

Jody L. McLeod
MAYOR

Bruce Thompson
TOWN ATTORNEY

Steve Biggs
TOWN MANAGER



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

Michael Grannis
MAYOR PRO TEM

TOWN COUNCIL MEETING

FEBRUARY 04, 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. SCOGGINS, TOWN CLERK
BRUCE THOMPSON II, TOWN ATTORNEY**

AGENDA
THE REGULAR MEETING OF THE CLAYTON TOWN COUNCIL

MONDAY, FEBRUARY 4, 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 January 23, 2013, work session meeting, and the January 23, 2013, closed session meeting.
- b. Supplemental agreement with NCDOT for the Front Street Extension Project; TIP # U-3605.
- c. Warranty acceptance for public water and sewer utilities for Pine Hollow Commons Commercial Subdivision.
- d. Policies relating to Town Square and Horne Square.

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Presentation on forecast models and credit refunding analyses by Davenport & Company LLC.
 - Refinancing of the installment purchase contract with Bank of America for Town Hall request.

5. PUBLIC HEARINGS

- a. Public hearing for text amendments to the following land use ordinances of the Town Code of Ordinances:
 - Chapter 151, Regarding Floodplain Administrator
 - Chapter 155, Article 7

6. OLD BUSINESS

- a. Chain link fence.
- b. Status of John Street sewer project.
- c. Status of 110 West Front Street, former Red & White Store.
- d. Noise ordinance – TRACKING PURPOSES ONLY.

7. NEW BUSINESS

8. STAFF REPORTS

- a. Town Manager
- b. Town Attorney
- c. Town Clerk
 - Calendar of Events
 - **Household Hazardous Waste Collection Day** – Saturday, March 2, 2013; 8 AM to 1 PM, at the Johnston County Livestock Arena, 520 County Home Road of Smithfield (next to the Landfill)
- 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: 2/4/13

TITLE: DRAFT MINUTES FROM THE JANUARY 23, 2013, WORK SESSION MEETING AND THE JANUARY 23, 2013, CLOSED SESSION MEETING.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

2-04-13

Approval.

DRAFT Minutes of the
1/23/2013 work session.

**** DRAFT minutes of the
1/23/2013 closed session
Will be hand-delivered.***

**MINUTES
CLAYTON TOWN COUNCIL
JANUARY 23, 2012**

The second regular meeting of the Clayton Town Council for the month of January was held on Wednesday, January 23, 2013, at 6:30 PM at Town Hall, 111 East Second Street.

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

ABSENT: Councilman Bob Satterfield

ALSO PRESENT: Steve Biggs, Town Manager; Katherine Ross, Town Attorney; Sherry Scoggins, Town Clerk; David DeYoung, Planning Director; Tim Simpson, Public Works & Utilities Director; Ann Game, Customer Service Director; Bruce Naegelen, Downtown Development Coordinator; Dale Medlin, Electric Systems Director; Stacy Beard, Public Information Officer; James Warren, Wastewater Treatment Plant Superintendent; Chris Rowland, Construction Inspector; Byron Poelman, Utility Service Superintendent

ITEM 1. CALL TO ORDER

Mayor McLeod called the meeting to order at 6:38 PM. Mayor McLeod gave the invocation.

ITEM 2. ADJUSTMENT OF THE AGENDA

The following adjustments of the agenda were requested:

- Add as Item 10c, Closed session to discuss real estate negotiation in accordance with NC GS 143-318.11 (a) (5)

It was the consensus of the Council to proceed with the agenda with the adjustments.

ITEM 3. ACTION AGENDA

Councilman Holder motioned to approve the action agenda as presented; Councilman Thompson seconded the motion. The motion carried 5-0 with the following action agenda items approved at 6:40 PM:

Item 3a. Draft minutes from the January 7, 2013, regular meeting.

ITEM 4. INTRODUCTIONS & SPECIAL PRESENTATIONS

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

The following Town of Clayton employees were introduced:

- Isabel Van Toorn, Customer Service Representative
- Heather Whitley, (Part-time) Customer Service Representative
- Chris Trent, Wastewater Treatment Plant Operator

Item 4b. Presentation of Proclamation - February as American Heart Month [American Heart Association].

Mayor McLeod read the following proclamation into the record:

TOWN OF CLAYTON AMERICAN HEART MONTH PROCLAMATION

WHEREAS, the American Heart Association is the only voluntary health agency whose sole mission is to build healthier lives, free of cardiovascular disease and stroke; and

WHEREAS, heart attacks and strokes kill and disable more people each year than all other health-related causes combined; and

WHEREAS, it is now possible to reduce this terrible toll dramatically through proper diet, exercise, and medical care; and

WHEREAS, the American Heart Association and its local affiliates have engaged in a concerted effort to focus public attention on the opportunities we have to protect ourselves against the ravages of these afflictions; and

WHEREAS, the American Heart Association provides health care, nutrition, and physical activity suggestions on its website: www.heart.org; and

WHEREAS, the Town of Clayton motto is “Premier Community for Active Families;” and

WHEREAS, the first Friday of each February is recognized as National Wear Red Day; and the American Heart Association is again recognizing and supporting this cause on Friday, February 1, 2013, by raising funds for research and standing with women in their fight against their number one killer- heart disease; and

WHEREAS, the American Heart Association is sponsoring HeartChase an “Amazing Race” type event on Saturday, May 18, 2013, at the Town Square; whereby participants in HeartChase will perform some type of heart healthy exercise before moving on to another checkpoint.

NOW, THEREFORE, the Honorable Mayor and Clayton Town Council wish to recognize the month of February as

“AMERICAN HEART MONTH”

and remind our citizens of the vital importance of preventive health care and to support educational programs to help fight against heart disease and stroke.

Duly proclaimed this 23rd day of January 2013, while in regular session.

Mayor McLeod presented the proclamation to American Heart Association representative Michelle Gray.

ITEM 5. ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA

- Item 5a. Presentation of text amendments to the following land use ordinances of the Town Code of Ordinances:
- Chapter 151, Regarding Floodplain Administrator
 - Chapter 155, Article 7

Planning Director David DeYoung provided the following overview of the suggested text amendments:

- Chapter 151, change the Floodplain Administrator from the Planning Director to the Town Engineer
- Chapter 155, Article 7
 - Corrections to citations to the correct portion of the code
 - Correction to references of the processes
 - Amended the meeting times for neighborhood meetings to begin no earlier than 6 PM

This item is slated for public hearing at the February 4, 2013, Council meeting.

- Item 5b. Presentation of supplemental agreement with NCDOT for the Front Street Extension Project; TIP # U-3605.

Town Manager Steve Biggs stated the Town entered a previous agreement for this project with securing of the funds through CAMPO for a \$1.6 million project. He stated this project is being done in cooperation with the adjacent developer. He stated the NCDOT acknowledged the project is proceeding quickly, but an extension is needed to extend the project through the end of December 2013 and it does not change the original agreement. He stated the supplemental agreement is to achieve the extension.

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

- Item 5c. Presentation of warranty acceptance for public water and sewer utilities for Pine Hollow Commons Commercial Subdivision.

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

ITEM 6. ITEMS CONTINGENT FOR THE REGULAR MEETING

No items contingent for the regular meeting were presented.

ITEM 7. ITEMS FOR DISCUSSION

No items for discussion were presented.

ITEM 8. OLD BUSINESS

- Item 8a. Continuation from the January 7, 2013, meeting: Evidentiary hearing for preliminary subdivision request SUB 2012-96 for East Village Unit M2 & M3.

Mayor McLeod announced subdivision application SUB 2012-96 for East Village Unit M2 & M3 has been noticed for an evidentiary hearing at 6:36 PM. He called upon Town Attorney Ross to explain the rules of procedure.

Town Attorney Katherine Ross introduced the evidentiary hearing procedures used for subdivision application SUB 2012-96. She explained that subdivision applications are different in certain respects from the capacity in which the Town Council normally functions. Ms. Ross stated the Town Council normally functions in a legislative capacity; subdivision application hearings are “quasi-judicial,” which means that the Council would act essentially as a court of law. She stated there is a burden that the applicant of the subdivision application must meet the four findings of fact as found in the UDO of the Town Code of Ordinances. She added anyone opposed to the application would have to put on evidence of a similar kind, showing the findings of fact have not been met. She stated testimony must be given under oath. She stated all testimony and evidence provided to the Council must be competent and material and substantial. She stated pursuant to the North Carolina General Statutes, competent evidence does not include opinion testimony of lay witnesses on certain matters. She stated hearsay evidence will not be admitted. She stated the Town Council will apply the criteria contained in the Unified Development Code and make its decision based on the evidence and testimony presented at the hearing. She stated following the hearing the Council will make separate motions on the approval of the rezoning and the approval of preliminary plat. She added the Council will take separate votes on each motion. Town Attorney Ross stated her role during the hearing is to monitor all evidence and testimony

to ensure that it complies with North Carolina law, the Town's Code of Ordinances and procedures and all other applicable requirements.

Mayor McLeod called all those wishing to give evidence, whether for or against the subdivision application, to come forward and be sworn in. Town Clerk Sherry Scoggins administered the oath to David DeYoung (1/7/2013), Steve Biggs, and James Thiem.

Planning Director David DeYoung provided the following PowerPoint, herewith attached as Exhibit A, SUB 2012-96. He provided the following overview:

- 9.35 acre parcel within the East Village Planned Development
- Located on the north side of the future extension of Front Street
- Overall initial approval was April 2, 2012
- Entire development is 74.79 acre parcel
- Rezoned to Planned Development Residential
- Development in multiple phases with three major parts
 - 192 unit apartment complex
 - 151 single-family units
 - Townhomes or single-family units – before the Council this evening
- Accesses Front Street from two separate locations
 - One is between two future commercial parcels
 - Secondary connection is from the single-family area
- During the work session, Council expressed concerns
- Applicant worked with staff
- Since the work session, the following revisions are proposed:
 - Single family proposal:
 - Single family option initially included 41 lots
 - Center line radius of the public road is required to be a minimum of 150 feet
 - Radius was increased and the lot number reduced to 37
 - Town home proposal:
 - Town home proposal initially included 57 lots
 - Return radius modified to 100 and is adequate for emergency vehicles
 - Unit count remains the same
 - Streets will be public instead of private
 - Addition of on-street 90 degree parking; part of it will be in the right-of-way
- All the landscaping was included in the planned development district approval
 - Buffer goes around the entire perimeter of the development
 - Landscape plans will be approved with each phase
 - Exceeds the recreational and open-space requirements
 - Spread out throughout the entire development
 - Includes a greenway trail around the perimeter of the development

- **Traffic study was approved**
 - **Turn lane improvements required and are included as part of the East Front Street Extension**
- **Both proposals are consistent with the Town’s Strategic Growth Plan in terms of location, use, infrastructure, availability, and roadway access (as soon as East Front Street is built)**
- **Both subdivision requests are consistent with the UDC and Master Plan**
- **Applicant is requesting waivers:**
 - **Town home proposal:**
 - **Reduce the typical right-of-way width for a public street from 50 foot to 37 foot and this is with no changes to the actual roadway width, this is only the right-of-way width**
 - **Reduce the center line radius from 150 feet to 100 feet**
 - **90 degree parking partially within the right-of-way**
- **Staff is recommending approval of the two preliminary subdivision requests**
 - **Reason for the approval of both is to allow the developer an option to go with either single-family or townhome plan as the development market dictates**
 - **Recommendation of the two options consistent with the approved planned development master plan and subject those plans to parking on one of the street**

Planning Director DeYoung added the applicant is in attendance and available.

Mayor Pro Tem Grannis questioned if there are sidewalks on one side.

Planning Director DeYoung stated in the affirmative.

Mayor Pro Tem Grannis stated he has been an opponent of the street because of concern about emergency vehicles getting through and he wanted to acknowledge the team for the research that demonstrates that emergency vehicles can get through, evidenced by the photos and the letter from the Fire Marshal. He stated although he is not excited by the size of the streets, he can accept them as is and move forward.

Councilman Lawter requested clarification on parking in the right of way. He questioned if that is with the reduced 37 foot.

Planning Director DeYoung stated that is correct. He stated there are 21 90-degree parking spaces. He stated there are sidewalks that come up to the parking spaces. He stated five feet of the parking space will be within the public right-of-way.

Councilman Lawter questioned the limiting parking to one side for both proposals.

Planning Director DeYoung stated that is for the townhome option.

Councilman Lawter stated he concurs with Councilman Grannis. He stated he too has concerns about the street width. He stated that may be something to address for future developments.

Mayor McLeod questioned if the Council needed to hear from the applicant.

Town Attorney Ross stated the Council may accept the written application and the applicant has the opportunity to be heard.

Mr. James Thiem of Raleigh stated he appreciated the concerns voiced earlier on parking and access. He stated he does not believe there is a street in Clayton that has not been photographed in the last couple of weeks. He stated his appreciation to review standards.

Mayor McLeod stated anyone in opposition to come forward and state his/her name for the record. As no one came forward, Mayor McLeod turned the item over to Council for discussion at 7:02 PM.

Councilman Holder motioned to suspend the rules in order to take action; Councilman Thompson seconded the motion. Motion carried 5-0 at 7:03 PM.

Councilman Lawter questioned if there is more than one motion for this item.

Town Attorney Ross stated just one.

Mayor Pro Tem Grannis motioned:

Based on the substantial and competent evidence and testimony presented to the Town Council on this matter, the Council finds and concludes that Subdivision Application **SUB 2012-96**, subject to the conditions recommended by the Planning Board and Planning Staff:

- No condition or waiver for the single-family home proposal
- Condition to the Townhome request:
 - Limit on-street parking to one side
- Waivers for the Townhome request:
 - Reduce the typical right-of-way width for a public street from 50 foot to 37 foot and this is with no changes to the actual roadway width, this is only the right-of-way width
 - Reduce the center line radius from 150 feet to 100 feet
 - 90 degree parking partially within the right-of-way

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 Lawter and Councilman Holder simultaneously seconded the motion. Motion carried 5-0 at 7:05 PM.

Mayor Pro Tem Grannis motioned to approve:

Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein I move to approve Subdivision Application **SUB 2012-96**.

Councilman Holder seconded the motion. Motion carried 5-0 at 7:05 PM.

Item 8b. Policies relating to Town Square and Horne Square.

Town Manager Steve Biggs stated included in the agenda packet is a memorandum from Downtown Development Coordinator Bruce Naegelen. He stated the revisions to the policies were made based upon Council concerns and are before Council for consideration.

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

Item 8c. Status of John Street Sewer Project.

Town Attorney Katherine Ross stated the Town has been in contact with one of the owners by phone and the owner indicated a willingness to return an easement. She added the other owner has not been reached. She stated if needed, the date for filing for condemnation is February 8, 2013.

Item 8d. Status of 110 West Front Street, former Red & White Store.

Town Manager Biggs stated the current owner did meet the Town's stipulated deadline for submittal of a proposal of the restoration of the building. He stated

staff is meeting internally to set more specific milestones in relation to that, such as receipt of building permits, submittal of building plans, securing the building structurally, and a full schedule. He stated the owner is requesting 180 day for the schedule.

Item 8e. Noise ordinance – **TRACKING PURPOSES ONLY.**

Town Manager Steve Biggs stated this is a work in progress.

ITEM 9. STAFF REPORTS

Item 9a. Town Manager

Town Manager Steve Biggs stated the Town is in the process of securing signage necessary for the trailhead parking area for the Mountains-to-Sea Trail. He stated his understanding is the Council has come to a consensus for the naming of the segment of Mountains-to-Sea Trail within Clayton as: **Clayton River Walk on the Neuse.**

Mayor McLeod shared with the Council that he has signed letters thanking citizens for their participation in the naming of the MST segment in Clayton.

Item 9b. Town Attorney

Town Attorney Katherine Ross stated no additional report.

Item 9c. Town Clerk

Town Clerk Sherry Scoggins stated no additional report.

Item 9d. Other Staff

Public Works & Utilities Director Tim Simpson provided a PowerPoint presentation of the condition of streets in Clayton; herewith attached as Exhibit B, Pavement Condition. He provided the following overview:

- Study originally started as a joint effort between NCDOT and NC State University in the early 1980's
- Follow up study performed in the late 1990's
- Subsequent study performed in 2007
- Recent study performed in 2012
- US Infrastructure, USI, performed the 2012 study
- Assessment cost of roads for Clayton is \$31.1 million
- Pavement evaluated on eight common conditions
 - Alligator Cracking
 - Block Cracking
 - Raveling

- Reflective Cracking
- Rutting
- Bleeding
- Patching
- Ride Quality
- Goal of pavement condition survey is to bring a consistent means of evaluating pavement over time
- Overview of priority by type of maintenance for the Town
- Overview of the types of streets in the Town
 - Asphalt – predominant in Clayton
 - Bituminous surface treatment
 - Concrete- none in Clayton
 - Unpaved
- Overview of sidewalk, curb and gutter, and low and high volume usage

Councilman Lawter questioned the threshold for the low and high volume usage.

Public Works & Utilities Director Simpson stated it is a traffic count and he does not have the particulars.

Public Works & Utilities Director Simpson resumed his PowerPoint presentation:

- Comparison of 2007 and 2012 with the different rating classifications
- Overview of maintenance costs for street maintenance

Mayor Pro Tem Grannis questioned the rating of the Town in comparison to municipalities of our size.

Public Works & Utilities Director Simpson stated he has the client list from the company that did the study and the Town is in the top four out of 15 clients.

Mayor Pro Tem Grannis stated \$679,900 a year was indicated for five miles of resurfacing. He questioned if that varies from year to year.

Public Works & Utilities Director Simpson stated it will.

Mayor Pro Tem Grannis questioned what would be the median amount or is that the median.

Public Works & Utilities Director Simpson stated that is the mileage of the system divided by 15 (years) times today's unit prices for resurfacing. He added it does not factor in other repairs that are needed or increase in petroleum prices that impact asphalt prices. He added it is a general representation of resurfacing every 15 years. He stated USI uses 15 years life for streets.

Councilman Lawter questioned that is for straight resurfacing,

Public Works & Utilities Director Simpson stated in the affirmative.

Town Manager Biggs stated this gives a magnitude of the cost value. He stated in reality streets need more than resurfacing.

Public Works & Utilities Director Simpson stated the approach did not include age data of the streets.

Mayor Pro Tem Grannis stated with the routine maintenance, he saw the figure of \$432,202. He stated he assumes that is budgeted yearly, or some number similar to that. He questioned if it is conceivable to try to figure what that routine maintenance saves the Town in the long-term and what that would be. He stated if it is significant, look at budgeting a higher percentage to reduce the resurfacing cost.

Town Manager Biggs stated from tonight's presentation and the upcoming presentation on finance on February 4 the Council can expect a multi-year street maintenance plan. He stated the Town is transitioning to a financial model.

Mayor Pro Tem Grannis stated this is interesting and he is interested in sitting down and going over this more in depth for a better understanding.

Public Works & Utilities Director Simpson stated this is a snapshot.

Councilman Holder stated the addition of streets would need to be factored in to the maintenance.

Councilman Lawter questioned the additional cost of the 25% to 40% is it based on what the costs seen by the Town.

Public Works & Utilities Director Simpson stated that is the numbers found by the consultant.

Councilman Lawter requested if raveling is an easy fix.

Public Works & Utilities Director Simpson stated raveling is when the aggregate in the near surface separates from the mat.

Councilman Lawter stated in the long run, he does not see the streets deteriorating as they had in the past. He stated in the last project, the street rating was known and he questioned for future repair if the cost could be determined.

Public Works & Utilities Director Simpson stated that can be done.

ITEM 10 OTHER BUSINESS

Item 10a. Informal Discussion & Public Comment.

No informal discussion and public comment were presented to Council.

Item 10b. Council Comments.

No Council comments were presented.

Item 10c. Closed session to discuss real estate negotiation in accordance with NC GS 143-318.11 (a) (5).

Town Attorney Ross stated a statement to the purpose of the closed session.

Town Manager Biggs stated the purpose of the closed session is to receive instruction regarding a real estate negotiation and that is in accordance with 143-318.11 (a) (5).

Mayor Pro Tem Grannis motioned to go into closed session to discuss instruction regarding a real estate negation; Councilman Holder seconded the motion. Motion carried 5-0 at 7:36 PM.

Councilman Holder motioned to return to open session. Mayor Pro Tem Grannis seconded the motion. Motion carried 5-0 at 7:57 PM.

ITEM 11. ADJOURNMENT

With there being no further business brought before the Council, Mayor Pro Tem Grannis motioned to adjourn; Councilman Holder seconded the motion. Motion carried 5-0 at 7:57 PM.

Duly adopted by the Clayton Town Council this ____ day of February 2013, while in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Sherry L. Scoggins, MMC
Town Clerk

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

Agenda Item: 3b

Meeting Date: 2/4/2013

TITLE: SUPPLEMENTAL AGREEMENT WITH NCDOT FOR THE FRONT STREET EXTENSION PROJECT; TIP # U-3605.

DESCRIPTION: At its September 6, 2011, Council meeting, the Council approved the agreement for the receipt of federal funding for the Front Street Extension, not to exceed a maximum award amount for \$1,296,000. The Town shall be responsible for administering all work performed and for certifying to NCDOT that all terms are met. The funding is 80 – 20 and the Town’s match is \$324,000 for a total estimated project cost of \$1,620,000. Additionally, the Town would be responsible for costs that exceed the total estimated cost. The project is to be completed by July 31, 2013.

The attached supplemental agreement would permit an extension of this project with a completion date of December 31, 2013. Completion for this agreement is defined as completion of all construction activities, acceptance of the project, and submission of a final reimbursement package to the Department.

At its January 23, 2013, it was the consensus of the Town Council to place this item on the consent agenda.

RELATED GOAL: Beautify the Town of Clayton.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
8-15-11	Presentation.	Project Agreement.
9-06-11	Approval.	Project Agreement.
1-23-13	Presentation.	Supplement Agreement & Initial Project Agreement.
2-4-13	Approval.	Supplemental Agreement.

NORTH CAROLINA
JOHNSTON COUNTY

SUPPLEMENTAL AGREEMENT

DATE: 12/18/2012

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: U-3605

AND

WBS ELEMENTS: PE 39925.1.1

ROW 39925.2.1

TOWN OF CLAYTON

CON 39925.3.1

OTHER FUNDING: STPDA-0406(6)

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$0

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the Town of Clayton, hereinafter referred to as the "Municipality."

WITNESSETH:

WHEREAS, the Department and Town of Clayton, on 1/17/2012, entered into a certain Locally Administered Project Agreement for the original scope: design and construction, including right of way acquisition and utility relocation as needed, of approximately one mile of a two-lane minor thoroughfare connection and extension of Front Street from Mills Street to NC 42., programmed under Project U-3605; and,

WHEREAS, the Department and the Municipality have agreed to extend the completion date of the Project;

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

TIME FRAME

The Municipality, and/or its agent, shall complete pre-construction activities, to include Environmental Document, Right of Way Certification and final PS&E package, by January 31, 2013, in order to authorize construction funds prior to the end of the Federal Fiscal Year (September 30). In the event additional time is required to complete pre-construction activities, the Department will accept a written request for an extension of time as long as authorization of construction funds can still occur in the same Federal Fiscal Year. Any extensions of time beyond the current Federal Fiscal Year will require a supplemental agreement.

The Municipality shall complete the Project by December 31, 2013. Completion for this Agreement is defined as completion of all construction activities, acceptance of the project, and submission of a final reimbursement package to the Department.

RESPONSIBILITIES

At the request of the Town, the Department will perform construction inspection and administration for this project. The total cost for construction inspection and administration shall not exceed 10% of the total contract cost less the contract cost of the multi-use path and any utility construction. Furthermore the Department shall not provide construction inspection and administration for the items associated with the multi-use path and any utility construction.

TITLE VI

The Municipality shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs and activities of any recipient of Federal assistance.

Except as hereinabove provided, the Agreement heretofore executed by the North Carolina Department of Transportation and Town of Clayton on 1/17/2012, is ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the North Carolina Department of Transportation and the Municipality by authority duly given.

ATTEST:

TOWN OF CLAYTON

BY: _____

BY: _____

Sherry L. Scoggins, MMC
TITLE: ~~Town Clerk~~ _____

Jody L. McLeod
TITLE: ~~Mayor~~ _____

DATE: _____

DATE: _____

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by Mayor Jody L. McLeod of the Clayton Town Council (Governing Board) of the Town of Clayton as attested to by the signature of Sherry L. Scoggins, MMC, Clerk of the Clayton Town Council (Governing Board) on _____ (Date)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER) Robert W. McKie, Jr.

Federal Tax Identification Number

Remittance Address:

Town of Clayton
PO BOX 879
Clayton, NC 27528-0879

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)

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

Agenda Item: 3c

Meeting Date: 2/4/13

TITLE: WARRANTY ACCEPTANCE FOR PUBLIC WATER AND SEWER FOR PINE HOLLOW COMMONS COMMERCIAL SUBDIVISION.

DESCRIPTION: Attached.

At its January 23, 2013, it was the consensus of the Town Council to place this item on the consent agenda.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
1-23-13	Presentation.	Memorandum.
2-4-13	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

MEMORANDUM

To: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector *CR*

Copy: Steven Sanderson, Sanderson Engineering
Dave DeYoung, Planning Director

Date: December 18, 2012

Re: Pine Hollow Commons Commercial Subdivision

Please place a warranty acceptance request for the subject public water and sewer utilities on the next available agenda. Record drawings have been reviewed and accepted. Following Council acceptance, the lines will be subject to a one-year warranty period. Following the warranty, a final inspection will be done and any deficient items corrected by the developer's contractor prior to final acceptance.

12-18-2012

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

Agenda Item: 3d

Meeting Date: 2/4/13

TITLE: POLICIES RELATING TO TOWN SQUARE AND HORNE SQUARE.

DESCRIPTION: Attached.

This item was presented to the Council at its December 17, 2012, Council meeting. It was the consensus of the Council to place these policies under Old Business of the upcoming agenda.

At its January 7, 2013, Council meeting, Council requested additional information on the following:

- Timeline for the removal of banners and signs post-event
- Holding the Town harmless
- Conduct during the event
- Leaving the site in the condition which existed prior to its use

At its January 23, 2013, it was the consensus of the Town Council to place this item on the consent agenda.

RELATED GOAL: Think Downtown

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-7-12	Approval.	Horne Square Policy.
12-17-12	Presentation.	Town Square Policy & Horne Square Policy.
1-7-13	Discussion.	Town Square Policy & Horne Square Policy.
1-23-13	Discussion.	Memorandum, Revised Town Square Policy & Revised Horne Square Policy.
2-4-13	Approval.	Town Square Policy & Horne Square Policy.

TOWN OF CLAYTON

USE POLICIES & PROCEDURES FOR HORNE SQUARE

PURPOSE

The purpose of this policy is to establish guidelines under which other than municipal use may be made of the Town property, also known as Horne Square, located at 348 E. Main Street at its intersection with Lombard Street. Horne Square is a public space that may be used to help further the vision of downtown Clayton as a ‘regional center for artistic expression and destination where people, businesses, and the arts thrive.’

ELIGIBLE USES

Subject to approval and compliance with the guidelines listed herein, the following uses may be permitted in Horne Square:

- Established non-profit, civic, and similar organizations may, from time to time, make use of Horne Square as approved by the Town of Clayton in compliance with these guidelines.
- Eligible public uses of Horne Square include cultural, arts-related, educational and other non-commercial uses.
- Other uses deemed appropriate by Town Council.

Ineligible uses include, but are not limited to:

- Yard sales, private or ticketed events.

The Town of Clayton may refuse use of the property to any group that it deems as failing to meet the criteria or purposes stated herein, at its sole discretion.

GENERAL POLICIES AND PROCEDURES

To use Horne Square, the following policies and procedures must be followed.

- A. **A Special Event Application**, for a Special Event Permit, must be submitted to Town of Clayton Planning Department at least 30 days prior to event; if request includes street closures, a minimum of 90 days is required.
- B. All users must adhere to all ordinances of the Town of Clayton, including securing Town of Clayton Sign Permits prior to issuance of Special Events Permit. (Planning, Zoning & Inspections Office located on Floor G2 of The Clayton Center/Town Hall.)
- C. The property shall not be used for commercial or “for profit” purposes except as a fundraiser in support of an established non-profit organization and as approved by the Town of Clayton.
- D. The primary purpose of Horne Square is to provide parking for visitors to Downtown Clayton. Whenever possible, use of the property for special events shall be located on the property so as to accommodate its primary purpose as a public parking lot.

- E. No organization may use the property more than two (2) times per calendar year.
- F. The parking lot shall not be closed to public use more than six (6) times per year.
- G. No ground stakes may be used by the user or any agent of the user for any purpose including securing tents, signage, staging, etc.
- H. No vehicles are allowed on Horne Square pavers, unless conditional considerations are noted on the Special Events Application and Permit.
- I. Due to fire and safety regulations, no fireworks or open fires are allowed.
- J. ***Children attending events should be supervised at all times due to proximity of busy roads and traffic.***
- K. The user agrees to protect and hold harmless the Town of Clayton and all employees from and against any claims, actions, damages, injury or loss that occurs in relation to event. ***Event holders shall carry General Liability Insurance in the amount of \$1,000,000 combined limit policy for bodily injury and property damage, and include the Town, its officers, employees and agents as additional insured's under the policy.***
- L. Upon completion of the event, all banners, signs, decoration and other materials must be completely removed from the premises.
- M. All users shall leave the property in a clean and safe condition restored to the state and condition which existed prior to their use.
- N. All activities located thereon must be planned and conducted in a safe, healthy, and orderly fashion. The Town of Clayton reserves the right to immediately cancel, without compensation or other consideration, any event not conducted in a safe, healthy and orderly fashion.

ALCOHOL POLICY

In order for alcohol to be served during an event on Horne Square, the following applies:

- A. User must indicate the intent to serve/sell alcohol in the Special Event Application.
- B. State law requires that an ABC Special Use Permit be secured from the NC ABC Commission by the user for any event serving unfortified beer and/or wine if the event is ticketed and/or if wine/beer is sold or transacted via donations *unless* the user is using a licensed caterer to provide and serve it. The Town of Clayton requires this permit to be on file with the Planning Department no later than 1 week prior to event date.
- C. State law requires that, in order to serve fortified wine and liquor at any event (whether ticketed or not), an ABC Special Use Permit must be secured via the NC ABC Commission *unless* the user is using a fully licensed and insured caterer to serve it.
- D. The Town of Clayton *requires Event Holders to carry General Liability Insurance with \$2,000,000*

liquor liability coverage at events where alcohol is served *unless* liability is covered by a fully licensed and insured caterer. In *both* cases, the Town of Clayton must be added *as an "Additional Insured"* specifying event date and time. *A copy of the certificate* for the file is required 1 week prior to event. The Town of Clayton waives all liability for illness or injury related to the consumption of alcohol on premises.

- E. All alcohol must be bartended. No self-service alcohol by attendees is permitted. Kegs are allowed, but only as managed by the bartender(s).
- F. At events where minors are present and alcohol is served, the user is responsible to establish a system of checking ID's and identifying minors with bartender(s)/caterer.
- G. At events where alcohol is served, The Town of Clayton requires the user to employ a Security Officer thru the Town of Clayton Police Department for the duration of the event at an hourly rate of \$25 with a 3-hour minimum. Payment is to be paid directly to the Security Officer on the date of contracted event. (Assigned officer's name communicated to user by Police Department within 5 days of event.)

DAMAGE DEPOSIT POLICY

A discretionary \$250.00 Damage/Cleanup Deposit may be required for any use, refundable after 15 days of event date provided Horne Square suffers no damage as a result of event. Should damages occur, an itemized statement of repairs will be provided to the user along with a refund of the remaining deposit. If damages exceed \$250.00, an invoice will be sent to the user with an itemized statement of repairs.

If Horne Square is not adequately cleared of event-related debris, including signage, within 12 hours of the event, a \$150 clean up fee will be either deducted from Damage Deposit or invoiced post-event and due within 2 weeks of receipt.

As a potential user of Horne Square, I fully understand and agree to the policies and procedures listed herein.

User Signature: _____ Date: _____

Print Name: _____

Duly adopted by the Clayton Town Council this 4th day of February 2013, while in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Sherry L. Scoggins, MMC
Town Clerk

TOWN OF CLAYTON

USE POLICIES & PROCEDURES FOR TOWN SQUARE

PURPOSE

The purpose of this policy is to establish guidelines under which other than municipal use may be made of the Town property, also known as Town Square, located at 110 W. Main Street at its intersection with Fayetteville Street. Town Square is a public space that may be used to help further the vision of downtown Clayton as a ‘regional center for artistic expression and destination where people, businesses, and the arts thrive.’

ELIGIBLE USES

Subject to approval and compliance with the guidelines listed herein, the following uses may be permitted in Town Square:

- Not for profit, civic, and similar organizations;
- Cultural, arts-related, educational and other non-commercial uses; and
- Other uses deemed appropriate by Town Council.

The Town of Clayton may refuse use of the property to any group that it deems as failing to meet the criteria or purposes stated herein, at its sole discretion.

GENERAL POLICIES AND PROCEDURES

To use Town Square, the following policies and procedures must be followed.

- A. A **Special Event Application**, for a Special Event Permit, must be submitted to Town of Clayton Planning Department at least 30 days prior to event; if request includes street closures, a minimum of 90 days is required.
- B. All users must adhere to all ordinances of the Town of Clayton, including securing Town of Clayton Sign Permits prior to issuance of Special Events Permit. (Planning, Zoning & Inspections Office located on Floor G2 of The Clayton Center/Town Hall.)
- C. No ground stakes may be used by the user or any agent of the user for any purpose including securing tents, signage, staging, etc.
- D. No vehicles of any kind allowed on Town Square for any purpose, with the exception of mobile stages.
- E. Due to fire and safety regulations, no fireworks or open fires are allowed.
- F. *Children attending events should be supervised at all times due to proximity of busy roads and traffic.*

- G. The user agrees to protect and hold harmless the Town of Clayton and all employees from and against any claims, actions, damages, injury or loss that occurs in relation to event. ***Event holders shall carry General Liability Insurance in the amount of \$1,000,000 combined limit policy for bodily injury and property damage, and include the Town, its officers, employees and agents as additional insured's under the policy.***
- H. Upon completion of the event, all banners, signs, decoration and other materials must be completely removed from the premises.
- I. User agrees to leave Town Square in the same condition as when first accessed.
- J. All activities located thereon must be planned and conducted in a safe, healthy, and orderly fashion. The Town of Clayton reserves the right to immediately cancel, without compensation or other consideration, any event not conducted in a safe, healthy and orderly fashion.

ALCOHOL POLICY

In order for alcohol to be served during an event on Town Square, the following applies:

- A. User must indicate the intent to serve/sell alcohol in the Special Event Application.
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- C. State law requires that, in order to serve fortified wine and liquor at any event (whether ticketed or not), an ABC Special Use Permit must be secured via the NC ABC Commission *unless* the user is using a fully licensed and insured caterer to serve it.
- D. The Town of Clayton *requires Event Holders to carry General Liability Insurance with \$2,000,000 liquor liability coverage* at events where alcohol is served *unless* liability is covered by a fully licensed and insured caterer. In both cases, the Town of Clayton must be added *as an "Additional Insured"* specifying event date and time. *A copy of the certificate* for the file is required 1 week prior to event. The Town of Clayton waives all liability for illness or injury related to the consumption of alcohol on premises.
- E. All alcohol must be bartended. No self-service alcohol by attendees is permitted. Kegs are allowed, but only as managed by the bartender(s).
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If Town Square is not adequately cleared of event-related debris, including signage, within 12 hours of the event, a \$150 clean up fee will be either deducted from Damage Deposit or invoiced post-event and due within 2 weeks of receipt.

As a potential user of Town Square, I fully understand and agree to the policies and procedures listed herein.

User Signature: _____ Date: _____

Print Name: _____

Duly adopted by the Clayton Town Council this 4th day of February 2013, while in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Sherry L. Scoggins, MMC
Town Clerk

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

Agenda Item: 4a

Meeting Date: 2/4/13

**TITLE: PRESENTATION ON FORECAST MODELS AND CREDIT
REFUNDING ANALYSES BY DAVENPORT & COMPANY LLC.**

DESCRIPTION: Based upon the presentation by Davenport & Company LLC, Council will be requested to consider: implementation of the recommendations by Davenport & Company LLC, including the credit refunding analyses.

Based upon the presentation by Davenport & Company LLC, Council is also requested to consider:
Refinancing of the installment purchase contract with Bank of America for Town Hall request.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-04-13	Presentation.	Refinancing agreement.

SECOND AMENDMENT TO INSTALLMENT FINANCING AGREEMENT

THIS SECOND AMENDMENT TO INSTALLMENT FINANCING AGREEMENT (this "Second Amendment"), dated February __, 2013, is made and executed by Bank of America, N.A. (the "Lender"), a national banking association with offices in Raleigh, North Carolina, and the Town of Clayton, North Carolina, a political subdivision of the State of North Carolina (the "Town").

WITNESSETH:

WHEREAS, the Town and the Lender executed and delivered an Installment Financing Agreement dated as of June 19, 2001, as amended on May 23, 2003 (the "Agreement"), pursuant to which the Lender loaned the Advance in the original principal amount of \$5,000,000 to the Town to finance the costs of Implementation of the Project (as defined in the Agreement); and

WHEREAS, the amount of the Advance currently outstanding is \$1,569,406.29; and

WHEREAS, the Town desires to change the interest rate applicable to the Advance provided in the Agreement; and

WHEREAS, capitalized terms used but not otherwise defined herein shall have the respective meanings given such terms in the Agreement;

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein and in the Agreement, the parties hereto do hereby agree as follows:

Section 1. The Agreement is hereby modified by changing the interest rate set forth in **Exhibit B** from 3.83% to 1.14%.

Section 2. **Exhibit B** to the Agreement is hereby replaced with the revised **Exhibit B** attached hereto.

Section 3. The modification of the interest rate set forth herein shall be effective as of February __, 2013.

Section 4. Upon execution of the Second Amendment, the Town shall pay to the Lender a prepayment fee equal to 1.5% of the outstanding amount of the Advance, or \$23,541.09.

Section 5. Except as specifically provided in this Second Amendment, the terms and provisions of the Agreement are ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Second Amendment to be duly executed as a document under seal as of the date first above written.

LENDER:

Bank of America, N.A.

By: _____
Name: _____
Title: _____

TOWN:

Town of Clayton, North Carolina

Attest:

By: _____
Name: Jody L. McLeod
Title: Mayor

By _____
Name: Sherry L. Scoggins, MMC
Title: Town Clerk

[SEAL]

APPROVED AS TO FORM:

Katherine E. Ross,
Town Attorney

Local Government Commission
Signature page for Second Amendment, dated February __, 2013,
to Installment Financing Agreement, dated June 19, 2001,
by and between Bank of America, N.A. and the Town of Clayton, North Carolina.

This Second Amendment to Installment Financing Agreement has been approved under the provisions of Article 8, Chapter 159 of the General Statutes of North Carolina, by T. Vance Holloman, Secretary, Local Government Commission.

By: _____

Exhibit B

Modified Schedule of Installment Payments

	Event	Start Date	Amount	Number	Period	End Date
1	Loan	02/19/2013	1,569,406.29	1		
2	Payment	03/19/2013	24,521.98	64	Monthly	06/19/2018
	Fixed Payment (+ Interest at Nominal Annual Rate 1.140 %)					

AMORTIZATION SCHEDULE - Normal Amortization, 30/360 Day Year

#	Date	Payment	Interest	Principal	Balance
Loan	02/19/2013				1,569,406.29
1	03/19/2013	26,012.92	1,490.94	24,521.98	1,544,884.31
2	04/19/2013	25,989.62	1,467.64	24,521.98	1,520,362.33
3	05/19/2013	25,966.32	1,444.34	24,521.98	1,495,840.35
4	06/19/2013	25,943.03	1,421.05	24,521.98	1,471,318.37
5	07/19/2013	25,919.73	1,397.75	24,521.98	1,446,796.39
6	08/19/2013	25,896.44	1,374.46	24,521.98	1,422,274.41
7	09/19/2013	25,873.14	1,351.16	24,521.98	1,397,752.43
8	10/19/2013	25,849.84	1,327.86	24,521.98	1,373,230.45
9	11/19/2013	25,826.55	1,304.57	24,521.98	1,348,708.47
10	12/19/2013	25,803.25	1,281.27	24,521.98	1,324,186.49
2013	Totals	259,080.84	13,861.04	245,219.80	
11	01/19/2014	25,779.96	1,257.98	24,521.98	1,299,664.51
12	02/19/2014	25,756.66	1,234.68	24,521.98	1,275,142.53
13	03/19/2014	25,733.37	1,211.39	24,521.98	1,250,620.55
14	04/19/2014	25,710.07	1,188.09	24,521.98	1,226,098.57
15	05/19/2014	25,686.77	1,164.79	24,521.98	1,201,576.59
16	06/19/2014	25,663.48	1,141.50	24,521.98	1,177,054.61
17	07/19/2014	25,640.18	1,118.20	24,521.98	1,152,532.63
18	08/19/2014	25,616.89	1,094.91	24,521.98	1,128,010.65
19	09/19/2014	25,593.59	1,071.61	24,521.98	1,103,488.67
20	10/19/2014	25,570.29	1,048.31	24,521.98	1,078,966.69
21	11/19/2014	25,547.00	1,025.02	24,521.98	1,054,444.71
22	12/19/2014	25,523.70	1,001.72	24,521.98	1,029,922.73
2014	Totals	307,821.96	13,558.20	294,263.76	
23	01/19/2015	25,500.41	978.43	24,521.98	1,005,400.75
24	02/19/2015	25,477.11	955.13	24,521.98	980,878.77
25	03/19/2015	25,453.81	931.83	24,521.98	956,356.79
26	04/19/2015	25,430.52	908.54	24,521.98	931,834.81
27	05/19/2015	25,407.22	885.24	24,521.98	907,312.83
28	06/19/2015	25,383.93	861.95	24,521.98	882,790.85
29	07/19/2015	25,360.63	838.65	24,521.98	858,268.87
30	08/19/2015	25,337.34	815.36	24,521.98	833,746.89

31	09/19/2015	25,314.04	792.06	24,521.98	809,224.91
32	10/19/2015	25,290.74	768.76	24,521.98	784,702.93
33	11/19/2015	25,267.45	745.47	24,521.98	760,180.95
34	12/19/2015	25,244.15	722.17	24,521.98	735,658.97
2015	Totals	304,467.35	10,203.59	294,263.76	
35	01/19/2016	25,220.86	698.88	24,521.98	711,136.99
36	02/19/2016	25,197.56	675.58	24,521.98	686,615.01
37	03/19/2016	25,174.26	652.28	24,521.98	662,093.03
38	04/19/2016	25,150.97	628.99	24,521.98	637,571.05
39	05/19/2016	25,127.67	605.69	24,521.98	613,049.07
40	06/19/2016	25,104.38	582.40	24,521.98	588,527.09
41	07/19/2016	25,081.08	559.10	24,521.98	564,005.11
42	08/19/2016	25,057.78	535.80	24,521.98	539,483.13
43	09/19/2016	25,034.49	512.51	24,521.98	514,961.15
44	10/19/2016	25,011.19	489.21	24,521.98	490,439.17
45	11/19/2016	24,987.90	465.92	24,521.98	465,917.19
46	12/19/2016	24,964.60	442.62	24,521.98	441,395.21
2016	Totals	301,112.74	6,848.98	294,263.76	
47	01/19/2017	24,941.31	419.33	24,521.98	416,873.23
48	02/19/2017	24,918.01	396.03	24,521.98	392,351.25
49	03/19/2017	24,894.71	372.73	24,521.98	367,829.27
50	04/19/2017	24,871.42	349.44	24,521.98	343,307.29
51	05/19/2017	24,848.12	326.14	24,521.98	318,785.31
52	06/19/2017	24,824.83	302.85	24,521.98	294,263.33
53	07/19/2017	24,801.53	279.55	24,521.98	269,741.35
54	08/19/2017	24,778.23	256.25	24,521.98	245,219.37
55	09/19/2017	24,754.94	232.96	24,521.98	220,697.39
56	10/19/2017	24,731.64	209.66	24,521.98	196,175.41
57	11/19/2017	24,708.35	186.37	24,521.98	171,653.43
58	12/19/2017	24,685.05	163.07	24,521.98	147,131.45
2017	Totals	297,758.14	3,494.38	294,263.76	
59	01/19/2018	24,661.75	139.77	24,521.98	122,609.47
60	02/19/2018	24,638.46	116.48	24,521.98	98,087.49
61	03/19/2018	24,615.16	93.18	24,521.98	73,565.51
62	04/19/2018	24,591.87	69.89	24,521.98	49,043.53
63	05/19/2018	24,568.57	46.59	24,521.98	24,521.55
64	06/19/2018	24,545.28	23.73	24,521.55	0.00
2018	Totals	147,621.09	489.64	147,131.45	
Grand	Totals	1,617,862.12	48,455.83	1,569,406.29	

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

Agenda Item: 5a

Meeting Date: 2/4/13

**TITLE: PUBLIC HEARING FOR TEXT AMENDMENTS TO THE FOLLOWING
LAND USE ORDINANCES IN THE TOWN CODE OF ORDINANCES:**

- **CHAPTER 151, REGARDING FLOODPLAIN ADMINISTRATOR**
- **CHAPTER 155, ARTICLE 7**

DESCRIPTION: Attached.

The Planning Board reviewed the text amendments at its December meeting. The Planning Board unanimously recommended approving the text amendments to the Council as presented.

Public hearing for the proposed text amendments is slated for Monday, February 4, 2013.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
1-23-13	Presentation.	Ordinances (2).
2-4-13	Public hearing.	Ordinances (2) & Consistency and Reasonableness Form.

TOWN OF CLAYTON
Amendment to the Code of Ordinances: Chapter 151
Flood Damage Prevention

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend §151.20 and §151.20 with the following:

§ 151.20 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Town Engineer, hereinafter referred to as the "Floodplain Administrator," is hereby appointed to administer and implement the provisions of this chapter.

§ 151.21 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(A) Application requirements. Application for a floodplain development permit (zoning permit) shall be made to the Planning Department for review and approval by the Floodplain Administrator prior to any development activities located within special flood hazard areas. The following items shall be provided to the Planning Department to apply for a floodplain development permit (zoning permit):

Duly adopted this 4th day of February 2013, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry L. Scoggins, MMC
Town Clerk

Katherine Ross
Town Attorney

TOWN OF CLAYTON
Amendment to the Code of Ordinances: Chapter 155
Article 7: Administration

ARTICLE 7: ADMINISTRATION

§ 155.700 REVIEW BODIES.

(A) *Town Council.*

(1) *Establishment and Composition.* The Town Council is established and composed pursuant to Chapter 30 of the Town's Code of Ordinances.

(2) *Powers and Duties.* In execution of the provisions of this Chapter, the Town Council shall be responsible for final action regarding the following:

- (a) Text Amendments (§ 155.703);
- (b) Rezoning (§ 155.704);
- (c) Planned Development Review (§ 155.705);
- (d) Preliminary Plat Review (§ 155.706);
- (e) Special Use Review (§ 155.711); and
- (f) Zoning Vested Rights (§ 155.718).

(B) *Planning Board.*

(1) *Establishment and Composition.* The Planning Board is established and composed pursuant to Chapter 32 of the Town's Code of Ordinances.

(2) *Powers and Duties.* In execution of the provisions of this Chapter, the Planning Board shall have the following power and duties.

(a) General Authority.

1. The Planning Board may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.

2. The Planning Board shall perform related duties as directed by the Town Council.

(b) Review Authority. The Planning Board shall make recommendations regarding the following:

1. Text Amendments (§ 155.703);
2. Rezoning (§ 155.704);
3. Planned Development Review (§ 155.705);
4. Preliminary Plat Review (§ 155.706); and
5. Special Use Review (§ 155.711).

(c) Final Authority. The Planning Board shall be responsible for final action regarding the following:

1. Major Site Plan Review (§ 155.707);
2. Sign permits for signs eight feet in height or taller (§ 155.713); and
3. Alternative means of compliance in the Thoroughfare Overlay District.

(C) *Board of Adjustment.*

(1) *Establishment.* The Board of Adjustment is established pursuant to G.S. § 160A-388 and Chapter 32 of the Town's Code of Ordinances.

(2) *Composition.*

(a) Number and Term.

1. The Board of Adjustment shall consist of seven members with four members residing in the corporate limits and three members residing within the Town's Extraterritorial Jurisdiction (ETJ); and each member is to be appointed for three years.

2. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time.

(b) Membership.

1. Membership on the Board of Adjustment shall include representatives from the ETJ.

2. Any member of the Board of Adjustment representing the ETJ shall be appointed by the Town Council, subject to approval by the Johnston County Board of County Commissioners.

(c) Alternate Members.

1. The Town Council may, in its discretion, appoint and provide compensation for two alternate members to serve on the Board of Adjustment in the absence of any regular member. One alternate member shall be from the Town and one alternate member shall be from the ETJ.

2. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members.

3. Each alternate member, while attending any regular or special meeting and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

(d) Attendance.

1. All members are expected to attend scheduled meetings for the prompt and efficient transaction of business. The secretary to the Board shall maintain the attendance record, including attendance at regular meetings, work sessions and special called meetings. If at any time a member either fails to attend two-thirds of the scheduled meetings during a calendar year or misses three scheduled meetings in succession, the secretary to the Board shall notify the Chairman of the Board. The Chairman of the Board will send a letter of recommendation on this member's attendance to the Town Clerk. The Town Clerk shall include the letter as an item on the next available Town Council meeting agenda requesting Council as a whole make a decision on this member's continued service to the Board.

(3) *Proceedings.*

(a) Meetings. All meetings of the Board of Adjustment shall be held at a regular place and shall be open to the public.

(b) Minutes. The Board of Adjustment shall keep minutes of proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be by recorded resolution, indicating the reasons of the Board, all of which shall be a public record.

(c) Quorum. A quorum shall consist of four members. If there are not seven regular members in attendance, one or both of the alternate members may hear and vote on any matter coming before the Board of Adjustment regardless of the geographical area in which the alternate member resides; however, the total voting membership shall not exceed seven members in any case.

(4) *Powers and Duties.* In execution of the provisions of this Chapter, the Board of Adjustment shall have the following powers and duties.

(a) *General authority.* The Board of Adjustment may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.

(b) *Final Authority.* The Board of Adjustment shall be responsible for final action regarding the following:

1. Conditional Use Review (§ 155.710);
2. Variances (§ 155.716);
3. Administrative Appeals (§ 155.717); and
4. Interpretation of Zoning District boundaries.

(D) *Planning Director.*

(1) *Designation.* The Planning Director shall administer certain provisions of this Chapter as may be required below.

(2) *Delegation of Authority.* The Planning Director may designate any staff member to represent the Planning Director in any function assigned by this Chapter but shall remain responsible for any final action.

(3) *Powers and Duties.* In execution of the provisions of this Chapter, the Planning Director shall have the following powers and duties.

(a) *General Authority.*

1. The Planning Director may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.
2. The Planning Director shall perform related duties as directed by the Town Council.

(b) *Review Authority.* The Planning Director shall make recommendations regarding the following:

1. Text Amendments (§ 155.703);
2. Rezoning (§ 155.704);
3. Planned Development Review (§ 155.705);

4. Preliminary Plat Review (§ 155.706);
5. Major Site Plan Review (§ 155.707);
6. Conditional Use Review (§ 155.710);
7. Special Use Review (§ 155.711);
8. Sign permits for signs eight feet in height or taller (§ 155.713);
9. Variances (§ 155.716); and
10. Zoning Vested Rights (§ 155.718).

(c) Final Authority. The Planning Director shall be responsible for final action regarding the following:

1. Minor Plat Review (§ 155.706);
2. Final Plat Review (§ 155.706);
3. Minor Site Plan Review (§ 155.707);
4. Traffic Impact Analyses (§ 155.708);
5. Zoning Permits (§ 155.709);
6. Temporary Use Permits (§ 155.712);
7. Sign Permits for signs under eight feet in height (§ 155.713);
8. Common Signage Plans (§ 155.714); and
9. Written Interpretations (§ 155.715).

(E) *Technical Review Committee.*

(1) *Establishment and Composition.* The Technical Review Committee is established and composed pursuant to Chapter 32 of the Town's Code of Ordinances.

(2) *Powers and Duties.*

(a) In execution of the provisions of the Chapter, the Technical Review Committee shall have the following powers and duties.

(b) Review authority. The Technical Review Committee shall review and provide comments regarding the following:

1. Planned Development Review (§ 155.705);
2. Minor Plat Review (§ 155.706);
3. Preliminary Plat Review (§ 155.706);
4. Final Plat Review (§ 155.706);
5. Minor Site Plan Review (§ 155.707); and
6. Major Site Plan Review (§ 155.707).

§ 155.701 SUMMARY OF REVIEW AUTHORITY.

Table 7-1 below summarizes review and approval authority under this chapter.

Table 7-1 Review and Approval Authority

	Technical Review Committee TRC	Planning Director PD	Board of Adjustment BOA	Planning Board PB	Town Council TC	
Text Amendment		Review		Review	<DECISION>	§ 155.703
Rezoning		Review		Review	<DECISION>	§ 155.704
Planned Development	Review	Review		Review	<DECISION>	§ 155.705
Minor Plat Review	Review	DECISION				§ 155.706
Preliminary Plat Review	Review	Review		Review	<DECISION>	§ 155.706
Final Plat Review	Review	DECISION				§ 155.706
Minor Site Plan Review	Review	DECISION				§ 155.707
Major Site Plan Review	Review	Review		DECISION		§ 155.707
Traffic Impact Analysis						§ 155.708
Zoning Permit		DECISION				§ 155.709
Conditional Use Review		Review	<DECISION>			§ 155.710
Special Use Review		Review		Review	<DECISION>	§ 155.711
Temporary Use Permit		DECISION				§ 155.712
Sign Permit (under 8 feet)		DECISION				§ 155.713
Sign Permit (8 feet or taller)		Review		DECISION		§ 155.713
Common Signage Plan		DECISION				§ 155.714
Written Interpretation		DECISION				§ 155.715
Variance		Review	<DECISION>			§ 155.716
Administrative Appeal			<DECISION>			§ 155.717
Zoning Vested Right		Review			<DECISION>	§ 155.718
<Public Hearing Required>						

§ 155.702 COMMON REVIEW PROCEDURES.

(A) *Pre-application conference.*

(1) Before submitting an application for development approval, each applicant shall schedule a pre-application conference with the Planning Department to discuss the procedures, standards and regulations required for development approval in accordance with this chapter.

(2) Unless waived by the Planning Director, A pre-application conference with the Planning Department shall be required for all development approvals listed in Table 7-1, with the exception of Written Interpretations (155.715).

(B) *Neighborhood meeting.*

(1) After the pre-application conference and prior to the first public meeting, the applicant shall hold a mandatory neighborhood meeting for the following:

- (a) Rezoning(§ 155.704);
- (b) Planned development review (§ 155.705);
- (c) Major subdivision / Preliminary Plat review, (§ 155.706);
- (d) Major site plan review (§ 155.707);
- (e) Special use review (§ 155.711); and
- (f) Conditional use review (§ 155.710).

(2) Only the initial application for Planned Development review shall require a neighborhood meeting. Subsequent applications for Subdivision or Site plan review do not require further neighborhood meetings.

(3) The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments.

(4) The applicant shall provide to the Planning Department all notice materials including stamped addressed envelopes in accordance with (D)(2)(c) of this section. The notice shall be mailed at least ten days but not more than 25 days prior to the date of the neighborhood meeting. Neighborhood meetings shall be held no earlier than 6:00 pm Monday through Friday to allow adequate time for attendees to get to the meeting.

(5) The applicant shall prepare and submit to the Planning Director a meeting summary that outlines attendance, major points discussed, and any agreements reached between the parties involved.

(6) The Planning Director may develop administrative rules pertaining to any additional requirements for the conduct of the meeting.

(C) *Application requirements.*

(1) *Forms.* Applications required under this Chapter shall be submitted on forms and in such numbers as required by the Planning Director.

(2) *Fees.*

(a) All applications and associated fees shall be filed with the Planning Department.

(b) Filing fees shall be established from time to time to defray the actual cost of processing the application, as listed in the Town's Comprehensive List of Fees and Charges.

(c) An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its distribution for review shall be entitled to a refund of the total amount paid, less 10% for administrative costs, upon written request to the appropriate department. Once review has begun, no refund shall be available, except that unused notice surcharges shall be refunded less 10% for administrative purposes.

(3) *Application deadline.* Applications shall be submitted to the Planning Department in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

(4) *Applications sufficient for processing.*

(a) All applications shall be sufficient for processing before the Planning Department is required to review the application.

(b) An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this Chapter.

(c) The presumption shall be that all of the information required in the application materials is necessary to satisfy the requirements of this section. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.

(d) Once the application has been determined sufficient for processing, copies of the application shall be referred by the Planning Department to the appropriate reviewing entities.

(5) *Final determinations on sufficient applications.*

(a) Following review by appropriate entities, Planning Department staff shall review any updated application materials and confer with the applicant to ensure an understanding of the applicable requirements of this Chapter; that the applicant has submitted all of the

information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.

(b) Once the applicant indicates that the application is as complete as the applicant intends to make it, Planning Department staff will make a determination on the application, or as required by this Chapter, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures.

(6) *Concurrent applications.*

(a) If approved by the Planning Director, applications for development approvals may be filed and reviewed concurrently. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.

(b) Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

(D) *Notice and public hearings.*

(1) *Summary of notice required.* Notice shall be required for applications for approval as shown in Table 7-2 below.

Table 7-2 – Public Notice Requirements

	Published	Mailed	Posted	
Text Amendment	•			§ 155.703
Rezoning	•	•	•	§ 155.704
Planned Development	•	•	•	§ 155.705
Preliminary Plat Review	•	•	•	§ 155.706
Major Site Plan			•	§ 155.707
Conditional Use Review	•	•	•	§ 155.710
Special Use Review	•	•	•	§ 155.711
Variance	•	•	•	§ 155.716

(2) *Public notice requirements.*

(a) **Published notice.** Where published notice is required, a distinctive advertisement shall be placed by the Town in a local newspaper of general circulation once a week for two successive calendar weeks, the first notice being published not less than ten days nor more than 25 days before the date fixed for the public hearing.

(b) Posted notice (sign). Where posted notice is required, a sign shall be posted not less than ten days prior to the public hearing at which the application shall be reviewed. The sign shall be posted on the property or at a point visible from the nearest public street. The sign shall indicate that a public hearing will be held and a phone number to contact the Town.

(c) Mailed notice.

1. Where mailed notice is required, the applicant shall supply stamped addressed envelopes. The notification shall be made by first-class mail by Planning Department Staff (at the last addresses listed for such owners in the county tax records) to all property owners within 100 feet and immediately abutting the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. The Planning Department shall certify to the Town Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.

2. The notice shall be mailed at least ten but not more than 25 days prior to the date of the public hearing.

3. Mailed notice under this section shall not be required if a rezoning (including a planned development rezoning) directly affects more than 50 properties owned by a total of at least 50 different property owners, and the Town elects to use the following expanded notice requirements:

A. Published notice of the hearing shall be provided as set forth in (D)(2)(a) of this section. The advertisement shall not be less than one-half of a newspaper page in size.

B. Mailed notice of the hearing shall be provided (as set forth in (D)(2)(c)1. and 2. of this section) to all property owners who reside outside of the newspaper's circulation area.

(d) Content of notice. The notice listed above shall contain the following specific information.

1. Published or mailed notice. A published or mailed notice shall provide at least the following:

A. Parcel identification number;

B. The address of the subject property (if available);

C. The general location of the land that is the subject of the application, which may include, a location map;

- D. A description of the action requested;
- E. Where a rezoning is proposed, the current and proposed districts;
- F. The time, date and location of the public hearing;
- G. A phone number to contact the Town; and
- H. A statement that interested parties may appear at the public hearing.

(3) *Constructive notice.* Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

(E) *Required hearings.* A public hearing shall be required for development review as shown in Table 7-3 below.

Table 7-3 Required Hearings

	Board of Adjustment BOA	Town Council TC	
Text Amendment		•	§ 155.703
Rezoning		•	§ 155.704
Planned Development		•	§ 155.705
Preliminary Plat		•	§ 155.706
Conditional Use Review	•		§ 155.710
Special Use Review		•	§ 155.711
Variance	•		§ 155.716

(F) *Decisions.* Unless specifically provided elsewhere, all decisions on land use changes, including rezonings, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

(G) *Notice of decision.* Within 14 days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the Planning Department, where it shall be available for public inspection during regular office hours.

(H) *Withdrawal of application.*

(1) An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Planning Director.

(2) The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.

(3) If a valid zoning protest petition shall have been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the Town Council hearing date upon which the matter is to be returned for action by the Town Council. Thereafter, the application may be withdrawn only by leave of the Town Council, by majority vote.

(4) The Planning Director may withdraw applications due to failure of the applicant to submit required information within 90 days of the initial request.

(5) An applicant may postpone a scheduled public hearing once per application for up to 90 days after the date the first public hearing was scheduled to occur, after which the Planning Director may withdraw the application.

Duly adopted by the Clayton Town Council this 4th day of February 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

**TOWN OF CLAYTON
CONSISTENCY AND REASONABLENESS STATEMENT**

Text Amendment to Article 7

THE TOWN COUNCIL OF THE TOWN OF CLAYTON HEREBY STATES:

Section 1: Text Amendments to Chapter 155 Article 7 of the Unified Development Code is 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 Article 7 of the Unified Development Code are reasonable and in the public interest.

Duly approved this ____ day of ____ 2013, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Sherry L. Scoggins, MMC
Town Clerk

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

Agenda Item: 6a

Meeting Date: 2/4/13

TITLE: CHAIN LINK FENCE.

DESCRIPTION: This item was part of the citizen comment during the December 17, 2012, Council meeting and the January 7, 2013, Council meeting.

It was the consensus of the Council to review the material presented by Dr. Carol Dianne Raubenheimer and to continue Council discussion at its February 4, 2013, meeting.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-17-12		Citizen comment from James Lipscomb.
1-7-13		Citizen comment from Dr. Carol Dianne Raubenheimer.
2-04-13	Discussion.	

Town of Clayton – Town Council Meeting – 7 January 2013

Request from Dr. Carol Dianne Raubenheimer to amend the Clayton Unified Development Code 155.402 Part 2 (E)(8)(c) - Fencing

Current UDC Relating to Acceptable Fencing Materials

155.402 - Landscaping, screening and buffering

Part 2 (E)- Buffers

(8) - *Permitted structures in buffer area*

(c) Fences

3. Fences shall be constructed of high quality materials, such as treated wood and wrought iron. Chain-link fences shall not be permitted.

Request for Amendment

It is requested that the Clayton Town Council consider amendment of the above code to include the use of high-quality coated chain-link fencing.

Rationale for Using Coated Chain-link

- ✓ Coated chain-link is produced to strict standards, made of high quality material and is durable (see Appendix A – 1999 White Paper from Chain-link Fence Manufacturer’s Institute).
www.associationsites.com/clfma/collection/whitepaper10-12-99.pdf
 - Aesthetic appeal – pg 3
 - Coated chain-link blends in well with the environment, particularly the black coated material against trees and shrubs. Coated chain-link is not opaque and allows a more natural view than solid alternatives.
 - Composite fencing strategies – pg 6
 - Cost comparisons – more affordable – pg 6 & 7
 - Quality standards – pg 8
 - New high quality standards established by American Society for Testing and Materials
 - Quality, strength & durability
 - Homeowner motivations – p 9
 - Recommended standards – p10
 - Proposed regulations – two alternative sets of regulations are proposed - p11
- ✓ The Unified Development Code of other local cities include the use of coated chain link (see Appendix B – including new Raleigh code, Garner code, Apex code) – p 15.
- ✓ In a flood zone, coated chain-link allows for the natural flow of water, where wooden alternatives divert the natural water flow, potentially causing flooding in other areas. Also treated wood will deteriorate in continually damp or wet areas.

Appendix A – 1999 White Paper from Chain-link Fence Manufacturer’s Institute

CLFMI HEADQUARTERS
10015 Old Columbia Road
Suite B-215
Columbia, MD 21046



Contact Information:
MARK LEVIN
Phone: (301) 596-2583
Fax: (301) 596-2594

Today’s Chain-Link Fits into Every Neighborhood

Executive Summary

Chain-link fence is one of the most effective, economical, permanent fencing barriers on the market today and is the number one selling fence system in the world. This paper analyzes and proposes regulations for the use of chain-link fence in residential neighborhoods that balance the needs of the homeowner, aesthetic concerns and value.

Today’s chain-link fence, now available in high quality metallic-coated and a multitude of colors, is manufactured using better processes and controls to assure quality, durability and consumer satisfaction. Quality chain-link fence uses rust resistant metallic coatings on steel wire to provide a strong, lasting fence system which protects property and controls children and pets.

Too often, neighborhood covenants and zoning regulations prohibit its use without a thorough understanding of new chain-link innovations or its true value. In this report, all the issues surrounding the use and regulation of today’s chain-link are analyzed, including:

Aesthetic Appeal - explains recent product innovations, design options and accessories that allow today’s chain-link fence to provide improved safety and security in any neighborhood. Today, there are **new** colors, styles and designs available today as well as traditional, high quality metallic-coated chain-link fence at a very reasonable cost.

Composite Fence Strategies - gives homeowners the option to combine quality chain-link fence with other fence products to save money for the homeowner by using a more affordable mixture of fence materials to provide needed security while maintaining community aesthetic standards.

Quality Standards - illustrates the minimum American Society for Testing and Materials (ASTM) standards for residential chain-link fence, defines those standards for use in regulating residential chain-link fence and explains warranties that are available.

Cost Comparisons - contrasts the cost of quality chain-link materials to alternative fence systems which can increase a homeowner’s cost for a fence by three fold or more.

Homeowner Motivations - explains why homeowners need and buy fence using research conducted for the Chain Link Fence Manufacturers Institute (CLFMI).

Proposed Regulations - balances the aesthetic appeal of today’s chain-link fence, value and economy, and the needs of homeowners in fence regulations. This can be accomplished through two different approaches when regulating the use of chain-link fence.

Conclusion

The proposed model regulations balance the aesthetic goals of a development with the homeowners’ practical need for fencing and the economics of purchasing and installing an effective, long-lasting fence system.



Today’s Chain-Link Fits into Every Neighborhood

Due to a lack of information about today’s chain-link fence, neighborhood associations, developers, and in some cases, government regulators are restricting the use of chain-link fence in residential areas without considering its benefits. Chain-link fence has improved both its aesthetic appeal and product quality in recent years through innovation and standardization of manufacturing processes.

Today’s chain-link fence offers consumers and neighborhoods more colors, better quality and attractive styles that fit into **any** neighborhood while giving consumers dependable, long-lasting protection. The world’s most widely used fence, chain-link remains the most economical means to protect children, control pets and safeguard property in both suburban and urban areas. From the traditional chain-link fence most of us grew up with to today’s designer colors, chain-link remains a high quality, long lasting, dependable fence system.

The homeowners’ needs to enclose and protect their property and discourage trespassers in a neighborhood must be balanced with the aesthetic standards set by an association or regulatory authority. Chain-link fence is the most effective, economical, permanent fencing barrier on the market today and is the number one selling fence system in the world. Research conducted by the American Fence Association concluded that approximately 61 percent of all fences installed in the United States are chain-link.

The Chain Link Fence Manufacturers Institute (CLFMI) recommends future homeowner association regulations consider the recent improvements in style, design and quality standards of today’s chain-link fence when regulating the use of fence. (See pages 10 and 11.)

Proposed Regulations

This report proposes specific options for regulating the use of chain-link fence in residential communities. The first proposed regulation requires color-coated fence using the highest quality residential chain-link materials to ensure a long life for the fence. The second introduces composite fence strategies that restrict the use of chain-link fence in the parts of the yard exposed to public streets, while encouraging its use around larger back yards where pets and children are generally at play.

The composite fence strategy allows homeowners to reduce the cost of fencing and choose a fully warranted, long lasting, low maintenance fence. Both proposed regulations include recommended quality standards for materials and warranty information.

In addition, this report addresses the aesthetic enhancements available in today’s chain-link fence - more colors, more styles, more variety - and analyzes cost comparisons and design options for consumers, homeowner associations and regulatory authorities.

Today’s Chain-Link Fits Into Every Neighborhood



Aesthetic Appeal

Today’s chain-link fence can be designed to create a stately image for a home or to disappear into the landscape by using different styles and colors. The major innovation in this area is vinyl or polymer-coated fence that adds color to today’s quality chain-link fabric and framework. These new designs and options enhance the aesthetic appeal of chain-link fence in residential applications that protect children, property and pets.

New Quality Standards

Today’s chain-link fence is built with the consumer in mind. Many consumers expect metallic-coated chain-link fence materials to last over 20 years, and to meet those expectations the industry has established higher quality standards and improved manufacturing processes. The protective coatings, both metal and polymer, inhibit rust and ensure that quality materials provide consumers with the strength and durability they expect.

Choices of Colors

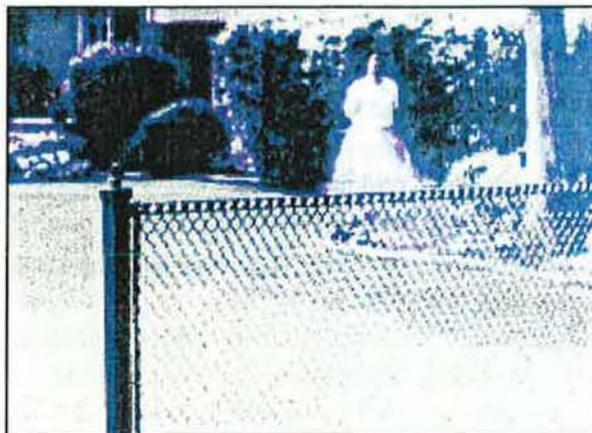
New colors add tremendous versatility to chain-link fence. Black, brown and green are used when a fence needs to blend into the landscape, and black chain-link creates a stately presence around a home or garden. In addition, color-coated chain-link is softer to a child’s touch than metallic-coated. Homeowners should request UV (ultraviolet) stable color-coated chain-link to ensure the color will not fade.



Color-coated chain link is softer to a child's touch than metallic-coated.

Design Options

Framework can also be enhanced by designing a chain-link fence with square posts that have attractive ornamentation like balls, finials or post caps on top. Chain-link fabric can be added to wood fences to improve security and better control pets while preserving the appeal of wood. In addition, high quality slats can be used to deliver maintenance free privacy. A number of newly designed walk and drive-through gates are also available to complete the installation of your chain-link fence. Ornamental gates and designer caps add a finishing touch to any chain-link fence.



A stately black coated fence with square posts and ornamentation adds a touch of distinction to a front yard property line.

Balancing Aesthetics and Cost in Chain-Link Fence Regulations



Traditional chain link has kept children and pets safe since the turn of the century.



Slats can be added to a chain-link fence to create more privacy or as a backdrop for landscaping.



A small mesh fence around a pool provides see-through protection and prevents climbing.

Traditional Chain-Link Fence

If you grew up in America, chances are good you grew up with chain-link fence around your school yard and all through your neighborhood. Chances are also good, those fences are still standing.

The value of traditional galvanized chain-link fence is its strength and durability. The manufacturers of today’s metallic-coated chain-link fence materials assure homeowners and consumers that properly specified, heavy-duty fence gives you the strength and durability that you remember.

Today’s metallic-coated chain-link fence fits into any neighborhood and is sure to last.

More Versatility

Chain-link fence is even more versatile when using vinyl or wood slats in a new fence. Homeowners can add privacy, color and beauty to any setting while screening unsightly surroundings, creating more privacy or as a backdrop to landscaping with slats.

Slats are a very versatile accessory that offer more and more options in the design and installation of a new fence.

Swimming Pool Safety

Chain-link fence adds an additional safety feature to any pool setting. Because it is see-through, adults can better monitor the activity around a pool from anywhere within eyesight. Color-coated chain-link fence is an ideal, economical way to enclose swimming pools.

The U.S. Consumer Product Safety Commission recommends enclosing pools with chain-link fabric with a diamond size no larger than 1 1/4" wide making it more difficult for a small child to climb. If the chain-link fabric diamond size is larger than 1 1/4", privacy slats can be used to help prevent children from climbing the fence.

Consumers should check local building codes to determine exact specifications for a chain-link pool fence in your area.

Today’s Chain-Link Fits Into Every Neighborhood



A low level fence protects gardens from being trampled by children or stray animals.

Enhanced Property Values

Whether traditional chain-link or color-coated, the aesthetic appeal of a chain-link fence can become an asset to a neighborhood by providing better pet control and improving protection for children and property.

By using good design techniques and quality materials, today’s quality chain-link fence creates a whole new aesthetic appeal that fits into any neighborhood and enhances property values.

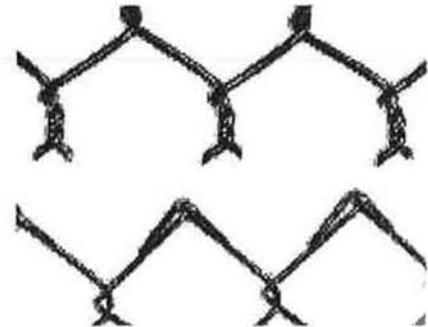
Today’s Chain-Link Fits Into Every Neighborhood



Chain-Link Cost Comparisons

Consumers currently have several different choices for their chain-link fence. Each type provides consumers with long-lasting security for their homes and families. Chain-link fence types and their costs are compared in the chart below:

Type of Fence (6 feet high)	Metallic-Coated Chain-Link	Color-Coated Chain-Link	Color-Ctd. Square Terminal Posts
Cost per linear ft.	\$6.00 - \$7.00	\$8.50 - \$9.50	\$9.50 - \$10.50
Consumer Benefit	Low cost, visibility to children, pets & landscape	Blends into environment	More stately
Comments	Insist on ASTM quality standards	Available in black, green, brown	Only at select manufacturers



Please note: Pricing reflects a typical **installed** fence job. Actual prices may vary depending on grade changes, soil conditions and regional differences. Please consult your local chain-link dealer for a more specific quote.

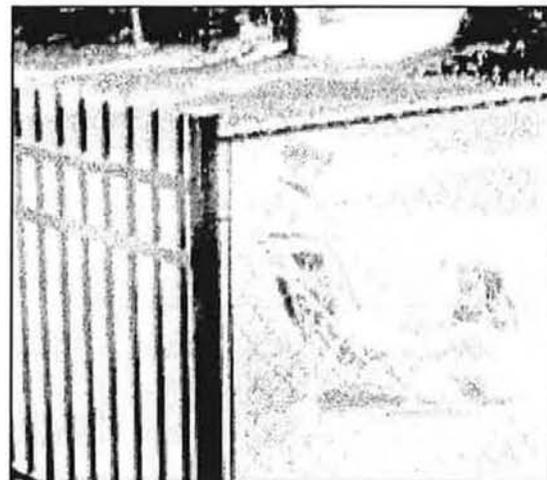
Properly specified residential chain-link is “knuckled” for safety like the lower sample to eliminate sharp edges and protect children.

Composite Fencing Strategies

When chain-link fence is totally prohibited, fencing a yard can *actually* cost 400 or 500% more as a homeowner is forced to use more expensive alternative fence products. Requiring expensive fence materials may discourage the use of fences in a neighborhood, leaving children to possibly wander off and pets to roam free.

Encourages Use of Fence

A sound alternative to restricting chain-link fence is to encourage composite fence strategies through regulations. This recommends wood, ornamental or vinyl fencing in the parts of the yard facing the public street and, for economy, durability and effectiveness, actually promotes the use of chain-link fence in the back yard to better control pets and protect children.



Composite fencing uses different style fences to reduce the cost of fencing an entire yard.

Today’s Chain-Link Fits Into Every Neighborhood



Composite Fence Cost Comparisons

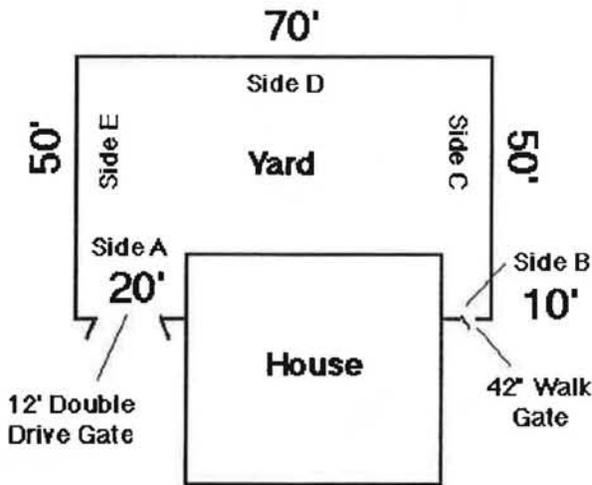
Composite fence strategies can save homeowners thousands of dollars as illustrated in the chart below. In this example, the fence installation uses 200 linear feet of 6-foot high fence in either chain-link, color-coated chain-link, wood privacy, ornamental iron or vinyl privacy.

These installations would typically cost \$1,854, \$2,690, \$3,950, \$7,670, and \$9,299 respectively. Using composite fence strategies, this installation would use 170 feet of chain-link fence or color-coated chain-link and 30 feet of one of the more expensive alternative fences facing the street.

The composite fence strategy dramatically reduces the homeowner’s costs, saving \$1,381, \$4,521, and \$5,219 for the consumer while maintaining a higher aesthetic standard for the neighborhood.

Privacy wood, ornamental iron and privacy rigid vinyl can cost homeowners up to five times as much as metallic-coated chain-link fence.

Today, the sale of chain-link fence continues to grow while color-coated chain-link has grown as much as 27% in just one year as more homeowners discover the value and appeal of today’s chain-link.



In the composite fencing strategy seen here, sides A and B would be constructed of either wood privacy, vinyl privacy or ornamental iron while sides C, D and E would be constructed of quality color-coated chain-link fence materials to save the homeowner money.

6' High Residential Fence Job

	Metallic Chain-Link	Color-Coated Chain-Link	Privacy Wood	Ornamental Iron	Privacy Rigid Vinyl
Standard System (All Sides)	\$1854	\$2690	\$3950	\$7670	\$9299
Composite w/ Color Chain-Link on Sides C, D, E	N/A	N/A	\$2569	\$3149	\$4080

Please note: Pricing reflects a typical, professionally installed fence. Actual prices may vary depending on grade changes, soil conditions, regional differences, etc. Please consult your local chain-link dealer for a more specific quote.





Quality Standards

Homeowner associations, developers, and planning and zoning organizations should consider establishing minimum standards for residential chain-link fence to ensure long-term durability and lasting beauty. Today’s quality chain-link fence materials are manufactured to new standards with a protective, rust resistant, metallic or polymer coating. The new quality fence standards are much more durable and stronger than the fence materials that flooded the domestic market in the ’80s.

New high-quality standards have been established for residential use by the American Society for Testing and Materials (ASTM). A chain-link fence meeting the recommended minimum residential standards established by ASTM should withstand normal wear and tear or the impact of a child and a dog hitting the fence at a full run*.

For a chain-link fence to withstand such activity, it must be built to the minimum standards illustrated in this chart:

framework		3' to 5' HIGH			6' HIGH		
		LIGHT	MEDIUM	HEAVY	LIGHT	MEDIUM	HEAVY
Top Rail:	Diameter	1 3/8"	1 3/8"	1 3/8"	1 3/8"	1 3/8"	1 5/8"
	Gauge	20	20	19	18	18	15
	Wall Thickness	.035"	.035"	.042"	.047"	.047"	.072"
Line Posts:	Diameter	1 5/8"	1 5/8"	1 5/8"	1 5/8"	1 5/8"	1 7/8"
	Gauge	20	19	19	18	17	15
	Wall Thickness	.035"	.042"	.042"	.047"	.055"	.072"
Gauge	Mesh Size	BELOW STANDARDS			HIGHEST QUALITY		
		SAMPLE B					
		Does Not Meet Minimum Recommended Standards					
					SAMPLE A		
fabric	13	2 3/8"					
	12 1/2	2 3/8"					
	11 1/2	2 3/8"					
	11 1/2	2 1/8"					
	11	2"					
	9	2"					

Quality, Strength, Durability

The chart compares chain-link fence materials available today that fail to meet minimum quality standards (Sample B) and the minimum standards recommended by ASTM (Sample A). In laboratory tests, sample A was 55% stronger than sample B but installed cost consumers just 10% more than the light gauge systems.

Today’s quality chain-link generally has a 5 to 15 year warranty with various coverages ranging from structural to cosmetic failure. Most chain-link fences maintain their structural integrity well beyond warranty coverage.

Consumers should fully understand what specific fence components each warranty covers.

* For details, see *Fencing Product Awareness Study*, National Survey Systems, December 8, 1994, available on the CLFMI web site at www.chainlinkinfo.com.

Today’s Chain-Link Fits Into Every Neighborhood



Homeowner Motivations

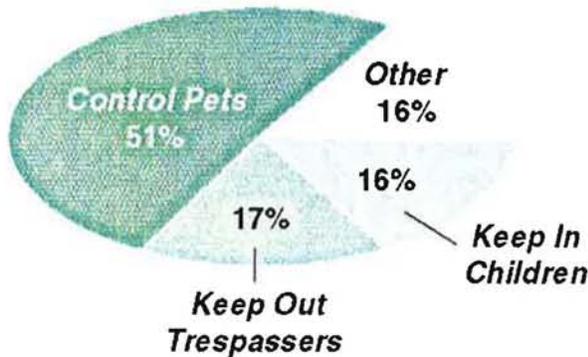
CLFMI commissioned a consumer study to determine the primary motivation in purchasing chain-link fence products and what they expected from the fence.

Based on research conducted in 1994, the leading reason for purchasing a chain-link fence was to control pets (51% of respondents), keep trespassers out (17%), and keep children in the yard (16%). These same consumers selected a chain-link fence for three primary reasons: longevity, strength and low maintenance.

The research also concluded that 70% of the consumers surveyed expected their chain-link fence to last 20 years or more, and 72% would have selected a color-coated chain-link fence had they been aware it was on the market. In addition, that same survey showed that 74% of the consumers surveyed would be willing to pay 5 to 10% more for a stronger fence.

CLFMI believes the longevity, strength and low maintenance needs of the homeowner, the concerns of the neighborhood and the expense of a fence purchase can be properly balanced in neighborhood covenants that address the concerns of each group. (See pages 10 and 11.)

Consumer Motivation for Purchasing Chain-Link Fence



TOP CHAIN-LINK FEATURES DESIRED BY CONSUMERS
(% of Group Participants)
Total Consumers*

Longevity	26
Strength	25
Low Maintenance	24
Price	20
Appearance	19
Other	13
See Through	10
Matched Other Fences	8
Security	3
Quick Installation	3
Requirement	2
Availability	0

* Multiple responses allowed

Today’s Chain-Link Fits Into Every Neighborhood



Recommended Standards

CLFMI recommends the inclusion of minimum quality and strength standards in homeowner association covenants that ensure a fence’s durability and strength. Standards are available for wire gauge, wire mesh, line posts, top rail and terminal posts. Standards for light, medium and heavy duty metallic-coated and color-coated chain-link fence are included in the proposed regulations.

The cost differential between the lightest gauge chain-link system to one that meets minimum recommended residential standards approved by ASTM is less than 10% of the total cost. (See chart on page 6).

Properly installed fences that meet or exceed recommended minimum specifications have been proven to maintain structural integrity under normal wear and tear and have 5 - 15 year warranties.

Analysis of Restrictive Covenants

The neighborhood covenants of two relatively new subdivisions in the northern suburbs of Atlanta were analyzed. The first development was Bradshaw Farms in Canton, Georgia which prohibits homeowners from using chain-link fence in the development, where lots average over 2/3 of an acre. Instead, they authorize a wooden split rail fence with the option of a light wire, large mesh screen behind it that has a life expectancy of 7 to 9 years.

While the split rail fence has appropriate aesthetic appeal, as a fencing system it fails to meet homeowner needs to protect children and properly contain a medium sized dog. The size of the lots in the development justifies use of more economical, more effective fence systems capable of controlling dogs and protecting children.

A second neighborhood, Cambridge Grove in Kennesaw, Georgia authorizes the use of black color-coated chain-link fence in parts of the yard not visible to the street but does not specify minimum quality standards. Low quality fence materials do not meet the consumer’s or the neighborhood association’s expectations in structural durability and appearance over time and will potentially lead to dissatisfaction.

Establishing quality standards for all types of fence in neighborhoods is important to maintaining the architectural integrity of the community. To address those needs, CLFMI proposes specific regulations for inclusion in neighborhood covenants and zoning regulations that establish minimum quality and strength standards for the more affordable chain-link fence.

Today’s Chain-Link Fits Into Every Neighborhood



Model Regulations

To provide homeowners with quality fence systems capable of controlling pets and protecting children at an affordable cost, homeowner associations and regulators should consider one of the following two regulations.



Proposed Regulation 1

The first regulation authorizes the use of high quality chain-link fence and color-coated chain-link fence throughout the property which is a necessity in neighborhoods with 1/2+ acre lots. The regulation requires the fence to meet the minimum residential standards of the American Society for Testing and Materials (ASTM) to ensure appearance and structural integrity is properly maintained. A regulation authorizing broader use of chain-link fence would read:

All fence products used including chain-link, wood, ornamental aluminum or iron, or vinyl are to meet ASTM standards. Chain-link fences should be constructed of metallic-coated or UV stable, color-coated chain-link fence materials and have a 5 to 15 year manufacturers’ warranty. and must meet the following minimum standards:

METALLIC-COATED CHAIN-LINK FENCE TABLE

framework		Top Rail			Line Posts		Terminal Posts			
	Mesh Size	Fabric Wire	Height	O. D.	Wall	O. D.	Wall	O. D.	Wall	
fabric	Light Duty	2 1/8" or smaller	11 1/2 ga	Under 5 ft.	1-3/8"	0.055"	1-5/8"	0.055"	1-7/8"	0.055"
			11 1/2 ga	6 ft.	1-3/8"	0.055"	1-7/8"	0.055"	2-3/8"	0.055"
	Medium Duty	2" or smaller	11 ga	Under 5 ft.	1-3/8"	0.065"	1-5/8"	0.065"	1-7/8"	0.065"
		11 ga	6 ft.	1-3/8"	0.065"	1-7/8"	0.065"	2-3/8"	0.065"	
Heavy Duty	2" or smaller	9 ga	Under 5 ft.	1-3/8"	0.072"	1-5/8"	0.072"	1-7/8"	0.072"	
		9 ga	6 ft.	1-5/8"	0.072"	1-7/8"	0.072"	2-3/8"	0.076"	

O. D. = Outside Diameter

When using color-coated chain-link fence, the following standards must be met:

COLOR-COATED CHAIN-LINK FENCE TABLE

framework		Top Rail			Line Posts		Terminal Posts		
	Mesh Size	Wire Core	Height	O. D.	Wall	O. D.	Wall	O. D.	Wall
fabric	Light Duty	11 ga	Under 5 ft.	1-3/8"	0.055"	1-5/8"	0.055"	1-7/8"	0.055"
			6 ft.	1-3/8"	0.055"	1-7/8"	0.055"	2-3/8"	0.055"
Medium Duty	2" or smaller	11 ga	Under 5 ft.	1-3/8"	0.065"	1-5/8"	0.065"	1-7/8"	0.065"
			6 ft.	1-3/8"	0.065"	1-7/8"	0.065"	2-3/8"	0.065"
Heavy Duty	2" or smaller	9 ga	Under 5 ft.	1-3/8"	0.072"	1-5/8"	0.072"	1-7/8"	0.072"
			6 ft.	1-5/8"	0.072"	1-7/8"	0.072"	2-3/8"	0.076"

O. D. = Outside Diameter

Note to regulators: In writing regulations, choose between light, medium and heavy duty specifications if a more substantial fence material is deemed more suitable for the neighborhood.

Framing and support structures are to be on the inside of the fence, facing the interior of the homeowner’s property.

Today’s Chain-Link Fits Into Every Neighborhood



Concrete footings are required for all fence posts and all fence post footings must be on the homeowner’s property.

Fences over 4 ft. in height cannot be any closer to the street than the front corner of the dwelling.

This fence policy is to regulate aesthetic guidelines and establish quality standards for the use of chain-link fence only. All fencing must conform to city/county codes and meet or exceed the minimum quality and strength standards of American Society for Testing and Materials (ASTM), West Conshohocken, PA.

Proposed Regulation 2

The second type of regulation prohibits the use of chain-link fence in the front and side yards exposed to public streets and permits its use in the back yard. This regulation is particularly appropriate for small to medium sized lots in newly developed neighborhoods or very large backyards. This more restrictive approach would require language reading:

All fences facing a public street should be constructed of wood, ornamental aluminum or iron, or vinyl. All fencing must conform to city/county codes and meet or exceed the minimum quality and strength standards of American Society for Testing and Materials (ASTM), West Conshohocken, PA.

Fence installed on the back, sides, or areas not facing a public street, may be constructed of black, brown or green UV stable, color-coated chain-link fence material. All materials are to meet these minimum standards for color-coated fence materials and should have a 10 to 15 year manufacturers’ warranty.

COLOR-COATED CHAIN-LINK FENCE TABLE

Fabric	Mesh Size	Wire Core	Height	Top Rail		Line Posts		Terminal Posts	
				O. D.	Wall	O. D.	Wall	O. D.	Wall
Light Duty	2" or smaller	11 ga	Under 5 ft.	1-3/8"	0.055"	1-5/8"	0.055"	1-7/8"	0.055"
			6 ft.	1-3/8"	0.055"	1-7/8"	0.055"	2-3/8"	0.055"
	Medium Duty	2" or smaller	11 ga	Under 5 ft.	1-3/8"	0.065"	1-5/8"	0.065"	1-7/8"
			6 ft.	1-3/8"	0.065"	1-7/8"	0.065"	2-3/8"	0.065"
Heavy Duty	2" or smaller	9 ga	Under 5 ft.	1-3/8"	0.072"	1-5/8"	0.072"	1-7/8"	0.072"
			6 ft.	1-5/8"	0.072"	1-7/8"	0.072"	2-3/8"	0.076"

O. D. = Outside Diameter

Framing and support structures are to be on the inside of the fence, facing the interior of the homeowner’s property.

Concrete footings are required for all fence posts and all fence post footings must be on the homeowner’s property.

Fences over 4 ft. in height cannot be any closer to the street than the front corner of the dwelling.

This fence policy is to regulate aesthetic guidelines and establish quality standards for the use of chain-link fence only.

Today’s Chain-Link Fits Into Every Neighborhood



Conclusion

Today’s chain-link fits into any neighborhood. From high quality metallic-coated fence to the more subtle color-coated chain-link, the market today offers homeowners a variety of choices. When developing neighborhood or government regulations, the Chain Link Fence Manufacturers Institute recommends utilizing of one of the two proposed regulations as a model for your community. These policies balance the cost of purchasing fence materials, security issues and the aesthetic concerns of a community.

Chain-link fence remains one of the fastest selling fence systems in the United States and, with recent product innovations, has improved its aesthetic appeal and quality standards. It provides an economical solution to protecting homes and neighborhoods while controlling both children and pets.

The proposed regulations balance aesthetic goals with the homeowners’ practical need for an economical fence solution.

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Addendum I

Specifications

To meet recommended standards, consumers, homeowner associations and regulators must understand the specification system for fence and fencing materials. A chain-link fence is made of three components: fabric, framework and fittings.

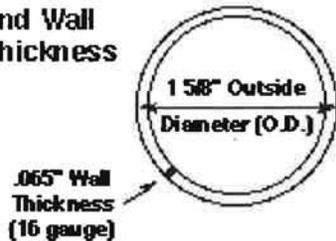
ASTM has established minimum recommended quality standards for the fabric and tubing materials. The terms and specifications are explained below:

Fabric comes in different gauges, the smaller the gauge the larger or thicker the wire: 9 gauge chain-link fence fabric is best, 11 1/2 gauge is thinner but acceptable for residential usage. Fabric with 2" or 2 1/8" mesh, in heights less than 72" shall be knuckled at both selvages.

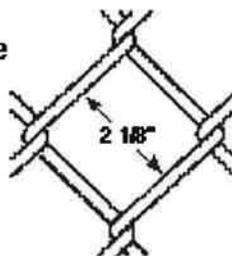
Fabric Mesh Size is the distance between parallel sides of the inside edges of chain-link fabric. A 2 1/8" or 2" wire mesh is the minimum recommended for residential usage. The smaller the mesh, the stronger the fence, and a 2" mesh with 9 gauge wire is the highest quality fence generally used in the residential market. When surrounding a pool, mesh size should be no larger than 1 1/4".

Tube Size is measured by outside diameter (O.D.) and the thickness of the wall which is referred to as gauge. Specifications are required for end posts, line posts and top rails. Again, the smaller the number, the thicker and stronger the interior wall. For example, a 16 gauge line post (.065" wall thickness) 1 5/8" in diameter is the minimum standard recommended for residential use while a 1 7/8" diameter with 15 gauge wall that is .072" thick meets a much higher quality standard.

Tube Diameter and Wall Thickness

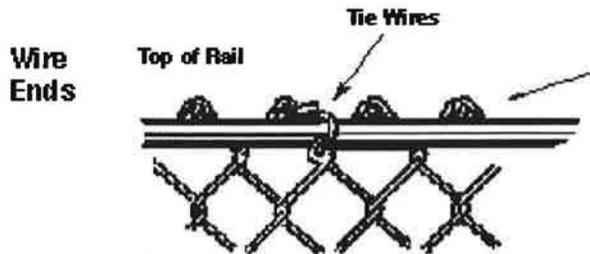


Fabric Mesh Size



Fabric Size

Gauge	Wire Diameter
○ 11 1/2	(.113")
○ 11	(.120")
○ 9	(.148")



Residential chain-link fence has all wire ends turned down, not twisted, to protect people.

Appendix B – Code Relating to Fencing in Other Local Cities

Clayton Unified Development Code

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

155.402 Part 2 (E)(c) Fences

1. Fences in accordance with (G)(6) of this section may be constructed in a required buffer, however, no reduction in buffer width shall be provided based on the provision of a fence.
2. Fences shall be a minimum of three feet and a maximum of six feet in height.
3. Fences shall be constructed of high quality materials, such as treated wood and wrought iron. Chain-link fences shall not be permitted.
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 plantings located towards the adjacent property with at least one upright shrub for every six linear feet of fence length.
6. Any fence constructed in a buffer shall be capable of withstanding a 30 pound per square foot horizontal wind load from any direction.

Appendix B – Code Relating to Fencing in Other Local Cities

Unified Development Code - Garner

[http://www.amlegal.com/nxt/gateway.dll/North%20Carolina/garner_nc/unifieddevelopmentordinanceofthetownofga?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:garner_nc](http://www.amlegal.com/nxt/gateway.dll/North%20Carolina/garner_nc/unifieddevelopmentordinanceofthetownofga?f=templates$fn=default.htm$3.0$vid=amlegal:garner_nc) or
http://www.garnernc.gov/Forms/Planning/Zon_Per_Fence.pdf

H. **Fences and walls.** Fences and walls are permitted in any yard or along the edge of any yard and to such heights as follows, provided the vision necessary for safe vehicular and pedestrian movement on driveways and streets is not impeded:

1. **All residential, OI, NC and CR districts.** Open and solid fences to four feet in front and corner side yards; solid fences to six feet in side and rear yards; open fences to any structurally-sound height in side and rear yards; solid rear and side yard fences to eight feet as a special exception if granted by the Board of Adjustment.
2. **Service Business (SB) districts.** Solid fences to four feet in front yards; solid fences to ten feet in side and rear yards; open fences to any structurally-sound height in any yard.
3. **Industrial districts (I-1, I-2).** Solid and open fences to any structurally-sound height.
4. **Salvage operations.** Solid fences not less than eight feet in height must be provided to enclose any salvage, scrap or reclamation operation.
5. **Swimming pools.** Swimming pools shall be completely isolated from adjacent properties and from streets by a fence or wall having a minimum height of four feet, and a maximum height as provided above, constructed so as to prevent the passage of small children.
6. **Water impoundment ponds or other water feature.**
 - a. Where a water impoundment pond or other water feature is located more than 100 feet from the property line of any adjacent residential use or zoning district and provides an aquatic shelf acceptable to the Town Engineer, no fence shall be required.
 - b. Where no such shelf is proposed, or the site is located closer than 100 feet to the property line of any residential use or zoning district, the pond or water feature shall be fenced and landscaped in a fashion acceptable to the Town Engineer and Planning Director.
 - c. As an alternative to subparagraphs a. and b. above, a pre-existing pond may be retained without fencing if the real property on which it is situated is owned by a homeowners' association which maintains a liability insurance policy, prepaid annually, with minimum limits of \$1,000,000 which lists the Town as an additional insured; the H.O.A. must submit an initial budget which provides for payment of the premium, and must assure that its agent annually certifies such coverage to the Town. A lapse in coverage shall be punishable as a misdemeanor. The homeowners' association shall notify the Town of any lapse in coverage. The declaration shall provide that any person or entity which pays the delinquent premium has a lien on the common areas and on each lot affected by the declaration. Lapse of coverage is also enforceable by any other enforcement means available to the Town, including nuisance abatement, civil penalty, injunctive relief and otherwise.

Appendix B – Code Relating to Fencing in Other Local Cities

7. **Maintenance and appearance standards.** These provisions shall apply to all fences and walls installed as part of an approved development screening requirement and to fences and walls that are an accessory structure to a residential or commercial property visible from a major or minor thoroughfare. Streets considered major and minor thoroughfares are listed under Subsection 5.4(H)(7)(h). The responsibility for maintenance of fences and walls shall be the property owner or an authorized designee.
- a. A fence or wall shall not be disfigured [by] such as, but not limited to, graffiti, cracks, peeling paint or other material.
 - b. A fence shall not stand with bent or broken supports.
 - c. Fences shall be kept free of missing boards and gaps.
 - d. Repair of fences and walls shall be completed with the same or an acceptable similar material as the original structure. Size, width and other dimensional attributes of existing fences and walls shall be used for replacement material.
 - e. When portions of fences and walls are removed or taken down with no intention to rebuild or replace, all portions of the fence must be removed. In cases where the fence or wall is part of the screening required for an approved development project, the fence or wall must be replaced consistent with the provisions of this section unless an acceptable alternative is approved by the Planning Director.
 - f. If a nonconforming fence or wall is damaged and it is determined by the Planning Director that such damage is greater than 50 percent of the replacement value of the entire fence or wall, the entire fence or wall must be reconstructed to conform with the provisions regulating fences and walls
 - g. Fences shall be constructed such that exposed framing faces the interior yard and not visible from the street right-of-way.
 - h. The provisions of this section apply to all existing or future major or minor thoroughfares listed on the Town's adopted Transportation Plan as amended.
 - i. Major thoroughfares: Garner Road, Jones Sausage Road, Mechanical Boulevard, N.C. 50, Old Stage Road, Ten Ten Road, Timber Drive, U.S. 70, U.S. 401, Vandora Springs Road, and White Oak Road.
 - ii. Minor thoroughfares: Auburn-Knightdale Road, Auburn Church Road, Aversboro Road, Buffaloe Road, Creech Road, Grovemont Road, New Bethel Church Road, New Rand Road, Rand Road, Woodland Road, and Yeargan Road South.
 - i. An appeal by any person aggrieved by a final order, interpretation or decision of the Planning Director, Building Official or other administrator of the Town may be taken to the Board of Adjustment in accordance with Section 3.16.

Appendix B – Code Relating to Fencing in Other Local Cities

Unified Development Code - Raleigh

Sec. 7.2.8. Walls and Fences

http://www.raleighnc.gov/content/PlanCurrent/Documents/DevelopmentPlansReview/NewRaleighCode/UDO_Final_Draft_Jan3_2012_Chapter_7.pdf

A. Applicability

The following requirements apply to walls and fences located outside of a protective yard or required screening area.

B. General Standards

1. Fences and walls must be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; stucco over standard concrete masonry blocks; glass block; wood; wrought iron; composite fencing; wire, PVC vinyl; aluminum; metal or other material approved by the Planning and Development Officer.
2. No wall containing more than 50% exposed standard concrete masonry blocks may be allowed, whether painted or not.
3. No wall or fence may be located within any required drainage or utility easement, or similar City of Raleigh easement.
4. Barbed wire or concertina wire may be allowed in accordance Sec. 13-3011.
5. Except in an IH District, chain-link fences are not allowed in any front or side street setback.
6. 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 or a change in material.
7. Except in an IH District, a wall or fence not more than six feet height may be located in a front or side street setback, provided the opacity of the wall or fence above four feet in height exceeds 50%.
8. A wall or fence may not exceed eight feet in height in a side or rear setback.

Appendix B – Code Relating to Fencing in Other Local Cities

Unified Development Ordinance - Apex

Sec.8.2 / LANDSCAPING, BUFFERING, AND SCREENING

Sec.8.2.7 Fences, Walls, and Berms - August 21, 2012 Article 8 - Page 38

<http://files.www.apexnc.org/docs/plan/udo/udo.pdf>

8.2.7 Fences, Walls, and Berms

Fences, walls, and berms are permitted as elements of site design and in some locations, may be used to conceal storage or other unsightly or conflicting land uses. Fences are not allowed around detention and retention basins per Section Article 8 / General Development Standards 6.1.12(B)(10). All fences, walls, and berms shall meet the following requirements:

A) *Materials*

- 1) Fences or walls shall be constructed of wood, stone, brick, decorative concrete block, wrought iron, (or products created to resemble these materials), or a combination of any of these materials. Chain link fencing is allowed provided it meets the standards in Section 8.2.7(A)(4).
- 2) All fencing shall be finished on the side facing a public right-of-way or adjacent properties.
- 3) Materials such as, but not limited to, plywood, particleboard, sheet metal, concrete slabs, concrete barriers shall not be used for fencing or for walls.
- 4)
 - a) Chain link fencing used in non-residential zoning districts shall be coated in black, brown or dark green vinyl or equivalent, except that chain link fencing used in industrial zoning districts or for public utility purposes does not require vinyl coating.
 - b) In residential zoning districts, chain link fencing is only allowed in the side and/or rear yards of individual lots and is not allowed to be used by the developer of a subdivision for buffering and screening. Chain link fencing used for single-family recreational accessory uses as permitted in Section 4.5.4 such as but not limited to playgrounds, swimming pools, hot tubs, spas, tennis courts, volleyball courts, and basketball courts, shall be vinyl coated in black, brown or dark green, and must meet the requirements of Section 8.2.7(B)(1) "Fence/Wall Height".
- 4) Barbed-wire and similar fence materials may only be used in conjunction with a permitted agricultural use or in conjunction with the permitted keeping of horses or livestock. Up to 2' of barbed wire can be erected on top of another fence type for safety purposes for industrial and utility uses.

B) *Fence/Wall Height*

- 1) No freestanding fence or wall shall exceed seven feet in height including piers, posts, and finials. Non-residential fences or walls may be higher for security and/or screening purposes

Appendix B – Code Relating to Fencing in Other Local Cities

with approval by the Planning Director, after taking into account topography, unique site conditions, and unique safety, security, and screening requirements of the property owner (see section 8.2.8, Screening). Vinyl coated chain link fencing for single-family recreational accessory uses that typically require taller fencing, such as tennis courts and basketball courts, may be approved up to 10 feet in height by the Planning Director, after taking into account site topography, existing and proposed vegetative screening, setbacks, unique site conditions, and the nature of the single-family recreational accessory use.

- 2) Fences and walls in front yards shall not exceed 48 inches in height. Piers or posts and finials may extend up to 6 inches higher than the finished fence or wall height.
- 3) Fences and walls shall be allowed in the controlled and limited access highway buffer, thoroughfare buffer, and street front buffer provided that they meet the requirements of Section 8.2.7(F) “Fences in Required Buffers” and the height requirements of Section 8.2.7(B)(1) and (2).

C) *Fences/Walls Abutting Public Rights-of-Way*

- 1) Where non-residential fencing or walls will abut a public right-of-way, it shall be set back at least 4 feet from the right-of-way, and a minimum of 3 small evergreen shrubs spaced every 20 feet shall be planted on the side of the fence or wall facing the surrounding rights-of way, walks, parks, trails, or other public use properties. Plantings shall not be planted within the public right-of-way. Fencing or walls must provide visual interest through the use of different materials, decorative posts and finials.
- 2) Where a residential fence or wall will abut a major or minor thoroughfare, it must provide visual interest through changes in fence setbacks or materials, or through the use of decorative posts with finials, or through the use of plants spaced every 20 feet on the side of the fence or wall facing the public thoroughfare. Plantings shall not be planted within the public right-of-way.

Appendix B – Code Relating to Fencing in Other Local Cities

Unified Development Code – Fuquay Varina

[http://www.amlegal.com/nxt/gateway.dll/North%20Carolina/fuquay-varina_nc/townoffuquay-varinanorthcarolinacodeofor?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:fuquay-varina_nc](http://www.amlegal.com/nxt/gateway.dll/North%20Carolina/fuquay-varina_nc/townoffuquay-varinanorthcarolinacodeofor?f=templates$fn=default.htm$3.0$vid=amlegal:fuquay-varina_nc)

9-4111 WALLS AND FENCES.

The setback requirements of these regulations shall not prohibit any necessary retaining wall or prohibit any planted buffer strip, fence, or wall. However, no planted buffer strip, fence, or wall shall exceed a height of six (6) feet in any front, or side yard unless specified elsewhere in this ordinance.

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

Agenda Item: 6b

Meeting Date: 2/4/13

TITLE: STATUS OF JOHN STREET SEWER IMPROVEMENT PROJECT.

DESCRIPTION: 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.
Each property owner was mailed a temporary easement for construction on October 9, 2012. To date, all but three have been fully executed. On November 9, 2012, a permanent easement was mailed to the Clayton Townhomes HOA and it was returned as undeliverable.

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 with four 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.
12-17-12	Adoption.	Resolutions (3).
1-7-13	Discussion.	
1-23-13	Discussion.	N/A.
2-4-13	Discussion.	

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

Agenda Item: 6c

Meeting Date: 2/4/13

TITLE: STATUS OF 110 WEST FRONT STREET, FORMER RED AND WHITE STORE.

DESCRIPTION: Discussion.
 At the July 16, 2012, Council work session, it was the consensus of the Council that staff draft the ordinance authorizing the building inspector to have the property demolished in the event Town does not see work initiated within the specified timeframe.
 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, and Town Code Of Ordinances section 153.027.
10-15-12	None – Tracking.	Ordinance, map, NC GS 160A-439, and Town Code Of Ordinances section 153.027.
11-05-12	Discussion.	Ordinance, map, NC GS 160A-439, and Town Code Of Ordinances section 153.027.
11-19-12	Discussion.	Ordinance, map, NC GS 160A-439, and Town Code Of Ordinances 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.	

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

Agenda Item: 6d Meeting Date: 2/4/13

TITLE: NOISE ORDINANCE – **TRACKING PURPOSES ONLY.**

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

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

At the September 17, 2012, Council meeting, Town Manager Biggs stated he spoke with personnel at Caterpillar and requested they obtain noise readings from around Town and to include Horne Square, neighborhoods, and the vicinity of Clayton High School in the evening hours.

On October 15, 2012, the Council held a special meeting on the Town Square for the purpose of a noise measurement demonstration.

During the October 15, 2012, work session, it was the consensus of the Council to receive information on the number of citations for noise complaints.

Police Chief Glen Allen submitted the following:

From October 1, 2011 through September 30, 2012 there were two (2) people cited for noise ordinance violations.

During that span there were 236 calls for service related to noise, but that includes all sources (cars, explosions, music, parties, dogs barking, heavy equipment, etc.) .

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-21-12	Discussion.	Spreadsheet.
6-04-12	Tracking.	None.
7-19-12	Discussion.	
8-06-12	Discussion.	N/A.
8-20-12	Discussion.	
9-04-12	Discussion.	
9-17-12	Discussion.	
10-01-12	Discussion.	
10-15-12	Discussion.	
11-05-12	Discussion.	
11-19-12	TRACKING PURPOSES.	N/A.
12-03-12	TRACKING PURPOSES.	N/A.
1-23-13	TRACKING PURPOSES.	N/A.
2-4-13	TRACKING PURPOSES.	N/A.

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

Agenda Item: 8c

Meeting Date: 2/4/13

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- North Carolina Main Street Conference – January 30, 2013 – February 1, 2013 hosted in Salisbury, NC
- **National Wear Red Day** (American Heart Association) – Friday, February 1, 2013
- Council Mtg – Monday, February 4, 2013 @ 6:30 PM
- Council Mtg – Monday, February 18, 2013 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, February 20, 2013 @ 6 PM
- Planning Board Mtg – Monday, February 25, 2013 @ 6 PM
- **Household Hazardous Waste Collection Day 2013** – Saturday, March 2, 2013, 8 AM to 1 PM at the Johnston County Livestock Arena located at 520 County Home Road, Smithfield (919-938-4750)
- 5k Run for the Rockets – Saturday, March 2, 2013 @ Cooper Elementary from 9 AM to 12 noon
- Council Mtg – Monday, March 4, 2013 @ 6:30 PM
- Sunshine Week – March 10-16, 2013
- Local Bill deadline for Senate – March 13, 2013
- Council Mtg – Monday, March 18, 2013 @ 6:30 PM
- Board of Adjustment Mtg – March 20, 2013 @ 6 PM
- Arbor Day – March 22, 2013
- Planning Board Mtg – Monday, March 25, 2013 @ 6 PM
- Good Friday Holiday – Friday, March 29, 2013
- Council Mtg – Monday, April 1, 2013 @ 6:30 PM
- Local Bill deadline for House – April 3, 2013
- Council Mtg – Monday, April 15, 2013 @ 6:30 PM
- Board of Adjustment Mtg – Monday, April 17, 2013 @ 6:30 PM
- Planning Board Mtg – Monday, April 22, 2013 @ 6 PM
- Derby Day (sponsored by Clayton Morning Rotary Club) – Saturday, May 4, 2013, at Portofino, time to be announced
- HeartChase – Saturday, May 18, 2013 @ Town Square and in Downtown Clayton from 10 AM to 12 noon; registration begins at 9 AM.
- Memorial Day Holiday – Monday, May 27, 2013
- Independence Day Holiday – Thursday, July 4, 2013
- Labor Day Holiday – Monday, September 2, 2013
- Veteran’s Day Holiday – Monday, November 11, 2013
- Thanksgiving Holiday – Thursday, November 28, 2013 & Friday, November 29, 2013
- Christmas Holiday – Tuesday, December 24, 2013; Wednesday, December 25, 2013; & Thursday, December 26, 2013

Date:
2-4-13

Action:
N/A.

Info. Provided:
Calendar of Events.

HOUSEHOLD Hazardous Waste

Pesticide Disposal
Assistance Program



COLLECTION Day 2013

Date and Time: Saturday, March 2nd, 2013 from 8:00 AM until 1:00 PM.

Location: The Johnston County Livestock Arena, 520 County Home Rd., Smithfield, NC 27577 (Next to the Landfill)

ITEMS THAT WILL BE ACCEPTED:

Oil-Based Paints and Stains** Aerosols** Lubricants **
Solvents** Strippers** Polishes** Waxes** **Garden and Agricultural
Chemicals from Home and Farm**** Fluorescent Lamps & Bulbs**
Home Thermostats** Swimming Pool Chemicals** General Interior
& Exterior Cleaning Chemicals** Automotive Fluids: Brake,
Transmission, Gear Oil & Windshield Washer** Fuels: Gasoline,
Diesel, Kerosene, Charcoal Lighter and LPG Tanks** Household
Batteries of All Types** Home Pharmaceuticals.

ITEMS THAT WILL NOT BE ACCEPTED:

Latex Paint (Please use absorbent to solidify and dispose in the
landfill.)** PCB Waste** Commercial, Institutional or Industrial
chemicals of any type** Radioactive Materials (including smoke
detectors.)** Medical, Biological, Infectious or Septic Wastes**
Explosives, Ammunition and Shock Sensitive chemicals**
Cooking Oil and Grease** Fire Extinguishers** Any materials
currently collected for recycling at the Convenience Sites and/or
Landfill.

Co-sponsors for the event will be the Johnston County Cooperative Extension Service, the NCDA & CS Pesticide Disposal Assistance Program and the Johnston County Sheriff's Office.

For more details please view our "Frequently Asked Questions" document at www.johnstonnc.com/recycling/dispose.cfm#hazhouse. Or, contact the Johnston County Landfill at (919) 938-4750.