

Jody L. McLeod
MAYOR

Bruce Thompson
TOWN ATTORNEY

Steve Biggs
TOWN MANAGER



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

Michael Grannis
MAYOR PRO TEM

TOWN COUNCIL MEETING

MARCH 04, 2013

AGENDA

MAYOR AND TOWN COUNCIL

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

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

TOWN STAFF

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

AGENDA
THE REGULAR MEETING OF THE CLAYTON TOWN COUNCIL

MONDAY, MARCH 4, 2013
6:30 PM

THE CLAYTON CENTER
COUNCIL CHAMBERS

1. CALL TO ORDER

Pledge of Allegiance
Invocation – Mayor Jody L. McLeod

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

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

- a. Public notice to schedule public hearing for rolling stock.
- b. Draft minutes from the February 18, 2013, work session meeting.
- c. Special event requests for the following:
 - Zaxby's Movie Night
 - Town Square Concert Series
 - MillStock Music & Art Faire
- d. Interlocal Contract for Cooperative Purchasing Agreement.
- e. Amendment to the Code of Ordinances pertaining to term length for the Library Board.
- f. Proclamation for Arbor Day.
- g. Asphalt warranty for Cobblestone Subdivision Phase 7G, 7H, & 7I.
- h. Warranty acceptance for public water, sewer, and associated storm drainage utilities for Cobblestone Subdivision, Phase 7D, 7E, 7F, 7G, 7H, & 7I.

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Presentation by the Public Art Advisory Board for the Sam's Branch Greenway Public Art Project.

5. PUBLIC HEARINGS

- a. Evidentiary hearing for special use permit request SUP 2012-77 for Southside Christian School for a private school located at 1696 Amelia Church Road.
- b. Evidentiary hearing for special use permit request SUP 2013-07 for Reins from Above for Assembly, not-for-profit use located at 600 Ryan's Lane.

6. **OLD BUSINESS**
 - a. Status of noise ordinance.
 - b. Status of 110 West Front Street – Former Red & White Store – **TRACKING PURPOSES.**

7. **NEW BUSINESS**
 - a. Presentation of resolution for purchase of rolling stock.

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

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

10. **ADJOURNMENT**

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

Agenda Item: 3a

Meeting Date: 3/4/13

TITLE: PUBLIC NOTICE TO SCHEDULE PUBLIC HEARING FOR ROLLING STOCK.

DESCRIPTION: Public hearing slated for the Monday, March 18, 2013, Council meeting.

This is a time sensitive items and action is requested so this item may be acted upon before the close of March.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

3-04-13

Approval & Public Notice.

N/A

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

Agenda Item: 3b

Meeting Date: 3/4/13

TITLE: DRAFT MINUTES FROM THE FEBRUARY 18, 2013, WORK SESSION MEETING.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

3-04-13

Approval.

DRAFT 2/18/2013 minutes.

**MINUTES
CLAYTON TOWN COUNCIL
FEBRUARY 18, 2013**

The second regular meeting of the Clayton Town Council for the month of February was held on Monday, February 18, 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; David DeYoung, Planning Director; Tim Simpson, Public Works & Utilities Director; Bruce Naegelen, Downtown Development Coordinator; Lee Barbee, Fire Chief; Johnny Stanley, Purchasing Agent; Stacy Beard, Public Information Officer

ITEM 1. CALL TO ORDER

Mayor Pro Tem Grannis called the meeting to order at 6:33 PM. Mayor Pro Tem Grannis gave the invocation.

ITEM 2. ADJUSTMENT OF THE AGENDA

The following adjustment of the agenda was requested:

- Table Item 4a

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

ITEM 3. ACTION AGENDA

Councilman Holder motioned to approve the action agenda as presented; Councilman Thompson seconded the motion. The motion carried 5-0 with the following action agenda items approved at 6:35 PM:

- Item 3a. Draft minutes from the February 4, 2013, Council meeting.
- Item 3b. Public notice: Evidentiary hearing slated for Monday, March 4, 2013, for special use permit SUP 2012-77, for Southside Christian School.

ITEM 4. INTRODUCTIONS & SPECIAL PRESENTATIONS

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

Item 4a was tabled.

Item 4b. Presentation of the following special event requests:

- Zaxby's Movie Night
- Town Square Concert Series
- MillStock Music & Art Faire

Downtown Development Coordinator Bruce Naegelen provided the following overview of the Zaxby's Movie Night request:

- Zaxby's and DDA are partnering for this request
- Four dates requested
 - March 16
 - April 27
 - September 14
 - October 12
- Request is for the use of Town Square, Town Square parking lot, and trash and recycling carts
- Permission to close the Town Square parking lot for set-up and vendors

Mayor Pro Tem Grannis questioned if any of the dates conflict with other functions in Downtown.

Downtown Development Coordinator Naegelen stated not at this time.

Mayor Pro Tem Grannis questioned if the closure of Fayetteville Street is needed.

Downtown Development Coordinator Naegelen stated no.

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

Downtown Development Coordinator Bruce Naegelen provided the following overview of the Town Square Concert Series request:

- Dates of the Town Square Concert Series:
 - May 16
 - June 20
 - July 18
 - August 15
 - September 12
- This year the September concert will not be held the same week as the Harvest Festival

- **Requesting the use of the Town Square, Town Square parking lot, trash and recycling carts**
 - **Closure of the Town Square parking lot**
 - **Temporary road closure of Fayetteville Street between Main and Second Streets**
- **Lay-out of the Town Square will remain the same**

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

Mr. John McFadden and Ms. June Lioret of Clayton Visual Arts presented a PowerPoint presentation on the MillStock Music and Art Faire presentation; herewith attached and incorporated into the record. Mr. McFadden and Ms. Lioret provided the following overview of the MillStock Music and Art Faire request:

- **Requesting the use of Horne Square for the 13th Annual MillStock Music & Arts Festival**
 - **9th year the Clayton Visual Arts partnered for this event**
- **Slated for Saturday, June 1, 2013**
- **Limited to 60 artists**
- **The Farmer’s Market has agreed to re-locate to North Lombard Street**
- **Requesting the temporary closure of the following:**
 - **North Lombard Street between Main and the railroad for the Farmer’s Market**
 - **South Lombard Street between Main and Second Streets for the chalk art and children’s booth**

Councilman Holder stated last year Lombard between Main and Second Streets was not requested. He stated for this year, he recommended a volunteer or police officer be at the intersection to watch traffic and ensure pedestrians cross safely.

Councilman Lawter stated the presentation noted the event from 8 AM to 5 PM and the information in the agenda packet noted 7 AM to 5 PM.

Mr. McFadden stated he is there at 7 AM for set up.

Councilman Lawter clarified the request is 7 AM to 5 PM>

Mayor Pro Tem Grannis questioned the children’s art location.

Mr. McFadden stated that has not been finalized. He stated a problem of the past is excessive heat. He stated the site will be reviewed to see where there is shade.

Mayor Pro Tem Grannis questioned if there are any issues if the street is used.

Town Manager Biggs stated the portion on Lombard Street is acceptable for use. He recommended communication with the businesses and properties in that section of Lombard Street.

Mayor Pro Tem Grannis stated if South Lombard is used, the Clayton Visual Arts notify the businesses.

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

ITEM 5. ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA

Item 5a. Presentation of special use permit request SUP 2012-77 for Southside Christian School for a private school located at 1696 Amelia Church Road.

Planning Director David DeYoung provided a PowerPoint presentation for special use permit request SUP 2012-77; herewith attached and incorporated into the record.

Planning Director DeYoung provided the following overview of the request:

- Requesting approval of a private school at Amelia Christian Church
- Amelia Christian Church located at the southwest corner of Amelia Church Road and Fort Drive
- 5.45 acre site
- School would use the existing facilities
- No changes to the site improvements
- Existing building will serve the maximum of 70 students
- Will ultimately only host high school students
- NCDOT has been contacted and NCDOT approved up to 70 students
- Development is generally consistent with Strategic Growth Plan and UDC
- Applicant addressed the findings of fact
- Request is compatible with the surrounding land uses
- No opposition to the application expressed during the Neighborhood meeting
- Condition of Approval – If the applicant exceeds 70 students, the applicant must contact both the Planning Dept and NCDOT to ensure the site is adequate to handle the additional students
- Staff and Planning Board approval is recommended subject to the condition of approval

Councilman Lawter questioned the traffic pattern as one on Fort Drive and one on Amelia Church Road.

Planning Director DeYoung stated there are entrances on Amelia Church and on Fort Drive. He stated the traffic pattern is for parents to enter on Fort Drive and exit on Fort Drive.

Item 5b. Presentation of Interlocal Contract for Cooperative Purchasing.

Town Manager Steve Biggs stated in the past the Town has purchased equipment on State contract. He stated there is an administrative advantage and cost savings to purchasing on State contract. He stated the proposal this evening is similar to our State contract. He stated through a law in Texas, governments and councils are enabled to act as a purchasing aggregator for other jurisdictions. He stated Houston Galveston Area Council, hereafter, HGAC, purchases in bulk nationally and enables good deals. He stated this is an option that is an advantage to the Town in that time is saved administratively for specifications of purchase. He added by entering into an agreement with HGAC, the Town has another option for opportunities of saving time and money when purchasing equipment.

Councilman Satterfield questioned if anyone in Johnston County or North Carolina is currently buying from HGAC.

Town Manager Biggs stated yes for North Carolina.

Chief Barbee stated there is one rural fire department in Johnston County.

Mayor Pro Tem Grannis questioned the types of equipment that could be purchased.

Town Manager Biggs stated this would be a resource for vehicles and large specialized equipment. He added the State contract is good for generic items.

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

Item 5c. Presentation of amendment to the Code of Ordinances pertaining to term length for the Library Board.

Town Clerk Sherry Scoggins stated this amendment will clarify the term length for persons serving on the Library Board as three years.

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

Item 5d. Presentation of proclamation for Arbor Day.

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

Item 5e. Presentation of asphalt warranty for Cobblestone Subdivision, Phase 7G, 7H, & 7I.

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

Item 5f. Presentation of warranty acceptance for public water, sewer, and associated storm drainage utilities for Cobblestone Subdivision, Phases 7D, 7E, 7F, 7G, 7H, & 7I.

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

ITEM 6. ITEMS CONTINGENT FOR THE REGULAR MEETING

No items contingent for the regular meeting were presented.

ITEM 7. ITEMS FOR DISCUSSION

No items for discussion were presented to the Council.

ITEM 8. OLD BUSINESS

Item 8a. Status of noise ordinance.

Town Manager Steve Biggs stated a few months back this item was evaluated with a noise consultant. He stated the matter of regulation of nuisance sound is more complicated than realized. He stated before the Council is an amendment that includes the need for sound measuring devices and he provided an overview; herewith attached and incorporated into the record.

Councilman Satterfield questioned if there is grandfathering or variance for the noise ordinance. He stated for example, the golf course cutting grass.

Town Manager Biggs stated if the golf course is cutting grass and it meets the prescribed criteria in the older code, they would be in violation. He stated if the measuring device is used, then it could be a violation.

Councilman Satterfield stated there should be some kind of variance as the golf course was first and then the houses were built.

Council discussed the cutting of the grass at the golf course (Glen Laurel).

Town Manager Biggs stated nothing was omitted from the original noise ordinance. He stated what is before Council is an addition to the ordinance. He stated no exceptions were included in the amendment for noise levels. He stated this can be amended to include specific exceptions for activities even if those activities are in excess of the parameters of the table.

Councilman Satterfield stated he did not know how liberal he would be on that. He stated there is an existing situation of a golf course that existed before the houses. He stated he does not know that he would give too much exception to building a house.

Councilman Holder stated if he is interpreting this the way it is written now, the high school football game would be too loud.

Town Manager Biggs stated a high school football game would be in a mixed use or business area and it would be measured at the property line and it would have to be 22 decibels greater than ambient.

Councilman Holder stated a crowd can make that noise.

Town Manager Biggs stated the exceptions are within the original noise ordinance and have not been deleted.

Town Manager Biggs stated he is hearing a desire to craft exceptions for special events.

Councilman Holder stated he would like to see the completed product and it include the exceptions.

Based upon question by Council, Town Manager Biggs stated the number of devices would be a minimum of two, preferably four. He stated the cost is between \$1,000 to \$1,200 per device to purchase and a \$200 a year for certification per device. He stated competitive bids have not yet been solicited.

Based upon question by Council, Town Manager Biggs stated what is being presented this evening is in addition to the existing Chapter 98. He added nothing has been deleted from the current noise ordinance.

Based upon question by Council on ambient reading, Town Manager Biggs stated the ambient reading is anticipated being taken either immediately before or after. He stated this based upon the recommendation of the sound consultant.

Council discussed the possibility of having the Town in zones to establish ambient readings.

Mayor Pro Tem Grannis stated to do zones would have to include time frames. He stated this makes it more complicated due to the variability.

Town Manager Biggs stated his instruction for this item is to bring back a list of stated exceptions to the parameters and additional examples of other ordinances.

Mayor Pro Tem Grannis stated any examples should relate to ambient sound.

Councilman Lawter questioned if the numbers are peak numbers.

Town Manager Biggs stated the ambient numbers will be based on an average for a period of time and the violation will be based on the peak number.

Town Manager Biggs stated the types of exceptions that will be attempted to be defined would be like concerts on the square, football games, legitimate construction, and band.

Mayor Pro Tem Grannis stated he noticed a penalty of up to \$50. He stated he would like to see that higher, such as \$100.

Town Manager Biggs stated the fine provision was not amended. He stated it could be cross referenced with the Town's civil penalty and it is progressive.

Item 8b. Status of 110 West Front Street – Former Red & White Store.

Town Manager Steve Biggs stated things are going well. He stated the owner's next deadline is March 15. He stated by March 15 a submittal of building plans is expected. He stated the owner's attorney acknowledge receipt of the Town's letter.

Item 8c. Status of John Street Sewer Improvement Project.

Town Manager Steve Biggs stated this past week Public Information Office Stacy Beard led a neighborhood meeting. He added it was very productive. He stated the tree crew mobilized on the site today.

ITEM 9. STAFF REPORTS

Item 9a. Town Manager

Town Manager Steve Biggs stated the Town has received an application for a special use permit from Reins From Above. He stated they are a non-profit that began operations prior to receiving all necessary permits. He stated Reins From Above has filed for a special use permit. He stated the applicant has expressed urgency to move this process forward. He stated the usual calendar is to go to the Planning Board and then to the Council's work session and then public hearing two weeks later. He stated a means of expedition has been identified. He stated if it is the pleasure of the Council to suspend its rules to take action, then a hearing can be scheduled for the March 4, 2013, Council meeting.

Councilman Holder motioned to suspend the Council's rules in order to take action; Councilman Lawter seconded the motion. Motion carried 5-0 at 7:28 PM.

Councilman Holder motioned expedite the application (schedule the public hearing for March 4, 2013); Councilman Thompson seconded the motion. Motion carried 5-0 at 7:28 PM.

Town Manager Biggs stated the Council received concerns about speeding in the vicinity of Powhatan School. He stated the Council adopted a resolution to reduce the speed limit to 25 mph in front of the school. He stated NCDOT has performed a field investigation and it is the opinion of NCDOT to reduce the speed from 45 mph to 35 mph. He added this can be reported back to the neighbors who brought this concern to the Town.

Mayor Pro Tem Grannis read the letter into the record, herewith attached and incorporated into the record. He stated he believes it is a mistake to not reduce the speed limit in front of the school. He stated this puts children crossing the street in jeopardy.

Councilman Satterfield stated he is in favor of asking NCDOT to reconsider. He stated he does not have a problem with a reduction from 45 mph to 35 mph and he is in favor of 25 mph in front of this school like it is for Clayton High School.

Councilman Lawter stated he concurs because the speed limit of the road for the children crossing has not changed.

It was the consensus of the Council to send a letter to NCDOT.

Item 9b. Town Attorney

Town Attorney Katherine Ross stated no report.

Item 9c. Town Clerk

Town Clerk Sherry Scoggins stated the 2013 Household Hazardous Waste Day in Johnston County is Saturday, March 2.

Item 9d. Other Staff

Public Information Officer Stacy Beard stated she was approached by the Active Aging Alliance of Johnston County about hosting a forum in Clayton on senior issues. She stated she worked with Parks & Recreation Director Larry Bailey and on Monday, March 25, 2013, at 2 PM, the forum will be hosted at the Clayton Community Center. She added this will be advertised and the Council is invited to attend.

Downtown Development Coordinator Bruce Naegelen presented the plaque for the Best Infill Building Project from the North Carolina Main Street Center. He stated this is for the Clayton Law Enforcement Center.

Downtown Development Coordinator Naegelen provided an overview of the handout on the “20 Ingredients of an Outstanding Destination – Downtown Clayton Comparison,” herewith attached and incorporated into the record. He stated this will be a resource for the DDA to use over the next several years. He stated of the 20 Ingredients, the Town has met 10 Ingredients.

ITEM 10 OTHER BUSINESS

Item 10a. Informal Discussion & Public Comment.

No informal discussion and public comment presented to the Council.

Item 10b. Council Comments.

No Council comments were presented.

ITEM 11. ADJOURNMENT

With there being no further business brought before the Council, Councilman Holder motioned to adjourn; Councilman Satterfield seconded the motion. Motion carried 5-0 at 7:39 PM.

Duly adopted by the Clayton Town Council this _____ day of March 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: 3c

Meeting Date: 3/4/13

TITLE: SPECIAL EVENT REQUESTS FOR THE FOLLOWING:

- ZAXBY'S MOVIE NIGHT
- TOWN SQUARE CONCERT SERIES
- MILLSTOCK

DESCRIPTION: Attached.

At its Monday, February 18, 2013, Council meeting, it was the consensus of the Council to place these items on the consent agenda.

RELATED GOAL: Think Downtown

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-18-13	Presentations.	Special Events Committee Reports (3).
3-4-13	Approval.	Special Events Committee Reports (3).



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

SPECIAL EVENTS COMMITTEE REPORT

Application Number: 2013-0117
Event Name: **Zaxby's Movie Night (presented by Clayton DDA)**
Event Date(s): **April, May, September, October**
Location: Town Square

Downtown/Town Limits/ETJ: Downtown

Applicant: Clayton Downtown Development Association

Contact: Bruce Naegelen (919) 553-1545, bnagelen@townofclaytonnc.org
Derrick Thompson (919) 622-0784

Committee Meeting: January 24, 2013

Attendance: Dale Medlin, Director, Electric Dept; Lee Barbee, Fire Chief; Steve Blasko, Public Works; Kenneth Lunger, CPD; Jeffra Patton, Safety Officer; Tony Atkinson, Fire Marshall, Scotty Hensley, Director, The Clayton Center; Barry Rose, Electric Department; Stacy Beard, Public Information Officer; Martha Vandergriff, The Clayton Center; Bruce Naegelen, Downtown Development Coordinator

Guests: John McFadden & June Lioret, CVA (Millstock Music & Arts Faire); Mary Beth Roberti, Chamber of Commerce (Christmas Parade)

EVENT LOCATION: Town Square, 110 W Main Street

EVENT DESCRIPTION: 6:00 pm – 10:00 pm. Movie projected on an inflatable screen, food and beverage vendors, children's activities including face-painting and bouncy house.

Movie Dates are: March 16, 2013; April 27, 2013; September 14, 2013; October 12, 2013

Estimated Attendees: 400 – 700 per night

SERVICES REQUESTED:

- Use of Town Square & Parking Lot
 - Trash & recycled carts – 4 each
-

INFORMATION NEEDED:

- Permission to close Town Square Parking Lot (Town Council)

COMMITTEE ANALYSIS AND COMMENTARY:

- Layout and requests are the same as previous years
-

COMMITTEE CONDITIONS

- Volunteers will provide security
 - Volunteers will clean up Town Square following event
 - Permission from Town Council to close Town Square parking lot
-

TOWN COUNCIL CONSIDERATIONS

- Closure of Town Square Parking lot from Noon – 10:00 pm

 - **COUNCIL ACTION:**
-

DOCUMENTATION:

- Special Event Application
 - Site Map
-

ACTION:

- Staff to schedule presentation on Town Council Agenda – February 18, 2013
 - Council response
 - Special Event Permit to be issued upon approvals
-

POST EVENT REVIEW:

-



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

SPECIAL EVENTS COMMITTEE REPORT

Application Number: 2013-0118
Event Name: Clayton Town Square Concert Series
Event Date(s): May – September 2013
Location: Town Square

Downtown/Town Limits/ETJ: Downtown

Applicant: Clayton Downtown Development Association

Contact: Bruce Naegelen (919) 553-1545, brnaegelen@townofclaytonnc.org

Committee Meeting: January 24, 2013

Attendance: Dale Medlin, Director, Electric Dept; Lee Barbee, Fire Chief; Steve Blasko, Public Works; Kenneth Lunger, CPD; Jeffra Patton, Safety Officer; Tony Atkinson, Fire Marshall, Scotty Hensley, Director, The Clayton Center; Barry Rose, Electric Department; Stacy Beard, Public Information Officer; Martha Vandergriff, The Clayton Center; Bruce Naegelen, Downtown Development Coordinator

Guests: John McFadden & June Lioret, CVA (Millstock Music & Arts Faire); Mary Beth Roberti, Chamber of Commerce (Christmas Parade)

EVENT LOCATION: Town Square, 110 W Main Street

EVENT DESCRIPTION: 7:00 pm – 9:00 pm. Public concert with stage, food and other vendors, including beer & wine sales by Clayton Downtown Development Association, Inc.

Concert Dates are: May 16, 2013; June 20, 2013; July 18, 2013; August 15, 2013; September 12, 2013.

Please note that the September 12 concert will be the Thursday preceding the Clayton Harvest & Music Festival by agreement with the Clayton Chamber of Commerce. It was decided by both organizations that separation would be mutually beneficial.

Estimated Attendees per day: 1,000 – 1,500 per concert

SERVICES REQUESTED:

- Use of Town Square & Parking Lot
- Blockades for parking lot and road closures

- Trash & recycled carts – 6 each
-

INFORMATION NEEDED:

- Permission to close Town Square Parking Lot (Town Council)
 - Permission to close Fayetteville Street between Main & Second (Town Council & NCDOT)
-

COMMITTEE ANALYSIS AND COMMENTARY:

- Layout and requests are the same as previous years
-

COMMITTEE CONDITIONS

- Beer & wine will be sold by Clayton DDA, Inc. during each concert
 - ABC permits will be secured
 - Off-duty officers (2) will be hired during sale of alcohol (6:30 pm – 9:30 pm)
 - Permission from Town Council and NCDOT for road closures
 - Permission from Town Council to close Town Square parking lot
-

TOWN COUNCIL CONSIDERATIONS

- Closure of Town Square Parking lot from 7:00 pm – 10:00 pm
- Closure of Fayetteville Street between Main and Second Street
- NCDOT permission to close Fayetteville Street

- **COUNCIL ACTION:**

DOCUMENTATION:

- Special Event Application
 - Site Map
-

ACTION:

- Staff to schedule presentation on Town Council Agenda – February 18, 2013
 - Council & NCDOT response
 - Special Event Permit to be issued upon approvals
-

POST EVENT REVIEW:

-



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

SPECIAL EVENTS COMMITTEE REPORT

Application Number: 2013-0058
Event Name: Millstock Music & Art Faire
Event Date(s): June 1, 2013
Location: Horne Square

Downtown/Town Limits/ETJ: Downtown

Applicant: Clayton Visual Arts

Contact: John McFadden (919) 359-3649, jewelerjohn@hotmail.com

Committee Meeting: January 24, 2013

Attendance: Dale Medlin, Director, Electric Dept; Lee Barbee, Fire Chief; Steve Blasko, Public Works; Kenneth Lunger, CPD; Jeffra Patton, Safety Officer; Tony Atkinson, Fire Marshall, Scotty Hensley, Director, The Clayton Center; Barry Rose, Electric Department; Stacy Beard, Public Information Officer; Martha Vandergriff, The Clayton Center; Bruce Naegelen, Downtown Development Coordinator

Guests: John McFadden & June Lioret, CVA (Millstock Music & Arts Faire); Mary Beth Roberti, Chamber of Commerce (Christmas Parade)

EVENT LOCATION: Horne Square with activities along S Lombard Street (between Main & Second St.) – Clayton Farmers Market will move to N Lombard Street.

EVENT DESCRIPTION: 10:00 am – 4:00 pm. Up to 60 arts-related vendors will set up on Horne Square and in the parking lot. 7 music and dance performances will take place on Horne Square. Additional vendors will be set up on either side of S, Lombard Street to provide connection to Millstock activities at The Flipside.

Estimated Attendees per day: 2,000

SERVICES REQUESTED:

- Trash/Recycled carts (4 each) at Horne Square

INFORMATION NEEDED:

- Signed Horne Square Use Form
- Approval of closure of N Lombard & S Lombard (between Main & Second)

COMMITTEE ANALYSIS AND COMMENTARY:

None

COMMITTEE CONDITIONS

- **Action Issues:**
 - Staff will schedule presentation on Town Council Agenda for February 18, 2013
 - Staff will contact organizers regarding presentation to Town Council
 - Permit pending
 - Authorization from Town Council
-

TOWN COUNCIL CONSIDERATIONS

- Closure of Horne Square Parking lot from 7:00 am – 5:00 pm – June 1, 2013
 - Closure of N Lombard Street for use by Clayton Farmers Market
 - Closure of S Lombard Street (between Main & Second St) from 7:00 am – 5:00 pm
-

DOCUMENTATION:

- Special Event Application
 - Site Map
-

ACTIONS:

-
-

POST EVENT REVIEW:

-

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

Agenda Item: 3d

Meeting Date: 3/04/13

TITLE: INTERLOCAL CONTRACT FOR COOPERATIVE PURCHASING.

DESCRIPTION: Attached.

At its Monday, February 18, 2013, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-18-13	Presentation.	Contract.
3-04-13	Approval.	Listing of NC Users & Contract.



LOGIN

- GENERAL PURPOSE & EMERGENCY VEHICLES
 - INFRASTRUCTURE EQUIPMENT & SERVICES
 - COMMUNICATIONS EQUIPMENT & SERVICES
 - GROUNDS FACILITIES & PARKS EQUIPMENT
 - PUBLIC WORKS EQUIPMENT
 - EMERGENCY EQUIPMENT & SUPPLIES
 - CONSULTING LEASING & STAFFING SERVICES
 - EMERGENCY PREPAREDNESS & DISASTER RECOVERY
- COOPERATIVE ENERGY PURCHASING

You are here: Home > Information About The Program > List of End Users

INFORMATION ABOUT THE PROGRAM

LIST OF END USERS

[Alaska](#) | [Alabama](#) | [Arkansas](#) | [Arizona](#) | [California](#) | [Colorado](#) | [Connecticut](#) | [Delaware](#) | [Florida](#) | [Georgia](#) | [Idaho](#) | [Illinois](#) | [Iowa](#) | [Indiana](#) | [Kansas](#) | [Kentucky](#) | [Louisiana](#) | [Maryland](#) | [Maine](#) | [Massachusetts](#) | [Michigan](#) | [Minnesota](#) | [Missouri](#) | [Mississippi](#) | [North Carolina](#) | [North Dakota](#) | [Nebraska](#) | [New Jersey](#) | [New Mexico](#) | [Nevada](#) | [New York](#) | [Ohio](#) | [Oklahoma](#) | [Oregon](#) | [Pennsylvania](#) | [Rhode Island](#) | [South Carolina](#) | [South Dakota](#) | [Tennessee](#) | [Texas](#) | [Utah](#) | [Vermont](#) | [Virginia](#) | [Washington](#) | [West Virginia](#) | [Wisconsin](#) | [Wyoming](#) |

End User	City
North Carolina	
Bills Creek Volunteer Fire Department (NC)	Lake Lure
Brogden Rual Fire Department, Inc. (NC)	Smithfield
Buncombe County (NC)	Asheville
City of Albemarle (NC)	Albemarle
City of Asheboro (NC)	Asheboro
City of Asheville (NC)	Asheville
City of Burlington (NC)	Burlington
City of Charlotte (NC)	Charlotte
City of Durham (NC)	Durham
City of Elizabeth City (NC)	Elizabeth City
City of Fayetteville (NC)	Fayetteville
City of Graham (NC)	Graham
City of Greenville (NC)	Greenville
City of Havelock (NC)	Havelock
City of Hendersonville (NC)	Hendersonville
City of High Point (NC)	High Point
City of Jacksonville (NC)	Jacksonville
City of Kinston (NC)	Kinston
City of Monroe (NC)	Monroe
City of Mount Airy (NC)	Mount Airy
City of Roxboro (NC)	Roxboro
City of Southport (NC)	Southport
City of Whiteville (NC)	Whiteville
City of Wilmington (NC)	Wilmington
City of Winston-Salem (NC)	Winston-Salem
County of Carteret (NC)	Beaufort
County of Currituck (NC)	Currituck
Fayetteville Public Works Commission (NC)	Fayetteville
Henderson County, NC	Hendersonville
Mountain Mobility-Buncombe County Government (NC)	Asheville
Nash County (NC)	Nashville
North Carolina Department of Agriculture and Consumer Services	Raleigh
North Carolina Housing Coalition, Inc. (NC)	Raleigh
North Carolina State University (NC)	Raleigh
OE Enterprises, Inc.	Hillsborough
Orange County (NC)	Hillsborough
Roanoke Rapids Sanitary District (NC)	Roanoke Rapids
Statesville Christian School (NC)	Statesville
Telamon Corporation (NC)	Raleigh
Town of Ahoskie (NC)	Ahoskie
Town of Atlantic Beach (NC)	Atlantic Beach
Town of Chapel Hill (NC)	Chapel Hill
Town of Fuquay-Varina (NC)	Fuquay-Varina
Town of Gibsonville (NC)	Gibsonville
Town of Hope Mills (NC)	Hope Mills
Town of Kernersville (NC)	Kernersville
Town of Morehead City (NC)	Morehead City
Town of Morrisville (NC)	Morrisville
Town of North Wilkesboro (NC)	North Wilkesboro
Town of Pinetops (NC)	Pinetops
Town of Shallotte (NC)	Shallotte
Town of Sunset Beach (NC)	Sunset Beach
Town of Tarboro (NC)	Tarboro
Town of Wake Forest (NC)	Wake Forest
Town of Waynesville (NC)	Waynesville
Town of Zebulon (NC)	Zebulon
Union County (NC)	Monroe
Village of Pinehurst (NC)	Pinehurst
Western Piedmont Regional Transit Authority (NC)	Lonover
Winston-Salem Transit Authority (NC)	Winston-Salem

Copyright © 2012 H-GAC. All Rights Reserved.



**INTERLOCAL CONTRACT
FOR COOPERATIVE PURCHASING**

ILC
No.: _____
Permanent Number assigned by HGAC

THIS INTERLOCAL CONTRACT ("Contract"), made and entered into pursuant to the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code (the "Act"), by and between the Houston-Galveston Area Council, hereinafter referred to as "H-GAC," having its principal place of business at 3555 Timmons Lane, Suite 120, Houston, Texas 77027, and * Town of Clayton, a local government, ~~a state agency, or a non-profit corporation~~ created and operated to provide one or more governmental functions and services, hereinafter referred to as "End User," having its principal place of business at * 111 East 2nd Street, Clayton, NC 27520.

W I T N E S S E T H

WHEREAS, H-GAC is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391, Texas Local Government Code; and

WHEREAS, pursuant to the Act, H-GAC is authorized to contract with eligible entities to perform governmental functions and services, including the purchase of goods and services; and

WHEREAS, in reliance on such authority, H-GAC has instituted a cooperative purchasing program under which it contracts with eligible entities under the Act; and

WHEREAS, End User has represented that it is an eligible entity under the Act, that its governing body has authorized this Contract on * Mar 04, 2013 (Date), and that it desires to contract with H-GAC on the terms set forth below;

NOW, THEREFORE, H-GAC and the End User do hereby agree as follows:

ARTICLE 1: LEGAL AUTHORITY

The End User represents and warrants to H-GAC that (1) it is eligible to contract with H-GAC under the Act because it is one of the following: a local government, as defined in the Act (a county, a municipality, a special district, or other political subdivision of the State of Texas or any other state), or a combination of two or more of those entities, a state agency (an agency of the State of Texas as defined in Section 771.002 of the Texas Government Code, or a similar agency of another state), or a non-profit corporation created and operated to provide one or more governmental functions and services, and (2) it possesses adequate legal authority to enter into this Contract.

ARTICLE 2: APPLICABLE LAWS

H-GAC and the End User agree to conduct all activities under this Contract in accordance with all applicable rules, regulations, and ordinances and laws in effect or promulgated during the term of this Contract.

ARTICLE 3: WHOLE AGREEMENT

This Contract and any attachments, as provided herein, constitute the complete contract between the parties hereto, and supersede any and all oral and written agreements between the parties relating to matters herein.

ARTICLE 4: PERFORMANCE PERIOD

The period of this Contract shall be for the balance of the fiscal year of the End User, which began * Jul 01, 2012 and ends * Jun 30, 2013. This Contract shall thereafter automatically be renewed annually for each succeeding fiscal year, provided that such renewal shall not have the effect of extending the period in which the End User may make any payment due an H-GAC contractor beyond the fiscal year in which such obligation was incurred under this Contract.

ARTICLE 5: SCOPE OF SERVICES

The End User appoints H-GAC its true and lawful purchasing agent for the purchase of certain products and services through the H-GAC Cooperative Purchasing Program. End User will access the Program through HGACBuy.com and by submission of any duly executed purchase order, in the form prescribed by H-GAC to a contractor having a valid contract with H-GAC. All purchases hereunder shall be in accordance with specifications and contract terms and pricing established by H-GAC. Ownership (title) to products purchased through H-GAC shall transfer directly from the contractor to the End User.

(over)

ARTICLE 6: PAYMENTS

H-GAC will confirm each order and issue notice to contractor to proceed. Upon delivery of goods or services purchased, and presentation of a properly documented invoice, the End User shall promptly, and in any case within thirty (30) days, pay H-GAC's contractor the full amount of the invoice. All payments for goods or services will be made from current revenues available to the paying party. In no event shall H-GAC have any financial liability to the End User for any goods or services End User procures from an H-GAC contractor.

ARTICLE 7: CHANGES AND AMENDMENTS

This Contract may be amended only by a written amendment executed by both parties, except that any alterations, additions, or deletions to the terms of this Contract which are required by changes in Federal and State law or regulations are automatically incorporated into this Contract without written amendment hereto and shall become effective on the date designated by such law or regulation.

H-GAC reserves the right to make changes in the scope of products and services offered through the H-GAC Cooperative Purchasing Program to be performed hereunder.

ARTICLE 8: TERMINATION PROCEDURES

H-GAC or the End User may cancel this Contract at any time upon thirty (30) days written notice by certified mail to the other party to this Contract. The obligations of the End User, including its obligation to pay H-GAC's contractor for all costs incurred under this Contract prior to such notice shall survive such cancellation, as well as any other obligation incurred under this Contract, until performed or discharged by the End User.

ARTICLE 9: SEVERABILITY

All parties agree that should any provision of this Contract be determined to be invalid or unenforceable, such determination shall not affect any other term of this Contract, which shall continue in full force and effect.

ARTICLE 10: FORCE MAJEURE

To the extent that either party to this Contract shall be wholly or partially prevented from the performance within the term specified of any obligation or duty placed on such party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, order of any court, act of God, or specific cause reasonably beyond the party's control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or duty shall be suspended until such disability to perform is removed; provided, however, force majeure shall not excuse an obligation solely to pay funds. Determination of force majeure shall rest solely with H-GAC.

ARTICLE 11: VENUE

Disputes between procuring party and Vendor are to be resolved in accord with the law and venue rules of the State of purchase.

THIS INSTRUMENT HAS BEEN EXECUTED IN TWO ORIGINALS BY THE PARTIES HERETO AS FOLLOWS:

* Town of Clayton

Name of End User (local government, agency, or non-profit corporation)

* PO BOX 879

Mailing Address

* Clayton NC 27528-0879

City State ZIP Code

*By: _____

Signature of chief elected or appointed official

* Jody L. McLeod, Mayor

Mar 04, 2013

Typed Name & Title of Signatory

Date

Houston-Galveston Area Council

3555 Timmons Lane, Suite 120, Houston, TX 77027

By: _____

Executive Director

Attest: _____

Manager

Date: _____

*Denotes required fields

rev. 03/11

***Request for Information**

To expedite service, please complete the following blanks relevant to your agency's administrative/elective personnel and return the completed form to H-GAC, Cooperative Purchasing Program, P.O.Box 22777, Houston, TX 77227-2777.

Name of End User Agency : Town of Clayton County Name : Johnston
(Municipality / County / District / etc.)
Mailing Address : PO BOX 879, Clayton, NC 27528-0879
(Street Address/P.O. Box) (City) (State) (ZIP Code)
Main Telephone Number : 919-553-5002 FAX Number: 919-553-8919
Physical Address : 111 East 2nd Street, Clayton, NC 27520
(Street Address, if different from mailing address) (City) (State) (ZIP Code)
Web Site Address: www.townofclaytonnc.org

Authorized Official: Steve Biggs Title: Town Manager
(City manager / Executive Director / etc.) Ph No.: 919-553-5002
Mailing Address: PO BOX 879
(Street Address/P.O. Box) E-Mail Address : sbiggs@townofclaytonnc.org
Clayton NC 27528-0879
(City) (State) (ZIP Code)

Official Contact: Johnny Stanley Title: Purchasing Agent
(Purchasing Agent/Auditor etc.) Ph No.: 919-553-1530
Mailing Address: PO BOX 879 Fx No.: 919-553-1541
(Street Address/P.O. Box) Email Address : jstanley@townofclaytonnc.org
Clayton NC 27528
(City) (State) (ZIP Code)

Official Contact: Tim Simpson Title: Public Works & Utilities Director
(Public Works Director/Police Chief etc.) Ph No.: 919-553-1530
Mailing Address: PO BOX 879 Fx No.: 919-553-1541
(Street Address/P.O. Box) Email Address : tsimpson@townofclaytonnc.org
Clayton NC 27528
(City) (State) (ZIP Code)

Official Contact: Lee Barbee Title: Fire Chief
(EMS Director/Fire Chief etc.) Ph No.: 919-553-1520
Mailing Address: PO BOX 879 Fx No.: 919-553-1544
(Street Address/P.O. Box) Email Address : lbarbee@townofclaytonnc.org
Clayton NC 27528
(City) (State) (ZIP Code)

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

Agenda Item: 3e

Meeting Date: 3/4/13

**TITLE: AMENDMENT TO THE CODE OF ORDINANCES PERTAINING TO
TERM LENGTH FOR THE LIBRARY BOARD.**

DESCRIPTION: Attached.

**At its Monday, February 18, 2013, Council meeting, it was
the consensus of the Council to place this item on the
consent agenda.**

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-18-13	Presentation.	Ordinance Amendment.
3-04-13	Approval.	Ordinance Amendment.

TOWN OF CLAYTON
Amendment to the Code of Ordinances: Chapter 32
Departments, Boards, and Commissions: Library Board

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA that the following text shall be amended to the Code of Ordinances:

Amend Section 32.060 ESTABLISHMENT with the following:

(D) (3) *Length of appointment.* A term for a three year appointment begins January 1 and expires December 31. Appointments that are vacated shall be filled by the Town Council for the completion of the unexpired term.

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

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry L. Scoggins, MMC
Town Clerk

Katherine E. Ross
Town Attorney

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

Agenda Item: 3f

Meeting Date: 3/4/13

TITLE: PROCLAMATION FOR ARBOR DAY.

DESCRIPTION: In 2013, North Carolina will recognize Arbor Day on Friday, March 22, 2013.

At its Monday, February 18, 2013, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-18-13	Presentation.	Proclamation.
3-4-13	Approval.	Proclamation.

**TOWN OF CLAYTON
PROCLAMATION - ARBOR DAY**

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than one million trees in Nebraska; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community; and

WHEREAS, trees, in our town increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees soften the urban environment and create a sense of joy and spiritual renewal.

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Clayton, North Carolina, that Friday, March 22, 2013, be recognized as "**Arbor Day**" and we urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and we urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Duly proclaimed this 4th day of March 2013, while in regular session.

Jody L. McLeod,
Mayor

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

Agenda Item: 3g

Meeting Date: 3/4/13

**TITLE: ASPHALT WARRANTY FOR COBBLESTONE SUBDIVISION,
PHASES 7G, 7H, & 7I.**

DESCRIPTION: Attached.

**At its Monday, February 18, 2013, Council meeting, it was
the consensus of the Council to place this item on the
consent agenda.**

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-18-13	Presentation.	Memorandum.
3-4-13	Approval.	Memorandum.

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector 

Copy: Steven Sanderson, Sanderson Engineering
Rob Bailey, Walthom Group
David DeYoung, Planning Director

Date: January 17, 2013

Re: Cobblestone Subdivision, Phase 7G, 7H, & 7I

The referenced asphalt pavement has been installed. Please schedule Council action for the acceptance of this work, subject to a one-year warranty period. Upon expiration of the warranty period, pavement and base course condition will be evaluated and any identified faults corrected by the developer prior to final acceptance.

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

Agenda Item: 3h

Meeting Date: 3/4/13

TITLE: WARRANTY ACCEPTANCE FOR PUBLIC WATER, SEWER, AND ASSOCIATED STORM DRAINAGE UTILITIES FOR COBBLESTONE SUBDIVISION, PHASES 7D, 7E, 7F, 7G, 7H, & 7I.

DESCRIPTION: Attached.

At its Monday, February 18, 2013, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-18-13	Presentation.	Memorandum.
3-4-13	Approval.	Memorandum.

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector *CR*

Copy: Steven Sanderson, Sanderson Engineering
Rob Bailey, Walthom Group
David DeYoung, Planning Director

Date: January 29, 2013

Re: Cobblestone Subdivision, Phase 7D, 7E, 7F, 7G, 7H, & 7I

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 2-4-2013

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

Agenda Item: 4a

Meeting Date: 3/04/13

TITLE: PRESENTATION BY THE PUBLIC ART ADVISORY BOARD FOR THE SAM'S BRANCH GREENWAY PUBLIC ART PROJECT.

DESCRIPTION: The Public Art Advisory Board and Artist Georges Le Chevallier will present a recommendation on the public art project for the Sam's Branch Greenway.

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

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
3-04-13	Presentation.	TRC Review & Presentation.



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

MEMORANDUM

Date: February 22, 2013
To: Suzette Rodriguez, Public Arts Advisory Board Chair.
From: Planning Staff
Subject: TRC Review/Notes of the Sam's Branch Greenway "Butterfly Garden" art project

The project was presented by artist Georges Le Chavallier.

The project will be approximately 200-300 yards from the water plant located at the end of Sam's Branch Greenway (about 2/3 of the way down the Sam's Branch trail). There is a double-fenced area where the butterflies will be placed. Signs at either end will contain the project and explain the high school's participation.

Benches will be located at the project site. *TRC recommends that they be secured via bolting to a secure footing located underground a couple of inches.*

Totem: It was asked if there would be any "vandal-resistant" bolts used for the lower butterflies. Dale Medlin noted that there is a type of bolt/nut that requires a special tool to remove. *TRC recommends that vandal-resistant bolts be considered to prevent removal of the lower butterflies from the totem pole.*

Wooden butterflies. Butterflies will range in size, with the largest being 2' x 4'. Dave asked if this would affect the weight-bearing capacity of the fence in the wind – John McCullen said it should be fine, the only concern he has is maintenance of the butterflies.

It was asked if there was a maintenance plan. Georges indicated there was a life expectancy of 10 years. One option is to take down the butterflies prior to their deterioration and hold an auction to raise money for the next art project. Eight extra butterflies are being created as "back-ups," and will also be used in other capacities so they are not "bench-warmers."

It was asked whether the butterflies were vandal-resistant. *TRC recommends that like the totem butterflies, vandal-resistant bolts be used to prevent people from taking them home.*

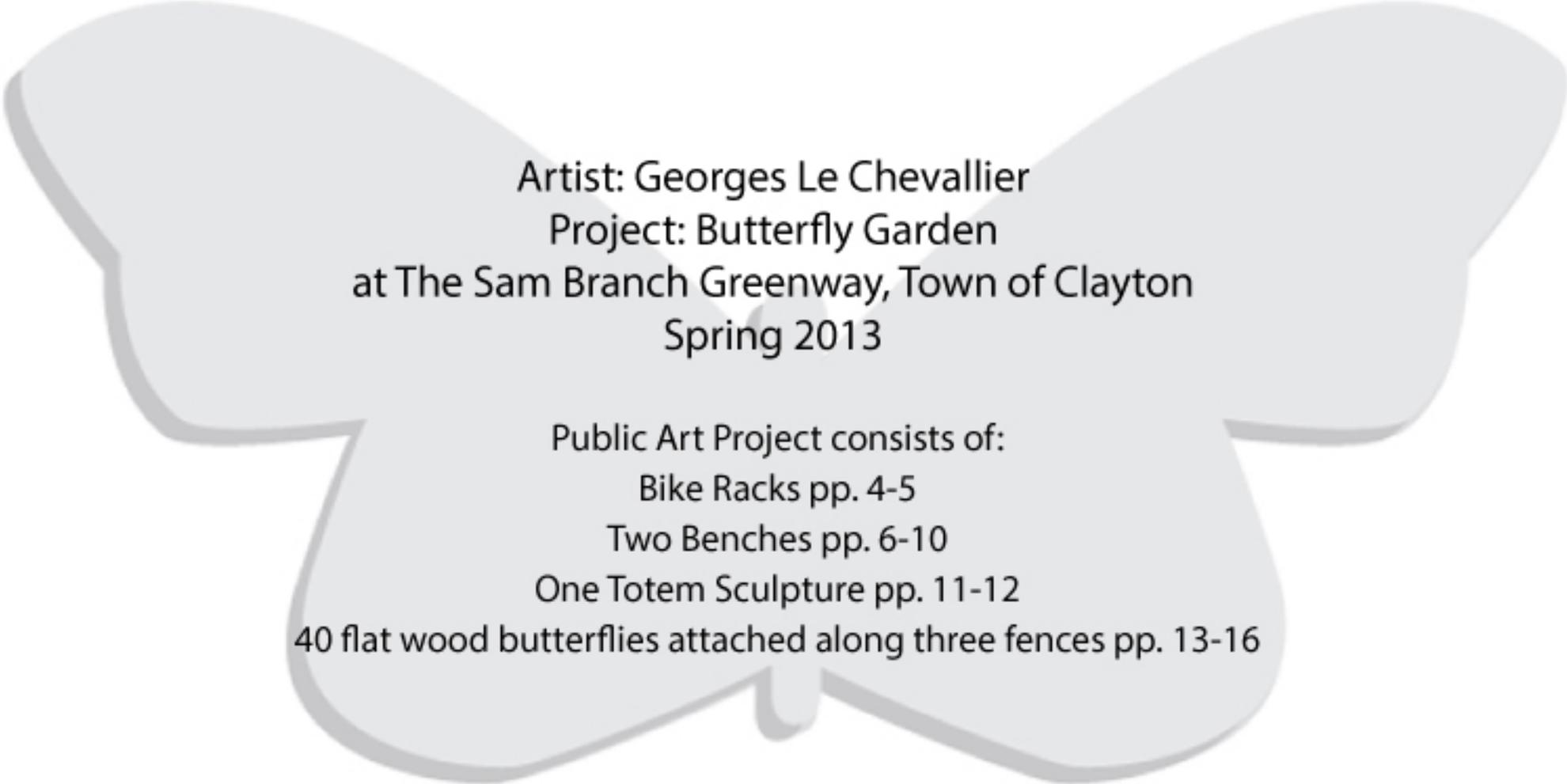
Tim Simpson asked that they be sure to call 811 (Call Before You Dig!) before any work to ensure they don't hit any underground utilities.

Emily Beddingfield said the inclusion of the bike racks was a nice touch. Georges said he was trying to create a space where people could stop and relax – currently there are no benches or places like this along the trail.

Chris Rowland asked who the contact would be for damage to the art. Georges indicated that he could be a point of contact. Stacey Beard noted that people often call Larry Bailey for trail concerns, so he will likely be a point of contact as well.

Nancy Medlin suggested that QR codes be considered, as the Town is taking on a town-wide initiative to integrate QR codes. Georges said this could be done.

TRC recommends approval of the public art installation, subject to the comments provided in italics above.

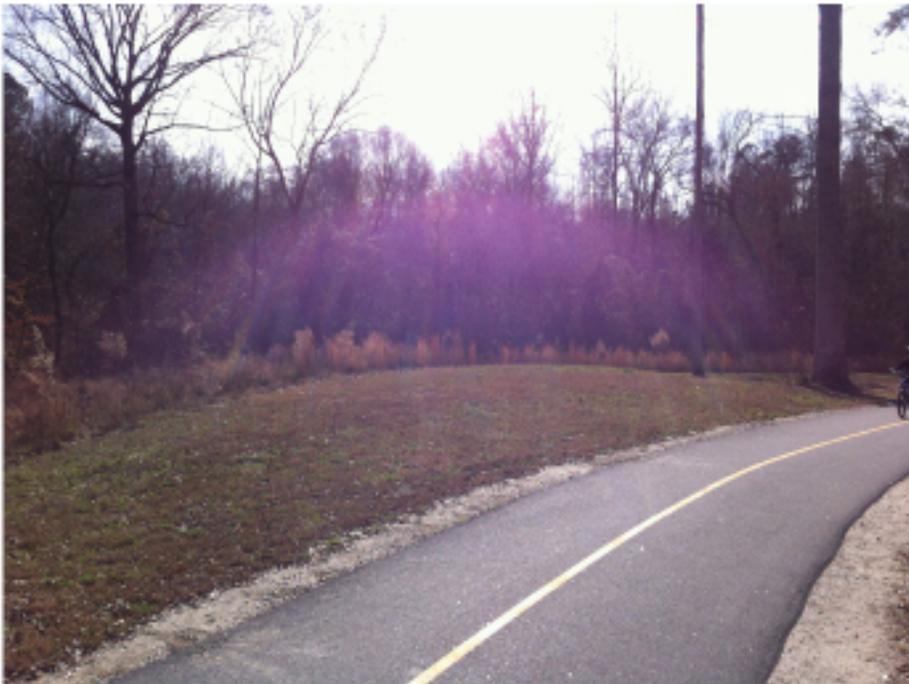


Artist: Georges Le Chevallier
Project: Butterfly Garden
at The Sam Branch Greenway, Town of Clayton
Spring 2013

Public Art Project consists of:
Bike Racks pp. 4-5
Two Benches pp. 6-10
One Totem Sculpture pp. 11-12
40 flat wood butterflies attached along three fences pp. 13-16

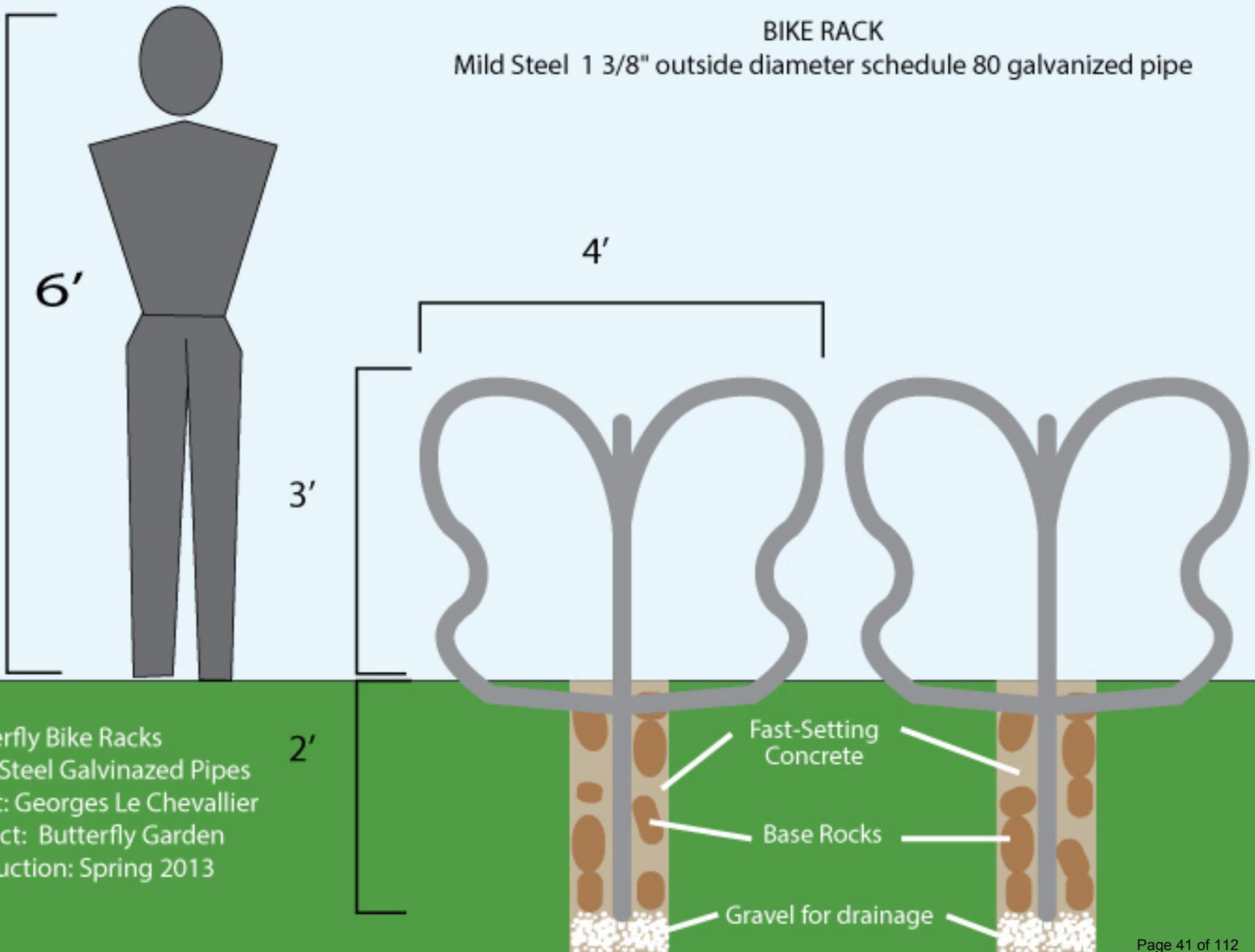
Artist: Georges Le Chevallier
Project: Butterfly Garden
Spring 2013

Placement of the Butterfly Garden at The Sam Branch Greenway, Town of Clayton





Layout of the Butterfly Garden
uphill from Fence 1 and 2 (between Fence 1 and 2 and Fence 3)
Artist: Georges Le Chevallier
Project: Butterflies of Clayton
Production: Spring 2013



BIKE RACK
 Mild Steel 1 3/8" outside diameter schedule 80 galvanized pipe

6'

4'

3'

2'

Butterfly Bike Racks
 Mild Steel Galvanized Pipes
 Artist: Georges Le Chevallier
 Project: Butterfly Garden
 Production: Spring 2013

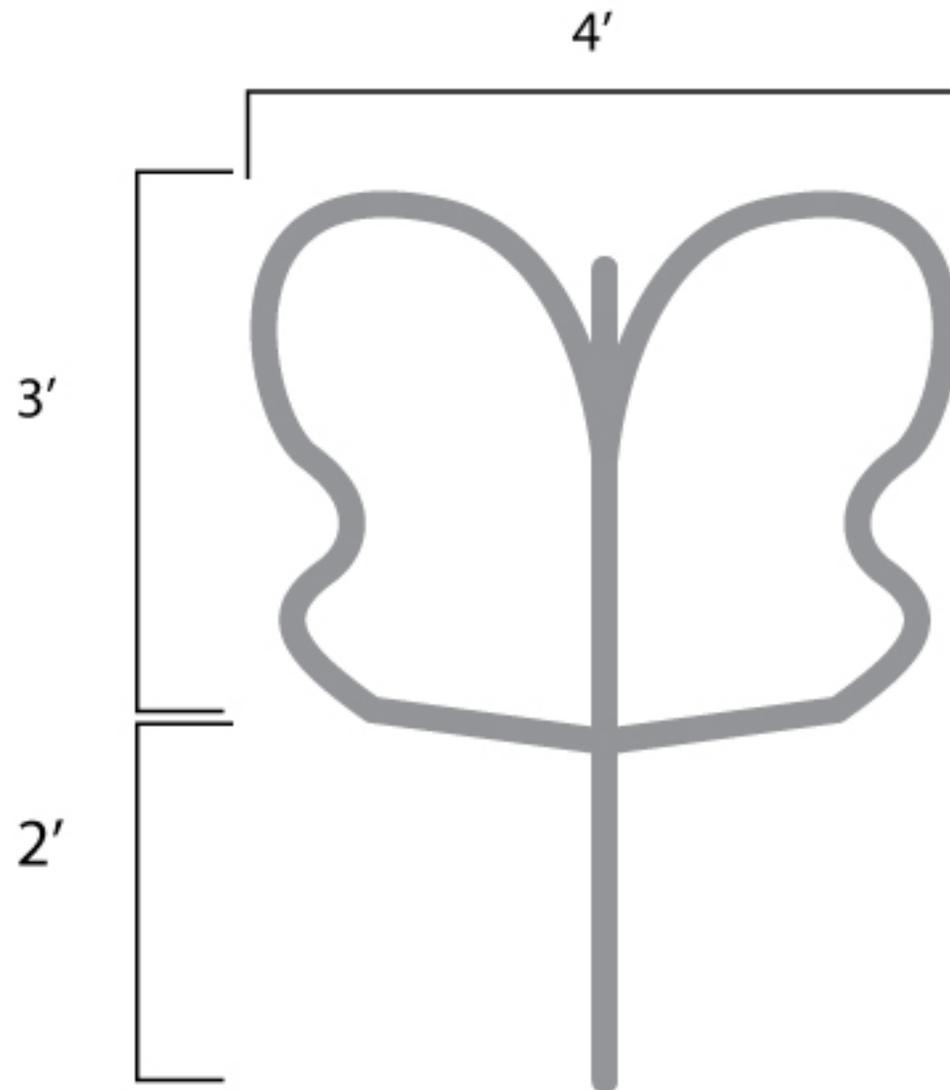
Fast-Setting
 Concrete

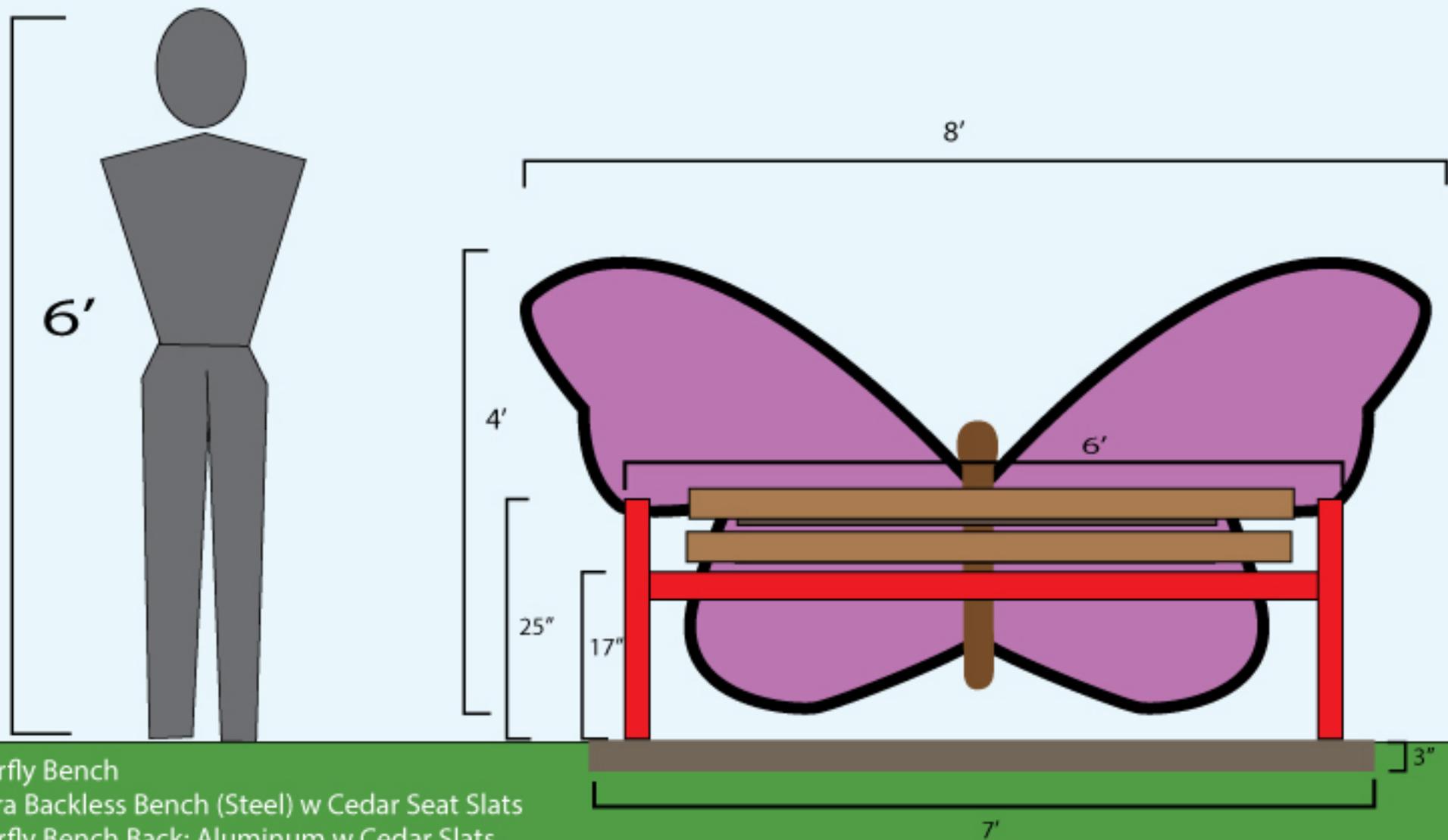
Base Rocks

Gravel for drainage

Artist: Georges Le Chevallier
Project: Butterfly Garden
Spring 2013

BIKE RACK
Mild Steel 1 3/8" outside diameter schedule 80 pipe
shaped and galvanized

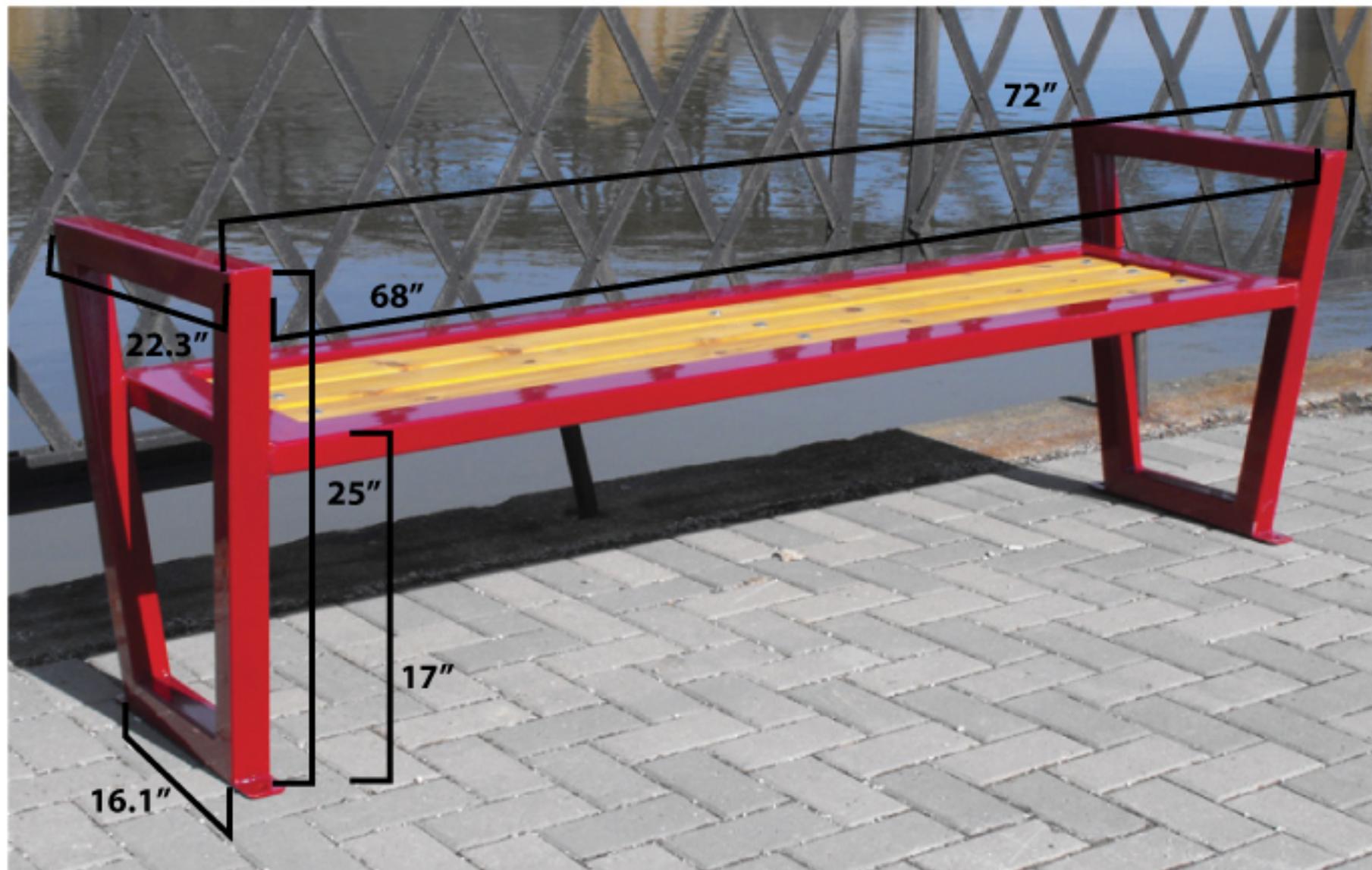




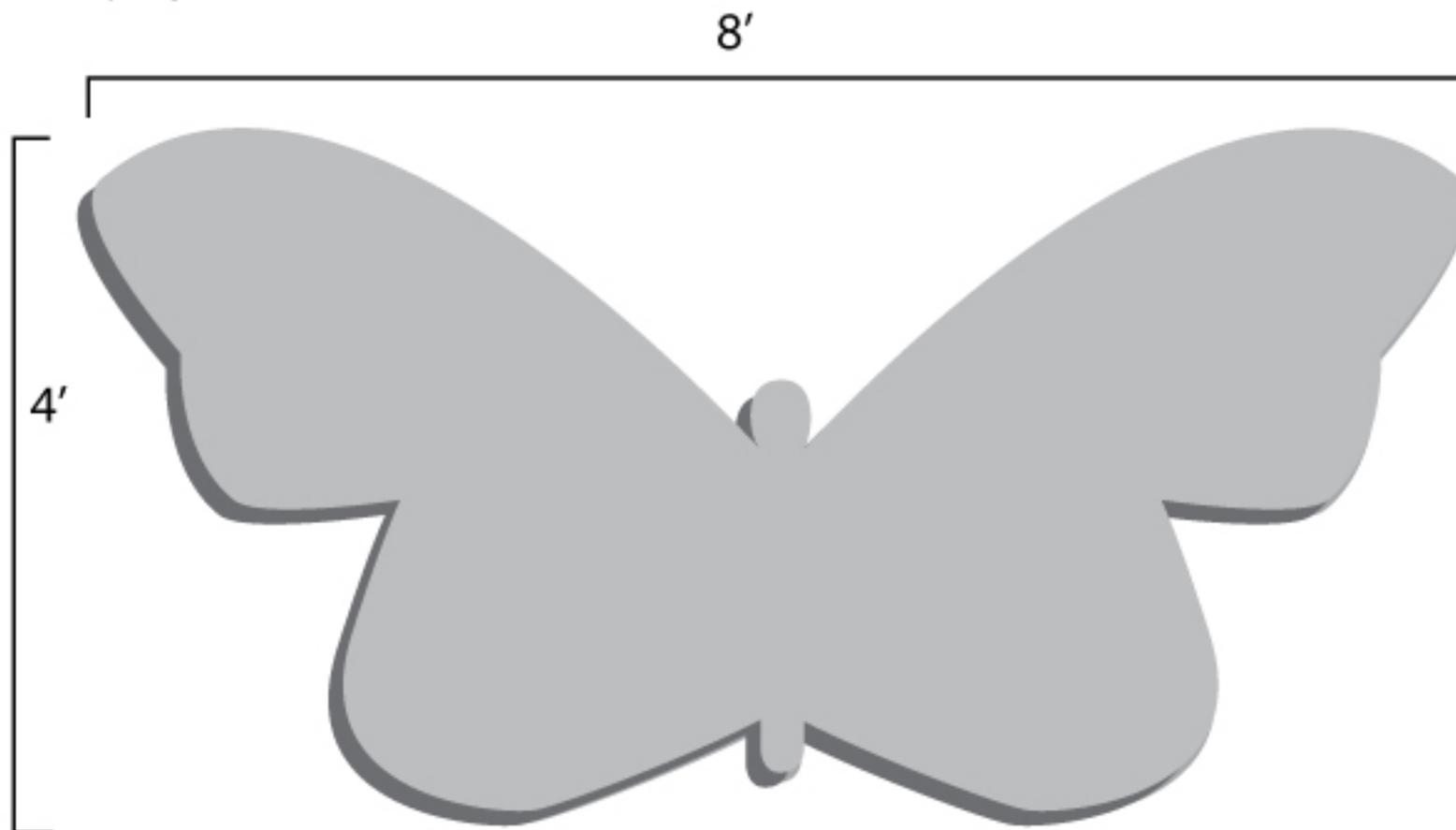
Butterfly Bench
 Decora Backless Bench (Steel) w Cedar Seat Slats
 Butterfly Bench Back: Aluminum w Cedar Slats
 Concrete Base
 Artist: Georges Le Chevallier
 Project: Butterfly Garden
 Production: Spring 2013

Artist: Georges Le Chevallier
Project: Butterfly Garden
Spring 2013

Decora Bench Backless Steel and Cedar seat Slats 6' wide



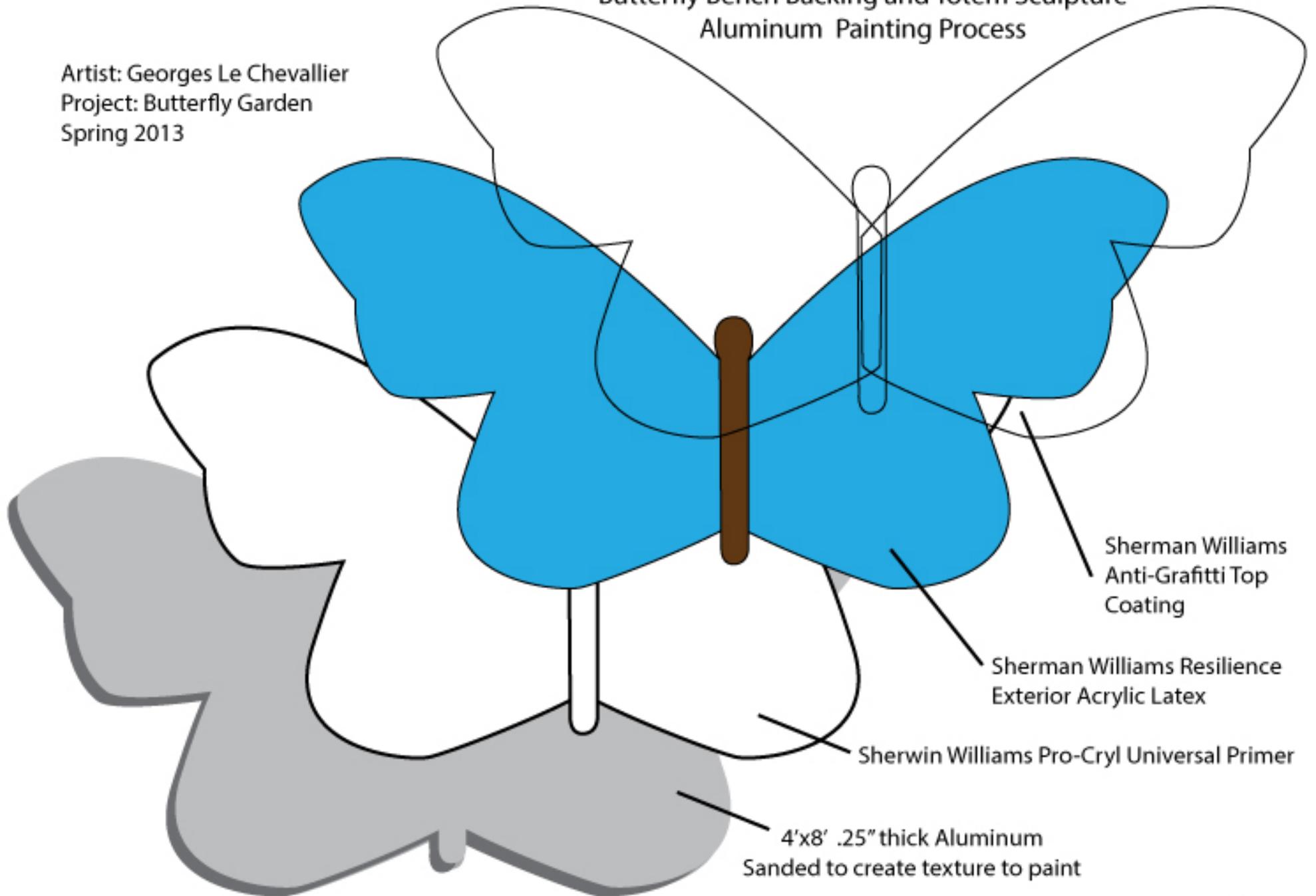
Artist: Georges Le Chevallier
Project: Butterfly Garden
Spring 2013



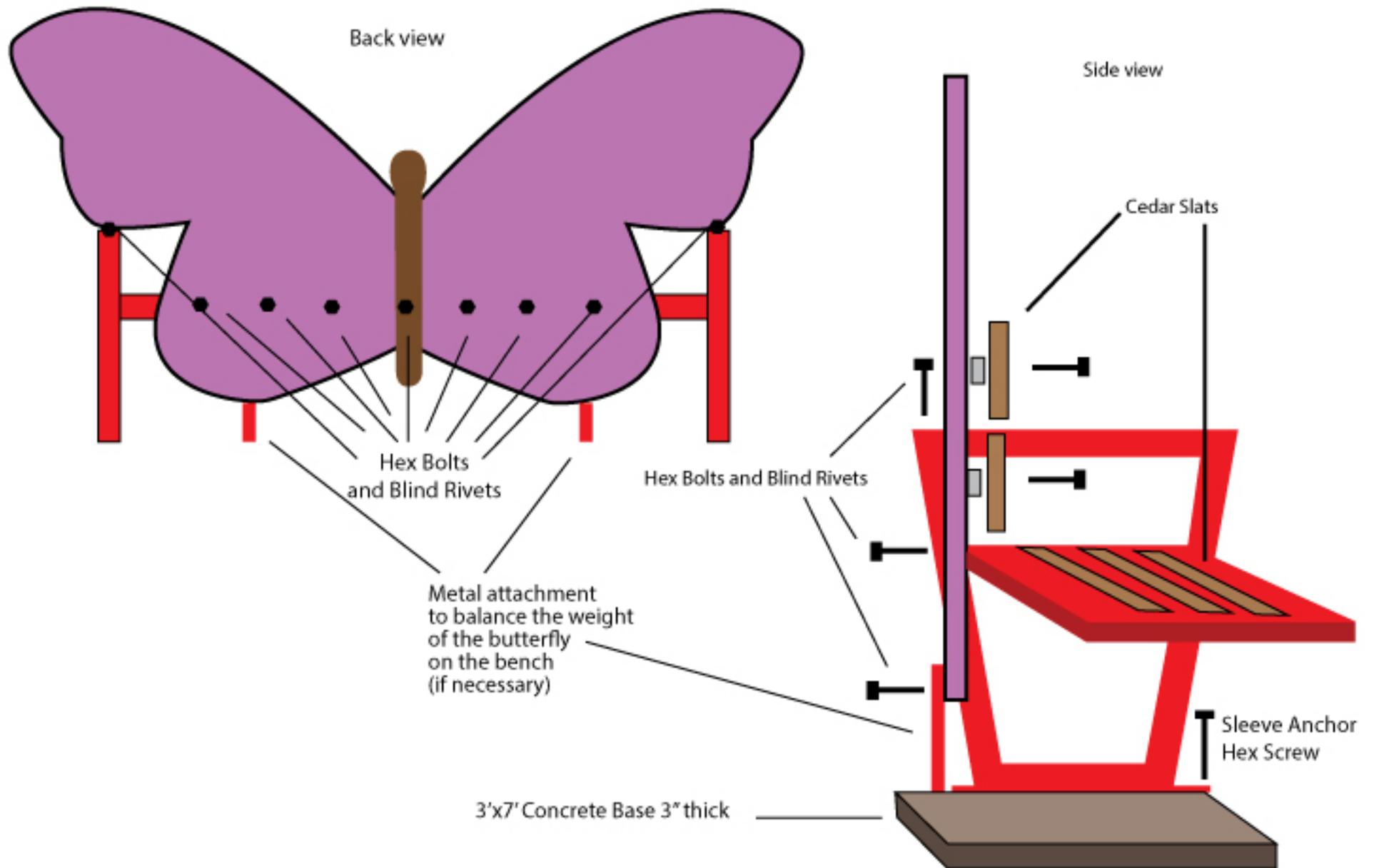
Butterfly shape for back of the bench
4'x8' Aluminum .25 (1/4") thick
hydrocut into the shape of the butterfly

Butterfly Bench Backing and Totem Sculpture Aluminum Painting Process

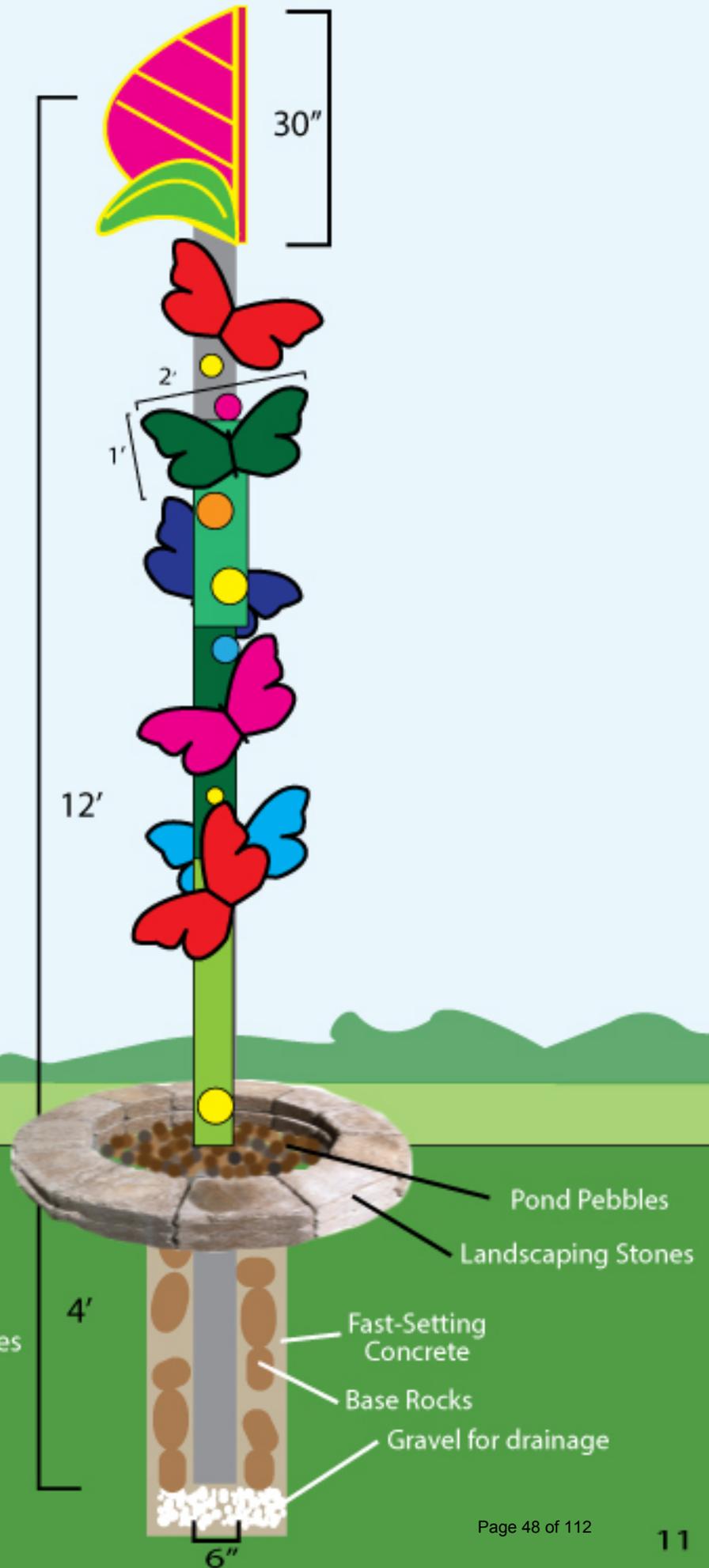
Artist: Georges Le Chevallier
Project: Butterfly Garden
Spring 2013



Connecting the Butterfly to the bench



6'



Butterfly Totem Pole

6" x 6" 1/4" wall Aluminum Square Tube

4 - 30" x 18" .25 thick aluminum flower

16 - 12" x 24" .25 thick aluminum butterflies

Artist: Georges Le Chevallier

Project: Butterfly Garden

Production: Spring 2013

Pond Pebbles

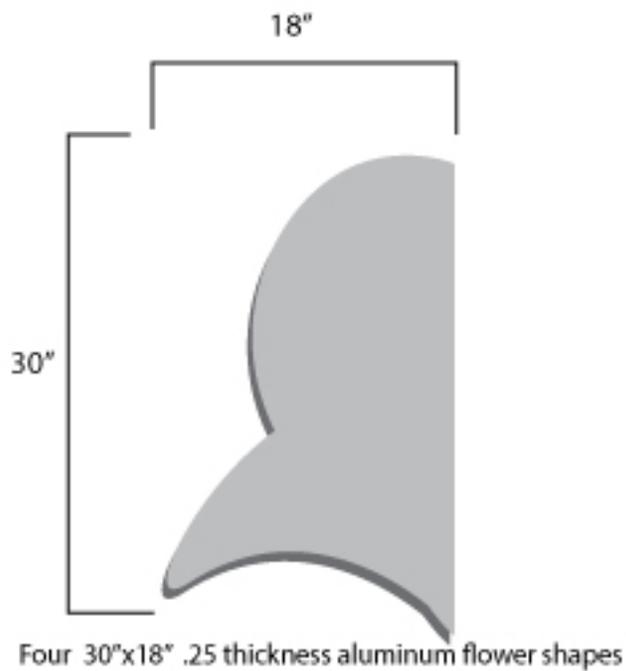
Landscaping Stones

Fast-Setting
Concrete

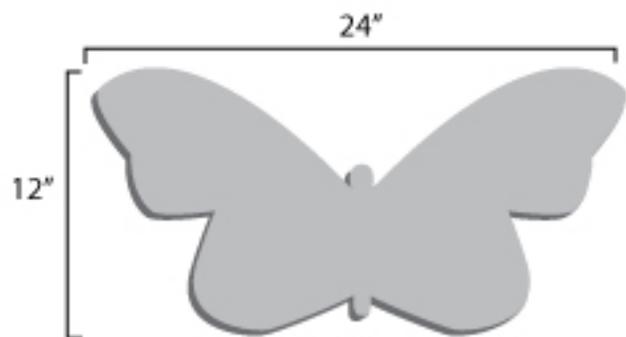
Base Rocks

Gravel for drainage

Artist: Georges Le Chevallier
Project: Butterfly Garden
Spring 2013

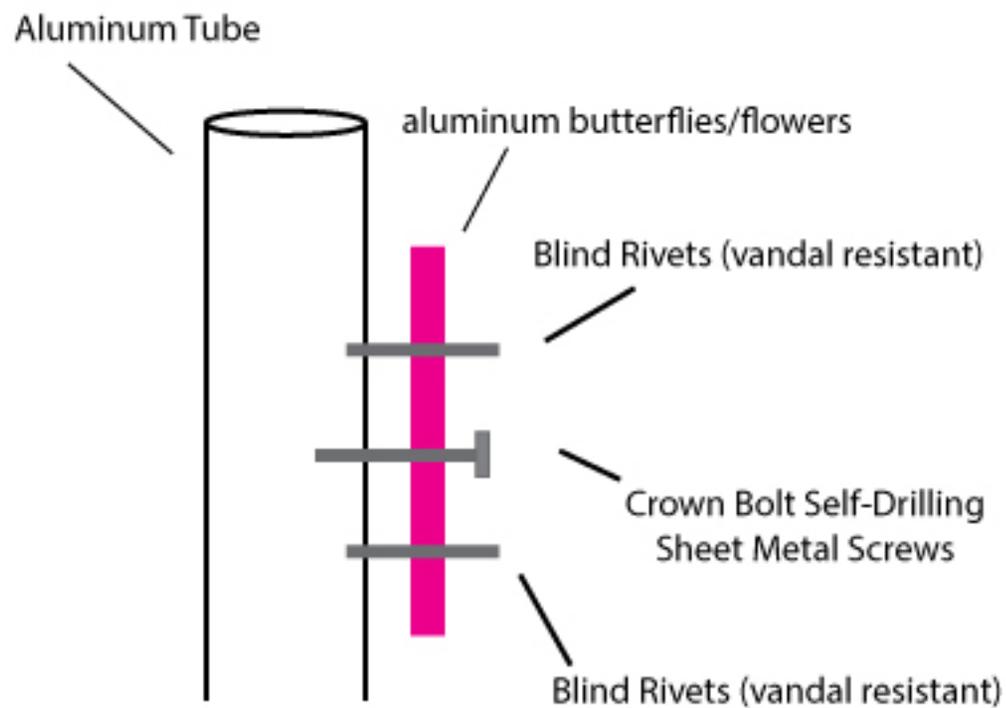


Four 30"x18" .25 thickness aluminum flower shapes



Sixteen 12"x24" .25 thickness aluminum butterflies shapes

Attaching aluminum flowers and butterflies to Aluminum Tube



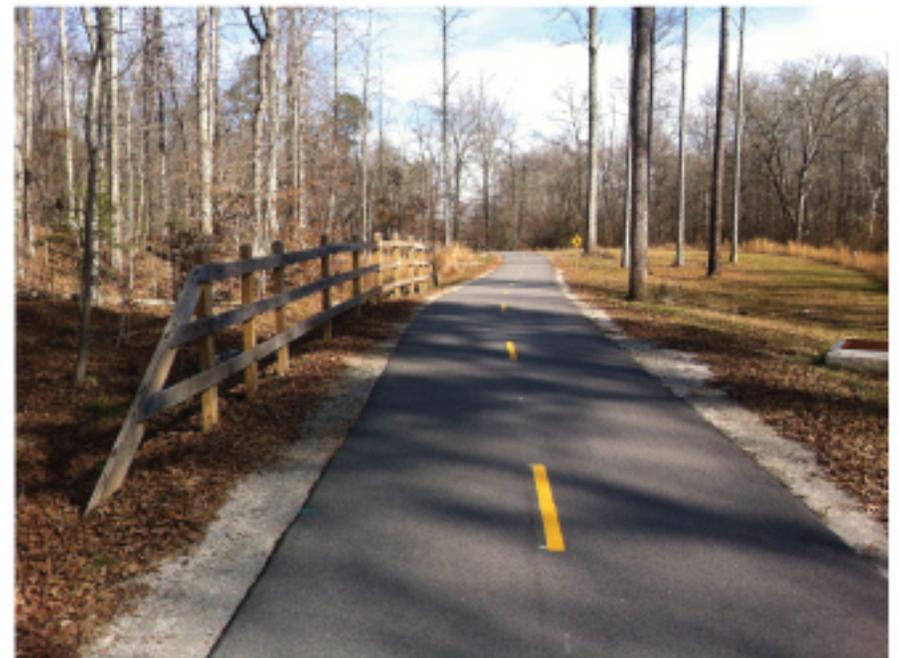
Artist: Georges Le Chevallier
Project: Butterflies of Clayton
Production: Spring 2013

Butterfly Fences

Forty 2'x4' and smaller wooden butterflies to be painted with Clayton High School students decorating 3 wooden fences on both sides of the Butterfly Garden along the Sam Branch Greenway



Fence 1 and 2 (double) - around 100 yards each



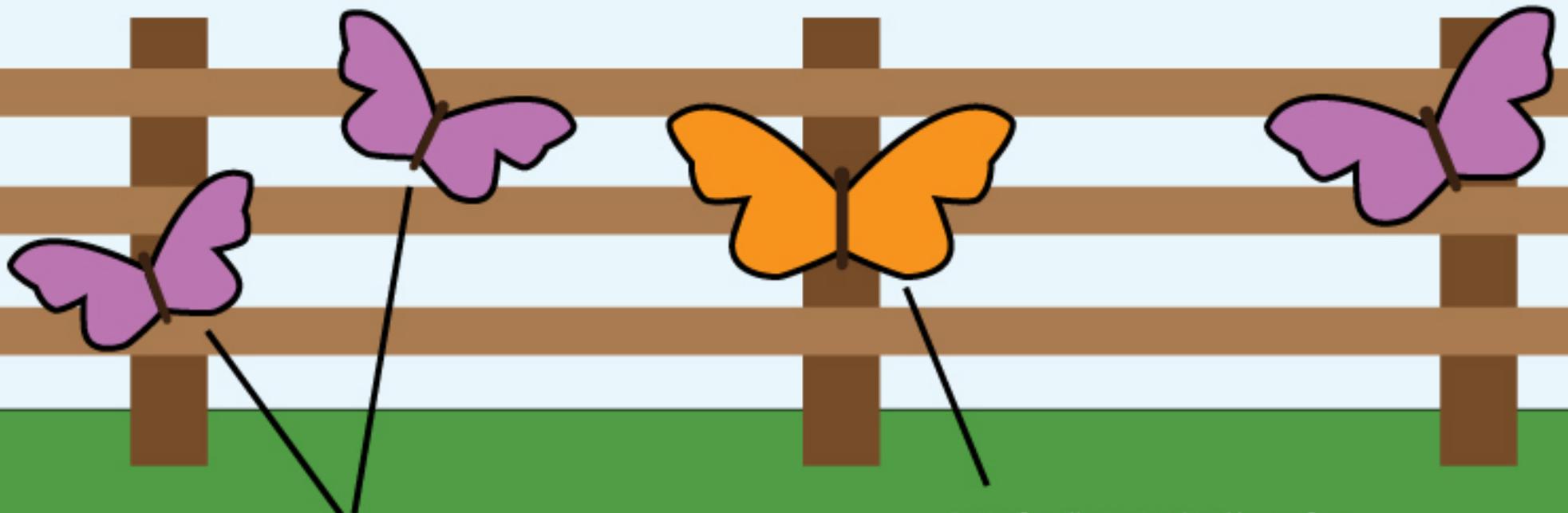
Fence 3 - around 25 yards

Artist: Georges Le Chevallier
Project: Butterflies of Clayton
Production: Spring 2013

Teams of students will be chosen through a High School art competition based on the design they submit. Entries will be judged on originality, visual design and relevance to the project. 30 of the 40 butterflies will be painted with an original design by the students. 10 of the 40 butterflies will be painted to illustrate local butterflies species.

Butterfly Fences

Forty 2'x4' and smaller wooden butterflies to be painted with Clayton High School students decorating 3 wooden fences on both of the Butterfly Garden along the Sam Branch Greenway

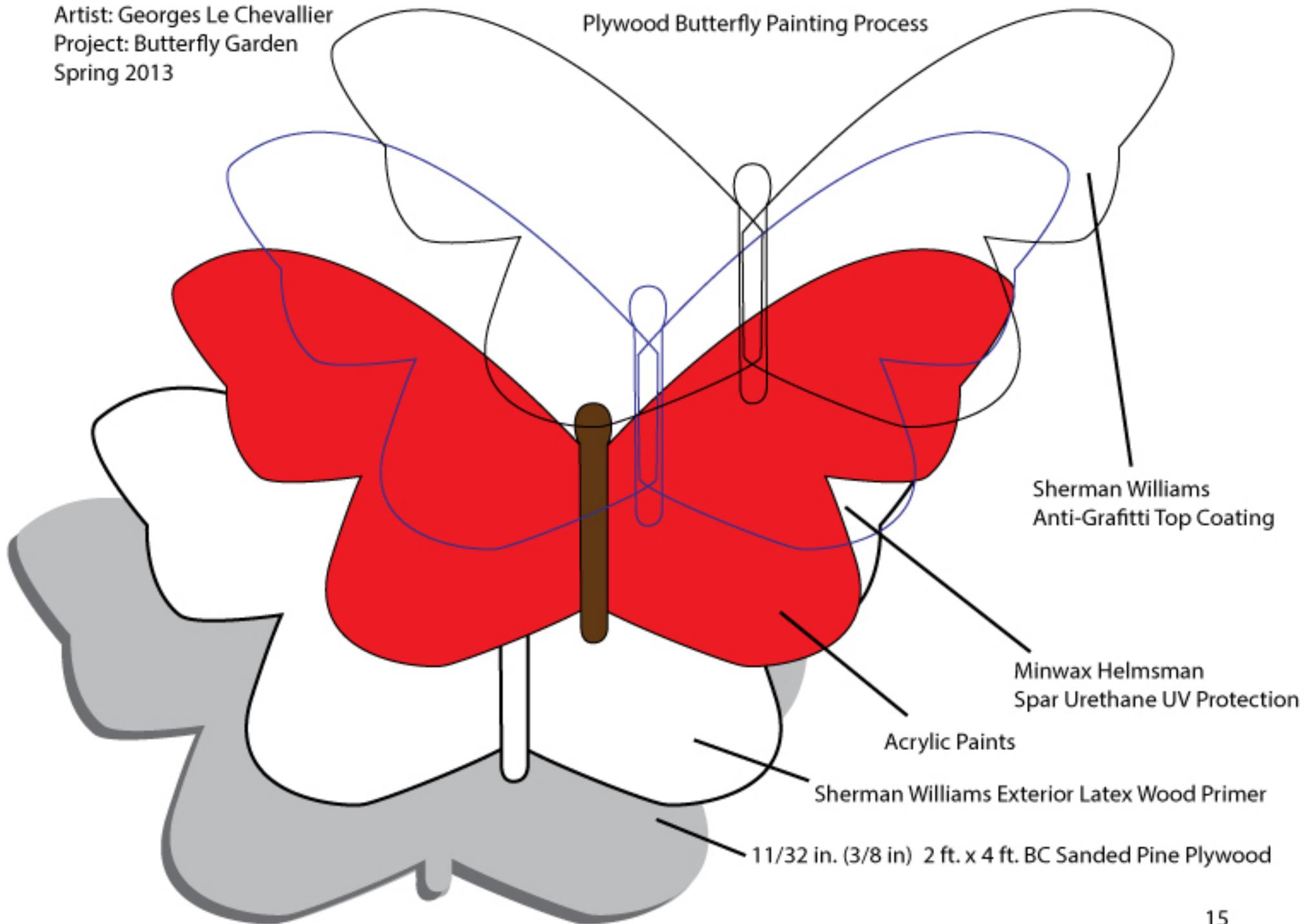


Butterflies illustrating original designs by the students will be placed at an angle on the fence

Butterflies illustrating local butterflies will be placed straight at a 90 angle on the fence

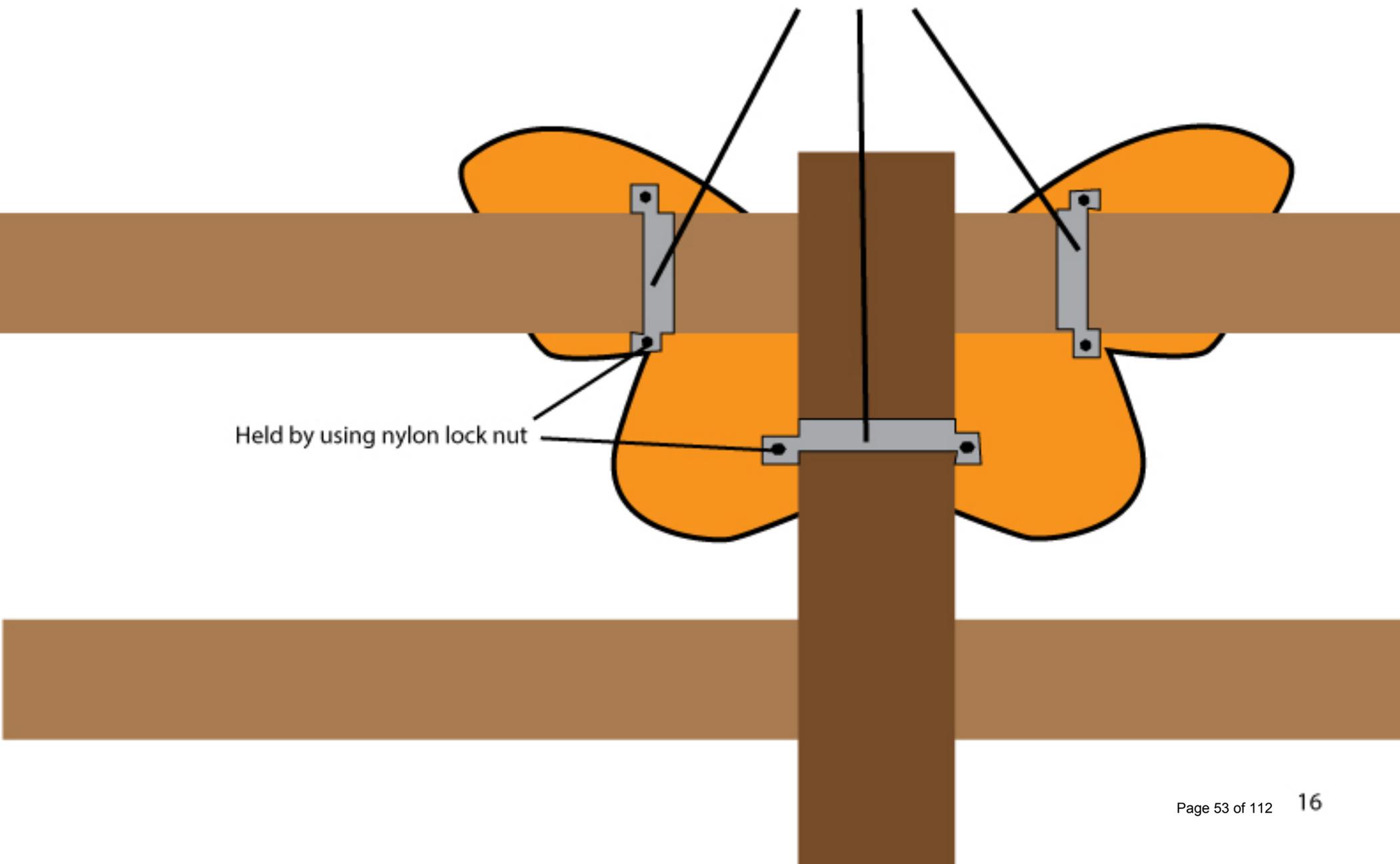
Artist: Georges Le Chevallier
Project: Butterfly Garden
Spring 2013

Plywood Butterfly Painting Process



Artist: Georges Le Chevallier
Project: Butterflies of Clayton
Production: Spring 2013

Butterfly Fences Installation using Metal Tie Straps without damaging the fence



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

Agenda Item: 5a

Meeting Date: 3/04/13

**TITLE: EVIDENTIARY HEARING FOR SPECIAL USE PERMIT REQUEST
SUP 2012-77 FOR SOUTHSIDE CHRISTIAN CHURCH FOR A
PRIVATE SCHOOL LOCATED AT 1696 AMELIA CHURCH ROAD.**

**DESCRIPTION: The special use request SUP 2012-77 is located at Amelia
Christian Church, 1696 Amelia Church Road. The applicant
requests to use the existing structure for a middle/high
school structure.**

**At its January 28, 2013, Planning Board meeting, the
Planning Board recommended approval of the site plan and
special use permit with one condition of approval.**

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-18-13	Presentation & Public notice.	Application; Neighborhood Meeting Letter, Minutes, & Roster; Staff Report; Map; & Site Plan.
3-04-13	Evidentiary Hearing.	SUP Hearing Procedures, Application; Neighborhood Meeting Letter, Minutes, & Roster; Staff Report; Map; Site Plan & Motion Form.

**Town of Clayton
Special Use Permit Application
Hearing Procedure**

1. **HEARING.** The Mayor shall call the hearing and announce the case.
2. **RULES OF PROCEDURE.** The procedure by which testimony may be given shall be announced by the Town Attorney. The Town Attorney shall be responsible for keeping all testimony within acceptable legal guidelines.
3. **OATHS.** Oaths shall be administered to all speakers. A statement of oath shall be signed by all persons taking the oath.
4. **STAFF REPORT.** The Staff shall give its report.
5. **APPLICANT TESTIMONY.** The applicant shall be called to present his case. The applicant has the burden to provide testimony and evidence in support of the request. If the applicant or his representative is not present to be sworn, the Mayor may call for a vote of the members present to continue the hearing until the next regular meeting or, in the absence of testimony supporting the application the Council may choose to deny the application. The applicant shall be notified of such action. The applicant and those speaking in support of the application shall be provided a maximum of fifteen minutes to present their case. The Town Clerk shall keep time. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
6. **OPPOSITION TESTIMONY.** Those speaking in opposition to the application shall be called upon to present their case. Those in opposition to the application shall be provided a maximum of fifteen minutes. If the opposition has not chosen speakers on their behalf, they shall be called in the order of registration or the order in which the oath was signed. The Town Clerk shall keep time. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
7. **APPLICANT REBUTTAL.** The applicant and/or those in support of the application shall be provided a maximum of five minutes to rebut testimony provided by the opposition. The Council may also ask questions of the applicant at this time.
8. **OPPOSITION REBUTTAL.** Those in opposition to the application shall be provided a maximum of five minutes to rebut testimony provided by

the applicant. The Council may also ask questions of the opposition at this time.

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



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

SPECIAL USE PERMIT APPLICATION

Pursuant to Article 7, Section 155.711 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 allow a Special Use. Special Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.

Special Use Permit 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. All fees are due when the application is submitted.

Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Special Use Permit applications.

SITE INFORMATION:

Name of Project: SOUTHSIDE CHRISTIAN SCHOOL - Acreage of Property: _____

Parcel ID Number: 1648-97-7118 Tax ID: _____

Deed Book: _____ Deed Page(s): _____

Address: 1696 AMELIA CHURCH ROAD CLAYTON

Location: _____

Existing Use: CHURCH Proposed Use: CHURCH / SCHOOL

Existing Zoning District: R-E

Requested Zoning District: _____

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): _____

FOR OFFICE USE ONLY

File Number: <u>54P 2012-77</u>	Date Received: <u>AUG 01 2012</u> <small>Town of Clayton Planning Department</small>	Amount Paid: <u>\$400.00</u>
---------------------------------	---	------------------------------

OWNER INFORMATION:

Name: AMELIA CHRISTIAN CHURCH
Mailing Address: 1696 AMELIA CHURCH ROAD
Phone Number: 919 553-6171 Fax: _____
Email Address: _____

APPLICANT INFORMATION:

Applicant: SOUTHSIDE CHRISTIAN SCHOOL
Mailing Address: 299 CARLTON STREET CLAYTON NC
Phone Number: 919-553-7652 Fax: _____
Contact Person: BRENT PURDUM
Email Address: brentpurdum@nc.rr.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

- All required plans (please see the plan requirements checklist).
- A signed and sealed traffic impact analysis.
- Verification of wastewater allocation (granted or requested).
- Driveway permits (Town of Clayton or NCDOT encroachment with associated documentation).
- Other applicable documentation: _____

JUSTIFICATION STATEMENT

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

THE EXISTING STRUCTURE IS MAINLY USED FOR AS A CHURCH. WE ARE REQUESTING TO ADD A SPECIAL USE FOR A SMALL CHRISTIAN SCHOOL. THE SCHOOL SHALL OCCUPY THE EXISTING BUILDING DURING NORMAL SCHOOL DAYS SIMILAR TO JOHNSTON COUNTY PUBLIC SCHOOLS. THE START AND ENDING HOURS FOR CLASS SHALL BE SET WITH INPUT FROM NCDOT.

REQUIRED FINDINGS OF FACT

Section 155.711(I) of the Unified Land Development Code requires applications for a Special Use Permit to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

- 1. That the application will not materially endanger the public health or safety if located where proposed and ultimately developed according to the plans as submitted.

THIS IS AN EXISTING BUILDING THAT WE WOULD LIKE TO ADD ANOTHER USE TO IT.
THE ADDED USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY WITHIN THE AREA

- 2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.

THE STRUCTURE AND PARKING ARE SUFFICIENT FOR THE PROPOSED USE.

- 3. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

THE ADDED USE TO THE EXISTING STRUCTURE SHOULD NOT INJURE THE VALUE OF ADJOINING PROPERTIES OR ABUTTING PROPERTIES.

- 4. That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

THE PROPOSED USE IS SIMILAR IN NATURE TO EXISTING USE. THE RELIGIOUS FACILITY IS PROPOSING TO ADD WORK TIMES DURING THE WEEK INSTEAD OF ONLY WEEKENDS TO ACCOMODATE A SMALL CHRISTIAN SCHOOL

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to approve the subject Special Use Permit. 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.

BRENT PURDUM
Print Name

[Signature]
Signature of Applicant

7/31/12
Date



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

Consent is required from the property owner(s) and if applicable, to an agent if the property owner(s) do not intend to attend all meetings and public hearings and submit in person all material pertaining to the application. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. Attach copy of last recorded deed for subject property.

Project Name: SOUTHSIDE CHRISTIAN SCHOOL Submittal Date: _____

I hereby give CONSENT to BRENT PURDUM (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 that I have 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 further agree to all terms and conditions, which may be imposed as part of the approval of this application.

OWNER INFORMATION: *(Corporations must submit verification that signatory has authorization to sign)*

CLARENCE E. BLACKMON
 (Name - type, print clearly) Board of Elders

Clarence E. Blackmon 8-6-12
 (Signature)

1696 AMELIA CHURCH ROAD
 (Address)

CLAYTON, N. C. 27520
 (City, State, Zip)

AGENT INFORMATION:

BRENT PURDUM
 (Name - type, print clearly)

Brent Purdum
 (Signature)

 (Address)

 (City, State, Zip)

STATE OF _____
 COUNTY OF _____

Sworn and subscribed before me _____, a Notary Public for the above State and County, this the _____ day of _____, 20_____.

SEAL

 Notary Public

My Commission Expires: _____



Southside Christian School
"Excellence through Absolute Truth in Christian Education"

October 29, 2012

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed with the Town of Clayton for a 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: Tuesday, November 13, 2012 from 6:00-7:00 pm.

Location: Amelia Christian Church, 1696 Amelia Church Road, Clayton, NC.

Type of Application: Change of Use

General Description: Amelia Church has made application to permit Southside Christian School to use the educational building on the Amelia Church property for their middle school/high school campus. The number of students utilizing this building for the 2013-2014 school year is estimated to be approximately thirty students.

If you have any questions prior to or after this meeting, you may contact us at 919-553-7652.

Sincerely,

Jenene Davis
Southside Christian School Administrator

2028 ORTON ROAD, CLAYTON, NC 27520
JENENE DAVIS, ADMINISTRATOR
TELEPHONE: (919)553-7652 FAX: (919)553-5077
WWW.SCSWARRIORS.COM

Neighborhood Meeting Letters Sent To:

Marie Aiken Hargis and Wallace Dale Aiken	1793 Amelia Church Road Clayton NC 27520	165801-06-1681
Melba E. Aiken	1709 Amelia Church Road Clayton NC 27520	164800-96-8894
Douglas V. and Elizabeth P. Kath	1657 Amelia Church Road	165801-07-0256
Bobby R. and Judy C. Ross	1618 Amelia Church Road	164800-97-8570
Ernest Donald and Bobbie Strickland	2012 Fort Drive	164800-97-6631
Kory K Kale and Michael C. Graham	9213 Ashton Glen Zebulon, NC 27597	164800-97-4505
Justo R. Badillo	2018 Fort Drive	164800-97-1584
Steven B. Earnhardt	2020 Fort Drive	164800-87-9593
Nathan and Holli Knighton	101 Pheasant Drive Clayton	164800-97-1143
Edward A. Patterson	102 Pheasant Drive	164800-96-1919
Francis J. and Marcia Peebles	105 Pheasant Run	164800-96-1806
Jospeh and Arlene Merle	107 Pheasant Drive	164800-96-1743
Bryce and Kathleen Riebel	201 Pheasant Run	164800-96-1518
Henry A and Debra C. Sanders	203 Pheasant Drive	164800-96-2458
James and Helen Young	208 Pheasant Drive	164800-96-2191
Charles and Raquel Williams	206 Pheasant Drive	164800-96-0199
Johnston Memorial Hospital	PO Box 1376 Smithfield, NC 27577	164800-85-6610
KZY LLC	109 Raphael Drive, Cary NC 27511	165801-05-4683

Meeting Date: Tuesday, November 13, 2012 from 6:00-7:00 pm.

Location: Amelia Christian Church, 1696 Amelia Church Road, Clayton, NC.

Type of Application: Change of Use

General Description: Amelia Church has made application to permit Southside Christian School to use the educational building on the Amelia Church property for their middle school/high school campus. The number of students utilizing this building for the 2013-2014 school year is estimated to be approximately thirty students.

The neighborhood meeting went very well on Tuesday, November 13th.

The meeting was attended by Amelia Christian Church elder Clarence Blackmon, Southside Christian School Board members: Wes Winterstein, Chad Jewett, and Joe Fucello, Southside Christian School Principal Dave Wredberg, and Southside Christian School Administrator Jenene Davis. From the neighborhood in attendance were Francis and Marcia Peebles who reside at Pheasant Drive.

Mr. and Mrs. Peebles were initially concerned Amelia Christian Church would be expanding their buildings and requiring the Peebles to relocate their shed which was erected partially on church property. Once they found that this was not the case, the Peebles family expressed their enjoyment of a quiet neighborhood and a desire to have it remain a great place to live.

Once they understood the mission of the school and looked through the school yearbooks, they were at peace and joked about teaching the boys' shop class.

Overall, this was an encouraging meeting.

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Southside Christian School

Location/Date: Amelia Christian Church 11/13/12

	NAME	ADDRESS
1	Francis Peebles	105 Pheasant Dr, Clayton N.C. 27520
2	Umarcia A. Peebles	105 Pheasant Clayton, N.C. 27520
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

919-585-2378
315-783-0608
cell.



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: SUP 2012-77
Project Name: Southside Christian School
NC PIN: 164800-97-7118
Town Limits/ETJ: ETJ
Applicant: Southside Christian School
Owners: Amelia United Church of Christ
Agent(s): Brent Purdum

Neighborhood Meeting: November 13, 2012

PROJECT LOCATION: The project is located at 1696 Amelia Church Road at the existing Amelia United Church of Christ, approximately 0.25 mile north of the intersection of Amelia Church Road and NC Highway 42 West.

REQUEST: The request is for a Special Use Permit to allow a school in the R-E zoning district as an additional use in existing church buildings.

SITE DATA:

Acreage: 5.45 acres
Present Zoning: R-E (Residential – Estate)
Proposed Zoning: Same
Existing Use: Church
Impervious Surface: NA (existing impervious coverage will not change)

DEVELOPMENT DATA:

Proposed Use: Private school to serve a maximum of 70 7th–12th grade students (4 classrooms)
Buildings: Utilizing existing church education building
Number of Stories: Existing two story building
Required Parking: Existing parking is sufficient to accommodate required parking

ENVIRONMENTAL: There are no environmental concerns at this site.

ADJACENT ZONING AND LAND USES:

North:	Zoning:	R-E (Residential Estate)
	Existing Use:	Residential
South:	Zoning:	R-E (Residential Estate)
	Existing Use:	Church
East:	Zoning:	R-E (Residential Estate) and R-10 (Residential-10)
	Existing Use:	Residential
West:	Zoning:	R-E (Residential Estate)
	Existing Use:	Residential

STAFF ANALYSIS AND COMMENTARY:

The applicant is requesting a Special Use Permit to utilize the existing Amelia United Church of God site as a school serving a maximum of 70 students, 7th through 12th grade. Schools are permitted via a Special Use Permit per Section 155.202(B).

The Site Plan will be presented to Planning Board for approval at the January 28, 2012 meeting. The Special Use Permit will be subsequently presented for approval to Town Council.

- **Consistency with the Strategic Growth Plan**

The proposed use is consistent with the Strategic Growth Plan.

- **Consistency with the Unified Development Code**

The applicant is requesting a Special Use approval as required by Section 155.202 (B) of the Unified Development Code. This section states that a school is only permitted if granted a Special Use Permit by Town Council in accordance with Section 155.711.

- **Compatibility with Surrounding Land Uses**

The proposed use is compatible with the surrounding area. The school will utilize existing church buildings, driveways, and parking already in use for church-related activities.

- **Landscaping and Buffering**

The proposed use meets the minimum landscaping and buffering requirements of the Unified Development Code.

- **Signs**

The applicant is required to apply for sign permits and is limited to allowances permitted by the Unified Development Code.

- **Architecture**

No new construction is proposed with this request.

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

None requested.

OTHER:

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

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: Access to the site will utilize the existing drives off of Amelia Church Road and Fort Drive. NCDOT has approved use of the existing drives for access to the proposed school with no roadway improvements, with re-evaluation required if the number of students exceeds 70.

WATER/SEWER PROVIDER: Town of Clayton. Capacity has been determined to be adequate to handle the number of proposed students.

ELECTRIC PROVIDER: Progress Energy

FINDINGS:

When considering a Special Use Permit application, The Town Council shall consider specific Findings of Fact. A Special Use which fails to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved. The applicant has addressed the Findings expressly established by Chapter 155.711 (l) of the UDC. Please refer to the application materials for the applicant's response.

STAFF RECOMMENDATION: Staff is recommending approval of the site plan and Special Use Permit with the following conditions:

CONDITIONS OF APPROVAL:

1. To exceed 70 students, the applicant must contact the Town of Clayton Planning Department and NCDOT to ensure site conditions are adequate to handle the increased number of students.

PLANNING BOARD RECOMMENDATION: The Planning Board has recommended approval of SUP 2012-77 to Council, with the condition as indicated.

ATTACHMENTS: 1) Zoning/Aerial map, 2) Application, 3) Driveway permit addendum letter to NCDOT, 4) Site Plan, 5) Neighborhood Meeting Materials

January 15, 2013

Matti McLamb
Assistant District Engineer
NCDOT
2671 US 70 West
Goldsboro, NC 27530

Dear Ms. McLamb:

We are requesting an addendum to Fort Drive (SR 1624), driveway permit number D-4305106094, for Amelia Church and Southside Christian School.

The addendum request is for Southside Christian School to use the Fort Drive driveway as the primary use for weekdays (Monday – Friday) to allow access for students. The drop-off times will be 8:15-8:30 a.m. and pickup times will be 3:00-3:15 p.m.

The proposed grades and enrollment are as follows:
School Year 2013-2014: Grades 7th-9th with estimated enrollment of 45 students.
School Year 2014-2015: Grades 7th-10th with estimated enrollment of 50 students.
School Year 2015-2016: Grades 7th-11th with estimated enrollment of 60 students.
School Year 2016-2017: Grades 7th-12th with estimated enrollment of 70 students.

Southside Christian School proposes to block off the driveway off Amelia Church Road to utilize Fort Drive only. The method will consist of temporary construction cones and temporary signs that will be used only during the drop off and pick up times.

Sincerely,

Jenene L. Davis Jenene L. Davis, Southside Christian School, Administrator
Kay Godwin Kay Godwin, Amelia Christian Church, Head Elder

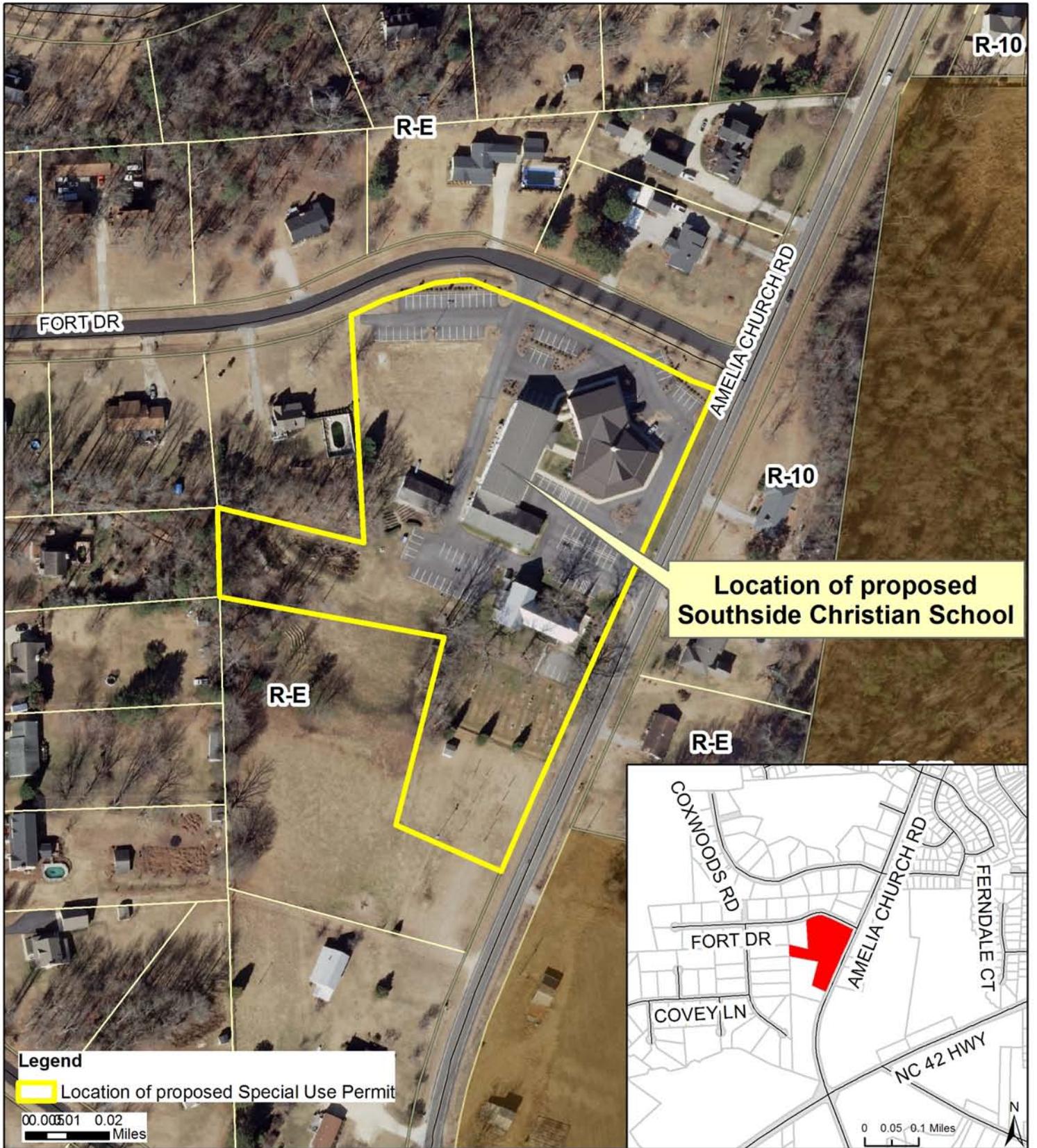
I, Dawn Morzella, a Notary Public of the County of Johnston State of North Carolina, hereby certify that Jenene L. Davis & Kay Godwin appeared personally before me this day and being duly sworn acknowledged that the above form was executed by him.

Witness my hand and notarial seal, this 17th day of January, 20 13

Dawn Morzella
Notary

My commission expires 03/04/14

Seal



Southside Christian School Special Use Permit Zoning/Aerial Map

Applicant: Southside Christian School
 Property Owner: Amelia United Church of Christ
 Parcel ID Numbers: 164800-97-7118
 File Number: SUP 2012-77

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



**Town of Clayton
Special Use Permit Application
Evaluation Form**

Application Number: SUP 2012-77

The Town Council shall decide the matter of Special Use Permit Application Number SUP 2012-77 by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

Finding One of Four:

Circle One

- A. Based on the evidence presented it is the finding of the Council that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved. (Applicant meets the criteria for approval).

- B. Based on the evidence presented it is the finding of the Council that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved with the following additional stated conditions: (Applicant meets the criteria for approval upon acceptance of the noted conditions.)

- C. Based on the evidence presented it is the finding of the Council that the application, if approved, will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved for the following stated reasons: (Applicant fails to meet the criteria for approval.)

Finding Two of Four:

Circle One

- A. Based on the evidence presented it is the finding of the Council that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Clayton Code of Ordinances, Zoning Code, Subdivision Regulations or other applicable regulations. (Applicant meets the criteria necessary for approval.)

- B. Based on the evidence presented it is the finding of the Council that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Clayton Code of Ordinances, Zoning Code, Subdivision Regulations or other applicable regulations with the following additional stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

- C. Based on the evidence presented it is the finding of the Council that the application, fails to meet all required specifications or fails to conform to the standards and practices of sound land use planning and the Town of Clayton Code of Ordinances, Zoning Code, Subdivision Regulations or other applicable regulations in the following ways or for the following reasons: (Applicant fails to meet the criteria necessary for approval.)

Finding Three of Four:

Circle One

- A. Based on the evidence presented it is the finding of the Council that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses. (Applicant meets the criteria necessary for approval.)

- B. Based on the evidence presented it is the finding of the Council that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

- C. Based on the evidence presented it is the finding of the Council that the application, if approved, will substantially injure the value of adjoining or abutting property and/or will be detrimental to the use or development of adjacent properties or other neighborhood uses in the following ways or for the following reasons. (Applicant fails to meet the criteria for approval.)

Finding Four of Four:

Circle One

- A. Based on the evidence presented it is the finding of the Council that the application, if approved, would not adversely affect the general plans for the development of the Town of Clayton nor violate the character or existing standards for development of the adjacent properties. (Applicant meets the criteria necessary for approval.)**

- B. Based on the evidence presented it is the finding of the Council that the application, if approved, would not adversely affect the general plans for the development of the Town of Clayton nor violate the character or existing standards for development of the adjacent properties upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)**

- C. Based on the evidence presented it is the finding of the Council that the application, if approved, would adversely affect the general plans for the development of the Town of Clayton or violates the character or standards for the development of the adjacent properties in the following ways or for the following stated reasons: (Applicant fails to meet the criteria necessary for approval.)**

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

Motion to Approve: Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein I move to approve Special Use Permit Application # _____.

Motion to Deny: Based upon failure to meet each of the above four stated findings and for reasons stated therein, I move to deny Special Use Permit Application # _____.

Record of Decision:

Based on a motion and majority vote of the Clayton Town Council Special Use Permit Application Number **SUP 2012-77** is hereby:

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

_____ denied for the noted reasons.

Decision made this ____ day of _____, 20__ while in regular session.

Mayor

ATTEST:

Town Clerk

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

Agenda Item: 5b

Meeting Date: 3/04/13

TITLE: EVIDENTIARY HEARING FOR SPECIAL USE PERMIT REQUEST SUP 2013-07 FOR REINS FROM ABOVE FOR ASSEMBLY, NOT-FOR-PROFIT USE LOCATED AT 600 RYAN'S LANE.

DESCRIPTION: The special use request SUP 2013-07 is for a proposed assembly not for profit use. The location is 600 Ryan's Lane off of Shotwell Road for a therapeutic riding center.

At its Monday, February 25, 2013, meeting, the Planning Board voted to recommend approval of the special use permit request.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-18-13	Public Notice.	
3-04-13	Evidentiary Hearing.	SUP Hearing Procedures; Application; Neighborhood Meeting Letter, Roster, & Minutes; Staff Report; Aerial Map; Site Map; & Motion Form.

**Town of Clayton
Special Use Permit Application
Hearing Procedure**

1. **HEARING.** The Mayor shall call the hearing and announce the case.
2. **RULES OF PROCEDURE.** The procedure by which testimony may be given shall be announced by the Town Attorney. The Town Attorney shall be responsible for keeping all testimony within acceptable legal guidelines.
3. **OATHS.** Oaths shall be administered to all speakers. A statement of oath shall be signed by all persons taking the oath.
4. **STAFF REPORT.** The Staff shall give its report.
5. **APPLICANT TESTIMONY.** The applicant shall be called to present his case. The applicant has the burden to provide testimony and evidence in support of the request. If the applicant or his representative is not present to be sworn, the Mayor may call for a vote of the members present to continue the hearing until the next regular meeting or, in the absence of testimony supporting the application the Council may choose to deny the application. The applicant shall be notified of such action. The applicant and those speaking in support of the application shall be provided a maximum of fifteen minutes to present their case. The Town Clerk shall keep time. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
6. **OPPOSITION TESTIMONY.** Those speaking in opposition to the application shall be called upon to present their case. Those in opposition to the application shall be provided a maximum of fifteen minutes. If the opposition has not chosen speakers on their behalf, they shall be called in the order of registration or the order in which the oath was signed. The Town Clerk shall keep time. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
7. **APPLICANT REBUTTAL.** The applicant and/or those in support of the application shall be provided a maximum of five minutes to rebut testimony provided by the opposition. The Council may also ask questions of the applicant at this time.
8. **OPPOSITION REBUTTAL.** Those in opposition to the application shall be provided a maximum of five minutes to rebut testimony provided by

the applicant. The Council may also ask questions of the opposition at this time.

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



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

SPECIAL USE PERMIT APPLICATION

Pursuant to Article 7, Section 155.711 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 allow a Special Use. Special Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.

Special Use Permit 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. All fees are due when the application is submitted.

Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Special Use Permit applications.

SITE INFORMATION:

Name of Project: Beins Town Above Therapeutic Riding Center Increase of Property: 16.91
 Parcel ID Number: 175000-77-5568 Tax ID: _____
 Deed Book: 04174 Deed Page(s): 0968
 Address: 600 Rupens Ln Clayton, NC 27520
 Location: _____

Existing Use: N/A Proposed Use: Therapeutic Riding Ctr (Non-Profit)
 Existing Zoning District: N/A
 Requested Zoning District: N/A
 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): _____

FOR OFFICE USE ONLY

File Number: 2013-07 Date Received: 1-29-13 Amount Paid: 400.00
[Signature]

OWNER INFORMATION:

Name: Kim Shackelford
Mailing Address: 2228 Miss Kelly Dr
Phone Number: 919-427-5946 Fax: N/A
Email Address: N/A

APPLICANT INFORMATION:

Applicant: Reins From Above Therapeutic Riding Center
Mailing Address: 600 Reins Ln Clayton, NC 27520
Phone Number: 919-631-9294 Fax: N/A
Contact Person: Stacey Ryder
Email Address: reinsfromabove@hotmail.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

- All required plans (please see the plan requirements checklist).
- A signed and sealed traffic impact analysis.
- Verification of wastewater allocation (granted or requested).
- Driveway permits (Town of Clayton or NCDOT encroachment with associated documentation).
- Other applicable documentation: _____

JUSTIFICATION STATEMENT

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

Reins From Above provides horseback riding as therapy for children & adults with special needs serving approximately 30 students. These lessons are held on Tuesdays, Thursdays & Saturdays each week, weather permitting. We currently have 12 horses on the property, and are a volunteer organization. The program was established in 2005 and has relocated to the Clayton area.

REQUIRED FINDINGS OF FACT

Section 155.711(I) of the Unified Land Development Code requires applications for a Special Use Permit to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

- 1. That the application will not materially endanger the public health or safety if located where proposed and ultimately developed according to the plans as submitted.

The site will be used as a therapeutic riding center and will not negatively impact neighboring property and will be subject to special use conditions which will ensure public health, safety & general welfare of the community.

- 2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.

Reins from Above will adhere to requirements, Town Ordinances & any other applicable regulations.

- 3. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

The property will be used as a therapeutic riding center & will not negatively impact neighboring property, the impact of which is recorded.

- 4. That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

Reins from Above will adhere to town policies and maintain the existing image of the property and will not negatively affect adjacent properties.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to approve the subject Special Use Permit. 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.

Stacey Ryder
Print Name

Stacey Ryder
Signature of Applicant

Jan 29, 2013
Date



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

Consent is required from the property owner(s) and if applicable, to an agent if the property owner(s) do not intend to attend all meetings and public hearings and submit in person all material pertaining to the application. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. Attach copy of last recorded deed for subject property.

Project Name: Reins From Above Therapeutic Riding Center **Submittal Date:** 1-29-2013

I hereby give **CONSENT** to Stacey Lynn Ryder (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 that I have 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 further agree to all terms and conditions, which may be imposed as part of the approval of this application.

OWNER INFORMATION: (Corporations must submit verification that signatory has authorization to sign)

Kim Shackelford
 (Name - type, print clearly)
2228 Miss Kelly Dr.
 (Address)

Kim Shackelford
 (Signature)
Raleigh NC 27612
 (City, State, Zip)

AGENT INFORMATION:

Stacey Lynn Ryder
 (Name - type, print clearly)
86 Polenta Rd.
 (Address)

Stacey Lynn Ryder
 (Signature)
Smithfield, NC 27577
 (City, State, Zip)

STATE OF NORTH CAROLINA
COUNTY OF PERQUIMANS

Sworn and subscribed before me [Signature], a Notary Public for the above State and County, this the 29 day of January, 2013.

SEAL

[Signature]
 Notary Public
 My Commission Expires: 4/10/13



"...with God, all things are possible."
Matthew 19:26

600 Ryans Lane
Clayton, NC 27570
919-938-1556

February 1, 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: Tuesday, February 12, 2013

Location: 600 Ryans Ln. Clayton, NC 27520

Time: 6:30 PM

Type of Application: Special Use Permit Application

General Description: Reins From Above Therapeutic Riding Center is a Non-Profit Organization that provides horseback riding as therapy to special needs/handicapped children and adults. Please see our website for more information (www.reinsfromabove.org).

If you have any questions prior to the meeting, you may contact us at 919.938.1556

Sincerely,

Stacey Ryder, Director
Reins From Above Therapeutic Riding Center

www.reinsfromabove.org

Reins from Above – Neighborhood Meeting Address List

WISE, LARRY W SR, 545 RYANS LANE, CLAYTON NC 27520-0000

GEORGE, ROOSEVELT/GEORGE, LEVENDA, 550 RYANS LANE, CLAYTON NC 27520

ANSLEY, JERRY L/ANSLEY, KATHLEEN S, 405 RYANS LN, CLAYTON NC 27520-0000

SARI, ABRAHAM/SARI, KELLY, 233 RYAN'S LANE, CLAYTON NC 27520-000

SARI, ABRAHAM , also owns empty lot, 213 RYANS LN, CLAYTON NC 27520-

KUNZ FAMILY LIMITED PARTNERSHIP, C/O UNDERWOOD AND ROBERTS, 3110 EDWARDS MILL RD
SUITE 100, RALEIGH NC 27607-0000 Site Address1 177 RYANS LN

CAPOZZI, ANTHONY J/CAPOZZI, MICHELE L, 155 RYANS LANE, CLAYTON NC 27520-0000

LLAS, MARY HANNON, 106 LAUREL RIDGE DRIVE, CLAYTON NC 27520-Site Address1 45 RYANS LN

LOGAN, ANITA, PO BOX 220, SIMPSON NC 27879-0000

Site Address1 40 RYANS LN

THIBODEAUX, WESLEY LEE/THIBODEAUX, DORIS KAY, 130 RYANS LN, CLAYTON NC 27520-1074

MADENSPACHER, BRAD C/MADENSPACHER, JEMMIFER H, 200 RYAN LN, CLAYTON NC 27520-0000

HILTON, ZACHARY M/COTTRELL, WHITNEY J, 390 RYANS LANE, CLAYTON NC 27520-0000

WILLIAMS, KEVIN & WILLIAMS, WENDY, 300 RYANS LANE, CLAYTON NC 27520-5552

HOBBS, GREGORY A & HOBBS, STACY M, 450 RYAN'S LANE, CLAYTON NC 27520-0000

ANSLEY, JERRY L & ANSLEY, KATHLEEN S, 405 RYANS LN, CLAYTON NC 27520-0000

Site Address1 500 RYANS LN

GEORGE, ROOSEVELT& GEORGE, LEVENDA, 550 RYANS LANE, CLAYTON NC 27520

- Owner Name1 GILBERT, JENNIFER P

Owner Name2

Mail Address1 273-C BLUE POND RD

Mail Address2

Mail Address3 CLAYTON NC 27520-0000

Owner Name1 WISE, LARRY W SR

Owner Name2

Mail Address1 545 RYANS LANE

Mail Address2

Mail Address3 CLAYTON NC 27520-0000

Site Address1 545 RYANS LN

Site Address2 CLAYTON NC 27520-

Owner Name1 GEORGE, ROOSEVELT
Owner Name2 GEORGE, LEVENDA
Mail Address1 550 RYANS LANE
Mail Address2
Mail Address3 CLAYTON NC 27520
Site Address1 550 RYANS LN
Site Address2 CLAYTON NC 27520-

Owner Name1 FOUR OAKS BANK AND TRUST CO
Owner Name2
Mail Address1 P O BOX 309
Mail Address2
Mail Address3 FOUR OAKS NC 27524-0000

Owner Name1 DULAY, LEONARD R
Owner Name2 DULAY, EVELYN M
Mail Address1 169 KENTUCKY DERBY DR
Mail Address2
Mail Address3 CLAYTON NC 27520-6080

Owner Name1 LONG, HENRY A
Owner Name2 LONG, KELLY B
Mail Address1 168 KENTUCKY DERBY DR
Mail Address2
Mail Address3 CLAYTON NC 27520-0000

Owner Name1 WEST, LINDA B
Owner Name2 WEST, JAMES D
Mail Address1 164 KENTUCKY DERBY DRIVE
Mail Address2
Mail Address3 CLAYTON NC 27520-0000
Site Address1 164 KENTUCKY DERBY DR
Site Address2 CLAYTON NC 27520-

Owner Name1 CRIDER, DEBORAH R
Owner Name2 CRIDER, JEFFERY S
Mail Address1 877 BOBBITT RD
Mail Address2
Mail Address3 CLAYTON NC 27520-6554

Johnston County GIS Interface (prod) Owner Name1 ORAVSKY, JOSEPH P &
Owner Name2 ORAVSKY, BONNIE S
Mail Address1 165 KENTUCKY DERBY DRIVE
Mail Address2
Mail Address3 CLAYTON NC 27520-6080

Owner Name1 WOODARD, HELEN O
Owner Name2 WOODARD, JIMMY DON II
Mail Address1 160 KENTUCKY DERBY DRIVE
Mail Address2
Mail Address3 CLAYTON NC 27520-6079
Site Address1 160 KENTUCKY DERBY DR
Site Address2 CLAYTON NC 27520-

Owner Name1 FRANCIS, DONNA R
Owner Name2 FRANCIS, JOHN E
Mail Address1 4124 REDDINGTON ROAD
Mail Address2
Mail Address3 RALEIGH NC 27609-0000
Site Address1 875 BOBBIT RD
Site Address2 CLAYTON NC 27520-

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Reins From Above Therapeutic Riding Center

Location/Date: 600 Ryans Ln Clayton February 2, 2013

	NAME	ADDRESS
1	Doris Shannon	1012 Selfield Rd Knightdale NC
2	Patricia Hare	3305 Beech Bluff Ln Raleigh NC 27616
3	D GREY SATTERFIELD, Sr.	223 E. BLANCHE St. Cary, NC, NC
4	Karen Hare	3305 Beech Bluff Lane Raleigh 27616
5	Stacy Hobbs	450 Ryans Lane
6	Kevin Williams	300 Ryans Ln.
7	Kelly Sear	Kstudio9@nc.rr.com
8	Alexander Mue	asmue@nc.rr.com
9	Emily Beddingfield	Town of Clayton
10	David DeYoung	Town of Clayton
11	Anthony Capozzi	155 Ryans Lane Clayton 27620
12	DR ORAVSKY	165 KENTUCKY DERBY DR.
13		
14		
15		
16		
17		
18		
19		
20		

10:33 meeting begun

Introduction by Stacey Rypler
Lessons Tues Thurs Saturdays
Never turn anyone away and we
are all by donations.

Lessonans we have no more than 3
Volunteers- volunteer training every
three months

Retired, teenagers, etc
Horseback riding is therapy. Stacey
can explain the physical, but you need
to witness everything else what happens.
Natural rythm of the horse strengthens
the child & assists. Children are able to
speak that could not speak before.

Why did you leave the previous property?
The land was donated for the life of
the program, but he decided he wanted
some

Concerns -

B Kelly brought up the pigs
Stacey advised it is a 4-H project
and they will be gone after spring
break. This is the last year

Roads -

wear and tear as well as speed

Rypins Lane is private. Post speed
limit & maintenance

Mr. Shackelford offered \$5000 to have
the road paved.

Stacey is willing to help

There is no set plan for the road.

Thickness is not at county standards?
will eventually get worse.

Latest \$37,000 - \$66,000

Limit volunteer situation - background
check

Two subdivisions - private subdivisions

Special use permit - it is for the use itself

permit runs with the land for the same use. Specific for that purpose.

Concern is people going up and down the road.

The location is in conflict with properties

Everyone needs to sign off to approve

Favorable report from Real Estate Agent & attorney property will not go down

Concrete plan for road

As an entity the neighborhood plan needs to be worked out

Road issue that was an issue before RFA came & RFA is expected to fix it.

NC DOT bring to code

Street guard rails → will cut down

value of \$5000 is low & wants more
starter money

\$50,000?

The neighbors are fine with their traffic
currently they patch it.

Staff received email w/ comments

Frank Johnson started the road project
& ~~now~~ is no longer available

Loud truck - 'not coming to RFA

Separate road to RFA

worried about property value?
kido

no speed limit signs

Next step goes to the planning board. There will be a discussion

Town Council - March 4th 6:30p
decision will be made

Planning Board meeting -
Feb 25 Monday 6pm

Worried about sewage line being put in.

Do the trucks putting in sewage line have authorized access.

Construction easement to accommodate construction traffic.

Public works will be notified not to use Ryans Lane.

Kentucky Derby Lane is for the program

Meeting adjourned. 7:06pm

From Zach Hilton (390 Ryans Lane):

I will vote yes for Reins from Above pending the following:

1. Favorable report from my real estate agent and attorney that property values will not be negatively affected.
2. The group agrees with the \$5,000 or negotiates more starter money and there is a concrete plan to have the road paved within 1 year of permit being granted and HOA is formed. Contract created and signed by the neighborhood.
3. The NCDOT completes a new report on our road to see if we can get any leniency on bringing it to state code.
4. We agree to elect one voice or the hearing later this month in front of town council to voice our position.

From Greg and Stacy Hobbs (450 Ryans Lane):

We will vote yes from Reins from Above subject to and pending the following:

1. Favorable report from independent real estate agent and attorney that property values will not be negatively affected.
2. Although we appreciate the offer from Mr. Shackelford for the \$5,000 going into the trust, we believe that this value is low. We will support it if the group agrees with the \$5,000.00 or negotiates more starter money AND there is a concrete plan to have the road paved within 1 year of permit being granted in addition to the formation of an HOA contract created and signed by the neighborhood.
3. Mr. Shackelford contacts NCDOT and uses his connections with said agency and they (NCDOT) completes a new report on our road to see if we can get any leniency on bringing it to state code.
4. As outlined by Mr. Shackelford, he will do everything that he can to assist this group in getting the road paved AND the road to become a state maintained road. Not sure what this entails, but we would also like a plan that we can point to and determine the progress if any. I would also expect that should Mr. Shackelford not proceed in good faith and progress showed that the amount of money contributed to the development of the fund would be increased by an additional contribution.
5. We agree to elect one voice for the hearing later this month in front of town council to voice our position.



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
 March 4, 2013

STAFF REPORT

Application Number: SUP 2013-07
Project Name: Reins from Above
NC PIN: 175000-77-5568
Town Limits/ETJ: ETJ
Applicant: Reins from Above Therapeutic Riding Center
Owners: Kim Shackelford
Agent(s): Stacey Ryder

Neighborhood Meeting: February 12, 2013

PROJECT LOCATION: The project is located at the end of Ryan’s Lane, off of Shotwell Road.

REQUEST: The request is for a Special Use Permit to allow a non-profit business to operate in the Residential Estate zoning district.

SITE DATA:

Acreage: 16.91 acres
Present Zoning: R-E (Residential – Estate)
Proposed Zoning: Same
Existing Use: Residential
Proposed Use: Assembly, not for profit
Impervious Surface: NA (existing impervious coverage will not change)

DEVELOPMENT DATA:

Proposed Use: Horseback riding therapy for children and adults with special needs. Up to 30 students with a maximum of four students per session. Lessons are held Tuesdays, Thursdays, and Saturdays. Volunteers are used to assist with the therapy.

Buildings: Utilizing existing barn/stable.

Number of Stories: Existing two story building.

Required Parking: Existing parking is sufficient to accommodate new use.

Fire Protection: The Town of Clayton Fire Department will provide fire protection.

School Impacts: NA
Parks and Recreation: NA
Water/Sewer Provider: Well, septic
Electric Provider: Progress Energy

ENVIRONMENTAL: There are no environmental concerns at this site.

ADJACENT ZONING AND LAND USES:

North: Zoning: R-E (Residential Estate)
Existing Use: Residential

South: Zoning: R-E (Residential Estate)
Existing Use: Residential

East: Zoning: R-E (Residential Estate)
Existing Use: Residential

West: Zoning: R-E (Residential Estate)
Existing Use: Residential

STAFF ANALYSIS AND COMMENTARY:

The applicant is requesting a Special Use Permit to utilize the existing structure and site at 600 Ryan's Lane to accommodate a non-profit horseback riding therapy facility. The proposed use is considered "assembly, not-for-profit" and is permitted in the Residential Estate (R-E) zoning district subject to Special Use Permit approval per Section 155.202(B) of the UDC.

Currently, the facility has 27 students and operates three days per week. The facility relies on volunteers, which drive to the location each day to work. Volunteers are ages 12 and up.

The Site Plan will be presented to Planning Board for approval at the January 28, 2012 meeting. The Special Use Permit will be subsequently presented to Planning Board for a recommendation to Town Council and will be heard at the March 4, 2013 Town Council meeting.

- o **Consistency with the Strategic Growth Plan**

The proposed use is not inconsistent with the Strategic Growth Plan.

- o **Consistency with the Unified Development Code**

The applicant is requesting a Special Use approval as required by Section 155.202 (B) of the Unified Development Code. This section states that a "assembly, not-for-profit" use is only permitted if granted a Special Use Permit by Town Council in accordance with Section 155.711.

- **Compatibility with Surrounding Land Uses**

The proposed use itself is not incompatible with surrounding land uses. However, the non-profit proposes to utilize Ryan's Lane for access. County records are unclear as to whether this road is public or private. Because this road is not maintained by the Town, County or State, any wear and tear on the road resulting from increased traffic is the responsibility of the adjacent property owners. It is difficult to know the impact the proposed use will have on the maintenance needs of the roadway.

Planning staff feels that an arrangement between the property owners is necessary for the repair and continued maintenance of Ryan's Lane. This arrangement should be based on a "fair share" cost based on anticipated daily traffic. These values can be determined through the utilization of a traffic consultant who can assign trip generation rates to each property owner.

Once this arrangement has been made, the residents can obtain estimates for the repair and continued maintenance of the road and divide the cost accordingly.

- **Landscaping and Buffering**

No new landscaping is proposed, and no new landscaping is required per the Unified Development Code. Existing tree coverage provides an adequate buffer between the property and adjacent residential properties.

- **Signs**

The applicant is required to apply for sign permits and is limited to allowances permitted by the Unified Development Code.

- **Architecture**

No new construction is proposed with this request.

- **Access**

Access to the site is off of Ryan's Lane, which is accessed from Shotwell Road. County records are unclear as to whether Ryan's Lane is public or private. See the "compatibility with surrounding land uses" section for more discussion on impacts to Ryan's Lane.

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

None requested.

FINDINGS:

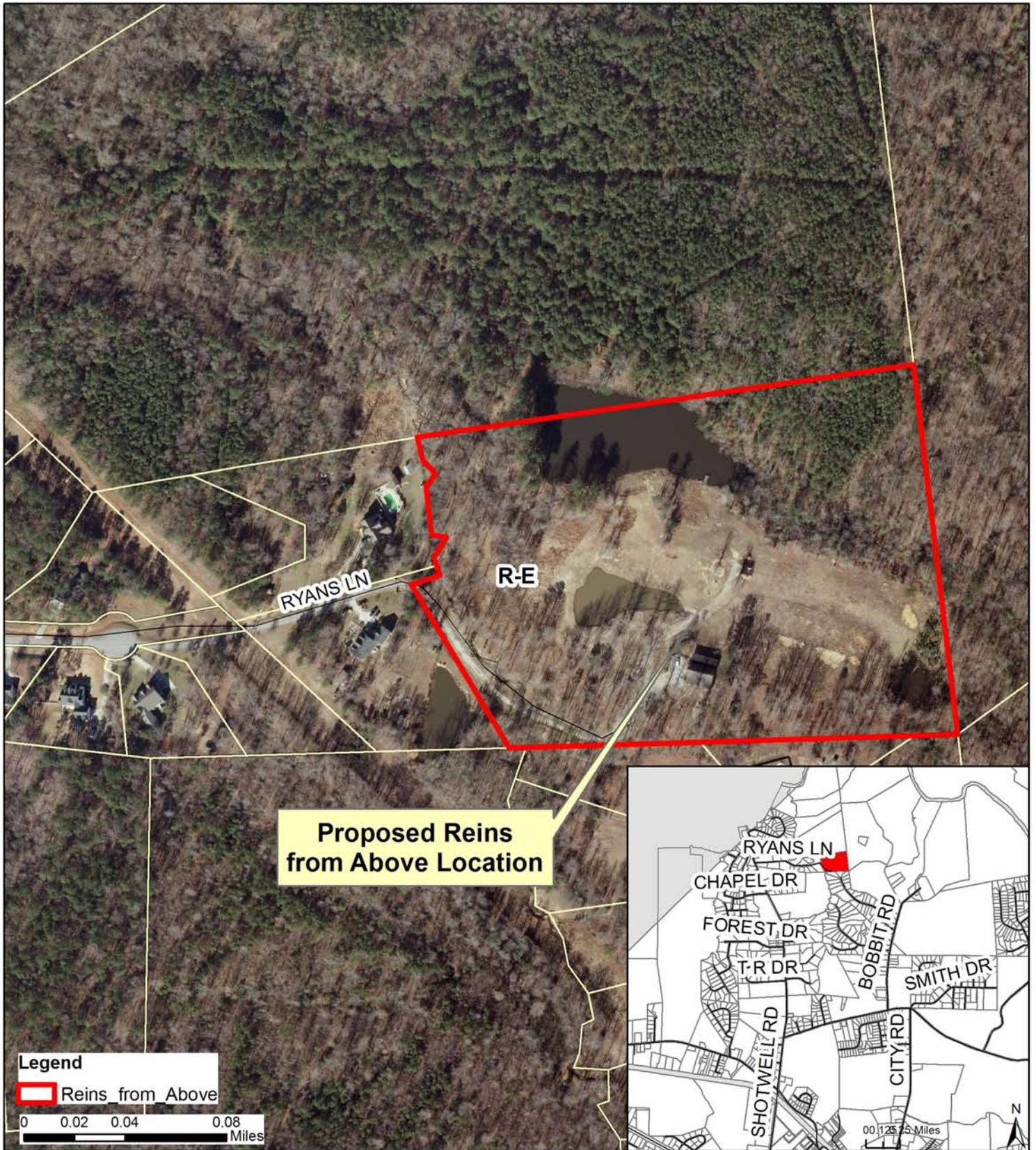
When considering a Special Use Permit application, The Town Council shall consider specific Findings of Fact. A Special Use which fails to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved. The applicant has addressed the Findings expressly established by Chapter 155.711 (l) of the UDC. Please refer to the application materials for the applicant's response.

STAFF RECOMMENDATION: Staff is recommending approval of the Special Use Permit subject to an agreement between property owners for the repair and continued maintenance of Ryan's Lane.

CONDITIONS OF APPROVAL: Staff is not recommending conditions of approval.

PLANNING BOARD RECOMMENDATION: The Planning Board voted to recommend approval of the request at their regular meeting held February 25, 2013.

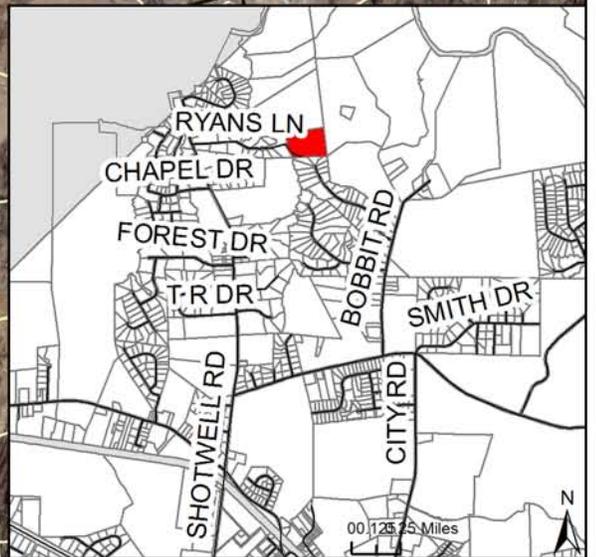
ATTACHMENTS: 1) Zoning/Aerial map, 2) Site Plan showing parking locations, 3) Application, 4) Neighborhood Meeting Materials



**Proposed Reins
from Above Location**

Legend
 Reins from Above

0 0.02 0.04 0.08
 Miles



**Reins from Above
Special Use Permit**

Applicant: Reins from Above Therapeutic Riding Center
 Property Owner: Kim Shackelford
 Parcel ID Number: 175000-77-5568
 File Number: SUP 2013-07

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





*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information.

Tag: 05G01001C

NCPin: 175000-77-5568

Mapsheet No: 1750

Owner Name1: SHACKLEFORD, KIMBERLY A

Owner Name2: SHACKLEFORD, ROBERT S

Mail Address1: 2228 MISSKELLY DR

Mail Address2:

Mail Address3: RALEIGH NC 27612-5817

Site Address1: 600 RYANS LN

Site Address2: CLAYTON NC 27520-

Book: 04174

Page: 0968

Market Value: 189030

Assessed Acreage: 16.84

Calc Acreage: 16.90

Sale Price:

Sale Date: 2012-09-14



1 inch = 151 feet

(The scale is only accurate when printed landscape on a 8.5x11in size sheet with page scaling set to none.)

Date February 11, 2013

Emily,
 Here is the plat with the designated parking spaces, that you requested. Although there are 6 spaces designated for students, we never have more than 4 at a time. Although we have shown parking for 6 volunteers, we rarely need them because most volunteers are dropped off. Thank you for your help. Call me if you have any questions.
 Henry

**Town of Clayton
Special Use Permit Application
Evaluation Form**

Application Number: SUP 2013-07

The Town Council shall decide the matter of Special Use Permit Application Number SUP 2013-07 by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

Finding One of Four:

Circle One

- A. Based on the evidence presented it is the finding of the Council that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved. (Applicant meets the criteria for approval).**

- B. Based on the evidence presented it is the finding of the Council that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved with the following additional stated conditions: (Applicant meets the criteria for approval upon acceptance of the noted conditions.)**

- C. Based on the evidence presented it is the finding of the Council that the application, if approved, will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved for the following stated reasons: (Applicant fails to meet the criteria for approval.)**

Finding Two of Four:

Circle One

- A. Based on the evidence presented it is the finding of the Council that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Clayton Code of Ordinances, Zoning Code, Subdivision Regulations or other applicable regulations. (Applicant meets the criteria necessary for approval.)**

- B. Based on the evidence presented it is the finding of the Council that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Clayton Code of Ordinances, Zoning Code, Subdivision Regulations or other applicable regulations with the following additional stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)**

- C. Based on the evidence presented it is the finding of the Council that the application, fails to meet all required specifications or fails to conform to the standards and practices of sound land use planning and the Town of Clayton Code of Ordinances, Zoning Code, Subdivision Regulations or other applicable regulations in the following ways or for the following reasons: (Applicant fails to meet the criteria necessary for approval.)**

Finding Three of Four:

Circle One

- A. Based on the evidence presented it is the finding of the Council that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses. (Applicant meets the criteria necessary for approval.)

- B. Based on the evidence presented it is the finding of the Council that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

- C. Based on the evidence presented it is the finding of the Council that the application, if approved, will substantially injure the value of adjoining or abutting property and/or will be detrimental to the use or development of adjacent properties or other neighborhood uses in the following ways or for the following reasons. (Applicant fails to meet the criteria for approval.)

Finding Four of Four:

Circle One

- A. Based on the evidence presented it is the finding of the Council that the application, if approved, would not adversely affect the general plans for the development of the Town of Clayton nor violate the character or existing standards for development of the adjacent properties. (Applicant meets the criteria necessary for approval.)**

- B. Based on the evidence presented it is the finding of the Council that the application, if approved, would not adversely affect the general plans for the development of the Town of Clayton nor violate the character or existing standards for development of the adjacent properties upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)**

- C. Based on the evidence presented it is the finding of the Council that the application, if approved, would adversely affect the general plans for the development of the Town of Clayton or violates the character or standards for the development of the adjacent properties in the following ways or for the following stated reasons: (Applicant fails to meet the criteria necessary for approval.)**

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

Motion to Approve: Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein I move to approve Special Use Permit Application # _____.

Motion to Deny: Based upon failure to meet each of the above four stated findings and for reasons stated therein, I move to deny Special Use Permit Application # _____.

Record of Decision:

Based on a motion and majority vote of the Clayton Town Council Special Use Permit Application Number **SUP 2013-07** is hereby:

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

_____ denied for the noted reasons.

Decision made this ____ day of _____, 20__ while in regular session.

Mayor

ATTEST:

Town Clerk

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

Agenda Item: 6a Meeting Date: 3/04/13

TITLE: STATUS OF NOISE ORDINANCE.

DESCRIPTION: At its May 7, 2012, Council meeting, a spreadsheet comparing noise ordinances was presented to the Town Council. The purpose of the discussion is to receive Council feedback and direction on this item.

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

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

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

Police Chief Glen Allen submitted the following: From October 1, 2011 through September 30, 2012 there were two (2) people cited for noise ordinance violations. During that span there were 236 calls for service related to noise, but that includes all sources (cars, explosions, music, parties, dogs barking, heavy equipment, etc.).

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-21-12	Discussion.	Spreadsheet.
6-04-12	Tracking.	None.
7-19-12	Discussion.	
8-06-12	Discussion.	N/A.
8-20-12	Discussion.	
9-04-12	Discussion.	
9-17-12	Discussion.	
10-01-12	Discussion.	
10-15-12	Discussion.	
11-05-12	Discussion.	
11-19-12	TRACKING PURPOSES.	N/A.
12-03-12	TRACKING PURPOSES.	N/A.
1-23-13	TRACKING PURPOSES.	N/A.
2-4-13	TRACKING PURPOSES.	N/A.
2-18-13		
3-04-13		

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

Agenda Item: 6b **Meeting Date:** 3/04/13
TITLE: STATUS OF 110 WEST FRONT STREET, FORMER RED AND WHITE
 STORE – **TRACKING PURPOSES.**

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

RELATED GOAL: Think Downtown & Administrative

ITEM SUMMARY:

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

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

Agenda Item: 7a

Meeting Date: 3/4/13

TITLE: PRESENTATION OF RESOLUTIONS FOR PURCHASE OF ROLLING STOCK.

DESCRIPTION: At its September 4, 2012, Council meeting, Council approved the following reimbursement resolutions:

- Expenditures made and/or to be made in connection with the purchase of trucks and equipments for the electric fund
- Expenditures made and/or to be made in connection with the purchase of rolling stock

Staff will present an overview of the bids received and respectfully requests the Council suspend its rules at the March 18, 2013, work session in order to take action as the rates are valid for the month of March.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
8-20-12	Presentation	Reimbursement Resolutions.
9-04-12	Approval.	Reimbursement Resolutions.
3-04-13	Presentation & Public Notice.	Resolutions (2).

Town of Clayton
Resolution Approving Financing Terms

WHEREAS, The Town of Clayton (the "Town") has previously determined to undertake a project for the financing of the purchase of rolling stock, and the Finance Director has now presented a proposal for the financing of such Project,

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through _____, in accordance with the proposal dated February __, 2013. The amount financed shall consist of an installment financing contract in an amount not to exceed \$414,083, with an annual interest rate (in the absence of default or change in tax status) of ____% and a 59-month term.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Project Fund Agreement as _____ may request.
3. The Finance Director is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such director's satisfaction. The Finance Director is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Director shall approve, with the Finance Director's release of any Financing Document for delivery constituting conclusive evidence of such director's final approval of the Document's final form.
4. The Finance Director is hereby authorized to execute amendments to such financing provided the interest rate is not increased or the weighted average maturity is not extended.
5. The Town shall not take or omit to take any action the taking or omission of which will cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

6. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the _____ financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's Electric Fund or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.
7. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict.

This resolution is effective upon its adoption this 18th day of March, 2013.

Jody L. McLeod
Mayor

ATTEST:

Sherry Scoggins, Town Clerk

This is to certify that this is a true and accurate copy of a Resolution, adopted by the Town Council of Clayton on the 18th day of March, 2013.

Sherry Scoggins, Town Clerk

Date

Town of Clayton
Resolution Approving Financing Terms

WHEREAS, The Town of Clayton (the "Town") has previously determined to undertake a project for the financing of the purchase of rolling stock, and the Finance Director has now presented a proposal for the financing of such Project,

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through _____, in accordance with the proposal dated February __, 2013. The amount financed shall consist of an installment financing contract in an amount not to exceed \$342,100, with an annual interest rate (in the absence of default or change in tax status) of ____% and a 3 year term.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Project Fund Agreement as _____ may request.
3. The Finance Director is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such director's satisfaction. The Finance Director is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Director shall approve, with the Finance Director's release of any Financing Document for delivery constituting conclusive evidence of such director's final approval of the Document's final form.
4. The Finance Director is hereby authorized to execute amendments to such financing provided the interest rate is not increased or the weighted average maturity is not extended.
5. The Town shall not take or omit to take any action the taking or omission of which will cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

6. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the _____ financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's General Fund or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.
7. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict.

This resolution is effective upon its adoption this 18th day of March, 2013.

Jody L. McLeod
Mayor

ATTEST:

Sherry Scoggins, Town Clerk

This is to certify that this is a true and accurate copy of a Resolution, adopted by the Town Council of Clayton on the 18th day of March, 2013.

Sherry Scoggins, Town Clerk

Date

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 8c

Meeting Date: 3/4/13

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- **Household Hazardous Waste Collection Day 2013** – Saturday, March 2, 2013, 8 AM to 1 PM at the Johnston County Livestock Arena located at 520 County Home Road, Smithfield (919-938-4750)
- 5k Run for the Rockets – Saturday, March 2, 2013 @ Cooper Elementary from 9 AM to 12 noon
- Council Mtg – Monday, March 4, 2013 @ 6:30 PM
- Sunshine Week – March 10-16, 2013
- Local Bill deadline for Senate – March 13, 2013
- Zaxby's Movie Night – Saturday, March 16, 2013 @ Town Square from 6 PM to 10 PM
- Council Mtg – Monday, March 18, 2013 @ 6:30 PM
- Board of Adjustment Mtg – March 20, 2013 @ 6 PM
- Arbor Day – March 22, 2013
- Active Aging Alliance of Johnston County Forum – Monday, March 25, 2013 @ 2 PM at the Clayton Community Center, 715 Amelia Church Road
- Planning Board Mtg – Monday, March 25, 2013 @ 6 PM
- Town Hall Day – Wednesday, March 27, 2013
- Good Friday Holiday – Friday, March 29, 2013
- Council Mtg – Monday, April 1, 2013 @ 6:30 PM
- Local Bill deadline for House – April 3, 2013
- "Clayton River Walk on the Neuse" Mountains-to-Sea Trail Dedication – Friday, April 5, 2013, @ 3 PM
- Clayton Farmers Market weekly Saturday Market resumes at **Horne Square** – Saturday, April 6, 2013, from 9 AM to 1 PM
- Council Mtg – Monday, April 15, 2013 @ 6:30 PM
- Board of Adjustment Mtg – Monday, April 17, 2013 @ 6:30 PM
- Planning Board Mtg – Monday, April 22, 2013 @ 6 PM
- Zaxby's Movie Night – Saturday, April 27, 2013 @ Town Square from 6 PM to 10 PM
- Derby Day (sponsored by Clayton Morning Rotary Club) – Saturday, May 4, 2013, at Portofino, time to be announced
- Council Mtg – Monday, May 6 2013 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, May 15, 2013 @ 6 PM
- Clayton Town Square Concert Series: **Hip Pocket Band** – Thursday, May 16, 2013 from 7 PM to 9 PM
- HeartChase – Saturday, May 18, 2013 @ Town Square and in Downtown Clayton from 10 AM to 12 noon; registration begins at 9 AM.
- Council Mtg – Monday, May 20, 2013 @ 6:30 PM
- Memorial Day Holiday – Monday, May 27, 2013

- Planning Board Mtg – **TUESDAY**, May 28, 2013 @ 6 PM
- MillStock Music & Art Faire – Saturday, June 1, 2013 @ Horne Square from 10 AM to 4 PM
- Clayton Town Square Concert Series: **Johnny Orr Band** – Thursday, June 20, 2013 from 7 PM to 9 PM
- Independence Day Holiday – Thursday, July 4, 2013
- Clayton Town Square Concert Series: **Craig Woolard Band** – Thursday, July 18, 2013 from 7 PM to 9 PM
- Clayton Town Square Concert Series: **Central Park Band** – Thursday, August 15, 2013 from 7 PM to 9 PM
- Labor Day Holiday – Monday, September 2, 2013
- 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
- Zaxby's Movie Night – Saturday, October 12, 2013 @ Town Square from 6 PM to 10 PM
- Veteran's Day Holiday – Monday, November 11, 2013
- Thanksgiving Holiday – Thursday, November 28, 2013 & Friday, November 29, 2013
- Christmas Holiday – Tuesday, December 24, 2013; Wednesday, December 25, 2013; & Thursday, December 26, 2013

Date:
3-4-13

Action:
N/A.

Info. Provided:
Calendar of Events.