

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

SEPTEMBER 17, 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. SCGGINS, TOWN CLERK
BRUCE THOMPSON II, TOWN ATTORNEY**

AGENDA
THE WORK SESSION MEETING OF THE CLAYTON TOWN COUNCIL

MONDAY, SEPTEMBER 17, 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. **ACTION AGENDA**
 - a. Draft minutes from the September 4, 2012, regular meeting; the September 6, 2012, special meeting; and the September 10, 2012, joint meeting of the Town Council and Recreation Advisory Committee.
 - b. Notice of intent to consider entering into a contract to “piggyback” purchase a vacuum street sweeper unit slated for the Monday, October 1, 2012, Council meeting.
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
 - a. Introduction of new Town of Clayton employee(s).
 - b. Special presentation of Constitution Week proclamation.
5. **ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA**
 - a. Presentation of “piggyback” request for the purchase of a vacuum street sweeper unit.
 - b. Presentation of request for temporary street closures for the annual Halloween Parade on Wednesday, October 31, 2012.
 - c. Presentation of K-9 retirement resolution [**Council action requested**].
 - d. Presentation of proclamation for the 25th Anniversary of the Clayton Band Classic.
 - e. Presentation of proclamation for “Public Power Week – Power to Grow,” October 7 -13, 2012.
6. **ITEMS CONTINGENT FOR THE REGULAR MEETING**
7. **ITEMS FOR DISCUSSION**
 - a. Application to serve on the Recreation Advisory Committee.
8. **OLD BUSINESS**
 - a. Status update of noise ordinance.
 - b. Name the New Trail entries due to Town Clerk, Wednesday, September 19, 2012 by 5 PM [**Information only – does not require Council action**].

9. **STAFF REPORTS**
 - a. **Town Manager**
 - b. **Town Attorney**
 - c. **Town Clerk**
 - **Calendar of Events**
 - d. **Other Staff**

10. **OTHER BUSINESS**
 - a. **Informal Discussion & Public Comment.**
 - b. **Council Comments.**

11. **ADJOURNMENT**

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

Agenda Item: 3a

Meeting Date: 9/17/12

TITLE: DRAFT MINUTES FROM THE SEPTEMBER 4, 2012, REGULAR MEETING; SEPTEMBER 6, 2012, SPECIAL MEETING; AND SEPTEMBER 10, 2012, JOINT MEETING OF THE TOWN COUNCIL AND RECREATION ADVISORY COMMITTEE.

DESCRIPTION: Minutes.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

9-17-12

Approval.

DRAFT minutes from:
9/4/2012, 9/6/2012, &
9/10/2012.

MINUTES CLAYTON TOWN COUNCIL SEPTEMBER 04, 2012

The first regular meeting of the Clayton Town Council for the month of September was held on Tuesday, September 4, 2012, at 6:30 PM at Town Hall, 111 East Second Street.

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

ABSENT: Councilman Jason Thompson

ALSO PRESENT: Steve Biggs, Town Manager; Katherine Ross, Town Attorney; Sherry Scoggins, Town Clerk; David DeYoung, Planning Director; Bruce Naegelen, Downtown Development Coordinator; Stacy Beard, Public Information Officer (PIO), Tommy Roy, Information Services Technician.

ITEM 1. CALL TO ORDER

Mayor McLeod called the meeting to order at 6:34 PM. Mayor McLeod gave the invocation.

ITEM 2. ADJUSTMENT OF THE AGENDA

The following adjustments of the agenda were requested:

- Add as Item 4a, Squealin' on the Square presentation by Jim Godfrey of the Clayton Chamber of Commerce.

It was the consensus of the Council to approve the agenda with the requested adjustment.

ITEM 3. ACTION AGENDA

Councilman Holder motioned to approve the action agenda as presented; Councilman Lawter seconded the motion. The motion carried 4-0 at 6:35 PM with the following action agenda items being approved:

Item 3a. Draft minutes of the August 20, 2012, work session.

Item 3b. Amendment to the FY 12-13 budget ordinance to reflect appropriation of fund balance to purchase equipment for police investigations with the proceeds from unauthorized substance tax distributions received from the State in FY 11-12.

Item 3c. The following reimbursement resolutions:

- Expenditures made and/or to be made in connection with the purchase of trucks and equipment for the Electric Fund.

- Expenditures made and/or to be made in connection with the purchase of rolling stock.
- Expenditures made and/or to be made in connection with the purchase of a SCADA system – Phase I for the water and sewer fund.

Item 3d. PEG Interlocal Agreement.

Item 3e. Council Rules and Procedures.

ITEM 4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

Item 4a. Squealin' on the Square presentation by Chamber of Commerce.

Chamber of Commerce Executive Director Jim Godfrey referred to a letter from the Chamber for the Squealin' on the Square request dated July 16, 2012; herewith attached and incorporated into the record.

Town Manager Steve Biggs stated this past year when there has been a community based event, there was no charge for the use of the Town Square. He stated the Town Square currently comes under the purview of the Clayton Center and can be subject to a charge. He stated within the next 90 days a proposal will come before the Council to consider restructure for the use of the Town Square. He stated the restructuring would likely include discontinuance of charges for the use of the Town Square. He stated with the history of the event and potential restructure of the Town Square, a request to waive the fee for the Town Square is requested.

Councilman Satterfield motioned to waive the fee for the use of the Town Square; Mayor Pro Tem Grannis seconded the motion. Motion carried 4-0 at 6:37 PM.

Based upon question by Council, Executive Director Godfrey stated the judging would be Saturday at 8 AM with announcement of the winners at 11 AM, and lunch at 12 noon. He added Friday evening there will be music.

ITEM 5. PUBLIC HEARINGS

Item 5a. Public hearing for annexation petition 2012-07-01 for property located at 317 Pony Farm Road.

Mayor McLeod announced the public hearing for annexation petition 2012-07-01 at 6:38. As no one came forward to speak, the public hearing was closed at 6:38 PM.

Mayor Pro Tem Grannis motioned to approve the annexation ordinance for annexation petition 2012-07-01 as submitted; Councilman Holder seconded the motion. Motion carried 40 at 6:39 PM.

Item 5b. Public hearing for rezoning request RZ 2012-58 to rezone seven parcels in the 500 block of East Second Street from O&I to R-6.

Planning Director David DeYoung provided a PowerPoint presentation on RZ 2012-58 to rezone parcels in the 500 block of East Second Street; herewith attached as Exhibit A, RZ 2012-58.

Planning Director David DeYoung provided the following overview of the rezoning request:

- Part of larger rezoning by the Town in 1987
- Several houses that are non-conforming due to the O&I zoning designation
- Rezoning to R-6 will enable the homes to meet setbacks and can be remodeled and/or rebuilt
- Rezoning request is consistent with Town adopted plans
- Request is not detrimental

Mayor McLeod opened the public hearing at 6:41 PM. As no one came forward, the public hearing was closed at 6:41 PM and turned over to the Council for discussion.

Mayor Pro Tem Grannis motioned to approve rezoning request RZ 2012-58 to rezone the seven parcels in the 500 block of East Second Street from O&I to R-6. Councilman Holder seconded the motion. Motion carried 4-0 at 6:42 PM.

Councilman Lawter motioned that the Town Council hereby states that RZ 2012-58 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 155.704(J) of the Unified Development Code of the Town of Clayton, RZ 2012-58 is reasonable and in the public interest. Mayor Pro Tem Grannis and Councilman Holder simultaneously seconded the motion. Motion carried 4-0 at 6:43 PM.

Item 5c. Evidentiary hearing for preliminary subdivision request SUB 2012-60 for East Village of Clayton located on East Front Street.

Mayor McLeod announced subdivision application SUB 2012-60 for East Village of Clayton located on East Front Street has been noticed for an evidentiary

hearing at 6:43 PM. He called upon Town Attorney Ross to explain the rules of procedure.

Town Attorney Katherine Ross introduced the evidentiary hearing procedures used for subdivision application SUB 2012-60. She explained that subdivision applications are different in certain respects from the capacity in which the Town Council normally functions. Ms. Ross stated the Town Council normally functions in a legislative capacity; subdivision application hearings are “quasi-judicial,” which means that the Council would act essentially as a court of law. She stated there is a burden that the applicant of the subdivision application must meet the four findings of fact as found in the UDO of the Town Code of Ordinances. She added anyone opposed to the application would have to put on evidence of a similar kind, showing the findings of fact have not been met. She stated testimony must be given under oath. She stated all testimony and evidence provided to the Council must be competent and material and substantial. She stated pursuant to the North Carolina General Statutes, competent evidence does not include opinion testimony of lay witnesses on certain matters. She stated hearsay evidence will not be admitted. She stated the Town Council will apply the criteria contained in the Unified Development Code and make its decision based on the evidence and testimony presented at the hearing. She stated following the hearing the Council will make separate motions on the approval of the rezoning and the approval of preliminary plat. She added the Council will take separate votes on each motion. Town Attorney Ross stated her role during the hearing is to monitor all evidence and testimony to ensure that it complies with North Carolina law, the Town’s Code of Ordinances and procedures and all other applicable requirements.

Mayor McLeod called all those wishing to give evidence, whether for or against the subdivision application, to come forward and be sworn in. Town Clerk Sherry Scoggins administered the oath to: David DeYoung, Steve Biggs, and James E. Thiem.

Planning Director David DeYoung provided a PowerPoint overview; herewith attached and incorporated as Exhibit B, SUB 2012-60.

Planning Director DeYoung provided the following overview:

- Subdivision approval for property on the north side of the future extension of Front Street
- 74.79 acre parcel, currently vacant
- Originally planned for multi-family and single-family units
- 152 single family units
- Access points are along Front Street
- Described the recreation amenities that were approved during the planned development request

- Provided an overview of the greenway trail
- About a mile of walking trails within the development
- Landscape buffer will be put in with the first phase of the development
- Development exceeds the recreational open space requirements
- NCDOT has reviewed the traffic impact analysis
 - Left and right turn lane improvements required
- Consistent with the Town’s Strategic Growth Plan
- Consistent with the Town’s Unified Development Code Requirements
- Consistent with the Town’s Master Plan
- Approval of the preliminary subdivision request is recommended

Mr. James Thiem, HagerSmith Design, stated Mr. DeYoung did a wonderful job of introduction. He stated the Council was involved in the process for the master plan. He stated they worked with the staff. He stated it is his understanding he is in compliance with the Town’s codes. He stated it is a quality development and it is not adversely impacting surrounding neighborhoods. He stated traffic has been accommodated in particular with Front Street. He stated a lot of work has been done to the project in regard to the greenway system. He stated it is appropriate to notice all the portions of the property are connected by the greenway system. He stated the original development used the same layout of a single family layout and it has been maintained in this request. He stated the street system is public, served with water and sewer. He stated the proposal before Council is less dense than the original proposal. He stated opportunity was taken to preserve the sensitive environmental areas including the riparian buffers. He stated he is available for questions.

As there was no one to speak in opposition, this item was turned over to Council for inquiry.

As there were no questions, this was turned over to Council for deliberation at 6:53 PM.

Town Manager Biggs stated a wastewater allocation for this property was approved during the planned development district request.

Mayor Pro Tem Grannis motioned:

Based on the substantial and competent evidence and testimony presented to the Town Council on this matter, the Council finds and concludes that Subdivision Application **SUB 2012-60**, subject to the conditions recommended by the Planning Board and Planning Staff and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant’s representatives:

- (1) That the subdivision meets all required specifications of the Town Unified Development Ordinance;

- (2) That the subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area;
- (3) That the subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare; and
- (4) That the subdivision will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by the Town Council.

Councilman Holder seconded the motion. Motion carried 4-0 at 6:54 PM.

Councilman Lawter motioned to approve:

Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein I move to approve Subdivision Application **SUB 2012-60**.

Councilman Holder seconded the motion. Motion carried 4-0 at 6:55 PM.

- Item 5d. Evidentiary hearing for the planned development district request and preliminary subdivision request for PDD-MU 2012-10 for Johnston Medical Center Clayton located on NC 42 HWY West and adjacent to the existing hospital.

Mayor McLeod announced the hearing for planned development district and preliminary subdivision request PDD-MU 2012-10 for Johnston Medical Center Clayton located on NC 42 HWY West and adjacent to the existing hospital at 6:55 PM.

Town Attorney Katherine Ross introduced the hearing procedures for a planned development district and preliminary subdivision request. She explained that planned development districts in which preliminary subdivision requests are being considered are different in certain respects from the capacity in which the Town Council normally functioned. Ms. Ross stated the typical planned development review requires the Town Council to function in a legislative capacity; however, a planned development district that includes a preliminary subdivision plat requires a hybrid legislative and quasi-judicial public hearing. She stated this is due to the legislative nature of the rezoning process and the quasi-judicial nature of the subdivision process. She stated this means the Town Council acts essentially as a court of law. She stated the Town Council will hold one hearing to consider both the rezoning to the planned development

district and the approval of the preliminary plat. She stated with respect to the review of the preliminary plat during this hybrid hearing there is a burden that the applicant meet the four criteria found in the Town's Unified Development Code. She stated anyone opposed to the application must put on evidence of a similar kind showing the criteria have not been met. She stated testimony must be given under oath. She stated all testimony and evidence provided to the Council must be competent and material and substantial. She stated pursuant to the North Carolina General Statutes, competent evidence does not include opinion testimony of lay witnesses on certain matters. She stated hearsay evidence will not be admitted. She stated the Town Council will apply the criteria contained in the Unified Development Code and make its decision based on the evidence and testimony presented at the hearing. She stated following the hearing the Council will make separate motions on the approval of the rezoning and the approval of preliminary plat. She added the Council will take separate votes on each motion. Town Attorney Ross stated her role during the hearing is to monitor all evidence and testimony to ensure that it complies with North Carolina law, the Town's Code of Ordinances and procedures and all other applicable requirements.

Mayor McLeod called all those wishing to give evidence, whether for or against the planned development district and preliminary subdivision plat request, to come forward and be sworn in. Town Clerk Sherry Scoggins administered the oath to: David DeYoung, Steve Biggs, Curk T. Lane, and Brian Vanderlaske.

Planning Director David DeYoung provided a PowerPoint presentation of PDD-MU 2012-10; herewith attached as Exhibit C, PDD-MU 2012-10.

Planning Director DeYoung provided the following overview:

- Rezoning request by Johnston Medical Center and subdivision approval for the property on NC 42 HWY West
- Entire site previously approved as PDD-MU 2007-07
- 76 acre parcel
- Current uses are hospital and medical offices
- Request is to modify the master plan and subdivide the property further for 25+ acres located adjacent to the plan
- Phase one is the hospital
- Phase two is the completion of beds and ancillary facilities
- Phase three is the continuation of expansion and additional beds and medical office building
- Current request is to subdivide the property beside the pond into five new parcels
- Access approved in 2007 would be utilized
- Uses anticipated are compatible with professional offices and possible nursing facility on the large tract

- Connection road with the hospital and proposed development
- Existing signal on NC 42 HWY West at the main intersection
- Entrance at the proposed subdivision is not intended to be signalized and serve as a right in right out
- Master plan for site is generally consistent with the Strategic Growth Plan
- Rezoning is consistent with the Town’s Unified Development Code and previous development approval
- Master plan is consistent with the Town’s Unified Development Code
- Subdivision is consistent with the major subdivision criteria and findings of fact have been addressed by the applicant and have been incorporated into the record as Exhibit A (for PDD 2012-10) of the staff report
- No additional surrounding impact anticipated
- Each parcel will come back for site plan approval and will be individually required to meet the Unified Development Code requirements for setbacks, landscape buffers, and architectural consistency
- Seven original conditions of approval and two new conditions of approval:
 - The applicant shall complete the subdivision strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Planning Department Office.
 - If any of the conditions affixed hereto or any part of thereof shall be held invalid or void, then this approval shall be void and have no effect.
 - Utility acreage and access fees shall be paid to the Town prior to issuance of any building permits.
 - The review and approval of project water, sewer, storm drainage and street construction drawings is a separate process. Two sets of these drawings must be submitted for approval to Public Works Department when they become available.
 - Timing and extent of road improvements beyond Phase 1 must be coordinated and approved by NCDOT, to include signalization and construction of the ultimate cross-section of NC HWY 42 West.
 - Driveway Permits must be approved by NCDOT prior to the issuance of zoning permits.
 - A wastewater allocation must be approved prior to the issuance of building permits.
 - A Traffic Impact Analysis shall be submitted in conjunction with any site plan submittal associated with Tract II.
 - A Certificate of Occupancy for any phase of Tract II shall not be released until the traffic impact associated with phased development has been addressed.
- The conditions for the hospital coordinate with NCDOT for signalization and potential additional lanes of NC 42 HWY to the maximum development
 - Signal light is in place
 - Conversation will continue with NCDOT
- Staff is recommending approval of the master plan

- Applicant is available to address any additional comments or questions of the Council

Mayor McLeod called upon the applicant.

Mr. Curk T. Lane of True Line Surveying stated he is representing Johnston Medical Center. He stated the conditions have been read, are understood and are accepted as stated by Planning Director DeYoung.

Councilman Satterfield questioned if the 12.3 acres for a possible nursing home would have a right in and right out lane.

Mr. Lane stated affirmative. He stated that is one of the possible uses for the large tract.

Councilman Satterfield questioned if leaving the site, he would have to go past the pond to get to the light to go back to Clayton.

Mr. Lane stated affirmative and he added that is the current traffic pattern.

Councilman Satterfield questioned if that is cumbersome.

Mr. Lane stated there will be a thru access road to connect the sites in front of the pond.

Councilman Satterfield questioned if that is his only way to get back to Clayton.

Mr. Lane stated affirmative. He stated there is not enough road frontage in any other direction to achieve that. He stated behind the pond is environmentally sensitive.

Town Manager Steve Biggs stated it is not yet known how the entire corridor will unfold. He stated there is a tract on Amelia Church Road that is yet to be developed. He stated there is expectation that when that site is developed, there will be cross access.

Mayor McLeod stated by the time Councilman Satterfield needs to be there it will be okay.

Mayor McLeod announced anyone wishing to speak in opposition to come forward.

Mr. Brian Vanderlaske stated he is one of the owners directly behind the proposed hospital. He questioned what are the seven conditions and the buffers and how it would impact the land.

Councilman Lawter questioned if he is on the cul-de-sac.

Mr. Vanderlaske stated affirmative and added he is at 102 Quail.

Mayor McLeod question if his property adjoins the tract.

Mr. Vanderlaske stated affirmative.

Planning Director DeYoung pointed out Quail Court. He added Mr. Lane noted there is very sensitive land between the properties. He stated he would suspect a large part will remain as is now. He stated at one time there was discussion of running sewer for improvements to Amelia Church. He stated that area is so topographically unfriendly that the sewer will follow NC 42 HWY.

Town Manager Biggs read the criteria into the record:

- The applicant shall complete the subdivision strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Planning Department Office.
- If any of the conditions affixed hereto or any part of thereof shall be held invalid or void, then this approval shall be void and have no effect.
- Utility acreage and access fees shall be paid to the Town prior to issuance of any building permits.
- The review and approval of project water, sewer, storm drainage and street construction drawings is a separate process. Two sets of these drawings must be submitted for approval to Public Works Department when they become available.
- Timing and extent of road improvements beyond Phase 1 must be coordinated and approved by NCDOT, to include signalization and construction of the ultimate cross-section of NC HWY 42 West.
- Driveway Permits must be approved by NCDOT prior to the issuance of zoning permits.
- A wastewater allocation must be approved prior to the issuance of building permits.
- A Traffic Impact Analysis shall be submitted in conjunction with any site plan submittal associated with Tract II.
- A Certificate of Occupancy for any phase of Tract II shall not be released until the traffic impact associated with phased development has been addressed.

Mr. Vanderlaske questioned if the woods would be protected.

Planning Director DeYoung stated he is pretty sure.

Councilman Lawter questioned if there are wetlands beyond the 50 foot buffer.

Planning Director DeYoung pointed to the line denoting a sensitive area.

Councilman Lawter stated there will be significant impact or fees....

Mr. Lane stated the stream separates Johnston Memorial Hospital Phase II and there will be a 50 foot undisturbed buffer that must be dedicated. He added there is 100 foot buffer plus the width of the stream is buffer. He stated that is the minimum for the wetland that cannot be disturbed.

Mayor McLeod stated that is a lot of buffer.

Planning Director DeYoung stated for the record, any additional development that occurs will have to have site plan approval by the Planning Board.

Mayor Pro Tem Grannis questioned the linear footage from the center line of the creek to the cul-de-sac.

Councilman Lawter stated it appears to be 100 based upon the scale.

Planning Director DeYoung concurred.

Mayor Pro Tem Grannis questioned if from the buffer to the cul-de-sac is 100 feet.

Councilman Lawter questioned is that for Quail Court.

Mayor Pro Tem Grannis stated affirmative.

Councilman Lawter stated it appears to be a total of 150 feet.

Mayor Pro Tem Grannis stated the next question is how far the dwellings are from the property lines. He stated he does not know if there is a home that is in the 6 o'clock position of the cul-de-sac.

Planning Director DeYoung stated there does not appear to be a house in the cul-de-sac.

Mayor Pro Tem Grannis is trying to ascertain if that is a true buffer.

Planning Director DeYoung stated there is about 300 feet of woods.

Mayor Pro Tem Grannis stated he does not want to take the woods into account. He stated he wants to take into account the buffer that is mandatory. He stated it is conceivable the woods could be...

Mayor McLeod called the Council into inquiry at 7:13 PM.

Councilman Lawter questioned if this will come back to the Council for further approval.

Planning Director DeYoung stated it is possible. He stated the individual site plan approvals will go to the Planning Board. He stated if there are substantial changes, it would come back to the Council.

Mayor McLeod called the Council into deliberation at 7:14 PM.

Councilman Lawter motioned to approve the revised master plan establishing planned development district mixed use PDD-MU 2012-10. Mayor Pro Tem Grannis seconded the motion. Motion carried 4-0 at 7:14 PM.

Mayor Pro Tem Grannis motioned that the Town Council of the Town of Clayton hereby states that PDD-MU 2012-10 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 2012-10 is reasonable and in the public interest. Councilman Holder seconded the motion. Motion carried 4-0 at 7:15 PM.

Mayor Pro Tem Grannis motioned:

Based on the substantial and competent evidence and testimony presented to the Town Council on this matter, the Council finds and concludes that Subdivision Application **PDD-MU 2012-10**, subject to the conditions recommended by the Planning Board and Planning Staff:

- The applicant shall complete the subdivision strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Planning Department Office.
- If any of the conditions affixed hereto or any part of thereof shall be held invalid or void, then this approval shall be void and have no effect.
- Utility acreage and access fees shall be paid to the Town prior to issuance of any building permits.

- The review and approval of project water, sewer, storm drainage and street construction drawings is a separate process. Two sets of these drawings must be submitted for approval to Public Works Department when they become available.
- Timing and extent of road improvements beyond Phase 1 must be coordinated and approved by NCDOT, to include signalization and construction of the ultimate cross-section of NC HWY 42 West.
- Driveway Permits must be approved by NCDOT prior to the issuance of zoning permits.
- A wastewater allocation must be approved prior to the issuance of building permits.
- A Traffic Impact Analysis shall be submitted in conjunction with any site plan submittal associated with Tract II.
- A Certificate of Occupancy for any phase of Tract II shall not be released until the traffic impact associated with phased development has been addressed.

And with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representatives:

- (1) That the subdivision meets all required specifications of the Town Unified Development Ordinance;
- (2) That the subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area;
- (3) That the subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare; and
- (4) That the subdivision will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by the Town Council.

Councilman Holder seconded the motion. Motion carried 4-0 at 7:17 PM.

Councilman Holder motioned to approve:

Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein I move to approve Subdivision Application **PDD-MU 2012-10**.

Mayor Pro Tem Grannis seconded the motion. Motion carried 7:17 PM.

ITEM 6. OLD BUSINESS

Item 6a. Update to expansion of façade improvement grant program.

Downtown Development Coordinator Bruce Naegelen stated the request is for the extension of the temporary reimbursement increase of 75% through this fiscal year and increase the project cap from \$5,000 to \$6,250. He stated the increase would apply only to eligible expenses to those projects identified as challenges in the Picture Downtown project. He stated those projects are in discussion with a valid application in process. He stated a 50% reimbursement and \$5,000 cap would apply to all other projects in the downtown district.

Councilman Satterfield motioned to approve (option 2) the request as presented; Mayor Pro Tem Grannis seconded the motion. Motion carried 4-0 at 7:19 PM.

Item 6b. Revisions to the Town’s Code of Ordinances pertaining to cemeteries.

Councilman Satterfield motioned to approve the ordinance for the cemetery as presented; Councilman Lawter seconded the motion. Motion carried 4-0 at 7:19 PM.

Item 6c. Status update of noise ordinance.

Town Manager Steve Biggs stated the Town is continuing to dialogue with Caterpillar for an appointment for a demonstration.

ITEM 7. NEW BUSINESS

Item 7a. Grant/loan award from the Rural Economic Development Center for renovations to Winstead Building 1 located at 107 North Tech Drive.

Town Manager Steve Biggs stated the Town works closely with the developers in the area. He stated the Town will have a five percent cost for the administration of this item. He stated his item will bring jobs and investment to the Clayton area. He stated in terms of structure, the Rural Center will provide a grant in the form of a loan administered by the Town. He stated once the new job creations have been reported, verified, and sustained for six months, the loan is converted into a grant. He stated the agreement is before Council for consideration.

Councilman Satterfield motioned to approve as presented. Mayor Pro Tem Grannis seconded the motion. Motion carried 4-0 at 7:22 PM.

ITEM 8. STAFF REPORTS

Item 8a. Town Manager

Town Manager Steve Biggs stated an acknowledgement was received from the Fred Smith Company that it will have the Raven's Ridge area of the Riverwood Athletic Club finish coat paved within 30 days. He stated new construction in Raven's Ridge was undertaken prior to the completion of the final paving in the established section of Raven's Ridge. He stated upon the completion of the new phase of Raven's Ridge, the established area will be final coat paved. He stated Bear Valley was shown as an area of finish coat pave completion for 2012. He stated the Raven's Ridge area has more linear footage than Bear Valley.

Councilman Satterfield questioned if notification could be sent by the Fred Smith Company to the residents of Raven's Ridge.

Town Manager Biggs stated he did not know if this had been done by the Fred Smith Company.

Based upon question by Council, Town Manager Biggs stated the new section of Bear Valley that is under development. He stated the Fred Smith Company is mobilized and putting in an initial coat of pavement in the new section of Bear Valley. He stated that section of Bear Valley is beyond the existing section of Bear Valley. He stated the Fred Smith Company will put down paving in the new section of Bear Valley and then use the same equipment to place the final coat of pavement in Bear Valley and in that sequence so the equipment would not travel over the newly paved area.

Councilman Lawter requested a map to see the areas slated for paving.

Mayor Pro Tem Grannis questioned the date of the last update for the paving schedule.

Town Manager Biggs stated it was June.

Mayor Pro Tem Grannis requested an update at the next meeting.

Mayor Pro Tem Grannis stated there were citizens of Riverwood Athletic Club that raised concerns about playground areas not being grassed. He stated he is aware that was referred to the Homeowner's Association (HOA). He questioned if the Council approved those particular playground areas that do not have grass.....

Town Manager Biggs stated the Planning Director did a comprehensive review

and it was not the case that it was not grass in the playground area. He stated they were found to be in compliance with the conditions.

Councilman Lawter questioned if this is the second year of the three year program for the streets paved.

Town Manager Biggs stated he believes this is the third year. He stated the first year included Riverwood Boulevard and a section of Sarazen. He stated the second year included the remainder of Sarazen, Marino, Nelson and Spaulding. He stated this is the third year and this runs through 2014.

Item 8b. Town Attorney

Town Attorney Katherine Ross stated no report.

Item 8c. Town Clerk

Town Clerk Sherry Scoggins stated if a member wishes to attend the NCLM Annual Conference in Charlotte slated for October 21-23, 2012, to contact her.

Town Boards.

Item 8d. Other Staff

No Other Staff presented a report to Council.

ITEM 9. OTHER BUSINESS

Item 9a. Informal Discussion and Public Comment.

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

Item 9b. Council Comments.

Councilman Holder stated he has neighbors interested in the noise ordinance.

Councilman Holder stated he has neighbors not understanding the façade program.

Mayor McLeod stated Town Manager Biggs provided a response with clarity.

Councilman Lawter stated in his work he has come across a conditional use rezoning. He stated this is a legislative process that is used in Chatham County.

Councilman Lawter stated two developments came before the Council this evening – East Village of Clayton and Johnston Medical Center Clayton. He stated both electric providers are Progress Energy and this greatly concerns him. He questioned how the Town can get the new users.

Town Manager Biggs stated East Village of Clayton will be Town of Clayton customers. He stated the Town did a dynamic and economic development grade proposal to Johnston Medical Center Clayton that was presented to its Board of Directors and rejected.

Based upon question by Council, Town Manger Biggs stated the proposal for Johnston Medical Center Clayton is perceived as being less reliable. He stated the Town is trying to overcome this image through performance and facts.

The Council welcomed Public Information Officer Stacy Beard.

Item 10. ADJOURNMENT

Councilman Satterfield motioned to adjourn; Councilman Lawter seconded the motion. Motion carried 4-0 at 7:39 PM.

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

ATTEST:

Jody L. McLeod
Mayor

Sherry L. Scoggins, MMC
Town Clerk

MINUTES CLAYTON TOWN COUNCIL SEPTEMBER 06, 2012

The Clayton Town Council participated in a tour of the Waste Management Recycling Center, 1815 Capital Boulevard, Raleigh, North Carolina on Thursday, September 6, 2012.

PRESENT: Mayor Pro Tem Michael Grannis, Councilman Art Holder and Councilman Jason Thompson.

ABSENT: Mayor Jody L. McLeod, Councilman Bob Satterfield, and Councilman R. S. "Butch" Lawter Jr.

ALSO PRESENT: Steve Biggs, Town Manager; Sherry Scoggins, Town Clerk; and Stacy Beard, Public Information Officer (PIO).

WASTE MANAGEMENT STAFF: Jean 'Chip' Dodd, Public Sector/Marketing Manager; Mandy Taylor, Sales Manager; Chersten Cohn, Recycling Subject Matter Expert; and Tommy Higgins, Plastic Recycling Plant Operations Supervisor

At the August 20, 2012, Council meeting, Jean 'Chip' Dodd of Waste Management provided an overview of the recycling program for the Town of Clayton. She extended an invitation to the Town Council to tour the recycling facility.

On Thursday, September 6, 2012, Clayton Town Council members and Clayton Town staff departed Clayton at 9:15 AM and arrived at the Waste Management Recycling Center at 1815 Capital Boulevard at 10 AM for a tour of the facility.

Council and staff received an overview of what the recycling facilities process. At the August 20, 2012, Council meeting, questions were raised and a handout addressing the questions is herewith attached and incorporated into the record.

Council and staff received a tour and overview of the materials recovery facility (MRF). The MRF center sorts the paper, plastic, aluminum materials.

Council and staff received a tour and overview of the plastics facility.

Councilman Holder stated his purpose for the tour was to learn what is acceptable for recycling as he has been approached by citizens with this question. Waste Management staff provided the WM Recycle America brochure; herewith attached and incorporated into the record.

Council and staff departed Raleigh at 12:30 PM.

Council and staff arrived in Clayton at 1:10 PM.

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

ATTEST:

Jody L. McLeod
Mayor

Sherry L. Scoggins, MMC
Town Clerk

MINUTES CLAYTON TOWN COUNCIL SEPTEMBER 10, 2012

A special joint meeting of the Clayton Town Council and Recreation Advisory Committee was held on Monday, September 10, 2012, at 7 PM at the Clayton Community Center, 715 Amelia Church Road. The purpose of the joint work session was to discuss the vision of the North Clayton Community Park site. This meeting was facilitated by representatives of Sage Design and Alta Greenways. Sage Design is updating the Town's Parks and Recreation Comprehensive Plan.

CLAYTON TOWN COUNCIL MEMBERS 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.

RECREATION ADVISORY COMMITTEE MEMBERS PRESENT: Karen Beatty-Phinazee, Ruth C Hunt, H. Dean Penny, Cathy Marraccini, Theodore Willer Jr., Jeffrey M. Eisen, Michael Sneed, and Carrie A Ruhlman.

ABSENT: Allyson Teem, George Gullatt Jr., Anthony Stanback, Jenny Gorman, and Angela W Stroud.

ALSO PRESENT: Sara Burroughs of Sage Design, Melissa Miklus of Alta Greenways, Steve Biggs, Town Manager; Sherry Scoggins, Town Clerk; and Stacy Beard, Public Information Officer (PIO); Larry Bailey, Parks & Recreation Director; Susie Jenkins, Recreation Center Supervisor; Matt Lorion, Recreation Program Supervisor; Jonathan Allen, Athletic Program Supervisor; Wanda Tetterton, Recreation Admin. Support Specialist; Rebecca Putterman, Reporter with the Clayton News-Star.

Mayor Pro Tem Michael Grannis called the joint meeting of the Clayton Town Council and Recreation Advisory Committee to order at 7:02 PM.

Attendees introduced themselves.

Councilman Lawter introduced retired New York Firefighter Dave Carpenter. Mr. Carpenter provided an overview of 9/11.

Parks & Recreation Director Larry Bailey welcomed everyone and turned the meeting over to Sara Burroughs of Sage Design.

Ms. Sara Burroughs distributed the agenda for this evening’s meeting; herewith attached and incorporated into the record. She provided an overview of the Brownfields program. She stated the purpose of a Brownfields program is to re-use a site that has sat idle or undeveloped. She stated for the DuPont tract, the Town is the developer. She added additional information about Brownfields is available at <http://portal.ncdenr.org/web/wm/bf/program>

Ms. Burroughs added the purpose of this evening’s meeting is to discuss a vision, not a design for the site.

Ms. Melissa Miklus provided a PowerPoint presentation for a visual of the site. She described the topography of the site and pointed out the following features:

- Mountains to Sea Trail (MST)
- Wooded area at the river
- Trail head on Covered Bridge Road begun today
- Abandoned homes and accessory structures
- Kudzu – throughout the site
- Pond
- Grave markers on the DuPont site

Ms. Burroughs provided a PowerPoint presentation for the visual of passive and active activities. She stated active recreation has a program component and passive recreation is non-programmed and does not need a facility. She shared the following examples of passive and active activities:

Passive	Active
Disc Golf Park	Skateboard Park
Art in a Garden	Bocce
Bird Watching	Community Center with organized programs
Camping	Archery
Outdoor / Environment Education	Volleyball (Indoors or Outdoors)
Dog Park	Play grounds
Boardwalk	Soccer
Open lawn area	Baseball
Fishing	Tennis
GEO Caching	Ropes course
Walking trails	Ball fields
Kayak	Basketball
Flying kites	Nature Center
Art in Park	Mountain Bike Course
	Amphitheater

Ms. Burroughs requested input on a favorite park, located anywhere, and

explain why it is a favorite park.

Councilman Lawter stated Muir Woods in San Francisco, the Redwood Forest. He stated it is a nature park.

Mayor Pro Tem Grannis stated Balboa Park in San Diego. He stated its size allows for passive and active recreation. He likes the zoo, gardens, walking trails, open areas and the non-programmed open space.

Public Information Officer Stacy Beard stated the mountain bike trail in Clayton. She stated it is unique and it offers something not found anywhere else.

Town Manager Steve Biggs stated a playground called Camelot located in Pinehurst. He stated there is a child's playground that is made of all natural materials.

Ms. Carrie Ruhlman stated Clemmons State Park offers walking trails and it is interactive and educational.

Mr. Jeff Eisen stated White Lake and Lake Benson in Garner. He stated there are open space, trails, and gardens.

Mr. Dean Penny stated he likes large open spaces, trails, and playgrounds.

Mr. Ted Willer stated Fairmount Park in Philadelphia has golf and ball fields.

Ms. Burroughs requested input on what makes Clayton unique.

Mayor Pro Tem Grannis stated the motto of the Town is "Premier Community for Active Families."

Councilman Lawter added "premier" is a goal, not an accomplishment.

Councilman Holder questioned what the site offers at a minimal cost. He visualized ball parks and soccer and sees more passive and nature oriented activities.

Councilman Thompson stated "premier" means all inclusive from the youngest to the oldest member of the family and not just the focus on young athletes.

Ms. Burroughs stated as a visitor what struck her was the downtown and its history.

Ms. Cathy Marraccini stated she is not originally from Clayton. She stated she

loves the downtown and it is unique because of its hometown feel with a progressive edge. She stated the residents share the history.

Ms. Miklus stated the downtown is a destination off the trail.

Councilman Lawter stated connectivity of the trails through Town has been discussed. He stated he like the idea of people coming into Town on the trail, visiting downtown, and then getting back onto the trail.

Ms. Burroughs stated the topography of the site is very rolling with water features.

Ms. Miklus stated there is a berm that acts as a transition from the land to the Neuse River.

Ms. Burroughs stated the pond has wetland plants in bloom.

Parks & Recreation Director Bailey stated the central area has a drain system from the pond to the river. He added the area that looks like a zigzag bowl feature that would enable an amphitheater.

Councilman Lawter stated there are flat areas more toward Loop Road and the site lends itself to having both active and passive recreational opportunities.

Ms. Burroughs questioned if you and/or your family came to visit this site, what kinds of activities you would like to do at this site.

- Fishing
- Walking trails
- Picnic tables
- Restroom facilities
- Amphitheater
- Nature education
- Concerts
- Disc golf
- Canoe launch and landing
- Ropes course
- Zip line – both sides of the river
- Programming center
- Storage spaces / Maintenance sheds
- Obstacle course
- Special events
- Accessible and ample parking
- Rest areas with benches throughout the site
- Something for all ages
- Conventional and special needs playgrounds
- Athletic fields
- Accessible from different points

Councilman Lawter stated across the Neuse is more acreage owned by the Town.

Ms. Burroughs stated she would contact PIO Stacy Beard to share this with the

public with a request for public input. She added the plan is only as good as the information provided.

As there was no further discussion, Councilman Holder motioned to adjourn. Councilman Thompson seconded the motion. Motion carried 5-0 at 8:08 PM.

Duly adopted by the Town Council this _____ day of September 2012, while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Sherry L. Scoggins, MMC
Town Clerk

**TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 3b

Meeting Date: 9/17/12

TITLE: NOTICE OF INTENT TO CONSIDER ENTERING INTO A CONTRACT TO "PIGGYBACK" PURCHASE A VACUUM STREET SWEEPER UNIT SLATED FOR THE MONDAY, OCTOBER 1, 2012, COUNCIL MEETING.

DESCRIPTION: Public notice.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
9-17-12	Approval.	N/A

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

Agenda Item: 4a

Meeting Date: 9/17/12

TITLE: INTRODUCTION OF NEW TOWN OF CLAYTON EMPLOYEE (S).

DESCRIPTION: Introduction(s).

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
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9-17-12	Introduction(s).	N/A.
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**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 4b

Meeting Date: 9/17/12

**TITLE: SPECIAL PRESENTATION OF CONSTITUTION WEEK
PROCLAMATION.**

DESCRIPTION: Proclamation.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
9-17-12	Presentation.	Proclamation.

TOWN OF CLAYTON CONSTITUTION WEEK 2012

WHEREAS, our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, ordained, and established a Constitution of the United States of America; and

WHEREAS, September 17, 2012, marks the two hundred and twenty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as constitution week;

NOW , THEREFORE, the Honorable Mayor and Clayton Town Council of the Town of Clayton, North Carolina do hereby proclaim September 17 through 23, 2012, to be **CONSTITUTION WEEK** in Clayton, North Carolina, and urge our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

Duly proclaimed this 17th day of September 2012, while in regular session.

Jody L. McLeod
Mayor

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

Agenda Item: 5a

Meeting Date: 9/17/12

TITLE: PRESENTATION OF "PIGGYBACK" REQUEST FOR THE PURCHASE OF A VACUUM STREET SWEEPER UNIT.

DESCRIPTION: The request is to purchase a street sweeper from Carolina Industrial Equipment in the amount of \$196,450.00 via the piggyback arrangement. This acquisition is being based on a street sweeper that Carolina Industrial Equipment sold to the City of Asheville in February, 2012; herewith attached.

This item was included in the FY 2012-2013 budget with an estimated amount of \$205,800.00.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
9-17-12	Presentation.	Quote from Carolina Industrial Equipment.

Town of Clayton
 Attn: Steve Blasko
 653 Hwy 42 West
 Clayton, NC 27520

May 8, 2012

Phone: 919-553-1530 email: sblasko@townofclaytonnc.org

We are pleased to submit this piggyback proposal for a Johnston model VT 650 Vacuum Street Sweeper mounted on a Freightliner M2 Conventional Chassis in accordance with the specifications originally bid by the City of Asheville, NC

1 – Johnston model VT 650 Full Vacuum Street Sweeper with 84 hp Turbo Charged John Deere Tier III diesel engine, dual gutter brooms and PTO hopper dump mounted on a current 33,000 GVW conventional chassis and including...

- | | |
|--|--|
| Sealed auxiliary engine compartment | Fluid drive vacuum blower (no belts) |
| Coolant/oil pressure shutdown system | 10" diameter Vacuum hose |
| Variable speed throttle switch | Maxigap nozzle tilt system for large debris |
| 51 gallon shared fuel tank | 16" x 53" wide-sweep broom |
| 8.5 cubic yard hopper | 28" diameter gutter broom |
| All chromium stainless steel body | Steel gutter broom segments |
| 54 degree dump angle | 96" wide sweeping path |
| Two (2) hopper drain hoses on rear door | Powder coated sweep gear |
| Two side mounted hopper access doors | 20 gallon hydraulic oil tank |
| 343 gallon chromium stainless steel water tank | Backup alarm |
| Front & side gutter broom water spray jets | 125 micron suction hydraulic filtration |
| Single wide-sweep regulator | Turbo III pre-cleaner on auxiliary engine |
| Remote wide-sweep greaser | 12' hydrant hose with coupling |
| Vacuum nozzle water spray jets | Weatherproof systems locker |
| 25' wash down hose | One sweeper parts/service manuals in English |
| Dual springs gutter broom compensators | One sweeper operator manual in English |
| L.E.D.'s on all solenoid plugs | Convex mirrors and brackets |
| Dual rear beacons with limb guards | Gutter broom work light |
| Sweeper warranty – 12 months parts and labor | |
| Lifetime warranty for stainless steel hopper against rust perforation and corrosion ... | |
| Lifetime warranty for stainless steel water tank against rust perforation, corrosion, warping, cracking, UV damage or melting ... | |
| Five year warranty for impeller drive system | |

Mounted on a:

Freightliner M2 conventional chassis / Cummins ISB 200 HP engine w/ 2010 emissions
 Allison 2500 RDS automatic transmission / two speed rear axle / dual steering
 dual instrumentation / **dual air ride seats** / air conditioner / **AM/FM/CD radio**
dual remote heated mirrors / power windows / power door locks

Options included in Asheville's bid:

All technical, maintenance and parts manuals / Auxiliary engine catwalk access
 2 additional spray nozzles per suction nozzle / Right hand in cab gutter broom tilt

Total price as bid to The City of Asheville, NC delivered to The Town of Clayton, NC ... \$194,800.00

Options To Add:

Rear mounted LED directional arrowstick ...	add: \$1,200.00 installed
5 Yr. warranty on Allison RDS 2500 Transmission ...	add: \$ 450.00

Included at no charge: Hopper deflector flush system.

Terms: Net 5 days; F.O.B. Destination; This is a titled vehicle, sales tax is paid by buyer at time of registration

Prepared By: Jeff Yoxtheimer / Area Manager 704-307-7758 jeff@ciequipment.com



CITY OF ASHEVILLE

PURCHASING
P.O. BOX 7148
ASHEVILLE, NC 28802
TELEPHONE: (828) 259-5950 FAX (828)259-5440
PURCHASING@ASHEVILLENC.GOV

Purchase Order

Fiscal Year 2012 Page 1 of 2

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.
Purchase Order # **21200669-00**

Delivery must be made within doors of specified destination.

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ACCOUNTS PAYABLE
CITY OF ASHEVILLE
PO BOX 7148
ASHEVILLE NC 28802

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CAROLINA INDUSTRIAL EQUIP
P.O. BOX 667907
CHARLOTTE NC 28266

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FLEET MANAGEMENT/GARAGE
CITY OF ASHEVILLE
173 S CHARLOTTE STREET
ASHEVILLE NC 28801

Vendor Phone Number	Vendor Fax Number	Requisition Number	Delivery Reference
1-800-476-2434	1-704-588-2592	9302	

Date Ordered	Vendor Number	Date Required	Freight Method/Terms	Department/Location
02/03/2012	631	04/20/2012	DEST. PREPAID	FLEET MANAGEMENT DIVISION

Item#	Description/Part No.	Qty	UOM	Unit Price	Extended Price
1	TRUCK MOUNTED VACUUM SWEEPER The Above Purchase Order Number Must Appear On All Correspondence - Packing Sheets And Bills Of Lading TRUCK MOUNTED STREET SWEEPER. TRUCK CAB/CHASSIS - 2012 FREIGHTLINER MODEL M2; SWEEPER UNIT - 2012 JOHNSON VT650; ENGINE - CUMMINS, 200 HORSEPOWER, TORQUE RATING - 520 @1600 RPM. 62500320 - 614101 - S1201 \$194,800.00 PLUS TAX * RE: FBR 843-12 * ALL TERMS, CONDITIONS, AND SPECIFICATIONS OF COA BID # FBR 843-12 AND CAROLINA INDUSTRIAL EQUIPMENTS RESPONSE TO THAT BID ARE INCORPORATED HERE BY REFERENCE AND ARE A BINDING PART OF THIS CONTRACT * IT IS THE VENDORS RESPONSIBILITY TO REVIEW ALL SPECIFICATIONS TO INSURE THEY ARE INCORPORATED INTO THE FINAL PRODUCT * PO 21200669 AND SPECIFICATIONS ON COA FBR 843-12 ARE DELIVERED BY EMAIL TO CAROLINA INDUSTRIAL EQUIPMENT 2/3/12	1.0	EACH	\$194,800.00	\$194,800.00

By Amy Patterson
Purchasing Manager

Lauren Bradley
Finance Officer

THIS INSTRUMENT HAS BEEN PREAUDITED IN THE MANNER REQUIRED BY THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT.

VENDOR COPY

PO Total

Page 34 of 66
\$194,800.00

PURCHASE ORDER TERMS, CONDITIONS AND INSTRUCTIONS

1. The content and conditions of this order are not to be modified by any verbal understanding. Any changes must be in writing, approved by the Purchasing Manager or their designee.
2. This purchase order is a counteroffer and not an acceptance. Vendors are advised to verify all information contained herein and to notify the Purchasing Division of discrepancies.
3. Cash discounts will be deducted as provided herein, or in accordance with the terms of your quotation or bid. DISCOUNT PERIOD WILL DATE FROM RECEIPT OF INVOICE OR RECEIPT OF GOODS, WHICHEVER IS LATER. NET PURCHASES WILL BE PAID 30 DAYS FROM DATE OF YOUR INVOICE.
4. Acceptance of this order includes acceptance of all terms, conditions, prices, delivery instructions and specifications as shown on the order or attached to or referred to and made a part hereof as fully and to the same extent as if copied at length herein.
5. All shipments are to be F.O.B. DESTINATION unless otherwise stated. THE CITY WILL NOT ACCEPT COLLECT SHIPMENTS. The risk of loss and damage to the goods identified in this order shall remain with the seller until the goods are delivered to the destination set out in the order and accepted by the City. Rejected materials will be returned to the Vendor at the Vendor's risk and expense.
6. The City of Asheville will not be responsible for any goods delivered without a valid purchase order.
7. In the event any article, service, or process sold, delivered and/or performed hereunder shall be covered by any patent, copyright, or application for either, seller will indemnify and save harmless purchaser from any and all loss, cost or expenses on account of any and all claims, suits, or judgments on account of the user or sale of such article or the use of such service or process in violation of rights under such patent, copyright, or application for either.
8. Seller represents and warrants that no federal or state statute or regulations or municipal ordinance, has been or will be violated in the manufacturing, sale or delivery of any article or service sold and delivered hereunder and if such violation has or does occur, seller will indemnify and save harmless purchaser from all loss, penalties, or the payment of all sums of money on account of such violation.
9. The City is exempt from Federal Excise Tax but not State and Local Sales Tax. This tax must be shown as separate items on invoice. Purchases for resale are covered by resale exemption No. 901-1-011-12821
10. PURCHASES BY THE CITY OF ASHEVILLE ARE GOVERNED BY CHAPTER 25 (UNIFORM COMMERCIAL CODE) AND 143 OF THE NORTH CAROLINA GENERAL STATUTES WHICH ARE MADE A PART HEREOF BY REFERENCE.
11. This order issued in reliance that Vendor will comply with the provisions of the Americans With Disabilities Act and all rules and regulations promulgated thereunder. Through acceptance of this order said Vendor hereby agrees to indemnify the city from and against all claims, suits, damages, costs, losses and expenses in any manner arising out of or connected with failure of said Vendor, its subcontractors, agents, successors, assignees, officers or employees to comply with provisions of the ADA or the rules and regulations promulgated thereunder.
12. The right is reserved to cancel all or any part of this order if delivery is not made within the time so specified.
13. The terms and conditions of sale as stated in this order govern in event of conflict with any terms of seller's proposal, and are not subject to change by reason of any written or verbal statements by seller or by any terms stated in seller's acknowledgment unless same be accepted in writing by the City of Asheville.
14. SEND INVOICE TO: CITY OF ASHEVILLE ACCOUNTING DIVISION, PO BOX 7148, ASHEVILLE, N.C. 28802. ALL INVOICES AND PACKING SLIPS MUST REFERENCETHE PURCHASE ORDER NUMBER.
15. If not already on file, Vendors may submit a vendor application which can be found at:
<http://www.ashevillenc.gov/business/subpage.aspx?id=528>
16. If not already on file, Vendors are required to furnish Federal Taxpayer I.D. Number. The City's TIN is 56-6000224.

City of Asheville North Carolina



REQUEST FOR BIDS AND PROPOSALS
BID REQUEST NO. FBR 843-12

TRUCK MOUNTED VACUUM STREET SWEEPER
FOR THE CITY OF ASHEVILLE

EXCEPTIONS DUE BY: 3 PM TUESDAY, JANUARY 10, 2012

BID OPENING DATE: TUESDAY, JANUARY 24, 2012
AT 3:00 PM LOCAL TIME

ISSUED BY: CITY OF ASHEVILLE PURCHASING DIVISION
P. O. BOX 7148
ASHEVILLE, NC 28802
PHONE: (828) 259-5950
AMY PATTERSON, PURCHASING MANAGER

BIDS ARE TO BE SEALED AND MAILED VIA US POSTAL SERVICE
TO POST OFFICE BOX 7148, ASHEVILLE, NC 28802
OR DELIVERED TO THE PURCHASING DIVISION OFFICE LOCATED
AT NO. 3 HUNT HILL PLACE, ASHEVILLE, NC 28801

CITY OF ASHEVILLE, NORTH CAROLINA

PURCHASING DIVISION

Date: December 6, 2011

**REQUEST FOR FORMAL BIDS AND PROPOSALS ON
TRUCK MOUNTED VACUUM STREET SWEEPER FOR THE CITY OF ASHEVILLE**

Pursuant to General Statutes of North Carolina, Section 143-129, as amended, sealed bids and proposals, subject to the conditions and specifications herein, are invited for furnishing the following equipment, materials, services or repair work. **All bids will be received by the City of Asheville Purchasing Division until 3:00 p.m. local time on Tuesday the 24th day of January, 2012, at which time they will be publicly opened and read.**

TERMS: Net 30 Days
DELIVERY: ASAP - Bidder Specify Best Delivery

CITY OF ASHEVILLE, N. C.
Amy Patterson, Purchasing Manager

POSITIVELY NO BIDS CONSIDERED UNLESS SUBMITTED ON THIS FORM

NOTICE TO BIDDERS: All tax imposed upon any article on which you are bidding shall be shown as separate items and in no case included with price bid. Failure to comply with these conditions will be considered grounds for rejection.

<p>TRUCK MOUNTED VACUUM STREET SWEEPER FOR THE CITY OF ASHEVILLE, PER THE ATTACHED SPECIFICATIONS, TERMS, AND CONDITIONS.</p> <p><u>BIDDERS PLEASE NOTE:</u></p> <p><u>SPECIAL TERMS AND CONDITIONS-</u> BID PAGE 6, ITEM NO. 8 <u>EXCEPTIONS TO SPECIFICATIONS, REQUEST FOR CLARIFICATIONS AND APPROVAL OF ALTERNATES.</u></p> <p>The deadline for the City's Purchasing Division to receive written exceptions to specifications, etc. is by 3:00 PM local time on Tuesday, January 10, 2012.</p>	
Company Name	Bid Submitted By (Signature)
Address	Printed Name and Title
City State Zip	Email Address
Telephone No.	Fax No.
Web Address	Federal Taxpayer ID No.
Delivery _____ calendar days after receipt of order	Payment Terms: Net _____ Discount: _____ % Net _____

GENERAL CONDITIONS

1. All bids and proposals shall be for furnishing apparatus, supplies, materials, equipment and/or work and services in accordance with the applicable plans and specifications prescribed by The City of Asheville. From the date shown until the date of opening the proposals, the plans and specification of the proposed work and/or a complete, description of the apparatus, supplies, materials or equipment and/or work and services are an will continue to be on file in the Purchasing Office for City of Asheville, Asheville, N. C., during usual office hours, and available to prospective bidders.
2. The City reserves the right to evaluate all bids especially where there is a wide range in specifications or to reject any and all bids and proposals, and further specifically reserves the right to make the award and/or awards in the best interest of the City of Asheville.
3. Time, in connection with discount offered, will be computed from date of delivery of the supplies or materials on delivery at destination when final inspection and acceptance are at those points, or from date correct invoice is received if latter is later than the date of delivery. Guaranteed maximum price must be shown in all bids.
4. In case of default of the contractor, the City may procure the articles or services from other sources and hold the contractor responsible for any excess cost occasioned thereby.
5. Payment by City due thirty days after delivery in Asheville and inspection unless otherwise specifically provided, subject to any discounts allowed.

BID

In compliance with the above request for bids, and subject to all the conditions thereof, the undersigned offers and agrees, if this bid be accepted within 60 days from the date of the opening, to furnish any or all of the items upon which prices are quoted, at the price set opposite each item, and unless otherwise specified, within _____ days after receipt of order, deliver F.O.B. Asheville, NC. Discounts will be allowed for prompt payments as follows: 10 calendar day, _____ percent; 15 calendar days, _____ percent; 20 calendar days, _____ percent.

Bidder: _____ Address: _____ Zip: _____

By: _____ Title: _____
(Authorized to sign bids)

Telephone Number: _____ Date: _____

MAILING INSTRUCTIONS

1. Bidder to submit a complete, fully executed bid document.
2. If mailed, bid should be forwarded by certified U. S. Postal Service. Please address and mark your sealed bid as shown below.

<p>CITY OF ASHEVILLE, N. C. PURCHASING DIVISION P. O. BOX 7148 ASHEVILLE, N. C. 28802 BID REQUEST NO. FBR 843-12 TRUCK MOUNTED VACUUM STREET SWEEPER TO BE OPENED <u>3:00 P.M. LOCAL TIME</u> <u>TUESDAY, JANUARY 24, 2012</u></p> <p><u>Exceptions due by 3:00 p.m.</u> <u>January 10, 2012</u></p>

3. If forwarded other than by U.S. Postal Service, delivery must be made directly to City of Asheville, Purchasing Division, No. 3 Hunt Hill Place, Asheville, North Carolina 28801.

NOTE: IF MAIL OR DELIVERY BY ANY OTHER MEANS IS DELAYED BEYOND THE DATE AND HOUR SET FOR BID OPENING, PROPOSAL THUS DELAYED WILL NOT BE CONSIDERED.

CITY OF ASHEVILLE
PURCHASING DIVISION

SPECIAL TERMS AND CONDITIONS FOR
TRUCK MOUNTED VACUUM STREET SWEEPER FOR THE
CITY OF ASHEVILLE PUBLIC WORKS DEPARTMENT/SANITATION DIVISION

1. **DETAILED SPECIFICATIONS:** Detailed specifications for this equipment are included as an attachment with the bid request.

Bids to be submitted in accordance with the attached specifications and these Special Terms and Conditions, both of which require doing all that is necessary, proper, or incidental to the furnishing of the equipment identified herein. All things not expressly stated in the attached specifications or Special Terms and Conditions but involved in carrying them out must be included in bidder's proposal as though they were specifically stated.

2. **NOTICE TO BIDDERS:** All bids are subject to the provisions of the instructions to Bidders, special terms and conditions specific to this Invitation for Bids, the specifications, and General Contract Terms and Conditions. The City of Asheville objects to and will not evaluate or consider any additional terms and conditions submitted with a bidder response. This applies to any response appearing in or attached to the document as part of the bidder's response. **DO NOT ATTACH ANY ADDITIONAL TERMS AND CONDITIONS.** By execution and delivery of a proposal, the bidder agrees that any additional terms and conditions, whether submitted purposely or inadvertently, shall have no force or effect. It shall be the bidder's responsibility to read this entire document, review all enclosures and attachments, and comply with all requirements specified herein.
3. **ISSUING OFFICE:** This bid request is issued by the City of Asheville Purchasing Division, No. 3 Hunt Hill Place, P. O. Box 7148, Asheville, North Carolina 28801. All correspondence and inquiry should be made to this address. Telephone number (828) 259-5954. Fax number (828) 259-5440.
4. **CLARIFICATIONS/INTERPRETATIONS:** Any and all questions regarding this document must be addressed to the City of Asheville Purchasing Division. Technical inquiries may be directed to the individual named herein. Any and all revisions to this document shall be made only by written addendum from the City of Asheville Purchasing Division. **Therefore, no oral statements by any person shall modify or otherwise affect the terms, conditions, or specifications stated in this request for bids and proposals.** The bidder is cautioned that the requirements of this bid can be altered only by written addendum and that verbal communications from whatever source are of no effect.
5. **COMPLIANCE WITH RULES AND REGULATIONS:** The equipment furnished must comply with all applicable provisions of the Occupational Safety and Health Act (**OSHA**), the American National Standard Institute (**ANSI**) and the **Federal Motor Vehicle Standards of the U. S. Department of Transportation**. The equipment furnished shall be capable of passing any applicable **N. C. State motor vehicle inspection**.
6. **GENERAL REQUIREMENTS:** The equipment furnished shall be new and unused and the manufacturer's latest listed and published stock model, or models which meet all the applicable requirements of these specifications. Specifications may require that certain makes and models of vehicles, auxiliaries and/or accessories be provided.

- 7. **TECHNICAL INQUIRIES:** Questions regarding specifications to be directed to Mr. Mark Stevens, Fleet Manager, Monday through Thursday, 8:00 a.m. – 5:00 p.m. Telephone 828-259-5702.
- 8. **EXCEPTIONS TO SPECIFICATIONS, REQUEST FOR CLARIFICATIONS AND APPROVAL OF ALTERNATES:** In all cases equipment must be furnished as requested, and where brand names are used, consider the term "or equal" to follow. However, written approval for any proposed substitution or change in specifications must be obtained by bidder prior to the close of bids.

All design, materials, and workmanship shall in every respect be in accordance with the best current practices in the industry. Minor deviations from the provisions of these specifications may be considered to permit manufacturers to follow their standard manufacturing processes; however, all proposed minor deviations must be explained in detail and MUST be submitted in writing to Purchasing within the exception process time frame identified herein or they **WILL NOT** be considered. Prospective bidders may make appointments to discuss these specifications, but written requests for consideration must be submitted.

Requests for approved equals, clarifications or changes in specifications, and/or protests of specifications must be received by the City of Asheville in writing, not less than seven (7) days before the date of scheduled bid opening. Such requests should be mailed to City of Asheville, Purchasing Division, P. O. Box 7148, Asheville, North Carolina 28802. Mark envelope **"EXCEPTIONS TO SPECIFICATIONS Bid Request No. 843-12". EXCEPTIONS DUE BY: 3:00 PM LOCAL TIME ON FRIDAY JANUARY 10, 2012.**

Any request for an approved equal, change in specification or protest of specifications must be fully supported with technical data, test results, or other pertinent information and evidence that the substitute offered is equal to, or better than, the specification requirement.

EXCEPTIONS TO SPECIFICATIONS, REQUEST FOR CLARIFICATIONS AND APPROVAL OF ALTERNATES (CONTINUED):

In the event that clarifications or changes to bid specifications are necessary or if a proposed substitution is approved during the exception process, changes will be made by written addendum. The City of Asheville will, if necessary, postpone the scheduled opening of bids so as to provide at least seven (7) days between the mailing of the amended bid and the revised bid opening date. All addendums must be signed and returned with the final bid package. This bid and any addendums are posted on the City's website and can be accessed at <http://AshevilleNC.gov/Bids>. It is the vendor's responsibility to assure that all information is submitted.

Bidder's failure to request exceptions to specifications or approved equals as stated above will be interpreted as the bidders' intent to comply fully with the requirements as written. Conditional or qualified bids shall be subject to rejection in whole or in part.

The City of Asheville reserves the right to postpone bid openings for its own convenience.

- 9. **NONCONFORMING TERMS AND CONDITIONS:** A bid response that includes terms and conditions that do not conform to the terms and conditions in this bid document is subject to rejection as nonresponsive. The City of Asheville reserves the right to permit the bidder/vendor to withdraw nonconforming terms and conditions from its bid response prior to a determination by the City of Asheville of non-responsiveness.

10. **BIDDERS SUBMITTALS:** Bidder must furnish all information requested herein including descriptive literature and/or complete specifications covering the products offered. Reference to literature submitted with a previous bid will not satisfy this provision. Bids which do not comply with these requirements will be subject to rejection. All documents submitted should bear the name of the bidder.
11. **EXPENSES INCURRED IN PREPARING BID:** The City of Asheville accepts no responsibility for any expense incurred by the bidder in the preparation and presentation of a bid. Such expenses shall be borne exclusively by the bidder.
12. **CONTRACT/AWARD:** Pursuant to the laws governing public contracts in North Carolina, the successful bidder's/vendor's response to this Request for Bids and Proposals and any addenda thereto, plus the City's issuance of a City of Asheville Purchase Order for the proposed goods and/or services shall constitute a binding contract. **Lowest bid will be evaluated on Base Price plus Options.**
13. **PURCHASE OF ADDITIONAL REQUIREMENTS:** Subject to the successful bidder's acceptance, the City reserves the option to purchase additional equipment as specified herein at the price bid and awarded in this Request for Bids and Proposals within 12 months from original purchase order date and the right to purchase additional quantities of materials specified herein during the period of firm pricing. This bid may also be utilized by other entities per NC GS to piggyback at the sole discretion of the vendor.
14. **INDEMNIFICATION:** The bidder/vendor covenants to save, defend, keep harmless, and indemnify the City of Asheville and all of its officers, departments, agencies, agents, and employees from and against all claims, loss, damage, injury, fines, penalties and cost - including court costs and attorney's fees, charges, liability, and exposure, however, caused resulting from, arising out of, or in any way connected with the bidder's/vendor's negligent performance or nonperformance of the terms of the contract.
15. **ASSIGNMENT:** During the performance of the contract, the bidder/vendor shall not assign, transfer, convey, sublet, or otherwise dispose of any award or any or all of its rights, title, or interest therein, without the prior written consent of the City of Asheville.
16. **VENDOR APPLICATION AND LICENSES:** Bidders are asked to submit a vendor application and return it with bid response. Bidders may download the form from the City's website at the following link: <http://AshevilleNC.gov/Bids>. Select "Vendor Application" located at the bottom of the page. Directions for submittal are available on this page. Please include commodity codes on your application.

Business Privilege License: All vendors doing business with the city must have a business privilege license. Please include a copy of your license with the bid. If you do not have one you must apply once you are awarded the bid. You may download the form from the City's website at the following link: <http://AshevilleNC.gov/Bids>. Select "City of Asheville Business License Application" at the bottom of the page. Submit to the **Development Services Center, 161 S. Charlotte Street**. A copy of your license must be submitted within 10 business days to Purchasing after award of bid.

NC Certificate of Authority: All out of state vendors are required to have a NC Certificate of Authority. If you already have a certificate please submit with your bid. If you do not have one you must apply once you are awarded the bid. You may register with the State of NC at: <http://www.secretary.state.nc.us/Corporations/Forms.aspx?EntityId=2719996&Type=Nonprofit%20Corporation> and submit a copy to Purchasing immediately after it is received.

17. The vendor shall be responsible for seeing that any and all laws of the State of North Carolina concerning certificate of origin, title, transit or transportation documents, et al, are complied with in all respects.
18. Where reference is made to equipment to be "furnished" or "provided" by the bidder these words shall be read to mean suitably installed on each piece of equipment.
19. **VENDOR SUPPORT/SERVICE AND PARTS:** The vendor and/or manufacturer bidding on these specifications must describe in writing to be submitted with their bid, its ability to provide repair parts and technical service in the form of a service representative, including the maximum time from receipt of notice to arrival of parts or the service representative. The manufacturer, whether they are the vendor or not must be satisfactory to the City of Asheville from the standpoint of experience, reliability, and demonstrated ability to manufacture equipment comparable as to size and type as that required by the specifications, and shall have manufactured and sold equipment of the size and type specified which has operated satisfactorily in the field for a minimum of one year. The City of Asheville reserves the right to reject bids from vendors that have failed to perform satisfactory under previous contracts with the City of Asheville and/or vendors that cannot produce satisfactory evidence that they can furnish promptly all spare parts needed for ordinary service and repair of the equipment herein specified.
20. **INSPECTION, TRAINING, PERFORMANCE TEST AND ACCEPTANCE:**
(See Specification Item 4 on page 16)
 - a. Upon delivery the equipment will be subject to inspection to verify conformance with specifications by the staff of the City's Fleet Management Division and the Public Works Department.
 - b. Upon completion of the initial inspection and prior to performance testing by the City, the vendor will be required to conduct on-site technical training of City personnel in operation and maintenance procedures. Vendor should note that the specification requires training at no additional cost to the City.
 - c. Upon completion of on-site training the equipment may be required to undergo on route testing prior to acceptance. Performance testing will be performed by City personnel during regular scheduled work days.
 - d. Any defects or failure of equipment to perform or comply with any requirements of the City specifications must be immediately remedied by the vendor at the vendor's own expense prior to acceptance by the City.
21. **WARRANTY:** Bidder to include the warranty provisions as outlined in bid specifications.
22. **TAX EXEMPTIONS:** The City of Asheville is exempt from Federal Excise Tax but not from State and Local Sales Tax. Sales tax should not be included in bid prices, but may be added as separate items.
23. **SUBMITTALS:** Bidders to submit one (1) **original bid package and one (1) complete copy.**
24. **EQUIPMENT DEMONSTRATION:** Each bidder shall be prepared to schedule a demonstration of the type of equipment proposed at a location mutually agreeable to the bidder and City staff members. The location should be within reasonable traveling distance from the City of Asheville and the City of Asheville shall be responsible for the travel expense of its staff members in attending any such demonstration. Equipment demonstration may be of vendor owned equipment or third party owned equipment at the discretion of the bidder.

25. **INDEMNIFICATION:** The successful bidder/vendor agrees to indemnify and hold harmless the City of Asheville against any and all claims or causes of action for property damage or personal injury arising out of or relating to the negligence of the successful bidder/vendor, its officers, employees or agents during the test period for the operation of the vehicle prior to acceptance of the vehicle by the City of Asheville.

26. **DELIVERY:** Delivery shall be made FOB: City of Asheville, Fleet Management Division, 173 South Charlotte Street, Asheville, North Carolina 28801. Bidder should give minimum 48 hours notice of delivery of vehicles to Mark Stevens, Fleet Manager. Telephone number 828-259-5702. No deliveries can be made on Fridays.

27. **COMMERCIAL GENERAL LIABILITY INSURANCE:** The successful bidder shall, during the performance of the contract and for three (3) years following acceptance of the product, keep in force at least the following minimum limits of commercial general liability insurance:

Products/Completed Operations Aggregate	\$2,000,000
Personal and Advertising Injury	\$1,000,000
Each Occurrence	\$1,000,000

Coverage shall be written on a Commercial General Liability form and must include finished products/completed operations. The policy shall be written on an occurrence form and shall include Contractual Liability coverage.

The required limits can be provided by one or more policies provided all other insurance requirements are met.

Coverage shall be provided by a carrier(s) rated "Excellent" by A.M. Bests.

Within 14 days following notice of award, the successful bidder shall furnish the City of Asheville with a current Certificate of Insurance with coverages listed above. The certificate shall be made out to the purchaser and be an original, no photocopies shall be accepted. The Certificate of Insurance shall provide that the City be given 30 days advance notice of cancellation, nonrenewal or material change in coverage.

28. **EVALUATION AND SELECTION OF BIDS:** The evaluation of vendor bids shall center on the match between the stated specifications and other requirements included in the final bid request and the vendor's proposal including selection of the lowest responsible bidder, with consideration of past performance, service record, and reliability. Lowest bid will be calculated as Base bid plus Options selected. The statutory provisions controlling purchasing by local governments in N. C. (GS 143) includes selection standards for use in making of awards. The provision reads, "All contracts shall be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, and the time specified in the bids for the performance of the contract". The City of Asheville reserves the right to accept or reject any or all bids and proposals and further specifically reserves the right to make the award or awards in the best interest of the City of Asheville.

29. All bids shall be made firm for no less than sixty (60) days.

30. **INVOICES AND PAYMENTS: ALL INVOICES AND PACKAGES MUST BEAR THE PURCHASE ORDER NUMBER ISSUED FOR THAT ORDER.** Rejected materials will be returned to the Vendor at the Vendor's risk and expense. NET PURCHASES WILL BE PAID 30 DAYS FROM DATE OF YOUR INVOICE. The City is exempt from Federal Excise Tax but not from State and Local Sales Tax. This tax must be shown as separate items on invoice. SEND INVOICES TO: CITY OF ASHEVILLE ACCOUNTING DIVISION, P.O. BOX 7148, ASHEVILLE, N.C. 28802. Discount Terms will not be used to determine lowest bid.

Truck Mounted Vacuum Street Sweeper

Minimum technical specifications for one (1) Truck Mounted Vacuum Street Sweeper. Unit shall be a new, unused manufacturer’s latest production model. All Federal, State and OSHA requirements and standards shall be met.

NOTE: All bidders shall respond to each category below. Any 'no" responses or deviations shall be explained in the space provided.

SPECIFICATION	COMPLIES	IF NO: DEVIATES AS NOTED
1. Truck Cab & Chassis		
A. Cab and chassis shall be Freightliner Model M2		
B. Sound Control: The sound pressure level shall be 74 dB(A) maximum at 50 feet (OSHA standards at manufacturer’s recommended operating speed.) In-Cab sound level shall be 72 dB(A) maximum. Bidder to furnish certificate to confirm sound levels.		
C. GVWR rating of 32,000 lbs. minimum (State empty weight of chassis, front and rear axle)		
D. Wheelbase to be approximately 178"		
E. Front axle to be a minimum of 12,000 lbs with shock absorbers		
F. Rear axle to be a minimum of 21,000 lbs. The rear axle shall be a Meritor 2 speed unit with oil seals. Axle ratios to be approximately 5.86 / 8.17:1		
G. Front & Rear air brakes to be full ABS with “S” cam design with automatic slack adjusters. Equipped with a parking brake, cab controlled. Low air warning indicator required. An air dryer with moisture purging feature shall be supplied.		
H. Steering to be complete O.E.M. dual cross-over power steering system with complete identical gauges at each operator's position and shall be furnished to permit operation from either side of cab. Ignition switch to be centrally located. Dual steering assemblies shall be fully hydraulic and shall include O.E.M. steering gears, pitman arms, drag links and steering knuckles. Chain & sprocket systems <u>will not be accepted.</u>		
I. Engine shall be a minimum 6.7L, turbo charged and after cooled. Horsepower to be a minimum of 200 @ 2300 RPM. Engine shall have a minimum torque rating of 560 @ 1,600 RPM. Engine shall be water cooled with antifreeze protection to 30 below 0. The exhaust system shall be vertically mounted and must meet current emissions standard in effect at time of production. Preferred models are Caterpillar, Cummins and Mercedes Benz. Specify manufacturer, horsepower and torque ratings.		
Company Name:	Submitted by:	

J. Batteries shall be group 31 maintenance free with a minimum rating of 900 CCA each		
K. Transmission to be Allison automatic, Sized appropriately for the engine HP and GVW rating of the chassis, with return line filtration system		
L. Cab shall be conventional type, equipped with two fully adjustable bucket seats with approved seat belts. Seats shall be fully padded with heavy duty upholstery over foam rubber. Sun visors and arm rests provided on both sides of cab. Factory air conditioner / heater/ defroster with fresh air ducts shall be provided.		
M. Cab Dual Controls Interlock: All dual driving control cross-over functions shall be controlled by a single switch. This circuit shall be inter locked to the parking brake and shall only be capable of being activated with the parking brake applied.		
N. Fuel Tank to be a minimum of 42 gallon capacity		
O. All lights and reflectors shall comply with all Federal and State of North Carolina regulations. Four way hazard warning lights and back up lights shall be supplied. One amber rotating beacon center mounted on rear of body with a switch control mounted in cab.		
P. Frame to have a minimum RBM of 1,015,000 lb/sq.in. utilizing a minimum of 120,000 psi steel. Include front tow hooks. Front and rear bumpers shall be steel		
Q. Wheel & Tires to be 11R22.5-14 ply		
R. Warranty to be a minimum of 12 months parts and labor		
2. Sweeper Unit		
A. The sweeper unit must comply with EPA's PM -10 (particulate matter) standards.		
B. Hopper capacity to be a minimum of 8 cubic yards by volume		
C. Sweeper water tank to be constructed from stainless steel with a minimum capacity of 325 gallons		
D. Engine for rear vacuum unit shall be a minimum of 4.5L, John Deere 4045H, (or equal). Anti freeze protection to -40 degrees Fahrenheit.		
E. Engine filtration to include heavy duty, dry element air filter with restriction indicator and a full flow oil filter		
F. Include engine shutdown system to be signaled by high coolant temperature and low oil pressure		
G. Fuel tank to be a minimum of 50 gal capacity. The fuel tank shall have a locking cap and a fuel sight tube gauge. Fuel system to have a water trap & sediment bowl as first stage filtration from the fuel tank.		
H. Engine compartment to be fully sealed to protect against sound and dust contaminants. Access doors to have latches to keep doors closed during normal operation.		
Company Name:	Submitted by:	

I. Engine exhaust system shall be constructed from stainless steel material		
J. Engine key start ignition switch with integral heat start, tachometer and hour meter shall be provided. All sweeping controls shall be easily accessible to the operator from either driving position		
K. Warning lights shall be furnished for low oil pressure, high water temperature, low voltage and low sweeper water tank level.		
L. P.T.O. Interlock shall be provided between the P.T.O. & parking brake to prevent vehicle from being driven with P.T.O. engaged. The interlock shall automatically disengage the P.T.O. when the parking brake is released and shall not allow engagement of P.T.O. unless parking brake is applied.		
M. Fuses shall be housed in a covered fuse block within the internal control box.		
N. Sweeper hopper body shall be fabricated from stainless steel. All seams shall be continuously welded. To permit longer life and lower the cost of operation, the entire debris hopper, excluding inlet wear plates and exhaust screens, shall carry a 10-year warranty. The warranty shall include, but not be limited to, the floor, sides, roof and rear door. The warranty shall cover rust, corrosion and abrasion perforation, including normal wear and tear. Vendors will be financially responsible for all repairs, parts and labor, including protective coatings for a 10-year period. 100% parts and labor with no pro-rating or hour limitations. Vendors shall supply with their bids, a warranty statement from the manufacturer in complete compliance with the published warranty specifications		
O. A hydraulically operated, full width, rear door with adjustable latch, capable of opening a minimum of 125 degrees shall be provided		
P. A full frame width stowing safety prop with auto locking/quick release latch shall be provided		
Q. Debris conveying body inlet pipes shall be constructed of wear resistant metal		
R. Body inlet pipes shall have pneumatically operated closure flaps operated from within the vehicle cab		
S. Body raise and lower shall be hydraulically operated with power return and safety locking valve		
T. An access port to the hydraulic reservoir shall be provided to facilitate replenishment of hydraulic oil when the sweeper body is in the "down" position		
U. Body shall have removable full width filter screens capable of being removed without entering hopper with provisions for a heavy-duty chain curtain to prevent light debris from passing into impeller		
Company Name:	Submitted by:	

<p>V. The rear door shall be opened, closed and locked via a hydraulic cylinder</p>		
<p>W. Provide inspection door to allow operator to inspect the load and to remove large items of debris</p>		
<p>X. The body roof shall incorporate an externally mounted, removable plate to permit inspection and cleaning of the upper chamber</p>		
<p>Y. The rear door shall have a minimum of one drain hose. The hose will be stowed on its own stowage brackets when not in use.</p>		
<p>Z. Vacuum Impeller system shall be gear box driven and sound suppressed and shall be constructed of stainless steel. Must be able to produce a minimum of 55" of negative water column in hopper</p>		
<p>AA. Vacuum hoses shall be constructed of steel reinforced flexible rubber with an outer protective cover. Top of vacuum hoses shall be accessible at ground level</p>		
<p>BB. Dual gutter brooms shall be a minimum of 28" in diameter, at least 2 piece design, of steel tine construction, direct hydraulic drive type with relief valve protection. In cab provisions to control rotational speed from 0 to 130 RPM and hydraulic lowering and raising. Gutter brooms and components shall be free floating with adjustable "kick back" feature to avoid damage if contact is made with high curbs or other immovable objects. Gutter brooms shall have two independent water spray jets for dust control. Gutter brooms shall be capable of operating independently of other sweep gear and the lift system shall have hydraulically operated cylinder with internal locking mechanisms to provide positive lock in the stowed position. No chains or pins accepted. Gutter brooms, and components shall be interchangeable from left to right and vice versa.</p>		
<p>CC. Wide sweep broom shall be of polypropylene construction, a minimum of 50" in width and 16" in diameter. It shall be enclosed in its own hood to prevent debris from being ejected and driven at a constant speed with adjustable pressure and flotation system. Wide sweep broom shall have water spray for dust control. The spray jets shall be installed in a stainless steel spray bar to prevent corrosion. It shall be capable of operating independently of all other sweep gear and have a road crown compensation system with remote greasing provision.</p>		
<p>Company Name:</p>	<p>Submitted by:</p>	

<p>DD. Suction nozzles shall be metal alloy construction with replaceable rubber lining, rubber skirts, replaceable curb guards and stainless steel water bars and internal jets for dust control. Nozzles shall be cylinder suspended, raised and lowered hydraulically by means of an in cab control. Nozzle carriages shall each be provided with two adjustable rubber tired wheels capable of independent adjustment. Each wheel shall have a spindle mounted grease point. An in-cab control shall tilt the nozzles backwards for ingestion of large items. Nozzles shall have a surface adjustment for the ingestion of fines. All associated components shall be interchangeable from left to right and vice versa.</p>		
<p>EE. The Hydraulic System shall operate the following: body/rear door raise & lower & latch, wide sweep broom rotation, angling, gutter broom rotation, raising, lowering locking & unlocking. Relief valves shall protect all hydraulic circuits; a spin-on sump filter with pressure bypass and the reservoir shall have a fluid level sight glass. For operator safety, body controls for raising/lowering, door opening & closing shall be located on the right (curb) side of the vehicle. Include shut off ball valve at tank for maintenance.</p>		
<p>FF. The Water System shall be constructed of stainless steel with a 10-year warranty. Vendor will be financially responsible for all repairs, part and labor. 100% parts and labor with no pro-rating. Water tank capacity shall be 330 gallons minimum. Water tank filling by either hydrant and/or garden type hose. All water system components shall be protected from freeze up with drain and flush ports. Water pump shall be self-priming and not subject to damage when operated dry. Water manifold and all rigid lines constructed of stainless steel. No black iron or galvanized piping accepted. An external water filter shall be easily accessible with the body lowered. A water tank level indicating system shall be visible through the cab mirrors. The water system shall have an adjustable relief valve. A wash down hose with nozzle trigger shall be provided and mounted on its own storage rack.</p>		
<p>Company Name:</p>	<p>Submitted by:</p>	

<p>GG. The Pneumatic Air System shall incorporate a safety device that will ensure that in the event of a pneumatic failure, the chassis braking system will be automatically protected and air brake pressure will be maintained. The pneumatic system shall operate the following functions: wide sweep raise/lower/road pressure, nozzle raise/lower/maximum gap for large debris and intake flap operation. The pneumatic system shall have a self-purging air dryer with safety valve and drain with lanyard. All hose connections shall be "tool free" push-in type to facilitate easy servicing, removal or replacement. All sweep gear pneumatic cylinders shall have a common seal repair kit to reduce parts stocking cost.</p>		
<p>HH. Central control system controlling elements for the sweeper's electrics, pneumatics, water and hydraulics shall be housed in an easily accessible, sealed, weatherproof side locker. Each system shall be equipped with L.E.D status indicators and test ports. All electrical wiring shall be color-coded & numbered</p>		
<p>II. Safety features shall be dump controls located on the right hand (curb) side of the vehicle. One amber strobe lamp of not less than 107 dB(A) shall be installed and shall sound when reverse gear is selected. An access ladder with sure grip treads shall be installed for the purpose of gaining safe access to the engine compartment. Automatic pickup in reverse gear of all sweeping equipment shall be supplied. A pre-programmed single joystick master switch shall control all sweep gear. The sweeping gear shall raise and the water shut off when the master switch is moved out of the "work" position. All functions shall resume their previously programmed settings when the master switch is returned to the "work" position. An hour meter shall be included that records all sweep "work" position hours.</p>		
<p>JJ. Cab & sweeper shall be furnished with two coats of standard white, Du Pont Imron paint. All sweep gear and mounting brackets shall be powder coated for maximum corrosion protection.</p>		
<p>KK. The Warranty for the sweeper auxiliary engine shall be a minimum of two years, 100% parts and labor minimum. Sweeper components, other than wearing items shall carry a standard one-year warranty. Fan and housing included in this warranty. Hopper warranty shall be for 10 years minimum as per section 2.M. The vacuum blower drive warranty shall be five years minimum. The water tank warranty shall be 10 years minimum. All warranty repairs to be made at customer's premises including parts and labor, 100% coverage, no pro-rating. Include complete warranty statement with bid.</p>		
<p>Company Name:</p>	<p>Submitted by:</p>	

3. Manuals			
A. Sweeper Unit including engine: Operator Manual, Parts and Service/Maintenance Manual including troubleshooting Manual.			
B. Truck Chassis: Operator Manual, Parts and Service/Maintenance Manual			
4. Training			
A. A minimum of 8 hour Operator & Mechanic training will be conducted at the customer's premises at no charge			
5. Alternate Bid for Consideration of Demo Sweepers			
A. Sweepers used for demonstration purposes must be the current model and equal to the bid specification. The truck chassis miles must be less than 5,000 miles and the sweeper unit hours must be less than 50 hours. The original factory warranties must apply.			
Company Name:		Submitted by:	

**Delivered F.O.B.: City of Asheville, Fleet Management
 173 South Charlotte Street
 Asheville, NC 28801**

BID REQUEST NO. FBR 843-12

NON-COLLUSION STATEMENT

ONE (1) Truck Mounted Vacuum Street Sweeper
FOR THE CITY OF ASHEVILLE PUBLIC WORKS DEPARTMENT

THE UNDERSIGNED AFIRMS THAT THE PROPOSAL MADE HERE-IN IS MADE WITHOUT ANY CONNECTIONS WITH ANY OTHER PERSON, OR PERSONS, MAKING ANY OTHER PROPOSAL FOR THE ABOVE ITEM(S): THAT IT IS IN ALL RESPECTS FAIR AND WITHOUT COLLUSION OR FRAUD:

THAT _____ (FIRM NAME) IS NOT CONNECTED IN ANY OFFICIAL CAPACITY WITH THE CITY OF ASHEVILLE, AND THAT NO PERSON, OR PERSONS, ACTING IN SUCH CAPACITY ARE DIRECTLY, OR INDIRECTLY, INTERESTED HEREIN OR IN ANY OF THE PROFIT ARISING OR ANTICIPATED FROM THIS TRANSACTION.

IN MAKING THIS PROPOSAL, IT IS UNDERSTOOD AND AGREED, THAT THE CONDITIONS SET FORTH IN THE ADVERTISEMENT FOR BIDS, INSTRUCTIONS TO BIDDERS, TERMS AND CONDITIONS AND SPECIFICATIONS TOGETHER WITH THE PROPOSAL SHALL FORM A PART OF AND BE CONSTRUED WITH THE CONTRACT MADE UNDER THE SAME.

THE ACCEPTANCE OF THIS PROPOSAL BY THE CITY OF ASHEVILLE, AS EVIDENCED BY THE ISSUANCE OF A CITY OF ASHEVILLE PURCHASE ORDER, WILL BE HELD TO BE A MUTUAL AGREEMENT AS TO EACH AND EVERY CLAUSE OF THIS PROPOSAL AND TO CONSTITUTE A CONTRACT BETWEEN THE PARTIES HERETO.

FIRM NAME: _____

ADDRESS: _____

BY: _____

TITLE: _____

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

Agenda Item: 5b

Meeting Date: 9/17/12

TITLE: PRESENTATION OF REQUEST FOR TEMPORARY STREET CLOSURES FOR THE ANNUAL HALLOWEEN PARADE ON WEDNESDAY, OCTOBER 31, 2012.

DESCRIPTION: The request is to temporarily close the following streets on Wednesday, October 31, 2012:

- Portion of Main Street between Lombard Street and Fayetteville Street from 2 PM to 3:15 PM; and
- Fayetteville Street between Main Street and Second Street from 3 PM to 4:30 PM.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
9-17-12	Presentation.	Memorandum.

The Parks & Recreation Department will hold the annual Halloween Parade on Wednesday, October 31, 2012. As in years past, the downtown businesses that agree to participate will pass out candy to the children as they go on parade down Main Street. The parade will begin on Main and Lombard Streets and will end at the Town Square.

We are requesting the temporary closure of Main Street between Lombard and Fayetteville Streets during the event. Main Street will need to be closed at 2 PM and remain closed until approximately 3:15 PM, once the children successfully complete the parade to the Town Square. We are requesting that Fayetteville Street between Main and Second Streets be closed from 3 PM until 4:30 PM, once the activities end.

The Parks & Recreation Department will be in contact with the Police Department to help with the temporary street closures and the redirecting of traffic during this event.

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

Agenda Item: 5c

Meeting Date: 9/17/12

TITLE: PRESENTATION OF K-9 RETIREMENT RESOLUTION.

DESCRIPTION: The request is to retire police canine Justice effective September 19, 2012. Council action is requested.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
9-17-12	Presentation.	Resolution.

**TOWN OF CLAYTON
K-9 RETIREMENT RESOLUTION**

WHEREAS, K-9 Justice is owned by the Town of Clayton; and

WHEREAS, K-9 Justice has faithfully served the town and its citizens for five years; and

WHEREAS, K-9 Justice will retire from his position as Police Canine effective September 19, 2012; and

WHEREAS, the Mayor and Town Council, by this resolution, wish to express its great appreciation to K-9 Justice for service, loyalty, and dedication to the Town of Clayton;

NOW THEREFORE, BE IT RESOVED *that the Town of Clayton in accord with North Carolina General Statute 160A-266 declares K-9 Justice to be surplus property upon retirement from service and authorizes his assigned handler, Will McIntosh to take ownership of K-9 Justice upon his execution of a hold harmless agreement to provide proper care for the dog for the remainder of the life of the animal. By executing that agreement, Will McIntosh will assume all liability and responsibility for the dog.*

Duly resolved this ____ day of ____ 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: 5d

Meeting Date: 9/17/12

TITLE: PRESENTATION OF CLAYTON BAND CLASSIC PROCLAMATION.

DESCRIPTION: The Clayton Band Classic is slated for Saturday, October 6, 2012.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
9-17-12	Presentation.	Proclamation.

**TOWN OF CLAYTON
PROCLAMATION
25th ANNIVERSARY CLAYTON BAND CLASSIC**

WHEREAS, the Clayton Band Classic is being established with the purpose of conducting competition among interested High School Marching Bands, to increase student interest, to bring out their musical talents, and to create pride in the local school band; and

WHEREAS, the Clayton Band Boosters will sponsor the 25th Annual Clayton Band Classic on Saturday, October 6, 2012, at Clayton High School; and

WHEREAS, the Clayton Band Classic promises to provide all band participants from various high schools a positive and pleasant experience; and

WHEREAS, the Clayton Band Classic also promises to provide citizens of the Clayton area community an opportunity to enjoy all the sights, sounds, and pageantry of watching high school bands perform.

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Clayton that Saturday, October 6, 2012, is recognized as:

25th ANNUAL CLAYTON BAND CLASSIC DAY

Let it also be proclaimed that all businesses, industries and citizens in the Clayton area are urged to support the Clayton Band Boosters and the Clayton Band Classic.

Proclaimed this the _____ day of _____ 2012.

**Jody L. McLeod,
Mayor**

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

Agenda Item: 5e

Meeting Date: 9/17/12

TITLE: PRESENTATION OF PUBLIC POWER WEEK PROCLAMATION.

DESCRIPTION: Public Power Week is slated for the week of October 7-13, 2012, and this year's theme is "Public Power Week – Power to Grow".

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
9-17-12	Presentation.	Proclamation.

**TOWN OF CLAYTON
PROCLAMATION
PUBLIC POWER WEEK - POWER TO GROW**

WHEREAS, the Town of Clayton provides electricity to its citizens; and,

WHEREAS, the citizens of the Town of Clayton are consumers and owners of their public power systems and exercise local control over utility operations and policies; and

WHEREAS, our employees are neighbors serving neighbors; and

WHEREAS, our electric system is a community asset that contributes to the well-being of citizens by providing safe and reliable power, customer service and economic development opportunities; and,

WHEREAS, the Town of Clayton is one of more than 70 public power communities serving more than 500,000 residential, commercial, and industrial customers in North Carolina; and

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Clayton, North Carolina that October 7 through October 13, 2012, be recognized as

“PUBLIC POWER WEEK - POWER TO GROW”

in an effort to promote public power and those who work to provide the best possible electric service for our citizens.

Duly proclaimed this the ____ day of October 2012, while in regular session.

*Jody L. McLeod,
Mayor*

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

Agenda Item: 7a

Meeting Date: 9/17/12

TITLE: APPLICATION TO SERVE ON THE RECREATION ADVISORY COMMITTEE.

DESCRIPTION: The Clayton Recreation Advisory Committee has two vacancies – one term expiring 12/31/2012 and one term expiring 12/31/2013.

During the citizen open recruitment, Mr. Skip Browder submitted an application.

If the Council finds the candidate acceptable, the request is for Mr. Browder to be appointed at the next regular meeting with a term expiring 12/31/2015.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
9-17-12	Presentation.	Application.



TOWN OF CLAYTON
CANDIDATE REQUEST FOR APPOINTMENT TO TOWN
BOARD OR COMMITTEE

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

Please select the Town Board or Committee for which you would like to serve. If requesting consideration for more than one, please submit a separate application.

- Planning & Zoning Board
Board of Adjustment
Downtown Development Assoc.
Clayton Library Board
Recreation Advisory Committee
Fire Dept. Advisory Board
Public Arts Advisory Board

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: SKIP BROWDER
Mailing Address: PO BOX 816 CLAYTON, NC 27528
Physical HOME Address: 951 CITY ROAD (E.T.J)
Phone Number (HOME): NA (WORK): NA
FAX Number: NA Mobile Number: (919) 274-6548 CELL
Email Address: skipbrowder@yahoo.com
*Female [] *Male [X] *Race
Employer: NA
Occupation: RETIRED

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Rec'd 8-22-2012

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 17 YES.

Do you live in the Clayton Corporate Limits: Yes No ETJ: Yes No *DRS*

How did you find out about this board or committee? (Please select one)

Newspaper , Email , Internet , Mail , Other INDIVIDUAL

Please provide a brief statement outlining your qualifications and why you wish to serve on the board or committee you have indicated. 30 YEARS PUBLIC SERVICE

Please state why you would be an asset to this board or committee. SEE ABOVE

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No Yes If Yes, explain:

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
<u>JC PLANNING BD.</u>	<u>03/01</u>	<u>PRESENT</u>
<u>JC ABC BOARD</u>	<u>08/2010</u>	<u>PRESENT</u>
<u>A GREENWAYS COUNCIL</u>	<u>09/2010</u>	<u>PRESENT</u>

Skip Bricker
Signature

08/22/2012
Date

- Please do not submit resumes or attachments.
- The Candidate Request for Appointment to Town Board or Committee application is a public record.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications may be returned to the Town Clerk either in person at Town of Clayton, 111 East Second Street, by mail at Town of Clayton, PO BOX 879, Clayton, NC 27528 or by email at sscoggins@townofclaytonnc.org

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

Agenda Item: 8a

Meeting Date: 9/17/12

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.
8-20-12	Discussion.	
9-04-12	Discussion.	
9-17-12	Discussion.	

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

Agenda Item: 8b

Meeting Date: 9/17/12

TITLE: NAME THE TRAIL ENTRIES DUE TO THE TOWN CLERK, WEDNESDAY, SEPTEMBER 19, 2012, BY 5 PM [INFORMATION ONLY – DOES NOT REQUIRE COUNCIL ACTION] .

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”.
9-17-12	N/A.	

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

Agenda Item: 9c

Meeting Date: 9/17/12

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events

- 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
- Board of Adjustment Mtg – Wednesday, September 19, 2012 @ 6 PM
- Public Art Advisory Board Mtg – **THURSDAY**, September 20, 2012 @ 5 PM, Green Room
- Planning Board Mtg – Monday, September 24, 2012 @ 6 PM
- Special Council Mtg – Monday, October 1, 2012, from 4:30 PM to 6 PM to receive Paperless Agenda Training.
- Council Mtg – Monday, October 1, 2012 @ 6:30 PM
- Squealin on the Square – Friday, October 5 & Saturday, October 6 @ Town Square
- Clayton Band Classic (25th Anniversary) – Saturday, October 6, 2012 @ Clayton High School
- Public Power Week – Power to Grow – October 7 – 13, 2012
- Council Mtg – Monday, October 15, 2012 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, October 17, 2012 @ 6 PM
- NCLM Annual Conference hosted in Charlotte – October 21-23, 2012
- Planning Board Mtg – Monday, October 22, 2012 @ 6 PM
- Council Mtg – Monday, November 5, 2012 @ 6:30 PM
- **ELECTION DAY** – Tuesday, November 6, 2012
- Council Mtg – Monday, November 19, 2012 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, November 21, 2012 @ 6 PM
- Planning Board Mtg – Monday, November 26, 2012 @ 6 PM
- 10 Year Anniversary Gala of the Clayton Center – Saturday, December 1, 2012
- 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
- Board of Adjustment Mtg – Wednesday, December 19, 2012 @ 6 PM
- Planning Board Mtg – **THURSDAY**, December 27, 2012 @ 6 PM

Date:
9-17-12

Action:
N/A

Info. Provided:
Calendar of Events