

February 6, 2024

1. Call to Order of the Randolph County Planning Board.

There was a meeting of the Randolph County Planning Board on February 6, 2024, at 6:00 pm in Meeting Room A, Randolph County Office Building, 725 McDowell Rd, Asheboro, NC. Chairman Pell called the meeting to order and welcomed those in attendance.

2. Roll call of the Board members.

The County Planning staff completed the roll call of the members of the Board as they arrived to the meeting. Ken Austin, Reid Pell, Brandon Hedrick, John Cable, Reggie Beeson, Kemp Davis, Melinda Vaughan were present. County Planning Director Tonya Caddle and County Attorney Ben Morgan were also present, along with County Planning staff members Kayla Brown, Melissa Burkhardt, David Harris, Cory Hartsoe, Tim Mangum, and Eric Martin.

3. Consent Agenda:

- Approval of agenda for the February 6, 2024, Planning Board meeting.
- Approval of the minutes from the December 5, 2023, Planning Board meeting.

Pell called for a motion to approve the Consent Agenda as presented in the agenda packet.

On motion of Davis, seconded by Cable, the Board voted 7-0 to approve the Consent Agenda as presented.

4. Conflict of Interest:

- Are there any Conflicts of Interest or *ex parte* communication that should be disclosed? *(If there is a Conflict of Interest, the Board must vote to allow the member with the Conflict of Interest to not participate in the hearing of the specific case where the Conflict of Interest has been identified.)*

Pell asked if there were any Conflicts of Interest that needed to be disclosed. Hearing none, Pell called on Caddle to present the first agenda item of the night.

5. Old Business.

6. New Business.

SPECIAL USE PERMIT REQUEST #2023-00003220

The Randolph County Planning Board will hold a duly published and notified quasi-judicial hearing on the request by **MATT D BERRY**, Asheboro, NC, and their request to obtain a Special Use Permit at 4534 Oak Grove Church Rd, Concord Township, Tax ID #7608609830, 10.28 acres, RA - *Residential Agricultural District*. It is the desire of the applicant to obtain a Special Use Permit to specifically allow a machine shop in an existing 36 ft. by 48 ft. building as per the site plan.

Before presenting the first case of the night, Caddle announced that the Nash Duggins rezoning request had been postponed until the March 5, 2024, meeting at the request of the applicant.

Caddle presented the first case of the night to the Planning Board.

Pell opened the public hearing and called for anyone in favor of the request to address the Planning Board.

Pell administered the oath to Woody Younts, 4137 Oak Grove Church Rd, and he stated that he walks around two to three miles per day and often goes by the request location, and never hears a sound from the building, and that he has toured the facility. Younts concluded his remarks by asking the Planning Board to approve the request as he has lived in the area for forty-seven years.

Pell asked if anyone else would like to speak in favor of the request.

Pell administered the oath to Matt Berry, the applicant, of 4534 Oak Grove Church Rd. Berry handed out copies of information that was also in the agenda packet. (See Exhibit #1.) Berry told the Planning Board that he has lived at this site for seven years, that he currently operates and is part owner of LB Metalworks and that the business currently has three machines and three employees and that the business has been his full-time job since August, 2022. Berry told the Board that he is actively searching for a new site so they can expand operations as they are currently limited due to the size of the building and not being able to access three-phase power that is needed to run the machines.

Berry stated that he likes to keep the area clean and organized as he lives on the site and everything that has been done on the site has had engineered drawings and done to meet all code. Berry stated that there was little noise from the site and that he had taken sound measurements at fifteen feet from the building. Berry stated that before the machinery is turned on, the site produces 56.8 decibels, and 64 decibels after the machines are turned on and in operation. Berry also told the Board that he does not keep hazardous chemicals on the site other than those chemicals that can be purchased at places like Lowe's and Walmart. Berry concluded his remarks by telling the Board members about the letter in the packet from a neighbor who could not attend the meeting along with a petition signed by the neighbors. Berry stated

that the only negative comment he has received is about the trucks driving too fast in the area and Berry had contacted the company and the trucks have slowed down their speed.

Pell asked if there were any questions from the Board Members.

Austin gave Berry compliments on the amount of information that he presented to the Planning Board.

Cable asked about the hours of the deliveries to the site and Berry stated that most days the deliveries are between 7:00 am and 12:00 pm but the deliveries were usually completed by 8:00 am. Cable asked about trucks lined up and sitting at the site and Berry stated that this situation does not happen.

Kemp asked if the building was as big as Berry could get and he answered that the power supply was the problem. Berry stated that he has a 200 amp service at his house and 400 amp service at the building for the business and since there is no three-phase power in the area, he has to use phase converters to power the machines and that he is pushing the limits of the converters.

Cable asked Berry about the products that they make on the site and Berry stated that they make whatever the customer wants. Cable asked if they wanted to keep the business in Randolph County and Berry stated that he wanted to stay in Randolph County and that he and his partner were looking for a location that would be in the middle of the current location and the Greensboro - Randolph County Megasite.

Beeson asked Berry about the types of machines on the site and Berry stated that they have one lathe, two computer numerical control (CNC) machines, and a coordinate measuring machine (CMM) currently on site.

B. Hedrick asked Berry about their shipping process and Berry stated that UPS comes to the site as necessary and sometimes they will meet the driver at another location to drop off parts, etc., so the UPS truck does not have to come to the site.

Pell asked if there were any further questions from the Board members. Hearing none, Pell asked if there was anyone else in favor of this request.

Morgan swore in Josh Langley, business partner of Berry, 7045 Brooksdale Rd. Langley said that he wanted to follow up on what Berry said earlier. Langley stated that the tooling comes in from UPS and that it might be one box but that they do order a lot from Amazon and many of the boxes arriving at the site are for personal use. Langley stated that he had also talked with several neighbors about the request.

Pell asked if there were any questions from the Planning Board members. Hearing

none, Pell asked if there was anyone else in favor of this request.

Hearing none, Pell asked if there was anyone in opposition to the request.

Morgan administered the oath to Cassidy Hammonds, 4542 Oak Grove Church Rd, who also distributed a packet to the Planning Board. (See Exhibit #2.) Hammonds stated that she lived to the left of the site and that she saw a lot of things wrong in the site plan and the summary statement and asked that the request be denied.

Hammonds stated that Berry misspoke about the business and that she did not want this business in her backyard due to noise and the increase in traffic. She went on to say that there are fourteen machine shops in Asheboro and that this machine shop is not a public necessity as is required by the *Randolph County Unified Development Ordinance (UDO)*. Hammonds continued by saying that a machine shop is not allowed in RA zoning by the UDO and that the permit must be denied as the shop was opened unlawfully. Hammonds talked about the notice on the site plan and how Berry was "deceitful" on the site plan and that Berry has a history of a lawsuit between himself and his former employer, Autocraft. Hammonds stated that Berry started taking orders for his business in 2022 while he was employed at Autocraft and that the company found out and terminated his employment.

Morgan interjected at this point saying that the information the Hammonds was relaying to the Planning Board about the civil suit was not relevant to this request and could not be entered into the record.

Hammonds stated that Berry made it seem like the shop is more of a hobby and that it is not right and he is being deceitful to the Board and the community members. Hammonds went on to tell how LB Metalworks filed their paperwork with the North Carolina Secretary of State's Office in May 2020, and that there are more employees than three as was stated by Berry as she has seen job listings posted on Indeed and Glass Door. Hammonds also stated that Berry is not complying with his site plan and that the business hours are from 7:00 am to 4:00 pm and that there are people at the site all of the time and that based on photographs from Facebook, there are more than three machines at the site.

Hammonds continued by stating that she did not know how much the machines cost but that in 2023 a new machine came to the site on the back of two trucks that blocked the road and that the road has a blind curve. She continued by stating that the owners of the business do not live on the site, and that the entire property is now a gravel lot and that there is no longer any silence since Berry has cut trees, is running a skid steer, has a forklift and dogs barking on the property.

Hammonds stated that the site plan shows tanks but that Berry has not provided a list of chemicals that are stored on the site and it appears that Berry is starting to plan for another building on the site. Hammonds talked about the chemicals being certified by the California Safe Drinking Water and Toxic Enforcement Act of 1986,

also known as Proposition 65, and the possibility of contaminating the well water of the adjacent property owners.

Hammonds said that she did not want to live beside this site as the road has a fifty-five miles per hour speed limit and that there are bus stops all along the road and that the road is not designed for the large trucks that drive the roads. Hammonds questioned the Board about the byproducts and wastes from the operation and how it was going to be handled. She also stated that she thought that the business would have negative impacts on property values but that she did not get an expert to provide that information but it was her opinion that tax values would not go up and that her property value could suffer due to the nuisance.

Pell asked if there were any questions from the Planning Board.

Davis asked Hammonds how long she had lived at the site and she said eight years. Davis asked if Hammonds had livestock on the site and she replied not at this moment. Davis then asked if Hammonds understood that a Special Use Permit can allow operations beyond what is normally allowed and Hammonds answered that she did know that but that the problem is that Berry has not stayed with the site plan.

Austin asked Hammonds to describe the lay of the land between her house and the business. Hammonds said that most of the trees in the orthophoto have been removed and she pointed to the area on the plan that has been cleared and mulched. Hammonds said that there is nothing that is blocking her house from seeing the business.

B. Hedrick asked Hammonds to point to her house on the site plans and she pointed to her house.

Austin stated that he did not think that the gravel area around the shop was excessive and Hammonds stated that the area is bigger now. Austin asked if Hammonds had any conversations with Berry about her concerns and she replied that she had talked with Berry on the phone but did not want to bring up her concerns to him and that she did not want to give him the information that she was gathering about the request.

Cable asked Hammonds if she had called the Planning Department to file a complaint and Hammonds said that her only phone call was to find out about the public hearing. Cable asked Hammonds if she had called the Randolph County Sheriff's Department on the North Carolina Highway Patrol to report traffic concerns and Hammonds stated that she had not contacted either agency.

Pell asked if there were any other questions from the Planning Board. Hearing none, Pell asked if there was anyone else in opposition to the request.

Pell asked Berry how old his pictures were in his packet and he said that the pictures

were made on November 28, 2023, from 10:12 am to 10:21 am.

Morgan administered the oath to Jeffrey Todd Hedric, 4502 Oak Grove Church Rd. J. Hedrick stated that the building appeared to be close to his property line and that he bought his property to enjoy and be able to hunt deer but that he has not seen a deer on the site in over two years and how he is always hearing people dragging metal, the forklift running and metal being thrown around the site. J. Hedrick stated that the air compressor at the site goes off every thirty to forty-five minutes, twenty-four hours a day, seven days a week. J. Hedrick concluded by stating that he can see and hear everything that goes on at the site and that he does not get to enjoy his property.

Pell asked if the Planning Board had any questions for J. Hedrick.

Cable asked if J. Hedrick lived in the house with the green roof and J. Hedrick pointed to his house.

Kemp asked if part of the driveway to Berry's building is on his property and J. Hedrick stated that it is an old logging road and that the road is on the edge of the property.

Austin asked about the trees on the property and if it would be possible for the driveway to be widened. Cable asked about the possibility of a fence at the site.

Pell asked Berry if he wanted to address any of the comments from the opposition. Berry stated that he leaves his property around 5:50 am to take his sons to daycare.

Berry stated that he does have a skid steer at the site and that he likes to have a nice, clear property and he wants it to look good. Berry stated that he did have a pile of gravel brought to the site - eight tons - as he wants to build a pole barn for his boat and maybe a camper.

Berry stated that the air compressor does run and it releases air every forty-five minutes for about two seconds.

Davis asked if the air compressor was enclosed and Berry said it was enclosed on three sides as shown in the pictures in his exhibit.

Beeson said that in the past, furniture businesses agreed to enclose their air compressor in a soundproof building and Berry stated that he wanted to be able to use the shop for his personal use if the business does move to a different location. Beeson then asked if the business operates on a twenty-four hour basis and Berry said that it is only open the hours previously stated and that there are only three employees. Berry reminded the Board that since he lives at the site, he is always at the site and he might be in the shop in the evening programming the cutters for the next day and that sometimes he does have to work late due to customer demand.

Berry stated that the skid steer would stay at the site if the business did move and that he purchased it before he purchased the property.

Davis asked about the hours of operation and Berry stated the hours of operation are Monday through Thursday, 7:00 am to 4:30 pm, and Friday, 7:00 am to 12:00 pm with no Saturday or Sunday hours. Davis asked if Berry understood that the Special Use Permit could contain a condition to limit the business to these hours only and Berry stated that he understood.

Austin asked if Berry had ever had any chemicals that impact open soil and Berry replied that it had never happened on the site. Berry directed the Board members to the picture of the 275-gallon tank that is used in case of spills. Berry stated that any spills are contained in the building on the concrete slab and are immediately cleaned, and the spill is placed in the tank for Environmental Solution or a different company to pick up the chemicals and dispose of them properly.

A question was asked about why the large trucks do not come on Berry's property and Berry stated that you cannot get large trucks up his driveway. Berry stated that his last machine weighed between 20,000 to 40,000 pounds and they can not be delivered by box trucks--only large trucks and this only happens when they get new equipment or when they move to a new site.

Vaughan asked Berry if he felt comfortable having his two sons around the site and if he was worried about possible well contamination. Berry said that he is comfortable living there because if anything gets contaminated, his well will be the first one impacted, and everything that happens on the site impacts him and his family.

Cable asked Berry how he gets his raw materials and Berry answered that they come in on flatbed trucks and those trucks can easily travel his drive, turn around, and leave the site. Berry stated that he wants to move the business and grow it but he is having problems finding a place. Cable then asked Berry about his vision and goals for another location. Berry said he would like to find a place by the end of 2024 but he does not know if they will be able to find a site and that he hopes to move the business within five years.

Berry mentioned to the Board members about a letter that was sent to property owners that was not correct and that he did not get a copy of the letter other than through his neighbors. Austin asked when the letter was sent and Berry said he did not know the answer but that another letter was sent out just before the January meeting. Berry stated that most of the neighbors did not know the business was at the site.

Austin asked if the tree clearing and mulching had anything to do with the business and Berry stated that he was just trying to make the site look better and that we would take out more trees in the future.

Davis asked if Berry would be willing to enclose the air compressor to cut down on noise and Berry said that he would be willing to enclose the air compressor and he did not know if anything else could be done to quieten the air compressor. Berry did state that some machines will leak a little bit of air due to the fittings.

Austin asked if the air compressor could be cut off after business hours and Berry said it could be done but that he would still like to be able to use the compress for personal use if the need arises.

Cable asked how long it would take for the air compressor to recharge and Berry said he guessed that it would take five minutes.

Pell stated that it seemed to be a simple solution of Berry turning off the compressor at the end of the business day.

Beeson asked Berry a question about the photo of the existing building and if the photo was up-to-date and Berry replied yes. Beeson asked about the gap between the main building and the air compressor and Berry stated that the gap was to keep the scrap metal dry.

Austin asked if the air compressor could be cut off after business hours and Berry said it could be done but that he would still like to be able to use the compressor for personal use if the need arises.

Davis said that he felt that the case boils down to being good neighbors.

Pell asked if there were any other questions from the Planning Board. Hearing none, Pell closed the public hearing.

B. Hedrick reminded the Board members that since the request was for a Special Use Permit, the Board must find the *Findings of Facts* either in support of or in opposition to the request.

Cable stated that he thought both sides of the request had made good points and it does take time to get all of the information out into the open. Cable stated that over the years the Board has approved these types of business and they grow and have to move which is good for Randolph County. Cable said that he agreed with Davis that this does boil down to being good neighbors. Cable stated that if Berry turned off the air compressor, deer might come back to the area for J. Hedrick to be able to hunt and he can see how the large trucks cannot get to the site. Cable said that he felt that Berry had everything in order as far as the site plans and certifications and that his questions had all been answered. Cable concluded by saying that with the right conditions, the request could work at this location.

Davis asked if Cable was offering conditions and Cable replied that he was offering conditions that the air compressor go off at the end of the business day and be

turned back on at the beginning of the business day. Davis stated that he hated tying Berry to specific conditions for his personal use of the building or air compressors.

Austin asked Berry if he understood what Davis was saying about the conditions that could stop him from using the building and air compressor for his personal use. Austin said the soundproofing must be the best option and Berry indicated that he understood what was being said.

Beeson said he felt if Berry wanted to use the building or compressor occasionally it might be okay but not all of the time.

Davis asked about the time to shut off the air compressor. Davis stated that Berry has already stated that he will enclose the air compressor and cut it off after business hours but he did not feel that the Board could limit his personal use of the building or air compressor.

Austin asked Berry if he would accept the condition to turn off the air compressor at the end of the business day and turn it back on at the beginning of the business day and to enclose the air compressor. Berry said that he would accept the conditions. The application was updated with the new conditions and was signed by Berry.

On the motion of Davis, seconded by Austin, with a vote of 6-1, Hedrick voting no, the Board voted to approve the request with the motions contained in the Planning Board packet.

SPECIAL USE PERMIT REQUEST #2024-00000027

The Randolph County Planning Board will hold a duly published and notified quasi-judicial hearing on the request by **BRAD and JENNIFER ELLIS**, Franklinville, NC, and their request to obtain a Special Use Permit at 2785 Mack Lineberry Rd, Franklinville Township, Tax ID #7774655712, 7.34 acres, RLOE-CD - Rural Lot Subdivision Overlay Exclusive - Conditional District. It is the desire of the applicant to obtain a Special Use Permit to specifically allow a one-bedroom apartment to be built in an existing building as per the site plan.

Caddle presented the next case on the Planning Board agenda.

Pell opened the public hearing.

Morgan administered the oath to Brad Ellis, 2785 Mack Lineberry Rd. Ellis told the Planning Board that he wanted to put a place on his property for their son to live. Ellis stated that they were going to originally put a mobile home on the property but found out that the zoning district only allows site-built or modular homes. Ellis stated that he already had a thirty-eight-foot by forty-foot metal building under construction at the site, and they decided to adjust the floor plan to allow a seventeen-foot by

thirty-foot bedroom in the building for their son. Ellis explained that they have already had the site approved for a septic system and the dwelling will be using the existing well. Ellis said that his son will use the building to work on his cars and it will allow him to have a shop space and a living space.

Pell asked if there were any questions from the Board.

Austin asked if the new structure needed a new well and Ellis said they would use the existing well. Ellis explained to the Board that his mother lives in the house to the right and his sister and brother own the other surrounding properties.

Pell asked if there was anyone else in favor of the request. Hearing none, Pell asked if there was anyone in opposition to the request.

Hearing none, Pell closed the public hearing.

Davis said this is a case of family taking care of family and he did not see a problem.

Cable stated that there was no opposition to the request.

B. Hedrick related how affordable housing has been an important topic and this is one way to address the housing pressures being experienced by everyone.

On the motion of Cable, seconded by Beeson, with a vote of 7-0, the Board voted to approve the request with the motions contained in the Planning Board packet.

REZONING REQUEST #2023-00002663

The Randolph County Planning Board will hold a duly published and notified legislative hearing on the request by **AUTUMN HOPE EARNHARDT**, Randleman, NC, and their request to rezone 8.81-acres out of 57.76 acres on Tabernacle School Rd, Tabernacle Township, Lake Reese Critical Area Watershed, Tax ID #7712131261, Rural Growth Area, from *RA - Residential Agricultural District* to *RLOE-CD - Rural Lot Overlay Subdivision Overlay Exclusive - Conditional District*. The proposed Conditional Zoning District would specifically allow a three-lot subdivision for site-built homes as per the site plan.

Caddle presented the third case of the night.

Pell opened the public hearing and called for anyone in support of this request to address the Planning Board.

H R Gallimore, 231 S Fayetteville St, representative for the applicant, rose to address the Planning Board. Gallimore stated that the request is for a three-lot subdivision and that Tabernacle Elementary School is across the road from the

request location. Gallimore noted that no one came to the Neighborhood Information Meeting.

Davis asked about the new houses along the road and Gallimore stated that Bobby Earnhardt, the father of the applicant, had built several of the houses and that the Boy Scout Camp had recently been sold to a group of private investors. Davis asked if the old camp would be developed and Gallimore said that it was his understanding that the camp would not be developed at this time.

Gallimore stated that the builder would follow all of the rules from the County.

Davis stated that he had visited the site earlier and he had concerns about safety on the lots in the curve. Gallimore stated that they have worked with the North Carolina Department of Transportation, NCDOT, about this issue and they will do their best to make the site as safe as possible.

Beeson asked if the homeowners would be able to turn around in their drives and not in Tabernacle School Rd and Gallimore responded yes after conferring with B. Earnhardt.

Davis asked about any comments or concerns from NCDOT and Caddle read the information from NCDOT that was contained in the *Randolph County Technical Review Committee Report and Map Amendment Evaluation* that was in the agenda packet. Davis stated that the Board has to look at the safety issues.

Pell asked if there were any questions from the Board for Gallimore. Hearing none, Pell asked if there was anyone else in favor of the rezoning request who wanted to speak. Hearing none, Pell asked if there was anyone in opposition to the rezoning request who wanted to speak. Hearing none, Pell closed the public hearing.

Davis stated that he has concerns about safety in the curve but that it falls under NCDOT and the developer will need to work with NCDOT to resolve any issues.

Austin said that he has the same concerns about the curve on lot number one.

Cable stated that he did not want to do anything along US Hwy 64 West as that is all up to NCDOT.

Austin asked if the developer had contacted NCDOT to see about reducing the speed limit as there is nothing the Planning Board can do about the speed limit. B. Hedrick said that this is a high-density area and with the local school the speed limit should be examined but that is up to NCDOT.

B. Hedrick mentioned that the UDO has specific guidelines for overlay subdivisions such as buffers and that he has concerns that the parcels have clear cut and that there is no buffer along US Hwy 64 W shown on the site plan.

Davis asked where the buffers were shown on the site plan. B. Hedrick said the UDO requires a thirty-five-foot no-cut buffer on clear-cut properties and there are no buffers on the site plan.

Austin said that he would like to see a buffer on lot number three.

Gallimore stated that the previous owner had cleared the property and that when building on the lots, B. Earnhardt, tries to leave as many trees on the property as possible and sometimes the yards are very small. Gallimore also stated that sometimes the no-cut buffers can be a bad thing from a development perspective.

Cable stated that the buffer could benefit the homeowner.

Gallimore started to speak again but Pell interrupted him and told him that the public hearing was closed.

Beeson asked if the Board could add a condition for a buffer. Davis stated that the Board would have to ask the applicant.

Cable asked if the property has room for a buffer. B. Hedrick stated that he would be fine with another type of buffer.

Austin stated that the drive could not be in the buffer.

The Planning Board asked Gallimore if B. Earnhardt would agree with the condition of a thirty-five-foot buffer along US Hwy 64 W on lot number three. Gallimore conferred with B. Earnhardt and B. Earnhardt agreed to the new condition. The application was updated and signed to show agreement to the new condition.

On the motion of Davis, seconded by Cable, with a vote of 7-0, the Board voted to approve the request with the motions contained in the Planning Board packet.

REZONING REQUEST #2023-00002455

The Randolph County Planning Board will hold a duly published and notified legislative hearing on the request by **TRACI DIANNE NIXON**, Colfax, NC, and their request to rezone 9.63-acres out of 42.57 acres on Pleasant Union Rd, Tabernacle Township, Lake Reese Balance Watershed, Tax ID #7701554468, Secondary Growth Area, from RA - Residential Agricultural District to CVOE-CD - Conventional Subdivision Overlay Exclusive - Conditional District. The proposed Conditional Zoning District would specifically allow a five-lot subdivision for site-built homes as per the site plan.

Caddle presented the next case of the night to the Planning Board.

Pell opened the public hearing and asked for the applicant to come forward and address the Planning Board.

Tonya Farlow Bennett, 118 Trindale Rd, relator for the applicant addressed the Board and stated that the parcel started as a 95-acre parcel and that Nixon sold part of the property and the remainder had been on the market for nine months. They started working with Survey Carolina to develop a plan to develop the road frontage of the property. Bennett said that the lots all average two acres in size and that restrictive covenants would be placed on the property but that they did not want to go to the expense of having these done until they knew if the rezoning would be approved. Bennett stated that the remaining thirty-four acres have been given access on the preliminary plat and it will be sold as a large parcel.

Pell asked if there were any questions from the Planning Board.

Caddle read the information from NCDOT that was contained in the *Randolph County Technical Review Committee Report and Map Amendment Evaluation* that was in the agenda packet.

Beeson asked if the NCDOT comments were requirements or recommendations and Caddle said they are recommendations.

Austin asked about the speed limit on the road and it was determined that the speed limit was fifty-five miles per hour as shown in the *Development Impact Analysis* in the agenda packet. Austin asked if public water was available and Bennett said that it was available but it is optional and that the property has already been evaluated for septic systems and everything will be completed before the final plat is prepared.

Beeson stated that he liked the fact that the narrowest lot is 170 ft. and that he is not a fan of shared drives.

Davis stated that it looked like the lots would be nice. Vaughan asked if the existing trees would remain to allow a buffer and Bennett said that they want to leave as many trees as possible.

Pell asked if there were any more questions from the Planning Board. Hearing none, Pell asked if there was anyone else who would like to speak in favor of the request. Hearing none, Pell asked if there was anyone present who would like to speak in opposition to the request. Hearing none, Pell closed the public hearing.

Davis said that he thought it was a good plan.

On the motion of Beeson, seconded by Austin, with a vote of 7-0, the Board voted to approve the request with the motions contained in the Planning Board packet.

REZONING REQUEST #2023-00003141

The Randolph County Planning Board will hold a duly published and notified legislative hearing on the request by **TURNER BLISS LLC**, Sophia, NC, and their request to rezone 1.86-acres at 2735 Banner Whitehead Rd, New Market Township, Randleman Lake Protected Area Watershed, Tax ID #7736779292, Secondary Growth Area, from *RBO-CD - Rural Business Overlay - Conditional District* to *HI - Heavy Industrial District*. It is the desire of the applicant to rezone the property to allow any uses allowed by right in the *HI - Heavy Industrial District*.

Caddle presented the last case of the night to the Planning Board.

Pell opened the public hearing and asked if anyone would like to speak in favor of the request.

Greg Burkhart, 5855 Suits Rd, owner of the business, rose to address the Planning Board. Burkhart told the Board that he started the business in 2004 and this is the fourth time he has appeared before the Board about this specific location and his business. Burkhart stated that his customer base has changed, and he has secured contracts with Ford Motor Company and the United States Department of Defense just to name a few of his customers. Burkhart stated that the business is very quiet and that the air compressor is enclosed.

Burkhart told the Board that the business runs three shifts but that the third shift is unattended, and it is an automated process. He talked about the buffer that was shown on the orthophoto site plan and how the business is located between a *Primary Growth Area* and a *Rural Growth Area* and his business is located in a *Secondary Growth Area*. Burkhart also noted that the Braxton Culler furniture plant is approximately 250 feet away from his location and he does not understand why the Technical Review Committee recommended that his request be denied. He stated that this is a safer location for his business and that he did not want the business in a municipality where equipment can be easily stolen.

Burkhart addressed the concern of rezoning the property without a Conditional District Permit and stated that the property is small but he would be fine with conditions as long as they would allow him to continue doing CNC work, aerospace work, and work for military purposes. He told the Board that many of his customers require him to sign non-disclosure agreements so he is not allowed to give the Board more specifics other than he needs to increase the building size and that he wants to do it in Randolph County so he can meet the obligations of his customers.

Pell stated that if Burkhart wanted to add conditions to his request the current application would have to be withdrawn and a new application submitted. Caddle stated that Pell was correct in his statement and that only what is presented on the

current application is what can be considered and any changes would delay his request.

Austin stated that the *Heavy Industrial District* is a very broad category and asked if Burkhart would be willing to add conditions to try to be a good neighbor.

Cable asked what Burkhart wanted to do and he said he needed to expand the building.

Caddle reminded the Board that this request is for a straight rezoning and the Board cannot ask specific questions about the use and that the submitted site plan is not to be considered and was not included in the agenda packet as it was for impervious surface calculations only.

Davis asked if Burkhart was to withdraw his application and apply for a Conditional District Permit how long it would take for the request to get to the Planning Board. Caddle stated that the March 2024 agenda is already full and if Burkhart submitted a completed application before the first Friday of March, the April Planning Board meeting would be the earliest the Conditional District Permit request would be considered.

Cable asked what Burkhart thought would happen after this request. Burkhart stated that he has tried to purchase adjoining property but the owner wants to put stipulations on it that Burkhart could not agree to fulfill. Burkhart stated that he has been contacted by Davidson County and offered incentives to move his business to Thomasville where he could move into a new 50,000 sq. ft. building.

Kemp asked if the two-month wait would be too long and Burkhart said it would be too long and it would slow down his business and that his customers "drive" his business and they make the orders and pay the bills.

Austin said that Burkhart is to be congratulated for his success.

Davis said that he was by the site constantly and that there was no noise, dust, or any complaints that he was aware of at this time.

B. Hedrick stated that the rules in place in the UDO were in place when Burkhart made the application and the current *Rural Business Overlay - Conditional District* zoning allows site plans, etc., but the straight rezoning request does not allow specific site plans.

Cable said that he agreed with B. Hedrick but that this area is a "hodge podge" of uses and Burkhart had told the Board what he was going to do with the property. Austin stated that that is what the County allows for *Conditional District Permits*.

Burkhart said that his current permits allow him to make engine parts but with the

changes in technology and demand, he needs to be able to adapt to those changes and that he is trying to do what is right for his business and the County and he is proud of what the business does in Randolph County.

Cable asked Burkhart where we could see his business in ten years and Burkhart stated he would like to be in a bigger building on the adjoining property in this same area.

Beeson asked about the possibility for Burkhart to come back to the Board with additional conditions for what he wanted to do but he knew that would slow Burkhart's request and plans.

Burkhart stated that he has everything that he needs at the site at no cost to the County.

Cable asked Burkhart about his total investment at this site to date and Burkhart stated it was over \$6,000,000 in the building and equipment.

Pell asked if there were any further questions from the Board. Hearing none, Pell asked if there was anyone else in favor of the request who wanted to speak. Hearing none, Pell asked if there was anyone present in opposition to the request who wanted to speak. Hearing none, Pell closed the public hearing.

Davis said that he did not know how to make this request work.

Beeson stated that he did not like straight rezoning requests.

B. Hedrick asked Caddle about the minimum lot size and Caddle said that the minimum lot size is 80,000 sq. ft. since the property is in the Deep River (Randleman Lake) Critical Area and the impervious surface will be applied to the watershed.

Cable stated that the Board looks at these requests every month and tries to make things work but sometimes their decisions are overturned by the Board of County Commissioners and that the "heart" of the Planning Board was always in the right place. Cable stated that many times the applicant and the Board agree on conditions to make the requests better.

B. Hedrick advised Burkhart to contact Randolph County Economic Development Corporation as they may know of programs and incentives to help the business grow even more.

On the motion of Cable, seconded by Austin, with a vote of 6-1, Hedrick voting no, the Board voted to approve the request with the motions contained in the Planning Board packet.

7. Legislative Updates to the Randolph County Unified Development Ordinance

The Randolph County Planning Board will hold a duly published legislative hearing on required updates to the *Randolph County Unified Development Ordinance* as required by changes made by the North Carolina General Assembly. These changes are necessary to remain compliant with applicable general statutes.

Caddle went over the *Summary of Legislative Changes in the Randolph County Unified Development Ordinance* as included in the agenda packet. (See Exhibit #4.)

Caddle stated that it was the responsibility of the Planning Board to review these changes and make a recommendation to the Board of County Commissioners for the adoption of the legislative changes. The Board discussed whether to continue to review the changes during the meeting or allow the members time to review the changes further and come back to this discussion in March.

On the motion of Cable, seconded by Hedrick, with a vote of 7-0, the Board voted to delay action on the Legislative Change in the Randolph County Unified Development Ordinance until the March 5, 2024, Planning Board meeting.

8. Update from the Planning Director.

Caddle had no updates for the Planning Board.

9. Adjournment.

At 9:12 p.m. on motion of Cable, seconded by Davis, the Board voted 7-0 to adjourn with thirty-six citizens present for the meeting.

Chairman

Deputy Clerk to the Planning Board

**Approved by Randolph County Planning Board
March 5, 2023**





LB Metalworx LLC request for special use permit to be heard by Randolph County Planning and Zoning Board.



LB METALWORX, LLC.

Est. 2022

SHIPPING/BILLING: 4534 OAK GROVE CHURCH RD. ASHEBORO, NC 27205

CONTACTS: Josh Langley, Co-Owner

336-736-1110

Matt Berry, Co-Owner

336-302-5703

Type of Business: LLC -- S Corporation – Manufacturing Job Shop

EIN # 88-2253308

Tax Exempt # 601468440

To the Randolph County Planning and Zoning Department: My name is Matt Berry. I am seeking a special use permit to operate a small machine shop business on my property, behind my house, at 4534 Oak Grove Church Road Asheboro, NC 27205.

- The name of the business is LB Metalworx LLC.
- Normal business hours are Monday-Thursday 7:00am-4:00pm and Fridays 7:00am-12:00pm.
- There is very little traffic within our business as most of our work is over email and phone calls.
- There is very little noise that is audible from outside the building.
- There are no fumes or smells associated with my shop.
- Outside storage is neat and maintained to match the remainder of property.



Looking from Waynick Meadow road direction.



Looking from High Pine Church Road direction.



This is coming up the driveway to the house and shop.



This is the gate looking at the shop. The gate is closed at all times.



Standing directly in front of the shop.



Standing in front of the shop, this is the left side where we park our vehicles.



This is looking at the front left corner of the shop.



This is from the left side looking at the back left corner of the shop.



Standing at the back looking at the rear of the shop. This is a standalone carport to house incoming raw material and scrap material.



This is from the right side looking at the back right corner of the shop.



Distance to house from shop is 668ft. Address to this residence is 4542
Oak Grove Church Rd. Asheboro, NC 27205



**Distance to house from shop is 846ft. Address to this residence is 4502
Oak Grove Church Rd. Asheboro, NC 27205**



Distance to house from shop is 689ft. Address to this residence is 4470
Oak Grove Church Rd. Asheboro, NC 27205

CERTIFICATE NUMBER: P-1513

Client:

Diamond Outdoor of the Carolinas
9035 Hwy 49 S
Denton, NC 27239
(o) 800-507-1450 (f) 800-508-1450

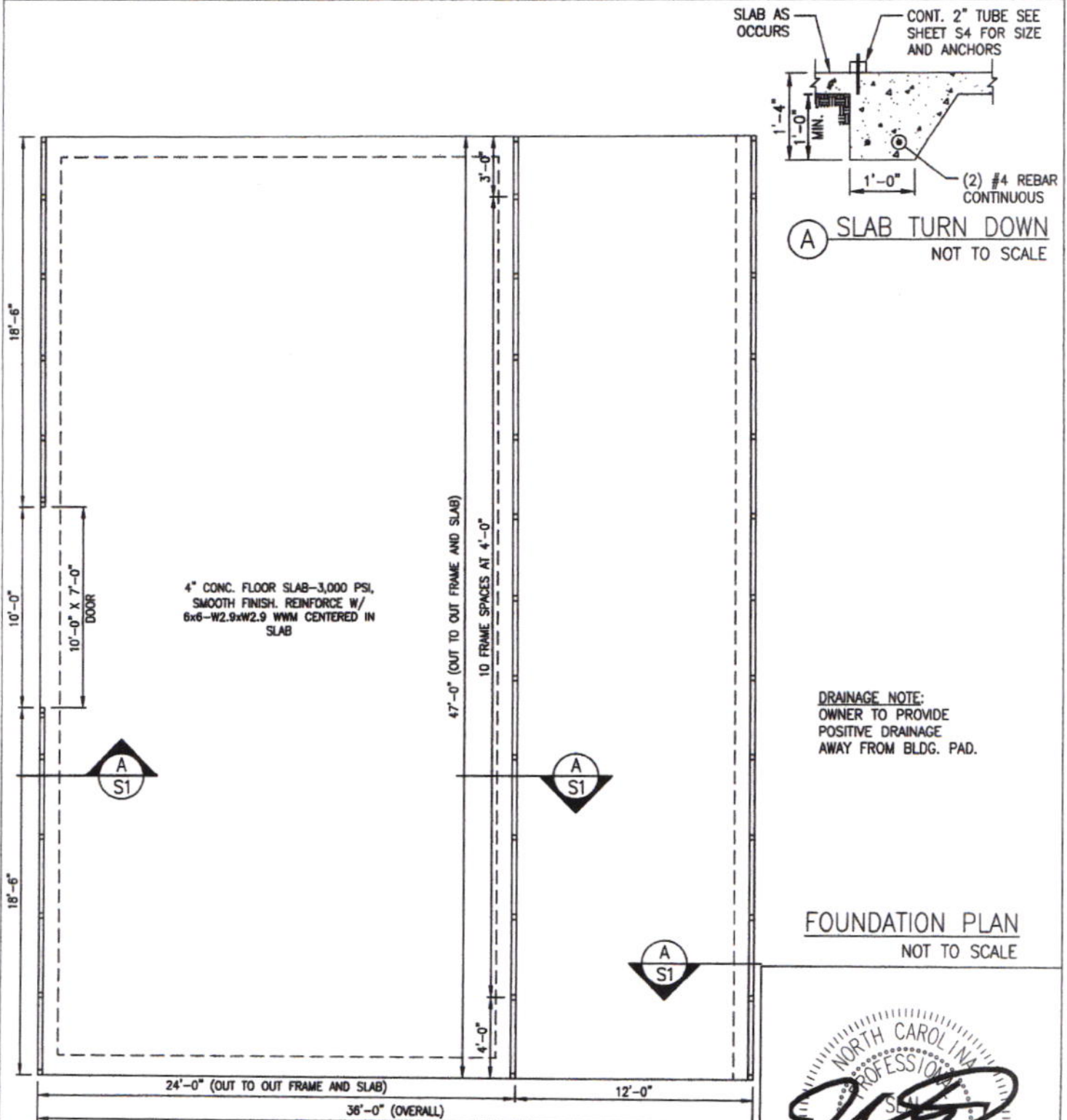
Project:

24'x48'x12' w/ 12'x48'x9' lean to
Matt Berry
4534 Oak Groove Church Rd
Asheboro, NC 27205

Job No:
1901-843

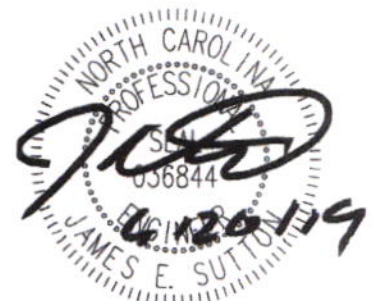
Date:
06/20/19

Sheet:
S1



DRAINAGE NOTE:
OWNER TO PROVIDE
POSITIVE DRAINAGE
AWAY FROM BLDG. PAD.

FOUNDATION PLAN
NOT TO SCALE





J.S. CONSULTING & DESIGN
ENGINEERING AND CONSULTING

CERTIFICATE NUMBER: P-1513

Client:

Diamond Outdoor of the Carolinas

9035 Hwy 49 S

Denton, NC 27239

(o) 800-507-1450 (f) 800-508-1452

Project:

24'x48'x12' w/ 12'x48'x9' lean to

Matt Berry

4534 Oak Groove Church Rd

Asheboro, NC 27205

Job No:

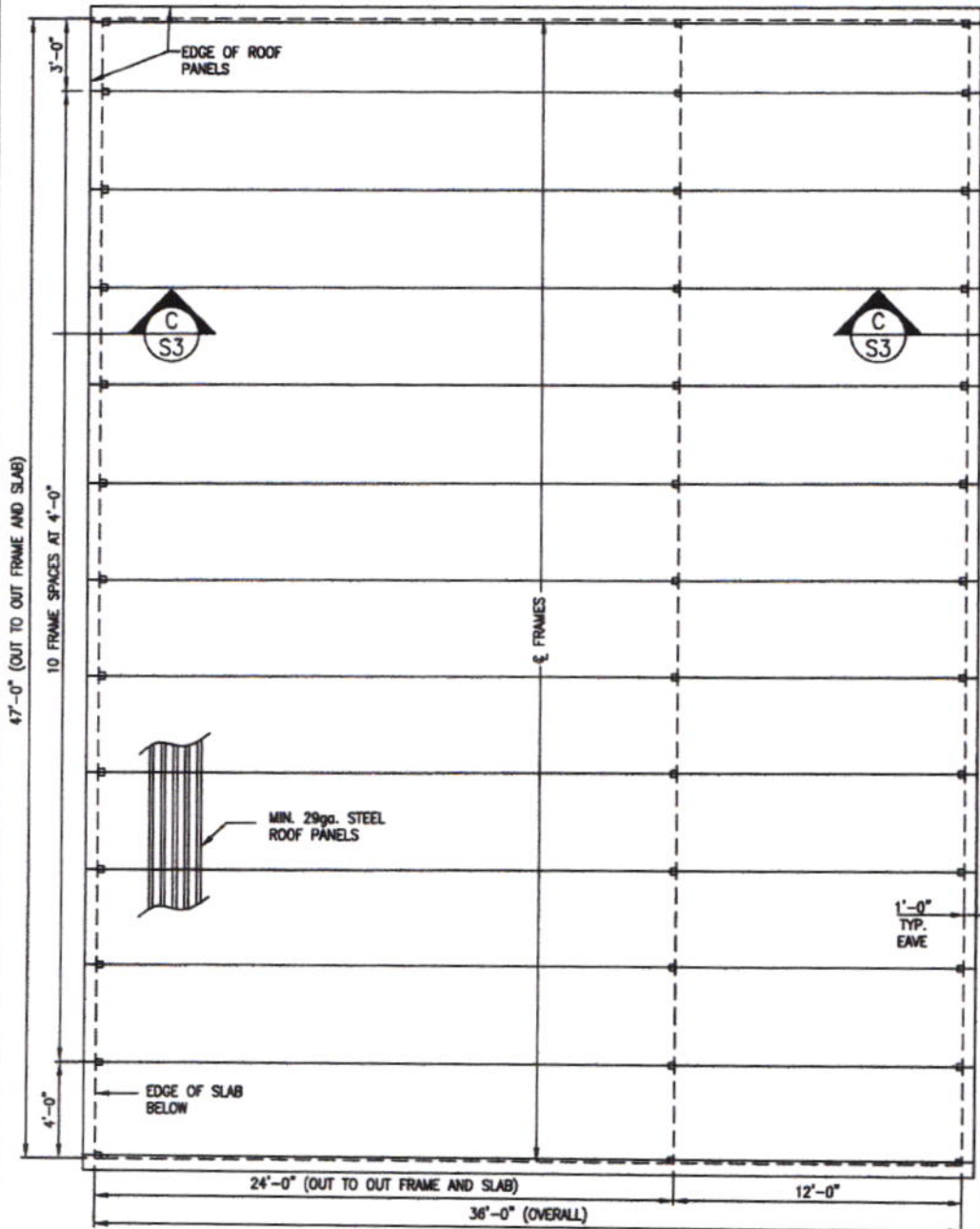
1901-843

Date:

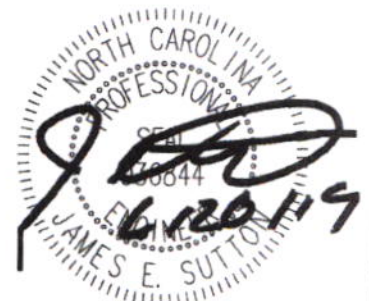
06/20/19

Sheet:

S2



FRAMING PLAN
NOT TO SCALE



9035 Hwy 49 S

(c) 800-507-1450 (f) 800-508-1452

Project:

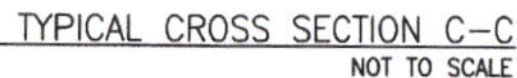
Mott Berry

Asheboro, NC 27205

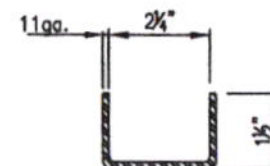
1901-843

06/20/19

53



LEAN TO



TYP. WIND COLLAR/BRACE
NOT TO SCALE

GABLE END WALL FRAMING

GABLE END WALLS SHALL BE FRAMED USING 2-1/4" 14ga SQUARE TUBES TO THE BOTTOM RAIL AND RAFTERS W/ L-CLIPS AND (2) SCREWS IN EACH LEG OF THE CLIP. ANY STUDS OVER 13'-0" IN LENGTH SHALL BE (2) 2-1/4" 14ga AND ATTACHED W/ (2) L-CLIPS AND (2) SCREWS IN EACH LEG OF THE CLIP.





JS CONSULTING & DESIGN
ENGINEERING AND CONSULTING

CERTIFICATE NUMBER: P-1513

Client:

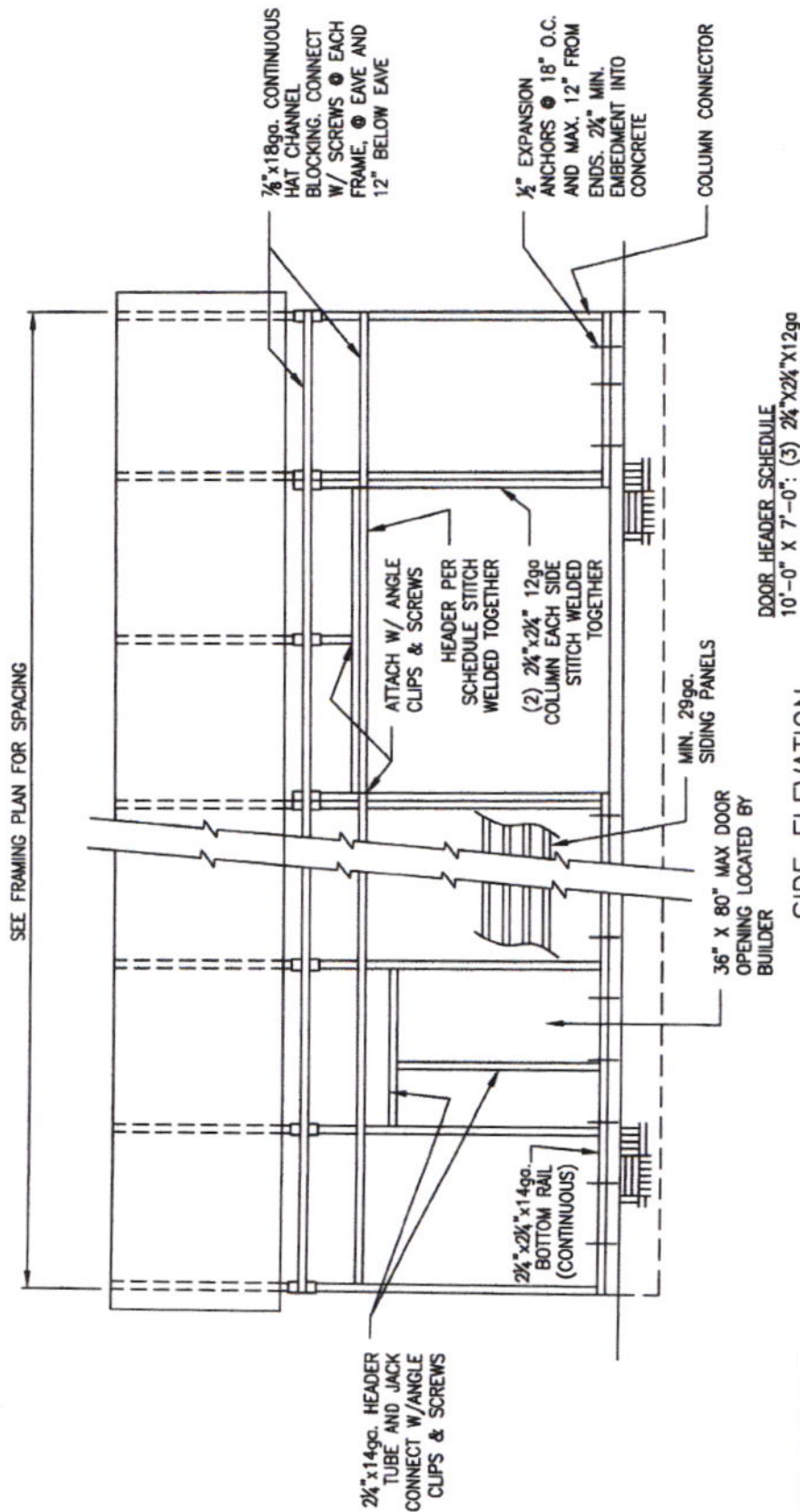
Diamond Outdoor of the Carolinas
9035 Hwy 49 S
Denton, NC 27239
(o) 800-507-1450 (f) 800-508-1452

Project:

24'x48'x12' w/ 12'x48'x9' lean to
Matt Berry
4534 Oak Groove Church Rd
Asheboro, NC 27205

Job No:
1901-843

Date:
06/20/19
Sheet:
S4



SIDE ELEVATION
NOT TO SCALE

DOOR OPENING NOTE:
FOR DOORS PLACED IN GABLE END WALLS ONLY. EXACT LOCATION TO BE DETERMINED BY BUILDER. MINIMUM HEADER SIZE (2) 2-1/4" 14ga SQUARE TUBES ATTACHED TOGETHER W/ CLIPS AND SCREWS @ 1'-0" O.C. MINIMUM (1) 2-1/4" KING STUD EACH SIDE. ATTACH USING ANGLE CLIPS AND SCREWS



PASSED- BUILDING-FOOTING - BUILDING PERMIT 2019-00001826 at 4534 OAK GROVE CHURCH RD

Result Date/Time: Friday, July 26, 2019 2:16 PM
Inspection: BUILDING-FOOTING
Permit: BUILDING PERMIT 2019-00001826
Inspection Contact: BERRY, MATT DELACY, Other
Inspector:
Inspection Address: 4534 OAK GROVE CHURCH RD, ASHEBORO, NC 27205

To schedule your next inspection please contact the Inspector directly @ 336-318-6565. Office hours are Monday through Friday from 8 a.m. to 5 p.m. Inspectors can be reached between 8 and 9 a.m. and between 4 and 5 p.m.

PASSED- BUILDING-SLAB - BUILDING PERMIT 2019-00001826 at 4534 OAK GROVE CHURCH RD

Result Date/Time: Friday, July 26, 2019 2:16 PM
Inspection: BUILDING-SLAB
Permit: BUILDING PERMIT 2019-00001826
Inspection Contact: BERRY, MATT DELACY, Other
Inspector:
Inspection Address: 4534 OAK GROVE CHURCH RD, ASHEBORO, NC 27205

To schedule your next inspection please contact the Inspector directly @ 336-318-6565. Office hours are Monday through Friday from 8 a.m. to 5 p.m. Inspectors can be reached between 8 and 9 a.m. and between 4 and 5 p.m.

PASSED- BUILDING-FINAL - BUILDING PERMIT 2019-00001826 at 4534 OAK GROVE CHURCH RD

Result Date/Time: Monday, August 19, 2019 1:03 PM
Inspection: BUILDING-FINAL
Permit: BUILDING PERMIT 2019-00001826
Inspection Contact: BERRY, MATT DELACY, Other
Inspector:
Inspection Address: 4534 OAK GROVE CHURCH RD, ASHEBORO, NC 27205

To schedule your next inspection please contact the Inspector directly @ 336-318-6565. Office hours are Monday through Friday from 8 a.m. to 5 p.m. Inspectors can be reached between 8 and 9 a.m. and between 4 and 5 p.m.

PASSED- BUILDING-FRAMING - BUILDING PERMIT 2019-00001826 at 4534 OAK GROVE CHURCH RD

Result Date/Time: Monday, August 19, 2019 12:56 PM
Inspection: BUILDING-FRAMING
Permit: BUILDING PERMIT 2019-00001826
Inspection Contact: BERRY, MATT DELACY, Other
Inspector:
Inspection Address: 4534 OAK GROVE CHURCH RD, ASHEBORO, NC 27205

To schedule your next inspection please contact the Inspector directly @ 336-318-6565. Office hours are Monday through Friday from 8 a.m. to 5 p.m. Inspectors can be reached between 8 and 9 a.m. and between 4 and 5 p.m.

PASSED- ELECTRICAL-FINAL - ELECTRICAL PERMIT 2019-00001826 at 4534 OAK GROVE CHURCH RD

Result Date/Time: Tuesday, March 3, 2020 8:15 AM
Inspection: ELECTRICAL-FINAL
Permit: ELECTRICAL PERMIT 2019-00001826
Inspection Contact: BERRY, MATT DELACY, Other
Inspector: Coltrane, Thomas E
Inspection Address: 4534 OAK GROVE CHURCH RD, ASHEBORO, NC 27205

Inspection Comment
3/3/20 TAG 4907

To schedule your next inspection please contact the Inspector directly @ 336-318-6565. Office hours are Monday through Friday from 8 a.m. to 5 p.m. Inspectors can be reached between 8 and 9 a.m. and between 4 and 5 p.m.

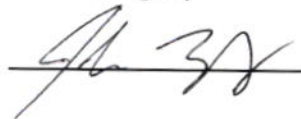
These are the emails that I received when passing inspections on the building and electrical.

History of LB Metalworx: We are an eager and young group of individuals trying to expand our knowledge and worth throughout Randolph County and surrounding areas. We started this adventure as nothing more than a hobby and a way to expand our knowledge in the manufacturing industry. Around August 2022 we (Josh, Matt and Bobby) were let go from our current job and had to rush to find a way to support our families quickly. With that being said we fell back on what we knew how to do as a career and started machining parts for ourselves and was lucky enough to find some dedicated customers that would allow us to start this venture.

Closing Statement: We would like to thank you for your time in reviewing our new business venture for the request of a special use permit. We are greatly appreciative of any guidance you can provide to make this a smooth transition into making this problem become resolved within the community. We are more than happy to answer any questions and/or concerns that you may have.

Sincerely,

Josh Langley

A handwritten signature in black ink, appearing to be 'JL 3X', written over a horizontal line.

Matt Berry

A handwritten signature in black ink, appearing to be 'Matt Berry', written over a horizontal line.

Dear Neighbor ;

I am writing this letter in response to the letter we all received some weeks ago.

- 1) This issue about LB Metalworx was so important to the writer that he or she didn't check anything written in it.
- 2) LB Metalworks IS A SMALL FAMILY-ORIENTED BUSINESS
- 3) Josh Landry and Matt Berry are cosins . The only employee is Bobbie Berry Matt Berry's father Can't get much more FAMILY ORIENTED THEN THAT.
- 4) Their shop is big enough for three CNC machines (three machines three workers no more.
- 5) A truck comes once a week to bring supplies. The truck is no bigger than other trucks that travel this road daily.
- 6) The noise from the truck isn't half as loud as some of the cars that travel down this road.
- 7) Large 18 wheel trucks cannot make it up the winding driveway so they don't deliver to the site.
- 8) The machinery is inside a small building and cannot be heard by the local wildlife.
- 9) Degreasers used in the shop are bought at Walmart things that we use every day.
- 10) The lubracents used are deemed harmless by the state of California.
- 11) The shop cannot expand by Randolph County order.
- 12) The shop cannot expand because it is at it's electrical limits.

I went to this shop to find something wrong but could not. Josh and Matt have plans to expand the business in the near future but not here. If the person who wrote the letter had only taken the time to talk to Josh and Matt we might not be here tonight

One last thing to the letter writer, know your facts before you write, tell the truth, and have the courage to sign your name, I did.

Craig R. Colao
4477 Oak Grove Church Road
Asheboro, NC 27205

P.S. Could not make it here tonight because I had a late doctors appointment in Morrisville more then an hour away.



LB METALWORX, LLC

4534 OAK GROVE CHURCH RD. ASHEBORO, NC 27205

Special Use Permit Neighborhood Signing Sheet

Information about LB Metalworx: My name is Matt Berry. I am a Randolph County native that moved out to the Oak Grove Church Road community in 2017 to call this beautiful place home for my family. As you are aware, I am seeking a special use permit to operate a small machine shop business on my property, behind my house, at 4534 Oak Grove Church Road Asheboro, NC 27205. Some things you should know and understand about my business.

- The name of the business is LB Metalworx LLC.
- Normal business hours are Monday-Thursday 7:00am-4:00pm and Fridays 7:00am-12:00pm.
- There is very little traffic within our business as most of our work is over email and phone calls.
- We are not open to the public but do help some of the locals that do call and need something repaired or fixed.
- There is very little noise that is audible from outside the building.
- There are no fumes or smells associated with my shop.
- Outside storage is neat and maintained to match the remainder of property.
- We take pride in the community and the surrounding areas.

We ask that you stand by our side in this time of need to help us obtain the special use permit needed to continue doing business at this address.

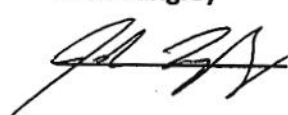
If you would please sign, date, and provide your address with any comments or concerns on the backside of this paperwork.

Thank you,

Matt Berry



Josh Langley



Signature Page

Name	Sign	Address	Comments
TOM WATSON	Tom Watson	4585 Big Country Dr. Ashboro	GREAT DEAL!
Jacob Watson	Jacob Watson	4629 Big Country Dr. Ashboro	
Kathryn Watson	Kathryn Watson	4251 Oak Grove Ch. Rd. Ashboro, NC 27205	
Woody Younts	Woody Younts	4137 Oak Grove Ch. Rd. Ashboro, N.C.	I'm for it!
Chris Watson	Chris Watson	4300 Oak Grove Ch Rd Ashboro NC 27205	100% For LB Metal Works
D. Ray Glover	D. Ray Glover	4071 Cross Creek Rd Ashboro, NC 27205	No Issues, Let him work
Brett Grimsley	Brett Grimsley	4121 Cross Creek Rd Ashboro, NC 27205	NO issues
KEVIN CAIR	Kevin Cair	41615 E. PBLE Rd Ashboro NC	No problem
Micah Lookard	Micah Lookard	4231 Oak Grove Church Rd	No problem
ROCK BRANSON	Rock Branson	4955 WAYNICK MEADOW RD	No Problem
WENDY BRANSON	Wendy Branson	4955 WAYNICK MEADOW RD	No Problem
SARA COPPIN	Sara C	4539 Cross Creek Rd Ashboro NC 27205	No issues/problems
JAMES MCARDY	James Mcardy	4538 Cross Creek Rd	No problem
Chris Price	Chris Price	4538 Cross Creek Rd	No problem
Eddie Smith	Eddie Smith	5363 WAYNICK MEADOW RD	Great conv./NO problems
GRAIE R COLAO	Gracie R Colao	4477 OAK GROVE CH RD	NO PROBLEM
STEVE COLEMAN	Steve Coleman	4371 WILLOW GROVE TR	NO PROBLEM
Kevin Kiser	Kevin Kiser	4143 OAK GROVE CH RD	NO PROBLEM
Michael Gubby	Michael Gubby	4281 Cross Creek Rd.	No Problem
Martha + Barry Davis	Martha + Barry Davis	4470 - Oak Grove Church Rd	No Problem
Ray Kiser	Ray Kiser	4124 OAK GROVE CH RD	No Problem
Carl Floyd	Carl Floyd	4620 Big Country Dr. Ashboro	No problem
Lori Dixon	Lori Dixon	4622 Willow Grove	
Matthew Dixon	Matthew Dixon	4552 Willow Grove	No problem
Frank Lerner	Frank Lerner	4419 Oak Grove	No Problem
RONALD HARRIS	Ronald Harris	4419 OAK GROVE	NO PROBLEM
Deborah Harris	Deborah Harris		
Dawn Lerner	Dawn Lerner	4419 oak Grove	NO Problem
Nate Kutz	Nate Kutz	4419 oak Grove Church	No Problem

Langley v. Autocraft, Inc., 2023 NCBC 53.

STATE OF NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
22 CVS 9346

JOSHUA T. LANGLEY,

Plaintiff/Counterclaim
Defendant

v.

AUTOCRAFT, INC.,

Defendant

v.

LB METALWORX, LLC,

Counterclaim Defendant.



**ORDER AND OPINION ON
COUNTERCLAIM DEFENDANTS'
MOTION FOR JUDGMENT ON THE
PLEADINGS**

1. Autocraft, Inc. ("Autocraft") hired Joshua Langley ("Langley") to manage its business. While employed, Langley established a competing business, LB Metalworx, LLC ("LBM"), and allegedly funneled customer orders and other work from Autocraft to that new business, violating his employer's trust. After Langley sued Autocraft for breach of his employment agreement, Autocraft counterclaimed for breach of fiduciary duty, constructive fraud, and unfair and deceptive trade practices.

2. Langley and LBM move pursuant to Rule 12(c) of the North Carolina Rules of Civil Procedure (the "Rule(s)") for judgment on the pleadings with respect to Autocraft's counterclaims ("Motion"), (ECF No. 20). For the following reasons, the Court **GRANTS** the Motion.

Carruthers & Roth, P.A., by Kevin A. Rust, for Plaintiff Joshua T. Langley and Counterclaim Defendant LB Metalworx, LLC.

Tuggle Duggins P.A., by Daniel D. Stratton, Brandy L. Mansouraty, Denis E. Jacobson, and Alexandria B. Morgan, for Defendant Autocraft, Inc.

Earp, Judge.

I. FACTUAL BACKGROUND

3. On a motion for judgment on the pleadings, the Court does not find facts but rather recites the facts alleged in the pleadings that are relevant to the Court's determination of the Motion. *E.g., Erickson v. Starling*, 235 N.C. 643, 657 (1952); *Agarwal v. Estate of Agarwal*, 2022 NCBC LEXIS 10, at **2 (N.C. Super. Ct. Feb. 9, 2022).

4. Autocraft is a North Carolina corporation with its principal place of business in Randolph County, North Carolina. (Answer, Affirmative Defs., and Countercl. 8-22 ["Counterclaims"], ECF No. 11, ¶ 3.)¹

5. Autocraft's Annual Report for fiscal year 2022 filed with the North Carolina Secretary of State on 11 April 2023 reflects that Keith Clapp is the President of Autocraft and its Registered Agent.²

¹ For clarity, the Court refers to pages 1-7 of Autocraft's Answer, Affirmative Defenses, and Counterclaims as Autocraft's "Answer" and to pages 8-22 of the same document as Autocraft's "Counterclaims."

²See https://www.sosnc.gov/online_services/business_registration/flow_annual_report/5261981 (last visited 7 August 2023). When deciding a Rule 12(c) motion, the Court "must consider the complaint in its entirety, as well as other sources courts ordinarily examine when ruling on Rule 12(b)(6) motions to dismiss, in particular, documents incorporated into the complaint by reference, and matters of which a court may take judicial notice." *QUB Studios, LLC v. Marsh*, 262 N.C. App. 251, 260 (2018) (quoting *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*,

6. Langley is a resident of Randolph County, North Carolina. He was formerly employed by Autocraft and is an owner of LBM. (Countercls. ¶¶ 1, 5, 8.)

7. LBM is a North Carolina limited liability company with a principal place of business in Randolph County, North Carolina. (Countercls. ¶¶ 7-8.)

8. Both Autocraft and LBM are in the business of providing precision machined components. (Countercls. ¶¶ 4, 9.) The two companies are competitors. (Countercls. ¶ 10.)

9. Autocraft has extensive experience and expertise in the niche market of precision machined components. (Countercls. ¶ 11.) The machinery used by Autocraft requires a high level of technical expertise. (Countercls. ¶ 11.)

10. Autocraft has invested a substantial amount of time, money, and effort to develop productive business relationships and goodwill with customers, prospective customers, vendors, employees, referral sources, and others. (Countercl. ¶ 12.) It invested in training Langley, who ultimately ran all aspects of Autocraft's business prior to his termination. (Countercls. ¶ 13.)

11. Autocraft employed Langley from on or around 28 December 2016 until 22 August 2022. (Countercl. ¶ 14.) Autocraft alleges that he was employed at will. (Answer at 7, ["Seventeenth Affirmative Defense"].)

551 U.S. 308, 322 (2007)). *Cf. BB&T Boli Plan Trust v. Mass. Mut. Life Ins. Co.*, 2016 NCBC LEXIS 36, at **27 (N.C. Super. Ct. Apr. 29, 2016) (citing *Wood v. J.P. Stevens & Co.*, 297 N.C. 636, 641 (1979) ("[I]t is clear that judicial notice can be used in rulings on . . . motions to dismiss for failure to state a claim[.]")).

document purports to provide Langley the ability to review the company's financial records after four years of employment, and the option to become a 10% owner of "Autocraft Technologies" after he was employed for five years.⁴ (Compl., Ex. A., ECF No. 3.)

17. Langley was never permitted to review the company's finances even though he worked for Autocraft for more than four years. (Countercls. ¶ 10.) Autocraft denies that Langley ever had or, prior to his discharge, ever attempted to exercise the option to become an owner. (Countercls. ¶¶ 8, 12, 14, 15, 28.) No Autocraft stock has been conveyed to Langley. (Countercls. ¶ 20.)

18. In January 2022, Langley opened LBM, a competitive business. (Countercls. ¶ 23.) Autocraft alleges that, while Langley was still employed, he purchased machining equipment capable of producing the same or similar products to those produced by Autocraft in order to compete with Autocraft. (Countercls. ¶¶ 24-25.)

19. Langley did not disclose to Autocraft that he had purchased this equipment, and it was not his job to operate such equipment. (Countercls. ¶¶ 26-27.)

20. Autocraft alleges that from January 2022 through the time of his discharge from employment, Langley took orders on behalf of LBM (and perhaps other competing companies) while on Autocraft company time. (Countercls. ¶¶ 29-30.)

⁴ Neither party addresses the inconsistency between the name of the defendant, Autocraft, Inc., and the reference in Exhibit A to "Autocraft Technologies."

12. During his employment Langley was granted access to all aspects of Autocraft's business and had substantial responsibility for its overall operations. (Countercls. ¶ 15.)

13. Among other duties, Langley was responsible for overseeing employees, customer relationships, supplier relationships, and production facilities. (Countercls. ¶ 16.) On a daily basis, Autocraft entrusted Langley with:

- a. Oversight of Autocraft's facilities;
- b. Developing relationships with Autocraft's customers, potential customers, and referral sources;
- c. Managing Autocraft's employees;
- d. Interacting with Autocraft's suppliers, including by anticipating Autocraft's supply needs and placing orders.

(Countercls. ¶ 17.)

14. Langley also had access to Autocraft's training and development materials for its management and operating personnel, as well as to its other confidential and proprietary business information, including information regarding Autocraft's machinery, equipment, customers, marketing, and pricing. (Countercls. ¶¶ 19-20.)

15. Autocraft trusted Langley to manage its operations. (Countercls. ¶ 21.)

16. On or about 28 December 2016, Langley, Keith Clapp, and Sharon Clapp³ executed a document titled, "Josh Langley's Autocraft Contract." The

³ Sharon Clapp is not identified in the pleadings.

21. Autocraft further alleges that, while Langley was still employed by it, he began using knowledge that he acquired on the job to perform work for customers and potential customers of Autocraft in competition with Autocraft. (Countercls. ¶ 31.)

22. Langley also allegedly used Autocraft's business relationships and confidential information to undermine Autocraft's relationships with its key employees and encourage those employees to leave Autocraft and work for LBM. (Countercls. ¶ 32.) Langley similarly undermined Autocraft's relationships with its potential and current customers. (Countercls. ¶ 33.)

23. Langley did not disclose either his financial interest in LBM or his competitive activities on behalf of LBM while he was employed by Autocraft. (Countercls. ¶ 34.)

24. Langley engaged in the activities alleged for his own personal gain. (Countercls. ¶ 35.)

25. Autocraft terminated Langley's employment immediately after discovering his conduct on or around 22 August 2022. (Countercls. ¶ 36.)

II. PROCEDURAL HISTORY

26. Plaintiff initiated this action with the filing of his Complaint on 19 December 2022. (ECF No. 3.) The matter was designated to the North Carolina Business Court and assigned to the undersigned on 6 January 2023. (ECF Nos. 1, 6.)

27. On 22 February 2023, Defendant filed its responsive pleading and asserted three (3) counterclaims: (1) breach of fiduciary duty against Langley; (2)



- Table of permitted uses -

USES	RA	RR	RM	RE	OI	E-1	CEO	CS	RBO	HC	LI	HI
Locksmith	S	S	S	S			S	✓	✓	✓		
Machine shop, welding shop									✓	✓	✓	✓
Manufacturing, machine tools, chemicals, fertilizer, paving materials, wood products, paper												✓
Manufacturing, apparel, soft goods, textiles												✓
Meat packing and poultry processing												✓
Medical/Dental clinics or laboratories					✓		✓	✓	✓	✓		✓
Mini warehouse									✓	✓	✓	
Mixed commercial and residential use where commercial use is primary and both occupy the same structure or lot							S	✓	✓	✓	✓	
Mobile home park			S									
Mobile home on individual lot Class A, B, or C	✓		✓									
Mobile home on individual lot Class A	✓	✓	✓		✓	✓						
Mobile home on individual lot Class A or B	✓		✓			✓						
Mobile home in major subdivision Class A		✓										
Mobile home in major subdivision Class A or B			✓									

NOTES TO THE TABLE OF PERMITTED USES

- All uses listed in these charts for the E-1 districts are permitted in individual lots. Other uses, permitted only as part a Planned Business Development are noted in Article 700, Section 719.
- Bone fide farms* and similar agricultural uses are exempt from zoning controls of this Ordinance. See Article 600, Section 607.
- Commercial outdoor storage (except for junkyards as defined and regulated by this Ordinance) including contractor's yards, building supply sales and coal sales and storage are permitted in the zones where indicated only if the storage yard is enclosed by a fence not less than eight feet in height which completely screens from view the stored material.
- New junkyards permitted only by Special Use Permit in LI and HI must be a minimum of three acres in size. Junkyards existing in other districts at the time of adoption of this Ordinance are made nonconforming uses, subject to the provisions of Article 700, Section 726 of this Ordinance. Outdoor storage of more than four wrecked or immobilized motor vehicles is expressly prohibited in the RR and RM districts.
- Forest harvested properties (clear-cut properties) planned for major subdivision development shall maintain a minimum thirty-five feet of existing uncut buffer along all existing State maintained roads.
- Any obstruction to be located within the zoning jurisdiction of Randolph County that is more than 199 ft. in height above ground level at its site will require a *Notice of Proposed Construction or Alteration* submitted to the FAA and will require a finding of *No Adverse Impact to Navigation* from the FAA prior to granting a final building permit.



- (l) Outdoor flea markets; or
- (m) Outdoor storage.

618: TABLE OF PERMITTED USES

Districts in which uses are permitted as a use by right are indicated by a checkmark. Districts in which uses are prohibited are indicated by a blank. Districts in which uses are permitted as a Special Use upon approval by the Randolph County Planning Board are indicated by *S*. Districts in which a particular use is permitted in an Overlay District are indicated by *O*. Districts in which a particular use is permitted as a temporary use as defined by these land development regulations, are indicated by *T*. See Article 600, Section 620 for further information. Districts in which uses are permitted as in a Special Entertainment Overlay District upon approval by the Randolph County Planning Board are indicated by *SE*.

ARTICLES OF ORGANIZATION

OF

LB METALWORX, LLC

Pursuant to Article 2 of Chapter 57D of the North Carolina General Statutes, the undersigned natural person of the age of eighteen (18) years or more does hereby make and acknowledge these Articles of Organization for the purpose of establishing a limited liability company (the "Company") under and by virtue of the laws of the State of North Carolina, and to that end does hereby set forth the following:

ARTICLE I

The name of the Company is LB Metalworx, LLC.

ARTICLE II

No date for the dissolution of the Company is herein specified.

ARTICLE III

The Company shall have the purpose of engaging in any lawful business and shall have all of the powers set forth in Section 57D-2-03 of the North Carolina General Statutes.

ARTICLE IV

The Company has no principal office.

ARTICLE V

The address of the initial registered office of the Company is 235 N. Edgeworth Street, Greensboro, Guilford County, North Carolina 27401, and the name of the initial registered agent of the Company at such address is CR Services, LLC. The mailing address of the initial registered office of the Company is P.O. Box 540, Greensboro, Guilford County, North Carolina 27402.

ARTICLE VI

The members of the Company shall not be managers by virtue of their status as members. Except as expressly provided otherwise in the written operating agreement of the Company, the business of the Company shall be conducted under the exclusive management of those persons, entities, firms or corporations who shall be designated from time to time in accordance with the operating agreement of the Company as a manager.

ARTICLE VII

The name and address of the person executing these articles of organization as the organizer of the Company are:

Name

Christopher W. Genheimer

Address

PO Box 540
Greensboro, NC 27402

ARTICLE VIII

Pursuant to Section 57D-2-20(c) of the North Carolina General Statutes, the organizer shall identify those persons, firms or corporations who shall be the initial members of the Company.

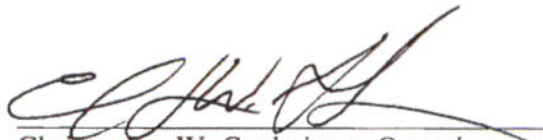
ARTICLE IX

To the fullest extent permitted by the North Carolina Limited Liability Company Act, as it exists or may hereafter be amended, the Company shall indemnify all persons who are members or managers of the Company against any of the matters described in Section 57D-3-31(a) of the North Carolina General Statutes. Notwithstanding the foregoing, the members shall have the express authority, pursuant to a written operating agreement, to extend, restrict, or otherwise modify the limitation of liability and indemnity provided hereunder or the terms and conditions whereby such limitation of liability and indemnity will be provided. No amendment or repeal of this article, nor the adoption of any provision of these articles of organization inconsistent with this article, shall eliminate or reduce the protection granted herein with respect to any matter which occurred prior to such amendment, repeal or adoption.

ARTICLE X

These articles shall become effective upon filing in the Office of the North Carolina Secretary of State.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal on this the 10th day of May, 2022.


_____(SEAL)
Christopher W. Genheimer, Organizer

**LIMITED LIABILITY COMPANY ANNUAL REPORT**NAME OF LIMITED LIABILITY COMPANY: LB Metalworx, LLCSECRETARY OF STATE ID NUMBER: 2411728STATE OF FORMATION: NCREPORT FOR THE CALENDAR YEAR: 12/31/23

Filing Office Use Only

☒ Changes**SECTION A: REGISTERED AGENT'S INFORMATION**1. NAME OF REGISTERED AGENT: Josh Langley2. SIGNATURE OF THE NEW REGISTERED AGENT: [Signature]

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS

7045 Brooksdale RoadPO Box 286Staley, NC 27355Staley, NC 27355**SECTION B: PRINCIPAL OFFICE INFORMATION**1. DESCRIPTION OF NATURE OF BUSINESS: Metal Work2. PRINCIPAL OFFICE PHONE NUMBER: 336-736-11103. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

5. PRINCIPAL OFFICE MAILING ADDRESS

4534 Oak Grove Church RoadPO Box 286Asheboro, NC 27205Staley, NC 27355

6. Select one of the following if applicable. (Optional see instructions)

☐

The company is a veteran-owned small business

☐

The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)NAME: Josh LangleyNAME: Matt Berry

NAME: _____

TITLE: PresidentTITLE: Vice-President

TITLE: _____

ADDRESS: PO Box 286ADDRESS: 4534 Oak Grove Church Rd

ADDRESS: _____

Staley, NC 27355Asheboro, NC 27205**SECTION D: CERTIFICATION OF ANNUAL REPORT.** Section D must be completed in its entirety by a person/business entity.

SIGNATURE

DATE

Form must be signed by a Company Official listed under Section C of This form.

Josh LangleyPresident

Print or Type Name of Company Official

Print or Type Title of Company Official

SUBMIT THIS ANNUAL REPORT WITH THE REQUIRED FILING FEE OF \$200

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

Job posted
12-11-2023



LB Metalworx LLC

[Directions](#) [Save](#)

Machine shop in Randolph County, North Carolina

Address: 4534 Oak Grove Church Rd, Asheboro, NC 27205

Hours:	Sunday	Closed
	Monday	7 AM–4 PM
	Tuesday	7 AM–4 PM
	Wednesday	7 AM–4 PM
	Thursday	7 AM–4 PM
	Friday	7 AM–12 PM
	Saturday	Closed

[Suggest new hours](#)

Phone: (336) 736-1110

[Suggest an edit](#) · [Own this business?](#)

[Add missing information](#)

[Add website](#)

Questions & answers

Be the first to ask a question

[Ask a question](#)

Reviews ⓘ

Be the first to review

[Write a review](#)

[Add a photo](#)

From LB Metalworx LLC

"Local machine shop that specialize in job shop style work. Low quantity and fast turn around. We will be more than happy to machine anything needed."

indeed.com/m/vie

indeed

Sign in

CNC Programmer/Machinist

LB Metalworx LLC

LB Metalworx LLC in Asheboro, NC 27205

Job details

Here's how the job details align with your job preferences.
[Manage job preferences anytime in your profile.](#)

Pay

\$25 - \$40 an hour

Job type

Full-time

Shift and schedule

Overtime No weekends No nights

Flextime Day shift Monday to Friday

Location

LB Metalworx LLC in Asheboro, NC 27205

Benefits

Pulled from the full job description

- Flexible schedule
- Flextime
- Paid time off
- Profit sharing
- Retirement plan

About us

LB Metalworx LLC is a small job shop in Asheboro, NC. We are driven and professional to create an environment so we as a team can supply high end parts to our customers.

Our work environment includes:

- Modern office setting
- Modern Equipment/Technology
- Growth opportunities
- Family Driven atmosphere

Responsibilities:

- Set up and operate CNC machines to perform precision machining operations

Responsibilities:

- Set up and operate CNC machines to perform precision machining operations
- Read and interpret blueprints, engineering drawings, and specifications to determine machining operations
- Use precision measuring instruments to ensure parts meet required specifications
- Fabricate and modify parts as necessary to meet design requirements
- Perform routine maintenance on machines to ensure optimal performance
- Collaborate with team members to troubleshoot and resolve machining issues
- Follow all safety protocols and maintain a clean and organized work area

Skills:

- Proficient in blueprint reading and interpretation
- Experience operating CNC machines and using precision measuring instruments
- Knowledge of CAM programming and Fanuc controls and CELOS with Siemens 840D
- Ability to perform basic math calculations for measurements and dimensions
- Familiarity with hand tools and their proper usage
- Forklift operation experience is a plus
- Welding skills are a plus

We are seeking a skilled CNC Machinist who can work independently, pay attention to detail, and produce high-quality machined parts. If you have the required skills and are looking for a challenging opportunity, we would love to hear from you.

Job Type: Full-time

Pay: \$25.00 - \$40.00 per hour

Expected hours: 40 - 50 per week

Benefits:

- Flexible schedule
- Paid time off
- Profit sharing
- Retirement plan

Schedule:

- Day shift
- Monday to Friday
- No nights
- No weekends
- Overtime

Supplemental pay types:

- Bonus opportunities
- Differential pay
- Overtime pay
- Yearly bonus

Ability to Relocate:

- Asheboro, NC 27205: Relocate before starting work (Required)

Work Location: In person

Apply now

Posts About Videos More ▾

LB Metalworx LLC
Nov 9, 2022 · 🌐

Our shop is growing. Introducing a new CNC lathe, CNC plasma table, automatic saw, EDM hole popper, surface grinder, CMM and other needed equipment to keep our customers happy!!! We appreciate each and everyone of you.



30 17 shares

Like Comment Send Share

LB Metalworx LLC
Nov 9, 2022 · 🌐

Our shop is growing. Introducing a new CNC lathe, CNC plasma table, automatic saw, EDM hole popper, surface grinder, CMM and other needed equipment to keep our customers happy!!! We appreciate each and everyone of you.

17 shares

Like Comment Send Share



Like Comment Send Share



Like Comment Send Share



Like Comment Send Share



Like Comment Send Share



Like Comment Send Share



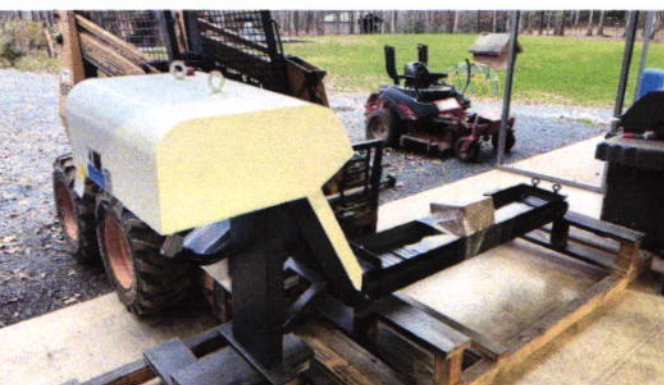
Like Comment Send Share



Like Comment Send Share

LB Metalworx LLC
November 16, 2022 · 🌐

1st part of the new lathe has arrived!! #dmgmori



26

LB Metalworx LLC · Follow
Dec 12, 2022 · 🌐

New machine on a Monday is always a good sign.

#dmgmori



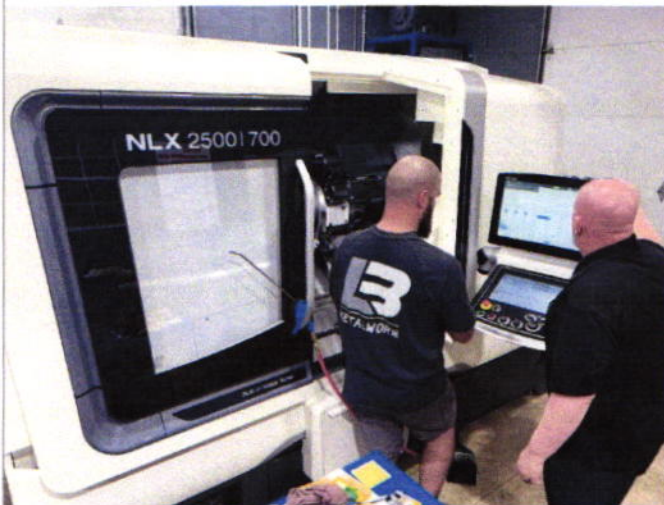
32 2 comments · 1 share



LB Metalworx LLC • Follow

Jan 10 · 🌐

New technology is always good. #dmgmori
#lbmetalworx



30

1 comment • 2 shares



LB Metalworx LLC

January 11, 2023 · 🌐

More new technology running this week. #lbmetalworx #shopsabre



48

1 comment • 5 shares



LB Metalworx LLC

July 20, 2023 · 🌐

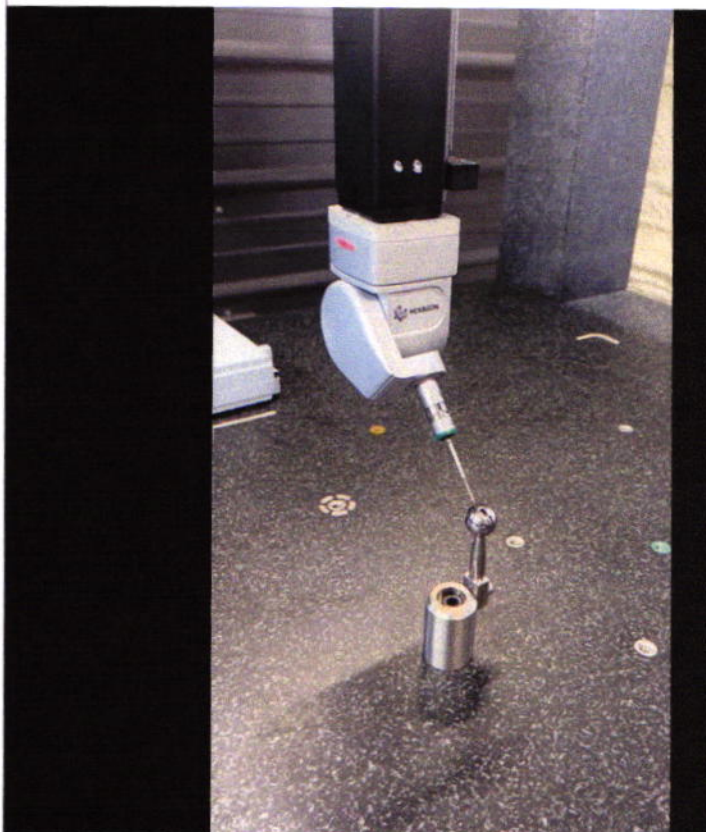
Continuous improvement and quality control is our key goals. #Hexagon



LB Metalworx LLC

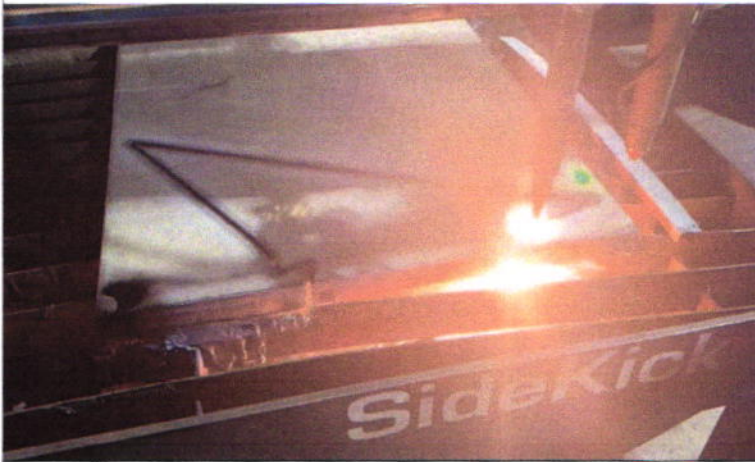
July 31, 2023 · 🌐

Learning new tools. #hexagon



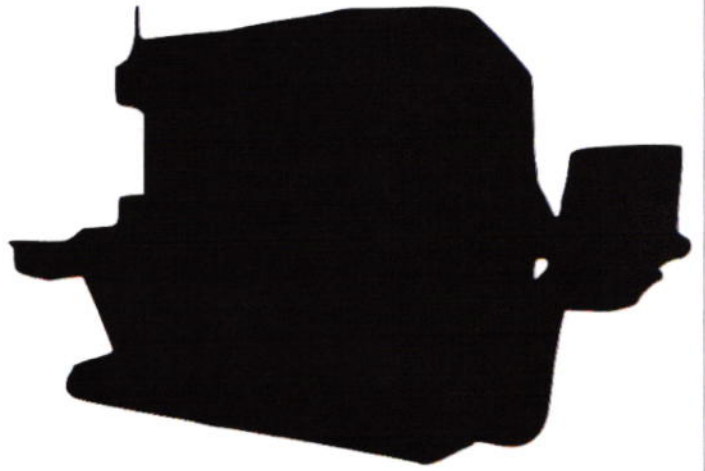
20

Late night work figuring out the oxy torch attachment. #shopsabre



13

New things coming to light to end 2023. We are absolutely blessed to be introducing a new machine to our lineup. #dmgmori #lbmetalworx



21

Kidsworld

With Christmas around the corner, we were able to unwrap our gift early. #dmgmori #dmu50gen3

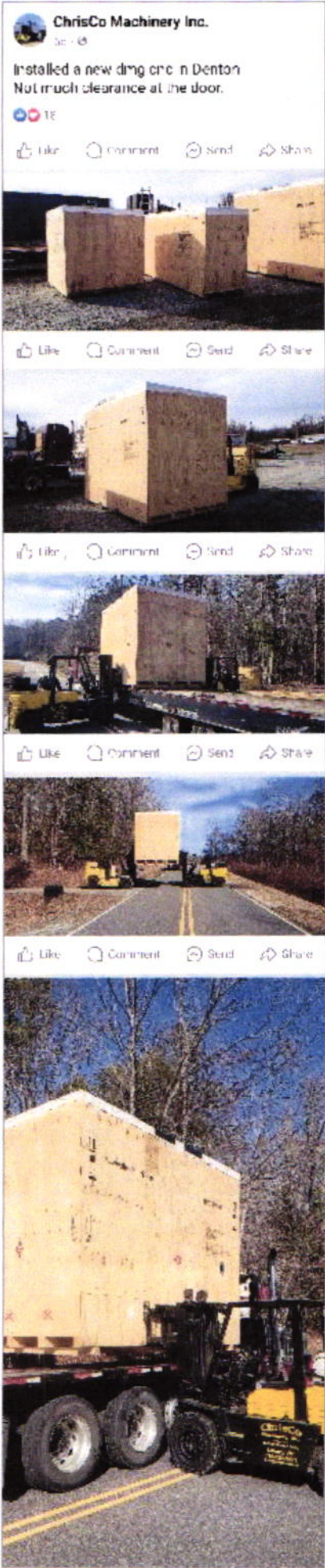
Also want to thank [ChrisCo Machinery Inc.](#) for their hard work and dedication to get this thing in place with so many obstacles and such a tight fit.



57

4 comments 1 share

New machine delivered Dec. 22, took 2 tractor trailers



12-22-2023

SAFETY DATA SHEET

MOBIL VACTRA OIL NO. 2

ExxonMobil

EXHIBIT

3

Section 1. Identification

Product name : MOBIL VACTRA OIL NO. 2
Product description : base oil and additives

Relevant identified uses of the substance or mixture and uses advised against

Identified uses : Lubricant
Uses advised against : This product is not recommended for any industrial, professional or consumer use other than the identified uses above.

Supplier : EXXON MOBIL CORPORATION
22777 Springwoods Village Parkway
Spring, TX 77389 USA

24-Hour emergency telephone number : 1-800-424-9300 / +1 703-741-5970 / +1-703-527-3887 (CHEMTREC)

Product Technical Information : 800-662-4525

SDS Internet Address : www.sds.exxonmobil.com

Section 2. Hazards identification

OSHA/HCS status : While this material is not considered hazardous by the OSHA Hazard Communication Standard (29 CFR 1910.1200), this SDS contains valuable information critical to the safe handling and proper use of the product. This SDS should be retained and available for employees and other users of this product.

Classification of the substance or mixture : Not classified.

Hazards not otherwise classified : None known.

Note : This material should not be used for any other purpose than the intended use in Section 1 without expert advice. Health studies have shown that chemical exposure may cause potential human health risks which may vary from person to person.

Section 3. Composition/information on ingredients

Substance/mixture : Mixture

Ingredient name	% by weight	CAS number
solvent dewaxed heavy paraffinic distillate	≥90	64742-65-0
reaction products of 4-methyl-2pentanol and diphosphorus pentasulfide, propoxylated, esterified with diphosphorus pentaoxide, and salted by amines, c12-14-tert-alkyl	Proprietary	Proprietary

Any concentration shown as a range is to protect confidentiality or is due to batch variation.

There are no additional ingredients present which, within the current knowledge of the supplier and in the concentrations applicable, are classified and hence require reporting in this section.

Occupational exposure limits, if available, are listed in Section 8.

Section 4. First aid measures

Description of necessary first aid measures

Eye contact	: Immediately flush eyes with plenty of water, occasionally lifting the upper and lower eyelids. Check for and remove any contact lenses. Get medical attention if irritation occurs.
Inhalation	: Remove victim to fresh air and keep at rest in a position comfortable for breathing. Get medical attention if symptoms occur.
Skin contact	: Flush contaminated skin with plenty of water. Remove contaminated clothing and shoes. Get medical attention if symptoms occur. If product is injected into or under the skin, or into any part of the body, regardless of the appearance of the wound or its size, the individual should be evaluated immediately by a physician as a surgical emergency. Even though initial symptoms from high pressure injection may be minimal or absent, early surgical treatment within the first few hours may significantly reduce the ultimate extent of injury.
Ingestion	: Wash out mouth with water. If material has been swallowed and the exposed person is conscious, give small quantities of water to drink. Do not induce vomiting unless directed to do so by medical personnel. Get medical attention if symptoms occur.

Most important symptoms/effects, acute and delayed

Potential acute health effects

Eye contact	: No known significant effects or critical hazards.
Inhalation	: No known significant effects or critical hazards.
Skin contact	: No known significant effects or critical hazards.
Ingestion	: No known significant effects or critical hazards.

Over-exposure signs/symptoms

Eye contact	: No specific data.
Inhalation	: No specific data.
Skin contact	: Local necrosis as evidenced by delayed onset of pain and tissue damage a few hours after injection.
Ingestion	: No specific data.

Indication of immediate medical attention and special treatment needed, if necessary

Notes to physician	: Treat symptomatically. Contact poison treatment specialist immediately if large quantities have been ingested or inhaled.
Specific treatments	: No specific treatment.
Protection of first-aiders	: No action shall be taken involving any personal risk or without suitable training.

See toxicological information (Section 11)

Section 5. Fire-fighting measures

Extinguishing media

Suitable extinguishing media	: Use dry chemical, CO ₂ , water spray (fog) or foam.
Unsuitable extinguishing media	: Do not use water jet.

Specific hazards arising from the chemical : In a fire or if heated, a pressure increase will occur and the container may burst.

Hazardous combustion products	: Aldehydes, Incomplete combustion products, Oxides of carbon, Smoke, Fume, sulfur oxides
--------------------------------------	---

Section 5. Fire-fighting measures

- Special protective actions for fire-fighters** : Use standard firefighting procedures and consider the hazards of other involved materials. Promptly isolate the scene by removing all persons from the vicinity of the incident if there is a fire. Assure an extended cooling down period to prevent re-ignition. Prevent runoff from fire control or dilution from entering streams, sewers, or drinking water supply. No action shall be taken involving any personal risk or without suitable training.
- Special protective equipment for fire-fighters** : Fire-fighters should wear appropriate protective equipment and self-contained breathing apparatus (SCBA) with a full face-piece operated in positive pressure mode.

Section 6. Accidental release measures

NOTIFICATION PROCEDURES

In the event of a spill or accidental release, notify relevant authorities in accordance with all applicable regulations. US regulations require reporting releases of this material to the environment which exceed the applicable reportable quantity or oil spills which could reach any waterway including intermittent dry creeks. The National Response Center can be reached at (800)424-8802.

Personal precautions, protective equipment and emergency procedures

- For non-emergency personnel** : No action shall be taken involving any personal risk or without suitable training. Evacuate surrounding areas. Keep unnecessary and unprotected personnel from entering. Do not touch or walk through spilled material. Put on appropriate personal protective equipment.
- For emergency responders** : If specialized clothing is required to deal with the spillage, take note of any information in Section 8 on suitable and unsuitable materials. See also the information in "For non-emergency personnel".
- Environmental precautions** : Avoid dispersal of spilled material and runoff and contact with soil, waterways, drains and sewers. Inform the relevant authorities if the product has caused environmental pollution (sewers, waterways, soil or air).

Methods and materials for containment and cleaning up

- Small spill** : Stop leak if without risk. Move containers from spill area. Dilute with water and mop up if water-soluble. Alternatively, or if water-insoluble, absorb with an inert dry material and place in an appropriate waste disposal container. Dispose of via a licensed waste disposal contractor.
- Large spill** : Stop leak if without risk. Move containers from spill area. Prevent entry into sewers, water courses, basements or confined areas. Wash spillages into an effluent treatment plant or proceed as follows. Contain and collect spillage with non-combustible, absorbent material e.g. sand, earth, vermiculite or diatomaceous earth and place in container for disposal according to local regulations (see Section 13). Dispose of via a licensed waste disposal contractor. Confine the spill immediately with booms. Remove from the surface by skimming or with suitable absorbents. Seek the advice of a specialist before using dispersants. Warn other shipping. Note: see Section 1 for emergency contact information and Section 13 for waste disposal.

Water spill and land spill recommendations are based on the most likely spill scenario for this material; however, geographic conditions, wind, temperature, (and in the case of a water spill) wave and current direction and speed may greatly influence the appropriate action to be taken. For this reason, local experts should be consulted. Note: Local regulations may prescribe or limit action to be taken.

Section 7. Handling and storage

Precautions for safe handling

- Protective measures** : Put on appropriate personal protective equipment (see Section 8).
- Advice on general occupational hygiene** : Eating, drinking and smoking should be prohibited in areas where this material is handled, stored and processed. Workers should wash hands and face before eating, drinking and smoking. Remove contaminated clothing and protective equipment before entering eating areas. See also Section 8 for additional information on hygiene measures.

Section 7. Handling and storage

Static Accumulator : This material is a static accumulator. A liquid is typically considered a nonconductive, static accumulator if its conductivity is below 100 pS/m (100x10E-12 Siemens per meter) and is considered a semiconductive, static accumulator if its conductivity is below 10,000 pS/m. Whether a liquid is nonconductive or semiconductive, the precautions are the same. A number of factors, for example liquid temperature, presence of contaminants, anti-static additives and filtration can greatly influence the conductivity of a liquid.

Conditions for safe storage, including any incompatibilities : Store in accordance with local regulations. Store in original container protected from direct sunlight in a dry, cool and well-ventilated area, away from incompatible materials (see Section 10) and food and drink. Keep container tightly closed and sealed until ready for use. Containers that have been opened must be carefully resealed and kept upright to prevent leakage. Do not store in unlabeled containers. Use appropriate containment to avoid environmental contamination. See Section 10 for incompatible materials before handling or use.

Section 8. Exposure controls/personal protection

Control parameters

Occupational exposure limits

Ingredient name	Exposure limits
solvent dewaxed heavy paraffinic distillate	ACGIH TLV (United States, 1/2022). [Mineral Oil, pure, highly and severely refined] TWA: 5 mg/m ³ 8 hours. Form: Inhalable fraction NIOSH REL (United States, 10/2020). [OIL MIST MINERAL] TWA: 5 mg/m ³ 10 hours. Form: Mist STEL: 10 mg/m ³ 15 minutes. Form: Mist OSHA PEL (United States, 5/2018). [Oil mist, mineral] TWA: 5 mg/m ³ 8 hours.
reaction products of 4-methyl-2pentanol and diphosphorus pentasulfide, propoxylated, esterified with diphosphorus pentoxide, and salted by amines, c12-14-tert-alkyl	None.

NOTE: Limits/standards shown for guidance only. Follow applicable regulations.

Appropriate engineering controls : Good general ventilation should be sufficient to control worker exposure to airborne contaminants.

Environmental exposure controls : Emissions from ventilation or work process equipment should be checked to ensure they comply with the requirements of environmental protection legislation. In some cases, fume scrubbers, filters or engineering modifications to the process equipment will be necessary to reduce emissions to acceptable levels.

Individual protection measures

Hygiene measures : Wash hands, forearms and face thoroughly after handling chemical products, before eating, smoking and using the lavatory and at the end of the working period. Appropriate techniques should be used to remove potentially contaminated clothing. Wash contaminated clothing before reusing. Ensure that eyewash stations and safety showers are close to the workstation location.

Eye/face protection : Safety eyewear complying with an approved standard should be used when a risk assessment indicates this is necessary to avoid exposure to liquid splashes, mists, gases or dusts. If contact is possible, the following protection should be worn, unless the assessment indicates a higher degree of protection: safety glasses with side-shields.

Skin protection

Hand protection : Chemical-resistant, impervious gloves complying with an approved standard should be worn at all times when handling chemical products if a risk assessment indicates this is

Section 8. Exposure controls/personal protection

- Body protection** : Personal protective equipment for the body should be selected based on the task being performed and the risks involved and should be approved by a specialist before handling this product.
- Other skin protection** : Appropriate footwear and any additional skin protection measures should be selected based on the task being performed and the risks involved and should be approved by a specialist before handling this product.
- Respiratory protection** : Based on the hazard and potential for exposure, select a respirator that meets the appropriate standard or certification. Respirators must be used according to a respiratory protection program to ensure proper fitting, training, and other important aspects of use.

Section 9. Physical and chemical properties and safety characteristics

Note: Physical and chemical properties are provided for safety, health and environmental considerations only and may not fully represent product specifications. Contact the Supplier for additional information.

The conditions of measurement of all properties are at standard temperature and pressure unless otherwise indicated.

Appearance

- Physical state** : Liquid.
- Color** : Brown
- Odor** : Characteristic
- Odor threshold** : Not available.
- pH** : Not applicable.
- Melting point/freezing point** : Not available.
- Boiling point, initial boiling point, and boiling range** : >315.56°C (>600°F)
- Flash point** : Open cup: >205°C (>401°F) [ASTM D-92]
- Evaporation rate** : Not available.
- Flammability** : Ignitable
- Lower and upper explosion limit/flammability limit** : Lower: 0.9%
Upper: 7%
- Vapor pressure** : <0.1 mm Hg [20 °C]
- Relative vapor density** : >2 [Air = 1]
- Relative density** : 0.883
- Solubility in water** : Negligible
- Partition coefficient: n-octanol/water** : >3.5
- Auto-ignition temperature** : Not available.
- Decomposition temperature** : Not available.
- Viscosity** : 8.6 cSt [100 °C] [ASTM D 445]

Particle characteristics

- Median particle size** : Not applicable.
- Pour point** : -6°C
- DMSO Extract (mineral oil only), IP-346** : <3 % by weight

Section 10. Stability and reactivity

- Reactivity** : No specific test data related to reactivity available for this product or its ingredients.

- Chemical stability** : The product is stable.

- Possibility of hazardous reactions** : Under normal conditions of storage and use, hazardous reactions will not occur.

Section 10. Stability and reactivity

Conditions to avoid	: High energy sources of ignition. Excessive heat.
Incompatible materials	: Strong oxidizers
Hazardous decomposition products	: Under normal conditions of storage and use, hazardous decomposition products should not be produced.

Section 11. Toxicological information

Information on toxicological effects

Acute toxicity

Conclusion/Summary

Inhalation	: Minimally Toxic. No end point data for material. Based on assessment of the components.
Dermal	: Minimally Toxic. No end point data for material. Based on assessment of the components.
Oral	: Minimally Toxic. No end point data for material. Based on assessment of the components.

Irritation/Corrosion

Conclusion/Summary

Skin	: Negligible irritation to skin at ambient temperatures. No end point data for material. Based on assessment of the components.
Eyes	: May cause mild, short-lasting discomfort to eyes. No end point data for material. Based on assessment of the components.
Respiratory	: Negligible hazard at ambient/normal handling temperatures. No end point data for material.

Sensitization

Conclusion/Summary

Skin	: Not expected to be a skin sensitizer. No end point data for material. Based on assessment of the components.
Respiratory	: Not expected to be a respiratory sensitizer. No end point data for material.

Mutagenicity

Conclusion/Summary

: Not expected to be a germ cell mutagen. No end point data for material. Based on assessment of the components.

Carcinogenicity

Conclusion/Summary

: Not expected to cause cancer. No end point data for material. Based on assessment of the components.

Reproductive toxicity

Conclusion/Summary

: Not expected to be a reproductive toxicant. No end point data for material. Based on assessment of the components.

Specific target organ toxicity (single exposure)

Conclusion/Summary

: Not expected to cause organ damage from a single exposure. No end point data for material.

Specific target organ toxicity (repeated exposure)

Conclusion/Summary

: Not expected to cause organ damage from prolonged or repeated exposure. No end point data for material. Based on assessment of the components.

Aspiration hazard

Conclusion/Summary

: Not expected to be an aspiration hazard. Based on physico-chemical properties of the material. Data available.

Other information

Section 11. Toxicological information

Contains : Base oil severely refined: Not carcinogenic in animal studies. Representative material passes IP-346, Modified Ames test, and/or other screening tests. Dermal and inhalation studies showed minimal effects; lung non-specific infiltration of immune cells, oil deposition and minimal granuloma formation. Not sensitizing in test animals.

Section 12. Ecological information

The information given is based on data for the material, components of the material, or for similar materials, through the application of bridging principals.

Toxicity

Conclusion/Summary

Acute toxicity : Not expected to be harmful to aquatic organisms.
Chronic toxicity : Not expected to demonstrate chronic toxicity to aquatic organisms.

Persistence and degradability

Biodegradability : Base oil component -- Expected to be inherently biodegradable

Bioaccumulative potential

Conclusion/Summary : Base oil component -- Has the potential to bioaccumulate, however metabolism or physical properties may reduce the bioconcentration or limit bioavailability.

Mobility in soil

Mobility : Base oil component -- Expected to partition to sediment and wastewater solids. Low solubility and floats and is expected to migrate from water to the land.

Other ecological information

VOC content : 1.1 g/l [ASTM E1868-10]
Other adverse effects : No known significant effects or critical hazards.

Section 13. Disposal considerations

Disposal methods : The generation of waste should be avoided or minimized wherever possible. Disposal of this product, solutions and any by-products should at all times comply with the requirements of environmental protection and waste disposal legislation and any regional local authority requirements. Dispose of surplus and non-recyclable products via a licensed waste disposal contractor. Waste should not be disposed of untreated to the sewer unless fully compliant with the requirements of all authorities with jurisdiction. Waste packaging should be recycled. Incineration or landfill should only be considered when recycling is not feasible. Avoid dispersal of spilled material and runoff and contact with soil, waterways, drains and sewers.

Empty Container Warning (where applicable): Empty containers may contain residue and can be dangerous. Do not attempt to refill or clean containers without proper instructions. Empty drums should be completely drained and safely stored until appropriately reconditioned or disposed. Empty containers should be taken for recycling, recovery, or disposal through suitably qualified or licensed contractor and in accordance with governmental regulations. DO NOT PRESSURISE, CUT, WELD, BRAZE, SOLDER, DRILL, GRIND, OR EXPOSE SUCH CONTAINERS TO HEAT, FLAME, SPARKS, STATIC ELECTRICITY, OR OTHER SOURCES OF IGNITION. THEY MAY EXPLODE AND CAUSE INJURY OR DEATH.

Section 14. Transport information

	DOT Classification	TDG Classification	IMDG	IATA
UN number	Not regulated.	Not regulated.	Not regulated.	Not regulated.
UN proper shipping name	-	-	-	-
Transport hazard	-	-	-	-

Section 14. Transport information

Label(s) / Marks				
Packing group	-	-	-	-
Environmental hazards	No.	No.	No.	No.

Additional information

Special precautions for user : **Transport within user's premises:** always transport in closed containers that are upright and secure. Ensure that persons transporting the product know what to do in the event of an accident or spillage.

Transport in bulk according to IMO instruments : Not applicable.

Section 15. Regulatory information

U.S. Federal regulations : **TSCA 8(a) PAIR:** phenol, heptyl derivatives; siloxanes and silicones, di-me; 2-tert-butyl-p-cresol
TSCA 8(a) CDR Exempt/Partial exemption: Not determined
Clean Water Act (CWA) 307: toluene; benzene; arsenic; ethyl benzene
Clean Water Act (CWA) 311: xylenes; toluene; benzene; ethyl benzene

Clean Air Act Section 112 : Listed

(b) Hazardous Air Pollutants (HAPs)

Clean Air Act Section 602 Class I Substances : Not listed

Clean Air Act Section 602 Class II Substances : Not listed

DEA List I Chemicals (Precursor Chemicals) : Not listed

DEA List II Chemicals (Essential Chemicals) : Not listed

SARA 302/304

Composition/information on ingredients

No products were found.

SARA 304 RQ : Not applicable.

SARA 311/312

Classification : Not applicable.

SARA 313

This material contains no chemicals subject to the supplier notification requirements of the SARA 313 Toxic Release Program.

State regulations

Massachusetts : The following components are listed: OIL MIST, MINERAL
New York : None of the components are listed.
New Jersey : None of the components are listed.
Pennsylvania : None of the components are listed.
Illinois : None of the components are listed.

Section 15. Regulatory information

Australia inventory (AIIC)	: All components are listed or exempted.
Canada inventory (DSL-NDSL)	: All components are listed or exempted.
China inventory (IECSC)	: All components are listed or exempted.
Japan inventory (CSCL)	: All components are listed or exempted.
Japan inventory (Industrial Safety and Health Act)	: At least one component is not listed.
New Zealand Inventory of Chemicals (NZIoC)	: All components are listed or exempted.
Philippines inventory (PICCS)	: All components are listed or exempted.
Korea inventory (KECI)	: All components are listed or exempted.
Taiwan Chemical Substances Inventory (TCSI)	: All components are listed or exempted.
United States inventory (TSCA 8b)	: All components are active or exempted.

Section 16. Other information

Hazardous Material Information System (U.S.A.)

Health	/	0
Flammability		1
Physical hazards		0

Caution: HMIS® ratings are based on a 0-4 rating scale, with 0 representing minimal hazards or risks, and 4 representing significant hazards or risks. Although HMIS® ratings and the associated label are not required on SDSs or products leaving a facility under 29 CFR 1910.1200, the preparer may choose to provide them. HMIS® ratings are to be used with a fully implemented HMIS® program. HMIS® is a registered trademark and service mark of the American Coatings Association, Inc.

The customer is responsible for determining the PPE code for this material. For more information on HMIS® Personal Protective Equipment (PPE) codes, consult the HMIS® Implementation Manual.

National Fire Protection Association (U.S.A.)



Procedure used to derive the classification

Not classified.

New Jersey Right to Know Disclosure

Name	CAS #
Petroleum Oil (Lubricant)	

History

Date of issue/Date of revision	: 23 May 2023
Date of previous issue	: No previous edition
Version	: 1

Section 16. Other information

Key to abbreviations : ATE = Acute Toxicity Estimate
BCF = Bioconcentration Factor
GHS = Globally Harmonized System of Classification and Labelling of Chemicals
IATA = International Air Transport Association
IBC = Intermediate Bulk Container
IMDG = International Maritime Dangerous Goods
LogPow = logarithm of the octanol/water partition coefficient
MARPOL = International Convention for the Prevention of Pollution From Ships, 1973 as modified by the Protocol of 1978. ("Marpol" = marine pollution)
N/A = Not available
SGG = Segregation Group
UN = United Nations

References : Not available.

☑ Indicates information that has changed from previously issued version.

DOC ID : 201560901015_1150750

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Re: LB Metalworx, LLC. application for special use permit to operate machine shop

Dear property owner,

As a landowner or resident near the Oak Grove Church Road/Waynick Meadow Road community, this letter is to inform you that the illegal business, LB Metalworx, operating at 4534 Oak Grove Church Road has applied for a special use zoning permit in order to remain in operation. If you are not aware, the property is zoned RA (residential/agricultural) and cannot be used for commercial industry purposes such as a precision machine shop.

LB Metalworx is not a small, family-oriented home business. The president/founder, Josh Langley, does not own or live at the property of **4534 Oak Grove Church Road**. The property is owned by co-founder/vice president, Matt Berry. Additionally, the company is currently attempting to hire outside employees to run their machines. The owners fully intend to grow the company and our rural, residential neighborhood is not the place for it. **A machine shop is neither needed nor wanted in our peaceful community.**

The activities of LB Metalworx, including heavy machinery operation and daily commercial truck deliveries, are not compatible with rural living. Obviously, nobody moved here to live next to a machine shop. Aside from elevated noise levels, increased traffic by flatbed, box, and tractor-trailer trucks will increase wear-and-tear on neighborhood streets (i.e., potholes). Undoubtedly, the machine shop will harm real estate values and property/home values will decrease in the surrounding area. Take action to stop this from happening!

LB Metalworx snuck into our community by operating illegally without required permits since May 2022. Meanwhile, they have expanded operations without any opposition. The business will continue to grow, thus amplifying negative effects on our little community. If the special use permit is approved, it will be easier for LB Metalworx to operate with little oversight regarding all activities including growth, waste/byproduct disposal, or the handling/storage/use of hazardous materials on site. Often these pollutants seep into well water, creeks, and soil. It would also pave the way for other commercial industry to establish here as well. Further, LB Metalworx will affect deer/wildlife activity patterns, hunting quality, and wildlife watching opportunities in the vicinity.

Do not allow your peaceful, country lifestyle to be interrupted by the clashing and clanging of heavy machinery, 18-wheelers, external traffic, steel cutting, and air/water pollution. You cannot remain idle while the foundations of a potentially large-scale industrial machine shop are established. **If you do not act now, there will not be a second chance to stop this.** Please support the community by attending the public hearing on January 9th at 6:00pm (725 McDowell Rd, Asheboro, NC 27205; Room A). The Randolph County Planning & Zoning Board will take comments to decide whether to approve/deny the special use permit for LB Metalworx. Tell the zoning board you disapprove of the special use permit that would let LB Metalworx build a machine shop in your neighborhood. JUST SAY NO!

The permit must be denied! That won't be possible without your help.



SAFETY DATA SHEET

1. Identification

Product identifier TRIM® MicroSol® 585XT
Other means of identification None.
Recommended use Metal Working Fluids.
Recommended restrictions Applicable for industrial settings only. No other uses are advised.

Manufacturer/Importer/Supplier/Distributor information

Manufacturer

Company Name Master Fluid Solutions
Address 501 West Boundary
Perrysburg, Ohio 43551-1200
United States
Telephone 419-874-7902
Website www.masterfluidsolutions.com
E-mail info@masterchemical.com
Emergency phone number CHEMTREC 1-800-424-9300

2. Hazard(s) identification

Physical hazards Not classified.
Health hazards Skin corrosion/irritation Category 2
Serious eye damage/eye irritation Category 2B
Environmental hazards Not classified.
OSHA defined hazards Not classified.

Label elements



Signal word Warning
Hazard statement Causes skin irritation. Causes eye irritation.
Precautionary statement
Prevention Wash hands thoroughly after handling. Wear protective gloves.
Response If on skin: Wash with plenty of water. If in eyes: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. If skin irritation occurs: Get medical advice/attention. If eye irritation persists: Get medical advice/attention. Take off contaminated clothing and wash it before reuse.
Storage Store away from incompatible materials.
Disposal Dispose of contents/container in accordance with local/regional/national/international regulations.
Hazard(s) not otherwise classified (HNOC) None known.
Supplemental information None.

3. Composition/information on ingredients

Mixtures

Chemical name	Common name and synonyms	CAS number	%
SEVERELY HYDROTREATED PETROLEUM OIL		64742-52-5	30 - < 40
TRADE SECRET*		Proprietary*	5 - < 10
TRIETHANOLAMINE		102-71-6	5 - < 10

Material name: TRIM® MicroSol® 585XT

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Chemical name	Common name and synonyms	CAS number	%
TRADE SECRET*		Proprietary*	1 - < 3
TRADE SECRET*		Proprietary*	1 - < 3
Other components below reportable levels			40 - < 50

*Designates that a specific chemical identity and/or percentage of composition has been withheld as a trade secret.

4. First-aid measures

Inhalation	Move to fresh air.
Skin contact	Wash affected area with mild soap and water.
Eye contact	Immediately flush with plenty of water for at least 15 minutes. If easy to do, remove contact lenses.
Ingestion	In the unlikely event of swallowing contact a physician or poison control center.
Most important symptoms/effects, acute and delayed	None known.
General information	Get medical attention, if needed.

5. Fire-fighting measures

Suitable extinguishing media	Dry chemical, CO2, water spray or alcohol resistant foam. Use fire-extinguishing media appropriate for surrounding materials.
Unsuitable extinguishing media	Do not use a solid water stream as it may scatter and spread fire.
Specific hazards arising from the chemical	No unusual fire or explosion hazards noted.
Special protective equipment and precautions for firefighters	Wear suitable protective equipment. Use standard firefighting procedures and consider the hazards of other involved materials.

6. Accidental release measures

Personal precautions, protective equipment and emergency procedures	For personal protection, see section 8 of the SDS. Keep unnecessary personnel away. Use personal protective equipment as required.
Methods and materials for containment and cleaning up	Soak up with inert absorbent material. Clean up in accordance with all applicable regulations.

7. Handling and storage

Precautions for safe handling	Avoid contact with eyes. Avoid prolonged or repeated contact with skin. Wash thoroughly after handling. Do not taste or swallow.
Conditions for safe storage, including any incompatibilities	The product is stable and non-reactive under normal conditions of use, storage and transport. Store in a dry place. Store in a closed container.

8. Exposure controls/personal protection

Occupational exposure limits

US. OSHA Table Z-1 Limits for Air Contaminants (29 CFR 1910.1000)

Components	Type	Value	Form
SEVERELY HYDROTREATED PETROLEUM OIL (CAS 64742-52-5)	PEL	5 mg/m3	Mist.

US. ACGIH Threshold Limit Values

Components	Type	Value	Form
SEVERELY HYDROTREATED PETROLEUM OIL (CAS 64742-52-5)	TWA	5 mg/m3	Inhalable fraction.
TRIETHANOLAMINE (CAS 102-71-6)	TWA	5 mg/m3	

US. NIOSH: Pocket Guide to Chemical Hazards
Components

Type

Value

Form

SEVERELY
HYDROTREATED
PETROLEUM OIL (CAS
64742-52-5)

STEL

10 mg/m3

Mist.

Appropriate engineering controls

Use process enclosures, local exhaust ventilation, or other engineering controls to control airborne levels below recommended exposure limits. Eye wash fountain and emergency showers are recommended.

Individual protection measures, such as personal protective equipment

Eye/face protection

Safety glasses.

Skin protection

Hand protection

Wear appropriate chemical resistant gloves.

Respiratory protection

In case of insufficient ventilation, wear suitable respiratory equipment.

General hygiene considerations

Always observe good personal hygiene measures, such as washing after handling the material and before eating, drinking, and/or smoking. Routinely wash work clothing and protective equipment to remove contaminants.

9. Physical and chemical properties

Appearance

Physical state

Liquid.

Color

Amber

Odor

Mild amine

Odor threshold

Not available.

pH

9.6 - 10

Melting point/freezing point

5 °F (-15 °C)

Initial boiling point and boiling range

>= 212 °F (>= 100 °C)

Flash point

> 212.0 °F (> 100.0 °C)

Evaporation rate

< 1 BuAc

Flammability (solid, gas)

Not applicable.

Upper/lower flammability or explosive limits

Flammability limit - lower (%)

Not available.

Flammability limit - upper (%)

Not available.

Explosive limit - lower (%)

Not available.

Explosive limit - upper (%)

Not available.

Vapor pressure

Not available.

Vapor density

Not available.

Relative density

Not available.

Solubility(ies)

Solubility (water)

Soluble

Partition coefficient (n-octanol/water)

Not available.

Auto-ignition temperature

Not available.

Decomposition temperature

Not available.

Viscosity

Not available.

Other information

Flash point class

ASTM D93-08*

pH in aqueous solution

9.3 - 9.6

Specific gravity

0.975 - 1.015

Other information

*Not measurable due to water content

Material name: TRIM® MicroSol® 585XT

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10. Stability and reactivity

Reactivity	The product is stable and non-reactive under normal conditions of use, storage and transport.
Chemical stability	Stable at normal conditions.
Possibility of hazardous reactions	Hazardous polymerization does not occur.
Conditions to avoid	Do not add sodium nitrite or other nitrosating agents which may form cancer causing nitrosamines.
Incompatible materials	Strong acids. Powerful oxidizers.
Hazardous decomposition products	To avoid thermal decomposition, do not overheat.

11. Toxicological information

Information on likely routes of exposure

Inhalation	No adverse effects due to inhalation are expected.
Skin contact	May be irritating to the skin.
Eye contact	May be irritating to eyes.
Ingestion	Expected to be a low ingestion hazard.

Symptoms related to the physical, chemical and toxicological characteristics May be irritating to the skin. May be irritating to eyes.

Information on toxicological effects

Acute toxicity Not classified.

Product	Species	Test Results
TRIM® MicroSol® 585XT		
Acute		
Dermal		
LD50	Rabbit	> 2000, mg/kg
Inhalation		
LC50	Rat	> 200, mg/l
Oral		
LD50	Rat	> 5000, mg/kg

Skin corrosion/irritation May be irritating to the skin.

Serious eye damage/eye irritation May be irritating to eyes.

Respiratory or skin sensitization

Respiratory sensitization	Not classified.
Skin sensitization	This product is not expected to cause skin sensitization.

Germ cell mutagenicity No data available to indicate product or any components present at greater than 0.1% are mutagenic or genotoxic.

Carcinogenicity This product is not considered to be a carcinogen by IARC, ACGIH, NTP, or OSHA.

OSHA Specifically Regulated Substances (29 CFR 1910.1001-1052)

Not regulated.

Reproductive toxicity This product is not expected to cause reproductive or developmental effects.

Specific target organ toxicity - single exposure Not classified.

Specific target organ toxicity - repeated exposure Not classified.

Aspiration hazard Not classified.

Chronic effects None known.

12. Ecological information

Ecotoxicity Not available.

Persistence and degradability No data is available on the degradability of this product.

Bioaccumulative potential	No data available.
Mobility in soil	No data available.
Other adverse effects	No other adverse environmental effects (e.g. ozone depletion, photochemical ozone creation potential, endocrine disruption, global warming potential) are expected from this component.

13. Disposal considerations

Disposal instructions	Dispose of contents/container in accordance with local/regional/national/international regulations.
Hazardous waste code	The waste code should be assigned in discussion between the user, the producer and the waste disposal company.
Waste from residues / unused products	Dispose of in accordance with local regulations.
Contaminated packaging	Empty containers should be taken to an approved waste handling site for recycling or disposal. Follow precautions for safe handling described in this safety data sheet.

14. Transport information

DOT	Not regulated as dangerous goods.
IATA	Not regulated as dangerous goods.
IMDG	Not regulated as dangerous goods.

15. Regulatory information

Superfund Amendments and Reauthorization Act of 1986 (SARA)

Hazard categories	Immediate Hazard - Yes Delayed Hazard - No Fire Hazard - No Pressure Hazard - No Reactivity Hazard - No
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SARA 302 Extremely hazardous substance

Not regulated.

SARA 311/312 Hazardous chemical	Yes
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SARA 313 (TRI reporting)	Not regulated.
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Other federal regulations

Clean Air Act (CAA) Section 112 Hazardous Air Pollutants (HAPs) List

Not regulated.

Clean Air Act (CAA) Section 112(r) Accidental Release Prevention (40 CFR 68.130)

Not regulated.

US state regulations

California Proposition 65

California Safe Drinking Water and Toxic Enforcement Act of 2016 (Proposition 65): This material is not known to contain any chemicals currently listed as carcinogens or reproductive toxins. For more information go to www.P65Warnings.ca.gov.

International Inventories

Country(s) or region	Inventory name	On inventory (yes/no)*
Canada	Domestic Substances List (DSL)	Yes
Canada	Non-Domestic Substances List (NDSL)	No
United States & Puerto Rico	Toxic Substances Control Act (TSCA) Inventory	Yes

*A "Yes" indicates that all components of this product comply with the inventory requirements administered by the governing country(s)

A "No" indicates that one or more components of the product are not listed or exempt from listing on the inventory administered by the governing country(s).

16. Other information, including date of preparation or last revision

Issue date	05-28-2015
Revision date	01-11-2021

Material name: TRIM® MicroSol® 585XT

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Disclaimer

The information provided in this Safety Data Sheet is correct to the best of our knowledge, information and belief at the date of its publication. The information given is designed only as a guidance for safe handling, use, processing, storage, transportation, disposal and release and is not to be considered a warranty or quality specification. The information relates only to the specific material designated and may not be valid for such material used in combination with any other materials or in any process, unless specified in the text. Master Fluid Solutions cannot anticipate all conditions under which this information and its product, or the products of other manufacturers in combination with its product, may be used. It is the user's responsibility to ensure safe conditions for handling, storage and disposal of the product, and to assume liability for loss, injury, damage or expense due to improper use.

Revision information

Physical & Chemical Properties: Multiple Properties
Toxicological Information: Toxicological Data

Summary of Legislative Changes in the Randolph County Unified Development Ordinance

Since the adoption of North Carolina General Statute § 160D, NCGS § 160D, the North Carolina General Assembly has made several changes to NCGS § 160D. These changes have now been incorporated into the *Randolph County Unified Development Ordinance* along with various grammar and formatting corrections. The following is a summary of the changes required by the General Assembly.

Article 100: General Provisions

Section 102: Unified Development Ordinance Definitions

The following definitions were added or amended as required:

1. Blockchain;
2. Cessation of Operations;
3. Cryptocurrency;
4. Cryptocurrency Facility;
5. Data Center Facility;
6. Data Processing Facility;
7. Expansion/Expanded;
8. Municipality;
9. Off-Premise Sign;
10. Parking Area/Lot;
11. Persons with Disabilities;
12. Photovoltaic Module;
13. Rebuild/Rebuilt;
14. Recycle;
15. Storage Container;
16. Towing Service; and
17. Utility-scale Solar Project.

Section 103: Watershed Protection Ordinance Definitions

The following definitions were added or amended as required:

1. Buffer;
2. Built-upon Area;
3. Common Plan of Development;
4. Existing Development;
5. Existing Lot (Lot of Record);
6. Lot;
7. Non-Conforming Existing Lot;

8. Perennial Waterbody; and
9. Subdivision.

Section 104: Flood Damage Prevention Ordinance Definitions

The following definitions were added or amended as required:

1. Area of Future-Conditions Flood Hazard;
2. Area of Shallow Flooding;
3. Digital Flood Insurance Rate Map (DFIRM);
4. Existing Building and Existing Structure;
5. Flood Insurance Study (FIS);
6. Map Repository;
7. NAVD 1988 (deleted); and
8. Reference Level.

Section 107: Maps

This section was updated to reflect that zoning maps are maintained in a digital format.

Article 300: Boards and Organizational Arrangements

Section 306: Remote Meetings During Declared Emergencies

A. Remote Meetings

Added the sentence, “*Compliance with this statute establishes a presumption that a remote meeting is open to the public.*” at the end of the paragraph.

E. Public Hearings

Additional wording was added regarding rules to be followed in the case of a remote meeting and how notifications must be distributed.

Article 400: Administration, Enforcement, and Appeals

Section 404: Enforcement

B. Stop Work Orders

Removed the information regarding misdemeanors as they are no longer allowed to be used for enforcement purposes and changed the language to refer the reader to Article 400, Section 405 for enforcement measures.

Section 405: Fines and Penalties

I. Non-payment of Penalties

This section was updated to add the ability to place a lien on a property in case the payment of penalties or “equitable settlement” is not completed within thirty days of the demand for payment. The section specifies that the County Attorney, General Court of Justice, and the Planning Director are involved in this process.

J. Criminal Penalties

This entire section was removed as criminal penalties are no longer allowed for zoning violations.

Section 406: Appeals of Administrative Decisions

A. Appeals

Added the sentence, "*Appeals of administrative decisions on subdivision plats shall be made as provided in NCGS § 160D-1403.*"

E. Stays

Added wording stating that an appeal of a Notice of Violation can be appealed to the Zoning Board of Adjustment and the procedures to be followed in case the staff member that issued the Notice of Violation is no longer a County employee. (This information is currently in the *Unified Development Ordinance*, but the State added further clarification.)

Section 407: Quas-Judicial Procedure

K. Judicial Review

Added wording stating that the Board of Commissioners or the Planning Board has the authority to settle litigation as part of a judicial review process.

Section 411: Planning Board Review and Comment

A. Zoning Amendments

Added wording that specifies that no rezoning approvals are to be sent until after the fifteen-day appeal period has expired unless there is an appeal filed with the Board of Commissioners.

E. Rehearing of Denied Request

Added wording that was in previous versions of the *Unified Development Ordinance* that states that if a rezoning request is denied, the request cannot be heard again for one year unless the Planning Board "unanimously finds" the conditions have changed or new information has been submitted.

Section 414: Vested Rights and Permit Choice

B. Permit Choice

Added wording that clarifies the rules regarding permit choice in the case that regulations change after an application is submitted and new regulations are in place once the application is reviewed and approved. The section states that the applicant can choose to either follow the regulations in place at the time the application was made or follow the new regulations that were approved after the application was submitted.

E. Multiple Permits for Development Project

Added a statement that this section does not impact the duration of vested rights under item D in this section.

Article 600: Zoning Ordinance

Removed all references to “*One and Two-Family Dwellings*” and updated names of various Building Code Councils due to changes in the General Statutes made by General Assembly.

Updated the term “*comprehensive plan*” to become “*comprehensive or land-use plan*.”

Section 603: Zoning Districts

B. Conditional Districts

Added wording at the end of the section stating that the County cannot “*impose a harmony requirement . . . if the development contains affordable housing units for families or individuals with incomes below eighty percent of the area median income.*”

Section 606: Zoning Conflicts with Other Development Standards

Added wording at the beginning of the section that includes how to handle conflicts of standards under NCGS § 160A-174 (b) and NCGS § 160D.

A. Bona Fide Farming Exempt from County Zoning

Added new guidelines from the General Statutes that accessory buildings for the storage of certain crops, and byproducts is a bona fide farm use. The section also adds that turkey brooder litter that is dried and sent for reuse is also a bona fide farm purpose.

Section 612: Buffer Standards

Adding wording the plantings in buffer areas should be mixed planting to prevent pests and diseases from destroying the entire planting area.

Section 613: Zoning Districts Established

Added clarification that minimum lot sizes are calculated by excluding any area in rights-of-way and land that is subject to flooding or land that may make flooding worse.

Section 618: Table of Permitted Uses

Deleted “*Compartmentalized storage for individual storage of residential and commercial goods.*”

Added “*Cryptocurrency.*”

Clarified the types of mobile homes that are allowed on individual lots based on the type of mobile home and the location of the property (ex. In a subdivision vs. outside a subdivision.)

Section 621: Detailed Regulations for Specific Uses

Adding wording allowing County staff to require additional information that may not be specifically listed under the specific uses.

Added “*Data Processing Facility*” to the specific uses.

Modified the lot size requirements in mobile home parks to meet the state-required minimum lot sizes in watersheds and critical areas.

Added a statement under “*Schools, Academic and Business/Trade*” that the public water and sewer providers for a proposed school location that the Board of Education has submitted questions to see if the provider can serve the proposed school. If the provider has the capacity, they must reserve the capacity for the proposed school.

Updated the entire “*Solar Energy Facility*” guidelines to include the new guidelines adopted by the General Assembly.

Section 626: Manufactured Homes

E. Set-Up and Installation Standards

Added a new section that does not allow the County to require masonry curtail wall or masonry skirting for manufactured homes on leased property.

Section 629: Adopted Small Area Plans

A. Birkhead Wilderness/Uwharrie Forest Small Area Plan

Updated the table under item two in this section to clarify the setbacks in the Small Area Plan.

Section 635: Signs

B. General Regulations

Modified item seven to clarify how to calculate the area of a sign when sign faces are back to back. Also added new requirements that signs be placed where the public has clear sight distance and tells how the “sight triangle” is to be calculated.

Article 700: Subdivision Ordinance

Section 701: Authority

Updated the entire section to comply with the new language adopted by the General Assembly.

Section 704: Contents and Requirements of Regulations

Added Item H as required by the General Assembly states that private driveway standards cannot be more stringent than the minimum design standards adopted by the North Carolina Department of Transportation, NCDOT.

Section 707: Penalties for Transferring Lots in Unapproved Subdivisions

Removed the information regarding misdemeanors as they are no longer allowed to be used for enforcement purposes and changed the language to refer the reader to Article 400, Section 405 for enforcement measures.

Section 718: Enforcement

Removed the information regarding misdemeanors as they are no longer allowed to be used for enforcement purposes and changed the language to refer the reader to Article 400, Section 405 for enforcement measures.

Section 719: Specifications for Preliminary Plat

Removed the requirement that plats should be drawn to a scale of not less than two hundred feet to the inch.

Section 720: Specifications for Preliminary Plat

Removed the requirement that plats should be drawn to a scale of not less than two hundred feet to the inch.

Section 721: Specifications for Minor Subdivision Plat

Removed the requirement that plats should be drawn to a scale of not less than two hundred feet to the inch.

Article 800: Watershed Protection Ordinance

The entire *Watershed Protection Ordinance* will be updated to reflect the new State model watershed protection ordinance.

Article 900: Flood Damage Prevention Ordinance

The entire *Flood Damage Prevention Ordinance* will be updated to reflect the new State model ordinance by the end of the year.

Article 1000: Judicial Review

Section 1002: Appeals in the Nature of Certiorari

Added a new statement under item I that, “A failure to object to a hearing by a person with standing . . . shall not constitute a waiver of a right to assert impermissible conflict involving a member of the decision-making Board.”

Added Item M that states if a Special Use Permit is issued by the Planning Board due to a Court order, any appeal of the Court order is moot.

Section 1003: Appeals of Decisions on Subdivision Plats

The wording of the section is changed to allow for appeals based on how the decision of the plat is made whether is it made by the Planning Board or County Planning staff.

Section 1005: Statutes of Limitation

B. Text Adoption of Amendment

Adds text that any challenges to regulations adopted under the *Unified Development Ordinance* must be brought within one year.