

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**

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## **TOWN COUNCIL MEETING**

**AUGUST 05, 2013**

### **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 REGULAR MEETING OF THE CLAYTON TOWN COUNCIL**

**MONDAY, AUGUST 05, 2013**  
**6:30 PM**

**THE CLAYTON CENTER**  
**COUNCIL CHAMBERS**

**1. CALL TO ORDER**

Pledge of Allegiance & Invocation – Mayor Jody L. McLeod

**2. ADJUSTMENT OF THE AGENDA**

**3. CONSENT AGENDA**

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

- a. Draft minutes from the July 15, 2013, work session meeting.
- b. Parks and Recreation Comprehensive Plan Update.
- c. Amendment to the Town’s Comprehensive List of Fees and Charges: Cemeteries.
- d. Resolution directing the clerk to investigate a citizen initiated annexation petition submitted by Harvey Moss of C&H Rentals for property located at 1018 West Stallings Street.
- e. Warranty acceptance of Spring Branch Medical & Commercial Park, Phase 2.

**4. INTRODUCTIONS AND SPECIAL PRESENTATIONS**

- a. Recognize the Town of Clayton Public Works Streets crew for the FY 12-13 Sidewalk Handicap Ramp Installation Project.

**5. PUBLIC HEARINGS**

- a. Evidentiary hearing for subdivision request SUB 2013-08 for Old Fields Subdivision located off of Corbett Road.
- b. Public hearing for rezoning request RZ 2013-34 for the property known as the Clayton Spinning Mill located at 150 Mill Street; currently zoned O&I and requesting rezoning to B-1.
- c. Public hearing to receive citizen comment on the preliminary assessment roll for the John Street Sewer Improvement project.
- d. Public hearing to receive citizen comment on “piggyback” purchase of athletic field lighting for East Clayton Community Park.
- e. Public hearing for text amendment to Town Code of Ordinance Chapter 155, section 402.

6. **OLD BUSINESS**
  - a. Discussion of expanded library operating hours.
  - b. Status of 110 West Front Street, former Red & White Store.
  - c. Status of the acquisition of easements for the Clayton-Raleigh sewer transmissions project.
  - d. Memorial and Donation Policy.
  
7. **NEW BUSINESS**
  - a. SCADA (Supervisory Control and Data Acquisition) Award.
  - b. Resolution recognizing Raindownus.org.
  
8. **STAFF REPORTS**
  - a. Town Manager
    - Update on off-budget equipment request(s) for Town departments; previously presented at the June 17 meeting
  - b. Town Attorney
  - c. Town Clerk
    - Calendar of Events
  - d. Other Staff
  
9. **OTHER BUSINESS**
  - a. Informal Discussion & Public Comment.
  - b. Council Comments.
  
10. **ADJOURNMENT**

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

Agenda Item: 3a

Meeting Date: 8/05/13

**TITLE: DRAFT MINUTES FROM THE JULY 15, 2013, WORK SESSION.**

**DESCRIPTION: Attached.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

8-05-13

Approval.

DRAFT minutes from  
7/15/2013 work session.

**MINUTES  
CLAYTON TOWN COUNCIL  
JULY 15, 2013**

The first regular meeting of the Clayton Town Council for the month of July was held on Monday, July 15, 2013, at 6:30 PM at Town Hall, 111 East Second Street.

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

**ABSENT:** Mayor Jody L. McLeod.

**ALSO PRESENT:** Steve Biggs, Town Manager; Katherine Ross, Town Attorney; Sherry Scoggins, Town Clerk; Nancy Medlin, Deputy Town Manager; David DeYoung, Planning Director; Dale Medlin, Electric System Director; Robert McKie, Finance Director; Larry Bailey, Parks & Recreation Director; Bruce Naegelen, Downtown Development Coordinator; Stacy Beard, Public Information Officer; Tommy Roy, Information Services Technician

**ITEM 1. CALL TO ORDER**

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

**ITEM 2. ADJUSTMENT OF THE AGENDA**

It was the consensus of the Council to proceed with the agenda as presented.

**ITEM 3. ACTION AGENDA**

Mayor Pro Tem Michael Grannis requested a motion from Council to suspend its rules in order to take action at this evening's meeting.

Councilman Art Holder and Councilman Jason Thompson simultaneously motioned to suspend its rules in order to take action at this evening's meeting; Councilman Bob Satterfield seconded the motion. Motion carried 5-0 at 6:33 PM.

Councilman Art Holder motioned to approve the action agenda as presented; Councilman Butch Lawter seconded the motion. The motion carried 5-0 with the following action agenda items approved at 6:33 PM:

Item 3a. Draft minutes from the June 3, 2013, regular meeting; draft minutes from the June 17, 2013, work session meeting; and draft minutes from the June 17, 2013, closed session meeting.

- Item 3b. Resolution ordering preparation of preliminary assessment roll for the John Street Sewer Improvement Project and public notice.
- Item 3c. Warranty acceptance for Riverwood Athletic Club, Phase 2G.

#### **ITEM 4. INTRODUCTIONS & SPECIAL PRESENTATIONS**

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

The following new Town of Clayton employees were introduced:

- Christie Anastasi, Customer Service Representative (part-time)
- Jimmy Bradley, Athletic Supervisor
- Justin Pulley, Parks & Recreation Maintenance (part-time)

- Item 4b. Presentation of the Parks and Recreation Comprehensive Plan Update.

Parks & Recreation Director Larry Bailey thanked the Council for their assistance during the watermelon cutting and serving at the July 4<sup>th</sup> Celebration.

Parks & Recreation Director Bailey acknowledged the commitment and dedication of the Parks & Recreation staff for preparing Municipal Park for the July 4<sup>th</sup> Celebration. He stated the unusually wet weather shortened the amount of time available to prepare and set-up for this event and the staff worked tirelessly on Wednesday to make this celebration possible.

Mayor Pro Tem Grannis acknowledged the Parks & Recreation staff for their efforts in making the July 4<sup>th</sup> Celebration a positive and successful event for the Town of Clayton.

Parks & Recreation Director Larry Bailey introduced Sara Burroughs of Sage Design. He stated Ms. Burroughs will provide an overview of the updated Parks & Recreation Comprehensive Plan. He stated the plan was last updated in 2004. He recognized members of the Recreation Advisory Committee and staff for their involvement in the update.

Ms. Sara Burroughs of Sage Design provided the following overview of the Parks and Recreation Comprehensive Plan:

- Recreation Advisory Committee and Town staff were very supportive and involved with this process
- Good public involvement process with feedback on the programs
- Feedback was received electronically and on paper
- Existing facilities were inventoried and existing plans were reviewed to provide an understanding where the Town is in order to determine a direction
- Feedback was received on Town programs and park sites and a couple of recommendations are expand communication and create an identity through signage

- Recreation Advisory Committee requested to increase special events programs
- “Premier Community for Active Families” was the common thread for the update
- Recommendations have been broken down into immediate, near- and long-term goals and those were further broken down into facility, greenway, program, and land acquisition recommendations
- Connectivity of the downtown greenway system to downtown is an immediate term request
- Passive recreation was a common request; such as hiking, camping
- Communicating clearly what is offered by the Town of Clayton was frequently received in the surveys
- Teen and youth programming was a request by the community
- Land acquisition is keeping the citizens happy

Ms. Burroughs stated she is available for questions.

Councilman Butch Lawter thanked Ms. Burroughs for her work. He stated it is amazing how the data was collected. He stated it was presented to the Recreation Advisory Committee and Town staff for input and molded into a workable and useful document. He also recognized the Recreation Advisory Board members in attendance: George Gullatt, Cathy Marraccini, and Dean Penny.

Mayor Pro Tem Michael Grannis questioned the recommendation to reach out to teens to find out what they are interested in doing.

Ms. Burroughs stated in the past they have gone to the schools and engaged in a process such as working with geography teachers on park planning or working with physical fitness instructors. She stated a partnership with the school system is a source of input.

Mayor Pro Tem Grannis stated a possibility for teens and young people would be the YMCA and Civitan groups.

Ms. Burroughs stated the City of Wilmington has had success with private programs.

Mayor Pro Tem Grannis expressed his thanks to the entire committee. He stated the information in the document is very good. He stated this is a great tool for the Town with options for the Town’s website and marketing of the Town.

Councilman Holder stated he sees a challenge to the Council on how to fund.

Councilman Lawter stated he attended a meeting today on a Brownfield project. He stated he heard from people who live in and around Raleigh who commented on what is going on in Clayton.

**ITEM 5. ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA**

Item 5a. Presentation of rezoning request RZ 2013-34 for the property known as the Clayton Spinning Mill; currently zoned O&I and requesting rezoning to B-1.

Planning Director David DeYoung provided the following PowerPoint presentation and overview of rezoning request RZ 2013-34; herewith attached:

- Property located at 150 Mill Street, known as the Clayton Spinning Mill
- Applicant is Michael Hubbard of HCY, LLC
- Request is to rezone the Spinning Mill building from O&I to B-1
- Goal is to turn this request into an adaptive re-use project
- Spinning Mill is currently vacant
- Access will improve with the Front Street extension is built
- Property surrounding the Spinning Mill is mostly O&I
- Proposed use is generally consistent with development plan
- Consistent with the UDO and surrounding land uses
- Neighborhood meeting held on May 8
- Staff recommendation is approval

This item is slated for public hearing at the August 5, 2013, Council meeting.

Item 5b. Presentation of amendment to the Town's Comprehensive List of Fees and Charges: Cemeteries.

Town Manager Steve Biggs stated this past budget year, the cemetery grave openings and maintenance was centralized with the hiring of a dedicated staff person.

Based upon question by Council, Town Manager Biggs stated previous compliance of marking grave sites was inconsistent. He stated a footstone is a modest stone with a fixed cost at a grave with the person's name. He stated the funeral home markers are temporary whereas the footstone is permanent.

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

Item 5c. Presentation of Memorial and Donation policy.

Parks & Recreation Director Larry Bailey stated over the past few years the Town has received requests for memorials. He stated the goal is to be consistent in responding to this type of request.

Downtown Development Coordinator Bruce Naegelen stated the purpose of the policy is to establish guidelines for acceptance, installation and maintenance of memorials for all Town facilities and land. He reviewed the criteria for the installation of a memorial item. He reviewed the maintenance cost and that the Town would assess at the time of purchase any anticipated costs for maintenance. He stated Parks & Recreation would manage donations at park facilities, Downtown Development Office would manage donations within downtown development district, and the Town Manager would manage all donations located at other Town owned facilities and properties. He added all applications for donation would be presented to the Town Council. He stated there may be donations that are not expressed within the policy.

Councilman Butch Lawter requested clarification on the action by Town Council when a donation is presented.

Downtown Development Coordinator Naegelen stated it would be for information.

Mayor Pro Tem Michael Grannis stated with respect to the cost for the on-going maintenance, he heard that would be the responsibility of the donor.

Downtown Development Coordinator Naegelen stated a value would be assessed for the maintenance.

Mayor Pro Tem Grannis stated it was indicated that memorial plaques would not be installed for tree donations and questioned the reason for that.

Downtown Development Coordinator Naegelen stated it might harm the tree.

Mayor Pro Tem Grannis stated he would think the memorial plaque could be strategically located at the base of the tree.

Mayor Pro Tem Grannis questioned the action for this item.

Downtown Development Coordinator Naegelen stated if it is acceptable to Council, to place this item on the consent agenda.

Mayor Pro Tem Grannis stated he does not feel comfortable charging someone for a donation.

Councilman Art Holder stated he has reservations about the Town accepting an item that requires intensive maintenance.

Councilman Lawter questioned if the donation is a true need of the Town, why would there be a fee for maintenance if the Town was going to buy it.

Parks & Recreation Director Larry Bailey stated when the Town was approached about the donation of a bench, the specifications that it be composite was shared. He stated a policy enables staff to share parameters.

Councilman Lawter stated he would expect staff to evaluate the donation and to not accept an item that is high maintenance.

Councilman Jason Thompson stated if someone is willing to donate a tree, then there should be a way to recognize the contribution.

Parks & Recreation Director Bailey stated vandalism has been an issue and the cost of replacing a plaque becomes ongoing.

It was the consensus of the Council to revise the document on the points of cost of maintenance for donations and recognition of tree donations.

Item 5d. Presentation of resolution for acquisition of easements for the Clayton-Raleigh sewer transmissions project [Council action requested].

Town Manager Steve Biggs stated the Town has worked with a consultant to acquire a vast percentage of easements necessary to support this project. He stated a few owners have refused to work with the Town. He added the requested easement is within an existing right-of-way owned by Duke Progress. He stated Town Attorney Ross has prepared (seven) resolutions for those easements needed in order to proceed with the project and Council action is requested.

Councilman Satterfield motioned to approve the resolutions as presented. Councilman Holder and Councilman Thompson simultaneously seconded the motion.

Mayor Pro Tem Grannis stated he sees seven properties that the owners have not provided approval. He questioned how many properties are part of this project.

Public Works & Utilities Director Tim Simpson stated the estimate is 40 properties for the project and that includes the seven before the Council this evening.

Town Manager Biggs stated the terms of the compensation are not determined by the Town. He stated an appraiser assigns a value and the compensation is calculated from the appraisal value.

All Council members voted in favor of the (seven) resolutions as presented.

- Item 5e. Presentation of resolution authorizing electronic notice of “piggyback” contract for athletic field lighting [**Council action requested**].

Town Manager Steve Biggs stated when the bid for the East Clayton Park was opened, it was over budget. He stated several items were deleted, including field lighting. He stated last month a proposal on field lighting was presented. He stated a “piggyback” process with Musco Lighting is recommended for the field lighting at East Clayton Community Park for \$350,000 as a cash purchase. He provided a handout for review and discussion on Town financials; herewith attached and part of the permanent record. He stated the request is to authorize the purchase of the field lights as a fund balance appropriation and the expectation is the use of current year funds.

Based upon question by Council, Town Manager Biggs stated before approving award of bid, there will be a full assessment. He stated the authorization requested this evening is to move forward with the resolution to notice the “piggyback” method of purchase.

Councilman Satterfield motioned to approve the resolution as presented. Councilman Lawter and Councilman Thompson simultaneously seconded the motion.

All Council members voted in favor of the resolution as presented.

This item is slated for public hearing at the Monday, August 5, 2013, Council meeting.

- Item 5f. Presentation of resolution for the Clayton Police Department to submit an application contract for traffic safety funding with the North Carolina Governor’s Highway Safety Program.

Lieutenant Kenneth Lunger stated this is an application for a grant to replace four radar units and purchase one laser unit. He stated the grant funding is 75 percent and the Town match is 25 percent. He stated it has been seven years since the Town of Clayton last applied for this grant.

Councilman Satterfield motioned to approve the resolution for the grant as presented; Councilman Lawter seconded the motion. Motion carried 5-0 at 7:35 PM.

- Item 5g. Presentation of resolution directing the clerk to investigate a citizen initiated annexation petition submitted by Harvey Moss of C&H Rentals for property located at 1018 West Stallings Street.

Based upon question by Council, Public Works & Utilities Director Tim Simpson stated a water and sewer tap request was received for an existing residence at this address. He stated the property is currently outside the corporate limits and sewer is extended to in-town residents only by ordinance. He added only a service line needs to be extended to the property.

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

Item 5h. Presentation of warranty acceptance for Spring Branch Medical & Commercial Park, Phase 2.

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

#### **ITEM 6. ITEMS CONTINGENT FOR THE REGULAR MEETING**

No items contingent for the regular meeting was presented to the Council.

#### **ITEM 7. ITEMS FOR DISCUSSION**

No items for discussion were presented to the Council.

#### **ITEM 8. OLD BUSINESS**

Item 8a. Text amendment to the Town Code of Ordinance 155.402 Landscaping and Screening and preliminary subdivision SUB 2013-08 for Old Fields Subdivision.

Planning Director David DeYoung stated there was an advertising error by the newspaper. He stated to rectify due process, both items will be returned to Council for action.

#### **ITEM 9. STAFF REPORTS**

Item 9a. Town Manager

Town Manager Steve Biggs stated on Tuesday, July 16, 2013, he has been invited to address the Garner Board of Alderman. He stated in November 2012 a letter requesting support with the City of Raleigh for wastewater service agreement to increase the Town of Clayton's capacity from 1 mgd to 1.2 mgd was sent. He stated this would open the service area for Clayton for the entire retail service area. He stated the City of Raleigh recommended the Town of Clayton approach the Town of Garner as the City of Raleigh operates the Town of Garner utility system. He requested an elected official attend the meeting.

Councilman Art Holder volunteered to attend the 7 PM Town of Garner meeting with the Town Manager.

Town Manager Biggs stated Council requested a proposal for certain equipment items and it will be on the August 5 agenda.

**Item 9b. Town Attorney**

Town Attorney Katherine Ross stated this morning the Johnston County Superior Court heard the Wise Recycling appeal of the Board of Adjustment dismissal of the Wise Recycling written interpretation appeal. She stated it will go back to the Board of Adjustment for a hearing on the merits. She stated when the written order is received, a closed session with Council is recommended.

**Item 9c. Town Clerk**

Town Clerk Sherry Scoggins stated there is no July Board of Adjustment meeting.

Town Clerk Scoggins stated the filing for municipal office closes on Friday, July 19, 2013, at 12 noon.

Town Clerk Scoggins stated this Thursday is the Concert on the Square and the entertainment is the Craig Woolard Band. She stated the performance begins at 7 PM and she hopes to see us.

**Item 9d. Other Staff**

No other staff presented a report to the Council.

**ITEM 10 OTHER BUSINESS**

**Item 10a. Informal Discussion & Public Comment.**

Ms. Anita Woodley of 2525 – 17 A Booker Creek Road in Chapel Hill and Mr. Demetrius Hunter of 708 Bailey Drive of Raleigh stated they are here in Clayton to discuss health disparities. He stated they are with the organization, Raindownus.org.

Ms. Woodley stated they arrived in May last year. She stated the show “Mama Juggs” is to create awareness about breast cancer and women’s health issues. She stated her mom died of breast cancer and she goes into rural communities to promote awareness about breast cancer. She stated she is woman’s health ambassador and also a North Carolina Teaching Artist. She stated she goes throughout North Carolina and in the public schools teaching. She stated on October 24 at 6 PM there will be a live theater event at the Wagner House. She stated there will be fund raising and this will allow the organization to go into the

Clayton community and provide free breast awareness and HIV workshops. She stated in May there was an event in the Clayton Center and it was successful.

Ms. Woodley stated they want to do more and came to the Council today for support. She stated they are a member of the Clayton Chamber of Commerce and Women In Networking Group. She stated she is becoming a part of the Clayton community. She added Raindownus.org will be at the health event on July 20. She stated additional information is available on the website at [www.Raindownus.org](http://www.Raindownus.org). She added she is seeking suggestions on what the Town does to promote breast cancer awareness.

Item 10b. Council Comments.

Councilman Butch Lawter questioned how to approve the Parks and Recreation Comprehensive Plan.

It was the consensus of the Council to place the Parks and Recreation Comprehensive Plan on the consent agenda.

#### **ITEM 11. ADJOURNMENT**

With there being no further business brought before the Council, Councilman Holder motioned to adjourn. Councilman Satterfield seconded the motion. Motion carried 5-0 at 7:52 PM.

Duly adopted by the Clayton Town Council this August day of 5th 2013, while in regular session.

ATTEST:

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Jody L. McLeod,  
Mayor

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Sherry L. Scoggins, MMC  
Town Clerk

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

Agenda Item: 3b

Meeting Date: 8/05/13

**TITLE: PARKS & RECREATION COMPREHENSIVE PLAN UPDATE.**

**DESCRIPTION:** Presentation by representative of Sage Design on the Town of Parks and Recreation Comprehensive Parks & Recreation Plan update.

***\*Due to the size of the Parks and Recreation Comprehensive Plan Update, it is a stand-alone document.***

At its July 15, 2013, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

**RELATED GOAL:** Expand Leisure Opportunities.

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-15-13	Presentation.	Comprehensive Parks & Recreation Plan.
8-05-13	Approval.	Comprehensive Parks & Recreation Plan.*

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

Agenda Item: 3c

Meeting Date: 8/05/13

**TITLE: AMENDMENT TO THE TOWN'S COMPREHENSIVE LIST OF FEES AND CHARGES: CEMETERIES.**

**DESCRIPTION:** During the FY 12-13 budget work session, Council received presentation of a new position that would be responsible for the Town owned cemeteries and fees associated with this service. On September 4, 2012, the Clayton Town Council approved the amendment to the Town Code of Ordinances, Chapter 92. The rates for service were discussed during the budget work session and during the amendment to the cemetery ordinance; however, Council action on amending the fees is not on record.

If it is the pleasure of the Council, the below amendment to the Town's Comprehensive List of Fees and Charges would rectify this oversight.

At its July 15, 2013, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

**RELATED GOAL:** Financially Responsible Town Government Providing Quality Service.

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-15-13	Presentation.	Amendment to the Town's Comprehensive List of Fees & Charges.
8-05-13	Approval.	Amendment to the Town's Comprehensive List of Fees & Charges.

**TOWN OF CLAYTON  
COMPREHENSIVE LIST OF FEES AND CHARGES  
PROPERTY MAINTENANCE - Cemeteries**

Amend the Town's Comprehensive List of Fees and Charges, Cemeteries:

I.	Lot Purchase (includes footstone)	\$1,000.00
II.	Interment (open/close grave)	\$ 900.00
III.	Footstone marker & Installation	\$ 100.00
IV.	Annual Permit of Access	No Charge
V.	Marker Installation Permit	No Charge

\*All fees related to the cemetery must be paid in accordance with Town Code of Ordinances, Chapter 92: Cemeteries.

Duly adopted this 5th day of August 2013, while in regular session.

ATTEST

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Jody L. McLeod,  
Mayor

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Sherry L. Scoggins, MMC  
Town Clerk

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

Agenda Item: 3d

Meeting Date: 8/05/13

**TITLE: RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A CITIZEN INITIATED ANNEXATION PETITION SUBMITTED BY HARVEY MOSS OF C&H RENTALS FOR PROPERTY LOCATED AT 1018 WEST STALLINGS STREET.**

**DESCRIPTION: Attached.**

At its July 15, 2013, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

**RELATED GOAL: Legislative.**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-15-13	Presentation.	Resolution & Map.
8-05-13	Approval.	Resolution & Map.

**ANNEXATION PETITION 2013-07-01  
1018 W. Stallings Street  
Parcel: 05029026  
Owner – C&H Rentals (Harvey Moss)  
CONTIGUOUS, .56 +/- acres**

**TOWN OF CLAYTON  
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER G.S. 160A-31**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on June 12, 2013, by the Town Council; and

**WHEREAS**, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

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

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

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

Duly adopted this 5th day of August 2013, while in regular session.

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**Jody L. McLeod  
Mayor**

**ATTEST:**

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



Property to be Annexed 0.56 Acres

**Legend**

-  Clayton Town Limits
-  Clayton ETJ
-  Parcels

1 inch = 100 feet

Produced by: TOC Planning  
June 19, 2013

**Annexation Map**

Applicant(s): C & H Rentals (Harvey Moss)  
 Property Owner(s): C & H Rentals  
 Parcel Number(s) 05029026  
 File Number(s): Annex 2013-07-01



Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.  
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**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**Agenda Item: 3e**

**Meeting Date: 8/05/13**

**TITLE: WARRANTY ACCEPTANCE FOR SPRING BRANCH MEDICAL & COMMERCIAL PARK.**

**DESCRIPTION: Attached.**

**At its July 15, 2013, Council meeting, it was the consensus of the Council to place this item on the consent agenda.**

**RELATED GOAL: Administrative.**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-15-13	Presentation.	Memorandum.
8-05-13	Approval.	Memorandum.

# TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE  
(919) 553-1530

VEHICLE MAINTENANCE  
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS  
(919) 553-1530

WATER RECLAMATION  
(919) 553-1535

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## MEMORANDUM

To: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector

Copy: Jonathan Barnes, Dalton Engineering  
David DeYoung, Planning Director

Date: June 20, 2013

Re: Spring Branch Medical & Commercial Park, Phase 2

Please place a warranty acceptance request for the referenced public water, sewer, & associated storm drainage utilities on the next available agenda. Record drawings have been reviewed and accepted. Following Council acceptance, the utilities will be subject to a one-year warranty period. Following the warranty period, a final inspection will be done and all deficient items corrected prior to final acceptance.

*Rec'd 6-21-13 DRB*

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

Agenda Item: 4a

Meeting Date: 8/05/13

**TITLE: RECOGNIZE THE TOWN OF CLAYTON PUBLIC WORKS  
DEPARTMENT STREETS CREW FOR THE FY 12-13 SIDEWALK  
HANDICAP RAMP INSTALLATION PROJECT.**

**DESCRIPTION: Recognition.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**8-05-13**

**Recognition.**

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

**Agenda Item: 5a**

**Meeting Date: 8/05/13**

**TITLE: EVIDENTIARY HEARING FOR SUBDIVISION REQUEST SUB 2013-08 FOR OLD FIELDS SUBDIVISION LOCATED OFF OF CORBETT ROAD.**

**DESCRIPTION: After the June 3, 2013, hearing, it was learned that this item was not properly noticed. On the advice of our Town Attorney, this item was re-noticed for public hearing at the August 5, 2013, Council meeting.**

**RELATED GOAL: Legislative & Manage Growth Producing Quality Developments**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-20-13	Presentation.	
6-03-13.	Evidentiary Hearing.	
7-15-13	Discussion.	
8-05-13	Public hearing.	SUB Hearing Procedures, 6/3/2013 Minutes Excerpt, Application, Neighborhood Meeting information, Staff Report, Aerial Map, Site Plan, Email response to Mr. Corbett, Letter to Mr. Corbett, Sidewalk info. From Mr. Gilbert, & Motion Form.

# **Town of Clayton Subdivision Review Application Hearing Procedure**

1. **HEARING.** The Mayor shall call the hearing and announce the case.
2. **RULES OF PROCEDURE.** The procedure by which testimony may be given shall be announced by the Town Attorney. The Town Attorney shall be responsible for keeping all testimony within acceptable legal guidelines.
3. **OATHS.** Oaths shall be administered to all speakers. A statement of oath shall be signed by all persons taking the oath.
4. **STAFF REPORT.** The Staff shall give its report.
5. **APPLICANT TESTIMONY.** The applicant shall be called to present their case. If the applicant or a representative is not present to give testimony, the Mayor shall call for a vote of the members present to continue the hearing for thirty days. The applicant shall be notified of such action. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
6. **OPPOSITION TESTIMONY.** Those speaking in opposition to the application shall be called upon to present their case. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
7. **APPLICANT REBUTTAL.** The applicant and/or those in support of the application shall be provided an opportunity to rebut testimony provided by the opposition. The Council may also ask questions of the applicant at this time.
8. **OPPOSITION REBUTTAL.** Those in opposition to the application shall be provided an opportunity to rebut testimony provided by the applicant. The Council may also ask questions of the opposition at this time.
9. **COUNCIL INQUIRY.** The Council shall ask any additional questions of the applicant, opposition, or staff at this time. The Mayor shall be responsible for keeping questions and responses relevant and factual.

10. **DELIBERATION.** The Mayor shall call the Council into deliberation. Once called into deliberation no person may address the Council and no questions may be asked by Council to the public.
11. **UTILITY ALLOCATION (WHEN APPLICABLE).** In the event of pending action on a utility allocation request related to the case and there being no additional testimony, the Council shall take action on a utility allocation in accordance with related policies and procedures.
12. **ACTION-FINDINGS FOR DECISION.** Once discussion of the evidence has been completed and action taken on the utility allocation (when applicable); each finding shall be discussed in turn and a motion, second and vote shall be made for each finding by selecting one of the three alternatives. A majority vote shall prevail. All four findings shall be addressed.
13. **ACTION-APPLICATION.** Once all four findings have been decided and based on the results of the evaluation and vote on those findings, the Council shall make a motion and vote to approve or deny the application.

- Black vinyl chain link fencing requests not in the Code can be reviewed by the Planning Director
- Barb wire is allowed on fences for utility uses to protect the public

Mayor McLeod opened the public hearing at 7:29 PM. As no one spoke, the public hearing was closed at 7:29 PM.

Councilman Lawter motioned to approve the proposed text amendment; Councilman Holder seconded the motion. Motion carried unanimously at 7:29 PM.

**Councilman Thompson of the Town Council of the Town of Clayton hereby stated:**

**Section 1:** Text Amendments to Chapter 155 Section 402 of the Unified Development Code are consistent with the Town of Clayton Strategic Growth Plan.

**Section 2:** Based upon information presented at the public hearings 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 155.703(H) of the Unified Development Code of the Town of Clayton, Text Amendment revisions to Chapter 155 Section 402 of the Unified Development Code are reasonable and in the public interest.

Councilman Holder seconded the motion. Motion carried unanimously at 7:30 PM.

Item 5c. Evidentiary hearing for preliminary subdivision request SUB 2013-08 located at Corbett Road and US 70 HWY Bypass.

Mayor McLeod announced subdivision application SUB 2013-08 located at Corbett Road and US 70 HWY Bypass has been noticed for an evidentiary hearing at 7:30 PM. He called upon Town Attorney Katherine Ross to explain the rules of procedure for an evidentiary hearing.

Town Attorney Katherine Ross introduced the evidentiary hearing procedures used for subdivision application SUB 2013-08. 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 criteria found in the Unified Development Code (UDC) of the Town Code of Ordinances. She added anyone opposed to the application must 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 this evening. 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: Steve Biggs, David DeYoung, Aalsey Gilbert, and Michael Blinson.

Planning Director David DeYoung provided the following PowerPoint presentation of SUB 2013-08, herewith attached:

- Preliminary subdivision request for 12 lot subdivision on 9.44 acres
- Current zoning is RE
- Site is within the Town's ETJ and within the Town's Scenic Highway Overlay District
- Applicant is requesting use of the density allowance within the Scenic Highway Overlay District
- Site is currently vacant
- Access to site is from Corbett Road
- Street into subdivision is a cul-de-sac
- Subdivision request adjoins property of owner named Corbett
- Each lot will meet the set back requirements of RE
- Applicant is putting in a 100 foot setback from the new 70 bypass
- The setback enables the applicant to increase the density
- Part of this site is cleared by Piedmont Natural Gas for an easement
- Twelve lots range in size from half an acre to one point three acres
- No lots less than 20,000 square feet
- Applicant is requesting a density of 1.27 dwelling units per acre
- Johnston County Environmentally Sensitive Overlay District within the Town's ETJ will apply to this site
- Water provided by Johnston County
- Septic tanks will service each lot as there is no sewer connections available in the area
- Subdivision meets all landscape buffer requirements of Town Code
- Septic systems must be permitted by Johnston County
- Signage to the subdivision will have to meet the Town Code

- Five foot sidewalks are required on both sides of the road or a fee in lieu must be made – decision to be made by the Council
- Applicant provided an estimate of the sidewalk cost
- Request is generally consistent with the Town’s Strategic Growth Plan
- Request is generally consistent with the Town Unified Development Code, pending sidewalk discussion by Council
- Applicant has addressed the findings of fact as required by Section 155.706 (l) (10) and are included in the application
- Neighborhood meeting was held on March 18, 2013
  - No opposition was expressed
  - Mr. Corbett attended the meeting
- Staff is recommending approval of the request

Mr. Alsey Gilbert stated for the question of sidewalk, the applicant would prefer to have no sidewalk. He stated he has estimates for sidewalk and there are no sidewalks slated for Corbett Road. He stated there are no sidewalks at Mr. Corbett’s.

Councilman Satterfield questioned where the information for sidewalk is.

Mr. Gilbert stated it was sent via email. He distributed a copy, herewith incorporated into the record. He stated figures were obtained from J. M. Daniels and Browe Construction, both are local companies. He stated he did a job in Holly Springs that was \$28 a foot. He added the applicant is requesting sidewalk on one side of the road.

Mayor McLeod questioned if anyone was in attendance to speak in opposition. As no one came forward, there was no rebuttal. He turned the item over for Council inquiry at 7:40 PM.

Councilman Satterfield questioned the cost of sidewalk is roughly \$18,000 to \$19,000.

Mr. Gilbert stated it depends.

Councilman Satterfield questioned if this was provided at the last meeting.

Mr. Gilbert stated no. He added the original figure was based on 24 with sidewalk going around the (cul-de-sac) bulb.

Councilman Satterfield questioned why sidewalk does not go all the way around the bulb.

Mr. Gilbert stated going around the bulb would require ADA compliance.

Councilman Satterfield questioned if sidewalk is required around the bulb.

Mr. Gilbert stated for cul-de-sacs, no. He added they are not in Cobblestone Subdivision and Cobblestone Subdivision has curb and gutter.

Planning Director David DeYoung stated sidewalk is not required around the bulb.

Councilman Satterfield questioned why. He added it does not make sense.

Planning Director DeYoung stated he is correct in that this does not make sense. He stated the Code requires sidewalk on both sides of the street. He stated historically there is not sidewalk around the bulb.

Councilman Satterfield questioned if there will be concrete driveways. He stated he does not believe stopping sidewalk at the bulb makes sense.

Planning Director DeYoung stated the Planning Department stance is if sidewalk is required on both sides of the street, then it be continuous around the bulb.

Councilman Satterfield questioned if this request would go before the Board of Adjustment if sidewalk is not on both sides of the street.

Planning Director DeYoung stated the Council may decide on fee in lieu if there is not sidewalk on both sides of the street.

Councilman Satterfield stated his understanding of the applicant's request is no sidewalk.

Mr. Gilbert stated in the typical cross section for an NCDOT street, there are cuts and a lot of expense and sidewalk installation has to meet ADA requirements.

Councilman Satterfield questioned Mr. Gilbert if he is trying to get away from installing sidewalks or from paying the fee in lieu or both.

Mr. Gilbert questioned what the Town is charging for the fee in lieu.

Councilman Satterfield questioned status of hearing.

Mayor McLeod stated the Council is in inquiry.

Councilman Satterfield stated personally for a subdivision this small he would be ok with sidewalks on the long side stopping at the bulb and a fee in lieu for the other portion where it stops.

Councilman Lawter stated for the long side put in sidewalk and for the short side fee in lieu.

Councilman Satterfield stated yes.

Mayor McLeod questioned if the east side is the long side.

Mr. Gilbert stated affirmative.

Town Attorney Ross stated prior to going into deliberation, she reminded the Council there was communication received by the board via email. She stated that communication is hearsay and not used for the making of the finding. She stated if Council has question about the ex-parte communication that the Council share the information with the applicant. She stated the letter from Mr. Corbett is hearsay as he is not here to provide this information for the findings of fact.

Councilman Lawter questioned if a cross section was prepared.

Mr. Gilbert stated this particular street is fairly flat.

Mayor McLeod called the Council into deliberation at 7:48 PM.

Councilman Lawter stated he would start where Councilman Satterfield left off. He stated he is leaning the same way with sidewalk on the east side and a fee in lieu for the west side. He stated the problem he has is the area around the bulb is new and it is not fair to this applicant to add criteria that is unclear to add sidewalk around the bulb. He stated this would be an item for review and possibly revision so it is clarified to include the perimeter around the bulb.

Councilman Lawter questioned if Council can dictate fee in lieu versus putting in sidewalk.

Town Attorney Ross stated Council can make requirement for sidewalks and accept fee in lieu if applicant does not want to install and chooses the fee in lieu.

Councilman Lawter stated the applicant can make the decision.

Councilman Satterfield stated the applicant has that option.

Councilman Lawter questioned if that would be added as a condition.

Town Attorney Ross stated the Council would approve the subdivision with what sidewalks are required and if amenable to a fee in lieu instead of the applicant building a sidewalk.

Councilman Satterfield stated not unless the Council wants to require sidewalk on the east side and accept a fee in lieu (for the west side) and it must be mentioned now. He stated presently the applicant has the option of doing either one.

Mayor Pro Tem Grannis requested Councilman Satterfield repeat his statement.

Councilman Satterfield stated if Council does not require anything, the applicant has the option of putting the sidewalk in or paying the fee in lieu for both sides of the road. He stated the Council may instruct the applicant to put sidewalk in on or the other side, all, or none, or one side or both sides.

Planning Director DeYoung stated the applicant has the option of paying the fee in lieu instead of putting in sidewalk. He stated Council has the option of either accepting the fee in lieu for the west side of the street and require sidewalk on the east side of the street.

Councilman Satterfield stated the Council has to specify its preference.

Planning Director DeYoung stated affirmative.

**Councilman Lawter 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 2013-08**, subject to the conditions recommended by the Planning Board and Planning Staff:

1. Driveway Permits must be approved by NCDOT.
2. Existing wells must be closed out in accordance with state requirements.
3. ~~Restrictive covenants or homeowners' association documents must state that the road will be maintained by the homeowners until such time as the road is accepted by NCDOT.~~
4. Per section 155.602(H) of the Unified Development Code, ~~sidewalks shall be required on both sides of the street.~~ sidewalk shall be required on the east side of the road and a fee in lieu shall be paid for the sidewalk on the west side of the road.

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 unanimously at 7:54 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 **SUB 2013-08**.

Councilman Thompson seconded the motion. Motion carried unanimously at 7:55 PM.

Mr. Gilbert questioned if the applicant is putting in the sidewalk or paying the fee in lieu.

Mayor McLeod stated the approval is for sidewalk on the east side and fee in lieu on the west side.

Mr. Gilbert questioned sidewalk around the bulb.

Mayor McLeod stated not around the bulb for this particular case. He stated staff will be requested to review and provide clarity for the bulb.

#### **ITEM 6. OLD BUSINESS**

Item 6a. Status of 110 West Front Street, former Red & White Store.

Town Manager Steve Biggs stated he spoke with the owner's agent who stated a dumpster will be placed on site tomorrow. He stated the preference is placement in the parking spaces that are located at the northeast corner of the railroad and North O'Neil Street. He stated the area on the sidewalk will be blocked with tape and cones. He added a forklift or loader would be used to remove the canopy. He stated the work is anticipated to begin on Wednesday. He stated Council approval for the temporary blocking of that portion of the street is requested.

Based upon question by Council, Town Manager Biggs stated the intent is to alleviate the immediate safety hazard which is the canopy.

Item 6b. Status of traffic review and sidewalk needs for Champion Street.

Town Manager Steve Biggs stated a cost quote has not yet been received. He stated the detail on the traffic count was obtained and it was distributed; herewith attached and incorporated into the record. He stated the conditions for the sidewalk was assessed and it is more favorable than other areas that the Town has worked.

Mayor Pro Tem Grannis questioned if the information can be posted on the website.



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

## SUBDIVISION APPLICATION

*Pursuant to Article 7, Section 155.706 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town of Clayton to approve a Subdivision (major, minor, final plat, or exempt) application. Applicants seeking subdivision approval shall schedule a pre-application conference with the Planning Director in accordance with Section 155.702(A).*

*Subdivision applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fees are as follows:*

- *Minor Subdivision: \$200.00 +5.00/lot.*
- *Major Subdivision: 2-15 Lots = \$200.00 +5.00/lot; 16-40 Lots = \$300.00 +5.00/lot; 41-80 Lots = \$400.00 +5.00/lot; 81+ Lots = \$500.00 +5.00/lot; and. Open Space Subdivision = \$500.00 + \$5/lot.*
- *Final Plat: \$250.00*
- *Exempt Map/Recombination: \$50.00*

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

### SUBDIVISION TYPE:

**Application Type:**

- Minor Subdivision     
  Major Subdivision     
  Final Plat     
  Exempt Map  
 Recombination

### SITE INFORMATION:

Name of Project: OLD FIELDS      Acreage of Property: 9.44

Preliminary Plat Approval Date (if applicable): \_\_\_\_\_

Parcel ID Number: 05G 03058B      Tax ID: Sum

Location: CORBETT Rd

Section(s): 1      Phase(s): 1

Number of Lots (Existing): 0      (Proposed): 12      Min. Lot Size: 20,000

Zoning District: RC      Planned Development? (Y/N): H      Electric Provider: CP&L

Specific Use: \_\_\_\_\_

Recreation/Open Space Requirement:     Fee in lieu     Land Dedication (acreage) \_\_\_\_\_

### FOR OFFICE USE ONLY

File Number: 2013-08      Date Received: received  
2/11/13 AB      Amount Paid: 260.00

**OWNER INFORMATION:**

Name: MBlinson Blackcreek Holdings LLC  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**APPLICANT INFORMATION:**

Applicant: Alsey Gilbert PLS  
Mailing Address: 112 H Church St.  
Phone Number: 919-553-5104 Fax: 919-553-3664  
Contact Person: \_\_\_\_\_  
Email Address: alsey.gilbert@gmail.com

**REQUIRED PLANS AND SUPPLEMENTAL INFORMATION**

*The following items must accompany a Subdivision Plan application. This information is required, except where otherwise noted:*

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

**APPLICANT AFFIDAVIT**

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

Alsey Gilbert  
Print Name

[Signature]  
Signature of Applicant

11/31/13  
Date

**APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY**

Section 155.706(I)(10) of the Unified Development Code requires that certain findings must be made by the Town Council before a Major Subdivision may be approved. Outline below (you may attach additional sheets) how the application addresses each of the following findings:

- (1) That the subdivision meets all required specifications of the town Subdivision Regulations and conforms to the town Unified Development Code.

Yes

- (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.

No, subdivision meet or exceeds all adjacent properties

- (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.

Project is ~~with~~ <sup>water</sup> & septic. septic will be approved by Johnston County Health. Property is one of few left on Corbett rd. & has only 12 lots & will have minimal traffic impact

- (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.

Project is consistent with Plans & will be in compliance with scenic highway district



**CERTIFICATION OF MAILING NOTICE**  
**TO THE CITY COUNCIL**  
**TOWN OF CLAYTON**

In accordance with the requirements of Section 105.702(D)(2)(c) of the Unified Development Code of the Town of Clayton and of Section 160A-384 of the General Statutes, I hereby certify that the undersigned has this date mailed a notice of the proposed preliminary subdivision to the owners of all parcels of land within 100 feet and immediately abutting that (those) parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, in an envelope addressed to the property owners whose names and address are as follows:

(see attached)

This the 17 day of July, 2013  
Name (print): Emily Beddingfield  
Signed: 

PROJECT: PSD 2013-8 Old Fields Subdivision

BERMUDEZ, FORTINO GAYTAN &  
MARTHA  
2325 HEMLOCK CIR  
CLAYTON, NC 27520-0000

BLACK CREEK HOLDINGS LLC  
699 FEDERAL ROAD  
BENSON, NC 27504-0000

BREWER, JEREMY & PAULA  
235 CORVINA DR  
CLAYTON, NC 27520-9625

CORBETT, JOHNNY & LISA  
371 CORBETT RD  
CLAYTON, NC 27520-0000

CORBETT, LAURA B  
354 CORBETT ROAD  
CLAYTON, NC 27520-0000

DARRYL D EVANS INC  
425 INDIAN CAMP ROAD  
SMITHFIELD, NC 27577-0000

PERRY, WILMER HOMER & SHIRLY  
DIANE  
297 CORBETT RD  
CLAYTON, NC 27520-0000

WEEKS, LOIS G  
423 CORBETT RD  
CLAYTON, NC 27520-6428





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

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July 17, 2013

RE: Project # PSD 2013-8 Old Field Subdivision

Dear Clayton Area Property Owner:

The Clayton Town Council will hold an evidentiary hearing on Monday, August 5, 2013, at 6:30 PM at Town Hall, 111 East Second Street, to consider a request to develop 9.44 acres into 12 single-family lots. The property is bounded by Corbett Road to the west, US Hwy 70 Bypass to the south, and Hannah's Creek subdivision to the east. Please see the map on the back of this letter. The present zoning is R-E (Residential Estate) and the property is located within the Town Extra-Territorial Jurisdiction. Parcel number 165803-01-3795. According to Johnston County tax records, you are the owner of a property within 100 feet of this request.

This is the same request that was heard and approved at the June 3, 2013 Town Council meeting. Due to an oversight in the noticing process, the Town has been advised by the attorney to re-hear the case and resend this letter.

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

If you should need additional assistance or information, please contact the Planning Department at (919) 553-1545.

Sincerely,

Emily Beddingfield, AICP  
Town Planner

cc: PSD 2013-8 Old Fields Subdivision File  
Sherry Scoggins, CMC, Town Clerk

# Alsey J. Gilbert PLS

112 North Church St.

Clayton N.C. 27520

Email: [alseygilbert@ymail.com](mailto:alseygilbert@ymail.com)

Website [www.surveyingnc.com](http://www.surveyingnc.com)

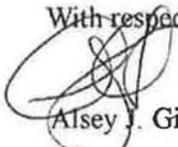
Phone 919-553-5104

Fax: 919-553-3663

Dear Clayton Area Property Owner,

A neighborhood meeting will be held at 7:00 pm at 112 North Church St. Clayton NC (Gilbert Land Surveying) on March 18<sup>th</sup> 2013 to discuss the proposed Old Fields Subdivision located on Corbett Rd. This parcel has a tax id no. on Johnston county Gis of 05G03058B if you would like to view on the GIS site on [Johnstonnc.com](http://Johnstonnc.com).

With respects,



Alsey J. Gilbert PLS

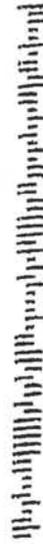
112 N. Church St.  
Clayton NC 27520

RALEIGH NC 275  
Research Triangle Region  
06 MAR 2013 PMS 1



Emily Beddingfield  
Town of Clayton Planning  
Clayton NC 27520

2752089999





# Alsey J. Gilbert PLS

112 North Church St.

Clayton N.C. 27520

Email: [alseygilbert@ymail.com](mailto:alseygilbert@ymail.com)

Website [www.surveyingnc.com](http://www.surveyingnc.com)

Phone 919-553-5104

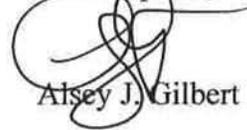
Fax: 919-553-3663

To: Town of Clayton

Re: Old Fields Neighborhood Meeting

On March 18<sup>th</sup> at 7:00 pm at the office of Alsey J. Gilbert PLS a neighborhood meeting was held to discuss the Old Fields Subdivision. It was attended by Alsey J. Gilbert and Johnny Corbett who was also representing his mother Laura Corbett and was asked to pick up a map for Lois Weeks. Mainly what was discussed was Mr. Corbett desire to purchase a strip of property or Lot from the developer. I told Mr. Corbett I would relay this to the developer. Another Item discussed was style home and appearance, I told Mr. Corbett it would be comparable to Hannahs Creek.

With respects,



Alsey J. Gilbert PLS

# NEIGHBORHOOD MEETING ATTENDANCE ROSTER

**Applicant:** Alsey Gilbert

**Location/Date:** 112 N. Church St. CAYTON NC 27520

	NAME	ADDRESS
1	<i>Alsey Gilbert</i>	<i>371 Corbett Rd.</i>
2	<i>Corbett copy to Mrs. Wks</i>	
3	<i>Corbett copy to Mrs. Corbett</i>	<i>354 Corbett Rd.</i>
4		
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Town of Clayton  
 Planning Department  
 111 E. Second Street, Clayton, NC 27520  
 P.O. Box 879, Clayton, NC 27528  
 Phone: 919-553-1545  
 Fax: 919-553-1720

Town Council

**STAFF REPORT**

**Application Number:** SP 2013-08 (Major Subdivision)  
**Project Name:** Old Fields Subdivision

**NC PIN:** 165803-01-3795  
**Town Limits/ETJ:** ETJ  
**Overlay:** Scenic Highway Overlay  
**Applicant:** Alsey Gilbert, PLS  
**Owners:** Black Creek Holdings, LLC

**Neighborhood Meeting:** Held March 18, 2013

**PROJECT LOCATION:** The project is located on Corbett Road near the intersection with the US 70 Clayton Bypass.

**REQUEST:** The applicant is requesting preliminary subdivision approval for 12 lots in the Residential Estate (R-E) district.

**SITE DATA:**

**Acreage:** 9.44 acres  
**Present Zoning:** Residential Estate (R-E)  
**Proposed Zoning:** Residential Estate (R-E)  
**Existing Use:** Vacant

**DEVELOPMENT DATA:**

**Proposed Uses:** Single Family Residential  
**Buildings:** Only single family residential buildings are proposed as a part of this subdivision.  
**Number of Stories:** N/A (max. height 35 feet)  
**Impervious Surface:** Maximum 50% permitted  
**Proposed Density:** 1.27 units/acre (maximum of 1.5 units/acre permitted with Scenic Highway Overlay 100 foot setback density bonus)

Proposed Parking:	At least 2 spaces will be provided per dwelling unit (minimum 2 spaces per dwelling unit required)
Fire Protection:	Town of Clayton Fire Department
Access/Streets:	Via a new roadway connection to Corbett Road
Water/Sewer Provider:	Water: Johnston County Sewer: Individual septic systems
Electric Provider:	Duke Energy

**ADJACENT ZONING AND LAND USES:**

<b>North:</b>	Zoning:	Residential Estate (R-E)
	Existing Use:	Single Family Residential
<b>South:</b>	Zoning:	Public Right-of-Way
	Existing Use:	Clayton US 70 Bypass
<b>East:</b>	Zoning:	Residential Estate (R-E)
	Existing Use:	Single Family Residential, Open Space
<b>West:</b>	Zoning:	Residential-Estate (R-E), Public Right-of-Way
	Existing Use:	Single Family Residential, Corbett Road

**STAFF ANALYSIS AND COMMENTARY:**

The applicant is requesting preliminary subdivision plat approval for 12 lots with access off of Corbett Road near the interchange with the Clayton US 70 Bypass. Lot sizes range from 0.46 acres to 1.30 acres with an overall density of 1.27 units/acre. No lots are under 20,000 square feet in size. The property sits adjacent to the US 70 Bypass and thus is part of the Scenic Highway Overlay District. The proposed subdivision is more than ½ mile from the interchanges as defined in Section 155.204(C)(9), and thus is not subject to the Scenic Highway Overlay Interchange requirements.

Typically, subdivisions that do not have connections to both water and sewer are limited to one dwelling unit per acre and a minimum of 40,000 square feet. However, the applicant has chosen to utilize the density bonus of an additional one-half unit per acre, which is available to residential development in the Scenic Highway Overlay corridor that provides a 100 foot setback from the US 70 Bypass (Section 155.204(C)(11)). Septic systems are still held to the same environmental permitting requirements so this increased density does not pose an increased environmental concern.

➤ **Consistency with the Strategic Growth Plan**

The proposed subdivision is consistent with the Strategic Growth Plan.

➤ **Consistency with the Unified Development Code**

The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC).

➤ **Landscaping and Buffering**

A 100 foot setback from the Clayton US 70 Bypass is proposed. No other buffering is required. Street yard trees shall be required along the proposed residential street at a rate of one canopy tree per lot or one canopy tree for every 40 linear feet (spaces a maximum of 50 feet apart), per Section 155.402(F).

➤ **Recreation and Open Space**

No recreation and open space is provided in this subdivision; recreation fee-in-lieu will be required in accordance with 155.203(I).

➤ **Environmental**

There are no significant environmental concerns at this site. The site is not located within the Watershed Protection Overlay and there are no known resource conservation areas located on or adjacent to the subject property. Septic systems will require approval from the Johnston County Environmental Health.

➤ **Signs**

All signage will be required to comply with Town of Clayton UDC requirements.

➤ **Access/Streets**

The site will be accessed via a new roadway connection to Corbett Road. The applicant has indicated the roadway will be built to NCDOT standards and ultimately accepted by NCDOT as a public right-of-way after roadway construction if it meets all applicable NCDOT standards. The homeowners association documents or restrictive covenants will indicate that the road is to be maintained by the homeowners until such time the roadway is accepted by NCDOT.

➤ **Multi-Modal Access**

Sidewalk access (five feet in width) will be required on both sides of the roadway within the subdivision, as required by Section 155.602(H).

➤ **Architecture**

N/A. The development is not located within the Strategic Highway Overlay Interchange area and so these additional design standards do not apply.

➤ **Waivers/Deviations/Variations from Code Requirements**

None.

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**FINDINGS:**

Section 155.706(I)(10) of the Unified Development Code requires that certain findings must be made by the Town Council before a Major Subdivision may be approved. The applicant has addressed the Major Subdivision Approval Criteria outlined in UDC Section 155.706(I)(10). The applicant's Findings of Fact are incorporated into the record as Exhibit A of the Staff Report.

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## CONSIDERATIONS

- The Town Council approves major subdivisions.
- 

## RECOMMENDATION:

Staff is recommending:

- Approval of the subdivision subject to the following conditions:
    1. Driveway Permits must be approved by NCDOT.
    2. Existing wells must be closed out in accordance with state requirements.
    3. Restrictive covenants or homeowners' association documents must state that the road will be maintained by the homeowners until such time as the road is accepted by NCDOT.
    4. Per section 155.602(H) of the Unified Development Code, sidewalks shall be required on both sides of the street.
- 

## PLANNING BOARD RECOMMENDATION:

At their regular meeting held April 22, 2013, the Planning Board recommended unanimous approval of the request with the conditions recommended in the staff report, with the exception of Condition #3 which was recommended to be completely removed from the list of conditions.

- ~~3. Restrictive covenants or homeowners' association documents must state that the road will be maintained by the homeowners until such time as the road is accepted by NCDOT.~~

**APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY**

**Section 155.706(I)(10) of the Unified Development Code requires that certain findings must be made by the Town Council before a Major Subdivision may be approved. Outline below (you may attach additional sheets) how the application addresses each of the following findings:**

- (1) That the subdivision meets all required specifications of the town Subdivision Regulations and conforms to the town Unified Development Code.

*Yes*

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- (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.

*No, Subdivision meet or exceeds all adjacent properties*

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- (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.

*Project is ~~with~~ <sup>water</sup> & Septic. Septic will be approved by Johnston County Health. Property is one of few left on Corbett rd. & has only 12 lots & will have minimal traffic impact*

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- (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.

*Project is consistent with Plans & will be in compliance with Scenic Highway district*

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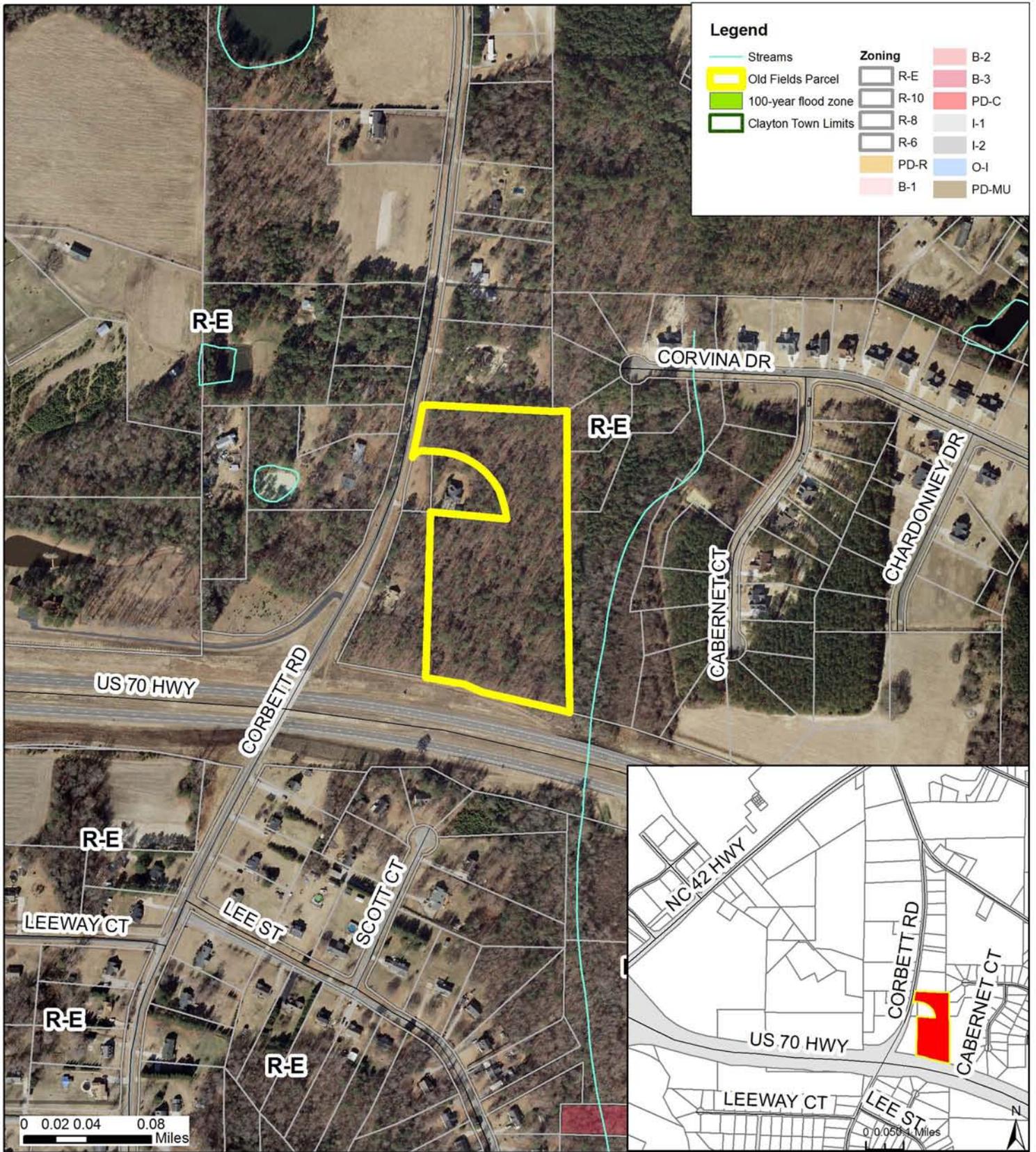
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**Legend**

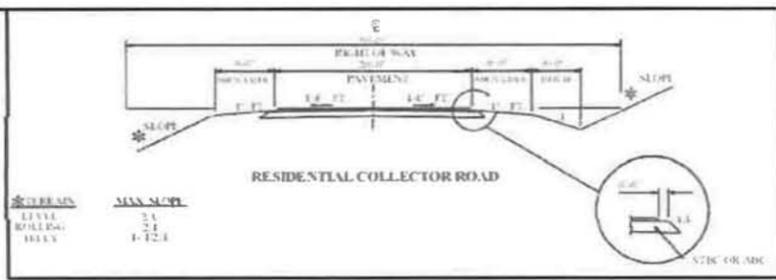
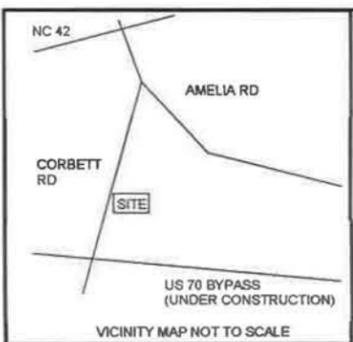
	Streams		B-2
	Old Fields Parcel		B-3
	100-year flood zone		PD-C
	Clayton Town Limits		I-1
			I-2
			PD-R
			O-I
			B-1
			PD-MU

**Old Fields Subdivision  
Preliminary Subdivision Approval**

Applicant: Aley Gilbert  
 Property Owner: Blackcreek Holdings LLC  
 Parcel ID Number: 165803-01-3795  
 File Number: PSD 2013-8

Produced by: TOC Planning  
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.



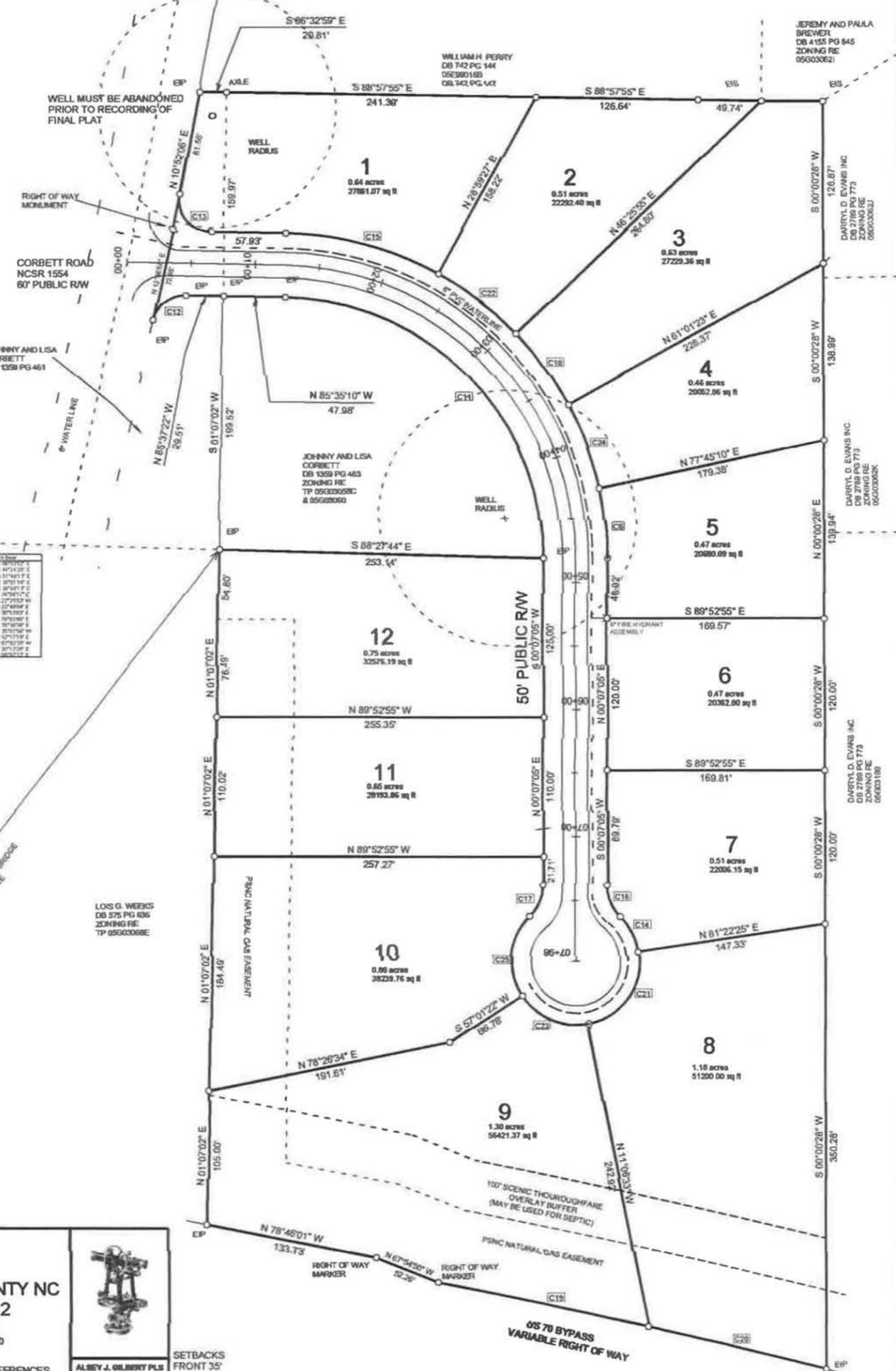


NUMBER OF LOTS.....12  
 OVERLAY DISTRICT.....SCENIC  
 EXISTING USE.....TREES (AGRI)  
 PROPOSED USE.....SUBDIVISION  
 AREA OF TRACT.....9.44 ACRES  
 ZONING.....RE  
 SEWER.....SEPTIC  
 WATER.....JOHNSTON CO.  
 ELECTRIC.....DUKE POWER  
 DENSITY.....1.27 LOTS/AC

PROJECT IS WITHIN ETJ ZONING:RE  
 PROJECT IS NOT WITHIN WATERSHED OVERLAY DISTRICT  
 PROJECT IS NOT WITHIN A 100 YR FLOOD PLAIN  
 TP ID 05G03058B  
 PROJECT IS WITHIN THE SCENIC HWY OVERLAY



ID	AREA	PERIMETER	AREA	PERIMETER	AREA	PERIMETER
1	0.64 acres	27861.07 sq ft				
2	0.51 acres	22282.40 sq ft				
3	0.63 acres	27229.36 sq ft				
4	0.46 acres	20052.06 sq ft				
5	0.47 acres	20680.09 sq ft				
6	0.47 acres	20362.00 sq ft				
7	0.51 acres	22006.15 sq ft				
8	1.18 acres	51200.00 sq ft				
9	1.30 acres	56421.37 sq ft				
10	0.90 acres	38239.76 sq ft				
11	0.65 acres	28193.86 sq ft				
12	0.75 acres	32576.19 sq ft				



PRELIMINARY PLAT:  
**OLD FIELDS**  
 CLAYTON TWP JOHNSTON COUNTY NC  
 SCALE 1"=60' DATE 8/16/12

BLACK CREEK HOLDINGS LLC  
 699 FEDERAL RD.  
 BENSON NC 27504

DEED REFERENCES  
 DB 1359 PG 459  
 DB 552 PG 614

ALBNEY J. GILBERTY PLS  
 112 NORTH CHURCH ST.  
 CLAYTON NC 27928  
 PHONE: 919-553-9064  
 FAX: 919-553-3693

PRELIMINARY PLAT: NOT FOR RECORDATION, SALES OR CONVEYANCES

**From:** Sherry Scoggins  
**To:** [Emily Beddingfield](#)  
**Subject:** RE: Project # PSD 2013-8 Old Field Subdivision  
**Date:** Wednesday, May 29, 2013 2:41:00 PM  
**Attachments:** [CouncilMgt101EvHearing.pdf](#)

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Mr. Corbett's email will be shared with the Council.

As this is an evidentiary hearing, the Council is considering/weighing sworn testimony at its June 3, 2013, Council meeting. Please share the attached overview of an evidentiary hearing with Mr. Corbett and invite him to attend.

Sincerely,

*Sherry L. Scoggins, MMC*  
**Town Clerk**  
**Town of Clayton**  
**"Premier Community for Active Families"**  
**919.553.5002 ext 5004**  
**919.553.8919 (FAX)**  
**<http://www.townofclaytonnc.org>**

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**From:** Emily Beddingfield  
**Sent:** Wednesday, May 29, 2013 2:30 PM  
**To:** Sherry Scoggins  
**Subject:** FW: Project # PSD 2013-8 Old Field Subdivision

Sherry,

We just received this email regarding the Old Fields subdivision from an adjacent property owner. Dave asked that I forward it to you ASAP for Monday night's meeting.

Thank-you!  
Emily

**Emily S. Beddingfield, AICP**  
Town Planner  
Town of Clayton  
111 East Second Street | Clayton, NC 27520  
P (919)553-1545 | F (919)553-1720  
[ebeddingfield@townofclaytonnc.org](mailto:ebeddingfield@townofclaytonnc.org)

**From:** Johnny Corbett [<mailto:johnnycorbett@gmail.com>]  
**Sent:** Wednesday, May 29, 2013 1:32 PM  
**To:** Emily Beddingfield  
**Subject:** RE: Project # PSD 2013-8 Old Field Subdivision

Dear Ms. Beddingfield,

I received a letter from Town of Clayton Planning Department, dated May 23 2013, which indicated notice of an evidentiary hearing on June 03, 2013 in reference to Project # PSD 2013-8 Old Field Subdivision.

As a Clayton area property owner on Corbett Road, adjacent to the proposed Old Fields Subdivision site, I would like to ask you and the Town Council/Planning Board to consider the information below prior to giving final approval for Old Fields' development.

The parcel of property for Old Fields Subdivision falls almost completely under the Scenic Highway Overlay approved by the Town in 2011. The Scenic Highway Overlay approval information can be found at the following link:

<http://www.townofclaytonnc.org/news/overlayapproval.aspx>

Some points from the Scenic Highway Overlay document are noted below along with concerns/questions regarding those points included in parenthesis following each:

- "New development along the SHO (Scenic Highway Overlay) corridor shall be sited and designed to minimize adverse impacts on scenic areas visible from the scenic highway to the maximum extent feasible," the plan says. "Development shall be clustered to preserve large areas of open space and the existing natural vegetation shall be preserved whenever possible."

**[1.] (CONCERN/QUESTION: Approximately 9.44 acres of currently forested property within the Scenic Byway Overlay adjacent to the highway will be cleared to the extent required for creating a residential subdivision)**

- Residential setbacks, Scenic Highway Overlay document states that required amount is 50 feet, incentives are given to maintain 100 feet

**[2.] (CONCERN/QUESTION: Is the planned subdivision maintaining the required 50 feet setback from the Scenic Byway property boundary? Is the 100 feet boundary considered in this proposed subdivision?)**

- "In addition, all buildings in the area must maintain their design on all sides."

**[3.] (CONCERN/QUESTION: Does this require that houses in the proposed subdivision be all brick or otherwise uniform in design on all sides? Please note the new structures will be visibility from both the new subdivision street and the Clayton Bypass, which is the designated Scenic Highway)**

Reference:

Johnston County Code of Ordinances

Chapter 14 - Land Development Code, Article III Subdivisions, Section 14-226,

[http://www.amlegal.com/nxt/gateway.dll/North%20Carolina/johnstoncounty\\_nc/codeofordinancescountyofjohnstonnorthcar?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:johnstoncounty\\_nc](http://www.amlegal.com/nxt/gateway.dll/North%20Carolina/johnstoncounty_nc/codeofordinancescountyofjohnstonnorthcar?f=templates$fn=default.htm$3.0$vid=amlegal:johnstoncounty_nc)

**Sec. 14-226. - Access and circulation.**

The type and arrangement of streets within a development under this article shall be in compliance with and coordinate with the county's thoroughfare plan. Principal vehicular access points to the subdivision shall be designed to encourage smooth traffic flow and minimize hazard to vehicular traffic, pedestrian and bicycle traffic. Accommodation for controlled turning movements into and out of the subdivision and improvement of the approach street should be considered where existing or anticipated heavy traffic flows indicate need. Safe and convenient vehicular access shall be provided for emergency, service and school bus vehicles.

(a) *Roads.* The arrangement, character, extent, width, grade, and location of all roads should be designed in relation to existing and proposed transportation patterns, topographical and other natural features, public convenience and safety, and proposed uses of lands to be served by such roads and existing and potential land uses in adjoining areas. **Private roads not within a minor subdivision or planned unit development shall:**

(1) Be limited to a nonthrough road;

(2) Be paved;

(3) Meet the road construction standards for a private road as set out in the county design manual; and

(4) **Be ensured proper maintenance through the establishment of a homeowners' association or a road maintenance agreement.**

**[4.] (CONCERN/QUESTION: From the Clayton Planning Board Meeting Highlights document, April 22, 2013**

**Reference:**

[http://www.townofclaytonnc.org/client\\_resources/2013%20council/pbhighlights%204-22-13%20.pdf](http://www.townofclaytonnc.org/client_resources/2013%20council/pbhighlights%204-22-13%20.pdf)

**NEW BUSINESS**

"C. PSD 2013-8. Old Fields Subdivision. The applicant is requesting preliminary subdivision approval for a 12 lot subdivision on 9.4 acres on Corbett Road. Planning Board members unanimously voted to approve the overall site plan with the staff recommended conditions with the exception of condition 3"

C/Q: I believe the exception of condition 3 should NOT be waived, as it seems that leaves the possibility for a private road to go unmaintained directly adjacent to the Scenic Byway and adjacent to concerned property owners. Additionally, I question the authority of the local planning board to override the established code of county ordinances, which explicitly indicates that roads not within a minor subdivision or planned unit development shall have such a maintenance agreement.)

**[5.] (CONCERN/QUESTION: As an adjoining homeowner, I have additional areas of concern that I would like to**

ask for consideration concerning the proposed Old Fields Subdivision:

**- I expect that current adjacent properties maintain or elevate in value based on development of Old Fields Subdivision that will be at a level at or above existing properties on Corbett Road and in the adjoining Hannah's Creek Subdivision on Amelia Church Road.**

**- I expect that I maintain the ability to relocate my well, septic system, or other functional components of my property anywhere within my currently property as necessary, providing I maintain the necessary setbacks for such as described by current codes. I do not believe Old Fields as currently drawn shows sufficient setbacks for the newly established lots to account for this possibility.**

**- I have concerns over the effect of additional septic system drain fields within close proximity of previously established homeowners who currently rely on wells for potable water supplies. My preference would be that extension of sewer service be required to develop this property as a major subdivision, thus alleviating the well contamination issue with regard to additional septic discharge.**

**- I have not seen written documentation for Old Fields' covenants defining criteria such as house design, house size, homeowners' association plans, or other areas as might be of concern for adjacent homeowners. I expect documentation for items such as this to be evaluated by the Town Council and any necessary approving authorities prior to any final approval for the proposed site plan.**

As a Clayton property owner, I support the rights of property owners to develop their properties. As a property owner adjacent to the proposed Old Fields Subdivision, I would ask that the Town Council and Planning Board ensure that all applicable codes are met or exceeded and that all questions are answered for other concerned property owners in the area prior to granting approval for the project.

I am available to answer any questions and concerns should they arise.

Respectfully yours,  
Johnny Corbett



Town of Clayton  
Planning Department  
111 E. Second Street, Clayton, NC 27520  
P.O. Box 879, Clayton, NC 27528  
Phone: 919-553-5002  
Fax: 919-553-1720

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May 30, 2013

Johnny Corbett  
371 Corbett Road  
Clayton, NC 27520

**RE: PROJECT #PSD 2013-08 OLD FIELDS SUBDIVISION  
STAFF RESPONSE TO EMAIL DATED 5/29/13**

Dear Mr. Corbett,

Below please find staff responses to your concerns expressed in the email sent on May 29, 2013. Staff responses are in red.

**[1.] CONCERN/QUESTION: Approximately 9.44 acres of currently forested property within the Scenic Byway Overlay adjacent to the highway will be cleared to the extent required for creating a residential subdivision.**

*Staff Response:* In accordance with the Scenic Highway Overlay (SHO), the applicant will leave a portion of the 100-foot buffer/setback undisturbed. Approximately 65 feet of the 100 buffer has been disturbed by Piedmont Natural Gas. The SHO does not require any other area to remain undisturbed when creating a residential subdivision.

**[2.] CONCERN/QUESTION: Is the planned subdivision maintaining the required 50 feet setback from the Scenic Byway property boundary? Is the 100 feet boundary considered in this proposed subdivision?**

*Staff Response:* Yes. A 100 foot setback is provided.

**[3.] CONCERN/QUESTION: Does this require that houses in the proposed subdivision be all brick or otherwise uniform in design on all sides? Please note the new structures will be visibility from both the new subdivision street and the Clayton Bypass, which is the designated Scenic Highway**

*Staff Response:* No. The design standard referenced above applies to non-residential buildings. The Town does not regulate design of single family residential homes.

**[4.] CONCERN/QUESTION: From the Clayton Planning Board Meeting Highlights document, April 22, 2013 Reference:**

[http://www.townofclaytonnc.org/client\\_resources/2013%20council/pbhighlights%204-22-13%20.pdf](http://www.townofclaytonnc.org/client_resources/2013%20council/pbhighlights%204-22-13%20.pdf)

**NEW BUSINESS**

**"C. PSD 2013-8. Old Fields Subdivision. The applicant is requesting preliminary subdivision approval for a 12 lot subdivision on 9.4 acres on Corbett Road. Planning Board members unanimously voted to approve the overall site plan with the staff recommended conditions with the exception of Condition 3".**

**I believe the exception of Condition 3 should NOT be waived, as it seems that leaves the possibility for a private road to go unmaintained directly adjacent to the Scenic Byway and adjacent to concerned property owners. Additionally, I question the authority of the local planning board to override the established code of county ordinances, which explicitly indicates that roads not within a minor subdivision or planned unit development shall have such a maintenance agreement.**

*Staff Response:* The roadway is not proposed to be a private roadway. It is proposed to be dedicated and maintained by NCDOT as a public right-of-way. The above-referenced ordinance is from Johnston County's ordinances, not the Town's. Despite the Planning Board's recommendation to waive Condition #3, the Town's Unified Development Code (UDC) still requires an agreement in some form. Section 155.602(A)(3) of the UDC states:

*"If the final plat for a residential subdivision outside the town limits but within the town's extraterritorial jurisdiction has been approved and improvements have been guaranteed by the developer in accordance with §155.607, the applicant shall provide the town and purchasers of land in the subdivision with an agreement providing for adequate maintenance of the newly constructed streets until such time that the streets are taken over by the NCDOT, as required by G.S. § 136-102.6."*

**[5.] CONCERN/QUESTION: As an adjoining homeowner, I have additional areas of concern that I would like to ask for consideration concerning the proposed Old Fields Subdivision:**

**- I expect that current adjacent properties maintain or elevate in value based on development of Old Fields Subdivision that will be at a level at or above existing properties on Corbett Road and in the adjoining Hannah's Creek Subdivision on Amelia Church Road.**

*Staff Response:* Staff cannot speak to the impact of this subdivision on the value of nearby homes.

**- I expect that I maintain the ability to relocate my well, septic system, or other functional components of my property anywhere within my currently property as necessary, providing I maintain the necessary setbacks for such as described by current codes. I do not believe Old Fields as currently drawn shows sufficient setbacks for the newly established lots to account for this possibility.**

*Staff Response:* Any relocation of existing septic systems or wells will need to meet the permitting requirements of the Johnston County Health Department.

**- I have concerns over the effect of additional septic system drain fields within close proximity of previously established homeowners who currently rely on wells for potable water supplies. My preference would be that extension of sewer service be required to develop this property as a major subdivision, thus alleviating the well contamination issue with regard to additional septic discharge.**

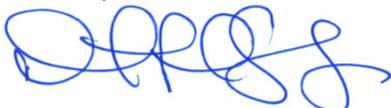
*Staff Response:* As previously stated, the permitting and approval of septic systems is required by Johnston County Health Department. These regulations include separation requirements between wells and septic systems. Due to the distance from the nearest public sewer system line, the applicant is not required to connect to the sewer system.

**- I have not seen written documentation for Old Fields' covenants defining criteria such as house design, house size, homeowners' association plans, or other areas as might be of concern for adjacent homeowners. I expect documentation for items such as this to be evaluated by the Town Council and any necessary approving authorities prior to any final approval for the proposed site plan.**

*Staff Response:* Restrictive covenants are not a requirement of subdivision approval if there are no common areas to maintain (such as a stormwater pond or open space), as is the case with this subdivision. Pursuant to Section 155.203(G)(6) of the Town's UDC, the minimum dwelling unit size is 1,400 square feet. The Town does not regulate residential single family housing design.

I hope the above information provides clarity to your questions. We encourage you to attend the Town Council meeting being held on Monday, June 3, 2013 at 6:30 pm to voice any remaining concerns you have regarding the Old Fields subdivision. Should you have any additional questions or concerns, please do not hesitate to contact either me or Emily Beddingfield at 919-553-1545.

Sincerely,



David L. DeYoung, AICP  
Planning Director

cc: Sherry Scoggins, CMC, Town Clerk

# Aalsey J. Gilbert PLS

112 North Church St.

Clayton N.C. 27520

Email: [aalsey@surveyingnc.com](mailto:aalsey@surveyingnc.com)

Website [www.surveyingnc.com](http://www.surveyingnc.com)

Phone 919-553-5104

Fax: 919-553-3663

To: Town Council of Clayton NC

Below are the numbers for the sidewalks in Old Fields S/D

Sidewalk on the east side of the road shown on the map as sidewalk 1

751 lf

J.M. Daniels \$17.00/fr

Browe construction \$16.66/ft

price range \$12511.66 to \$12767

Sidewalk on the west side of the road shown on the map as sidewalk 2

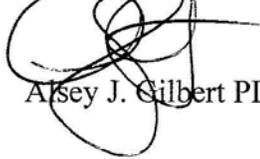
277 lf

J.M. Daniels \$17.00/ft

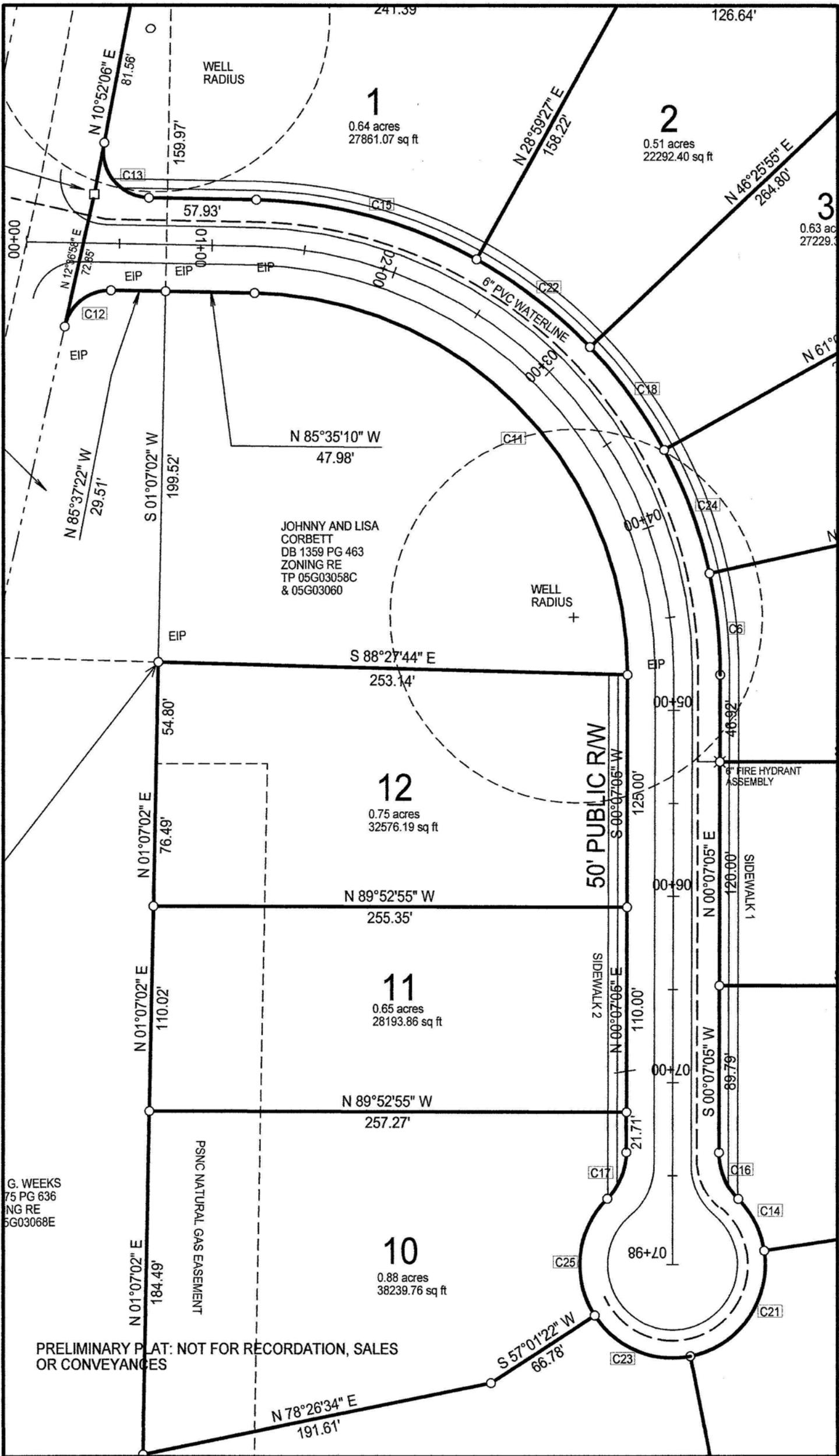
Browe construction \$16.66/ft

price range \$4614.82 to \$4709.00

With respects,



Aalsey J. Gilbert PLS



**TOWN OF CLAYTON  
SUBDIVISION APPLICATION  
EVALUATION FORM**

Application Number: SUB 2013-08

The Town Council shall decide the matter of Subdivision Application Number SUB 2013-08 by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

**Finding One of Four:**

Circle One

- A. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will meet all required specifications and will conform to the Town Unified Development Ordinance. (Applicant meets the criteria for approval).
  
- B. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will meet all required specifications and will conform to the Town Unified Development Ordinance: (Applicant meets the criteria for approval upon acceptance of the noted conditions.)

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- C. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will not meet all required specifications and/or will not conform to the Town Unified Development Ordinance for the following stated reasons: (Applicant fails to meet the criteria for approval.)

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**Finding Two of Four:**

**Circle One**

- A. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, 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. (Applicant meets the criteria necessary for approval.)
  
- B. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, 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 upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

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- C. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, will be detrimental to the use or orderly development of other properties in the surrounding area and/or will violate the character of existing standards for development of properties in the surrounding area for the following stated reasons: (Applicant fails to meet the criteria necessary for approval.)

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**Finding Three of Four:**

**Circle One**

- A. **Based on the evidence and testimony presented it is the finding of the Council that the subdivision design, if approved, 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. (Applicant meets the criteria necessary for approval.)**
  
- B. **Based on the evidence and testimony presented it is the finding of the Council that the subdivision design, if approved, 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 upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)**

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- C. **Based on the evidence and testimony presented it is the finding of the Council that the subdivision design, if approved, will not provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will not provide for the unified and orderly use of or extension of public infrastructure, and/or will materially endanger the environment, public health, safety, or the general welfare for the following reasons. (Applicant fails to meet the criteria for approval.)**

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**Finding Four of Four:**

**Circle One**

**A. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, 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. (Applicant meets the criteria necessary for approval.)**

**B. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, 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 upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)**

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**C. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will adversely affect the general plans for the orderly growth and development of the town and/or is not consistent with the planning policies adopted by the Town Council for the following stated reasons: (Applicant fails to meet the criteria necessary for approval.)**

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Once all findings have been decided one of the two following motions must be made:

**Motion 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 and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative I move to approve Subdivision Application # \_\_\_\_\_.

**Motion to Deny:** Based upon failure to meet all of the above four stated findings and for reasons stated therein, I move to deny Subdivision Application # \_\_\_\_\_.

**Record of Decision:**

Based on a motion and majority vote of the Clayton Town Council Subdivision Application Number SUB 2013-08 is hereby:

\_\_\_\_\_ approved upon acceptance and conformity with all stated conditions; or,

\_\_\_\_\_ denied for the noted reasons.

Decision made this \_\_\_\_ day of \_\_\_\_\_, 2013 while in regular session.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

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

**Agenda Item: 5b**

**Meeting Date: 8/05/13**

**TITLE: PUBLIC HEARING FOR REZONING REQUEST RZ 2013-34 FOR THE PROPERTY KNOWN AS THE CLAYTON SPINNING MILL LOCATED AT 150 MILL STREET; CURRENTLY ZONED O&I AND REQUESTING REZONING TO B-1.**

**DESCRIPTION: HCY, LLC, owners of the Clayton Spinning located at 150 Mill Street in the town limits requests rezoning consideration from O&I (Office & Institutional) to B-1 (Central Business).**

A neighborhood meeting was held on Wednesday, May 8, 2013.

At its June 24, 2013, meeting, the Clayton Planning Board unanimously recommended approval of the rezoning from O&I to B-1.

This item is slated for public hearing at the Monday, August 5, 2013, Council meeting.

**RELATED GOAL: Manage Growth Producing Quality Developments.**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-15-13	Presentation.	Application, Neighborhood Meeting information, Staff Report, & Aerial Map.
8-05-13	Public Hearing.	Application, Neighborhood Meeting information, Staff Report, Aerial Map, Motion Form, & Statement of Reasonableness & Consistency.



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

## REZONING APPLICATION

*Pursuant to Article 7, Section 155.704 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to amend the Official Zoning Map.*

*Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$400.00 for a rezoning to a Standard District. A rezoning to a Planned Development District requires a fee of \$500.00 +\$5.00 per lot or unit for residential uses or \$500.00 +\$5.00 per acre for non residential uses. All fees are due when the application is submitted.*

*If the rezoning request is to a Planned Development District, the application must be accompanied by a Major Site Plan application and associated fees.*

*Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Rezoning Petitions.*

### SITE INFORMATION:

Name of Project: Clayton Spinning Mill      Acreage of Property: 4.81  
 Parcel ID Number: 166918-30-5328      Tax ID: 20-5827932  
 Deed Book: 03322      Deed Page(s): 0196  
 Address: 150 Mill Street, Clayton, NC 27520  
 Location: Directly behind the Clayton Post Office, East of Front Street.

Existing Use: Warehouse      Proposed Use: Sports Complex/Office/etc  
 Existing Zoning District: O/I  
 Requested Zoning District: B1  
 Is project within a Planned Development:       Yes       No  
 Planned Development District (if applicable): \_\_\_\_\_  
 Is project within an Overlay District:       Yes       No  
 Overlay District (if applicable): Downtown Overlay District

### FOR OFFICE USE ONLY

File Number: _____	Date Received: _____	<div style="border: 2px solid blue; padding: 5px; display: inline-block;"> <b>RECEIVED</b>  <span style="color: red; font-weight: bold; font-size: 1.2em;">APR 29 2013</span> </div>	Amount Paid: <u>400<sup>00</sup></u>
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Town of Clayton  
Planning Department

**OWNER INFORMATION:**

Name: HCY, LLC

Mailing Address: 132 Citation Lane, Smithfield, NC 27577

Phone Number: 919-255-0411 Fax: 919-882-1161

Email Address: [info@claytonspinningmill.com](mailto:info@claytonspinningmill.com)

**APPLICANT INFORMATION:**

Applicant: Michael Hubbard, Member

Mailing Address: 111 E. Hargett Street, Suite 200, Raleigh NC 27601

Phone Number: 919-255-0411 Fax: 919-882-1161

Contact Person: Michael Hubbard

Email Address: [mhubbard@mediatwo.net](mailto:mhubbard@mediatwo.net)

**REQUIRED PLANS AND SUPPLEMENTAL INFORMATION**

*The following items must accompany a rezoning application. This information is required to be present on all plans, except where otherwise noted:*

- A signed and sealed boundary survey (**not more than a year old unless otherwise approved by the Planning Department**) with the azimuth or courses and distances of every property line shown. Distances shall be in feet or meters and decimals thereof. The number of decimal places shall be appropriate to the class of survey required. The survey must include any and all easements of record (referenced by Deed Book and Page) and must be prepared by a surveyor registered in the State of North Carolina.
- Property legal description typed (10 pt. font or greater) on an 8.5 inch by 11 inch paper with one inch margins. The legal description must also be submitted electronically in Microsoft Word format.
- A copy of the last recorded deed for the subject property.

**JUSTIFICATION STATEMENT**

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

At present, this historic building is far from contributing to the downtown area, and we would  
like to change that by switching our O/I designation to a B1 that will allow us to put  
professional offices, fitness groups, sports groups, coffee/restaurant or other groups that could  
contribute to a "sportsplex" theme.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## APPROVAL CRITERIA

*All applications for a Rezoning must address the following findings:*

1. Consistency with the adopted plans of the Town.

At present, the Clayton Spinning Mill sits as a downtown warehouse, and our plans are to turn what was once the historic cornerstone of the town, back into a usable building. Changing our zoning to the B1 status allows us to do something more with it than simply storing things. Upon approval we will continue to find businesses that can utilize a renovated space, therefore, bringing more people to downtown Clayton as well as keeping people downtown.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.

The building itself we are requesting changed, is over 50,000 square feet with no direct neighbors other than the Post Office. With plenty of space and land, the building is more suited for Redevelopment than it would be to continue staying as a warehouse.

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.

The change, as stated, would actually allow for this building to be put back into use. At present, it is warehouse only with one stand-alone office up front.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.

At present, all requirements should be adequate with no conflicts to the above named.

5. It has been determined that the legal purposes for which zoning exists are not violated.

There are no apparent legal conflicts with changing zoning.

6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.

There will be no adverse effect to any of the adjoining properties. Two of the four adjoining Properties are owned by a member of the requesting firm, and the other two (post office and East Village) this will be a positive change for both of them.

7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

There will be no benefits to the detriment of the general public.

**APPLICANT AFFIDAVIT**

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

Michael Hubbard  
Print Name

  
Signature of Applicant

4/23/13  
Date



**HCY, LLC**  
132 CITATION LANE  
SMITHFIELD, NC 27577

April 17, 2013

Dear Clayton Area Property Owner:

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

Meeting Date: Wednesday, May 8<sup>th</sup>, 2013

Location: Clayton Spinning Mill, 150 Mill Street, Clayton, NC 27520

Time: 6:00pm

Type of Application: Rezoning

General Description: \_We are interested in rezoning the Clayton Spinning Mill from an O/I designation to a B-1 in order to create a use other than warehouse space.

If you have any questions prior to or after this meeting, you may contact us at **919-255-0411**

Sincerely,

Michael Hubbard

cc: Clayton Planning Dept.



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

# OWNER'S CONSENT FORM

Name of Project: Clayton Spinning Mill      Submittal Date: April 25, 2013

## OWNERS AUTHORIZATION

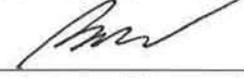
I hereby give CONSENT to Michael Hubbard (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated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

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

      Michael Hubbard      4/23/13  
*Signature of Owner*                      *Print Name*                                      *Date*

## CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

      Michael Hubbard      4/25/13  
*Signature of Owner/Applicant*                      *Print Name*                                      *Date*

## FOR OFFICE USE ONLY

File Number: _____	Date Received: _____	Parcel ID Number: _____
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Filed in JOHNSTON COUNTY, NC  
CRAIG OLIVE, Register of Deeds  
Filed 4/12/2007 8:33:06 AM  
BOOK 3322 PAGE 196 - 197  
INSTRUMENT # 2007170892  
Real Estate Excise Tax: \$2600  
Deputy/Assistant Register of Deeds: J PLOWMAN

(For Recording Data)

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Rev. \$ 2600.00

Tax Account No.

Brief Description for the Index: Tracts 1 and 3, Clayton Commerce Center

Prepared by: Wyrick Robbins Yates & Ponton LLP (CLF)

Return to: Wyrick Robbins Yates & Ponton LLP (CLF), P.O. Drawer 17803, Raleigh, NC 27619

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#### NORTH CAROLINA GENERAL WARRANTY DEED

This Deed is made as of this the 9<sup>th</sup> day of April, 2007, by and between **United Properties, LLC**, a North Carolina limited liability company ("Grantor"); and **HCY, LLC**, a North Carolina limited liability company, ("Grantee") with a mailing address of 132 Citation Lane, Smithfield, North Carolina 27577.

For valuable consideration paid by the Grantee to the Grantor, the receipt and sufficiency of which are hereby acknowledged, the Grantor has and by these presents does hereby grant, bargain, sell and convey unto the Grantee in fee simple all of Tracts 1 and 3, Clayton Commerce Center, located in the City of Clayton, Johnston County, North Carolina (collectively, the "Premises") and more particularly described as follows:

**Being all of Tracts 1 and 3, as shown on plat entitled "Subdivision Plat for United Properties, LLC" recorded in Plat Book 70, Pages 31 and 32, and re-recorded in Plat Book 70, Pages 43 and 44, Johnston County Registry**

Being part of the same premises acquired by Grantor through the deed recorded in the office of the Johnston County Register of Deeds in Book 1998, Page 282 and Book 2016, Page 570.

**TO HAVE AND TO HOLD** the Premises and all privileges and appurtenances thereto belonging to Grantee in fee simple absolute.

GRANTOR hereby covenants with Grantee that Grantor is seized of the Premises, in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all

encumbrances and Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

- 1. Ad valorem real property taxes for the year 2007 and subsequent years, not yet due and payable.

The designation of the Grantor and the Grantee as used in this Deed includes the parties expressly named herein, their heirs, successors, and assigns and shall include the singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, Grantor has set their hand and seal as of the day and year first above written.

UNITED PROPERTIES, LLC, a North Carolina limited liability company (SEAL)

By: [Signature]  
James I. Anthony, Jr., Manager

STATE OF North Carolina  
COUNTY OF Wake

I certify that the following person(s) personally appeared before me this day, each acknowledging that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: James I. Anthony, Jr. as Manager of United Properties, LLC.

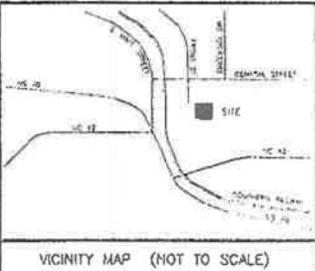
Date: April 9, 2007

[Signature]  
Official Signature of Notary

Marilyn S Rhodes  
Insert name of Notary, printed or typed



My Commission Expires: 12-9-11



NUMBER	BEARING	DISTANCE
L1	S17°21'11"W	5.00'
L2	S17°21'11"W	4.00'
L3	N42°03'18"E	201.51'
L4	N48°08'12"E	35.00'
L5	S40°08'12"E	35.00'
L6	S12°02'02"E	81.50'
L7	N21°05'51"W	30.00'
L8	S61°00'54"E	55.41'
L9	N48°23'08"E	173.28'
L10	S49°15'23"E	25.26'
L11	S41°02'37"W	25.26'
L12	S22°59'36"E	9.99'
L13	N22°22'00"W	99.19'
L14	N20°38'37"W	47.71'
L15	N69°03'23"E	25.26'
L16	N20°58'49"W	119.21'
L17	S68°24'17"E	101.33'
L18	N21°55'13"W	71.40'
L19	N60°24'17"E	43.89'
L20	N20°32'17"E	25.26'
L21	N21°00'31"W	25.26'
L22	N53°12'10"E	6.75'
L23	N69°10'57"E	25.11'
L24	N48°21'11"W	43.52'
L25	S48°25'27"E	25.26'
L26	N21°15'20"E	78.70'
L27	S48°14'30"W	78.15'
L28	N21°00'31"W	25.11'
L29	N15°17'43"W	30.10'
L30	N21°00'31"W	25.11'
L31	S20°11'25"E	22.20'
L32	N48°10'43"E	25.21'
L33	N21°00'31"W	25.20'
L34	N48°10'43"E	25.21'
L35	N21°00'31"W	25.20'
L36	N48°10'43"E	25.21'
L37	N21°00'31"W	25.20'
L38	N48°10'43"E	25.21'
L39	N21°00'31"W	25.20'
L40	N48°10'43"E	25.21'
L41	N21°00'31"W	25.20'
L42	N48°10'43"E	25.21'
L43	N21°00'31"W	25.20'
L44	N48°10'43"E	25.21'
L45	N21°00'31"W	25.20'
L46	N48°10'43"E	25.21'
L47	N21°00'31"W	25.20'
L48	N48°10'43"E	25.21'
L49	N21°00'31"W	25.20'
L50	N48°10'43"E	25.21'
L51	N21°00'31"W	25.20'

**HILLCREST DRIVE 50' R/W (PUBLIC)**

N/F JOY D. JOHNSON  
DB 1815 PG 950  
PIN 166918-10-8219

N/F ROBERT L. JALLEY  
DB 1516 PG 031  
PIN 166918-10-1087

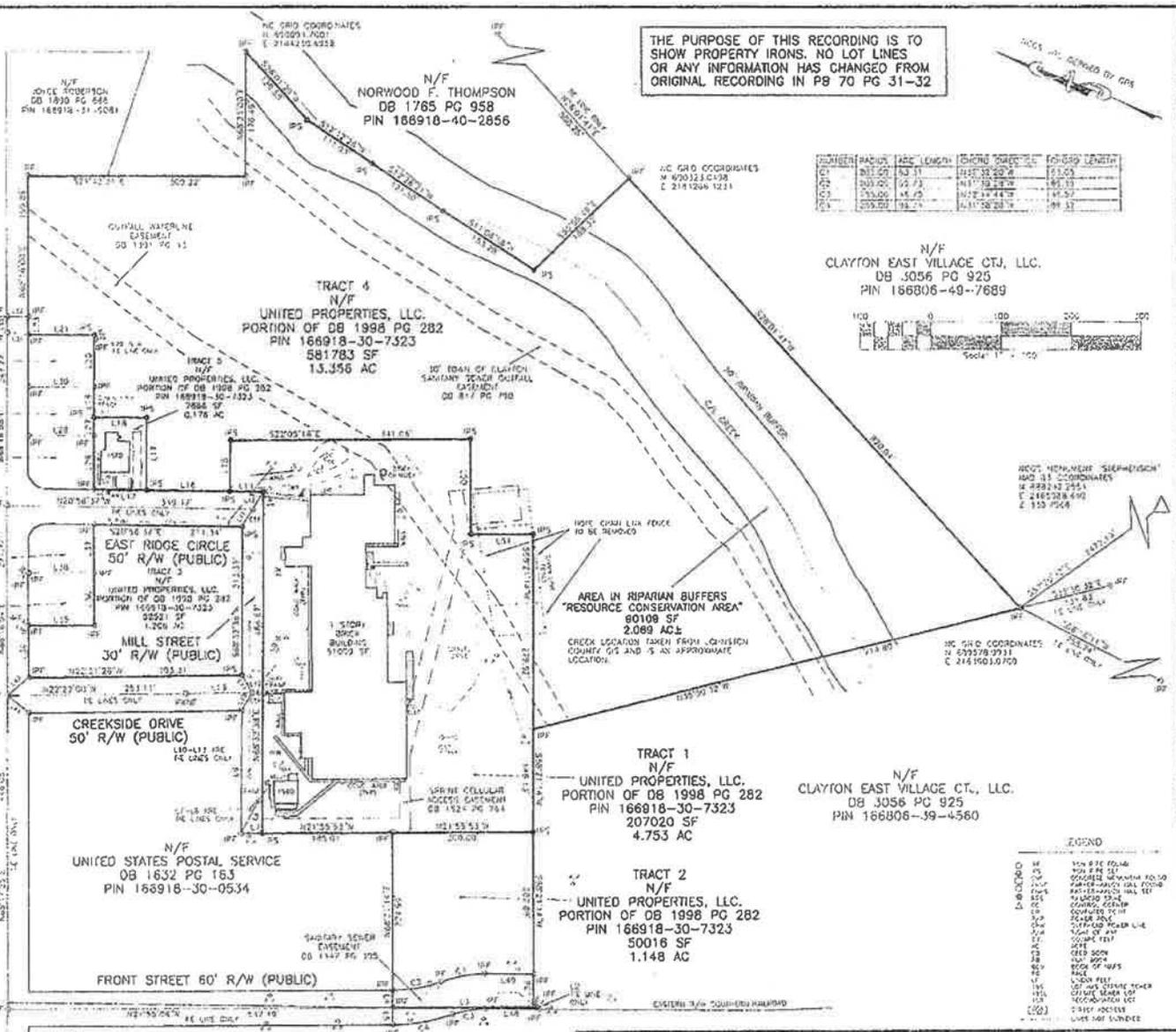
N/F ANGELINA A. JOHNSON  
DB 1573 PG 118  
PIN 166918-10-5811

N/F JILEN M. COOK  
DB 2094 PG 423  
PIN 166918-10-1199

N/F UNITED PROPERTIES, LLC  
PORTION OF DB 1998 PG 282  
PIN 166918-30-1273

N/F UNITED STATES POSTAL SERVICE  
DB 1632 PG 183  
PIN 166918-30-0534

**CENTRAL STREET 60' R/W (PUBLIC)**







The following is from the Johnston County GIS and reflects the actual acreage that is owned by HCY (red) to be rezoned.

- 1) 4.81 acres

Project: Clayton Spinning Mill

Minutes from May 8, 2013 Meeting:

All of the invited neighbors were a no-show. Meeting started, meeting adjourned.

However, Amanda James from the Clayton News Star, not one of the invited neighbors, did attend and was given a tour of the building, and a high level vision for what we had to offer. An article appeared here with the follow up story: <http://www.claytonnewsstar.com/2013/05/14/2891053/old-cotton-mill-to-be-restored.html>

A subsequent coffee meeting was held with Hubie Brown, Tom Taft and Alex Atchinson of the East Village project on Friday, May 24<sup>th</sup> to discuss how the two projects could work together. Primary conversation centered around what each other's goals were, as well as how we could potentially connect walking trails and offer up incentives for each other's members to partake each other's developments.

In addition, in an effort to reach out to more of the community in addition to just our neighbors, we opened up a Facebook page at [www.facebook.com/ClaytonMillVillage](http://www.facebook.com/ClaytonMillVillage) for feedback. To-date, there were nearly 50 comments posted, of which, none included any objections to our project.

Minutes Signed:



Michael Hubbard

# NEIGHBORHOOD MEETING ATTENDANCE ROSTER

**Applicant:** \_\_\_\_\_ Clayton Spinning Mill \_\_\_\_\_

**Location/Date:** \_\_\_\_\_ 300 Mill Street, Clayton, NC 27520 – May 8, 2013 – 6:00pm \_\_\_\_\_

	NAME	ADDRESS
1	Steve Yauch	132 CITATION LANE SMITHFIELD NC 27577-0000
2	Michael Hubbard	132 CITATION LANE SMITHFIELD NC 27577-0000
3	Amanda James	Clayton News Star
4		
5		
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Town of Clayton  
Planning Department  
111 E. Second Street, Clayton, NC 27520  
P.O. Box 879, Clayton, NC 27528  
Phone: 919-553-1545  
Fax: 919-553-1720

*Town Council*

## STAFF REPORT

**Application Number:** RZ 2013-34 (Rezoning)  
**Project Name:** Clayton Spinning Mill Property

**NC PIN:** 166918-30-5328  
**Town Limits/ETJ:** Town Limits  
**Overlay:** Clayton Historic District  
**Applicant:** Michael Hubbard  
**Owners:** HCY, LLC

**Neighborhood Meeting:** Held May 8, 2013  
**Public Noticing:** Property posted June 14<sup>th</sup>

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**PROJECT LOCATION:** The property is located behind the Post Office off of Main Street in Downtown Clayton.

---

**REQUEST:** The applicant is requesting approval to rezone the property at 150 Mill Street (Parcel ID Number 166918-30-5328) from Office-Institutional to Central-Business.

---

### SITE DATA:

**Acreeage:** 4.81 acres  
**Present Zoning:** Office-Institutional (O-I)  
**Proposed Zoning:** Central Business (B-1)  
**Existing Use:** Clayton Spinning Mill building, currently vacant with the exception of an attorney's office located in the smaller of the two buildings on the property (closest to Main Street).

---

### ADJACENT ZONING AND LAND USES:

**North:** Zoning: Office-Institutional (O-I)  
Existing Use: Post Office, Vacant

**South:** Zoning: Office-Institutional (O-I), Highway Business (B-3)  
Existing Use: Vacant

**East:** Zoning: Office-Institutional (O-I)  
Existing Use: Vacant

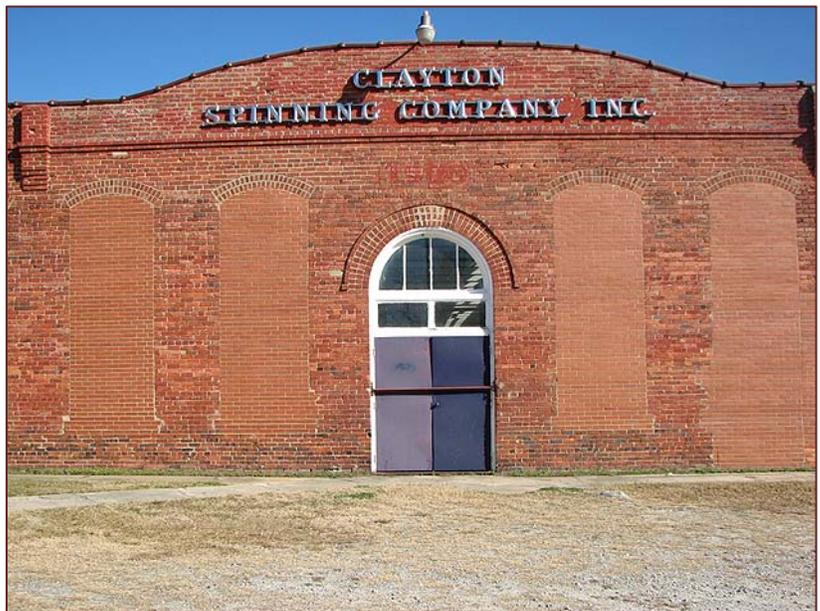
**West:** Zoning: Office-Institutional (O-I)  
Existing Use: Vacant, Post Office Parking

**STAFF ANALYSIS AND COMMENTARY:**

The applicant is requesting approval for rezoning of the subject property from Office-Institutional (O-I) to Central Business (B-1). The site is the home of the historic Spinning Mill building, and is located in the Clayton Historic District.

The applicant has indicated that they have applied for this rezoning because the proposed uses at this time include a fitness center, which is not a permitted use in the O-I District. All uses permitted in the B-1 District would be permitted with this rezoning.

It is staff’s opinion that the B-1 District is appropriate for this property. The B-1 District primarily encompasses Downtown Clayton commercial properties, and with its location off of Main Street the Spinning Mill is considered part of Downtown (it was included in the 2010 Downtown Master Plan).



The future Front Street Extension and associated multi-use path will be constructed in front of the Spinning Mill Property. This will improve accessibility to and visibility of the property.

- **Consistency with the Strategic Growth Plan**  
The proposed rezoning is consistent with the following Objectives of the Strategic Growth Plan:
  - Objective 1: Create an Alive Downtown
  - Objective 1.4: More Investment Dollars in Downtown by Private Sector



The Strategic Growth Plan Proposed Land Use Map designates this property as “industrial.” However, as indicated below, the 2010 Downtown Master Plan designates this site as “adaptive reuse” appropriate for many types of uses. Staff feels that while this is historically an industrial building, its location makes it appropriate for uses more compatible with downtown.

➤ **Consistency with Downtown Master Plan**

The proposed subdivision is consistent with the 2010 Downtown Master Plan, which designates the Spinning Mill site as “adaptive reuse.” According to the master plan, “[t]his designation refers to a structure which is currently vacant and/or to have significant potential for adaptive reuse. Many of these structures are historic in character.”

➤ **Consistency with the Unified Development Code**

The proposed rezoning is consistent with and meets the applicable requirements of the Unified Development Code (UDC). The B-1 District is defined in the UDC: “The B-1 District is intended to foster a vibrant, safe, town center by encouraging residential development while retaining and further developing a broad range of commercial, office, institutional, public, cultural, and entertainment uses and activities. The district is intended to define and promote the town center as a desirable place to live, work, and recreate.”

➤ **Compatibility with Surrounding Land Uses**

The Spinning Mill property is an existing commercial building. It is staff’s opinion that because the rezoning is expected to increase the potential for site redevelopment and renovation, the visual impact to surrounding properties will be enhanced.

➤ **Fire Protection**

The Town of Clayton Fire Department will provide fire protection.

➤ **Access/Streets:**

Access is provided off of Central Street (accessed off of Main Street and East Front Street.

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

None.

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**CONSIDERATIONS:**

- The applicant is requesting a rezoning from O-I to B-1.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with an adopted plans and policies of the town and explaining why the board considers the action taken to be reasonable and in the public interest.

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**STAFF RECOMMENDATION:**

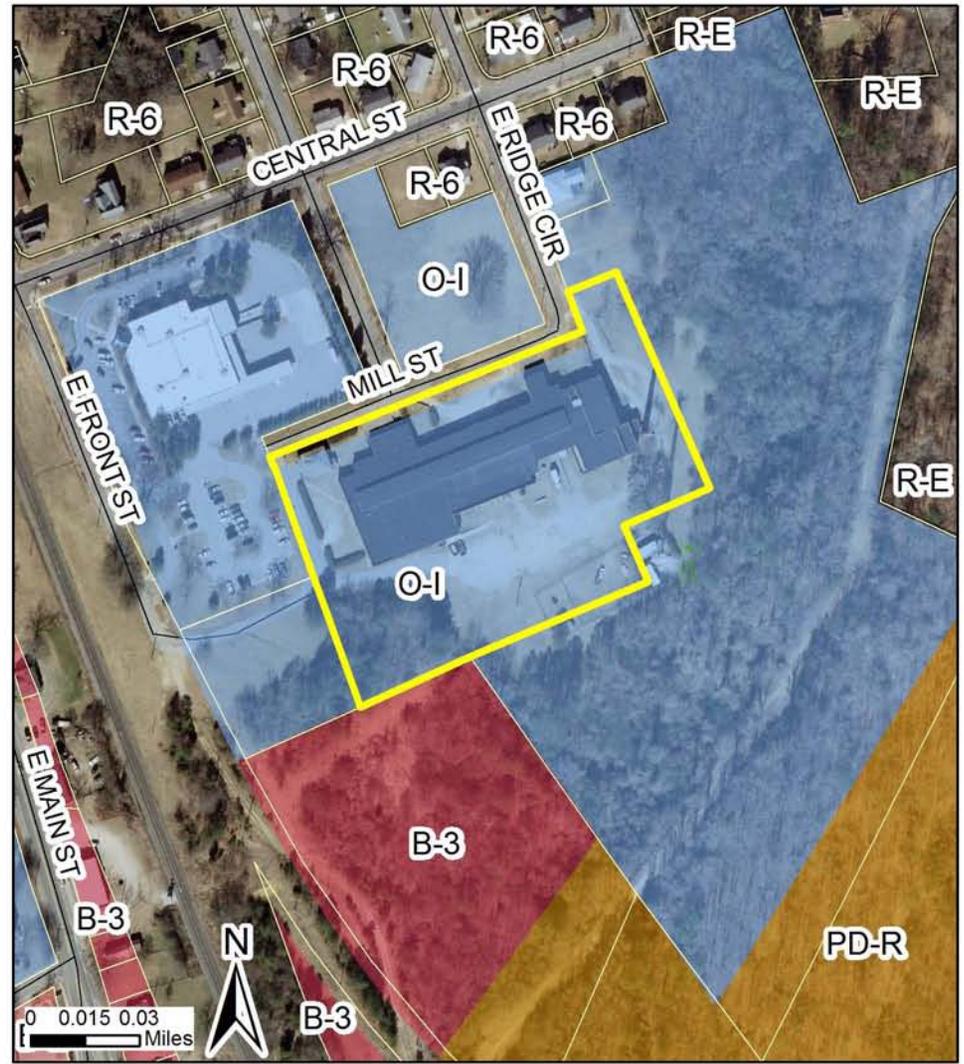
Staff is recommending approval of the rezoning.

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**PLANNING BOARD RECOMMENDATION:**

The Planning Board unanimously recommended approval of the rezoning from O-I to B-1 at its regularly scheduled meeting on June 24, 2013.

**ATTACHMENTS: 1) Zoning/Aerial Map, 2) Application, 3) Neighborhood Meeting Materials**



## Spinning Mill Rezoning O-I to B-1

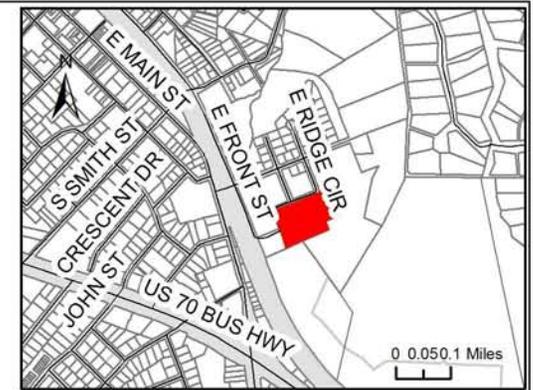
Applicant: Michael Hubbard  
 Property Owner: HCY, LLC  
 Parcel ID Number: 166918-30-5328  
 File Number: RZ 2013-32

Produced by: TOC Planning

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



6/14/13



## 1. ACTION [MOTION] FOR REZONING REQUEST

### **Motion:**

**Council motion** to approve [or deny] the rezoning request RZ 2013-34.

*If the rezoning request is approved, Council will continue with the Consistency and Reasonableness Statement.*

## 2. ACTION [MOTION] ON CONSISTENCY AND REASONABLENESS STATEMENT

### **MOTION:**

**Council motion** to approve [or deny] the Statement of Consistency and Reasonableness for the rezoning as included in the agenda packet.

**TOWN OF CLAYTON**  
**CONSISTENCY AND REASONABLENESS STATEMENT**

**RZ 2013-34**

**THE TOWN COUNCIL OF THE TOWN OF CLAYTON HEREBY STATES** that **RZ 2013-34** is consistent with the Town of Clayton Strategic Growth Plan and based upon information presented at the public hearing 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 155.703 (H) [Text Amendment], Section 155.704(J) [Rezoning] and/or Section 155.705(J) [Planned Development District] of the Unified Development Code of the Town of Clayton, **RZ 2013-34** is reasonable and in the public interest.

Date of approval: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**Jody L. McLeod**  
**Mayor**

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

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

Agenda Item: 5c

Meeting Date: 8/05/13

**TITLE: PUBLIC HEARING TO RECEIVE CITIZEN COMMENT ON THE PRELIMINARY ASSESSMENT ROLL FOR THE JOHN STREET SEWER IMPROVEMENT PROJECT.**

**DESCRIPTION:** If it is the pleasure of the Council to place this item on its July 15, 2013, consent agenda, this item can be noticed for public hearing at the August 5, 2013, Council meeting. Public notice in accordance with NC GS 160A-224. This item is slated for public hearing on Monday, June 4, 2012, at 6:30 PM. Letters were mailed to the 16 property owners on May 16, 2012. Public notice ran in the Clayton News-Star May 20 and May 23. Letters were mailed to the 16 property owners on June 13, 2012, that included an amended draft of the assessment resolution. Letters announcing the August 5, 2013, public hearing and a copy of the assessment roll were mailed to each of the 16 property owners of the John Street Sewer Improvement Project on July 19, 2013 & noticed in the CNS.

**RELATED GOAL:** Administrative

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-20-12	Discussion.	PowerPoint presentation.
3-19-12	Discussion.	
4-02-12	Discussion.	Spreadsheet w/4 options.
4-16-12	Presentation.	Preliminary Resolution.
5-07-12	Approval.	Preliminary Resolution.
5-21-12	Public notice.	N/A.
6-04-12	Public hearing.	Resolution.
6-18-12	Adoption.	Amended Resolution.
6-17-13	Presentation.	Resolution.
7-15-13	Adoption & Public Notice.	Resolution.
8-05-13	Public hearing.	Preliminary Assessment Roll & Certification of Mailing.

**Issue Description:** John Street

**Issue Amount:** \$ 4,488.94 Total Project / 16 units

**Issue Date:** 8/5/2013

**Table 1: Ten Year Term**

<b>Date of Payment</b>	<b>Interest Rates</b>	<b>Outstanding Balance</b>	<b>Principal Payment</b>	<b>Interest Payment</b>	<b>Total Payment</b>
1/6/2014	2.00%	4,488.94	448.89	89.78	538.67
1/6/2015	2.00%	4,040.05	448.89	80.80	529.69
1/6/2016	2.00%	3,591.15	448.89	71.82	520.72
1/6/2017	2.00%	3,142.26	448.89	62.85	511.74
1/6/2018	2.00%	2,693.36	448.89	53.87	502.76
1/6/2019	2.00%	2,244.47	448.89	44.89	493.78
1/6/2020	2.00%	1,795.58	448.89	35.91	484.81
1/6/2021	2.00%	1,346.68	448.89	26.93	475.83
1/6/2022	2.00%	897.79	448.89	17.96	466.85
1/6/2023	2.00%	448.89	448.89	8.98	457.87
			<u>4,488.94</u>	<u>493.78</u>	<u>4,982.72</u>

**Table 3: Prepayment**

<b>Date of Payment</b>	<b>Interest Rates</b>	<b>Outstanding Balance</b>	<b>Principal Payment</b>	<b>Prepayment Discount</b>	<b>Total Payment</b>
1/3/2014	0.00%	4,488.94	4,488.94	(448.89)	4,040.05
			<u>4,488.94</u>	<u>(448.89)</u>	<u>4,040.05</u>

Note: All dates are tentative pending the date of the final assessment roll.

**TOWN OF CLAYTON  
CERTIFICATE OF MAILING OF PRELIMINARY ASSESSMENT ROLL  
AND PUBLIC HEARING TO PROPERTY OWNERS**

**TO THE HONORABLE MAYOR AND TOWN COUNCILMEN:**

I, Sherry L. Scoggins, Town Clerk, do hereby certify that notices of preparation of the Preliminary Assessment Roll for the John Street Sanitary Sewer Improvement project, and the public hearing notice thereon, were mailed on the 19th day of July 2013, to all the owners of real property shown thereon, indicating to each such owner the amount of the assessment against such owner's property:

Joseph Tice & Phyllis Liddon  
608 John Street  
Clayton, NC, 27520

JHJ Properties LLC  
10120 Second Star Court  
Raleigh, NC 27613

JHJ Properties LLC  
10120 Second Star Court  
Raleigh, NC 27613

Bobby Fuller & Mary B. Fuller  
614 John Street  
Clayton, NC 27520

Lori C. Holland  
700 John Street  
Clayton, NC 27520

Victor Morales & Lydia  
Morales  
702 John Street  
Clayton, NC 27520

JBS General Partnership  
c/o John A. Whitley  
219 Johnston Street  
Smithfield, NC 27577

Barbara Burns  
516 Lake Park Drive  
Myrtle Beach, SC 29588

Edward Branagan &  
Yudelka Branagan  
708 John Street  
Clayton, NC 27520

Nancy A. Honeycutt  
710 John Street  
Clayton, NC 27520

Janice D. Batts  
7004 Penwright Road  
Fremont, NC, 27830

Marc W. Rose  
714 John Street  
Clayton, NC 27520

Patsy P. West  
716 John Street  
Clayton, NC 27520

Charlene A. Tunstall  
718 John Street  
Clayton, NC 27520

Michael Kane & Shauna  
Hudson Kane  
107 Spring Branch Drive  
Four Oaks, NC 27524-9225

Christopher McNichol  
72 Josiah Drive  
Clayton, NC 27520

**IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Clayton this the 19th day of July 2013.**

---

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

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

**Agenda Item: 5d**

**Meeting Date: 8/05/13**

**TITLE: PUBLIC HEARING TO RECEIVE CITIZEN COMMENT ON  
“PIGGYBACK” PURCHASE OF ATHLETIC FIELD LIGHTING FOR  
EAST CLAYTON COMMUNITY PARK.**

**DESCRIPTION: At its June 15, 2013, Council meeting, Council received information on athletic field lighting for East Clayton Community Park. If it is the pleasure of the Council to proceed, public notice for public comment at the August 5, 2013, Council meeting is the next step. The NC GS gives Council the option to notice electronically or in the printed media. If the Council wishes to have this item noticed electronically, staff respectfully requests the attached resolution be adopted.**

**RELATED GOAL: Legislative.**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-15-13	Presentation.	Quote & Resolution.
8-05-13	Public Hearing.	Quote.



Musco Finance, LLC  
 100 1<sup>st</sup> Avenue West  
 Oskaloosa, IA 52577  
 Phone: 800-825-6020  
 Fax: 641-673-6360

## Lease Purchase Proposal

Customer Name: Town of Clayton	Date: May 13, 2013
City, State Clayton, NC	Sales Rep: Dina Neeley
Project Name: East Clayton Community Park	Project # 147002

	Option 1	Option 2	Option 3
Estimated Project Cost	\$350,000.00	\$350,000.00	\$350,000.00
Down-payment (Due with Order)	\$0.00	\$0.00	\$0.00
Total Amount Financed	\$350,000.00	\$350,000.00	\$350,000.00
Term of Contract (Years)	5	7	10
Interest Rate (Annual)	3.95%	4.45%	4.95%
Payments per Year	1	1	1
Payment Amount	\$78,668.75	\$59,486.60	\$45,467.28
Number of Payments	5	7	10

- At the end of the term, clear title passes with the completion of payments.
- Amount does not include sales tax. Proof of exemption is required.
- \$500.00 documentation fee due at lease signing.
- Proposal assumes first payment is due one year from contract date.

**The interest rate quoted is based on current market rates and will be adjusted when the lease closes. The lease must qualify for "Federal Income Tax Exempt" status for the Lessor as defined by Section 265(b)(3)(B) of the Internal Revenue Code of 1986\*.**

This proposal is subject to acceptance of documentation and credit approval. The finance agreement is to be executed within 14 days of the execution of the equipment purchase contract.

Required information may include three years audited financial statements, current year's budget, and most current quarter interim profit and loss statement. Additional information may be requested.

\*Lessee must certify that it reasonably anticipates that it and all of its subordinate entities will not issue more than \$10,000,000 of "qualified tax-exempt obligations during the calendar year in which the Lease is executed. The interest rate may vary if this is not the case.

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

**Agenda Item: 5e**

**Meeting Date: 8/05/2013**

**TITLE: PUBLIC HEARING FOR TEXT AMENDMENT TO CHAPTER 155  
SECTION 402 OF THE TOWN OF CLAYTON CODE OF  
ORDINANCES.**

**DESCRIPTION: Attached.**

After the June 3, 2013, hearing, it was learned that this item was not properly noticed. On advice of our Town Attorney, this item was re-noticed for the August 5, 2013, Council Meeting.

As this is an amendment to the Town's land use ordinances, the following Council action is requested:

- Action on the proposed text amendment; if approved, then
- Action on the Statement of Reasonableness and Consistency

**RELATED GOAL: Manage Growth Producing Quality Developments**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-20-13	Public notice.	
5-20-13	Presentation.	Text amendment.
6-03-13	Public hearing.	Text amendment & Motion form.
7-15-13	Discussion.	
8-05-13	Public hearing.	Minutes Excerpt From the June 3, 2013, Council mtg, text Amendment, motion form, and Statement Of Reasonableness & Consistency.

- Revisions to the training budget
- Working with staff on equipment requests and will have information to Council by end of the week

Mayor McLeod opened the public hearing at 7:18 PM. As no one came forward to speak, the public hearing was closed at 7:18 PM.

Councilman Lawter questioned the status of the sales tax discussion by our state legislators.

Town Manager Biggs stated this is unknown. He stated the General Assembly is still discussing the privilege license revenue. He stated the General Assembly is also discussing sales tax, utility franchise tax and privilege license tax. He stated if a revenue source is eliminated from a municipality, the General Assembly has in the past provided replacement revenue for a short duration.

Based upon question by Council, Town Manager Biggs stated privilege license fees are billed during this time and are not past due until after July 1. He stated after the deadline, visits are made to the businesses.

Based upon question by Council, Town Manager Biggs stated if the state legislature rescinds a tax the timeframe for rescission is determined by the legislature.

Item 5b. Public hearing for text amendment to Chapter 155 Section 402 of the Town of Clayton Unified Development Code.

Planning Director David DeYoung provided the following PowerPoint presentation; herewith attached and incorporated into the record. He provided the following overview of text amendment to Chapter 155 Section 402 of the Town Code of Ordinances:

- Main purpose of the modifications were to clarify requirements for landscaping, consolidating requirements, and addition of black vinyl coated chain link fencing
- Most revisions to the sections were for clarity
- Screening allowance was amended to allow barb wire usage
- Black vinyl chain link fencing was added for use in the side yard and back yard as long as the yard is not a corner lot
- Black vinyl chain link fencing is allowed for playground, swimming pools, tennis courts, basketball courts, and within residential developments and parks
- Black vinyl fencing is allowed in non-residential use for day care, kennels, and veterinary clinics
- Black vinyl chain link fencing is allowable for public utility use

- Black vinyl chain link fencing requests not in the Code can be reviewed by the Planning Director
- Barb wire is allowed on fences for utility uses to protect the public

Mayor McLeod opened the public hearing at 7:29 PM. As no one spoke, the public hearing was closed at 7:29 PM.

Councilman Lawter motioned to approve the proposed text amendment; Councilman Holder seconded the motion. Motion carried unanimously at 7:29 PM.

**Councilman Thompson of the Town Council of the Town of Clayton hereby stated:**

**Section 1:** Text Amendments to Chapter 155 Section 402 of the Unified Development Code are consistent with the Town of Clayton Strategic Growth Plan.

**Section 2:** Based upon information presented at the public hearings 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 155.703(H) of the Unified Development Code of the Town of Clayton, Text Amendment revisions to Chapter 155 Section 402 of the Unified Development Code are reasonable and in the public interest.

Councilman Holder seconded the motion. Motion carried unanimously at 7:30 PM.

Item 5c. Evidentiary hearing for preliminary subdivision request SUB 2013-08 located at Corbett Road and US 70 HWY Bypass.

Mayor McLeod announced subdivision application SUB 2013-08 located at Corbett Road and US 70 HWY Bypass has been noticed for an evidentiary hearing at 7:30 PM. He called upon Town Attorney Katherine Ross to explain the rules of procedure for an evidentiary hearing.

Town Attorney Katherine Ross introduced the evidentiary hearing procedures used for subdivision application SUB 2013-08. 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 criteria found in the Unified Development Code (UDC) of the Town Code of Ordinances. She added anyone opposed to the application must put on evidence of a similar kind, showing the findings of fact

**TOWN OF CLAYTON**  
**Amendment to the Code of Ordinances: Chapter 155**  
**Unified Development Ordinances**

**BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend Chapter 155, Section 402 with the following:**

**§ 155.402      LANDSCAPING, SCREENING AND BUFFERING.**

**(A)    PURPOSE AND INTENT**

The purpose and intent of this Section is to establish minimum standards for the design, layout, installation and continued maintenance of landscaping. It is the intent of this Section to encourage creativity in landscape design while providing general direction and criteria for the evaluation of landscaping.

**(B)    APPLICABILITY**

- (1) Unless specifically exempt, all existing and proposed development for which site plan approval is required (see § 155.707) shall meet the provisions of this Section.
- (2) Buildings and structures lawfully existing as of the effective date of this Chapter may be redeveloped, renovated or repaired without providing or modifying landscaping, screening, and buffering in conformance with this Section, provided there is no increase in gross floor area in such building or structure or impervious area on the site.
- (3) The maintenance standards in (G)(2) of this Section shall apply as of the effective date of this Chapter to all existing development and new construction.
- (4) Where a building or structure existed as of the effective date of this Chapter, and such building or structure is enlarged in gross floor area or impervious area by 10% or 2,000 square feet, whichever is less, landscaping, screenings, and buffering as specified in this Section shall be provided.
- (5) Landscaping required within an Overlay District is subject to the provisions of this Section, except that regulations within § 155.204 (Overlay Districts) shall supersede and may be either more or less restrictive than the regulations for landscaping contained in this Section. In the Downtown Overlay District, the Planning Director may allow a new use to be established, even if all landscaping, screening, and buffering requirements cannot be met for the new use, provided that as much landscaping, screening and buffering as can reasonably be provided is provided by the use.

**(C)    LANDSCAPE PLAN REQUIRED**

- (1) A landscape plan shall submitted in conjunction with a required site plan (see § 155.707).

- (2) A registered landscape architect shall prepare all landscape plans, except where expressly exempted by the Planning Director. The landscape treatment shall adequately detail the requirements of this section and any additional considerations set forth in the Clayton General Design Guidelines.

<b>Part 1. Site Interior Landscape Requirements</b>	§ 155.402(D)
<b>Part 2. Perimeter Buffers.</b>	§ 155.402(E)
<b>Part 3. Street Yard Trees.</b>	§ 155.402(F)
<b>Part 4. Screening.</b>	§ 155.402(G)
<b>Part 5. General Landscaping, Screening and Buffering Provisions.</b>	§ 155.402(H)

**PART 1. SITE INTERIOR LANDSCAPE REQUIREMENTS**

**(D) SITE INTERIOR LANDSCAPING**

All site plans requiring landscaping in accordance with this Section shall provide site interior landscaping.. Perimeter Buffer requirements set forth in PART 2 and Street Yard Trees set forth in PART 3 of this Section shall be provided completely, as required, in addition to these requirements.

**(1) Interior Landscaping**

- (a) 20 percent of the total lot are shall be landscaped.
- (b) One canopy tree, one understory tree, and two shrubs shall be planted for each 1,000 square feet of landscape area required. Trees need to be evenly planted throughout the landscaped area, but may be staggered or clustered as necessary to maximize visual and screening objectives, and to meet the needs of the particular species of plants for root space, water, light, and air circulation. At the time of planting all canopy trees shall be at least six feet in height, all understory trees shall be at least four feet in height, and all shrubs shall be at least one foot in height.
  - 1. Landscaping provided within vehicular use areas may be counted toward the site interior landscape requirement.
  - 2. Resource conservation areas (see § 155.500) may be used to satisfy a maximum of 40% of the total required landscaped area.

**(2) Vehicular Use Areas**

All vehicular use areas shall observe a minimum front yard of not less than five feet, and a side yard on a corner lot of not less than five feet. Parking lots in residential districts shall have front yards of not less than 15 feet and side and rear yards of not less than five feet.

(a) **Perimeter Screening**

1. The perimeter of all parking areas and other vehicular use areas adjacent to residentially-zoned property shall provide a Class C buffer as set forth in PART 2 of this Section. The perimeter of all parking areas and other vehicular use areas with frontage on any portion of an existing public right-of-way shall be screened by either a berm, a continuous landscaped hedge, a decorative masonry wall or any combination thereof.
2. At the time of installation, such screening shall be at least 30 inches in height. Any vegetative screen be maintained at a minimum height of 36 inches within two years of planting.
3. No such buffer shall be required along an alley.

(b) **Landscaping Islands**

1. *Interior Islands*

An interior landscape islands shall be provided every ten spaces. Each island shall contain a minimum of 150 square feet of landscaped area with a minimum width of eight feet inside the curb. Each island shall include a minimum of one tree with a minimum caliper of two and one-half inches. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees where approved by the Planning Director.

2. *Terminal Islands*

All parking rows shall terminate in a curbed landscaped island. All terminal islands shall include a minimum of one tree with a minimum caliper of two and one-half inches.

3. *Median Islands*

A median island with a minimum width of eight feet inside the curb shall be sited between every six single parking rows and along primary internal and external access drives. Median intervals may be expanded in order to preserve existing trees, where approved by the Planning Director.

(c) **Curbing**

1. All landscaping in or adjacent to a vehicular use area shall be protected from vehicular damage by a raised concrete curb six inches in height or equivalent barrier, however, the barrier need not be continuous.

2. Landscaped areas adjacent to parking areas shall be landscaped so that no plant material greater than 12 inches in height will be located within two feet of the curb or other protective barrier.

**PART 2. PERIMETER BUFFERS**

**(E) BUFFERS**

**(1) Buffer Defined**

A buffer is a specified land area, located parallel to and within the outer perimeter of a lot and extending to the lot line, together with the planting and landscaping required on the land. A buffer may also contain, or be required to contain, a barrier such as a berm or wall where such additional screening is necessary to achieve the desired level of buffering between various land use activities. A buffer is not intended to be commensurate with the term "yard" or "setback."

**(2) Buffer Types**

There are four types of required buffers that may occur on any given parcel (for the specific width and plant material for each buffer classification see (D)(3) of this section.

**(a) Street Buffers**

1. All new development with frontage on a commercial street or designated minor thoroughfare shall provide a Class A buffer as set forth in (D)(3) of this section.
2. Double frontage lots abutting a collector street or residential collector street shall provide a Class A buffer along the entire rear yard frontage.

**(b) Parking Buffers**

Parking buffer requirements are set forth in PART 1 of this Section.

**(c) Compatibility Buffers**

Perimeter compatibility is required along the boundaries of all incompatible zoning districts. Table 4-5 shall be used to determine the required buffer classification between adjacent districts.

**TABLE 4-5 COMPATIBILITY BUFFER REQUIREMENTS**

Subject Property District	Adjacent Property District										
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2
R-E	--	--	--	--	--	--	--	--	--	--	--
R-10	A	--	--	--	--	--	--	--	--	--	--
R-8	B	A	--	--	--	--	--	--	--	--	--
R-6	B	A	A	--	--	--	--	--	--	--	--

<b>O-R</b>	B	A	A	A	--	--	--	--	--	--	--
<b>O-I</b>	B	B	B	B	A	--	--	--	--	--	--
<b>B-1</b>	B	B	B	B	B	B	--	B	--	--	--
<b>B-2</b>	B	B	B	B	B	B	--	--	--	--	--
<b>B-3</b>	C	C	C	C	C	B	B	B	--	--	--
<b>I-1</b>	C	C	C	C	C	C	C	C	B	--	--
<b>I-2</b>	C	C	C	C	C	C	C	C	B	--	--

(d) **Project Boundary Buffers**

Project boundary buffers are established to mitigate the effect of specific types of development on adjacent properties. Where project boundaries coincide with district boundaries the following project boundary buffers shall apply.

1. *Open Space Residential Subdivision*

A Class C buffer is required along all project boundaries of an open space subdivision (see § 155.203(H)(8)).

2. *Planned Development*

A Class C buffer is required along all project boundaries of a planned development. A Class B buffer may be used when a Planned Development - Commercial (PD-C) abuts a non-residential district (see § 155.203(L)).

3. *Manufactured Home Park*

A Class C buffer is required along all project boundaries of a manufactured home park (see § 155.301(G)(4)).

(3) **Buffer Classification**

Figure 4-1 establishes the specific width and plant material for each buffer classification. The applicant may choose any alternative (1, 2, or 3) in the respective buffer classification. Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two understory trees per required canopy tree. The plantings below are intentionally over-planted at maturity, in order to provide an immediate beneficial impact.

**FIGURE 4-1 LANDSCAPE BUFFERS**

CLASS A BUFFER (plants/100 linear feet)	Alternative 1 10 feet		2 canopy trees 2 understory trees 12 shrubs
	Alternative 2 15 feet		2 canopy trees 1 understory tree 10 shrubs
	Alternative 3 20 feet		1 canopy tree 2 understory trees 8 shrubs
CLASS B BUFFER (plants/100 linear feet)	Alternative 1 10 feet		2 canopy trees 3 understory trees 20 shrubs
	Alternative 2 15 feet		2 canopy trees 2 understory trees 16 shrubs
	Alternative 3 20 feet		2 canopy trees 1 understory tree 12 shrubs
CLASS C BUFFER (plants/100 linear feet)	Alternative 1 10 feet		1 wall or berm 2 canopy trees 3 understory trees 12 shrubs
	Alternative 2 15 feet		1 wall or berm 2 canopy trees 2 understory trees 12 shrubs
	Alternative 3 20 feet		1 wall or berm 2 canopy trees 1 understory tree 12 shrubs

(4) **Location of Buffer**

- (a) Buffers shall be located along the outer perimeter of a lot or parcel, parallel to and extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated or reserved public or private street or right-of-way.
- (b) Except as provided below, the required buffer shall be provided along the entire frontage abutting the existing, dedicated or reserved public or private street or right-of-way, district boundary, or project boundary, as applicable.
- (c) A buffer may be interrupted in order to provide access (pedestrian or vehicular) to adjacent parcels or public right-of-way.

**(5) Plant and Structure Location within Buffers**

The placement of required plants and structures shall be the decision of the applicant, except that the following requirements shall be satisfied:

- (a) Plant materials shall be located so as to achieve the maximum level of protection. Plant material shall meet the buffer requirements every 100 feet.
- (b) Canopy trees shall be located no closer than five feet from any structure. Understory trees shall be planted no closer than three feet from any structure.
- (c) Buffer areas not retained in native habitat shall be seeded or sodded with lawn, established with ground cover, or mulched with organic mulch. No turfgrass shall be planted under the dripline of trees. Inorganic ground cover shall not exceed 20% of the total required area of the buffer.

**(6) Planting in Easements**

- (a) Buffer may not be planted in wet retention ponds or drainage easements.
- (b) Trees and shrubs shall be installed no closer than five feet to the flow line of a swale.
- (c) Existing trees may remain in dry retention ponds provided that the natural grade is undisturbed to the tree line, the species that are planted are adapted to seasonal flooding and the pond is adequately maintained.
- (d) Trees may be planted in underground utility easements with Public Works Director approval, provided the root structure of the proposed tree is not anticipated to extend more than three feet below the ground. Shrubs may be planted, provided they are only within the outer three feet of the easement. Where such trees and shrubs are planted, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their temporary removal.

- (e) A minimum buffer width of five feet or at least half the minimum required buffer width, whichever is greater, shall be provided outside of any required easements. The majority of buffer plantings and all structures shall be located outside the easements.

(7) **Permitted Structures in Buffer Areas**

(a) **Walls**

Where walls are placed within a required buffer area, they shall meet the following requirements:

1. Walls shall have a minimum height of three feet and a maximum height of six feet. Additional height may be approved by the Planning Director after taking into account site topography, existing and proposed vegetative screening, setbacks, or unique site conditions.
2. Walls shall be constructed of one or a combination of the following materials: stucco over concrete block, brick, stone, split-faced block or glass block in a structurally safe and attractive condition. Alternative walls (including vinyl, EIFS or other similar systems) may be permitted with the approval of the Planning Director. No walls of exposed concrete block are permitted, whether painted or not.
3. No wall shall be located within any required drainage, utility or similar easement.
4. The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall structure at the time of landscape plan approval.
5. Breaks in the wall may be provided for pedestrian connections to adjacent developments.

(b) **Berms**

Where berms are placed within any required buffer area, they shall meet the following requirements.

1. Berms shall have a minimum average height of 30 inches with side slopes of not less than four feet horizontal for each one foot vertical.
2. Slopes in excess of four feet horizontal for each one foot vertical may be permitted if sufficient erosion control methods are taken and deemed by the Public Works Director to be maintainable.

(c) **Fences.**

1. Fences may be constructed in a required buffer.

2. Fences shall have a minimum height of three feet and a maximum height of six feet. Additional height may be approved by the Planning Director after taking into account site topography, existing and proposed vegetative screening, setbacks, or unique site conditions.
3. Fences shall be constructed of high quality materials, such as treated wood black vinyl coated chain link and wrought iron. Vinyl coated chain link fencing is subject to the requirements set forth in § 155.402 (F)(6) below.
4. Breaks in the fence may be provided for pedestrian connections to adjacent developments.
5. Fences shall be maintained in a structurally safe and attractive condition and with finished faces and required plantings located towards the adjacent property.
6. Any fence constructed in a buffer shall be capable of withstanding a 30 pound per square foot horizontal wind load from any direction.

**(8) Permitted Use of Buffer Area**

A buffer area shall not be used for any principal building or use, accessory building or use, vehicle use area or storage area except as specifically permitted below.

- (a) A buffer may be used for passive recreation and picnic facilities; and it may contain pedestrian or bike trails, provided that:
  1. Trails may be incorporated provided that adequate width (minimum 15 feet) is added to the required buffer width to accommodate both the trail and the required buffer plantings. Buffers with trails may also count toward the provision of recreation and open space for the development.
  2. Existing plant material, other than nuisance exotics, shall be preserved to the greatest extent possible; and
  3. All other requirements of this section shall be met.
- (b) Other appurtenances which require high visibility and easy access, such as fire hydrants, mail boxes and bus shelters or benches, are also permitted in a buffer. No screening of such appurtenances shall be required.
- (c) A buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater detention or retention facilities. However a minimum 10-foot contiguous width of the buffer shall be preserved as a planting area without stormwater facilities.

**(9) Ownership of Buffers**

Buffers may remain in the ownership of the original applicant; they may be subjected to deed restrictions and subsequently be freely conveyed; or they may be transferred to any consenting grantees, such as the Town, a land conservancy or land trust, or homeowners association. Any such conveyance shall adequately guarantee the protection and maintenance of the buffer in perpetuity and in accordance with the provisions of this section.

(10) **Alternative Compliance**

- (a) Buffer requirements may be modified by the Planning Board upon finding that a modification would be consistent with the purpose of this Chapter, this Section and the adopted plans and policies of the Town; that such modification would not adversely affect the land use compatibility or public interest; and that the subject parcel or modified buffer complies with one or more of the following criteria:
1. The buffer is parallel and adjacent to an existing utility or drainage easement of at least 100 feet in width;
  2. The buffer is between uses that are to be developed under a common development plan or series of development plans;
  3. The buffer is adjacent to a property that has a joint use agreement with the subject parcel under;
  4. The buffer is parallel and adjacent to an existing railroad right-of-way; or
  5. The topography of the parcel is such that buffering would not be effective.
- (b) Financial hardship due to meeting the requirements of this is Section shall not be sufficient justification for alternative compliance.

**PART 3. STREET YARD TREES**

(F) **STREET YARD TREES**

- (1) Street yard trees shall be required along all rights of way at the rate of one canopy tree per lot or one canopy tree for every 40 linear feet (spaced a maximum of 50 feet part).
- (2) All street yard trees shall be a minimum of two and one-half caliper inches at time of planting and shall be planted no less than five feet or more than 15 feet from the back of the sidewalk.
- (3) Credit shall be given for any existing tree with a minimum dbh of six inches that is preserved within the planting strip at rate of one preserved tree for two required street yard trees.
- (4) Double frontage lots abutting a collector street or residential collector street shall provide a Class A buffer along the entire rear yard frontage.

**PART 4. SCREENING**

**(G) SCREENING**

**(1) Drive-thru Facilities**

Drive-thru windows and lanes shall be designed to adhere to the following standards:

- (a) Drive-thru windows and lanes placed between the right-of-way and the associated building shall require landscape plantings installed and maintained along the entire length of the drive-thru lane, located between the drive-thru lane and the adjacent right-of-way.
- (b) Such screening shall be a compact evergreen hedge or other type of dense foliage. At the time of installation, such screening shall be at least 36 inches in height and be maintained at a minimum height of 48 inches within two years of planting.
- (c) Drive-thru windows are not permitted on the side of a building adjacent to any residential district.

**(2) Service Areas**

- (a) Trash collection, trash compaction, recycling collection and other similar service areas shall be located on the side or rear of the building and shall be effectively screened from view from residential properties or public rights-of-way.
- (b) Screening enclosures shall be fully enclosed by opaque walls or fences at least eight feet high with self-closing access doors and shall be constructed of the same materials as the primary building.
- (c) All service areas are limited to the area shown on an approved site plan.
- (d) All service areas shall be located a minimum of 50 feet away from any residentially-zoned property line.

**(3) Loading Areas**

Loading areas shall be subject to the following screening requirements:

- (a) A 100% year-round screen of all loading areas visible from residential properties or public rights-of-way is required.
- (b) Screening shall consist of berms, walls, fences, plant material or combination thereof totaling eight feet in height at installation or completion of construction. Wall or fence materials shall be compatible with the primary structure.

- (c) Loading docks not in an I-1 or I-2 District shall be located at the side or rear of buildings a minimum of 50 feet away from any residentially-zoned property, unless the loading area is wholly within a closed building.

**(4) Mechanical Equipment**

- (a) All roof, ground and wall mounted mechanical equipment including, but not limited to air handling equipment, vents, compressors, duct work, transformers and elevator equipment) shall be screened from view.
- (b) Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend with the primary structure.
- (c) Wall or ground-mounted equipment screening shall be constructed of:
  - 1. Planting screens;
  - 2. Brick, stone, reinforced concrete, or other similar masonry materials; or
  - 3. Redwood, cedar, preservative pressure treated wood, or other similar materials.

**(5) Utilities**

Above-ground utilities and appurtenances to underground utilities which require above-ground installation shall be screened by a continuous planting of shrubs, with a minimum mature height equal to that of the utility structure. Required access to these utilities are exempt from the screening provisions.

**(6) Fencing and Walls**

- (a) A fence or wall not more than six feet in height may be installed along any side and rear lot line. A fence or wall in any required front yard shall not exceed four feet in height.
- (b) Fences and walls shall be constructed of high quality materials, such as decorative blocks, brick, stone, treated wood, wrought iron and black coated chain link fence . Black vinyl coated chain link fence is permitted subject to the following additional requirements:

1. *Residential Uses*

Black vinyl coated chain link fencing is permitted for individual lots from the front façade of the house in the side and/or rear. It may not be used along a side street, forward of the front façade or between the house and the side property line. Chain link fencing is not permitted for use by a developer for buffering and screening. Black vinyl coated fencing may be used for recreational

uses including, but not limited to parks, playgrounds, swimming pools, tennis courts and basketball courts.

2. *Non-Residential Uses*

Black vinyl coated chain link fencing is permitted for the accessory enclosures of day care facilities, kennels or veterinary clinics. Black vinyl coated chain link fencing is permitted for industrial uses. Vinyl coating is not required for fences when not visible from adjacent property or right-of-way.

3. *Public Utilities*

Black vinyl coated chain link fencing is permitted for public utility purposes. Vinyl coating is not required for industrial fences when it is not visible from adjacent property or right-of-way.

4. The Planning Director may authorize the use of black coated vinyl chain link fencing for uses not listed above if the use of such material is consistent with, and will not impact the aesthetic appearance of the surrounding area.

- (c) Barbed wire or concertina wire is not permitted.
- (d) Breaks in the fence or wall may be provided for pedestrian connections to adjacent developments.
- (e) The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be 100 feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections and a change in material.

**PART 5. GENERAL LANDSCAPING, SCREENING AND BUFFERING PROVISIONS**

(H) **GENERAL PROVISIONS**

(1) **Design, Installation and Establishment.**

(a) **Plant Material**

1. Plant material shall be chosen from the lists of recommended plant species contained in the Clayton General Design Guidelines. Plant materials shall be reviewed for suitability with regard to the eventual size and spread, susceptibility to diseases and pests, and appropriateness to existing soil, climate and site conditions. Plant materials that vary from this list may be used with the approval of the Planning Director.
2. The preferred plant list shall be used to define the species of trees and shrubs deemed to be canopy trees, understory trees and shrubs. The lists may be expanded but are intended to provide guidance in selecting predominately hardy North Carolina native species.

(b) **Cold Hardy and Drought Tolerant Plants**

Plantings shall be cold hardy for the specific location where they are to be planted. Trees and shrubs shall be salt tolerant and drought tolerant and able to survive on natural rainfall once established with no loss of health.

(c) **Soils**

Planting areas shall have uncompacted coarse loam that is a minimum of 12 inches deep. Soils shall be appreciably free of gravel, stones, rubble or trash. All compacted soil, contaminated soil or roadbase fill shall be removed.

(d) **Issuance of Certificate of Occupancy**

The Code Enforcement Officer may not issue a permanent Certificate of Occupancy for an approved site plan or part thereof, until all seeding, trees, and plant material have been placed in accordance with the approved site plan and requirements of this Section. A temporary Certificate of Occupancy may be issued for a period of 30 days under circumstances that would affect the seeding and planting of the site, or until the proper planting season is reached to complete the landscaping requirements, and may be extended up to 90 days upon request to the Code Enforcement Officer.

(2) **Requirements for Maintaining Planted Areas**

(a) **Responsibility**

The responsibility for maintenance of a planted area shall remain with the owner, his or her successors, heirs, assignees or any consenting grantee. Maintenance is required in order to ensure the proper functioning of a planted area.

(b) **Maintenance**

1. All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, mulching, fertilizing and pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
2. Necessary pruning and trimming shall be in accordance with the *American National Standards for Tree Care Operations: Tree Shrub and Other Woody Plant Maintenance - Standards Practices (Pruning)*, and shall not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures such as lollipopping or meatballing that cause irreparable harm to the natural form of the tree, except where such procedures are necessary to maintain public overhead utilities. Any such activity shall be a violation of this Chapter. Additional plant material shall be required to replace or supplement the damaged plant material.

3. Dead *or* diseased plantings shall be removed. Replacement plantings shall be provided for any required plants which die or are removed for any reason and shall meet all minimum standards and conform to these regulations.
4. *Natural* water courses shall be maintained in a natural condition.
5. A water source shall be supplied within 50 feet of any planting requiring continuing watering. Where non-*native* or non-drought tolerant native vegetation is incorporated an irrigation system shall be required. Irrigation systems shall meet the standards of the Town.
6. Landscape *structural* features such as walls, fences, berms or water features shall be maintained in a structurally safe and attractive condition.
7. Where *other* uses, including pedestrian, bike or other trails these uses shall be maintained to provide for their safe use.

(c) **Failure to Maintain**

In the event that any owner of a planted area fails to maintain the planted area according to the standards of this section, the Town shall have the right to recover the cost of enforcement, including reasonable attorney fees. The Town may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the planted area to take maintenance action. The cost of such maintenance shall be charged to the party having the primary responsibility for maintenance of the planted area.

(3) **Credit for existing plant material**

- (a) With the exception of street yard tree credit, credit for existing plant material shall be allocated on a one-for-one basis for canopy trees, understory trees or shrubs. The size of material shall not be taken into account, except where such material is below the required minimum planting size.
- (b) Required planting areas shall incorporate existing natural vegetation to the maximum extent feasible. Prior to disturbance of a required planting area approval shall be obtained from the Town. Where existing vegetation is inadequate to meet the required planting standards, additional plant material shall be required.
- (c) The retention of existing vegetation shall be maximized within proposed planting areas. Existing native habitat or vegetation located within planting area that meets the requirements of this section may be counted, provided such plant material meets the minimum standards of this section. If the existing vegetation has been credited and is subsequently removed or dies, it shall be replaced with the appropriate planting material.

(d) Credit may be permitted for existing plant material and walls on adjacent property, provided such items are in a permanently protected area, including, but not limited to:

1. A conservation easement or preserve area on adjacent property; or
2. An existing utility or drainage easement exceeding 100 feet in width.

**(4) Tree Protection During Construction**

Existing trees specified on the landscape plan to remain on the site as a function of fulfilling the purpose of this Section shall be protected from vehicular movement and material storage over their root spaces during the following construction. An undisturbed area with a porous surface shall be reserved around a tree, based on dbh of the tree as provided in Table 4-7, and with no protective distance less than four feet from the base of the tree.

**TABLE 4-7 TREE PROTECTION**

Trunk Diameter dbh	Area Required
4-10 inches	80 sq. ft.
11-16 inches	180 sq. ft.
17-20 inches	320 sq. ft.
21 inches plus	340 sq. ft.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07)

Duly adopted this 5<sup>th</sup> day of August 2013 while in regular session.

\_\_\_\_\_  
Jody L. McLeod,  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Sherry L. Scoggins, MMC  
Town Clerk

\_\_\_\_\_  
Katherine E. Ross  
Town Attorney



## 1. ACTION [MOTION] ON PROPOSED TEXT AMENDMENT

### **Motion:**

**Council motion** to approve [or deny] the proposed text amendment.

*If the text amendment request is approved, Council will continue with the Consistency and Reasonableness Statement.*

## 2. ACTION [MOTION] ON CONSISTENCY AND REASONABLENESS STATEMENT

### **MOTION:**

**Council motion** to approve [or deny] the Statement of Consistency and Reasonableness for the text amendment as included in the agenda packet.

**TOWN OF CLAYTON**

**CONSISTENCY AND REASONABLENESS STATEMENT**

**Text Amendment to 155.402: Landscaping, Screening, and Buffering**

**THE TOWN COUNCIL OF THE TOWN OF CLAYTON HEREBY STATES** that the text amendment to 155.402: Landscaping, Screening, and Buffering, is consistent with the Town of Clayton Strategic Growth Plan and based upon information presented at the public hearing 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 155.703 (H) [Text Amendment], Section 155.704(J) [Rezoning] and/or Section 155.705(J) [Planned Development District] of the Unified Development Code of the Town of Clayton, the text amendment is reasonable and in the public interest.

Date of approval: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**Jody L. McLeod**  
**Mayor**

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

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

**Agenda Item: 6a**

**Meeting Date: 8/05/13**

**TITLE: DISCUSSION OF EXPANDED LIBRARY OPERATING HOURS.**

**DESCRIPTION:** At its May 29, 2013, budget work session, the Clayton Town Council received a presentation on the expansion of operating hours at the library.

**RELATED GOAL:** Legislative & Think Downtown.

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-29-13	Presentation.	PowerPoint.
8-05-13	Discussion.	Memorandum.

**MEMORANDUM**

**TO:** Steve Biggs, Town Manager

**SUBJECT:** Hours, Staffing, and Operational Modifications for Hocutt Ellington Memorial Library

**DATE:** July 15, 2013

In our ongoing efforts to improve and expand services to our patrons and to provide the best level of services possible, we are hereby proposing changes to the hours, staffing and operations of the Hocutt Ellington Memorial Library. The proposed changes are:

1. Expand hours of operation from 41 to 53 by adding twelve hours per week.
2. Fund one additional Part-Time Library Assistant Position.
3. Request pay adjustment for Part-Time Library Assistant Positions. The Human Resources Director is currently reviewing all part-time salaries and is formulating recommendations for adjustments.
4. Eliminate in-house proctoring for distance learners.

**Hours of Operation**

The purpose of modifying the library's operating hours is to address the current inconsistency and gaps in service. We propose to bring consistency to our operating hours by opening at a uniform earlier time during the week and remaining open longer most days. We feel this will enhance library services to our rapidly growing population and will provide a continuity of service to our patrons. The recommended new hours of operation are outlined below:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>Existing hours</b>	10-6	10-6	10-6	1-8	10-5	9-12
<b>Proposed hours</b>	9-7	9-7	9-7	9-7	9-5	9-2
<b>Additional hours</b>	2	2	2	3	1	2

A typical week for full-time staff will be Monday through Thursday, 9:00am until 5:30pm. On Friday, full-time staff will work 9:00am to 5:00pm. Full-time coverage for the five (5) hours on Saturday will require two (2) full-time staff. Those full-time staff working Saturday will take off five hours during the week (preferably Fridays) to ensure a 40-hour schedule without accruing overtime or comp time. This schedule assumes continuation of a long standing and much beloved practice of staff taking 30-minute lunch breaks.

The currently filled part-time library assistant position will continue to average 10 hours per week. The second existing part-time library assistant position as well as the proposed part-time library assistant position will work 15 hours per week; 4:30 until 7:00pm, Monday through Thursday, and Saturdays, 9:00am to 2:00pm.

### **Staffing and Compensation**

To provide quality staffing coverage and programming for the recommended extension to the hours of operation we are also requesting the addition of one part-time library assistant position. The part-time library assistant position will be filled with a midlevel library assistant. Job responsibilities will be expanded with the addition of new operating hours and will include providing assistance to patrons by using print and online tools, and assisting patrons on finding materials for research and reference. As stated above, the Human Resources Director is currently in the process of reviewing all part-time position salaries and will be recommending that part-time library assistant

hourly rates be increased. Assuming the schedule outlined above this would result in an additional part-time salary cost of \$10,660 for all three positions.

### **Operational Modification**

We are proposing the elimination of in-house proctoring for distance learners. Currently the Senior Library Assistant and Library Director are responsible for overseeing paper and on-line testing for distance learners. Proctoring is very time consuming as it involves coordinating with the student's professor regarding testing guidelines, monitoring the student during the course of the exam, and submitting the test for grading. During a busy week the library staff can administer up to three (3) tests per week. In-house proctoring for distance learners provides a service to a very small segment of the population and this service directly competes for staff time that could be used for services for all patrons. In addition by offering this service we are in direct competition with the private sector. Sylvan Learning Centers, as an example, offer this service for \$50/exam. We believe our staff time would be better used serving our larger patron base and therefore it is our recommendation that we discontinue the service of in-house proctoring for distance learners.

### **Summary**

In summary we feel these recommendations will greatly enhance our patron's experience with Hocutt Ellington Memorial Library. While these recommendations do have a cost associated with them, the cost is minimal when compared to the much expanded hours of operations our patrons will enjoy.

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

Agenda Item: 6b Meeting Date: 8/05/13  
 TITLE: STATUS OF 110 WEST FRONT STREET, FORMER RED & WHITE STORE.  
 DESCRIPTION:

At the July 16, 2012, Council work session, it was the consensus of the Council that staff draft the ordinance authorizing the building inspector to have the property demolished in the event Town does not see work initiated within the specified timeframe. At its August 6, 2012, Council meeting, it was the consensus of the Council to continue this item for 90 days. At its November 5, 2012, Council meeting, the Council received information from the lien holder of this property. All Council members voted in favor of continuing this item to the November 19, 2012, Council meeting in order to receive additional information.

RELATED GOAL: Think Downtown & Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-16-12	Discussion.	Ordinance.
8-06-12	Discussion.	Ordinance, map, NC GS 160A-439, & Town Code of Ord Section 153.027.
10-15-12	None – Tracking.	Ordinance, map, NC GS 160A-439, and Town Code of Ord section 153.027.
11-05-12	Discussion.	Ordinance, map, NC GS 160A-439, and Town Code of Ord Section 153.027.
11-19-12	Discussion.	Ordinance, map, NC GS 160A-439, and Town Code of Ord Section 153.027.
12-3-12	Discussion.	Ordinance, Map, NC GS 160A-439, and Town Code of Ords section 153.027.
12-17-12	Discussion.	N/A.
1-7-13	Discussion.	N/A.
1-23-13	Discussion.	N/A.
2-4-13	Discussion.	
2-18-13	Discussion.	
3-04-13	Discussion.	
3-18-13	Discussion.	
4-01-13	Discussion.	
4-15-13	Discussion.	
5-06-13	Discussion.	
5-20-13	Discussion.	
6-03-13	Discussion.	
6-17-13	Discussion.	
8-5-13	Discussion.	

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

Agenda Item: 6c

Meeting Date: 8/05/13

**TITLE: STATUS OF THE ACQUISITION OF EASEMENTS FOR THE CLAYTON-RALEIGH SEWER TRANSMISSION PROJECT.**

**DESCRIPTION:** The Clayton-Raleigh Sewer Transmission project is a collaborative project between the Town of Clayton and City of Raleigh that began spring of 2007 and slowed when the economy slowed. In June 2012, the Town of Clayton submitted an application to rural development to secure a loan for the design and construction of a new wastewater force main to connect to the City of Raleigh for the transfer of up to 1 MGD of wastewater. On July 16, 2012, the Town Council approved a resolution for financing with the USDA – Rural Development (2012-037).

In order to construct the Clayton-Raleigh sewer transmission line, the Town of Clayton has been acquiring easements from property owners. The easements are located within the existing (CP&L / Progress Energy) Duke Energy easement.

**RELATED GOAL:** Legislative.

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-15-13	Presentation.	Resolutions (7).
8-05-13	Discussion.	

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

Agenda Item: 6d

Meeting Date: 8/05/13

**TITLE: MEMORIAL AND DONATION POLICY.**

**DESCRIPTION:** The purpose of the policy (attached) is to establish guidelines, standards, and procedures for the installation and care of donated improvements, either as a result of monetary or physical property donation.

At its July 15, 2013, Council meeting, Council requested additional information on the cost of maintenance for memorials and recognition of tree donations.

**RELATED GOAL:** Beautify the Town of Clayton and Create an Arts Community.

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-15-13	Presentation.	Policy.
8-05-13	Discussion.	Memorandum & Policy.



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

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TO: Town Council Members, Mayor Jody McLeod  
FROM: Bruce Naegelen, Downtown Development Coordinator  
Larry Bailey, Director, Parks & Recreation  
DATE: July 29, 2013  
SUBJECT: **UPDATE – MEMORIAL AND DONATION POLICY (PROPOSED)**

**Background:**

Staff presented a Memorial and Donation Policy on July 15, 2013 for Council approval. Two Council members had questions regarding assessing the donor for maintenance costs and tree donation recognition. Revisions to the proposed policy have been made for improved clarity. Changes are in red and the original language is incorporated and/or lined-out.

**Item for Consideration:**

- A) Concern about charging for maintenance costs  
B) Donor paying for maintenance if the donation meets a need of the facility or location
- A donation generally covers the full-cost, including purchase, installation and maintenance. The donation agreement will address donor responsibilities on a case-by-case basis.
  - “True Need” under *Criteria for Acceptance*, is just one criterion. Other criteria includes, with Parks, for example, a donation could be accepted if the item “doesn’t interfere with the intended current or future use of the facility...” or “does not require the relocation of other equipment or infrastructure.”
  - Staff will always seek quality, low-maintenance, and durable products whenever possible, but even these donations can end up being an expense to the Town over time.

**Item for Consideration:**

- A) Memorial Plaques for Tree donations  
B) There should be a way to recognize a tree donation
- There have been problems historically with memorial plaques for tree donations. They end up being vandalized, materially damaged, or stolen and over time have become a non-budgeted expense.
  - As a matter of practice in recent years, trees donated to the parks have been memorialized with a photograph of the family or group in front of the donated tree. The photograph is presented to the family. The photograph could also be posted on the Town website.

**Requested Council Action:**

Staff believes the policy is donor-friendly and fiscally-responsible and would like Council to adopt this policy as presented.

# MEMORIAL AND DONATION POLICY

Town of Clayton

P.O Box 879  
Clayton, NC 27520

Phone: (919) 553-5002

Fax: (919) 553-1720



# TOWN OF CLAYTON

## Memorial and Donation Policy

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**Purpose:** The purpose of this policy is to establish guidelines, standards, and procedures for the installation and care of donated improvements, either as a result of monetary or physical property donation. These donations include, but are **not** limited to the following items: park or downtown benches, bicycle racks, picnic tables, monuments, drinking fountains, and other types of physical accessories. All donations are dependent on the specific needs of the Town of Clayton. The Town wishes to encourage donations while maintaining appealing aesthetic impacts as well as mitigating the on-going maintenance costs.

Standards established by this policy will apply to purchased equipment, installation techniques, donation acknowledgements, and long-term care of all donations made after the adoption of this policy.

**Scope:** This policy applies to all Town-owned and operated lands and facilities.

### **STANDARDS FOR NEW DONATIONS**

**Acquisition or Purchase:** The Town and the community have a strong interest in ensuring that donated elements provided are of high quality in style, appearance, durability, and maintenance. The Town staff will be responsible for the purchase and installation of all memorials and donations.

**Appearance and Aesthetics:** The Town and community share an interest in providing the best appearance and aesthetic quality of their public facilities. All donated elements should reflect the character of the park, facility or downtown district. Elements will be installed in such a manner that will not substantially change the character of a facility or its intended use.

**Maintenance:** Donated elements, and/or their associate donation acknowledgements, become Town property. Accordingly, the Town has the duty to maintain the donation only for the expected life cycle of the donation. If the current information is on file, the donor will be informed and given the opportunity to take further action at the expiration of the original life cycle.

**Repair:** The community has an interest in ensuring that all park, facility and downtown elements remain in good condition. Additionally the Town wishes to see that all park, facility and downtown element short-term and long-term repair costs are minimal. All donated elements must be of high quality to ensure long life. All elements must also be resistant to weather conditions, wear and tear, and vandalism.

**Cost:** The Town has an interest ensuring that the donor covers the full-cost of the purchase, installation, and maintenance during the expected life cycle of any donated elements. The Town also has an interest in ensuring that on-going maintenance costs do not negatively impact the resources available for maintenance of other Town facilities. **Consequently, the Town will provide quality, durable and low-maintenance choices to the donor in order to keep maintenance expenses low. The donation agreement will address the full cost of the donation.**

~~Consequently, the Town will assess, at the time of purchase, a charge sufficient to cover anticipated on-going maintenance of the donated elements during their life expectancy.~~

### **PROCEDURE FOR MAKING A DONATION**

The Town's Parks and Recreation Department will manage all donations located on Town park property.

The Town's Downtown Development Office will manage all donations located within the Downtown Development District.

The Town Manager will manage all donations located at other Town property and facilities not covered above.

**Application:** The donor must contact the appropriate office as described above to determine whether a donation may be accepted based upon criteria contained in this policy. If a donation can be accepted, then the donor will complete the associated application form. Application forms are available online, via e-mail, or by visiting the Clayton Community Center or Town Hall. Completed applications and payments are to be made to the appropriate department for review and processing.

### **CRITERIA FOR ACCEPTANCE**

**Parks Needs & Recreation:** The Town may accept the donation under the following circumstances: Donation meets a true need of the facility, the donation does not interfere with the intended current or future use of the facility, and the donation does not require the relocation of other equipment or infrastructure. It is in the opinion of the Town to deem any donation suitable for park acceptance and use.

**Downtown Needs District:** The Town may accept the donation under the following circumstances: Donation meets a true need within the downtown district as determined by, but not limited to the Downtown Vision, Downtown Master Plan, and other guidance documents attributed to the downtown development district; It is in the opinion of the Town to deem any donation suitable for downtown acceptance and use.

**All Other Facilities:** The Town may accept the donation under the following circumstances: Donation meets a true need of the facility as determined by the goals and vision of the facility or those established by the Town Council.

**Elected Officials:** All applications for donations/memorials will be presented to Town Council.

**Donation Acknowledgements/Memorial Plaques:** The donation of acknowledgements or memorial plaques will be utilized only in the cases of donation of benches, picnic tables, large play structures, and drinking fountains. Donation acknowledgements and memorial plaques, as approved by the Town, are to be directly affixed to the donation and are to be purchased through the Town. The type of donated item will determine the donation plaque. This includes material and size established by the Town of Clayton and will be approved by the appropriate Town department. The Parks and Recreation Department and/or Downtown Development Office will approve all text for donation plaques and will purchase these items from a Town-

approved vendor to ensure the highest quality, life, and durability.

Acknowledgements/memorials are limited to a maximum of three lines, and donors may choose from the following three acknowledgement/memorial options: "Donated by \_\_\_\_\_," In memory of \_\_\_\_\_," or "Dedicated to \_\_\_\_\_."

**Tree donations will be memorialized with a photograph of the family or group with the donated tree(s) and/or an article to be posted on the Town of Clayton website. Memorial plaques will not be installed for tree donations.**

**Notification:** It shall be the responsibility of the donor to provide the appropriate Town office (Parks and Recreation Department/Downtown Development Office/Town Manager) with a current address for purposes of notification regarding their donation. For the purposes of notification, the Town will attempt to send a certified letter to the donor, notifying the donor of changes related to the status of the donation (i.e. a need to remove, relocate, or comply with conditions set forth in this policy.)

### **TREES**

The Town and community wish to ensure proper landscaping and plant selection for all park facilities. The size and specie of a donated tree (or trees) shall be limited to those determined by the Town. Trees will only be accepted for areas that have active irrigation systems in place.

### **MONUMENTS**

***Memorials, plaques, or any upright monument or monuments resembling those typically found in cemeteries may not be installed on any Town-owned property or facility.***

Exceptions to this policy are monuments installed by the Town commemorating the history and/or dedication of a park or other Town-owned property or facility. This includes, but is not limited to stones, plaques, pillars, and gardens. The appropriate Town department (The Parks and Recreation Department/Downtown Development Office/Town Manager) has the final say of approval on any donated monument.

### **OTHER DONATIONS**

There may be additional donations possible other than those expressly listed or contained within this policy. The Town may accept those donations with discretion and review by the appropriate Town department as previously described. Please visit the appropriate Department with questions regarding donations not listed in this policy.

### **CONDITIONS**

**Installation:** Town personnel will complete Installation of donated elements, including any donor acknowledgement/memorial plaques. Installations will be scheduled at a time and date determined by the appropriate Department so as not to conflict with routine maintenance activities.

**Removal and/or Relocation:** The Town reserves the right to remove and/or relocate donated elements and their associated donation acknowledgments/memorial plaques, when they interfere with site safety, maintenance, construction activities or vandalism. In accordance with previously stated procedure in this policy, the Town will attempt to send a certified letter to each

identifiable donor notifying the donor of any action related to the disposition of the donation. In certain circumstances, such as safety or emergency situations, the notification may be made after the action is taken. In the event a donation must be permanently removed, the Town will seek an alternative location consistent with this policy. The Town is not responsible for the replacement or repair of any donated elements damaged or destroyed by vandalism or natural occurrences.

### **MAINTENANCE AND REPAIR**

The long-term care and maintenance of donated elements is important to both the donor and the Town. Periodic maintenance will be made on each donation to ensure that they remain in the highest quality. At the end of the donation's life-cycle term, the donor may choose to extend the life-cycle term **at a current value outlined in a new donation agreement.** ~~by paying for the current value of a new donation and its associated maintenance cost.~~ The Town reserves the right to seek a new donor for the donation at the end of the established life cycle should the original donor choose not to renew the donation or if the Town has not been able to contact the original donor.



**TOWN OF CLAYTON**  
**Memorial and Donation Application**

**Town of Clayton**  
P.O. Box 879  
Clayton, NC 27520  
Phone: (919) 553-5002  
Fax: (919) 553-1720

(TO BE COMPLETED BY APPLICANT, PLEASE PRINT LEGIBLY)

**APPLICANT INFORMATION:**

Name of Donor:		
Address of Donor:		
Home Phone:	Work Phone:	Fax:
Email Address:		

**DONATION INFORMATION:**

Description of Donation:
Location of Donation:
Wording on Memorial Acknowledgment:
Type of Donation:
Estimated Donation Cost:

**\*The Town of Clayton is not responsible to replace the donation in the event of damage due to vandalism or natural occurrence.**

**I HAVE READ AND AGREED TO THE TERMS OF THE MEMORIAL AND DONATION POLICY**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

(TO BE COMPLETED BY TOWN STAFF)

Reviewed By:	Date:
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**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

Agenda Item: 7a

Meeting Date: 8/05/13

**TITLE: SCADA (SUPERVISORY CONTROL AND DATA ACQUISITION)  
AWARD.**

**DESCRIPTION: SCADA is for the lift stations and would modernize how lift stations contact staff. Additionally, SCADA will improve data collection and will permit remote control. The land lines that are currently at the lift stations are a one-way communication and would be removed when the SCADA is operational.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

08-05-13

Approval.

Bid Tabulation &  
Recommendation of  
Award.



THE  
WOOTEN  
COMPANY

ENGINEERING

PLANNING

ARCHITECTURE

July 29, 2013

Mr. Byron Poelman  
Utility Service Superintendent  
Town of Clayton  
653 Hwy 42 West  
Clayton, NC 27528

Re: Recommendation of Award  
Phase 1 SCADA System Improvements  
TWC No. 2756-BF

Dear Mr. Poelman:

Enclosed is the Bid Tabulation for the Phase 1 SCADA System Improvements Project for bids received June 11, 2013. The Low Bidder is Custom Controls Unlimited, Inc. (CCU) from Raleigh, NC with a low Bid of \$505,300.00. The Low Bidder is properly licensed to perform the work in accordance with Chapter 87 of the North Carolina General Statutes.

Pursuant to the Town's request we contacted the low bidder and requested they prepare a list of potential project deducts for the Town to consider in reducing the project cost. The attached email dated June 28, 2013 from Devin Carroll of CCU identifies eight (8) potential items that will reduce the bid price in the amount of \$100,000. TWC has reviewed each of these items and recommends that the Town accept the proposal as submitted with the following exception. For item 8, TWC will require CCU to use PVC coated metal conduit for below grade installation of analog inputs and for above grade installation, the analog input conduit can be rigid metal conduit or PVC coated metal conduit.

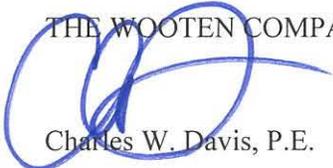
Therefore, the negotiated contract amount shall be for the bid price, less the negotiated deducts in the amount of \$100,000, for a net contract price of \$405,300.00. We recommend that the Town of Clayton accept this negotiated bid amount of \$405,300.00 and make the award of the Contract to Custom Controls Unlimited, Inc.

Attached, please find three (3) copies of the Notice of Award for signature. Please have the Town Manager sign each Notice of Award where indicated and return to our office.

Should you have any questions or need additional information, please let us know.

Sincerely,

THE WOOTEN COMPANY

  
Charles W. Davis, P.E.

Enclosures

120 North Boylan Avenue  
Raleigh NC 27603-1423

919.828.0531

fax 919.834.3589

**BID TABULATION  
SCADA SYSTEM IMPROVEMENTS  
TOWN OF CLAYTON, NORTH CAROLINA**

**BID DATE/TIME:** June 11, 2013 @ 2:00 P.M.

TWC No. 2756-BF

CONTRACTORS	LIC. NO.	BID BOND	BID PRICE	REMARKS
CUSTOM CONTROLS UNLIMITED, INC. 152 Annaron Court Raleigh, NC 27603	28171-U	5%	\$505,300.00	Apparent Low Bidder
PITT ELECTRIC, INC. 1028 Brompton Lane Greenville, NC 27834	7848-U	5%	\$882,000.00	
VIA ELECTRIC Co. 3470 Hwy 220 South Madison, NC 27025	4364-U	5%	\$881,100.00	

This is to certify that the bids tabulated herein were publicly opened and read aloud at 2:00 p.m. on the 11<sup>th</sup> day of June, 2013, at the Clayton Operations Center located at 653 Highway 42 West, Clayton, North Carolina, and that all said bids were accompanied by either a certified check or bidder's bond except as otherwise noted.

**THE WOOTEN COMPANY**  
120 N. Boylan Avenue  
Raleigh, NC 27603  
License No. F-0115



Charles W. Davis, P.E.

## Charles Davis

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**From:** J Devin Carroll <devin.carroll@ccuinc.com>  
**Sent:** Friday, June 28, 2013 4:15 PM  
**To:** Charles Davis  
**Subject:** Clayton  
**Attachments:** Uh36-Model1.pdf; Uh36-Model2.pdf; Uh36-Model3.pdf

Charlie,

I was able to come up with a \$100,000 deduct with the following modifications:

1. We Add an extra 10Amp circuit breaker for a future flow meter to each RTU.
2. We remove all concrete pads from the project
3. Reduce all Hood sizes to 4' wide (drawings are attached)
4. Remove all load centers
5. Remove all spare conduits
6. Remove fluorescent light under the hoods
7. Install Instrument hoods on the back side of existing racks where possible.
8. Conduit can be PVC or liquid tight flex, installed in accordance with NEC

Let me know your thoughts

Devin

---

**From:** Travis Campbell  
**Sent:** Friday, June 28, 2013 4:05 PM  
**To:** J Devin Carroll  
**Subject:** Hood Drawings

TRAVIS CAMPBELL  
CUSTOM CONTROLS UNLIMITED, INC.



152 Annaron Ct.  
Raleigh NC, 27603  
Office: 919-661-5556  
Fax: 919-661-5557  
Mobile: 919-812-0392

This message is intended for use only by the person(s) addressed above and may contain privileged and confidential information. Disclosure or use of this message by any other person is strictly prohibited. If this message is received in error, please notify the sender immediately and delete this message.

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

Agenda Item: 7b

Meeting Date: 8/05/13

**TITLE: RESOLUTION RECOGNIZING RAINDOWNUS.ORG.**

**DESCRIPTION:** At its July 15, 2013, Council meeting, members of Raindownus.org introduced themselves and the goal of the organization.

**RELATED GOAL:** Administrative

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
08-05-13	Approval.	Resolution.

**TOWN OF CLAYTON  
RESOLUTION RECOGNIZING RAINDOWNUS.ORG**

**WHEREAS**, Anita Woodley and Demetrius Hunter came before the Clayton Town Council on July 15, 2013, to introduce themselves and their organization – Raindownus.org; and

**WHEREAS**, Ms. Woodley and Mr. Hunter shared creating greater awareness and teaching perseverance techniques around breast cancer and women's health issues as the goal of Raindownus.org; and

**WHEREAS**, Ms. Woodley stated she is a women's health ambassador and promotes awareness through entertainment in a breast health show named "Mama Juggs;" and

**WHEREAS**, Ms. Woodley and Mr. Hunter will co-host a live theater event at the Wagner House on Saturday, October 24, 2013, at 6 PM; and

**WHEREAS**, Ms. Woodley and Mr. Hunter requested the Council's support in promoting breast cancer awareness and women's health issues within the Town of Clayton.

**NOW, THEREFORE**, the Honorable Mayor and Clayton Town Council welcome Raindownus.org to the Town of Clayton and applaud its mission to promote awareness about breast cancer and women's health issues in our community.

Duly resolved this 5th of August 2013, while in regular session.

(SEAL)

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Jody L. McLeod  
Mayor

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Sherry L. Scoggins, MMC  
Town Clerk

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

Agenda Item: 8a

Meeting Date: 8/05/13

TITLE: TOWN MANAGER

DESCRIPTION: Update on off-budget equipment request(s) for Town departments.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
6-17-13	Discussion.	
8-05-13	Discussion.	

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

Agenda Item: 8c

Meeting Date: 8/05/13

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- Council Mtg – Monday, August 5, 2013 @ 6:30 PM
- National Night Out – Tuesday, August 6, 2013 from 6 PM to 8 PM at the Town Square
- Downtown Development Association Mtg – Monday, August 12, 2013 @ 6:30 PM at Clayton Town Hall, Room GS 223
- Clayton Town Square Concert Series: **Johnny Orr Band** – Thursday, August 15, 2013 from 7 PM to 9 PM
- Council Mtg – Monday, August 19, 2013 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, August 21, 2013 @ 6 PM
- Planning Board Mtg – Monday, August 26, 2013 @ 6:00 PM
- Labor Day Holiday – Monday, September 2, 2013
- Council Mtg – TUESDAY, September 3, 2013, @ 6:30 PM
- Clayton Town Square Concert Series: **MikeMickXer** – Thursday, September 12, 2013 from 7 PM to 9 PM
- Zaxby's Movie Night – Saturday, September 14, 2013 @ Town Square from 6 PM to 10 PM
- Council Mtg – Monday, September 16, 2013 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, September 18, 2013 @ 6 PM
- Clayton Harvest & Music Festival – September 18 – 22, 2013 in Downtown Clayton
- Temporary closing of Main Street for vendors during the Clayton Harvest & Music Festival – Saturday, September 21, 2013, from 5 AM to 6 PM
- Planning Board Mtg – Monday, September 23, 2013 @ 6:00 PM
- Fire Advisory Board Mtg – Thursday, September 26, 2013 @ 7:30 PM at Fire Station 1, 325 West Horne Street
- Council Mtg – Monday, October 7, 2013 @ 6:30 PM
- Last day to register to vote for municipal elections – Friday, October 11, 2013 [CARD MUST BE POSTMARKED 25 DAYS BEFORE ELECTION OR RECEIVED IN THE BOARD OF ELECTIONS OFFICE BY 5:00 PM, 25 DAYS BEFORE ELECTION.]
- Zaxby's Movie Night – Saturday, October 12, 2013 @ Town Square from 6 PM to 10 PM
- Downtown Development Association Mtg – Monday, October 14, 2013 @ 6:30 PM at Clayton Town Hall, Room GS 223
- Board of Adjustment Mtg – Wednesday, October 16, 2013 @ 6 PM
- Council Mtg – Monday, October 21, 2013 @ 6:30 PM
- Planning Board Mtg – Monday, October 28, 2013 @ 6:00 PM
- Council Mtg – Monday, November 4, 2013 @ 6:30 PM

- Election Day – Tuesday, November 5, 2013; polls open from 6:30 AM to 7:30 PM
- Veteran’s Day Holiday – Monday, November 11, 2013
- Canvass Day at the Board of Elections – Tuesday, November 12, 2013
- Council Mtg – Monday, November 18, 2013 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, November 20, 2013 @ 6 PM
- Fire Advisory Board Mtg – Thursday, November 21, 2013 @ 7:30 PM at Fire Station 1, 325 West Horne Street
- Planning Board Mtg – Monday, November 25, 2013 @ 6:00 PM
- Thanksgiving Holiday – Thursday, November 28, 2013 & Friday, November 29, 2013
- Council Mtg (Organizational Mtg) – Monday, December 2, 2013 @ 6:30 PM
- Downtown Development Association Mtg – Monday, December 9, 2013 @ 6:30 PM at Clayton Town Hall, Room GS 223
- Council Mtg – Monday, December 16, 2013 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, December 18, 2013 @ 6 PM
- Planning Board Mtg – Monday, December 23, 2013 @ 6:00 PM
- Christmas Holiday – Tuesday, December 24, 2013; Wednesday, December 25, 2013; & Thursday, December 26, 2013

Date:  
8-05-13

Action:  
N/A.

Info. Provided:  
Calendar of Events.