

Jody L. McLeod  
**MAYOR**

Bruce Thompson  
**TOWN ATTORNEY**

Steve Biggs  
**TOWN MANAGER**



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

Michael Grannis  
**MAYOR PRO TEM**

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## **TOWN COUNCIL MEETING**

**JANUARY 23, 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 WORK SESSION MEETING OF THE CLAYTON TOWN COUNCIL**

***WEDNESDAY***, JANUARY 23, 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. **ACTION AGENDA**
  - a. Draft minutes from the January 7, 2013, regular meeting.
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
  - a. Introduction of new Town of Clayton employee(s).
  - b. Presentation of Proclamation - February as American Heart Month [American Heart Association].
5. **ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA**
  - a. 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
  - b. Presentation of supplemental agreement with NCDOT for the Front Street Extension Project; TIP # U-3605.
  - c. Presentation of warranty acceptance for public water and sewer utilities for Pine Hollow Commons Commercial Subdivision.
6. **ITEMS CONTINGENT FOR THE REGULAR MEETING**
7. **ITEMS FOR DISCUSSION**
8. **OLD BUSINESS**
  - a. Continuation from the January 7, 2013, meeting: Evidentiary hearing for preliminary subdivision request SUB 2012-96 for East Village Unit M2 & M3.
  - b. Policies relating to Town Square and Horne Square.
  - c. Status of John Street Sewer Project.
  - d. Status of 110 West Front Street, former Red & White Store.
  - e. Noise ordinance – **TRACKING PURPOSES ONLY**.

9. **STAFF REPORTS**
  - a. **Town Manager**
  - b. **Town Attorney**
  - c. **Town Clerk**
    - **Calendar of Events**
  - d. **Other Staff**
    - **Public Works & Utility Director Tim Simpson – Overview of Town street condition survey**
  
10. **OTHER BUSINESS**
  - a. **Informal Discussion & Public Comment.**
  - b. **Council Comments.**
  
11. **ADJOURNMENT**

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

Agenda Item: 3a

Meeting Date: 1/23/13

**TITLE: DRAFT MINUTES FROM THE JANUARY 7, 2013, REGULAR MEETING.**

**DESCRIPTION: Minutes.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

1-23-13

Approval.

DRAFT 1/7/2013 regular meeting minutes.

**MINUTES  
CLAYTON TOWN COUNCIL  
JANUARY 7, 2013**

The first regular meeting of the Clayton Town Council for the month of January was held on Monday, January 7, 2013, at 6:30 PM at Town Hall, 111 East Second Street.

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

**ALSO PRESENT:** Steve Biggs, Town Manager; Katherine Ross, Town Attorney; Sherry Scoggins, Town Clerk; Nancy Medlin, Deputy Town Manager; David DeYoung, Planning Director; Tim Simpson, Public Works & Utilities Director; Stacy Beard, Public Information Officer; Bruce Naegelen, Downtown Development Coordinator; Tommy Roy, Information Services Technician.

**ITEM 1. CALL TO ORDER**

Mayor McLeod called the meeting to order at 6:32 PM. Mayor McLeod led the Pledge of Allegiance and gave the invocation.

**ITEM 2. ADJUSTMENT OF THE AGENDA**

The following adjustment of the agenda was requested:

- Item 5b – Request this item be called as an evidentiary hearing and hear from any speakers in attendance and then be continued to the next Council meeting. He stated this will allow staff to finalize information requested by the Council.

It was the consensus of the Council to proceed with the agenda with the proposed adjustment.

**ITEM 3. ACTION AGENDA**

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

Item 3a. Draft minutes from the December 17, 2012, work session meeting and draft minutes from the December 17, 2012, closed session meeting.

Item 3b. Adoption of the memorandum of understanding with Johnston County Health Department on Closed Points of Dispensing Partner Program.

- Item 3c. Extension of Archer Lodge Fire Department services agreement.
- Item 3d. Roster for the Clayton Fire Department personnel for the pension fund.
- Item 3e. Warranty acceptance for asphalt pavement located at Cobblestone Subdivision, Phase 7D, 7E, & 7F.

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

No introductions and special presentations were made.

#### **ITEM 5. PUBLIC HEARINGS**

- Item 5a. Public hearing for annexation petition 2012-11-01; the unincorporated portion of the Creekside Commons Subdivision.

Mayor McLeod announced the public hearing for annexation petition 2012-11-02 for the unincorporated portion of the Creekside Commons Subdivision. He stated this has been listed as a public hearing and he opened the public hearing at 6:34 PM.

Town Manager Biggs stated this item was submitted in accordance with the Town ordinances.

As no one came forward to speak, Mayor McLeod closed the public hearing at 6:34 PM.

Mayor Pro Tem Grannis questioned if the annexation petition is being requested by AIS Forestry and Farming, LLC.

Town Clerk Scoggins stated yes.

Councilman Lawter motioned to approve the annexation petition 2012-11-01, the unincorporated portion of the Creekside Commons Subdivision. Councilman Holder seconded the motion. Motion carried unanimously at 6:35 PM

- Item 5b. 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 Planning Director David DeYoung.

Planning Director David DeYoung stated the Planning Department is requesting this be continued to the workshop meeting (January 23, 2013).

Councilman Thompson motioned to continue this item to the January 23, 2013, Council meeting. Councilman Holder seconded the motion. Motion carried unanimously at 6:38 PM.

## **ITEM 6. OLD BUSINESS**

Item 6a. Policies relating to Town Square and Horne Square.

Town Manager Steve Biggs stated this item was discussed at the work session. He stated staff is seeking to establish policies for the use of both the Town Square and Horne Square.

Mayor Pro Tem Grannis stated he has noticed the following for Horne Square and Town Square:

- Post event – all banners, signs, and decorative materials removed; there is no mention of a timeline;
- Holding the Town harmless (6<sup>th</sup> bullet under General Provisions for Town Square and 10<sup>th</sup> bullet under General Provisions for Horne Square) – is any insurance required and does language about liability need to be included
- Conduct at the event – questioned if security is needed at the event
- Leaving the site in the condition which existed prior to the use – questioned how this is done and suggested a photo prior to its use

Town Manager Biggs questioned the insurance requirement for events where alcohol is and is not served.

Downtown Development Coordinator Bruce Naegelen stated it is a million dollar rider if alcohol is served. He added he does not recall for when there is no alcohol and he would have to research.

Town Manager Biggs stated if it is the pleasure of the Council to have insurance required for all events, then some of the community events will not take place on either location.

Mayor Pro Tem Grannis questioned if it is a wise choice to require insurance for events that do not serve alcohol.

Town Attorney Ross stated she would look into it and come back with a recommendation on what policy of the Towns regarding riders and for an entity that does not have a rider how the Town works with that.

Mayor Pro Tem Grannis stated his concern is the exposure and liability to the Town.

Town Manager Biggs stated security is required in the form of police presence when alcohol is served. He stated there is not an on-site security requirement when alcohol is not served. He stated if it is the pleasure of the Council that can be added to the policy.

Mayor Pro Tem Grannis stated his intention is to open to Council to obtain additional views. He stated he is leaning to having some sort of security.

Councilman Holder stated in light of what happened at the American Legion site, it would be wise to require security at all events.

Councilman Satterfield stated he does not see the need for security if alcohol is not served.

Mayor McLeod requested the Council consider strongly suggesting there is security in place for events without alcohol and keep security for events where alcohol is served.

Downtown Development Coordinator Naegelen stated events that serve alcohol are required to have security. He added there are a number of events that occur during the day such as Heart Chase and Farmers Market that do not necessarily warrant security.

Mayor McLeod questioned if the Town is less liable if security has been encouraged.

Town Attorney Ross stated the Town can either require or not require security. She stated it could be that instead of a police officer, the applicant identify volunteer or staff serving as security and a plan in place in the event of an issue. She added the number of persons could be a threshold for the requirement of security.

Town Manager Biggs stated for the signs and banners could have the verbiage of removal within an hour or two after the completion of the event.

Mayor Pro Tem Grannis state he is not opposed to giving a few hours to get it taken care of. He questioned the restoration of the property to its original condition.

Town Manager Biggs stated the first business after the event is the Property Maintenance personnel will go by the site to check on the site condition.

Mayor Pro Tem Grannis stated he would like that defined.

Planning Director DeYoung stated most of the uses at either square go through a special event permit process or temporary use permit process. He stated part of the process is the extolling of the criteria discussed.

Mayor Pro Tem Grannis stated that is good. He added the sooner the applicant sees the requirements, the better off everyone will be.

Item 6b. Johnston County Economic Development Commission.

Town Clerk Sherry Scoggins stated the Johnston County Board of Commissioners has forwarded three applications for the Johnston County Economic Development Commissions. She added the Johnston County Board of Commissioners is seeking a recommendation from the Clayton Town Council.

Councilman Satterfield stated he is in favor of Mayor McLeod.

Mayor Pro Tem Grannis stated he is in favor of (Mayor) Jody McLeod continuing in this role and he added that he was contacted by Mr. Thornton who expressed an interest in serving.

Councilman Satterfield stated the same for him.

Councilman Holder motioned to recommend Jody McLeod for appointment to the Johnston County Development Commission. Mayor Pro Tem Grannis seconded the motion. Motion carried unanimously at 6:54 PM.

Item 6c. Status of John Street sewer improvement project.

Town Manager Biggs stated the Council may recall its authorization to seek eminent domain to seek the remaining easements. He stated as of today, there was a verbal agreement for one of the three pending construction easements. He stated the project has reached a critical point but as the privately owned facilities are failing.

Councilman Satterfield questioned if it has been shown to the ones who have not signed.

Town Manager Biggs stated he spoke with one of the owners this evening who were impacted by a spill and the owner inquired of the pending owner name and addresses.

Town Attorney Ross stated she has attempted to reach out to two property owners and the numbers are not accepting calls.

Councilman Satterfield questioned how long this has been going on.

Town Manager Biggs stated the first notice was made in October.

Mayor Pro Tem Grannis questioned if any form of the communications were done through certified mail.

Town Clerk Scoggins stated initial contact was made by a mailing done by Administrative Support Specialist Lanzolla with self addressed stamped envelopes and the offer of a notary.

Town Attorney Ross stated the written notice required to establish notice by mail.

Mayor Pro Tem Grannis stated certified mail would have provided notice it was received.

Town Manager Biggs stated there is one property that is vacant, but not in foreclosure.

Mayor Pro Tem Grannis questioned a timeline before the Town can begin work.

Town Manager Biggs stated the contractor is mobilizing on site.

Public Works & Utilities Director Tim Simpson stated the project will take two to three weeks, weather dependent. Based upon question, he added he did not know if the materials are on site.

Mayor Pro Tem Grannis stated given where the Town is today with notices and acceptances, what is the worst case to begin the work.

Town Attorney Ross stated 30 days from date of written notice, which could be tomorrow.

Mayor Pro Tem Grannis stated it could begin in one month.

Town Attorney Ross stated yes. She stated the Town will take title once a complaint is filed or initiation of condemnation action is filed and that complaint can be filed from the date that the certified written notice is sent.

Mayor Pro Tem Grannis suggested the Town pursue expeditiously.

Councilman Satterfield concurred.

Town Attorney Ross stated the resolution that was initiated is that is all that is needed for the Town to proceed.

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

Town Manager Steve Biggs stated relative to Town code enforcement, there has been informal discussion with the contractor representing the new property owner. He stated the Town does not yet have a formal proposal on rehabilitation project in terms of budget.

Town Attorney Katherine Ross stated she spoke with and emailed Attorney Cook. She stated it is the land owner's intent to provide as requested by the Town a letter indicating the professional to do the work on the property and the cost of the work. She added the letter is due by January 15, 2013, and the letter

will stay the demolition of the property for 60 days giving the owner the ability to submit a full scope of work. She added that has been communicated with Town Manager Biggs and Code Inspector John Harris. She stated the property owner has done what has been stated so far.

Town Clerk Sherry Scoggins stated the Town has just received the temporary easement from Mr. Rose for [714] John Street.

#### **ITEM 7. NEW BUSINESS**

No new business was presented to Council.

#### **ITEM 8. STAFF REPORTS**

##### **Item 8a. Town Manager**

Town Manager Steve Biggs stated the Town received notice today for the elevated water storage tank of the possibility of doing a local event in recognition of the progress made on that project. He stated the bowl part of the tank is on site and the schedule for placement is January 17, 2013. He stated the project would initiate on January 16 with completion on January 17. He questioned if the Council would host a recognition ceremony for that part of the project. He stated at the completion of the project there would be a large ceremony with invitations extended to the agencies that assisted with the funding including EDA and USDA-Rural Development as well as other officials.

It was the consensus of the Council to host the January 17, 2013, recognition ceremony for the “topping” of the elevated water storage tank.

##### **Item 8b. Town Attorney**

Town Attorney Katherine Ross stated no additional report.

##### **Item 8c. Town Clerk**

Town Clerk Sherry Scoggins stated the next Town Council meeting is Wednesday, January 23, 2013, at 6:30 PM.

##### **Item 8d. Other Staff**

No other staff provided a report.

#### **ITEM 9. OTHER BUSINESS**

**Item 9a. Informal Discussion and Public Comment.**

Dr. Carol Dianne Raubenheimer stated her request is for the Council to entertain an amendment to the Unified Development Code as it relates to fencing. Dr. Raubenheimer provided the following overview from the attached handout distributed to each Council member; herewith attached and incorporated into the record.

Mayor McLeod stated he was approached by former Councilman Lipscomb who brought this to his attention. He stated Mr. Lipscomb requested the Council consider reviewing alternative fencing because the Town Code does not allow for chain link.

Councilman Satterfield requested time to digest the material received. He stated he will not be at the next meeting and he requested to have this brought back to the first meeting in February.

Mayor Pro Tem Grannis stated his thanks for bringing this to the Council and he added his thanks for the impressive presentation.

**Item 9b. Council Comments.**

Councilman Lawter stated there is focus group meeting for the conceptual design of the 120 acres at the Neuse River [Covered Bridge Road]. He stated the meeting will be Tuesday, January 8, 2013, at 7 PM at the Clayton Community Center. He stated both Mayor Pro Tem Grannis and he are attending.

**ITEM 10. ADJOURNMENT**

Councilman Satterfield motioned to adjourn; Councilman Holder seconded the motion. Motion carried unanimously at 7:16 PM.

Duly adopted by the Town Council this [REDACTED] day of January 2013, while in regular session.

ATTEST:

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Jody L. McLeod  
Mayor

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Sherry L. Scoggins, MMC  
Town Clerk

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

Agenda Item: 4a

Meeting Date: 1/23/13

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

DESCRIPTION: Introduction(s).

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

1-23-13

Introduction(s).

N/A.

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

Agenda Item: 4b

Meeting Date: 1/23/13

**TITLE: PRESENTATION OF PROCLAMATION – FEBRUARY AS AMERICAN HEART ASSOCIATION MONTH.**

**DESCRIPTION: Proclamation.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
1-23-13	Presentation.	Proclamation.

## **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](http://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 Read 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.

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Jody L. McLeod,  
Mayor

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

Agenda Item: 5a

Meeting Date: 1/23/13

**TITLE: PRESENTATION OF 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).

**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 ~~Planning Director~~ 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 ~~presented to the Floodplain Administrator~~ provided to the Planning Department to apply for a floodplain development permit (zoning permit):

Duly adopted this \_\_\_\_\_ day of \_\_\_\_\_ 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 eComposition.* The Town Council is established and composed pursuant to ~~Title III of the Town Charter~~ [Chapter 30 of the Town's Code of Ordinances](#).

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

- (a) Text ~~a~~A Amendments ( § 155.703);
- (b) Rezoning ( § 155.704);
- (c) Planned ~~d~~Development ~~r~~Review ( § 155.705);
- (d) Preliminary ~~p~~Plat ~~r~~Review ( § 155.706);
- (e) Special ~~u~~Use ~~R~~review ( § 155.711); and
- (f) Zoning ~~V~~ested ~~R~~ights ( § 155.718).

(B) *Planning Board.*

(1) *Establishment and Ccomposition.* The Planning Board is established and composed pursuant to [Chapter 32 of the Town's Code of Ordinances](#)~~Title III of the Town Charter~~.

(2) *Powers and Dduties.* In execution of the provisions of this ~~C~~chapter, the Planning Board shall have the following power and duties.

- (a) General ~~A~~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 ~~A~~authority. The Planning Board shall make recommendations regarding the following:

1. Text ~~A~~amendments ( § 155.703);
2. Rezoning ( § 155.704);
3. Planned ~~D~~development ~~R~~review ( § 155.705);
4. Preliminary ~~P~~plat ~~R~~review ( § 155.706); and
5. Special ~~U~~se ~~R~~review ( § 155.711).

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

1. Major ~~S~~ite ~~P~~lan ~~R~~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 ~~t~~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 ~~e~~Extraterritorial ~~J~~urisdiction (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 ~~extraterritorial jurisdiction~~ETJ.

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

(c) Alternate ~~M~~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 ~~T~~town and one alternate member shall be from the ~~extraterritorial jurisdiction~~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 ~~p~~lat ~~R~~review ( § 155.706);
5. Major ~~s~~ite ~~P~~lan ~~R~~review ( § 155.707);
6. Conditional ~~u~~se ~~R~~review ( § 155.710);
7. Special ~~U~~se ~~R~~review ( § 155.711);
8. Sign permits for signs eight feet in height or taller ( § 155.713);
9. Variances ( § 155.716); and
10. Zoning ~~V~~ested ~~R~~ights ( § 155.718).

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

1. Minor ~~P~~lat ~~R~~review ( § 155.706);
2. Final ~~P~~lat ~~R~~review ( § 155.706);
3. Minor ~~S~~ite ~~P~~lan ~~R~~review ( § 155.707);
4. Traffic ~~I~~mpact ~~A~~nalyses ( § 155.708);
5. Zoning ~~P~~ermits ( § 155.709);
6. Temporary ~~U~~se ~~P~~ermits ( § 155.712);
7. Sign ~~P~~ermits for signs under eight feet in height ( § 155.713);
8. Common ~~S~~ignage ~~P~~lans ( § 155.714); and
9. Written ~~I~~nterpretations ( § 155.715).

(E) *Technical Review Committee.*

(1) *Establishment and ~~C~~omposition.* The Technical Review Committee is established and composed pursuant to [Chapter 32 of the Town's Code of Ordinances](#)~~Title III of the Town Charter.~~

(2) *Powers and ~~D~~uties.*

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

(b) Review authority. The Technical Review Committee shall ~~make recommendations~~[review and provide comments](#) regarding the following:

1. Planned ~~D~~evelopment ~~R~~review ( § 155.705);
2. Minor ~~P~~lat ~~R~~review ( § 155.706);
3. Preliminary ~~P~~lat ~~R~~review ( § 155.706);
4. Final ~~P~~lat ~~R~~review ( § 155.706);
5. Minor ~~S~~ite ~~P~~lan ~~R~~review ( § 155.707); and
6. Major ~~S~~ite ~~P~~lan ~~R~~review ( § 155.707).

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2008-09-01, passed 9-2-08)

**§ 155.701 SUMMARY OF REVIEW AUTHORITY.**

The following ~~t~~Table 7-1 below summarizes review and approval authority under this chapter.

[Table 7-1 Review and Approval Authority](#)

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

(Ord. 2005-11-02, passed 11-21-05)

## § 155.702 COMMON REVIEW PROCEDURES.

### (A) *Pre-application conference.*

(1) Before submitting an application for development approval, each applicant ~~may~~ shall schedule a pre-application conference with the Planning ~~Director~~ 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 ~~Director~~ Department shall be required ~~for the following~~ for all development approvals listed in Table 7-1, with the exception of Written Interpretations (155.715).

- ~~(a) Rezoning ( § 155.704);~~
- ~~(b) Planned development review ( § 155.705);~~
- ~~(c) Subdivision review ( § 155.706);~~
- ~~(d) Site plan review ( § 155.707);~~
- ~~(e) Traffic impact analysis ( § 155.708);~~
- ~~(f) Conditional use review ( § 155.710); and~~
- ~~(g) Special use review ( § 155.711).~~

### (B) *Neighborhood meeting.*

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

- (a) Rezoning ~~ss not in compliance with adopted plans and policies of the Town~~ ( § 155.704);
- (b) Planned development review ( § 155.705);
- (c) Major subdivision / Preliminary Plat review, ~~open space subdivision only~~ ( § 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 ~~p~~Planned ~~D~~evelopment review shall require a neighborhood meeting. Subsequent applications for ~~S~~ubdivision or ~~s~~ite 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 ~~by mail~~ 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:~~30~~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 ~~e~~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 ~~Director~~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.

~~(3)~~(4) *Applications sufficient for processing.*

(a) All applications shall be sufficient for processing before the Planning ~~Director~~ 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 ~~C~~hapter.

(c) The presumption shall be that all of the information required in the application ~~forms~~ 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 ~~Director~~ Department to the appropriate reviewing entities.

~~(e) The Planning Director may require an applicant to present evidence of authority to submit the application.~~

~~(4) Application deadline. Applications sufficient for processing shall be submitted to the Planning Director in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.~~

(5) ~~Staff consultation after application submitted~~ Final determinations on sufficient applications.

(a) ~~Upon receipt of an application sufficient for processing,~~ Following review by appropriate entities, the Planning ~~Director~~ Department staff shall review ~~any~~ the updated application materials and confer with the applicant to ensure an understanding of the applicable requirements of this ~~C~~hapter; 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. ~~However, if the Planning Director believes the application is incomplete, a recommendation to deny the application on that basis shall be provided to the appropriate reviewing entity.~~

(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 ~~the~~ [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.

~~(b)~~(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 ~~person or persons mailing~~ Planning Department ~~such notices~~ 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.

~~(c)~~(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.

~~2. Posted notice. Required posted notices shall indicate the following:~~

~~A. A case number;~~

~~B. Type of action; and~~

~~C. A phone number to contact the Town.~~

(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 ~~the~~ 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

~~(E)(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.

~~(F)(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 ~~Director~~Department, where it shall be available for public inspection during regular office hours.

~~(G)(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.

~~{Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07}~~

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

Agenda Item: 5b

Meeting Date: 1/23/2013

**TITLE: PRESENTATION OF 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.

**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.

NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT -  
FEDERAL**

JOHNSTON COUNTY

DATE: 7/20/2011

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:

FEDERAL-AID NUMBER: STPDA-0406(6)

CFDA #: 20.205

Total Funds [NCDOT Participation] \$1,296,000

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, Title 23, Sections 133(d)(3) and 133(f) of the US Code require suballocation of Surface Transportation Program Funds to urbanized areas; and,

WHEREAS, the Town of Clayton has requested federal funding for Front Street Extension, hereinafter referred to as the Project, in Johnston County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the Municipality has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$1,296,000 for the Project; and,

WHEREAS, the Department has agreed to administer the disbursement of said funds on behalf of FHWA to the Municipality for the Project in accordance with the Project scope of work and in accordance with the provisions set out in this Agreement; and,

WHEREAS, the Department has programmed funding in the approved Transportation Improvement Program for the Project; and,

WHEREAS, the governing board of the Municipality has agreed to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning, construction and/or implementation of the Project approved by the Board of Transportation.

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

## **1. GENERAL PROVISIONS**

### **FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT**

All parties to this Agreement, including contractors, subcontractors, and subsequent workforces, associated with any work under the terms of this Agreement shall provide reports as required by the Federal Funding Accountability and Transparency Act (FFATA) for this Project.

### **AGREEMENT MODIFICATIONS**

Any modification to this Agreement will be agreed upon in writing by all parties prior to being implemented.

Any increases to the funding amount will be agreed upon by all parties by means of a Supplemental Agreement.

### **SPONSOR TO PERFORM ALL WORK**

The Municipality shall be responsible for administering all work performed and for certifying to the Department that all terms set forth in this Agreement are met and adhered to by the Municipality and/or its contractors and agents. The Department will provide technical oversight to guide the Municipality. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

### **COMPLIANCE WITH STATE/FEDERAL POLICY**

The Municipality, and/or its agent, including all contractors, subcontractors, or sub-recipients shall comply with all applicable Federal and State policies and procedures, stated both in this Agreement and in the Department's guidelines and procedures, including the *Local Programs Management Handbook*.

## FAILURE TO COMPLY - CONSEQUENCES

Failure on the part of the Municipality to comply with any of the provisions of this Agreement will be grounds for the Department to terminate participation in the costs of the Project and, if applicable, seek repayment of any reimbursed funds.

## 2. SCOPE OF PROJECT

The Project consists of 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.

The Department's funding participation in the Project shall be restricted to the following eligible items:

- Design
- ROW Acquisition
- Utility Relocation
- Construction

as further set forth in this Agreement.

## 3. FUNDING

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall participate up to a maximum amount of One Million Two Hundred Ninety Six Thousand Dollars (\$1,296,000), as detailed below. The Municipality shall provide a local match, as detailed in the FUNDING TABLE below, and all costs that exceed the total estimated cost.

**FUNDING TABLE**

<b>Fund Source</b>	<b>Federal Funds Amount</b>	<b>Reimbursement Rate</b>	<b>Non-Federal Match \$</b>	<b>Non-Federal Match Rate</b>
STP-DA	\$1,296,000	80 %	\$324,000	20 %
<b>Total Estimated Cost</b>		<b>\$1,620,000</b>		

#### **4. 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 August 31, 2012, 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 July 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.

The Department and/or FHWA reserves the right to revoke the funds awarded if the Municipality is unable to meet milestone dates included herein.

#### **5. PRELIMINARY ENGINEERING AUTHORIZATION**

If Preliminary Engineering is an eligible expense, then upon receipt of an executed agreement, the Department will authorize Preliminary Engineering funds and shall notify the Municipality, in writing, once funds have been authorized and can be expended. The Municipality shall not initiate any work, nor solicit for any professional services prior to receipt of written authorization from the Department to proceed. Any work performed, or contracts executed, prior to receipt of written authorization to proceed will be ineligible for reimbursement.

#### **6. PROFESSIONAL AND ENGINEERING SERVICES**

The Municipality shall comply with the policies and procedures of this provision if Preliminary Engineering and/or Construction Contract Administration is an eligible expense.

##### **PROCUREMENT POLICY**

When procuring professional services, the Municipality must adhere to Title 49 Code of Federal Regulations Part 18.36; Title 23 of the Code of Federal Regulations, Part 172; Title 40 United States Code, Chapter 11, Section 1101-1104; NCGS 143-64, Parts 31 and 32; and the Department's *Policies and Procedures for Major Professional or Specialized Services Contracts*. Said policies and standards are incorporated in this Agreement by reference at [www.fhwa.dot.gov/legsregs/legislat.html](http://www.fhwa.dot.gov/legsregs/legislat.html) and [www.ncleg.net/gascripts/Statutes/Statutes.asp](http://www.ncleg.net/gascripts/Statutes/Statutes.asp).

- The Municipality shall ensure that a qualified firm is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner and at a just and reasonable cost.
- All Professional Services Firms shall be pre-qualified by the Department.
- If the proposed contract exceeds \$30,000, a pre-negotiation audit must be requested from the Department's External Audit Branch.

#### **SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS**

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the North Carolina Board of Transportation. These provisions are incorporated into this Agreement by reference [www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html](http://www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html)

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

#### **WORK BY ENTITY**

If the Professional and Engineering Services required for this project will be undertaken by the Municipality, and the Municipality requests reimbursement, then the Municipality must submit a request and supporting documentation to the Department for review and approval, prior to any work being initiated by the Municipality.

### **7. PLANNING / ENVIRONMENTAL DOCUMENTATION**

The Municipality shall prepare the environmental and/or planning document, including any environmental permits, needed to construct the Project, in accordance with the National Environmental Policy Act (NEPA) and all other appropriate environmental laws and regulations. All work shall be performed in accordance with Departmental procedures and guidelines. Said documentation shall be submitted to the Department for review and approval.

- The Municipality shall be responsible for preparing and filing with all proper agencies the appropriate planning documents, including notices and applications required to apply for those permits necessary for the construction of the desired improvements. Copies of approved permits should be forwarded to the Department.
- The Municipality shall advertise and conduct any required public hearings.
- If any permit issued requires that action be taken to mitigate impacts associated with the improvements, the Municipality shall design and implement a mitigation plan. The Department will determine if any mitigation costs are eligible for reimbursement. The Municipality shall bear all costs associated with penalties for violations and claims due to delays.
- The Municipality shall be responsible for designing an erosion control plan if required by the North Carolina Sedimentation Pollution Control Act of 1973, NCGS 113A, Article 4, incorporated in this Agreement by reference at [www.ncleg.net/gascripts/Statutes/Statutes.asp](http://www.ncleg.net/gascripts/Statutes/Statutes.asp) and obtaining those permits required thereby in order to construct the Project. During the construction of the improvements, the Municipality, and its contractors and agents, shall be solely responsible for compliance with the provisions of said Act and the plan adopted in compliance therewith.

## **8. DESIGN**

### **CONTENT OF PLAN PACKAGE**

The Municipality, and/or its agent, shall prepare the Project's plans, specifications, and a professional estimate of costs (PS&E package), in accordance with the Department's guidelines and procedures, and applicable Federal and State standards. All work shall be submitted to the Department for review and approval. The plans shall be completed to show the design, site plans, landscaping, drainage, easements, and utility conflicts.

## **9. RIGHT OF WAY / UTILITY AUTHORIZATION**

If the costs of right of way acquisition or utility relocation are an eligible expense, the Municipality shall submit a letter of request to the Department to authorize and set up right of way and/or utility funding. The acquisition for right of way, construction easements, and/or utility relocation may be undertaken only after the Municipality receives written authorization from the Department to proceed.

## **10. PROJECT LIMITS AND RIGHT OF WAY (ROW)**

### **SPONSOR PROVIDES ROW**

The Municipality, at no liability whatsoever to the Department, shall be responsible for providing and/or acquiring any required ROW and/or easements for the Project.

### **ROW GUIDANCE**

The Municipality shall accomplish all ROW activities, including acquisition and relocation, in accordance with the following: Title 23 of the Code of Federal Regulations, Part 710, Subpart B and Title 49 of the Code of Federal Regulations, Part 24, [Uniform Act] incorporated by reference at [www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm); NCGS, Chapter 133, Article 2, Sections 133-5 through 133-18, Relocation Assistance, incorporated by reference at [www.ncleg.net/gascripts/Statutes/Statutes.asp](http://www.ncleg.net/gascripts/Statutes/Statutes.asp); and the North Carolina Department of Transportation Right of Way Manual.

### **APPRAISAL**

If the costs of ROW acquisition are an eligible expense, the Municipality shall submit the appraisal to the Department's Right of Way Branch for review and approval in accordance with Departmental policies and procedures.

### **CLEARANCE OF PROJECT LIMITS / ROW**

The Municipality shall remove and dispose of all obstructions and encroachments of any kind or character (including hazardous and contaminated materials) from said ROW, with the exception that the Municipality shall secure an encroachment agreement for any utilities (which shall remain or are) to be installed within the ROW. The Municipality shall indemnify and save harmless the Department, Federal Highway Administration, and the State of North Carolina, from any and all damages and claims for damages that might arise on account of said right of way acquisition, drainage, and construction easements for the construction of said Project. The Municipality shall be solely responsible for any damages caused by the existence of said material now and at any time in the future and will save the Department harmless from any legal actions arising as a result of this contaminated and/or hazardous material and shall provide the Department with documentation proving the proper disposal of said material.

## **RELOCATION ASSISTANCE**

The Municipality shall provide relocation assistance services and payments for families, businesses, and non-profit organizations being displaced by the Project in full accordance with the Federal relocation requirements of Title 49 Code of Federal Regulations, Part 24 [Uniform Act], as amended. Relocation assistance services and payments may be accomplished by contract with any other municipal corporation, or State or Federal agency, rendering such services upon approval by the Department and Federal Highway Administration.

## **11. UTILITIES**

The Municipality, and/or its agent, at no liability to the Department, shall relocate, adjust, relay, change or repair all utilities in conflict with the Project, regardless of ownership. All utility work shall be performed in a manner satisfactory to and in conformance with State and Federal rules and regulations, prior to Municipality beginning construction of the project. This Agreement does not modify or supersede any existing Utility Encroachment Agreements that may be in place.

## **12. RIGHT OF WAY CERTIFICATION**

The Municipality, upon acquisition of all right of way/property necessary for the Project, shall provide the Right of Way Agent, located at the Department's Local Right of Way Office, all required documentation (deeds/leases/easement/plans) to secure right of way certification from that office. Certification is only issued after all ROW is in public ownership or property is publicly accessible by a legal document and utilities in conflict with the project are relocated.

## **13. CONSTRUCTION AUTHORIZATION**

The Municipality shall submit the required environmental and/or planning document, ROW certification, final construction plans, total contract proposal, and an estimate of Project costs (final PS&E package) to the Department for review and approval.

- After approval of all documentation, the Department will request construction authorization from the Federal Highway Administration.
- The Municipality shall not advertise for bids prior to receiving written construction authorization from the Department.

## **14. CONTRACTOR PROCUREMENT**

### **ADVERTISE FOR BIDS**

Upon receipt of written construction authorization from the Department, the Municipality may advertise the Project. The Municipality shall follow applicable Federal and/or State procedures pertaining to the advertisement of the Project, bid opening, and award of the contract, according to Title 49 of the Code of Federal Regulations, Part 18.36 and Title 23 of the Code of Federal Regulations, Part 633 and Part 635, incorporated by reference at [www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm); and NCGS, Chapter 143, Article 8 (Public Contracts), incorporated by reference at [www.ncleg.net/gascripts/Statutes/Statutes.asp](http://www.ncleg.net/gascripts/Statutes/Statutes.asp).

### **CONSTRUCTION CONTRACTOR REQUIREMENTS**

All Contractors submitting bids on the project shall be pre-qualified by the Department. All proposed subcontractors must be pre-qualified before construction work begins. Any subcontractors who are proposed to meet the Disadvantaged Business Enterprise goal must be certified by the Department.

### **CONSTRUCTION SUBCONTRACTOR REQUIREMENTS**

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or as required and defined in Title 49 of the Code of Federal Regulations, Part 26 and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference [www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html](http://www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html).

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

### **AWARDING CONTRACT**

After the advertisement of the Project for construction bids, the Municipality shall request concurrence from the Department to award the construction contract by submitting a letter along

with tabulated bids received depicting Disadvantaged Business Enterprises (DBE) goals, and a resolution recommending award of the Project to the lowest responsible, responsive bidder. The Department will review the submitted information and provide written approval to the Municipality prior to the contract being awarded by the Municipality.

#### **DELAY IN PROCUREMENT**

In the event the Project has not been let to contract within six (6) months after receiving construction authorization from the Department, the Municipality shall be responsible for documenting to the Department justification for project delay and that the Project remains in compliance with the terms of this Agreement, the approved plans and specifications, and current codes.

#### **FORCE ACCOUNT**

Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than a contract awarded by a competitive bidding process, or there is an emergency. Written approval from the Department is required prior to the use of force account by the Municipality. Federal Highway Administration regulations governing Force Account are contained in Title 23 Code of Federal Regulations, Part 635.201, Subpart B; said policy being incorporated in this Agreement by reference [www.fhwa.dot.gov/legisregs/directives/cfr23toc.htm](http://www.fhwa.dot.gov/legisregs/directives/cfr23toc.htm). North Carolina General Statutes governing the use of Force Account, Chapter 143, Article 8 (Public Contracts) can be found at [www.ncleg.net/gascripts/Statutes/Statutes.asp](http://www.ncleg.net/gascripts/Statutes/Statutes.asp).

### **15. CONSTRUCTION**

The Municipality, and/or its agents shall construct the Project in accordance with the plans and specifications of the Project as filed with, and approved by, the Department. During the construction of the Project, the procedures set out below shall be followed:

#### **CONSTRUCTION CONTRACT ADMINISTRATION**

The Municipality shall comply with the NCDOT Construction Manual as referenced at <http://www.ncdot.org/doh/operations/dp%5Fchief%5Feng/constructionunit/formsmanuals/construction/>, which outlines the procedures for records and reports that must be adhered to in order to obtain uniformity of contract administration and documentation. This includes, but is not limited to, inspection reports, material test reports, materials certification, documentation of quantities,

project diaries, and pay records. The Municipality, and/or its agent, shall perform the construction engineering, sampling and testing required during construction of the Project, in accordance with Departmental procedures, including the Department's Guide for Process Control and Acceptance Sampling and Testing. The Municipality shall document that said compliance was accomplished in accordance with State and Federal procedures, guidelines, standards and specifications.

### **SIGNAGE**

The Municipality shall provide and maintain adequate signage and other warning devices for the protection of the public in accordance with the approved traffic control plans for the Project and the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, or any subsequent revision of the same, published by the Federal Highway Administration and effective at the time of award of the contract.

### **SITE LAYOUT**

The Municipality shall be responsible for ensuring that all site layout, construction work, and Project documentation are in compliance with applicable city, state and federal permits, guidelines, and regulations, including American Association of State Highway and Transportation Officials (AASHTO) guidelines and Americans with Disabilities Act (ADA) Standards for Accessible Design ([www.usdoj.gov/crt/ada/stdspdf.htm](http://www.usdoj.gov/crt/ada/stdspdf.htm)).

### **RIGHT TO INSPECT**

The Department and representatives of the Federal Highway Administration shall have the right to inspect, sample or test, and approve or reject, any portion of the work being performed by the Municipality or the Municipality's contractor to ensure compliance with the provisions of this Agreement. Prior to any payment by the Department, any deficiencies inconsistent with approved plans and specifications found during an inspection must be corrected.

### **CONTRACTOR COMPLIANCE**

The Municipality will be responsible for ensuring that the contractor complies with all of the terms of the contract and any instructions issued by the Department or FHWA as a result of any review or inspection made by said representatives.

## **CHANGE ORDERS**

If any changes in the Project plans are necessary, the Department must approve such changes prior to the work being performed.

## **16. CLOSE-OUT**

Upon completion of the Project, the Municipality shall be responsible for the following:

### **FINAL INSPECTION**

The Municipality shall arrange for a final inspection by the Department. Any deficiencies determined during the final field inspection must be corrected prior to final payment being made by the Department to the Municipality. Additional inspection by other entities may be necessary in accordance with the Department's guidelines and procedures. The Municipality shall provide the Department with written evidence of approval of completed project prior to requesting final reimbursement.

### **FINAL PROJECT CERTIFICATION**

The Municipality will provide a certification to the Department that all work performed for this Project is in accordance with all applicable standards, guidelines, and regulations.

## **17. MAINTENANCE**

The Municipality, at no expense or liability to the Department, shall assume all maintenance responsibilities for the Front Street Extension, or as required by an executed encroachment agreement.

## **18. REIMBURSEMENT**

### **SCOPE OF REIMBURSEMENT**

Activities eligible for funding reimbursement for this Project shall include:

- Design
- ROW Acquisition

- Utility Relocation
- Construction

## **REIMBURSEMENT GUIDANCE**

The Municipality shall adhere to applicable administrative requirements of Title 49 Code of Federal Regulations, Part 18 ([www.fhwa.dot.gov/legregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legregs/directives/fapgtoc.htm)) and Office of Management and Budget (OMB) Circulars A-102 ([www.whitehouse.gov/omb/circulars/index.html](http://www.whitehouse.gov/omb/circulars/index.html)) "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." Reimbursement to the Municipality shall be subject to the policies and procedures contained in Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at [www.fhwa.dot.gov/legregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legregs/directives/fapgtoc.htm) and by Office of Management and Budget (OMB) Circular A-87 ([www.whitehouse.gov/omb/circulars/index.html](http://www.whitehouse.gov/omb/circulars/index.html)) "Cost Principles for State, Local, and Indian Tribal Governments." Reimbursement to the Municipality shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>) and Office of Management and Budget (OMB) "Federal Funding Accountability and Transparency Act" (FFATA). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the Municipality with all applicable federal policy and procedures.

## **REIMBURSEMENT LIMITS**

### **▪ WORK PERFORMED BEFORE NOTIFICATION**

Any costs incurred by the Municipality prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

### **▪ NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING**

At no time shall the Department reimburse the Municipality costs that exceed the total federal funding.

### **▪ UNSUBSTANTIATED COSTS**

The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs or any costs that have been deemed unallowable by the Federal Highway Administration and/or the Department's Financial Management Division.

- **WORK PERFORMED BY NCDOT**

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, shall reduce the maximum award amount of \$1,296,000 available to the Municipality under this Agreement. If the cost of work done by the Department exceeds the funding award, the Department will bill the Municipality for the excess costs.

- **CONSTRUCTION ADMINISTRATION**

Reimbursement for construction contract administration will be made as governed by Departmental policy that limits reimbursement for construction contract administration to no more than fifteen (15%) percent of the actual construction contract of the Project. These costs will also include any cost overruns and charges to the Project by the Department during the Construction Phase.

- **CONSTRUCTION CONTRACT UNIT PRICES**

Reimbursement for construction contract work will be made on the basis of contract unit prices in the construction contract and any approved change orders.

- **RIGHT OF WAY**

Reimbursement will be limited to the value as approved by the Department. Eligible costs for reimbursement of Right of Way Acquisition include: realty appraisals, surveys, closing costs, and the approved appraised fair market value of the property, at the reimbursement rate as shown in the FUNDING TABLE.

- **FORCE ACCOUNT**

Invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in Office of Management and Budget (OMB) Circular A-87 ([www.whitehouse.gov/omb/circulars/index.html](http://www.whitehouse.gov/omb/circulars/index.html)) "Cost Principles for State, Local, and Indian Tribal Governments." Reimbursement shall be based on actual eligible costs incurred with the exception of equipment owned by the Municipality or its Project partners. Reimbursement rates for equipment owned by the Municipality or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.

## **BILLING THE DEPARTMENT**

- **PROCEDURE**

The Municipality may bill the Department for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each invoice, the Municipality certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.

Along with each invoice, the Municipality is responsible for submitting the FFATA Subrecipient Information Form, which is available at <http://www.ncdot.gov/programs/Enhancement/ProjectAdministration/Forms/>.

- **INTERNAL APPROVALS**

Reimbursement to the Municipality shall be made upon approval of the invoice by the Department's Financial Management Division.

- **TIMELY SUBMITTAL OF INVOICES**

The Municipality may invoice the Department monthly for work accomplished, but no less than once every six (6) months to keep the Project funds active and available. If the Municipality is unable to invoice the Department, then they must provide an explanation. Failure to submit invoices or explanation may result in de-obligation of funds.

- **FINAL INVOICE**

All invoices associated with the Project must be submitted within six (6) months of the completion of construction and acceptance of the Project to be eligible for reimbursement by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

## **19. REPORTING REQUIREMENTS AND RECORDS RETENTION**

### **PROJECT EVALUATION REPORTS**

The Municipality is responsible for submitting quarterly Project evaluation reports, in accordance with the Department's guidelines and procedures, that detail the progress achieved to date for the Project.

## **PROJECT RECORDS**

The Municipality and its agents shall maintain all books, documents, papers, accounting records, Project records and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration, for inspection and audit by the Department's Financial Management Section, the Federal Highway Administration, or any authorized representatives of the Federal Government.

## **20. OTHER PROVISIONS**

### **REFERENCES**

It will be the responsibility of the Municipality to follow the current and/or most recent edition of references, websites, specifications, standards, guidelines, recommendations, regulations and/or general statutes, as stated in this Agreement.

### **INDEMNIFICATION OF DEPARTMENT**

The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.

### **DEBARMENT POLICY**

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Municipality certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

## **TITLE VI - CIVIL RIGHTS ACT OF 1964**

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 or activities of any recipient of Federal assistance.

## **OTHER AGREEMENTS**

The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for this Project. The Department is not responsible for any expenses or obligations incurred for the Project except those specifically eligible for STP-DA funds and obligations as approved by the Department under the terms of this Agreement.

## **AVAILABILITY OF FUNDS**

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

## **IMPROPER USE OF FUNDS, EXCESS USE OF FUNDS**

Where either the Department or the FHWA determines that the funds paid to the Municipality for this Project are not used in accordance with the terms of this Agreement, or if the cost of work done by the Department exceeds the funding award, the Department will bill the Municipality.

## **TERMINATION OF PROJECT**

If the Municipality decides to terminate the Project without the concurrence of the Department, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project.

## **AUDITS**

In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" ([www.whitehouse.gov/omb/circulars/a133/a133.html](http://www.whitehouse.gov/omb/circulars/a133/a133.html)) dated June 27, 2003 and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an annual independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of

completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

#### **REIMBURSEMENT BY MUNICIPALITY**

For all monies due the Department as referenced in this Agreement, reimbursement shall be made by the Municipality to the Department within sixty (60) days of receiving an invoice. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS 147-86.23.

#### **USE OF POWELL BILL FUNDS**

If the other party to this agreement is a Municipality and fails for any reason to reimburse the Department in accordance with the provisions for payment hereinabove provided, NCGS 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to Municipality by NCGS 136-41.1, until such time as the Department has received payment in full.

#### **GIFT BAN**

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

### **21. SUNSET PROVISION**

All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement, and that no expenditures of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.



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: 5c

Meeting Date: 1/23/13

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

**DESCRIPTION: Attached.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

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

# TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE  
(919) 553-1530

VEHICLE MAINTENANCE  
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS  
(919) 553-1530

WATER RECLAMATION  
(919) 553-1535

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## MEMORANDUM

To: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector *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: 8a

Meeting Date: 1/23/13

**TITLE: CONTINUED FROM THE JANUARY 7, 2013, MEETING:  
EVIDENTIARY HEARING FOR PRELIMINARY SUBDIVISION  
REQUEST SUB 2012-96 FOR EAST VILLAGE UNITS M2 & M3.**

**DESCRIPTION:** The applicant, HagerSmith Design, is requesting the review of major subdivision request SUB 2012-96. The application is for the subdivision of land units M2 & M3 consisting of 9.35 acres. These two land units, located in the southwest corner of the East Village development, with frontage on the future East Front Street Extension, were approved for either multi-family or single-family development. In accordance with the two approved land uses, and in order for the developer to determine the ultimate best land use for this portion of the overall development tract, two subdivision options have been submitted for review.

At the December 17, 2012, Council meeting, Council requested documentation that emergency vehicles can access the proposal for the townhome site.

At the January 7, 2013, Council meeting, staff requested this item be continued to the January 23, 2013, Council meeting so that the research and documentation that emergency vehicles can access the proposed request be compiled.

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

**Continued on the next page.**

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

Agenda Item: 8a

Meeting Date: 1/23/13

**TITLE: CONTINUED FROM THE JANUARY 7, 2013, MEETING:  
EVIDENTIARY HEARING FOR PRELIMINARY SUBDIVISION  
REQUEST SUB 2012-96 FOR EAST VILLAGE UNITS M2 & M3.**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-17-12	Presentation & Public notice.	Application, Neighborhood Meeting information, staff Report, Townhome layout, Single-family subdivision Layout, & Site Plan.
1-7-13	Evidentiary hearing.	SUB Procedures, application, Neighborhood meeting info., Staff report, townhome Layout, single-family Subdivision layout, site plan, & motion form.
1-23-13	Ev. Hearing, con'd.	SUB Procedures, Memorandum on Emergency Vehicle Response, Roadway Width Review, Application, Neighborhood meeting info, Staff report, townhome Layout, single-family Subdivision layout, REVISED Site plan, & Motion Form.

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

1. **REGISTRATION.** Persons desiring to speak at an Evidentiary Hearing for review of a Subdivision Application must register with the Town Clerk by 5:00 PM on the day of the hearing. If time allotment remains for one side or the other once registered speakers have addressed the Council, additional speakers may be recognized by the Mayor to give testimony.
2. **HEARING.** The Mayor shall call the hearing and announce the case.
3. **RULES OF PROCEDURE.** The procedure by which testimony may be given shall be announced by the Town Attorney. The Town Attorney shall be responsible for keeping all testimony within acceptable legal guidelines.
4. **OATHS.** Oaths shall be administered to all speakers. A statement of oath shall be signed by all persons taking the oath.
5. **STAFF REPORT.** The Staff shall give its report.
6. **APPLICANT TESTIMONY.** The applicant shall be called to present their case. If the applicant or a representative is not present to give testimony, the Mayor shall call for a vote of the members present to continue the hearing for thirty days. The applicant shall be notified of such action. The applicant and those speaking in support of the application shall be provided a maximum of fifteen minutes to present their case. The Town Clerk shall keep time. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
7. **OPPOSITION TESTIMONY.** Those speaking in opposition to the application shall be called upon to present their case. Those in opposition to the application shall be provided a maximum of fifteen minutes. If the opposition has not chosen speakers on their behalf, they shall be called in the order of registration or the order in which the oaths were signed. The Town Clerk shall keep time. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
8. **APPLICANT REBUTTAL.** The applicant and/or those in support of the application shall be provided a maximum of five minutes to rebut testimony provided by the opposition. The Council may also ask questions of the applicant at this time.

9. **OPPOSITION REBUTTAL.** Those in opposition to the application shall be provided a maximum of five minutes to rebut testimony provided by the applicant. The Council may also ask questions of the opposition at this time.
10. **COUNCIL INQUIRY.** The Council shall ask any additional questions of the applicant, opposition, or staff at this time. There shall be no time limit except that the Mayor shall be responsible for keeping questions and responses relevant and factual.
11. **DELIBERATION.** The Mayor shall call the Council into deliberation. Once called into deliberation no person may address the Council and no questions may be asked by Council to the public.
12. **UTILITY ALLOCATION (WHEN APPLICABLE).** In the event of pending action on a utility allocation request related to the case and there being no additional testimony, the Council shall take action on a utility allocation in accordance with related policies and procedures.
13. **ACTION-FINDINGS FOR DECISION.** Once discussion of the evidence has been completed and action taken on the utility allocation (when applicable); each finding shall be discussed in turn and a motion, second and vote shall be made for each finding by selecting one of the three alternatives. A majority vote shall prevail. All four findings shall be addressed.
14. **ACTION-APPLICATION.** Once all four findings have been decided and based on the results of the evaluation and vote on those findings, the Council shall make a motion and vote to approve or deny the application.



# TOWN OF CLAYTON FIRE DEPARTMENT

P.O. BOX 879 CLAYTON, NC 27520



ANTHONY ATKINSON  
FIRE MARSHAL

PHONE: (919) 553-1577

FAX: (919) 553-1544

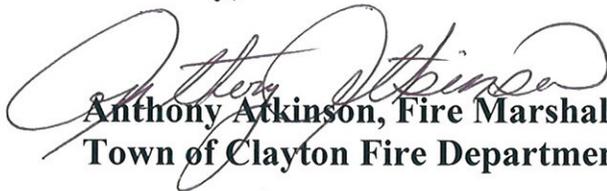
325 West Horne Street, P.O. Box 879 Clayton NC 27520

**To: Planning Director**

**Re: Emergency Vehicle Response - East Village Apartments**

This letter is in reference to the Town of Clayton engineering standards for a residential street, which requires 50 feet of right-of-way and 27 feet back to back curb and gutter. The M1/M2 section East Village is proposing a reduction of in right-of-way from 50 feet to 37 feet, while maintaining the standard 27 feet back to back. The present code was verified by the Fire Marshal, and twelve feet of unobstructed area is sufficient for the Town's emergency apparatus to pass through safely. To minimize access impacts in a 27 foot back to back section, parking should be limited to one side of the street.

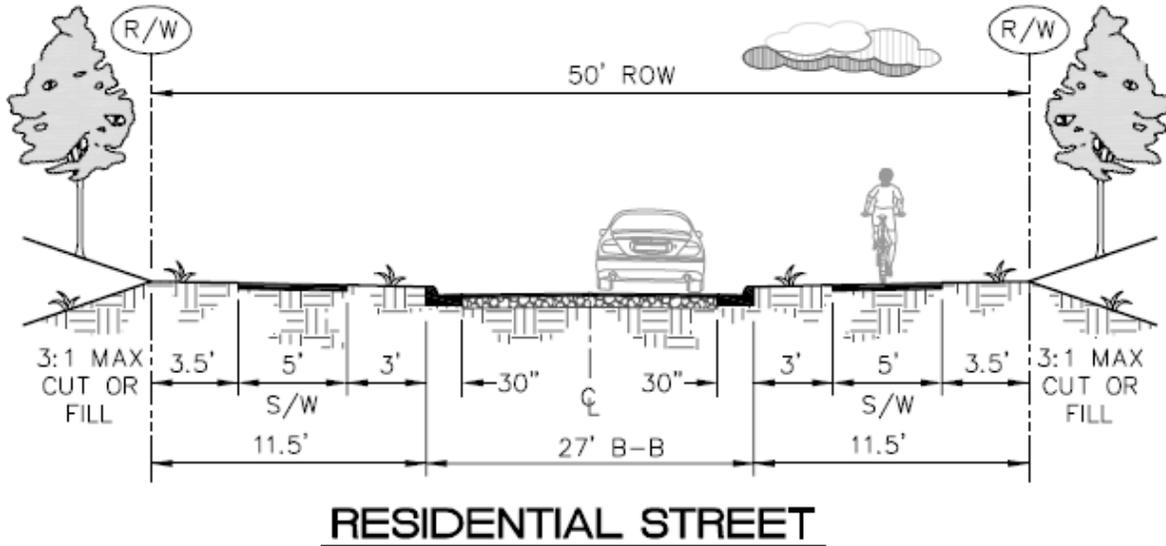
Sincerely,

  
Anthony Atkinson, Fire Marshal  
Town of Clayton Fire Department

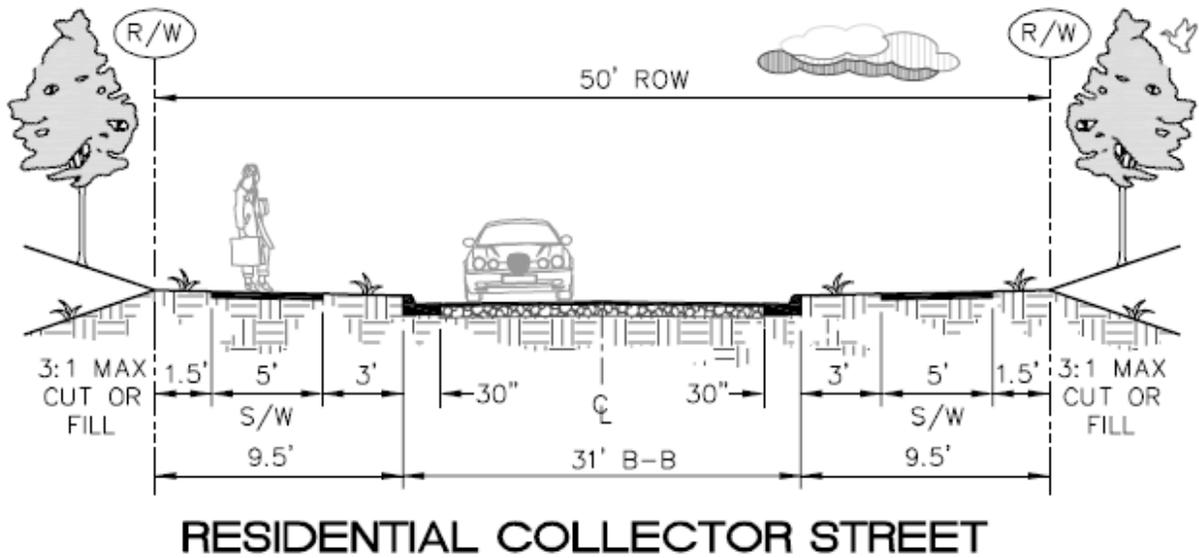
# Town of Clayton Roadway Width Review

## January 8, 2013

### Typical Residential Street Detail – 27' B-B



### Typical Residential Collector Street Detail – 31' B-B



**Existing Roadway Widths – B-B (or asphalt if no curb present)**

Riverwood Athletic Club  
100 Mantle Drive



17'6" EOP

Georgetowne  
140 Georgetowne Drive



31' B-B

Lion's Gate  
92 Shad Boat Lane



27'5" B-B

Garrison  
302 Garrison Ave



31' B-B

Waldon Woods  
2028 Deer Trail



20' EOP

Waldon Woods  
2000 Deer Trail



10'6" for a one-way lane EOP

Wynston  
4017 Wynston Way



26'4" B-B

Walnut Creek  
213 Trestlewood



26'3" B-B

300 block of 2<sup>nd</sup> Street



31'4" B-B

Fayetteville Street, by the High School



31' B-B

100 block Horne Street



24' B-B

Church Street, Methodist Church



31' B-B

Moss Creek  
Pinecroft Drive



31' B-B

## Emergency Vehicle Maneuverability

Tresslewood Drive  
Walnut Creek Subdivision



Rescue 1 making a turn onto Tresslewood Drive from Walnut Creek Drive  
60 foot centerline radius, parked cars in right-of-way



Rescue 1 mid-turn onto Tresslewood Drive from Walnut Creek Drive



Rescue 1 approaching parked cars on Trestlewood Drive  
26'-4" B-B



Rescue 1 Clearing parked cars on Trestlewood Drive  
26'-4" B-B



Engine 3 clearing parked cars on Trestlewood Drive  
26'-4" B-B



Engine 3 clearing parked cars on Trestlewood Drive  
26'-4" B-B



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

# SUBDIVISION APPLICATION

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

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

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

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

## SUBDIVISION TYPE:

Application Type:

- Minor Subdivision     
  Major Subdivision     
  Final Plat     
  Exempt Map  
 Recombination

## SITE INFORMATION:

166806-49-8859

Name of Project: East Village Residential Land Units M2 & M3 Subdivision Plan      Acreage of Property: 9.35 Acres (Land Units M2 & M3)

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

Parcel ID Number: 166806-49-7689 & 166807-59-6372 Tax ID: 05037010E & 05037010B

Location: Fronts on future East Front Street Extension, with Walden Subdivision to the east

Section(s): \_\_\_\_\_ Phase(s): Phases 2 & 3 of PDD-R 2012-05, Master Plan Zoning & Phasing (Sheet MP-1)

Number of Lots (Existing): 1 (Proposed): (57) Townhouse Option or (41) Single-Family Min. Lot Size: 3,450 SF (Townhse Option) 5,617 SF (Single-Family Optic)

Zoning District: PD-R/ R-6 Planned Development? (Y/N): Y Electric Provider: CP&L

Specific Use: Residential Subdivision for Land Units M2 & M3 of East Village Master Plan Amendment (PDD-R 2012-05): Townhome & Single-Family options

Recreation/Open Space Requirement:   
 Fee in lieu   
 Land Dedication (acreage) 2.05 Acres-  
Greenway & Utility Easement previously approved, as part of Master Plan Amendment (PDD-R 2012-05)

## FOR OFFICE USE ONLY

File Number: PSD 2012-96 Date Received: 10/11/2012 Amount Paid: \$685.00

## OWNER INFORMATION:

Name: East Village Investments, LLC, LLC c/o Hubie Tolson

Mailing Address: 2217 Stantonburg Rd, Greenville, NC 27834

Phone Number: 252-638-4215 Fax: 252-638-7456

Email Address: hubie@uhfdevelopmentgroup.com

## APPLICANT INFORMATION:

Applicant: HagerSmith Design

Mailing Address: 300 S Dawson St, Raleigh, NC 27601

Phone Number: 919-821-5547 Fax: 919-828-4050

Contact Person: Jimmy Thiem

Email Address: jthiem@hagersmith.com

## REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

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

## APPLICANT AFFIDAVIT

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

Jimmy Thiem  
Print Name

  
Signature of Applicant

October 1, 2012  
Date

**APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY**

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

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

See Attachment

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- (2) That the subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area.

See Attachment

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- (3) That the subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare.

See Attachment

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- (4) That the subdivision will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by the Town Council.

See Attachment

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**PLANNING DIRECTOR'S CERTIFICATE  
(EXEMPT MAP)**

THIS PLAT IS EXEMPT FROM SUBDIVISION  
REGULATION WITHIN THE TOWN OF  
CLAYTON PLANNING JURISDICTION.

\_\_\_\_\_  
DATE                      PLANNING DIRECTOR

**REVIEW OFFICER'S CERTIFICATE**

STATE OF NORTH CAROLINA  
COUNTY OF JOHNSTON

I, \_\_\_\_\_, REVIEW  
OFFICER OF JOHNSTON COUNTY, CERTIFY  
THAT THE MAP OR PLAT TO WHICH THIS  
CERTIFICATION IS AFFIXED MEETS ALL  
STATUTORY REQUIREMENTS FOR  
RECORDING.

\_\_\_\_\_  
DATE                      REVIEW OFFICER

**CERTIFICATE OF PUBLIC UTILITIES  
(Major Plats Only)**

ALL OBLIGATIONS AND REQUIREMENTS FOR  
THE UTILITIES TO SERVE  
\_\_\_\_\_ SUBDIVISION,  
SECTION \_\_\_\_\_, LOTS \_\_\_\_\_, AS SET  
FORTH BY THE TOWN OF CLAYTON PUBLIC  
WORKS DEPARTMENT, HAVE BEEN MET AND  
ARE SATISFACTORY FOR THE PURPOSE OF  
RECORDING THE SUBDIVISION MAP.

\_\_\_\_\_  
DATE                      TOWN MANAGER

NOTE: NO STRUCTURES TO BE BUILT INSIDE  
ANY UTILITY EASEMENT.

NOTICE TO CONNECT TO PUBLIC UTILITY  
SYSTEM

HOMEOWNER IS REQUIRED TO CONNECT  
TO PUBLIC WATER (AND SEWER, WHERE  
AVAILABLE) BEFORE CERTIFICATE OF  
OCCUPANCY IS ISSUED FOR THE PRINCIPAL  
STRUCTURE.

**CERTIFICATION FOR WATER SUPPLY AND  
SEWAGE DISPOSAL SYSTEMS**

CERTIFICATE OF PRELIMINARY APPROVAL  
OF WATER SUPPLY AND SEWAGE DISPOSAL  
SYSTEMS INSTALLED FOR INSTALLATION IN

\_\_\_\_\_  
SUBDIVISION MEET PUBLIC HEALTH  
REQUIREMENTS AS DESCRIBED IN APPENDIX  
II JOHNSTON COUNTY SUBDIVISION  
REGULATIONS. FINAL APPROVAL FOR  
INDIVIDUAL LOTS WITHIN THIS SUBDIVISION  
WILL BE BASED ON DETAILED LOT  
EVALUATION UPON APPLICATION AND  
SUBMISSION OF PLAN FOR PROPOSED USE.  
THIS PRELIMINARY CERTIFICATION IS  
ADVISORY ONLY AND CONFERS NO  
GUARANTEE.

\_\_\_\_\_  
DATE                      HEALTH REPRESENTATIVE

NOTE: EACH LOT SHOWN HEREON MAY  
REQUIRE THE USE OF SEWAGE PUMPS, LOW  
PRESSURE PIPE SYSTEMS, FILL SYSTEMS,  
INNOVATIVE SYSTEMS OR ANY OTHER  
ALTERNATIVE SYSTEM TYPE AND SITE  
MODIFICATIONS SPECIFIED IN THE NORTH  
CAROLINA LAWS AND RULES FOR SEWAGE  
TREATMENT AND DISPOSAL SYSTEMS, 15A  
NCAC 18A SECTION 1900. THE ACTUAL  
SYSTEM TYPE, DESIGN AND SITE  
MODIFICATIONS WILL BE DETERMINED AT  
THE TIME OF PERMITTING.

**TOWN OF CLAYTON TOWN MANAGER  
CERTIFICATION FOR A FINAL PLAT**

"I HEREBY CERTIFY THAT THE TOWN OF  
CLAYTON, NC HAS APPROVED THIS PLAT  
FOR RECORDING IN THE OFFICE OF THE  
JOHNSTON COUNTY REGISTER OF DEEDS,  
AND ACCEPTS THE DEDICATION OF  
STREETS, EASEMENTS, RIGHTS-OF-WAY,  
AND PUBLIC LANDS SHOWN THEREON, BUT  
ASSUMES NO RESPONSIBILITY TO OPEN OR  
MAINTAIN THE SAME UNTIL, IN THE OPINION  
OF THE CLAYTON TOWN COUNCIL, IT IS IN  
THE PUBLIC INTEREST TO DO SO."

\_\_\_\_\_  
DATE                      TOWN MANAGER

**CERTIFICATE OF FLOODWAY INFORMATION**

PROPERTY SHOWN HEREON \_\_\_\_\_ IS \_\_\_\_\_ IS NOT LOCATED IN A FEMA DESIGNATED FLOOD ZONE.

FLOOD HAZARD PANEL NO.  
\_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

DATE SURVEYOR  
\_\_\_\_\_

**DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS CERTIFICATION**

PROPOSED SUBDIVISION ROAD  
CONSTRUCTION STANDARDS CERTIFICATION

APPROVED: \_\_\_\_\_  
DATE DISTRICT ENGINEER

NOTE: ONLY NORTH CAROLINA DEPARTMENT OF TRANSPORTATION APPROVED STRUCTURES ARE TO BE CONSTRUCTED ON PUBLIC RIGHT-OF-WAY.

NOTE: SITE TRIANGLE TAKES PRECEDENT OVER ANY SIGN EASEMENT

NOTE: OWNER, DEVELOPER, OR CONTRACTOR SHALL SET THE CENTERLINE OF THE EXISTING ROADWAY DITCH BACK TO A MINIMUM OF 12 FEET FROM THE EXISTING/PROPOSED EDGE OF PAVEMENT ALONG ALL ROAD FRONT LOTS.

NOTE: ALL DRAINAGE EASEMENTS SHALL BE DEDICATED AS PUBLIC AND IT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS TO MAINTAIN THE DRAINAGE EASEMENTS AND ANY DRAINAGE STRUCTURES THERE IN, SO AS TO MAINTAIN THE INTEGRITY OF THE DRAINAGE SYSTEM AND INSURE POSITIVE DRAINAGE.

**ROAD MAINTENANCE STATEMENT OF UNDERSTANDING**

I, \_\_\_\_\_ DEVELOPER/OWNER AM RESPONSIBLE FOR THE CONSTRUCTION, MAINTENANCE AND REQUIRED ROAD IMPROVEMENTS OF SUBDIVISION STREETS UNTIL:

APPROVED/TAKEN OVER BY NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR PUBLIC ROADS, OR

APPROVED/TAKEN OVER BY HOMEOWNERS ASSOCIATION FOR PRIVATE ROADS MAINTENANCE, OR

PRIVATE ROAD MAINTENANCE AGREEMENT IS SIGNED AND RECORDED BY OWNERS OF EACH LOT.

\_\_\_\_\_  
DATE DEVELOPER/OWNER

**JOHNSTON COUNTY REGISTER OF DEEDS**

STATE OF NORTH CAROLINA, JOHNSTON COUNTY

THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ AT \_\_\_\_\_.

\_\_\_\_\_  
REG. OF DEEDS BY \_\_\_\_\_ ASST. REG. OF DEEDS

# ADJACENT PROPERTY OWNERS LIST

**Project Name:** East Village Residential Land Units M2 & M3 Subdivision Plan

*The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.*

PARCEL NUMBER	NAME	ADDRESS
166807-69-1214	PYRTLE, SILVIA & LARRY	2021 WALDEN WAY CLAYTON, NC 27527
166807-69-1044	FEDERAL NATIONAL MORTGAGE	P O BOX 650043 DALLAS, TX 75265-0043
166807-68-1885	YATES, THOMAS W. JR & AIDA L.	2013 WALDEN WAY CLAYTON, NC 27527
166807-68-2606	SCHMIDT, ARTHUR R.	2009 WALDEN WAY CLAYTON, NC 27527
166807-68-2404	EAST VILLAGE INVESTMENTS, LLC	227 E FRONT ST NEW BERN, NC 28560
166807-68-1400	BELL, BETTY BROWN	287 OLD NC HWY 42 E CLAYTON, NC 27527
166807-58-9209	MURPHEY, LOUIS	124 PECAN LANE CLAYTON, NC 27527
166807-58-8300	PEELE, MARTHA P.	122 PECAN LANE CLAYTON NC 27527
166807-58-7304	MARTINEZ, MARCIO	120 PECAN LANE CLAYTON NC 27527
166807-58-6433	JONES, GREGORY C. & ANGELA V.	118 PECAN LANE CLAYTON, NC 27520
166807-58-3397	BALDWIN, ELIZABETH A.	116 PECAN LANE CLAYTON, NC 27520
166806-39-4560	EAST VILLAGE INVESTMENTS, LLC	227 E FRONT ST NEW BERN, NC 28560



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

**OWNER'S CONSENT FORM**

Residential Land Units M2 & M3  
**Name of Project:** Subdivision Plan **Submittal Date:** October 1, 2012

**OWNERS AUTHORIZATION**

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

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

[Signature] HARVEST G. TOLSON, III 9/25/12  
*Signature of Owner* *Print Name* *Date*

**CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER**

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

[Signature] JAMES E. THIEM III 10/01/12  
*Signature of Owner/Applicant* *Print Name* *Date*

**FOR OFFICE USE ONLY**

File Number: \_\_\_\_\_ Date Received: \_\_\_\_\_ Parcel ID Number: \_\_\_\_\_



Architecture  
Landscape Architecture  
Planning  
Business Interiors  
Construction Management



October 1, 2012

To: David DeYoung  
From: Jimmy Thiem

**RE: East Village of Clayton  
Land Units M2 and M3 Subdivision  
Subdivision Alternates Description**

The original approved (July 17, 2006) residential subdivision of the East Village of Clayton project envisioned a mix of single-family residences, traditional townhouses and "garden" townhouses. At the time, there was clear demand for all three of these housing types. In 2008, the economic downturn severely impacted residential development nationwide. As with many other residential projects in North Carolina, East Village had to shift its focus from building to re-evaluating the residential market and identifying financial funding sources to support construction and owner financing. With the reduction in single-family home sales, there was a significant increase in demand for rental housing (apartments). East Village saw their location, particularly close to Downtown Clayton, as an excellent opportunity to meet this need. In 2011 the owners of East Village acquired from HUD preliminary financial and plan approval for a 298 unit garden apartment development, The Arbors.

Wishing to retain the core single-family area in the original master plan, the site selected for The Arbors supplanted the area originally planned for the traditional townhouses in addition to supplanting some of the original single-family homes. This left the original garden townhomes site as the only area remaining to potentially provide the option to buyers of an owner-occupied housing type different from the traditional single-family lot development.

As the East Village project team updated the master plan in 2011 the owners began receiving much feedback from both the development community as well as potential future home buyers regarding what housing types they should consider for the garden townhomes site. Interest was expressed for both additional single-family homes as well as a townhouses. Thus, when the master plan was approved as PDD-R 2012-05, both these options were designated for Land Units M2 and M3 – the original garden townhomes site.

With an intention of wishing to create more definitive plans for both planning and marketing purposes, the East Village development determined that it was appropriate to seek preliminary approval for both the single-family as well as the townhouse option. This strategy has allowed the project team to compare the two alternatives from both an engineering and cost perspective. The alternative schemes will also be valuable in determining the final housing type through input from prospective builders and future buyers. Finally, having preliminary approval for both plans will assist in expediting the final planning and construction of the project.

Both the single-family and townhome schemes were prepared to meet the requirements of PDD-R 2012-05 and other Town of Clayton standards as applicable. This approach also provides the Town of Clayton with a unique opportunity to concurrently review two alternatives schemes for the same site.

**EAST VILLAGE OF CLAYTON**  
LAND UNITS M2 & M3  
MAJOR SUBDIVISION  
APPLICANT STATEMENT

October 1, 2012

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

This application is submitted under the provisions of PDD-R 2012-05. Specifically, this application addresses the subdivision of Land Units M2 & M3 of that PDD. These Land Units are designated in the PDD Master Plan as either townhouse or single-family residential uses. Overall design and layout of streets (private for townhouses, public for single-family), sidewalks, water and sewer (connections to Town utilities) are proposed to be consistent with present Town of Clayton standards. Proposed open space and greenways are generally consistent in area and location as per the approved PDD.

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.

The majority of properties surrounding the proposed subdivision are either already developed or are a part of the overall East Village of Clayton project. The subdivision has also taken into account the latest alignment for the proposed East Front Street project being administered by the Town of Clayton. The subdivided property is adjacent to the Walden subdivision along its east boundary. A Type C Buffer (10') and a 20' greenway easement per the PDD Master Plan is provided along the boundary shared with the Walden subdivision.

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.

Development of the M2 & M3 Land Units relies on the extension of East Front Street from its present terminus south of Mill Street to old N.C. Highway 42. This extension of Front Street, a collector street, serves as the main vehicular access for the East Village of Clayton project. Its location and design were fully coordinated with the Town of Clayton which envisions this street as an important vehicular link between downtown and Highway NC-42. A traffic study assessing the vehicular capacity of East Front Street to accommodate the proposed development was prepared and submitted to the Town as part of the PDD-R 2012-05 process. This study, through the Town of Clayton staff, was also submitted to NCDOT for review and comment. With regard to the M2 and M3 Land Units, two comments pertaining to the public street entry drive, the single-family development's primary vehicular access, off of East Front Street, were noted to be provided in the East Front Street design: (1) for west bound traffic provide a 100' right turn lane, (2) for east bound traffic, provide a left turn lane. These elements are to be included in the Town's design of East Front Street. The west bound turn lane directly impacts the M2 Land Unit which is south of and abuts proposed East Front Street. The turn lane is shown on the subdivision plan. An additional recommendation of the traffic study is related to a traffic signal to be provided at the intersection of East front Street and Highway NC-42. Per PDD-R 2012-05 conditions, a warrant analysis is to be prepared by the East Village developer upon completion of East Front Street to determine when the traffic signal needs to be constructed based on traffic volumes. Vehicular access to Land Units M2 and M3 are provided off of the single-family subdivisions main access drive from Front Street or off the single-family subdivision's

man loop drive. No vehicular access drives are proposed from Land Unit M3 to proposed East Front Street.

Water service to Land Units M2 and M3 will be via public waterlines installed in the single-family subdivision's public residential streets which will be connected to the public water main recently installed by Johnston County in the future East Front Street alignment. Lots will be serviced by public gravity sewer lines which will tie to a public gravity sewer system planned for the single-family subdivision. This entire network flows to a proposed public sanitary sewer pump station on the west side the East Village development to be constructed with East Village's "The Arbors" apartment project. All streets and utilities shall be built to Town of Clayton construction standards where applicable.

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.

This project's M2 and M3 Land Units are a part of the East Village of Clayton PDD-R 2012-05 Master Plan, which was prepared under the advisement of the Town Manager's office, the Planning Department, the Town Engineer, and the Public Works Department. The Master Plan was approved by both the Planning Board and Town Council. At that time, key planning principles for the Town which were considered in the planning of project included:

- a. Transportation – Provide for extension of East Front Street from downtown to N.C. Highway 42. Provide for a safe and efficient network of public and private streets within the development.
- b. Downtown Clayton connection – Provide for housing and other related land uses in close proximity to Downtown Clayton to support and enhance Downtown as a thriving traditional commercial town center.
- c. Mixed-use – Provide, as appropriate and practicable, a variety of residential (single and multi-family) and non-residential (retail, office) land uses appropriate to the surrounding context of adjacent properties.
- d. Development Character – Incorporate development patterns reflective of traditional, older neighborhoods and the Downtown Clayton community.
- e. Utilities – Provide for extension and use of public water and sanitary sewer services.
- f. Natural Resources – Preservation and enhancement of on-site natural resources which primarily focus on perennial streams and woodland stream buffers.
- g. Open Space – Provide a variety of open space areas and amenities appropriate to the residential character of the East Village of Clayton development.
- h. Greenway – Incorporate a public greenway linking the multi-purpose trail along proposed East Front Street with the various residential elements of the development.
- i. Stormwater management – Provide for management of stormwater runoff consistent with applicable Town of Clayton standards.

The Town Council PDD Master Plan incorporates the above planning principles thus being consistent with Town planning policies. Both alternative subdivision plans for M2 and M3 Land Units are consistent with the PDD Master Plan, and thus reflect these planning principles. The development of this parcel, as a part of the approved PDD Master Plan does not adversely affect the orderly growth and development of the town.



October 30, 2012

Dear Clayton Area Property Owner,

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

**Meeting Date:** Tuesday, November 13<sup>th</sup> 2012

**Location:** The Clayton Center, Four Oaks Room (Second floor up from the main lobby)  
111 East 2nd St., Clayton, NC 27520

**Time:** 6:30 PM

**Type of application:** Major Subdivision

**General Description:** This permit application is for the subdivision of land units M2 & M3 (9.35 acres) of the overall East Village of Clayton Master Tract (74.79 acres). These two land units, located in the southeast corner of the East Village development, with frontage on the future East Front Street Extension, were approved for either multi-family or single-family use as part of the East Village Master Plan Amendment (PDD-R 2012-05). In accordance with the two approved land uses, and in order for the developer to determine the ultimate best land use for this portion of the overall development tract, two subdivision options have been submitted for review. The first option subdivides the two land units into lots for a townhome development, and the second option shows the subdivision of lots into a single-family development.

If you have any questions prior to or after this meeting, please contact me at (919) 821-5547.

Best Regards,

A handwritten signature in black ink that reads "Jimmy Thiem". The signature is written in a cursive style with a large initial "J".

Jimmy Thiem, Landscape Architect, VP  
HagerSmith Design, PA

# NEIGHBORHOOD MEETING ATTENDANCE ROSTER

**Applicant:** HagerSmith Design, PA (Project: East Village Residential Land Units M2 & M3 Subdivision Plan)

**Location/Date:** The Clayton Center/ 11/12/2012

	NAME	ADDRESS
1	Emily Beddingfield	23 Great View Ct Clayton
2	DAVE DELBUNT	111 E. SECOND ST. CLAYTON
3	Stephanz Cole	300 S. Dawson St, Raleigh
4	JIMMY THIEM	300 S. DAWSON ST., RALEIGH
5		
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**EAST VILLAGE OF CLAYTON  
M2 & M3 Land Units Subdivision  
Neighborhood Meeting Notes**

**S 2012 96**

Meeting Date: 11/12/2012

Meeting Time: 6:30-7:30pm

Meeting Location: The Clayton Center downstairs lobby

Number of attendees: 4 attendees (signed roster) (includes 2 project representatives & 2 Town of Clayton Planning staff). No members of the general public attended the meeting.

The following drawings were displayed for public review

- L-102 Townhouse subdivision street tree plan (showing subdivision of lots)
- L-202 Single-family subdivision street tree plan (showing subdivision of lots)
- East Village single-family subdivision plan showing location of M2 and M3 land units in relationship to overall project.

Comments from attendees

- No members of the general public attended the meeting. Therefore, no questions were received.

---

End of Notes



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

Town Council

## STAFF REPORT

**Application Number:** PSD 2012-96  
**Project Name:** East Village of Clayton Units M2 & M3  
**NC PIN:** 166806-49-8859 (portion thereof)  
**Town Limits/ETJ:** Town Limits  
**Applicant:** HagerSmith Design, PA  
**Owners:** East Village Investments LLC

**Agent:** Jimmy Thiem, HagerSmith Design, PA

**Neighborhood Meeting:** Held November 13, 2012

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**PROJECT LOCATION:** The subject site fronts on East Front Street (Extension) to the south and borders Walden Subdivision to the north and east. The property is located within the town limits of Clayton.

---

**REQUEST:** The applicant is requesting preliminary subdivision approval for a 9.35 acre parcel within East Village. This subdivision approval request includes land units M2 and M3 of the approved East Village of Clayton master plan (PDD 2012-05, approved April 2, 2012). The request includes two different subdivision options, one for townhomes and one for single family homes. The property is zoned PD-R (Planned Development – Residential).

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### SITE DATA:

**Acreage:** 9.35 Acres

**Number of Lots:** Townhome Option: 57 townhouse lots  
Single Family Option: 41 single family lots

**Open Space:** 7.38 acres of open space is proposed for all of Lot 3 tract of the master plan

**Present Zoning:** PD-R (Planned Development-Residential)

**Proposed Zoning:** Same

**Existing Use:** Vacant

**Impervious Surface:** The East Village master plan was approved for up to 70% impervious surface

### DEVELOPMENT DATA:

**Proposed Use:** Residential Single Family OR Residential Townhome

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**ENVIRONMENTAL:** The subject site has no significant environmental concerns.

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**ADJACENT ZONING AND LAND USES:**

North:	Zoning:	PD-R
	Existing Use:	Vacant
South:	Zoning:	R-6
	Existing Use:	Residential
East:	Zoning:	R-E
	Existing Use:	Residential Walden Subdivision
West:	Zoning:	PD-R, B-2
	Existing Use:	Vacant

---

**STAFF ANALYSIS AND COMMENTARY:**

The applicant is requesting preliminary subdivision approval for two development options for the M2 and M3 land units, located on Lot 3 of the East Village of Clayton Master Plan (PDD 2012-05), which was approved by the Town Council on April 2, 2012. The property is generally located on the north side of the future extension of East Front Street and bounded on the east by Walden subdivision.

The applicant is requesting approval for two development scenarios. Approval of both scenarios will give the applicant the choice to develop the site with either single family or multi-family units. With either option, the overall number of residential units will not exceed the total number approved for the East Village Master Plan. All other agreements in the Master Plan will be upheld as well.

The proposed subdivision would have access from the East Front Street Extension.

- **Consistency with the Strategic Growth Plan**

The proposed use is consistent with the Strategic Growth Plan Proposed Land Use map, which designates the proposed land use of the subject site as Residential.

The proposed development is consistent with the following objectives of the Strategic Growth Plan:

- Objective 2.1 - Balanced Development/Investment: Old & New,
- Objective 2.2 - Infrastructure & Services Capacity to Support Growth,
- Objective 2.5 - More Housing Opportunities: Beyond Starter Homes, and;
- Objective 5.1 - More Developed Parks and Parkland.

- **Consistency with the Unified Development Code**

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

- **Compatibility with Surrounding Land Uses**

The land use is compatible with the surrounding area and is part of an approved master plan.

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

None requested.

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**OTHER:**

**FIRE PROTECTION:** The Town of Clayton Fire Department will provide fire protection.

**SCHOOL IMPACTS:** Students generated from the development which attend public schools will be enrolled in the Johnston County School system.

**PARKS AND RECREATION:** 7.38 acres of open space is proposed for Lot 3 of the master plan. The overall East Village development exceeds the required set aside of 12.5 percent for recreation and open space.

**ACCESS/STREETS:** Access to the subdivision will be off of E Front Street Extension. Driveway permits are subject to Town of Clayton approval.

**WATER/SEWER PROVIDER:** Town of Clayton

**ELECTRIC PROVIDER:** Town of Clayton

---

**STAFF RECOMMENDATION:** Approval

---

**PLANNING BOARD RECOMMENDATION:** A motion was made by Ronald Johnson and seconded by David Teem to recommend approval of the two subdivision options with the following conditions:

**Proposed Conditions of Approval for the Townhome Option:**

- 1) Parking shall be permitted on one side of the street only.
- 2) The Planning Department shall review and approve the final architectural elevations.

**No conditions were proposed for the single family home option.**

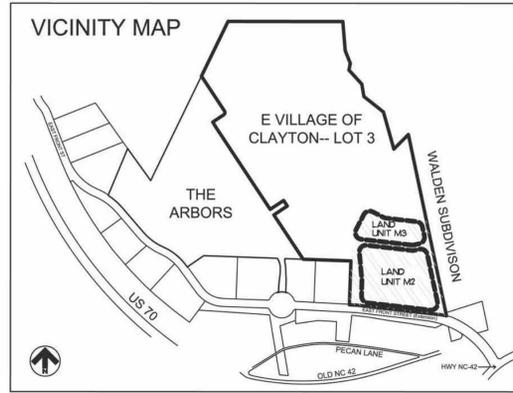
**Attachments:**

- 1) Application
- 2) Neighborhood Meeting Information
- 3) Townhome Layout Graphic
- 4) Single Family Layout Graphic
- 5) 11"x17" plan set

ADJACENT PROPERTY OWNERS:

PROP #	NC PIN	OWNER NAME/ADDRESS
1	166807-69-1214	SILVIA & LARRY PYRTLE/ 2021 WALDEN WAY, CLAYTON, NC 27527
2	166807-69-1044	FEDERAL NATIONAL MORTGAGE/ PO BOX 650043, DALLAS TX 75265-0043
3	166807-68-1885	THOMAS W. JR & AIDA L. YATES/ 2013 WALDEN WAY, CLAYTON, NC 27527
4	166807-69-2638	ARTHUR R. SCHMIDT/ 2009 WALDEN WAY, CLAYTON, NC 27527
5	166807-68-2404	EAST VILLAGE INVESTMENTS, LLC/ 227 E FRONT ST, NEW BERN, NC 28560
6	166807-68-1400	BETTY B. BELL/ 287 OLD NC HWY 42 E, CLAYTON, NC 27527
7	166807-58-9208	LOUIS MURPHEY/ 124 PECAN LANE, CLAYTON, NC 27527
8	166807-58-8300	MARTHA P. PEELE/ 122 PECAN LANE, CLAYTON, NC 27527
9	166807-58-7304	MARCIO MARTINEZ/ 120 PECAN LANE, CLAYTON, NC 27527
10	166807-58-6433	GREGORY C & ANGELA V. JONES/ 118 PECAN LANE, CLAYTON, NC 27527
11	166807-58-3397	ELIZABETH A. BALDWIN/ 116 PECAN LANE, CLAYTON, NC 27527
12	166806-39-4560	CLAYTON EAST VILLAGE CTJ LLC/ 227 E FRONT ST, NEW BERN NC 28560

PK-3 EAST VILLAGE NEIGHBORHOOD PARK (PDD-R 2012-05)



Architecture  
Landscape Architecture  
Planning  
Interior Design

PO Box 1308  
300 South Dawson Street  
Raleigh, North Carolina 27602  
Fax: 919.828.4050

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CONSULTANTS



BASS, NIXON & KENNEDY  
CONSULTING ENGINEERS  
6310 CHAPEL HILL ROAD  
RALEIGH, NC 27607  
PHONE: 919.851.4422  
FAX: 919.851.8968



**GRAPHIC LEGEND:**

- GREENWAY & UTILITY EASEMENT (NOTE: LOCATION OF GREENWAYS ARE APPROXIMATE & SUBJECT TO CHANGE BASED ON FIELD CONDITIONS) (41,280 SF)
- ADDITIONAL PRIVATE OPEN SPACE (OPEN SPACE PROPOSED IN ADDITION TO THE OPEN SPACE APPROVED ON THE E. VILLAGE MASTER PLAN AMENDMENT, PDD-R 2012-05)
- PROPOSED SIDEWALK
- OPEN SPACE IMPROVEMENT AREA (SEE EAST VILLAGE MASTER PLAN AMENDMENT, PDD-R 2012-05, APPROVED APRIL 2, 2012, FOR IMPROVEMENT DESCRIPTIONS)
- 10' TYPE 'C' BUFFER

**PLANT LEGEND:**

- LACEBARK ELM
- 'SOMERSET' RED MAPLE
- WILLOW OAK
- RED OAK

NOTE: FINAL LOCATION OF STREET TREES WILL VARY, AS REQUIRED TO ACCOMMODATE ULTIMATE DRIVEWAY & UTILITY LOCATIONS. STREET TREES TO BE A MINIMUM 10' FROM ANY UTILITY STRUCTURE.

ZONING: RE

ZONING: B-2  
AREA: 3.55 AC

10' MULTI-USE TRAIL

ZONING: R-10

ZONING: R-6

ZONING: R-10

PROJECT: 268-038-012

EAST VILLAGE OF CLAYTON  
RESIDENTIAL UNITS M2 & M3  
SUBDIVISION SUBMISSION

Clayton, NC  
Johnston County

CLIENT:

East Village Investments, LLC  
c/o Hubie Tolson

2217 Stantonsburg Rd  
Greenville, NC 27834  
Phone: (252) 638-4215  
Fax: (252) 670-9370

DRAWING TITLE:

LOT 3- M2 & M3 LAND UNITS: TOWNHOME STREET TREE PLAN

REVISIONS		
NUMBER	DESCRIPTION	DATE

DRAWN BY: SMC  
CHECKED BY: JET  
DATE ISSUED: 11/13/2012

L-102

SCALE: 1"= 50'-0"







HagerSmith  
DESIGN PA

Architecture  
Landscape Architecture  
Planning  
Interior Design

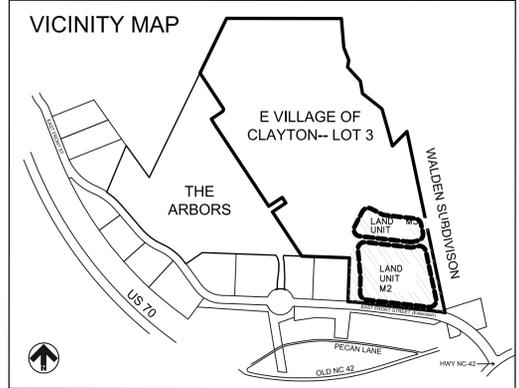
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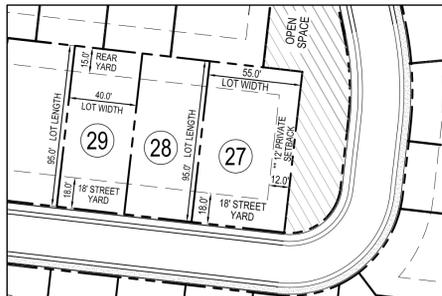


GENERAL NOTES:

- SUBJECT PROPERTY INFO:
  - P.I.N. 166806-49-7689
  - SUBJECT PROPERTY IS LOT 3, LAND UNITS M2 & M3 OF MASTER PLAN AMENDMENT: PDD-R 2012-05, APPROVED APRIL 2, 2012
  - LOT 3 TRACT: 2,300,915 SF/ 52,8217 AC; M2 & M3 LAND UNITS FOR PROPOSED TOWNHOME DEVELOPMENT: 407,470.6 SF/ 9.35 AC. FINAL AREA OF M2 & M3 LAND UNITS COULD VARY, BASED ON FINAL LOT & OPEN SPACE CONFIGURATION.
  - TOWN OF CLAYTON JURISDICTION
- OWNER: EAST VILLAGE INVESTMENTS, LLC  
2217 STANTONSBURG RD  
GREENVILLE, NC 27834
- ZONING: PD-R, UNDERLYING ZONING: R-6
- ZONING CONDITIONS: SEE ATTACHED PDD 2012-05 CONDITIONS OF APPROVAL DOCUMENT.
- DENSITY: 57 LOTS/ 9.35 AC = 6.10 UNITS/ ACRE
- FEMA FIRM PANEL: 1668J, MAP #: 3720166800J; EFFECTIVE DATE: 12/22/2005
- PDD-R MULTI-FAMILY TOWN HOME DEVELOPMENT SETBACKS:
  - STREET YARD - 18.0'
  - SIDE YARD (STREET) - 12.0'
  - REAR YARD - 15.0'
  - MIN. BLDG. SEPARATION - 10.0'
  - MAX. BLDG. HT. - 50'
- 208 SINGLE FAMILY & TOWNHOMES APPROVED FOR LOT 3 IN PDD-R 2012-05, 151 SINGLE-FAMILY LOTS PREVIOUSLY APPROVED, TOWN OF CLAYTON #: S 2012-60, 57 TOWNHOME LOTS PROPOSED = 208 TOTAL LOTS FOR LOT 3.
- APPROVED OPEN SPACE & RESOURCE CONSERVATION AREAS (PDD-R 2012-05):
  - RESOURCE CONSERVATION AREAS (RCA):
    - STREAM BUFFERS & WETLANDS: 2.66 AC
    - NET SITE AREA (EXCLUDING RCA'S): 52.82 AC - 2.66 AC = 50.14 AC
  - OPEN SPACE REQUIRED (12.5% OF NET AREA): 50.14 AC X 12.5% = 6.27 ACRES
  - IMPROVED OPEN SPACE REQUIRED (@ 25%): 6.27 AC X 25% = 1.57 AC REQ'D
  - OPEN SPACE PROPOSED:
    - PUBLIC GREENWAY: 2.05 AC
    - PRIVATE OPEN SPACE (UNIMPROVED): 2.0 AC
    - PRIVATE OPEN SPACE (IMPROVED): 3.33 AC
    - TOTAL GREENWAY & OPEN SPACE: 7.38 AC
- TOWNHOME LOT WIDTHS AND DEPTHS ARE SUBJECT TO CHANGE FOR EACH PHASE, AS NECESSARY BASED ON FIELD CONDITIONS, PRIOR TO FINAL PLAT APPROVAL, AND IN ACCORDANCE WITH THE EAST VILLAGE MULTI-FAMILY TOWNHOME PDD-R DEVELOPMENT SETBACKS.
- RESIDENTIAL UNITS MAY BE TRANSFERRED FROM LAND UNITS S1-S5 TO LAND UNITS M2 AND M3. OVERALL NUMBER OF RESIDENTIAL UNITS SHALL NOT EXCEED THE TOTAL NUMBER APPROVED FOR THE EAST VILLAGE MASTER PLAN.
- DEVELOPMENT SIDEWALKS TO CONNECT WITH PROPOSED GREENWAY PATHS. FINAL DESIGN TO BE PROVIDED, AS PART OF CONSTRUCTION DOCUMENT APPROVAL.
- LAND AREA MEASUREMENTS SHOWN ARE APPROXIMATE AND ARE SUBJECT TO CHANGE BASED ON FINAL PLAT SURVEY DATA.
- ON-STREET PERPENDICULAR PARKING IS PROVIDED IN ADDITION TO PARKING REQUIRED BY TOWN OF CLAYTON U.D.O.

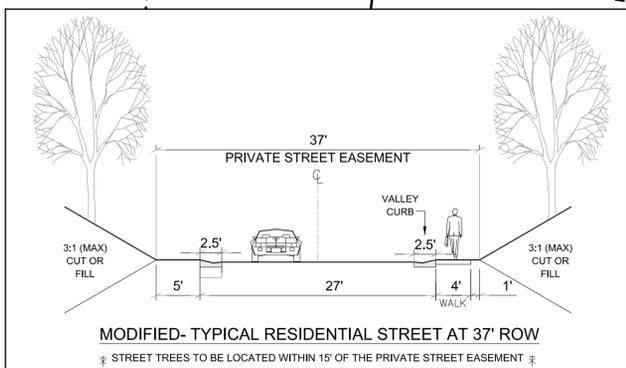
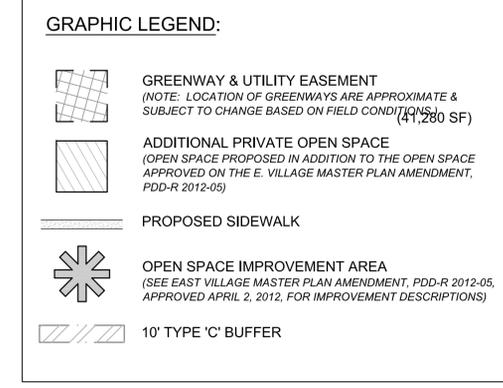
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12	166806-39-4560	CLAYTON EAST VILLAGE CTJ LLC/ 227 E FRONT ST, NEW BERN NC 28560



\*\* NOTE: 'PRIVATE' SETBACK IS NOT REQUIRED BY THE TOWN OF CLAYTON, BUT IS PROPOSED BY OWNER FOR THE BENEFIT OF THE DEVELOPMENT. DIMENSIONS SUBJECT TO CHANGE.

TYPICAL LOT CONFIGURATION- INTERIOR & CORNER (SEE L-103 FOR TYPICAL UNIT CONFIGURATION)



SCALE: 1"= 50'-0"

Project 265-038-012

EAST VILLAGE OF CLAYTON RESIDENTIAL UNITS M2 & M3 SUBDIVISION SUBMISSION

Clayton, NC  
Johnston County

Client

East Village Investments, LLC  
c/o Hubie Tolson

2217 Stantonburg Rd  
Greenville, NC 27834  
Phone: (252) 638-4215  
Fax: (252) 670-9370

Drawing Title

LOT 3- M2 & M3 LAND UNITS: TOWNHOME SUBDIVISION LAYOUT

Revisions		
Number	Description	Date

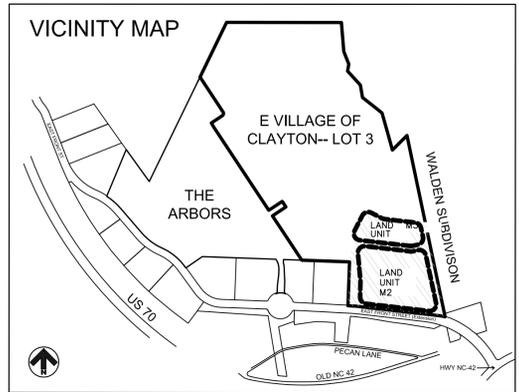
Drawn By: SMC  
Checked By: JET  
Date Issued: 1/10/2013

L-101

ADJACENT PROPERTY OWNERS:

PROP #	NC PIN	OWNER NAME/ADDRESS
1	166807-68-1214	SILVIA & LARRY PYRTLE/ 2021 WALDEN WAY, CLAYTON, NC 27527
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PK-3 EAST VILLAGE NEIGHBORHOOD PARK (PDD-R 2012-05)



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CONSULTANTS

**BNK**  
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CONSULTING ENGINEERS  
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PHONE: 919.851.4422  
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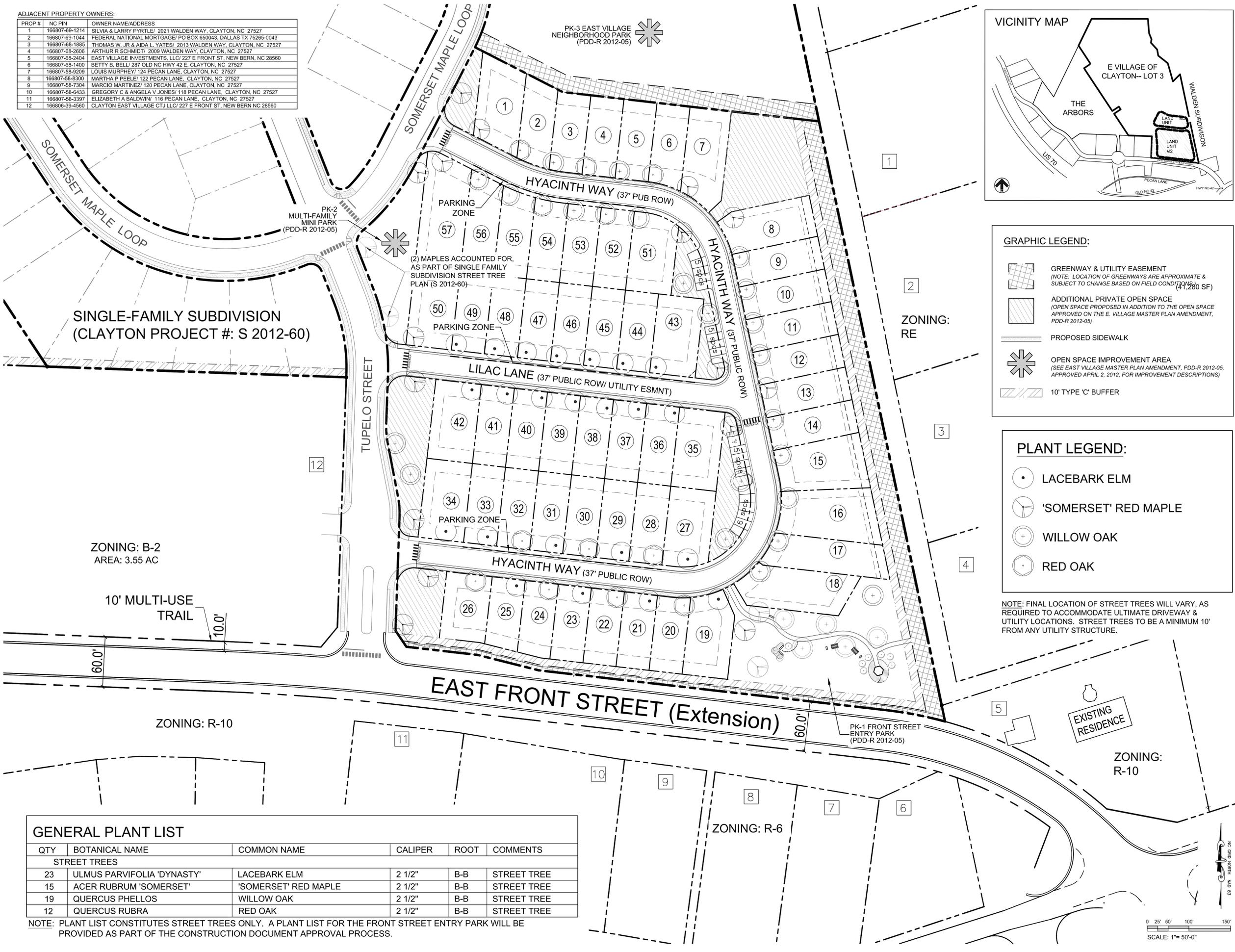
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- OPEN SPACE IMPROVEMENT AREA (SEE EAST VILLAGE MASTER PLAN AMENDMENT, PDD-R 2012-05, APPROVED APRIL 2, 2012, FOR IMPROVEMENT DESCRIPTIONS)
- 10' TYPE 'C' BUFFER

**PLANT LEGEND:**

- LACEBARK ELM
- 'SOMERSET' RED MAPLE
- WILLOW OAK
- RED OAK

NOTE: FINAL LOCATION OF STREET TREES WILL VARY, AS REQUIRED TO ACCOMMODATE ULTIMATE DRIVEWAY & UTILITY LOCATIONS. STREET TREES TO BE A MINIMUM 10' FROM ANY UTILITY STRUCTURE.



SINGLE-FAMILY SUBDIVISION (CLAYTON PROJECT #: S 2012-60)

ZONING: B-2  
AREA: 3.55 AC

10' MULTI-USE TRAIL

ZONING: R-10

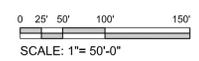
ZONING: R-6

ZONING: R-10

**GENERAL PLANT LIST**

QTY	BOTANICAL NAME	COMMON NAME	CALIPER	ROOT	COMMENTS
STREET TREES					
23	ULMUS PARVIFOLIA 'DYNASTY'	LACEBARK ELM	2 1/2"	B-B	STREET TREE
15	ACER RUBRUM 'SOMERSET'	'SOMERSET' RED MAPLE	2 1/2"	B-B	STREET TREE
19	QUERCUS PHELLOS	WILLOW OAK	2 1/2"	B-B	STREET TREE
12	QUERCUS RUBRA	RED OAK	2 1/2"	B-B	STREET TREE

NOTE: PLANT LIST CONSTITUTES STREET TREES ONLY. A PLANT LIST FOR THE FRONT STREET ENTRY PARK WILL BE PROVIDED AS PART OF THE CONSTRUCTION DOCUMENT APPROVAL PROCESS.



Project: 265-038-012

**EAST VILLAGE OF CLAYTON**  
RESIDENTIAL UNITS M2 & M3  
SUBDIVISION SUBMISSION

Clayton, NC  
Johnston County

Client:

East Village Investments, LLC  
c/o Hubie Tolson

2217 Stantonsburg Rd  
Greenville, NC 27834  
Phone: (252) 638-4215  
Fax: (252) 670-9370

Drawing Title:

**LOT 3- M2 & M3 LAND UNITS: TOWNHOME STREET TREE PLAN**

Revisions

Number	Description	Date

Drawn By: SMC  
Checked By: JET  
Date Issued: 1/10/2013

L-102



HagerSmith  
DESIGN PA

Architecture  
Landscape Architecture  
Planning  
Interior Design

PO Box 1308  
300 South Dawson Street  
Raleigh, North Carolina 27602  
Fax: 919.828.4050

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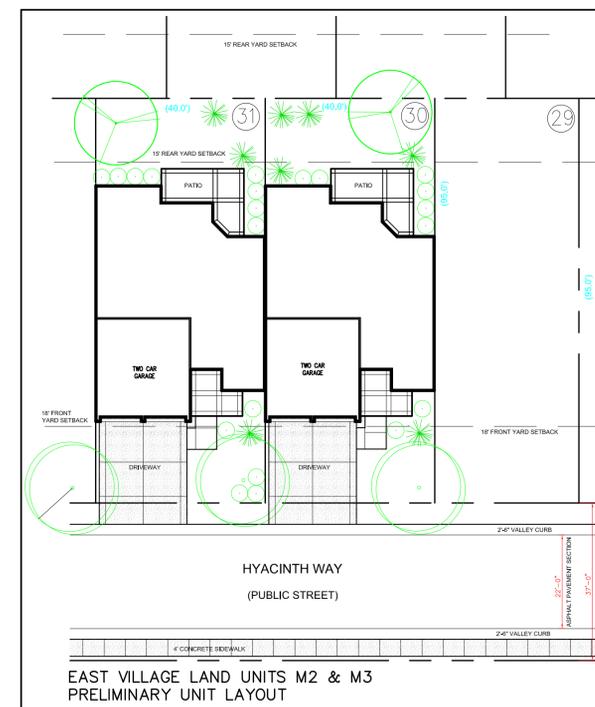


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CONSULTING ENGINEERS  
6310 CHAPEL HILL ROAD  
RALEIGH, NC 27607  
PHONE: 919.851.4422  
FAX: 919.851.8968



### PRELIMINARY TOWNHOUSE ELEVATION (NOT TO SCALE)

1. EXTERIOR MAY BE BRICK, CLAPBOARD, OR A COMBINATION. BRICK OR CULTURED STONE ACCENTS MAY BE INCORPORATED, AS ARCHITECTURAL DETAILS.
2. UNITS MAY HAVE ONE OR TWO CAR GARAGES.
3. FINAL DESIGN OF FRONT ELEVATION WILL VARY DEPENDING UPON WIDTH OF UNIT, NUMBER OF GARAGE DOORS, ETC.



Seals

Project 265-038-012

EAST VILLAGE OF  
CLAYTON  
RESIDENTIAL UNITS M2 & M3  
SUBDIVISION SUBMISSION

Clayton, NC  
Johnston County

Client

East Village Investments, LLC  
c/o Hubie Tolson

2217 Stantonsburg Rd  
Greenville, NC 27834  
Phone: (252) 638-4215  
Fax: (252) 670-9370

Drawing Title

LOT 3- M2 & M3: TYPICAL  
TOWNHOUSE UNIT  
LAYOUT & ELEVATION

Revisions

Number	Description	Date

Drawn By SMC

Checked By JET

Date Issued 1/10/013

L-103

Page 95 of 116



HagerSmith  
DESIGN PA

Architecture  
Landscape Architecture  
Planning  
Interior Design

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Seals

Project 265-038-012

EAST VILLAGE OF  
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SUBDIVISION SUBMISSION

Clayton, NC  
Johnston County

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Fax: (252) 670-9370

Drawing Title

LOT 3- M2 & M3 LAND  
UNITS: SINGLE-FAMILY  
SUBDIVISION LAYOUT

Revisions

Number	Description	Date

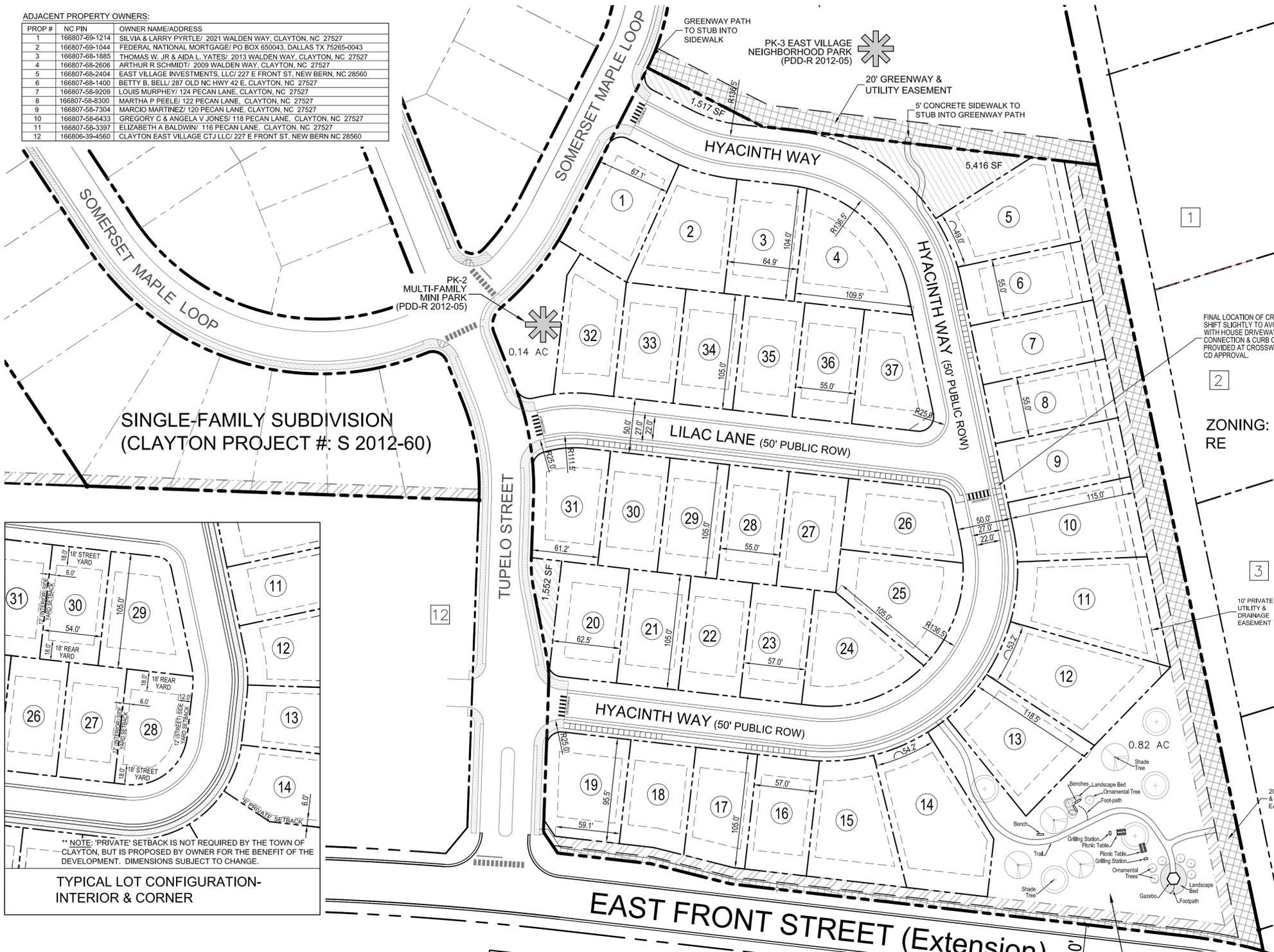
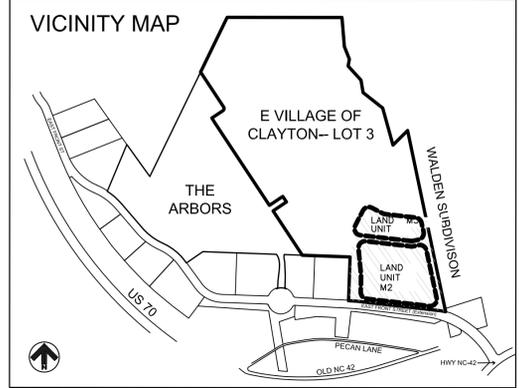
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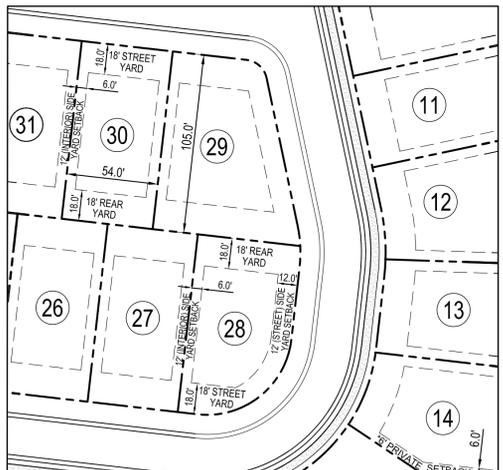
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2	166807-69-1044	FEDERAL NATIONAL MORTGAGE/ PO BOX 650043, DALLAS TX 75265-0043
3	166807-68-1885	THOMAS W. JR & AIDA L. YATES/ 2013 WALDEN WAY, CLAYTON, NC 27527
4	166807-68-2606	ARTHUR R SCHMIDT/ 2009 WALDEN WAY, CLAYTON, NC 27527
5	166807-68-2404	EAST VILLAGE INVESTMENTS, LLC/ 227 E FRONT ST, NEW BERN, NC 28560
6	166807-68-1400	BETTY B. BELL/ 287 OLD NC HWY 42 E, CLAYTON, NC 27527
7	166807-58-9209	LOUIS MURPHEY/ 124 PECAN LANE, CLAYTON, NC 27527
8	166807-58-6300	MARTHA P PEELE/ 122 PECAN LANE, CLAYTON, NC 27527
9	166807-58-7304	MARCIO MARTINEZ/ 120 PECAN LANE, CLAYTON, NC 27527
10	166807-58-6433	GREGORY C & ANGELA V JONES/ 118 PECAN LANE, CLAYTON, NC 27527
11	166807-58-3397	ELIZABETH A BALDWIN/ 116 PECAN LANE, CLAYTON, NC 27527
12	166806-39-4560	CLAYTON EAST VILLAGE CTJ LLC/ 227 E FRONT ST, NEW BERN NC 28560



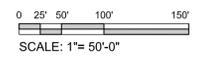
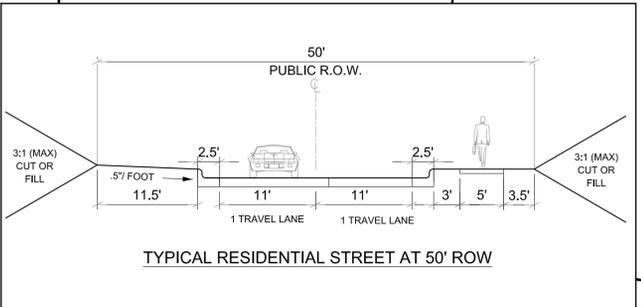
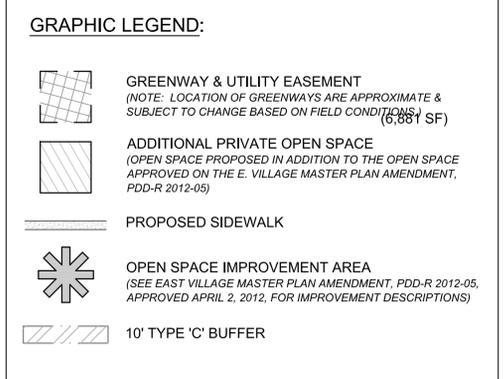
- GENERAL NOTES:
- SUBJECT PROPERTY INFO:
    - P.I.N. 166806-49-7689
    - SUBJECT PROPERTY IS LOT 3, LAND UNITS M2 & M3 OF MASTER PLAN AMENDMENT: PDD-R 2012-05, APPROVED APRIL 2, 2012
    - LOT 3 TRACT: 2,300,915 SF/ 52.8217 AC; M2 & M3 LAND UNITS FOR PROPOSED TOWNHOME DEVELOPMENT: 407,470.6 SF/ 9.35 AC. FINAL AREA OF M2 & M3 LAND UNITS COULD VARY, BASED ON FINAL LOT & OPEN SPACE CONFIGURATION.
    - TOWN OF CLAYTON JURISDICTION
  - OWNER: EAST VILLAGE INVESTMENTS, LLC  
2217 STANTONSBURG RD  
GREENVILLE, NC 27834
  - ZONING: PD-R, UNDERLYING ZONING: R-6
  - ZONING CONDITIONS: SEE ATTACHED PDD-R 2012-05 CONDITIONS OF APPROVAL DOCUMENT.
  - DENSITY: 37 LOTS/ 9.35 AC = 3.96 UNITS/ ACRE
  - FEMA FIRM PANEL: 1668J, MAP #: 3720166800J; EFFECTIVE DATE: 12/2/2005
  - PDD-R 2012-05 SINGLE-FAMILY DEVELOPMENT SETBACKS:
 

STREET YARD -	18.0'
SIDE YARD (INTERIOR) -	6.0'
SIDE YARD (STREET) -	12.0'
REAR YARD -	18.0'
MIN. LOT SIZE -	5,500 SF
MAX. BLDG. HT. -	40'
  - 208 SINGLE FAMILY & TOWNHOMES APPROVED FOR LOT 3 IN PDD-R 2012-05; 151 SINGLE-FAMILY LOTS PREVIOUSLY APPROVED, TOWN OF CLAYTON # S 2012-60; 37 SINGLE-FAMILY LOTS PROPOSED = 188 TOTAL LOTS PROPOSED.
  - APPROVED OPEN SPACE & RESOURCE CONSERVATION AREAS (PDD-R 2012-05):
    - RESOURCE CONSERVATION AREAS (RCA):  
STREAM BUFFERS & WETLANDS: 2.68 AC
    - NET SITE AREA (EXCLUDING RCAs):  
52.82 AC - 2.68 AC = 50.14 AC
    - OPEN SPACE REQUIRED (12.5% OF NET AREA):  
50.14 AC X 12.5% = 6.27 ACRES
    - IMPROVED OPEN SPACE REQUIRED (@ 25%):  
6.27 AC X 25% = 1.57 AC REQ'D
  - OPEN SPACE:
    - PUBLIC GREENWAY: 2.05 AC
    - PRIVATE OPEN SPACE (UNIMPROVED): 2.0 AC
    - PRIVATE OPEN SPACE (IMPROVED): 3.33 AC
    - TOTAL GREENWAY & OPEN SPACE: 7.38 AC
  - SINGLE-FAMILY LOT WIDTHS AND DEPTHS ARE SUBJECT TO CHANGE FOR EACH PHASE, AS NECESSARY BASED ON FIELD CONDITIONS PRIOR TO FINAL PLAT APPROVAL, AND IN ACCORDANCE WITH THE EAST VILLAGE SINGLE-FAMILY PDD-R DEVELOPMENT SETBACKS.
  - DEVELOPMENT SIDEWALKS TO CONNECT WITH PROPOSED GREENWAY PATHS. FINAL DESIGN TO BE PROVIDED, AS PART OF CONSTRUCTION DOCUMENT APPROVAL.
  - LAND AREA MEASUREMENTS SHOWN ARE APPROXIMATE AND ARE SUBJECT TO CHANGE BASED ON FINAL PLAT SURVEY DATA.



\*\* NOTE: 'PRIVATE' SETBACK IS NOT REQUIRED BY THE TOWN OF CLAYTON, BUT IS PROPOSED BY OWNER FOR THE BENEFIT OF THE DEVELOPMENT. DIMENSIONS SUBJECT TO CHANGE.

TYPICAL LOT CONFIGURATION-  
INTERIOR & CORNER





HagerSmith  
DESIGN PA

Architecture  
Landscape Architecture  
Planning  
Interior Design

PO Box 1308  
300 South Dawson Street  
Raleigh, North Carolina 27602  
Fax: 919.828.4050

919.821.5547 © Copyright 2013

Consultants



BASS, NIXON & KENNEDY  
CONSULTING ENGINEERS  
6310 CHAPEL HILL ROAD  
RALEIGH, NC 27607  
PHONE: 919.851.4422  
FAX: 919.851.8968

Seals

Project 265-038-012

EAST VILLAGE OF  
CLAYTON  
RESIDENTIAL UNITS M2 & M3  
SUBDIVISION SUBMISSION

Clayton, NC  
Johnston County

Client

East Village Investments, LLC  
c/o Hubie Tolson

2217 Stantonsburg Rd  
Greenville, NC 27834  
Phone: (252) 638-4215  
Fax: (252) 670-9370

Drawing Title

LOT 3- M2 & M3 LAND  
UNITS: SINGLE-FAMILY  
STREET TREE PLAN

Revisions

Number	Description	Date

Drawn By JET, SMC

Checked By JET

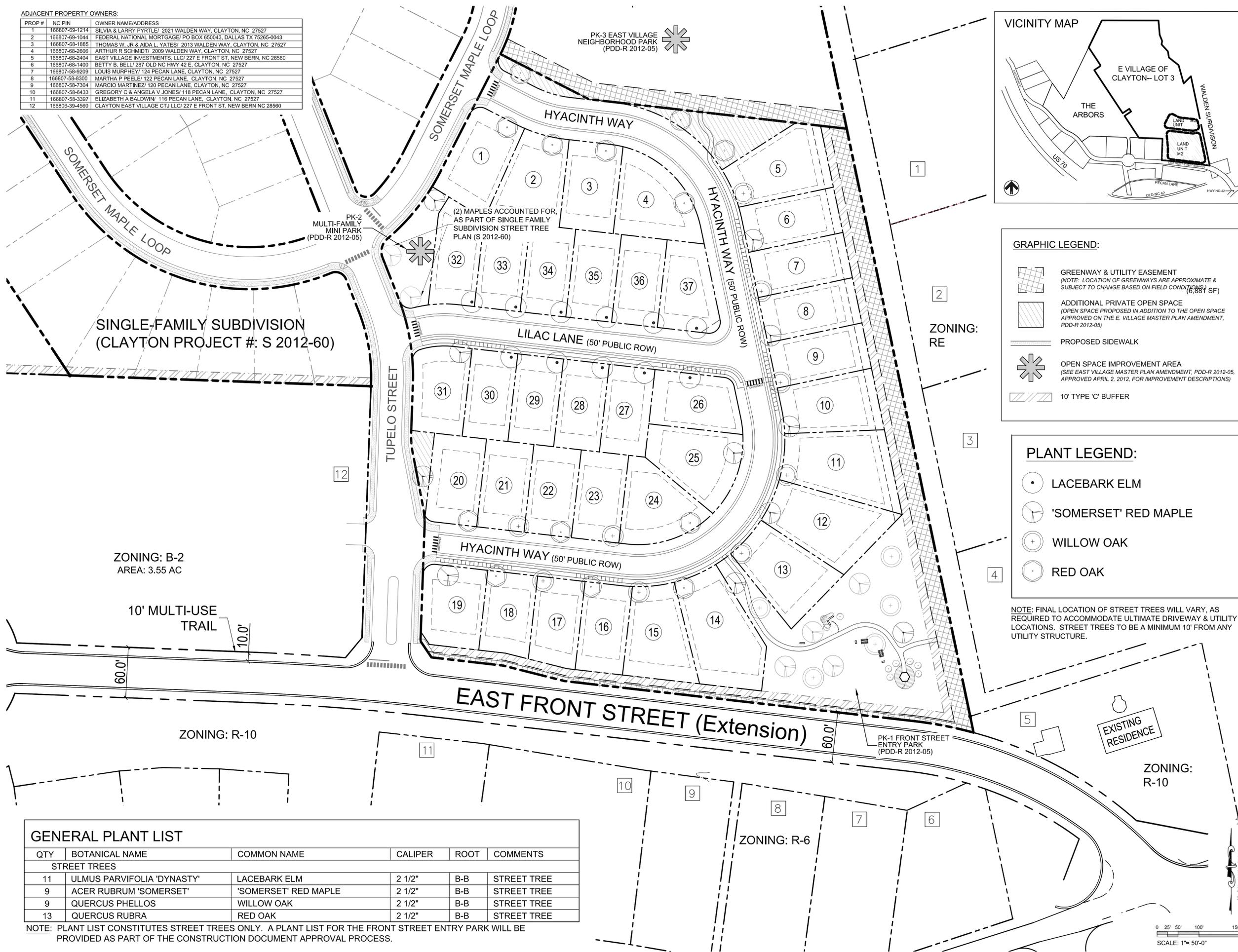
Date Issued 1/10/2013

L-202

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ADJACENT PROPERTY OWNERS:

PROP #	NC PIN	OWNER NAME/ADDRESS
1	166807-69-1214	SILVIA & LARRY PYRTLE/ 2021 WALDEN WAY, CLAYTON, NC 27527
2	166807-69-1044	FEDERAL NATIONAL MORTGAGE/ PO BOX 650043, DALLAS TX 75265-0043
3	166807-69-1885	THOMAS W. JR & AIDA L. YATES/ 2013 WALDEN WAY, CLAYTON, NC 27527
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6	166807-68-1400	BETTY B. BELL/ 287 OLD NC HWY 42 E, CLAYTON, NC 27527
7	166807-68-0209	LOUIS MURPHEY/ 124 PECAN LANE, CLAYTON, NC 27527
8	166807-58-8300	MARTHA P PEELE/ 122 PECAN LANE, CLAYTON, NC 27527
9	166807-58-7304	MARCIO MARTINEZ/ 120 PECAN LANE, CLAYTON, NC 27527
10	166807-58-6433	GREGORY C & ANGELA V JONES/ 118 PECAN LANE, CLAYTON, NC 27527
11	166807-58-3397	ELIZABETH A BALDWIN/ 116 PECAN LANE, CLAYTON, NC 27527
12	166806-39-4560	CLAYTON EAST VILLAGE CTJ LLC/ 227 E FRONT ST, NEW BERN NC 28560



SINGLE-FAMILY SUBDIVISION  
(CLAYTON PROJECT #: S 2012-60)

ZONING: B-2  
AREA: 3.55 AC

10' MULTI-USE  
TRAIL

ZONING: R-10

EAST FRONT STREET (Extension)

ZONING: R-6

ZONING:  
R-10

GENERAL PLANT LIST

QTY	BOTANICAL NAME	COMMON NAME	CALIPER	ROOT	COMMENTS
STREET TREES					
11	ULMUS PARVIFOLIA 'DYNASTY'	LACEBARK ELM	2 1/2"	B-B	STREET TREE
9	ACER RUBRUM 'SOMERSET'	'SOMERSET' RED MAPLE	2 1/2"	B-B	STREET TREE
9	QUERCUS PHELLOS	WILLOW OAK	2 1/2"	B-B	STREET TREE
13	QUERCUS RUBRA	RED OAK	2 1/2"	B-B	STREET TREE

NOTE: PLANT LIST CONSTITUTES STREET TREES ONLY. A PLANT LIST FOR THE FRONT STREET ENTRY PARK WILL BE PROVIDED AS PART OF THE CONSTRUCTION DOCUMENT APPROVAL PROCESS.

0 25' 50' 100' 150'  
SCALE: 1"= 50'-0"

**TOWN OF CLAYTON  
SUBDIVISION APPLICATION  
EVALUATION FORM**

Application Number: SUB 2012-96

The Town Council shall decide the matter of Subdivision Application Number SUB 2012-96 by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

**Finding One of Four:**

Circle One

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

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

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**Finding Two of Four:**

**Circle One**

- A. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area. (Applicant meets the criteria necessary for approval.)
  
- B. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

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

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**Finding Three of Four:**

**Circle One**

- A. **Based on the evidence and testimony presented it is the finding of the Council that the subdivision design, if approved, will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare. (Applicant meets the criteria necessary for approval.)**
  
- B. **Based on the evidence and testimony presented it is the finding of the Council that the subdivision design, if approved, will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)**

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

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**Finding Four of Four:**

**Circle One**

**A. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by the Town Council. (Applicant meets the criteria necessary for approval.)**

**B. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by the Town Council upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)**

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

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

**Motion to Approve:** Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative I move to approve Subdivision Application # \_\_\_\_\_.

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

**Record of Decision:**

Based on a motion and majority vote of the Clayton Town Council Subdivision Application Number SUB 2012-96 is hereby:

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

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

Decision made this \_\_\_\_ day of \_\_\_\_\_, 2012 while in regular session.

\_\_\_\_\_  
Mayor

**ATTEST:**

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

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

Agenda Item: 8b

Meeting Date: 1/23/13

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

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.



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

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TO: Town Council Members, Mayor Jody McLeod

FROM: Bruce Naegelen, Downtown Development Coordinator  
David DeYoung, Planning Director

DATE: January 8, 2013

**SUBJECT: Proposed Use Policies for Town Square & Horne Square Update**

**Background:**

During the January 7, 2013 Council discussion of the proposed policies regarding *Use Policies for Town Square & Horne Square*, concern was expressed regarding language addressing liability insurance, cleanup, signage removal, and security.

The proposed *Use Policies & Procedures for Horne Square and Town Square* were developed to establish general guidelines for the use of these properties. By design, the details of each requested use/special event are captured within the *Special Events Permit Application*.

Special events have been reviewed for the past several years by the Special Events Committee. Planning Department staff and the committee in 2012 developed the *Special Events Application Process and Permit* to streamline the process for event organizers and Town Staff. It has greatly improved communication between Town Departments and event organizers.

The *Special Events Permit Application* is administered by the Planning Department and reviewed by all Town of Clayton department heads and supervisors in a regularly scheduled monthly meeting which is attended by event applicants. A *Special Events Permit* is issued only upon recommendation/approval of the Committee, and the Town Council in the case of road closures, sidewalks and other Town services. All uses of these properties require a *Special Event Permit*.

**Consideration:**

Based on Council discussion, the proposed *Use Policies for Town Square & Horne Square* and the *Special Events Permit Application* have been reviewed by staff:

- **Liability insurance** requirements have been clarified in all documents.
- **Sign removal/clean-up timelines** are addressed under *General Policies & Procedures* in the proposed *Use Policies* as “Upon completion of the event, all banners, signs, decorations and other materials must be completely removed from the premises.” It is also addressed in the *Special Events Permit Application* with Item #11 and again with Item #16 which addresses Temporary Sign permits.

- **Security** is addressed in Item #3 of the *Special Event Permit Application* requiring the applicant to address provisions for security, whether it's the use of off-duty police or volunteers. The Special Events Committee determines the appropriate level of security based on the type and length of the event.

Special events, although similar, often have different needs and schedules. Those needs and schedules are discussed and agreed upon through the application process and meetings between the organizers and Town Staff, with the best interests of the Town always the priority.

**Requested Council Action:**

Staff requests that Council approve the *Use Policies & Procedures for Horne Square and Town Square* which, under *General Policies and Procedures* include:

- Clarification of general liability insurance requirements
- Timeline for sign, banner, decoration and other materials removal

# 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. ~~Children attending events should be supervised at all times due to proximity of busy roads and traffic.~~

***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.
- 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 ~~either~~ ***both*** cases, the Town of Clayton ~~and its employees~~ 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.

**DAMAGE DEPOSIT POLICY**

A discretionary \$250.00 Damage/Cleanup Deposit may be required for any use, refundable after 15 days of event date provided Town 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 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: \_\_\_\_\_

DRAFT

# 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. ~~Children attending events should be supervised at all times due to proximity of busy roads and traffic.~~  
***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 ~~either~~ *both* cases, the Town of Clayton ~~and its employees~~ 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: \_\_\_\_\_

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

Agenda Item: 8c

Meeting Date: 1/23/13

**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.

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

Agenda Item: 8d

Meeting Date: 1/23/13

**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.
1-23-12	Discussion.	N/A.

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

Agenda Item: 8e Meeting Date: 1/23/13

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	<b>TRACKING PURPOSES.</b>	N/A.
12-03-12	<b>TRACKING PURPOSES.</b>	N/A.
1-23-13	<b>TRACKING PURPOSES.</b>	N/A.

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

Agenda Item: 9c

Meeting Date: 1/23/13

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events

- Board of Adjustment Mtg – Wednesday, January 16, 2013 @ 6 PM
- Martin Luther King Jr.'s Birthday Holiday – Monday, January 21, 2013
- Clayton Chamber Installation & Awards Ceremony – Tuesday, January 22, 2013 @ 6 PM at the Clayton Center, 111 East Second Street
- Council Mtg – **WEDNESDAY**, January 23, 2013 @ 6:30 PM
- Library Board Mtg – Thursday, January 24, 2013 @ 2:30 PM; Hocutt-Ellington Library, 100 S Church Street
- Planning Board Mtg – Monday, January 28, 2013 @ 6 PM
- North Carolina Main Street Conference – January 30, 2013 – February 1, 2013 hosted in Salisbury, NC
- 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
- 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 11-15, 2013
- Council Mtg – Monday, March 18, 2013 @ 6:30 PM
- Board of Adjustment Mtg – March 20, 2013 @ 6 PM
- 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
- 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
- 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:  
1-23-13

Action:  
N/A

Info. Provided:  
Calendar of Events

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

**Agenda Item: 9d**

**Meeting Date: 1/23/13**

**TITLE: OTHER STAFF**

**DESCRIPTION: Public Works & Utility Director Tim Simpson – Overview of  
Town street condition survey.**

**Date:**

**Action:**

**Info. Provided:**

**1-23-13**

**Discussion.**