

Jody L. McLeod
MAYOR

Bruce Thompson
TOWN ATTORNEY

Steve Biggs
TOWN MANAGER



Bob Satterfield
R.S. "Butch" Lawter, Jr.
Art Holder
Jason Thompson
COUNCIL MEMBERS

Michael Grannis
MAYOR PRO TEM

TOWN COUNCIL MEETING

AUGUST 6, 2012

AGENDA

MAYOR AND TOWN COUNCIL

**MAYOR JODY L. MCLEOD
MAYOR PRO TEM MICHAEL GRANNIS
COUNCILMAN BOB SATTERFIELD**

**COUNCILMAN ART HOLDER
COUNCILMAN R.S. "BUTCH" LAWTER, JR.
COUNCILMAN JASON THOMPSON**

TOWN STAFF

**STEVE BIGGS, TOWN MANAGER
SHERRY L. SCOGGINS, TOWN CLERK
BRUCE THOMPSON II, TOWN ATTORNEY**

AGENDA
THE REGULAR MEETING OF THE CLAYTON TOWN COUNCIL

MONDAY, AUGUST 6, 2012
6:30 PM

THE CLAYTON CENTER
COUNCIL CHAMBERS

1. CALL TO ORDER

Pledge of Allegiance
Invocation – Mayor Jody L. McLeod

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

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

- a. Draft minutes from the July 16, 2012, work session meeting.
- b. Harvest Festival request.
- c. Resolution directing the clerk to investigate annexation petition 2012-07-01 for parcel located at 317 Pony Farm Road.

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Presentations by Downtown Development Coordinator Bruce Naegelen:
 - Picture Downtown Project 2012
 - Downtown Clayton: Vision 2025

5. PUBLIC HEARINGS

- a. Public hearing for planned development district request PDD-MU 2012-53 for rezoning to planned development mixed use with master plan modification of Health Park at Forty Two West located on NC 42 West directly across from Johnston Medical Center Clayton.

6. OLD BUSINESS

- a. Expansion of façade improvement grant program.
- b. Ordinance authorizing demolition of 110 West Front Street.
- c. Discuss naming of the Mountains-to-Sea Trail segment located in Clayton.
- d. Status update of noise ordinance.

7. NEW BUSINESS

- a. Discuss revisions to the Town Code of Ordinances pertaining to cemeteries.

8. STAFF REPORTS

- a. Town Manager
- b. Town Attorney
- c. Town Clerk
 - Calendar of Events
 - Notice of Possible Attendance for public hearing on a certificate of needs application for the relocation of beds from Johnston Medical Center – Smithfield to Johnston Medical Center – Clayton on Tuesday, August 14, 2012, 2 PM at Hocutt-Ellington Memorial Library.
- d. Other Staff

9. OTHER BUSINESS

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

10. ADJOURNMENT

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 3a

Meeting Date: 8/06/12

TITLE: DRAFT MINUTES FROM THE JULY 16, 2012, WORK SESSION MEETING AND THE JULY 16, 2012, CLOSED SESSION MEETING.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

8-06-12

Approval.

DRAFT 7/16/2012
Work session minutes.

**** DRAFT 7/16/2012
Closed session minutes
Will be hand-delivered.***

**MINUTES
CLAYTON TOWN COUNCIL
JULY 16, 2012**

The first regular meeting of the Clayton Town Council for the month of July was held on Monday, July 16, 2012, at 6:30 PM at Town Hall, 111 East Second Street.

PRESENT: Mayor Pro Tem Michael Grannis, Councilman Bob Satterfield, Councilman R. S. "Butch" Lawter Jr., Councilman Art Holder, and Councilman Jason Thompson.

ABSENT: Mayor Jody L. McLeod

ALSO PRESENT: Steve Biggs, Town Manager; Jeffrey Bandini, Town Attorney; Sherry Scoggins, Town Clerk; David DeYoung, Planning Director; Larry Bailey, Parks & Recreation Director; Tim Simpson, Public Works & Utilities Director; Bruce Naegelen, Downtown Development Coordinator

ITEM 1. CALL TO ORDER

Mayor Pro Tem Grannis called the meeting to order at 6:32 PM. Mayor Pro Tem Grannis gave the invocation.

ITEM 2. ADJUSTMENT OF THE AGENDA

The following adjustments of the agenda were requested:

- Item 10c – Closed session to consult with the Town Attorney in accordance with NC GS 143-318.11 (a) (3).
- Item 4e – At the request of the presenter, table to the August 20, 2012, meeting.

It was the consensus of the Council to approve the agenda.

ITEM 3. ACTION AGENDA

Councilman Holder motioned to approve the action agenda as presented; Councilman Satterfield seconded the motion. The motion carried 5-0 with the following action agenda items being approved at 6:34 PM:

- Item 3a. Draft minutes from June 18, 2012, work session meeting; draft minutes from the June 4, 2012, regular meeting; and draft minutes from the May 30, 2012, budget work session meeting.

ITEM 4. INTRODUCTIONS & SPECIAL PRESENTATIONS

Item 4a. Introduction of new Town of Clayton employees.

No new Town of Clayton employees were introduced.

Item 4b. Presentation by USDA Rural Development representative for letter of conditions to secure funding for \$4.8 million (+/-) financing for the Clayton-Raleigh Force Main Project [Council action requested].

Julia Johnson of USDA Rural Development stated this is for the Clayton to Raleigh Force Main Connection project. She stated the project consists of construction of a new pump station at the Neuse River pump station number two site as well as modifications to the site. She stated this also includes the installation of approximately 31,000 linear feet of 16 inch force main to connect the Town of Clayton wastewater system to the City of Raleigh's wastewater treatment plant. She stated the Town is requesting financial assistance in the amount of \$4,826,000. She stated in the packet is a resolution and action is requested this evening. She stated the resolution allows the Mayor Pro Tem and Town Clerk to execute all the obligation documents that are listed on the resolution and are necessary for loan approval with Rural Development. She stated the resolution also requests the Town receive the lower interest rate in effect upon the time of approval or upon closing. She added it states that upon closing the Town accepts the letter of conditions. She added that in the packet is the letter of conditions and she reviewed the conditions. She stated the current rate is 3.5 percent. She stated once the documents are obligated by the end of the week, the Town will have an interest rate of no more than 3.5 percent. She stated the project budget consists of construction cost of \$4,010,444; soft costs of \$980,560; for a total project cost of \$4,991,000. She stated the repayment schedule is a 40 year term and begins June 1 after the loan closes and each year thereafter. She stated the payment is secured through revenue bond and is estimated at \$226,000 +/- . She stated the security is a water/sewer revenue bond. She stated the debt service reserve requirement is a debt service account in accordance with USDA Rural Development instruction to provide for at least one average loan installment. She stated the Town will make a annual deposit of that account of at least one tenth of the loan annually with a reserve amount of \$22,600. She stated a new requirement is a short lived asset reserve for \$20,183 annually. She stated the applicant funds in the amount of \$165,000 will be disbursed first and then loan funds from the Rural Development in the amount of \$4,826,000 disbursed as expenses are realized. She stated the USDA Rural Development will monitor those expenses. She stated the Town will be required to obtain interim financing in the form of revenue bond anticipation notes and those will be paid off at the time of the loan with a permanent bond from the Rural Development.

Ms. Johnson stated her request this evening is action upon the resolution that approves the letter of conditions and support documents.

Town Manager Steve Biggs stated the USDA Rural Development has been a partner with the Town for several years. He added in 2006 the Town approached the City of Raleigh for wastewater allocation and secured financing through the state revolving loan fund. He stated the economy slowed and the Town chose not to undertake the project and the Town lost access to the state revolving loan fund financing. He stated the Town still qualified as a rural jurisdiction and that time may be closing. He stated as the economy picks up, there is pressure to certain items including nitrogen credits. He stated an urgent call was made to Julia of the USDA Rural Development with the time remaining between now and the census numbers release. He stated his compliment to the USDA Rural Development Office for fast-tracking this item and making this project financially viable for the Town.

Councilman Satterfield motioned to suspend the rules in order to take action. Councilman Lawter and Councilman Holder simultaneously seconded the motion. Motion carried 5-0.

Councilman Holder motioned to approve the resolution as presented; Councilman Satterfield seconded the motion. Motion carried 5-0.

Item 4c. Presentation of request for temporary street closure of Fayetteville Street between Main and Second Streets for National Night Out on Tuesday, August 7, 2012.

Councilman Satterfield motioned to approve the temporary street closure of Fayetteville Street Main and Second Streets for National Night Out on Tuesday, August 7, 2012. Councilman Holder seconded the motion. Motion carried 5-0.

Item 4d. Presentation of Harvest Festival request.

James Lipscomb stated he will provide an overview of the Harvest Festival request. He stated this year the Harvest Festival has a co-chair, Diane Bean. He added she will be next year's chair of the Harvest Festival. He stated the Harvest Festival will have the same look and feel as it did last year.

Mr. Lipscomb stated one major addition is two separate business owners stepping up and requesting a Latino component on Sunday and a temporary street closure of North Lombard from Main Street back to the alley on Sunday from 1 PM to 7 PM relating to the Latino Festival.

Ms. Diane Bean stated Friday will include Clayton Idol from 6 PM to 8 PM and the Chris Lane Band from 8:30 PM to 10:00 PM. She stated Saturday evening is the Central Park Band and Sunday is gospel.

She stated the additional request is the closure of Main Street between O'Neil and Fayetteville Streets for Friday evening.

Mayor Pro Tem Grannis questioned the closure of Main Street on Friday.

Ms. Bean stated affirmative and to begin at 5:30 PM.

Mayor Pro Tem Grannis questioned the points of closure.

Ms. Bean stated from Fayetteville Street to O’Neil Street.

Councilman Satterfield stated his request for the Harvest Festival this year is more plywood around the carts and sitting wall to avoid the staining of those areas.

Mr. Lipscomb stated trash will be handled differently this year and it was learned the bags leaked.

Ms. Bean stated the vendors are asked to submit a damage deposit this year.

Mayor Pro Tem Grannis questioned the time of the Saturday Main Street closure.

Mr. Lipscomb stated for Saturday an effort is made to have the vendors wrapped up by 5 PM. He stated if a vendor has problems dismantling, it will delay the re-opening. He stated his preference is to request 6:30 PM with the hope of being re-opened by 5:30 PM.

Downtown Development Coordinator Bruce Naegelen referred to the new report for this event.

It was the consensus of the Council to place this item on the consent agenda.

Item 4e. Presentation of temporary street closure request for the Powhatan R.A.C.E. slated for Saturday, October 13, 2012.

At the request of the presenter, this item is tabled to the August, 20, 2012, Clayton Town Council meeting.

Item 4f. Presentation of Main Street Accreditation.

Downtown Development Coordinator Bruce Naegelen stated for 2012 Clayton has been designated as an accredited Main Street for the fifth consecutive year. He added the Town of Clayton is only one of only twenty-five communities within the State. He stated there are over 60 Main Street communities within the State.

ITEM 5. ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA

- Item 5a. Presentation of planned development district PDD-MU 2012-53 for rezoning to planned development mixed use with master plan modification of Health Park at Forty Two West located on NC 42 West directly across from Johnston Medical Center – Clayton.

Planning Director David DeYoung provided a PowerPoint presentation; herewith attached and incorporated as Exhibit A, PDD-MU 2012-53. He stated the following:

- Health Park at Forty Two West
- Previously heard as PDD-MU 2010-20A
- Property is directly across from the hospital
- 8.86 acre parcel
- Current request is to modify the master plan to include a 10,000 square feet of medical and/or offices
- The square footage approved in PDD-MU 2010-20A was 60,000 square feet of medical and professional offices and the current request is for 70,000 square feet.
- Wastewater allocation request of 8,750 gpd
- Property is divided into two tracts
- Tract one is 30,000 square feet
- Tract two is 40,000 square feet
- When previous plan was submitted it was assumed there was a wetland on the back of the property
- NCDENR has deemed there are no wetlands
- Developer modified plan based upon NCDENR findings
- Traffic impact analysis for 70,000 square feet was submitted to NCDOT and approved
- Applicant is requesting a waiver from section 155.401(C)(2)(e)(1) which required no developer may provide more than 110 percent of the required parking
 - The request is for 128 percent of the required parking
 - This is a common request for this type of use
 - Staff is in favor of the waiver
- Request is consistent with the Town's Strategic Growth Plan
- Rezoning is consistent with the Town's UDC
- Master Plan meets the criteria established 155.705(K)
- Buffers will be placed around the development – same as before
- Staff requests the 12 conditions from the prior approval carry forward with the new request

Councilman Satterfield requested a breakdown of the sewer allotments for the development categories.

- Item 5b. Presentation of expansion of façade improvement grant program.

Planning Director David DeYoung and Downtown Development Coordinator Bruce Naegelen stated the Town has a successful façade grant program for the downtown area. He stated during the Council Retreat, a request to expand the program to include the thoroughfare overlay district, primarily Business 70. He stated options were listed to potentially include the thoroughfare overlay districts and commercial properties in the façade program. He stated in addition to the request expand the area of the façade grant program, there is also a request that the 75% match of last fiscal year be continued to this fiscal year. He stated there are two separate options:

- Increase the temporary reimbursement increase of 75% through 12-13 and increase the project cap from \$5,000 to \$6,250 for areas downtown and in the thoroughfare overlay districts
- Limits the 75% increase to those in the queue currently or identified as challenges and the remainder of the façade grants would be matched at 50%

Mayor Pro Tem Grannis questioned the document and the numbering.

Planning Director DeYoung stated that is an oversight as the document is in draft form.

Town Manager Steve Biggs stated there was staff discussion on allocation amount and available funding. He stated internally the staff opted to keep both options and seek Council direction. He stated the Town would like to have as much money available for aesthetic improvements as possible.

Mayor Pro Tem Grannis stated it would be beneficial to include a diagram of what is the thoroughfare district for the public.

Item 5c. Presentation of resolution directing the clerk to investigate annexation petition 2012-07-01 for parcel located at 317 Pony Farm Road.

It was the consensus of the Council to place this item on the consent agenda.

ITEM 6. ITEMS CONTINGENT FOR THE REGULAR MEETING

No items contingent for the regular meeting were presented.

ITEM 7. ITEMS FOR DISCUSSION

Item 7a. Discussion and consideration of ordinance authorizing demolition of 110 West Front Street.

Town Manager Steve Biggs stated this is a deteriorating commercial structure. He stated the structure is an aesthetic eye sore on the downtown as well as a nuisance and safety hazard. He stated staff has been working with the building

owner for the past two years to have the building rehabilitated. He stated there has been no work and most recently a schedule for initiation and completion of work was made. He stated the schedule was not satisfactory as it referenced a start date of November. He stated the process is the owner is given an order of demolition or an order to rehabilitate within a given period of time. He stated if the structure is not rehabilitated, then the Town proceeds with demolition. He stated the demolition is performed at the Town's expense and the cost of the expense is placed in the form of lien. He stated the Town has had some limited success in recovering the costs of demolition. He stated the purpose of the program is not to recover the costs but to reduce or eliminate the adverse the property has on surrounding property values and uses.

Town Manager Biggs stated this is before Council this evening for discussion and consideration to follow through at the next meeting with adoption of an order authorizing the building inspector to have the property demolished in the event the Town does not see work initiated within the specified time frame.

It was the consensus of the Council to move forward with this item.

Item 7b. Discussion to name the Mountains-to-Sea Trail (MST) and Sam's Branch Greenway segments located in Clayton.

Town Manager Steve Biggs stated the Town Clerk solicited feedback on the naming processes. He stated the finding is the Council can establish a process it likes.

Town Manager Biggs stated the MST is a statewide project. He stated each segment typically has a name. He stated staff is bringing this to Council for guidance and feed back for the area along the Neuse River. He stated the Sam's Branch Greenway works for that segment.

Mayor Pro Tem Grannis stated he likes the opportunity to name. He stated he does not have any suggestions at this time. He stated it would be interesting to share with the public.

Councilman Satterfield stated he likes the Sam's Branch section remaining as is.

Mayor Pro Tem Grannis concurred with Councilman Satterfield.

ITEM 8. OLD BUSINESS

Item 8a. Revised letter of agreement for Mitchiner Hills Subdivision.

Town Manager Biggs stated Mitchiner Hills Subdivision has sat idle for a couple of years. He stated the Town previously entered into a letter of agreement with the developer, BBS Builders. He added the terms of the letter of agreement

were not sufficient to re-start the development. He stated the Town currently has a stop order on the issuance of all new building permits for Mitchiner Hills. He stated the reason for the stop order is the infrastructure was not completed, most particularly is the final paving of asphalt. He stated there is not adequate security in place for the Town to complete that work. He stated the security that was in place has been used for final coat of asphalt in Phase One and Phase Two remains incomplete. He stated there is also emergency storm drainage repair the Town performed at the Town's cost. He stated the most recent communication with Randell Durham, representative for the developer, is a proposed modified letter of agreement. He stated the modification terms are:

- Town would receive payment of \$5,873 for the storm drainage repairs
- Town would receive an immediate payment of \$55,000 as a deposit for the work pending completion
- Developer will be responsible for providing as built engineered infrastructure plans
- At the time the property will close, will receive another \$48,040 for the completion of the work

He stated the \$55,000 and the \$48,040, not including the emergency storm drainage, is based upon a recent quote for the completion of work. He stated the quote includes a 25% inflation clause as contingency. He stated there are two minor requests for the amended agreement in the packet:

- Statement will accept the infrastructure upon completion and payment of the monies
- Any funds in surplus after completion of the work would be returned to the payer

Councilman Satterfield stated he wants to see this project finished. He questioned why the Town is in the development business.

Town Manager Biggs stated it's no different than how an area of Cobblestone was handled.

Councilman Satterfield questioned if the 25% contingency pays for the Town services.

Town Manager Biggs stated he seek administrative services fees. He stated consulting and engineering costs can be assigned to contingency. He stated the infrastructure will eventually become the Town's and the longer it sits, the more it deteriorates.

Mayor Pro Tem Grannis stated he agrees with the concerns raised by Councilman Satterfield. He added he sees the importance.

Councilman Satterfield questioned if a vote is needed.

Town Manager Biggs stated a vote based on the final form and the two revisions – the acceptance of infrastructure at completion of project and payment of monies and the surplus funds will be returned to the payer.

Councilman Satterfield motioned to approve; Councilman Holder seconded the motion. Motion carried 5 to 0 at 7:21 PM.

Item 8b. Status update of noise ordinance.

Town Manager Steve Biggs stated Caterpillar has agreed to assist the Town with this project. He stated Caterpillar has an on-staff expert sound engineer. He stated the Caterpillar equipment is encumbered and in use by the company. He stated the company may be in a position to provide a demonstration in about the next three weeks. He stated Caterpillar is evaluating the Town's existing ordinance and reviewing the proposal Councilman Holder generated and looking at the comparison matrix developed by former intern Andrew Holland. He stated Caterpillar is involved and a demonstration with the Council will be scheduled sometime in August.

Councilman Holder stated it was discussed about the noise in the evening from the high school band. He stated he would like to talk with the band director of Clayton High School and get a feel for what is doable for the program in the form of noise control.

Mayor Pro Tem Grannis stated he would extend that one step further in speaking with the principal about the band in relation to football games.

ITEM 9. STAFF REPORTS

Item 9a. Town Manager

Town Manager Steve Biggs stated no additional report.

Item 9b. Town Attorney

Town Attorney Jeffrey Bandini stated no additional report.

Item 9c. Town Clerk

Town Clerk Sherry Scoggins stated no additional report.

Item 9d. Other Staff

No other staff report.

ITEM 10 OTHER BUSINESS

Item 10a. Informal Discussion & Public Comment.

No informal discussion and public comment was presented to the Council.

Item 10b. Council Comments.

No Council comments were presented.

Item 10c. Closed session to consult with the Town Attorney in accordance with NC GS 143-318.11 (a) (3).

Town Manager Steve Biggs stated the Town is involved with an economic development project and it entails pursuit of grant sources on behalf of an economic development opportunity with Source Recycling. He added Source Recycling has a local competitor, Wise Recycling. He stated Wise Recycling has filed a complaint against Source Recycling and Wise Recycling has copied the Town on the content of that complaint. He stated the purpose of the closed session is to seek input and feedback from the Council in terms of the Town's role involved in litigation or litigations involved with grant applications.

Councilman Satterfield motioned to go into closed session to consult with the Town Attorney in accordance with NC GS 143-318.11(a)(3); Councilman Lawter seconded the motion. Motion carried unanimously at 7:25 PM.

Councilman Satterfield motioned to return to open session. Councilman Lawter seconded the motion. Motion carried unanimously at 7:49 PM.

ITEM 11. ADJOURNMENT

With there being no further business brought before the Council, Councilman Lawter motioned to adjourn; Councilman Satterfield seconded the motion. Motion carried unanimously at 7:50 PM.

Duly adopted by the Clayton Town Council this ____ day of August 2012, while in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Sherry L. Scoggins, MMC
Town Clerk

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 3b

Meeting Date: 8/06/12

TITLE: HARVEST FESTIVAL REQUEST.

DESCRIPTION: The 2012 Harvest Festival is slated for September 12-16, 2012. In order to accommodate the number of patrons for this event, the following are requested:

- Use of the Town Square from Friday, September 14th to Sunday, September 16th;
- Temporary street closure of **Main** Street from Smith Street to O'Neil Street on Saturday, September 15th from 5 AM to 6:30 PM*;
- The following side streets be temporarily closed on Saturday, September 15th between Main and Second: Barbour, Church, and **Lombard*** Streets
- Temporary street closure of Fayetteville Street between Main and Second Streets beginning Thursday, September 13th at 6:30 PM through Sunday, September 16th at 8 PM.

The following temporary street closures were requested during the July 16, 2012, Council meeting:

- Temporary closure of North Lombard – section between Main Street and NCR – on Saturday, September 15, 2012, from 5 AM to 5 PM.
- Temporary closure of North Lombard, Sunday, September 16, 2012, from 7 AM to 7 PM.
- Temporary closure of **Main** Street between O'Neil Street and Fayetteville Street on Friday, September 14, 2012, from 6:30 PM to 10 PM*.

***Main Street and Lombard between Main and Second Streets are maintained by NCDOT. A letter requesting permission for the temporary closure of these streets will be sent to NCDOT.**

RELATED GOAL: Think Downtown & Expand Leisure Opportunities

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-16-12	Presentation	Letter and Special Events Committee Report.
8-06-12	Approval.	Special Evens Committee Report (Updated).



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-1545
Fax: 919-553-1720

SPECIAL EVENTS COMMITTEE REPORT

Application Number: 2012-1077
Event Name: Clayton Harvest & Music Festival
Event Date(s): September 12 – September 16, 2012
Location: Main Street (from Smith St to O'Neil St)

Downtown/Town Limits/ETJ: Downtown

Applicant: Clayton Chamber of Commerce

Contact: Mary Beth Roberti (919) 553-6352

Committee Meeting: June 28, 2012

Attendance: **Committee:** Steve Biggs, Town Mgr; Jeffra Patton, Safety Officer; Christie Starnes, Librarian; Dale Medlin, Director Electric Dept; Capt. Wayne Bridges, Police Dept; Dede Bumgarner, Zoning Admin; Bruce Naegelen, Downtown Development Coordinator

Guests: John McFadden, National Night Out; Officer Joe Brady, CPD; Officer Andy Jernigan, CPD; Diane Bean, Clayton Harvest & Music Festival; Mary Beth Roberti, Clayton Chamber of Commerce; James Lipscomb, Clayton Chamber of Commerce

EVENT LOCATION: Main Street area from Smith St to O'Neil St, including Horne Square, Town Square

EVENT DESCRIPTION: This event is the largest event in Clayton, featuring rides behind HomeTowne Realty area/Horne Square Wednesday through Sunday and a full festival event on Saturday with upwards of 10,000 people. The event includes food vendors, carnival rides, vendor booths, music, demonstrations, and displays. Only minor changes from previous year are being planned. Event organizers indicated the following:

1. Carnival rides will mobilize beginning Monday morning
2. Rides should come in from Fayetteville to First St to set-up area
3. Carnival employees will wear uniforms and laminated ID badges
4. Personal hygiene will be improved

SERVICES REQUESTED:

1. Potential use of additional police presence 9/14/12 6:30 pm – 10:00 pm (to be determined)
2. Grading of transition area between gravel lot behind HTR and NCRR ROW *
3. Electric service behind HTR using existing service pole
4. Barriers and cones to close street and parking lot

5. Roll-out trash & recycled carts

**new requests*

COMMITTEE ANALYSIS AND COMMENTARY:

- This is a fund-raising event for the Clayton Chamber of Commerce
 - This is an annual event the Town of Clayton has partnered with for many years
 - Committee will meet with event organizers July - August for continued communications
 - Committee members recommend approval of the event (see conditions)
 - Applicant will provide letter to Town Clerk by July 3, 2012 requesting placement on the July 16, 2012 Town Council Agenda
 - Special Event Permit will be issued by Planning Department
-

COMMITTEE CONDITIONS

1. Damage deposit will be required from carnival/rides vendor due to stains (tire & grease) and curb damage in 2011 – amount to be determined
 2. Corner of Main Street & Church Street to remain open in front of Library for public access
 3. Communication plan needs to be submitted to Committee by August 23
 4. Clean-up plan needs to be submitted to Committee by August 23
 5. Copies of all permits issued by State, County or Town need to be submitted to TOC Planning Department prior to August 23
-

TOWN COUNCIL CONSIDERATIONS

1. Closure & Use of Horne Square 9/12/2012 - 9/16/2012
2. Closure and use of Main St (O'Neil St to Fayetteville St) 9/14/12 from 6:30 pm – 10:00 pm for additional concert seating (Jason Michael Carroll)*
3. Close on -street parking Main Street (between O 'Neil t o Fa yetteville) with us e of c ones 9/14/12 from 4:00 pm – 10:00 pm
4. Closure of Fayetteville Street between Main & Second Street from 9:00 am (9/14/12 – 10:00 pm (9/16/12)
5. Closure of Main Street (Smith St to O'Neil St) 9/15/12 from 5:00 am – 6:00 pm
6. Closure of S Lombard St (Main St to Second St) 9/15/12 from 5:00 am – 5:00 pm
7. Closure of N Lombard St (Main St to NCRR ROW) 9/15/12 from 5:00 am – 5:00 pm
8. Closure & Use of Town Square & parking lot (110 W Main St) from 5:00 am - 9/14 to 10:00 pm 9/16/12
9. Closure of N Lombard St (Main St to NCRR ROW) 9/16/12 7:00 am – 7:00 pm for potential Latino vendors

Council Action: 7/16/2012 – referred to August 6, 2012 Consent Agenda

DOCUMENTATION:

- Special Event Application (includes site plan)
 - Special Event Committee Report (6/28/12)
-

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 3c

Meeting Date: 8/06/12

TITLE: RESOLUTION DIRECTING THE CLERK TO INVESTIGATE ANNEXATION PETITION 2012-07-01 FOR PARCEL LOCATED AT 317 PONY FARM ROAD.

DESCRIPTION: Annexation petition 2012-07-01 is a citizen initiated annexation submitted by Southern Community Bank and Trust. The request is for a 65 +/- acre parcel, parcel number 05I05038Z, located off of Pony Farm Road and adjacent to Automatic Rolls.

Submission of a valid annexation petition satisfies one of the conditions of subdivision approval for SUB 2012-36.

At the July 16, 2012, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-16-12	Presentation	Resolution & Map.
8-06-12	Approval.	Resolution & Map.

**ANNEXATION PETITION 2012-7-01
317 Pony Farm Road (South Tech Park Lane)
Parcel Number: 05I05038Z
Owner: Southern Community Bank & Trust
65.20 acres; Non-Contiguous**

**TOWN OF CLAYTON
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1**

WHEREAS, a petition requesting annexation of an area described in said petition was received on May 31, 2012, by the Town of Clayton; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation:

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

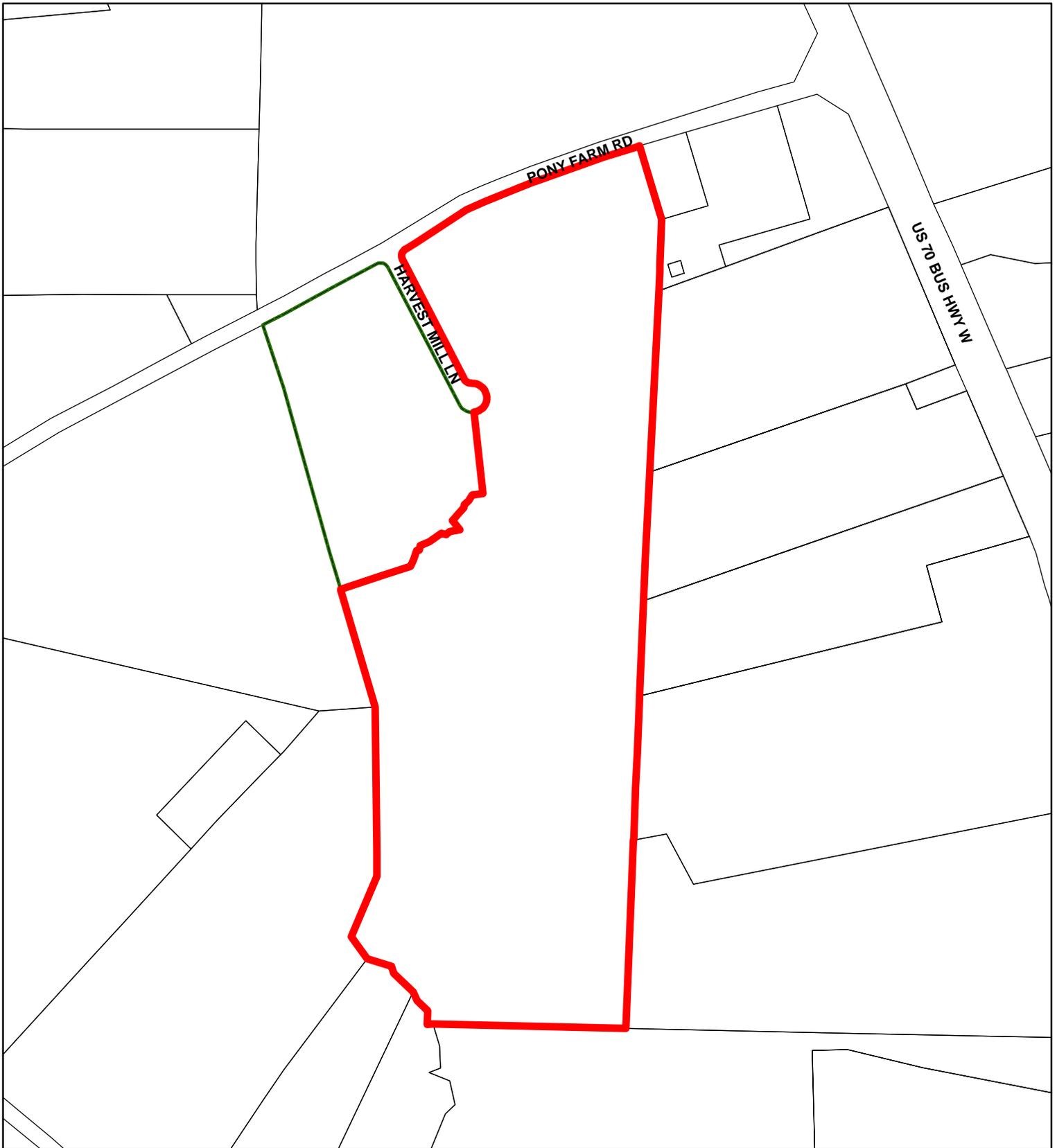
The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the results of her investigation.

Duly adopted this 6th day of August 2012, while in regular session.

ATTEST:

**Jody L. McLeod,
Mayor**

**Sherry L. Scoggins, MMC
Town Clerk**



Annexation Map

Applicant(s): Southern Community Bank & Trust
 Property Owner(s): Southern Community Bank & Trust
 Parcel Number(s) 05105038Z
 File Number(s): Annex 2012-07-01

Legend

-  Clayton Town Limits
-  Clayton ETJ
-  Parcels



**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 4a

Meeting Date: 8/06/12

**TITLE: PRESENTATIONS BY DOWNTOWN DEVELOPMENT
COORDINATOR BRUCE NAEGELEN:**
▪ **PICTURE DOWNTOWN PROJECT 2012,**
▪ **DOWNTOWN CLAYTON: VISION 2025.**

DESCRIPTION: PowerPoint presentation.

RELATED GOAL: Think Downtown

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
8-06-12	Presentation.	



*Vision 2012: Downtown is the social and cultural hub of Clayton
A North Carolina Main Street Community*

TO: Mayor McLeod, Town Council
FROM: Richard Rairigh, President, Chair CDDA
DATE: 7/16/2012
SUBJECT: Picture Downtown 2012 Report

The Picture Downtown Project took place between April 20 and May 14, 2012. There were 34 participants from throughout Clayton, including 6 Clayton High School students. 12 disposable cameras were used and each participant was assigned to take 9 photos of things they liked (strengths) and disliked (challenges) about downtown Clayton. The CDDA will incorporate and prioritize these items as Design and Economic Restructuring projects.

2012 Top Strengths (4+ photos)

Municipal Lot (Horne Square)	19
Clayton Law Enforcement Center	11
Town Square	11
439 E Main (Community Garden)	8
Mural (Barbour Bldg)	8
111 E Second St (The Clayton Center)	6
Library	5

2012 Top Challenges (4+ photos)

110 W Front (Red & White Bldg)	10
218 E Main (La Michoacana)	7
400 E Main (Pittman Jeweler Bldg)	6
406 E Main (former Wholesale Liquidators)	5
208 E Main (Clayton Mart)	4
396 W Main (Laundry & Storage)	4
Overhead Wires	4

You can see the comparisons from 2007 in the attached page, but some highlights include:

2007 Challenges to 2012 Strengths

Municipal Lot to Horne Square
126 E Main (now Studio Bleu & Zoom Photography)

Removed from 2007 Challenge

226 E Main (now Primo Pizza)
424 E Main (Old Town Supply – canopy removed, bldg painted)
459 E Main (formerly stucco to new siding and occupied)

Added to 2012 Challenge

218 E Main (La Michoacana Grocery)
318 E Second– unsigned nail salon
400 E Main (former Pittman Jewelers)
408 E Second (Flipside /Barbour Bldg parking lot)
451 E Main (Lewis Automotive)

Continued Challenges

110 W Front (Old Red & White bldg)
208 E Main (Clayton Mart)
222 E Main (Spencer Realty)
406 E Main (former Wholesale Liquidators)
Overhead wires

Improved Strengths

Town Square

Added Strengths

Clayton Law Enforcement Center
Community Garden
Also mentioned:

Alley Gates

Downtown Gateway sign

Continued Strengths

The Clayton Center
Library
Mural on Barbour Building

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 5a

Meeting Date: 8/06/12

TITLE: PUBLIC HEARING FOR PLANNED DEVELOPMENT DISTRICT PDD-MU 2012-53 FOR REZONING TO PLANNED DEVELOPMENT MIXED USE WITH MASTER PLAN MODIFICATION OF HEALTH PARK AT FORTY TWO WEST LOCATED ON NC 42 WEST DIRECTLY ACROSS FROM JOHNSTON MEDICAL CENTER – CLAYTON.

DESCRIPTION: The request is for rezoning to planned development mixed use with master plan modification of Health Park at 42 West. The approval is for an additional 10,000 square foot medical office building and does not impact the previously approved preliminary subdivision. This master plan modification supersedes master plan approval PDD-MU 2010-20A.

Historical information for this site:

- PDD-MU 2010-20A; approved 10/3/2011
- PDD-MU 2010-20; withdrawn 12/6/2010
- PDD-MU 07-03; approved 11/19/2007 (larger project with 3 parcels)

At its June meeting, the Planning Board recommended approval of PDD-MU 2012-53 inclusive of the waiver request and subject to the conditions of approval presented by staff.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-16-12	Presentation.	Application, Wastewater Allocation Request, Neighborhood Mtg Notes, Staff Report, Zoning/Aerial Map, & Conceptual Master Plan.
8-06-12	Public hearing.	Application, Wastewater Application Request, Neighborhood Mtg Notes, Staff Report, Zoning/Aerial Map, Conceptual Master Plan, & Motion Form.



Town of Clayton
 Planning Department
 111 E. Second Street, Clayton, NC 27520
 P.O. Box 879, Clayton, NC 27528
 Phone: 919-553-1545
 Fax: 919-553-1720

PLANNED DEVELOPMENT APPLICATION

Pursuant to Article 7, Section 155.705 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town of Clayton to rezone property to a Planned Development District. Applicants seeking Planned Development approval shall schedule a pre-application conference with the Planning Director in accordance with Section 155.702(A).

Planned Development applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fees. The application fees are \$500.00 plus \$5.00 per lot/unit for residential and/or \$5.00 per acre for non-residential uses.

All fees are due when the application is submitted. Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Planned Development applications.

APPLICATION REQUEST: New Amended

Planned Development Type:

- Planned Development - Residential Planned Development - Commercial
 Planned Development - Mixed Use Planned Development - Industrial

Justification Statement. Attach to application. Please address the purpose, intent and design objectives of the planned development requested.

SITE INFORMATION:

Development Name: HEALTH PARK @ FORTY-TWO WEST Total Acreage of Development: 8.605

TAG Number(s) (attach additional sheet if necessary): _____ Affected Acreage: 8.054

Location: NC HIGHWAY 42, CLAYTON, NC

Overlay District (if applicable): _____

Existing Zoning: PD-MU Proposed Underlying Zoning: _____

Number of Lots/Parcels (Existing): 1 (Proposed): 3

Has the Property been Platted? YES Plat Book/Page: DEED BOOK 1451, PAGE 561

Will the Plat be affected by request (Y/N)? N If Yes, explain in Justification Statement

Proposed Use (s): MEDICAL OFFICE

FOR OFFICE USE ONLY

Amount Paid: 2012-53 Date Received: MAY - 2 2012 File Number: \$ 540.25

OWNER INFORMATION:

Name: JAY JOHNSON
Mailing Address: 3305 DURHAM DRIVE, SUITE 113, RALEIGH, NC 27603
Phone Number: 919-422-6527 Fax: 919-773-4536
Email Address: JJ@METROCON-INC.COM

APPLICANT INFORMATION:

Applicant: CLINE DESIGN ASSOCIATES, PA
Mailing Address: 125 N. HARRINGTON ST., RALEIGH, NC 27603
Phone Number: 919-833-6413 Fax: 919-836-1280
Contact Person: MICHAEL LATNEZ
Email Address: MICHAEL.L@CLINEDESIGNASSOC.COM

MASTER PLAN REQUIREMENTS:

A Master Plan meeting the following criteria must accompany this application. A Master Plan which also meets the requirements of a preliminary subdivision/plat may be approved as the Master Plan for the development and the Preliminary Plat concurrently.

Master Plan Approval Criteria:

- (1) Compliance with § 155.203(K) and all other applicable requirements of the Unified Development Code;
- (2) Consistency with the Clayton General Design Guidelines;
- (3) Conformance of the proposal with the stated purpose of the requested planned development district;
- (4) Compatibility of the proposed development with the adjacent community;
- (5) The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out;
- (6) Compatible relationships between each component of the overall project;
- (7) Self-sufficiency of each phase of the overall project;
- (8) Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems;
- (9) The fiscal impact of the proposal and the proposed financing of required improvements;
- (10) The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
- (11) The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

PLANNED DEVELOPMENT WAIVER REQUESTS:

Waivers to the general development standards specified in the Unified Development Code (UDC) sections 155.400 through 155.405 and subdivision standards specified in UDC sections 155.600 through 155.607 may be granted by Town Council.

Please list Waiver requests:

Code Section	Requirement	Waiver

If you are requesting waivers, please include appropriate justification for the waivers within the required justification statement.

MAJOR SUBDIVISION/PRELIMINARY PLAT (if applicable)

The following items must accompany the Planned Development application when submitting the preliminary subdivision/plat concurrently. The following information is required, except where otherwise noted:

- Required findings *(please address the required findings below).*
- Required plans *(please see the plan requirements checklist below).*
- Road Name Approval Application *(if applicable).*
- A signed and sealed traffic impact analysis *(if required).*
- Verification of wastewater allocation *(granted or requested).*
- Verification of approval for the potable water and waste water system improvements from North Carolina Department of Environment and Natural Resources (NCDENR).
- Verification of approval for individual well and septic systems from Johnston County Department of Environmental Health Services *(if applicable).*
- Driveway permits *(Town of Clayton or NCDOT encroachment with associated documentation).*
- A copy of proposed deed restrictions and/or covenants *(if applicable).*

- The names of adjacent landowners, or lot, block, parcel, subdivision designations or other legal reference where applicable.
- Location and width of all existing and proposed rights-of-way, Resource Conservation Areas, easements and areas dedicated to public use with the purpose of each stated where crossing or forming any boundary line of the property shown. Sight triangles noted where required.
- Location of all existing buildings and structures.
- Minimum building setbacks are noted.
- Location of all existing and proposed utilities (water, sewer, electric, natural gas, etc.).
- Location of all existing and proposed fire hydrants.
- Location of all existing and proposed drainage structures.
- Proposed streets are labeled, named and dimensioned. Street names must be approved by Johnston County. Correct street cross section detail provided.
- Location, purpose and dimensions of areas to be used for purposes other than residential and public.
- Any other information considered by either the applicant or the town to be pertinent to the review.

APPLICANT AFFIDAVIT

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

MICHAEL LATTNER
 Print Name

Michael Lattner
 Signature of Applicant

5.2.12
 Date



Town of Clayton
 Planning Department
 111 E. Second Street, Clayton, NC 27520
 P.O. Box 879, Clayton, NC 27528
 Phone: 919-553-1545
 Fax: 919-553-1720

OWNER'S CONSENT FORM

Name of Project: HEALTHPARK Q92 WEST, Submittal Date: 5.1.12

OWNERS AUTHORIZATION

I hereby give CONSENT to MICHAEL LATTNER (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Clayton to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

J. Johnson Jay Johnson 5/1/12
Signature of Owner *Print Name* *Date*

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Clayton, North Carolina, and will not be returned.

M. Gattner MICHAEL GATTNER 5-1-12
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

File Number: _____	Date Received: _____	Parcel ID Number: _____
--------------------	----------------------	-------------------------

chandler engineering pa

309 S. Fuquay Avenue, Fuquay-Varina, NC 27526

Phone: 919-552-4845 Fax: 919-552-6962

June 26, 2012

Mr. Steve Briggs
Town Manager
Town of Clayton
The Clayton Center
111 E. Second Street
Clayton, NC 27520

Subject: Sewer Capacity Request for Health Park at Forty Two West

Dear Mr. Biggs,

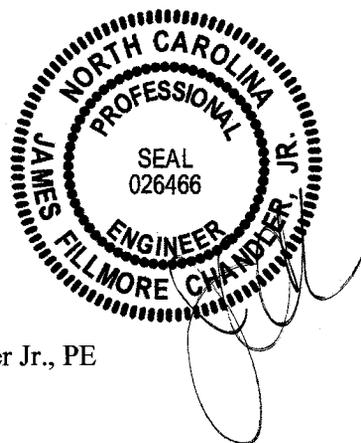
On behalf of HealthPark at Forty Two West Land, LLC, we are requesting sewer capacity for 70,000 sq. ft. of medical and general office space for the subject project. The requested sewer capacity for the project is 8,750 gallons per day average daily flow.

The capacity has been determined by the use rates for general office per NCAC 02T.0114 as follows:

$70,000 \text{ sq. ft.} \times 1 \text{ person}/200 \text{ sq. ft.} \times 25 \text{ gpd}/\text{person} = 8,750 \text{ gpd ADF}$

Please let me know if you require any additional information in regards to this request.

Sincerely,



James F. Chandler Jr., PE

JFC/



Architecture
 Planning
 Community Design
 Landscape Architecture
 Interiors



MEETING NOTES

Meeting Date:	Issue Date:	Author:
June 5, 2012	06.19.2012	Chris Tingler
		<input checked="" type="checkbox"/> Raleigh Office <input type="checkbox"/> Charlotte Office

Project Number:	Project Name:
O10048	HealthPark at 42 West

Attendees:

James H. Wooten Sr.	Jay Johnson	Chris Tingler

1. Meeting started at approximately 6:00 in the Four Oaks Room at the Town Hall Complex.
2. The project was introduced and location identified to clarify size and access points into the site.
3. There were discussed about the changes made to the site plan since the prior submittal.
4. Neighbors talked about the wetland area and drainage into the planned retention basin.
5. A retaining wall remains against the wetland area to the rear of the building.
6. The question was asked as to the start of construction of the first phase.
7. There was no opposition expressed at the meeting concerning the proposed project.

Meeting ended at approximately 8:00.

Copy: File 010048_DD

Notice:
 The above notes represent the author's understanding of the items discussed and agreed upon during the meeting. Please notify the author immediately in writing if your understanding is different, and a clarification will be issued to all parties. This document will be deemed accurate if no corrections are received within five (5) business days of issuance.

Cline Design Associates, PA

125 North Harrington Street | Raleigh, NC 27603 | t: 919-833-6413 | f: 919-836-1280
 1800 Camden Road, Suite 108 | Charlotte, NC 28203 | t: 704-333-7272 | f: 704-333-7278

www.clinedesignassoc.com

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: HEALTH PARK AT FORTY TULO

Location/Date: THE CLAYTON CENTER 6/5/2010

	NAME	ADDRESS
1	James Woods	2117 HIX DR
2	Jay Johnson	5601 Windlake Ct. Raleigh, NC 27606
3	Chris Tingler	101 LEMA DR. GARNER NC 27529
4		
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Town of Clayton
 Planning Department
 111 E. Second Street, Clayton, NC 27520
 P.O. Box 879, Clayton, NC 27528
 Phone: 919-553-1545
 Fax: 919-553-1720

STAFF REPORT

Application Number: PD-MU 2012-53 (Previously PD-MU 2010-20A) and SP 2012-52 (Previously 2011-76)
Project Name: Health Park at 42 West
NC PIN: 164800-84-3442
Town Limits/ETJ: Town Limits
Applicant: Cline Design/Metrocon
Owners: Health Park at Forty Two West Land LLC
Agents: Michael Lattner/Jay Johnson
Neighborhood Meeting: Held June 5 2012

PROJECT LOCATION: The project is located on NC 42 Hwy W across from Johnston Memorial Hospital. The property is located within Town limits.

REQUEST: The request is for rezoning to Planned Development Mixed Use, Master Plan modification (PD-MU 2012-53) of Health Park at Forty Two West and Site Plan (SP 2012-52) approval for an additional 10,000 square foot medical office building. This Master Plan modification will supersede previous Master Plan approval PD-MU 2010-20A and previous site plan approval SP 2011-76 for the subject site.

SITE DATA:

Acreage: 8.86 acres
Present Zoning: PD-MU and Thoroughfare Overlay District (TOD)
Proposed Zoning: PD-MU (Utilizing O -I D evelopment Standards) and Thoroughfare Overlay District (TOD)
Existing Use: Vacant
Impervious Surface: 6.09 acres (69 Percent)

DEVELOPMENT DATA:

Proposed Use: Office / Medical Office Park
Buildings: Five future buildings (see proposed site plan)
Number of Stories: One
Required Parking: 280 (1 space per 250 SF GFA)
Proposed Parking: 359, including handicap accessible spaces

ENVIRONMENTAL: No environmental concerns. The stormwater management plan for the development has been approved by Johnston County and Army Corp of Engineers has determined that no wetlands exist on the subject site.

ADJACENT ZONING AND LAND USES:

North: Zoning: PD-MU
 Existing Use: Johnston Memorial Hospital

South: Zoning: R-E
 Existing Use: Vacant

East: Zoning: PD-MU
 Existing Use: Vacant

West: Zoning: R-E
 Existing Use: Residential

STAFF ANALYSIS AND COMMENTARY:

The property was rezoned to PD-MU in 2007. A subsequent master plan PD-MU 2010-20A (allowing for office/medical office uses) was approved on October 3, 2011.

The applicant is now seeking modification to PD-MU 2010-20A to add an additional 10,000 square foot medical office building.

The overall land use is consistent with the principals of the Small Area Plan adopted in 2007 and is complimentary to the medical center on NC 42 Hwy W.

- **Consistency with the Strategic Growth Plan**

The proposed use is consistent with the Strategic Growth Plan and the Small Area Plan.

- **Consistency with the Unified Development Code**

The proposed Master Plan is consistent with and meets the applicable requirements of the Unified Development Code (UDC). A revised Traffic Impact Analysis has been submitted by the applicant supporting the modification to the development plan and is under review by NCDOT.

- **Compatibility with Surrounding Land Uses**

The overall land use for the subject property is generally compatible with the surrounding area. As stated previously the subject site is located within the Small Area Plan.

- **Landscaping and Buffering**

The landscaping and buffering proposed for Phase I the subject site are consistent with the requirements of UDC Section 155.402 (landscaping, screening and buffering) and Section 155.204 Overlay District Standards.

- **Signs**

Applicant is requesting Common Signage Plan approval for the site.

- **Site Design**

The Site Plan for Phase I has been designed to comply with the site design requirements established in the Small Area Plan. This includes buildings closer to the right-of-way for NC 42 HWY W, pedestrian connectivity, site amenities and focal points.

- **Architecture**

Architectural elevations and floor plans have been submitted with the site plan for phase one.

- **Waivers/Deviations/Variances from Code Requirements**

The applicant is requesting a waiver from UDC Section 155.401(C)(2)(b)1 which requires that no use provide more than 110 percent of the required parking. Because of the type of use (Medical Office), the applicant is requesting a waiver to allow maximum of 359 spaces (128 percent)

OTHER:

- FIRE PROTECTION: The Town of Clayton Fire Department will provide fire protection.
- SCHOOL IMPACTS: NA
- PARKS AND RECREATION: NA
- ACCESS/STREETS: The site will be accessed from NC 42 Hwy W.
- WATER/SEWER PROVIDER: Town of Clayton
- ELECTRIC PROVIDER: Progress Energy
-

CONSIDERTIONS:

- The subject site application is known as Health Park at Forty-Two West Planned Development.
 - The applicant is requesting a Rezoning to PD-MU with an associated Master Plan modification.
 - The applicant is requesting wastewater allocation of 8,750 gpd. The previous wastewater allocation will be rescinded prior to the new request being approved.
 - The applicant is requesting Site Plan Approval for five office/medical office buildings for a total of 70,000 square feet.
-

RECOMMENDATION:

Staff is recommending approval of the Master Plan modification and site approval, subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL

PD-MU 2012-53 (Previously PD-MU 2010-20A)

Previous Conditions:

1. Future development in this area must comply with the standards and policies of the JCMH / NC 42 Hwy W Small Area Plan, as adopted by Town Council on November 19, 2007.
2. In accordance with the JCMH / NC 42 Hwy W Small Area Plan, as adopted by Town Council on November 19, 2007, a common signage plan must be approved for the planned development.
3. In accordance with the JCMH / NC 42 Hwy W Small Area Plan, as adopted by Town Council on November 19, 2007, a conceptual master landscape plan must be approved for the planned development.
4. Outparcels with retail uses shall have no more than one bay of parking between NC HWY 42 W and the building.
5. To ensure interconnectivity with future development, there must be two street stubs to the south, one to the property to the east in the parcel south of the JCMH / NC 42 Hwy W Small Area Plan, as adopted by Town Council on November 19, 2007.
6. A 10 foot right of way dedication along NC 42 HWY W is required.
7. Sidewalks must be constructed by the developer along NC 42 HWY W and throughout the development to ensure pedestrian connectivity in the area.
8. Master Plans should note that the final design of NC 42 HWY W improvements to be approved by NCDOT and the Town of Clayton.
9. Wastewater allocation request must be approved by the Town Council.
10. A Traffic Impact Analysis must be approved prior to the issuance of a Zoning Compliance Permit.
11. The perimeter landscaping along NC 42 Hwy W must be installed prior to the issuance of a Certificate of Occupancy for Phase I.
12. Future Phases are subject to site plan review and approval.

SP 2012-52 (Previously 2011-76)

13. A final site plan, landscape plan and architectural elevations addressing the Conditions of Approval shall be submitted to the Planning Department for final review approval prior to building permit submittal. Modifications to the development which are inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the

Technical Review Committee, as established in the UDC, must be approved by the Planning Board.

14. The site development for Phase I must comply with all Conditions of Approval required by Master Plan Application PDD 2010-20 – Health Park at 42 West.
15. A focal point which incorporated both specialty paving and free standing columns shall be incorporated along the main access drive as indicated on the Site Plan that is dated September 9, 2011.
16. No vehicular parking or circulation shall be permitted in front of buildings 1 and 2.
17. Two sets of construction drawings with documentation to include pre & post stormwater calculations, erosion and sediment control documents, and other appurtenances which impact public infrastructure are to be submitted to Public Works Engineering Division for review and approval.

PLANNING BOARD RECOMMENDATION:

The Planning Board recommended approval of PD-MU 2012-53 inclusive of the waiver request and subject to the conditions of approval presented by staff.

The Planning Board approved SP 2012 -52 subject to the approval of PD-MU 2012 -53 by Town Council.



Legend

	Clayton Town Limits		R-6		PD-C
	Clayton ETJ		PD-R		I-1
	R-E		B-1		I-2
	R-10		B-2		O-I
	R-8		B-3		PD-MU
	Produced by: TOC Planning		SUD		

Zoning/Aerial Map

Applicant(s): Michael Lattner/Cline Design Associates, PA
 Property Owner(s): Health Park at Forty Two West Land LLC
 Parcel Number(s) 05G03004R
 File Number(s): PD-MU 2012-53 & SP 2012-52



Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.



Major Site Plan Submittal PDD-MU 2010-20

Health Park at Forty Two West

Clayton, North Carolina



DESIGN TEAM



ARCHITECT/
LANDSCAPE ARCHITECT
Cline Design Associates, PA
125 N. Harrington Street
Raleigh, NC 27603
(919) 833-6413
(919) 836-1280 fx.

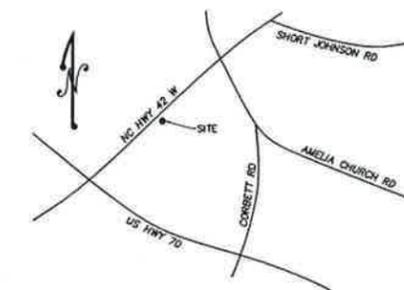
chandler engineering pa

CIVIL ENGINEER
Chandler Engineering
309 S. Fuquay Avenue
Fuquay- Varina, NC 27526
(919) 552-4845
(919) 552-6962 fx.

SHEET INDEX

COVER	
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CONCEPTUAL MASTER PLAN	SD0.20
SITE PLAN	SD1.00
SITE DETAILS	SD2.00
SITE DETAILS	SD2.10
EXISTING CONDITIONS AND DEMOLITION PLAN	C1.01
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NC HWY 42 ROAD WIDENING PLAN/PROFILE	C2.02
GRADING PLAN	C3.01
RETAINING WALL(S) PLAN/PROFILE	C3.02
SEDIMENTATION AND EROSION CONTROL PLAN	C4.01
UTILITY PLAN	C5.01
SEWER EXTENSION PLAN/PROFILE	C5.02
EROSIONS CONTROL DETAILS	C6.01
STORMWATER MANAGEMENT DETAILS	C6.02
WATER DETAILS	C6.03
WATER DETAILS	C6.04
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SEWER DETAILS	C6.06
SEWER DETAILS	C6.07
CONCEPTUAL MASTER LANDSCAPE PLAN	LP0.20
LANDSCAPE PLAN	LP1.00
LIGHTING PLAN	LT1.00
FLOOR PLAN - 20K	A1.10
FLOOR PLAN - 10K	A1.20
FLOOR PLAN - 10K2	A1.40
EXTERIOR ELEVATION - 20K	A2.10
EXTERIOR ELEVATION - 10K	A2.20
EXTERIOR ELEVATION - 10K2	A2.40

VICINITY MAP:



DATE SUBMITTED: 09.01.2010

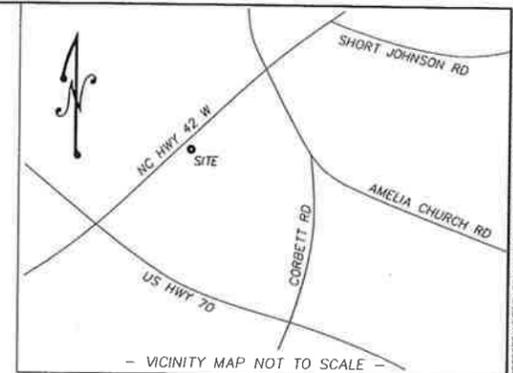
REVISIONS:

Resp. to 1st Review	09.27.2010
Resp. to 2nd Review	10.06.2010
4th Submittal	08.01.2011
5th Submittal	08.11.2011
6th Submittal	09.09.2011
Amended Site Review	05.01.2012
TRC Comments	05.24.2012



PRELIMINARY REVIEW NOT FOR CONSTRUCTION

OWNER INFO:
 WITHIN TOWN LIMITS OF ET2: WITHIN TOWN LIMITS
 ZONING: PD-MU WITH THOROUGHFARE OVERLAY DISTRICT
 PDD 07-03
 CONDITIONS:
 1. FUTURE DEVELOPMENT IN THIS AREA MUST COMPLY WITH THE STANDARDS AND POLICIES OF THE JOHNSTON COUNTY MEMORIAL HOSPITAL SMALL AREA PLAN, AS ADOPTED BY TOWN COUNCIL.
 2. IN ACCORDANCE WITH THE SMALL AREA PLAN, AS ADOPTED BY TOWN COUNCIL, A COMMON SIGNAGE PLAN MUST BE APPROVED FOR THE PROPERTIES AT THE INTERSECTION OF AMELIA CHURCH ROAD AND NC HWY 42 WEST. A COMMON SIGNAGE PLAN MUST BE DEVELOPED FOR THE PARCEL SOUTH OF THE APPROVED JOHNSTON COUNTY MEMORIAL HOSPITAL PLANNED DEVELOPMENT.
 3. IN ACCORDANCE WITH THE SMALL AREA PLAN, AS ADOPTED BY TOWN COUNCIL, A MASTER LANDSCAPE PLAN MUST BE APPROVED FOR THE PROPERTIES AT THE INTERSECTION OF AMELIA CHURCH ROAD AND NC HWY 42 WEST. A MASTER LANDSCAPE PLAN MUST BE DEVELOPED FOR THE PARCEL SOUTH OF THE APPROVED JOHNSTON COUNTY MEMORIAL HOSPITAL PLANNED DEVELOPMENT.
 4. OUTPARCELS WITH RETAIL USES SHALL HAVE NO MORE THAN ONE BAY OF PARKING BETWEEN NC HWY 42 AND THE BUILDING.
 5. TO INSURE INTER-CONNECTIVITY WITH FUTURE DEVELOPMENT, THERE MUST BE TWO STREET STUBS TO THE SOUTH, ONE TO THE PROPERTY TO THE EAST IN THE PARCEL SOUTH OF THE APPROVED JOHNSTON COUNTY MEMORIAL HOSPITAL MASTER PLAN.
 6. A 10' RIGHT-OF-WAY DEDICATION ALONG NC HWY 42 IS REQUIRED.
 7. SIDEWALKS MUST BE CONSTRUCTED BY THE DEVELOPER ALONG NC HWY 42 WEST AND THROUGHOUT THE DEVELOPMENT TO INSURE PEDESTRIAN CONNECTIVITY IN THE AREA.
 8. THE DRIVEWAY TO THE EAST OF AMELIA CHURCH ROAD SHOULD BE DELETED FROM THE PROPOSED MASTER PLAN.
 9. MASTER PLAN SHOULD NOTE THE REALIGNMENT OF SHORT JOHNSTON ROAD/NC HWY 42 WEST INTERSECTION.
 10. MASTER PLANS SHOULD NOTE THAT THE FINAL DESIGN OF NC HWY 42 WEST IMPROVEMENTS TO BE APPROVED BY NCDOT AND THE TOWN OF CLAYTON.
 11. WASTEWATER ALLOCATION REQUEST MUST BE APPROVED BY TOWN COUNCIL.
 12. A TRAFFIC IMPACT ANALYSIS MUST BE COMPLETED PRIOR TO ISSUANCE OF ZONING PERMITS.



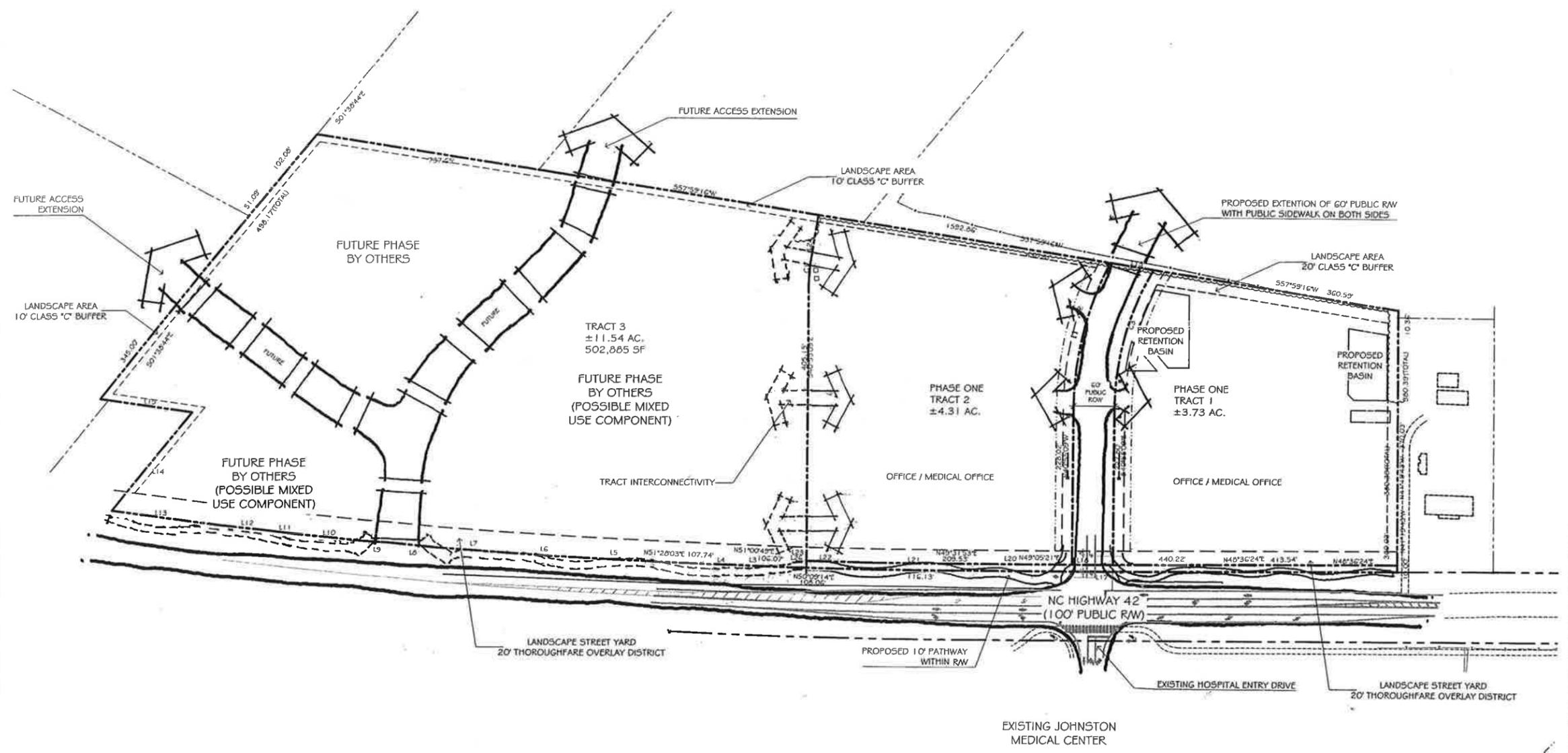
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MetroProperties
 Commercial Real Estate Development

HealthPark
 at forty two west

2003 Hwy 42 West, Clayton, North Carolina

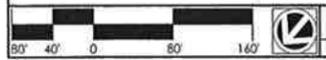
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 PDD-MU 2010-20



LINE	BEARING	LENGTH
L1	N49°31'53"E	116.13
L2	N50°09'14"E	108.06
L3	N51°00'49"E	106.07
L4	N51°28'03"E	107.74
L5	N51°56'07"E	103.80
L6	N52°28'57"E	104.96
L7	N53°15'15"E	103.38
L8	N54°33'53"E	70.09
L9	N52°46'12"E	37.35
L10	N54°55'44"E	106.50
L11	N56°02'07"E	32.42
L12	N55°23'21"E	71.77
L13	N56°33'50"E	160.58
L14	S01°10'55"E	186.18
L15	N57°07'23"E	137.25
L16	N01°10'55"W	5.37
L17	N48°36'24"E	26.64
L18	N49°05'21"E	33.36
L19	S57°09'16"W	63.61
L20	N49°05'21"E	176.09
L21	N49°31'53"E	116.04
L22	N50°09'14"E	94.90
L23	S40°55'09"E	10.00
L24	S32°00'44"E	68.34
L25	N50°09'14"E	94.76
L26	N50°09'14"E	13.29

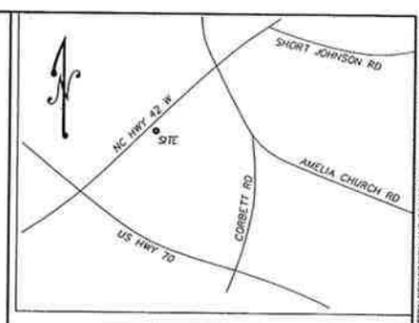
CURVE	RADIUS	LENGTH	TANGENT	BEARING	CHORD	DELTA
C1	200.50	31.17	15.62	N36°27'57"W	31.14	8°54'26"
C2	460.00	220.00	112.15	N271°30'5"W	217.91	27°24'09"
C3	400.00	211.58	108.31	N25°46'04"W	209.10	30°16'11"

PDD-MU 2010-20
 REVISION TO PDD-MU 2007-03



CONCEPTUAL MASTER PLAN 01
 Scale: 1" = 80'

PROJECT: 010048
 DATE: 09.01.2010
 REVISIONS: _____ DATE _____
 2nd Sub (Resp. to 1st Cmnts) 09.27.10
 3rd Sub (Resp. to 2nd Cmnts) 10.06.11
 4th Submittal 08.01.11
 5th Sub (Resp. to 4th Cmnts) 08.10.11
 6th Sub (Resp. to 4th Cmnts) 09.09.11
 Amended Site Review 05.01.12
 TRC Comments 05.24.12
 DRAWN BY: _____ SP
 CHECKED BY: _____ MWL
 CONCEPTUAL MASTER PLAN
 Page 39 of 82
SD0.20



VICINITY MAP 05
Scale: 1" = 2500'

EXISTING ZONING USE: PD-MU
PROPOSED ZONING USE: O & I
SETBACKS:
FRONT: 20'
SIDE INTERIOR: 10'
SIDE CORNER: 20'
REAR: 30'

SETBACKS 04

LINE	BEARING	LENGTH
L1	N49°31'51"E	116.13
L19	S57°59'16"W	63.81
L20	N49°05'21"E	176.09
L21	N49°31'51"E	116.04
L22	N50°09'14"E	94.90
L23	S40°55'09"E	10.00
L24	S32°00'44"E	68.34
L25	N50°09'14"E	94.76

CURVE	RADIUS	LENGTH	TANGENT	BEARING	CHORD	DELTA
C1	200.50	31.17	15.82	N36°27'57"W	31.14	8°24'26"
C2	493.00	220.00	112.15	N27°13'05"W	217.91	27°24'09"
C3	400.00	211.56	106.31	N25°46'04"W	209.10	30°16'11"

LINE/CURVE DATA 03

1. ALL DIMENSIONS ARE FROM BACK OF CURB UNLESS OTHERWISE NOTED.
2. DIGITAL SURVEY SUPPLIED BY CHANDLER LAND SURVEYING, FUQUAY-VARINA, NC.
3. ALL HANDICAP PARKING SPACES AND STRIPED ACCESS AREAS TO HAVE MAX. SLOPE OF 2% IN ALL DIRECTIONS.
4. ALL HANDICAP ACCESSIBLE RAMPS TO HAVE MAX. SLOPE OF 8.33% FOR MAX. RUN OF 6'.
5. ALL SERVICE AREAS AND MECHANICAL EQUIPMENT MUST BE SCREENED FROM VIEW PURSUANT TO THE TOWN'S UDC SECTION 155.402(G)(2) AND (4).

NOTES 02

OWNER/DEVELOPER: HEALTHPARK AT FORTY TWO WEST & LAND LLC
5601 WINDLAKE COURT
RALEIGH, NC 27606

PN: 164800-84-3442

ZONING: PD-MU

EXISTING USE: AGRICULTURE FIELD
PROPOSED USE: OFFICE, MEDICAL OFFICE

TOTAL AREA	386,056 SF	8.86 AC
TRACT 1	162,810 SF	3.738 AC
TRACT 2	188,017 SF	4.316 AC
NC HWY 42 DEDICATED	8,606 SF	0.197 AC
60' PUBLIC R/W DEDICATED	26,623 SF	0.611 AC
TOTAL	386,056 SF	8.86 AC

BUILDING GROSS SQUARE FOOTAGE	EXISTING TO BE DEMOLITIONED	EXISTING TO REMAIN	PROPOSED
	2,178 SF	0 SF	70,000 SF

VEHICULAR USE AREA	151,118 SF	3.46 AC
TRACT 1	87,394 SF	2.00 AC
TRACT 2	63,724 SF	1.46 AC
TOTAL	151,118 SF	3.46 AC

PARKING	TOTAL SPACES REQUIRED	280 SPACES
(1 SPACE/250 SF GFA) X 70,000 SF		
TOTAL SPACES PROPOSED	359 SPACES	

HANDICAP SPACES REQUIRED	8 SPACES
HANDICAP SPACES PROPOSED	20 SPACES
(17 CAR AND 3 VAN)	

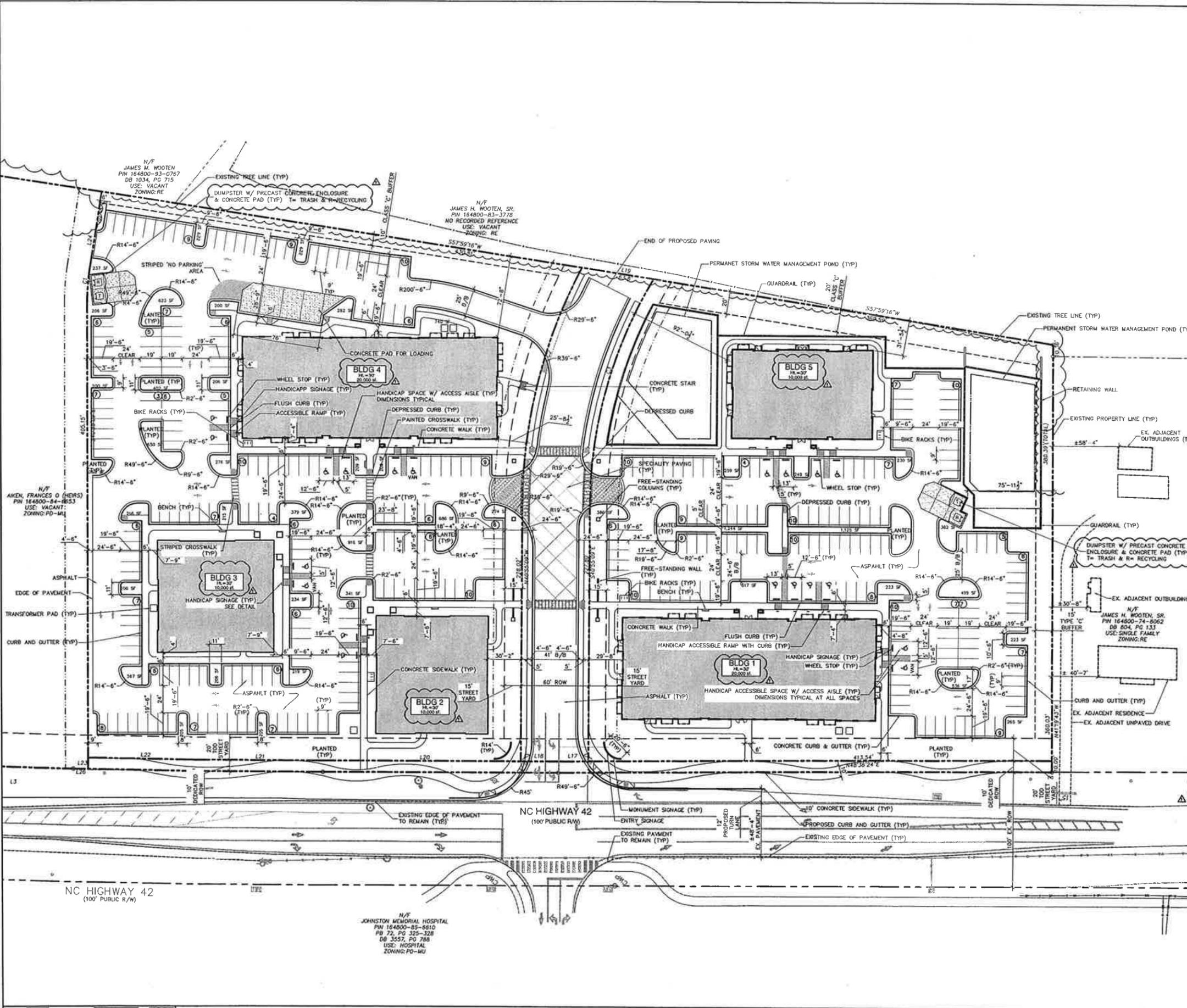
IMPERVIOUS AREA PROPOSED	265,280 SF	6.09 AC
TRACT 1	111,949 SF	2.57 AC
TRACT 2	153,331 SF	3.52 AC
TOTAL	265,280 SF	6.09 AC

ROAD LINEAR FOOTAGE PROPOSED	444 LF
INSIDE CLAYTON TOWN LIMITS	YES
ELECTRICAL SERVICE PROVIDER	PROGRESS ENERGY

PROJECT: 010048
DATE: 09.01.2010

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3rd Sub (Resp. to 2nd Conds)	10.06.10
4th Submittal	08.01.11
5th Sub (Resp. to 4th Conds)	08.10.11
6th Sub (Resp. to 4th Conds)	09.09.11
Amended Site Review	05.01.12
TRC Comments	05.24.12

DRAWN BY: SP
CHECKED BY: MWL
SITE LAYOUT PLAN



SITE LAYOUT PLAN 06
Scale: 1" = 40'

SITE DATA 01

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HealthPark
at forty two west

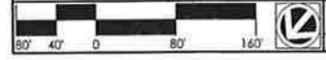
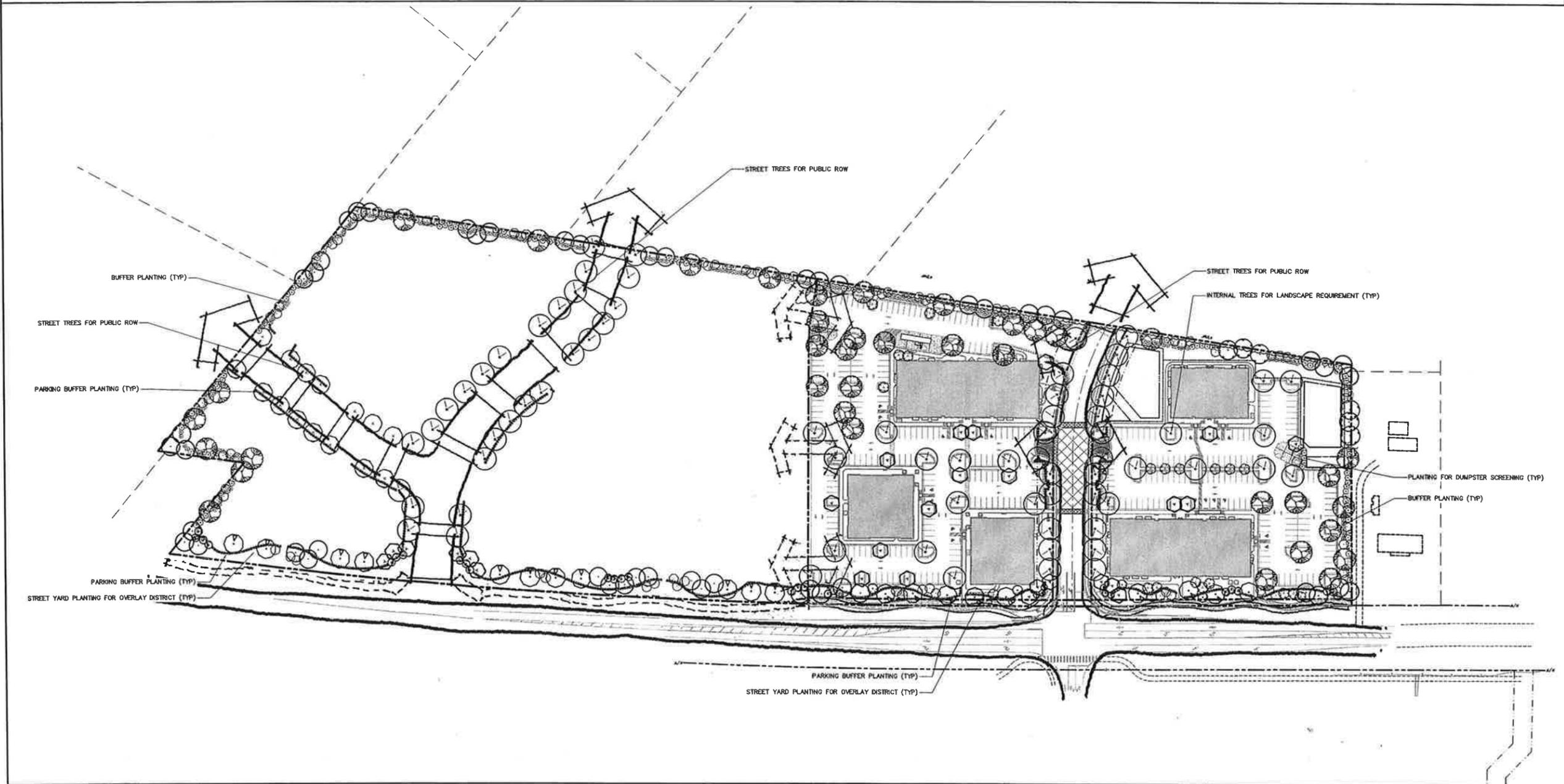
2003 Hwy 42 West, Clayton, North Carolina

Not for Construction
PDD-MU 2010-20

SHRUBS	BOTANICAL NAME	COMMON NAME	HT.	SPR.
⊙	Ilex vomitoria Bordeaux™ 'Condeaux' PP#8779	Corissa Holly	30-36"	24"-36"
⊙	Loropetalum chinense rubrum 'Burgundy'	Burgundy Loropetalum	24-36"	24-36"
⊙	Viburnum owabuki 'Chindo'	Chindo Viburnum	24-36"	24-36"

TREES	BOTANICAL NAME	COMMON NAME	CAL.	HT.	SPR.
⊙	Acer rubrum 'October Glory'	October Glory Maple	2.5"	12'-14'	8-10'
⊙	Amelanchier x 'Autumn Brilliance'	Autumn Brilliance Serviceberry	1.5"	8'-10'	4-5'
⊙	Cercis canadensis 'Forest Pansy'	Forest Pansy Redbud	1.5"	6-8'	5-6'
⊙	Ilex x attenuata 'Nellie R. Stevens'	Nellie Stevens Holly	-	8'-10'	4-5'
⊙	Lagerstroemia indica 'Wichita'	WichitaCrape Myrtle Multi-Trunk	-	8'-10'	6-8'
⊙	Magnolia x 'Jane'	Magnolia	-	8'-10'	6-8'
⊙	Pinus taeda	Loblolly Pine	2.5"	12'-14'	6-8'
⊙	Pistacia chinensis	Chinese Pistache	2.5"	12'-14'	7-8'
⊙	Quercus nuttallii 'QNSTD' P.P.#16254	Sangria Red Leaf Nuttall Oak	2.5"	12'-14'	8-10'
⊙	Quercus shumardii	Shumard Oak	2.5"	12'-14'	8-10'
⊙	Ulmus 'Allee Elm'	Allee Elm	3.5"	14-16'	10-12'

CONCEPTUAL MASTER LANDSCAPE PLANTING SCHEDULE 02



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PDD-MU 2010-20

PROJECT: 010048	DATE: 09.01.2010
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TRC Comments	05.24.12

DRAWN BY: SP
CHECKED BY: MWL
CONCEPTUAL
MASTER
LANDSCAPE PLAN

SHRUBS	QTY	T1-B BUFFER	T2-PLANT	T2_BUFFER	T1_BUFFER	T1_PLANT	BOTANICAL NAME	COMMON NAME	HT.	SPR.
○	228		126			182	ILEX VOMITORIA BORDEAUX™ 'CONDEAUX' PP#8779	BORDEAUX YAUPON HOLLY	38-36"	24"-36"
○	69	22		38	9		LOROPETALUM CHINENSE RUBRUM 'BURGUNDY'	BURGUNDY LOROPETALUM	24-36"	24-36"
○	18		5			5	MISCANTHUS SINENSIS 'MORNING LIGHT'	MORNING LIGHT SILVER GRASS	28-24"	18-24"
○	12		8			4	MYRTLE CERIFERA	WAX MYRTLE	24-36"	28-28"
○	77	21		28	31	5	VIBURNUM AWABUKI 'CHINDO'	CHINDO VIBURNUM	24-36"	24-36"
FOUNDATION PLANTING (TYP)									12-36"	12-36"

1. ALL LANDSCAPED AREAS SHALL BE PROVIDED WITH AN AUTOMATICALLY OPERATED IRRIGATION SYSTEM THAT WILL ADEQUATELY COVER ALL LIVING PLANT MATERIAL; SUCH SYSTEM SHALL INCLUDE A RAIN SENSOR.
2. ALL LANDSCAPED AREAS SHALL BE MAINTAINED IN AN ATTRACTIVE AND HEALTHY CONDITION. DEAD OR DISEASED PLANTINGS SHALL BE REMOVED AND REPLACED IN A TIMELY FASHION.
3. ALL SERVICE AREAS AND MECHANICAL EQUIPMENT MUST BE SCREENED FROM VIEW PURSUANT TO THE TOWN'S UDC SECTION 155.402(G)(2) AND (4).

LANDSCAPE NOTES 04

SEC. 155.402 10' CLASS 'C' BUFFER
 431 LF BUFFER (T2 BUFFER)
 REQUIRED: 431 LF X [2 TREE/100 LF] = 9 TREES
 431 LF X [2 UNDERSTORY/100 LF] = 9 UNDERSTORY
 431 LF X [12 SHRUBS/100 LF] = 52 SHRUBS
 PROVIDED: 9 TREES
 9 UNDERSTORY
 58 SHRUBS

SEC. 155.402 20' CLASS 'C' BUFFER
 361 LF BUFFER (T1-B BUFFER)
 REQUIRED: 361 LF X [2 TREE/100 LF] = 7 TREES
 361 LF X [2 UNDERSTORY/100 LF] = 7 UNDERSTORY
 361 LF X [12 SHRUBS/100 LF] = 43 SHRUBS
 PROVIDED: 7 TREES
 7 UNDERSTORY
 43 SHRUBS

SEC. 155.402 15' CLASS 'C' BUFFER
 370 LF BUFFER (T1 BUFFER)
 REQUIRED: 370 LF X [2 TREE/100 LF] = 7 TREES
 370 LF X [2 UNDERSTORY/100 LF] = 7 UNDERSTORY
 370 LF X [12 SHRUBS/100 LF] = 44 SHRUBS
 PROVIDED: 7 TREES
 7 UNDERSTORY
 44 SHRUBS

SEC. 155.402 PARKING BUFFER
 REQUIRED: OPAQUE SCREEN PLANTING 30'-M' HT
 PROVIDED: OPAQUE SCREEN PLANTING 30'-36" HT (TYP)

SEC. 155.204 STREET YARD - THOROUGHFARE OVERLAY DISTRICT
 7,734 SF STREET YARD
 REQUIRED: 7,734 SF X [1 TREE/1000 SF] = 8 TREES
 7,734 SF X [5 SHRUBS/1000 SF] = 39 SHRUBS
 PROVIDED: 9 TREES
 86 SHRUBS

SEC. 155.402 PART 3 STREET YARD
 375 LF STREET YARD
 REQUIRED: 375 LF X [1 TREE/40 LF] = 9 TREES
 PROVIDED: 9 TREES

SEC. 155.402 PART 3 STREET YARD
 392 LF STREET YARD
 REQUIRED: 392 LF X [1 TREE/40 LF] = 10 TREES
 PROVIDED: 10 TREES

SEC. 155.204 STREET YARD - THOROUGHFARE OVERLAY DISTRICT
 8,269 SF STREET YARD
 REQUIRED: 8,269 SF X [1 TREE/1000 SF] = 8 TREES
 8,269 SF X [5 SHRUBS/1000 SF] = 41 SHRUBS
 PROVIDED: 8 TREES
 85 SHRUBS

CANOPY TREES	QTY	T1-B BUFFER	T2-PLANT	T2_BUFFER	T1_BUFFER	T1_PLANT	BOTANICAL NAME	COMMON NAME	CAL.	HT.	SPR.
○	9		5			4	ACER RUBRUM 'OCTOBER GLORY'	'OCTOBER GLORY' MAPLE	2.5"	12'-14"	8'-10"
○	6	3				3	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	3.5"	14'-18"	18'-12"
○	4		2			2	MAGNOLIA X 'JANE'	JANE SAUCER MAGNOLIA	1.5-2"	8'-10"	6'-8"
○	19	3	4	7	1	4	PINUS TAEDA	LOBLOLLY PINE	2.5"	12'-14"	6'-8"
○	28	1	15	2	3	7	QUERCUS SHUMARDII	SHUMARD RED OAK	2.5"	12'-14"	8'-10"
○	44		23			21	ULMUS 'ALLEE' ELM'	ALLEE ELM	2.5"	10'-12"	8'-10"

UNDERSTORY TREES	QTY	T1-B BUFFER	T2-PLANT	T2_BUFFER	T1_BUFFER	T1_PLANT	BOTANICAL NAME	COMMON NAME	CAL.	HT.	SPR.
○	33	7	3	9	7	7	AMELANCHIER X 'AUTUMN BRILLIANCE'	AUTUMN BRILLIANCE SERVICEBERRY	1.5"	8'-10"	4'-5"
○	24		10			14	CERCIS CANADENSIS 'FOREST PANSY'	FOREST PANSY REDBUD	1.5"	8'-10"	6'-8"
○	9		3			6	ILEX X ATTENUATA 'NELLIE R. STEVENS'	NELLIE R. STEVENS HOLLY	1.5-2"	8'-10"	4'-6"
○	6		3			3	ILEX X 'MARY NELL'	MARY NELL HOLLY	1.5-2"	6'-8"	3'-4"
○	21		14			7	LAGERSTROEMIA INDICA 'WICHITA'	WICHITA GRAPE MYRTLE	1-1.5"	8'-10"	6'-8"

PLANT SCHEDULE 02

SEC. 155.402 PART 1 LANDSCAPE AREAS

TOTAL AREA	350,827 SF 8.05 AC
TRACT 1	162,810 SF 3.73 AC
TRACT 2	188,012 SF 4.31 AC
TRACT 3	350,827 SF 8.05 AC
REQUIRED LANDSCAPE AREA	70,165 SF
TOTAL PROVIDED	66,373 SF

TRACT 1
 OVERLAY DISTRICT, MAX 67% OF REQ. 6,079 SF
 NEW LANDSCAPE AREAS 42,729 SF
 TRACT 1 TOTAL 48,358 SF

TRACT 2
 OVERLAY DISTRICT, MAX 67% OF REQ. 7,734 SF
 NEW LANDSCAPE AREAS 30,281 SF
 TRACT 2 TOTAL 38,015 SF

MINIMUM REQUIRED PLANTINGS

[1 CANOPY TREE/1000 SF] X 70,165 SF	= 70 CANOPY TREES
[1 UNDERSTORY/1000 SF] X 70,165 SF	= 70 UNDERSTORY TREES
[2 SHRUBS/1000 SF] X 70,165 SF	= 140 SHRUBS

PROVIDED PLANTINGS

CANOPY TREE	87
UNDERSTORY TREES	70
SHRUBS	243

PARKING BUFFERS
 PARKING ABUTTING FRONTAGE TO BE SCREENED
 30' MIN HT AT INSTALLATION, 36' MIN HT. IN 2 YEARS

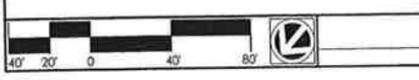
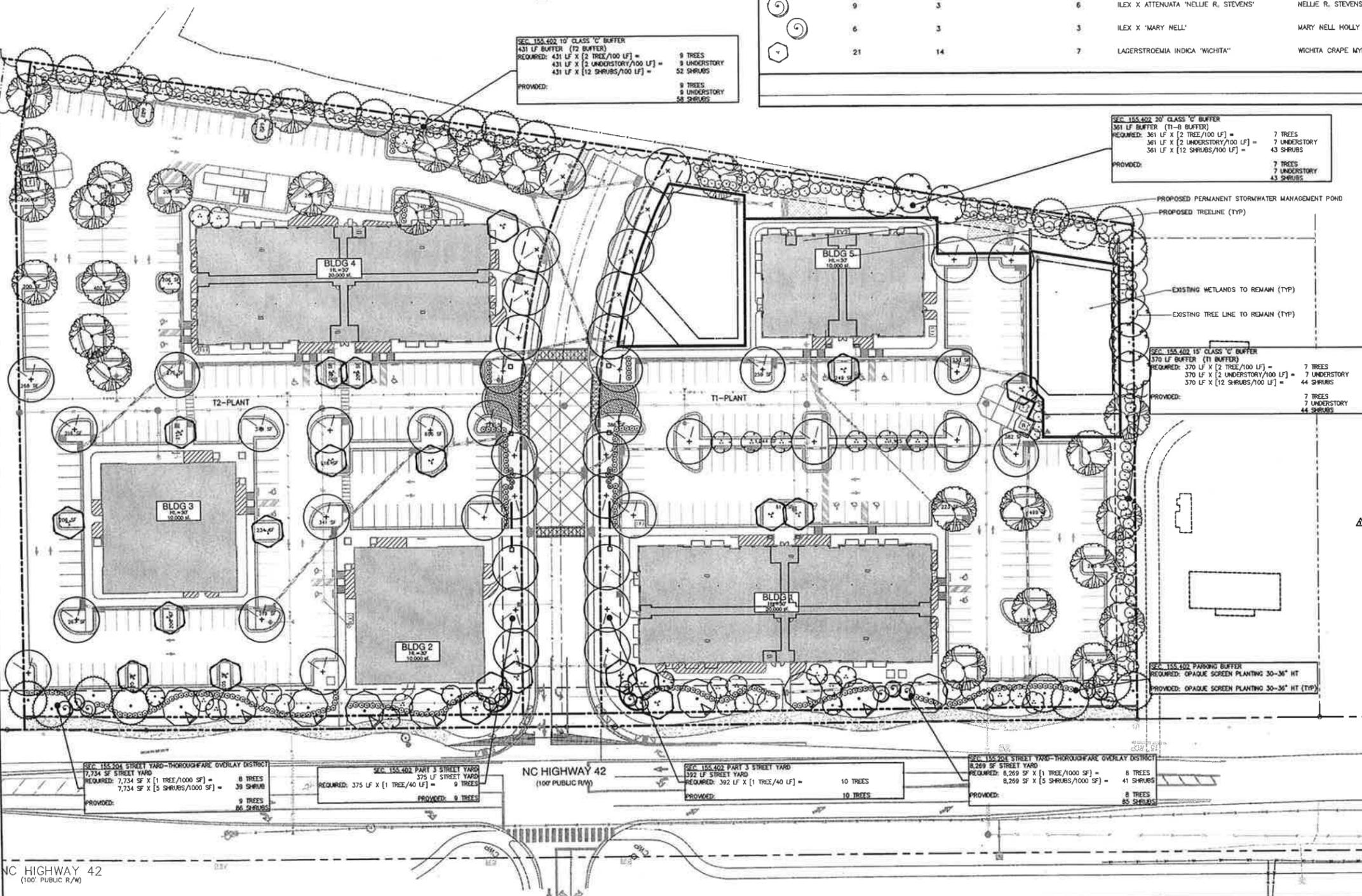
PROJECT CLASS 'C' BUFFERS REQUIRED
 ALONG ALL BOUNDARIES
 (PLANNED DEVELOPMENT, SEE SEC. 155.203(K))

SEC. 155.402 PART 3 STREET YARD TREES

TRACT 1	REQUIRED ALONG ALL COLLECTOR STREETS	10 TREES
	[1 CANOPY TREE/ 40 LF] X 392 LF	
	PROVIDED CANOPY TREES	10 TREES
TRACT 2	REQUIRED ALONG ALL COLLECTOR STREETS	9 TREES
	[1 CANOPY TREE/ 40 LF] X 375 LF	
	PROVIDED CANOPY TREES	9 TREES
TOTAL PROVIDED STREET YARD TREES		19 TREES

SEC. 155.204 OVERLAY DISTRICTS

TRACT 1	REQUIRED STREET YARDS	20' AVG
	REQUIRED STREET YARD TREES	8 TREES
	[1 TREE/ 1000 SF] X 8,269 SF	
	MIN 1 TREE/40 LF, 50% EVERGREEN	
	MAY FULFILL UP TO 67% MIN. LANDSCAPE REQUIREMENTS	
TOTAL PROVIDED STREET YARD TREES		16 TREES



LANDSCAPE PLAN 03

LANDSCAPE CALCULATIONS 01

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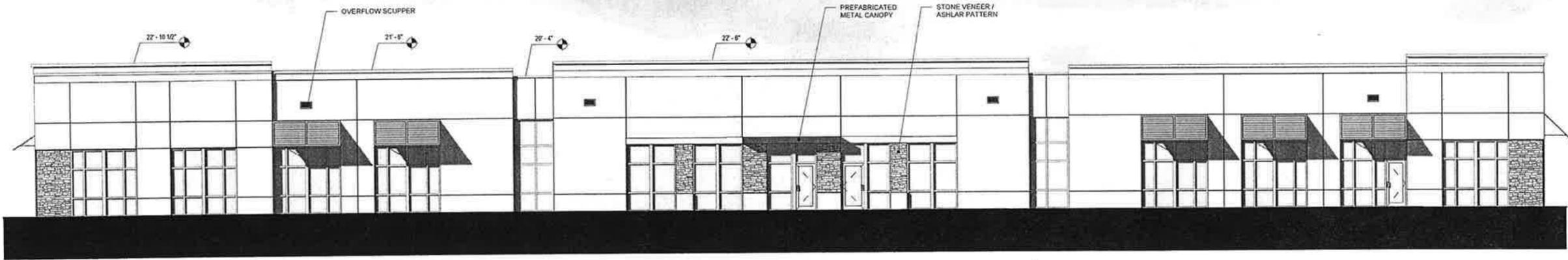
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 PDD-MU 2010-20

PROJECT: 010048
 DATE: 09.01.2010

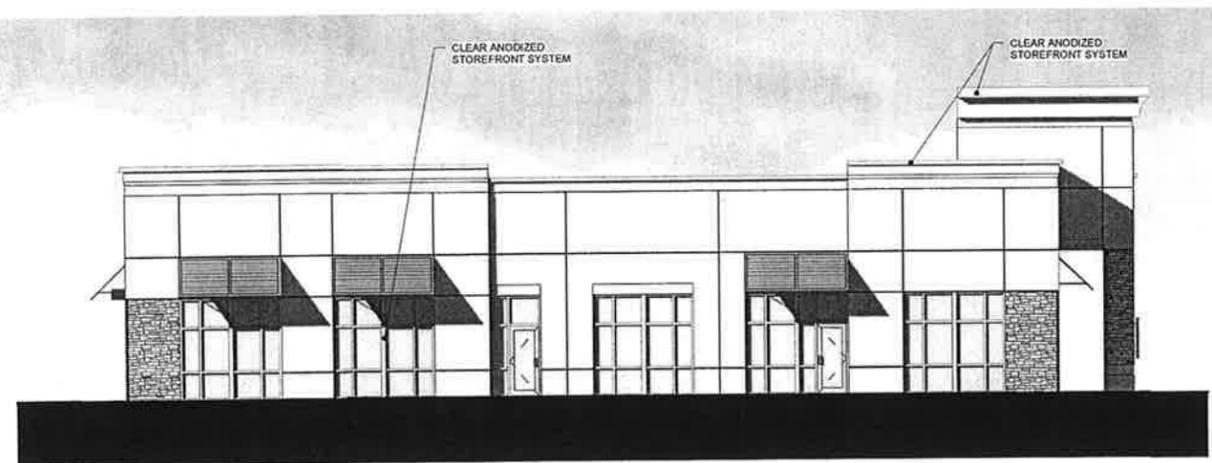
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DRAWN BY: SP
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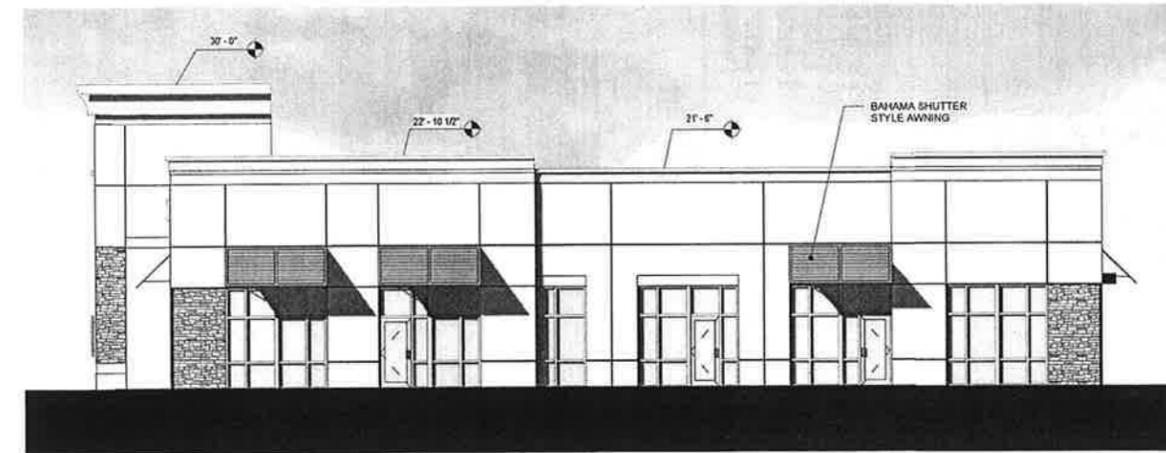
LANDSCAPE PLAN



20K_South 4
1/8" = 1'-0"



20K_East 3
1/8" = 1'-0"

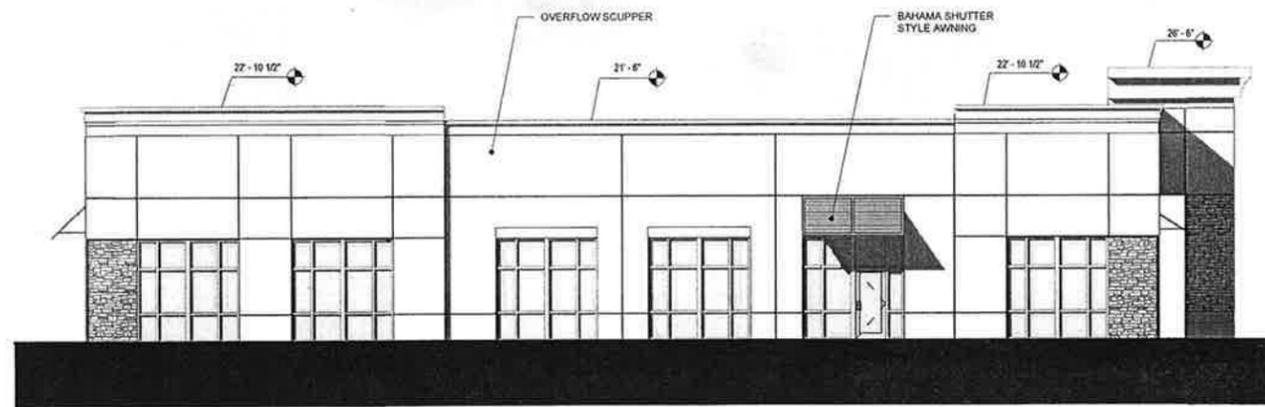


20K_West 2
1/8" = 1'-0"

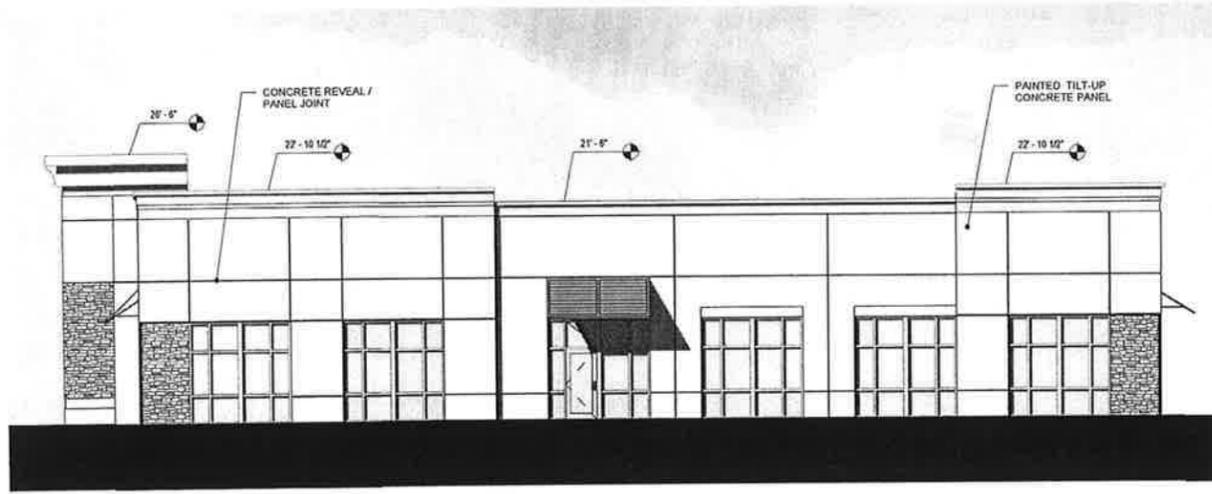


20K_North 1
1/8" = 1'-0"

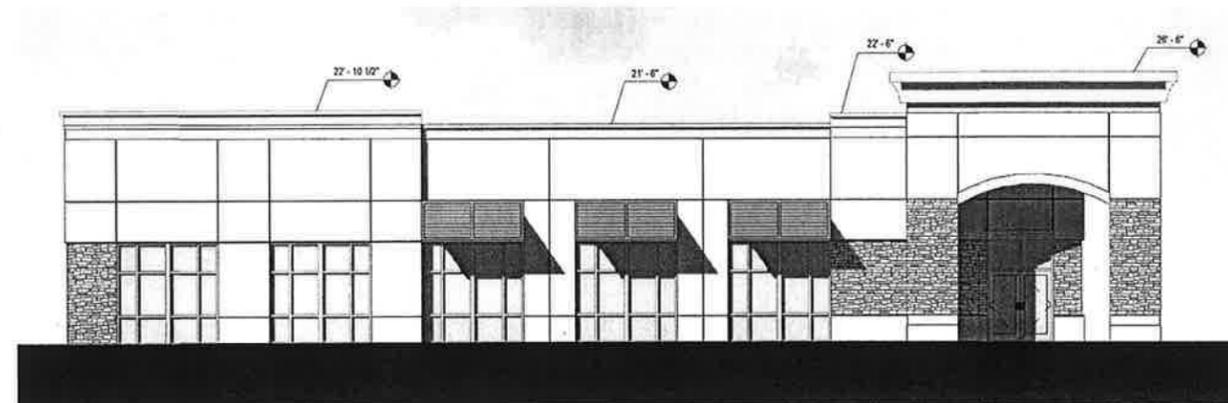
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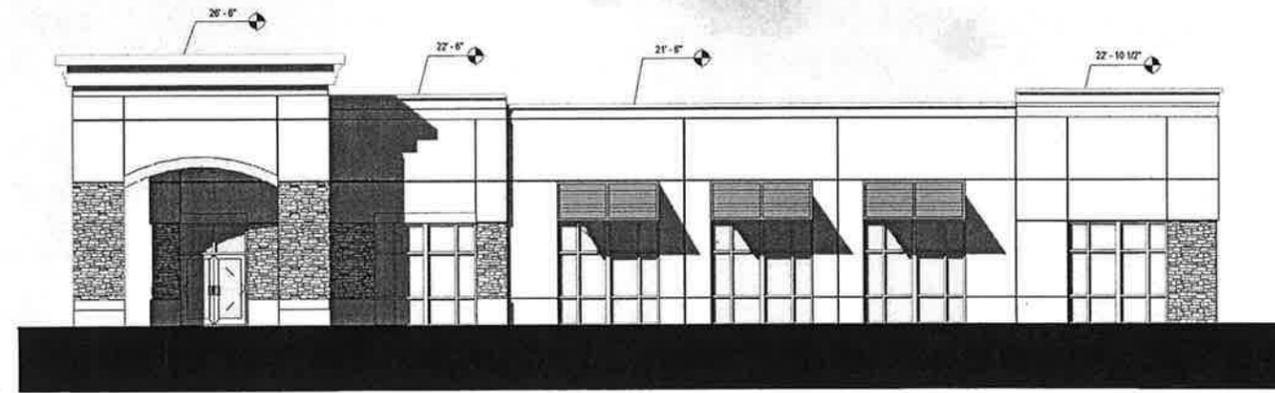
10K_South1 3
1/8" = 1'-0"



10K_West1 4
1/8" = 1'-0"



10K_East1 2
1/8" = 1'-0"



10K_North1 1
1/8" = 1'-0"

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PPD-MU 2010-20

NOT FOR CONSTRUCTION

Site Plan
Submittal

PROJECT: 010048
DATE: 05.01.2012
REVISIONS: DATE

DRAWN BY: Author
CHECKED BY: Checker

EXTERIOR ELEVATIONS - 10K

MOTION GRANTING WASTEWATER ALLOCATION
[Staff review as this is below 10,000 gpd]

~~Motion for Wastewater Allocation Request: Applicant requests Council consideration of a sewer allocation request for 8,750 gpd; letter submitted by Chandler Engineering on June 26, 2012.~~

MOTION GRANTING REZONING APPROVAL
CONSISTENCY AND REASONABLENESS STATEMENT
PDD-MU 2012-53

MOTION:
THE TOWN COUNCIL OF THE TOWN OF CLAYTON HEREBY STATES approval of the revised master plan establishing planned development district mixed use.

MOTION:
THE TOWN COUNCIL OF THE TOWN OF CLAYTON HEREBY STATES that PDD-MU 2012-53 is consistent with the Town of Clayton Strategic Growth Plan and based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and/or the Planning Board contained in the staff report, and considering the criteria of Section 155.705(J) of the Unified Development Code of the Town of Clayton, PDD-MU 2012-53 is reasonable and in the public interest.

Duly adopted by the Clayton Town Council this ____ day of ____ 2012.

ATTEST:

Jody L. McLeod, Mayor

Sherry L. Scoggins, MMC Town Clerk

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 6a

Meeting Date: 8/06/12

TITLE: EXPANSION OF FAÇADE IMPROVEMENT GRANT PROGRAM.

DESCRIPTION: A Council goal adopted during the 2012 Council Retreat provided direction to expand and enhance the area and impact of the Downtown Façade Grant program to include properties located within the Thoroughfare Overlay District.

Staff is requesting approval of the “Clayton Business Façade Improvement Grant Program & Application” herewith attached and consideration of one of the reimbursement options for FY 12-13 as noted in the memorandum.

During the July 16, 2012, Council meeting, staff requested direction on allocation and Council requested a diagram of the thoroughfare district.

RELATED GOAL: Think Downtown

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-16-12	Presentation	Memorandum and Façade Improvement Grant Program & Application.
8-06-12	Discussion.	Façade Improvement Grant Program & Application (amended).

Town of Clayton



Clayton Business Façade Improvement Grant Program & Application

Clayton Business Façade Improvement Grant Program

PURPOSE

The *Clayton Business Façade Improvement Grant Program* has been developed as part of the Clayton Town Council goal to “Beautify the Town of Clayton.” The objective of the *Clayton Business Façade Improvement Grant Program* is to dramatically improve the façades of buildings in the Thoroughfare Overlay District (TOD) so that after completion of work, citizens will notice a marked improvement in the appearance of the buildings. The program provides an economic incentive to:

- 1) Promote storefront rehabilitation in Clayton’s TOD;
- 2) Encourage aesthetic compatibility for improvements to façades of existing buildings; and
- 3) Encourage the use of quality materials in the rehabilitation of existing buildings.

Façade improvements are limited to those that are permanent or part of the building.

Funds will be made available periodically on a first-come-first-serve basis.

The program will be administered by the Planning Department and Clayton Downtown Development Association (CDDA).

ELIGIBILITY

- 1) Owner or tenant of a building located within the boundaries of the TOD which are identified in Section 155.204(A) of the Unified Development Code and on Exhibit A.
- 2) Owners or tenants may request incentive grants; however, any tenant must have the owner's written permission attached to the application.
- 3) If a property owner owns more than one building or façade in the TOD, he or she will be eligible for only one grant per year if funds are limited.
- 4) No more than one grant per location per year will be available.
- 5) The property shall be classified as commercial.

GUIDELINES

- 1) Rehabilitation work must conform to the Town of Clayton's Building Codes; Unified Development Code; and General Design Guidelines.
- 2) Rehabilitation of structures in the district should respect the architectural integrity of the entire building front and retain those elements that enhance the building.
- 3) Façade grant applications may be made for structures within TOD boundaries, with priority given to renovation projects that visibly improve facades, including buildings with inappropriately applied facades that cover windows, or that are unsightly, out-of-scale, or in need of general repair work.
- 4) All properties classified as commercial within Clayton's TOD may apply for grant funds.
- 5) Improvements may include, but are not limited to:
 - Façade improvements
 - Brick or wall surface cleaning
 - Patching and painting of facade walls
 - *Signage or lighting replacement/repair
 - Structure or frame that contain or hold a sign
 - Canopy, porch, awning installation/repair
 - Window and/or door replacement/repair
 - Mortar joint repair
 - Railings, ironwork repair or addition
 - Cornice repair and/or replacement
 - Design services (architect, etc.) for façade rehabilitation

*Only established businesses (3+ years) are eligible for sign replacement

Removal of inappropriate additions to buildings and non-compliant signs may qualify based on the effect removal will have on the overall appearance of the TOD.

- 6) Any improvements that have been made through the program and which become a part of the property may not be removed from the property unless they can be used (without significant alterations) on another property within the TOD (e.g., awnings).

CRITERIA

- 1) For the purposes of the program, a façade is defined as an individual storefront or side of a building that faces a public street or alleyway or which is otherwise visible to the general public.
- 2) Qualifying projects are eligible for a grant of up to \$5,000 per façade on a 50% (TOC) / 50% (Applicant) matching basis as funds are available.
- 3) Any work done before a grant application is approved is not eligible.
- 4) Work on the project must be completed within six (6) months after the date that the grant is awarded. The grant will be paid to the recipient after the work is completed and all bills relating to said work are paid, as per the agreement with DDA.
- 5) The property owner must agree to maintain the facade improvement as set forth in the application for a period of three (3) years or until the property is sold. *(Example: if an awning is installed as part of a project and then rips within a three-year period, it must be repaired or replaced.)*
- 6) The CDDA Design Committee is a standing committee of the Downtown Development Association.

ADDITIONAL GRANTS (Previous grant holders only)

- 1) The Downtown Development Association (DDA) Design Committee may judge a property eligible for an additional grant if:
 - a) At least three (3) years have elapsed since the last grant was awarded and the property is in need of further improvement (e.g., repaint, new awning); under extenuating circumstances an additional grant may be awarded prior to three years from the last grant, if deemed necessary by the DDA Design Committee, subject to the approval of the Downtown Development Association.
 - b) The existing business/property undergoes significant expansion which requires improvement to the property (e.g., window replacement on upper stories);

APPLICATION PROCESS

- 1) Applicant will complete application, which must include design plans/sketches and owner's signature (consent of mortgage or lien holder may be required), and return it to the Façade Grant Coordinator.

If appropriate, the applicant is encouraged to seek the services of the State Historic Preservation Office (SHPO), including restoration consultants, before an application is completed and designs are formulated. Visits can be arranged by calling (919) 733-6547.

- 2) Two qualified and professional estimates of cost are to be included with the application.
- 3) Applications will be reviewed and signed by the Town Building Inspector for building code compliance.
- 4) Applications will be reviewed and signed by the Zoning Code Administrator.
- 5) CDDA Design Committee will review the completed application. Recommendations will then be made to the full CDDA board, which makes the final decision.
- 6) A notification letter will be sent to applicants concerning the approval or denial of the application within 45 days of receipt of a completed application.
- 7) An agreement must be signed **BEFORE** any work begins. Parties to the agreement will be the applicant(s), building owner(s) and CDDA.
- 8) Upon project completion, copies of paid statements and cancelled checks, etc. must be submitted to CDDA to claim reimbursement.
- 9) CDDA staff will inspect work completed and request checks to be issued for the amount of the grant provided the work is accomplished in accordance with the agreement.

**Clayton Business
FACADE IMPROVEMENT GRANT APPLICATION**

Applicant's Name _____ Phone # _____

___ Owner ___ Tenant Business/Building Name _____

Applicant Address _____ email _____

Property Owner's Name _____ Phone # _____

Mailing Address _____ email _____

Length of Time at location _____ Length of remaining lease term (if applicable) _____

Description of Project (attach additional pages as needed)

Total Estimated Cost of Improvement \$ _____

Please Check:

- I have attached project plans, specifications or other appropriate design information. A professional architectural plan is not required.
- I have attached samples of paint colors to be used on facade improvements or signage.
- I have attached a photograph(s) of existing condition of the property.
- I have attached copies of cost estimates for the project (minimum of two (2) estimates required)
- I have attached written permission from the property owner, if applicable.
- I understand that grant funds must be used only for the project described in this application. The work must be completed within six (6) months of the date that the grant is awarded. All work must be completed according to state and local building codes and ordinances and approved, when necessary, by the proper authorities.
- I also understand that this application **must** be reviewed **before** any work is done on the project and that no projects will be funded if work was done before the application was approved.

- I understand that I am responsible for the maintenance of the facade improvements described here for a period of three (3) years from the date of project completion or until such time as the building is sold.
- I understand the improvement grant must be used for the project described in this application and that CDDA Design Committee must review the application and the Clayton Downtown Development Association must approve it prior to beginning construction. I understand that failure to comply with the approved application may result in losing my eligibility to receive funds.
- I acknowledge that the Clayton Downtown Development Association is obligated only to administer the grant procedures and is not liable to the applicant, owner or third parties for any obligations or claims of any nature growing out of, arising out of or otherwise related to the project or application undertaken by the applicant and/or owner. There is no principal/agent or employer/employee relationship between the Clayton Downtown Development Association and the applicant and/or owner.
- I acknowledge that this application must be accepted and all prerequisite rules and regulations must be complied with before the application can be considered for acceptance.
- I have attached the project plans and specifications or other appropriate design documentation

Applicant's Signature _____ Date _____

Property Owner _____ Date _____
(if different from above)

Complete and return to: **Clayton Downtown Development Association, PO Box 879,
 Clayton, NC 27528**

This application has been approved by the following:

Signature, Town Building Inspector _____ Date _____

Signature, Zoning Code Administrator _____ Date _____

Signature, Façade Grant Coordinator _____ Date _____

Signature, DDA Design Committee Chair _____ Date _____

Conditions/Comments:

Exhibit A

Official Town of Clayton Overlay District Zoning Map

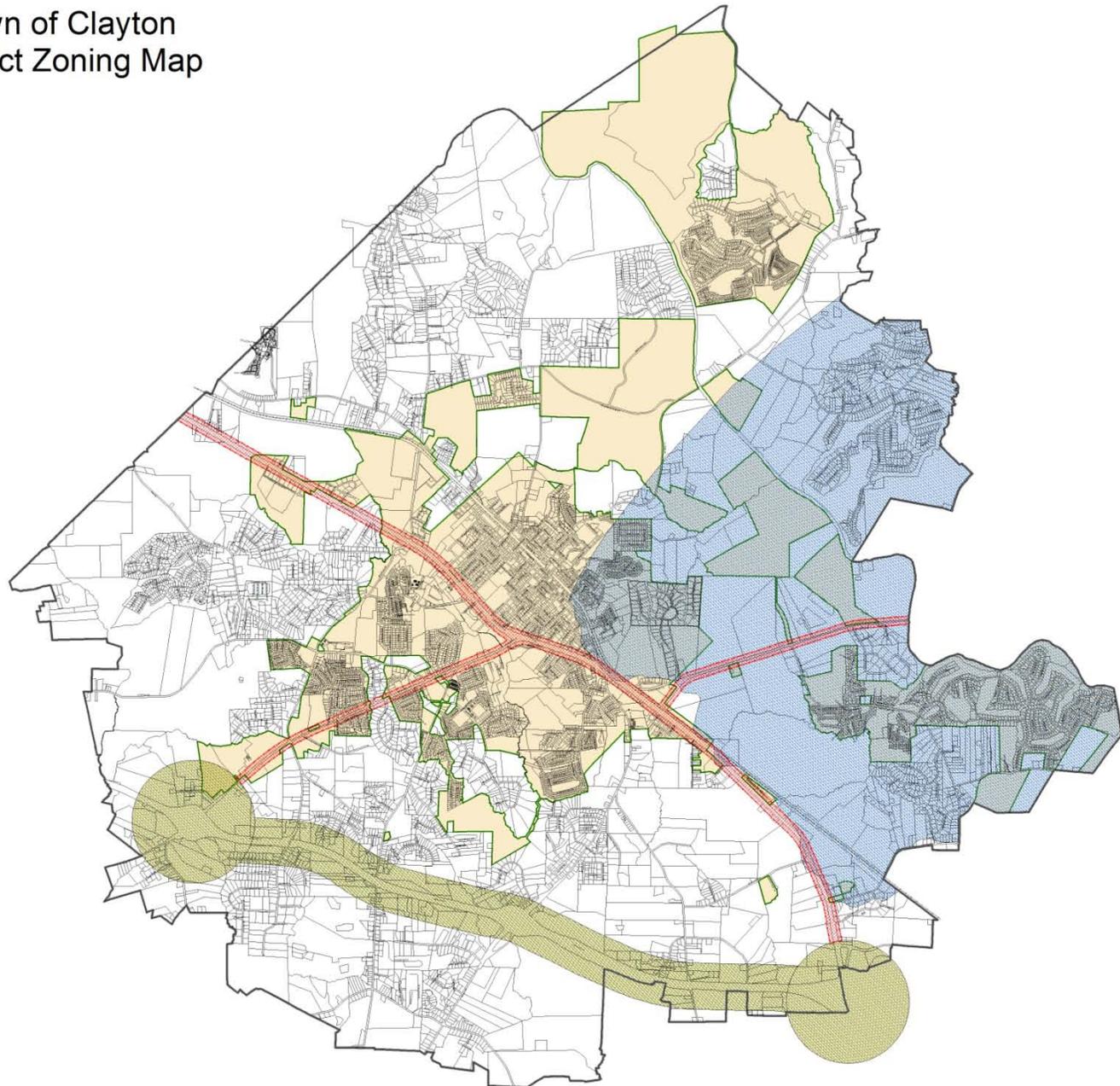


Legend

- Clayton Town Limits
- Clayton ETJ
- Thoroughfare Overlay District
- Scenic Highway Overlay
- Watershed Protection Overlay
- Parcels
- Railroad

Scale: 1 inch = 1,400 feet

Note: Extended ETJ As Adopted By The Clayton Town Council On March 3, 2008



Map produced by TDC/Planning
Date: March 20, 2012
Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 6b

Meeting Date: 8/06/12

TITLE: ORDINANCE AUTHORIZING DEMOLITION OF 110 WEST FRONT STREET.

DESCRIPTION: Discussion.

At the July 16, 2012, Council work session, it was the consensus of the Council that staff draft the ordinance authorizing the building inspector to have the property demolished in the event Town does not see work initiated within the specified timeframe.

RELATED GOAL: Think Downtown & Administrative
ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-16-12	Discussion.	Ordinance.
8-06-12	Discussion.	Ordinance, map, NC GS 160A-439, and Town Code Of Ordinances section 153.027.

**TOWN OF CLAYTON, NORTH CAROLINA
ORDINANCE DIRECTING THE ENFORCEMENT OFFICER TO REMOVE
OR DEMOLISH THE NONRESIDENTIAL BUILDING OR STRUCTURE
LOCATED AT 110 W. FRONT STREET**

WHEREAS, pursuant to the enforcement of the Nonresidential Building or Structure Code contained in Chapter 153 of the Town of Clayton Code of Ordinances, as authorized by the provisions of North Carolina General Statute 160A-439, the owner of the nonresidential building or structure described below has failed to comply with an Order of the Building Inspector to either (i) repair, alter or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by the Nonresidential Building or Structure Code or (ii) remove or demolish the nonresidential building or structure;

WHEREAS, the Town Council of the Town of Clayton, North Carolina does hereby find and determine that the owner of the nonresidential building or structure described below has been given a reasonable opportunity to bring the nonresidential building or structure in conformity with the minimum standards established by the Nonresidential Building or Structure Code contained in Chapter 153 of the Code of Ordinances for Clayton, North Carolina; and

WHEREAS, North Carolina General Statute 160A-439(f) and Section 153.027 of the Code of Ordinances for the Town of Clayton, North Carolina empower the Town Council to enact this ordinance to authorize and direct the Enforcement Officer to remove or demolish a nonresidential building or structure when the owner has failed to comply with an Order of the Enforcement Officer issued pursuant to the provisions of the Nonresidential Building or Structure Code;

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

Section 1. The Enforcement Officer is hereby authorized and directed to proceed to demolish and remove the nonresidential building or structure located at 111 W. Front Street in the Town of Clayton, North Carolina, and owned by Robert W. Bryant Sr. and Patricia H. Bryant as listed with the Tax Office for the County of Johnston and as described in DB 3214 Page 136 Johnston County Register of Deeds.

Section 2. The cost of demolition and removal shall constitute a lien against the real property described above. The lien shall be filed, have the same priority, and be enforced and the costs collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The amount of the costs shall also be a lien on any other real property of the owner located within the corporate limits of the Town of Clayton except for the owner's primary residence, said additional lien to be inferior to all prior liens and shall be collected as a money judgment.

Section 3. Any recoverable materials of the building or structure demolished or removed and any personal property, fixtures, or appurtenances found in or attached to the building or structure shall be offered for sale by the Enforcement Officer and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by North Carolina General Statute 160A-439 (i)(3).

Section 4. This ordinance shall be recorded in the Office of the Register of Deeds of Johnston County and shall be indexed in the name of the property owner in the grantor index.

Section 5. This ordinance shall become effective upon its adoption.

[Remainder of page intentionally left blank.]

Duly adopted this the 6th day of August 2012 while in regular session.

(SEAL)

Jody L. McLeod,
Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry L. Scoggins, MMC
Town Clerk

Katherine Ross,
Town Attorney

**NORTH CAROLINA
JOHNSTON COUNTY**

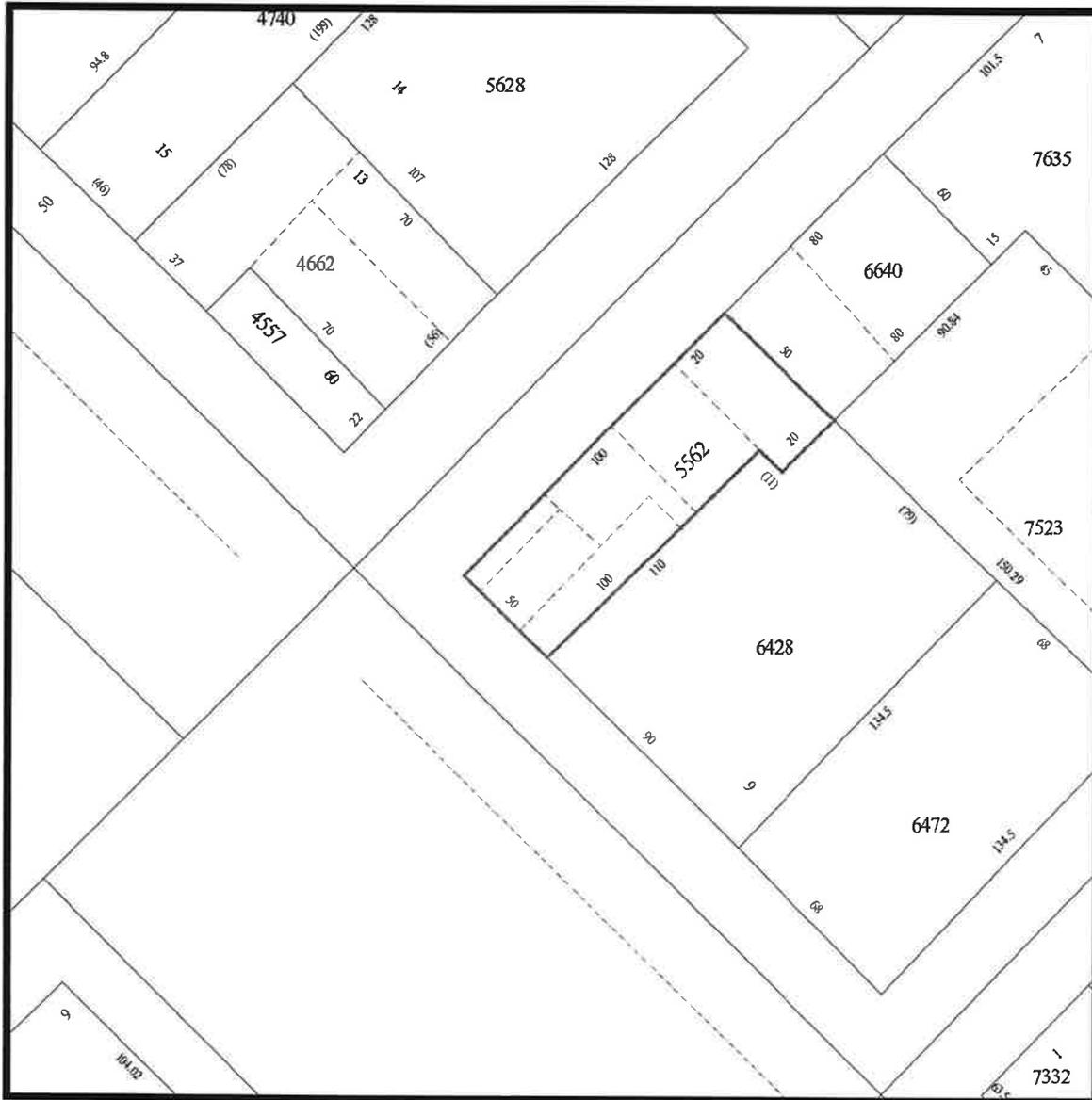
I, _____, a Notary Public, do hereby certify that Sherry L. Scoggins personally came before me this day and acknowledged that she is Town Clerk of the Town of Clayton and that by authority duly given and as the act of the Town the foregoing instrument was signed in its name by Jody L. McLeod, Mayor of the Town of Clayton.

Witness my hand and notarial seal this the _____ day of _____ 2012.

(SEAL)

Notary Public

Commission Expires



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information.

Query Parcel 1

Tag: 05031012
 NCPin: 166913-03-5562
 Mapsheet No: 166913
 Owner Name1: BRYANT, ROBERT W SR
 Owner Name2: BRYANT, PATRICIA H
 Mail Address1: 230 W WHITAKER ST
 Mail Address2:
 Mail Address3: CLAYTON NC 27520-0000
 Site Address1: Not Available
 Site Address2: Not Available
 Book: 03214
 Page: 0136
 Market Value: 112010
 Assessed Acreage: 0.13
 Calc Acreage: 0.13
 Sale Price: 155500
 Sale Date: 2006-10-10



1 inch = 60 feet

(The scale is only accurate when printed landscape on a 8.5x11in size sheet with page scaling set to none.)

Date July 30, 2012

(f) Action by Governing Body Upon Failure to Comply With Order.

(1) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the nonresidential building or structure, the governing body may adopt an ordinance ordering the public officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the public officer found to be jeopardizing the health or safety of its occupants or members of the general public. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the public officer may cause the building or structure to be repaired, altered, or improved or to be vacated and closed. The public officer may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 3 misdemeanor.

(2) If the owner fails to comply with an order to remove or demolish the nonresidential building or structure, the governing body may adopt an ordinance ordering the public officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the public officer found to be jeopardizing the health or safety of its occupants or members of the general public. No ordinance shall be adopted to require demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established by the governing body. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the public officer may cause the building or structure to be removed or demolished.

(g) Action by Governing Body Upon Abandonment of Intent to Repair. If the governing body has adopted an ordinance or the public officer has issued an order requiring the building or structure to be repaired or vacated and closed and the building or structure has been vacated and closed for a period of two years pursuant to the ordinance or order, the governing body may make findings that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the municipality in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area. Upon such findings, the governing body may, after the expiration of the two-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

(1) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards is less than or equal to fifty percent (50%) of its then current value, the ordinance shall require that the owner either repair or demolish and remove the building or structure within 90 days; or

(2) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards exceeds fifty percent (50%) of its then current value, the ordinance shall require the owner to demolish and remove the building or structure within 90 days.

In the case of vacant manufacturing facilities or vacant industrial warehouse facilities, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five years before the governing body may take action under this subsection. The ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with the ordinance, the public officer shall effectuate the purpose of the ordinance.

§ 153.027 IN REM ACTION BY THE INSPECTOR.

After failure of an owner of a nonresidential building or structure to comply with an order of the Inspector issued pursuant to the provisions of this chapter and upon adoption by the Town Council of an ordinance authorizing and directing the owner to do so, as provided by G.S. § 160A-439(f) and § 153.022(D), the Inspector shall proceed to cause such nonresidential building or structure to be repaired, altered, or improved to comply with the minimum standards established by this chapter, or to be vacated and closed or to be removed or demolished, as directed by the ordinance of the Town Council. The Inspector may cause to be posted on the main entrance of any nonresidential building or structure which is to be vacated and closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 3 misdemeanor.

(Ord. 2008-09-02, passed 9-2-08)

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 6c

Meeting Date: 8/06/12

**TITLE: DISCUSS NAMING OF THE MOUNTAINS-TO-SEA TRAIL SEGMENT
LOCATED IN CLAYTON.**

DESCRIPTION: Currently the Town of Clayton has portions of the Mountains-to-Sea Trail and Sam’s Branch Greenway within our corporate limits.

Staff is requesting Council direction on naming of these greenway segments.

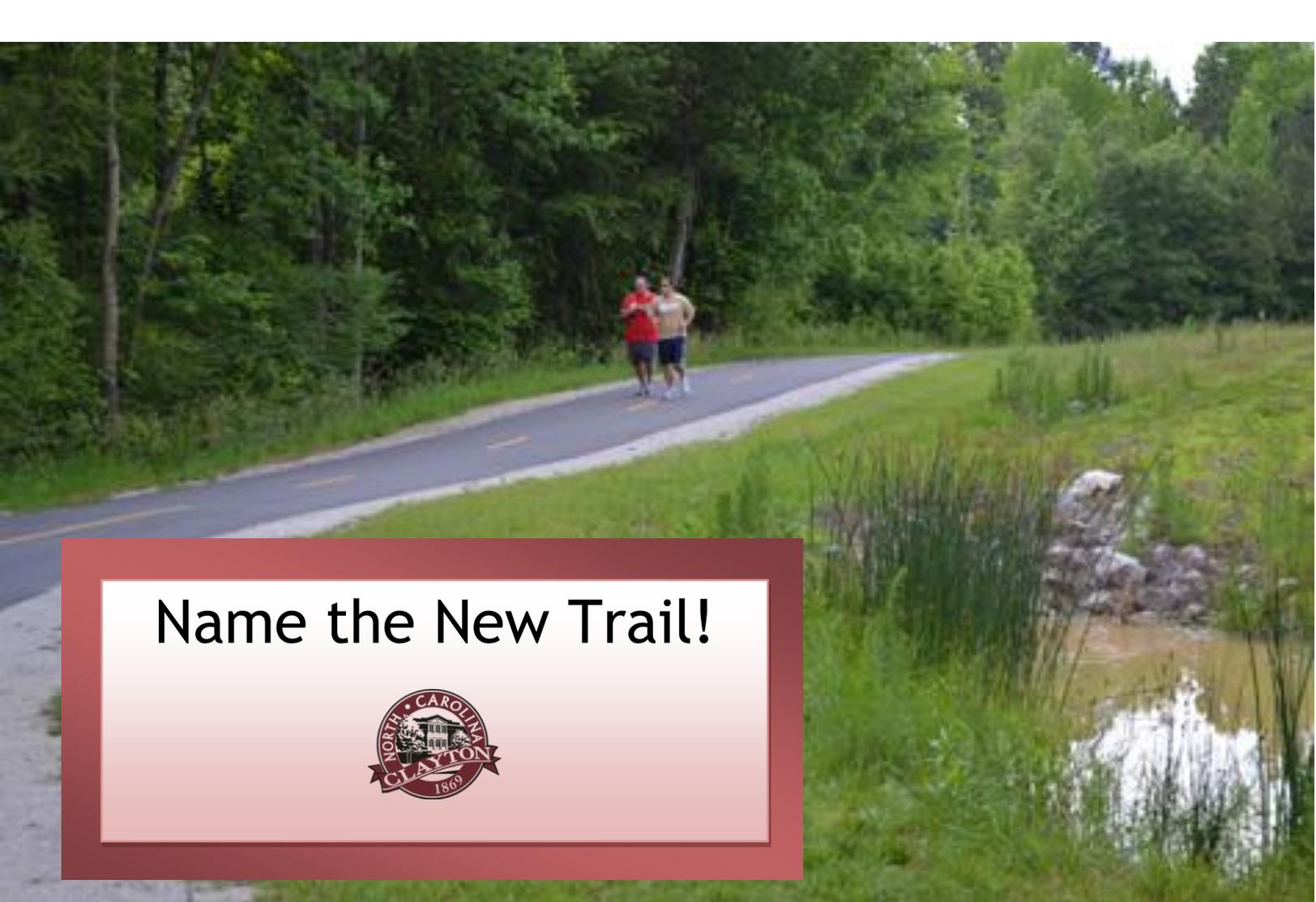
For your information: Attached are the policy for the naming of parks and greenways for the City of Durham and the resolution for naming facilities within the City of Raleigh.

At the July 16, 2012, Council work session, Council concurred to keeping the Sam’s Branch trail name as is. Staff has drafted a proposal for citizen participation and is seeking Council direction on naming parameters, timeframe, and acknowledgement for participation.

RELATED GOAL: Expand Leisure Opportunities and Arts Community

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-16-12	Discussion.	City of Durham Policy & City of Raleigh Resolution.
8-06-12	Discussion.	Proposed notices for “Name the New Trail.”



Name the New Trail!



A new section of trail is complete between the Mountains to Sea Trail and the Sam’s Branch Greenway and it needs to be named!

Submit your ideas (up to 3) to the Town Clerk at The Clayton Center 111 E. Second Street or at

sscoggins@townofclaytonnc.org

Finalists will be invited to meet with Town Council and Mayor Jody McLeod. The winner will be invited to the ribbon cutting ceremony!

Things to consider:

Who will use the trail (bikers, hikers etc.)

Location of the trail

Natural features near the trail

Historical importance of the site

Proposed Trail Name: _____

Your Name: _____

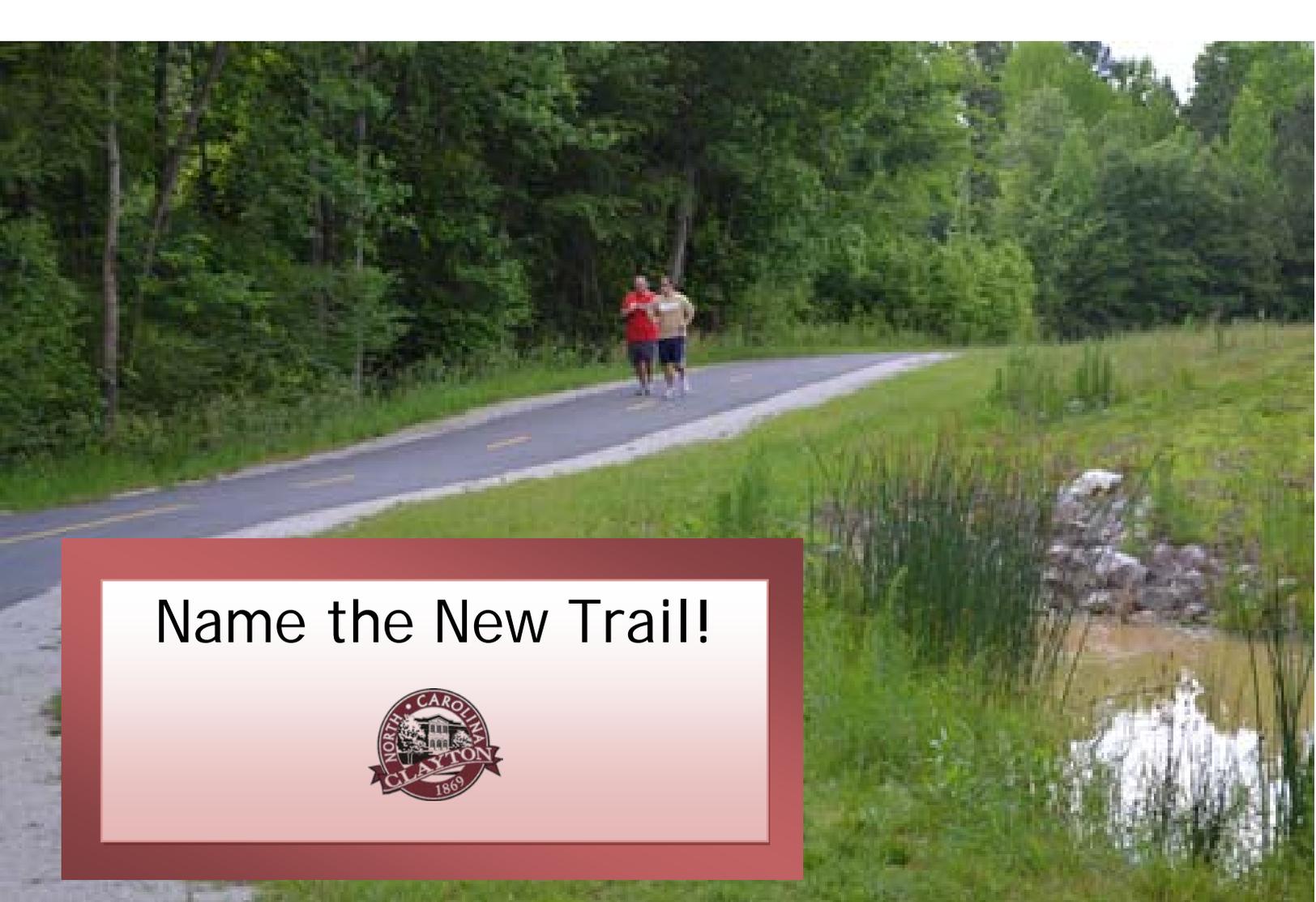
Phone Number: _____

Email: _____

Brief explanation of Trail name:

Deadline is To BE ANNOUNCED

Share your IDEAS! Shape your TOWN!



Name the New Trail!



A new section of trail is complete between the Mountains to Sea Trail and the Sam's Branch Greenway and it needs to be named!

Submit your ideas (up to 3) to the Town Clerk at The Clayton Center 111 E. Second Street or at sscoggins@townofclaytonnc.org

Finalists will be invited to meet with Town Council and Mayor Jody McLeod. The winner will be invited to the ribbon cutting ceremony!

Applications available at:
www.townofclaytonnc.org

Clayton Community Center

Clayton Center/Town Hall

Deadline: TO BE ANNOUNCED

Share your **IDEAS!** Shape your **TOWN!**

The Clayton Town Council is seeking your help in naming the segment of the Mountains-to-Sea Trail (MST) located within the Town of Clayton.

Naming criteria the Town Council will consider are:

- 🏠 Geographic location
- 🏠 Proximity of some natural geological feature to the site
- 🏠 Historical significance to the site

Citizens wishing to participate may download an application from the Town's website at www.townofclaytonnc.org or pick one up from the Town Clerk at the Clayton Center, 111 East Second Street.

Entries are due by: DATE & TIME

Return to: Email and physical location / person.

Please run once in the non-legal section of the Clayton News-Star on the following date:

Affidavit of publication requested.

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 6d

Meeting Date: 8/06/12

TITLE: STATUS UPDATE OF NOISE ORDINANCE.

DESCRIPTION: At its May 7, 2012, Council meeting, a spreadsheet comparing noise ordinances was presented to the Town Council.

The purpose of the discussion is to receive Council feedback and direction on this item.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-21-12	Discussion.	Spreadsheet.
6-04-12	Tracking.	None.
7-19-12	Discussion.	
8-06-12	Discussion.	N/A.

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 7a

Meeting Date: 8/06/12

**TITLE: DISCUSS REVISIONS TO THE TOWN CODE OF ORDINANCES
PERTAINING TO CEMETERIES.**

DESCRIPTION: During the Council's May 30, 2012, budget work session, there was discussion of adding a maintenance position responsible for the Town cemeteries. The position was approved with the adoption of the FY 2012-2012 budget. The current Town ordinances are in need of revision to reflect the direction the Town is pursuing for its cemeteries.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
8-06-12	Discussion.	Marked-up revision & Cleaned-up revision.

TOWN OF CLAYTON, NORTH CAROLINA
AMENDMENT TO THE CEMETERY ORDINANCE

BE IT HEREBY DULY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA THAT THE FOLLOWING IS HEREBY AMENDED TO THE CODE OF ORDINANCES:

AMEND TO READ AS FOLLOWS:

TITLE IX: GENERAL REGULATIONS

CHAPTER 92: CEMETERIES

Section

- 92.00 Interment
- 92.01 Sale of lots
- 92.02 Improvements
- 92.03 Orders for grave openings
- 92.04 Manner of opening and closing graves
- 92.05 Plot elevation to conform to curb line
- 92.06 Permission required to dig up, excavate, or remove soil or foliage from cemetery
- 92.07 Grave markers and monuments
- 92.08 Loud or disturbing conduct; disrupting funeral services
- 92.09 Speed of vehicles; vehicles restricted
- 92.10 Curfew hours
- 92.11 Animals
- 92.12 Grave liners
- 92.13 Establishing authority to select an authorized contractor for cemetery interments

Statutory reference:

Authority to regulate cemeteries, see G.S. §§ 160A-341 through 160A-348

§ 92.00 INTERMENT.

Only human remains, properly entombed in coffins or other appropriate burial containers, shall be buried or otherwise interred in any of the cemeteries of the town.

(Ord. 99-07-01, passed 7-19-99)

§ 92.01 SALE OF LOTS.

(A) All persons desiring to purchase lots in the town cemeteries shall apply to the Public Works Director or the Customer Service Director or their designee who, upon approval and payment of the price fixed for each lot, shall cause the ~~deed~~use license therefor to be executed to the purchaser. Under no condition shall a ~~deed~~use license for a cemetery lot be issued to purchaser nor shall an Interment Authorization be issued until the purchase price is paid in full and approval is given by the Public Works Director or the Customer Service Director. Each ~~deed~~use license executed to a purchaser shall be recorded in the office of the Register of Deeds of Johnston County.

(B) No person who shall purchase any lot in a town cemetery from the town shall thereafter convey or alienate the lot to any other person for a greater consideration than that paid for the same lot by the grantor. Any ~~deed~~use license executed for the purpose of transferring a lot from the original purchaser shall first be approved by the Public Works Director or the Customer Service Director as to form and content. Further, no transfer of ~~ownership~~use rights of a lot on the town records shall be complete until the Public Works Director or the Customer Service Director is provided with a receipt from the Johnston County Register of Deeds verifying recording of the ~~deed~~license and payment of all revenue stamps and recording fees. Each ~~deed~~license executed shall contain language that the ~~lot is~~use rights are conveyed subject to this section and any amendments thereto.

(C) All persons desiring to purchase cemetery lots on an installment basis will be subject to the following: Each purchase will require a down payment of not less than \$~~100~~50. A contract for purchase must be executed by the purchaser and the town detailing price, term and payment due dates. The terms are to allow for one year per grave site with payment in full for each site to be completed by June 30 regardless of the date the contract is initiated. Any grave sites not paid in full will revert to the town with no refunds being granted. Hardship cases will be determined by the Town Manager or his designee. As stipulated in division (A) of this section, no burials will take place and no ~~deeds~~licenses will be issued without payment in full.

(D) The purchase price shall include an amount sufficient for the Town to place a basic permanent marker of Town specifications at the foot of each occupied grave site to ensure all graves are duly identified.

(1) For sites purchased prior to September 4, 2012 a marker deposit shall be collected at the time Interment Authorization is requested.

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('71 Code, § 5-16) (Ord. passed 4-5-71; Am. Ord. passed 9-6-89; Am. Ord. passed 1-7-91; Am. Ord. passed 10-3-95; Am. Ord. 99-07-01, passed 7-19-99) Penalty, see § 10.99

§ 92.02 IMPROVEMENTS.

Improvements by the town in town cemeteries shall be made under the direction of the Public Works Director or the Town Council.

('71 Code, § 5-17) (Ord. passed 4-5-71; Am. Ord. 99-07-01, passed 7-19-99)

§ 92.03 ORDERS FOR GRAVE OPENINGS.

(A) It shall be unlawful for any person to make, or cause to be made, any interment, inside the corporate limits except in the cemeteries of the town, existing private cemeteries, cemeteries licensed by the State Burial Association Commission or in church cemeteries.

(B) (1) In the event a grave-side service is scheduled earlier than 12:00 noon on a particular day, then with at least 24 hours advance notice by the funeral director to the Public Works Director, the grave may be opened on the day preceding the scheduled interment.

(2) In the event a grave-side service is scheduled at or later than 12:00 noon on a particular day, then in accordance with the process described in division (B)(1), above, the grave may be opened on the same day as the scheduled interment, but not a day in advance.

(C) No grave openings shall occur on any Sunday, Good Friday, Thanksgiving Day, Christmas Day, or New Year's Day.

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('71 Code, § 5-18) (Ord. passed 4-5-71; Am. Ord. passed 10-3-95; Am. Ord. 99-07-01, passed 7-19-99; Am. Ord. passed 1-16-01) Penalty, see § 10.99

§ 92.04 MANNER OF OPENING AND CLOSING GRAVES.

~~Where it is practicable to do so, the procedure for opening and closing graves in the cemeteries of the town shall be as follows:~~

- ~~—(A)— The turf is to be cut out in squares and laid out near the grave.~~
- ~~—(B)— All dirt from the digging of the grave is to be removed until after the funeral.~~
- ~~—(C)— When the funeral is over, the dirt is to be replaced and sufficiently packed.~~
- ~~—(D)— All excess dirt is to be hauled away and the turf replaced and leveled.~~
- ~~—(E)— In addition to the standards stated above, any grave site opened under the provisions of § 92.03(B)(1) must meet the following additional standards:~~
 - ~~—(1)— The excavation must be immediately secured by placing plywood or other suitable cover over the open grave.~~
 - ~~—(2)— The cover must be sufficiently anchored against wind so as to reliably remain in place for the period necessary~~

(A) All openings shall be performed in accordance with the Standards and Specifications of the Town of Clayton.

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(3) A standard funeral home tent must be immediately erected over the area of the plot containing the open grave.

('71 Code, § 5-19) (Ord. passed 4-5-71; Am. Ord. 99-07-01, passed 7-19-99; Am. Ord. passed 1-16-01)

§ 92.05 PLOT ELEVATION TO CONFORM TO CURB LINE.

It shall be unlawful for any person to raise or cause to be raised the elevation of any cemetery plot above the curb line of the existing curb surrounding the plot, and no curb shall be raised above the curb line of the existing curb line in the general area of the plot.

('71 Code, § 5-20) (Ord. passed 4-5-71; Am. Ord. 99-07-01, passed 7-19-99) Penalty, see § 10.99

§ 92.06 PERMISSION REQUIRED TO DIG UP, EXCAVATE, OR REMOVE SOIL OR FOLIAGE FROM CEMETERY.

It shall be unlawful for any person to dig up, excavate, or remove any soil from any town cemetery, or to remove flowers, shrubs, trees, bushes, markers, pots, boxes, vases, or any other property unless from his own property, or with the consent of the owner, or by permission of the Town Manager.

('71 Code, § 5-21) (Ord. passed 4-5-71; Am. Ord. 99-07-01, passed 7-19-99) Penalty, see § 10.99

§ 92.07 GRAVE MARKERS AND MONUMENTS.

(A) It shall be unlawful for any person to remove, destroy, deface, or any way injure any headstone marker or monument of any sort in any of the cemeteries of the town, unless upon his own property or with the permission of the owner.

(B) No grave marker or monument shall be placed in any of the cemeteries of the town unless and until the Public Works Director has reviewed and approved a photograph, sketch, or other accurate depiction or rendering (including a listing of all applicable materials, dimensions and wording) of such grave marker or monument.

(C) Except as provided in division (D), no grave marker or monument shall be placed in any of the cemeteries of the town unless human remains, properly entombed in a coffin or other appropriate burial container, have been buried or otherwise interred in the burial plot upon which the grave marker or monument is to be placed.

(D) A grave marker or monument may be placed in a cemetery of the town at an empty burial plot where:

(1) (a) An immediately adjacent burial plot contains human remains properly entombed in a coffin or other appropriate burial container; and

(b) A living member of the immediate family of the deceased buried or otherwise interred in the adjacent burial plots is to be buried or otherwise interred in the empty burial plot; or

(2) The owner of the empty burial plot obtains permission from the town to place a grave marker or monument on the empty burial plot in anticipation of his or her burial or interment in that plot, or in anticipation of the burial or interment of an immediate family member in that plot.

(E) No grave marker or monument placed in any of the cemeteries of the town shall contain or reflect any profanity, obscenity, vulgarity, or fighting words.

(F) All grave markers or monuments placed in any of the cemeteries of the town shall be fixed and stationary, and shall not exceed 60 inches in height, 48 inches in width, or 36 inches in depth or diameter.

(G) No grave marker or monument placed in any of the cemeteries of the town shall contain or include any device intended to or capable of generating any form of light or sound.

(H) All occupied graves must have a permanent marker. Beginning October 1, 2012 the Town shall place a marker at the foot of each grave for the purpose of basic identification. This marker does not displace allowance for approved markers or monuments otherwise placed on behalf of the licensee of the site.

- (I) No structure other than an approved monument or vase may be placed at a gravesite. By way of illustration but not limitation the following shall be prohibited:
- a. Coping, curbing, fencing, hedging, border enclosures.
 - b. Cover with stone, gravel, cinders, tile, and cement or other materials.
 - c. Benches, sundials, settees, and lights
 - d. Flags will be allowed only during the weeks of Memorial Day, Veteran's Day, and July 4th.

('71 Code, § 5-21) (Ord. passed 4-5-71; Am. Ord. 99-07-01, passed 7-19-99) Penalty, see § 10.99

§ 92.08 LOUD OR DISTURBING CONDUCT; DISRUPTING FUNERAL SERVICES.

It shall be unlawful for any person to make or cause to be made any unduly loud or disturbing noise in the cemeteries of the town, or close enough thereto to unduly disrupt or interfere with funeral services being conducted therein.

('71 Code, § 5-22) (Ord. passed 4-5-71; Am. Ord. 99-07-01, passed 7-19-99) Penalty, see § 10.99

§ 92.09 SPEED OF VEHICLES; VEHICLES RESTRICTED.

Vehicles shall be driven only upon the roadways within a town cemetery and at a rate of speed not in excess of 15 miles per hour. No vehicles shall enter a town cemetery except for the purposes of attending funerals, visiting graves, or other lawful missions.

('71 Code, § 5-22) (Ord. passed 4-5-71; Am. Ord. 99-07-01, passed 7-19-99) Penalty, see § 10.99

§ 92.10 CURFEW HOURS.

It shall be unlawful for any person to enter any of the cemeteries of the town after the sun has set, or after 7:00 p.m., prevailing time, whichever comes first, and from then until sunrise the following morning.

('71 Code, § 5-23) (Ord. passed 4-5-71; Am. Ord. 99-07-01, passed 7-19-99) Penalty, see § 10.99

§ 92.11 ANIMALS.

It shall be unlawful for any person to take any dog or other animals into the cemeteries of the town or to allow any animal to run at large therein, or to ride, drive, or lead any animal on or over any plot or walkway therein, or to leave any horse unattended.

('71 Code, § 5-24) (Ord. passed 4-5-71; Am. Ord. 99-07-01, passed 7-19-99) Penalty, see § 10.99

§ 92.12 GRAVE LINERS.

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~~Concrete, steel, or fiberglass~~ Grave liners shall be used for all burials in any town cemetery. [Grave liners must meet the Standards and Specifications of the Town of Clayton for use in any Town cemetery.](#)

(Ord. 99-07-01, passed 7-19-99)

§ 92.13 ESTABLISHING AUTHORITY TO SELECT AN AUTHORIZED CONTRACTOR FOR CEMETERY INTERMENTS.

(A) The Town Council may authorize for the exclusive rights to perform all grave openings, closings, and maintenance in any cemetery owned and operated by the town. [As an alternative to selecting a firm or person for openings, closings and maintenance operations the Town Council may choose to authorize adequate Town resources for this purpose with associated fees.](#)

(B) [In the event the Town Council chooses to perform openings, closings or maintenance on a contract basis](#) the Public Works Director is hereby authorized to develop criteria and solicit proposals from qualified contractors on an annual basis for the purpose of selecting and authorizing an individual or firm to perform all grave openings and closings in town owned and operated cemeteries.

(C) The individual or firm selected under this section shall have sole responsibility, to the exclusion of all others, to perform or have performed all obligations established by contract for the opening, closing, and follow-up maintenance in town owned and operated cemeteries.

(D) The selected contractor may choose to subcontract openings, closings, or maintenance upon the express prior consent of the town. In any event the prime contractor shall continue to be responsible to the town for the proper and acceptable performance of all work performed.

[92.14 Responsibility for Loss or Damage](#)

[\(A\) The Town shall accept no responsibility for any loss or damage to any grave marker, vase, or other personal property within the cemetery as a result of the elements, storms, theft, trespass, or the operation of vehicles by visitors to the cemetery.](#)

[\(B\) The Town shall accept no responsibility for loss, destruction or removal of any items or materials left, displayed, or otherwise installed in the cemetery whether authorized or unauthorized.](#)

(Ord. passed 10-21-02)

~~Disclaimer:~~

~~This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality. American Legal Publishing Corporation provides these documents for informational purposes only. These documents should not be relied upon as the definitive authority for local legislation. Additionally, the formatting and pagination of the posted documents varies from the formatting and pagination of the official copy. The official printed copy of a Code of Ordinances should be consulted prior to any action being taken.~~

~~For further information regarding the official version of any of this Code of Ordinances or other documents posted on this site, please contact the Municipality directly or contact American Legal Publishing toll-free at 800-445-5588.~~

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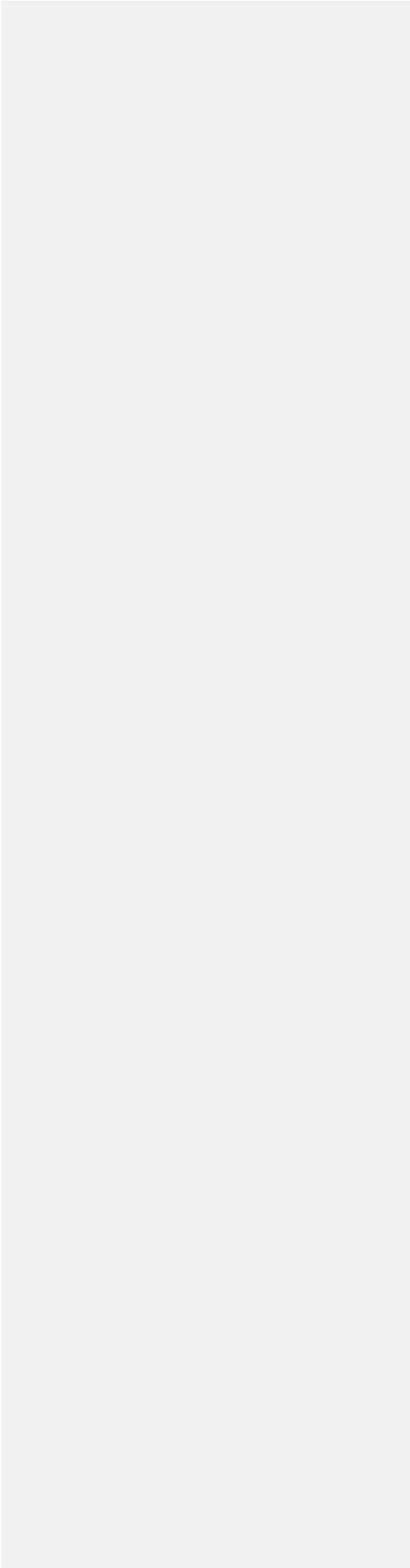
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techsupport@amlegal.com
1.800.445.5588

Duly adopted this _____ day of _____, 2012 while in regular session.

Jody L. McLeod
Mayor

Attest:

Sherry Scoggins
Town Clerk



TOWN OF CLAYTON, NORTH CAROLINA
AMENDMENT TO THE CEMETERY ORDINANCE

BE IT HEREBY DULY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA THAT THE FOLLOWING IS HEREBY AMENDED TO THE CODE OF ORDINANCES:

AMEND TO READ AS FOLLOWS:

TITLE IX: GENERAL REGULATIONS

CHAPTER 92: CEMETERIES

Section

- 92.00 Interment
- 92.01 Sale of lots
- 92.02 Improvements
- 92.03 Orders for grave openings
- 92.04 Manner of opening and closing graves
- 92.05 Plot elevation to conform to curb line
- 92.06 Permission required to dig up, excavate, or remove soil or foliage from cemetery
- 92.07 Grave markers and monuments
- 92.08 Loud or disturbing conduct; disrupting funeral services
- 92.09 Speed of vehicles; vehicles restricted
- 92.10 Curfew hours
- 92.11 Animals
- 92.12 Grave liners
- 92.13 Establishing authority to select an authorized contractor for cemetery interments

Statutory reference:

Authority to regulate cemeteries, see G.S. §§ 160A-341 through 160A-348

§ 92.00 INTERMENT.

Only human remains, properly entombed in coffins or other appropriate burial containers, shall be buried or otherwise interred in any of the cemeteries of the town.

(Ord. 99-07-01, passed 7-19-99)

§ 92.01 SALE OF LOTS.

(A) All persons desiring to purchase lots in the town cemeteries shall apply to the Public Works Director or the Customer Service Director or their designee who, upon approval and payment of the price fixed for each lot, shall cause the use license therefor to be executed to the purchaser. Under no condition shall a use license for a cemetery lot be issued to purchaser nor shall an Interment Authorization be issued until the purchase price is paid in full and approval is given by the Public Works Director or the Customer Service Director. Each use license executed to a purchaser shall be recorded in the office of the Register of Deeds of Johnston County.

(B) No person who shall purchase any lot in a town cemetery from the town shall thereafter convey or alienate the lot to any other person for a greater consideration than that paid for the same lot by the grantor. Any use license executed for the purpose of transferring a lot from the original purchaser shall first be approved by the Public Works Director or the Customer Service Director as to form and content. Further, no transfer of use rights of a lot on the town records shall be complete until the Public Works Director or the Customer Service Director is provided with a receipt from the Johnston County Register of Deeds verifying recording of the license and payment of all revenue stamps and recording fees. Each license executed shall contain language that the use rights are conveyed subject to this section and any amendments thereto.

(C) All persons desiring to purchase cemetery lots on an installment basis will be subject to the following: Each purchase will require a down payment of not less than \$100. A contract for purchase must be executed by the purchaser and the town detailing price, term and payment due dates. The terms are to allow for one year per grave site with payment in full for each site to be completed by June 30 regardless of the date the contract is initiated. Any grave sites not paid in full will revert to the town with no refunds being granted. Hardship cases will be determined by the Town Manager or his designee. As stipulated in division (A) of this section, no burials will take place and no licenses will be issued without payment in full.

(D) The purchase price shall include an amount sufficient for the Town to place a basic permanent marker of Town specifications at the foot of each occupied grave site to ensure all graves are duly identified.

(1) For sites purchased prior to September 4, 2012 a marker deposit shall be collected at the time Interment Authorization is requested.

('71 Code, § 5-16) (Ord. passed 4-5-71; Am. Ord. passed 9-6-89; Am. Ord. passed 1-7-91; Am. Ord. passed 10-3-95; Am. Ord. 99-07-01, passed 7-19-99) Penalty, see § 10.99

§ 92.02 IMPROVEMENTS.

Improvements by the town in town cemeteries shall be made under the direction of the Public Works Director or the Town Council.

('71 Code, § 5-17) (Ord. passed 4-5-71; Am. Ord. 99-07-01, passed 7-19-99)

§ 92.03 ORDERS FOR GRAVE OPENINGS.

(A) It shall be unlawful for any person to make, or cause to be made, any interment, inside the corporate limits except in the cemeteries of the town, existing private cemeteries, cemeteries licensed by the State Burial Association Commission or in church cemeteries.

(B) (1) In the event a grave-side service is scheduled earlier than 12:00 noon on a particular day, then with at least 24 hours advance notice by the funeral director to the Public Works Director, the grave may be opened on the day preceding the scheduled interment.

(2) In the event a grave-side service is scheduled at or later than 12:00 noon on a particular day, then in accordance with the process described in division (B)(1), above, the grave may be opened on the same day as the scheduled interment, but not a day in advance.

(C) No grave openings shall occur on any Sunday, Good Friday, Thanksgiving Day, Christmas Day, or New Year's Day.

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§ 92.04 MANNER OF OPENING AND CLOSING GRAVES.

(A) All openings shall be performed in accordance with the Standards and Specifications of the Town of Clayton.

(3) A standard funeral home tent must be immediately erected over the area of the plot containing the open grave.

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(D) A grave marker or monument may be placed in a cemetery of the town at an empty burial plot where:

(1) (a) An immediately adjacent burial plot contains human remains properly entombed in a coffin or other appropriate burial container; and

(b) A living member of the immediate family of the deceased buried or otherwise interred in the adjacent burial plots is to be buried or otherwise interred in the empty burial plot; or

(2) The owner of the empty burial plot obtains permission from the town to place a grave marker or monument on the empty burial plot in anticipation of his or her burial or interment in that plot, or in anticipation of the burial or interment of an immediate family member in that plot.

(E) No grave marker or monument placed in any of the cemeteries of the town shall contain or reflect any profanity, obscenity, vulgarity, or fighting words.

(F) All grave markers or monuments placed in any of the cemeteries of the town shall be fixed and stationary, and shall not exceed 60 inches in height, 48 inches in width, or 36 inches in depth or diameter.

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('71 Code, § 5-24) (Ord. passed 4-5-71; Am. Ord. 99-07-01, passed 7-19-99) Penalty, see § 10.99

§ 92.12 GRAVE LINERS.

Grave liners shall be used for all burials in any town cemetery. Grave liners must meet the Standards and Specifications of the Town of Clayton for use in any Town cemetery.

(Ord. 99-07-01, passed 7-19-99)

§ 92.13 ESTABLISHING AUTHORITY TO SELECT AN AUTHORIZED CONTRACTOR FOR CEMETERY INTERMENTS.

(A) The Town Council may authorize for the exclusive rights to perform all grave openings, closings, and maintenance in any cemetery owned and operated by the town. As an alternative to selecting a firm or person for openings, closings and maintenance operations the Town Council may choose to authorize adequate Town resources for this purpose with associated fees.

(B) In the event the Town Council chooses to perform openings, closings or maintenance on a contract basis the Public Works Director is hereby authorized to develop criteria and solicit proposals from qualified contractors on an annual basis for the purpose of selecting and authorizing an individual or firm to perform all grave openings and closings in town owned and operated cemeteries.

(C) The individual or firm selected under this section shall have sole responsibility, to the exclusion of all others, to perform or have performed all obligations established by contract for the opening, closing, and follow-up maintenance in town owned and operated cemeteries.

(D) The selected contractor may choose to subcontract openings, closings, or maintenance upon the express prior consent of the town. In any event the prime contractor shall continue to be responsible to the town for the proper and acceptable performance of all work performed.

92.14 Responsibility for Loss or Damage

- (A) The Town shall accept no responsibility for any loss or damage to any grave marker, vase, or other personal property within the cemetery as a result of the elements, storms, theft, trespass, or the operation of vehicles by visitors to the cemetery.
- (B) The Town shall accept no responsibility for loss, destruction or removal of any items or materials left, displayed, or otherwise installed in the cemetery whether authorized or unauthorized.

(Ord. passed 10-21-02)

Duly adopted this ____ day of _____, 2012 while in regular session.

Jody L. McLeod
Mayor

Attest:

Sherry Scoggins
Town Clerk

**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 8c

Meeting Date: 8/06/12

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- Council Mtg – Monday, August 6, 2012 @ 6:30PM
- National Night Out – Tuesday, August 7, 2012, from 5:30 PM – 8:30 PM on the Town Square
- ElectriCities Annual Conference – August 9-11, 2012
- **Johnston Medical Center Clayton Public Hearing for Expansion of site – Tuesday, August 14, 2012, 2PM at the Clayton Library**
- Board of Adjustment – Wednesday, August 15, 2012 @ 6 PM
- Town Square Concert Series: Suicide Blonde (80's cover) – Thursday, August 16, 2012, from 7 PM to 9 PM
- Clayton Chamber “A Night of Networking” – Monday, August 20, 2012, from 4:30 PM to 6:00 PM @ the Clayton Center
- Council Mtg – Monday, August 20, 2012 @ 6:30PM
- Planning Board Mtg – Monday, August 27, 2012 @ 6 PM
- Council Mtg – **TUESDAY**, September, 4, 2012 @ 6:30 PM
- 2012 Harvest Festival – September 12-16, 2012
- Town Square Concert Series: Nantucket (rock) – Thursday, September 13, 2012, from 7 PM to 9 PM
- Council Mtg – Monday, September 17, 2012 @ 6:30 PM
- Council Mtg – Monday, October 1, 2012 @ 6:30 PM
- Squealin on the Square – Friday, October 5 & Saturday, October 6 @ Town Square
- Powhatan R.A.C.E. – Saturday, October 13, 2012, from 8 AM to noon @ Powhatan Elementary, 3145 Vinson Road
- Council Mtg – Monday, October 15, 2012 @ 6:30 PM
- NCLM Annual Conference hosted in Charlotte – October 21-23, 2012
- Council Mtg – Monday, November 5, 2012 @ 6:30 PM
- Council Mtg – Monday, November 19, 2012 @ 6:30 PM
- Council Mtg – Monday, December 3, 2012 @ 6:30 PM
- Clayton Christmas Parade – Saturday, December 8, 2012, 3 PM – 5 PM
- Council Mtg – Monday, December 17, 2012 @ 6:30 PM

Date:
8-06-12

Action:
N/A.

Info. Provided:
Calendar of Events.



**NOTICE OF POSSIBLE ATTENDANCE
BY THE
CLAYTON TOWN COUNCIL**

A public hearing on a certificate of needs application for the relocation of beds from Johnston Medical Center – Smithfield to Johnston Medical Center – Clayton is slated for:

**Tuesday
August 14, 2012
2 PM
Hocutt-Ellington Memorial Library
100 South Church Street
Clayton, NC**

Members of the public wishing to speak will be asked to indicate whether they support or oppose the proposal and to provide their name and address on a sign-up sheet which will be made available 15 to 30 minutes before the hearing is scheduled to begin.

It is possible a quorum of the Town Council may attend this public hearing but **no action by Council is expected.**

Sherry L. Scoggins, MMC
Town Clerk

Posted: July 25, 2012