

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**

**JULY 15, 2013**

### **AGENDA**

#### **MAYOR AND TOWN COUNCIL**

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

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

#### **TOWN STAFF**

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

**AGENDA**  
**THE WORK SESSION MEETING OF THE CLAYTON TOWN COUNCIL**

**MONDAY, JULY 15, 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 June 3, 2013, regular meeting; draft minutes from the June 17, 2013, work session meeting; and draft minutes from the June 17, 2013, closed session meeting.
  - b. Resolution ordering preparation of preliminary assessment roll for the John Street Sewer Improvement Project and public notice.
  - c. Warranty acceptance for Riverwood Athletic Club, Phase 2G.
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
  - a. Introduction of new Town of Clayton employee(s).
  - b. Presentation of the Parks and Recreation Comprehensive Plan Update.
5. **ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA**
  - a. Presentation of rezoning request RZ 2013-34 for the property known as the Clayton Spinning Mill; currently zoned O&I and requesting rezoning to B-1.
  - b. Presentation of amendment to the Town’s Comprehensive List of Fees and Charges: Cemeteries.
  - c. Presentation of Memorial and Donation policy.
  - d. Presentation of resolution for acquisition of easements for the Clayton-Raleigh sewer transmissions project [**Council action requested**].
  - e. Presentation of resolution authorizing electronic notice of “piggyback” contract for athletic field lighting [**Council action requested**].
  - f. Presentation of resolution for the Clayton Police Department to submit an application contract for traffic safety funding with the North Carolina Governor’s Highway Safety Program.
  - g. Presentation of resolution directing the clerk to investigate a citizen initiated annexation petition submitted by Harvey Moss of C&H Rentals for property located at 1018 West Stallings Street.

- h. Presentation of warranty acceptance for Spring Branch Medical & Commercial Park, Phase 2.
- 6. ITEMS CONTINGENT FOR THE REGULAR MEETING
- 7. ITEMS FOR DISCUSSION
- 8. OLD BUSINESS
  - a. Text amendment to the Town Code of Ordinance 155.402 Landscaping and Screening and preliminary subdivision SUB 2013-08 for Old Fields Subdivision.
- 9. STAFF REPORTS
  - a. Town Manager
  - b. Town Attorney
  - c. Town Clerk
    - Calendar of Events
  - d. Other Staff
- 10. OTHER BUSINESS
  - a. Informal Discussion & Public Comment.
  - b. Council Comments.
- 11. ADJOURNMENT

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Items slated for the August work session agenda:

- Squealin on the Square request
- Shindig request
- Text amendments to Chapter 155, for the following:
  - Section 400, Access
  - Section 401, Off-Street Parking and Loading
  - Section 403, Signs

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

Agenda Item: 3a

Meeting Date: 7/15/13

**TITLE: DRAFT MINUTES FROM THE JUNE 3, 2013, REGULAR MEETING;  
DRAFT MINUTES FROM THE JUNE 17, 2013, WORK SESSION  
MEETING; AND DRAFT MINUTES FROM THE JUNE 17, 2013,  
CLOSED SESSION MEETING.**

**DESCRIPTION: Minutes.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

7-15-13

Approval.

Draft minutes from the  
6/3/2013 and 6/17/2013  
Council meetings.

\*Draft minutes from the  
6/17/2013 closed session  
Meeting will be hand-  
Delivered.

**MINUTES  
CLAYTON TOWN COUNCIL  
JUNE 03, 2013**

The first regular meeting of the Clayton Town Council for the month of June was held on Monday, June 03, 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 R.S. "Butch" Lawter Jr., Councilman Art Holder, and Councilman Jason Thompson.

**ALSO PRESENT:** Steve Biggs, Town Manager; Katherine Ross, Town Attorney; Sherry Scoggins, Town Clerk; David DeYoung, Planning Director; Tim Simpson, Public Works & Utilities Director; Wayne Bridges, Interim Police Chief; Stacy Beard, Public Information Officer; Tommy Roy, Information Services Technician.

**ITEM 1. CALL TO ORDER**

Mayor McLeod called the meeting to order at 6:37 PM.

The following members of Boy Scout Troop 124 led the Pledge of Allegiance:

Christopher Barber	Jake Linker	Liam Reardon
David Bizzell	Adam Lowder	Jackson Simpson
Britton Clayton	Carter Mann	Ben Thomas
Landon Draper	Grant Mooring	Wade Troutman
Harrison Ennis	Christopher Naum	Mark Wagner
Zack Flack	Carter Neptune	Justin Willis
Ben Hasley	Cole Person	
Mitchell Kallam	Glenn Reardon	

Scoutmaster: Lynne Hollman

Assistant Scoutmasters:

Matt Draper	Ray Holloman
Tom Hasley	Doug Lowder

Mayor McLeod gave the invocation.

**ITEM 2. ADJUSTMENT OF THE AGENDA**

As there was no adjustment of the agenda, it was the consensus of the Council to proceed with the agenda as presented.

### **ITEM 3. ACTION AGENDA**

Councilman Holder motioned to approve the action agenda as presented; Councilman Thompson seconded the motion. The motion carried unanimously at 6:39 PM with the following action agenda items being approved:

- Item 3a. Draft minutes from the May 20, 2013, work session meeting.
- Item 3b. Temporary street closure request for the Clayton Harvest & Music Festival.
- Item 3c. Inter-local agreement for provision of fire service with Johnston County.
- Item 3d. Audit contract with Anderson Smith & Wike PLLC for fiscal year 2012-2013.
- Item 3e. Resolution donating surplus property.
- Item 3f. Request for improvements to emergency access road.

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

- Item 4a. Presentation of proposed sculpture trail by representative of the Public Art Advisory Board.

Ms. Suzette Rodriguez, Chair of the Public Art Advisory Board, presented the following PowerPoint presentation; herewith attached and incorporated into the record.

She provided the following overview of the proposed Downtown Clayton Sculpture Trail:

- Eight public sites and eight sculptures selected
- Downtown sculpture trail recommended by Jody Servon
- Event for everyone to enjoy each year
- Installation of sculptures would begin this month
- Each artist will receive an honorarium of \$1,000 for each art piece on loan to the Town for the year (July 1 – June 30)
- A grand prize winner will be selected and receive \$3,000

Ms. Rodriguez stated at the next Public Art Advisory Board, discussion will be on how to promote the trail.

Mayor Pro Tem Grannis stated he is excited and this is the next step for the Town of Clayton to exhibit public art throughout the Town. He applauds the Public Art Advisory Board and the Council for moving forward on this project.

Councilman Lawter stated he attended the butterfly dedication. He stated he is looking forward to the connection of the Spinning Mill to Front Street and to include this area in the public art trail.

Councilman Holder stated his concern is the protection of the art from vandals.

Mayor McLeod stated some of the pieces are specially coated. He stated he believes the artists are aware of the liabilities.

**Item 4b. Presentation of proposal for the implementation of fitness standards for the Clayton Police Department.**

Interim Police Chief Wayne Bridges presented the following PowerPoint presentation of a proposal for the implementation of fitness standards for the Clayton Police Department; herewith attached and incorporated into the record:

- Purpose is to enhance the level of service to the public
- As the work force in general increases physical level, law enforcement has seen a decrease in its physical activity
- Decreased physical activity makes officers more prone to injuries and illnesses
- Town of Clayton job description scratches the surface of physical activities of the position
- Thirteen serious assaults on Town of Clayton Police officers in the past five years
- North Carolina has a physical fitness standard for graduation from Basic Law Enforcement Training
- Described the physical fitness standard test used by Basic Law Enforcement
- The Basic Law Enforcement physical fitness test must be completed in seven minutes and twenty seconds in order to pass
- This is being used by Garner Police Department with a passing time of fourteen minutes
- This is being used by Cary Police Department with a passing time seven minutes and twenty seconds and it is used to determine suitability for promotions, assignments, and evaluations

Interim Police Chief Bridges stated the proposal is to use the physical fitness standard. He stated it would be administered by a department fitness instructor. He added blood pressure and resting heart rate would be taken before beginning the test. He stated participants are successful if the physical fitness test is completed in nine minutes or less. He stated the initial testing would begin this summer so that officers have a bench mark. He stated the second year physical assessment results will be tied to performance evaluation. He stated for the third year, an unsatisfactory assessment would mean the police officer would not meet expectations on performance evaluation.

Councilman Satterfield commended Interim Police Chief Bridges for this proposal.

Mayor Pro Tem Grannis questioned how this compares to like size municipalities.

Interim Police Chief Bridges stated Garner and Knightdale are the closest municipalities similar in size to Clayton. He stated he has done the physical fitness test in less than seven minutes and twenty seconds.

Councilman Thompson stated he is seeing this trend more within law enforcement officers and fire fighters. He added he sees this as being proactive.

Councilman Holder questioned what is being done to lead employees in this direction.

Interim Police Chief Bridges stated he is seeing more officers training together like a buddy system.

Mayor McLeod stated he sees this is as a bonding opportunity for members of the police department.

## **ITEM 5. PUBLIC HEARINGS**

Item 5a. Public hearing for the proposed FY 2013-2014 budget.

Town Manager Steve Biggs provided the following overview of the FY 2013-2014 proposed budget:

- Tax rate to remain at 52.5 cents per \$100 valuation
- Electric rate will remain stable
- Water rate will remain stable
- In town sewer rate will remain stable
- Out of town sewer rate will reflect seven cents per 1000 increase
- Modest increase in solid waste fees
- Replacing a chiller at the Clayton Center that has been out of service
- Storm drain project for Johnson Drive
- Renovation at Maplewood Cemetery
- Town is in a partnership for the extension of Front Street
- Electric maintenance projects in Rollingwood and Glen Laurel East areas
- Restoration of full-time receptionist position
- Follow up information on the library information will be available end of week
- Comparison of development fees from other jurisdictions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Section 2:** Based upon information presented at the public hearings and based upon the recommendations and detailed information developed by staff and/or the Planning Board contained in the staff report, and considering the criteria of Section 155.703(H) of the Unified Development Code of the Town of Clayton, Text Amendment revisions to Chapter 155 Section 402 of the Unified Development Code are reasonable and in the public interest.

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

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

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

Town Attorney Katherine Ross introduced the evidentiary hearing procedures used for subdivision application SUB 2013-08. She explained that subdivision applications are different in certain respects from the capacity in which the Town Council normally functions. Ms. Ross stated the Town Council normally functions in a legislative capacity; subdivision application hearings are “quasi-judicial,” which means that the Council would act essentially as a court of law. She stated there is a burden that the applicant of the subdivision application must meet the four criteria found in the Unified Development Code (UDC) of the Town Code of Ordinances. She added anyone opposed to the application must put on evidence of a similar kind, showing the findings of fact

have not been met. She stated testimony must be given under oath. She stated all testimony and evidence provided to the Council must be competent and material and substantial. She stated pursuant to the North Carolina General Statutes, competent evidence does not include opinion testimony of lay witnesses on certain matters. She stated hearsay evidence will not be admitted. She stated the Town Council will apply the criteria contained in the Unified Development Code and make its decision based on the evidence and testimony presented at the hearing this evening. Town Attorney Ross stated her role during the hearing is to monitor all evidence and testimony to ensure that it complies with North Carolina law, the Town's Code of Ordinances and procedures and all other applicable requirements.

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

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

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

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

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

Councilman Satterfield questioned where the information for sidewalk is.

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

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

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

Mr. Gilbert stated it depends.

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

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

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

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

Councilman Satterfield questioned if sidewalk is required around the bulb.

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

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

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

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

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

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

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

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

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

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

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

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

Councilman Satterfield questioned status of hearing.

Mayor McLeod stated the Council is in inquiry.

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

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

Councilman Satterfield stated yes.

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

Mr. Gilbert stated affirmative.

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

Councilman Lawter questioned if a cross section was prepared.

Mr. Gilbert stated this particular street is fairly flat.

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

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

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

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

Councilman Lawter stated the applicant can make the decision.

Councilman Satterfield stated the applicant has that option.

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

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

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

Mayor Pro Tem Grannis requested Councilman Satterfield repeat his statement.

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

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

Councilman Satterfield stated the Council has to specify its preference.

Planning Director DeYoung stated affirmative.

**Councilman Lawter motioned:**

Based on the substantial and competent evidence and testimony presented to the Town Council on this matter, the Council finds and concludes that Subdivision Application **SUB 2013-08**, subject to the conditions recommended by the Planning Board and Planning Staff:

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

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

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

Councilman Holder seconded the motion. Motion carried unanimously at 7:54 PM.

**Councilman Holder motioned to approve:**

Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein I move to approve Subdivision Application **SUB 2013-08**.

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

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

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

Mr. Gilbert questioned sidewalk around the bulb.

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

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

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

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

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

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

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

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

Town Manager Biggs stated it can. He added the information can be broken down.

Mayor Pro Tem Grannis stated it would be nice to have this accessible on the website.

Item 6c. East Front Street Extension bid opening tabulation (TIP # U-3605).

Town Manager Steve Biggs stated action is requested on this item. He stated there was a bid opening and the certified low bid is Barnhill Contracting Company in the amount of \$1,552,228.53. He stated the project is being performed with the administration of NCDOT funding. He stated the Town will have to match 20% of the project. He stated the match will be met through a partnership with a developer. He stated the Town received a check for \$324,000. He stated award of bid is recommended this evening based upon having 100% of funding availability. He stated improvement is slated for the section of Front Street between Central and Mill Streets and to fund the multi-use trail to the new section of Front Street.

Mayor Pro Tem Grannis questioned the total amount of match.

Town Manager Biggs stated the total amount of the Town's match is \$324,000.

Councilman Lawter questioned the completion date of the project for the street improvement and opening of East Village Apartments.

Town Manager Biggs stated the NCDOT contract expiration is April 2014. He stated if all the milestones for contracts and notice to proceed are in place, completion would be the end of the calendar year.

Mayor Pro Tem Grannis motioned to approve the bid to Barnhill for the East Front Street extension TIP # U-3605 in the amount of \$1,552,228.53. Motion seconded by Councilman Satterfield. Motion carried unanimously at 8:08 PM.

Item 6d. Resolution authorizing donation of a 1980 forklift declared as surplus.

Councilman Lawter motioned to approve the resolution for donation; Councilman Thompson seconded the motion. Motion carried unanimously at 8:08 PM.

## **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 Clayton Community Park trail has been resurfaced.

**Item 8b. Town Attorney**

Town Attorney Katherine Ross stated no report.

**Item 8c. Town Clerk**

Town Clerk Sherry Scoggins stated the Clayton Visual Arts invited all the Council members to serve as judges in the annual poster contest. She stated forms will be available at the receptionist desk by noon Tuesday, June 4, 2013, and ballots must be cast by 4 PM on Wednesday, June 5, 2013.

Town Clerk Sherry Scoggins stated the Community Shred Event is Thursday, June 6, 2013, from 2:30 PM to 4:30 PM at Town Square.

**Item 8d. Other Staff**

No other staff provided a report.

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

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

Mr. James Lipscomb of Clayton stated there is inconsistency in sidewalk throughout Clayton. He stated Crescent Drive was left bare of sidewalk.

Town Manager Steve Biggs stated there are an extraordinary number of streets within the Town with no sidewalk. He stated an adopted goal of the Council is to make the Town walkable.

Mr. Lipscomb stated his concern is the low density subdivision such as the one proposed by Mr. Blinson.

Councilman Satterfield stated Mr. Blinson's request missed the low density by one lot.

Mayor McLeod stated his family lives in the Hardee Drive and Johnson Street area and they do not want sidewalk. He stated they enjoy walking to Hardee Street and getting on the sidewalk at Horne Street.

Mr. Hubie Tolson of New Bern stated he is the developer of the East Village project. He stated for the past two years, he has been meeting with Clayton staff once every two weeks and working through the challenges. He positively commented on the staff for the proactive approach to development for the Town.

Mayor Pro Tem Grannis stated it is not often the Council receives comments on staff. He expressed appreciation for his comments.

Mr. Scott Hanson stated he is a resident of Hillcrest Drive in Clayton. He shared photos, herewith incorporated into the record. He stated he is having a problem with cats in his yard and on his boat and car. He added he has been in contact with animal control. He stated he is in favor of an ordinance for cats similar to one for dogs.

Item 9b. Council Comments.

Councilman Satterfield stated when entering Community Park on the first left, the pavement is deteriorating.

## **ITEM 10. ADJOURNMENT**

Councilman Satterfield motioned to adjourn; Councilman Holder seconded the motion. Motion carried unanimously at 8:22 PM.

Duly adopted by the Town Council this 15th day of July 2013, while in regular session.

ATTEST:

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Jody L. McLeod  
Mayor

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Sherry L. Scoggins, MMC  
Town Clerk

**MINUTES  
CLAYTON TOWN COUNCIL  
JUNE 17, 2013**

The second regular meeting of the Clayton Town Council for the month of June was held on Monday, June 17, 2013, at 6:30 PM at Town Hall, 111 East Second Street.

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

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

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

**ITEM 1. CALL TO ORDER**

Mayor Pro Tem Michael Grannis called the meeting to order at 6:35 PM. Mayor Pro Tem Grannis gave the invocation.

**ITEM 2. ADJUSTMENT OF THE AGENDA**

The following adjustment of the agenda was requested:

- Table Item 7b
- Table Item 8b
- Amend the closed session to include to consult with the Town Attorney in accordance with NC GS 143-318.11 (a) (3)

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

**ITEM 3. ACTION AGENDA**

Councilman Holder motioned to approve the action agenda as presented; Councilman Lawter seconded the motion. The motion carried 5-0 with the following action agenda items approved at 6:37 PM:

Item 3a. Draft minutes from the May 29, 2013, budget work session meeting.

**ITEM 4. INTRODUCTIONS & SPECIAL PRESENTATIONS**

Item 4a. Introduction of new Town of Clayton employee(s).

No new Town of Clayton employees were introduced.

Item 4b. Presentation of National Night Out Request.

Mr. John McFadden and Ms. Yoneka Trent requested the following for the National Night Out:

- Host event on Tuesday, August 6, 2013, from 5:30 PM to 8:30 PM
- Requesting temporary closure of Fayetteville Street between Main Street and Second Street from 5 PM to 9 PM
- Requesting temporary closure of Town Square parking lot from 3 PM to 9 PM
- In the event of rain, the event will be hosted at the Clayton Community Center

Councilman Lawter motioned to suspend the rules in order to take action during the work session; Councilman Holder seconded the motion. Motion carried 5-0 at 6:40 PM.

Councilman Lawter motioned to approve the request as presented; Councilman Holder seconded the motion. Motion carried 5-0 at 6:40 PM

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

Item 5a. Presentation of the fiscal year 2013-2014 budget ordinance for the Town of Clayton.

Town Manager Steve Biggs stated the fiscal year 2013-2014 budget ordinance has been modified from the original budget proposal:

- \$21,000 was moved from training and travel to Council contingency
- \$60,000 earmarked for a branch library was moved to Council contingency
- Drafting a proposal to extend the hours at the library
- Tax rate remains at 52.5 cents per \$100 valuation
- Seven cents per 1,000 increase for out of town sewer use

Based upon question by Council, Town Manager Biggs stated based upon the proposals by the State it does not appear there will be an impact on the Town the upcoming fiscal year.

Councilman Holder motioned to approve the fiscal year 2013-2014 budget ordinance as presented; Councilman Satterfield seconded the motion. Motion carried 5-0 at 6:43 PM.

Item 5b. Presentation of resolution ordering the collection of Johnston County taxes.

Town Manager Steve Biggs stated consistent with the adopted budget ordinance, Items 5b and 5c are to instruct the respective county tax collector to collect taxes on behalf of the Town.

Councilman Lawter motioned to approve the resolutions for Johnston County and Wake County as presented; Councilman Holder seconded the motion. Motion carried 5-0 at 6:44 PM.

Item 5c. Presentation of resolution ordering the collection of Wake County taxes.

Received under Item 5b.

Item 5d. Presentation of budget ordinance amendments to the fiscal year 2012-2013 budget for the following:

- General Fund
- Water & Sewer Fund
- Electric Fund
- Greenway Development Project
- 2009A GO Bond Recreation Projects
- 2009 A GO Bond Streets Project
- Automatic Rolls CDBG/ED Project
- 2012 GO Bond East Clayton Park Project

Town Manager Steve Biggs stated these budget amendments are necessary for compliance in closing out fiscal year 2012-2013. He requested the following revisions:

- 2009A GO Bonds Streets Project in the amount of \$143,000 relating to change order and addition of \$5,000 additional landscaping allowance for the John Street Sewer Improvement Project for a \$148,000 net impact
- Re-allocation of grant funds for the greenway project
- Accounting clean up the Automatic Rolls

Councilman Butch Lawter motioned to approve the budget ordinance amendments with the revisions noted by the Town Manager and herewith attached to the record. Councilman Jason Thompson seconded the motion. Motion carried 5-0 at 6:47 PM.

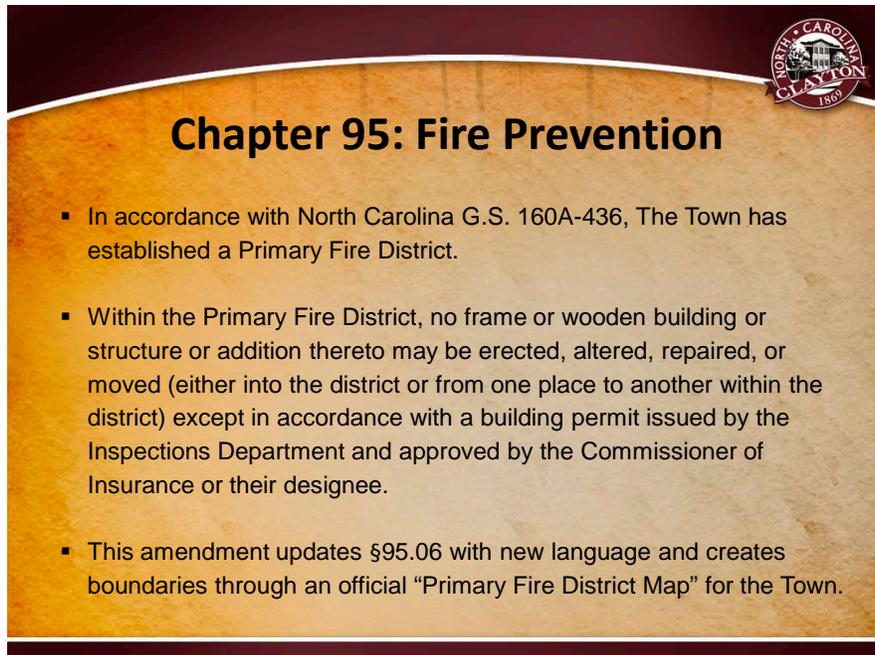
Item 5e. Presentation of capital project budget ordinance for Parks & Recreation Capital Projects.

Town Manager Steve Biggs stated this is a new capital project budget ordinance for potential park land acquisitions. He emphasized the acquisition is pending and would come before the Council for action to purchase.

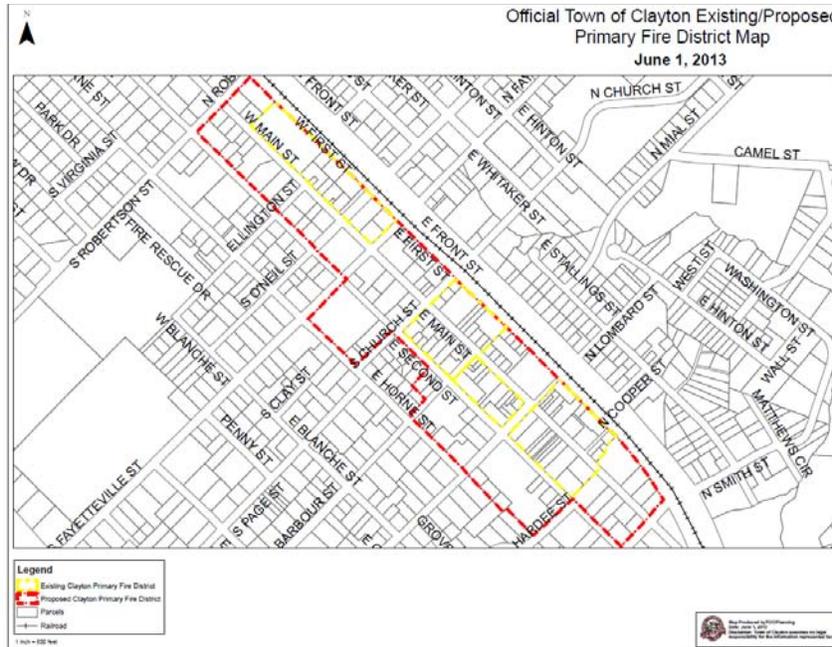
Councilman Bob Satterfield motioned to approve as presented; Councilman Butch Lawter seconded the motion. Motion carried 5-0 at 6:48 PM.

Item 5f. Presentation of proposed text amendment to Chapter 95 of the Town Code of Ordinances.

Planning Director David DeYoung provided the following PowerPoint presentation of proposed text amendment to Chapter 95:



He stated this item was collaboratively reviewed by the Fire Department and the Planning Department. He stated a restaurant request in downtown Clayton prompted the review of the ordinance.



Planning Director DeYoung stated the area outlined in yellow is the current fire district. He stated the recommendation is the area outlined in red. He stated this will allow for the expansion of downtown while protecting businesses in the downtown corridor.



Planning Director DeYoung stated the amended text eliminates the street by street boundary description and adopts the map that would be on file in the Town Clerk's office.

**Discussion DRAFT only, 7/09/2013  
Pending Council Approval.**

Councilman Art Holder motioned to approve the ordinance amendment to Chapter 95 as presented; Councilman Jason Thompson seconded the motion. Motion carried 5-0 at 6:50 PM.

Item 5g. Presentation of resolution ordering preparation of preliminary assessment roll for the John Street Sewer Improvement project.

Town Manager Steve Biggs stated the Town undertook the replacement of a privately owned and operated sewer collection system for the John Street Townhomes with public infrastructure. He stated at the time of the undertaking of the project it was agreed that properties would be assessed for the direct cost of the line replacement. He stated the project is completed and this is the next step in the assessment process.

Town Clerk Sherry Scoggins requested Council place this item on the July 15 consent agenda so it could be noticed for public hearing at the August 5 meeting.

Based upon question by Council, Town Manager Biggs stated all the property owners' voluntarily provided easements.

It was the consensus of the Council to place this item on the July 15, 2013, consent agenda.

Item 5h. Presentation of warranty acceptance for Riverwood Athletic Club, Phase 2G.

It was the consensus of the Council to place this item on the July 15, 2013, consent agenda.

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

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

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

Item 7a. Discussion of lease agreement for equipment at park sites.

Town Manager Steve Biggs distributed additional information; herewith attached to the record. He stated the lowest bid for Clayton Community Park exceeded available funding. He stated a value engineering process was undertaken and the lighting system was removed. He stated this is a proposal to add as a separate item for purchase to install the lighting system. He stated the support material included a proposal from Musco Lighting for both East Clayton Community Park and Legend Park. He stated the proposal from Musco Lighting

is through a cooperative bid and purchase agency so the Town may use the “piggyback” bid in the amount of \$350,000.00, for a 25 year performance contract. He stated included with the proposal are the options to purchase or lease. He stated the two were paired to see if there is a savings; however, the recommendation at this time is to not replace the lighting at Legend Park. He added the lease purchase proposal would enable the vendor to move forward with the lighting system installed and operational by this fall and the first payment would be a year from the project install and in fiscal year budget 2014-2015. He stated the interest rate terms are included and are competitive.

Based upon question by Council, Town Manager Biggs stated he is unsure of the Town using the lease purchase option.

Councilman Satterfield stated he would like a spreadsheet of fund balance.

Town Manager Biggs stated no action is requested this evening and it would be the August meeting before Council action is requested.

Mayor Pro Tem Grannis questioned where this project stands in terms of priority before making a financial decision.

Town Manager Biggs stated the commitment for the purchase of the DuPont property is the first priority. He stated in terms of use of recreation facilities this site would be second. He stated there is significant investment in the two full size playing fields and lighting was intended for those fields.

Mayor Pro Tem Grannis stated he is in agreement with Councilman Satterfield requesting a spreadsheet. He requested the inclusion of the DuPont property in the spreadsheet.

Based upon question by Council, Town Manager Biggs stated the numbers reflect low and high. He stated the lighting standard equals or exceeds what is needed for the use of those fields.

Based upon question by Council, Town Manager Biggs stated the numbers are for two fields – soccer and baseball. He stated he foresees coming back to the Council for in a year or two from now to replace the lighting at Legend Park and implementing a control system at Community Park. He stated at this time, it is the recommendation of staff to acquire the lighting at East Clayton Community for the soccer and baseball fields.

Item 7b. Discussion of resolution authorizing submittal of Rural Center application for building reuse grant for the Historic Spinning Mill Project.

Item 7b was tabled.

**ITEM 8. OLD BUSINESS**

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

Town Manager Steve Biggs stated due to the weather, the delivery of the dumpster was delayed. He stated the intent of the removal of the canopy is for safety and not for aesthetics. He stated in removing the casing, canter lever beams that are original to the building are being requested to remain.

Item 8b. Status of traffic review and sidewalk needs for Champion Street.

Item 8b is for tracking purposes only.

**ITEM 9. STAFF REPORTS**

Item 9a. Town Manager

Town Manager Steve Biggs distributed “Off Budget Equipment Items” as a handout, herewith attached. He stated Councilman Holder requested staff input on equipment needs from a work efficiency standpoint. He provided an overview of the following items:

Department	Item Description	Cost
Parks & Recreation	72 inch cut mower	\$13,000
Public Works	Heavy Duty Trailer	\$21,000
Public Works	UTV	\$17,500
Electric	Thermal Imaging Camera	\$8,000

Based upon question by Council, Electric System Director Dale Medlin stated the thermal imaging camera at the fire department was tested and it is not best suited for the uses by the Electric Department. He stated every two years a consultant comes in to check for “hot spots” and the cost is \$1,800.

Based upon comment by Council, Electric System Director Medlin stated the consultant locates “hot spots” at substations. He stated by having the camera, the hot spots can be detected sooner at substations.

Town Manager Biggs stated there is potential for cost savings.

Based upon comment by Council, Electric System Director Medlin stated there have been times staff wished for a camera to proactively check spots.

Based on comment by Council, Town Manager Biggs stated when hot spots are found, maintenance can be done.

Based upon question by Council, Town Manager Biggs stated the Town has drivers for the heavy duty trailer.

Based upon question by Council, Parks & Recreation Director Bailey stated the 72 inch mower would be a benefit East Clayton Community Park.

Council requested a spreadsheet on what the equipment requests would save the Town.

**Item 9b. Town Attorney**

Town Attorney Katherine Ross stated the North Carolina House of Representatives and Senate have been discussing tax reform.

Mayor Pro Tem Grannis stated he emailed our legislators and he has not received any response.

Town Attorney Ross stated she would be happy to follow up.

**Item 9c. Town Clerk**

Town Clerk Sherry Scoggins stated the Town of Clayton will host its July 4<sup>th</sup> Celebration at Municipal Park, 340 McCullers Drive beginning with family activities at 4 PM and fireworks at 9:15 PM. She stated as is tradition, there will be free watermelon. She asked if any of the Council members would be available to assist with the cutting and serving of the watermelon at this year's celebration at 5 PM.

Town Clerk Sherry Scoggins stated filing for municipal office opens on Friday, July 5, 2013, at 12 noon, at the Johnston County Board of Elections Office, 205 South Second Street Smithfield.

Town Clerk Sherry Scoggins stated there is only one meeting in July – July 15.

**Item 9d. Other Staff**

No other staff presented a report to Council.

**ITEM 10 OTHER BUSINESS**

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

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

**Item 10b. Council Comments.**

Councilman Lawter stated his thanks to electric, fire, police, public works, and everyone else involved in the storm clean up for getting us cleaned up so quickly. He stated there is an advantage to the Town having its own electric department.

Councilman Lawter stated the Council adopted the fiscal year budget based on work leading up to tonight's meeting.

Mayor Pro Tem Grannis stated it is impressive to have things back to normal within three and a half to four hours after the storm.

Mayor Pro Tem Grannis stated he does not know how many hours were spent by the teams in preparing the budget. He stated there was a two and a half hour budget work session and a number of questions that were sent post budget work session that were addressed.

Councilman Lawter stated the Town Attorney made reference to the tax reform. He stated municipalities could lose about \$1.5 million in revenues in the next five years. He stated what is happening in our Raleigh will impact the way Council plans. He stated this Council and prior Council's diligently worked to keep budgets in check for the residents.

Councilman Holder stated he has friends adjacent to the Town of Clayton whose power was off for 48 hours.

Electric System Director Dale Medlin stated the majority of the customers were restored within three hours and the remainder were on within seven hours.

Councilman Thompson stated his appreciation to Public Information Officer Beard for coming in and keeping the public informed.

Mayor Pro Tem Grannis stated what is frustrating as an elected official is the Town of Clayton has worked hard during this down-turned economy. He stated the Town has not cut services to the degree as others. He stated the Town of Clayton maintained a fund balance for emergencies through that time without increasing property taxes. He stated it is frustrating to work diligently and now see what is happening in Raleigh. He stated the Town of Clayton could lose several hundred of thousands of dollars over the next five years. He stated this may result in a reduction of services to some degree or an increase in property taxes. He stated this Council and future Council's will do whatever it takes to minimize the impact to the Town of Clayton. He stated this is frustrating and he believes there is a better way.

Item 10c. Closed session in accordance with NC GS 143-318.11 (a) (6) to discuss performance evaluation of town manager and NC GS 143-318.11 (a) (3) to consult with the Town Attorney.

Councilman Art Holder motioned to go into closed session; Councilman Butch Lawter seconded the motion. Motion carried 5-0 at 7:31 PM.

Councilman Art Holder motioned to return to open session; Councilman Butch Lawter seconded the motion. Motion carried 5-0 at 7:52 PM.

Councilman Butch Lawter motioned to award Town Manager Steve Biggs the maximum cost of living adjustment of 1.5% and a merit increase of 2% for the next fiscal year. Councilman Bob Satterfield seconded the motion. Motion carried 5-0 at 7:53 PM.

**ITEM 11. ADJOURNMENT**

With there being no further business brought before the Council, Councilman Bob Satterfield motioned to adjourn. Councilman Butch Lawter seconded the motion. Motion carried 5-0 at 7:53 PM.

Duly adopted by the Clayton Town Council this \_\_\_\_\_ day of July 2013, while in regular session.

ATTEST:

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

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

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

Agenda Item: 3b

Meeting Date: 7/15/13

**TITLE: RESOLUTION ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL FOR THE JOHN STREET SEWER IMPROVEMENT PROJECT AND PUBLIC NOTICE.**

**DESCRIPTION: If it is the pleasure of the Council to place this item on its July 15, 2013, consent agenda, this item can be noticed for public hearing at the August 5, 2013, Council meeting.**

**Public notice in accordance with NC GS 160A-224.**

**This item is slated for public hearing on Monday, June 4, 2012, at 6:30 PM.**

**Letters were mailed to the 16 property owners on May 16, 2012.**

**Public notice ran in the Clayton News-Star May 20 and May 23.**

**Letters were mailed to the 16 property owners on June 13, 2012, that included an amended draft of the assessment resolution.**

**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.
6-17-13	Presentation.	Resolution.
7-15-13	Adoption & Public Notice.	Resolution.

**TOWN OF CLAYTON  
 RESOLUTION DECLARING COST AND ORDERING  
 PREPARATION OF PRELIMINARY ASSESSMENT ROLL  
 AND SETTING TIME AND PLACE FOR PUBLIC HEARING  
 ON PRELIMINARY ASSESSMENT ROLL  
 FOR JOHN STREET SANITARY SEWER IMPROVEMENT PROJECT**

**WHEREAS**, the sanitary sewer improvement project for the following owners at the following addresses on John Street was authorized to be undertaken as an assessment project by the Town Council on June 18, 2012:

Name	Address	Parcel Number
Tice & Liddon	608 John Street	05007004I
JHJ Properties	610 John Street	05007004J
JHJ Properties	612 John Street	05007004K
Bobby Fuller & Mary Fuller	614 John Street	05007004L
Lori C Holland	700 John Street	05007004M
Victor & Olivia Morales	702 John Street	05007004N
JBS General Partnership	704 John Street	05007004O
Barbara Burns	706 John Street	05007004P
Edward & Yudelka Branagan	708 John Street	05007004A
Nancy A Honeycutt	710 John Street	05007004B
Janice D Batts	712 John Street	05007004C
Marc W Rose	714 John Street	05007004D
Patsy P West	716 John Street	05007004E
Charlene A Tunstall	718 John Street	05007004F
Christopher (Duke) McNichol	720 John Street	05007004G
Michael & Shauna Kane	722 John Street	05007004H

And it has been completed in accordance therewith; and

**WHEREAS**, the total cost of project has been computed; and

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

1. The total cost of the above described project is hereby declared to be **\$11,823**; and
2. The assessment resolution adopted by the Town Council on June 18, 2012 (2012-035) provided the property owners would be assessed 100% of the cost of the material of the sanitary sewer improvement project based on the number of benefitted properties, at a cost of \$4,488.94 for the sanitary sewer improvement project with two percent per annum for

each property owner due and payable on the date when property taxes are due and payable[Monday, January 6, 2014], and one subsequent installment and interest shall be due and payable on the same day of the month in each successive year (not to exceed ten years) until the assessment is paid.

3. The Town Clerk is hereby directed to make available during regular office hours, in her office, the Preliminary Assessment Roll for public inspection from 15th day of July 2013 through the 5th day of August 2013.
4. The Town Council will hold a public hearing at 6:30 PM on the 5th day of August 2013, at the Town Hall for the purpose of hearing all interested persons.
5. The Town Clerk is hereby directed to publish the required notice of the public hearing and, no later than 10 days before the public hearing, to mail by first class mail copies of the notice to the owners of real property listed on the Preliminary Assessment Roll.

Duly adopted the 15th day of July 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: 3c

Meeting Date: 7/15/13

**TITLE: WARRANTY ACCEPTANCE FOR RIVERWOOD ATHLETIC CLUB,  
PHASE 2G.**

**DESCRIPTION: Attached.**

If it is the pleasure of the Council, this item can be placed on the Council's July 15, 2013, consent agenda.

At its June 17, 2013, Council meeting, Council placed this item on the July 15, 2013, consent agenda.

**RELATED GOAL: Administrative.**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
6-17-13	Presentation.	Memorandum.
7-15-13	Approval.	Memorandum.

# TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

"ENVIRONMENT"

ELECTRIC SERVICE  
(919) 553-1530



PUBLIC WORKS  
(919) 553-1530

VEHICLE MAINTENANCE  
(919) 553-1530

WATER RECLAMATION  
(919) 553-1535

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## MEMORANDUM

To: Sherry Scoggins, Town Clerk  
From: Chris Rowland, Construction Inspector  
Copy: Donnie Adams, DC Adams Engineering  
Dave DeYoung, Planning Director  
Date: May 20, 2013  
Subject: Riverwood AC, Phase 2G

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

**received**  
5-29-2013 MS

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

Agenda Item: 4a

Meeting Date: 7/15/13

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

DESCRIPTION: Introduction(s).

RELATED GOAL: Administrative

**ITEM SUMMARY:**

Date:

Action:

Info. Provided:

7-15-13

Introduction(s).

N/A.

TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET

Agenda Item: 4b

Meeting Date: 7/15/13

**TITLE: PRESENTATION OF THE PARKS & RECREATION COMPREHENSIVE PLAN UPDATE.**

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

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

**RELATED GOAL:** Expand Leisure Opportunities.

**ITEM SUMMARY:**

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

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

Agenda Item: 5a

Meeting Date: 7/15/13

**TITLE: PRESENTATION OF REZONING REQUEST RZ 2013-34 FOR THE PROPERTY KNOWN AS THE CLAYTON SPINNING MILL; CURRENTLY ZONED O&I AND REQUESTING REZONING TO B-1.**

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

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

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

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

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

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-15-13	Presentation.	Application, Neighborhood Meeting information, Staff Report, & Aerial Map.



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

## REZONING APPLICATION

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

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

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

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

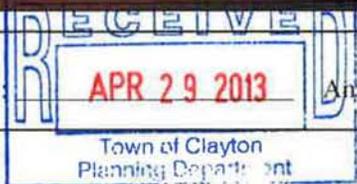
### SITE INFORMATION:

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

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

### FOR OFFICE USE ONLY

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

Name: HCY, LLC

Mailing Address: 132 Citation Lane, Smithfield, NC 27577

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

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

**APPLICANT INFORMATION:**

Applicant: Michael Hubbard, Member

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

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

Contact Person: Michael Hubbard

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

**REQUIRED PLANS AND SUPPLEMENTAL INFORMATION**

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

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

**JUSTIFICATION STATEMENT**

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## APPROVAL CRITERIA

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

1. Consistency with the adopted plans of the Town.

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

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

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

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

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

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

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

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

There are no apparent legal conflicts with changing zoning.

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

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

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

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

**APPLICANT AFFIDAVIT**

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

Michael Hubbard  
Print Name

  
Signature of Applicant

4/23/13  
Date



HCY, LLC  
132 CITATION LANE  
SMITHFIELD, NC 27577

April 17, 2013

Dear Clayton Area Property Owner:

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

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

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

Time: 6:00pm

Type of Application: Rezoning

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

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

Sincerely,

Michael Hubbard

cc: Clayton Planning Dept.



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

# OWNER'S CONSENT FORM

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

## OWNERS AUTHORIZATION

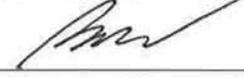
I hereby give CONSENT to Michael Hubbard (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated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

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

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

## CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

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

## FOR OFFICE USE ONLY

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

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

(For Recording Data)

---

Rev. \$ 2600.00

Tax Account No.

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

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

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

---

#### NORTH CAROLINA GENERAL WARRANTY DEED

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF North Carolina  
COUNTY OF Wake

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

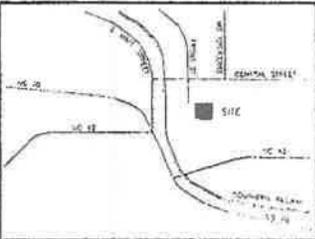
Date: April 9, 2007

[Signature]  
Official Signature of Notary

Marilyn S Rhodes.  
Insert name of Notary, printed or typed

My Commission Expires: 12-9-11





VICINITY MAP (NOT TO SCALE)

NUMBER	BEARING	DISTANCE
L1	S17°21'11"W	5.00
L2	S17°21'11"W	4.00
L3	N42°53'18"E	201.51
L4	N48°08'12"E	35.00
L5	S40°08'12"E	35.00
L6	S16°08'52"E	85.00
L7	S16°08'52"E	20.00
L8	N21°55'51"W	30.00
L9	S61°00'54"E	55.41
L10	N48°22'08"E	173.88
L11	S49°15'23"E	29.26
L12	S12°02'37"W	20.00
L13	S22°59'36"E	9.99
L14	N22°22'00"W	99.19
L15	N20°38'37"W	47.71
L16	N69°03'23"E	25.84
L17	N20°58'37"W	119.21
L18	S68°24'17"E	103.23
L19	N21°15'13"W	71.46
L20	N60°24'17"E	43.89
L21	N20°58'37"W	20.00
L22	N21°50'31"W	20.00
L23	N53°12'10"E	6.29
L24	N69°10'57"E	25.11
L25	N48°21'13"W	42.52
L26	S48°21'13"W	29.26
L27	N21°15'25"E	20.00
L28	S48°12'50"W	76.18
L29	N21°10'31"W	22.11
L30	N13°17'43"W	30.10
L31	N21°15'25"E	20.00
L32	N21°15'25"E	22.20
L33	N48°12'43"E	22.74
L34	N21°15'25"E	22.74
L35	N21°15'25"E	22.74
L36	N21°15'25"E	22.74
L37	N21°15'25"E	22.74
L38	N21°15'25"E	22.74
L39	N21°15'25"E	22.74
L40	N21°15'25"E	22.74
L41	N21°15'25"E	22.74
L42	N21°15'25"E	22.74
L43	N21°15'25"E	22.74
L44	N21°15'25"E	22.74
L45	N21°15'25"E	22.74
L46	N21°15'25"E	22.74
L47	N21°15'25"E	22.74
L48	N21°15'25"E	22.74
L49	N21°15'25"E	22.74
L50	N21°15'25"E	22.74
L51	N21°15'25"E	22.74

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

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

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

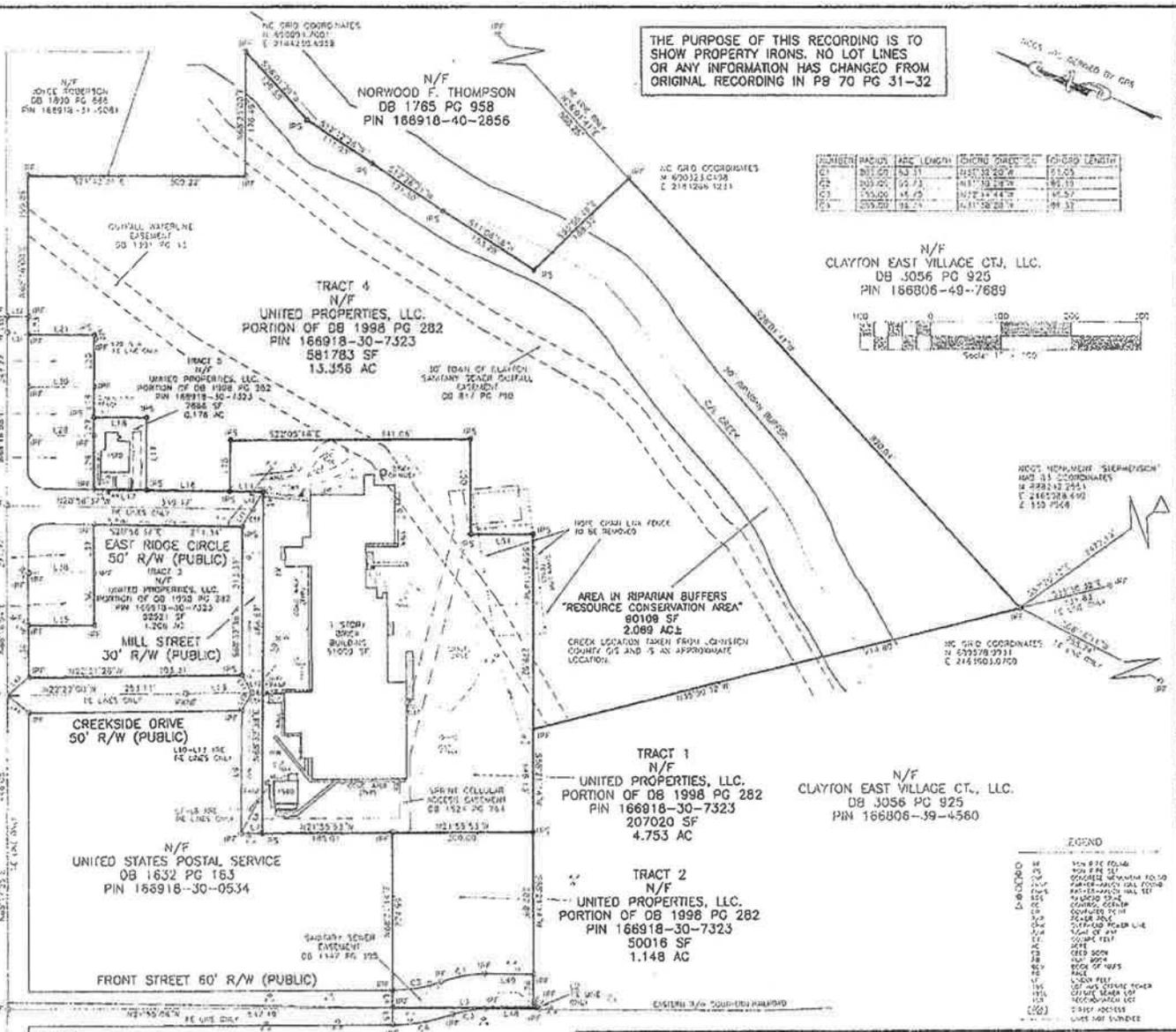
N/F  
ANGELINA A. JOHNSON  
DB 1573 PG 118  
PIN 166918-10-5811

N/F  
JILYN WOODS  
DB 2094 PG 423  
PIN 166918-10-1199

N/F  
UNITED PROPERTIES, LLC  
DB 1801 PG 282  
PIN 166918-10-1273

N/F  
CORLEO W.  
DB 1311 PG 072  
PIN 166918-10-1087

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



THE PURPOSE OF THIS RECORDING IS TO SHOW PROPERTY LINES, NO LOT LINES OR ANY INFORMATION HAS CHANGED FROM ORIGINAL RECORDING IN PG 70 PG 31-32

NUMBER	BEARING	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	S81°20'12"E	11.11	N11°33'52"W	11.03
C2	S23°20'12"E	11.11	N11°33'52"W	11.03
C3	S55°20'12"E	11.11	N11°33'52"W	11.03
C4	S87°20'12"E	11.11	N11°33'52"W	11.03

N/F  
**CLAYTON EAST VILLAGE CTJ, LLC.**  
DB 3056 PG 925  
PIN 166806-49-7689



STATE OF NORTH CAROLINA, JOHNSTON COUNTY  
THIS INSTRUMENT WAS PRESENTED FOR RECORDATION ON 03/05/2007 BY Janet P. Sullivan, REGISTERED PROFESSIONAL SURVEYOR, PIN 166918-10-1199.  
CRACK CURVE BY Janet P. Sullivan, REGISTERED PROFESSIONAL SURVEYOR, PIN 166918-10-1199.  
RECORDED IN PG 70 PG 44

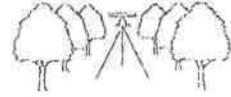
STATE OF NORTH CAROLINA, JOHNSTON COUNTY  
I, Janet P. Sullivan, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY PERSONAL SUPERVISION AND THAT THE BOUNDARIES AND DISTANCES ARE CLEARLY INDICATED AS SHOWN ON THE INSTRUMENT RECORDED IN BOOK 44, PAGE 44, THAT THE RATIO OF REDUCTION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 17-20 AS AMENDED BY MY ORIGINAL SURVEYING REGISTRATION NUMBER AND SERIAL NUMBER 166918-10-1199.



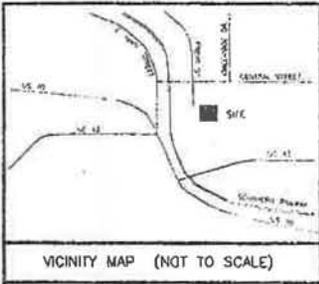
**UNITED PROPERTIES, LLC.**  
CLAYTON TOWNSHIP, JOHNSTON COUNTY  
NORTH CAROLINA  
MARCH 5, 2007 SHEET 2 OF 2

SURVEYED BY	JASCH
DRAWN BY	MAE
CHECKED BY	CURK
GRAPHIC REVIEW	SHED DWG
SURVEY DATE	1-5-07
JOB NO.	214-001

**TRUE LINE SURVEYING, P.C.**



205 WEST MAIN STREET  
CLAYTON, N.C. 27520  
TELEPHONE: (919) 359-0427  
FAX: (919) 359-0428  
www.truelinesurveying.com



SITE DATA	
TOTAL AREA IN TRACTS	022027 SF 20619 AC
AREA IN RESOURCE CONSV. AREA	20109 SF 2049 AC
ZONING	O-1
NUMBER OF LOTS EXISTING/PROPOSED	1/5
MINIMUM LOT SIZE	4,120 AC
MINIMUM LOT SIZE	0.176 AC
OPEN SPACE PROVIDED	N/A
PROPERTY IS LOCATED WITHIN THE TOWN LIMITS OF CLAYTON	

- NOTES
- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
  - 2) AREAS COMPUTED BY COORDINATE METHOD
  - 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD
  - 4) NO 5 REBAR HIGH STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
  - 5) DTD BY GPS
  - 6) ZONING: O-1
  - 7) PARENT TRACT DEED CD 2016 PG 510
  - 8) NC P&M NO. 164918-10-7123
  - 9) PARCEL NO. 050210097

REFERENCES

20 2016 PG 510	PD 67 PG 128-129
03 1970 PG 646	PB 55 PG 104
03 1765 PG 258	
09 1078 PG 255	
08 1038 PG 252	
09 1612 PG 163	
08 1038 PG 250	
08 1510 PG 031	
02 1573 PG 418	
03 2045 PG 621	
08 1907 PG 292	

UNRECORDED MAP BY LEWIS, BRIDGEMAN & ASSOC. DATED AUGUST 13, 1998, FILED JOHNSON COUNTY SURVEY FOR UNITED STATES POST OFFICE, JOB NO. 242.001

UNRECORDED MAP BY TITLE LINE SURVEYING, P.C. DATED JANUARY 23, 2000, FILED JOHNSON COUNTY SURVEY FOR UNITED PROPERTIES, LLC AND SAC INVESTMENTS, LLC, JOB NO. 244.001

UNRECORDED MAP BY RICE & ASSOC. DATED JUNE 31, 1998, FILED CLAYTON COURSE CENTER, TRACT 2

PROPERTY SHOWN HEREON IS NOT LOCATED IN A FEMA DESIGNATED FLOOD ZONE. FEMA FLOOD HAZARD PANEL NO. 322016A000 J. EFFECTIVE DATE, DECEMBER 2, 2005

- THIS SURVEY:
- 1) CREATES A SURVEY OF LAND WITH THE FOLLOWING:
    - a) IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
    - b) IS OF AN EXISTING HOLDING OR OTHER INTEREST, OR PARTIAL INTEREST, SUCH AS A SHAREHOLDERS' INTEREST.
  - 2) IS ONE OF THE FOLLOWING:
    - a) IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
    - b) IS OF AN EXISTING HOLDING OR OTHER INTEREST, OR PARTIAL INTEREST, SUCH AS A SHAREHOLDERS' INTEREST.
  - 3) IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
  - 4) IS OF AN EXISTING HOLDING OR OTHER INTEREST, OR PARTIAL INTEREST, SUCH AS A SHAREHOLDERS' INTEREST.
  - 5) KNOWS THE INFORMATION AND IS WILLING TO MAKE A REPRESENTATION OF THE TRACT(S) THROUGH IT.

3-6-07  
DATE SURVEYOR

SURVEYOR'S DISCLAIMER: NO ATTEMPT WAS MADE TO LOCATE ANY COBERNERS, NEILANDS, HAZARDOUS MATERIAL SITES, UNDERGROUND UTILITIES OR ANY OTHER FEATURES ABOVE OR BELOW GROUND OTHER THAN THOSE SHOWN.

8-6-07  
DATE SURVEYOR

STATE OF NORTH CAROLINA, JOHNSON COUNTY  
I, LEWIS BRIDGEMAN, DO HEREBY CERTIFY THAT THIS PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE DESCRIPTION RECORDED IN BOOK NO. 1765, PAGE 258, ETC.) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS CHAIN END OR INFORMATION FOUND IN BOOK NO. 1765, PAGE 258, THAT THE RATIO OF PRECISION AS CALCULATED IS 1 TO 0.0001. THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH G.S. 47-29 AS AMENDED, WITH MY ORIGINAL TRIANGULAR MEASUREMENT NUMBER AND SEAL THIS 6 DAY OF March, A.D. 2007.

LEWIS BRIDGEMAN  
SURVEYOR  
L-3390  
LICENSE NUMBER

REVIEW OFFICER'S CERTIFICATE  
I, DAVID J. WILSON, REVIEW OFFICER OF JOHNSON COUNTY, CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

STATE OF NORTH CAROLINA, JOHNSON COUNTY  
THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDING THIS 6 DAY OF March, 20 07, AT 12:00:00 PM.

CRANK SCALE BY Sandra P. Sullivan  
REGISTER OF DEEDS  
RECORDED IN PB 70 PG. 43

UNITED PROPERTIES, LLC  
703 CHICKLE ROAD  
CLAYTON, NC 27803

- LEGEND
- ① 1/4" NON-FEE FOUND
  - ② 1/4" NON-FEE SET
  - ③ 1/4" CURVED METAL RING FOUND
  - ④ 1/4" WIRE-MESH RING FOUND
  - ⑤ 1/4" WIRE-MESH RING SET
  - ⑥ 1/4" WIRE-MESH RING FOUND
  - ⑦ 1/4" WIRE-MESH RING SET
  - ⑧ 1/4" WIRE-MESH RING FOUND
  - ⑨ 1/4" WIRE-MESH RING SET
  - ⑩ 1/4" WIRE-MESH RING FOUND
  - ⑪ 1/4" WIRE-MESH RING SET
  - ⑫ 1/4" WIRE-MESH RING FOUND
  - ⑬ 1/4" WIRE-MESH RING SET
  - ⑭ 1/4" WIRE-MESH RING FOUND
  - ⑮ 1/4" WIRE-MESH RING SET
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  - ㊼ 1/4" WIRE-MESH RING SET
  - ㊽ 1/4" WIRE-MESH RING FOUND
  - ㊾ 1/4" WIRE-MESH RING SET
  - ㊿ 1/4" WIRE-MESH RING FOUND

THE PURPOSE OF THIS RECORDING IS TO SHOW PROPERTY IRONS, NO LOT LINES OR ANY INFORMATION HAS CHANGED FROM ORIGINAL RECORDING IN PB 70 PG 31-32

NOTE: RIGHT-OF-WAY DEDICATION ALONG FRONT STREET, AS REQUESTED BY THE TOWN OF CLAYTON, SHALL BE CONSIDERED AS A CONDITION OF APPROVAL OF ANY SITE PLAN OR DEVELOPMENT ON TRACTS 1 AND 2. CONSTRUCTION OF A 1/2 OF A 1" BACK TO DICK, REQUESTED BY THE TOWN OF CLAYTON, SHALL BE CONSIDERED AS A CONDITION OF APPROVAL OF ANY SITE PLAN OR DEVELOPMENT ON TRACT 2. THE ADJUSTMENT OF MAIN STREET AND DEDICATED AS A PRIVATE EASEMENT, AS REQUESTED BY THE TOWN OF CLAYTON, SHALL BE ACCOMPANIED WITH THE DEVELOPMENT AND/OR SITE PLAN FOR TRACT 1.

UNITED PROPERTIES, LLC.  
CLAYTON TOWNSHIP, JOHNSON COUNTY  
NORTH CAROLINA  
MARCH 5, 2007  
SHEET 1 OF 2

SUBMITTED BY	AMSON
OWNED BY	USBC
CHECKED BY	CURK
DRAWING NAME	SUBD CHG
SUBMIT DATE	1-5-07
JOB NO.	244.001

TRUE LINE SURVEYING, P.C.

205 WEST MAIN STREET  
CLAYTON, N.C. 27520  
TELEPHONE: (919) 359-0427  
FAX: (919) 359-0428  
www.truelinesurveying.com



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

- 1) 4.81 acres



HCY, LLC  
132 CITATION LANE  
SMITHFIELD, NC 27577

April 17, 2013

Dear Clayton Area Property Owner:

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

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

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

Time: 6:00pm

Type of Application: Rezoning

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

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

Sincerely,

Michael Hubbard

cc: Clayton Planning Dept.

Project: Clayton Spinning Mill

Minutes from May 8, 2013 Meeting:

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

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

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

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

Minutes Signed:



Michael Hubbard

# NEIGHBORHOOD MEETING ATTENDANCE ROSTER

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

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

	NAME	ADDRESS
1	Steve Yauch	132 CITATION LANE SMITHFIELD NC 27577-0000
2	Michael Hubbard	132 CITATION LANE SMITHFIELD NC 27577-0000
3	Amanda James	Clayton News Star
4		
5		
6		
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9		
10		
11		
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16		
17		
18		
19		
20		



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

*Town Council*

## STAFF REPORT

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

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

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

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

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

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### SITE DATA:

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

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### ADJACENT ZONING AND LAND USES:

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

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

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

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

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**STAFF ANALYSIS AND COMMENTARY:**

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

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

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



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

➤ **Consistency with the Strategic Growth Plan**

The proposed rezoning is consistent with the following Objectives of the Strategic Growth Plan:

- Objective 1: Create an Alive Downtown
- Objective 1.4: More Investment Dollars in Downtown by Private Sector



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

➤ **Consistency with Downtown Master Plan**

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

➤ **Consistency with the Unified Development Code**

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

➤ **Compatibility with Surrounding Land Uses**

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

➤ **Fire Protection**

The Town of Clayton Fire Department will provide fire protection.

➤ **Access/Streets:**

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

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

None.

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**CONSIDERATIONS:**

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

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**STAFF RECOMMENDATION:**

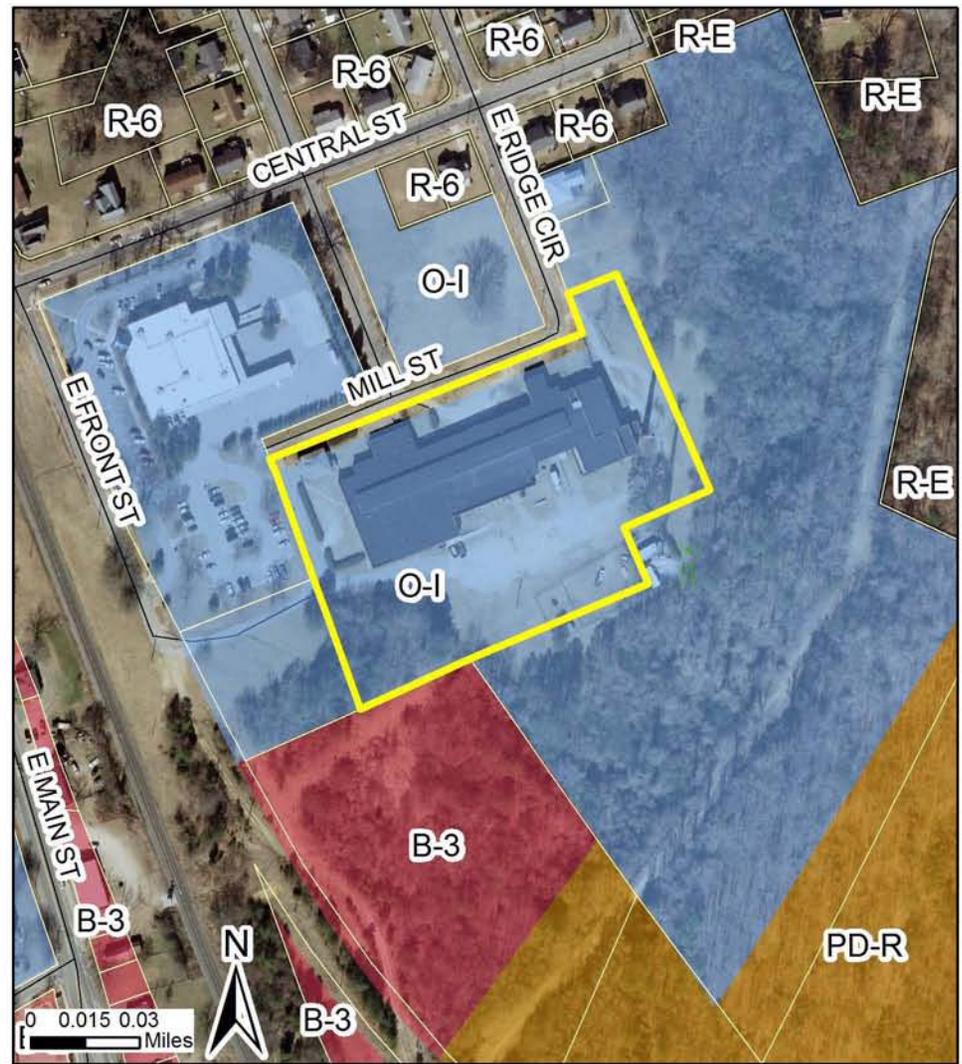
Staff is recommending approval of the rezoning.

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**PLANNING BOARD RECOMMENDATION:**

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

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



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

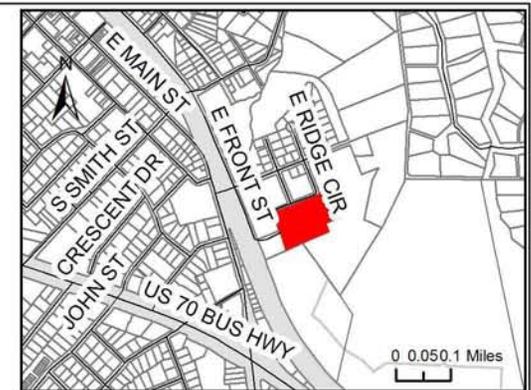
Applicant: Michael Hubbard  
 Property Owner: HCY, LLC  
 Parcel ID Number: 166918-30-5328  
 File Number: RZ 2013-32

Produced by: TOC Planning

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



6/14/13



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

Agenda Item: 5b

Meeting Date: 7/15/13

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

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

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

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

**ITEM SUMMARY:**

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

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

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

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

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

Duly adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2013, while in regular session.

ATTEST

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

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

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

Agenda Item: 5c

Meeting Date: 7/15/13

**TITLE: PRESENTATION OF MEMORIAL AND DONATION POLICY.**

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

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

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-15-13	Presentation.	Policy.

# MEMORIAL AND DONATION POLICY

Town of Clayton

P.O Box 879  
Clayton, NC 27520

Phone: (919) 553-5002

Fax: (919) 553-1720



# TOWN OF CLAYTON

## Memorial and Donation Policy

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

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

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

### **STANDARDS FOR NEW DONATIONS**

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

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

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

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

**Cost:** The Town has an interest ensuring that the donor covers the full-cost of the purchase, installation, and maintenance during the expected life cycle of any donated elements. The Town also has an interest in ensuring that on-going maintenance costs do not negatively impact the resources available for maintenance of other Town facilities. Consequently, the Town will assess, at the time of purchase, a charge sufficient to cover anticipated on-going maintenance of donated elements during their life expectancy.

## **PROCEDURE FOR MAKING A DONATION**

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

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

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

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

## **CRITERIA FOR ACCEPTANCE**

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

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

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

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

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

Acknowledgements/memorials are limited to a maximum of three lines, and donors may choose

from the following three acknowledgement/memorial options: “Donated by \_\_\_\_\_,” In memory of \_\_\_\_\_,” or “Dedicated to \_\_\_\_\_.”

Memorial plaques will **not** be installed for tree donations.

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

### **TREES**

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

### **MONUMENTS**

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

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

### **OTHER DONATIONS**

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

### **CONDITIONS**

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

**Removal and/or Relocation:** The Town reserves the right to remove and/or relocate donated elements and their associated donation acknowledgments/memorial plaques, when they interfere with site safety, maintenance, construction activities or vandalism. In accordance with previously stated procedure in this policy, the Town will attempt to send a certified letter to each identifiable donor notifying the donor of any action related to the disposition of the donation. In certain circumstances, such as safety or emergency situations, the notification may be made after the action is taken. In the event a donation must be permanently removed, the Town will seek an alternative location consistent with this policy. The Town is not responsible for the

replacement or repair of any donated elements damaged or destroyed by vandalism or natural occurrences.

### **MAINTENANCE AND REPAIR**

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



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

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

(TO BE COMPLETED BY APPLICANT, PLEASE PRINT LEGIBLY)

**APPLICANT INFORMATION:**

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

**DONATION INFORMATION:**

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

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

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

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

(TO BE COMPLETED BY TOWN STAFF)

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

Agenda Item: 5d

Meeting Date: 7/15/13

**TITLE: PRESENTATION OF RESOLUTION FOR ACQUISITION OF EASEMENTS FOR THE CLAYTON-RALEIGH SEWER TRANSMISSION PROJECT [COUNCIL ACTION IS REQUESTED].**

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

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

**RELATED GOAL:** Legislative.

**ITEM SUMMARY:**

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

TOWN OF CLAYTON  
RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY  
OF DAVID W. HASH AND LINDA B. HASH

WHEREAS, the Town Council of the Town of Clayton hereby determines that it is necessary and in the public interest to acquire certain property to build publically owned sewer facilities.

WHEREAS, the proper officials or representatives of the Town of Clayton have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Clayton that:

1. The Town of Clayton shall acquire by condemnation, for establishing, extending and improving sewer lines and systems, a perpetual, exclusive utility and pipeline easement, together with a perpetual right of ingress and egress over such easement, and a temporary construction easement on the property owned by David W. Hash and Linda B. Hash, being all or a part of that tract of land located in St. Mary's Township, Wake County, North Carolina, as more particularly described in that Deed recorded in Book 5323, Page 117, Wake County Registry.

2. The easement will be used to construct, install, operate, maintain, repair, reconstruct, replace, and/or remove such facilities, fixtures, equipment, markers, and appurtenances as may be necessary or desirable for sanitary sewer and utility purposes (collectively, the "Facilities"); and (b) to cut and/or clear any or all vegetation and debris from the Easement and to change permanently the grade and drainage of the land in such easement areas.

3. The attorneys representing the Town of Clayton are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Duly adopted this the \_\_ day of July, 2013, while in regular session.

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Jody L. McLeod  
Mayor

ATTEST:

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Sherry L. Scoggins  
Town Clerk

TOWN OF CLAYTON  
RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY  
OF THE ESTATE OR HEIRS OF LARRY W. WISE, SR.

WHEREAS, the Town Council of the Town of Clayton hereby determines that it is necessary and in the public interest to acquire certain property to build publically owned sewer facilities.

WHEREAS, the proper officials or representatives of the Town of Clayton have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Clayton that:

1. The Town of Clayton shall acquire by condemnation, for establishing, extending and improving sewer lines and systems, a perpetual, exclusive utility and pipeline easement, together with a perpetual right of ingress and egress over such easement, and a temporary construction easement on the property owned by the Estate or Heirs of Larry W. Wise, Sr., being all or a part of that tract of land located in Clayton Township, Johnston County, North Carolina, as more particularly described in that Deed recorded in Book 2861, Page 41, Johnston County Registry, and shown as Lot 4 in the plat recorded in Plat Book 51, Page 343, Johnston County Registry.

2. The easement will be used to construct, install, operate, maintain, repair, reconstruct, replace, and/or remove such facilities, fixtures, equipment, markers, and appurtenances as may be necessary or desirable for sanitary sewer and utility purposes (collectively, the "Facilities"); and (b) to cut and/or clear any or all vegetation and debris from the Easement and to change permanently the grade and drainage of the land in such easement areas.

3. The attorneys representing the Town of Clayton are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Duly adopted this the \_\_ day of July, 2013, while in regular session.

---

Jody L. McLeod  
Mayor

ATTEST:

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Sherry L. Scoggins  
Town Clerk

TOWN OF CLAYTON  
RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY  
OF JOSEPH P. ORAVSKY AND BONNIE S. ORAVSKY

WHEREAS, the Town Council of the Town of Clayton hereby determines that it is necessary and in the public interest to acquire certain property to build publically owned sewer facilities.

WHEREAS, the proper officials or representatives of the Town of Clayton have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Clayton that:

1. The Town of Clayton shall acquire by condemnation, for establishing, extending and improving sewer lines and systems, a perpetual, exclusive utility and pipeline easement, together with a perpetual right of ingress and egress over such easement, and a temporary construction easement on the property owned by Joseph P. Oravsky and Bonnie S. Oravsky, being all or a part of that tract of land located in Clayton Township, Johnston County, North Carolina, as more particularly described in that Deed recorded in Book 1691, Page 33, Johnston County Registry, and shown as Lot 25 in the plat recorded in Plat Book 50, Page 281, Johnston County Registry.

2. The easement will be used to construct, install, operate, maintain, repair, reconstruct, replace, and/or remove such facilities, fixtures, equipment, markers, and appurtenances as may be necessary or desirable for sanitary sewer and utility purposes (collectively, the "Facilities"); and (b) to cut and/or clear any or all vegetation and debris from the Easement and to change permanently the grade and drainage of the land in such easement areas.

3. The attorneys representing the Town of Clayton are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Duly adopted this the \_\_ day of July, 2013, while in regular session.

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

ATTEST:

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

TOWN OF CLAYTON  
RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY  
OF THOMAS DEES BROWN AND AMY B. BROWN

WHEREAS, the Town Council of the Town of Clayton hereby determines that it is necessary and in the public interest to acquire certain property to build publically owned sewer facilities.

WHEREAS, the proper officials or representatives of the Town of Clayton have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Clayton that:

1. The Town of Clayton shall acquire by condemnation, for establishing, extending and improving sewer lines and systems, a perpetual, exclusive utility and pipeline easement, together with a perpetual right of ingress and egress over such easement, and a temporary construction easement on the property owned by Thomas Dees Brown and Amy B. Brown, being all or a part of that tract of land located in Clayton Township, Johnston County, North Carolina, as more particularly described in that Deed recorded in Book 1739, Page 568, Johnston County Registry, and shown as Lot 20 in the plat recorded in Plat Book 50, Pages 280 and 281, Johnston County Registry.

2. The easement will be used to construct, install, operate, maintain, repair, reconstruct, replace, and/or remove such facilities, fixtures, equipment, markers, and appurtenances as may be necessary or desirable for sanitary sewer and utility purposes (collectively, the "Facilities"); and (b) to cut and/or clear any or all vegetation and debris from the Easement and to change permanently the grade and drainage of the land in such easement areas.

3. The attorneys representing the Town of Clayton are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Duly adopted this the \_\_ day of July, 2013, while in regular session.

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

ATTEST:

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

TOWN OF CLAYTON  
RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY  
OF SHAUN AND KIMBERLY MILLER

WHEREAS, the Town Council of the Town of Clayton hereby determines that it is necessary and in the public interest to acquire certain property to build publically owned sewer facilities.

WHEREAS, the proper officials or representatives of the Town of Clayton have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Clayton that:

1. The Town of Clayton shall acquire by condemnation, for establishing, extending and improving sewer lines and systems, a perpetual, exclusive utility and pipeline easement, together with a perpetual right of ingress and egress over such easement, and a temporary construction easement on the property owned by Shaun and Kimberly Miller, being all or a part of that tract of land located in Clayton Township, Johnston County, North Carolina, as more particularly described in that Deed recorded in Book 3536, Page 722, Johnston County Registry, and shown as Lot 16 in the plat recorded in Plat Book 50, Page 280, Johnston County Register of Deeds.

2. The easement will be used to construct, install, operate, maintain, repair, reconstruct, replace, and/or remove such facilities, fixtures, equipment, markers, and appurtenances as may be necessary or desirable for sanitary sewer and utility purposes (collectively, the "Facilities"); and (b) to cut and/or clear any or all vegetation and debris from the Easement and to change permanently the grade and drainage of the land in such easement areas.

3. The attorneys representing the Town of Clayton are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Duly adopted this the \_\_ day of July, 2013, while in regular session.

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

ATTEST:

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

TOWN OF CLAYTON  
RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY  
OF JOHN C. BEAVIN AND JILL KONEN BEAVIN

WHEREAS, the Town Council of the Town of Clayton hereby determines that it is necessary and in the public interest to acquire certain property to build publically owned sewer facilities.

WHEREAS, the proper officials or representatives of the Town of Clayton have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Clayton that:

1. The Town of Clayton shall acquire by condemnation, for establishing, extending and improving sewer lines and systems, a perpetual, exclusive utility and pipeline easement, together with a perpetual right of ingress and egress over such easement, and a temporary construction easement on the property owned by John C. Beavin and Jill Konen Beavin, being all or a part of that tract of land located in Clayton Township, Johnston County, North Carolina, as more particularly described in that Deed recorded in Book 2023, Page 954, Johnston County Registry, and shown as Lot 66 in the plat recorded in Plat Book 44, Page 469, Johnston County Registry.

2. The easement will be used to construct, install, operate, maintain, repair, reconstruct, replace, and/or remove such facilities, fixtures, equipment, markers, and appurtenances as may be necessary or desirable for sanitary sewer and utility purposes (collectively, the "Facilities"); and (b) to cut and/or clear any or all vegetation and debris from the Easement and to change permanently the grade and drainage of the land in such easement areas.

3. The attorneys representing the Town of Clayton are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Duly adopted this the \_\_ day of July, 2013, while in regular session.

---

Jody L. McLeod  
Mayor

ATTEST:

---

Sherry L. Scoggins  
Town Clerk

TOWN OF CLAYTON  
RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY  
OF KIMBERLY ANNE BRUSE AND WILLIAM KEVIN SMITH

WHEREAS, the Town Council of the Town of Clayton hereby determines that it is necessary and in the public interest to acquire certain property to build publically owned sewer facilities.

WHEREAS, the proper officials or representatives of the Town of Clayton have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Clayton that:

1. The Town of Clayton shall acquire by condemnation, for establishing, extending and improving sewer lines and systems, a perpetual, exclusive utility and pipeline easement, together with a perpetual right of ingress and egress over such easement, and a temporary construction easement on the property owned by Kimberly Anne Bruse and William Kevin Smith, being all or a part of that tract of land located in Clayton Township, Johnston County, North Carolina, as more particularly described in that Deed recorded in Book 3809, Page 669, Johnston County Registry, and shown as Lot 81 in the plat recorded in Plat Book 44, Page 469, Johnston County Registry.

2. The easement will be used to construct, install, operate, maintain, repair, reconstruct, replace, and/or remove such facilities, fixtures, equipment, markers, and appurtenances as may be necessary or desirable for sanitary sewer and utility purposes (collectively, the "Facilities"); and (b) to cut and/or clear any or all vegetation and debris from the Easement and to change permanently the grade and drainage of the land in such easement areas.

3. The attorneys representing the Town of Clayton are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Duly adopted this the \_\_ day of July, 2013, while in regular session.

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

ATTEST:

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

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

Agenda Item: 5e

Meeting Date: 7/15/13

**TITLE: PRESENTATION OF RESOLUTION AUTHORIZING ELECTRONIC NOTICE OF "PIGGYBACK" CONTRACT FOR ATHLETIC FIELD LIGHTING. [COUNCIL ACTION IS REQUESTED].**

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

**RELATED GOAL:** Legislative.

**ITEM SUMMARY:**

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



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

## Lease Purchase Proposal

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

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

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

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

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

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

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

**TOWN OF CLAYTON  
RESOLUTION AUTHORIZING ELECTRONIC NOTICE OF “PIGGYBACK”  
CONTRACT FOR ATHLETIC FIELD LIGHTING**

**WHEREAS**, the Town Council of the Town of Clayton desires to purchase athletic field lighting for the soccer and baseball fields located at East Clayton Community Park; and

**WHEREAS**, North Carolina General Statute 143-129(g) allows local governments to enter into contracts with vendors who have in the past 12 months been awarded a contract by any arm of Federal, State or Local Government that was bid under NC G.S. 143-129 or a process that was substantially similar, if the vendor is willing to extend the same or more favorable pricing to the local government; and

**WHEREAS**, the Town Council of the Town of Clayton desires to utilize the waiver of bidding for previously bid contracts, more commonly known as “piggyback.”

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

1. In accordance with North Carolina General Statute 143-129 (g), it is the intent of the Clayton Town Council to “piggyback” the contract of the Central Susquehanna Intermediate Unit d/b/a the Keystone Purchasing Network (KPN) of Pennsylvania that was awarded on February 20, 2013, with their contract number KPN-201301002 for Athletic Field / Court and Parking Lot Lighting Systems with Musco Sports Lighting LLC.
2. The Clayton Town Council intends to award the bid at the August 5, 2013, Town Council meeting scheduled to begin at 6:30 PM in the Town of Clayton Council Chambers, 111 East Second Street.
3. The Clayton Town Council directs the Town Clerk to notice the intent of purchase by electronic means in accordance with NC GS 143-129 (g) on the Town of Clayton website: [www.townofclaytonnc.org](http://www.townofclaytonnc.org).

Duly adopted by the Clayton Town Council this 15th day of July 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: 5f

Meeting Date: 7/15/13

**TITLE: PRESENTATION OF RESOLUTION FOR THE CLAYTON POLICE DEPARTMENT TO SUBMIT AN APPLICATION CONTRACT FOR TRAFFIC SAFETY FUNDING WITH THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM.**

**DESCRIPTION: Attached.**

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

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-15-13	Presentation.	Resolution.

North Carolina Governor's Highway Safety Program  
**LOCAL GOVERNMENTAL RESOLUTION**

WHEREAS, the Clayton Police Department (herein called "Agency")  
(The Applicant Agency)

has completed an application contract for traffic safety funding; and that Clayton Town Council  
(The Governing Body of the Agency)

(herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract; THEREFORE, NOW BE IT RESOLVED BY THE

Clayton Town Council IN OPEN MEETING ASSEMBLED IN THE TOWN OF  
(Governing Body)

Clayton, NORTH CAROLINA, THIS 15th OF July

, 20 13, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Kenneth L. Lunger/Lieutenant is authorized to file, on behalf of the Governing  
(Name and Title of Representative)  
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ 10, 125.00 to be made to the Governing Body to assist in defraying  
(Federal Dollar Request)  
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ 3,375.00 as  
(Local Cash Appropriation)  
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by \_\_\_\_\_  
(Chairperson/Mayor)

ATTESTED BY \_\_\_\_\_  
(Clerk)

**SEAL**

DATE \_\_\_\_\_

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

Agenda Item: 5g

Meeting Date: 7/15/13

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

**DESCRIPTION: Attached.**

**RELATED GOAL: Legislative.**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

7-15-13

Presentation.

Resolution & Map.

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

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

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

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

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

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

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

Duly adopted this \_\_\_\_ day of \_\_\_\_ 2013, while in regular session.

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**Jody L. McLeod  
Mayor**

**ATTEST:**

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



Property to be Annexed 0.56 Acres

**Legend**

-  Clayton Town Limits
-  Clayton ETJ
-  Parcels

1 inch = 100 feet

Produced by: TOC Planning  
June 19, 2013

**Annexation Map**

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



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

Agenda Item: 5h

Meeting Date: 7/15/13

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

**DESCRIPTION: Attached.**

**RELATED GOAL: Administrative.**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-15-13	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

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

Date: June 20, 2013

Re: Spring Branch Medical & Commercial Park, Phase 2

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

*Rec'd 6-21-13 DRB*

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

Agenda Item: 8a

Meeting Date: 7/15/13

**TITLE: TEXT AMENDMENT TO THE TOWN CODE OF ORDINANCES 155.402  
LANDSCAPING AND SCREENING AND PRELIMINARY SUBDIVISION  
SUB 2013-08 FOR OLD FIELDS SUBDIVISION.**

**DESCRIPTION:** After the June 3, 2013, Council meeting, it was realized that the above two items were not properly noticed. On the advice of our Town Attorney, these items are being re-noticed so that due process is followed. In turn, these items will come back before Council at its August 5, 2013, Council meeting for action.

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

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-20-13	Presentation.	
6-03-13	Public hearings.	
7-15-13	Discussion.	

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

Agenda Item: 9c

Meeting Date: 7/15/13

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events

- Council Mtg – Monday, July 15, 2013 @ 6:30 PM
- ~~Board of Adjustment Mtg – Wednesday, July 17, 2013 @ 6:00 PM - Cancelled~~
- Clayton Town Square Concert Series: **Craig Woolard Band** – Thursday, July 18, 2013 from 7 PM to 9 PM
- **Filing for Municipal Office closes** – Friday, July 19, 2013 @ 12 noon at the Johnston County Board of Elections, 205 South Second Street, Smithfield
- Planning Board Mtg – Monday, July 22, 2013 @ 6:00 PM
- Fire Advisory Board Mtg – Thursday, July 25, 2013 @ 7:30 PM at Fire Station 1, 325 West Horne Street
- Council Mtg – Monday, August 5, 2013 @ 6:30 PM
- National Night Out – Tuesday, August 6, 2013 from 6 PM to 8 PM at the Town Square
- Downtown Development Association Mtg – Monday, August 12, 2013 @ 6:30 PM at Clayton Town Hall, Room GS 223
- Clayton Town Square Concert Series: **Johnny Orr Band** – Thursday, August 15, 2013 from 7 PM to 9 PM
- Council Mtg – Monday, August 19, 2013 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, August 21, 2013 @ 6 PM
- Planning Board Mtg – Monday, August 26, 2013 @ 6:00 PM
- Labor Day Holiday – Monday, September 2, 2013
- Council Mtg – TUESDAY, September 3, 2013, @ 6:30 PM
- Clayton Town Square Concert Series: **MikeMickXer** – Thursday, September 12, 2013 from 7 PM to 9 PM
- Zaxby's Movie Night – Saturday, September 14, 2013 @ Town Square from 6 PM to 10 PM
- Council Mtg – Monday, September 16, 2013 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, September 18, 2013 @ 6 PM
- Clayton Harvest & Music Festival – September 18 – 22, 2013 in Downtown Clayton
- Temporary closing of Main Street for vendors during the Clayton Harvest & Music Festival – Saturday, September 21, 2013, from 5 AM to 6 PM
- Planning Board Mtg – Monday, September 23, 2013 @ 6:00 PM
- Fire Advisory Board Mtg – Thursday, September 26, 2013 @ 7:30 PM at Fire Station 1, 325 West Horne Street
- Council Mtg – Monday, October 7, 2013 @ 6:30 PM
- Last day to register to vote for municipal elections – Friday, October 11, 2013  
[CARD MUST BE POSTMARKED 25 DAYS BEFORE ELECTION OR RECEIVED]

**IN THE BOARD OF ELECTIONS OFFICE BY 5:00 PM, 25 DAYS BEFORE ELECTION.]**

- Zaxby's Movie Night – Saturday, October 12, 2013 @ Town Square from 6 PM to 10 PM
- Downtown Development Association Mtg – Monday, October 14, 2013 @ 6:30 PM at Clayton Town Hall, Room GS 223
- Board of Adjustment Mtg – Wednesday, October 16, 2013 @ 6 PM
- Council Mtg – Monday, October 21, 2013 @ 6:30 PM
- Planning Board Mtg – Monday, October 28, 2013 @ 6:00 PM
- Council Mtg – Monday, November 4, 2013 @ 6:30 PM
- Election Day – Tuesday, November 5, 2013; polls open from 6:30 AM to 7:30 PM
- Veteran's Day Holiday – Monday, November 11, 2013
- Canvass Day at the Board of Elections – Tuesday, November 12, 2013
- Council Mtg – Monday, November 18, 2013 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, November 20, 2013 @ 6 PM
- Fire Advisory Board Mtg – Thursday, November 21, 2013 @ 7:30 PM at Fire Station 1, 325 West Horne Street
- Planning Board Mtg – Monday, November 25, 2013 @ 6:00 PM
- Thanksgiving Holiday – Thursday, November 28, 2013 & Friday, November 29, 2013
- Council Mtg (Organizational Mtg) – Monday, December 2, 2013 @ 6:30 PM
- Downtown Development Association Mtg – Monday, December 9, 2013 @ 6:30 PM at Clayton Town Hall, Room GS 223
- Council Mtg – Monday, December 16, 2013 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, December 18, 2013 @ 6 PM
- Planning Board Mtg – Monday, December 23, 2013 @ 6:00 PM
- Christmas Holiday – Tuesday, December 24, 2013; Wednesday, December 25, 2013; & Thursday, December 26, 2013

**Date:**  
7-15-13

**Action:**  
N/A

**Info. Provided:**  
Calendar of Events