACILITIES. See NCGS ~~160A-400.51~~ 160D-931.

Abbreviations

COC – Certificate of Compliance

~~MFT – Multi-family Residential Transitional.~~

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Amendments to Article 4

4.2 Oath of Office. All members appointed to boards under this Article shall, before entering their duties, take an oath of office as required by NCGS 160A-61.

****Note:** Adding this section will require the numbers for the subsequent sections to be shifted down.

4.2 Planning Board

4.2-1 Authority. There is hereby created a planning agency, pursuant to NCGS ~~160A-361~~ 160D-301, to be known as the Town of Youngsville Planning Board.

4.2-2 Membership. The Planning Board shall consist of seven (7) members, four (4) members who shall reside within the Town Limits, and three (3) members who shall reside within the Town's area of extraterritorial jurisdiction (ETJ) in accordance with NCGS ~~160A-362~~ 160D-307. Members residing within the Town Limits shall be appointed by the Board of Commissioners. Members residing outside the Town Limits within the area of the Youngsville ETJ shall be appointed by the Franklin County Commissioners. All members shall have equal rights, privileges, and duties; except as defined for officers by adopted Rules of Procedure. All members shall be appointed for three (3) year terms except in making the original appointments. In making the original appointment, three (3) members shall be appointed for a three (3) year term, one of which shall be an ETJ member; two (2) members shall be appointed for a two (2) year term, one of which shall be an ETJ member; and two (2) members shall be appointed for a one (1) year term, one of which shall be an ETJ member.

4.3-1 Authority. Pursuant to NCGS ~~160A-388~~ 160D-302, there is hereby created a Board of Adjustment.

4.3-2 Membership.

(A.) Number of Members. The Board of Adjustment shall consist of five (5) members, three (3) members who shall reside within the Town Limits, and two (2) members who shall reside within the Town's area of extraterritorial jurisdiction in accordance with NCGS ~~160A-362~~ 160D-307. Members residing within the Town Limits shall be appointed by the Board of Commissioners. Members residing outside the Town Limits within the area of the Youngsville ETJ shall be appointed by the Franklin County Commissioners. All members shall have equal rights, privileges, and duties; except as defined for officers by adopted Rules of Procedure. All members shall be appointed for three (3) year terms except in making the original appointments. In making the original appointment, two (2) members shall be appointed for a three (3) year term, one of which shall be an ETJ member; two (2) members shall be appointed for a two (2) year term, one of which shall be an ETJ member; and one (1) member shall be appointed for a one (1) year term.

(B.) **Alternates.** The Board of Commissioners may, in its discretion, appoint alternate members to serve on the Board of Adjustment in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member. (~~G.S. 160A-388(a)~~ NCGS 160D-302)

4.3-5 **Conflicts.** A member of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed ex parte communications; a close familial, business, or other associational relationship with an affected person; or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection (~~G.S. 160A-388~~ NCGS 160D-109(d)).

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Amendments to Article 5

5.1 General

The Youngsville Town Board of Commissioners may amend, supplement, modify, or repeal any provision of this Ordinance or amend the zoning maps according to the procedure established by ~~N.C.G.S 160A-384~~ NCGS 160D-601. Such amendments shall be evaluated for compliance with the “Town Plan 2040 – Comprehensive Land Use & Master Plan,” adopted March 14, 2019, including subsequent amendments adopted by the Town Board of Commissioners of the Town of Youngsville and other applicable adopted plans, and may require a land use plan and/or comprehensive master plan amendment to ensure compatibility between the plan(s) and the amendment. Amendments and modifications shall be acted upon by the Town Board of Commissioners after recommendation from the Planning Board.

5.1-1 Unless provided otherwise by law, all development approvals made pursuant to this Article attach to and run with the land.

5.2 Initiation of Amendments.

Proposed changes or amendments to either the text of this Ordinance or the Official Zoning Map may be initiated by the Youngsville Town Board of Commissioners, the Youngsville Planning Board, the Youngsville Planning, Zoning, & Subdivision Administrator, any owner of a legal or equitable interest in land located in the Town, or any resident of the Town having a legal or equitable interest in the land affected by the proposed amendment (see Section 5.3-1(D) of this Article).

No amendments to zoning regulations or a zoning map that downzones property shall be initiated nor shall they be enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the Town.

5.3-2 Review by the Youngsville Planning Board.

(B.) Recommendation by the Youngsville Planning Board. Following a recommendation by the Youngsville Planning Board on the proposed amendment(s), the action shall be reported to the Youngsville Town Board of Commissioners for a ~~public~~ legislative hearing and final action according to the process set forth in Section 5.3-3 of this Ordinance. The ~~public~~ legislative hearing will be scheduled as provided by Town Board of Commissioners’ rules of procedure for calling public hearings.

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(D.) Content of recommendation and statements of both consistency and reasonableness. Any recommendation made by the Youngsville Planning Board to the Youngsville Town Board of Commissioners pursuant to this section shall be in writing and shall include a statement describing whether the proposed amendment is both consistent with the “Town Plan 2040 – Comprehensive Land Use & Master Plan,” adopted March 14, 2019, including subsequent amendments adopted by the Town Board of Commissioners of the Town of Youngsville and other applicable adopted plans ~~that is~~ applicable, and shall state whether and how the proposed amendment is reasonable. In addition, such recommendation may address any other subject of interest by the Planning Board. A comment by the Planning Board that a proposed amendment is inconsistent with the Town’s “Town Plan 2040 – Comprehensive Land Use & Master Plan,” adopted March 14, 2019, including subsequent amendments adopted by the Town Board of Commissioners of the Town of Youngsville and other applicable adopted plans for the area affected and/or unreasonable shall not preclude consideration of approval of the proposed amendment by the Town Board of Commissioners (~~N.C.G.S. 160A-383~~ NCGS 160D-604(d)).

(E.) Conflict of Interest. No member of the Planning Board shall vote on a recommendation regarding any zoning map (rezoning) or text amendment where the outcome of the matter being considered is likely to have a direct, substantial, and readily identifiable impact on the member or if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship (~~N.C.G.S 160A-381(d)~~ NCGS 160D-109(b)).

5.3-3 Review by the Youngsville Town Board of Commissioners.

(A.) Review – general. Following receipt of either a recommendation or receipt of the petitioner’s request for a ~~public legislative~~ public legislative hearing, the Youngsville Town Board of Commissioners shall hold a ~~public~~ public legislative hearing on the proposed amendment. The public hearing shall be scheduled and conducted as provided by the Town Board of Commissioners’ rules of procedure.

(B.) Notification. The Town Clerk shall prepare a public notice for a ~~public~~-legislative hearing as required below (~~N.C.G.S. 160A-364, 384, and 385~~ NCGS 160D-601 and 160D-602).

5.3-3(B.)(1.) Method of procedure for publishing notice of all amendments. Before adopting, amending, or repealing any ordinance authorized by this Article, the Town Board of Commissioners shall hold a ~~public legislative~~ public legislative hearing on it. A notice of the ~~public legislative~~ public legislative hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

5.3-3(B)(2)(a). In addition to the publication requirements for notices of public legislative hearings required in Section 5.3-3(B)(1), the procedures adopted pursuant to this section provide that whenever there is a zoning map amendment, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last address listed for such owners on the county tax abstracts. Properties are considered “abutting” even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the day of the public hearing. Except for a town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the Town Board of Commissioners that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the Town Board of Commissioners that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud.

5.3-3(B)(2)(b). The first-class mail notice required under subsection (a) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, a town may elect to either make the mailed notice provided for in subsection (a) of this section or may as an alternative elect to publish notice of the hearing as required by ~~G.S. 160A-364~~ NCGS 160D-601, but provided that each advertisement not be less than one-half a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (a) of this section.

5.3-3(B)(2)(b)(1.) Actual notice of the proposed amendment and a copy of the notice of public legislative hearing required under subsection (a) of this section shall be by any manner permitted under ~~G.S. NCGS~~ NCGS 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with ~~G.S. NCGS~~ NCGS 1A-1, Rule 4(j1). This subsection applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. This subsection does not apply to a Town-initiated zoning map amendment.

5.3-3(B)(2)(c). When a zoning map amendment is proposed, the Town shall prominently post a notice of the public legislative hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons.

(C.) Upon receipt of the recommendations from the Planning Board, the Town Board of Commissioners shall hold a ~~public~~ legislative hearing on the application for an amendment. Notice of the ~~public~~ legislative hearing shall be provided in accordance with the provisions for public hearings for amendments as set forth in section 5.3-3(B) of this Ordinance and the North Carolina General Statutes (~~N.C.G.S. 160A-364, 384, and 385~~ NCGS 160D-601 and 160D-602).

(D.) Action

(1.) Before acting on any proposed amendment, the Youngsville Town Board of Commissioners shall consider any recommendation made by the Youngsville Planning Board, the recommendation submitted by the Planning, Zoning, & Subdivision Administrator to the Planning Board, the comments made at the ~~public~~ legislative hearing, and any other relevant additional information.

(E.) Statement of Consistency and Reasonableness. Prior to adopting or rejecting any amendment, the Town Board of Commissioners shall adopt a written statement describing whether its actions are both consistent with the ‘Town Plan 2040 – Comprehensive Land Use & Master Plan,’ adopted March 14, 2019, including subsequent amendments adopted by the Town Board of Commissioners of the Town of Youngsville and other applicable adopted plans ~~that is applicable~~, and shall state why and how the action taken is considered to be reasonable and in the public interest. Such statements may be incorporated into ordinances amending the Official Zoning Map (~~G.S. 160A-383~~ NCGS 160D-605).

(F.) Conflict of Interest. A Town Board of Commissioners member shall not vote on any zoning map (rezoning) or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member, or if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other identifiable relationship (~~N.C.G.S. 160A-381(d)~~ NCGS 160D-109(a)).

5.4-3 General Requirements.

(F.) Unless consented to by the applicant in writing, the Town of Youngsville may not require, enforce, or incorporate into the permit requirements any condition or requirement not authorized by otherwise applicable law, including taxes, impact fees, building design elements, driveway-related improvements, or other unauthorized limitations on the development or use of land.

****Note:** Adding this section will require the numbers for the subsequent sections to be shifted down.

(F.)(2.) A reduction of up to 25 percent in the number of parking spaces required for the use provided that the proposed development is located within ½ mile of either the ~~Town-Center District (TC)~~ Main Street (MS) District or the Mixed-Use (MU-1 and MU-2) Districts and on-street parking is available.

(K.) No variances or ~~e~~conditional special use permits may be issued for development on property that is subject to a Conditional Zoning ordinance.

5.4-4 Application Procedure.

(B.) The application and supporting materials shall be reviewed by the Planning, Zoning, & Subdivision Administrator in accordance with its their procedures for reviewing applications for ~~e~~conditional special use permits prior to the meeting of the Planning Board at which the application is to be considered. The recommendations and comments of the Planning, Zoning, & Subdivision Administrator shall be reported to the Planning Board. In addition, the Youngsville Planning, Zoning, & Subdivision Administrator shall evaluate Conditional Zoning applications on the basis of criteria for ~~e~~conditional special use permits set out in Article 7 and shall submit said report at the public hearings on said applications.

(D.) Upon receipt of the recommendations from the Planning Board, the Town Board of Commissioners shall hold a public legislative hearing on the application for Conditional Zoning. Notice of the public legislative hearing shall be provided in accordance with the provisions for public hearings for zoning map amendments as set forth in Section 5.3-3(B) of this Ordinance and the North Carolina General Statutes (NCGS 160A-384 NCGS 160D-601).

(E.) The Town Board of Commissioners' consideration of an application for Conditional Zoning is legislative in nature, and the Board of Commissioners may consider any relevant information in its deliberations, including the criteria for issuing ~~e~~conditional special use permits specified in Article 7. Consideration shall be given to adopted land use plans for the area, small area plans, corridor plans, and other land use policy documents, and surrounding land uses. The Town Board of Commissioners may adopt or not adopt a Conditional Zoning ordinance or may continue its consideration of the application as necessary or appropriate.

(G.) Specific findings of the Town Board of Commissioners are not required for action on an application for Conditional Zoning. However, a statement analyzing the reasonableness of the proposed rezoning shall be prepared for each conditional use district.

Amendments to Article 6

6.1-2 Provisions that may not be varied by the Board of Adjustment.

- (A.) With respect to any ~~e~~onditional special use zoning permit adopted pursuant to this Ordinance.
- (B.) Which would modify, alter, change, or suspend the conditions set forth in Article 10 of this Ordinance for a ~~e~~onditional special use.

6.1-3 Application

(E.) Once the application is accepted by the Planning, Zoning, & Subdivision Administrator, the request shall be scheduled for consideration at an ~~public~~ evidentiary hearing by the Board of Adjustment

6.1-4 Action by the Board of Adjustment

(A.) An ~~public~~ evidentiary public hearing shall be held on the requested variance within thirty-six (36) days of receipt of a completed application

(D.) In considering the application, the Board of Adjustment shall review the application materials, the staff recommendation, the general purpose and standards set forth in this Article for the granting of variances, and all testimony and evidence received by the Board at the ~~public~~ evidentiary hearing.

(E.) After conducting the ~~public~~ evidentiary hearing, the Board of Adjustment may:

(2.) Conduct an additional ~~public~~ evidentiary hearing on the request; or

6.1-7 **Effective date of decision.** Any decision made by the Board of Adjustment regarding a variance shall be reduced to writing and reflect the Board's decision of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair and shall be filed with the Town Clerk. The effective date of decision shall be upon the date it is filed with the Town Clerk. The decision shall be delivered by the Planning, Zoning, & Subdivision Administrator or their designee via personal delivery, electronic mail, or ~~by~~ first class mail to the applicant, property owner, and ~~to~~ any person who has submitted a written request for a copy prior to the close of the ~~public~~ evidentiary hearing on the case.

6.2-3 **Parties who may file an appeal.** Any person who has standing under NCGS ~~160A-393(d)~~ 160D-1402(c) or the Town of Youngsville may bring an appeal to the Board of Adjustment.

6.2-7 Action by the Board of Adjustment.

(A.) Upon receiving the appeal application, the Board of Adjustment shall hold an public evidentiary hearing on the appeal. Notice of the hearing shall be as provided in Section 6.1-4. The person whose decision is being appealed shall transmit to the Board of Adjustment all documents and exhibits constituting the record upon which the action appealed from is being taken. Said information shall also be provided to the applicant and to the owner of the property that is subject to the appeal, if such person(s) is not the applicant.

(B.) The public evidentiary hearing shall be conducted in accordance with rules of procedure of the Board of Adjustment and in accordance with the North Carolina General Statutes. All persons providing evidence at the hearing shall be sworn or affirmed by either the Chair or Clerk to the Board. The official who made the decision that is being appealed shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the public evidentiary hearing.

(C.) Either after the public evidentiary hearing or at a subsequent or continuation meeting to be held within 30 days of the close of the public evidentiary hearing, the Board of Adjustment shall adopt an order reversing, affirming (wholly or partly), or modifying the contest action. The Board of Adjustment's decision shall be based upon competent, material, and substantial evidence.

(E.) The applicant, the Town of Youngsville, and any person who would have standing to appeal the decision per NCGS 160D-1402(D) shall have the right to participate as a party at the evidentiary hearing.

**Note: Adding this section will require the numbers for the subsequent sections to be shifted down.

(1.) Objections may be made to the Board of Adjustment. The Chair shall rule on any objections and their rulings may be appealed to the full board.

(G.) Any decision made by the Board of Adjustment regarding an appeal shall be reduced to writing and reflect the Board's decision of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair and shall be filed with the Town Clerk. The decision shall be delivered by the Planning, Zoning, & Subdivision Administrator or their designee via personal delivery, electronic mail, or by first class mail to the applicant, property owner, and to any person who has submitted a written request for a copy prior to the close of the public evidentiary hearing on the case. The person making such deliveries shall certify that the deliveries have been made.

Amendments to Article 7

7.1-1 Approval Required. No person shall undertake any activity subject to this Ordinance without first obtaining approval from the Town. Upon approval of the activity by the Town, a permit shall be issued for the approved activity. Certain permits are issued by agencies other than the Town of Youngsville, as noted below; all other permits are issued by the Town. In any case where an application is made to operate more than one (1) use on a property, the Planning, Zoning, & Subdivision Administrator shall determine which use or uses shall be the principal use or uses and the type of permit that is required: zoning compliance permit, ~~Conditional~~ Special Use Permit, or Use Listed with Additional Standards.

(C.) Certificate of Compliance/Occupancy – Upon completion of work or activity undertaken pursuant to a development approval, the Town of Youngsville will issue a certificate of compliance if the staff finds that the completed work complies with all applicable State and local laws and with the terms of the permit approval. The Franklin County Building Inspections Department issues upon final building inspections and site plan compliance approval by the Town will issue the Certificate of Occupancy upon the final building inspection and issuance of a Certificate of Compliance by the Town.

7.3-2 Building permit expiration. The Franklin County Building Inspections Department may void a building permit for a project within the Town's jurisdiction if the authorized work has not begun within ~~180 days~~ six (6) months after issuance of the permit, or if work was commenced but was discontinued for a period of one year.

7.3-3 Unless provided otherwise by law, all development approvals made pursuant to this Article attach to and run with the land.

7.5-2 Plan submittal.

(A.) Filing of application. An application for a zoning permit may be filed by ~~the owner of the property or by an Officer duly authorized to execute on behalf of the owner, specifically authorized to file such an application~~ the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a zoning permit shall be filed with the Planning, Zoning, & Subdivision Administrator ~~on a form provided by the Planning, Zoning, & Subdivision Administrator~~ on a form they provide.

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7.8 Conditional Special Use Approvals

7.8-1 Purpose. Conditional Special uses are established to provide for the location of those uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the Town of Youngsville as a whole, require individual consideration of their location, design, configuration, and/or operation at the particular location proposed. Such individual consideration may also identify cause(s) for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare. Any use identified in Section 10.2 of this Ordinance as a conditional special use in a zoning district shall not be permitted without the approval of the Board of Commissioners in accordance with the requirements and procedures set forth in this section 7.8.

7.8-2 Pre-application conference procedure. Every applicant for a conditional special use zoning permit is required to meet with the Planning, Zoning, & Subdivision Administrator in a pre-application conference prior to the submittal of a request for approval of a conditional special use. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application.

7.8-3 Plan submittal.

(A.) Filing of application. An application for a conditional special use zoning permit may be filed by the owner of the property or by an agent specifically authorized by the owner to file such an application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a conditional special use zoning permit shall be filed with the Planning, Zoning, & Subdivision Administrator on a form ~~provided by the Planning, Zoning, & Subdivision Administrator they provide.~~

(B.) **Information required.** Each application for a conditional special use zoning permit shall contain all information identified as required by the Planning, Zoning, & Subdivision Administrator. The application shall be accompanied by an electronic file copy plus at least two paper copies of a Site Development Plan containing all information required by Section 7.7 of this Ordinance.

7.8-4 Staff review.

(A.) **Planning, Zoning, & Subdivision Administrator review.** Following submittal of the application and Site Development Plans for the conditional special use, they shall be reviewed by the Planning, Zoning, & Subdivision Administrator for compliance with the requirements of Section 7.8 of this Ordinance.

7.8-5 Formal review.

(A.) Public Evidentiary hearing. Upon receipt of a notice from the Planning, Zoning, & Subdivision Administrator of the applicant requesting an public evidentiary hearing on the application and Site Development Plan for a conditional special use zoning permit, an public evidentiary hearing shall be scheduled. An public evidentiary hearing before the Youngsville Board of Commissioners shall be held for all conditional special use zoning permit applications.

(B.) Action by the Youngsville Board of Commissioners.

(1.) The Youngsville Board of Commissioners shall consider the request within three (3) days of receiving information regarding the conditional special use zoning permit application from the Planning, Zoning, & Subdivision Administrator.

(2.) The Youngsville Board of Commissioners, after conducting the quasi-judicial public evidentiary hearing, may: (1) deny approval; (2) continue the application pending submittal of additional information; or (3) approve the proposed conditional special use zoning permit.

(3.) The decision on the conditional special use zoning permit application shall be by a simple majority vote of those members of the Youngsville Board of Commissioners present at the meeting at which the action is taken.

(4.) The minutes of the Youngsville Board of Commissioners shall state if the proposed conditional special use meets or does not meet each of the conditions set forth in Section 7.8-5(D), the standards set forth in Article 10 of this Ordinance for the proposed conditional special use, and all other requirements set forth by this Ordinance for the proposed conditional special use.

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(D.) **Additional Conditions.** In granting the ~~conditional special use zoning~~ permit, the Board of Commissioners may designate only those conditions, in addition and in connection therewith, as will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, with the spirit of this Ordinance, and clearly in keeping with the public welfare. All such additional conditions shall be entered into the minutes of the meeting at which the ~~conditional special use zoning~~ permit is granted, on the ~~conditional special use zoning~~ permit itself, and on the approved plans. All specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors, and assignees. The ~~conditional special use zoning~~ permit, as approved, shall be recorded by the Planning, Zoning, & Subdivision Administrator with the Register of Deeds for the county in which the subject property is located ~~the same as a deed restriction~~. The zoning permit recipient shall be responsible for paying the recording fee. No building permit shall be issued for the subject property until the recording is made.

The Town of Youngsville may not require, enforce, or incorporate into the permit requirements any conditions authorized by otherwise applicable law, including taxes, impact fees, building design elements, driveway-related improvements, or other unauthorized limitations on the development or use of land. Only those conditions approved by the Town of Youngsville and consented to by the petitioner in writing may be incorporated into the permit requirements.

7.8-6 Transfer of approval. A ~~conditional special use~~ approval is not transferable from one property to another but is transferred to a subsequent owner of the property to which applied.

7.8-7 Resubmission of denied applications. No application for approval of a ~~conditional special use~~ shall be filed with, or accepted by, the Planning, Zoning, & Subdivision Administrator that is identical or substantially similar to an application that has been denied by the Youngsville Board of Commissioners within one year of the final action by the Board of Commissioners denying the request. This waiting period may be waived in an individual case, for good cause shown, by the affirmative vote of a majority of the members of the Board of Commissioners.

7.8-8 Public notification. Notice of ~~public evidentiary~~ hearings or public meetings required under this section for ~~conditional special use~~ approvals shall be provided in accordance with the requirements established by the North Carolina General Statutes for public hearing notification. In addition, the Planning, Zoning, & Subdivision Administrator shall prepare a public notice as described herein ~~below~~ which indicates the official receipt of an application and Site Development Plan for a ~~conditional special use zoning~~ permit approval. This will serve to encourage public involvement in development projects in Youngsville. The notice shall be posted in a conspicuous place at Town Hall, on the Town's website, or a combination of these two, at least five days prior to the date on which the application is to be considered. This notice for publication shall include the following.

(A.) Brief description of the ~~conditional special use~~ project proposed;

(C.) Contact information for staff receiving comments concerning the proposed ~~conditional special use~~.

7.8-9 Project phasing. If a project approved as a conditional special use is to be developed in phases, a master plan for the entire development site must be approved by the Youngsville Board of Commissioners at the same time and in the same manner the conditional special use zoning permit is considered.

(A.) Final plans for phases of the conditional special use may be submitted in stages and shall be approved by the Planning, Zoning, & Subdivision Administrator provided that the following requirements are met:

(5.) The phasing shall be consistent with the traffic circulation, drainage, and utilities plan for the entire master plan for the conditional special use.

(6.) Each phase of the conditional special use must comply with any and all conditions attached to the approval of the conditional special use zoning permit by the Youngsville Board of Commissioners.

7.8-10 Variances. In issuing conditional special use zoning permits, the Youngsville Board of Commissioners may prescribe dimensional requirements (height, setbacks, etc.) that are different from the requirements of the corresponding general zoning classification, and may prescribe development and design standards that are different from those set out in Article 9; provided that any request for a modification to a dimensional requirement or development and design standard that is less restrictive than would be applicable for the underlying general zoning classification must be specifically described in any notices required for the public evidentiary hearing on the conditional special use zoning permit application, and must be set out separately in any Ordinance issuing said conditional special use zoning permit, together with an explanation of the reason for the modification. Except as modified pursuant to this paragraph, all standards and requirements applicable to the underlying general zoning district must be met. Variances to the standards established by any conditional special use permit shall not be allowed, per Article 6 of this Ordinance.

7.8-11 Appeals. An appeal from the decision of the Youngsville Board of Commissioners regarding a conditional special use application and Site Development Plan may be made by an aggrieved party and shall be made to the Superior Court of the county in which the subject property is located in the nature of certiorari. Any such petition to the Superior Court shall be filed with the court no later than 30 days after a written copy of the decision of the Board of Commissioners is received by the applicant.

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7.8-12 Permit validity. Approvals of a conditional special use zoning permit application and Site Development Plan shall be valid for one year from the date of approval by the Youngsville Board of Commissioners. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the conditional special use approval null and void. The Planning, Zoning, & Subdivision Administrator may grant a single extension of this time period of up to six (6) months upon submittal by the application of sufficient justification for the extension. Permits for the phased development of a conditional special use project shall remain valid for the time approved by the Youngsville Board of Commissioners as part of the conditional special use approval of the master plan for the conditional special use.

7.8-13 Failure to Comply with Plans or Conditions. In the event of the failure to comply with the plans approved by the Board of Commissioners or with any other conditions imposed upon the conditional special use zoning permit, the zoning permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this conditional special use zoning permit shall be issued. If a failure to comply with conditions in a conditional special use zoning permit occurs after occupancy, the owner, lessee, or other responsible person shall be notified in writing of the violation. No earlier than five days after the receipt of the written notice, the body issuing the conditional special use zoning permit may issue a finding of fact that a violation of the requirements of this Ordinance exists. If such finding of fact is made, it shall be unlawful for any person, firm, or corporation to continue the conditional special use until the responsible party makes the necessary corrections and the Board of Commissioners conducts a public hearing and finds that the violation no longer exists.

7.13-1 Purpose. The zoning vested right is a right which is established pursuant to ~~N.C. Gen. Stat. sec. 160A-385.1~~ NCGS 160D-108 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development vesting plan. Upon issuance of a building permit, the expiration provisions of ~~N.C. Gen. Stat. sec. 160A-422~~ NCGS 160D-403(f) shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this ~~section 7.13~~ Article is outstanding. Obtaining Site Development Plan approval or Preliminary Plat Subdivision approval through the vested rights procedure gives the applicant the right to start construction of the development as approved within two (2) years of approval. A vested right is obtained:

(A.) Automatically when either a conditional zoning or a conditional special use permit is granted by virtue of Board of Commissioners approval.

(B.) automatically when a subdivision plat is approved, and the plat recorded in accordance with the procedure set forth in this Ordinance; and

(C.) automatically when the Board of Commissioners approves a site-specific development vesting plan submitted by a developer in conjunction with an application for a zoning permit with vested rights as described below.

7.13-6 Additional restrictions and requirements. In granting a zoning permit with vested rights, the Board of Commissioners may impose such additional restrictions and requirements upon the permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done. Approval of a site-specific development vesting plan with the condition that a variance or modification be obtained shall not confer a vested right unless and until the necessary variance or modification is obtained. If all requirements and conditions are accepted by the applicant, the Board of Commissioners shall authorize the issuance of the permit; otherwise the permit shall be denied. Any permit so authorized shall remain vested for two (2) years from the date of the action granting the permit. No change or amendment to any zoning permit with vested rights shall be made except after public hearing and except as provided for in this Ordinance for the original issuance of such permit. If, at the time of consideration of a proposed change or amendment, the permit or proposed change or amendment could not be lawfully made under Ordinance conditions existing at that time, the proposed change or amendment shall be denied. In addition, in no case shall there be an extension of the two-year time period for which the development right is vested. Nothing herein shall exempt plans related to the permit from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approvals.

7.13-8 Permit validity. A zoning right that has been vested as provided in Section 7.13 shall remain vested for a period of two years from the date the permit is issued. This vesting shall not be extended by any amendments or modifications to a site-specific development vesting plan unless expressly provided by the approving authority at the time the amendment or modification is approved. A zoning permit, ~~conditional~~ special use permit, or subdivision approval shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding. A vested right shall terminate under the termination conditions as specified in subsection 7.13-6 of this Ordinance.

7.13-10 Status at expiration of term. A right which has been vested shall terminate at the end of the two-year vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of ~~G.S. 160A-418 and 160A-422~~ NCGS 160D-403(c) and 160D-403(f) shall apply except that a building permit shall not expire or be revoked because of the running of time while a vested right under this Article is outstanding. Any development constructed pursuant to a zoning permit with vested rights for which the vested term has expired and which is not in conformance with all the terms of this Ordinance because of changes made in the provisions of this Ordinance, including the zoning map, after the issuance of the permit shall be subject to the provisions of this Ordinance relating to nonconformities the same as any other nonconformity.

7.14-2 Notice procedure. The following guidelines detail the notification procedure to be followed for public hearings required by this Article unless otherwise set forth in this Article. Failure to follow procedures set forth in this section, other than those required by the North Carolina General Statutes, shall not affect the validity of any action taken at a public hearing or public meeting (~~N.C.G.S. 160A-364, 384, and 385~~ NCGS 160D-601).

7.14-3 Special notice requirements for telecommunication towers/structures. For any ~~public~~ evidentiary hearing for ~~conditional special~~ use applications for telecommunication towers as required by Section 10.2-14 hereinafter, additional notice and public hearing requirements shall be provided as set forth in Section 10.2-14 of this Ordinance.

7.15-1 Authorization and applicability.

(A.) The North Carolina General Statutes authorize the use of development agreements for the development of land in accordance with the criteria and procedure established in sections ~~G.S. 160A-400.20 through G.S. 160A-400.32~~ NCGS 160D-1001 through 160D-1012.

(C.) The Town of Youngsville may enter into a development agreement, subject to the procedures outlined in this Ordinance. In entering into such agreements, the Town may not exercise any authority or make any commitment not authorized by general statute or local act and may not impose any tax or fee not otherwise authorized by applicable law.

7.15-2 Content of development agreement.

(E.) Development authorized pursuant to this Section shall comply with all applicable laws, including all ordinances, regulations, policies, and laws affecting the development of property, including laws governing permitted uses of the property, density, intensity, design, and improvements.

7.15-3 Procedures for entering into development agreements.

(B.) The development agreement and the Planning Board recommendation shall be published for public inspection and notification shall be made in accordance with the provisions of ~~G.S. 160A-364~~ NCGS 160D-601.

7.15-4 Administration of development agreements and termination for material breach.

(C.) If the developer fails to cure the material breach within the time given, then the Town of Youngsville may unilaterally terminate or modify the development agreement. In accordance with ~~G.S. 160A-400.27(C)~~ NCGS 160D-1008, the notice of termination or modification may be appealed to the Board of Adjustment in the manner provided by ~~G.S. 160A-388(b)~~ NCGS 160D-405.

Amendments to Article 8

8.4 District development standards and permitted uses listed for each district.

3) ~~Conditional~~ Special Use – Where a use is listed in a given district, upon satisfaction of the requirements established in Section 10.2 of this Ordinance, the symbol “~~C~~” “SP” is entered in the corresponding district column for the specific use.

8.5 Overlay Districts

3) ~~Conditional~~ Special Use is listed in a given district, upon satisfaction of the requirements established in Section 10.2 of this Ordinance, the symbol “~~C~~” “SP” is entered in the corresponding district column for the specific use.

8.5-2 Scenic Corridor Overlay (SCO)

(C.)(2.)(b.)(iii.) Buildings used primarily for agricultural and/or equestrian-related activities may be built in the scenic corridor easement upon approval by the Board of Commissioners as a ~~Conditional~~ special use. Parking shall be located behind the building, shall not be located within the scenic corridor easement, and shall be buffered from the scenic corridor. The Board of Commissioners shall consider the following items in making the decision to allow aforesaid buildings in the scenic easement.

8.5-3 Heavy Industry Overlay (HIO)

(D.) ~~Conditional~~ Special use permits are required for all hazardous industries ~~required~~.

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Amendments to Article 10

Article 10 Heading – USES WITH ADDITIONAL STANDARDS AND CONDITIONAL SPECIAL USES

10.2 ~~Conditional~~ Special Uses

10.2-1 **Purpose.** Certain uses may wish to locate in the Town of Youngsville and its area of jurisdiction, which, due to their size and/or operation, have impacts that could adversely impact neighboring uses or the community as a whole. Due to the potential impacts of these uses, they must meet certain conditions. ~~to ensure that they do not adversely impact neighboring uses or the community as a whole.~~ This section identifies the uses that require conditions and establishes the conditions they must meet. A ~~conditional~~ special use permit must be granted for these uses in accordance with the procedures set forth in Article 7.

10.2-2 ~~Condition~~ Special Uses Established. The following ~~conditional~~ special uses and the minimum conditions they must meet are hereby established.

10.2-14 Telecommunications Towers (per NC Session Law 2013-185).

(B.) Conditions:

(1.) The applicant for a ~~conditional~~ special use permit for a telecommunication tower shall bear the burden of demonstrating by substantial evidence in a written record that a bona fide need exists for the proposed telecommunication tower and that no reasonable combination of locations, techniques, or technologies will obviate the need for, or mitigate the height or visual impact of, the proposed telecommunication tower.

(3.) The Town may elect to retain outside consultants or professional services to review a ~~conditional~~ special use application for a telecommunication tower and to make recommendations on relevant issues including, but not limited to, verification of the applicant's due diligence, analysis of alternatives, conditions of approval, and compliance with state and federal rules and regulations at the applicant's expense.

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(4.) In addition to the notice requirements found elsewhere in this Ordinance, the applicant for a ~~conditional~~ special use permit for a telecommunication tower shall be required to notify by regular mail all property owners within a one-quarter mile (1,320 feet) radius of the proposed location of any public hearing on the application at least ten days prior to the hearing. The Planning, Zoning, & Subdivision Administrator may require the applicant to conduct a crane or balloon test to simulate the height of the proposed tower. Notice of the dates and times of such tests shall be mailed by the applicant to all property owners within a one-quarter mile (1,320 feet) radius of the proposed location at least ten days prior to the primary test date. The notice shall state primary and alternate test dates, as well as a range of dates for testing in the event of extended periods of inclement weather. The Planning, Zoning, & Subdivision Administrator shall review and approve the sufficiency of the notice prior to mailing and, as part of ~~its~~ their application, the applicant will be required to submit a certificate of mailing and attach a copy of the notice and a list of the addresses to which it was sent. In the event the applicant shall seek to increase the height of a proposed tower, or move its location more than 50 feet laterally from that stated in the original notices, additional notice shall be required to be given in accordance with the above provisions and all time periods shall run from the date of supplemental notification.

(7.) It is the policy of the Town to encourage co-location and the use of existing structures where appropriate. In furtherance of that policy objective, the following provisions shall apply to an application for a ~~conditional~~ special use permit for a telecommunication tower:

(a.) A ~~conditional~~ special use for a telecommunication tower shall not be approved unless the tower is designed structurally, electrically, mechanically, and in all respects to accommodate at least three users. An application shall not be deemed complete until the applicant submits:

(c.) A ~~conditional~~ special use application for a telecommunication tower shall not be approved if an electric transmission tower is located above, or no less than 25 feet below, the ground elevation of and within the search radius and/or ring of a proposed telecommunication tower, unless the applicant can demonstrate one or more of the following:

(d.) A ~~conditional~~ special use application for a telecommunication tower shall not be approved unless the equipment planned for the proposed tower cannot be accommodated on existing or approved telecommunication towers, buildings, or alternative structures more than 30 feet in height (after first considering electric transmission towers) within a one-quarter mile (1,320 feet) radius of the proposed telecommunication tower due to one or more of the following reasons:

(16.) In cases where an applicant is required to perform an environmental assessment (EA) or an environmental impact statement (EIS) under the National Environmental Policy Act or the National Historic Preservation Act, such EA or EIS shall be submitted as part of ~~its~~ their application for a ~~conditional~~ special use permit. An application for a ~~conditional~~ special use permit will not be deemed complete until any required EA or EIS has been submitted to the Town.

(28.) A ~~conditional~~ special use approval for a telecommunication tower shall become null and void if the facility is not constructed and placed in service within two years of the date of approval provided, however, that the ~~conditional~~ special use approval may be extended one time for six months if substantial construction has commenced before the end of the initial year.

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Amendments to Article 11

11.5-3 Performance guarantee in lieu of installation of plant materials.

(A.) If, at the time of a request for a Certificate of Compliance, the required planting areas are not complete, the developer may provide a performance guarantee in accordance with ~~N.C.G.S 160A-372~~ NCGS 160D-804(g) guaranteeing the installation of the plant materials if the following conditions are met:

11.18-2 Penalties.

(A.) Tree disturbance prior to permit approval. The penalty for the removal of or damage to trees, prior to the issuance of a tree disturbance permit, shall be a civil penalty of ten thousand dollars (\$10,000.00) per acre or prorated fraction thereof (i.e., the civil penalty for a site of 0.35 acres that is cleared prior to approval or prior to the issuance of a tree disturbance permit is three thousand five hundred dollars (\$3,500.00)). Additionally, the Town of Youngsville, under ~~G.S. 160A-458.5~~ NCGS 160D-921, may deny a building permit to any landowner who clears land in anticipation of development in violation of this section for up to three (3) years after completion of the timber harvest. If it is determined that the timber harvest was a “willful violation” of this Ordinance, then the Town of Youngsville reserves the right to deny development approvals for a period of two (2) years following the timber harvest.

Amendments to Article 16

16.1-2 Exempt land divisions.

(A.) **Divisions of land exempt.** In accordance with ~~N.C. Gen. Stat. sec. 160A-376~~ NCGS 160D-802, the following divisions of land are not included within the definition of “subdivision” and are not subject to the Town’s subdivision regulations.

(5.) The subdivision or recombination of land by public utilities.

In case of a conflict between this description of exempt subdivisions and state law (~~N.C. Gen. Stat. sec. 160A-376 or any other successor statute~~ NCGS 160D-802), state law shall control.

16.1-5 Approval required.

(C.) **Presale contracts.** In accordance with ~~N.C.G.S. 160A-375(b)~~ NCGS 160D-807(b), the provisions of this section shall not prohibit any owners or ~~its~~ their agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, provided the contract does all of the following:

16.1-6 Designation of approval agency. The Town of Youngsville Planning Department is designated as a planning agency for the purposes of ~~N.C. Gen. Stat. sec. 160A-373~~ NCGS 160D-803. The Planning, Zoning, & Subdivision Administrator or their designee shall be authorized to sign the plat signifying final approval of subdivisions.

16.1-7 Violations. Violations of the provisions of this section shall be subject to the enforcement and penalty provisions set forth in Article 23 of this Ordinance. In addition to being subject to the provisions for enforcement in Article 23 of this Ordinance, any person who, being the owner or agent of the owner of any land located within the Town’s jurisdiction, subdivides their land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall also be deemed guilty of a Class 1 misdemeanor. The description of metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from these penalties. The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the courts shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Ordinance. Building permits required pursuant to ~~G.S. 160A-417~~ NCGS 160D-1110 may be denied for lots that have been illegally subdivided. In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land; to restrain, correct, or abate the violation; or to prevent any illegal act of conduct per ~~N.C.G.S. 160A-375(a)~~ NCGS 160D-807(a).

16.1-9 **Required improvements.** Improvement requirements shall be fulfilled, or their complete performance guaranteed in accordance with ~~North Carolina General Statute 160A-372~~ NCGS 160D-804 before a final plat shall be approved by the Planning, Zoning, & Subdivision Administrator.

(B.) **Guarantee in lieu of construction of improvements.** In lieu of completion of construction of the required improvements and utilities prior to final plat approval, the property owner may provide a performance guarantee in accordance with ~~North Carolina General Statute 160A-372~~ 160D-804(g). The performance guarantee shall be in an amount equal to 125% of the estimated cost of the installation of the required improvements, as determined by the Town. The performance guarantee shall secure the completion of construction of the improvements shown on the approved preliminary plat and as detailed within the approved construction plans. The performance guarantee shall remain in full force and effect until such time as the construction of improvements and installation of utilities are completed and accepted by the Town of Youngsville. Failure to maintain the required performance guarantee shall result in the revocation of the approval of the preliminary plat and any permits issued as a result of the preliminary plat approval. The performance guarantee shall be automatically renewed unless all parties agree not to renew it at least sixty (60) days prior to its scheduled expiration date. A temporary construction easement permitting the Town of Youngsville or its designee(s) to access the property for the purpose of constructing/installing the guaranteed improvements is required to be provided with the performance guarantee. ~~The temporary construction easement shall be valid until all guaranteed improvements have been constructed/installed and improved or accepted by the Town. The temporary construction easement shall bind to all successive owners until the guaranteed improvements have been constructed/installed and approved or accepted by the Town. The temporary construction easement shall be valid and shall bind to all successive owners until the guaranteed improvements have been constructed/installed and approved or accepted by the Town.~~ The temporary construction easement shall be valid and shall bind to all successive owners until the guaranteed improvements have been constructed/installed and approved or accepted by the Town. Said temporary construction easement shall be recorded at the office of the Franklin County Register of Deeds, with recording fees to be paid by the applicant/landowner.

Amendments to Article 17

17.6 Exempt Signs

(T.) Fence wraps displaying signage when affixed to perimeter fencing at a construction site until the certificate of occupancy is issued for the final portion of any construction site or 24 months from the time the fence wrap was installed provided it contains only advertising sponsored by parties directly involved in the construction project in accordance with ~~G.S. 160A-381(j)~~ NCGS 160D-907.

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Amendments to Article 18

18.1 Statutory authorization, findings of fact, purpose, and objectives.

Section A. Statutory authorization.

The Legislature of the State of North Carolina has, in Part 6, Article 21 of Chapter 143; ~~Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A;~~ and Articles 7, 9, 11, and 13 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

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Amendments to Article 19

19.2 Purpose and authority

The Town Board of Commissioners of the Town of Youngsville is authorized to adopt this Ordinance pursuant to North Carolina law, including but not limited to, Article 14, Section 5 of the Constitution of North Carolina; ~~North Carolina General Statutes 143-214.7~~ NCGS 143-214.7 and rules promulgated by the Environmental Management Commission thereunder; Session Law 2004-163; ~~Chapter 160A, 174, 185~~ NCGS Chapter 160A-174 and 160A-185; ~~Chapter 113, Article 4~~ NCGS Chapter 113, Article 4 (Sedimentation and Pollution Control); Article 21, Part 6 (Floodway Regulation); ~~Chapter 160A, Article 19 (Planning and Regulation of Development)~~ NCGS Chapter 160D (Local Planning and Development Regulation); Article 19, Part 4, Chapter 160A; G.S. 160A-372 (Open Space) Article 13, Part 1 (Acquisition of Open Space); and NCGS 160D-804.

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Amendments to Article 22

22.3-1 Lawfully established nonconforming lots. Lawfully established nonconforming lots having one or more dimensional nonconformities may be used for any permitted or ~~e~~conditional special uses allowed in the zoning district in which the lot is located provided that any structure or expansion/addition to an existing structure proposed for the use meets all applicable dimensional and numerical requirements and all applicable procedures are followed. Such lots may be recombined with adjoining lots to increase the extent of their conformity provided new nonconformities are not created.

22.3-2 Structures, including signs. Structures of any type having one or more dimensional nonconformities may be used for any permitted or ~~e~~conditional special use allowed in the zoning district in which the structure is located, and, upon any change in use, shall comply with the landscaping, buffering, and parking requirements of Articles 11 and 12. Structures may be expanded or enlarged, provided the extent of the nonconformity is not increased or new nonconformities are not created by expansion or enlargement. Expansions, enlargements, or reconstruction of such structures to an extent equal to or greater than fifty percent of appraised value, shall require such structures to meet all applicable dimensional and numerical requirements, except density, which may be retained at the prior nonconforming level but not increased. For the purpose of this section, the value of any expansions, enlargements, or reconstruction of such structures over a three-year period shall be cumulated in calculating the fifty percent threshold. A structure undergoing renovation (defined in Article 3) having a renovation cost equal to or greater than fifty percent of the structure's appraised value shall not be subject to the above provisions but shall be required to meet the landscaping, buffering, and parking provisions of Articles 11 and 12. Signs shall also comply with the provisions of Article 17, Section 17.13 of this Ordinance.

22.4-1 Discontinuation of nonconforming uses. A nonconforming use is allowed to continue unless the use is discontinued for any reason for a period of 730 or more consecutive days, and there are no substantial good faith efforts to re-establish the use during this period. Obtaining permits to maintain the existing use or significant continuous efforts to market the property for sale or lease for the existing use (e.g., MLS listing, realtor contract, etc.) shall be regarded as substantial good faith efforts. A nonconforming use shall be deemed discontinued after a period of 1095 consecutive days regardless of any substantial good faith efforts to re-establish the use. Thereafter, the structure or property associated with the use may be used only for conforming uses. Where multiple nonconforming uses occupy the same premises, the reallocation of any combination of the nonconforming uses shall be allowable provided there is no net increase in the gross area of the combined nonconforming uses. ~~C~~onditional Special uses discontinued for a period of 730 or more consecutive days shall be regarded as nonconforming uses and shall not be re-established without new ~~e~~conditional special use permit approval.

Amendments to Article 23

23.2 Establishment and Authority

(A.) Conflicts of interest. No staff member shall make a final administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.

23.6-5 Stop work orders. Whenever a building, sign, or structure, or part thereof, is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Planning, Zoning, & Subdivision Administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with N.C.G.S. 160A-421 or 153A-361 NCGS 160D-401(b), as applicable, or the NC Building Code.

23.6-6 Revocation of permits. The Planning, Zoning, & Subdivision Administrator may revoke and require the return of a permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable State or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law me also be revoked. (See N.C. Gen. Stat. sec. 160A-422 NCGS 160D-403(f) for statutory authorization by law.)

